



DATA REPORT #2 – EIGHT WEEK REPORT

PRE-ARRAIGNMENT RELEASE PROTOCOLS

EXECUTIVE SUMMARY

Since October 1, the Court's Pre-Arrest Release Protocols (PARPs) have ensured that the decision to release arrestees charged with non-violent, non-serious criminal offenses¹ from jail prior to charging and conviction is no longer determined by a person's wealth. Instead, their release status is determined by an individualized determination of their risk to public or victim safety and their likelihood of returning to court. This is wholly consistent with the constitutional purpose of bail, which is to ensure an arrestee appears for all court appearances and to reduce the risk to public and victim safety.

By way of background, traditional bail amounts are determined, somewhat arbitrarily, by consideration of the crime allegedly committed resulting in arrest. The PARPs, however, allow judges to also consider the person's criminal history, previous failures to appear, and their individualized risk in determining whether release is appropriate for low-level, non-serious crimes. As a result of statutory restrictions, the traditional money bail system, which does not consider an individual's risk to public and victim safety or likelihood of returning to court, continues to apply to serious and violent felonies such as murder, rape, robbery and drug trafficking. In other words, because of statutory mandates, a person arrested for a serious and violent offense can continue to buy their way to freedom if they have access to money.

The Court is committed to providing data relating to this significant policy change. To that end, the Court issued a [Preliminary Report](#) on October 30 which examined the first three weeks of Los Angeles County booking data. This report, PARP Report #2, provides updated data encompassing eight weeks following implementation of the PARPs.

For the most part, the trends evident during the first three weeks of the PARPs remained the same. The conclusion is clear – the new pre-arrest release protocol for non-serious, non-violent crimes reflects that the majority of arrestees who are booked and assessed by a magistrate judge as being high-risk are temporarily held until arraignment and most arrestees assessed as low-risk are being released. There is much public clamor regarding rearrests. It is entirely without merit. The data does not support this misinformation. Rearrests for those booked during the sample period remain low. Less than 5% of those booked since implementation of the PARPs were rearrested. Notably, half of those rearrested were arrested for serious and violent crimes and, as a result, were eligible for release on money bail. To put a finer point on this important issue, those who were arrested for serious and violent crimes were not eligible for release pursuant to the PARPs. Rather, they were eligible to be released on money bail, posted money bail or otherwise released, and were then arrested again for new crimes. Because of their access to money, they were released and arrested again - not because of the PARPs.

