

Analysis of the Pretrial Detention System in Shelby County, Tennessee: 2025 Report

March 23, 2025

- The Center for Community Research and Evaluation continues to support Shelby County Government with reporting on the county’s pretrial detention system, consistent with the Standing Bail Order’s enabling legislation. This is CCRE’s second such report to the County. In this report, we rely on an updated dataset to examine bail decisions by judicial commissioners, decisions at bail review, and impacts of the Standing Bail Order as well as recent changes to state law.
- Analysis of initial bond levels set by judicial commissioners indicates that rates of release on recognizance (no monetary bond) decrease after July 1, 2024, commensurate with the effective date of a new state law establishing public safety as the highest-priority factor when setting bail. We also find an increase in median bail amounts required. We note that the supervising judge of the judicial commissioners also changed on July 1, making it difficult to statistically distinguish personnel and policy contributors to the decline.
- We take a closer examination of the Standing Bail Order’s bail review hearing process for defendants who remain in custody following initial bond setting. From February 2023 to December 2024, approximately 20% of bail review hearings replaced the prior monetary bail setting with a \$0 (ROR/ROC) bail level. This rate has declined since May 1, when a law restricting consideration of ability to pay took effect. We also find that a defendant’s treatment within the bail review process can vary depending on the division of General Sessions Court that he or she is assigned. The judges of the General Sessions Court can choose to conduct bail review hearings themselves in their own courtrooms, or may delegate bail reviews to the Bail Review Hearing Room. We find significant variation in bail review hearing decisions across the divisions of General Sessions Criminal Court.
- Our examination of process outcomes finds that the Standing Bail Order has been impactful in increasing judicial review of bond levels and facilitating timely counsel for defendants. However, we find relatively modest effects on time in custody. We find that while rates of defendant failure-to-appear in court have declined since 2021, the timing of this decline appears unrelated to the Standing Bail Order.
- Calculation of rearrest remains challenging because of how the expungement process can artificially inflate rearrest rates in more recent time periods. To address this, we utilize a “discontinuity” approach to determine whether the Standing Bail Order affects rearrest rates. In effect, we explore whether we see a “jump” in rearrest rates at the moment of implementation. Using this approach, we generally do not identify impacts attributable to the Standing Bail Order on rearrest rates distinguishable from random chance. We will continue to track public policy impacts of the Standing Bail Order, submitting a full study to an academic journal and to the public later this summer, which will conduct further statistical testing to examine this research question in more detail.



Center for Community Research
and Evaluation

Introduction

On August 8, 2022, the Shelby County Commission passed a resolution funding a bail hearing room, as a companion to a Standing Bail Order adopted on August 15, 2022 by the judges of the Shelby County General Sessions Criminal Court. Among the provisions of the revised process include creation of a new bail hearing courtroom, individualized bail hearings with counsel no later than three days after a defendant’s arrest, examination of a defendant’s financial circumstances prior to any decision, court reminders, and imposition of secured money bail only as a last resort. These new procedures are intended to increase the fairness of the bail process by reducing the extent to which individuals are incarcerated solely due to their financial status, increasing defendants’ access to timely bail hearings, and ensuring that constitutional protections are provided to defendants with fidelity.

The Standing Bail Order’s enabling resolution obligates the County to provide reporting to the Shelby County Commission and the public regarding the impact and outcomes of the pretrial detention process. Because of the complexities involved with analyzing data compiled by different agencies and stored within different software modules across multiple units of analysis, Shelby County Government is partnering with the University of Memphis, Center for Community Research and Evaluation (CCRE). CCRE is a social science research center with a mission to provide social science research and evaluation support for community-based projects. Our objective is to serve as a neutral third party to provide the Commission, public, and other stakeholders with a transparent, objective, longitudinal, and granular statistical illustration and scientific evaluation of the bail and bond system in Shelby County.

This report is CCRE’s second report to Shelby County officials on this subject. Our previous report presented a series of descriptive statistics on the pretrial detention system, using General Sessions Court and Sheriff’s Office data on cases filed through end of 2023. Since that report, we have worked with Shelby County IT to conduct additional phases of data extraction, now including data on cases filed through the end of 2024. The revised dataset, constructed on a new corpus of 126 data files provided by Shelby County IT in late January 2025 and constituting nearly a gigabyte of data, improves on several limitations that we noted in our previous report. In addition to including more recent cases and the opportunity for longer data tracking on older cases, our new data now includes data on Criminal Court cases, including held-to-state (grand jury) cases, as well as improved data on bonds posted. This, in turn, allows us to calculate more precise estimates with respect to a case’s time to disposition, improving our calculation of public safety and other case metrics.

Our objectives in this report are as follows:

1. First, we provide updated reporting on initial bond setting levels set by judicial commissioners. We now include an additional year of data — cases filed through end of 2024 — which allows an initial examination of changes to state law that impacted bail setting in 2024. We consider both HB1719, which prohibited consideration of a defendant’s ability to pay when setting bail, and HB1642, which required that public safety be given first consideration when setting bail.
2. Next, we provide updated reporting on bail review hearings, including additional discussion of how bail review impacts defendants differentially based upon the discretion of the court division to which a defendant’s case is assigned.
3. We then provide additional reporting on core process metrics, including potential impacts of bail setting policy on bonds posted, time in custody, and access to counsel. We also provide reporting on public safety metrics, such as failure to appear and rearrest, although we caution that the statistical implications of the expungement process can affect estimates for longer-term outcomes.

CCRE's efforts on this project are funded by Arnold Ventures, a foundation that funds rigorous research in the area of criminal justice. We are grateful for their support, whose grant has avoided the need to request taxpayer dollars to facilitate this project. Our grant proposal to Arnold Ventures was supported by a bipartisan group of local and state officials, as well as County government and local advocacy groups. We deeply appreciate our partners' support, which was integral to making this report possible. We emphasize that analysis and conclusions are that of the authors alone.

Bail Setting in Shelby County

When a defendant is booked in one of Shelby County's two county jails, his or her bail amount, following an assessment by Shelby County Pretrial Services, is set by a Judicial Commissioner, with some exceptions.¹ The use of judicial commissioners to make initial bail setting decisions is a longstanding practice in Shelby County. Judicial commissioners are appointed by the Shelby County Commission and supervised by a Lead Judicial Commissioner, under the oversight of an elected judge of General Sessions Criminal Court.

In Tennessee, bail is required by the state constitution, except for certain capital offenses where a defendant may be held without bond.² Judicial officers may either set a monetary bail amount that a defendant must post to be released from jail (either in cash or via a surety/bail bond), or may set a monetary amount of \$0 using a release-on-recognizance bond.³ By statute, bail must be set as low as the court determines is necessary to reasonably ensure the safety of the community and the appearance of the defendant as required.⁴

In the past six years, numerous changes to the bail-setting process have occurred in Shelby County, which we briefly detail here:

- Before mid-2019, judicial commissioners typically required monetary bond in all except the rarest of cases, as our previous work shows.⁵
- Rates of release on recognizance increased in 2019 due to the implementation of the Arnold Ventures Public Safety Assessment to pre-screen defendants.
- Rates of release on recognizance further increased in 2020 due to the COVID-19 pandemic as well as the elimination of the utilization of bail schedules to set bail.
- General Sessions Court adopted the Standing Bail Order in August 2022. The core elements of the Order include:
 - The introduction of the use of the Vera Institute bail calculator by Pretrial Services to determine the “affordable” level of a bond.
 - Enforcement of legal standards that must be met to impose more restrictive bond levels. Possible outcomes, from least to most restrictive, are as follows: release on recognizance, release on conditions, affordable monetary bond, unaffordable monetary bond, and (for capital offenses only) hold without bond.

¹Exceptions to this process include cases where a court has pre-set the bond level, if the defendant is arrested related to a case bound over to Criminal Court, or if the defendant is held on a courtesy hold.

²Section 15, Constitution of the State of Tennessee.

³The judicial officer may require conditions such as GPS monitoring, etc., in which case this would constitute a release-on-conditions bond.

⁴Tennessee Code Annotated 40-11-118.

⁵“Analysis of the Pretrial Detention System in Shelby County, Tennessee.” 2024, August 28. University of Memphis, Center for Community Research and Evaluation. Available [here](#).

- Implementation of a bail review process by which defendants still held in custody are entitled to a bail review hearing within 72 hours of booking, in which the defendant’s initial bond level is reviewed *de novo* in a court hearing with both state and defendant represented by counsel.
 - * Prior to bail review, defendants are arraigned, which among other things serves to ensure that the defendant is assigned counsel for bail review.
 - * The judges of the General Sessions Court can choose to conduct bail review hearings themselves in their own courtrooms or may delegate bail reviews to the Bail Review Hearing Room, created as part of the Standing Bail Order. If conducted in the hearing room, bail reviews are conducted by a judicial commissioner.
 - * While initial bail levels are set by judicial commissioners 24 hours a day, bail review hearings (regardless of setting) are only conducted on weekdays.⁶
- On May 1, 2024, a state law (HB 1719) became effective that prohibited judicial officers from considering a suspect’s “ability to pay” when setting bail. While data from the Vera calculator continues to be collected by Pretrial Services, it is no longer included in the information considered when setting bail.
- On July 1, 2024, a state law (HB 1642) became effective that requires public safety be given first consideration in terms of setting bail conditions.

About the Data

The University executed a data use agreement with Shelby County in February 2024, at which time CCRE data scientists began working with Shelby County Information Technology Services to obtain the necessary raw data extracts to support this project. We are grateful for the support of numerous Shelby County employees for their extensive work and ongoing partnership through several iterations of data extraction.

In this report, we evaluate data for cases filed in Shelby County’s two criminal courts. Shelby County Government provided CCRE with raw data extracts associated with non-expunged General Sessions criminal cases, as well as associated criminal and held-to-state⁷ cases in Criminal Court. The inclusion of Criminal Court data, as well as other technical improvements such as full histories of posted bonds, allow us to address several limitations that we noted in our August 2024 report. The data was largely sourced from the Odyssey case management system used by General Sessions Court and Pretrial Services, as well as booking information from the Shelby County Sheriff’s Office. We have data for cases filed between 2018 and 2024, inclusive, with data elements through late January 2025.

