Appendices to Bail and Release Work Group
Consensus Report on Optimal Pretrial Justice

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HISTORICAL BACKGROUND OF MONEY BAIL

Bail in the United States has undergone three major structural reforms in the 20th and 21st Centuries:

- **The First American Bail Reform (1950s to 1970s):** with the Civil Rights movement as its backdrop, urged court appearance as the principal purpose of bail, an overall reduction in pretrial detention, and criminal and social justice for underrepresented groups. It also emphasized the constitutionally acceptable purposes and uses of bail and pretrial detention, and the conditions and collateral effects of jails on inmates and their families.

- **The Second American Bail Reform (1970s to 1984):** emphasized public safety and compliance with court-ordered conditions of release, shifting away from court appearance as the sole or principal rationale for bail. This reform was based on heightened public concern over crime rates, for which pretrial justice practices and outcomes were heavily scrutinized in terms of their effects on crime, compliance and court appearance.

- **The Third American Bail Reform (2010 to present):** emphasizes a well-informed and evidence-based approach, balancing fairness, safety and efficiency by removing unnecessary, unfair, unsafe, and/or ineffective barriers to pretrial justice and replacing them with lawful, effective, neutral and evidence-based practices on risk assessment and mitigation through various pretrial monitoring, supervision and diversion tools.

