

Pandemic Policymaking and Changed Outcomes in Criminal Courts

April 18, 2023

Heather Harris
with research support from Thomas Sloan



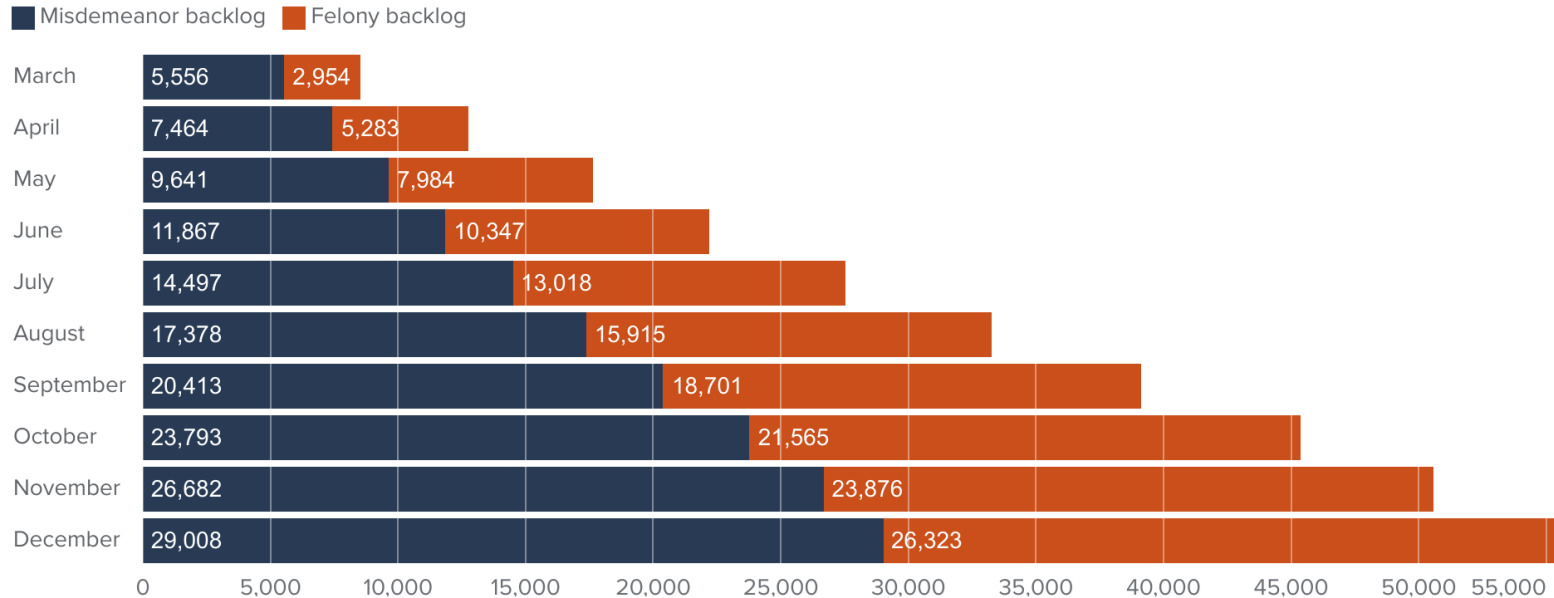
PPIC

PUBLIC POLICY
INSTITUTE OF CALIFORNIA

Pandemic conditions profoundly impacted California's justice system

- Police curtailed in-person interactions
- Most—though not all—courts closed to the public
- Arrest rates plummeted
- Rates at which criminal cases resolved fell further and stayed lower longer

