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# Pretrial Detention and Jail Capacity in California

## Technical Appendices

### CONTENTS

Appendix A: Pretrial Services Programs for Selected Counties

Appendix B: Data and Methods

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## Appendix A: Pretrial Services Programs for Selected Counties

County programs differ in the extent to which they adhere to the national standards for pretrial services promulgated by the ABA (ABA, 2007). Since the passage of realignment, many counties have implemented or updated their pretrial services programs to align more closely with national standards. It is also common for programs to be discontinued and later reconstituted as priorities and funding streams change, to migrate from one agency to another, and for program components to change. No state agency is responsible for oversight of these programs, nor is there a central repository for information on these programs. Given the number of programs statewide and their variation, if California could develop an overarching evaluation framework, and a consistent system for data definition and collection, the state could make a significant research contribution to the field of pretrial services.

**TABLE A1**

Sample of county pretrial services programs

County	Risk assessment instrument	Established reestablished or updated after realignment	Staffed by	Jail population cap
Alameda	Ohio Risk Assessment System-Pretrial Assessment Tool (ORAS-PAT)	1970, 72, 02, 15 (currently in development)	Court	no
Contra Costa	Virginia Pretrial Risk Assessment Instrument (VPRAI)	2014	Probation/Public Defender	no
Fresno	VPRAI	2012	Probation	yes
Humboldt	ORAS-PAT	1990s, 2012	Probation/Sheriff	no
Kern	VPRAI	2014	Sheriff	yes
Los Angeles	Wisconsin Modified	1963	Probation	yes
Marin	ORAS-PAT	2011	Nonprofit agency	no
Monterey	ORAS-PAT	2012	Probation	no
Napa	ORAS-PAT	2011	Probation	no
Sacramento	VPRAI	1983-09, 2012	Sheriff	yes
San Francisco	Public Safety Assessment-Court (PSA-Court)	1976	Nonprofit agency	no
Santa Clara	County-Specific Tool	1969	Santa Clara Office of Pretrial Services	no

County	Risk assessment instrument	Established reestablished or updated after realignment	Staffed by	Jail population cap
Santa Cruz	Public Safety Assessment-Court (PSA-Court)	2005, new risk assessment instrument 2014	Probation	no
Sonoma	Sonoma Pretrial Risk Assessment Tool (SPRAT)	2009, 2015	Probation/Sheriff	no
Ventura	ORAS-PAT	2009,2013	Probation	no
Yolo	ORAS-PAT	2010	Probation	yes

SOURCES: Training Bulletin Issue 14–25, August 11, 2014, Sheriff’s Office Pre-Trial Release Program (Kern). Judicial Council Pretrial Summit February 2015 (Alameda, Contra Costa, Santa Clara, Sonoma, and Santa Cruz). Presentation to Crime and Justice Institute Pretrial Justice Orientation for System Stakeholders January 2014 (Ventura). Monterey County California, Pretrial Justice System Assessment, Crime and Justice Institute, June 16, 2014 (Monterey). Partnership for Community Excellence (2012), Pretrial Detention and Community Supervision Best Practices and Resources for California Counties (Marin). Creating an Effective Pretrial Program a Toolkit for Practitioners, Crime and Justice Institute June 2013 (Yolo). Personal communication, Mike Elliot, Director, Fresno County Probation, Adult Probation Services June 23, 2015 (Fresno). Personal communication, Antonio Aceves, Pretrial Services Division, County of Los Angeles Probation Department June 26, 2015 (Los Angeles). Personal communication, Tani Williams, Pretrial Service Unit, Napa County Probation, June 29, 2015 (Napa).

## Appendix B: Data and Methods

### State Court Processing Statistics, 1990–2009: Felony Defendants in Large Urban Counties

The data contained in State Court Processing Statistics, 1990–2009: Felony Defendants in Large Urban Counties were collected from the 40 of the nation’s 75 most populous counties. The data are intended to provide information on felony defendants’ movements through criminal courts. The data track cases filed in May of a given year until the case reaches final disposition or until one year has elapsed from the filing date. The subset of data used in this report contains data from 10 California counties in the years 2000, 2002, 2004, 2006, and 2009. California data collected in 2006 and 2009 was drawn exclusively from large southern California counties (Table B1). To provide a broader sample of California counties, data from 2000–2009 were combined for this report.

**TABLE B1**

California counties sampled in the State Court Processing Statistics 2000–2009

County	2000	2002	2004	2006	2009
Alameda	x	x	x		
Contra Costa	x	x	x		
Los Angeles	x	x	x	x	x
Orange	x	x	x	x	x
Riverside	x	x	x		
San Bernardino	x	x	x	x	x
San Diego	x	x	x		
San Mateo	x	x	x		
Santa Clara	x	x	x		
Ventura				x	x

SOURCE: US Department of Justice, Bureau of Justice Statistics. State Court Processing Statistics 1990–2009: Felony Defendants in Large Urban Counties.

