



# San Joaquin County Pretrial Year 2 Report

*Evaluation Findings (October 2015 – September 2016)*

San Joaquin County first began planning its Pretrial Assessment and Monitoring Program as part of the Phase II AB109 Realignment Plan. Like other jurisdictions, San Joaquin County needed to reserve detention for those individuals that pose a risk to the community or are at risk for failure to appear in court. The goal was to utilize a validated pretrial assessment tool that would assist in determining whether offenders should be released or remain detained pending their court proceedings. Additionally, the goal of the Pretrial Assessment and Monitoring Program was to provide a continuum of monitoring based on the offender's risk to reoffend and likelihood to appear in court.

The pretrial release structure in San Joaquin County was thoroughly examined and was replaced with a comprehensive Pretrial Program. The Pretrial Assessment and Monitoring Program consists of the following three core functions:

- To release from the Sheriff's Custody, as soon as possible, all arrested persons pending judicial action in the Superior Court who have the characteristics which indicate they will appear in court, as directed, and remain arrest-free while their matter is being adjudicated.
- To have readily available for the Superior Court, verified information on arrested persons who are not released; thereby, enabling the Court, at the first or any subsequent hearing, to use that information to set a reasonable bail; or, in the alternative, to release the arrestee on his/her promise to appear or other alternative to incarceration.
- To provide to this population a level of community monitoring based on the offender's risk level by establishing monitoring requirements, creating phases of rehabilitation, conducting case assessment and planning, and matching criminogenic needs with targeted interventions.

A multi-agency workgroup that included representatives from the San Joaquin County Probation Department, the San Joaquin County Sheriff's Office, San Joaquin County Behavioral Health Services, various community based organizations, and the American Civil Liberties Union (ACLU) was convened to work directly on developing the Pretrial Assessment and Monitoring Program. As part of the planning process, this workgroup was tasked with developing the budget, determining outcome measures, and crafting the Pretrial Assessment and Monitoring Program guidelines including forms and reports.

The implementation of a comprehensive Pretrial Program has laid the foundation for long-term systemic changes in San Joaquin County and has given the County the ability to better manage the County Jail population.

On October 27, 2014 San Joaquin County Probation Department, in collaboration with the San Joaquin County Superior Court and the Sheriff's Office, launched the first Pretrial Assessment and Monitoring Program. This annual report takes a look at the second year of program implementation.

## PERFORMANCE AND OUTCOME MEASURE DATA

The San Joaquin County Pretrial Workgroup adopted outcome and performance measures (see below) from the Crime and Justice Institute, *Creating an Effective Pretrial Program: A Toolkit for Practitioners*, in order to assess the implementation progress of the Pretrial Program and gauge their success at achieving the following pretrial service program objectives:

- 1) Collect and analyze defendant information for use in determining their risk of failure to appear (FTA) in court and new criminal activity (NCA) before case disposition
- 2) Make recommendations to the court concerning conditions of release pending trial
  - a. Enhance public safety
  - b. Enhance court appearance
- 3) Monitoring defendants who are released from custody during the pretrial phase

**Performance measures:** Quantitative or qualitative characterizations of performance.

Data Measures	Data Descriptions
Interview/Assessment	Number of interview and assessments conducted on eligible bookings.
Risk Level	Number of assessed defendants broken down by risk level.
Override/Automatic Hold Rate	Percent of defendants (scoring 0 to 3) detained prior to arraignment due to (1) booked for charges contained under Penal Code Section 1319 (a violent felony), and (2) discretionary overrides by staff for public safety, defendant resides with victim, or other reasons.
Recommendation Rate (Pretrial Assessment Staff)	Percent of time the Pretrial Assessment Staff follows risk assessment criteria when recommending release or detention.
Recommendation Rate (Judges)	Percent of time judges follow risk assessment recommendation when recommending release or detention.

**Other data:** Strategically linked to outcomes and performance; tracks progress in areas and on issues that supplement specific measures.

Data Measures	Data Descriptions
Defendants Released by Release Type and Condition	Number of release types ordered during a specified time frame.
Pretrial Release Rate	Proportion of defendants released from jail pending case disposition.
Compliance with Initial Reporting Conditions	Percent of defendants who initially reported to the Pretrial Monitoring Staff upon their release from jail.
Level of Monitoring	Monitoring level of pretrial defendants who reported to the Pretrial Monitoring Staff.
Time on Pretrial Monitoring	Time between the Pretrial Monitoring Staffs' assumption of monitoring and the end of program monitoring.

**Outcome measures:** Indicators of program effectiveness (effectiveness in achieving a stated mission or intended purpose).

Data Measures	Data Descriptions
Appearance Rate	Percent of supervised defendants who make scheduled court appearances.
Failure due to New Charge	Percent of supervised defendants who are not arrested for a new offense during the pretrial stage.
Failure due to Court Remand	Percent of released defendants who violated conditions of release which resulted in revocation.
Success Rate	Percent of released defendants who (1) appear for scheduled court appearances (2) are not charged with any new offense during pretrial supervision, and (3) did not receive a court remand.

## DEFENDANT CHARACTERISTICS

*The demographic/background measures included in the quarterly reports and this annual report are: total number assessed, age at the time of booking, gender, and race/ethnicity.*

Table 1.1 shows that during the second year 7,162 individuals were assessed by the Pretrial Assessment Staff. Of these, 1,756 (24.5%) were assessed between October and December 2015 (Quarter 1), 1,709 (23.9%) were assessed in January through March of 2016 (Quarter 2), 1,823 (25.5%) were assessed in April through June 2016 (Quarter 3), and 1,874 (26.2%) were assessed in July through September 2016 (Quarter 4). It must be noted that interviews and assessments were not conducted for all eligible bookings for the following reasons: refused, under the influence of drugs and/or alcohol, combative, medical isolation, etc.

Also, please note that demographic and outcome/performance measures include 62 defendants who were not assessed by Pretrial Assessment Staff but released to Pretrial by a judge.

The average age of defendants at the time of booking was 34. Approximately, 4 in 5 (78.1%) of the defendants were male and 21.9% were female.

With respect to race/ethnicity, 37.5% defendants were Hispanic or Latino/Latina, 32.1% were White or Caucasian, and 23.5% were Black or African American.

**Table 1.1 Defendant Characteristics, Year 2**

Characteristics	Year 2	
	Count	%
<b>Total Assessed</b>	7,162	
Quarter 1	1,756	24.5%
Quarter 2	1,709	23.9%
Quarter 3	1,823	25.5%
Quarter 4	1,874	26.2%
<b>Age at the Time of Booking</b>		
Average	34	
Age Range	17 to 85	
<b>Gender</b>		
Female	1,583	21.9%
Male	5,641	78.1%
<b>Race/Ethnicity</b>		
American Indian or Alaska Native	26	0.4%
Asian or Asian American	247	3.4%
Black or African American	1,696	23.5%
Hispanic or Latino/Latina	2,712	37.5%
Native Hawaiian or Pacific Islander	13	0.2%
White or Caucasian	2,317	32.1%
Other	188	2.6%
Unknown	25	0.3%

\*It is important to note that of the 7,224 clients listed, 62 were not assessed by the Pretrial Assessment Staff, but released to Pretrial by a judge.

## RISK LEVEL

*Number of assessed defendants broken down by risk level.*

The pretrial risk assessment tool utilized by San Joaquin County Probation Department is the Virginia Pretrial Risk Assessment Instrument (VPRAI). This tool provides accurate predictions on pretrial success or failure. The instrument consists of a number of questions about the current offense, criminal history, employment, placed of residence, drug abuse, and mental health. The results are displayed in a one page summary of the characteristics of an individual; this page includes a calculated score. The risk score represents the likelihood of pretrial failure, including failure to appear (FTA) and new criminal activity (NCA).

