

PRE-ARRAIGNMENT RELEASE PROTOCOLS²

UPDATE: OCT-FEB 2024



Executive Officer/Clerk of Court David W. Slayton
Superior Court of California, County of Los Angeles

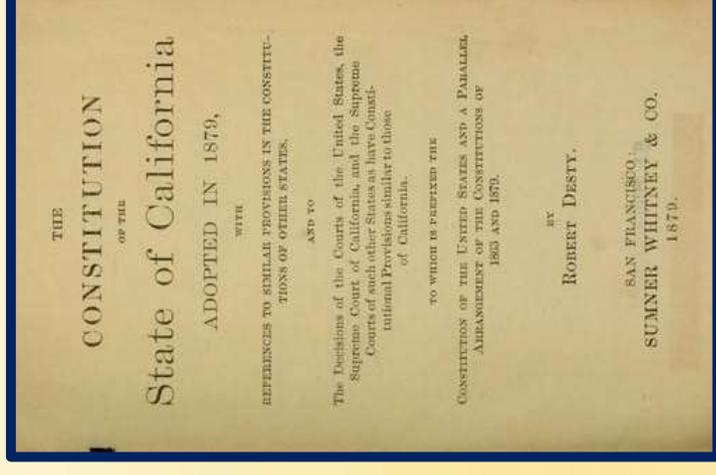
PURPOSE OF BAIL

“In our society liberty is the norm, and detention prior to trial is the carefully limited exception.”
-*United States v. Salerno* (1984) 481 U.S. 739, 755.

- California Constitution:

(1) ensure an arrestee appears for all court appearances.

(2) Reduce the risk to public or victim safety.



PRETRIAL REFORM EXPERIENCE

- **Pretrial Risk Evaluation Pilot Program - 2020**
- **Emergency Bail Schedules - 2020**
- **Senate Bill 129 Permanent Pretrial Risk Evaluation - 2021**

PRE-ARRAIGNMENT RELEASE PROTOCOLS

- **APPLY TO NON-1270.1 OFFENSES**
- **BASE CONDITIONS OF RELEASE ON REVIEW OF INDIVIDUALIZED RISK:**
 - **Public and victim safety; and**
 - **Likelihood of returning to court**
- **REGARDLESS OF WEALTH**



NEW PROTOCOLS ONLY APPLY PRE-ARRAIGNMENT



**PRE-ARRAIGNMENT RELEASE
PROTOCOLS APPLY**

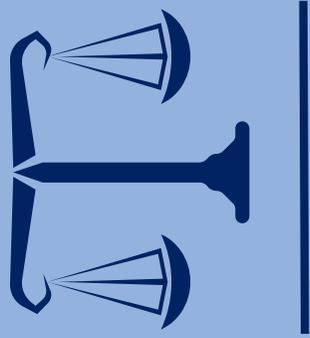
HOW THEY COMPARE

OLD FELONY BAIL SCHEDULE

PENAL CODE SECTION	OFFENSE	PENAL CODE	PRESUMPTIVE BAIL
337a	BOOKMAKING Second Offense Third Offense		10,000 12,500 15,000
368	ELDER ABUSE		50,000
405a	TAKING PERSON FROM LAWFUL CUSTODY OF A PEACE OFFICER BY MEANS OF A RIOT		50,000
422	CRIMINAL THREATS		50,000
424	EMBEZZLEMENT OR FALSIFICATION OF ACCOUNTS BY PUBLIC OFFICERS		25,000
451(a)	ARSON CAUSING GREAT BODILY INJURY		250,000
451(b)	ARSON, INHABITED STRUCTURE		250,000
451(c)	ARSON, STRUCTURE OR FOREST LAND		75,000
451(d)	ARSON, OTHER PROPERTY		50,000
451.5	AGGRAVATED ARSON		500,000
452(a)	RECKLESSLY CAUSING FIRE WITH GREAT BODILY INJURY		35,000
452(b)	RECKLESSLY CAUSING FIRE, INHABITED STRUCTURE		25,000

