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Fifth District

March 9, 2022

To: Supervisor Holly J. Mitchell, Chair
Supervisor Hilda L. Solis
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

From: Fesia A. Davenport
Chief Executive Officer

FIRST QUARTERLY UPDATE ON DATA COLLECTION TO SUPPORT PRETRIAL REFORM IN LOS ANGELES COUNTY (ITEM NO. 3, AGENDA OF AUGUST 4, 2020)

The attached report is in response to a Board of Supervisors' motion, directing the Chief Executive Officer to partner with the County of Los Angeles' departments, and other agencies that work with individuals involved in the justice system, and report back on a quarterly basis with information on the population incarcerated during the pretrial period; the population released during the pretrial period; cases released due to pretrial reform; supportive services provided to individuals released during the pretrial period; and justice involvement outcomes for defendants during the pretrial period.

The report was developed by the Office of the Chief Information Officer (OCIO), in collaboration with a working group that included representatives from the Departments of Alternate Public Defender; County Counsel; District Attorney; Health Services/Correctional Health Services and Office of Diversion and Reentry; Mental Health; Probation; Public Defender; Sheriff; Information Systems Advisory Board; as well as the Los Angeles Superior Court; County Prosecutors Association; County Bar Association; The Bail Project; Center for Court Innovation; Dignity and Power Now; Frontline Wellness Network; JFA Institute; Project 180; and Vera Institute of Justice.

This first quarterly update is summarizing the results of the analyses for new criminal cases during the three-year period starting in April 2018 and ending in March 2021.

Key findings in this report include:

- The proportion of criminal cases with pretrial release increased after the onset of the COVID-19 pandemic (pandemic) and remained higher through the first quarter of 2021 than before the pandemic.

- Some of the largest increases in rates of pretrial release were for populations that had lower release rates compared to other groups before the pandemic, including Black individuals, individuals who have experienced chronic homelessness, and those diagnosed with severe mental illness (SMI).

- In the first quarter of 2021, rates of failure to appear (FTA) in court and of rearrest for new offenses remained either below or similar to their historical average.

- Despite significant increases in pretrial release rates for Black, chronically homeless, and SMI populations, their FTA and rearrest rates either decreased or remained constant after the onset of the pandemic.

- For clients of pretrial reform programs, FTA and rearrest rates remained either below or similar to those of the overall released population.

- For individuals not released during the pretrial period, the median length of pretrial detention increased significantly—from 12 to 45 days—after March 2020.

As directed in the motion, the OCIO will continue to provide quarterly updates on the metrics included in the report.

Should you have any questions concerning this matter, please contact me or Ricardo Basurto-Davila, Principal Analyst, at (213) 253-5636 or rbasurto@ceo.lacounty.gov.

FAD:JMN:JO
PL:RBD:jmn

Attachment

c: Executive Office, Board of Supervisors
        County Counsel
        District Attorney
        Sheriff
        Alternate Public Defender
        Health Services
        Mental Health
        Probation
        Public Defender
        Countywide Criminal Justice Coordinating Committee
        Information Systems Advisory Board

Data Collection to Support Pretrial Reform

1st Quarterly Update
April 2018 – March 2021

Ricardo Basurto-Davila, PhD
Irene Vidyanti, PhD
Chun Liu, MPA

OFFICE OF THE
CIO
COUNTY OF LOS ANGELES

CEO
Chief Executive Office
COUNTY OF LOS ANGELES

February 2022

Contents

Preface

On August 4, 2020, the County of Los Angeles (County) Board of Supervisors (Board) approved a motion by Supervisors Sheila Kuehl and Hilda Solis, directing the County's Chief Executive Office (CEO) to report back quarterly with information to support future pretrial reform efforts.

More specifically, the Board motion requested information on the following, broken down by demographic characteristics and case charges, and with comparisons before and after the start of the COVID-19 pandemic (pandemic):

- The population incarcerated during the pretrial period;
- The population released during the pretrial period;
- Cases referred to, applied, denied, and released by various pretrial reform efforts that were implemented during the pandemic;
- Supportive services provided to individuals released during the pretrial period; and
- Justice outcomes for defendants during the pretrial period and after case adjudication.

This report constitutes the quarterly update for the three-year period starting in April 2018 and ending in March 2021. The development of the report was guided by a working group composed of representatives from the following County departments and external partners:

- Advancement Project
- Alternate Public Defender
- Center for Court Innovation
- County Bar Association
- County Counsel
- County Prosecutors Association
- Dignity and Power Now
- District Attorney
- Frontline Wellness Network
- Health Services, Correctional Health Services
- Health Services, Office of Diversion and Reentry
- Information Systems Advisory Board
- JFA Institute
- Mental Health
- Probation
- Project 180
- Public Defender
- Sheriff
- Superior Court
- The Bail Project
- Vera Institute of Justice

Executive Summary

> **Definitions** of key terms can be found in the *Glossary* section.

In this report, we summarize changes in the size and characteristics of the pretrial population, as well as their pretrial outcomes, during the three-year period starting in April 2018 (2018Q2) and ending in March 2021 (2021Q1). The data includes all criminal cases in the County for which we were able to link their booking and court records; not included are non-Sheriff citations and bookings for which prosecutors had not filed charges by the time we extracted the data.

Main Takeaways for Decision-Makers

- The proportion of criminal cases with pretrial release increased after the onset of the pandemic and remained higher through the first quarter of 2021 than before the pandemic.
- Some of the largest increases in rates of pretrial release were for populations that had lower release rates compared to other groups before the pandemic, including Black individuals, individuals who have experienced chronic homelessness, and those diagnosed with severe mental illness (SMI).
- In the first quarter of 2021, rates of failure to appear in court (FTA) and of rearrest for new offenses remained either below or similar to their historical averages.
- Despite significant increases in pretrial release rates for Black individuals, chronically homeless, and SMI populations, their FTA and rearrest rates either decreased or remained constant after the onset of the pandemic.
- For clients of pretrial reform programs, FTA and rearrest rates remained either below or similar to those of the overall released population.
- For cases *not granted pretrial release*, the median length of pretrial detention increased significantly—from 12 to 45 days—after March 2020. Conversely, for cases with pretrial release, median detention length has remained unchanged at one day.

The Pretrial Population

- The number of criminal cases in the data used for this report declined from 161,574 in year one (2018Q2-2019Q1) to 95,643 in year three (2020Q2-2021Q1), a decrease of 41%.
- Despite the large decrease in the number of cases, the characteristics of the pretrial population (sex, age, race/ethnicity, SMI and having experienced chronic homelessness) did not change much during the three-year period.
- The distribution of charge levels changed significantly in the last year. While in the first two years, felony charges accounted for only 25% of all cases, in the third year, they increased to 38% of all cases. However, this was not due to a higher number of felony cases, but rather to a decrease in the number of misdemeanor cases that was proportionally larger than the decrease in the number of felony cases.

Pretrial Releases

- The proportion of cases granted pretrial release increased from 66% to 79% between years one and three. Although it is likely that most of this change was due to the pandemic, in our

previous report we had already noted an upward trend over time in pretrial releases that predated the pandemic.

- The proportion of cases with pretrial release increased the most for individuals charged with felonies (from 45% to 67%). Other groups that experienced higher-than-average increases in pretrial release include Black individuals (from 61% to 77%), individuals who have experienced chronic homelessness (from 58% to 74%), and those with a SMI diagnosis (from 57% to 72%).
- The trend over time in pretrial release was <u>not</u> homogeneous across types of pretrial release:[1]
  - The proportion of cases with cite-releases increased significantly overall and for most populations. Exceptions included Asian and Black populations, for whom cite-releases were relatively flat. White individuals had a larger increase in cite-releases than other racial/ethnic groups.
  - The proportion of cases with own recognizance (OR) releases increased overall and for most populations. Increases in OR releases were higher for Black and Hispanic people.
  - The proportion of cases with bail/bond release remained relatively flat overall and decreased for several populations. Subpopulations more likely to be released on bail/bond in year three than in year one included Black individuals, those who have experienced chronic homelessness, and those with an SMI diagnosis.

Pretrial Reform Efforts

- With the creation of the Pretrial Release Evaluation Program (PREP) and expansion of The Bail Project (TBP) in 2020, the number of **pretrial releases** due to reform efforts increased substantially during the three-year period, reaching nearly 3,800 cases in the last 12-month period covered in this report.
- The change in the number of new clients of programs that provide **supportive services** to pretrial populations was more uneven:[2]
  - Office of Diversion and Reentry (ODR) programs targeting individuals charged with felonies and who are deemed incompetent to stand trial saw an increase in new clients.
  - Other ODR programs were either flat or experienced decreases in the number of new clients.
  - Supportive services provided by Project 180 to some PREP releases were launched in the last year reported here; this program provided services to 413 clients during that period.

Outcomes for Individuals Released Pretrial

- The rate of **FTA** for individuals released pretrial decreased from 47% in year one to 45% in year three. The trend varied by type of pretrial release:
  - For cite-releases, it decreased from 60% to 56%.
  - For OR releases, it increased from 39% to 46%.
  - For bail/bond releases, it was basically flat, increasing from 24% to 25%.
- Trends in FTA rates also varied by charge levels:
  - For misdemeanor cases, the FTA rate decreased from 52% to 48%.

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[1] These trends may be affected by statewide and local emergency bail schedules implemented after March 2020, which set bail at $0 for most misdemeanor and low-level felony offenses. Due to data limitations, it is not clear if releases due to these emergency schedules are captured as citations, OR, or bail/bond releases.

[2] These trends reflect only the population of clients who enrolled in ODR programs during the pretrial period. The majority of ODR Housing and ODR Maternal Health clients enroll after case adjudication and thus are not included in this report.

- o For felony cases, the FTA rate more than doubled, from 18% to 38%, due mainly to increases in the FTA rates for felony citations (from 36% to 64%) and felony OR releases (from 28% to 54%).
- Among subpopulations, the largest decreases in FTA rates were among Black individuals (from 46% to 40%), individuals who have experienced chronic homelessness (from 66% to 55%), and those who have been diagnosed with SMI (from 58% to 49%), which were all among the groups for which pretrial releases increased the most.
- The FTA rate was lower for TBP clients (32% in year three) than for the overall released population. Among PREP clients, the FTA rate was lower for pre-arraignment releases (42%) than post-arraignment releases (52%). The lowest FTA rates among PREP clients were for pre-arraignment releases of <u>misdemeanor</u> cases (39%) and post-arraignment releases who had <u>low Criminal Court Assessment Tool (CCAT) risk scores</u> (39%).
- FTA rates for clients of ODR programs were significantly lower than for the overall released population, but certain programs (e.g., DSH Diversion and ODR Housing) experienced increases in FTA rates between years 2 and 3.
- The rate of **rearrests for new offenses** for individuals released pretrial increased from 34% in year 1 to 38% in year three. The increase was observed across all types of pretrial release:
  - o For cite releases, from 36% to 38%.
  - o For OR releases, from 23% to 35%.
  - o For bail/bond releases, from 21% to 27%.
- Increases in the rearrest rate were similar across charge levels:
  - o For misdemeanor cases, from 32% to 34%.
  - o For felony cases, from 45% to 48%.
- Among subpopulations, the largest increases in the rearrest rate were for individuals aged 26-39 (from 36% to 42%), Hispanic (from 35% to 41%), and White (from 29% to 34%) populations.
- For other subpopulations of interest, the rearrest rate remained steady for Black individuals (35%), decreased for those who have experienced chronic homelessness (from 55% to 52%), and increased slightly for those who have been diagnosed with SMI (from 51% to 52%).
- The rearrest rate for TBP clients was lower than for the overall released population, but it increased significantly between years two and three (from 27% to 34%). Among PREP clients, the rearrest rate was lower for pre-arraignment releases (29%) than post-arraignment releases (37%). The lowest FTA rates among PREP clients were for pre-arraignment releases of <u>misdemeanor</u> cases (28%) and post-arraignment releases with <u>low CCAT risk scores</u> (25%).
- Rearrest rates for clients of ODR programs were significantly lower than for the overall released population. Trends over time were uneven across ODR programs; for example, for DSH Diversion, the rate increased between years two and three (from 4% to 8%), while for ODR Housing, it decreased from 25% to 20%.

Length of Pretrial Detention

- The median number of days in custody for cases detained throughout the pretrial period (i.e., <u>not</u> granted pretrial release) increased by 33 days (from 12 to 45 days) between years two and three. Individuals from certain subpopulations experienced even larger increases, including those aged 18-25 (40 days), Black individuals (42 days), and those charged with felonies (43 days).