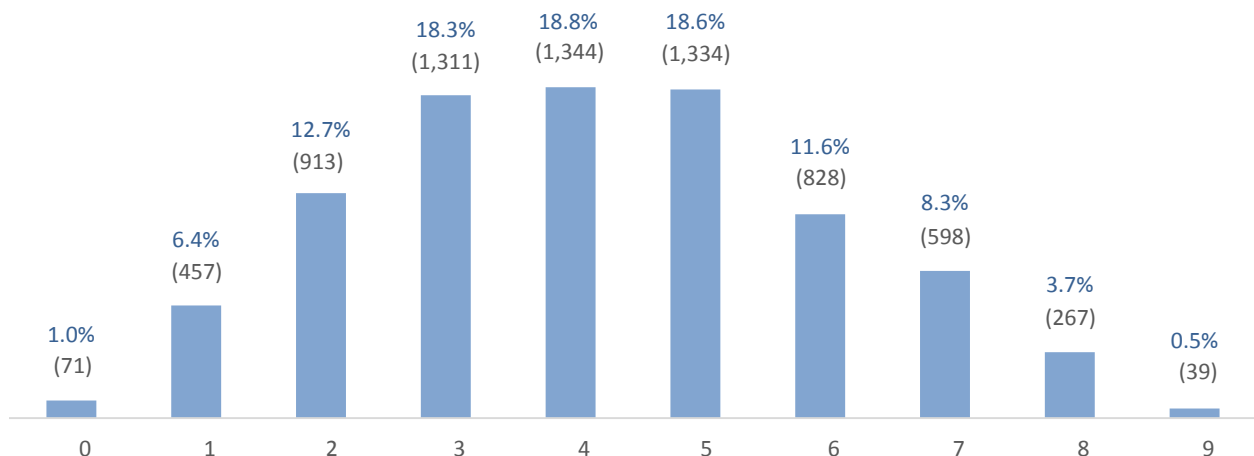
Figure 1.1 shows that out of the 7,162 defendants who were assessed during the

second year, 20.1% of defendants scored between 0 and 2 making them eligible for pretrial release prior to arraignment.

A little less than 1 in 5 (18.3%) of the defendants scored a 3 (these defendants are detained prior to arraignment with a recommendation for the defendant to be released on Global Positioning Satellite (GPS) and Intensive Pretrial Monitoring.

Six in ten (61.6%) of the defendants scored between 4 and 9 (these defendants are detained prior to arraignment with a recommendation for the defendant to be detained pending court proceedings). Findings were similar for all four quarters.

**Figure 1.1 Defendant VPRAI Score, Year 2**



## OVERRIDE/AUTOMATIC HOLD RATE

*Percent of defendants (scoring 0 to 3) detained prior to arraignment due to (1) booked for charges contained under Penal Code Section 1319, and (2) discretionary overrides by staff for public safety, defendant resides with victim, or other reasons.*

Regardless of the pretrial assessment score, defendants who are booked for charges contained under Penal Code Section 1319 remain detained pending arraignment (for the purposes of this report we will refer to them as automatic holds). In addition, defendants remain detained pending arraignment if they reside at the same residence with the victim (for the purposes of this report we will refer to them as overrides – lives with victim). The Pretrial Assessment Staff has the discretion to override the VPRAI results due to public safety concerns (from this point on referred to as override – public safety).

The Pretrial Assessment Staff tracks this data for all defendants broken down by score and the following categories: automatic holds, overrides – lives with victim, overrides – public safety, and overrides – other. However, it must be noted that this data is being reported on only for defendants scoring between 0 and 3.

Table 1.2 shows that for the second year, of the 2,752 defendants who scored between 0 and 3, 916 (33.3%) were discretionary overrides and 287 (10.4%) were automatic holds. Of the 916 discretionary overrides, 89 (9.7%) were for the reason of public safety, 814 (88.9%) were due to the fact that the defendant resides at the same residence as the victim, and 13 (1.4%) were for other reasons.

**Table 1.2 Override/Automatic Hold Rate, Year 2**

Override/Automatic Hold Rate	Count	%
Overrides <i>(for those who scored 0-3)</i>	916	33.3%
Public Safety	89	9.7%
Lives with Victim	814	88.9%
Other	13	1.4%
Automatic Holds <i>(for those who scored 0-3)</i>	287	10.4%

## RECOMMENDATION RATE (PRETRIAL ASSESSMENT STAFF)

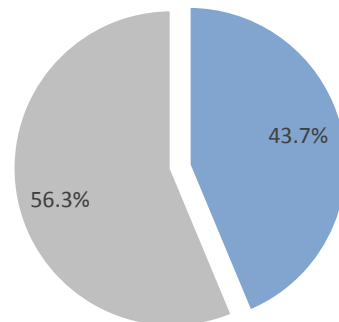
*Percent of time the Pretrial Assessment Staff follows risk assessment criteria when recommending release or detention.*

Please note that this data point is collected for defendants who scored between 0 and 3. Those who scored a 3 are included for the reason that the terms of their release/recommendation can change if they have an automatic hold placed on them or a discretionary override.

During the second year of implementation, when assessing how often the Pretrial Assessment Staff followed the recommendation of the tool, data showed that 56.3% of the time the recommendation of the tool was followed (Figure 1.2).

**Figure 1.2 Pretrial Assessment Staff Utilization of the Tool, Year 2**

- Did not follow the recommendation of the tool
- Followed the recommendation of the tool



## RECOMMENDATION RATE (JUDGES)

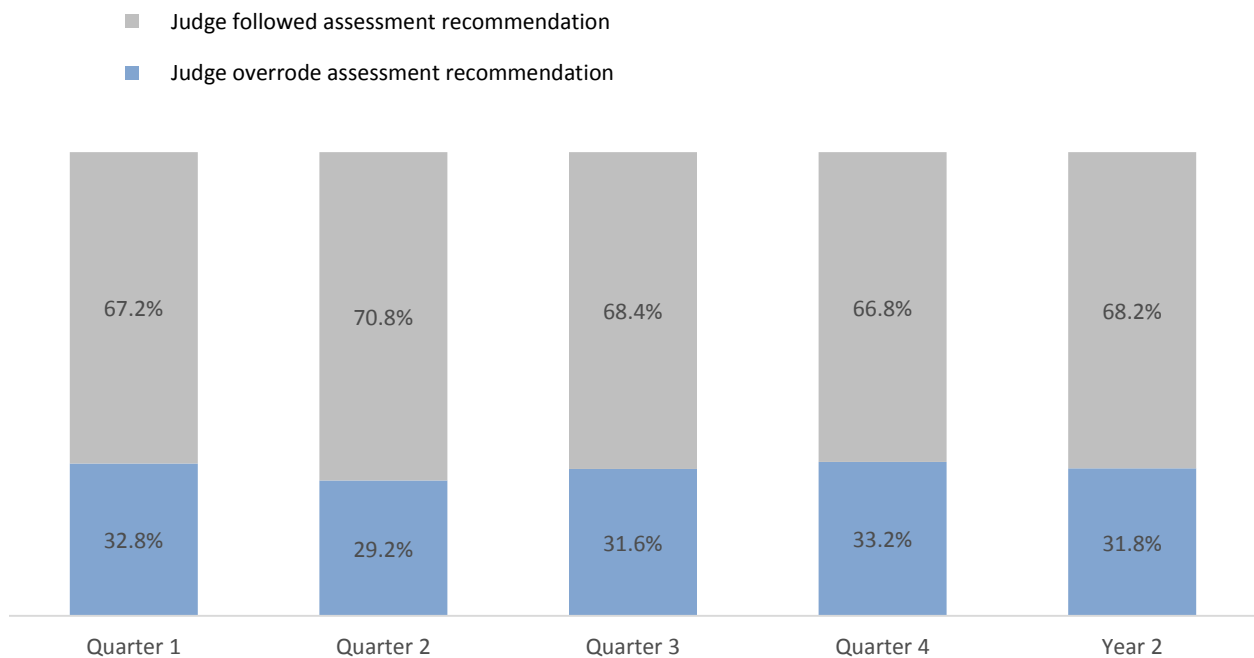
*Percent of time judges follow risk assessment recommendation when recommending release or detention.*

In the beginning stages of implementation, it was also important to assess whether the judges were following the recommendation of the pretrial risk assessment tool in determining whether to release or detain defendants who appear before them.

This data point includes all defendants who were detained pre-arraignment regardless of their risk assessment score (0 to 9) and who did not take a plea or had no charges filed/case dismissed post-arraignment.

Figure 1.3 shows that during the second year judges followed the recommendation of the Pretrial staff and the risk assessment tool 68.2% of the time.

**Figure 1.3 Recommendation Rate of Judges, Year 2**





## DEFENDANT RELEASED BY RELEASE TYPE AND CONDITION

*Number of release types ordered during a specified time frame.*

Figure 1.4 shows that during the second year 9.2% of those assessed were released on pretrial monitoring, 13.4% were released by law enforcement (not filed by Court), and 1.4% were released by population management. Another 10.1% bailed out and 65.9% were detained.

