# Table of Contents

EXECUTIVE SUMMARY ........................................................................................................ iii

Acknowledgements .................................................................................................................. vi

Introduction ............................................................................................................................. 1

Methodology ........................................................................................................................... 2
  Population Descriptions ......................................................................................................... 3

System Overview ..................................................................................................................... 5

Findings .................................................................................................................................... 5
  Pre-Booking Alternatives to Detention .................................................................................. 6

Booking .................................................................................................................................... 7

Risk Assessment ..................................................................................................................... 11

Risk Assessment Release Recommendation .......................................................................... 17

Release ..................................................................................................................................... 20

Case Filing ............................................................................................................................... 26

Disposition ............................................................................................................................... 29

Recommendations .................................................................................................................. 33

Appendix A: VPRAI Eligibility Criteria .................................................................................. 36

Appendix B: Identifying Variables .......................................................................................... 37

Appendix C: Data Collection ................................................................................................... 38

Appendix D: File Preparation Methodology ........................................................................... 39
EXECUTIVE SUMMARY

San Joaquin County is a national leader in pretrial services and operates two Pretrial Services Units, within the Probation Department, to assess the likelihood of pretrial failure, provide information to the court to assist with release decisions, and monitor defendants in the community to mitigate the risk of pretrial failure. San Joaquin has also demonstrated its commitment to analyzing performance measures, adjusting practices, and publishing results in an annual report.

County leaders are dedicated to creating a pretrial system that is aligned with national best practices and pretrial research. To accomplish this, the San Joaquin Probation Department partnered with the Crime and Justice Institute (CJI) at Community Resources for Justice to conduct an evaluation of the entire pretrial system. CJI conducted an assessment to provide:

1) A comprehensive view of how pretrial processes are functioning, through obtaining pretrial practitioner and system stakeholder’s insights of pretrial practices within the jurisdiction;
2) An understanding of the pretrial system through quantitative analysis; and
3) An analysis of the Pretrial Services Unit’s strengths and opportunities for change.

To conduct this analysis, CJI considered the County’s pretrial system data as well as information collected first hand through observations, interviews with stakeholders and staff, and a review of pretrial policies. A brief overview of the findings is included below, and a more detailed description can be found in the full body of this report.

Findings and Recommendations

CJI reviewed the data for each decision point within San Joaquin’s pretrial system to determine the County’s strengths and potential areas for improvement. CJI’s findings include the following.

Arrest and Booking

San Joaquin offers several options for release or diversion prior to booking, such as Law Enforcement Assisted Diversion and other programs that are shown to be effective in addressing behavioral health needs. However, these initiatives are not fully funded and many stakeholders within the County are not aware of their availability.

Despite alternatives to detention available in the jurisdiction, nearly half of those arrested and booked into jail are there for misdemeanor charges. Given this, there may be an opportunity to divert more people charged with lower-level offenses by fully funding and expanding access to existing arrest alternatives. This is particularly important for those with behavioral health needs. By increasing diversion options for misdemeanor offenses, the jail’s limited resources can be reserved for more people charged with more serious offenses.
**Risk Assessment and Recommendation**

The Pretrial Services Unit has clear guidelines on who is eligible for a Virginia Pretrial Risk Assessment Instrument (VPRAI). Staff use this assessment to provide risk scores and release recommendations for eligible defendants to the court. Pretrial Services consistently assessed 73% of defendants eligible for assessment. Around one third (30%) of defendants booked into the jail were ultimately assessed, with under half (48%) of all bookings being eligible for assessment. This leaves a gap in the number of defendants who could be assessed, which could be due to County policies. For example, to alleviate the jail population, the court issued a consent decree requiring most individuals with misdemeanor charges to be released after they are booked into the jail. These individuals are not eligible for a pretrial risk assessment because they will be released regardless of the assessment findings.¹

More than half (59%) of defendants scored four or higher on the assessment, which policy states should be a recommendation for detention; however, the majority (71%) of these high risk defendants who are released are successful in the community. This indicates detention may not be the least restrictive intervention for the majority of defendants to be successful pretrial.

The County should consider limiting the detention recommendations based on the VPRAI score and instead provide an appropriate level of monitoring for defendants if/when they are released from detention. This, coupled with consistently reviewing money bail amounts within the bail schedule, would assist the County in implementing least restrictive pretrial interventions to ensure court appearance and public safety.

**Release Decision**

Half of defendants booked in San Joaquin are released without any monetary conditions prior to trial. This includes defendants who are placed on the Pretrial Monitoring program and those who are not.

The other half of defendants have some sort of monetary condition. The court did not provide data that would have allowed for an analysis of monetary bail practices in San Joaquin, but the common theme in stakeholder interviews is that the monetary bail amounts are too high. Multiple stakeholders identified the amounts in the bail schedule as some of the highest in California. According to stakeholder interviews and observations in San Joaquin, it is uncommon for the monetary bail amount to be adjusted at arraignment and ability to pay is not typically considered. This can mean that defendants without financial means are detained and individuals with financial resources may be released into the community.

The County should consider adopting bail practices that rely less on money to the extent allowable by California statute. Judges should review all documentation, including the defendant’s ability to pay, to make individualized bail decisions at arraignment.

¹ All misdemeanor charges except: misdemeanor charges for domestic violence, elder abuse, sex offenses, child abuse, DUI with a prior DUI in the past ten years, and any charge where a defendant has had five failures to appear.
Case Filing
The San Joaquin District Attorney’s Office has made progress in effectively utilizing its resources. The office implemented practices to reduce the case filing rate by 15% over the last several years. Between 2014 and 2017, the number of dropped charges decreased by 12%, but on average, 3.8 charges were still dropped per booking.

The County should continue to have experienced prosecutors review cases early in the process to dismiss appropriate cases as soon as possible. Early case reviews are recommended by the National Institute of Corrections in its Framework for Pretrial Justice\(^2\) to reduce unnecessary pretrial detention, determine recommendations for diversion, and dispose of weaker cases to focus resources on higher level cases.

Disposition
Case processing times have decreased, most likely due to the District Attorney’s regular reviews of cases, particularly early in the process. However, defendants believe that they can attain release more quickly if they agree to a plea deal or plea at arraignment.

The County should ensure defendants have sufficient time to consult with representation during initial arraignment and review policies causing defendants to be detained pretrial.

ACKNOWLEDGEMENTS

San Joaquin County proactively sought to complete a thorough, data-driven and system-wide pretrial evaluation. CJI conducted the evaluation to identify strengths and opportunities for improvement.

CJI would like to acknowledge the following stakeholders for their contributions to this assessment: the Probation Department, Sheriff’s Department, Judiciary, District Attorney’s Office, Public Defender’s Office, and community based organizations. This system evaluation would not have been possible without assistance from these individuals within these criminal justice and community agencies. Their collective input is a testament to their dedication to ongoing improvement and aligning San Joaquin County’s system with evidence based pretrial practices.

In particular, we would like to thank Chief James and her leadership team for spending time explaining the pretrial system and ensuring the right data were available for the evaluation.
INTRODUCTION

San Joaquin County, California has become a pretrial system leader in the state by creating a system to successfully and safely manage pretrial defendants. To ensure its pretrial system is working as designed, the County sought out a thorough, data-driven, evaluation of its pretrial justice system. San Joaquin Probation Department contracted with the Crime and Justice Institute (CJI) to complete this evaluation, and to provide a transparent and comprehensive assessment on pretrial practices across the County from the point of arrest through case disposition.

All of the San Joaquin pretrial stakeholders play a role in ensuring justice and safety throughout the County. Each stakeholder group expressed commitment to creating a fair and just system and are dedicated to implementing pretrial best practices. Because of these shared goals, the groups have worked together to build a national reputation for their Pretrial Services program, which contains two units that administer a risk assessment and, when appropriate, monitor defendants in the community. San Joaquin has demonstrated its commitment to improving Pretrial Services by collecting and analyzing performance measures and publishing an annual report. Stakeholders then adopted a process to use data to drive decisions.

County leaders are dedicated to ensuring their pretrial policies and practices are aligned with practices that research has shown to be effective. To provide data driven and research based recommendations, CJI conducted an assessment to provide:

1) A comprehensive view of how pretrial processes are functioning, through obtaining pretrial practitioner and system stakeholder’s insights about pretrial practices within the jurisdiction;
2) A quantitative understanding of the pretrial system; and
3) An analysis of the Pretrial Services Unit’s strengths and opportunities for change.