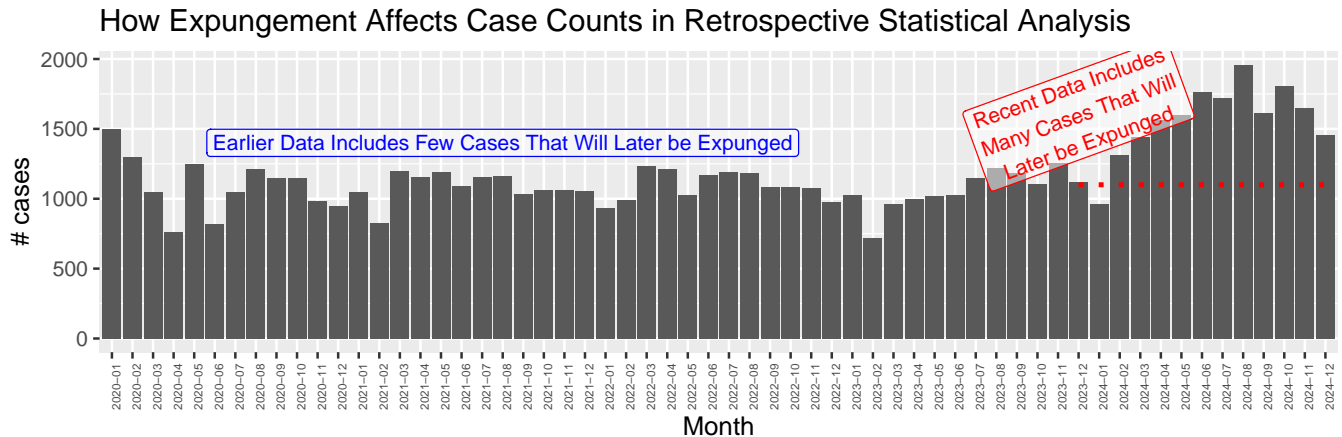
We began by subdividing and cleaning the data such that all data associated with a particular unit of analysis were grouped together.⁸ We then construct a set of 105,237 bond settings, each associated with

⁶As discussed in our previous report, cases in which the initial bond screening occurs later in the week or during the early weekend often do not meet the Standing Bail Order’s requirement to conduct the hearing within 72 hours of booking.

⁷After an finding of probable cause is made in a felony case by General Sessions Court, the case is bound over to the Grand Jury (“held to state”), unless otherwise waived. This establishes a second case number. If the Grand Jury also finds probable cause, then a third case (and third case number) is created in Criminal Court. Odyssey indicates for each case any accompanying “node” cases, which is how we match cases as they progress through the system.

⁸For example, each case encompasses one or more charge, one or more bail hearing, one or more posted bond, etc. We organized the data into a case file, a charge file, a bail hearing file, a posted bond file, etc. This step required several steps to reshape the data and remove duplicates.

a single General Sessions case,⁹ and must be the first bond setting for the case. Both the bond setting and the case file date must occur between 2018 and 2024, inclusive. We consider only bond settings in which the initial event in that bail setting’s history is set by Pretrial Services.¹⁰ We do not consider bonds pre-set in warrants. We also drop 762 bond settings with discrepancies that may interfere with statistical analysis.¹¹ We also delete 75 bond settings for which no booking data was found. Leveraging this set of cases, we append various logical sets of data elements to each case to prepare this report.



Although we have made several improvements to our data collection pipeline, one remaining concern relates to the statistical implications of expungement. A significant fraction of cases in Shelby County are eligible for expungement (i.e., the destruction of a defendant’s court records) if the case is dismissed or not prosecuted (nolle prosequi). Cases may also be expunged if the disposition is diversion and a fee paid.¹² When expunged, their full case records are deleted from Odyssey, dropping them from statistical analysis that are subsequently conducted. When comparing outcomes over time, estimates may be biased because later time periods include a large number of cases that will be expunged, while earlier time periods have

⁹Bond settings are associated with only one case except for rare situations in which a bond setting is associated with both a criminal law violation and a civil law or ordinance violation. The most common situation is when a defendant is charged with the criminal offense of DUI as well as the civil offense of refusing a BAC test. We ignore the case associated with the civil offense.

¹⁰To be included in the sample, the initial bond setting must either be set by a commissioner, or if unknown, the bond setting type must contain the notation “PTS” (Pretrial Services) or “24HC” (24-hour clerk’s office). In addition, the bond setting must not be associated with a warrant, and the bond setting type shall not indicate that the bond was set by a courtroom or court, nor shall the bond setting type correspond to “Bond Not Assessed or Set”. We define the initial bond setting as the one corresponding to sequence=0 except as resequenced by the authors after removing data entry errors.

If the judicial officer name/ID is known, it must correspond to a judicial commissioner. We also require the bond setting type to correspond to the initial bond setting. For example, bond levels may be set by a court for bench warrants, or in cases where jurisdiction was transferred from a municipal court to county general sessions court. We exclude these cases. We define a bail setting history event as “set” by Pretrial Services if the bond setting type is labeled PTS (Pretrial Services) or 24HC (24-hour Clerk’s Office). We include both bail settings set by a bail schedule and those labeled as Judge/Judicial Approved.

¹¹Odyssey adds a timestamp to all bond settings when added to the database, and also requires inputting a setting date. We delete cases in which the bond setting timestamp (time entered into Odyssey) and the setting day disagree, except for bonds with a timestamp after 7pm set for the next day, and bonds with a timestamp before 6am set for the previous day. We also ignore cases in which there are inconsistencies in the bond setting history between the setting dates and the sequence numbers. These issues usually indicate data entry errors which, if not removed, add significant error to our measures.

¹²Although less applicable in this use case, state law also allows certain nonviolent offenders meeting specific eligibility criteria to expunge their records after five years.

fewer such cases as expungement has already taken place. Because expunged cases are systematically different than non-expunged cases, and due to the large number of expungements, this constitutes a significant limitation to the analysis, particularly when examining cases across time or from more recent time periods. For example, rearrest statistics calculated on later time periods will likely include rearrests on cases that will later be expunged, while rearrest statistics calculated on earlier time periods will not.

Another limitation of our study is one that is common for projects that leverage large-scale administrative data. To prepare this report, we merged elements from different court system modules and other databases. As a result, measurement error can occur due to historical changes in data entry procedures over time, data entry error, incomplete documentation, or in the technical manner in which data is housed. For example, bond postings, bail hearings, and affordable bail calculator amounts are housed somewhat separately in Odyssey; while the data can be linked through case number, this can be challenging when handling cases of multiple events for the same case, or in handling outliers with respect to the timing of events to each other. There also exists the possibility of measurement error due to the unavoidable complexity of the criminal justice system itself: cases can be complex and require multiple hearings, and charges can be dropped or added throughout a case.

We are sensitive to the potential public policy impact of our reporting and do our best to assemble the data in a way that is sensible and transparent. Our goal is to have deployed a methodology that mitigates common errors, such that any error that does remain is small enough in magnitude to avoid impacting any public policy decisions that are influenced by our reporting. While we have regularly evaluated the reasonableness of our assumptions throughout our work and will continue to do so, we do not manually verify the accuracy of every case.

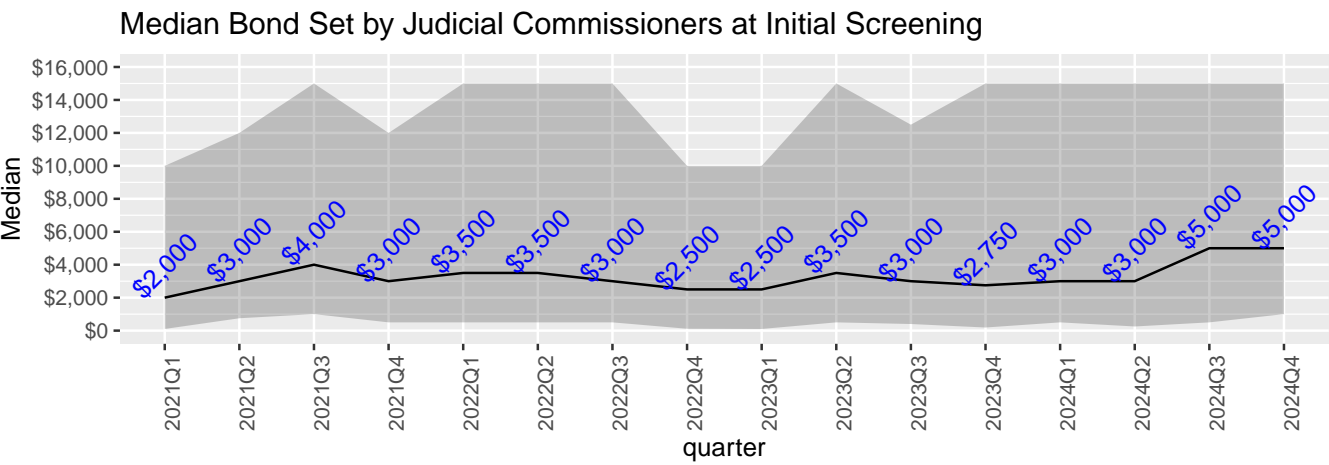
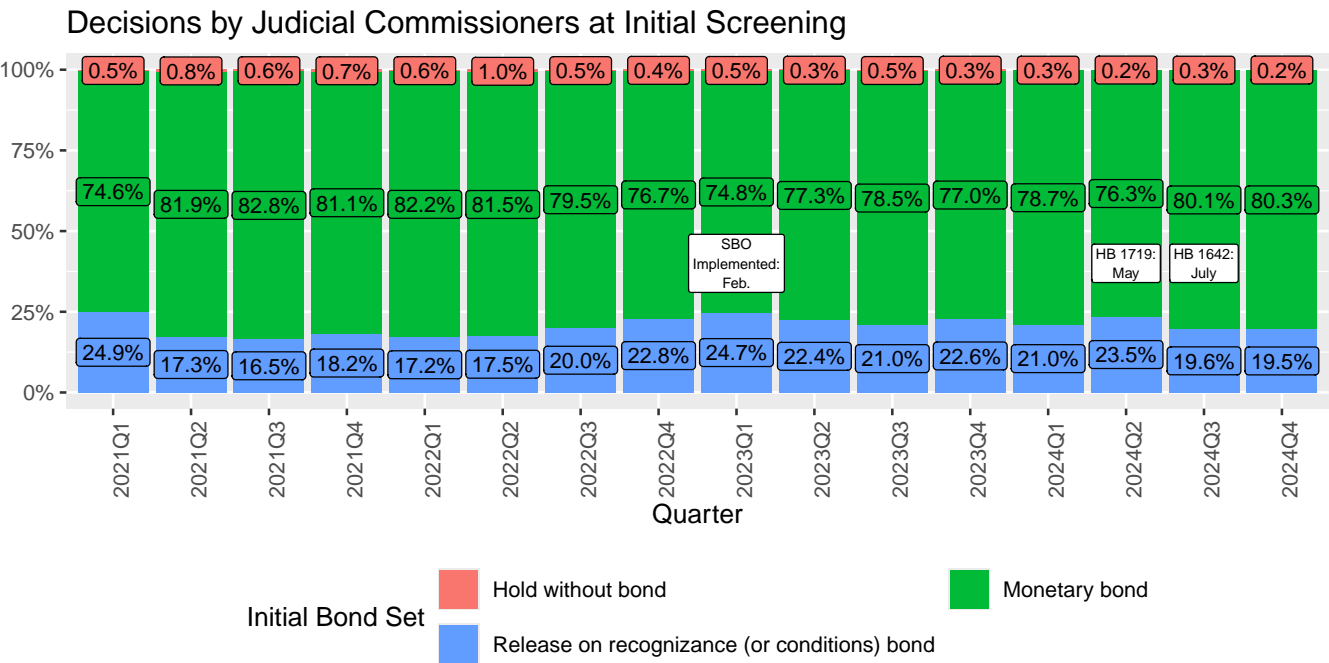
This analysis proceeds as follows:

