

# The Emergency Bail Schedule is a Necessary First Step for Pretrial Safety and Justice in Los Angeles County

A recent lawsuit in Los Angeles County [temporarily reinstated](#) the Emergency Bail Schedule (EBS), which sets bail at \$0 for most people charged with misdemeanors and low-level felonies.

Predictably, fearmongering and misinformation are once again proliferating around this policy. However, the evidence is clear that reinstating the EBS will further justice, make communities safer, and help end the county's deadly jail crisis. Moving forward, Los Angeles County should

1. make permanent the EBS and its policies of administrative release for low-level offenses;
2. invest in a community-based pretrial services infrastructure that will ensure public safety, instead of defaulting to more traditional, ineffective methods like electronic monitoring and punitive supervision; and
3. collect and disseminate data to enable measurement of these changes.

## Extensive research demonstrates that policies like the EBS are good for public safety.

Studies around the country repeatedly find that policies like the EBS *are not linked to an increase in violent or nonviolent crime*. In New York, despite the fearmongering around bail reform, studies show that it [reduced overall re-arrest and felony re-arrest](#), and [find no correlation](#) between bail reform policies and an increase in violent crime. These research findings counter false claims attributing increases in certain types of crime to the EBS.

More pretrial detention will not benefit public safety: [research](#) demonstrates that just 24 hours in jail increases the likelihood that someone will be arrested again because of the destabilizing effect of detention and the resulting loss of jobs, housing, and community ties. And as money bail only prevents the release of people experiencing poverty, the EBS simply ensures that a person's wealth does not determine whether they and their family are spared the [harms of pretrial detention](#), from the horrors of jail to loss of income.

## Releasing more people pretrial will help address the deadly crisis in Los Angeles County jails.

The number of people detained before trial in the county's jails has increased [10 percent](#) since the EBS was rescinded.<sup>1</sup> In light of Los Angeles's overcrowded and unsafe jail system, this is unacceptable—which the county itself has acknowledged with its commitment to a “care first” approach to safety. People are dying in Los Angeles County jails [before they are even arraigned](#) because they cannot afford to post bail. Reinstating the policies of the EBS is a safe and effective way to reduce jail overcrowding, as demonstrated by bail reform in places such as [New York](#) and [New Jersey](#), and as we have already seen in Los Angeles.

## Despite critics' false claims, the EBS had no negative impact on crime and public safety.

The county and LAPD have repeatedly [cherry-picked data](#) and [anecdotal evidence](#) to malign the EBS and [blame it for increased crime](#). But the LAPD's own data shows crime overall was lower while the EBS was in place (from April 2020 to June 2022).<sup>2</sup> The Vera Institute of Justice's analysis of [that data](#) shows violent crime and property crime were lower or remained effectively unchanged under the EBS—including specific types of crime such as rape and sexual assault, robbery, burglary, and vandalism.<sup>3</sup> Claims that violent crime increased only hold when simple assault is not classified as a violent crime, as in LAPD's analyses.

Though crime rates in some categories—such as homicide and motor vehicle theft—have increased since the beginning of the pandemic, *there is no evidence the EBS was responsible*. There is, however, ample evidence to the contrary: New York, for example, saw increased crime rates in similar categories to Los

Angeles during the period the EBS was in place, and researchers found no evidence that bail reform was a cause. Further, many jurisdictions across the country without bail reform also saw comparable increases in crime during this time. If we blame the wrong problems, we miss the right solutions, and wrongly blaming the EBS for an increase in crime distracts the county from actually addressing violence.

**The county can maximize the effectiveness of administrative release by investing in community-based pretrial services and data collection.**

Instead of turning to harmful, ineffective methods like electronic monitoring and punitive supervision, Los Angeles should learn from the success of jurisdictions across the country and institute a care first approach to pretrial support. After an arrest, people frequently have unmet needs for housing, access to mental health and drug treatment, and employment, which can be addressed by evidence-backed pretrial services. These services must be oriented toward support, not punishment, to address those underlying needs, and must be available in the communities where people live instead of in the courts or downtown office buildings so that attendance and engagement are easier.

Finally, to measure the effectiveness of all these changes to its bail and pretrial systems, the county should invest in data collection and require regular dissemination of that data. This will create buy-in from system actors and allow adjustments to ensure that the system creates safety *and* justice.

**By following the data on public safety and the EBS, Los Angeles County has a historic opportunity to make long-overdue progress on the conditions of its jails, spare many people from suffering in needless pretrial detention, and set a nationwide example for evidence-backed reform to its criminal legal system.**

## Endnotes

<sup>1</sup> The pretrial population was 6,231 on 7/1/2022, the day after the EBS was lifted, and was 6,855 on 5/18/2023, the most recent data recorded as of this writing, a 10 percent increase.

<sup>2</sup> This analysis takes the LAPD's data at face value, but statistics about crime are notoriously unreliable—especially in Los Angeles, where the LAPD has a history of misclassifying crimes.

<sup>3</sup> Comparing crime before and after the EBS to the period in which it was in place is difficult because there were many other events affecting crime during that time. For example, the COVID-19 pandemic kept huge numbers of people in their homes in the spring of 2020, reducing almost all measures of crime, while in the summer of 2020, protests surrounding the murder of George Floyd resulted in large numbers of arrests and increases in crime reports. Nevertheless, Vera used three comparisons of EBS timeframes to pre-EBS timeframes:

- The full EBS timeframe (from 4/13/2020 to 6/30/2022) to the same number of days just before EBS (from 1/25/2018 to 4/12/2020)
- The full EBS timeframe to the same months three years prior (from 4/13/2017 to 6/30/2019)
- The final year of EBS (from 7/1/2021 to 6/30/2022), which excludes the period during which the pandemic and George Floyd protests would have had the greatest impact on crime rates, compared to a full-year period before EBS (from 7/1/2018 to 6/30/2019)

"Effectively unchanged" = less than 3 percent change