**Figure 1.4 Defendant Pre-Arrest Release Type, Year 2**

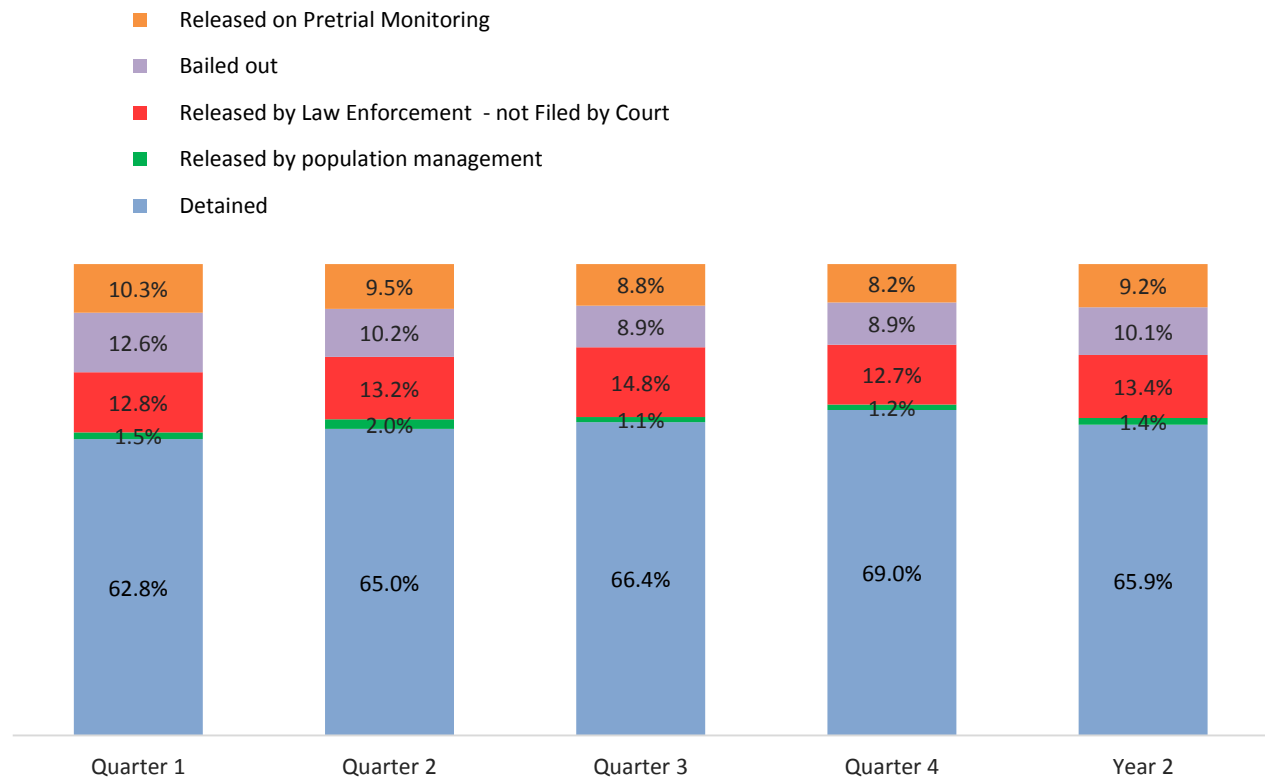
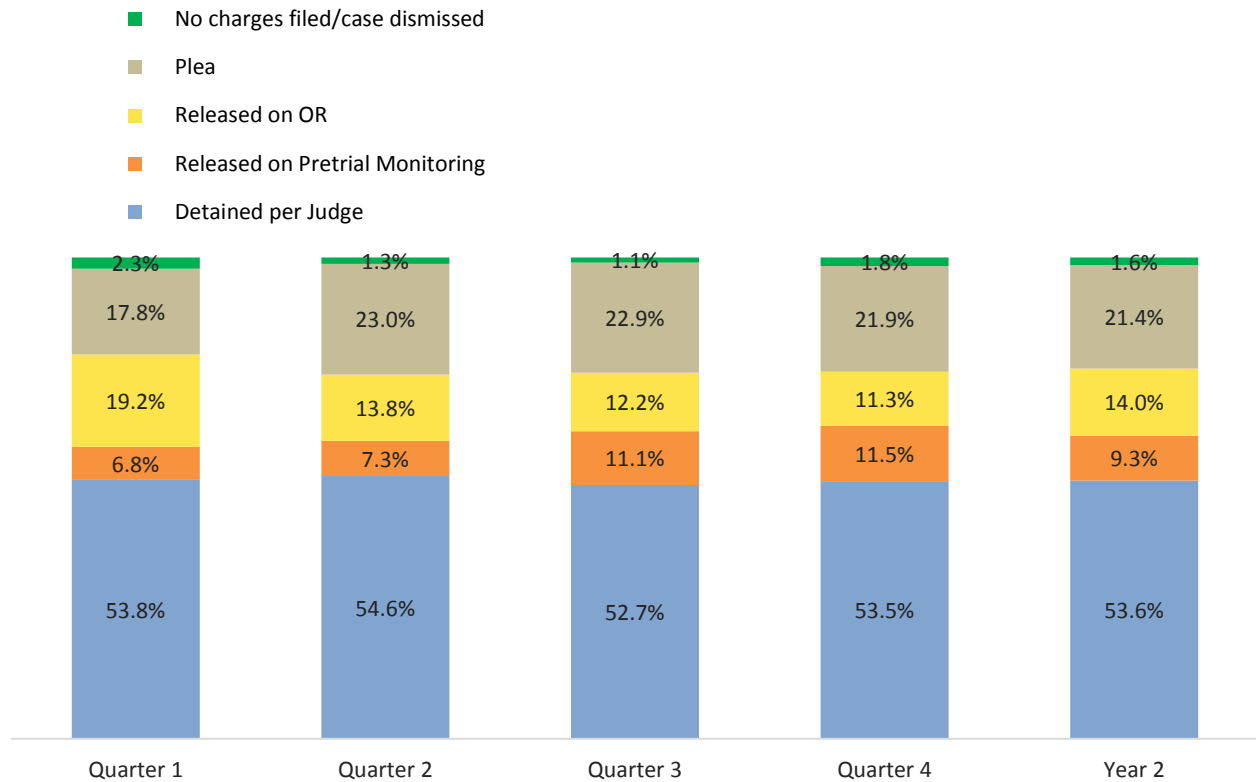


Figure 1.5 shows what happened to the detained defendants after their first hearing. Of those detained pre-arraignment during the second year, 9.3% were released on pretrial monitoring, 14.0% were released on their own recognizance (OR), 21.4% took a plea deal, 1.6% had their case dismissed (no charges were filed), and 53.6% were detained per judge pending court proceedings.