NEW FELONY BAIL SCHEDULE

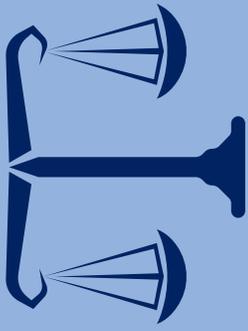
PEN. CODE §	OFFENSE	SERIOUS OR VIOLENT	CITATION	PRE-ARRESTMENT RELEASE PROTOCOL
337a	Bookmaking			CR
	Second Offense			BR
	Third Offense			BR
368	Elder Abuse			MR
405a	Taking Person from Lawful Custody of a Peace Officer By Means of a Riot			MR
422	Criminal Threats	S	1192.7(c)(38)	\$50,000
424	Embezzlement or Falsification of Accounts by Public Officers			BR
451(a)	Arson Causing Great Bodily Injury	S, V	1192.7(c)(14), 667.5(c)(10)	\$250,000
451(b)	Arson, inhabited Structure	S, V	1192.7(c)(14), 667.5(c)(10)	\$250,000
451(c)	Arson, Structure or Forest Land	S, V	1192.7(c)(14), 667.5(c)(10)	\$75,000
451(d)	Arson, Other Property	S, V	1192.7(c)(14), 667.5(c)(10)	\$50,000
451.5	Aggravated Arson	S	1192.7(c)(14)	\$500,000
452(a)	Recklessly Causing Fire with Great Bodily Injury	V	667.5(c)(8)	\$35,000
452(b)	Recklessly Causing Fire, Inhabited Structure	S	1192.7(c)(14)	\$25,000



PARP MISSTATEMENT



practice.



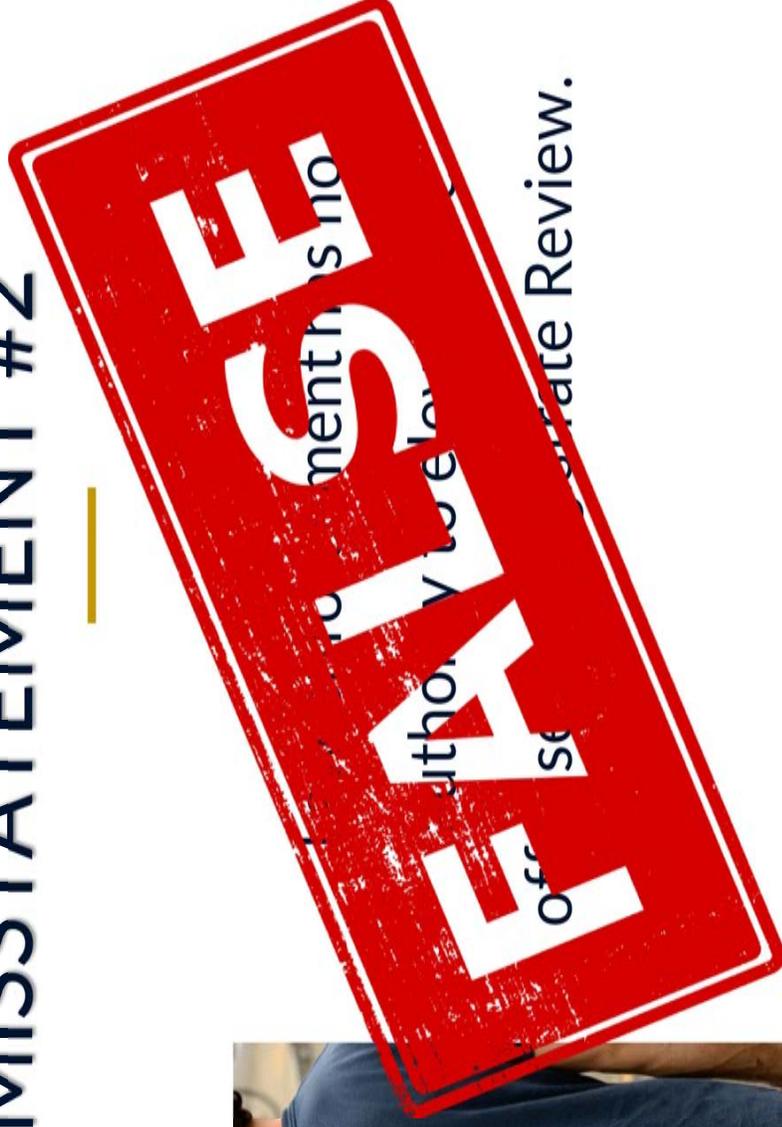
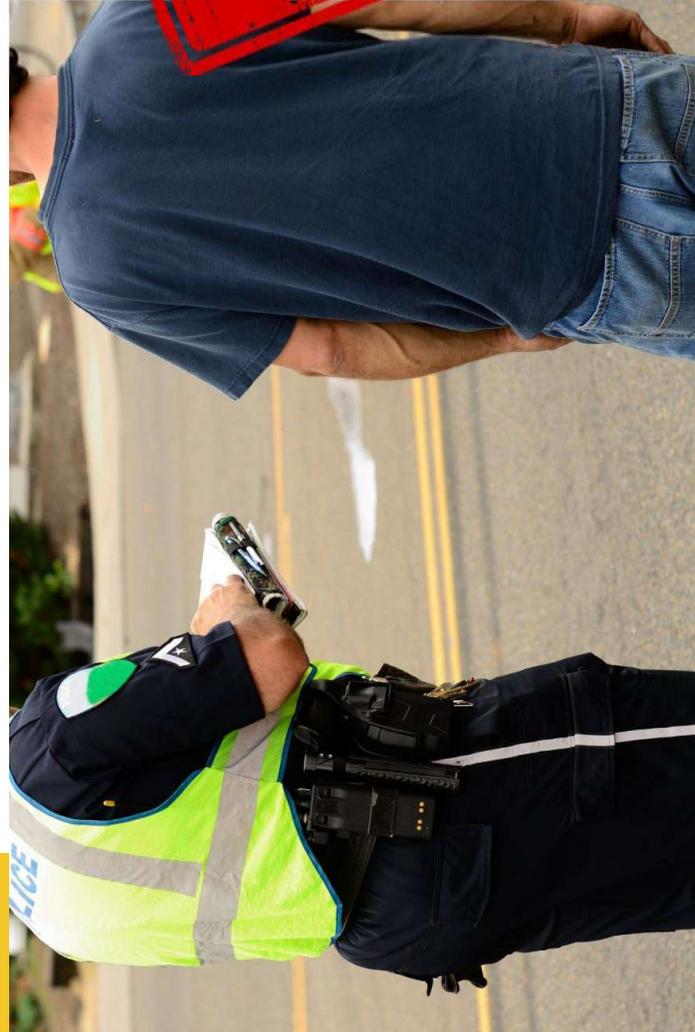
FACT