- In contrast, for cases granted pretrial release, the median length of pretrial detention remained constant at one day during each of the three 12-month periods covered in this report. This pattern did not vary much by type of pretrial release, except for the "other" type of pretrial release (i.e., other than citations, OR, or bail/bond), which decreased from 11 to seven days.

- There was more heterogeneity in the changes in detention length for clients of pretrial reform efforts. PREP clients released pre-arraignment had the shortest detention periods, with a median of one day; PREP clients released post-arraignment (including those who received supportive services through Project 180) were next, with a median of two days. TBP's clients experienced a notable increase in median detention length, from three days in year two to 22 days in year three. Clients of ODR programs continued to have the longest median detention periods, ranging from 34 days for Maternal Health to 173 days for DSH Diversion; trends over time varied across ODR programs, with median detention length increasing for two and decreasing for three of them.

Highlights for the First Quarter of 2021

- In our previous report, we noted that the decrease in the number of new **misdemeanor** cases accelerated in 2020, after the onset of the pandemic. This trend seems to have ended in 2021, but the average *monthly* number of new misdemeanor cases during the first three months of 2021 remained well below (4,380) the average before the pandemic (9,960). The number of **felony** cases continued to be roughly stable in 2021Q1, with an average of 2,980 new monthly felony cases in that period, compared to 3,320 before the start of the pandemic.

- After going through significant changes in 2020, the proportion of cases granted pretrial release appears to have stabilized in 2021Q1 at a level higher than historical averages. For **misdemeanor** cases, 85% were granted pretrial release in the first three months of 2021, compared to 78% before the pandemic. For **felony** cases, 67% were granted pretrial release in 2021Q1, which was significantly higher than the 49% historical average.

- FTA rates also seem to have stabilized at the beginning of 2021. After dramatic increases and similarly fast decreases in 2020, monthly FTA rates for open **misdemeanor cases** in 2021Q1 were lower than historical averages for cite-releases (2% vs 7% before the pandemic), OR releases (2% vs 5%), and bail/bond releases (2% vs 3%). Among **felony cases**, the FTA rate in 2021Q1 was higher than before the pandemic for cite releases (5% vs 3%), similar for OR releases (4% in both periods), and lower for bail/bond releases (2% vs 3%).

- Rates of rearrest for new offenses during the pretrial period were also more stable in 2021Q1 than in 2020. For open **misdemeanor cases**, monthly rearrest rates in 2021Q1 were lower than historical averages for cite-releases (2% vs 4%), OR releases (2% vs 3%), and bail/bond releases (1% vs 2%). For **felony cases**, monthly rearrest rates in 2021Q1 were nearly identical to pre-pandemic averages: 4% for cite-releases, 3% for OR releases, and 3% for bail/bond releases.

Section I.   Introduction

Importance of Pretrial Decision-Making

When a person is arrested, they may be held in custody while they wait for their case to be resolved. The *pretrial period* is the time between the initial arrest and the resolution of the case. Some individuals are detained in custody throughout the entire pretrial period, while others are released at different stages of the pretrial period. Whether a person is released or held in custody depends upon a series of decisions made by law enforcement and judicial officers. Statutes, bail schedules, and a person's ability to post bail or bond also influence pretrial release. In addition, the point in which a person is released could determine the length of detention; for example, those released post-arraignment will usually spend more time in custody than those released shortly after being booked.

Figure I-1 Simplified Illustration of Pretrial Process and Release Points
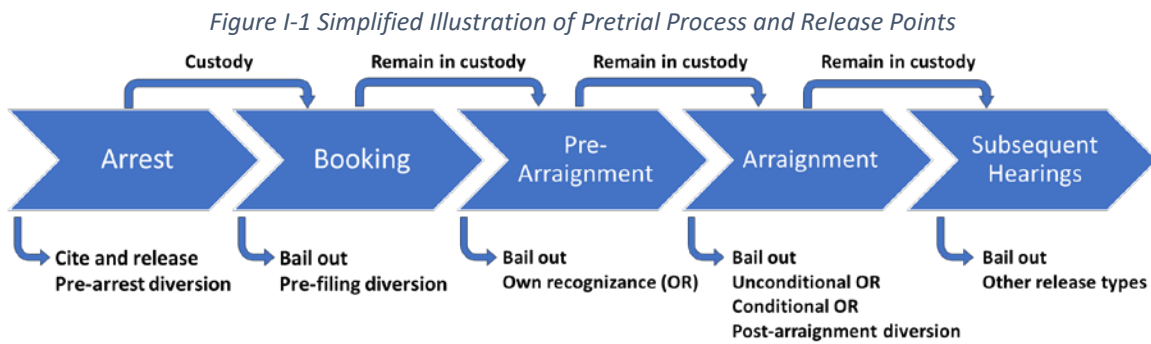
Release decisions can have a significant impact on the life of the person charged with the crime (e.g., employment, housing, child custody, family well-being, or mental health) and on costs to the County. In addition, pretrial detention could impact the outcome of the case, as studies have shown that individuals detained pretrial are more likely to plead guilty, to be convicted, and to receive a longer sentence.

The objective of this series of quarterly updated reports is to provide the Board and the County's justice partners with information on individual and case characteristics for:

1. The pretrial population;
2. Individuals released pretrial, including releases through recent reform efforts;
3. Connections to supportive services for individuals released pretrial; and
4. Justice involvement outcomes during the pretrial period for pretrial releases.

We hope this information will be valuable for decision-makers in the development of policies to identify the largest possible number of defendants that could be considered for pretrial release, while at the same time considering public safety.

Methodology

Data

All analyses were conducted using data in the County Information Hub (InfoHub), an information system managed by the County's Office of the Chief Information Officer (OCIO) that receives administrative records from several County departments and partner

agencies.[3] The two main data sources for the report were the Sheriff's Automated Justice Information System (AJIS) and the Superior Court's Trial Court Information System (TCIS). AJIS captures information for all *bookings* in the County (regardless of the law enforcement agency) and Sheriff *citations*. TCIS captures administrative information on all criminal cases tried in County courts. For each case, we used AJIS to determine the start of the pretrial period, the period when a person was held in custody, and, for those released pretrial, the type of release. We also used AJIS to identify non-pretrial bookings to exclude them from the analyses. We used TCIS data to determine the end of the pretrial period and the charges filed for each case. Other data used in the report included:

- InfoHub data from various agencies to determine individual characteristics (sex, age, race/ethnicity, SMI diagnosis, history of chronic homelessness);
- Data from the Probation Department to identify PREP releases; and
- Data from programs and organizations that help release defendants during the pretrial period or provide services to them after they have been released pretrial, including TBP, ODR, and Project 180.

Cases Included in this Report

For the purposes of this report, the *pretrial period* of a criminal case begins on the date of the first booking or citation associated to the case, and it ends when the charges are dismissed, the defendant is acquitted, or the defendant is found guilty and convicted. A case tried in the County was included in this report if it met all the following criteria:

1. The pretrial period started between April 2018 and March 2021;
2. The first booking or citation was not for reasons that occur outside the pretrial period. For example, we excluded bookings for transfer holds, probation or parole holds, flash incarcerations, or post-sentence arrest warrants; and
3. We were able to connect the data for the first booking or citation to the corresponding data for the court case.[4]

The data includes criminal cases regardless of the booking location, and thus cannot be compared to other ongoing data efforts that rely only on data from jails operated by the Sheriff's Department, such as the Men's Central Jail Closure Workgroup and the Jail Population Review Council. Not included are cases with *non-Sheriff* cite/releases (due to data availability) and, as mentioned above, cases for which we were unable to connect the corresponding court and booking records.

The unit of analysis throughout this report is a criminal case. Therefore, if an individual had multiple cases over the three-year period, that person was counted as many times as they had cases. Conversely, if there were multiple pretrial releases associated to a single case, we only considered the first release.

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[3] InfoHub data was de-identified before being accessed by the staff that conducted the analyses in this report. A unique enterprise identifier (EID) allowed analysts to link the data from each person across multiple source data systems. EIDs are created using probabilistic matching, which in rare cases may result in more than one individual being associated to one EID.

[4] We need to connect booking and court data because we use booking data to determine the start of the pretrial period and Superior Court data to determine the end of the pretrial period for each criminal case.

Section II. The Pretrial Population: April 2018 – March 2021

Criminal Justice Cases in the County

The number of criminal cases in the data used in this report[5] decreased by 4% between the 12-month period ending in March 2019 and the period ending in March 2020, and by an additional 38% in the 12-month period ending in March 2021, a cumulative decrease of 41% between the first and third periods.

As noted in our previous report, the remarkable decrease in the latter period can be mostly attributed to efforts by law enforcement and prosecutors to decrease the risk of COVID-19 infection by reducing the size of the population in custody during the pandemic.

Figure II-1 Number of New Criminal Cases in the Data Used in this Report
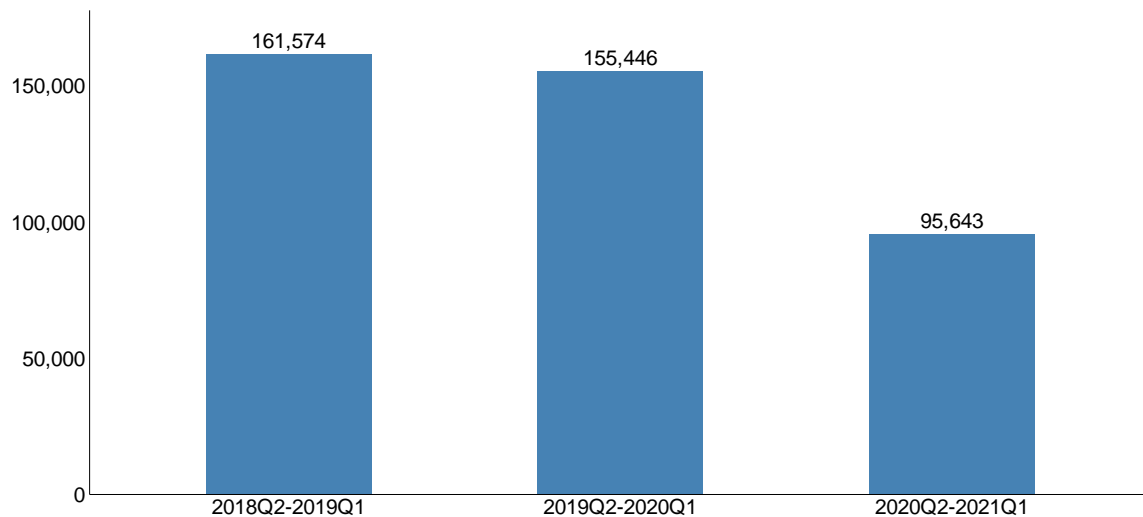
Characteristics of the Pretrial Population

The table below shows individual and case characteristics for the pretrial population during the three-year period covered in this report. Key highlights include:

- The proportion of males in the pretrial population increased slightly, from 80% in the first two years to 83% in the last year covered in this report.
- The age distribution remained mostly stable over the three-year period; the largest change was among the age 26-39 subgroup, which increased from 48% of the pretrial population in the 2018/Q2 – 2019/Q1 period to 51% in 2020/Q2 – 2021/Q1.

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[5] As explained in the Introduction, the data includes all criminal cases in the County for which we were able to link their booking and court records; not included are non-Sheriff citations and bookings for which prosecutors had not filed charges by the time we extracted the data. See Technical Appendix for additional details.

Data Collection to Support Pretrial Reform, Quarterly Update 2018Q2 – 2021Q1

- Despite significant changes in the number of cases and distribution of other characteristics, the race/ethnicity distribution of the pretrial population remained roughly stable during the three-year period.
- The proportion of individuals in the pretrial population who have been diagnosed with SMI was mostly even, increasing from 27% in the first two years to 28% in the period 2020/Q2 – 2021/Q1.
- Similarly, the proportion of individuals in the pretrial population who have experienced chronic homelessness was roughly stable, with only a slight decrease from 8% in the first two years to 7% in the period 2020/Q2 – 2021/Q1.
- The distribution of charge levels was similar during the first two years (75% of cases were for misdemeanor charges in both years) but changed significantly during the last period, when felonies accounted for 38% of cases, a relative increase of 46% compared to the previous level of 25%. As the number of cases in the table show, this was not due to a higher number of felony cases, but rather to a decrease in the number of misdemeanor cases (from 120,770 to 59,636) that was proportionally larger than the decrease in the number of felony cases (from 40,804 to 36,007).