**Figure 1.5 Defendant Post-Arraignment Release Type, Year 2**

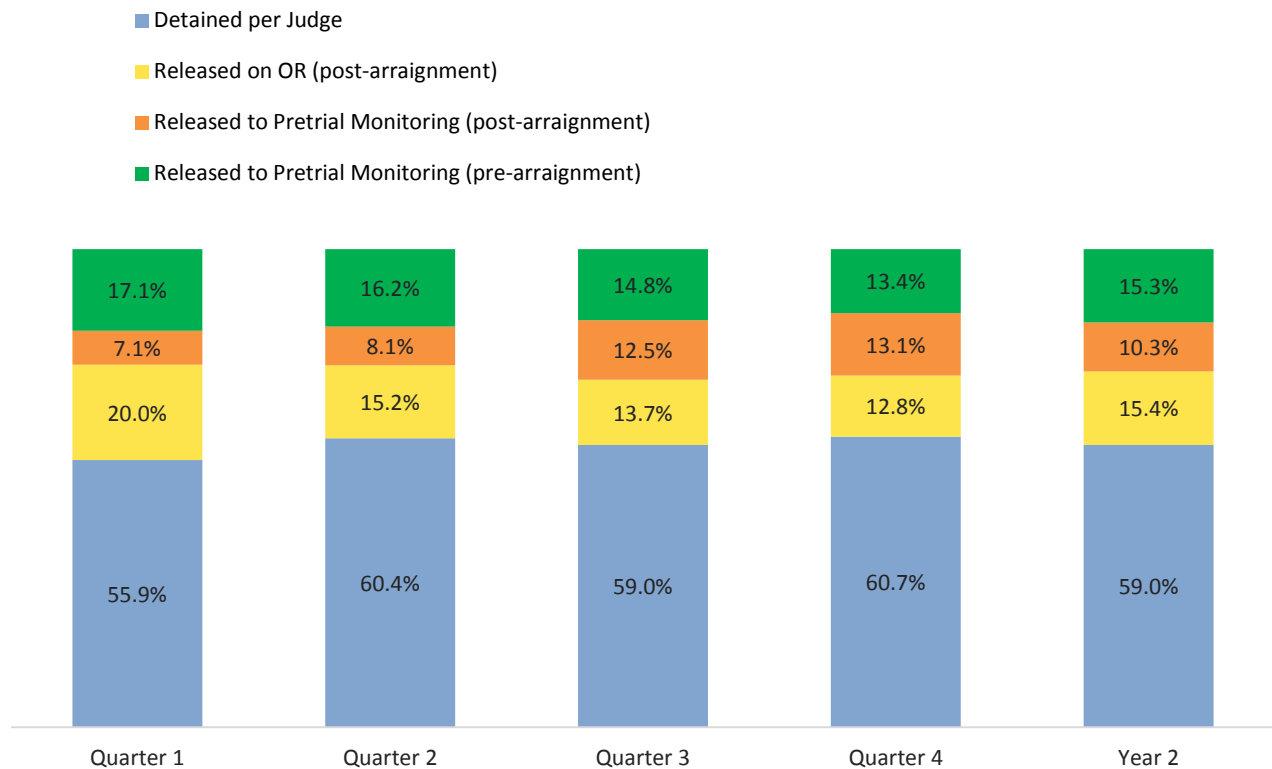


## PRETRIAL RELEASE RATE

*Proportion of defendants released from jail pending case disposition.*

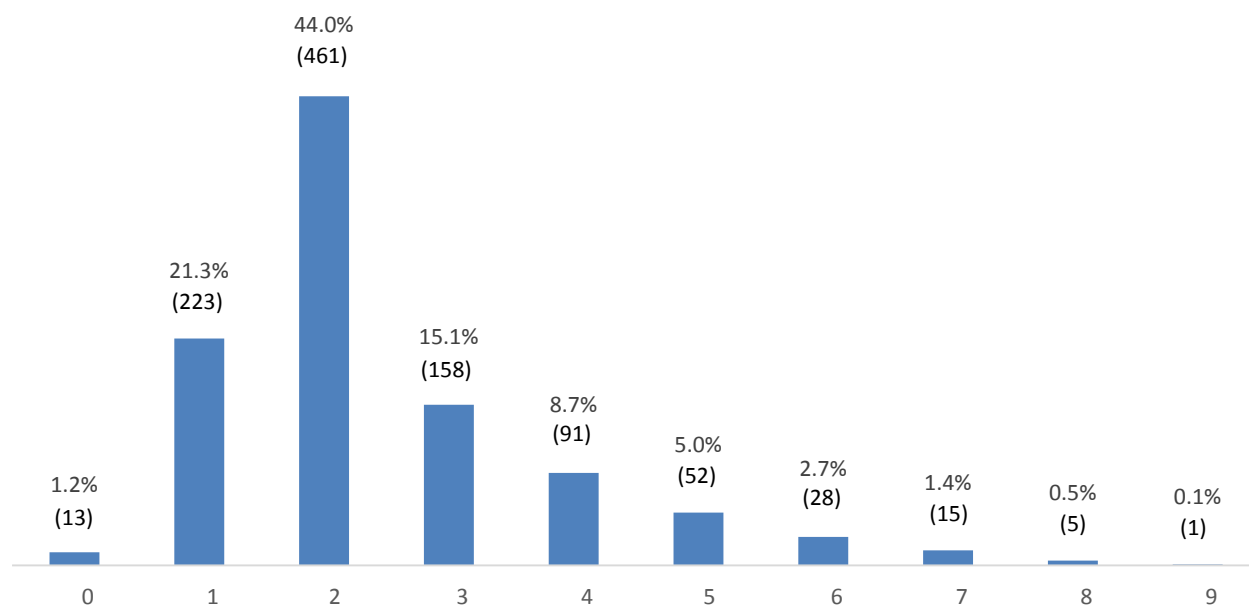
During the second year of Pretrial implementation, of those defendants who were released by a judge, 1,107 or 25.6% of defendants were placed on pretrial monitoring (15.3% or 663 pre-arraignment and 10.3% or 444 post-arraignment), 15.4% (664) were released on OR, and 59.0% (2,552) were detained per judge (see Figure 1.6).

**Figure 1.6 Pretrial Release Rate, Year 2**



Of those released to pretrial monitoring, 66.6% scored between 0 and 2 on their risk assessment, 15.1% scored a 3, and 18.3% had a score of 4 or higher (Figure 1.7).

**Figure 1.7 Pretrial Release Rate for the Year by VPRAI Score (includes defendants who were released on pretrial pre and post-arraignment), Year 2**

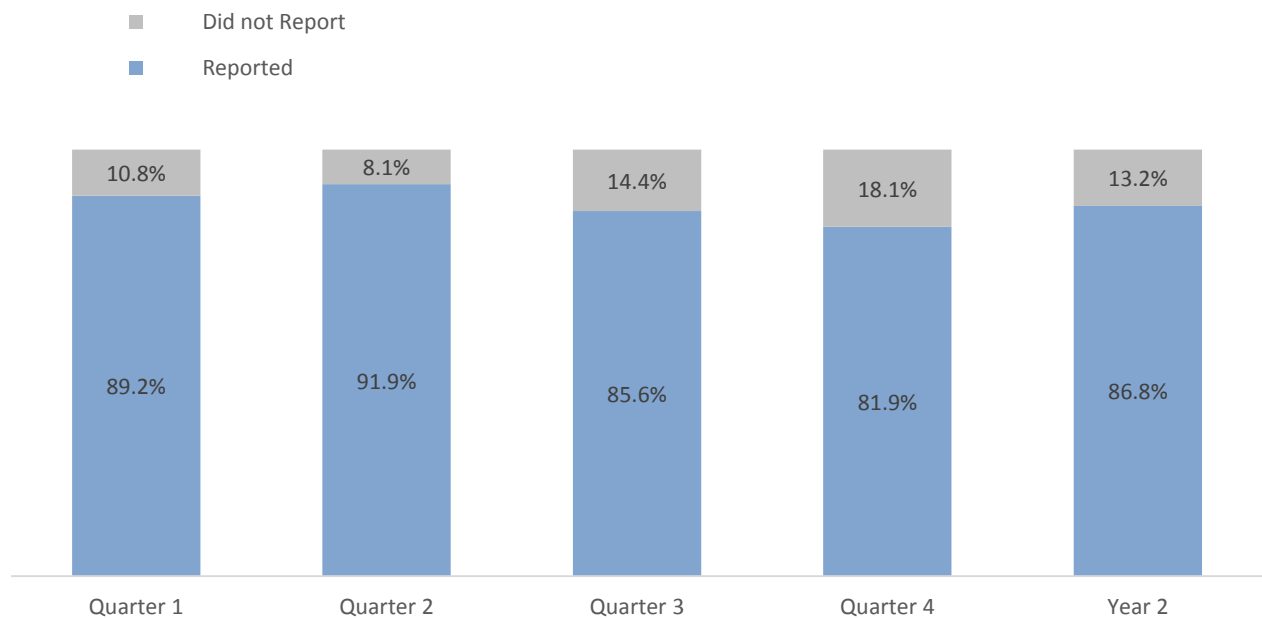


## COMPLIANCE WITH INITIAL REPORTING CONDITIONS

*Percent of defendants who initially reported to the Pretrial Monitoring Staff upon their release from jail.*

Of the 1,107 (25.6%) defendants placed on pretrial monitoring during the second year, 86.8% (961) reported initially to the Pretrial Monitoring Staff during the required time frame (Figure 1.8).