1. We begin with summary statistics of bail setting decisions by initial judicial commissioners, and how public policy changes may have impacted these decisions.
2. Our next section will report summary statistics of bail setting decisions at bail review by judicial officers, and how public policy changes may have impacted these decisions. We examine bail review decisions by court division, recognizing that bail review procedures vary by division (and, for some divisions, over time).
3. We then provide additional reporting on core process metrics, including data on potential impacts of bail setting policy on bonds posted, jail population, and access to counsel. We also provide reporting on public safety metrics, such as failure to appear and rearrest.

Part 1: Bail Setting by Judicial Commissioners at Initial Review

We report decisions of initial bail setting decisions by judicial commissioners in the table below, by calendar year quarter, for bail settings conducted between 2021 and 2024. We report bail outcomes, as well as median bail amounts. According to the date, rates of release on recognizance declined in the third quarter of 2023, with required bond levels increasing from \$3,000 in the first half of the year to \$5,000 in the second half of the year.

Bail Setting Decisions at Initial Screening Over Time



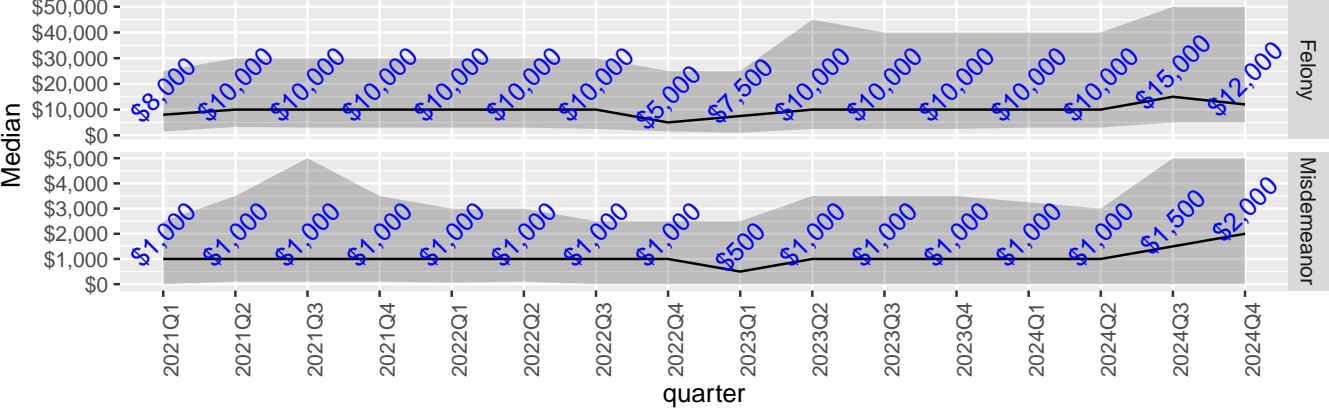
Bail Setting Decisions at Initial Screening Over Time, By Offense Type

We further disaggregate the data based on whether the most serious charge on the case at the time of the initial bail setting was a felony or a misdemeanor.

Rate of Release on Recognizance/Conditions at Initial Bond Screening, by Offense Type



Median Bond Set by Judicial Commissioners at Initial Screening, by Offense Type



Gray area represents the interquartile range (first and third quartile), where 50% of bond settings fall.

Bail Setting Decisions at Initial Screening Over Time, By Judicial Commissioner

We report rates of release of recognizance by judicial commissioner. We report this figure only if the judicial commissioner has 200 bonds set at initial screening within any 6-month period. (As a result, some judicial commissioners are not included because they are infrequently tasked with setting initial bond levels.) We also include only recently serving judicial commissioners who have at least 200 bonds set at initial screening for either the first or second half of 2024.

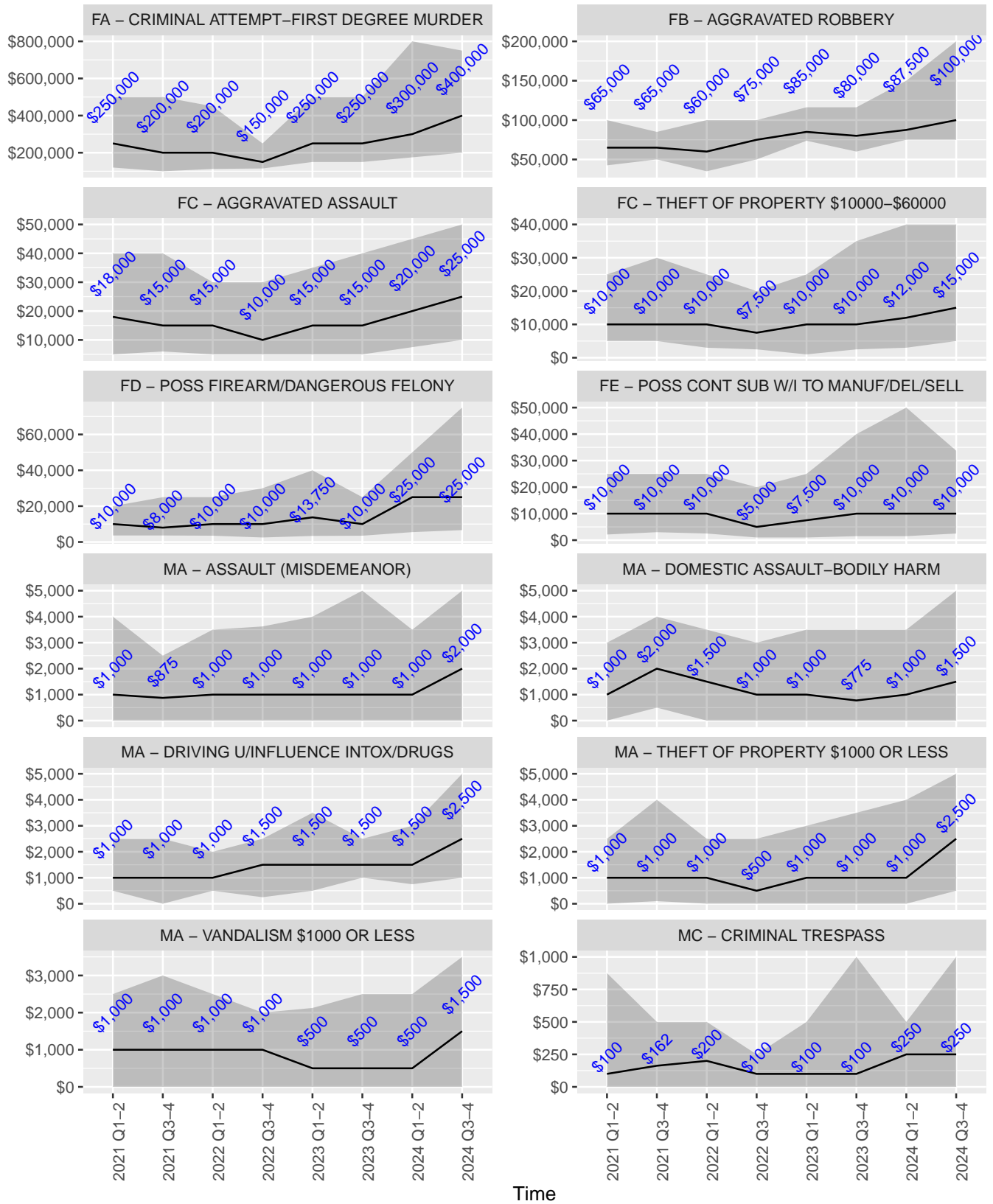
Judicial Commissioner	2021 Q1-2	2021 Q3-4	2022 Q1-2	2022 Q3-4	2023 Q1-2	2023 Q3-4	2024 Q1-2	2024 Q3-4
Alexander-Best, Mischelle				15.8%	18.1%	9.4%	13.1%	11.9%
Barber, Robert	4.7%	2.9%	6.3%	9.8%	13.1%	25.3%	20.0%	25.7%
Gray, Serena					35.7%	39.2%	30.5%	28.9%
Harris, Rhonda	13.3%	7.3%	6.8%	8.6%			11.7%	6.5%
Hewlett, Terita				16.6%	14.1%	17.0%	16.6%	11.5%
Ingram, Christopher, Jr.		26.5%	18.3%	20.9%	27.3%	34.1%	23.8%	
Kirk-Johnson, Kathy					32.1%	27.5%	25.8%	20.5%
Mozingo, Leslie K					26.5%	24.0%	20.9%	24.1%
Purifoy, Shayla	21.1%	19.8%	15.3%	23.1%	18.2%	13.0%	6.5%	2.6%
Reed, Kevin	21.7%	26.0%	21.7%	35.0%	32.2%	24.5%	30.2%	25.6%
Saleem, Zayid					13.5%	9.2%	19.9%	19.1%
Sampson, Ross				31.2%	31.3%	20.9%	29.7%	28.6%
Smith, Kenya					23.9%	22.5%	20.3%	16.7%

Bail Setting Decisions at Initial Screening Over Time, By Key Offense

On the following two pages, we report release-on-recognizance rates and median bail levels set at initial screening, disaggregated by key charge. We focus on a set of twelve charges that are high-frequency and reflect a diversity of cases involving both violent and property crimes, and both misdemeanors and felonies of varying severity. For each case, the key offense must be among the highest charged offense applicable to the bail setting.¹³