The system assessment revealed opportunities for pretrial improvement at each pretrial justice system decision point. Each of these decisions points – arrest and booking, risk assessment, release decision, case filing, and disposition – present an opportunity to determine if an individual should be released pretrial. By reviewing each decision point, San Joaquin County stakeholders can increase system effectiveness, effectively utilize limited resources, maintain defendants’ rights, and improve outcomes.
METHODOLOGY

This system assessment was comprised of two data collection phases: (1) a quantitative analysis of county jail population drivers and (2) a qualitative assessment of the pretrial justice system.

**Quantitative Analysis**: For the qualitative analysis, CJI collected data from the San Joaquin Sheriff’s Office, Judiciary, and San Joaquin Probation Department. The timespan of each dataset provided differed, but all of the analysis was of data for the period of time between 2012 and 2017. San Joaquin provided the following types of data elements to evaluate the different decision points in the pretrial system:

- Demographic information (race, sex, employment, and marital status);
- Booking records (booking date, time, arresting agency, reason, and charges);
- Risk assessment data (assessment date, time, risk score and level);
- Release records (release date, time, and reason); and
- Case information (case filing date, charges filed, disposition date, and findings).

**Qualitative Analysis**: In addition to the quantitative data, CJI conducted a qualitative assessment. This included reviewing documents, interviewing stakeholders, and observing booking, pretrial service officers, and court.

*Document Review*
CJI gathered and reviewed information on jurisdictional processes such as arrest policies, prosecutorial screening, indigent defense, bail laws, release authority, pretrial release options, and community pretrial interventions (i.e., supervision or diversion).

*Stakeholder Interviews*
CJI asked stakeholders about a range of issues related to the pretrial process, including alternatives to arrest, assessment practices, the release decision, case processing procedures, and disposition. The stakeholders CJI spoke with included staff and leadership from the Probation Department, Sheriff’s Office, District Attorney’s Office, Public Defender’s Office, and Judicial Officials. CJI also engaged in a group discussion during public meetings of the County’s Community Corrections Partnership (CCP). These meetings were attended by members of the public, representatives of criminal justice, social services and behavioral health agencies, and representatives from community based organizations.

*Observations*
CJI traveled to San Joaquin County on three different occasions to observe the pretrial process from booking to arraignment. In particular, CJI observed pretrial services officers, booking officers, and arraignments.

CJI used the results of both the quantitative and qualitative analysis to guide the findings and recommendations in this report.
Population Descriptions

The population for each decision point varies, as individuals progress and drop out at different points. Four primary datasets were constructed for this analysis, each organized by a different unit of analysis: bookings, assessments, case filings, and defendants disposed. Due to limitations within each dataset, the datasets cover different time periods. For example, the court data system changed in 2015, so court data were not available prior to October 1, 2015. However, there was overlap for each of these datasets between October 1, 2015 and December 31, 2017. As a result of the limitations, each of the datasets has a different number of unique observations (N), and have slightly different demographic breakdowns.

The populations of defendants booked, assessed, and disposed included information on unique individuals. The demographics are listed in Figure 1 below. Overall, the demographics are similar amongst the three groups.

**Figure 1: Demographics of defendants booked, assessed, and disposed**

<table>
<thead>
<tr>
<th>Demographics</th>
<th>Defendants Booked N = 135,280</th>
<th>Defendants Assessed N = 21,021</th>
<th>Defendants Disposed N = 23,612</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Timeframe</strong></td>
<td>1/1/12-12/31/17</td>
<td>10/27/14-1/4/18</td>
<td>10/16/15-7/25/19</td>
</tr>
<tr>
<td><strong>Sex</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>80.2%</td>
<td>78.7%</td>
<td>80.7%</td>
</tr>
<tr>
<td>Female</td>
<td>19.8%</td>
<td>21.4%</td>
<td>19.3%</td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic/Latin</td>
<td>38.4%</td>
<td>37.6%</td>
<td>37.7%</td>
</tr>
<tr>
<td>White</td>
<td>33.7%</td>
<td>32.0%</td>
<td>32.5%</td>
</tr>
<tr>
<td>Black</td>
<td>21.7%</td>
<td>23.1%</td>
<td>22.3%</td>
</tr>
<tr>
<td>Asian</td>
<td>3.6%</td>
<td>4.0%</td>
<td>4.1%</td>
</tr>
<tr>
<td>American Indian</td>
<td>0.4%</td>
<td>2.3%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Native Hawaiian/Pacific Islander</td>
<td>0.3%</td>
<td>0.5%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Other</td>
<td>1.9%</td>
<td>0.4%</td>
<td>2.2%</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School</td>
<td>48.8%</td>
<td>49.7%</td>
<td>48.3%</td>
</tr>
<tr>
<td>K-8 (Grade School)</td>
<td>33.7%</td>
<td>31.9%</td>
<td>35.2%</td>
</tr>
<tr>
<td>College/Trade School</td>
<td>9.9%</td>
<td>10.2%</td>
<td>8.7%</td>
</tr>
<tr>
<td>GED</td>
<td>7.6%</td>
<td>8.3%</td>
<td>7.8%</td>
</tr>
<tr>
<td><strong>Marital Status</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>72.7%</td>
<td>72.1%</td>
<td>75.7%</td>
</tr>
<tr>
<td>Married</td>
<td>14.0%</td>
<td>15.6%</td>
<td>12.9%</td>
</tr>
<tr>
<td>Divorced</td>
<td>8.0%</td>
<td>7.0%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Widowed</td>
<td>0.7%</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>N/A</td>
<td>4.7%</td>
<td>4.8%</td>
<td>4.4%</td>
</tr>
</tbody>
</table>
All four of the data sources (defendants booked, defendants assessed, court case filings, and defendants disposed) included information on charges. The data on defendants booked and those assessed include data on the unique defendants within these populations. However, the court case filings are based on court cases (not individuals). For all of the populations, the most serious charges were used to categorize charge type and severity.

Figure 2: Charge information for court case filings and defendants booked, assessed and disposed

<table>
<thead>
<tr>
<th>Charge Information</th>
<th>Defendants Booked (N = 135,280)</th>
<th>Defendants Assessed (N = 21,021)</th>
<th>Court Case Filings (N = 24,710)</th>
<th>Defendants Disposed (N = 23,612)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timeframe</td>
<td>1/1/12-12/31/17</td>
<td>10/27/14-1/4/18</td>
<td>10/1/15-4/19/18</td>
<td>10/16/15-7/25/19</td>
</tr>
<tr>
<td>Charge Severity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Felony</td>
<td>51.1%</td>
<td>77.6%</td>
<td>64.0%</td>
<td>39.7%</td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>48.3%</td>
<td>22.4%</td>
<td>36.0%</td>
<td>60.2%</td>
</tr>
<tr>
<td>Infraction</td>
<td>&lt;0.1%</td>
<td></td>
<td>&lt;0.1%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Unknown</td>
<td>&lt;0.1%</td>
<td></td>
<td>&lt;0.1%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Charge Type</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Person</td>
<td>22.9%</td>
<td>46.4%</td>
<td>32.5%</td>
<td>28.7%</td>
</tr>
<tr>
<td>Property</td>
<td>16.8%</td>
<td>21.8%</td>
<td>24.7%</td>
<td>23.3%</td>
</tr>
<tr>
<td>Public Health, Safety, &amp; Order</td>
<td>14.9%</td>
<td>6.4%</td>
<td>8.1%</td>
<td>10.3%</td>
</tr>
<tr>
<td>DUI</td>
<td>14.6%</td>
<td>7.2%</td>
<td>10.4%</td>
<td>16.1%</td>
</tr>
<tr>
<td>Drug</td>
<td>11.4%</td>
<td>10.6%</td>
<td>14.0%</td>
<td>12.1%</td>
</tr>
<tr>
<td>Admin. of Government</td>
<td>7.8%</td>
<td>3.5%</td>
<td>5.1%</td>
<td>7.0%</td>
</tr>
<tr>
<td>Unknown</td>
<td>6.2%</td>
<td>3.1%</td>
<td>1.1%</td>
<td>-</td>
</tr>
<tr>
<td>Vehicle</td>
<td>4.0%</td>
<td>0.5%</td>
<td>2.7%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Other</td>
<td>1.2%</td>
<td>0.6%</td>
<td>1.3%</td>
<td>1.9%</td>
</tr>
</tbody>
</table>

Unsurprisingly, the charge severity and type differ across the booking, assessment, and case filing decision points. Just over half (51%) of bookings are for felony charges and there is a wide spread of charge types. The most common charge types are person (23%), property (22%), DUI (15%) and public health, safety, and order (15%). More than two thirds (78%) of those assessed are charged with felonies charges and the majority of assessed defendants are arrested for person (46%),

3 Public Health, Safety, and Order charges primarily consist of statutes relating to conduct or practices that do not result in direct harm to persons or property, but the public in general. The top three categories of Public Health, Safety, and Order charges at booking are Disorderly Conduct (28%), Resisting Arrest (22%), and Sale, Purchase, or Consumption of Alcohol (11%).