A historical backdrop contextualizing these major American bail reforms is provided below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8th Century BC</td>
<td>Bail traces to ancient Rome &amp; derives from the concept of sureties from even earlier times.</td>
</tr>
</tbody>
</table>
| 410 AD       | **Anglo-Saxon system:** bail was between families, self-governed & intended to avoid private feuds to avenge wrongs.  
               • Bail was not granted for serious offenses, which were often dealt with by summary execution.  
               • Minor offenses were granted pretrial release by personal sureties & payment of “bots & wites” – akin to fees and fines or restitution – as the criminal penalty. |
| 1066         | **With the Norman Conquest, criminal justice became a matter of the state and far more complex.**  
               • Capital & corporal punishment replaced money fines for all but the most minor offenses.  
               • Because the accused faced such serious punishment, they tended to fail to appear more often. There was no sure formula for calculating surety amounts to deter FTA.  
               • Broad & varied discretion for arrest, jail & bail. Un-checked, it led to corruption & abuse by sheriffs, jailers & magistrates. |
| 1275         | **Statute of Westminster passed** with three criteria for setting bail:  
               • The nature of the offense  
               • The probability of conviction  
               • The criminal history of the accused (described as “bad character” or “ill fame”) |
| 1677         | **Habeas Corpus Act passed,** which mandated magistrates to set bail terms. |
| 1780s        | **Cultural, logistical & legal differences between England and the American colonies changed bail:**  
               • Absence of close friends & neighbors in frontier America made it difficult to find personal sureties.  
               • Because the unsettled frontier was sanctuary for the accused to flee, secured commercial bonds, never used in England, seemed to be a useful device in early America. |
| 1789-1791    | **The Judiciary Act of 1789 & the Eighth Amendment to the U.S. Constitution together established:**  
               • Bail should not be excessive.  
               • A right to bail exists in non-capital cases.  
               • Bail is meant only to assure the appearance of the accused at trial. |
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1868</td>
<td>The Fourteenth Amendment to the U.S. Constitution established for all persons a right to equal protection of the law.</td>
</tr>
<tr>
<td>1898</td>
<td>The first secured commercial bail bond company in the U.S. is established in San Francisco, CA. With a growing number of defendants facing increasing money bail amounts, the professional bail bond industry flourished in the US.</td>
</tr>
</tbody>
</table>
| 1920-1927 | Arthur L. Beeley studied & published “The Bail System in Chicago” & found:  
- Bail amounts were based solely on the seriousness of the alleged offense.  
- About 20 percent of those detained during the pretrial period were granted but unable to post bail.  
- Professional bondsman’s role in criminal justice administration was dominant and many abuses were reported, such as failure to pay the court system on forfeited bonds.  
- “In too many instances, the present system, neither guarantees security to society nor safeguards the right of the accused.”  
- “It is ‘lax with those with whom it should be stringent & stringent with those with whom it could safely be less severe.’”  
- Recommended greater use of summons (similar to modern-day cite and release) vs. unnecessary arrests.  
- Recommended fact-finding investigations to tailor bail determinations to individuals. |
| 1951 | Stack v. Boyle, 342 U.S. 1 (1951), was the first major U.S. Supreme Court case on bail administration.  
- “Admission to bail always involves a risk . . . a calculated risk which the law takes as the price of our system of justice.”  
- “[F]ederal law has unequivocally provided that a person arrested for a non-capital offense shall be admitted to bail. This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction.” |
| 1954 | Caleb Foote studied the Philadelphia Bail System, finding inequities in bail bond setting practices:  
- For minor offenses, bail bonds were generally based solely on police evidence while for major offenses, bail bonds were set according to the District Attorney’s recommendation about 95% of the time.  
- Those who remained in detention pretrial were mostly poor & unable to raise the bond amount.  
- Those defendants unable to pay their bail bond amounts were more likely to be convicted & to receive higher sentences than those able to pay their bail bond amounts. |
| 1961 | The Manhattan Bail Project pioneered the use of objective criteria from defendants’ backgrounds (e.g. family ties, employment, and prior criminal history) to determine whether they could be released on their own recognizance (OR) with a sufficiently low risk of FTA/flight. More than 50 other bail reform projects were modeled after the Manhattan Bail Project. |
| 1966 | Congress passed Federal Bail Reform Act providing:  
- A presumption in favor of releasing non-capital defendants on OR unless it would not reasonably assure appearance.  
- If OR insufficient, impose the least restrictive conditions necessary to ensure appearance.  
- Impose money bond only if non-financial release options were insufficient to assure appearance  
- An optional deposit bond of 10% of the bond amount with the court, instead of the full amount.  
- Review of bail bonds (releases) for defendants detained for 24 hours or more.  
- A new public safety standard applied to capital defendants & those awaiting sentencing/appeal, which presumed release unless a judge found a risk of flight and/or danger to the community. |
<p>| 1970 | District of Columbia passed the D.C. Court Reform &amp; Criminal Procedure Act of 1970, which was the first bail law in the U.S. to give future public safety equal consideration to FTA in release decisions. Many states also passed laws on pretrial danger &amp; preventive detention. |
| 1984 | Prison Privatization: Corrections Corporation of America became the country’s first private prison administrator. |</p>
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td><strong>The Federal Bail Reform Act of 1984</strong> added a “danger to the community” factor to pretrial decisions based on a perceived “alarming problems of crimes by persons on release.”</td>
</tr>
<tr>
<td>1985-1989</td>
<td>Correctional facility construction spiked despite simultaneous decline in crime.</td>
</tr>
<tr>
<td>2002</td>
<td>Total U.S. <em>prison</em> population exceeded 2 million for the first time.</td>
</tr>
<tr>
<td>2006</td>
<td>Total U.S. <em>jail</em> population reached 750k; 2 of 3 jail inmates were pretrial defendants awaiting trial.</td>
</tr>
<tr>
<td>2009</td>
<td>Pew Report: 1 of 100 Americans was in jail or prison &amp; 1 of 31 was in jail, prison, or on parole or probation (total of 7.3 million people, a world record)</td>
</tr>
<tr>
<td>2010</td>
<td><strong>National Criminal Justice Commission Act of 2010</strong> established the National Criminal Justice Commission to conduct a top-to-bottom review of all areas of criminal justice (federal, state, local, &amp; tribal costs, practices, &amp; policies) and make reform recommendations for the President, Congress, and state/local/tribal governments.</td>
</tr>
<tr>
<td>2011</td>
<td><strong>Attorney General Eric Holder</strong> stated that many pretrial inmates “are forced to remain in custody….because they simply cannot afford to post the bail required – very often, just a few hundred dollars.”</td>
</tr>
<tr>
<td>2013</td>
<td><strong>Bureau of Justice Assistance of the U.S. Department of Justice</strong> reports that felony defendants required to post money bail for release rose 65% from 1990 to 2009, and bond amounts also steadily rose in that timeframe.</td>
</tr>
<tr>
<td>2015</td>
<td><strong>U.S. Attorney General Loretta Lynch</strong> recognized the discriminatory nature of money bail, stating “What is the price of justice? When bail is set unreasonably high, people are behind bars only because they are poor. Not because they’re a danger or a flight risk – only because they are poor.”</td>
</tr>
<tr>
<td>2016</td>
<td><strong>California Supreme Court Chief Justice Tani Cantil-Sakauye</strong> announced that California’s courts, Legislature and the Governor’s office plan to review the efficacy of bail in California, noting “it’s time for us to really ask the question whether or not bail effectively serves its purpose, or does it in fact penalize the poor.”</td>
</tr>
</tbody>
</table>
# The Pretrial Justice Phase of the Criminal Process for Santa Clara County