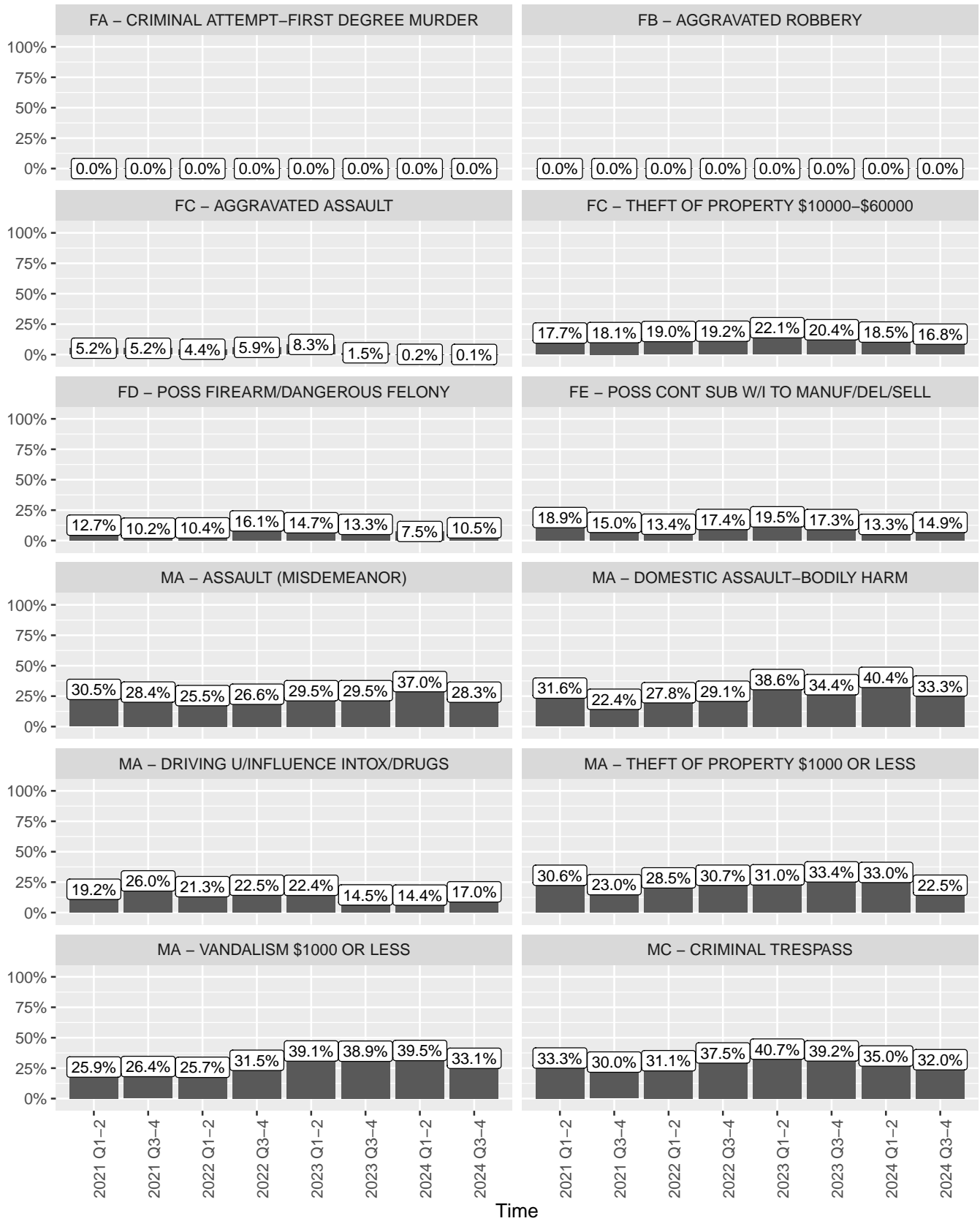
¹³The severity of crime is defined per the degree of the offense as defined by the Tennessee Code. We consider only charges associated with the case that were recorded prior to the bail hearing, were not disposed of prior to the bail hearing, and were not entered in error. If there are two key offenses of equal severity, we assign one charge to the case randomly.

Median Bond Set at Initial Screening, by Offense Type



Gray area represents the interquartile range (first and third quartile), where 50% of bond settings fall.

Rate of Release on Recognizance/Conditions at Initial Screening, by Offense Type



Exploring Impacts of Public Policy Changes on Judicial Commissioner Bail Setting Decisions at Initial Screening

A key question of our project is exploring the impact that public policy changes may have had on bail setting practices. In particular, we consider the following:

- The Standing Bail Order, which was effectuated February 15, 2023.
- HB 1719, which prohibited judicial officer’s consideration of ability to pay, effectuated May 1, 2024.
- HB 1642, which set public safety as the most significant consideration when setting bail, effectuated July 1, 2024.

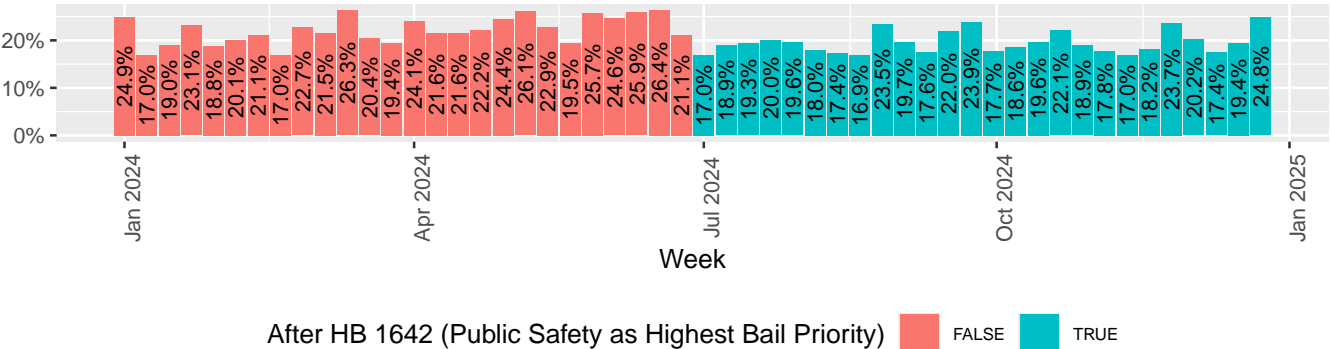
Our method to assess public policy changes is to look at cases occurring close in time to the effective date of a public policy change, and observing whether there exists a “jump” in the overall trend at that time point. The assumption is that cases close in time to the policy change are *effectively* randomly distributed. While there could be underlying other phenomena, such as community crime prevalence, that affect bond setting across time, these are likely to present statistically as trends over a longer period of time, rather than suddenly manifesting precisely at the cutoff point. We report trends over time visually in this report. We also employ a series of statistical models using a regression discontinuity design framework to control for potential confounding factors. We highlight our current findings from these models throughout this report. Specific to the Standing Bail Order, we will further study the causal impact in a future report, which we plan to submit to an academic journal and release to the public later this summer.¹⁴ It is possible that results may change in our final manuscript as we ensure our statistical specifications are as robust as possible, and thereafter as the manuscript progresses through peer review.

¹⁴We are also pursuing funding sources to continue this work and conduct a similar study of HB 1642.

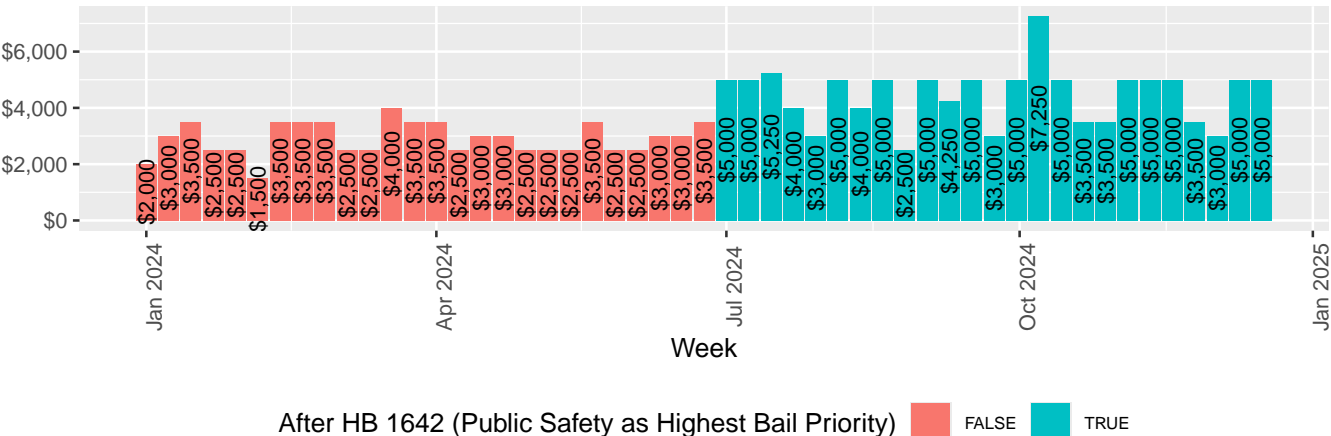
HB 1642 (Public Safety Consideration When Setting Bail)

Here, we examine release-on-recognizance rates and median bail amounts set before and after the implementation of HB 1642, which prioritized public safety when setting bail. There is evidence of a discontinuity wherein release-on-recognizance bond settings declined, and median bail amounts increased, beginning with the week of July 1, 2024, when HB 1642 took effect.¹⁵ We note that the supervising judge of the judicial commissioners also changed on July 1, making it difficult to statistically distinguish personnel and policy contributors to the decline. We also see no discontinuity around May 1, when HB 1719 (state law prohibiting consideration of ability to pay) took effect.