4] Administration of Government charges primarily consist of statutes relating to procedure and compliance. The top three categories of Administration of Government charges at booking are Revocation (50%), Failure to Appear (13%), and Violation of Protective Orders (12%).
property (22%), and drug (11%) charges. Of the cases that were filed, more than half (64%) were for felony charges and the top three charge types were person (33%), property (25%), and drug (14%) charges.

SYSTEM OVERVIEW

Pretrial system stakeholders work together to ensure the system operates efficiently, safely, and fairly. Although each agency serves a different role, they do not operate in silos. County leaders work to maintain strong communication. Stakeholders throughout the system indicated that San Joaquin has improved interagency relationships over the last five years, allowing agencies to collaborate more effectively. In fact, the criminal justice stakeholders meet once a month to discuss any issues that arise and work on solutions.

Information sharing among the stakeholders contribute to the strong culture of communication by maintaining transparency in their policies, practices, and outcomes. For example, Probation Department leadership not only provides information requested from stakeholders, but they also analyze and publish performance and outcome measures. Stakeholders then have the opportunity to ask questions and join the discussion on how to increase the effectiveness of the department.

FINDINGS

The following sections provide findings from the system assessment, highlight the County’s strengths, and offer recommendations on potential areas for improvement. All recommendations are grounded in national standards and evidence-based practices for Pretrial Services from sources such as the American Bar Association (ABA) and National Association of Pretrial Services Agencies (NAPSA) standards for pretrial release, the National Institute of Corrections (NIC) pretrial services outcome and performance measures, and other recognized pretrial research studies.

The findings and recommendations are divided by pretrial decision points: points in the system where a decision can be made to either hold individuals in jail or release them to supervision in the community.
Pre-Booking Alternatives to Detention

Law enforcement officers in San Joaquin County are able to use several alternatives to arrest when appropriate.

Like many jurisdictions, law enforcement has the option to cite and release rather than arrest an individual. San Joaquin has incorporated paperless citation practices to streamline this process and encourage officers to cite whenever possible. According to stakeholders within the law enforcement agencies, the decision to cite versus arrest is typically based on the severity of the offense.

San Joaquin also has several pre-booking diversion options designed to redirect individuals with mental health needs into treatment and away from the criminal justice system. Select officers receive crisis intervention team (CIT) training to more effectively address situations involving someone experiencing a mental health crisis. The officer can then transport that individual to a crisis bed rather than jail. Mobile crisis teams are also available to support law enforcement when interacting with individuals with mental health needs.

Law enforcement has the option to divert individuals with substance abuse issues into treatment rather than making an arrest. The County adopted the Law Enforcement Assisted Diversion (LEAD) program to reduce incarceration rates for those with substance abuse problems and decrease the potential harm to the person. San Joaquin County is also looking to open a detox center that would offer a safe place to get sober as well as various treatment services.

County stakeholders expressed their support for these programs and indicated that more resources are needed to effectively address behavioral health needs in San Joaquin. For example, there are 12 crisis beds in total, and there are only enough staff to run one of the four available mobile crisis vans.

Recommendations

- San Joaquin incorporates several options for release or diversion prior to booking, but some of these alternatives are limited by a lack of funding or staff. To alleviate the instances the jail requires court cap releases and connect individuals to needed resources,

5 The Thirty Third Amendment to Agreement and Consent Decree was signed in 2018 dictating that the San Joaquin County Jail cannot exceed its capacity. The agreement sets forth a plan to alleviate jail populations, which may result in releasing defendants with certain pretrial misdemeanors and then felonies if additional inmates need to be released.
in turn improving outcomes, CJI recommends increased funding for the existing pre-
booking diversion options for those with behavioral health needs.

- San Joaquin offers many programs shown to be effective in addressing behavioral health 
  needs, but not all of these programs are well-known among County stakeholders. As the 
  programs increase their capacity, CJI suggests that the County provide stakeholders with 
  information about the current resources and potentially expand access to these programs.

**Booking**

Similar to other jurisdictions, the Booking Department’s work flow is unpredictable. There are 
some days and times that are busier than others. During the time CJI was on site, the Booking 
Department did not have many intakes. CJI adjusted times to observe the Booking Department 
during historically busier times; however, speaking to the unpredictability of the work flow within 
the Department, these times were not busy.

The number of bookings remained relatively stable between 2012 and 2017. When looking at the 
booking numbers by year, the largest variation was a 7% dip in 2015. This drop in bookings is 
primarily driven by the decline in drug cases, which is likely a reflection of the enactment of 
Proposition 47 in November 2014.6

In 2015, individuals arrested on scene (called open warrants) decreased 10 percentage points 
while bookings for warrants and remands increased. Property and drug cases drove this reduction 
in open warrant bookings.

![Figure 3: San Joaquin bookings remained relatively stable from 2012-2017, with a slight decline in 2015](image)

Booking Officers were very methodical in completing their paperwork and identifying whether the 
Pretrial Assessment Unit needed to review a case for assessment and/or release. Once the initial

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6 Prop 47 reclassified some property and drug offenses from felonies to misdemeanors. For more 
information: [http://www.courts.ca.gov/prop47.htm](http://www.courts.ca.gov/prop47.htm).
booking process was completed, the Booking Officers provided pretrial staff with the defendant’s paperwork. The communication between the Sheriff’s Office and Probation Department’s employees appeared to be strong.

**Charge Type**

Between 2012 and 2017, the number of person, property, and vehicle charges increased while DUI, drug, administration of government, and public health, safety, and order charges decreased. The most common lead booking charges\(^7\) changed between 2012 and 2017 and are depicted in Figure 4. A notable change during this time was the 8 percentage point increase in person offenses. Also, property charges increased from the fourth most common charge in 2012 to the second most common in 2017; conversely, DUI dropped from the second most common charge to the fourth most common.

Between 2012 and 2017, person charges increased 39% and property charges increased 29%, while DUI charges decreased 26% and drug charges decreased 22%. Some of these changes are expected with the passing of Proposition 47 in 2014, which explains the dramatic 28% decline in drug charges that year. However, person bookings steadily increased throughout the six years and the largest increase (14%) occurred in 2016. The rise in person charges is mainly observed in the increase in bookings for San Joaquin County warrants; 10% of the person bookings were for warrants in 2012, which grew to 22% in 2017. Property bookings also increased 19% in 2016.

**Figure 4: Most common lead booking offense for 2012 and 2017**

<table>
<thead>
<tr>
<th>Most Common Lead Booking Offense</th>
<th>2012</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person</td>
<td>18.9%</td>
<td>Person</td>
</tr>
<tr>
<td>DUI</td>
<td>16.5%</td>
<td>Property</td>
</tr>
<tr>
<td>Public Health, Safety, and Order</td>
<td>15.3%</td>
<td>Public Health, Safety, and Order</td>
</tr>
<tr>
<td>Property</td>
<td>14.5%</td>
<td>DUI</td>
</tr>
<tr>
<td>Drug</td>
<td>12.0%</td>
<td>Drug</td>
</tr>
<tr>
<td>Administration of Government</td>
<td>11.1%</td>
<td>Administration of Government</td>
</tr>
<tr>
<td>Unknown/Other</td>
<td>8.2%</td>
<td>Unknown/Other</td>
</tr>
<tr>
<td>Vehicle</td>
<td>3.5%</td>
<td>Vehicle</td>
</tr>
</tbody>
</table>

The percent of individuals booked on at least one domestic violence (DV) charge rose from 8% to 12% between 2012 and 2015. DV bookings remained steady after 2015 and are likely not associated with the increase in person crimes. Figure 5 illustrates this trend.