## Definitions for Types of Release

<table>
<thead>
<tr>
<th>Form of Release</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jail Citation</td>
<td>By policy &amp; jail discretion, citation issuance with signed promise to appear in court. FTA may yield warrant issuance.</td>
</tr>
<tr>
<td>&quot;Other&quot; Court Release</td>
<td>No cost release with promise of safety, technical compliance &amp; court appearance. No monitoring or supervision.</td>
</tr>
<tr>
<td>OR Unsupervised</td>
<td>No cost release with promise of safety, technical compliance &amp; court appearance. Risks of public safety, non-compliance &amp; failure to appear (FTA) are considered in personal interviews with scientifically &amp; locally validated tool. Verified information &amp; recommendations go to the Court for a decision &amp; order. Those released on OR are monitored &amp; called.</td>
</tr>
<tr>
<td>OR Risk-based Supervised</td>
<td>No cost release with promise of safety, technical compliance &amp; court appearance. Scientifically &amp; locally validated risk assessments for safety, technical compliance &amp; appearance support recommendations for judicial determinations. Supervision of various types &amp; levels is included.</td>
</tr>
<tr>
<td>Personal</td>
<td>The Court may release the defendant to a specific person charged with the responsibility of ensuring safety, technical compliance &amp; court appearance. No money is involved.</td>
</tr>
<tr>
<td>Percentage-Partial</td>
<td>The defendant may be allowed to deposit a percentage of the bond amount with the Court (often 10%). Upon violation, the deposit may be forfeited &amp;/or the full bond amount ordered to be paid to the Court for violations of safety, technical compliance or court appearance.</td>
</tr>
<tr>
<td>Deposit (minus court fines/fees)</td>
<td>Typically, 10% of the bond amount is deposited with the Court in cash or property, plus collateral, which is refundable, minus fines &amp; fees at Court discretion. The Court may forfeit the 10% &amp; collect the other 90% of the bond for violations of safety, compliance or appearance.</td>
</tr>
<tr>
<td>Community Bail Fund</td>
<td>A 501(c)(3) nonprofit, prevents unnecessary jailing by paying bond for low-income defendants accused of misdemeanors as cash bail, ensuring safety, technical compliance &amp; court attendance by supervising the defendant as necessary. Violations of safety, compliance or court appearance may result in warrant issuance &amp; cash forfeiture. At case completion, the cash bond returns to the bail fund &amp; fines &amp; fees imposed on the defendant.</td>
</tr>
<tr>
<td>Surety</td>
<td>For a non-refundable fee, usually 10% of full bond, plus collateral, a civil contract between a bail agent &amp; the defendant or 3rd party insures court appearance only (not safety or compliance). For FTA only, the prosecutor &amp; Court follow a lengthy, time-sensitive process to forfeit the full bond from the bail agent &amp; issue a warrant for the defendant. Court may order pretrial supervision for safety &amp; technical compliance.</td>
</tr>
<tr>
<td>Surety, PTS Supervised</td>
<td>Cash deposited in the full bond amount guarantees defendant’s court appearance. FTA may result in warrant issuance &amp; cash forfeiture to Court. At case completion, after imposition of fines &amp; fees, the remaining cash is refunded to the payor. Some courts order “cash only” instead of a surety bond. The Court may also order pretrial supervision for safety &amp; technical compliance.</td>
</tr>
<tr>
<td>Cash</td>
<td>A property title as determined by the Court (May be 200% of bond amount), deposited with the Court guarantees court appearance. FTA may result in property forfeiture &amp; warrant issuance. The Court may order pretrial supervision for safety &amp; technical compliance.</td>
</tr>
<tr>
<td>Cash, PTS Supervised</td>
<td>A property title as determined by the Court (May be 200% of bond amount), deposited with the Court guarantees court appearance. FTA may result in property forfeiture &amp; warrant issuance. The Court may order pretrial supervision for safety &amp; technical compliance.</td>
</tr>
<tr>
<td>Property</td>
<td>Locally, preventive detention only applies to capital offenses and only until arraignment or bail hearing. In other jurisdictions; for reasons, such as, public/defendant safety, mental condition, sobriety level, etc., Courts may detain defendants temporarily, or until adjudication.</td>
</tr>
<tr>
<td>Property, PTS Supervised</td>
<td>The prosecutor declines to file formal charges &amp; the defendant is released from custody with no further proceedings. A prosecutor may summon a defendant (&quot;case letter&quot;) or request an arrest warrant from the court.</td>
</tr>
<tr>
<td>Preventative Detention</td>
<td></td>
</tr>
<tr>
<td>Decline to Prosecute</td>
<td></td>
</tr>
</tbody>
</table>

## Forms of Release

- **Jail Citation**
- **"Other" Court Release**
- **OR Unsupervised**
- **OR Risk-based Supervised**
- **Personal**
- **Percentage-Partial**
- **Deposit (minus court fines/fees)**
- **Community Bail Fund**
- **Surety**
- **Surety, PTS Supervised**
- **Cash**
- **Cash, PTS Supervised**
- **Property**
- **Property, PTS Supervised**
- **Preventative Detention**
- **Decline to Prosecute**

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**FTA** = Failure to appear in court

*In-field Citation: By penal code & officer discretion, officers may issue citations in lieu of arrest & require a signed promise to appear in court. FTA may yield a warrant.*
Santa Clara County Annually CY 2014
Blended Pretrial Justice Model

Santa Clara County (SCC) enjoys high overall release rates & high performance for defendants under Pretrial Services in terms of safety, compliance & appearance. It is difficult to compare SCC with its prevalent use of money bail, to other high-functioning pretrial justice models, which have largely divested themselves of money bail & its adverse effects. SCC would benefit from less reliance on money bonds & more non-financial release options & tools, which mitigate risk of danger, compliance & flight & are fair, safe & effective.

