

**Quality and Productivity Commission  
32<sup>nd</sup> Annual Productivity and Quality Awards Program  
"Innovating for Impact"**

**2018 APPLICATION**

Title of Project (Limited to 50 characters, including spaces, using Arial 12 point font):

**NAME OF PROJECT: EXTRADITION SERVICES PROGRAM TO STAFF BAIL COURT**

**DATE OF IMPLEMENTATION/ADOPTION:** JULY 1, 2015

(Must have been fully implemented for a minimum of at least one year - on or before July 1, 2017)

**PROJECT STATUS:**  Ongoing  One-time only

**HAS YOUR DEPARTMENT PREVIOUSLY SUBMITTED THIS PROJECT?**  Yes  No

**EXECUTIVE SUMMARY:** Describe the project in 15 lines or less using Arial 12 point font. State clearly and concisely what difference the project has made.

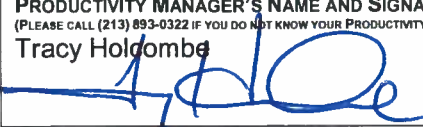

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The centralization of bail bond forfeiture motions to a designated court in the Central District resulted in a need to develop procedures and implement a program to handle these motions. The Extradition Services Section (ESS) in the District Attorney's office assumed responsibility for this task and created new protocols to process these cases, litigate motions and recover extradition costs from bail bond companies. ESS' efforts have resulted in greater efficiency, increased revenue and cost savings to the County.

**BENEFITS TO THE COUNTY**

| (1)<br>ACTUAL/ESTIMATED<br>ANNUAL COST<br>AVOIDANCE | (2)<br>ACTUAL/ESTIMATED<br>ANNUAL COST SAVINGS | (3)<br>ACTUAL/ESTIMATED<br>ANNUAL REVENUE | (1) + (2) + (3) =<br>TOTAL ANNUAL<br>ACTUAL/ESTIMATED<br>BENEFIT | SERVICE<br>ENHANCEMENT<br>PROJECT |
|---|--|---|--|-----------------------------------|
| \$ 0  | \$ 145,000                                     | \$ 829,950.53                             | \$ 974,950.53  | <input type="checkbox"/>          |

**ANNUAL = 12 MONTHS ONLY**

|  |                        |  |
|--|------------------------|--|
| <b>SUBMITTING DEPARTMENT NAME AND COMPLETE ADDRESS</b><br>Los Angeles District Attorney, Extradition Services Section<br>320 West Temple St., Room 1120, Los Angeles, CA 90012   |                        | <b>TELEPHONE NUMBER</b><br>213-974-3877  |
| <b>PROGRAM MANAGER'S NAME</b><br>Diana Carbajal  |                        | 213-974-7320   |
| <b>PRODUCTIVITY MANAGER'S NAME AND SIGNATURE</b><br>(PLEASE CALL (213) 893-0322 IF YOU DO NOT KNOW YOUR PRODUCTIVITY MANAGER'S NAME)<br>Tracy Holdcombe<br> | <b>DATE</b><br>6/19/18 | <b>TELEPHONE NUMBER</b><br>213-257-2771<br><br><b>EMAIL</b><br>tholcombe@da.lacounty.gov |
| <b>DEPARTMENT HEAD'S NAME AND SIGNATURE</b><br>JACKIE LACEY, DA<br>   | <b>DATE</b><br>6/20/18 | <b>TELEPHONE NUMBER</b>  |

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**1<sup>st</sup> FACT SHEET – LIMITED UP TO 3 PAGES ONLY:** Describe the **challenge(s), solution(s), and benefit(s)** of the project to the County. What quality and/or productivity-related outcome(s) has the project achieved? Provide measures of success and **specify assessment time frame.** Use Arial 12 point font.

Effective July 1, 2015, the Superior Court ordered that all hearings on bail bond motions would be held downtown in a designated courtroom in Central District. Prior to this consolidation, bail bond motions were heard in all branch and area courts which had jurisdiction on the underlying criminal cases.