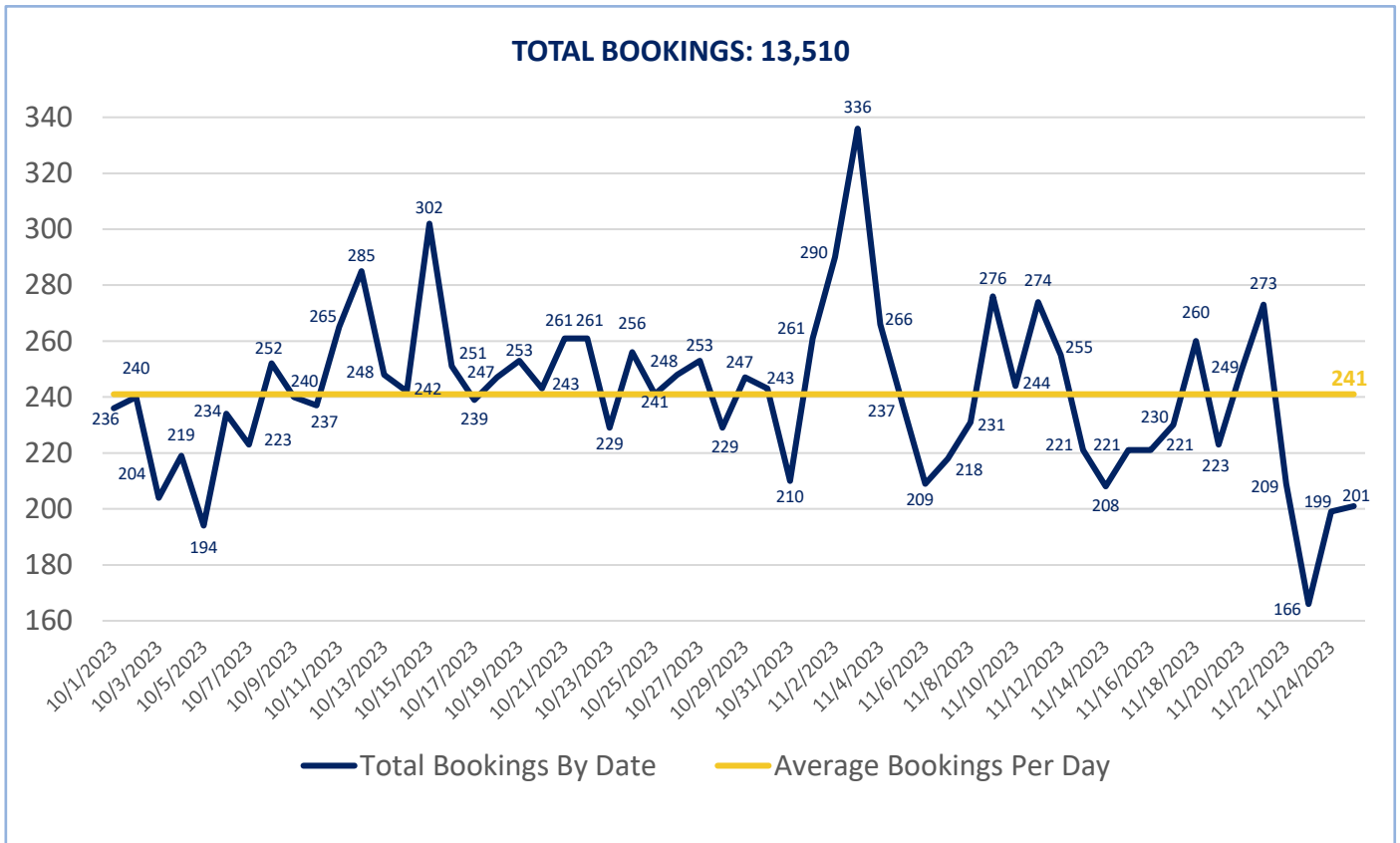
UPDATED DATA FROM THE FIRST EIGHT WEEKS OF THE NEW BAIL SCHEDULES

This updated report examines 13,510 bookings in Los Angeles County between midnight, October 1 and 11:59 p.m., November 25, 2023.

A *booking* occurs when, after an arrest, the law enforcement officer fingerprints the individual. Please note that an individual may be booked more than once. The information in this report counts bookings, rather than individuals, unless otherwise noted. This sample does not include bookings of individuals who were cited and released in the field by law enforcement after law enforcement exercised their discretion to release the person or those arrested on an arrest warrant (they are subject to money bail). It does include bookings of individuals arrested for offenses designated in the bail schedules as CR who were, nonetheless, booked. Please note that pursuant to applicable law, law enforcement retains discretion to book individuals into jail regardless of the designation in the bail schedule.

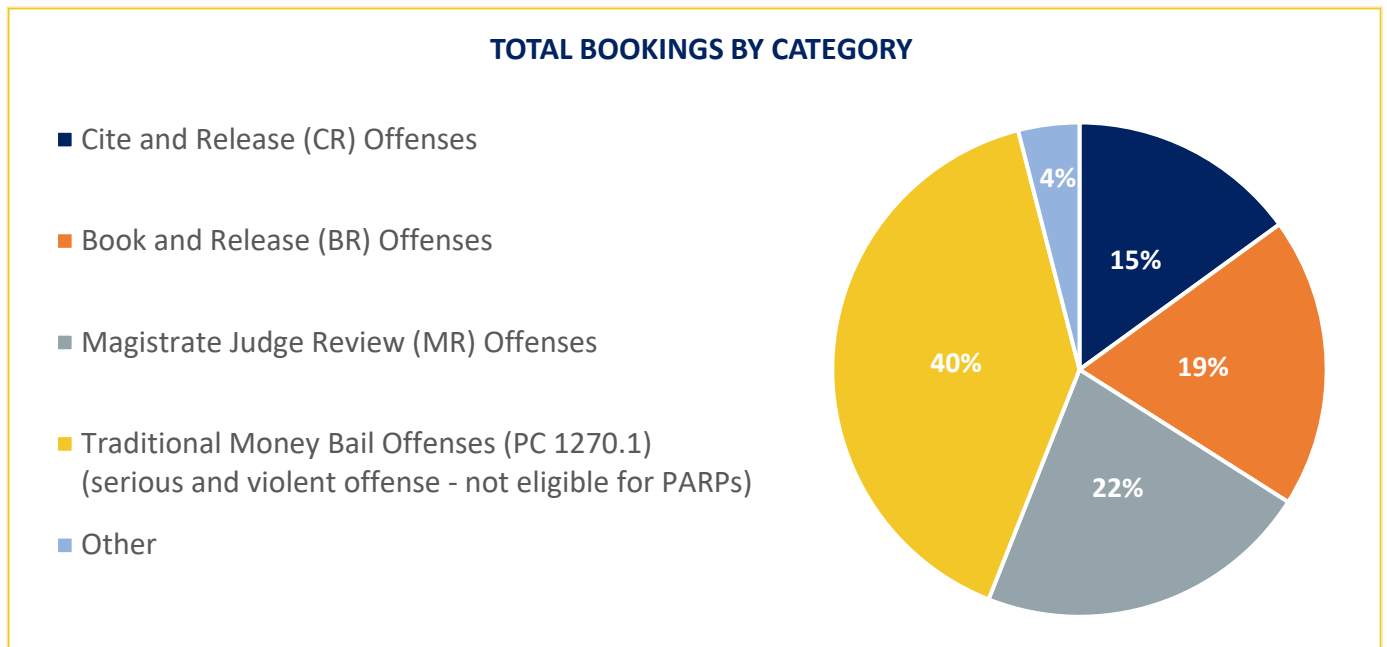
¹ The California Legislature determines which offenses are designated as serious and violent offenses. See Penal Code, sec. 1270.1.