---

\(^7\) Lead booking charges are the most severe charge at booking for each defendant.
Charge Severity
Similar to charge type, the severity of bookings changed throughout the six years under examination. Overall, misdemeanors made up 48% of all bookings and felonies made up 51%. Between 2012 and 2017, misdemeanor bookings steadily increased by 8%. The majority of bookings were for felony charges from 2012 to 2015; however, likely due to Proposition 47, felony charges decreased 15% in 2015, causing misdemeanors to make up the majority of bookings. Since 2015, felony bookings rose again and became evenly split with misdemeanors in 2017.

8 The additional 1% of bookings are other severity types, such as infractions.
**Bookings by Race**

While the number of bookings was relatively consistent from 2012 to 2017, there were variations in bookings among racial groups. The three most common racial groups booked in the San Joaquin Jail are Hispanic/Latin (38%), White (34%), and Black (22%) defendants. Between 2012 and 2017, White defendants had an overall 9% decrease in bookings, Black defendants had a 1% increase, and Hispanic/Latin defendants had a 3% decrease. The racial groups making up a smaller portion of San Joaquin Jail’s population (Native Hawaiian/Pacific Islander, American Indian, other, and unknown) also increased, with the highest increase in bookings for Asian defendants (10% increase, a difference of 62 arrestees).

![Figure 7: Bookings decreased for White and Hispanic defendants but remained stable for Black defendants](image)

**Bookings by Sex**

San Joaquin female bookings increased 8% between 2012 and 2017, which is consistent with the national trend of rising female populations in jails. The male population decreased 6% throughout the six years.

![Figure 8: Female bookings increased between 2012 and 2017](image)

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Recommendations

- Misdemeanor and felony charges each make up about half of San Joaquin jail bookings, indicating additional defendants may benefit from law enforcement diversion. In particular, the booked misdemeanor population may decrease with the expansion of the use of alternatives to detention for law enforcement. Increased use of diversion would free up space in the jail to accommodate the population of AB109\(^{10}\) inmates and assist in operating under the jail cap. The Pretrial Standards for Release\(^ {11}\) encourages the use of diversion for minor cases such as misdemeanor and lower-level felony charges while saving custodial arrests for more severe charges. Based on the booking offense types and severity, San Joaquin stakeholders should revisit the offenses that are citable and determine whether citations and other alternatives to detention can be used to divert additional lower-level cases from the jail.

Risk Assessment

The San Joaquin Probation Department formalized the Pretrial Services Unit in October 2014. From the beginning, the Pretrial Services Unit has been tasked with using a pretrial risk assessment – the Virginia Pretrial Risk Assessment Instrument (VPRAI) – to inform release decisions. Risk assessments provide additional information on the risk of failure, which is a failure to appear (FTA) or new criminal arrest (NCA) pending case disposition. This information is used to appropriately allocate interventions to defendants to mitigate their risk for failure. The Pretrial Assessment Unit, which is staffed 24-7, is located within the San Joaquin County Jail. Assessment staff administer the VPRAI to identify defendants’ risk of pretrial failure.

When the pretrial program began, stakeholders created a list of eligible defendants for assessments to best allocate limited resources. If a defendant is screened as eligible,\(^ {12}\) a Pretrial Assessment Unit staff member conducts an interview with the defendant in the jail booking area.

\(^{10}\) The Public Safety Realignment Act (AB109) was passed in 2011 and required certain low-level felony offenders to carry out their sentence in the county jail instead of prison, causing an influx in jail populations statewide. [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB109](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB109)


\(^{12}\) See Appendix A for a flow chart that provides information on who is eligible for a pretrial assessment.
The interview includes questions about employment, residential, and financial status. Through this interview, assessment staff score the VPRAI to determine a risk level measuring how likely a defendant is to have a pretrial failure. This risk level is then used to inform a recommendation to the court to either hold the defendant in jail or release them pretrial.

The VPRAI score is then used to determine release and types of monitoring for the defendant. This recommendation is informed by policy. The recommendations indicate that defendants who score 0-2 on the risk assessment should be released prior to arraignment and placed on Pretrial Monitoring. However, pretrial staff have the ability to override this recommendation pre-arraignment if the defendant lives with the victim of the alleged crime, is a perceived public safety threat, was released on their own recognizance for a prior charge during the alleged crime, or lives out of state. Also, defendants arrested for §1319\textsuperscript{13} crimes (essentially, a violent crime) cannot be released prior to arraignment.

If a defendant is not released prior to arraignment, the Pretrial Assessment Unit provides a packet of information to the court that includes the risk score, the pretrial recommendation, the court report, booking information, warrants, interview results that include the VPRAI questions, criminal history, firearms information, and financial information (i.e. information to determine ability to pay). Pretrial Services also provides a copy of this packet to the District Attorney and Public Defender, when applicable.

The Superior Court Judges who participated in the system assessment indicated that they trust the risk score and appreciate having the packet of additional information available when making a release decision. Several stakeholders mentioned the Judiciary generally follows the risk score and recommendation, particularly when detention is the recommendation.

\textit{The Judiciary and stakeholders indicated they trust the VPRAI risk score. Several stakeholders mentioned the Judiciary follows Pretrial Services’ recommendations closely.}

Stakeholders expressed interest in learning how pretrial staff administer the VPRAI and calculate the risk score and level. There is some confusion about why risk assessments incorporate the information they do and how risk assessments should be used. Several stakeholders requested additional information on the risk assessment in the pretrial packet. In particular, they would like to know how the defendant scored on each question of the assessment to better argue the release decision in court. Although Pretrial Services does provide the response to each VPRAI question

\textsuperscript{13} Section 1319 of the California Penal Code states that a defendant charged with a violent felony may not be released on his or her own recognizance prior to a hearing in open court. For more information: \url{http://www.search-california-law.com/research/ca/PEN/1319/Cal-Penal-Code-Section-1319/text.html}
within the interview record, more training may be helpful to review the information included in the pretrial packet.

**Assessments and Offense Type and Severity**

The overall assessment rate for eligible individuals is approximately 72%. Since implementation, the rate at which individuals are deemed eligible for a risk assessment has remained relatively consistent across race and sex subgroups, with variations depending on the severity and type of charge. Those booked on felony charges are consistently more than three times as likely to be assessed as those booked on misdemeanor charges. This matches the policy as many misdemeanor charges are automatically released on promise to appear bonds without pretrial monitoring and are not eligible for an assessment. The Probation Department indicated this policy was created to focus limited resources on defendants arrested on more serious charges.

For most offense categories the assessment rate ranges between 60% and 80%, indicating that assessment rates for eligible defendants are consistent across charge categories.

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14 All misdemeanor charges except: misdemeanor charges for domestic violence, elder abuse, sex offenses, child abuse, DUI with a prior DUI in the past ten years, and any charge where a defendant has had five failures to appear. Full criminal history data was not available, so DUI enhancements for prior DUIs (which also have a ten-year time horizon) were used to determine eligibility due to DUI history. There was no way to determine whether an individual had five or more prior FTAs with the data supplied by San Joaquin County. This means that the new assessment rate may be higher than it would be if these criteria were included.
Similar to the Pretrial Services annual evaluation report\textsuperscript{15} findings, the distribution of risk scores since implementation is consistent with a normal distribution,\textsuperscript{16} in which the majority of individuals fall within the middle of the range of scores. However, the distribution of risk levels is shifted heavily towards the high risk level, with 42\% of all assessed individuals falling into this category.

As expected, individuals booked on more severe charges are, on average, assessed at higher risk scores than those booked on less severe charges. This is not surprising because the first risk assessment question considers if a defendant was arrested on a felony or misdemeanor offense. Those arrested on felony charges receive an added point to their total risk score, increasing the defendant’s risk to experience pretrial failure. While the VPRAI was found to be predictive in a validation study, this question on the assessment was not predictive for San Joaquin.