**2014 PRETRIAL DYNAMICS**

**2014 CITATIONS, ARRESTS & JAIL**
- **County Population:** 1,894,605 Est. 7/14 & 1,918,044 Est. 7/15
- **Jail Capacity:** 5,431
- **Jail Pop:** Between 3,500-4,000 (4,157 in 5/14 = 77%, & 3,588 as of 5/16 = 67%)
- **Pretrial Jail Population:** >2,500 daily snapshot (73%). Pretrial status is overstated as any unsentenced change of flags as pretrial e.g. a convit w/ unposted cite is pretrial
- **Jail Day Cost:** $100-$240

**# Releases with jail cites, money bonds & OR’s:** 2,085 (8%)

**Other jurisdiction cases transferred are excluded from total.**

**# Declinations to prosecute:** 6,334

**2014 PRETRIAL**
- **PTS FTE:** 24/7, (41 in CY 14) 43 FTE’s =10 jail, 7 court, 13 supervision & 13 admin
- **PTS Budget:** FY14 $5.5m, FY 16 $6.2m

**Pretrial Supervision Daily Cost:** $15-$25

**Annual Voluntary Interviews:** 15,269 (62% of detained, now higher w/ misd.)

**# Pretrial Releases:** 5,902 (Including 34 PTS & bail releases)

**Judicial Concurrence Rate:** 65-75%

**# Releases w/jail cites, money bonds, OR’s:** Approx. 23,606 (69%)

**# Releases w/jail cites, money bonds & OR’s:** 28,044 (82%)

**# Releases w/in-field & jail cites, money bonds & OR’s:** 37,572 (78%)

**# Releases w/in-field & jail cites, money bonds, OR’s, 50% Court Rel:** 39,808 (83%)

**# Releases w/in-field & jail cites, money bonds, OR’s & Court Releases:** 42,044 (87%)**

**2014 PRETRIAL DYNAMICS**

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**PTS FTE:** 24/7, (41 in CY 14) 43 FTE’s =10 jail, 7 court, 13 supervision & 13 admin

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**# Releases w/in-field & jail cites, money bonds, OR’s & Court Releases:** 42,044 (87%)**
Santa Clara County Pretrial Population Dynamics as of CY 2014

(1) Reported crime is Part 1 (Serious felonies) & all arrests referenced are felonies for adults & juveniles respectively (2013).
(2) Pretrial status is overstated as any un-sentenced charge flags as pretrial e.g. a convict w/ unpaid cite is pretrial.
(3) Santa Clara & Sonoma are the only CA Counties that use scientifically & locally validated risk instruments.
Bail decisions for CY 14 & 15 are essentially flat, with the 9% decrease in overall bails set in CY 15, which may be attributed to implementation of Proposition 47, which reduced many felony offenses to misdemeanors & thus lower bails, allowing more jail citation releases than in CY 14, pursuant to the below $5k bail threshold in the jail cite policy.

Note: 2075 cases (2%) did not have bail amounts entered

<table>
<thead>
<tr>
<th>Bails Set by Range</th>
<th>2015</th>
<th>2014</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>I: $1,000,000+</td>
<td>51</td>
<td>59</td>
<td>110</td>
</tr>
<tr>
<td>H: Between $250,001 &amp; $999,999</td>
<td>269</td>
<td>297</td>
<td>566</td>
</tr>
<tr>
<td>G: Between $100,001 &amp; $250,000</td>
<td>1004</td>
<td>1039</td>
<td>2043</td>
</tr>
<tr>
<td>F: Between $50,001 &amp; $100,000</td>
<td>1793</td>
<td>2106</td>
<td>3899</td>
</tr>
<tr>
<td>E: Between $25,001 &amp; $50,000</td>
<td>3418</td>
<td>3668</td>
<td>7086</td>
</tr>
<tr>
<td>D: Between $10,001 &amp; $25,000</td>
<td>6542</td>
<td>7192</td>
<td>13734</td>
</tr>
<tr>
<td>C: Between $5,001 &amp; $10,000</td>
<td>5925</td>
<td>5578</td>
<td>11503</td>
</tr>
<tr>
<td>B: Between $1,001 &amp; $5,000</td>
<td>5623</td>
<td>6078</td>
<td>11701</td>
</tr>
<tr>
<td>A: $1,000 or Less</td>
<td>3833</td>
<td>4184</td>
<td>8017</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td>28458</td>
<td>30201</td>
<td>58659</td>
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### Bail Set by Race CY 2014