The bail bond motions arise when a defendant who has been released from custody on a bail bond, and whose appearance in court is guaranteed by the bond company, fails to appear at the required court hearing. The court will forfeit the bond and the bond company becomes liable for the entire amount of the bail. The bail company can be relieved of its liability by filing a motion with the court to vacate the forfeiture pursuant to any one of the statutory bases provided in Penal Code Section 1305 et, seq. One of the bases to overturn a forfeiture is when a bail bond company locates a defendant outside California, and the prosecutor elects not to extradite. Prosecutors in the Extradition Services Section (ESS) in the District Attorney’s office handled only these types of cases prior to the consolidation of bail motions.

Overall, bail motions were heard in the trial courts and handled by regular calendar deputies. Because these motions were not handled with great regularity in the trial courts, this area of the law was often misunderstood by prosecutors and bench officers and there was a great deal of inconsistency in the arguments raised by the prosecutors, and rulings issued by the judges. Consequently, many private attorneys who represented bail companies and who were experts in this area of law, were often successful in overturning forfeitures even when there may not have been a statutory basis for relief. Furthermore, prior to the establishment of the bail bond court, prosecutors rarely sought, and the court rarely ordered bail bond companies to reimburse the County for the costs of extradition, even though it was statutorily authorized. Private bail bond companies assume a risk by ensuring the defendant’s presence in court. When that risk is unnecessarily reduced because the bond forfeiture is vacated it undermines public safety. The Superior Court’s order to consolidate bail motions made it necessary to develop a program within the District Attorney’s office which would effectively manage the bail bond litigation.

ESS was designated as the unit to implement the Superior Court’s consolidation order and staff the courtroom assigned to hear the bail motions. The motions would be heard during a weekly calendar, and all bail motions arising from a LADA criminal case would be handled by one of the three prosecutors assigned to

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ESS. These prosecutors became subject matter experts, researching and analyzing the wide body of bail bond case law. The assignment of regular ESS prosecutors to staff this court and the designation of a primary bench officer to hear these motions, resulted in more consistent rulings. ESS prosecutors were better able to discern when there was a legal basis to oppose motions, and when private bail attorneys were not adhering to timelines governed in the penal code. ESS prosecutors began to file written oppositions and argue against the bail attorneys unwarranted requests for relief from forfeiture. The success of the implementation of this program by ESS is difficult to be measured quantitatively, however there are several anecdotal measures.

ESS prosecutors handling these motions have contributed to increased efficiency and cooperation with opposing counsel. The city attorneys do not make any appearances for these motions and do not respond to any motions filed by bail attorneys. Consequently, when bail motions are on the calendar and the underlying criminal case is prosecuted by a city attorney, the court has no one to rely upon when issues arise, or when there may not be a basis to vacate a forfeiture. Attorneys who represent bail companies routinely express frustration by the city attorneys' unwillingness to respond to their motions or communication. In contrast, bail attorneys have frequently communicated their appreciation that even though ESS prosecutors may now more frequently oppose their motions, there are numerous occasions when the communication channels ESS provides have allowed private bail attorneys to resolve issues more quickly.

Another anecdotal measure of this program's effectiveness is the response ESS has received from one of the more litigious bail companies, Bad Boys Bail Bonds. Bad Boys frequently seeks relief from forfeiture, even when there may not be a statutory basis to prevail. Bad Boys' frustration that ESS attorneys frequently prevail over Bad Boys' motions has become evident with Bad Boys most recent motion filed with the presiding judge in the Central District. In this motion, Bad Boys asks the court for a change of venue, requests that the court discontinue the consolidation of bail motions and reinstate the former practice of allowing trial courts' jurisdiction over bail forfeiture motions.

These anecdotal measures are telling but the effectiveness of the program can also be demonstrated by the amount of summary judgments awarded before the centralization of bail motions. According to Court Operations for the Superior Court, for the fiscal year 2014 to 2015, the amount of summary judgment awards totaled \$2,901,488.18. In the first year of the program's operation, the amount of summary judgment awards was \$3,731,438.71. This number could be impacted by amount of individual bonds, and the inclusion of bail bonds for defendants in city attorney

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cases, however, the increase of nearly \$830,000 in summary judgment awards, can no doubt be largely attributed to the ESS' program of staffing the court and maintaining a consistent and diligent effort litigating bail bond forfeiture motions. The increase in summary judgment awards represents the county's ability to successfully oppose the bail bond companies' requests for relief from forfeiture.