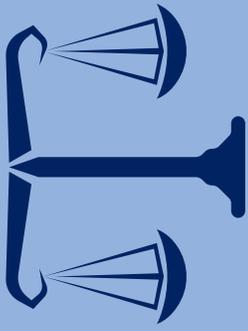
Law enforcement officers can book whomever they choose, even those that qualify for Cite-and-Release



PARP MISSTATEMENT #2



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Offic
ate Review.



FACT

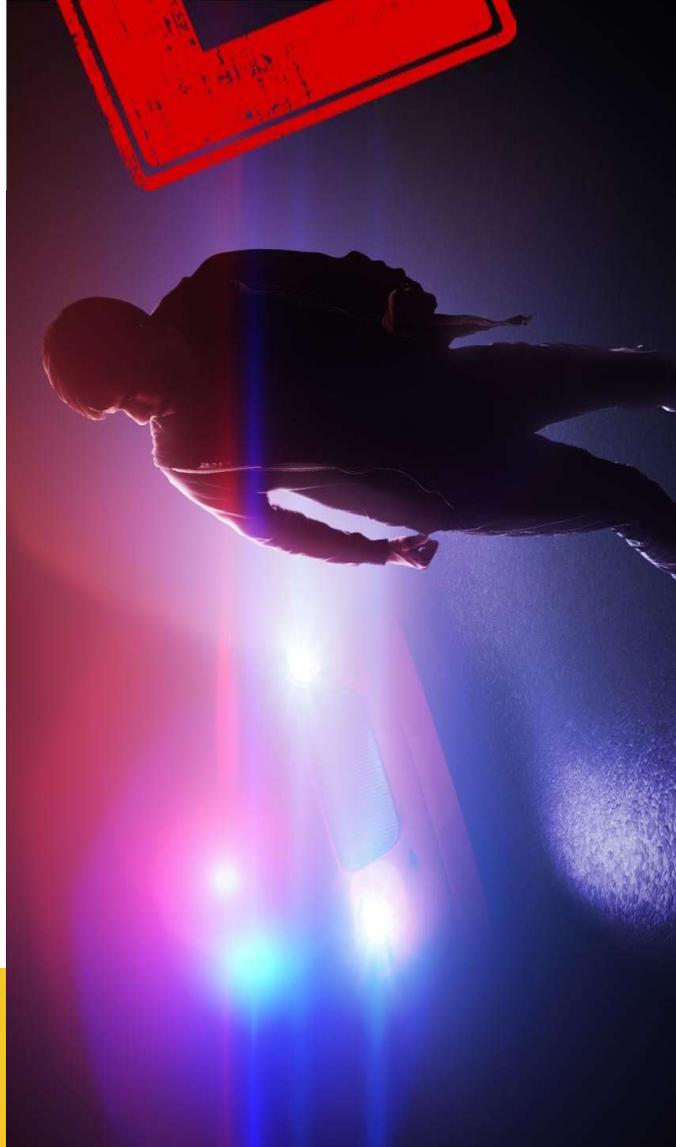


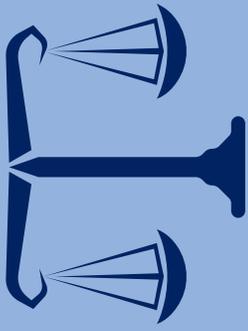
Law enforcement can request a magistrate review for any offense with a one-minute phone call if they have further information.



PARP MISSTATEMENT #3

FALSE





FACT



Every United States citizen is innocent until proven guilty in a court of law. Accountability comes after an arrestee is charged, proven guilty beyond a reasonable doubt, and sentenced – not before.

WHAT HASN'T CHANGED



- **PENAL CODE 1270.1 OFFENSES: PERSONS ARRESTED FOR SERIOUS OR VIOLENT OFFENSES**
- **RELEASE SOLELY BASED ON ABILITY TO PAY, NOT INDIVIDUAL RISK**

41%



WHAT HASN'T CHANGED

**0% ASSESSED
FOR INDIVIDUAL RISK**



RELEASE CATEGORIES UNDER NEW BAIL SCHEDULES

47% OF BOOKINGS UNDER PARP ASSESSED FOR RISK

Cite & Release (CR)
-or-
Book & Release (BR)

13%

Magistrate Review
(MR)

13%/19%

23%

ALL RELEASE TERMS FOR ARRESTEES
MAY BE RECONSIDERED AT ARRAIGNMENT

EXCEPTIONS, ENHANCEMENTS, AND BAIL DEVIATION

- **Exceptions: Felony Probation, Parole or Post-Release Community Supervision (22%)**
- **Enhancements: Alleged Sentencing Enhancements result in money bail or MR (9%)**
- **Bail Deviation: LEA can request Magistrate Review on CR and BR offenses. (13%)**

MAGISTRATE REVIEW

- REVIEW BASED ON INDIVIDUALIZED RISK FACTORS
 - CRIMINAL HISTORY
 - PREVIOUS FAILURES TO APPEAR
- NOT BASED ON FINANCIAL MEANS
- APPROPRIATE NON-FINANCIAL RELEASE TERMS, IF ANY



RECORD DETAILS

DETAINEE INFORMATION	
DETAINEE'S NAME	DOB
BOOKING NUMBER	BOOKING DATE
	10/11/2023

SCORES	
FTA 6 Point Scale	NCA 6 Point Scale
6	6
	NVCA Flag
	4

DECISION	
10/12/2023	Hold For Further Review
Arrestee is temporarily held until arraignment to protect victim or public safety, or ensure the arrestee's appearance at arraignment. Based upon the facts and risk assessment known prior to arraignment, there does not appear to be a less restrictive alternative prior to arraignment.	

RISK ASSESSMENT			
Risk Factor	FTA	NCA	NVCA
1. Age at current arrest		0	
2. Current violent offense			0
Current violent offense & 20 years old or younger			0
3. Pending charges at the time of the offense	1	3	1
4. Prior misdemeanor conviction		1	
5. Prior felony conviction	1		
Prior conviction (misdemeanor or felony)			1
6. Prior violent conviction		2	2
7. Prior failure to appear in the past two years	4	2	
8. Prior failure to appear older than two years	1		
9. Prior sentence to incarceration		2	

