



**Los Angeles County Jail  
Overcrowding Reduction Project**  
Final Report: Revised

Vera Institute of Justice  
September 2011

## Executive Summary

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

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

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

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

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

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

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

1. The County's jails are a resource: limited, useful, and expensive. While the CCJCC's Jail Overcrowding Subcommittee is charged with finding ways to reduce the population, there seems to be no overall agreement on the priorities for the use of the jail. Law enforcement wants a place to bring those who might be a danger to themselves or others; the Court wants to ensure that defendants are secure and can readily be brought to court when needed; prosecutors want to make sure defendants will not flee or intimidate witnesses; and probation officers want a place to put non-compliant probationers. While these are legitimate interests, they are not of equal merit in the use of a limited resource.
  - *Los Angeles County must find a way to create consensus among stakeholders on the most critical uses of the jail and find alternatives for the others.*
2. It is no one entity's fault that the jail is too crowded. The agencies that use it are independent, many led by elected officials, and each one is trying to fulfill its own mandate. Sometimes the interests and priorities of the agencies and their mandates seem to be competing, and often contradicting.
  - *The County must encourage and reward the efforts of the criminal justice system stakeholders to work cooperatively around the issue of jail use.*

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

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

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

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

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

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

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

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

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

## Chapter One: Study Plan and Methodological Approach

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

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

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

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

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

## Chapter Two: Pretrial Program and Bail

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

### Pretrial Findings

#### *1. Very low rates of pretrial release.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Pretrial Recommendations**

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>2</sup> Elias Tirado, telephone conversation, Los Angeles, February 15, 2011.

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

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

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

## **Bail Findings**

1. *Detention based on ability to pay.*

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

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

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

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

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

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

## **Bail Recommendations**

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

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

Vera recommends the following:

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

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

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

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

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

3. *Revise Los Angeles County Bail Schedule.*

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

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

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

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

5. *Review use of commercial bail.*

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

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<sup>[1]</sup> This number includes non-felony defendants who were in custody or released at the time of disposition.

<sup>5</sup> J. Goldkamp, “Illegal Globally, Bail for Profit Remains in the U.S.,” *The New York Times*, January 29, 2008.

<sup>6</sup> S. Weinstein, et al., 2011.

<sup>7</sup> ABA Standard 10-1.4(f) commentary, pp. 44-47.

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

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

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

## Chapter Three: Case Processing

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

### Case Processing Findings

1. *Speed of case processing.*

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

2. *Causes of case processing delays.*

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

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

**b. Continuances.**

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

**c. Delays for required probation reports.**

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

**d. Problems with inmate court appearances.**

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

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

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

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<sup>8</sup> Penal Code § 1203.

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

**f. No reminders for court appearances.**

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

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

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

**h. Exchange of information between the Court and jail.**

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

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

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

**j. Custody for traffic cases.**

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



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

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

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

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

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

## **Case Processing Recommendations**

*1. Adopt a formal case packaging policy.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Chapter Four: Mental Health

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

### Mental Health Findings

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

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

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

2. *Length of stay in custody (LOS)<sup>12</sup> was longer for DMH service users.<sup>13</sup>*

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

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

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

<sup>12</sup> "Length of stay" throughout the report refers to physical custody, excluding time spent in community-based alternatives to custody.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Mental Health Recommendations**

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

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

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

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<sup>15</sup> *In re Mille*, (2010) 182 Cal.App.4th 635.

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

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

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

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

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

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

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

- a. Utilize community-based companies for placement services.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

## Chapter Seven: Improvements to Data Systems

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

### Recommendations to Address Data Limitations

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

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<sup>17</sup> See Ch. 5, Attachment A, for Vera's Draft Probation Violation Data Collection Instrument.

# Implementation and Feasibility Analysis Summary

Key:

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

Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
	<i>Current Financial Resources Likely Sufficient</i>	<i>Level of Political Support</i>	<i>Supported by Current Policy/Legislation</i>	<i>Likely to Cause Significant Population Reduction</i>	<i>Likely to Have a Lasting Effect</i>	<i>Likely to Have a More Immediate Effect</i>

Pretrial Recommendations						
Create a multi-agency Pretrial Services Committee to serve as a liaison between the Pretrial Services Division and the other agencies of the system.	●	⊙	●	●	●	⊙
Develop and validate a new risks and needs assessment instrument with the active engagement and oversight of the multi-agency Pretrial Services Committee, comprised of representatives of all key stakeholders.	○	●	●	●	●	●
Create a system of graduated supervision based on the new risk and needs assessment using evidence-based practices and focusing resources on medium and high risk defendants.	○	●	●	●	●	●