Release on Recognizance Rates Before and After HB 1642



Median Bail Levels Set Before and After HB 1642

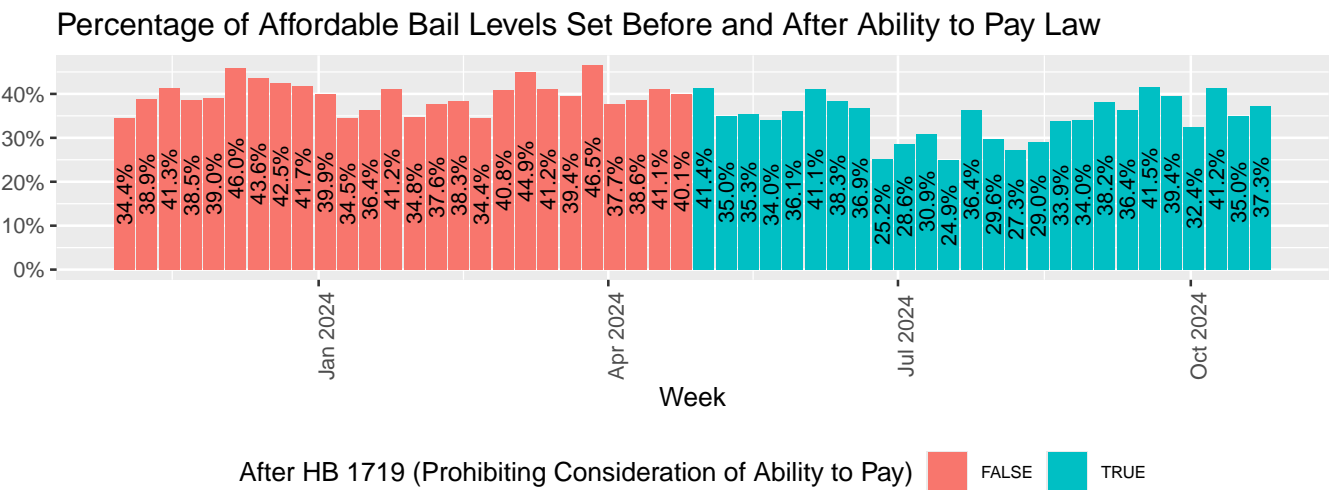


¹⁵We validate this finding with a regression discontinuity design specification. Using the logarithm of bond amount (thousands of dollars, plus one dollar) as the dependent variable, we examine effects of the cutoff (midnight July 1, 2024). We use a linear specification of time, include a binary variable indicating whether the case is after the cutoff, and permit the slope to vary before and after the cutoff. This analysis excludes hold-without-bond cases. We include as control variables: race (binary, white=1), ethnicity (binary, Hispanic=1), sex (binary, female=1), binary variables indicating misdemeanor domestic violence case, felony domestic violence case, and felony drug case, age (logarithm), hour/minute of day (sine and cosine- transformed), Shelby County jail bookings on other cases in previous four years (logged plus 1), violent offense (binary, violent=1), narcotic offense (binary, narcotic=1), severity of most serious offense in present case (normalized to 0-10, linear, quadratic, and cubic term), and fixed effects for judicial commissioner and day of week. We use a uniform kernel and consider cases 60 days before and after the cutoff. The results identify a statistically significant increase at the moment of execution ($p=.0157$). Standard errors are robust to heteroskedasticity. Like all empirical models, outcomes can vary based upon specification details. At this time, we are unable to control for Public Safety Assessment value.

HB 1719 (Prohibiting Consideration of Ability to Pay When Setting Bail Levels)

HB 1719, which prohibited consideration of ability to pay when setting bail levels, took effect on May 1, 2024. Our examination of HB 1642 on the previous page did not identify any discontinuity around May 2024, when HB 1719 took effect, with respect to median bail amounts or release-on-recognizance rates.¹⁶

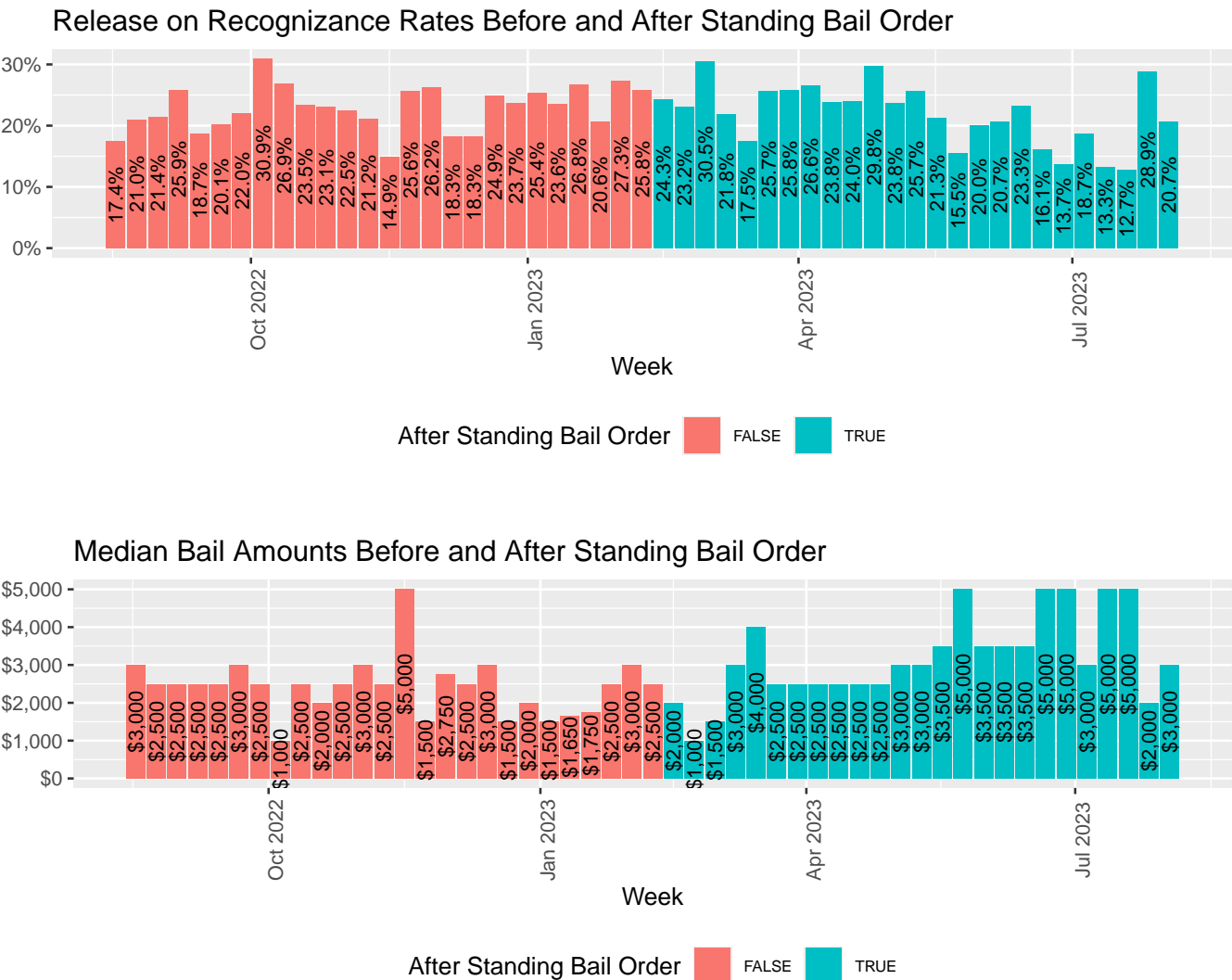
After HB 1719 took effect, judicial commissioners no longer had access to affordable bail calculator information, and no longer used the concept of an “affordable” or “unaffordable” bail when setting bail amounts. However, Pretrial Services continues to collect calculator data for statistical purposes. This allows us to examine whether there was a change before or after HB 1719 took effect in the percentage of bail settings that were “affordable” (i.e., set at or below the calculator amount). While the percentage of bonds set at affordable amounts appears to decline nominally in the two months after HB 1719 took effect, we do not observe a statistically significant effect when controlling for other factors.¹⁷



¹⁶A regression discontinuity design analogous to the previous footnote shows no statistically significant effect ($p=.2026$).
¹⁷We conduct a regression discontinuity design and find no statistically significant effect ($p=.2102$). The model is calculated analogous to prior footnotes, except we use a cutoff of midnight May 1, 2024, use a binary dependent variable indicating affordability, and employ logistic regression (as recommended by Berk, Richard, 2009, “Recent Perspectives on the Regression Discontinuity Design”, in: Piquero, A., and Weisburd D., eds., *Handbook on Quantitative Criminology*, p.563-579.)

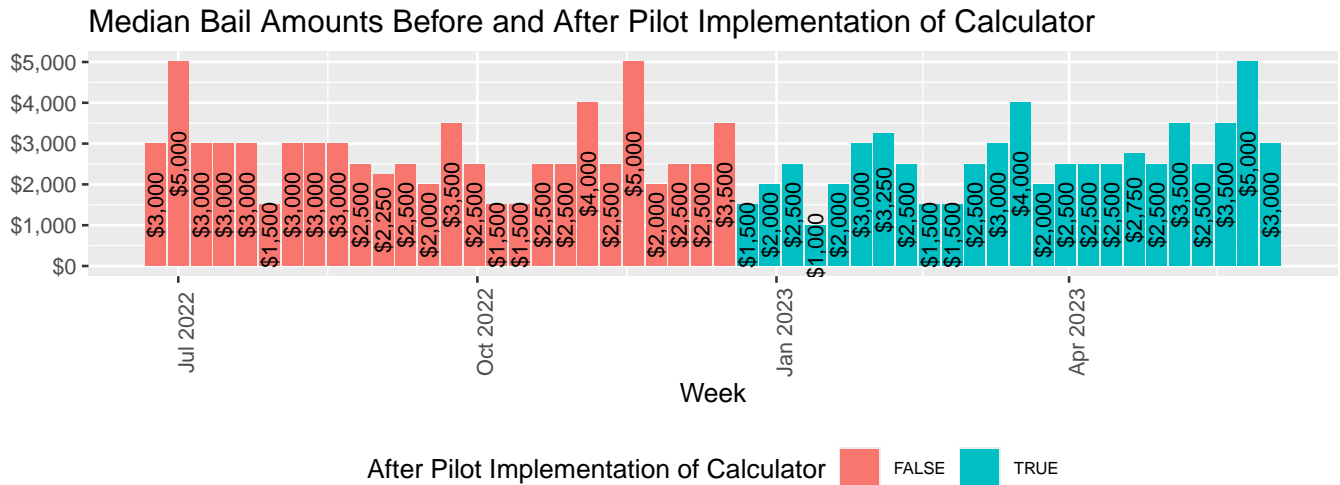
Standing Bail Order

When we examine bail setting outcomes at initial screening near the effective date of the Standing Bail Order, we do not see evidence of a clear discontinuity in release-on-recognizance rates. While median bond amounts do decrease somewhat in the weeks after the Standing Bail Order effective date, the decrease is not sustained for more than three weeks.¹⁸



¹⁸The result of our regression discontinuity design model, calculated analogously to prior footnotes with a cutoff of February 15, 2023, 5:00am, is $p=.090$, which is statistically significant at the 90% level but not the 95% level.

