

What Happened When California Suspended Bail during COVID?

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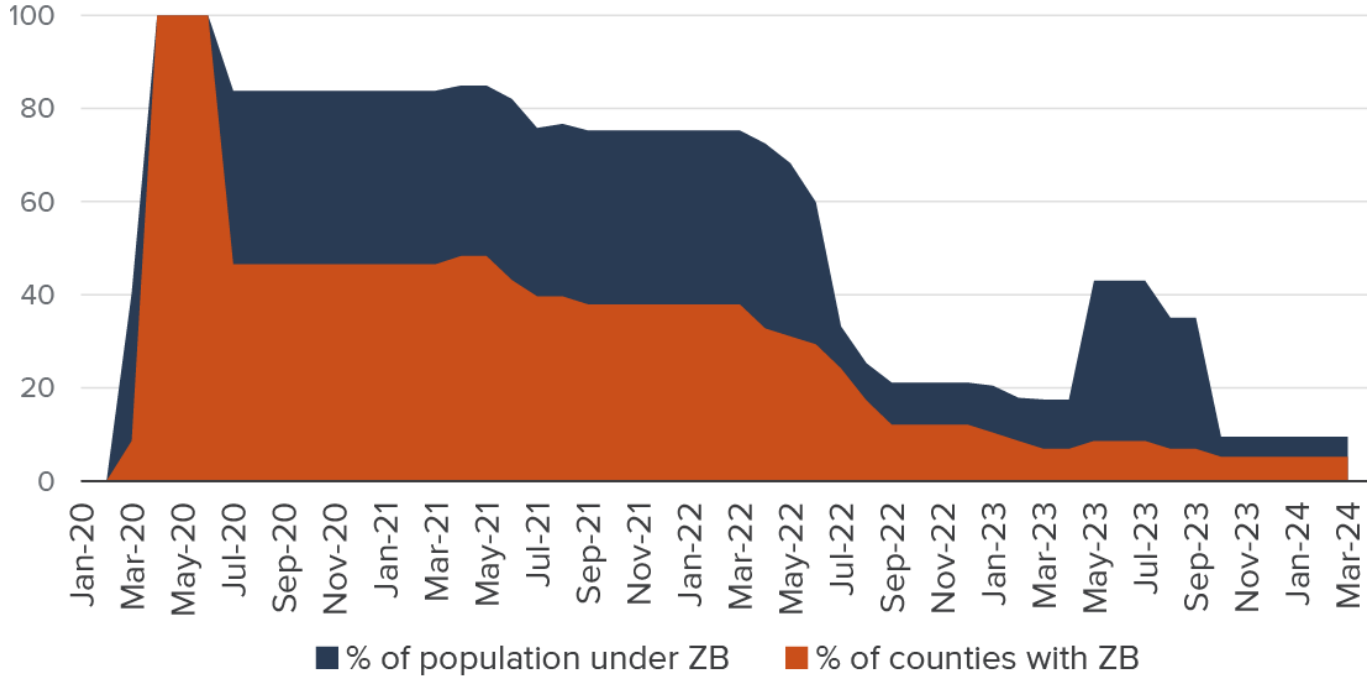
Bail in California

- Bail schedules are developed separately by each county
- 40% of individuals booked on misdemeanors or felonies were released pretrial in California
- Court cases at the county and state level are changing the landscape

Statewide emergency bail order during COVID

- Limited people held in jail for pretrial detention
- Was in place from April to June 2020
- Set bail at \$0 (“zero bail”), with exceptions for most serious, sexual, and violent crimes
 - But included some felonies that we categorize as violent
- DAs and law enforcement could appeal for different bail amount
- After June 2020, half of counties kept (modified) orders in place
- Some were concerned about a “revolving door” effect

Most Californians lived in a county with emergency bail until July 2022



For felonies, domestic abuse and assault were the most common arrests not eligible for zero bail

- Most common arrests exempted from zero bail:
 - DUI and domestic violence
- Most common zero-bail-eligible arrests:
 - Misdemeanors: drug offenses, obstructing an officer
 - Felonies: vehicle and grand theft, drug possession