## Implementation and Feasibility Analysis Summary

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Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
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Create a reminder system of phone calls, mail, email and/or texts for court appearances for all released defendants.	⊙	●	⊙	●	●	●
Develop an evaluation system for the new pretrial risk assessment and supervision program to measure failures to appear and new arrests.	○	●	●	●	●	●
Provide failure to appear and re-arrest rates to judicial officers on their own cases and on County releases overall, by type of release.	⊙	⊙	●	⊙	●	⊙
Expand the number of defendants reviewed for pretrial release by placing Pretrial Services staff in the jails or police lock-ups with the most traffic; reviewing misdemeanants; and conducting a study of what it would take to review all eligible defendants for pretrial release.	○	●	○	●	●	●

# Implementation and Feasibility Analysis Summary

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Create and maintain a database at PSD database with the results of all investigations by individual defendant.	⊙	●	●	⊙	●	○
Increase law enforcement capacity for field identification: expand County’s BlueCheck program to make identification technology available in all patrol cars so that law enforcement officers can cite and release more people in the field.	⊙	●	●	●	●	●
Create triage centers for patrol officers to bring people whose main offense is being drunk, disorderly, or demonstrating signs of mental illness to allow evaluation, time to sober up or detox, have family contacted, etc. without an immediate, and possibly unnecessary, booking into the jail.	○	●	○	●	●	○
Create pretrial release review committee to regularly review certain in-custody cases for release.	●	⊙	⊙	●	●	●

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Speed up prosecutorial review of arrests by enhancing technology and communications process.	⊙	●	●	●	●	●
Track and maintain data on bail and bond to determine impact on length of stay.	⊙	⊙	⊙	⊙	●	○
Eliminate Inmate Reception Center acceptance policies based on bail.	●	⊙	⊙	○	●	○
Revise Los Angeles County Bail Schedule. Track and provide FTA and re-arrest rates to judicial officers and prosecuting agencies.	⊙	○	○	●	●	●
Limit use of commercial bail.	●	⊙	⊙	⊙	●	○
Create multi-agency committee to review bail for low-level offenses after set time in custody.	●	⊙	○	●	●	●

## Implementation and Feasibility Analysis Summary

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Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
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Case Processing Recommendations						
The Court and its officers should commit themselves to reducing unnecessary detention and incarceration in the interests of justice and the efficient use of taxpayer resources.	●	⊙	●	●	●	●
The Court should adopt a formal case packaging policy.	○	⊙	⊙	●	●	⊙
The Court should extend court hours for arraignments to reduce delays.	○	⊙	○	●	●	●
The Court should expand the existing felony Early Disposition Program and consider a similar program for misdemeanors.	⊙	⊙	⊙	●	●	●
The Court should create an online system for scheduling appearances beyond traffic court.	⊙	⊙	⊙	⊙	●	●

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All parties should be held to the Penal Code rules regarding appropriate continuances, which will encourage settlement negotiations earlier in the court process.	●	⊙	●	●	●	●
The Court and jail databases must communicate to track and share custody status.	⊙	●	●	⊙	●	⊙
The County should create alternatives to incarceration for inability to pay traffic fines and court fees, FTAs for metro fares, and other minor offenses.	⊙	●	●	●	●	●
The Court should consider adopting a Differentiated Case Management system that has worked well in other jurisdictions and L.A. County's Civil Court in addressing case processing delays and inefficiencies.	○	●	⊙	●	●	○

# Implementation and Feasibility Analysis Summary

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Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
	<i>Current Financial Resources Likely Sufficient</i>	<i>Level of Political Support</i>	<i>Supported by Current Policy/Legislation</i>	<i>Likely to Cause Significant Population Reduction</i>	<i>Likely to Have a Lasting Effect</i>	<i>Likely to Have a More Immediate Effect</i>

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



# Implementation and Feasibility Analysis Summary

Key:

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

Recommendations	Ease of Implementation			Magnitude of Impact		Time to Impact
	<i>Current Financial Resources Likely Sufficient</i>	<i>Level of Political Support</i>	<i>Supported by Current Policy/Legislation</i>	<i>Likely to Cause Significant Population Reduction</i>	<i>Likely to Have a Lasting Effect</i>	<i>Likely to Have a More Immediate Effect</i>

Expand the use of the California DMH forensic conditional release program (“Conrep”).	●	⊙	●	●	●	○
Investigate the use of L.A. County Gateways Mental Health Center for those coming out of jail.	⊙	⊙	●	●	●	⊙
Los Angeles Mental Health Court should expand its mission to provide the intensive wraparound services that post-disposition offenders with mental illness need to stay out of the criminal justice system.	○	⊙	○	●	●	⊙
Identify eligible defendants for conservatorship and initiate proceedings early in the court process.	●	●	●	⊙	●	●
Reinstate public benefits before release to create placement options for those reentering the community from jail.	●	●	●	●	●	●

# Implementation and Feasibility Analysis Summary

Key:

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

# LOS ANGELES COUNTY CRIMINAL JUSTICE SYSTEM MAP