Bail reviews began to be implemented on the effective date of February 15, 2023, and the revised bail screening forms used by judicial commissioners at initial screening were not implemented until that date. However, collection of affordable bail calculator data by Pretrial Services actually began in a pilot implementation a few months earlier - with first documentation in Odyssey on December 23, 2022. While we do not see any changes in release-on-recognizance rates around that date, there is evidence of a discontinuity in median bail amounts once judicial commissioners began receiving these non-binding affordable bail calculator amounts by Pretrial Services.¹⁹



¹⁹A regression discontinuity model, calculated analogously to prior footnotes, reveals a statistically significant effect, $p < .001$.

Part 2: The Bail Review Process

A key component of the Standing Bail Order is the bail review process. Effective February 15, 2023, defendants held in custody²⁰ are entitled to a hearing in which the initial bail amount set by the judicial commissioner is reviewed *de novo*. Unlike the initial bail setting, which is conducted based upon a review of written records and does not require a physical appearance by either the defendant or the state, the bail review process is a formal court hearing in which both the defendant and the state are represented by counsel.

To ensure defendants have counsel during bail review, the bail review hearing is typically preceded by an appearance in the General Sessions court division to which the case is assigned. This process allows the judge to determine the process by which the bail review hearing will be conducted. Judges have discretion in whether to elect to conduct the bail hearing themselves, or to delegate the hearing to a judicial commissioner in the Bail Review Hearing Room. Patterns vary significantly: while one judge delegates nearly all bail review hearings to the bail review hearing room, others conduct nearly all hearings in their own courts. Additionally, some send more serious cases within their own courtroom and send less serious cases for bail review. Judicial use of this discretion has also varied over time.

The diversity of ways in which a bail review hearing may proceed, in addition to documentation issues, makes it difficult to identify precise outcomes of bail review hearings. Court divisions have not followed uniform procedures in how and whether they document that bail review hearings take place and when they are cancelled (for example, if a defendant is released on bond prior to the hearing), making it challenging to interpret events/hearings data and connect to bail setting data. Furthermore, if no change is made during a bail review hearing, this is not typically documented explicitly as a bail setting update. Finally, it can be challenging to distinguish bail review hearing outcomes from bail changes that a judge may otherwise make later in the case.

With these limitations in mind, CCRE spent several weeks exploring the data to develop a methodology that we believe is effective for identifying most bail review hearings and outcomes. We consider each case and apply the following rules, in the following order, to identify whether a case is or is not subject to bail review, and if so, to determine the outcome:

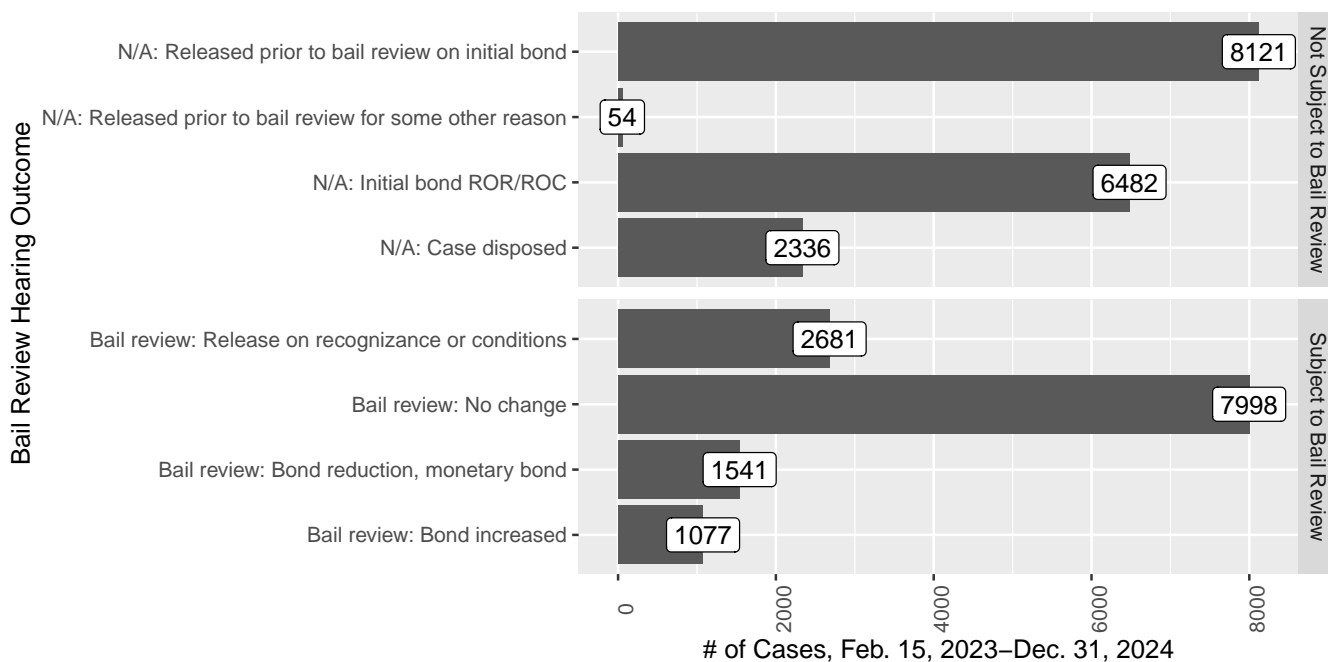
- Bail review outcomes are defined only for cases where the initial bail setting occurred after February 15, 2023, 2:00am.
- If the decision of the initial judicial commissioner was release on recognizance or conditions, the case is considered not subject to bail review (“initial bond ROR/ROC”).
- If the initial bail level is updated within four business days,²¹ the case is considered subject to bail review, with the revised bond level considered to be the hearing outcome.

²⁰Technically, the Standing Bail Order requires this only for defendants held on unaffordable bond. In practice, defendants who were held on affordable bond were also granted bail review hearings if still held in custody despite having an affordable bond set. After the implementation of HB 1719 eliminated the use of the categorization of bail as affordable or unaffordable, all cases are subject to bail review. In this report, we do not use affordable bail calculator amounts as a factor to determine whether a case is or is not subject to bail review.

²¹Update refers to the first change to a bond setting. We consider only updates that predate the day of release. We review hearings data to determine which days General Sessions Court is open. This accounts for the lack of review hearings on weekends, inclement weather days, etc. If the initial bond setting occurs before 10:00am, we count the current day when counting days; otherwise, we do not include the current day.

- If all charges on the case²² are disposed (dismissed, found guilty, etc.) within four business days, the case is considered not subject to bail review (“Case disposed”).
- If a defendant has never been released from jail, the case is subject to bail review, and the outcome of the bail review hearing assumed to impose no change to the original bail level set.
- If a defendant is released before 9:00am two business days after the initial bond setting, the case is not subject to bail review. We assume that the defendant was released prior to bail review on initial bond if there exists a bond equal to the initial bond amount, and the posted bond timestamp is prior to the jail release timestamp.
- All other cases are subject to bail review, coded as “no change.” These cases generally either received a bail review hearing where no change was made, or waived the bail review hearing. (It may include some cases where a bail review hearing was later conducted.)

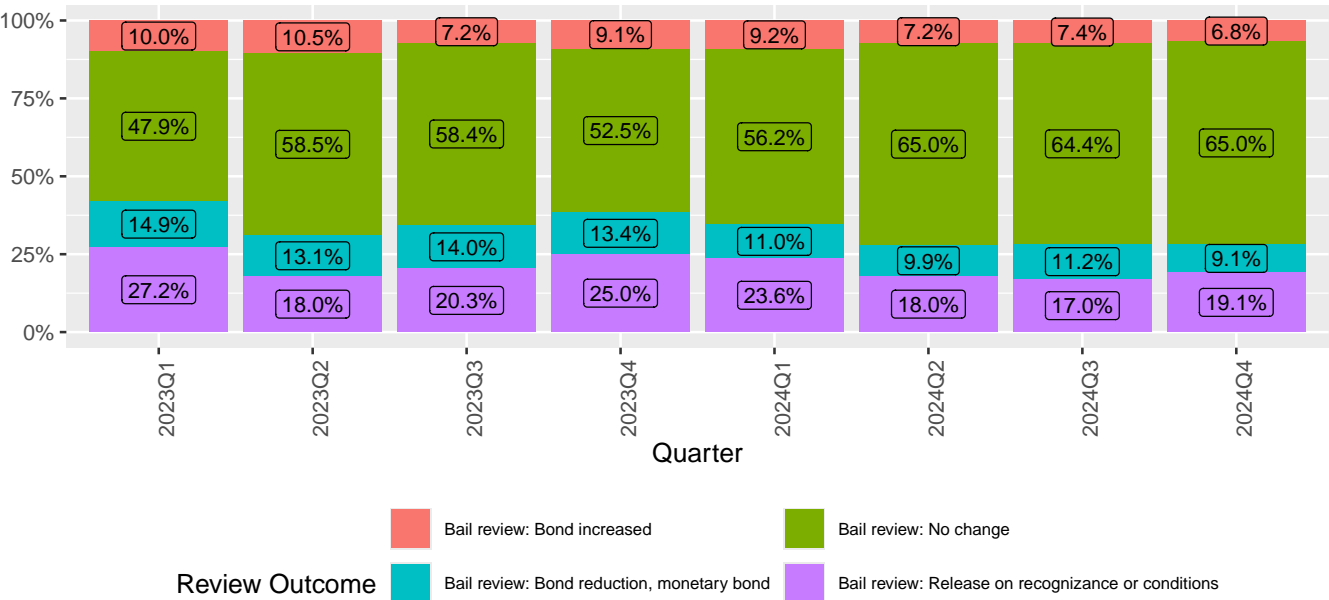
Using this methodology, we classify 13,297 cases, or approximately 44% of the total number of post-SBO cases in our dataset, as subject to the bail review process. Of these cases, we estimate that 32% of bail review hearings led to a reduction in monetary bond, including 20% of cases in which the defendant was released on recognizance or conditions. Bail was set at an increased level for 8% of cases.