Research questions

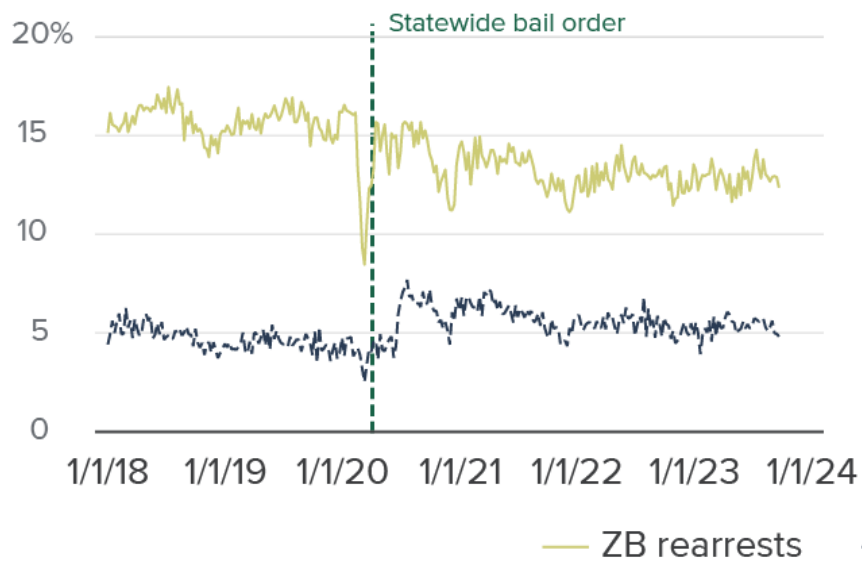
- How did rearrests for zero-bail-eligible offenses change when emergency bail orders began?
- What happened after emergency bail orders ended?

Data sources

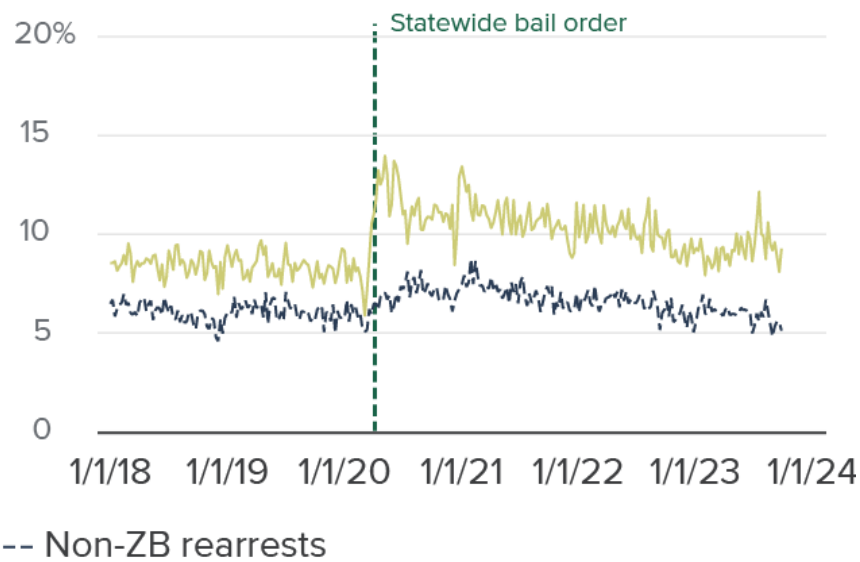
- Arrest data from CA Dept. of Justice (DOJ)
 - Automated Criminal History System (ACHS)
 - All arrests from January 2018 to September 2023
- Emergency bail orders from the Judicial Council of California and county superior courts

Zero-bail rearrests plunged for misdemeanors, but spiked for felonies, in March 2020