### State Court Processing Statistics Weights and Date Ranges

The SCPS results presented in this paper are based on unweighted data. Complete information on the data collection and weighting methodology used in the SCPS is available in the Codebook for 1990–2009 Cumulative Data (US Dept. of Justice, Bureau of Justice Statistics). Before selecting the data range (2000–2009), the sensitivity of the sample to the inclusion or exclusion of Los Angeles, to case weighting and to date ranges selected was reviewed (Table B2). Data weighting does not alter the findings presented in this report, nevertheless case weighted data for all figures presented in the report are included in this appendix.

**TABLE B2**

## Data Sensitivity to Case Weights and Date Ranges

Limiting Sample to 2006 and 2009 biases the sample toward large southern California counties who hold larger share of defendants on bail

	CA Unweighted 2000–2009	CA CaseWtd 2000–2009	CA Unweighted 2000–2004	CA CaseWtd 2000–2004	CA w/o LA Unweighted 2000–2009	CA w/o LA CaseWtd 2000–2009	CA w/o LA Unweighted 2000–2004	CA w/o LA CaseWtd 2000–2004
Financial release/Bail/Bond	21.1	20.4	21.3	20.6	22.2	21.8	22.73	22.93
Nonfinancial Release/ROR/Cite	18.3	18.1	19.4	19.1	19.0	19.3	19.31	18.82
Emergency/Capacity release	0.0	0.0	0.0	0.0	0.0	0.0	0.01	0.01
Held on bail	49.2	50.2	46.1	46.6	44.1	41.7	41.72	38.34
Denied bail	4.4	3.9	5.4	4.9	5.9	6.2	7.03	7.59
Release conditions unknown	1.4	1.3	1.1	1.2	1.8	2.0	1.48	1.84
Detained, reasons unknown	4.5	5.0	5.5	6.5	5.7	7.7	6.5	9.27
Case closed	1.2	1.2	1.2	1.2	1.4	1.3	1.21	1.2
Total	100	100	100	100	100	100	100	100

SOURCE: US Department of Justice, Bureau of Justice Statistics. State Court Processing Statistics 1990–2009: Felony Defendants in Large Urban Counties.

NOTE: Weighted data represent the number of cases filed in a given county in the month of May. The influence of larger counties on the results is greater when data are weighted. A negligible number of emergency or capacity releases in California were captured in the SCPS.

**TABLE B3**

California has relied more heavily than the rest of the United States on pretrial detention, application of weights does not alter findings

	California Case weighted	Rest of US Case weighted	California Unweighted	Rest of US Unweighted
Released	40.2	66.0	41.3	67.8
Detained	59.8	34.0	58.7	32.2

SOURCE: Author's calculations of data from 2000–2009, US Department of Justice, Bureau of Justice Statistics. State Court Processing Statistics 1990–2009: Felony Defendants in Large Urban Counties.

**TABLE B4**

California has had higher rates of failures to appear and higher rearrests for non-violent felonies, application of weights does not alter findings

	Multiple failures to appear (%)	% Rearrested			
		Any felony	Drug felony	Property felony	Violent felony
California (unweighted)	6.6	12.4	5.7	3.9	1.4
Rest of US (unweighted)	2.9	10.1	3.7	3.3	1.9
California (weighted)	6.7	11.2	5.1	3.6	1.3
Rest of US (weighted)	2.9	10.5	4.1	3.2	1.9

SOURCE: Author's calculations of data from 2000–2009, US Department of Justice, Bureau of Justice Statistics. State Court Processing Statistics, 1990–2009: Felony Defendants in Large Urban Counties.

**TABLE B5**

Drug offenders in California have higher rates of pretrial misconduct, application of weights does not alter findings

Charged offense	Failure to appear (%)	Any felony rearrest (%)	Any drug felony rearrest (%)	Any property felony rearrest (%)	Any violent felony rearrest (%)
<b>Unweighted</b>					
Drug	9.9	14.7	10.1	2.4	1.1
Violent	2.1	6.7	0.8	1.0	3.7
Property	4.4	12.6	2.2	8.8	0.8
Public order	3.3	8.8	1.3	1.7	1.1
Total across all offenses	6.6	12.4	5.7	3.9	1.4
<b>Case weighted</b>					
Drug	10.1	13.3	9.1	2.1	1.1
Violent	2.0	5.9	0.6	0.8	3.1
Property	4.2	11.6	1.9	8.0	0.9
Public order	3.7	7.4	0.9	1.3	1.3
Total across all offenses	6.7	11.2	5.1	3.5	1.3

SOURCE: Author's calculations of data from 2000–2009, US Department of Justice, Bureau of Justice Statistics. State Court Processing Statistics, 1990–2009: Felony Defendants in Large Urban Counties.