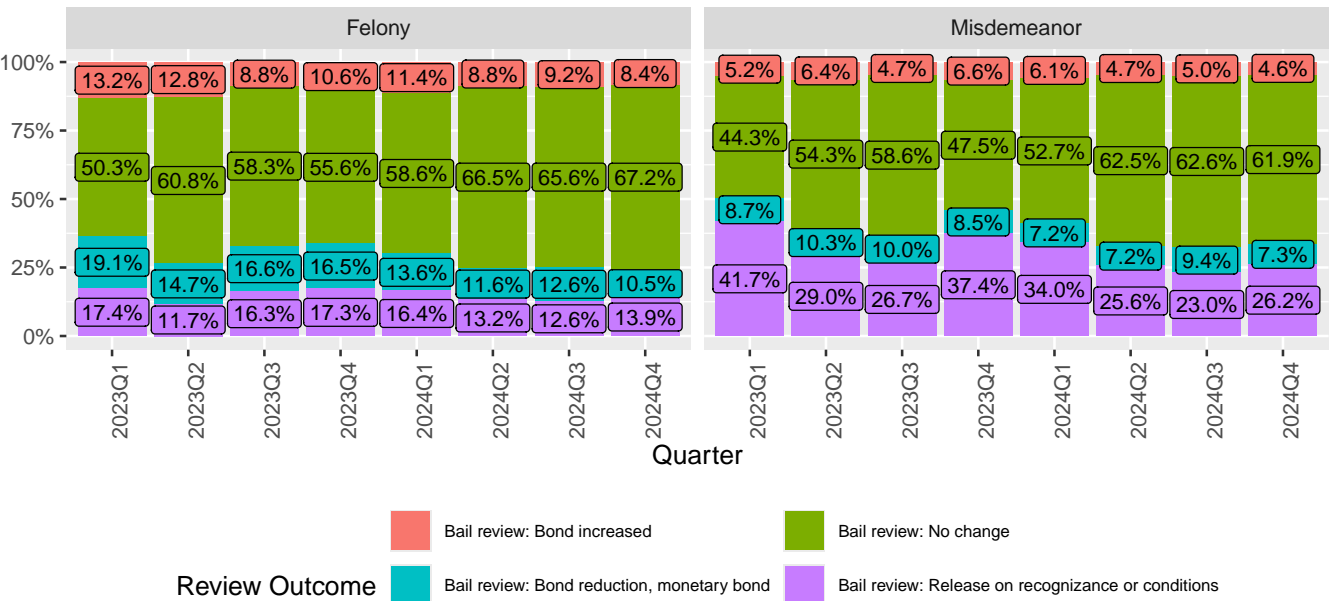
²²Throughout this paper, disposition date is the day that all charges on the General Sessions case, as well as any connected held-to-state or criminal court cases, are disposed. We include all disposition types including diversion. When calculating disposition date, we do not include charges with “degree code” I or IE if they are added after the initial bond setting, which are generally associated with “charges” added to a case post-conviction (such as petition to revoke a suspended sentence, etc.).

Bail Review Decisions Over Time

In the table below, we report the outcomes of bail review hearings, identifying whether the case resulted in a release on recognizance, a lower monetary bond, no change, or a higher monetary bond. As bail review hearings began on February 15, 2023, data from the first quarter of 2023 is based on only about one-half of the number of cases as a typical quarter.



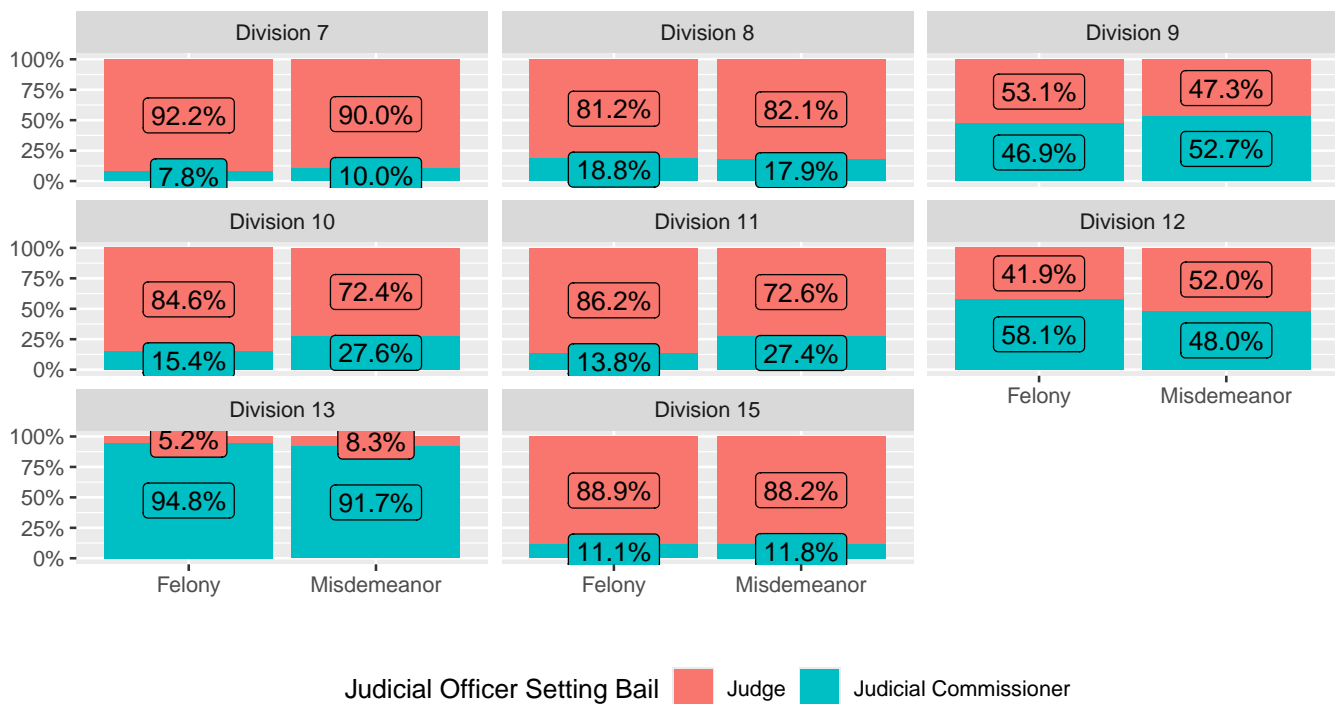
We further disaggregate bail review hearings by offense type.



Bail Review Decisions By Court Division

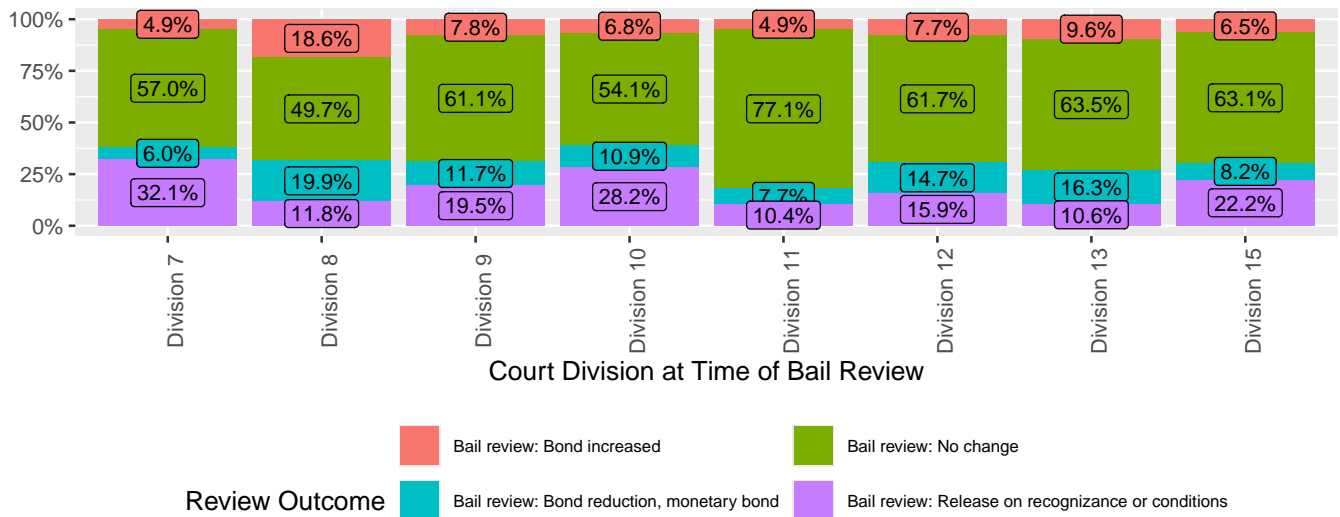
As previously discussed, General Sessions Court judges have discretion over whether they will conduct bail hearings in their own courtroom or whether they will delegate this function to a judicial commissioner in the Bail Hearing Room. We report below, for cases we identify as subject to bail review and for which a bail review amount is actually changed, the percentage of cases that are reviewed by a judge versus by a judicial commissioner, by court division.²³

The data indicates a diversity of ways in which judges implement bail review processes. For example, division 13 relies heavily on the bail review hearing room to adjudicate the review process; divisions 9 and 12 use a mix; and the remaining divisions usually conduct bail reviews within their courtrooms. The severity of the case often feeds into this decision, with divisions 10 and 11 appearing somewhat more likely to adjudicate felony cases in their own courtrooms relative to misdemeanor cases.



