



Administrative Office of the District Attorneys (AODA)  
Henry R. Valdez, Director

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February 21, 2020

Regarding: Data Request to Committee Members

Dear Justice Chavez,

We worked to gather as much information as possible, however, the development/programming required to build the module that will collect data as to Expedited Motions for Pretrial Detention has just recently been completed and is currently being implemented into our case management system. For this reason, we are not currently collecting this type of data.

Below, please find the responses to the questions in your memo dated January 27, 2020.

1. What felony charges were filed in each judicial district regardless of whether a Pretrial Detention Motion was filed. (Please note: The data below does not include probation violations, appeals, etc. stemming from felony cases.)

**Number of Felony Cases Filed**

DISTRICT	2017		2018		2019	
	# Felony Cases	# with Deadly Weapon	# Felony Cases	# with Deadly Weapon	# Felony Cases	# with Deadly Weapon
1st Judicial DA	2920	505	2783	472	2643	390
2nd Judicial DA	8387	1975	8361	1774	8316	1810
3rd Judicial DA	1689	288	1873	249	1854	309
4th Judicial DA	688	150	659	126	705	157
5th Judicial DA	3132	550	3047	586	2971	670

6th Judicial DA	992	153	938	142	958	129
7th Judicial DA	769	152	828	137	771	134
8th Judicial DA	852	120	950	159	840	129
9th Judicial DA	1193	170	1071	165	1048	174
10th Judicial DA	283	49	257	33	260	47
11th Judicial DA, Div 1	2121	322	2308	332	2240	307
11th Judicial DA, Div 2	785	125	739	124	881	168
12th Judicial DA	1184	198	1121	156	1128	169
13th Judicial DA	2974	470	2980	450	2844	479
<b>TOTAL</b>	<b>28001</b>	<b>5227</b>	<b>27961</b>	<b>4905</b>	<b>27490</b>	<b>5072</b>

- a. How many cases involve defendants charged with a felony and the defendant was using a deadly weapon? *See table above. Please note: The number provided is an undercount as there are many charges which may or may not have involved a deadly weapon, but I have no way of knowing. Example: Murder, Manslaughter, Child Abuse Resulting in Death. (Vehicular Homicide and DWI resulting in GBH or Death were not included in these counts.)*
- b. How many cases involved charges which authorized a sentence of life in prison without parole? *See table below. Please note: The number provided is an undercount as it includes only capital offenses. There are other charges in which aggravated circumstances could require life in prison without parole such as 2<sup>nd</sup> or subsequent offense of 1<sup>st</sup> degree CSP; Intentional child Abuse Resulting in Death that are not included in this count as I have no way of identifying the cases in which notice was filed.*

#### **Life Sentence without Parole Cases Filed**

<b>DISTRICT</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
1st Judicial DA	6	19	5
2nd Judicial DA	47	52	64
3rd Judicial DA	7	7	10
4th Judicial DA	3	0	4
5th Judicial DA	24	16	29

6th Judicial DA	1	2	3
7th Judicial DA	3	1	2
8th Judicial DA	4	2	0
9th Judicial DA	2	0	3
10th Judicial DA	1	0	0
11th Judicial DA, Div 1	2	0	5
11th Judicial DA, Div 2	2	2	5
12th Judicial DA	4	3	6
13th Judicial DA	10	8	22
<b>TOTAL</b>	<b>116</b>	<b>112</b>	<b>158</b>

2. The number of PTD motions that were filed. **Because our PTD Module has just recently been built and is currently being implemented, we don't have this data at this time. I did attempt to determine how many 'Motion for Pretrial Detention' documents have been uploaded to CMS, however, I found that I could not get accurate counts in that way.**
3. The charges that were pending in those cases when a PTD motion was filed. **Because our PTD Module has recently been completed Because I was unable to determine which cases had a PTD motion filed, I am unable to provide this information.**
  - a. How many cases involve defendants charged with a felony and the defendant was using a deadly weapon?
  - b. How many cases involved charges which authorized a sentence of life in prison without parole?
4. The length of time between filing the motion and the PTD hearing. **Due to the inconsistency in the setting of these hearings, I am unable to determine which hearings were for PTD hearings.**
5. How many cases result in the prosecutor putting a detention hold on the defendant and later elect not to pursue detention? **This is not something we track.**
  - a. What is the length of time before the defendant is released?
  - b. How many times are charges dismissed by the prosecutor?
  - c. How many times are charges dismissed for lack of probable cause by the court?
  - d. What are the charges in these cases?
6. The court disposition of the PTD Motion. **Because our PTD Module has just recently been built and is currently being implemented, we don't have this data at this time.**
  - a. Number granted
  - b. Number denied
  - c. Conditions of release when detention denied.