\textsuperscript{15} Pretrial Services completes an annual evaluation report that describes trends within the program.\textsuperscript{16} A normal distribution is a probability distribution that is commonly observed in social science. The shape of a normal distribution, a bell curve, demonstrates that the majority of observations are near the average. In the context of a risk assessment, it is expected that a smaller number of individuals fall at either end of the risk scale (highest or lowest risk), and that most individuals fall somewhere in the middle.
As seen in Figure 13, property and drug bookings have the highest average VPRAI score while DUI and person bookings have the lowest average VPRAI scores. These findings are consistent with CJI’s findings across multiple jurisdictions.

### Assessment Timing

Since the implementation of the risk assessment, the average time between booking and assessment has decreased significantly (94%) each year (Figure 14).

Out of all assessments completed since the October 2014 implementation date, 72% of individuals are assessed within one day of being booked (see Figure 15). Between 2014 and 2017, the proportion of assessments that occurred within one day of booking steadily increased. The high rates of assessments occurring within one day of booking is no surprise since the 24-7 Pretrial Assessment Unit staff are located within the intake area of the jail. As defendants are booked, assessment staff determine eligibility and administer the assessment in real time. The percentage of assessments completed within one day has steadily increased over the four years since implementation with an increase of 24 percentage points from 2014 to 2017. This improvement may be due to the Pretrial Assessment Unit increasing the number of defendants who agree to participate and successfully complete a VPRAI interview at booking. Pretrial Services provided Motivational Interview training to Pretrial Assessment Unit staff and have worked to advertise the program to decrease defendant refusal rates since implementation. It is likely that the assessments completed after arraignment are post-arraignment requests from the court.

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17 The average time between booking and assessment contains several outliers that increase the average time. For example, the assessment may occur a week or more after booking when the court requests an assessment post-arraignment.
Recommendations

- San Joaquin has clear guidelines on who is assessed and eligible for the Pretrial Monitoring Program, allowing similar decisions to be made on eligibility regardless of the staff person conducting the assessment. The Pretrial Assessment Unit assesses the majority of defendants within one day of being booked. About a quarter of defendants are assessed more than a week after booking, which typically occurs due to a request from the court. CJI recommends an expansion of the criteria for who is assessed with the VPRAI. This would allow more individuals to be assessed within a day of booking, and may decrease special requests for ineligible defendants to be assessed. The assessment rate steadily increased between 2015 and 2017, from 61% to 72%. Many misdemeanor charges are not assessed because they are released on promise to appear bonds and not placed on Pretrial Monitoring, which aligns with best practices. Pretrial staff assess the majority (71%) of defendants booked on felony charges. The County should review and potentially expand the list of defendants eligible for the pretrial risk assessment so the Judiciary has additional information when making a release decision.

- Many stakeholders had questions about the VPRAI and asked for more information on the assessment. The County should conduct stakeholder refresher training on what the assessment is, what information it provides, who is assessed, and how the assessment is used (i.e. the policies that state how the assessment informs decisions). Pretrial Services should also offer training on the information included in the pretrial packet. This training will assist the County in maintaining a transparency and buy-in across all stakeholder groups. To best understand the score, the percentage of individuals with the same score who succeed can also be updated in the report with San Joaquin data.

![Figure 14: Assessments completed within one day of booking increased 24 percentage points](image-url)
Risk Assessment Release Recommendation

A pretrial risk assessment provides information on the defendant's risk to experience a pretrial failure, but it does not include instructions on how to use the information. San Joaquin, along with many other jurisdictions nationwide, adopted policies to guide how the VPRAI results inform release recommendations. These policies follow correctional best practices which shows pretrial interventions are best reserved for defendants at a greater risk of pretrial failure.

**Policy Recommendation Based on Assessment**
San Joaquin’s policy provides guidelines that drive the release recommendation, which in turn can impact the judge’s decision. Not only does policy offer guidance on appropriate conditions for release, but it also drives recommendations for detention. These recommendations are outlined below in Figure 16 by risk score.

**Figure 15: Pretrial recommendations based on VPRAI score**

<table>
<thead>
<tr>
<th>Risk Score</th>
<th>Release Recommendation</th>
<th>Supervision Type</th>
<th>Reporting Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Release before arraignment</td>
<td>Reminder Only</td>
<td>• Defendant calls Pretrial Services within 2 days post-release to review conditions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Receives court reminders</td>
</tr>
<tr>
<td>1</td>
<td>Release before arraignment</td>
<td>Basic Monitoring</td>
<td>• Defendant calls Pretrial Services within 2 days post-release to review conditions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Receives court reminders</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Reports via telephone at least 1 time a week</td>
</tr>
<tr>
<td>2</td>
<td>Release before arraignment</td>
<td>Enhanced Monitoring</td>
<td>• Defendant reports in-person within 2 days post-release</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Receives court reminders</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Reports in-person at least 1 time a week</td>
</tr>
<tr>
<td>3</td>
<td>Release after arraignment</td>
<td>Intensive Monitoring</td>
<td>• Defendant reports in-person within 2 days post-release</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Receives court reminders</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Reports in-person at least 1 time a week</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Monitored by a GPS unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Subjected to field visits</td>
</tr>
<tr>
<td>4+</td>
<td>Detain</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The majority (59%) of assessed defendants score a four or higher on the assessment. Policy states these individuals should receive a recommendation for detention. Based on staff interviews, it is

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18 The recommendation to detain indicates defendants are not eligible for the pretrial program.
rare for staff to override a detention recommendation in favor of release, and designated supervisory staff would need to approve this decision.

When looking at the defendants who are assessed as a four or higher, a few trends emerge. Between 2016 and 2017, the percent of defendants who scored a four or higher decreased 8 percentage points. Male defendants were more likely to have higher VPRAI scores, resulting in a greater proportion of recommendations for detention compared to female defendants (63% compared to 52%). Overall, White and Black defendants were more likely to have a recommendation for detention than other racial groups because they scored a four or higher on the VPRAI.

Figure 16: White and Black defendants are more likely to have a detention recommendation based on their risk score

<table>
<thead>
<tr>
<th>Group</th>
<th>Detention Recommendation</th>
<th>Release Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>46.3%</td>
<td>53.7%</td>
</tr>
<tr>
<td>Hispanic/Latin</td>
<td>57.3%</td>
<td>42.7%</td>
</tr>
<tr>
<td>White</td>
<td>65.7%</td>
<td>34.3%</td>
</tr>
<tr>
<td>Black</td>
<td>64.1%</td>
<td>35.9%</td>
</tr>
</tbody>
</table>

The most common charge for defendants with a detention recommendation (based solely on the risk assessment score) was person offenses. These offenses made up 42% of the detention recommendations, while property and drug offenses combined made up 41% of the detention recommendation. This indicates that people with nonviolent charges are a large proportion of those recommended for detention. Also, the majority of the defendants recommended for detention based on risk score were charged with felonies; however, 1,950 defendants...
(15%) were charged with misdemeanors only.

As policy is written, defendants who score a four or higher on the VPRAI are automatically recommended for detention, yet not all of these defendants remain detained: at some point during or after arraignment, some of these defendants are released. The validation analysis shows that defendants with a score of four or more who are released to Pretrial Monitoring or on their own recognizance (OR) are more likely to succeed (71%) than fail (30%) pretrial. So, when defendants who score 4 or higher were released, the majority were successful.

**Risk Assessment Overrides**

San Joaquin’s policy guides when it is appropriate for pretrial staff to override the risk assessment recommendations prior to arraignment. The two most common reasons that the recommendation of a risk assessment is overridden are public safety concerns and when the defendant lives with the victim of the alleged crime. Over the evaluation period, 84% of the pre-arrainment overrides were because the defendant was living with the victim of the alleged crime. Just over a quarter (26%) of these cases did not have DV charges associated with the case. In addition, if a defendant is arrested due to Operation Ceasefire or on §1319 charges, regardless of their risk score, the defendant will be detained until arraignment. Pretrial Monitoring Unit staff indicated it would be rare to override a detention recommendation to a release recommendation.

