

# PRE-ARRAIGNMENT RELEASE PROTOCOLS<sup>2</sup>

UPDATE: OCT-FEB 2024



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

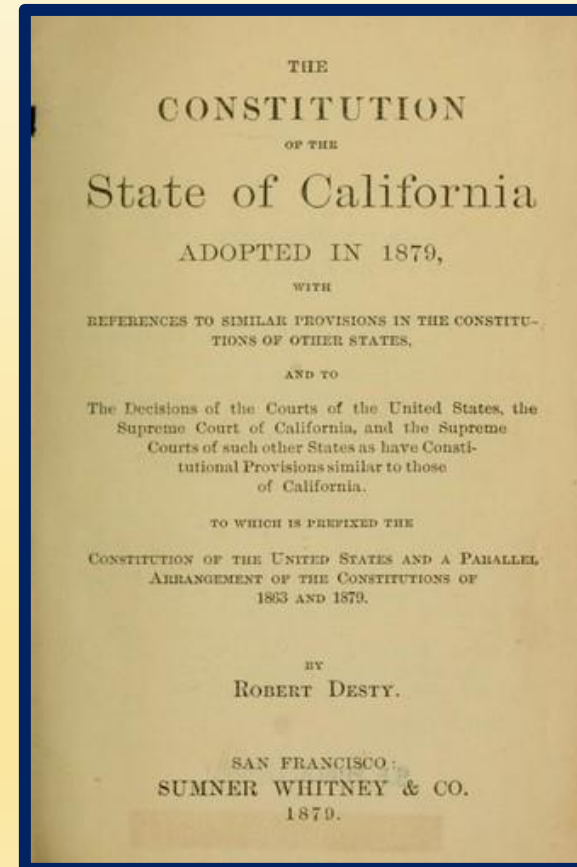
# PURPOSE OF BAIL

**“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:

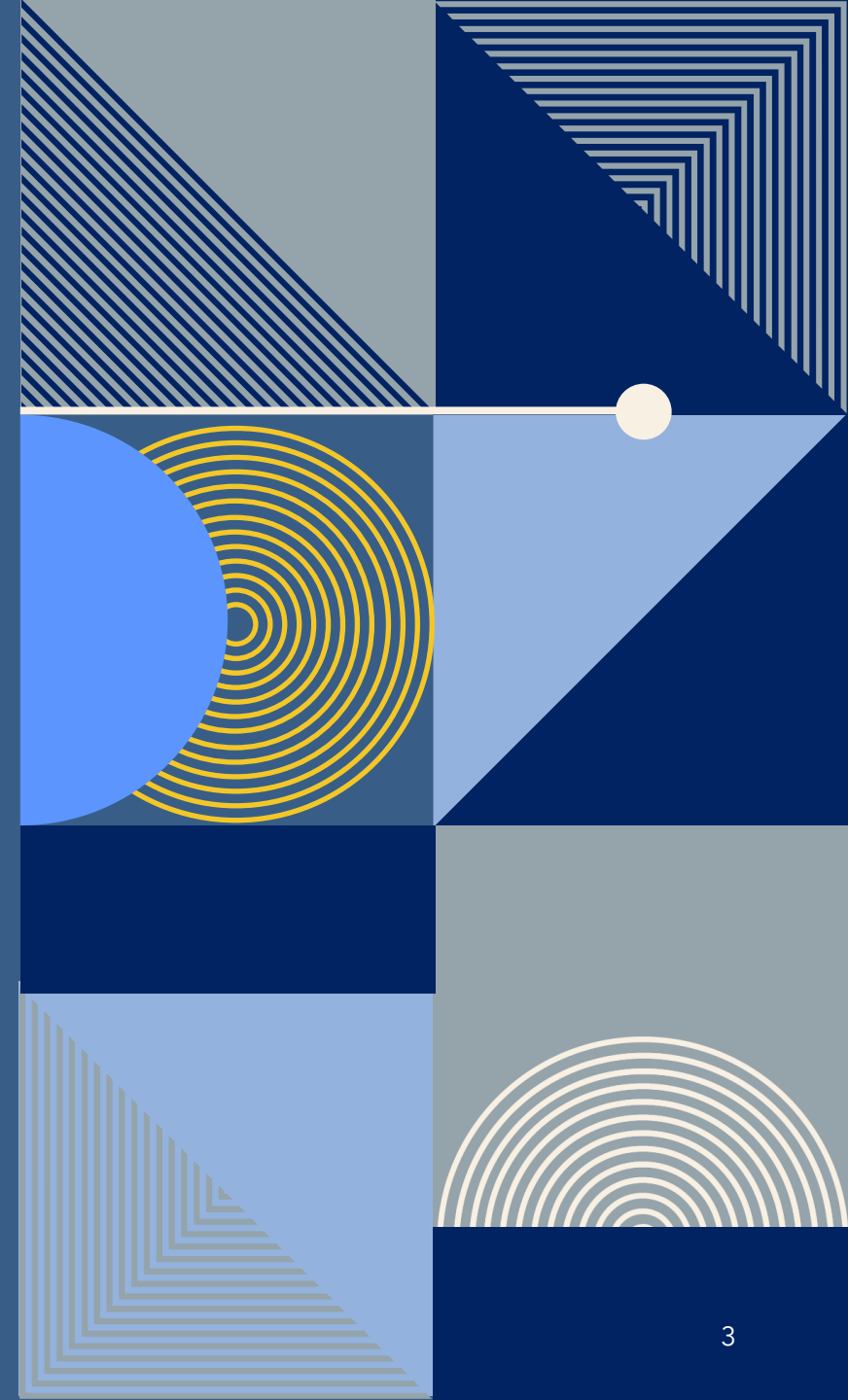
**(1) ensure an arrestee appears for all court appearances.**