(a) Share of weekly 30-day misdemeanor rearrests

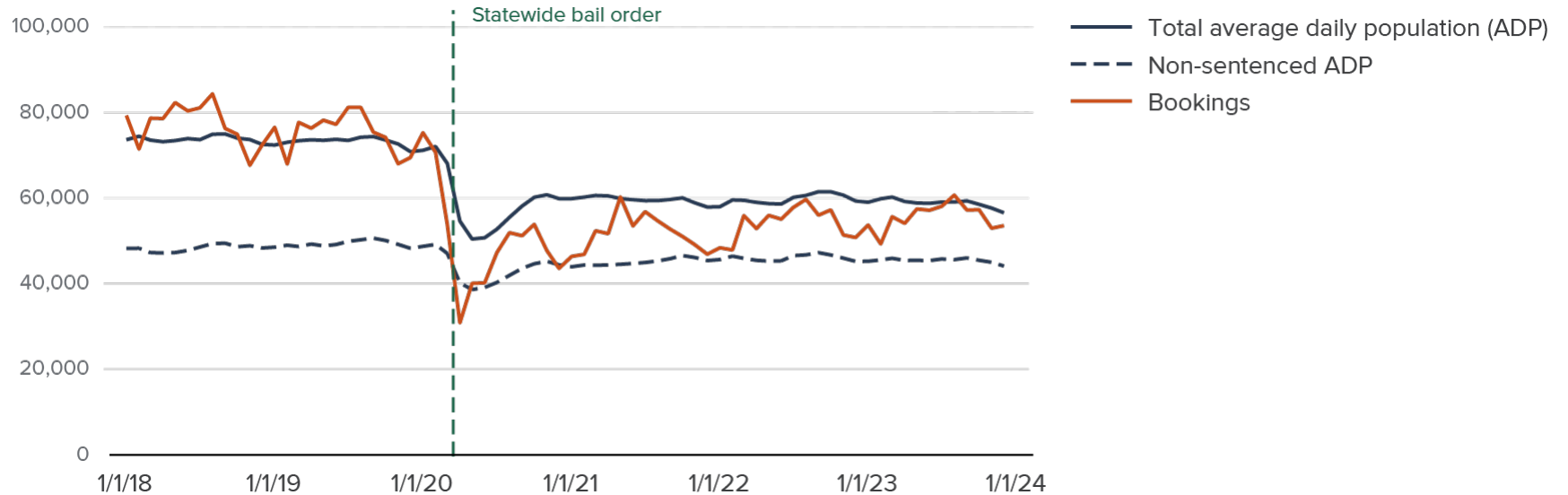


(b) Share of weekly 30-day felony rearrests



Jail bookings and population dropped at the onset of COVID and stayed below prior levels