**Recommendations**

- The San Joaquin Pretrial Assessment Unit has standard guidelines for who qualifies for a pretrial risk assessment and how to use the information collected in the assessment. Policy also guides instances when staff should override the policy recommendation prior to arraignment. Outlining expectations ensures staff will make similar decisions about which defendants qualify for an assessment and Pretrial Monitoring. Detention recommendations are primarily based on pretrial risk assessment scores. Based on risk score alone, 59% of assessed defendants are recommended to be detained the entire pretrial period. However, California state law says a recommendation for detention must still include the option for money bail, which is set at a higher amount in San Joaquin than other jurisdictions in the state. This monetary bail allows those with financial means to secure their release while defendants without financial means remain detained. While the risk assessment indicates those with a detention recommendation are at a higher risk to experience an FTA or NCA, the vast majority (71%) of defendants who are recommended to detention and released at some point are successful in the community. The least restrictive pretrial interventions should be used for defendants to assure court appearance and public safety.\(^\text{19}\) However, individuals who score a higher risk on the assessment are likely to be successful in the community than experience a pretrial failure. Defendants who

are recommended to be detained still have the option of posting a monetary bond with no supervision or intervention to mitigate failure. San Joaquin should review and revise the detention recommendation in policy to presume release and utilize detention as an exception.

Release

The Pretrial Assessment Unit has the authority in some cases to make the release decision once a defendant has been physically arrested and booked into the San Joaquin County Jail. If the defendant is booked on certain misdemeanor charges, they are cited and released on their own recognizance by Pretrial Services. These defendants do not receive a risk assessment or monitoring.

The Pretrial Assessment Unit will conduct the VPRAI risk assessment on eligible defendants and may release defendants immediately to Pretrial Monitoring if they score a zero, one, or two. Defendants with a risk score of three on the risk assessment are also recommended for release on monitoring, but are detained prior to initial arraignment. Defendants with a risk score of a four or higher are recommended to be detained. Most of these defendants are provided a monetary bond, but there are few instances that California statute allows defendants to be detained with no bond.

If the defendant does not post their monetary bond before arraignment, the judge reviews documentation compiled by the Pretrial Assessment Unit and reviews the release recommendation. The judge will then decide the release decision.

The Pretrial Monitoring Unit provides a range of alternatives to detention, from court reminders to intensive monitoring with GPS. Judges may release a defendant to Pretrial Monitoring and set special conditions regardless of the risk assessment score. The Pretrial Monitoring Unit has staff dedicated to monitoring defendants when they are released from detention and placed on the program.

A defendant may also be released after posting a monetary bond. When a defendant’s charge is entered into the computer system, their monetary bond amount is calculated based on the charges. Although money bond is a release option for most charges, many stakeholders indicated the San Joaquin County amounts in the bail schedule are some of the highest in California. The preset bail schedule does not consider a defendant’s ability to pay and many stakeholders

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20 All misdemeanor charges except: misdemeanor charges for domestic violence, elder abuse, sex offenses, child abuse, DUI with a prior DUI in the past ten years, and any charge where a defendant has had five failures to appear.

21 California Penal Code § 1270.5 prevents anyone charged with an offense punishable by death to be eligible for no bail. The San Joaquin bail schedule also indicates escape and attempted escape are not allowed bail.
mentioned the monetary bond amount does not typically change in arraignment. The Court did not provide CJI with data on bond amounts for analysis.

**Released vs. Detained Pretrial**

The majority of defendants detained during the pretrial period fall within the high risk category; 63% of detained defendants.\(^2\) Defendants assessed as high, above average, and average risk represent similar proportions of the released population (27%, 20%, and 24% respectively). Unsurprisingly, those charged with felonies are more heavily represented in the detained population, while misdemeanors are more heavily represented in the released population. However, 53% of those detained pretrial are charged with only a misdemeanor.

\(^2\) When a defendant is detained, they are detained from the point of arrest through case disposition.
The defendants released versus detained is consistent across racial groups.

Figure 19: Detention and release rates are relatively consistent by race

There is a larger difference between release and detention rates by sex. Female defendants are more heavily represented in the released population (23%), and male defendants more so in the detained population (83%).

Figure 20: Women have higher release rates and men have higher detention rates
**Type of Pretrial Release**

While all defendants in the dataset entered jail pretrial, there are differing release types for defendants. The most common release type prior to disposition is promise to appear, followed closely by own recognizance. These two release types, combined, indicate that of the defendants released, more than 75% are released without monetary conditions. The third most common release type prior to disposition is surety bond, while cash bail is one of the least common release types; together, they constitute approximately 13% of all releases prior to disposition.

**Table:**

<table>
<thead>
<tr>
<th>Pretrial Release</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promise To Appear</td>
<td>42.0%</td>
</tr>
<tr>
<td>Own Recognizance</td>
<td>33.0%</td>
</tr>
<tr>
<td>Surety Bond Posted</td>
<td>12.8%</td>
</tr>
<tr>
<td>Compulsory - Unsentenced</td>
<td>7.6%</td>
</tr>
<tr>
<td>Time Served</td>
<td>2.5%</td>
</tr>
<tr>
<td>Released By Law Enforcement</td>
<td>1.4%</td>
</tr>
<tr>
<td>Compulsory - Sentenced</td>
<td>0.5%</td>
</tr>
<tr>
<td>Cash Bail Posted</td>
<td>0.1%</td>
</tr>
<tr>
<td>Inmate Escaped From Custody</td>
<td>&lt;0.1%</td>
</tr>
<tr>
<td>Inmate Died While In Custody</td>
<td>&lt;0.1%</td>
</tr>
</tbody>
</table>

**Pretrial Length of Stay**

Of those released, 55% of defendants are released within one day. Average length of stay in jail varies depending on release reason. Figure 22 shows that the top three release types are promise to appear, own recognizance, and surety bond. Figure 23 shows the length of stay for these three groups. Almost all of the individuals released on a promise to appear are released within one day of their booking. However, those who are released on their own recognizance are more likely to be released in two to seven days (70%). About half of those who post a cash surety bond are released within one day, a rate higher than those who are released on their own recognizance. Research shows that more than one day detained can result in negative outcomes.23

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Average length of stay does vary considerably by risk score, which is likely due in part to the recommendations guided by policy. Individuals with risk scores of four and above have the longest lengths of stay, with relatively minor variations among them. The average lengths of stay decrease for each risk level below high risk.

Within risk levels, there is not a consistent trend of increasing or decreasing average lengths of stay. This indicates that while average length of stay has been declining for all booked individuals, that trend has not impacted all risk levels consistently. For example, between 2015 and 2016, average lengths of stay increased for individuals with lower risk scores, but decreased for those with higher risk scores. This means that risk score of individuals booked is not a contributing factor for the trend in overall average length of stay.

The decrease in average lengths of stay is reflected primarily in decreasing average length of stay for individuals booked on felony charges, whereas there has been a very slight increase in lengths of stay for individuals booked on misdemeanor charges.

**Defendants Detained Until Disposition**
In San Joaquin County, more than half (56%) of defendants are detained for the entire pretrial period. Of those detained, 53% are held on misdemeanor charges and 47% on felony charges.

The majority of defendants (61%) who are detained for the entire pretrial period are charged with either a person or property charge.
Of those detained, 61% of defendants are held more than a week, and 33% stay longer than a month (31+ days). See Figure 25 for more information on length of stay for detained defendants.
Recommendations

- About half of all individuals booked are released prior to trial without any monetary conditions. The Court did not provide data on monetary bail practices in San Joaquin, but the there was a common theme in stakeholder interviews; monetary bail amounts are perceived as too high. Money bail plays a large role in the number of defendants detained while awaiting trial (56%). The County should continue to review bail data regularly to determine whether the County’s practices follow legal recommendations that maximize pretrial release and use detention as an exception.

- The jurisdiction relies on its charge-based bail schedule, which is required by California statute. Multiple stakeholders identified the bail schedule is one of the highest in California. According to stakeholders and through observations in San Joaquin, it is uncommon for the monetary bail amount to be adjusted in arraignment and ability to pay is not typically reviewed. The County should consider adopting a bail schedule that relies less on money to the extent allowable by California statute. Judges should review all documentation including the defendant’s ability to pay and make individualized bail determinations at arraignment based on these factors. This would align practices with NAPSA standards which indicate monetary bail amounts should be individualized based on a defendant’s risk and ability to pay.24 The County should consider how to manage risk in the least restrictive manner in the community for defendants who score a four or higher on the risk assessment.