**Figure 1.8 Reported to Pretrial Monitoring, Year 2**

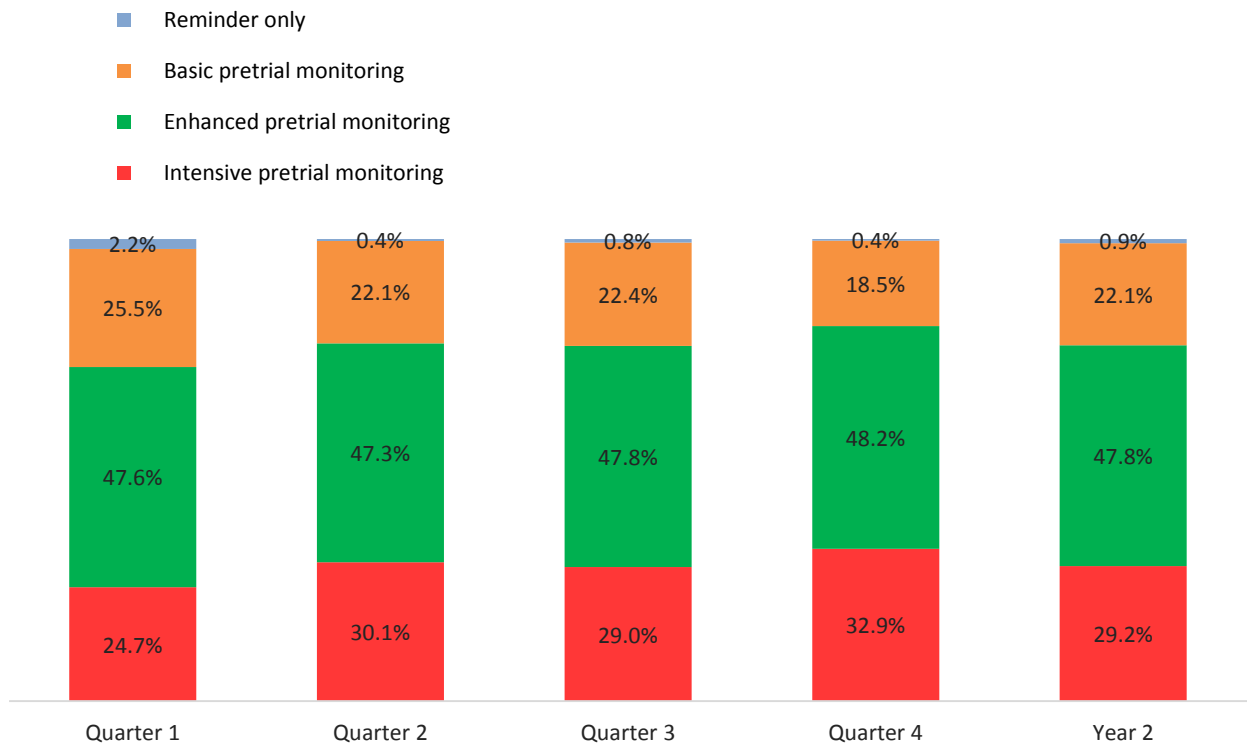


## LEVEL OF MONITORING

*Monitoring level of pretrial defendants that reported to the Pretrial Monitoring Staff.*

Of those defendants who reported to the Pretrial Monitoring Staff, 0.9% were placed on Reminder Only Pretrial Monitoring, 22.1% were placed on Basic Pretrial Monitoring, 47.8% were placed on Enhanced Pretrial Monitoring, and 29.2% were placed on Intensive Pretrial Monitoring (Figure 1.9).

**Figure 1.9 Level of Monitoring for those Defendants who Reported to Pretrial Monitoring Staff, Year 2**



## TIME ON PRETRIAL MONITORING

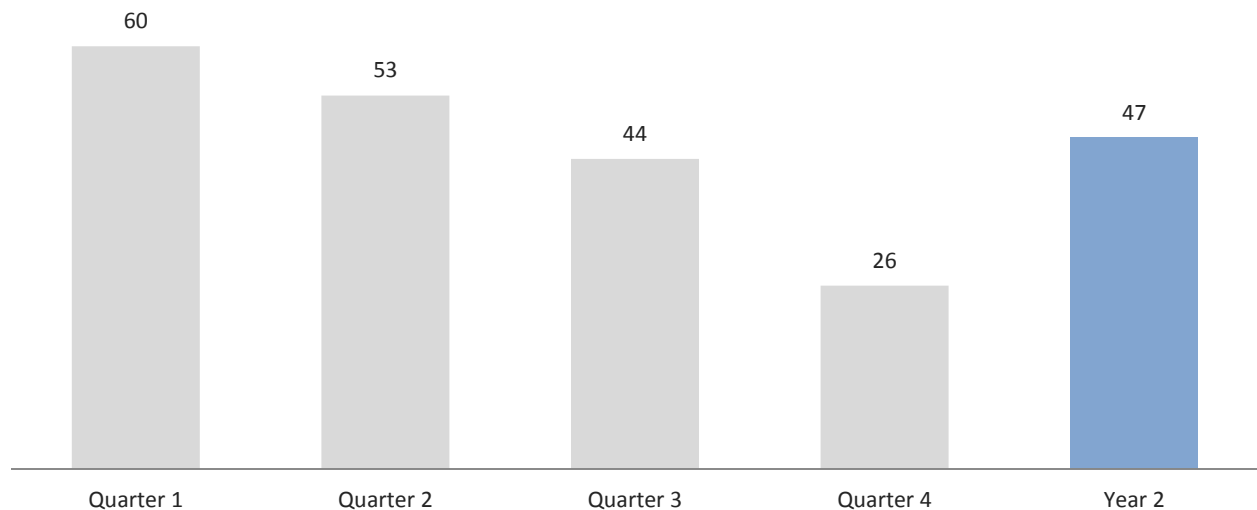
*Time between the Pretrial Monitoring Staffs' assumption of monitoring and the end of program monitoring.*

For the second year, of the defendants who initially reported and were closed out, the average time on Pretrial was 47 days (Figure 1.10); it is important to note that the median number of days on Pretrial was 29 days.

The clients who were in the first quarter could have the highest range because they have the most time to complete their time on Pretrial; there are five clients on Pretrial from the first quarter who have not completed yet.

The number increases for each quarter. In time we should see those on the second, third, and fourth quarter completing pretrial in similar numbers.

Figure 1.10 Average Time on Pretrial Monitoring (Days), Year 2



## SUCCESS RATE

*Percent of released defendants who (1) appear for scheduled court appearances, (2) are not charged with any new offense during pretrial supervision, and (3) did not receive a court remand.*

For the purposes of this report the success rate is defined as the percentage of released defendants who appear for scheduled court appearances, are not charged with any new offense during pretrial monitoring, and did not receive a court remand (reasons for a court remand in this case may be pretrial related or not).

The defendants who report to Pretrial Monitoring and complete the pretrial program are categorized into one of the following categories:

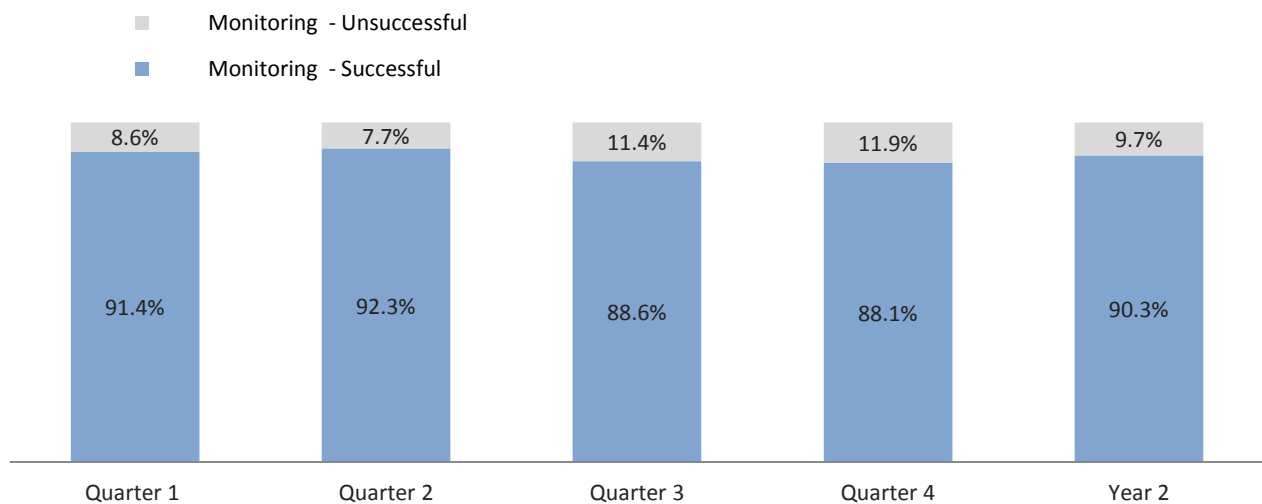
- Monitoring successful** - this group is comprised of defendants who initially reported to the pretrial monitoring staff, continued to report to the pretrial monitoring staff, appeared for scheduled

court appearances, did not have any new offenses during pretrial or a court remand, and abided by the conditions of pretrial release.

- Monitoring unsuccessful** - this group is comprised of defendants who initially reported to the pretrial monitoring staff, but may have stopped reporting to the pretrial monitoring staff, may not have appeared for scheduled court appearances, may have had new offenses during pretrial or a court remand, or violated conditions of pretrial release.

Figure 1.11 includes the 690 defendants who reported to Pretrial Monitoring and completed. Data shows that 90.3% (623) were successful.

**Figure 1.11 Monitoring Success Rate, Year 2**





The defendants who did not report to Pretrial Monitoring, and were closed out, are categorized into one of the following categories:

- **Assessment successful** - this group is comprised of defendants who initially did not report to the pretrial monitoring staff, but appeared for scheduled court appearances, did not have any new offenses during pretrial or a court remand.
- **Assessment unsuccessful** - this group is comprised of defendants who initially did not report to the pretrial monitoring staff, and may not have appeared for scheduled court appearances, may have had a new offense during pretrial or a court remand.

Table 1.3 shows the 62 defendants that did not report to Pretrial Monitoring in this year; 48.4% (30) were found to be successful. The reader should use caution when interpreting this data as the sample size is small.