Table II-1 Characteristics of Individuals in the Pretrial Population, by 12-Month Period in Which the Criminal Case Started

Characteristic	2018Q2-2019Q1 N=161,470	2019Q2-2020Q1 N=155,332	2020Q2-2021Q1 N=95,532
Sex			
Male	129,734 (80%)	124,722 (80%)	79,406 (80%)
Female	31,736 (20%)	30,610 (20%)	16,126 (20%)
Age Category			
18-25	35,661 (22%)	30,905 (20%)	18,816 (20%)
26-39	76,958 (48%)	75,520 (49%)	48,850 (51%)
40-64	46,809 (29%)	46,760 (30%)	26,664 (28%)
65 and older	2,042 (1.3%)	2,147 (1.4%)	1,202 (1.3%)
Race/Ethnicity			
Asian	1,124 (0.7%)	1,187 (0.8%)	729 (0.8%)
Black	32,251 (20%)	31,152 (20%)	20,000 (21%)
Hispanic	97,757 (61%)	94,817 (61%)	59,122 (62%)
White	23,522 (15%)	21,932 (14%)	12,159 (13%)
Other	6,816 (4.2%)	6,244 (4.0%)	3,522 (3.7%)
Vulnerable Populations			
Severe Mental Illness Diagnosis	43,618 (27%)	41,721 (27%)	26,637 (28%)
Chronically Homeless	13,327 (8.3%)	12,745 (8.2%)	6,720 (7.0%)
Highest Case Charge Level			
Felony	40,775 (25%)	39,330 (25%)	35,965 (38%)
Misdemeanor	120,695 (75%)	116,002 (75%)	59,567 (62%)

Section III. Pretrial Releases

Pretrial Releases by Demographic and Case Characteristics

Table III-1 shows the proportion of criminal cases for which the individual was released pretrial during each of the three 12-month periods covered in this report.

Key highlights from the table include:

- The proportion of cases granted pretrial release increased from 66% during April 2018–March 2019 to 79% during April 2020–March 2021 (a 20% *relative* increase); although it is likely that most of this change was due to the pandemic, in our previous report we noted an upward trend in pretrial releases that predated the onset of the pandemic.
- The increase in the proportion of cases granted pretrial release was observed across all subpopulations shown in the table; most of them experienced _relative_ increases around 18% to 22%, with a few notable exceptions:
  - Although Asian populations were the subpopulation most likely to be released pretrial, they experienced the smallest increase in pretrial release during the three-year period, from 85% to 89% of cases, or a 5% relative increase.
  - Conversely, Black individuals were the racial/ethnic group with the lowest pretrial release rate, but they experienced the highest increase in pretrial release, from 61% to 77% of cases, or a 26% relative increase.
  - The proportion of cases with pretrial release for individuals who have experienced chronic homelessness increased from 58% to 74%, for a 28% relative increase, larger than the overall average.
  - Among individuals who have been diagnosed with SMI, pretrial release increased from 57% to 72% of cases, or a 26% relative increase.
  - The largest increase in pretrial release was for cases with at least one felony charge; while only 45% of these cases were granted pretrial release in the first 12-month period, the proportion released pretrial increased to 67% during the third period, a 49% relative increase.

Table III-1 Proportion of Cases Granted Pretrial Release, by Individual and Case Characteristics and Period in Which the Case Started[6]

Characteristic	2018Q2-2019Q1 N = 161,470	2019Q2-2020Q1 N = 155,332	2020Q2-2021Q1 N = 95,532
Overall	66%	71%	79%
Sex			
Male	65%	70%	78%
Female	72%	77%	85%
Age Category			
18-25	68%	72%	80%
26-39	65%	70%	79%
40-64	66%	71%	80%
65 and older	71%	74%	82%
Race/Ethnicity			
Asian	85%	87%	89%
Black	61%	67%	77%
Hispanic	67%	72%	79%
White	68%	73%	82%
Other	69%	71%	80%
Vulnerable Populations			
Severe Mental Illness Diagnosis	57%	63%	72%
Chronically Homeless	58%	64%	74%
Highest Case Charge Level			
Felony	45%	51%	67%
Misdemeanor	73%	78%	87%

Pretrial Releases by Release Type

Table III-2 below shows the proportion of cases granted pretrial release, broken down by type of release. Notable highlights include:

- Throughout the three-year period, citations were the most common type of pretrial release, followed by OR, bail/bond, and other types of releases.
- The proportion of cases with cite-release and OR release increased significantly, while the proportion of cases granted bail/bond and other types of release remained mostly stable during the three-year period:[7]
  - OR release increased from 12% to 19% of all cases, a relative increase of 58%.
  - Cite-release increased from 33% to 38% of all cases, a relative increase of 15%.
  - Bail/bond release increased slightly, from 11% to 12% of all cases.
  - Other types of pretrial release increased slightly, from 10% to 11% of all cases.

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[6] Numbers in the table are **row** percentages; that is, they represent the percent of cases with pretrial release.

[7] These trends may be affected by statewide and local emergency bail schedules implemented after March 2020, which set bail at $0 for most misdemeanor and low-level felony offenses. Due to data limitations, it is not clear if releases due to these schedules are captured as citations, OR, or bail/bond releases.

- Most subpopulations experienced similar patterns to those described above. Notable exceptions included:
  o For White individuals, the proportion of cases with cite-release increased more than for other racial/ethnic groups, from 36% to 44% of all cases, a 22% relative increase.
  o Black and Hispanic individuals experienced the highest increases in the proportion of cases with OR release; for Black individuals, OR release increased from 13% to 21% of all cases, a relative increase of 62%; for Hispanic individuals, OR release increased from 11% to 19% of all cases, a relative increase of 73%.
  o For Black individuals, the proportion of cases with bail/bond release increased more (from 13% to 16%, a relative increase of 23%) than for other racial/ethnic groups; in fact, the proportion of cases with bail/bond release decreased for three out of the five racial/ethnic subgroups.
  o As noted above, felony cases experienced the most significant changes in pretrial release, which was reflected in dramatic increases in the proportion of cases with cite-release, from 1% to 15% of all felony cases, and with OR release, from 4% to 14% of all cases.

Data Collection to Support Pretrial Reform, Quarterly Update 2018Q2 – 2021Q1

Table III-2 Proportion of Cases Granted Pretrial Release, by Demographic Characteristics, Type of Release, and Period in Which the Case Started[8]

Characteristic	Cited and Released			Released, Own Recognizance			Released, Bail/Bond			Released, Other		
	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1
Overall	33%	37%	38%	12%	13%	19%	11%	11%	12%	10%	10%	11%
Sex												
Male	32%	35%	36%	11%	13%	19%	11%	11%	12%	11%	11%	11%
Female	39%	42%	45%	15%	16%	21%	10%	11%	10%	8%	8%	8%
Age Category												
18-25	33%	36%	38%	14%	15%	21%	13%	14%	15%	7%	7%	7%
26-39	32%	36%	37%	11%	12%	19%	11%	11%	12%	10%	11%	11%
40-64	34%	38%	38%	11%	13%	20%	9%	9%	10%	12%	12%	12%
65 and older	35%	38%	39%	18%	17%	22%	10%	10%	9%	9%	9%	12%
Race/Ethnicity												
Asian	39%	43%	40%	15%	17%	20%	26%	23%	24%	4%	4%	4%
Black	25%	28%	28%	13%	15%	19%	13%	13%	16%	11%	12%	12%
Hispanic	35%	39%	40%	11%	12%	19%	10%	10%	11%	10%	10%	10%
White	36%	39%	44%	13%	15%	19%	11%	11%	10%	9%	9%	9%
Other	28%	28%	35%	16%	17%	22%	17%	16%	13%	8%	9%	9%
Vulnerable Populations												
Severe Mental Illness Diagnosis	29%	33%	33%	9%	11%	17%	5%	5%	7%	13%	14%	15%
Chronically Homeless	33%	37%	37%	9%	10%	18%	2%	3%	4%	14%	14%	16%
Highest Case Charge Level												
Felony	1%	2%	15%	4%	6%	14%	20%	21%	19%	20%	22%	20%
Misdemeanor	44%	48%	51%	15%	16%	23%	8%	8%	8%	7%	6%	5%

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[8] Numbers in the table are **row** percentages; that is, they represent the percent of cases granted the respective type of pretrial release.

Section IV. Special Pretrial Release Efforts and Supportive Services for Pretrial Releases

In this section, we describe trends over time in pretrial releases due to pretrial reform efforts and in supportive services provided to individuals who were released pretrial. The following initiatives/programs are included here:

- **The Pretrial Release Evaluation Program (PREP),** which uses risk assessments (Public Safety Assessment [PSA] and the CCAT) to inform pretrial release decisions.
- **The Bail Project (TBP)** provides free bail assistance and community-based services to low-income individuals eligible to be released on bail but who cannot afford it.
- **Department of State Hospitals (DSH) Diversion,** a program of the Office of Diversion and Reentry (ODR) that supports the diversion of clients with SMI who have the potential to be deemed incompetent to stand trial on felony charges.
- **Misdemeanor Incompetent to Stand Trial, Community Based Restoration (MIST-CBR)**, an ODR program that diverts individuals with misdemeanor cases and found incompetent to stand trial into community settings to be restored to competency.
- **Felony Incompetent to Stand Trial, CBR (FIST-CBR)**, an ODR program similar to MIST but targeting individuals facing felony charges.
- **Maternal Health (MH)**, an ODR program that prioritizes the diversion of pregnant women from jails to community settings providing supportive services and housing. *Only enrollments during the pretrial period are included in this report.*
- **ODR Housing**, an ODR program that provides permanent supportive housing to individuals who have an SMI diagnosis, are homeless, and are incarcerated in County jail. *Only enrollments during the pretrial period are included in this report.*
- **PREP Services provided by Project 180 (PREP-P180)**, community-based supportive services provided to those released through PREP on supervised release.

Characteristics of Clients of Pretrial Release Programs

The tables shown in the following pages describe the number of clients of the pretrial reform efforts listed above, and their individual and case characteristics, using the population released pretrial on their OR, bail/bond, or other releases (Non-Cite Releases) as a reference group. Table IV-1 focuses on pretrial releases due to PREP and TBP.

Notable highlights from the table include:

- The number of cases with pretrial release due to these efforts increased significantly during the period covered in this report.[9]
  - Since the PREP pilot started in March 2020, our data shows over 3,600 criminal cases with pretrial release due to the program, 3,484 of them in the last year alone.
  - The number of pretrial releases due to TBP rose from 11 in the first 12-month period in this report to 287 in the third period, a 26-fold increase.
- The characteristics of individuals released due to PREP or TBP were similar to those of the overall non-cite released population, a few exceptions include:
  - PREP pre-arraignment releases (after the PSA) were younger (80% of them were under the age of 40) that non-cite releases (70% were aged under 40); and
  - Releases due to TBP were significantly more likely to be Black people than overall non-cite releases.
- Because PREP launched in 2020, we will not be able to identify time trends in the number or characteristics of its clients for a few more quarters; as for releases due to TBP, in addition to the significant expansion in the number of its clients, we note that:
  - In the first two years, TBP clients were significantly younger than the overall non-cite released population; in the third year their age distribution was similar.
  - The proportion of TBP clients charged with felonies increased over time, from 55% in the first year to 72% in the third year.
  - The proportion of TBP clients who are Black people decreased from 43% in the second year to 33% in the third year covered in this report.
  - The proportion of TBP clients diagnosed with SMI increased from 22% in the second to 30% in the third year.
  - The proportion of TBP clients who had been charged with felonies increased from 58% in the second year to 72% in the third year.

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[9] Tables in this section show only pretrial releases for which charges were filed. For example, a pre-arraignment PREP release for which charges were never filed—or had not been filed by the time we extracted the data—is not included.

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Table IV-1 Characteristics of Pretrial Releases Due to PREP and TBP, by Program and Release Period

Characteristic	Non-Cite Pretrial Releases			PREP Pre-Arraignment (PSA)			PREP Post-Arraignment (CCAT)			The Bail Project		
	2018Q2-2019Q1 N=51,614	2019Q2-2020Q1 N=52,926	2020Q2-2021Q1 N=41,062	2018Q2-2019Q1 N=0	2019Q2-2020Q1 N=150	2020Q2-2021Q1 N=1,472	2018Q2-2019Q1 N=0	2019Q2-2020Q1 N=0	2020 Q2-2021Q1 N=2,023	2018Q2-2019Q1 N=11	2019Q2-2020Q1 N=107	2020Q2-2021Q1 N=287
Sex												
Male	80%	80%	84%	-	82%	81%	-	-	83%	91%	78%	85%
Female	20%	20%	16%	-	18%	19%	-	-	17%	9%	22%	15%
Age Category												
18-25	23%	21%	20%	-	33%	32%	-	-	23%	55%	35%	26%
26-39	47%	48%	51%	-	51%	48%	-	-	50%	36%	46%	49%
40-64	28%	29%	28%	-	15%	20%	-	-	25%	9%	19%	22%
65 and older	1%	1%	1%	-	1%	1%	-	-	2%	0%	1%	3%
Race/Ethnicity												
Asian	1%	1%	1%	-	4%	1%	-	-	<1%	0%	0%	1%
Black	22%	22%	24%	-	12%	21%	-	-	29%	45%	43%	33%
Hispanic	58%	57%	59%	-	61%	60%	-	-	62%	55%	52%	56%
White	14%	14%	12%	-	17%	14%	-	-	7%	0%	5%	8%
Other	5%	5%	4%	-	5%	4%	-	-	2%	0%	0%	2%
Vulnerable Populations												
Severe Mental Illness Diagnosis	21%	23%	26%	-	15%	21%	-	-	29%	36%	22%	30%
Chronically Homeless	6%	6%	6%	-	4%	3%	-	-	8%	9%	7%	8%
Highest Case Charge Level												
Felony	32%	35%	48%	-	25%	36%	-	-	65%	55%	58%	72%
Misdemeanor	68%	65%	52%	-	75%	64%	-	-	35%	45%	42%	28%

Characteristics of Clients of Supportive Service Programs

Table IV-2 (shown in the next two pages) focuses on ODR and PREP Services (P180) clients. Notable highlights from the table include:

- There was no clear trend over time in the number of new clients for these programs:
    - DSH Diversion and FIST-CBR saw steady increases in the number of new clients, from a combined 89 new enrollments in the first year to 273 in the third year.
    - MIST-CBR and ODR Housing saw increases in new clients between the first and second years, but had fewer new clients in the third year.
    - The number of new ODR Maternal Health clients was basically flat.
- Compared to the population of individuals with non-cite pretrial releases, clients of ODR programs and PREP Services (P180) were:
    - More likely to be female.
    - More likely to be Black.
    - More likely have an SMI diagnosis.
    - More likely to have experienced chronic homelessness (ODR only).
- Given the relatively low number of clients, it is difficult to identify clear trends over time in the characteristics of the clients of the programs in Table IV-2. As we report these characteristics in future quarterly updates, these trends may become clearer.

Table IV-2 Individual Characteristics of Clients of Programs that Provide Services to Individuals Released During the Pretrial Period[10]

Characteristic	Non-Cite Pretrial Releases			ODR, DSH Diversion			ODR, MIST-CBR			ODR, FIST-CBR		
	2018Q2-2019Q1 N=51,614	2019Q2-2020Q1 N=52,926	2020Q2-2021Q1 N=41,062	2018Q2-2019Q1 N=1	2019Q2-2020Q1 N=47	2020Q2-2021Q1 N=127	2018Q2-2019Q1 N=207	2019Q2-2020Q1 N=358	2020Q2-2021Q1 N=141	2018Q2-2019Q1 N=89	2019Q2-2020Q1 N=135	2020Q2-2021Q1 N=140
Sex												
Male	80%	80%	84%	100%	57%	72%	63%	69%	67%	70%	76%	74%
Female	20%	20%	16%	0%	43%	28%	37%	31%	33%	30%	24%	26%
Age Category												
18-25	23%	21%	20%	0%	15%	21%	15%	17%	17%	25%	25%	20%
26-39	47%	48%	51%	100%	57%	51%	39%	43%	51%	40%	39%	46%
40-64	28%	29%	28%	0%	28%	25%	41%	37%	29%	30%	33%	32%
65 and older	1%	1%	1%	0%	0%	2%	4%	3%	3%	4%	2%	2%
Race/Ethnicity												
Asian	1%	1%	1%	0%	2%	1%	<1%	1%	2%	1%	1%	1%
Black	22%	22%	24%	0%	40%	38%	27%	28%	27%	42%	31%	33%
Hispanic	58%	57%	59%	0%	28%	42%	44%	42%	48%	37%	43%	41%
White	14%	14%	12%	0%	23%	13%	25%	25%	19%	13%	19%	20%
Other	5%	5%	4%	100%	6%	7%	4%	4%	4%	7%	6%	4%
Vulnerable Populations												
Severe Mental Illness Diagnosis	21%	23%	26%	0%	68%	68%	75%	75%	74%	71%	65%	70%
Chronically Homeless	6%	6%	6%	0%	9%	14%	12%	12%	13%	9%	7%	14%
Highest Case Charge Level												
Felony	32%	35%	48%	100%	100%	100%	3%	5%	4%	91%	90%	91%
Misdemeanor	68%	65%	52%	0%	0%	0%	97%	95%	96%	9%	10%	9%

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[10] The table includes only cases of ODR and PREP Services clients that we were able to link to our pretrial sample. In addition, it excludes cases for which the client enrolled in the program after case resolution, which is most common for Maternal Health and ODR Housing clients.

Table IV-2 (Continued) Individual Characteristics of Clients of Programs that Provide Services to Individuals Released During the Pretrial Period [11]

Characteristic	Non-Cite Pretrial Releases			ODR Housing			ODR, Maternal Health			PREP Services Project 180		
	2018Q2-2019Q1 N=51,614	2019Q2-2020Q1 N=52,926	2020Q2-2021Q1 N=41,062	2018Q2-2019Q1 N=57	2019Q2-2020Q1 N=87	2020Q2-2021Q1 N=76	2018Q2-2019Q1 N=7	2019Q2-2020Q1 N=8	2020Q2-2021Q1 N=7	2018Q2-2019Q1 N=0	2019Q2-2020Q1 N=1	2020Q2-2021Q1 N=389
Sex												
Male	80%	80%	84%	70%	64%	80%	0%	0%	14%	-	100%	77%
Female	20%	20%	16%	30%	36%	20%	100%	100%	86%	-	0%	23%
Age Category												
18-25	23%	21%	20%	19%	16%	13%	14%	38%	29%	-	0%	29%
26-39	47%	48%	51%	37%	38%	45%	86%	63%	71%	-	100%	47%
40-64	28%	29%	28%	39%	41%	34%	0%	0%	0%	-	0%	22%
65 and older	1%	1%	1%	5%	5%	8%	0%	0%	0%	-	0%	2%
Race/Ethnicity												
Asian	1%	1%	1%	0%	0%	1%	0%	0%	0%	-	0%	1%
Black	22%	22%	24%	25%	31%	39%	43%	25%	14%	-	0%	34%
Hispanic	58%	57%	59%	53%	40%	37%	43%	75%	57%	-	100%	59%
White	14%	14%	12%	21%	20%	20%	14%	0%	29%	-	0%	4%
Other	5%	5%	4%	2%	9%	3%	0%	0%	0%	-	0%	2%
Vulnerable Populations												
Severe mental illness diagnosis	21%	23%	26%	72%	80%	78%	57%	50%	71%	-	0%	30%
Chronically Homeless	6%	6%	6%	18%	14%	21%	57%	25%	14%	-	0%	7%
Highest Case Charge Level												
Felony	32%	35%	48%	26%	30%	84%	86%	12%	86%	-	100%	80%
Misdemeanor	68%	65%	52%	74%	70%	16%	14%	88%	14%	-	0%	20%

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[11] The table includes only ODR and PREP Services clients that we were able to link to our pretrial sample.

Section V. Outcomes for Pretrial Releases

In this section, we report estimates of pretrial outcomes for individuals who were released during the pretrial period. We report two different outcomes:

Failure to Appear (FTA) in Court: An FTA occurs when a person who was released pretrial does not appear at a required court date and a bench arrest warrant is issued. We measure FTA rates at the case level, such that only the first FTA for each case is counted, regardless of how many FTAs—or pretrial releases—a case had. We exclude that were recalled or quashed on the same date they were issued.

Rearrest for New Offense: This outcome occurs when an individual who was released pretrial is arrested during the pretrial period and the arrest is for a new offense, unrelated to the current or a previous criminal case. As FTAs, we measure rearrest rates at the case level. We excluded holds, bookings with charges that indicate the arrest is related to a previous case (e.g., supervision violations or FTAs), and arrests linked to the current court case number or to case numbers that predated the pretrial release date.

Outcomes by Pretrial Release Type and Case Characteristics

Table V-1 shows FTA and rearrest rates for the overall population, by type of pretrial release, and by case characteristics (charge levels and offense classification).

For ***FTA rates***, highlights from the table include:

- During the three-year period covered in this report, the FTA rate decreased slightly, from 47% in the period 2018Q2-2019Q1 to 45% in 2020Q2-2021Q1.
- Trends in the FTA rate varied by type of pretrial release. The rate decreased for cite releases (from 60% to 56%) but increased for OR releases (from 39% to 46%) and was roughly flat for bail/bond releases.
- Changes in the FTA rate also varied by charge levels. The rate decreased for misdemeanor cases (from 52% to 48%) but more than doubled for felony cases (from 18% to 38%).
    - Among misdemeanor cases, the FTA rate for cite-releases decreased from 61% to 54%, while for OR releases it increased from 40% to 43%.
    - Among felony cases, the highest increases in the FTA rate were for citations (from 36% to 64%) and OR releases (from 28% to 54%).

For ***rearrest for new offenses rates***, key takeaways include:

- The rate of rearrests for new offenses increased from 34% in year one to 38% in year three.
- The rearrest rate increased for all types of pretrial release. The highest increases were for OR releases (from 23% to 35%) and bail/bond releases (from 21% to 27%).
- The rearrest rate increased across charge levels. For felony cases, from 45% to 48% and for misdemeanor cases from 32% to 34%.
    - Among felony cases, the largest increase in the rearrest rate was for OR releases (from 23% to 45%).

    o Among misdemeanor cases, the largest increase in the rearrest rate was also for OR releases (from 23% to 31%).

Table V-1 Rates of Failure to Appear in Court and Rearrest for New Offenses for Individuals Released Pretrial, by Release Type and Charge Levels

	Number Released			Failed to Appear in Court			Rearrested for a New Offense		
	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1
All Pretrial Releases	104,872	109,489	77,254	47%	45%	45%	34%	35%	38%
Pretrial Release Type									
Cite-Release	53,258	56,563	36,192	60%	58%	56%	36%	37%	38%
Non-Cite Release	51,614	52,926	41,062	33%	31%	35%	32%	34%	38%
Non-Cite Releases									
Bail/Bond	17,739	17,173	11,328	24%	24%	25%	21%	22%	27%
Own Recognizance	19,233	19,891	19,124	39%	38%	46%	23%	25%	35%
Other type	14,642	15,862	10,610	34%	30%	25%	56%	58%	56%
Case Charge Level									
Felony	17,022	19,072	25,308	18%	18%	38%	45%	47%	48%
Misdemeanor	87,850	90,417	51,946	52%	51%	48%	32%	33%	34%
Misdemeanor Cases by Release Type									
Bail/Bond	9,841	8,943	4,643	23%	22%	21%	17%	17%	19%
Cite-Release	52,754	56,081	30,738	61%	59%	54%	36%	37%	36%
Own Recognizance	17,577	17,959	13,628	40%	39%	43%	23%	24%	31%
Other Type	7,678	7,434	2,937	61%	58%	50%	41%	43%	42%
Felony Cases by Release Type									
Bail/Bond	7,898	8,230	6,685	26%	25%	28%	26%	27%	33%
Cite-Release	504	482	5,454	36%	40%	64%	40%	42%	49%
Own Recognizance	1,656	1,932	5,496	28%	35%	54%	23%	29%	45%
Other type	6,964	8,428	7,673	5%	5%	15%	72%	71%	61%

Outcomes by Individual Characteristics

Table V-2 shows the number of individuals granted pretrial release and FTA and rearrest rates by individual characteristics. For **FTA rates**, highlights include:

- Trends in FTA rates for males and females were similar, both decreasing by two percentage points during the three-year period.
- FTA rates decreased slightly (one to two percentage points) for ages 18-25 and 35-39, had a somewhat larger decrease (three percentage points) for ages 40-64, and remained flat for individuals aged 65 and older.
- There was more variation in FTA trends among racial/ethnic groups. The FTA rate decreased among Black (from 46% to 40%) and Hispanic (from 49% to 46%) individuals, but it increased among White (from 44% to 47%) and Asian (from 19% to 23%) individuals.
- The FTA rate declined significantly for individuals from vulnerable populations. It decreased from 66% to 55% for those who have experienced chronic homelessness, and from 58% to 49% for those with an SMI diagnosis.

For ***rearrest rates***, highlights include:

- Rearrest rates increased for both males (four percentage points) and females (two percentage points) during the three-year period.
- Rearrest rates increased across all age groups, but the increase was slightly larger (four to six percentage points) for ages 18-25 and 26-39 than for older age groups (two to three percentage points).
- Rearrest rates increased for most racial/ethnic groups (the highest increases were among Hispanic individuals and Other Race/Ethnicity) except for Black individuals, for whom the rearrest rate remained steady at 35% over the three-year period.
- The rearrest rate among individuals with an SMI diagnosis remained roughly flat at 51%-52%, while for individuals who have experienced chronic homelessness it decreased from 55% to 52%.

Table V-2 Rates of Failure to Appear in Court and Rearrest for New Offenses for Individuals Released Pretrial, by Individual Characteristics

	Number Released			Failed to Appear in Court			Rearrested for a New Offense		
	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1
All Pretrial Releases	104,872	109,489	77,254	47%	45%	45%	34%	35%	38%
Sex									
Male	82,310	86,152	63,407	46%	45%	44%	36%	37%	40%
Female	22,562	23,337	13,847	49%	47%	47%	29%	28%	31%
Age Category									
18-25	23,931	22,249	15,315	44%	42%	42%	32%	33%	36%
26-39	49,273	52,397	39,252	48%	46%	47%	36%	38%	42%
40-64	30,235	33,262	21,676	47%	46%	43%	33%	34%	35%
65 and older	1,433	1,581	1,011	35%	37%	35%	19%	20%	22%
Race/Ethnicity									
Asian	946	1,028	653	19%	24%	23%	9%	11%	10%
Black	19,185	20,568	15,723	46%	43%	40%	35%	35%	35%
Hispanic	64,341	67,524	47,773	49%	47%	46%	35%	37%	41%
White	15,818	15,981	10,231	44%	44%	47%	29%	31%	34%
Other	4,582	4,388	2,874	36%	39%	43%	31%	34%	38%
Vulnerable Populations									
Severe Mental Illness Diagnosis	23,829	25,981	19,631	58%	53%	49%	51%	52%	52%
Chronically Homeless	7,533	8,105	5,134	66%	61%	55%	55%	52%	52%

Outcomes for Clients of Pretrial Release Programs

Table V-3 shows FTA and rearrest rates for PREP and TBP clients, using rates for all releases, cite-releases, and non-cite releases as reference groups.

For **FTA rates**, highlights include:

- For PREP pre-arraignment releases (after PSA review), the FTA rate decreased between years two and three, from 51% to 42%.[12] The decline was observed among both felony and misdemeanor cases.
- For PREP post-arraignment releases (after CCAT review), we only have data for year three, so we cannot yet determine trends over time. The overall FTA rate for these clients was 52%. The rate was highest for individuals released OR (57%) and those with high CCAT risk scores (64%) and was the lowest for those on supervised release (47%) and with low CCAT risk scores (39%).
- For TBP clients, the FTA rate in the last two years, when a large majority of its clients were released, remained steady at 32%, well below the rate for the overall pretrial population. During that two-year period, however, the trend varied by charge levels, increasing for clients charged with felonies, while decreasing significantly (from 40% to 22%) for those charged with misdemeanors.

Key takeaways for **rearrest rates**:

- For PREP pre-arraignment releases (after PSA review), the rearrest rate decreased from 33% to 29%. The decline was observed among both felony and misdemeanor cases.
- For PREP post-arraignment releases (after CCAT review), the overall rearrest rate was 37%, a similar overall rearrest rate for the pretrial population in year three; the rearrest rate did not vary by charge levels; it was highest for individuals with high CCAT risk scores (46%) and lowest for those with low CCAT risk scores (25%).
- For TBP clients, the rearrest rate in the last two years increased from 27% to 34%, both below the overall rearrest rates during those periods. This increase was observed among both felony and misdemeanor cases.

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[12] The large majority of PREP pre-arraignment releases occurred in year three; our estimates of FTA and rearrest rates in that year are likely to be more representative of overall rates for the program in this and upcoming updates.

Table V-3 Rates of Failure to Appear in Court and Rearrest for New Offenses for Individuals Released Pretrial, by Release Program

	Number Released			Failed to Appear in Court			Rearrested for a New Offense		
	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1
All Pretrial Releases	104,872	109,489	77,254	47%	45%	45%	34%	35%	38%
Cite/Releases	53,258	56,563	36,192	60%	58%	56%	36%	37%	38%
Non-Cite Releases	51,614	52,926	41,062	33%	31%	35%	32%	34%	38%
PREP Pre-Arraignment Releases (PSA)									
Overall	0	150	1,472	-	52%	42%	-	35%	30%
Felony	0	38	526	-	53%	48%	-	39%	33%
Misdemeanor	0	112	946	-	52%	39%	-	33%	28%
PREP Post-Arraignment Releases (CCAT)									
Overall	0	0	2,023	-	-	46%	-	-	31%
Felony	0	0	1,313	-	-	45%	-	-	30%
Misdemeanor	0	0	710	-	-	46%	-	-	33%
PREP Post-Arraignment (CCAT), by Release Type									
Own Recognizance	0	0	948	-	-	50%	-	-	34%
Supervised Release	0	0	1,075	-	-	42%	-	-	29%
PREP Post-Arraignment (CCAT), by Risk Level									
Low/Moderate	0	0	844	-	-	35%	-	-	22%
Moderate-High/High	0	0	1,000	-	-	57%	-	-	40%
Invalid	0	0	179	-	-	32%	-	-	26%
The Bail Project									
Overall	11	107	287	0%	22%	24%	18%	19%	29%
Felony	6	62	207	0%	24%	27%	17%	21%	29%
Misdemeanor	5	45	80	0%	20%	15%	20%	16%	30%

Outcomes for Clients of Supportive Services Programs

Table V-4 shows FTA and rearrest rates for ODR and PREP Services (P180) clients, again using all pretrial releases, cite-releases, and non-cite releases as reference groups.

For **FTA rates**, highlights include:

- For ODR clients in general, FTA rates were significantly lower than for the overall pretrial population. Clients of certain ODR programs experienced increases in the FTA rate between years two and three, such as DSH Diversion (from 19% to 38%) and ODR Housing (from 9% to 18%), but rates in year three were still below the overall average.
- For PREP Services provided by Project 180, we only have one year of data as the program kicked off in 2020. The FTA rate for these clients was 37%; the rate was 40% for individuals charged with felonies and 27% for those charged with misdemeanors.

For **rearrest rates**, highlights include:

- For ODR clients in general, rearrest rates were also lower than for the overall pretrial population. Trends over time were more uneven across ODR programs; for example, for DSH diversion the rate increased in the last two years from 4% to 8%, while for ODR Housing it decreased from 25% to 20%.

- The rearrest rate for PREP Services was 33%. The rate was higher for individuals charged with felonies (35%) than for those charged with misdemeanors (25%).

Table V-4 Rates of Failure to Appear in Court and Rearrest for New Offenses for Individuals Released Pretrial, by Supportive Services Program

	Number Released			Failed to Appear in Court			Rearrested for a New Offense		
	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1
All Pretrial Releases	104,872	109,489	77,254	47%	45%	45%	34%	35%	38%
Cite/Releases	53,258	56,563	36,192	60%	58%	56%	36%	37%	38%
Non-Cite Releases	51,614	52,926	41,062	33%	31%	35%	32%	34%	38%
ODR Programs									
DSH Diversion	1	47	121	100%	17%	36%	0%	4%	8%
FIST-CBR	89	135	140	2%	4%	4%	26%	10%	16%
Housing	57	87	76	4%	8%	17%	11%	23%	20%
MIST-CBR	207	358	141	6%	3%	8%	24%	22%	25%
Maternal Health	7	8	7	0%	25%	29%	29%	25%	0%
PREP Services, Project 180									
Overall	0	0	389	-	-	32%	-	-	29%
Felony	0	0	313	-	-	35%	-	-	31%
Misdemeanor	0	0	76	-	-	22%	-	-	22%

Section VI. Length of Pretrial Detention

As explained before, the length of custody detention during the pretrial period depends not only on whether the person is released pretrial, but also on the characteristics of the case and the step in the process in which pretrial release occurs. In this section, we estimate median detention length for several subpopulations.

Detention Length for Individuals Detained During the Pretrial Period

We focus first on individuals who were not released pretrial. Table VI-1 shows detention length for cases in which the person was either kept in custody throughout the duration of the pretrial period or had not been released by the time we extracted the data in December 2021.

Each number on the table represents the _median_ number of days in detention for the respective period and group. For example, the first row shows that half of the cases that started during the 12-month period 2018Q2-2019Q1 and that were not released pretrial (during that period or later) spent 11 days or less in custody, which implies that the other half spent 11 days or more in custody. Key highlights from the table include:

- Detention length for individuals detained throughout the pretrial period increased significantly after the start of the pandemic, from 12 days for cases that started during year-two to 45 days for those that started in year three.
- Longer median detention periods for cases detained throughout the pretrial period were experienced across all demographic and vulnerable subpopulations; however, certain groups experienced larger increases in pretrial detention:
  - Median detention length for individuals aged 18-25 increased by 40 days, whereas for other age groups the increase was 31-33 days.
  - Black individuals experienced the longest median detention in year-three (58 days), an increase of 42 days compared to year two, which was significantly larger than the increases for other racial/ethnic groups (17-35 days).
- The increase in median detention length between years two and three was lower for cases where the person has been diagnosed with SMI (28 days) or has experienced chronic homelessness (26 days) than the 32-day increase among the overall population detained throughout the pretrial period.
- Median detention length increased by only two days for misdemeanor cases (from four to six days), but the increase was of nearly 1.5 months (43 days) for felony cases (from 54 to 97 days) detained throughout the pretrial period.

Table VI-1 Median Detention Length (in Days) for Individuals Detained Throughout the Pretrial Period, by Individual and Case Characteristics and Period in Which the Case Started[13]

Characteristic	2018Q2-2019Q1 N=47,952	2019Q2-2020Q1 N=39,480	2020Q2-2021Q1 N=16,469
Overall	11	12	45
Sex			
Male	13	14	46
Female	6	7	31
Age Category			
18-25	15	16	56
26-39	11	12	43
40-64	10	11	43
65 and older	15	14	47
Race/Ethnicity			
Asian	19	17	33
Black	15	16	58
Hispanic	11	12	42
White	9	9	37
Other	13	14	49
Vulnerable Populations			
Severe Mental Illness Diagnosis	13	15	43
Chronically Homeless	8	11	37
Highest Case Charge Level			
Felony	52	54	97
Misdemeanor	4	4	6

Detention Length for Individuals Released Pretrial

In contrast to the numbers above, detention length for cases in which the person was released pretrial remained stable throughout the three-year period. As shown in the table below, for these cases the median length of detention was one day in each of the three years. Breaking down cases by type of pretrial release, median detention length remained unchanged throughout the three-year period for cite-releases (zero days), OR releases (one day) and Bail/Bond releases (one day). Median detention length only changed for the "Other" type of pretrial release, from 11 days in year two to seven days in year three.

Table VI-2 Median Detention Length (in Days) for Individuals Released During the Pretrial Period, by Type of Release and Period When Case Started

Characteristic	2018Q2-2019Q1 N=107,021	2019Q2-2020Q1 N=110,254	2020Q2-2021Q1 N=75,875
All Pretrial Releases	1	1	1
Bail/Bond Releases	1	1	1
Cite-Releases	0	0	0
Own Recognizance Releases	1	1	1
Other Pretrial Releases	8	11	7

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[13] Includes open cases that had not been released pretrial by the time the data was extracted in December 2021.

Detention Length for Clients of Pretrial Reform Efforts

There was significantly more heterogeneity in the changes in detention length for clients of pretrial release programs and programs that provide supportive services to individuals released pretrial.

Clients of the PREP pilot had the shortest median detention, which was one day for those released pre-arraignment, two days for those released pre-arraignment, and two days for those who received supportive services through Project 180. Median detention length for Bail Project's clients increased significantly, from three days in year two to 22 days in year three.

Trends were also heterogenous for ODR programs. Median detention length increased between years two and three for DSH Diversion (seven days) and FIST-CBR (four days) but decreased for MIST-CBR (17 days), ODR Housing (45 days), and Maternal Health (17 days).

Table VI-3 Median Detention Length (in Days) for Clients of Pretrial Reform Efforts, by Program and Period When Case Started

Program	2018Q2-2019Q1	2019Q2-2020Q1	2020Q2-2021Q1
Pretrial Release Programs			
PREP, Pre-Arraignment (PSA)	-	1	1
PREP, Post-Arraignment (CCAT)	-	-	2
The Bail Project	2	3	22
Supportive Services Programs			
PREP Services, Project 180	-	-	2
ODR, DSH Diversion	175	166	173
ODR, MIST-CBR	104	93	76
ODR, FIST-CBR	132	156	160
ODR, Housing	133	121	76
ODR, Maternal Health	110	51	34

Section VII. Highlights for First Quarter of 2021

In this section, we explore in more detail monthly trends during the two-year period 2019Q2–2021Q1, comparing metrics for the first three months of 2021 to those in the previous seven quarters.