Case Filing

Stakeholders indicated the County has altered case filing practices in recent years and lowered their charging rate by approximately 15%. The goal was to reduce attorney caseloads and focus resources on those with violent charges rather than using limited attorney time on charges such as driving while suspended, marijuana possession, and public intoxication.

The County also introduced two specialty courts that offer pre-disposition diversion options. This means if a defendant successfully completes the diversion program, the original charges are not filed. These specialty courts target defendants who served or are currently serving in the military and those who have a diagnosed mental illness.

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Over the time period analyzed, the average time between booking and case filing was 11 days. In many cases, such as when a person is arrested on a warrant, case filing can occur prior to arrest and booking. For the purposes of analysis, when case filing occurred prior to arrest and booking, the time between booking and case filing was considered “0 days” because the defendant did not wait for the case to be filed. While the average appears to be high, 62% of cases are filed within three days of booking. About a quarter of cases are charged eight or more days from booking, driven mostly by DUI cases. Of the cases charged with DUI, 78% were charged eight or more days from booking. Stakeholder interviews revealed that labs have long waiting periods to test evidence, which could be a driver of this delay in filing DUI charges.

The case filing rate (meaning, the percent of bookings that are associated with case numbers and case filing dates) is 67% across all years. The average number of charges dropped per booking is 3.8. Between 2012 and 2017, the number of dropped charges declined 12%. The largest decrease occurred in DUI charges, which had a 67% decline from 12,316 dropped charges in 2012 to 4,198 in 2017. Dropped charges increased for person charges by 10%, drug charges by 18%, and property charges by 17%.
There are also cases that have charges added between booking and case filing. In recent years, the largest increases in added charges were for drug (183% increase), person (373% increase), and public health, safety and order charges (119% increase). The overall number of added charges increased by 51% over the time period evaluated.
Recommendations

- Although San Joaquin has reduced the case filing rate by 15% and the number of dropped charges decreased 12%, on average 3.8 charges are still dropped per booking. Additionally, the number of dropped charges increased for person, drug, and property charges during the years under examination.

- The County should have experienced prosecutors review cases early in the process to dismiss appropriate cases as soon as possible. Early case reviews are recommended in NIC’s Framework for Pretrial Justice to reduce unnecessary pretrial detention; determine the most appropriate recommendations for diversion, pretrial release, or detention; and dispose of weaker cases to focus resources on higher level cases.\(^\text{25}\)

Disposition

County stakeholders indicated that many cases are disposed at arraignment through plea deals. Stakeholders suggested that defendants who are detained until arraignment are likely to take a deal to be released as soon as possible. Public defenders are available at arraignment, however, defendants can take plea offers before speaking with an attorney.

Part of the reason plea deals are used so often in San Joaquin is resource limitations. Not only do attorneys have large caseloads, but the Judicial Council of California released a report in November 2018 that indicated at least five more judges are needed to effectively process the calendar.

San Joaquin does offer several alternatives to the traditional case disposition process. There are post-disposition specialty courts, which means the defendant must plead prior to enrolling in the program. The post-disposition specialty courts include a drug court, accountability court, and veteran’s court.

Out of all defendants booked, 22% do not have disposition dates or findings recorded. Additionally, 45% of booked defendants have a disposition finding type of dismissed, whether in view of a plea (meaning that some charges were dismissed on a case as a results of a plea agreement), on motion of the people, or for other reasons. Of dismissed cases, 64% are dismissed due to a plea.

The majority of booked defendants have a disposition rate of 90% or greater, meaning that most of the charges are not dropped and there is a recorded disposition date and finding. Certain charge types, however, are more likely to be dropped or dismissed prior to disposition. In the year 2017, hate crime charges had the lowest disposition rate (0%) (there were only six hate crimes in the data set for that year). The second least commonly disposed charge type is statute of limitations, followed by licensing or professional certification, and juvenile charges.

In terms of case processing time, the average number of days between booking and final disposition has decreased steadily over the time period examined. In recent years, less severe charges are being processed more quickly than more severe charges. Property charges had the largest decline in case processing time, going from an average of 217 days in 2015 to 63 days in 2017.
Some charges have negative average case processing times, due to disposition dates falling prior to booking dates. This could be due to data entry errors when typing dates or identifying numbers (booking or case numbers), or due to charges that are filed on a case after disposition, such as violations of probation or parole. These cases were removed to see the true case processing time.

Figure 29s: Case processing time decreased the most for property offenses from 2015 to 2017
Recommendations

- Defendants may take a plea during their first court hearing prior to speaking with available representation. In addition, several stakeholders mentioned defendants hear they may get out of jail if they settle their case, creating an incentive to plea. The NAPSA Pretrial Standards for Release specify that a defendant should have time to consult an attorney prior to the initial appearance.\(^\text{26}\) Based on this standard, CJI recommends that San Joaquin continue to review the amount of time allotted to consult with public defenders so defendants better understand their options prior to taking a plea.

- The District Attorney's Office reviews cases at filing and continue to review the cases regularly. This is likely to have led to the drop in case processing time over the years. The District Attorney's Office should continue to staff cases regularly to ensure timely case processing.

- Per the Judicial Council evaluation released in 2018, San Joaquin County needs at least five more judges to effectively process the court calendar. These positions should be funded to alleviate the large dockets within the courts.

RECOMMENDATIONS

CJI compiled the following recommendations for San Joaquin County based on the County’s data, system observations, and stakeholder interview. Each recommendation is grounded in research, national standards, and/or pretrial best practices.

1. **Expand alternatives to detention and provide the necessary funding and staff for existing diversion programs.**

   To reduce the jail population and connect individuals to needed resources, CJI recommends funding the existing pre-booking diversion options for those with behavioral health needs. Furthermore, CJI suggests that the County provide stakeholders with information about the current diversion options and resources that exist, and potentially expand program capacity.

   The NAPSA Pretrial Standards for Release encourage custodial arrests be used for more severe cases, not minor cases such as misdemeanors and lower-level felonies. Based on booking offense types and severity, San Joaquin stakeholders should revisit the offenses that are citable and determine whether citations and other alternatives to detention can be used to divert additional lower-level cases from the jail.

2. **Review and potentially adjust the high amounts in the bail schedule.**

   The County should continue to review bail data regularly to determine whether the County’s practices follow a legal framework that maximizes pretrial release and uses detention as an exception. According to NAPSA standards, if monetary bail is used, the amounts should be individualized based on a defendant’s risk and ability to pay. The County should consider adopting bail practices that rely less on money to the extent allowable by California statute, and instead consider how to effectively manage defendants’ risk while in the community.

3. **Review Pretrial Services’ policies on using the risk assessment; examine who is eligible for an assessment and what recommendations correspond with each possible risk score.**

   San Joaquin should expand the defendants eligible for the pretrial risk assessment so the Judiciary has additional information for the release decision, particularly for felony defendants. San Joaquin should review and revise the detention recommendation in policy to presume release and utilize detention as an exception. The least restrictive pretrial interventions should be placed on defendants to assure court appearance and public safety, and San Joaquin data show that the majority of released defendants who score a 4 or higher are successful in the community when released pretrial.

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To best understand the score, the percentage of individuals with the same score who succeed can also be updated in the report based on San Joaquin data.

4. **Provide the resources necessary for the Judiciary to efficiently and effectively process the court calendar.**

San Joaquin should conduct a stakeholder refresher training on what the risk assessment is, what information it provides, who is assessed, and how the assessment is used (i.e. the policies that state how the assessment informs decisions). Pretrial Services should also offer training on the information included in the pretrial packet (such as the responses to each VPRAI question). This training will assist the County in maintaining a transparent relationship and buy-in across all stakeholder groups.

5. **Review cases early in the pretrial process.**

The County should continue to have experienced prosecutors review cases early in the process to dismiss appropriate cases or redirect cases to diversion or specialty courts as soon as possible. Early case reviews are recommended in NIC’s Framework for Pretrial Justice to reduce unnecessary pretrial detention; determine the most appropriate recommendations for diversion, pretrial release, or detention; and dispose of weaker cases to focus resources on higher level cases.28

6. **Evaluate the data management process in the County to increase consistency and accuracy within pretrial agencies.**

San Joaquin should consider adopting a data system that does not require manual data entry. In particular, the data managed by Pretrial Services should be standardized through the use of data validation (enforcing consistent formatting and content of data), and more consistent standards should be developed to ensure that there is a clear difference between data that is not available or not relevant and data that exists but has not been recorded. For example, fields relating to outcomes (failure to appear and re-arrest) are often left blank, so an assumption must be made regarding whether a blank entry means that data is not available, or if it should be assumed that a blank entry indicates that the outcome did not occur.