Monthly ADP and bookings

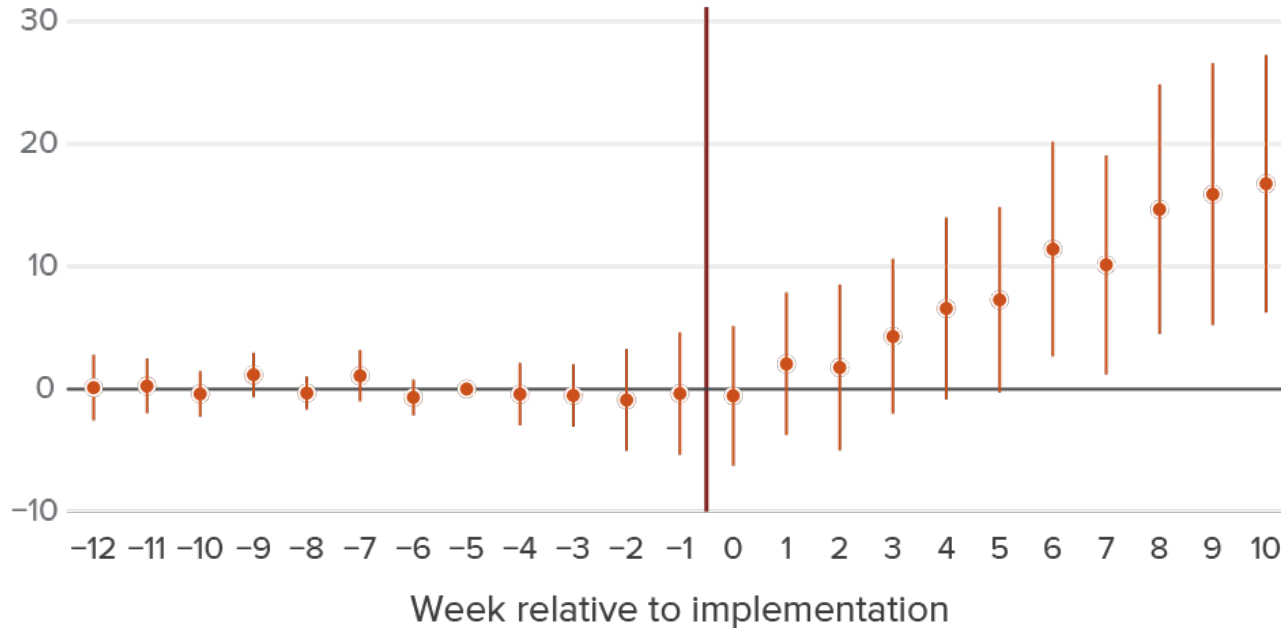


Methodology: triple difference framework

- Separately estimate the effect of implementation and revocation of emergency bail measures
- Use staggered timing of county policies
- Compare rearrests for zero-bail and non-zero-bail offenses
- Control for state rearrest trends over time, fixed differences in county, offense category, and race
- Focus on rearrests within 30 days of initial arrest
 - Show changes by type of initial and subsequent arrest

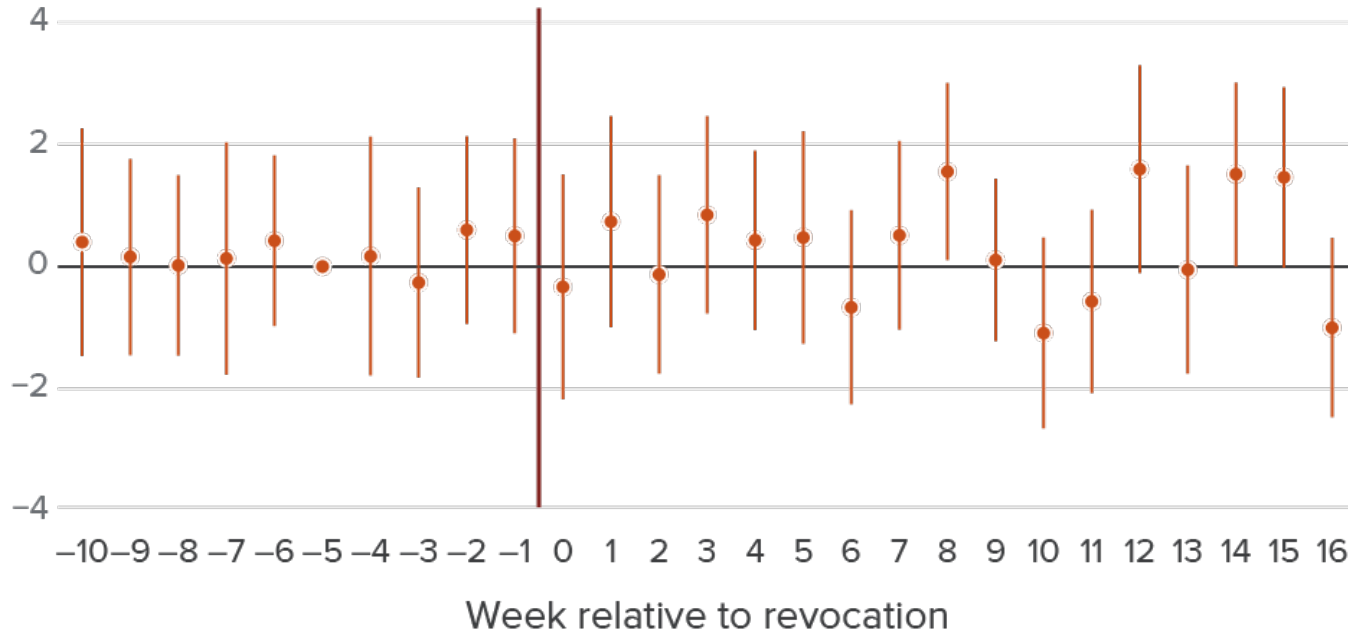
Implementation of emergency bail orders increased the likelihood of rearrests

Difference in likelihood of rearrest before and after implementation (% pt)