<table>
<thead>
<tr>
<th>Bail Amounts Set</th>
<th>Amer.</th>
<th>Other</th>
<th>Indian</th>
<th>Black</th>
<th>Asian</th>
<th>White</th>
<th>Hispanic</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: $1,000 or Less</td>
<td>14</td>
<td>431</td>
<td>363</td>
<td>1560</td>
<td>1816</td>
<td></td>
<td></td>
<td>4184</td>
</tr>
<tr>
<td>B: Between $1,001 &amp; $5,000</td>
<td>3</td>
<td>22</td>
<td>616</td>
<td>860</td>
<td>1894</td>
<td>2683</td>
<td></td>
<td>6078</td>
</tr>
<tr>
<td>C: Between $5,001 &amp; $10,000</td>
<td>5</td>
<td>14</td>
<td>625</td>
<td>655</td>
<td>1502</td>
<td>2777</td>
<td></td>
<td>5578</td>
</tr>
<tr>
<td>D: Between $10,001 &amp; $25,000</td>
<td>1</td>
<td>24</td>
<td>803</td>
<td>834</td>
<td>1993</td>
<td>3537</td>
<td></td>
<td>7192</td>
</tr>
<tr>
<td>E: Between $25,001 &amp; $50,000</td>
<td>3</td>
<td>3</td>
<td>425</td>
<td>402</td>
<td>1038</td>
<td>1797</td>
<td></td>
<td>3668</td>
</tr>
<tr>
<td>F: Between $50,001 &amp; $100,000</td>
<td>2</td>
<td>9</td>
<td>315</td>
<td>201</td>
<td>559</td>
<td>1020</td>
<td></td>
<td>2106</td>
</tr>
<tr>
<td>G: Between $100,001 &amp; $250,000</td>
<td>1</td>
<td>2</td>
<td>134</td>
<td>95</td>
<td>240</td>
<td>567</td>
<td></td>
<td>1039</td>
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<tr>
<td>H: Between $250,001 &amp; $999,999</td>
<td>50</td>
<td>28</td>
<td>55</td>
<td>164</td>
<td>297</td>
<td></td>
<td></td>
<td>1242</td>
</tr>
<tr>
<td>I: $1,000,000+</td>
<td>1</td>
<td>8</td>
<td>8</td>
<td>10</td>
<td>32</td>
<td>59</td>
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<td>120</td>
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<tr>
<td><strong>Grand Total</strong></td>
<td>16</td>
<td>88</td>
<td>3407</td>
<td>3446</td>
<td>8851</td>
<td>14393</td>
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Appendix F-2
### Bail Amounts Set by Gender CY 2014

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<thead>
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<th>Bail Amount Ranges</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: $1,000 or Less</td>
<td>712</td>
<td>3472</td>
<td>4184</td>
</tr>
<tr>
<td>B: Between $1,001 &amp; $5,000</td>
<td>1529</td>
<td>4549</td>
<td>6078</td>
</tr>
<tr>
<td>C: Between $5,001 &amp; $10,000</td>
<td>1261</td>
<td>4317</td>
<td>5578</td>
</tr>
<tr>
<td>D: Between $10,001 &amp; $25,000</td>
<td>1723</td>
<td>5469</td>
<td>7192</td>
</tr>
<tr>
<td>E: Between $25,001 &amp; $50,000</td>
<td>765</td>
<td>2903</td>
<td>3668</td>
</tr>
<tr>
<td>F: Between $50,001 &amp; $100,000</td>
<td>403</td>
<td>1703</td>
<td>2106</td>
</tr>
<tr>
<td>G: Between $100,001 &amp; $250,000</td>
<td>154</td>
<td>885</td>
<td>1039</td>
</tr>
<tr>
<td>H: Between $250,001 &amp; $999,999</td>
<td>38</td>
<td>259</td>
<td>297</td>
</tr>
<tr>
<td>I: $1,000,000+</td>
<td>4</td>
<td>55</td>
<td>59</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td>6589</td>
<td>23612</td>
<td>30201</td>
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## Pretrial Releases by Type CY 2014

<table>
<thead>
<tr>
<th>Release Types</th>
<th>Totals</th>
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<tbody>
<tr>
<td>Surety Bond</td>
<td>5025</td>
</tr>
<tr>
<td>Cash Bail (Bond)</td>
<td>102</td>
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<tr>
<td>Jail Cite &amp; Release</td>
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<tr>
<td>Other Court Release</td>
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<tr>
<td>Property Bond</td>
<td>8</td>
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<tr>
<td>Release on Bail (Surety Bonds)</td>
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<tr>
<td>Release Rehab Program</td>
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<td>Release to County Hospital</td>
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<td>Release to Napa State Hospital</td>
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<tr>
<td>Released on O.R. Court</td>
<td>1201</td>
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<tr>
<td>Released on O.R. Pretrial</td>
<td>831</td>
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<tr>
<td>Supervised O.R. Pretrial</td>
<td>2615</td>
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<tr>
<td>Supervised O.R. with Bail (Counted in Bail)</td>
<td>34</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>28044</strong></td>
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**CY 14 Pretrial Releases: Total Appx. 28,044**

- Jail Cite & Release, 9685 = 35%
- Surety Bond, 7,909 = 28%
- Cash Bail, 102 = 0.004%
- Property Bond, 8 = 0.0002%
- Supervised OR with Bail, 34 = 0.001%
- Other Court Release, 4472 = 16%
- OR Release, 3253 = 11%
- Supervised OR Release, 2615 = 9%
Surety Bond Releases by Amount Range  