Developing standard categories for variables that are not currently standardized, or are standardized in data entry but have more than ten options (e.g., race, disposition finding, and release reasons) would improve future analyses and eliminate the necessity for manual categorization.

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Further, the same date variables often varied within and between data sets (e.g., multiple booking and release dates for the same booking in one dataset, and a different set of release dates for the same bookings in a second data set from the same agency). These instances also required manual selection, which could lead to inconsistencies with any future analysis. Where possible, it should be made clear in the data itself which dates and times are associated with transitions between key decision points (booking, release, assessment, case filing, and final disposition).

7. **Evaluate the use of identifiers in the County to increase consistency across criminal justice agencies, particularly those involved in the pretrial process.**

Many identifying variables existed within the datasets sent from various agencies, and in many cases the formats of these variables are inconsistent, and the variables are often not unique to an individual or to a case. The table in Appendix B demonstrates which variables were present in which datasets that were provided by the County, and whether they are unique variables. Due to the inconsistencies in the availability and uniqueness of these identifiers, many steps are required to link the datasets and ensure that the results are reflective of the individual level for each decision point. For example, due to issues with multiple case numbers associated with single booking number, and multiple individuals being associated with one case number, the pairing of booking number and case number was required to be used in the absence of a truly unique identifier for an individual person's case.

As the number of times that datasets are merged and re-shaped increases, so does the possibility for the introduction of errors in any analysis. Where possible, the County should evaluate its data systems to better understand whether identifiers are unique, and if not, how truly unique identifiers can be developed and implemented across systems to increase the accuracy of future analysis.
APPENDIX A: VPRAI ELIGIBILITY CRITERIA

- A defendant is booked into the SJC jail on new charges
  - Felony Charges
    - If the charge is DV, elder abuse, a sex offense, child abuse, DUI w/ prior DUI in past 10 yrs, or includes 5+ FTAs
    - Eligible for assessment

- Misdemeanor Charges
  - If the charge is any other misdemeanor and/or 4 or fewer FTAs
    - Cite and release on promise to appear
APPENDIX B: IDENTIFYING VARIABLES

The below table represents all data received from different sources for analysis from San Joaquin County and the personal identifier variables. Not every dataset was necessary for this analysis, however this table provides a high-level view of the ways in which the data sets may be linked.

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<th>Risk Assessment Data</th>
<th>District Attorney Data</th>
<th>Judiciary Data*</th>
<th>Booking Interview Data</th>
<th>Sheriff Data*</th>
<th>Pretrial Services Unit Data*</th>
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</table>

* No unique ID
** Unique after reformatting
APPENDIX C: DATA COLLECTION

Data were collected from the San Joaquin Sheriff’s Office, Judiciary, and Pretrial Services. The data collected covered each of the decision points necessary to evaluate the pretrial system, including:

- Demographic information (race, sex, employment, and marital status)
- Booking records (booking date, time, arresting agency, reason, and charges)
- Risk assessment data (assessment date, time, and risk score and level)
- Release records (release date, time, and reason)
- Case information (case filing date, charges filed, disposition date, and findings)
APPENDIX D: FILE PREPARATION METHODOLOGY

Several data files were received from the San Joaquin Sheriff's Office, Judiciary, and Pretrial Services that were merged to create three files for analysis: Data Set 1 – Bookings, Assessments and Releases; Data Set 2 – Case Filings; and Data Set 3 – Dispositions.

Data Set 1 – Bookings, Assessments, and Releases

Booking, assessment, and release data were included in three separate files that were merged into one.

Two booking records files were provided by the Sheriff’s Office: 1) “Sheriff CUSINS Booking 2012-2018”; and 2) “San Joaquin County Pretrial System Assessment 2012-2017”. Each booking record in the files included identifying variables (booking number, IPID, CII, and case number), demographics (race, sex, date of birth, education, marital status), booking charges, court charges, booking date and time, booking reason, release date and time, release reason, and arresting agency.

The first file, “Sheriff_CUSINS Booking 2012-2018” contained booking records at the case level. This file contained 230,494 records which after initial analysis revealed the following:

- There were often multiple cases, booking times, and booking reasons associated with one booking. The Sheriff’s Office confirmed that the earliest booking time as the record associated with the individual’s actual booking, so data points associated with that record were kept when flattening the data.
- There were often multiple cases, release times, and release reasons associated with one booking, and the Sheriff’s Department confirmed that the latest release time was the record that was associated with an individual’s physical release from jail, so data points associated with that record were kept.

The second file, “San Joaquin County Pretrial System Assessment 2012-2017” contained records at the booking level. This file contained 136,834 records.

- Booking and court charges were each condensed into one column in the original data, so were split into multiple columns to allow for matching at the individual charge level.
- Some ID variables were not formatted consistently when compared to data sets from other sources, so were cleaned for consistency in order to facilitate merging.

The two files were merged on booking number, resulting in 135,280 matches at the unique booking level. Then, the files were split into two data subsets – one containing booking charges and one containing court charges. Each file was restructured long (converted from each column representing a single charge to each row representing a single charge) to allow for matching by charge statute. Then, the file was merged with a file that contained a directory of charge types,
sub-types, and degrees based on California statutes. This allowed for further analysis of the charges at booking and filed at court.

Once merged, each file was again flattened to the booking level, summarizing the data to maintain the initial booking time and type, the most severe charge type and degree, and the final release time and type, as well as the various demographic and identifying variables. The data sub-set used to analyze bookings, assessments, and releases is the Sheriff data by booking charge, which also contained 135,280 individual bookings. The Sheriff data by court charge was used to compare whether charges recorded at booking were eventually filed in court, or whether they were dropped.

Once the Sheriff booking data were cleaned, merged, and flattened, the following variables were calculated and appended to the data set:

- Length of stay (time between booking and release)
- Booking year (the year extracted from the booking date, used for analyzing data by year)

The third file was received from the Probation Department, and contained risk assessment data, which included identifying variables (probation ID, IPID, CII, pretrial case number, booking number), demographics (race, sex, date of birth), booking date and time, domestic violence holds, assessment date and time, risk score, risk value, and charges.

This file was unique at the assessment and booking levels (25,085 records), and was merged directly into the Sheriff booking data by booking number. All records that were present in the Sheriff data set were kept, regardless of existing matches in the assessment data set, resulting in the same number of records (135,280). After removal of duplicates and records with missing information, this resulted in a total of 21,021 assessment records.

Once merged with the Sheriff data, the following variables were calculated and appended to the data set:

- Whether the individual was assessed
- Time between booking and assessment

Data Set 2 – Case Filings

To create the case filings data set, Data Set 1 was merged with a file received from the Judiciary, which included identifiers (case number, IPID, CII, entity ID, DA complaint number), and case filing information (file date, case status, and status change date). The file from the Judiciary was unique at the case level and contained 59,410 records.

The data from the Judiciary was merged with Data Set 1 by case number, and merged with the directory of charge types, sub-types and degrees by statute number. The case filing data spanned
a shorter date range than Data Set 1, so the records were filtered to this more limited date range in order to provide an accurate proportion of bookings versus case filings. This resulted in 24,710 unique records at the case level.

Once merged, the following variable was calculated and appended to the data set:

- Case filing time (time between booking and case filing, if the case filing date falls after the booking date)

**Data Set 3 – Dispositions**

Creating the dispositions data set involved using Data Sets 1 and 2, in addition to disposition data that was provided by the Judiciary.

The Judiciary provided four files all containing the same information: identifying variables (case number, IPID, entity ID, DA complaint number, and police reference numbers), case filing information (charges, enhancements, findings, disposition dates, sentencing dates, and confinement information). All four files were merged to create one file with a total 165,160 records at the charge level.

This disposition data was merged first with Data Set 1 by case number, resulting in 90,024 matches, then with Data Set 2, resulting in 85,979 matches.

The following data point was calculated and appended to the data set:

- Case processing time (the time between booking and final disposition)