New Criminal Cases and Pretrial Releases

The figure below shows the monthly number of new criminal cases in our data, with the vertical red line marking the onset of the pandemic in March 2021.[14] Our previous report showed a declining trend throughout 2020 in the number of **misdemeanor cases**. As can be seen in the figure, this trend was reversed in the first three months of 2021. However, the average number of new misdemeanor cases during those three months (4,380) remained well below the average before the onset of the pandemic (9,960).

Conversely, the number of **felony cases** remained roughly stable throughout the entire two-year period, with an average of 3,320 new cases per month before the onset of the pandemic and 2,980 after March 2020.

Figure VII-1 Monthly New Criminal Cases, by Charge Level, 2019Q2 – 2021Q1
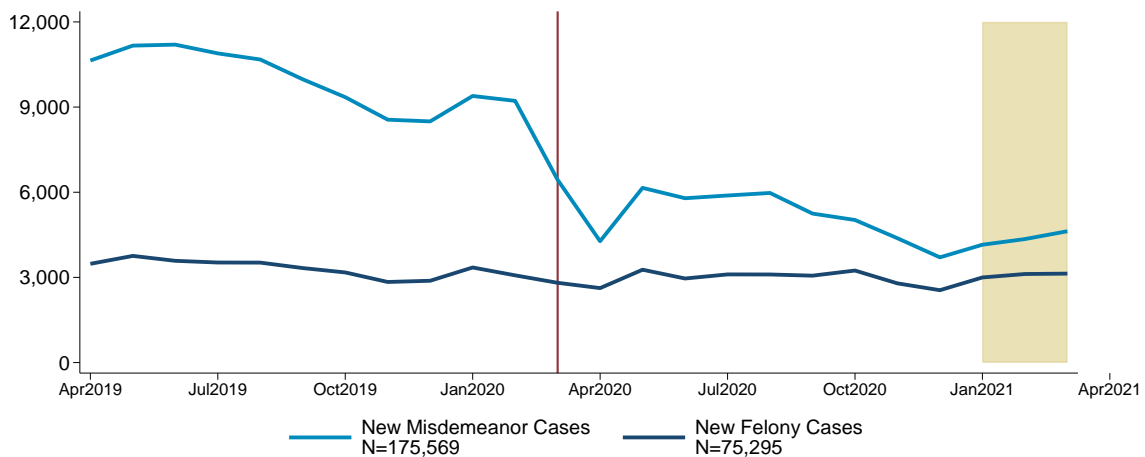
The figure below shows the monthly percentage of new cases that were granted release during the pretrial period. For example, out of all new **misdemeanor** cases that their pretrial period started in April 2019, just under 50% were released on a citation; conversely, out of all **felony** cases that started in the same month, only 1.5% were released on a citation.

As we noted in our previous report, the more significant changes in pretrial release after the onset of the pandemic were increases in cite-releases and OR releases, which occurred for both misdemeanor and felony cases. As we also remarked before, due to limitations in

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[14] As a reminder, the data only includes cases for which we were able to link their booking and court records and does not include non-Sheriff citations.

the data, it is likely that releases due to the statewide and local emergency bail schedules are reflected as either, OR releases or cite-releases in the graph.

For **misdemeanor cases**, in our last report we noted that cite-releases as a proportion of all cases were trending down towards the end of 2020. The graph shows that this trend stopped in the first quarter of 2021, but the proportion of cases with cite-release during that quarter (45%) remained slightly below its historical average (48%). The proportion of misdemeanor cases granted OR release, which had increased throughout most of 2020, stabilized during the first quarter of 2021 at a level (25%) significantly higher than its pre-pandemic average (15%). Conversely, the proportion of misdemeanor cases granted bail/bond release during the first three months of 2021 (9%) was a similar pre-pandemic average (8%). Overall, 85% of all new misdemeanor cases in 2021Q1 were granted pretrial release, compared to 78% before the pandemic.

For **felony cases**, trends appear to have stabilized earlier than for misdemeanor cases, such that the proportion of cases released on citations, OR, or bail/bond remained roughly flat through the second half of 2021 and the trend continued in the first quarter of 2021. During the first three months of 2021, the proportion of felony cases released on a citation remained significantly higher (14%) than the pre-pandemic average (1.4%). Similarly, the proportion of new felony cases granted OR release in the first quarter of 2021 was higher (12%) than its historical average (5%). In contrast, the proportion of felony cases released on bail/bond was slightly lower during the first three months of 2021 (19%) than the historical average (21%). Overall, 67% of new felony cases during the first three months of 2021 were granted pretrial release, which was significantly higher than the historical average of 49%.

Figure VII-2 Monthly Percentage of New Cases with Pretrial Release, by Type of Release, 2019Q2 – 2021Q1
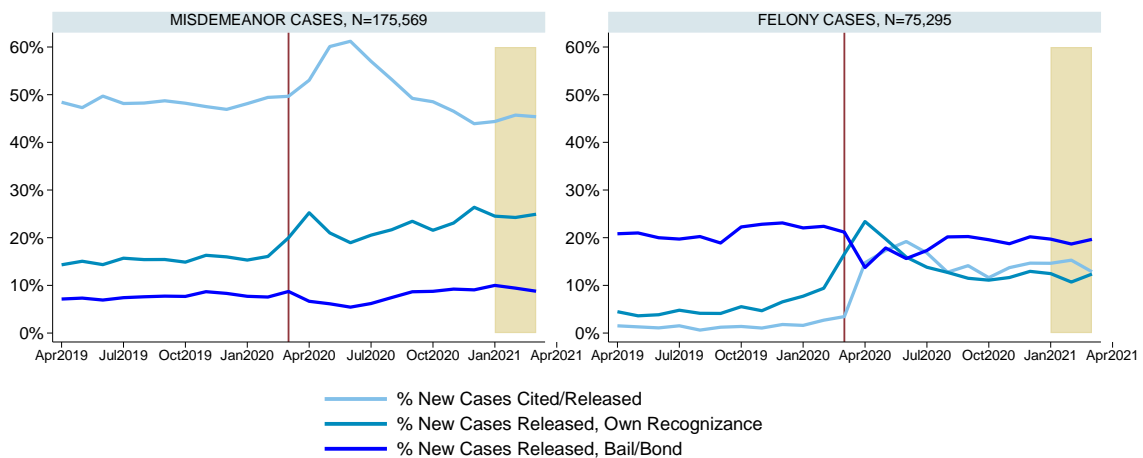
NOTE: For clarity, figure does not include other types of pretrial release

Outcomes for Pretrial Releases

The figure below shows monthly rates of FTA for open cases. For example, out of all **misdemeanor** cases that had been released on **bail/bond** on or before April 2019 and that remained open during April 2019, 3.1% had at least one FTA during April 2019. For **felony** cases with **bail/bond** release, the FTA rate during the same month was 3.4%.

In the previous report we discussed extensively the dramatic changes in FTA rates that occurred shortly after onset of the pandemic. Here we focus on trends towards the end of 2020 and early 2021. As we noted before, in the last few months of 2020, FTA rates for **misdemeanor cases** appeared to be declining for all types of pretrial release. Although this downward trend in FTA rates stopped during the first quarter of 2021, FTA rates for misdemeanor cases remained well below their historical averages for cite-releases (2% vs 7%), OR releases (2% vs 5%), and bail/bond releases (2% vs 3%).

For **felony cases,** after a notable increase in FTA rates in the middle of 2020, there was a similarly fast decrease towards the end of the year. As in the graphs above, these downward trends seem to have ended during the first quarter of 2021. FTA rates stabilized at levels somewhat higher than the historical average for cite-releases (5% vs 3%), similar to the historical average for OR releases (4% vs 4%), and lower than the pre-pandemic average for bail/bond releases (2% vs 3%).

Figure VII-3 Monthly Percent of Active Released Cases with a Failure to Appear in Court, by Type of Pretrial Release, 2019Q2 – 2021Q1
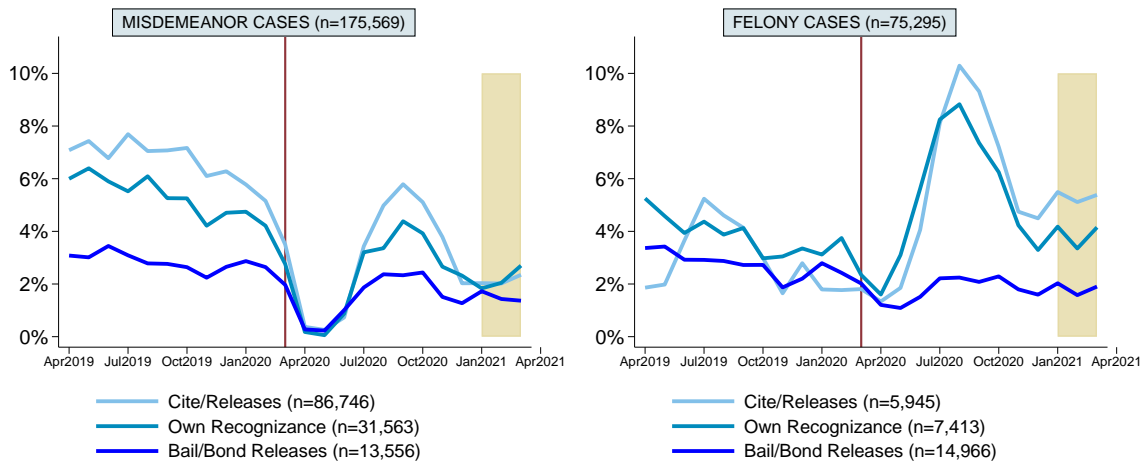
NOTE: *For clarity, figure does not include other types of pretrial release*

The figure below shows monthly rates of rearrests for new offenses committed during the pretrial period for open cases that had been granted pretrial release. For **misdemeanor cases**, we see that the flat trend in rearrest rates continued through the first three months of 2021. Average monthly rates of rearrest for misdemeanor cases during 2021Q1 remained below their historical averages for cite-releases (2% vs 4%), OR releases (2% vs 3%), and bail/bond releases (1% vs 2%).

For **felony cases**, rearrest rates showed a similar pattern to what we saw above for FTA rates, with a fast decrease in the second half of 2020 that stabilized in 2021Q1. For all types of pretrial release, average monthly rates of rearrest for felony cases during the first three months of 2021 were similar to their historical average: 4% for cite-releases, 3% for OR releases, and 3% for bail/bond releases.

Data Collection to Support Pretrial Reform, Quarterly Update 2018Q2 – 2021Q1

Figure VII-4 Monthly Percent of Active Released Cases with a Rearrest for a New Offense, by Type of Pretrial Release, 2019Q2 –2021Q1

MISDEMEANOR CASES (n=175,569)

- Cite/Releases (n=86,746)
- Own Recognizance (n=31,563)
- Bail/Bond Releases (n=13,556)

FELONY CASES (n=75,295)

- Cite/Releases (n=5,945)
- Own Recognizance (n=7,413)
- Bail/Bond Releases (n=14,966)
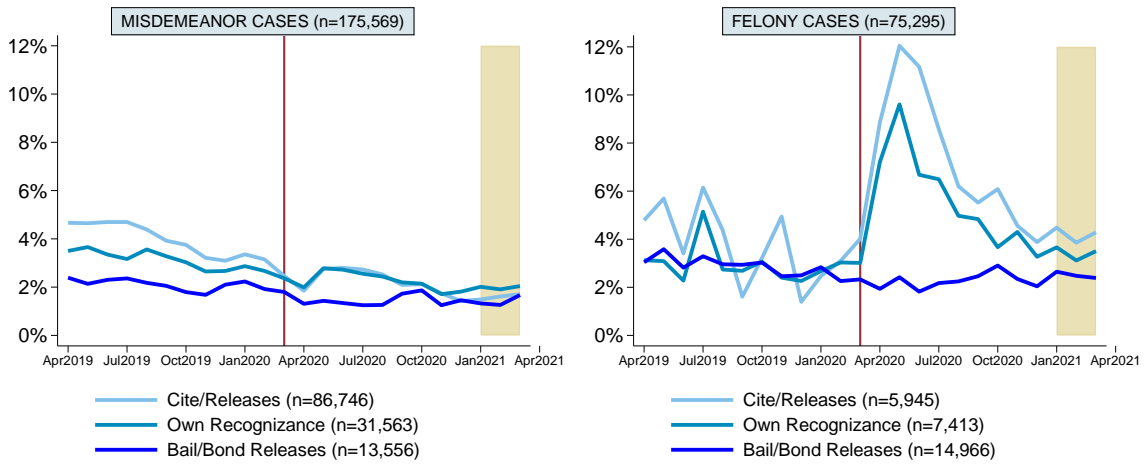
NOTE: *For clarity, figure does not include other types of pretrial release*

Glossary and Acronyms

Automated Justice Information System (AJIS): The Sheriff's jail information management system, which captures, among other information, data on bookings into County jail.