<table>
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<tr>
<th>Range</th>
<th>Amount 2014</th>
<th>Percentage</th>
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<td>$1,000,000+</td>
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<td></td>
</tr>
<tr>
<td>$250,001-$999,999</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>$100,001-$250,000</td>
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<td>$50,001-$100,000</td>
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<td>$25,001-$50,000</td>
<td>1558</td>
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<tr>
<td>$10,001-$25,000</td>
<td>3147</td>
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</tr>
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<td>$5,001-$10,000</td>
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<td></td>
</tr>
<tr>
<td>$1,001-$5,000</td>
<td>657</td>
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<tr>
<td>$1,000 or Less</td>
<td>42</td>
<td>1%</td>
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Grand Total of Surety Releases: 7,909

In addition to surety bonds, there were 110 other financial releases:
- Cash Bail, 102 = 0.004%
- Property Bond, 8 = 0.0002%

Total Financial Releases: 8,019

Appendix H
1. **Congruent Charging Decisions**: Charging decisions congruent with policing, prosecution, sentencing & supervision philosophies & policies. Community-Based Policing yielding less formal criminal cases.

2. **Pro-release Policy/Least Restrictive Conditions Necessary**: Custody policies favor pretrial release with the least restrictive conditions necessary; cite/summons vs. arrest. In-field, risk-based, pro-citation-release decisions

3. **Thorough Identification, Investigation & Records**: In charging, citation, arrest, booking, classification-detention processes

4. **Prompt Electronic Information Sharing**: Philosophy, policy, procedure & practice for promptly & well-informed adversarial hearings. Electronic data sharing for prompt, accurate & complete decision-making

5. **Individual Release Decisions v. Arbitrary Bond Schedules**: No use of arbitrarily established, uninformed bond schedules, or for-profit money or property bond mechanisms (Ideally, unsecured bonds only)

6. **Broad Hours of Operation**: Hours of operation 24/7 for pretrial services & frequent & prompt judicial review of probable cause & pretrial assessments, arraignments/bail bonds only)

7. **Empirically Validated Risk Assessment & Verified Data**: Risk assessments are comprehensive, objective, verified, predictive scientifically & locally-validated (for violence, misconduct & flight) & corresponding recommendations for conditional release or preventive detention for all inmates. PTS personally interviews all arrestees with automated electronic recordkeeping device & validated risk assessment to support judicial decision making.

8. **Proactive Victim Services**: Easily accessible, comprehensive, verified information gathering & protective/no contact orders. Police may issue protective orders on-scene, on case-by-case basis. In-field, violence-related threat & lethality assessments are completed with alleged victims & such assessments are part of PTS screening of defendant. PTS or Prosecutor verifies information with actual alleged victims & guides them to appropriate services.

9. **Early Prosecutorial Screening**: By seasoned prosecutors to prosecute, add, amend, divert, defer or decline charges & address bail & conditions

10. **Early Defense Services & Adversarial Hearings**: Appointment & access to defense services at a prompt (daily) first hearings & forward. Robust indigent defense reduces delays, hearings, jail stays, wasted efforts & costs.

11. **Preventive Detention with Due Process**: Due process hearings for release/preventive detention by verified data, & risk-based judicial discretion & hearings with clear & convincing evidence standards

12. **Continuously Reviewed Inmate Custody Status**: Re-assessments of pretrial detainees to maximize release & minimize unnecessary jail population

13. **Risk Mitigation, Monitoring & Supervision only as Restrictive & only as Necessary**: Under risk-based, scalable supervision of staff, techniques & tools (Office-based, electronic, in-field, house arrest, counseling & reentry services).

14. **Swift, Certain & Fair Compliance Sanctions & Incentives**: Addressed via prompt, 24/7, graduated sanctions, contempt & preventive detention.

15. **Formal, Community-Wide Collaboration**: Which stimulates efforts to continuously improve the immediate & long-term administration of justice. (Not merely a reactive alliance, but a seamless continuum) based on clearly defined & shared priorities & performance measures

*Adapted information from the American Bar Association, the Pretrial Justice Institute & the Laura & John Arnold Foundation.

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Appendix I
Incongruent Information
Narrow Hours
Mediocre & Reactive
Reactive Risk Intervention & Overly Restrictive Conditions:
Delayed & Ineffective
Fragmented & Reactive
Lacking Due
Pro Sporadic Identification

Ineffective Community Without Pretrial Services
Pro-Incarceration, Money-based Model *

1. Incongruent Charging Decisions: with contradictory policing, prosecution, sentencing & supervision philosophies & policies. Such ineffective practices promote unnecessary charges, delays & waste finite resources.

2. Pro-incarceration Policy/Restrictive Conditions: Favoring incarceration &/or overly restrictive conditions of release, such as cost-prohibitive money bail, programs & prohibitions.