**Table 1.3 Assessment Success Rate, Year 2**

<b>Success Rate</b> (for those who did not report to monitoring)	<i>Successful</i>		<i>Unsuccessful</i>	
	<i>Count</i>	<i>%</i>	<i>Count</i>	<i>%</i>
<b>Total Assessment</b>	30	48.4%	32	51.6%
Quarter 1	9	56.3%	7	43.8%
Quarter 2	6	42.9%	8	57.1%
Quarter 3	7	41.2%	10	58.8%
Quarter 4	8	53.3%	7	46.7%

Figure 1.12 breaks down successful completions by level of monitoring (1.4% on reminder only, 28.0% on basic pretrial monitoring, 55.6% on enhanced pretrial monitoring, and 15.0% on intensive pretrial monitoring).

When comparing the success rate among the levels of monitoring, significant differences were revealed. Defendants who were placed on ‘reminder only’ had a success rate of 90.0%, those on ‘basic pretrial monitoring’ had a success rate of 91.0%, those on ‘enhanced pretrial monitoring’ had a success rate of 86.8% and those on ‘intensive pretrial monitoring’ had a success rate of 79.7% (see Table 1.4).

In other words, defendants who were placed on reminder only, basic pretrial monitoring, or enhanced pretrial monitoring had better outcomes than those on intensive pretrial monitoring. The difference is statistically significant (p=.033). It may be the case that this lower percentage of success for intensive pretrial

**Table 1.4 Success Rate by Level of Monitoring, Year 2**

Level of Monitoring (for those who were successful)	Annual	
	n =	%
Reminder only	9	90.0%
Basic pretrial monitoring	183	91.0%
Enhanced pretrial monitoring	363	86.8%
Intensive pretrial monitoring	98	79.7%

monitoring connects with more challenging cases. Caution must be used when interpreting findings for ‘reminder only’ cohort as the sample size is small.

**Figure 1.12 Successful Monitoring/Assessment by Level of Monitoring, Year 2**

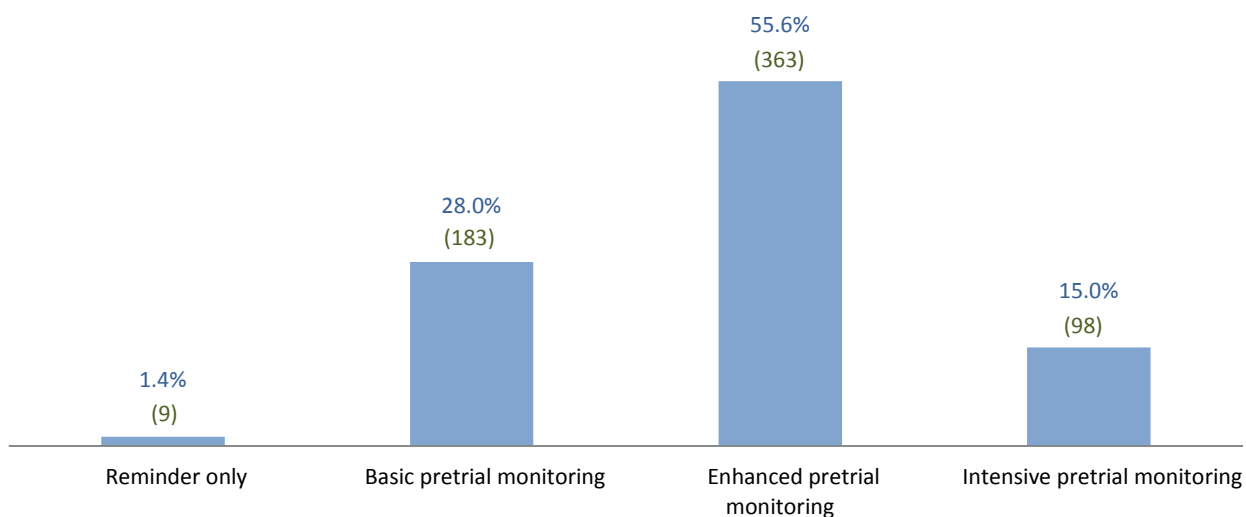


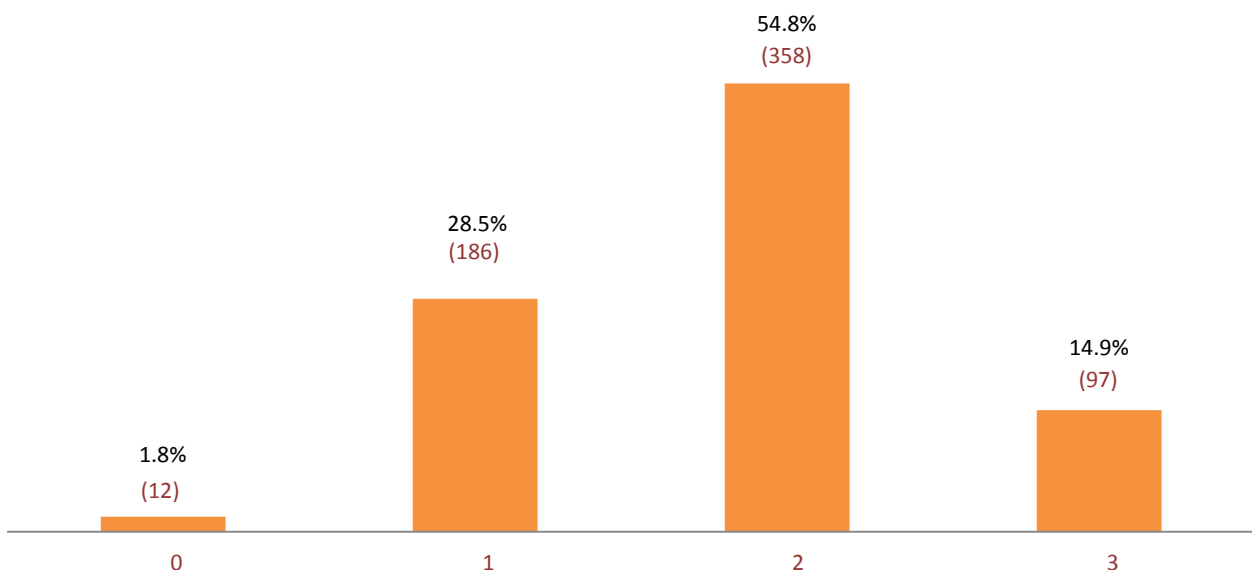
Figure 1.13 breaks down successful completions by risk level (85.1% scored between 0 and 2 and 14.9% had a score of 3).

When comparing success rates among the different risk levels, statistically significant differences were observed (p=.003). Specifically, those who had a risk level of 1 had a success rate of 90.7%, those with a risk level of 2 had a success rate of 87.7% and those with a risk level of 3 had a success rate of 77.0%. This shows that those who had a risk level of one had better outcomes than those with a risk level of 2 or 3. However, it is important to note that completion rates are high regardless of risk level.

**Table 1.5 Success Rate by Risk Level 0-3, Year 2**

Risk Assessment Level (for those who were successful)	Annual	
	n =	%
0	12	92.3%
1	186	90.7%
2	358	87.7%
3	97	77.0%

**Figure 1.13 Successful Monitoring/Assessment by Risk Level 0-3, Year 2**



When comparing success rates by gender (Table 1.6), the high majority of both female and male clients successfully completed (statistically significant differences were not observed,  $p \leq .05$ ).

Figure 1.14 breaks down successful completions with a risk level between 0 and 3 by gender (71.1% of defendants were male and 28.9% were female). In other words, gender does not play a role in better pretrial outcomes.