A final measure in the program's effectiveness is shown in the amount of money awarded to the county to recover the costs of extradition. When the prosecuting agency elects to extradite a defendant, who is the subject of a bail bond, Penal Code section 1306(b) requires the bond company to pay the extradition costs. The State of California will reimburse the county for actual travel costs, however the reimbursement is subject to strict limitations and limited to actual travel expenses. Prior to the consolidation of bail motions and implementation of the ESS program, prosecutors rarely requested that the court order the bail bond company to pay for the defendant's extradition. This was due in part because the de-centralization of bail bond motions made it impractical to alert prosecutors in trial courts to request that the bail bond company pay the extradition costs and provide them with an accounting of the costs. It was equally impractical for ESS prosecutors to travel to trial courts and litigate cost motions. Since the program's inception, ESS has been able to recover \$145,000 in extradition costs. This amount includes not just actual travel expenses incurred by the law enforcement officers who travel to other states to return the fugitive, but this amount also includes the officers' salary and benefits, resulting in a substantial savings to the county and the law enforcement agency.

The order to consolidate all bail bond forfeiture motions to the Central District initially presented the ESS with the challenge of developing procedures for processing these motions, tracking cases, researching case law, drafting legal briefs and staffing a court. ESS paralegals, office support staff and attorneys have met this challenge and improved the efficiency and the effectiveness in handling these bail motions. ESS' work directly impacts the community because successfully opposing bail bond companies' requests for relief from forfeiture deters bail bond companies from writing bonds for defendants who may fail to appear in court and pose a greater risk to public safety. ESS' efforts have resulted in cost savings to the county, and to law enforcement agencies, while carrying out LADA's mission to "protect our community through the fair and ethical pursuit of justice and the safeguarding of crime victims' rights."

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**Linkage to the County Strategic Plan – 1 page only.** Which County Strategic Plan goal(s) does this project address? Explain how. Use Arial 12 point font.

Goal III: Realize Tomorrow’s Government Today

*Our increasingly dynamic and complex environment challenges our collective abilities to respond to public needs and expectations. We want to be an innovative, flexible, effective, and transparent partner focused on public service and advancing the common good.*

ESS prosecutors and support staff representation of the people of the State of California in bail bond forfeiture motions addresses Goal III of the County’s Strategic Plan. ESS responded effectively and with flexibility to meet the challenges presented in developing a new court operation. ESS prosecutors demonstrated flexibility in learning an area of law which was often misunderstood, and the attorneys have become subject matter experts. ESS staff members have been innovative in their efforts to develop protocols to process the bail motions which are received daily in ESS. ESS staff innovation has also led to the development of procedures to track and account for extradition costs and file motions with the court to request the recovery of costs from private bail companies.

The successful operation of this program directly impacts public safety and advances the common good. When bail bond companies are denied relief from forfeiture, the companies will be less likely to write bonds for defendants who are at risk for failure to appear and threaten public safety.

The Los Angeles County Board of Supervisors recently formed a steering committee to implement bail reform in Los Angeles County. The expertise garnered by ESS attorneys through the bail bond court program has led to the inclusion of one of the attorneys on this committee. The public needs expectations about bail will likely require reform of the current money bail system. When that time arrives, ESS will apply its expertise and evolve its program to meet whatever reforms are implemented. However, while the current system exists, ESS will continue its work to vigorously enforce the bail forfeiture statutes.

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**COST AVOIDANCE, COST SAVINGS, AND REVENUE GENERATED (ESTIMATED BENEFITS TO THE COUNTY):** If you are claiming cost benefits, include a calculation on this page. Please indicate whether these benefits apply in total or on a per unit basis, e.g., per capita, per transaction, per case, etc. You must include an explanation of the County cost savings, cost avoidance or new revenue that matches the numbers in the box. Remember to keep your supporting documentation. Use Arial 12 point font

**Cost Avoidance:** Costs that are eliminated or not incurred as a result of program outcomes. Please indicate whether these are costs to the County or to other entities.