BOOKINGS BY DATE



Individuals who were booked into jail fell into five main categories: CR, BR, MR, traditional money bail, and Other ². The majority of the bookings were for crimes that are not eligible for review under the PARPs, meaning serious and violent crimes.

TOTAL BOOKINGS BY CATEGORY ³



² Bookings categorized as "Other" include bookings on charges that are not listed in the bail schedules. For a misdemeanor arrest charge, they are deemed CR. For a felony arrest charge, they are deemed BR.

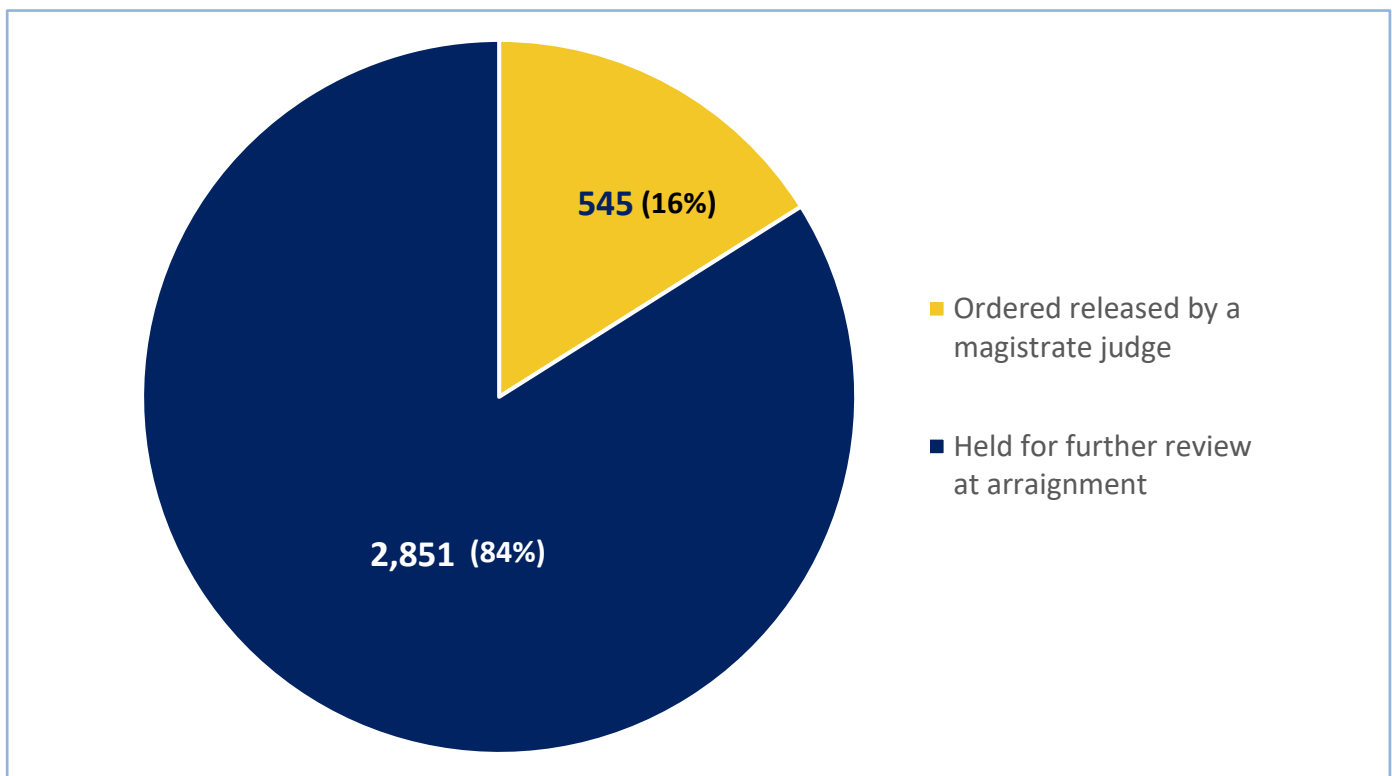
³ It is important to note that whether a person who is arrested is booked is the responsibility of law enforcement officers to decide. The data here includes only those persons who law enforcement elected to book after arrest.