NOTE: Any felony rearrest includes drug, violent, property, public order and other felonies.

## State Court Processing Statistics: Major Crime Categories

The four major crime categories of violent, property, drug, and public-order were used in this report. This list summarizes the subcategories within each major crime category. All offenses except murder include attempts and conspiracies to commit. More detail can be found on the offenses within each subcategory in the SCPS Codebook for 1990–2009 Cumulative Data (US Dept. of Justice, Bureau of Justice Statistics).

### Violent offenses

Murder  
Rape  
Robbery  
Assault  
Other violent offenses

### Property offenses

Burglary  
Larceny/theft  
Motor vehicle theft  
Forgery  
Fraud  
Other property offenses

### Drug offenses

Drug trafficking  
Other drug offenses

### Public-order offenses

Weapons  
Driving-related  
Other public-order offenses

## Regression Analysis Results

California had higher pretrial detention rates (lower release rates) than the rest of the United States. These differences are partially due to differences in the composition of California’s felony defendants (Table B6). However, even after differences in demographics, criminal history, and bail amount are accounted for California releases defendants at a significantly lower rate than the rest of the United States.

**TABLE B6**

Felony defendants in California have been more likely to be drug offenders, to be on parole or probation and to have prior failures to appear in court

	California	Rest of US
<b>Most serious arrest charge</b>		
<i>Violent</i>	20.8	24.9
<i>Property</i>	29.6	30.5
<i>Drug</i>	41.2	33.2
<i>Public order</i>	8.4	11.5
Share of defendants with active criminal justice status	44.3	28.0
<b>Most serious prior conviction</b>		
<i>No prior convictions</i>	33.2	43.0
<i>Misdemeanor</i>	19.7	16.0
<i>Felony</i>	47.1	41.0
Share of with a prior prison incarceration	22.1	21.1
Share of defendants with prior failures to appear	46.1	38.7

SOURCE: US Department of Justice, Bureau of Justice Statistics. State Court Processing Statistics 1990–2009: Felony Defendants in Large Urban Counties.

NOTE: Unweighted results from 2000–2009 are presented. Active criminal justice status include defendants with pending charges on another case, on probation, parole.

To predict the probability of pretrial release controlling for demographics, bail amounts, charged offense, and criminal histories, regression models were used. To isolate effect of being a defendant in California on the probability of pretrial release, a California dummy variable was included in all models. Year fixed effects were added to account for time trends common to all jurisdictions. Results from the ordinary least squares regression model are shown in Table B7. Defendants in California are 7.2 percentage points less likely to be released when controlling for all other factors in the model.



**TABLE B7**

Linear regression model for probability of pretrial release

	Coefficient	St. Error
California	-0.072***	(0.006)
Log bail amount	-0.101***	(0.002)
Demographics		
Age group (18–19 omitted)		
20–24	0.050***	(0.008)
25–29	0.078***	(0.009)
30–39	0.050***	(0.008)
40–49	0.010	(0.009)
50 +	0.046***	(0.011)
Male	-0.041***	(0.006)
Race/ethnicity		
<i>Black-NH</i>	-0.035***	(0.005)
<i>Other-NH</i>	0.035*	(0.016)
<i>Hispanic</i>	-0.066***	(0.006)
Offense type (violent omitted)		
<i>Property</i>	-0.061***	(0.006)
<i>Drug</i>	0.019**	(0.006)
<i>Public order</i>	0.044***	(0.008)
Prior arrests		
1	-0.018	(0.010)
2	0.004	(0.012)
3+	-0.017	(0.010)
Prior convictions		
1	0.004	(0.010)
2	0.009	(0.010)
3+	-0.046***	(0.009)
Ever incarcerated	-0.100***	(0.008)
Active criminal justice status	-0.076***	(0.005)
Prior felony conviction	-0.075***	(0.007)
Prior failure to appear	-0.046***	(0.005)
Year fixed effects	included	

SOURCE: Author’s calculations of 2000–2009, US Department of Justice, Bureau of Justice Statistics. State Court Processing Statistics 1990–2009: Felony Defendants in Large Urban Counties.

NOTE: Standard errors in parentheses, \*\*\* p<0.001, \*\* p<0.01, \* p<0.05. Results from logistic model are similar, weighting does not alter findings, model presented is unweighted. Education and income are not included in the State Court Processing Statistics, and are not included in the model, race ethnicity variables should be interpreted accordingly.

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