**Cost Savings:** A reduction or lessening of expenditures as a result of program outcomes. Please indicate whether these were expenditures by the County or by other entities.

**Revenue:** Increases in existing revenue streams or new revenue sources to the County as a result of program outcomes.

| (1)<br>ACTUAL/ESTIMATED<br>ANNUAL COST<br>AVOIDANCE | (2)<br>ACTUAL/ESTIMATED<br>ANNUAL COST SAVINGS | (3)<br>ACTUAL/ESTIMATED<br>ANNUAL REVENUE | (1) + (2) + (3)<br>TOTAL ANNUAL<br>ACTUAL/ESTIMATED<br>BENEFIT | SERVICE<br>ENHANCEMENT<br>PROJECT |
|---|--|---|--|-----------------------------------|
| \$  | \$ 143,000                                     | \$ 829,950.53                             | \$ 974,950.53  | <input type="checkbox"/>          |

**ANNUAL = 12 MONTHS ONLY**

**Cost Savings:**

The \$143,000 savings is for the period January 1, 2017 to December 31, 2017. It includes savings to the County and to some city law enforcement agencies for reimbursement of officers' salary and benefits incurred when law enforcement officers travel to another state to return a defendant to this jurisdiction, when the defendant has been released on bond and the bail bond company is required to pay for the costs of extradition.

**Revenue:**

The \$830,000.00 is the increase in summary judgment awards for the fiscal year 2016, the first year after the inception of the program. Some of the increase may be attributed to the difference in individual bail bond amounts from year to year, since the bond amount varies according to the charged offenses and allegations. This amount may be impacted by the inclusion of bail bond amounts which are for bonds for defendants charged in cases handled by city prosecutors, and not the ESS prosecutors.

FY: 2014 – 2015: \$2,901,488.18

FY: 2015 – 2016: \$3,731,438.71

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**FOR COLLABORATING DEPARTMENTS ONLY**

*(For single department submissions, do not include this page)*

|   |   |
|---|---|
| <b>DEPARTMENT NO. 2 NAME AND COMPLETE ADDRESS</b> |   |
| <b>PRODUCTIVITY MANAGER'S NAME AND SIGNATURE</b>  | <b>DEPARTMENT HEAD'S NAME AND SIGNATURE</b> |
| EMAIL: _____                                      | EMAIL: _____                                |
| <b>DEPARTMENT NO. 3 NAME AND COMPLETE ADDRESS</b> |   |
| <b>PRODUCTIVITY MANAGER'S NAME AND SIGNATURE</b>  | <b>DEPARTMENT HEAD'S NAME AND SIGNATURE</b> |
| EMAIL: _____                                      | EMAIL: _____                                |
| <b>DEPARTMENT NO. 4 NAME AND COMPLETE ADDRESS</b> |   |
| <b>PRODUCTIVITY MANAGER'S NAME AND SIGNATURE</b>  | <b>DEPARTMENT HEAD'S NAME AND SIGNATURE</b> |
| EMAIL: _____                                      | EMAIL: _____                                |
| <b>DEPARTMENT NO. 5 NAME AND COMPLETE ADDRESS</b> |   |
| <b>PRODUCTIVITY MANAGER'S NAME AND SIGNATURE</b>  | <b>DEPARTMENT HEAD'S NAME AND SIGNATURE</b> |
| EMAIL: _____                                      | EMAIL: _____                                |
| <b>DEPARTMENT NO. 6 NAME AND COMPLETE ADDRESS</b> |   |
| <b>PRODUCTIVITY MANAGER'S NAME AND SIGNATURE</b>  | <b>DEPARTMENT HEAD'S NAME AND SIGNATURE</b> |
| EMAIL: _____                                      | EMAIL: _____                                |
| <b>DEPARTMENT NO. 7 NAME AND COMPLETE ADDRESS</b> |   |
| <b>PRODUCTIVITY MANAGER'S NAME AND SIGNATURE</b>  | <b>DEPARTMENT HEAD'S NAME AND SIGNATURE</b> |
| EMAIL: _____                                      | EMAIL: _____                                |