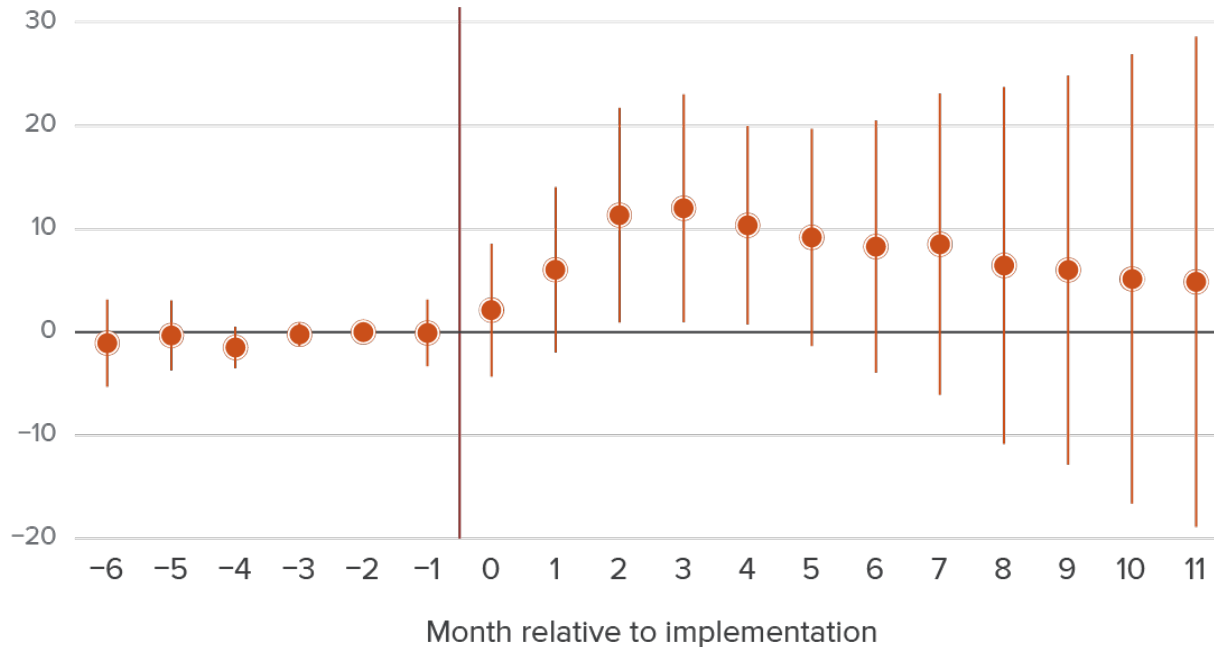
Revocation of orders had no significant impact

Difference in likelihood of rearrest before and after revocation (% pt)



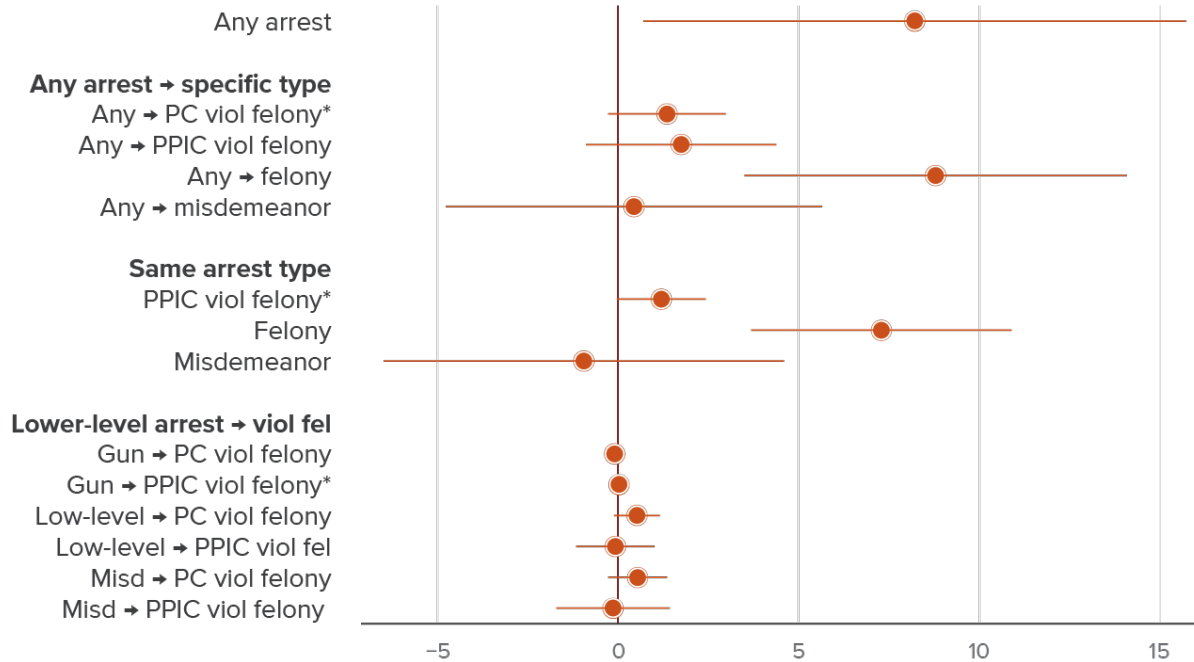
Under emergency bail orders, rearrests for zero-bail offenses subsided over time