7. For those actually released after a PTD motion was denied **Because our PTD Module has just recently been built and is currently being implemented, we don't have this data at this time.**
  - a. The PSA recommendation (for the 2<sup>nd</sup> Judicial District)
  - b. The number of those who FTA
    - i. Type of offense in the PTD case
    - ii. Conditions of release imposed when PTD denied
    - iii. Whether the defendant was detained or what their conditions of release were for the re-arrest
  - c. The number of those who were accused of new criminal activity
    - i. Type of offense in the PTD case
    - ii. Conditions of release imposed when PTD denied
    - iii. Category of new criminal activity, misdemeanor, 4<sup>th</sup>, 3<sup>rd</sup>, 2<sup>nd</sup>, 1<sup>st</sup> degree felony
    - iv. Whether the defendant was detained or what their conditions of release were for the re-arrest
  
8. Time to disposition from order detaining the defendant to disposition of the case. **Because our PTD Module has just recently been built and is currently being implemented, we don't have this data at this time.**
  - a. First trial setting
  - b. Actual trial on the merits
  - c. Plea or other disposition
  
9. Number of cases that were dismissed by the prosecution **I have attached the LFC reports from the past 3 years to reflect the dismissals filed. (see attached)**
  - a. When a motion to detain was filed
  - b. When a motion to detain was not filed
  - c. For each category the reason for the dismissal
  - d. Number of cases refiled
  
10. Number of cases where the prosecution did not indict or pursue a preliminary hearing (regardless of the filing of a pretrial detention motion) **See below**

**# Cases Referred in Which Prosecution was Declined**

<b>DISTRICT</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
1st Judicial DA	2000	1476	485
2nd Judicial DA	5444	3596	3731
3rd Judicial DA	370	316	494
4th Judicial DA	271	190	124

5th Judicial DA	559	730	403
6th Judicial DA	167	281	343
7th Judicial DA	395	461	110
8th Judicial DA	391	314	244
9th Judicial DA	131	176	206
10th Judicial DA	44	58	22
11th Judicial DA, Div 1	243	342	336
11th Judicial DA, Div 2	589	431	212
12th Judicial DA	212	242	279
13th Judicial DA	587	510	235
<b>TOTAL</b>	<b>11403</b>	<b>9123</b>	<b>7224</b>

11. Number of appeals of PTD orders. *Because our PTD Module has just recently been built and is currently being implemented, we don't have this data at this time.*
12. Length of time for appellate disposition of the PTD appeals. *Because our PTD Module has just recently been built and is currently being implemented, we don't have this data at this time.*
13. Number cases where detention granted and an interlocutory appeal (not regarding detention) was filed. *Because our PTD Module has just recently been built and is currently being implemented, we don't have this data at this time.*
14. Length of time to disposition of interlocutory appeal. *Because our PTD Module has just recently been built and is currently being implemented, we don't have this data at this time.*
  - a. Specify whether Court of Appeals or Supreme Court
15. Number of guilty pleas to the highest offense charged. *I have attached the LFC Report for the last 3 years to show how cases were disposed.*
  - a. Number of guilty pleas to crimes involving the use of a deadly weapon as the highest charge
16. Number of guilty pleas to lower offenses. *I have attached the LFC Report for the last 3 years to show how cases were disposed.*
  - a. Number of guilty pleas to crimes involving the use of a deadly weapon that was not the highest charge

17. Number of convictions of highest offense charged following a trial on the merits. I have attached the LFC Report for the last 3 years to show how cases were disposed.
18. Number of convictions of lesser included offenses charged following a trial on the merits. I have attached the LFC Report for the last 3 years to show how cases were disposed.
19. Number of mistrials. The majority of districts do not track this information.
20. Number of cases flagged by a PSA as NVCA? I don't have a way of knowing which cases were flagged by the PSA as New Violent Criminal Activity. I believe the courts would be the more appropriate data source.
21. Number of PTD motions filed when a PSA flagged NVCA? I don't have a way of knowing which cases were flagged by the PSA as New Violent Criminal Activity. This data would have to come from the courts. Also, because our PTD module is currently being implemented, I don't have the necessary data on PTD motions. I believe the courts would be the more appropriate data source.
22. Number of defendants flagged as NVCA that were released despite PTD motion being filed? I don't have a way of knowing which cases were flagged by the PSA as New Violent Criminal Activity. I believe the courts would be the more appropriate data source.
  - a. PSA recommendation for conditions of release
  - b. Conditions of released imposed on the defendant
  - c. Number of defendants released who FTA.
  - d. Number of defendants that engaged in NCA.
    - i. Level of new offense that was charged
23. Number of defendants flagged as NVCA but NO PTD was filed. I don't have a way of knowing which cases were flagged by the PSA as New Violent Criminal Activity. I believe the courts would be the more appropriate data source.
  - a. PSA recommendation for conditions of release
  - b. Conditions of released imposed on the defendant
  - c. Number of defendants released who FTA.
  - d. Number of defendants that engaged in NCA.
    - i. Level of new offense that was charged
24. How many cases are remanded to a lower court at the conclusion of a detention hearing in district court? We don't track transfers or remands in CMS, just the court currently hearing the case. We do not track the conditions of release either. I think the courts would be the most appropriate source for this data.
  - a. In how many of those cases was the lower court asked to change conditions of release?
  - b. In how many of those cases did the lower court
    - i. Increase conditions of release
    - ii. Decrease conditions of release
  - i. No change

25. In how many cases where the defendant was detained did it take longer than one year to dispose of the case? **Because our PTD Module has just recently been built and is currently being implemented, we don't have this data at this time.**

- a. By plea and disposition
- b. Dismissal of charges by the prosecutor
- c. Dismissal of charges by the court
- d. Trial on the merits

26. In how many cases does the district court have both a motion to revoke conditions of release and a motion to detain? **We don't track motions to revoke conditions of release and because our PTD Module has just recently been built and is currently being implemented, we don't have this data at this time.**

As always, if you have any questions, or we can be of further assistance, please let me know.

Sincerely,



Brandy Toward, On Behalf of

Henry Valdez  
Director

Attachments: LFC & PBB Reports State Submit FY17  
LFC & PBB Reports State Submit FY18  
LFC & PBB Reports State Submit FY19