BAIL DEVIATION

The PARPs provide law enforcement with the ability to request that a judge review a person arrested for any offense designated in the bail schedules as CR or BR through a process known as bail deviation. When the request is made, a magistrate judge conducts an individualized review of the arrestee's risk and determines the appropriate release status, if any, based on the risk assessment. During the sample period, law enforcement requested enhanced review 477 times, or 3.5% of the time. With regard to the other 96.5% of bookings, law enforcement did not request enhanced review or the offenses were serious and violent and, therefore, money bail was required to be applied rather than consideration of release pursuant to the PARPs.

OUTCOMES BY RELEASE CATEGORY ⁴

During the first eight weeks after the implementation of PARP, magistrate judges reviewed 3,396 bookings and assessed the risk of each arrestee for the purpose of determining the appropriate release conditions for that individual. Of those reviewed, magistrate judges ordered 84% temporarily held until arraignment because, based on their risk, there were no conditions available to the magistrate judge that would reasonably ensure the safety of the victim or public or the appearance of the arrestee at arraignment.



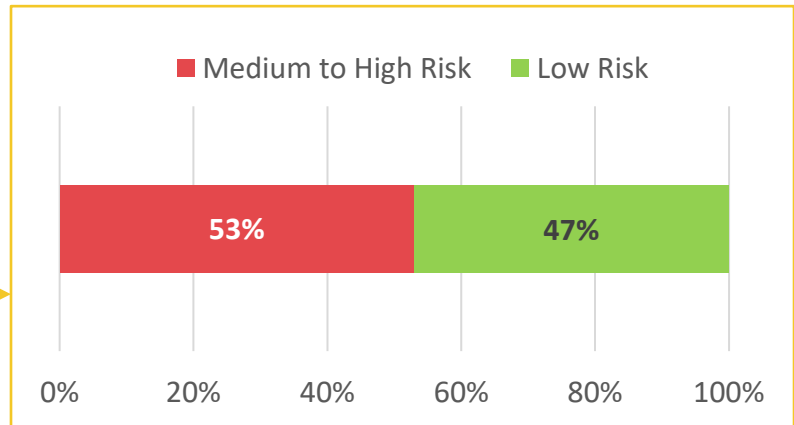
⁴ Note that this data set does not capture the actual custody status of individuals. Individuals eligible for traditional money bail may or may not have obtained the funds to secure their release, and individuals ordered temporarily held until arraignment by the magistrate judge may have been released by law enforcement prior to arraignment. Some individuals may be released or held lawfully for other reasons.

OUTCOMES BY RISK

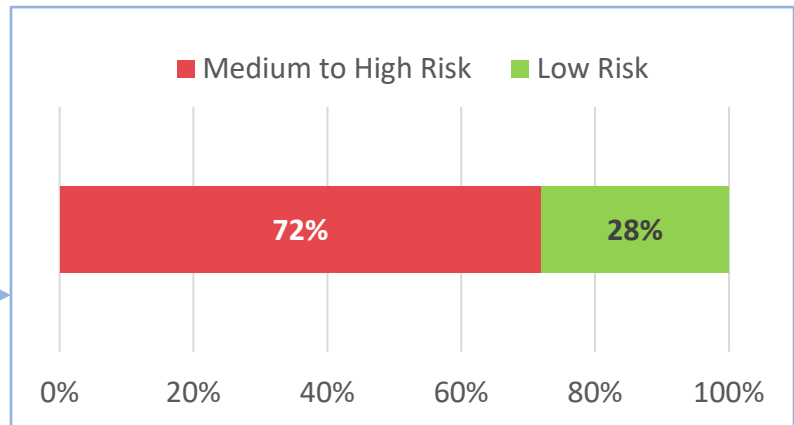
Data continues to show that medium-to-high risk individuals are being temporarily held prior to arraignment, while low-risk individuals are typically being released.

Risk of Reoffending During Release ⁵

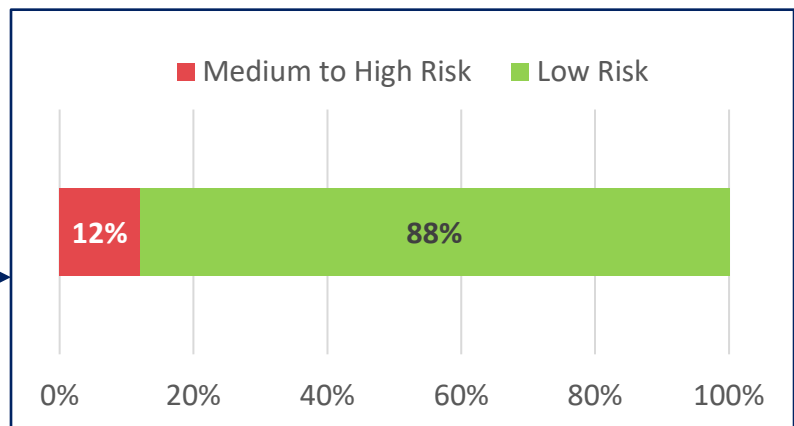
53% of those eligible for **traditional money bail** were medium-to-high risk while 47% were low risk.



72% of those **held** were medium-to-high risk while 28% were low risk.



12% of those ordered **released by a magistrate judge** were medium-to-high risk while 88% were low risk.



⁵ Risk of reoffending is calculated on the basis of an individual's previous criminal history using a scientifically validated risk assessment tool: the Public Safety Assessment (PSA). Information on the PSA can be found here: <https://advancingpretrial.org/psa/about/>. A validation of the PSA in California can be found here: <https://www.courts.ca.gov/sb36.htm>

REARRESTS

One of the key measures to examine in order to determine the effectiveness of a pretrial release system is whether individuals who have been released pending resolution of their case are rearrested. Since the implementation of PARP, the data continues to confirm that the PARPs increase public safety compared to the traditional money bail system.

Notably, fewer than 5% of individuals who were booked under the PARPs were rearrested and booked again. Furthermore, nearly half of the 4.9% of individuals rebooked during this sample period were persons who had been released on traditional money bail, meaning they were arrested for a serious or violent offense and paid their way out of jail without being assessed by a magistrate. Significantly, only seven individuals assessed pursuant to the PARPs by a magistrate for individual risk and ordered released were rebooked during the period.

CONCLUSION

The new PARPs for non-serious, non-violent crimes continue to effectively balance the need for public and victim safety with the constitutional rights of the accused. In cases in which the PARPs apply, the majority of arrestees who were booked and assessed by a magistrate judge as being a risk to public or victim safety, or unlikely to show up for court, were temporarily held until arraignment. The majority of those assessed as low-risk were released prior to arraignment. Of continued concern are the 53% of individuals who were arrested for a serious or violent offense who, because of the law, remain eligible for money bail who were determined to be medium-to-high risk who could post bail and be released.

In contrast, in cases in which the PARPs apply, most arrestees who were booked and then determined to present low risk to the public or victim safety and likely to return to court were released. 88% of low-risk bookings were released after magistrate review.

The data continues to show very low rearrest rates for those eligible for the PARPs. During the sample period, 95.1% of arrestees booked into jail were not rearrested. Of those who were booked into jail, nearly half were released on traditional money bail (because they were arrested for serious or violent offenses), and were not persons who were eligible under the PARPs. In other words, those who were arrested for serious and violent crimes had access to money and were able to purchase their freedom. Only 2.6% of individuals released by a magistrate under the PARPs were rearrested during the sample period – meaning only seven people.

Of the 13,510 bookings documented in the first eight weeks, law enforcement requested enhanced review by a magistrate judge, who is available 24/7, 477 times or 3.5% of the time.

The conclusion is inescapable – the new PARPs for non-serious, non-violent offenses are effective in balancing public and victim safety with the constitutional rights of the accused. They keep communities safe because they enable judges to conduct an individualized determination of risk. High-risk arrestees are held and low-risk arrestees are released with conditions. The Court remains committed to working collaboratively with justice partners, including law enforcement, justice partners, municipalities, and elected officials to continue to improve the new system using data-informed decision-making tools and processes that are consistent with the constitutional principles that are the basis for our criminal justice system and the law.