3. Sporadic Identification, Investigation & Records: In charging, citation, arrest, booking, classification-detention processes

4. Ineffective Information Sharing: Paper-process-based policy, procedure & practice leading to delayed & uninformative adversarial hearings & inconsistent, inaccurate & incomplete decision-making

5. Uninformed & Arbitrary Release Decisions & Bond Schedules: Overreliance on arbitrarily established bond schedules & for-profit money or property bail mechanisms, which ignore public safety, compliance, fairness & efficiency

6. Narrow Hours of Operation: Limited accessibility, no pretrial services & infrequent & delayed judicial review, arraignments/bail hearings

7. Non-existing or Opinion-based Risk Assessment & Unverified Data: Risk is anecdotally assessed, usually only tied to charges & arbitrary & inconsistent money amounts

8. Reactive Victim Services: Inaccessible, sporadic, unverified information gathering & fragmented/non-personalized protective order system. Violence-related lethality &/or risk assessments are not completed with alleged victims nor are such assessments of defendants part of the system.

9. Delayed & IneffectiveProsecutorial Screening: Delayed screening (prosecute, add, amend, divert, defer or decline charges & address bail & pretrial conditions, leads to coercion of detained defendants to plead guilty & reduced workload. Also, bail & pretrial conditions may not be addressed

10. Delayed & Ineffective Defense Services & Hearings: Appointment & access to defense services is unavailable &/or delayed & clients typically meet their defense counsel the day of pretrial /trial/preliminary hearing. Such austere services delay & deny justice by coercion of pleas & waste resources.

11. Lacking Due Process: Due process hearings are not held for preventive detention using verified data &/or risk-based judicial discretion, nor clear & convincing evidence standards, rather, excessively high bails are tacitly set under arbitrary associations of money bail to risk mitigation

12. Unmonitored Inmate Custody Status: Re-assessments of pretrial detainees’ risk are not performed to maximize release & minimize jail population

13. Reactive Risk Intervention & Overly Restrictive Conditions: less-effective tactics, such as threats of contempt of court sanctions &/or over-imposition of conditions are used, versus scalable & relevant techniques & tools (Office-based, electronic, in-field, house arrest, counseling & reentry services).

14. Mediocre & Reactive Follow-up for Non-compliance: Via delayed, MF, 8-5 contempt & preventive detention vs. prompt 24/7 graduated sanctions.

15. Fragmented & Reactive Community Coordination: A reactive alliance, aimed at longstanding problems, demanding remedies vs. a proactive, seamless community-wide continuum, continuously improving immediate & long-term, clearly defined & shared priorities & performance measures.

*Adapted information from the American Bar Association, the Pretrial Justice Institute & the Laura & John Arnold Foundation.
KY is a state-wide pretrial system based in the Administrative Office of the Courts & serves all counties in the state. KY has achieved & sustained a 15% Reduction in pretrial crime without sacrificing release, safety or appearance rates.

**STATE OF KENTUCKY**
Deposit (“Personal”) Bond Model

KY State Population: 4,413,457
Citation Rate: Unverified, but KY has pro-release statute.
Jail Capacity: 18,862
Jail Pop: 8,831/41%
Annual Bookings: 326,000
Intake Cost: $2k as of 2005
Jail Day Cost: $18-$149
PTS FTE: 290 + 9 PTE
PTS Budget: $12.8m
Annual Interviews: >200,000
Court Interviews: 100%
Vol. Drug Tests: No
PT Supervision: 10% of interviewed, or 20k defendants
PT Monitoring Cost: 92. (cents)
Judicial Concurrence Rate: UNK.
Pretrial Release Rate: 76% OR /unsecured (most w/o money)
Release Rate Counting Arraignment Sentencing: >85%
Safety (No crime) Rate: 92%
Appearance Rate: 90%
Washington DC was the ‘crime capital’ of the nation for many years & still was effective in applying fair, smart & efficient pretrial justice principles, practices & resources & was able to reduce its jail population from over its full capacity, to 50% of its capacity while achieving high performance in safety, technical compliance & appearance rates.
New York City, NY

Blended, Non-profit Pretrial Justice Model

NYC deals with staggering numbers of defendants (428,193 for all five boroughs in CY 2014) via robust system-wide case management system & staffing. NYC recently divested itself money bail for most low-level offenses. NYC also does an excellent job adjudicating large numbers of cases at arraignment & of recovering FTA’s within 30 days of the FTA.

City Population: 8,550,405
Citation Rate: 20%. (Desk Appearance Tickets)
Jail Capacity: appx. 20k
NYC is striving to reduce unnecessary incarceration.
Jail Pop: 12k-13k inmates
Annual Bookings: 338,725
Intake Cost: Unk.
Jail Day Cost: Capital costs are calculated instead of daily costs. Must close a wing of 80 people to begin to save money.
PTS Budget: $16m
PTS FTE: 24/7, 3 shifts, 115 interviewers & burrow offices, 36 line supervisors, 2 operations managers, 8 supervised release programs, IT staff & administration & research for appx. 250
PTS Daily Cost: Not calculated as programs are pilots
Annual Interviews: 270,785 per year with a refusal rate of less than 1% (Thanks to good timing protocols & interview techniques)
Voluntary Interviews: Yes, 95% in person of all arrested & held by police (summary or online arrests) except for bench warrants & hospital arraignments
Judicial Concurrence Rate: Felonies; Low 61%, Med. 55%, High OR Not Rec. 27%, NO Rec. 22% Non-felonies: Low 92%, Med. 88%, High OR Not Rec. 62%, No Rec. 69%
Overrides: For outstanding bench warrants permitted
Release Rate Counting Sentenced at Arraignment: 86%
Violation Free Rate: Not in law. PTS supervision assesses risks
Safety Rate (Arrest free): Not in law PTS supervision assesses risks.
Technical Compliance Rate: Not in law, judges handle it w/conditions (Law cites seriousness of offense & likelihood of conviction)
Appearance Rate: 87% & 30 days later 94%