**Table 1.6 Success Rate by Gender, Year 2**

Gender (for those who were successful)	Year 2	
	n =	%
Female	189	87.1%
Male	464	86.7%

**Figure 1.14 Successful Monitoring/Assessment by Gender, Year 2**

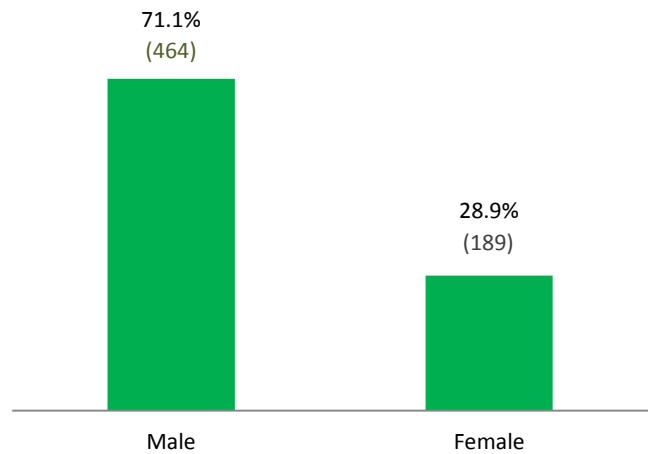


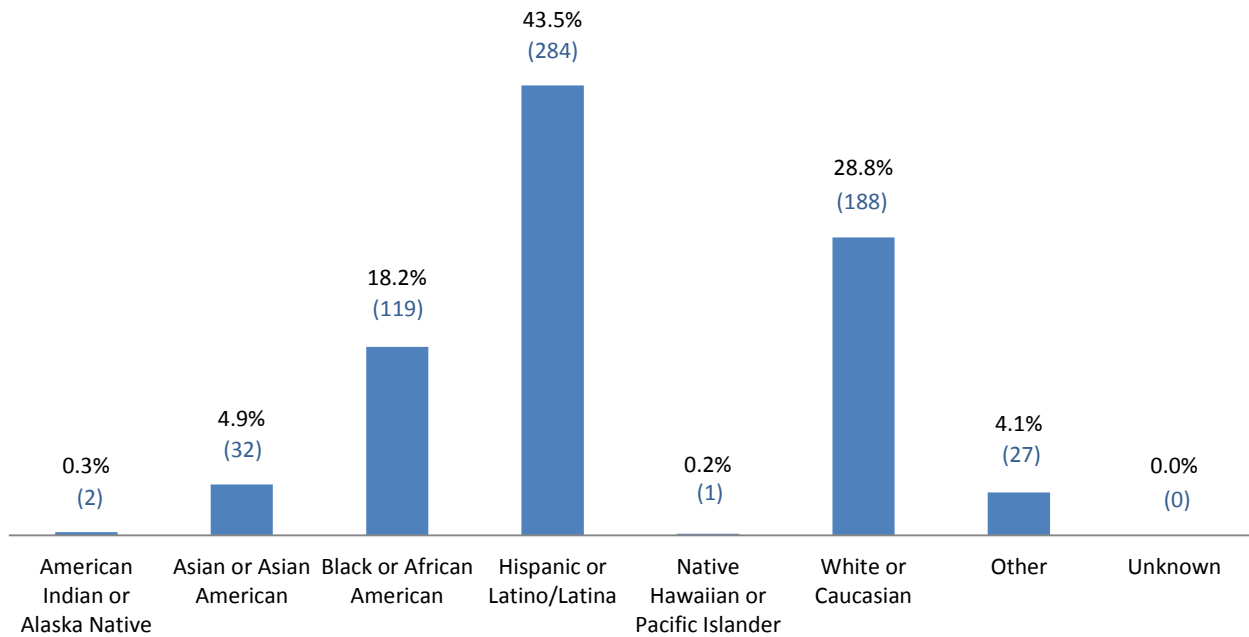
Figure 1.15 breaks down successful completions by race/ethnicity.

When comparing success rate among the different races/ethnicities, data findings did not reveal statistically significant differences in rates. In other words, no one racial/ethnic category had better pretrial outcomes than another.

**Table 1.7 Success Rate by Race/Ethnicity, Year 2**

Race/Ethnicity (for those who were successful)	Year 2	
	n =	%
American Indian or Alaska Native	2	100.0%
Asian or Asian American	32	84.2%
Black or African American	119	86.9%
Hispanic or Latino/Latina	284	87.1%
Native Hawaiian or Pacific Islander	1	100.0%
White or Caucasian	188	85.1%
Other	27	100.0%
Unknown	0	0.0%

**Figure 1.15 Successful Monitoring/Assessment by Race/Ethnicity, Year 2**

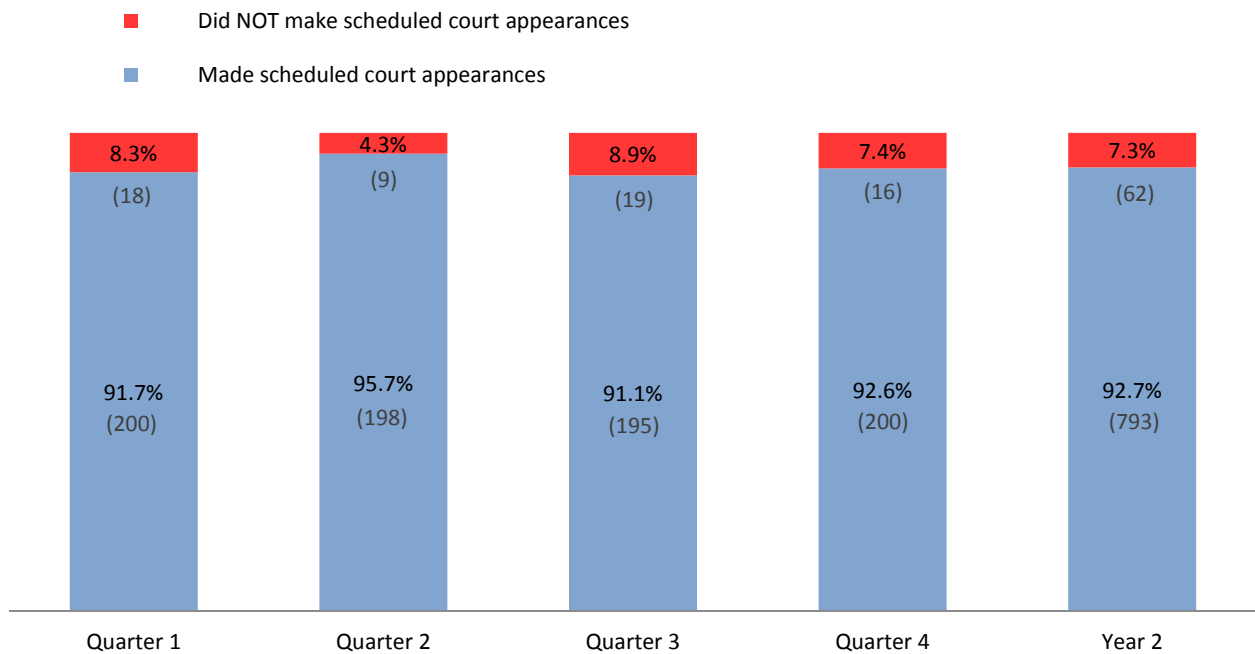


## APPERANCE RATE

*Percent of monitored defendants who make scheduled court appearances.*

Figure 1.17 shows that of the 855 defendants who were placed on pretrial monitoring (with a score of 0 to 3), 92.7% made scheduled court appearances.

**Figure 1.16 Defendant Appearance Rate for those with a score between 0 and 3, Year 2**

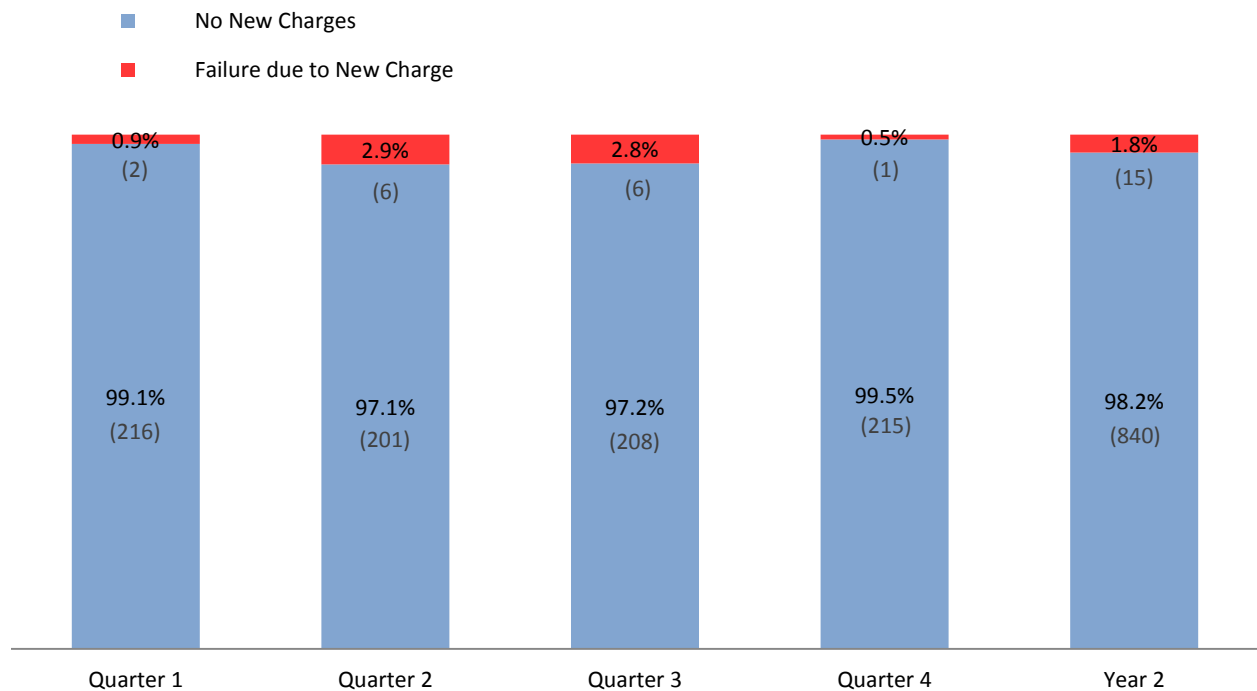


## FAILURE DUE TO NEW CHARGE

*Percent of monitored defendants who are not arrested for a new offense during the pretrial stage.*

Figure 1.18 shows that of the 855 defendants who were placed on pretrial monitoring (with a score of 0 to 3), almost all (98.2%) did not have a new charge.

Figure 1.17 New Charge for those with a score between 0 and 3, Year 2

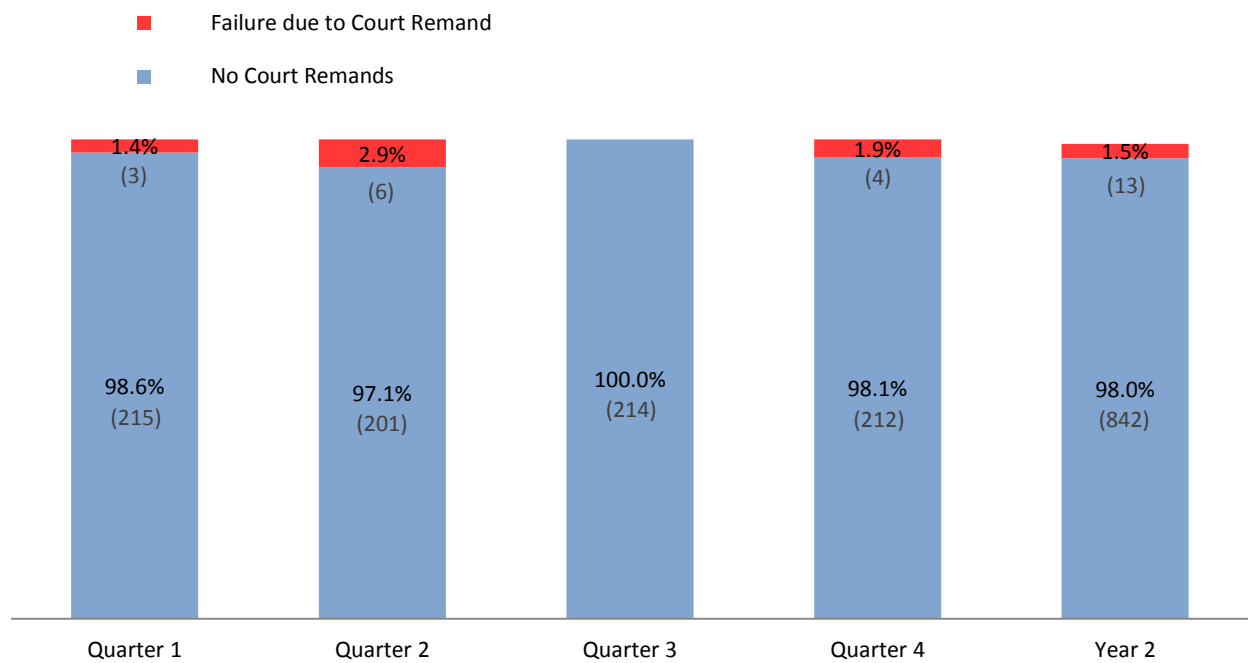


## FAILURE DUE TO COURT REMAND

*Percent of released defendants who did not have a court remand during the pretrial stage.*

Figure 1.19 shows that of the 855 defendants who were placed on pretrial monitoring (with a score of 0 to 3), almost all (98.0%) did not have a court remand.

**Figure 1.18 Court Remand for those with a score between 0 and 3, Year 2**





## **SUMMARY**

During the second year of operation (October 2015 to September 2016), 7,162 defendants were assessed with varying VPRAI scores. Moreover, 25.6% of defendants were placed on Pretrial Monitoring, 15.4% were released on OR, and 59.0% were detained per a judge. The average time on Pretrial was 47 days. In total, judges followed the Pretrial staff recommendations 68.2% of the time. Almost 9 in 10 defendants (86.8%) reported to Pretrial Monitoring and during the second year there was an 86.8% success rate for those with risk levels between 0 and 3. Success levels differed statistically by level of monitoring and VPRAI score. Of the 855 defendants who were placed on Pretrial and had a score between 0 and 3, only 1.8% failed due to a new charge and only 1.5% failed due to a court remand.

Data in this report indicate powerful program findings. More specifically, the Pretrial Monitoring Program is having the intended impact in San Joaquin County. After two full years of operation, the program has offered the County a highly effective way to lessen the impact on the County Jail and to monitor clients who are released into the community on a pretrial basis.

# APPENDIX

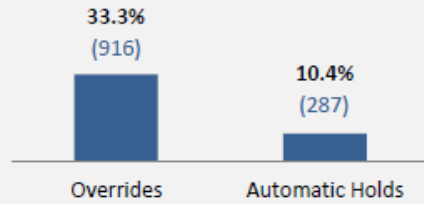


# San Joaquin County Pretrial Dashboard

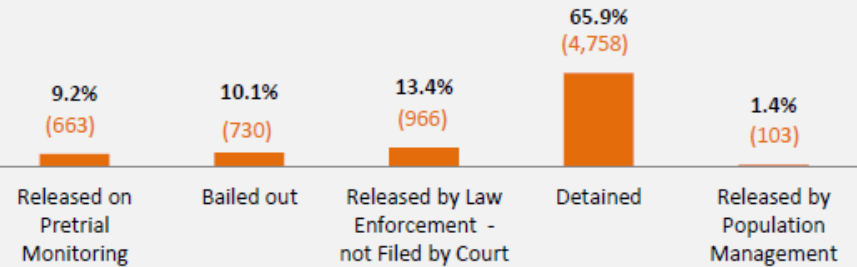
Year 2 Report  
(October 2015-September 2016)

Total # Assessed by Pretrial Program

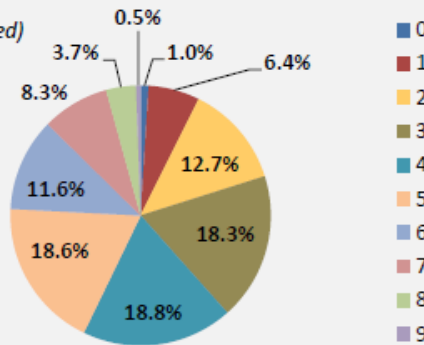
**7,162**



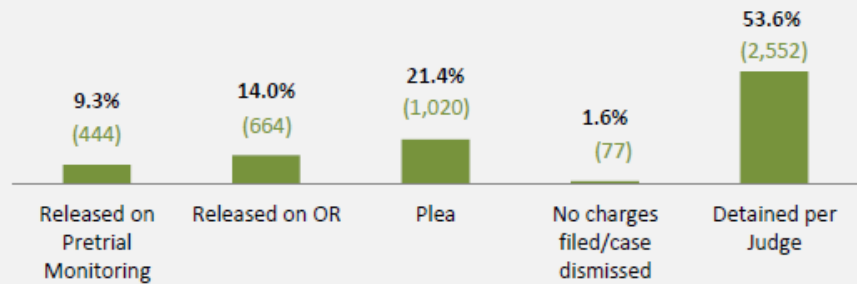
## PRE-ARRAIGNMENT



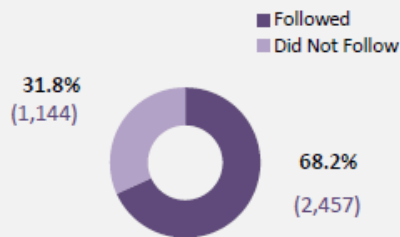
VPRAI Score (of those assessed)



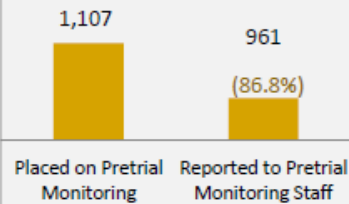
## POST-ARRAIGNMENT (for those defendants who were detained pre-arrestment)



## JUDGE FOLLOWED RECOMMENDATION



## PRETRIAL PROGRAM STATS



## LEVEL OF MONITORING (for those defendants who were placed on pretrial monitoring pre or post-arrestment and reported to the Pretrial Monitoring Staff this reporting period)