**(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.....		10,000
	Second Offense.....		12,500
	Third Offense.....		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-ARRAIGNMENT 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 <u>By</u> 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



**FALSE**

PARP is not a hands on  
law enforcement office  
forcing a "stand-  
your-ground" 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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...ment has no  
...uthority to elev...  
off... se...rate 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

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**FACT**



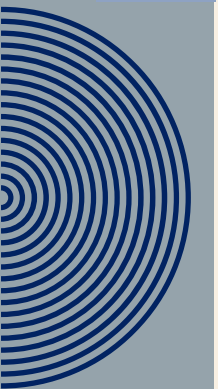
**Every United States citizen is innocent until proven guilty in a court of law. Accountability comes after an arrestee is charged, proven guilty beyond a reasonable doubt, and sentenced – not before.**

# 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**

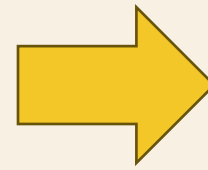


# RELEASE CATEGORIES UNDER NEW BAIL SCHEDULES

**47% OF BOOKINGS UNDER PARP ASSESSED FOR RISK**

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

**13%/19%**



**13%**

**Magistrate Review  
(MR)**

**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



## PSA SCORES

## DETAINEE INFORMATION

DETAINEE'S NAME [REDACTED]	DOB [REDACTED]
BOOKING NUMBER [REDACTED]	BOOKING DATE 10/11/2023

## SCORES

FTA 6 Point Scale	NCA 6 Point Scale	NVCA Flag
6	6	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		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	

## RECORD DETAILS

## Current Arrest Charges

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

## Pending Filed Charges

Case #	Charge #	Statute Code	Degree
DOW9DN [REDACTED]	01	HS11377	M
DOW8DN [REDACTED]	01	HS11377	M

## Prior Convictions

Case #	Charge #	Statute Code	Degree	Date	Violent
DOWVA1 [REDACTED]	01	HS11370.1(A)	F	08/31/2010	No
DOW3DN [REDACTED]	01	PC273.6(A)	M	03/09/2023	No
DOW2DN [REDACTED]	01	PC484(A)	M	08/24/2023	No
DOW2DN [REDACTED]	01	PC243(E)(1)	M	01/09/2023	Yes
DOW2DN [REDACTED]	01	PC243(E)(1)	M	01/24/2022	Yes
DOW7DN [REDACTED]	02	PC368(C)	M	03/16/2017	Yes
DOW7DN [REDACTED]	01	PC422(A)	M	03/16/2017	No
WH 1WW [REDACTED]	02	VC12500(A)	M	09/11/2012	No

## Prior Sentences

Case #	Charge #	Statute Code	Degree	Sentencing
DOWVA1 [REDACTED]	01	HS11370.1(A)	F	Yes
DOW3DN [REDACTED]	01	PC273.6(A)	M	Yes
DOW2DN [REDACTED]	01	PC484(A)	M	Yes
DOW2DN [REDACTED]	01	PC243(E)(1)	M	Yes
DOW2DN [REDACTED]	01	PC243(E)(1)	M	Yes
DOW7DN [REDACTED]	02	PC368(C)	M	Yes
DOW7DN [REDACTED]	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  
02/21/2020  
02/21/2020  
12/10/2019  
12/06/2019  
09/19/2019  
11/07/2018  
01/30/2012