The Bail Project (TBP): A national nonprofit organization that provides free bail assistance and community-based pretrial services to low-income people who are incarcerated during the pretrial process, more specifically those who judges have already deemed eligible to be released on bail but cannot afford it.

Booking: The process whereby a person is taken into custody and "booked" or "processed." During the booking process, an officer typically takes the individual's personal information, photo, fingerprints, records information about the alleged crime, performs a criminal background check, and places the suspect in formal detention (for example, in a holding cell).

Consolidated Criminal History Reporting System (CCHRS): A data repository managed by the Information Systems Advisory Board (ISAB) that gathers criminal history information from various source systems for the use of local judges, prosecutors, and law enforcement agencies in the County. TCIS and AJIS data in the InfoHub is extracted from CCHRS.

Chief Executive Office (CEO): The County department responsible for managing the strategic direction and day-to-day operations of County government.

Charges Filed: After a person is cited/released or booked into custody, prosecutors decide whether to file charges, which effectively creates the criminal case against the defendant.

Chronically Homeless: Per the U.S. Department of Housing and Urban Development (HUD), a homeless individual with a disability who lives either in a place not meant for human habitation, a safe haven, or in an emergency shelter, or in an institutional care facility if the individual has been living in the facility for fewer than 90 days and had been living in a place not meant for human habitation, a safe haven, or in an emergency shelter immediately before entering the institutional care facility. The individual also must have been living as described above continuously for at least 12 months, or on at least four separate occasions in the last 3 years, where the combined occasions total a length of time of at least 12 months. Each period separating the occasions must include at least 7 nights of living in a situation other than a place not meant for human habitation, in an emergency shelter, or in a safe haven.

Cite/Release: A situation in which an officer releases the arrested individual after he or she signs a citation promising to appear in court.

Comprehensive Health Accompaniment and Management Platform (CHAMP): The case management information system used by the ODR to assist client engagement, and coordinate service delivery.

Criminal Court Assessment Tool (CCAT): A tool developed by the Center for Court Innovation (CCI), a nonprofit focused on justice reform. The CCAT produces a re-offending risk score and is also designed to identify criminogenic and clinical needs. Individuals released through the CCAT can be released on their OR or on supervised release, under the supervision of the Probation Department.

Criminogenic Needs: Risk factors associated with criminal conduct. That is, problems or issues of an individual that relate to their likelihood of committing another crime.

Department of Mental Health (DMH): The largest County-operated mental health department in the United States. DMH provides mental health services directly and through contracted providers.

Department of State Hospitals (DSH) Diversion: Diversion program managed by ODR and funded by the Department of State Hospitals. It supports the diversion of clients with serious mental illnesses who have the potential to be deemed incompetent to stand trial on felony charges. ODR provides supportive housing, intensive case management, and clinical services to participants, while the Probation Department provides pretrial supervision.

Detention Throughout the Pretrial Period: Cases in which the person remains in custody from the initial booking date until the case concludes with a conviction, acquittal, or dismissal.

Failure to Appear in Court (FTA): Cases in which a person who was released pretrial (including cite/releases) fails to appear at a required court date.

Felony Incompetent to Stand Trial, Community-Based Restoration (FIST-CBR): ODR program that diverts individuals facing felony charges who are found incompetent to stand trial into community-based settings to be restored to competency. Its community-based settings are tailored to meet the program's clients' needs and clinical acuity, and program placements range from acute inpatient to open residential settings.

Felony Offense: In California, a crime that carries a maximum sentence of more than a year in custody—either County jail or State prison. Alternatively, a judge may sentence a felony offender to formal probation. Felony offenses are more serious than misdemeanor offenses.

Homeless Management Information System (HMIS): A system managed by the Los Angeles Homeless Services Authority (LAHSA) to collect client-level data on the provision of housing and services funded by the U.S. HUD to individuals and families who have experienced homelessness.

Information Hub (InfoHub): A data warehouse managed by OCIO. Two of its key components are the Countywide Master Data Management system (CWMDM) and the service data store. CWMDM creates unique enterprise identifiers (EIDs) for clients of participating departments. The service data store receives data on services provided to those clients (e.g., mental health treatment, homeless services, etc.) and their justice system involvement (e.g., bookings, community supervision, sentencing), which can be linked across systems using EIDs.

Information Systems Advisory Board (ISAB): A multi-agency, multi-jurisdictional policy sub-committee of the Countywide Criminal Justice Coordinating Committee, established in 1982 to oversee the coordination, planning, and development of major justice information systems. ISAB manages CCHRS, the data repository from where booking and Court data is extracted and submitted to the InfoHub.

Integrated Behavioral Health Information System (IBHIS): The information system that captures data on mental health services provided directly by DMH and its contracted providers.

Maternal Health: ODR program that prioritizes the diversion of pregnant women from jails to the community and provides supportive services and housing. Most women who are clients of this program reside in specialized interim housing settings that allow them to remain with their children until they can move into permanent supportive housing.

Misdemeanor Incompetent to Stand Trial, Community-Based Restoration (MIST-CBR): ODR program that diverts individuals facing misdemeanor charges who are found incompetent to stand trial into community-based settings to be restored to competency. The

community-based settings are tailored to meet the program's clients' needs and clinical acuity, and program placements range from acute inpatient to open residential settings.

Misdemeanor Offense: In California, a crime for which the maximum sentence is no more than one year in County jail. A misdemeanor is more serious than an infraction but less serious than a felony.

Office of the Chief Information Officer (OCIO): A subdivision of CEO that provides strategic leadership, and partners with County departments in areas related to technology, information security, and data analytics.

Office of Diversion and Reentry (ODR): Created by the Board in September 2015, this office's mission is to develop and implement Countywide criminal justice diversion for persons with mental and/or substance use disorders, to provide reentry support services based on individuals' needs, and to reduce youth involvement in the justice system.

ODR Housing: ODR program that provides permanent supportive housing (PSH) to individuals who are homeless, have a serious mental health disorder, and are incarcerated in County jail. The program is offered to pretrial defendants to try to resolve alleged criminal offenses early and divert defendants into housing with a grant of probation. ODR Housing clients are assigned an intensive case management services provider, who works with them as they transition from custody to the community. Because program participants agree to plead guilty before being released from jail, most ODR Housing enrollments occur after the pretrial period has ended. However, ODR has enrolled individuals who were released during the pretrial period in ODR Housing.

Pretrial Detention Length: For individuals released pretrial, the number of days between the start of the pretrial period and the date the individual was first released pretrial. For individuals detained throughout the pretrial period, the number of days between the start and the end of the pretrial period. For those not released pretrial but that the case was ongoing by the time we extracted the data, the number of days between the start of the pretrial period and the date we extracted the data.

Pretrial End Date: The date when a criminal case ends due to a conviction, acquittal, or dismissal of charges.

Pretrial Length: The length of time between the start and the end of the pretrial period.

Pretrial Period: For the purposes of this report, the *pretrial period* of a criminal justice case begins on the date of the first booking or citation associated to the case, and it ends when *any* of the following occurs: the charges are dismissed, the defendant is acquitted, or the defendant is found guilty and convicted.

Pretrial Release: When a defendant is released from custody on or after the date they were initially arrested and before the case concludes with a conviction, acquittal, or dismissal.

Pretrial Risk Evaluation Program (PREP): A pilot program in the County whose objectives are to increase the number of inmates who can be safely released before trial and use the least restrictive monitoring practices possible to ensure their return for court appearances. It is a collaboration between the Los Angeles Superior Court, Probation, Sheriff, DA, Public Defender, Alternate Public Defender, and the Los Angeles City Attorney, and relies on a two-step assessment process that involves the PSA and CCAT.

Pretrial Start Date: For the purposes of this report, the date of the first booking or citation associated with a criminal case.

Project 180: An organization that provides diversion and reentry programs, as well as supportive services, to individuals who are involved in the criminal justice system. Voluntary referrals to

Project 180 are made for individuals who have service needs and are released *post-arraignment* through PREP on supervised release, after review of their CCAT assessment.

Public Safety Assessment (PSA): A risk assessment tool developed by the Laura and John Arnold Foundation to inform pretrial judicial decisions. The PSA applies algorithms to administrative data to produce risk scores that predict the likelihood that the individual will fail to appear in court or commit a new crime after being released. All individuals who are booked by a County law enforcement agency are assessed shortly after booking. Individuals released through the PSA are released on their OR with minimal monitoring.

Rearrest for a New Offense: When a person who has been involved in the justice system and is in the community (that is, they were cited/released, released pretrial, released post-adjudication, or are under supervision) is arrested again for a new offense allegedly committed during the pretrial period.

Release from Jail Post-Adjudication: When an individual is released from jail after having been convicted for one or more charges. These releases include individuals who served their custodial sentence, early releases, and parole releases.

Severe Mental Illness (SMI): Having been diagnosed with any of the following mental disorders: schizophrenia, schizoaffective disorder, psychotic disorders, major depressive disorders, bipolar disorders, and borderline personality disorder.

Supervised Release Program: A supportive services program managed by Project 180 that provides supportive services to individuals released under supervised release through the PREP pilot's CCAT assessment.

Trial Court Information System (TCIS): The system used by the Los Angeles Superior Court (and all other Superior Courts in California) to manage and process the County's criminal cases from inception to disposition.

Technical Appendix

The InfoHub

The InfoHub is a platform managed by OCIO, designed to link person identities between County systems, share information with and between those systems, and support the coordination of care and services, as well as data-driven decision-making.

The InfoHub consists of three core components:

- Countywide Master Data Management (CWMDM): Resolves and links identities across participating (source) systems;

- Data Integration Services: Enables the secure exchange of data; and

- Data Hosting: Stores data on service utilization and other types of encounters (assessments, arrests, supervision episodes, etc.).

The CWMDM and Data Hosting components receive data from participating departments on a regular frequency (weekly in some cases, monthly in others). Thus, the InfoHub keeps a historical record of County clients and the services they received, which can be used for performance measurement, evaluation, and research.

Data Sharing and Security

County Counsel, with support from an external law firm, conducted a comprehensive legal analysis of Federal, State, and local regulations around data for adults in the justice, health, and social service sectors. Following the completion of this legal analysis, the CEO executed data sharing agreements (DSAs) with every agency that now contributes data to the InfoHub. Each of these DSAs—which were reviewed by County Counsel to ensure consistency with the findings from their legal analysis—outlines allowable uses for the data, identifies authorized users, and describes measures to be taken by CEO to protect confidentiality and privacy.

Data Used for this Report

To create this report, we used data from the agencies and source systems listed in the table below. Specific fields within each source system, and how they were used, are described in the rest of this Technical Appendix.

Table A-0-1. Source Agency, System, and Type of Information for Data Used in This Report

Agency	Systems	Type of Information
Sheriff	AJIS (through CCHRS)	- Booking number - Court case number - Defendant number - Booking date - Release date - Release reason - Charge level

Agency	Systems	Type of Information
Los Angeles Superior Court	TCIS (through CCHRS)	• Case number • Case filing date • Booking number • Charge level (felony, misdemeanor) • Disposition • Disposition date • Warrant type • Warrant issue date • Warrant recall date

Probation	ORMS PSCRP	• PREP PSA releases
		  o Booking number
		  o Release date
		• PREP CCAT assessments
		  o Court case number
		  o Risk category
		  o Release decision
		  o Release date
		  o Needs (education, employment, housing, substance abuse, mental health, trauma)

Project 180	N/A	• For PREP CCAT supervised releases who engage in the Supervised Release Program:
		  o Court case number
		  o Intake completion date
		  o Needs (education, employment, housing, alcohol treatment, drug treatment, mental health, trauma)

The Bail Project	N/A	• Court case number • Date bail was paid
Office of Diversion and Reentry	CHAMP	• Booking number • Program name • Enrollment date
DMH	IBHIS IS	• Diagnosis codes
LAHSA	HMIS	• Chronically homeless flag
Various others	Others	• Sex • Race/ethnicity • Birth date

Unit of Analysis

The unit of analysis throughout this report is a criminal justice case. Therefore, if an individual had multiple cases over the analysis period, that person was counted as many times as they had cases. On the other hand, if there were multiple pretrial releases or failures to appear in court associated to a single case, only the first of them was counted.

One of the reasons why we have used the Court case number as the unit of analysis is because an individual can have multiple cases that begin and end in different times. To conduct time-based analysis, such as trends over time, we need to clearly establish when events begin and end, and that is hard to do if we choose to do the analyses at the person level. Moreover, certain subpopulations are more heavily impacted by the justice system and conducting analysis at the case level would better reflect this disproportionate impact, as these individuals are more likely to have multiple cases. In addition, we did not want to arbitrarily pick and choose from multiple outcomes when an individual had multiple cases. For certain metrics, such as FTA rates where an FTA can touch multiple cases, this may result in a higher rate.