Difference in likelihood of rearrest (% pt)



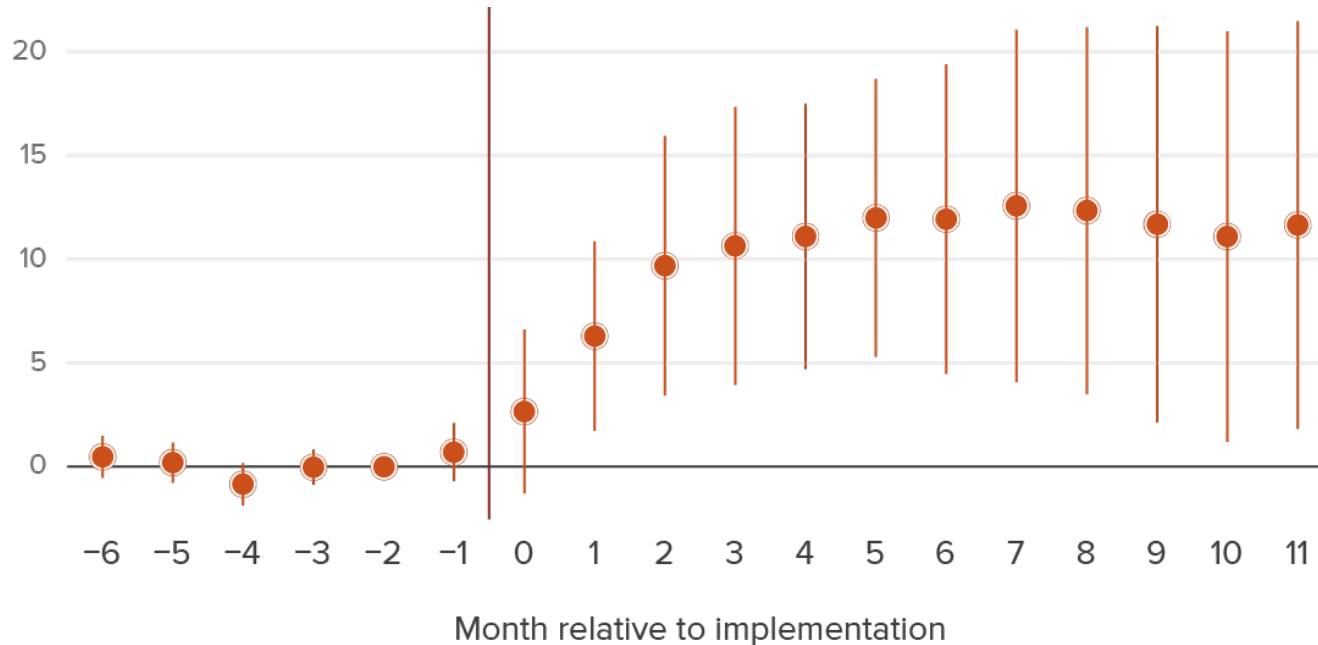
Increase in rearrests after implementation was driven by felonies

Difference in rearrest likelihood after implementation (% pt)