## PSA SCORES

DETAINEE INFORMATION	
DETAINEE'S NAME [REDACTED]	DOB [REDACTED]
BOOKING NUMBER [REDACTED]	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

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**

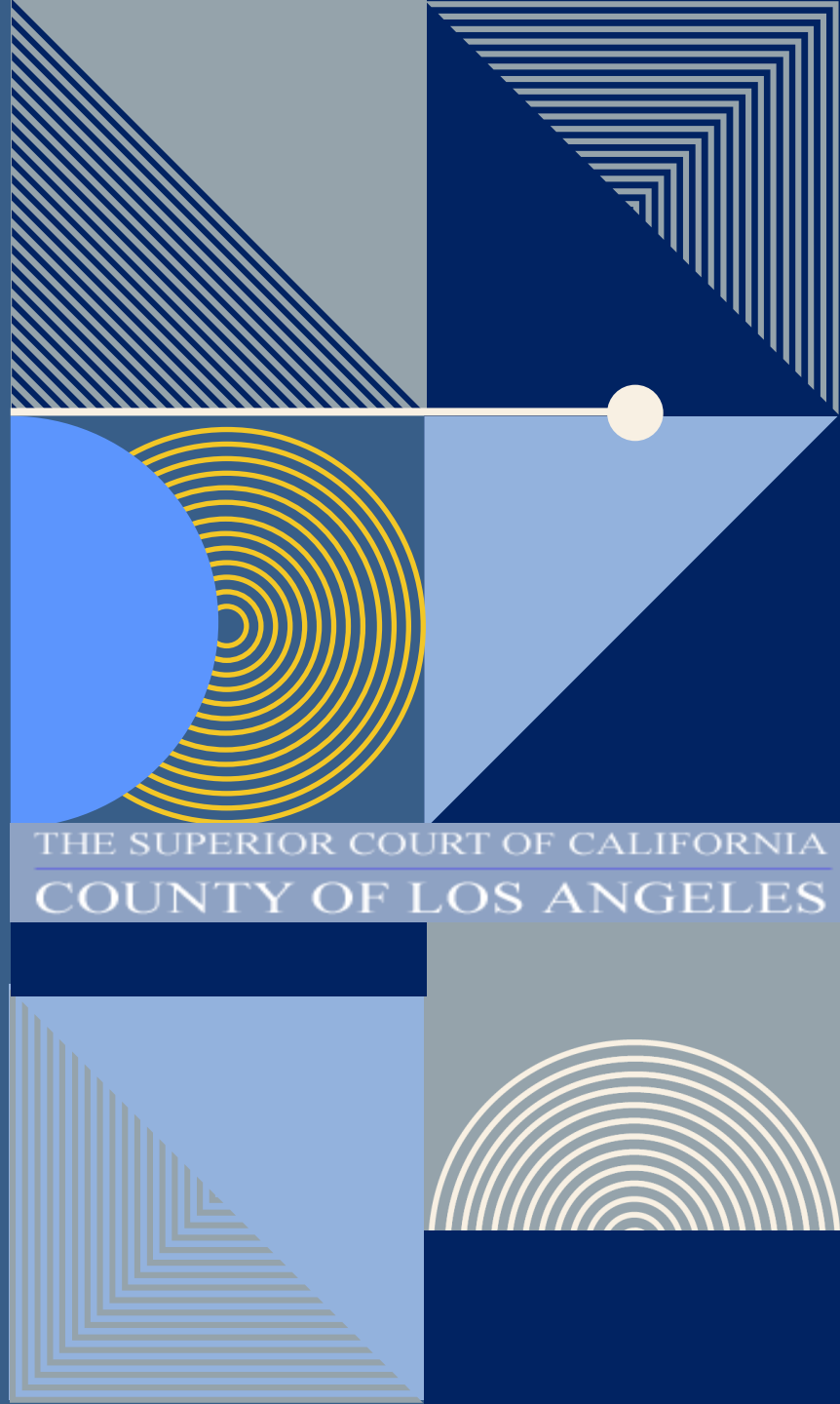
# LET'S TALK ABOUT THOSE HELD

## 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.



THE SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES