



DATE: August 3, 2012

TO: Honorable Board of Supervisors

FROM: Stuart J. Forrest

A handwritten signature in cursive script, reading "Stuart J. Forrest", is written over a horizontal line.

SUBJECT: June 18 – 21 Report Back Item, Pretrial Inquiry

Cc: Hong Yan Liu, Fidel Rodriguez, Michael Bolander

Pages: 2

Report Back Item

During the Fiscal Year 2012 – 2013 Budget Hearings, the Board of Supervisors asked for the number of pretrial defendants that are “Release On Their Own Recognizance” (ROR) compared with those that the Pretrial Unit recommends.

Background

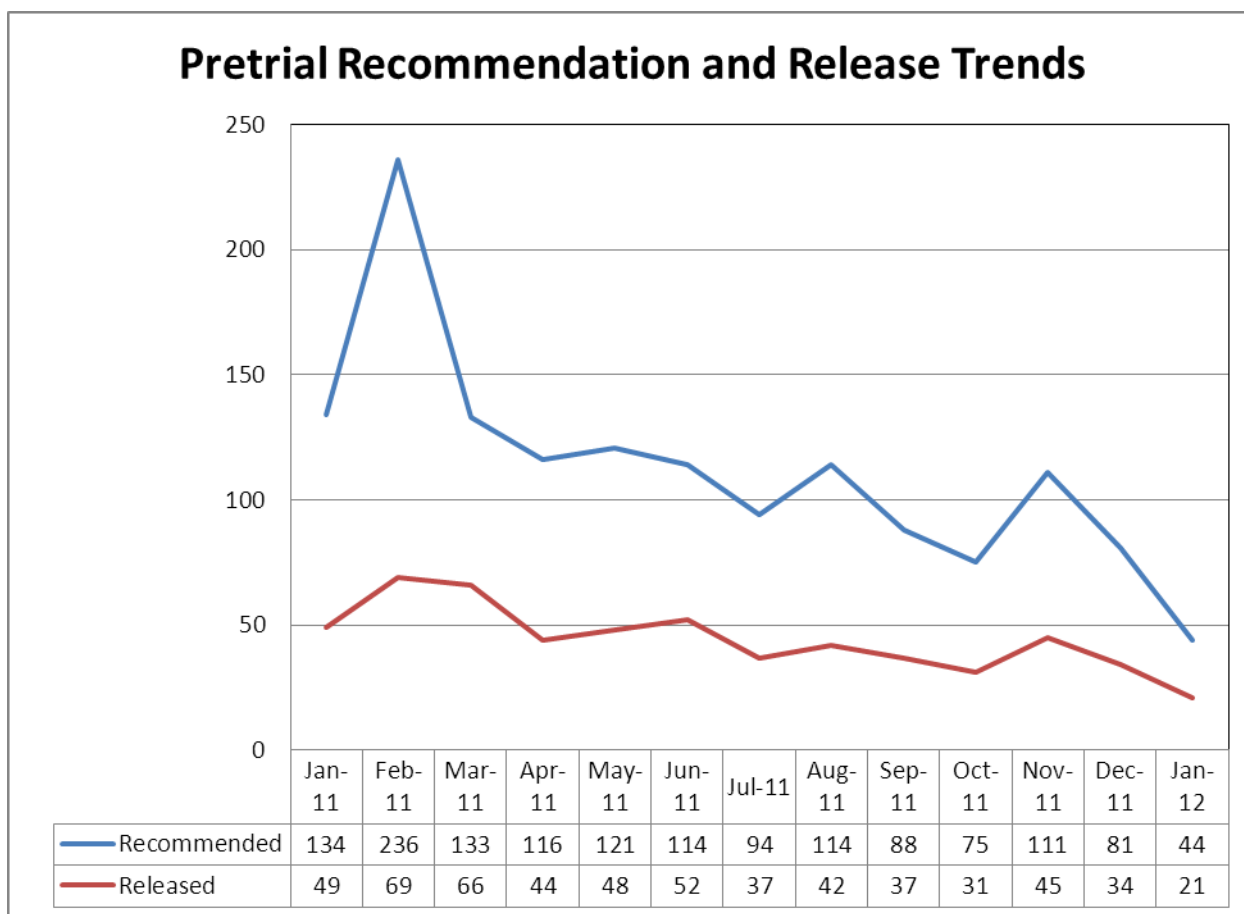
Since January, 2011, the Pretrial Unit records and reports: the number of defendants recommended for ROR and the number of defendants that are released on ROR. This information is provided to the Department’s administration and the Superior Court in a weekly memo.

The information is not qualified by the facts that (1) the pretrial investigation only determines whether or not the defendant can be relied upon to appear for their next hearing, and (2) the defendant may be charged with an offense that, by statute, prohibits the court from granting ROR even though they otherwise satisfy the requirements for an ROR recommendation.

All recorded information was converted to a spreadsheet and illustrated in a graph which shows the declining number of “jail intakes” during the reporting period as well as comparing trends of recommended ROR versus releases.

The chart below compares the trend of those recommended for ROR with those actually released between January 2011 and January 2012. The downward trend of pretrial recommendations is a reflection of a decline in “bookings” over the same time period.

During the reporting period between January 2011 and January 2012, there was a total of 1,461 recommendations for ROR, of which 575, or 39% were actually released. The comparison illustrates that while the number of recommendations have declined along with bookings, the numbers released have not declined as dramatically. As a result, the net number of releases has increased over time; from 36% during the first three months of the reporting period to 42% during the last three months.



If the convergence of trends continues undisturbed, recommendations and releases, theoretically, must reach a point of “maximum convergence” during the next twelve months.

According to the Bureau of Judicial Statistics, San Mateo County’s current release rate is consistent with an eleven year study of 20,000 cases from the twelve largest counties in California; 44% in the largest counties, versus our 42%. The release rate nationwide is about 62%. Determining the cause for these results will require a very complex and controlled comparison of local laws, judicial practices, and policies.