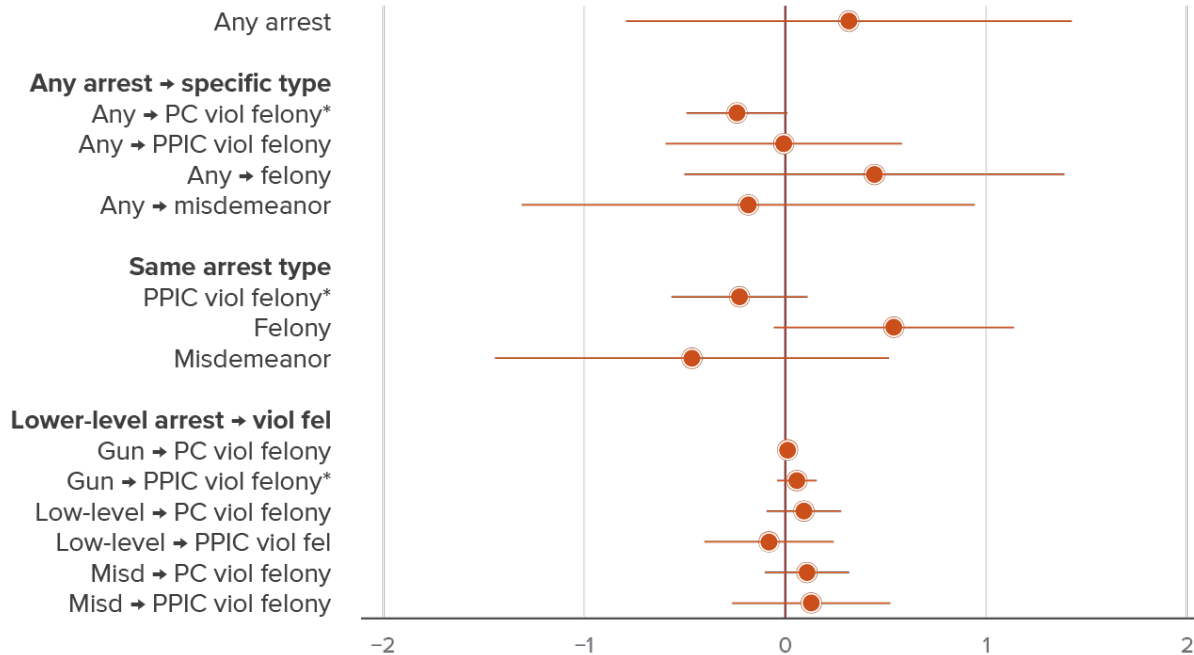
General-to-felony rearrests did not subside in the year after implementing emergency bail orders

Difference in likelihood of rearrest (% pt)



Revocation did not generally affect the likelihood of rearrest across rearrest categories

Difference in rearrest likelihood after revocation (% pt)



How does this compare to bail changes elsewhere?

- Automatic release does not increase offending
 - Low-level offenses in KY: no ↑ pretrial rearrests, including violent rearrests
 - Misdemeanors in Harris County, TX: ↓ guilty pleas, convictions, jail sentencing, but no ↑ felony offending
- Non-monetary release frameworks do not increase offending
 - “No cash bail” policy in Philadelphia: no ↑ in failure to appear or pretrial crime
 - Electronic monitoring in Cook County, IL: ↓ future recidivism

Recap of findings

- Implementation of emergency bail orders led to increases in the likelihood and number of rearrests within 30 days
 - Driven by felony rearrests
 - No evidence of increase in rearrests for violent felonies
- For counties that continued order for at least a year:
 - Effect wanes after about four months *while measure is still in place*
 - Average effect is statistically insignificant over the year
 - Significant and enduring impact on felony rearrests
- Revocation did not impact rearrests, regardless of offense type

Discussion

- Some short-term risks to blanket policy on pretrial detention
- The temporary impact of implementation and lack of effect of revocation suggest *context is key*
- Felony rearrests did not significantly decline after implementation
 - More research is needed to understand contributing factors
- Increases are driven by first six days after initial arrest
 - Suggests incapacitation effect
- Future research on benefits and/or longer-term impacts are vital

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:

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Thank you for your interest in this work.