A backlog of at least 55,000 criminal cases accumulated during 2020

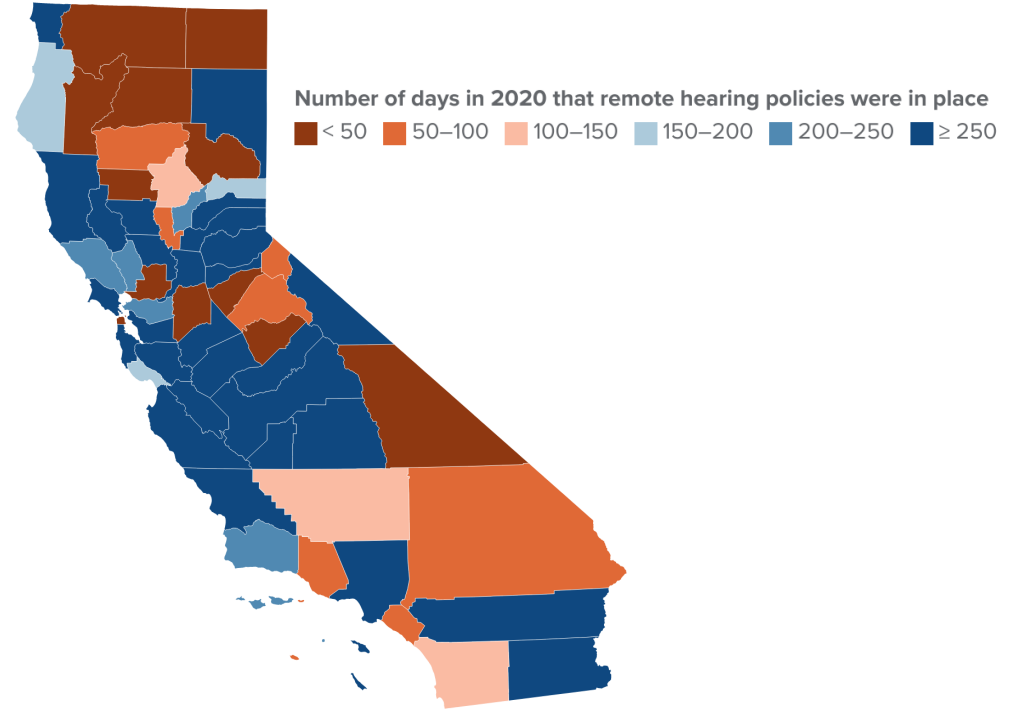


Criminal courts adopted policies to adjust to pandemic conditions

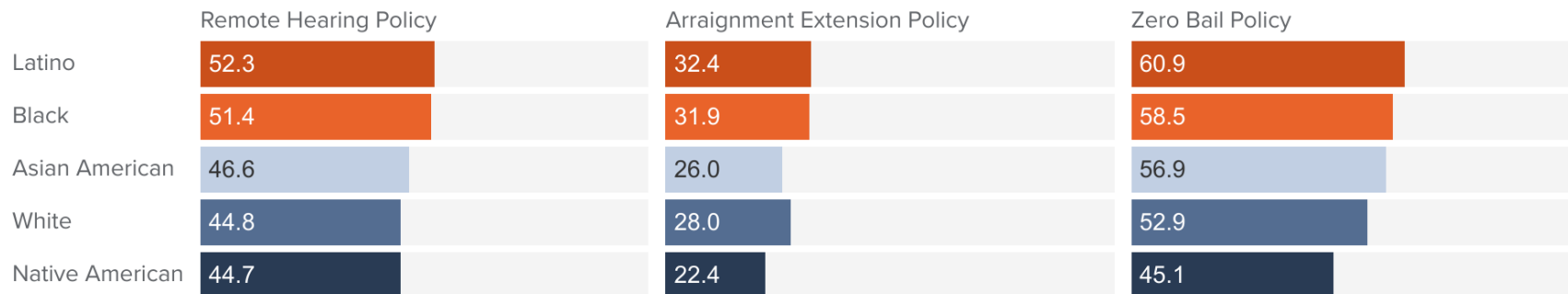
- Zero bail policies were imposed by the state and counties
- Timelines lengthened for criminal proceedings
- Criminal courts began to conduct hearings remotely

Counties could choose whether to implement pandemic policies—and for how long

- 9 counties did not adopt remote hearings
- 20 counties allowed remote hearings for more than three-quarters of 2020



Uneven adoption of pandemic policies led to racial disparities in exposure

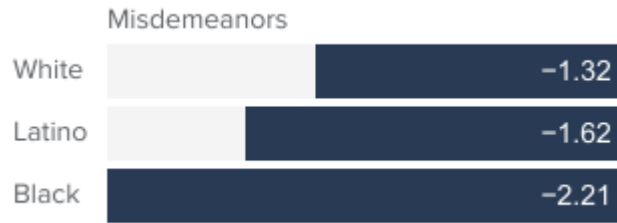


Remote hearings continued as other policies ended

- Remote criminal hearings are allowed through 2023
 - Felony trials are excepted
- Legislators may extend or modify the policy
- Understanding how remote hearings affected case outcomes can inform these decisions

Conviction rates fell when remote hearing policies were in place

- Misdemeanor conviction rates dropped most for black people
- Felony conviction rates fell farthest for white people

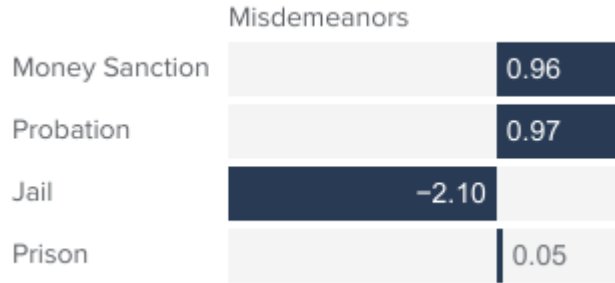


Percentage points reflect statistically significant average marginal effects (AME).

Sentencing patterns changed under remote hearing policies

- Misdemeanor convictions led to probation and fines, not jail
- Felony convictions were more likely to result in jail than prison

Sentencing impacts offset each other



Percentage points reflect statistically significant AME.

Jail and prison marginally statistically significant at $p=0.06$.

Remote hearing policies contributed to racial inequities in criminal case outcomes

- Remote hearings explain race differences in conviction rates
 - 13% of the difference between Latino and white people
 - 8% of the difference between Black and white people
- These policies explain about 5% of race differences in sentences
- Other factors that affect racial equity include prior arrests and prior convictions

Remote hearing policies affected case outcomes and how equitable they were

- Remote hearings affect whether people are convicted and how they are sentenced
 - Remote hearings do more than facilitate access to courts
- Racial equity impacts are mixed
 - Inequitable outcomes predated the pandemic and persisted amid it

More complete data could aid research and policymakers

- Future research should focus on arraignment outcomes
 - Plea bargaining limits defendants' exposure to other hearings
- Augmenting data collection would enable this research
 - Whether hearings are held remotely or in person
 - Prosecution decisions, pretrial detention, and failure to appear rates

Notes on the use of these slides

These slides were created to accompany a presentation. They do not include full documentation of sources, data samples, methods, and interpretations. To avoid misinterpretations, please contact:

Heather M. Harris (harris@ppic.org; 415-291-4441)

Thank you for your interest in this work.