

This is the LOPD response to the data requests from Justice Chavez. We only have specific numbers in the Second Judicial District. Data to back up these numbers is available to view. Many of the questions are beyond what LOPD can answer.

1. What felony charges were filed in each judicial district regardless of whether a Pretrial Detention Motion was filed.

- 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?

LOPD does not have access to that information, and defers to the Second Judicial District Court.

2. The number of PTD motions that were filed.

The first detention motion in the Second was filed on 1/17/17. Between then and 12/31/19, 3205 motions were filed. This includes a handful of motions that are included in the LOPD chart but that others might not include, but essentially 3200 is a fair number.

3. The charges that were pending in those cases when a PTD motion was filed.

LOPD only captured the primary charge for each motion. Generally speaking, if there was a violent charge, a violent charge was listed. If all non-violent or more than one violent charge, LOPD listed the one that it believed to be the most likely reason for the filing, or the one listed by the State in the motion. For 3200 motions, it is difficult to list them all in an easy format, but LOPD will endeavor to put together a list.

- a. How many cases involve defendants charged with a felony and the defendant was using a deadly weapon?

LOPD did not keep track specifically of this information. Some charges are obvious (e.g. aggravated assault, armed robbery), but others are less so.

- b. How many cases involved charges which authorized a sentence of life in prison without parole?

LOPD is not aware of any cases where LWOP was authorized. There are cases where life sentences are authorized – every First Degree Murder, for example. But LWOP is very uncommon, and LOPD is not immediately aware of any cases that qualified in the Second.

4. The length of time between filing the motion and the PTD hearing.
LOPD does not have this information. We believe that the SJDC keeps track of this information.

5. How many cases result in the prosecutor putting a detention hold on the defendant and later elect not to pursue detention?
Of the 3205 motions filed, 242 were withdrawn – 7.6%. Another 21 were considered moot for various reasons – some of those would be considered withdrawn, but not all of them. That, of course, doesn't capture everything. In a number of cases, detention was granted, but then the case was not indicted in 10 days. At least 70 cases had that happen. Thus, detention was granted but not really pursued. There are other ways in which this might be true, but it's hard to find in the data.
 - a. What is the length of time before the defendant is released?
In such cases, essentially always the person is held until at least the detention hearing. In some cases, when Third Party Release is ordered, it could be days, or longer, before a person is released. LOPD does not have access to this information.

 - b. How many times are charges dismissed by the prosecutor?
LOPD does not keep track of dispositions, generally, less than 1 year after the detention hearing for various reasons. For cases where LOPD has disposition info, almost entirely where detention was filed before 12/31/18, 215 were not indicted within a year of the detention motion, 481 cases were nolle, and 143 dismissals. Of the 481 nolle, 153 were nolle because of pleas in different cases or because the State said they sent the case to the US attorney's office. Of the 143 dismissals, 45 were dismissed on competency.

 - c. How many times are charges dismissed for lack of probable cause by the court?
LOPD does not have that information.

 - d. What are the charges in these cases?
LOPD doesn't keep track of this information except as listed in charges generally.

6. The court disposition of the PTD Motion.

Generally speaking, LOPD lists the disposition in 6 categories, alphabetically – Continued, Denied, Granted, Moot, Stipulated, Withdrawn. Continued, granted, and stipulated we count as granted, the other 3 we count as denied. I have 1426 granted – 44.5%; 1779 denied – 55.5%.

- a. Number granted
- b. Number denied
- c. Conditions of release when detention denied.

We have, for each case, the conditions of release set. As a rule, because the Court often does not list a level of supervision, we do not differentiate in our data. LOPD trusts the SJDC's numbers for this.

7. For those actually released after a PTD motion was denied

- a. The PSA recommendation (for the 2nd Judicial District)

LOPD has this listed, but not in a way that could be easily digestible. The SJDC data will be best.

- 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

LOPD does not keep that data.

- 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, 4th, 3rd, 2nd, 1st degree felony
- iv. Whether the defendant was detained or what their conditions of release were for the re-arrest

LOPD has data on the number of people who have subsequent detention motions filed, but not on any new criminal activity. SJDC is likely to have the best information.

8. Time to disposition from order detaining the defendant to disposition of the case.
 - a. First trial setting
 - b. Actual trial on the merits
 - c. Plea or other disposition
LOPD does not have this information.

9. Number of cases that were dismissed by the prosecution
 - a. When a motion to detain was filed
As of 12/31/19, primarily on cases filed before 12/31/18, LOPD showed 481 cases nolleed where detention was filed. (Not including cases where the case was nolleed at Metro and never indicted.)

 - b. When a motion to detain was not filed
LOPD does not have this information.

 - c. For each category the reason for the dismissal
LOPD does not track this information, except as noted above regarding where the case was allegedly referred to federal authorities.

 - d. Number of cases refiled
LOPD does not track this information.

10. Number of cases where the prosecution did not indict or pursue a preliminary hearing (regardless of the filing of a pretrial detention motion)
LOPD does not track that information on every case.

11. Number of appeals of PTD orders.
LOPD does not track this information. Such information should be available from AOC.

12. Length of time for appellate disposition of the PTD appeals.
LOPD does not track this information. Such information should be available from AOC.

13. Number cases where detention granted and an interlocutory appeal (not regarding detention) was filed.
LOPD does not track this information.

- 14.Length of time to disposition of interlocutory appeal.
 - a. Specify whether Court of Appeals or Supreme Court
LOPD does not track this information.
- 15.Number of guilty pleas to the highest offense charged.
 - a. Number of guilty pleas to crimes involving the use of a deadly weapon as the highest charge
LOPD does not specifically track this information. We have dispositions, but not typically as to the charge.
- 16.Number of guilty pleas to lower offenses.
 - a. Number of guilty pleas to crimes involving the use of a deadly weapon that was not the highest charge
LOPD does not specifically track this information. If only the plea was only to misdemeanors, LOPD has that information and can collect it, but not as to lesser charges generally.
- 17.Number of convictions of highest offense charged following a trial on the merits.
LOPD does not specifically track this information. LOPD does note how many trials end in convictions on most/all charges, but not all of those would have the highest charge guaranteed.
- 18.Number of convictions of lesser included offenses charged following a trial on the merits.
LOPD does not specifically track this. LOPD does track "mixed" for results at trial, but it is unknown how many of those have only lesser included charges.
- 19.Number of mistrials.
LOPD does not keep this information
20. Number of cases flagged by a PSA as NVCA?
LOPD does not keep this information
- 21.Number of PTD motions filed when a PSA flagged NVCA?
LOPD does list which cases have the NVCA flag, but not easily in a way that is sortable. LOPD believes that SJDC can best answer this question.
22. Number of defendants flagged as NVCA that were released despite PTD motion being filed?

LOPD does list which cases have the NVCA flag, but not easily in a way that is sortable. LOPD believes that SJDC can best answer this question.

- 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.

- 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

LOPD does not keep this information

24. How many cases are remanded to a lower court at the conclusion of a detention hearing in district court?

In the Second, initially the district and metropolitan courts had an agreement to leave a case in district court after a detention motion was filed. That agreement eventually ended, and cases are now set in the metropolitan court for preliminary hearing, though many of them are indicted before the preliminary hearing.

- a. In how many of those cases was the lower court asked to change conditions of release?

LOPD does not have this data, but believes it to be essentially never.

- 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?

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

LOPD does not keep track of this data.

26. In how many cases does the district court have both a motion to revoke conditions of release and a motion to detain?

LOPD does not keep this data