That said, using case as the unit of analysis comes with certain cautions. Most importantly, if there are multiple court appearances within a case and the person fails to appear in only one of them, we will consider that a 100% FTA rate for the case, whereas analyses that use the court appearance as the unit of analysis will find a lower FTA rate. Similarly, if individuals who have multiple cases are also more likely to fail to appear in court or be rearrested, FTA and rearrest rates will be higher than in analyses done at the individual level, as one FTA or rearrest for those individuals will be counted for each of their cases.

Pretrial Concepts and Metrics

Pretrial Population

For the purposes of this report, the pretrial population includes every individual with a criminal case tried in the County. The sample used in the report includes all cases that met the following criteria:

1. The pretrial period for the case started between April 2018 and March 2021;
2. The first booking or citation associated to the case included at least one charge for a new offense. For example, we exclude bookings where defendants were being held to be transferred to other jurisdictions, on probation or parole holds, for flash incarcerations, or for post-sentence arrest warrants; and
3. We were able to connect the data for the first booking or citation to the corresponding data for the court case.[15]

Pretrial Period

The following key terms are important to understand the estimation of pretrial period:

- **Pretrial Start Date:** The date of the first booking found in the AJIS system tied to an Enterprise ID number and court case number combination;
- **Pretrial End Date:** The first disposition date in TCIS for the case in which the disposition codes indicate either a conviction, acquittal, or dismissal; and
- **Pretrial Length**: The number of days between the pretrial start date and pretrial end date.

Pretrial Release Status

We categorized pretrial cases into three groups, according to whether they were detained or released during the pretrial period:

- Defendants released pretrial, either on the field (cites/releases) or after booking;[16]
- Defendants were detained in custody throughout the duration of the pretrial period, and the pretrial period has ended; and
- Defendants who were detained in custody and the pretrial period has not ended.

Detention Throughout the Pretrial Period

In general, this includes cases in which the person was continuously in custody from the start and through the end of the pretrial period (that is, they did not have a release in AJIS before the end of the pretrial period). We also included in this category cases in which the pretrial period had not

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[15] We need to connect booking and court data because: 1) we use the date of the first booking or citation for the case to determine the start of the pretrial period; and 2) we use data from the Superior Court to determine the end of the pretrial period (date charges were dismissed, or the defendant was acquitted or convicted). In addition, because we do not have data from the DA or city prosecutors, we can only know if charges were filed for a case if we find the corresponding Court case.

[16] In some cases, the release reason was coded as a transfer to another jurisdiction, but the booking was for a person released to an ODR diversion program. We categorized these cases as pretrial releases.

ended by the time we conducted the analyses and the person had been in custody since the start of the pretrial period.

Pretrial Releases

For every case in our data, we determine that the person was released during the pretrial period if they had a release in AJIS with a release date on or after the start of the pretrial period, and before the end of the pretrial period for the case. We include releases for any reason during the pretrial period for the case, except for transfers to other jurisdictions. When the release reason was inconsistent with a pretrial release, the case was categorized accordingly (see *pretrial release type)*.

Pretrial Release Type

We used release reason codes in AJIS to classify pretrial releases into four different types:

- **Cite/release:** AJIS release code CITE.
- **Release on own recognizance (OR):** AJIS release codes OR, OREM.
- **Bail and Bond Releases:** AJIS release codes BAIL, BOND.
- **Other:** All other release codes used for a release during the pretrial period (except for transfers to other jurisdictions, which we do not consider to be pretrial releases).

Pretrial Detention Length

Detention length was calculated as follows:

- For those who were detained throughout the pretrial period, the number of days between the pretrial start date and the pretrial end date;
- For those who remained detained at the end of the observation period, and have an ongoing case, the number of days between the pretrial start date and the end of the observation period; and
- For those who were released pretrial or transferred to another agency's custody, the number of days between the pretrial start date and the release date.

Booking for a New Offense

To determine that a booking was for a new offense, we discard charge codes that indicate a case was already adjudicated (for example, flash incarcerations, probation/parole holds, post-sentence warrants, etc.), failures to appear in court, and those that have an associated court case in which the filing date predates the first booking date for the case.

Failure to Appear in Court

For each case, we determine if there was an FTA using data from TCIS. More specifically, we count an FTA if a bench warrant was issued for the case <u>during its pretrial period</u>. We exclude warrants that were recalled ("quashed") on the same date they were issued. Because bench warrants can be issued in circumstances when the person was unable to appear (for example, if he or she was hospitalized), we are unable to determine if a person *willfully* failed to appear in court. Furthermore, it has come to our attention that in certain circumstances, a bench warrant may be issued by the judge to "maintain jurisdiction over the case," rather than due to an FTA; we are unable to identify bench warrants issued for this purpose.

Rearrest During the Pretrial Period

We determine that a person released pretrial was rearrested during the pretrial period using data from AJIS, more specifically, if they have a cite/release or booking after they were released pretrial and before the end of the pretrial period. Because we use AJIS data, we do not include cites/releases other than Sheriff's arrests outside the County, or arrests by State or Federal law enforcement agencies.

Pretrial Release Programs

For pretrial release program data, the following steps are taken to verify whether they were part of the pretrial population:

The Bail Project

We received data on cases for which TBP paid their bail between January 2019 and March 2021. The following steps resulted in fewer cases being included in our sample:

- We only included cases we could verify as having been released pretrial during the period covered in this report;
- Of the remaining cases, we dropped those with record mismatch against the pretrial population that we selected (this could be due to multiple reasons, such as court case numbers not being recorded correctly in booking records, booking numbers not being recorded correctly in court records, first booking for a case did not fall within the period covered in this report, case number or defendant number was entered incorrectly in TBP data, or in the case of multiple cases occurring per individual, TBP may have entered a single case number that did not correspond with the case number that is in the pretrial population); and
- Other cases were dropped because AJIS indicated that they were not released during the pretrial period.

PREP Pilot

- **Pre-Arraignment (PSA) Releases:**
  - We received data indicating bookings as having been granted pre-arraignment release through the PREP pilot during the period covered by this report;
  - We only included those we could verify 1as having been released pretrial during the period covered by this report; excluded records are likely to be for bookings for which prosecutors had not yet filed charges by the time we extracted the data.
- **Post-Arraignment (CCAT) Releases:**
  - We received data for court cases that were assessed through the CCAT during the period covered by this report, including favorable and unfavorable pretrial release decisions; and
  - Of those cases, we excluded those with record mismatches (most likely because the court case number or defendant number was entered incorrectly in CCAT data).

Supportive Services Programs

Office of Diversion and Reentry Programs

We received data from ODR for their DSH Diversion, MIST-CBR, FIST-CBR, Maternal Health, and Housing programs. The data included booking numbers and enrollment dates.

We excluded records for which the booking number was not found among our pretrial sample, which most likely meant that (1) the first booking for the case occurred outside the period covered by this report or (2) the booking number was entered incorrectly by ODR.

We also excluded records for which the enrollment date fell outside of the pretrial period for the case. This was most common for the ODR Housing and Maternal Health programs, which enroll most of their clients after case adjudication, but occasionally enroll clients during the pretrial period.

Project 180's Supervised Release Program:

We received cases recorded as having been referred to Project 180 after being released post-arraignment through the PREP program.

- We dropped those we could not verify as having been released pretrial during the period covered by this report;
- We also excluded cases due to record mismatch against the pretrial population that we have selected (this can be due to multiple reasons, such as court case numbers not being recorded correctly in booking records, booking numbers not being recorded correctly in court records, or case number or defendant number was entered incorrectly in Project 180 data). The matching was done via both the court case number and defendant ID against the pretrial population records; and
- We dropped cases that in our data appeared to have remained in custody throughout the pretrial period.

Demographic Characteristics

Sex, race/ethnicity, and age were determined using the relevant fields—when they were available— from all source systems that participate in the InfoHub.

Sex

We categorized individuals according to sex (male, female), which was available for 99.98% of individuals in the pretrial population. When we found conflicting values within or between source systems, we resolved them according to the rules below:

1. If there is only one value, use that value;
2. If there are two different values, and one of them is *Unknown* (decline to state, null, etc.), use the other value;
3. If there are two or more different values that are not *Unknown*, use the most recent value; and
4. If the only value is *Unknown,* keep as is.

Date of Birth

Date of birth was available for 100% of the pretrial population. When we found conflicting values within or between source systems, we resolved them according to the rules below:

1. If there is only one value, use that value;
2. If there are two different values, and one of them is *Unknown* (decline to state, null, etc.), use the other value;
3. If there are two or more different values that are not *Unknown*, use the most recent value; and
4. If the only value is *Unknown,* keep as is.

Race/Ethnicity

Race/ethnicity was available for 97.9% of individuals in the pretrial population (Conflicting Values, Unknown, or Declined to State). A few systems captured detailed information on race/ethnicity, which we collapsed into more commonly used categories (for example, we categorized Japanese individuals as *Asian* and Salvadoran individuals as *Hispanic/Latino*).

We used the rules below to resolve conflicts within and between all source systems. These rules seek to replicate reporting criteria used by the U.S. Census Bureau, which treats Hispanic ethnicity as separate from race, and thus any person who identifies as a Hispanic individual is reported to be Hispanic, regardless of any additional racial identification.

1. If there is only one value, use that value;
2. If there are two different values, and one value is *Unknown* (decline to state, null, etc.), use the other value;
3. If there are two or more different values, and one is *Two or More Races*, use *Two or More Races;*
4. If there are two or more different values, and one is *Hispanic/Latino*, use *Hispanic/Latino;*

5. If there are two or more different values, neither of which is *Hispanic/Latino*, and the values came from the same agency/department, use *Two or More Races*;
6. If there are two or more different values, neither of which is *Hispanic/Latino*, and the values did not come from the same agency/department, use *Conflicting Values*; and
7. If the only value is *Unknown*, keep as is.

After applying the rules above, we collapsed the following groups, which had relatively few individuals in them, into the "other" race/ethnicity category: *Native American/Alaska Native, Native Hawaiian/Pacific Islander, Other, or Two or More Races*.[17] In addition, we collapsed the following groups into the "unknown" race/ethnicity category: *Conflicting Values, Unknown, or Declined to State*.[18]

Determination of Vulnerable Status

For the purposes of this report, we use the term *vulnerable populations* to refer to individuals who have been diagnosed with SMI and those who have experienced homelessness or chronic homelessness. This is not meant to imply that these are the only—or the most—vulnerable populations in the justice system, but rather reflects groups that are often the focus of justice reform efforts and for which data is available in the InfoHub.

Diagnosed with SMI

An individual was identified as having been diagnosed with SMI if their diagnoses in IBHIS included any of the codes listed in the table below.[19] All codes in the table correspond to the *International Classification of Diseases, version 10*, commonly known as *ICD-10.* When diagnoses codes used the previous ICD version (ICD-9), we used a crosswalk table provided by DMH staff to convert them to ICD-10.

Data in the InfoHub does not allow us to determine the date of the diagnosis.

Table A-0-2. ICD-10 Codes Used to Determine SMI Diagnoses

Diagnosis Description	ICD-10 Codes
Schizophrenia	F20.0, F20.1, F20.2, F20.3, F20.5, F20.81, F20.89, F20.9
Schizoaffective Disorders	F21, F22, F23, F24, F25.0, F25.1, F25.8, F25.9
Psychotic Disorders	F28, F29, F30.10, F30.12, F30.13, F30.2, F30.8, F30.9
Major Depressive Disorders	F32.1, F32.2, F32.3, F32.81, F32.89, F32.9, F33.1, F33.2, F33.3, F33.8, F33.9, F34.0, F34.1, F34.81, F34.89, F34.9, F39
Bipolar Disorders	F31.0, F31.10, F31.12, F31.13, F31.2, F31.30, F31.32, F31.4, F31.5, F31.60, F31.62, F31.63, F31.64, F31.81, F31.89, F31.9
Borderline Personality Disorder	F60.3

History of Chronic Homelessness

From the systems that contribute data to the InfoHub, chronic homelessness is only captured in LAHSA's HMIS, which uses the U.S. HUD definition of chronically homeless.

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[17] Only 2.1% of the pretrial population fell into one of these four categories.

[18] Only 2.1% of the pretrial population fell into one of these three categories.

[19] Substance Abuse and Mental Health Services Administration. (2016). *Behind the Term: Serious Mental Illness.* Available online at https://www.hsdl.org/?abstract&did=801613, last accessed April 16, 2021.