Current Arrest Charges

Charge #	Statute Code	Degree	Violent
1	PC29800(A)(1)	F	No

Pending Filed Charges

Case #	Charge #	Statute Code	Degree
DOW9DN	01	HS11377	M
DOW8DN	01	HS11377	M

Prior Convictions

Case #	Charge #	Statute Code	Degree	Date	Violent
DOWVA	01	HS1370.1(A)	F	08/31/2010	No
DOW3DN	01	PC273.6(A)	M	03/09/2023	No
DOW2DN	01	PC484(A)	M	08/24/2023	No
DOW2DN	01	PC243(E)(1)	M	01/09/2023	Yes
DOW2DN	01	PC243(E)(1)	M	01/24/2022	Yes
DOW7DN	02	PC368(C)	M	03/16/2017	Yes
DOW7DN	01	PC422(A)	M	03/16/2017	No
WH 1WW	02	VC12500(A)	M	09/11/2012	No

Prior Sentences

Case #	Charge #	Statute Code	Degree	Seoutencing
DOWVA	01	HS1370.1(A)	F	Yes
DOW3DN	01	PC273.6(A)	M	Yes
DOW2DN	01	PC484(A)	M	Yes
DOW2DN	01	PC243(E)(1)	M	Yes
DOW2DN	01	PC243(E)(1)	M	Yes
DOW7DN	02	PC368(C)	M	Yes
DOW7DN	01	PC422(A)	M	Yes

FTA Dates
06/02/2023
04/10/2023
12/30/2022
10/11/2022
10/23/2020
10/19/2020
07/02/2020
07/02/2020
07/02/2020
02/21/2020
02/21/2020
12/10/2019
12/06/2019
09/19/2019
11/07/2018
01/30/2012



DETAINEE INFORMATION

DETAINEE'S NAME	DOB
BOOKING NUMBER	BOOKING DATE
	10/11/2023 9:12 PM

SCORES

FTA 6 Point Scale	NCA 6 Point Scale	NVCA Flag
1	1	0

DECISION

10/12/2023 2:28 AM	Conditional Release
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RISK ASSESSMENT

Risk Factor	FTA	NCA	NVCA
1. Age at current arrest		0	
2. Current violent offense			0
Current violent offense & 20 years old or younger			0
3. Pending charges at the time of the offense	0	0	0
4. Prior misdemeanor conviction		0	
5. Prior felony conviction		0	
Prior conviction (misdemeanor or felony)	0		0
6. Prior violent conviction		0	0
7. Prior failure to appear in the past two years	0	0	
8. Prior failure to appear older than two years	0		
9. Prior sentence to incarceration		0	

RECORD DETAILS

Current Arrest Charges

Charge #	Statute Code	Degree	Violent
1	VC23152(A)	M	No

Pending Filed Charges

Case #	Charge #	Statute Code	Degree
No data found.			

Prior Convictions

Case #	Charge #	Statute Code	Degree	Date	Violent
No data found.					

Prior Sentences

Case #	Charge #	Statute Code	Degree	Sentencing
No data found.				

Failure To Appear

FTA Dates
No data found.

WHAT HAPPENS AT MAGISTRATE REVIEW?

- **11.5% ORDERED RELEASED ON CONDITIONS**
 - **7.4% OF THOSE ALREADY RELEASED BY LEA AT TIME OF ORDER**
- **1.4% RELEASE OWN RECOGNIZANCE (OR)**
- **87.1% TEMPORARILY HELD FOR FURTHER REVIEW AT ARRAIGNMENT**
 - **NO LESS RESTRICTIVE ALTERNATIVES PRIOR TO ARRAIGNMENT**

PUBLIC SAFETY BENEFITS OF PRE-ARRAIGNMENT RELEASE PROTOCOLS

Risk Scores of people booked:

- **89%** of those **ordered released** by magistrates had a **low-risk score**
- **75%** of those **temporarily held** until arraignment had a **medium-to-high risk score**
- **52%** of those eligible for **money bail** had a **medium-to-high risk score**

LET'S TALK ABOUT THOSE HELD

Risk Scores of people booked:

- **75%** of those **temporarily held** until arraignment had a **medium-to-high risk score**
 - **Risk Score 1/2 - 1,533**
 - **429** escalated by probation
 - **57** failed **1319.5** test
 - **118** low NCA risk but high FTA risk
- Adding these in to M/H risk results in **83%** held in M/H risk

REBOOKINGS

- **1618** booked into jail were rebooking (out of 20,962)
 - 8% of all bookings
- **936 (58%)** were those released on **money bail**
- **Five** of those ordered released by the magistrate were rebooked.