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Appearance Rate: 87% & 30 days later 94%
Multnomah County, Oregon
Partialy Secured Deposit Bond, Risk-Based Pretrial Justice Model

Multnomah County is able to expedite the release of 37% of detainees before the first appearance by early screening & release authority extended to pretrial services & with the 49% of defendants released, the performance rates for safety, technical compliance & court appearance are very high.
Report to PSJC on Release Population Trends

Garry Herceg
Director

Office of Pretrial Services
Number of New Bookings Reviewed

Year-to-Date Bookings Reviewed

- New Felony Bookings
- New Misdemeanor Bookings

Month | New Felony Bookings | New Misdemeanor Bookings
--- | --- | ---
Jan-16 | 746 | 489
Feb-16 | 706 | 460
Mar-16 | 793 | 478
Number of New Bookings Reviewed

3-Year Bookings Reviewed

- New Felony Bookings
- New Misdemeanor Bookings

Appendix L
Average Daily Supervision Population

Year-to-Date Average Daily Population

- SORP Cases
- OR Cases
Average Daily Supervision Population

3-Year Average Daily Population

- SORP Cases
- OR Cases

Appendix L
Average Supervision Caseload

Year-to-Date Average Caseload per Officer

- Court Unit Average Cases
- Supervision Unit Average Cases
Average Supervision Caseload

3-Year Average Caseload per Officer

- Court Unit Average Cases
- Supervision Unit Average Cases

Year Average Caseload per Officer

- 4 positions
- 1 position
Year-to-Date Monthly EMP Population

- Jan-16: 83
- Feb-16: 88
- Mar-16: 106
Electronics Monitoring Population

3-Year Monthly EMP Population

New Equipment

EMP Cases
Number of Released Self-Surrender Cases

Year-to-Date Self-Surrender Caseload

Cases Released

Appendix L
Number of Released Self-Surrender Cases

3-Year Self-Surrender Caseload

Appendix L
Average Daily Percentage of Jail Population in Pretrial Stage

Year-to-Date Pretrial Jail Population

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<thead>
<tr>
<th>Month</th>
<th>Jail Population in Pretrial</th>
<th>National Average 61%</th>
<th>California Average 64%</th>
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<td>Feb-16</td>
<td>74.2%</td>
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<tr>
<td>Mar-16</td>
<td>74.2%</td>
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<tr>
<td>Apr-16</td>
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<tr>
<td>May-16</td>
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<td>Jun-16</td>
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<td>Sep-16</td>
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<td>Oct-16</td>
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<td>Nov-16</td>
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<tr>
<td>Dec-16</td>
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Average Daily Percentage of Jail Population in Pretrial Stage

3-Year Appearance Rate

Jail Population in Pretrial
National Average 61%
California Average 64%
Appearance Rate

Percentage of defendants who make all scheduled court appearances

Year-to-Date Appearance Rate

- January 2016: 95.1%
- February 2016: 94.9%
- March 2016: 95.5%
Appearance Rate

Percentage of defendants who make all scheduled court appearances

3-Year Appearance Rate

![Graph showing the percentage of defendants who make all scheduled court appearances over a 3-year period. The graph includes data from April 2013 to March 2016, with successful cases indicated by bars reaching up to 100%.]
Safety Rate

Percentage of defendants who are not arrested for a new offense during pretrial stage

Year-to-Date Safety Rate

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<th>Month</th>
<th>Safety Rate</th>
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<tbody>
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<td>Jan-16</td>
<td>99.0%</td>
</tr>
<tr>
<td>Feb-16</td>
<td>99.7%</td>
</tr>
<tr>
<td>Mar-16</td>
<td>98.7%</td>
</tr>
</tbody>
</table>

Successful Cases
Safety Rate

Percentage of defendants who are not arrested for a new offense during pretrial stage

3-Year Safety Rate

[Bar chart showing the percentage of successful cases from April 2013 to March 2016, with successful rates ranging from 99.7% to 100%]

Appendix L
Success Rate

Percentage of defendants who (1) are not arrested for a new offense during pretrial supervision, (2) appear for all scheduled court appearances, and (3) are not revoked for technical violations of conditions.
Success Rate

Percentage of defendants who (1) are not arrested for a new offense during pretrial supervision, (2) appear for all scheduled court appearances, and (3) are not revoked for technical violations of conditions.

3-Year Success Rate

Appendix L