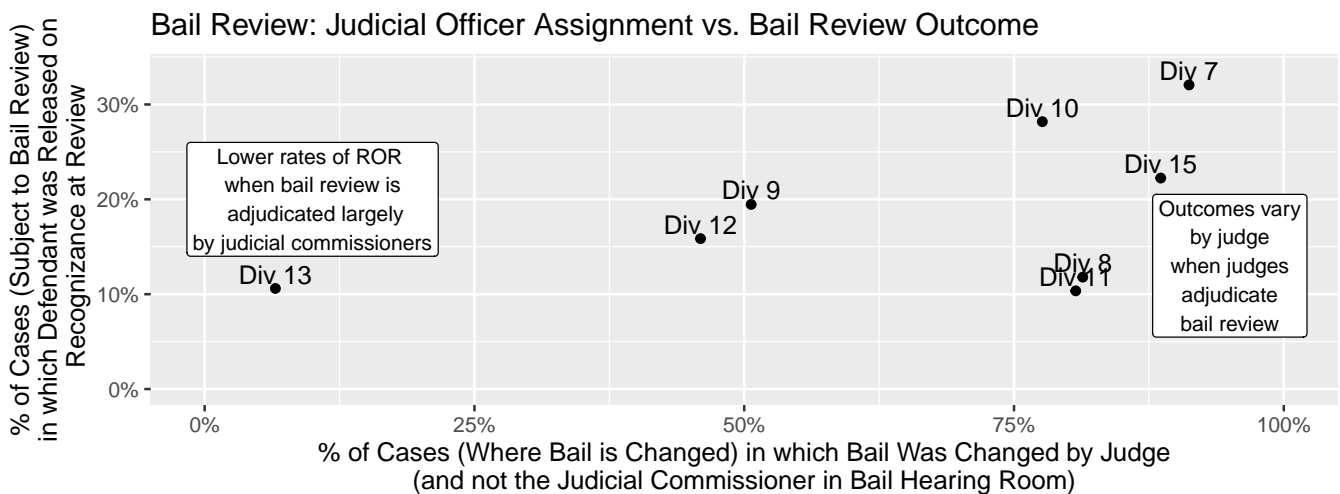
²³We have case court division at time of data pull, but cases can occasionally be transferred across divisions. We use the following to identify a case's court division at time of data pull: First, if a bail level is changed and this change meets our definition of a bail review hearing, we use that judge name (if valid) to identify the court division. Second, we identify division by using the judge name associated with hearings that occurred as close in time as possible to 5pm two business days after the initial bail setting (and with valid judge names). If none exists, we use the case's court division. We exclude Division 14 (environmental/traffic court) as that court rarely assigns bail. Divisions 1-6 are civil court divisions and thus are not included in this figure.

Next, we report outcomes of bail review hearings by court division at the time of bail review. Rates are inclusive of all bail review hearings, including those set by both judge and judicial commissioner, and including those where bail is not changed. (We note that case portfolios are not identical: most felony drug cases are heard in Division 8, and most domestic violence cases are heard in Division 10.)



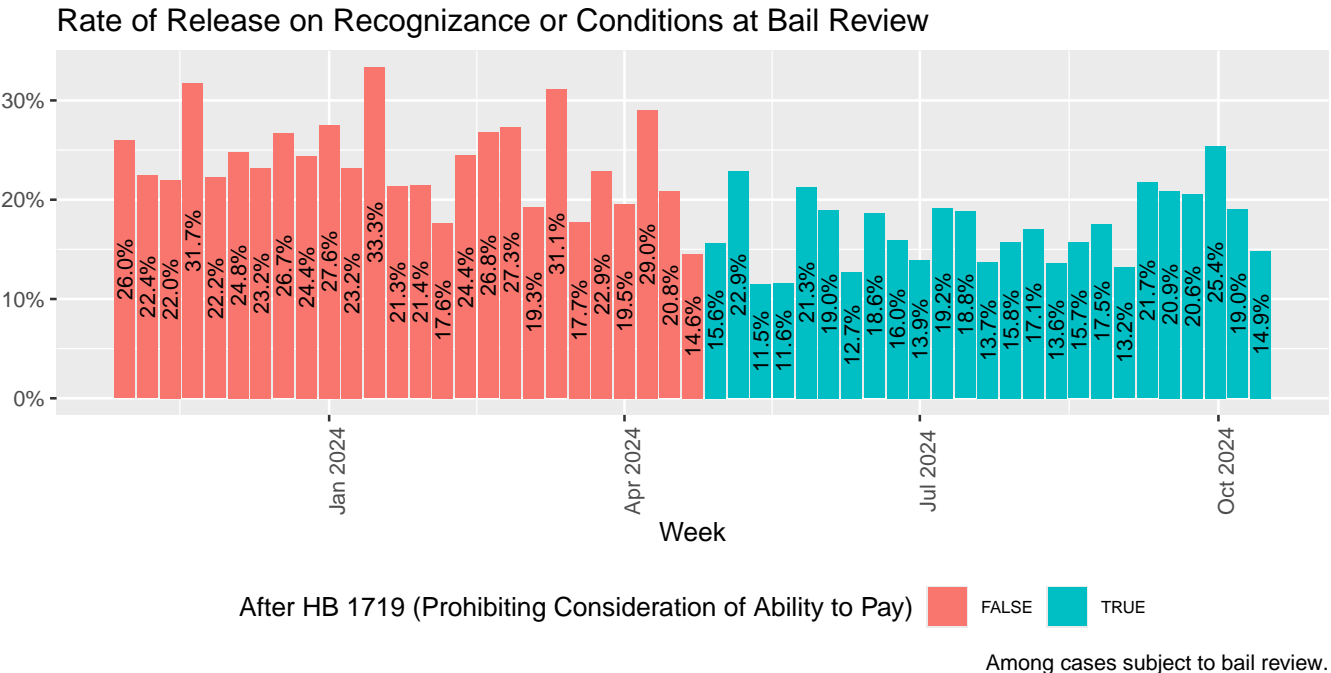
In the courts where judges adjudicate most bail review hearings, we find large variation in how judicial discretion is applied: for example, judges tend to adjudicate bail review hearings for both division 7 and 8; however, the release-on-recognizance rate in Division 7 was nearly triple that of Division 8. We visualize this in the figure below.

To understand bail outcomes for hearings set in the bail hearing room by judicial commissioners, Division 13's outcomes are of particular interest, as most cases in that division are assigned to the bail hearing room. Division 13 has a release-on-recognizance rate of 10.6%, the second-lowest among all court divisions in the sample, indicating that judicial commissioners may be less likely to reverse a prior decision to impose a monetary bond than a typical judge might be.



Public Policy Impacts on Bail Review

In this section, we consider whether 2024 changes to state law have impacted decisions at bail review. While we do not observe significant impacts at initial screening of HB 1719 (which prohibited consideration of ability to pay in bail setting), the percentage of cases resulting in a release-on-recognizance/conditions outcome at *bail review* does appear to decline after the law took effect.²⁴ Below, we compare outcomes for cases before and after the effective date of the change. We consider a case to occur after the effective date if the initial bond setting is on or after April 29 – two business days prior to the most likely bail review hearing date.



We do not observe any change around July 1, the effective date of HB 1642 (prioritizing public safety).²⁵

²⁴We validate this result with a regression discontinuity design. We include all cases subject to bail review, use a binary dependent variable (release on recognizance/conditions), and use a logistic specification. We include cases between -90 and +60 days from the cutoff date: we include more pre-law cases than previous models to ensure adequate sample size, but do not increase the post-law bandwidth to not conflate effects of HB 1719 with effects of HB 1642, effective July 1. The model finds a statistically significant discontinuity on the HB 1719 effective date ($p=.0161$). We use a cutoff date of April 29, 2024 with respect to the initial bail setting, with the expectation that bail review for these cases would occur on or after May 1.

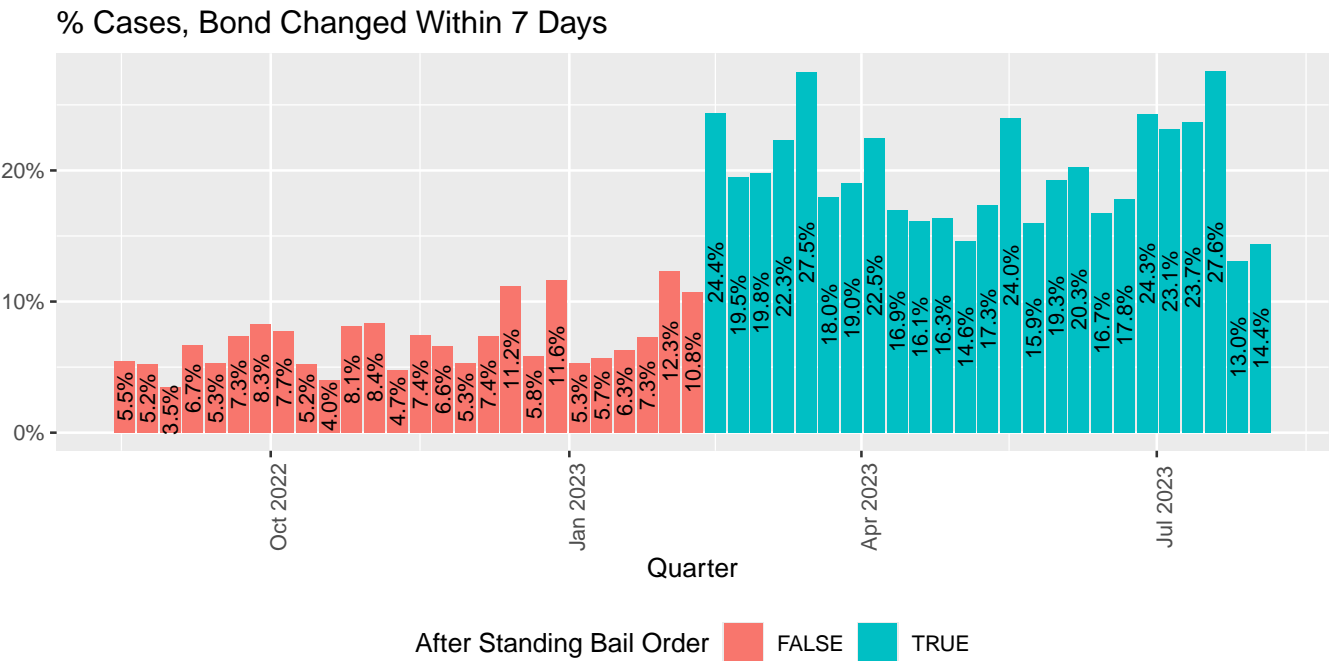
²⁵Using analogous regression discontinuity model (-60 to +90 days), no statistically significant impact found ($p=.6788$).

Part 3: Process Outcomes

In this section, we consider a set of process outcomes relevant to the Standing Bail Order. This is designed to inform our understanding of the fidelity of whether the Standing Bail Order’s procedures resulted in the intended short-term outcomes and/or affects the fairness of the criminal justice system. We examine, before and after the Standing Bail Order, the rate at which bonds are changed in higher courts following initial bond setting, the rate in which defendants have timely access to counsel (a prerequisite for bail review hearings), and changes in trends with respect to time-in-custody. We also report on time-in-custody metrics for more recent time periods to assess impacts of more recent state laws.

Judicial Review: Share of Defendants With Bond Changed Within 7 Days

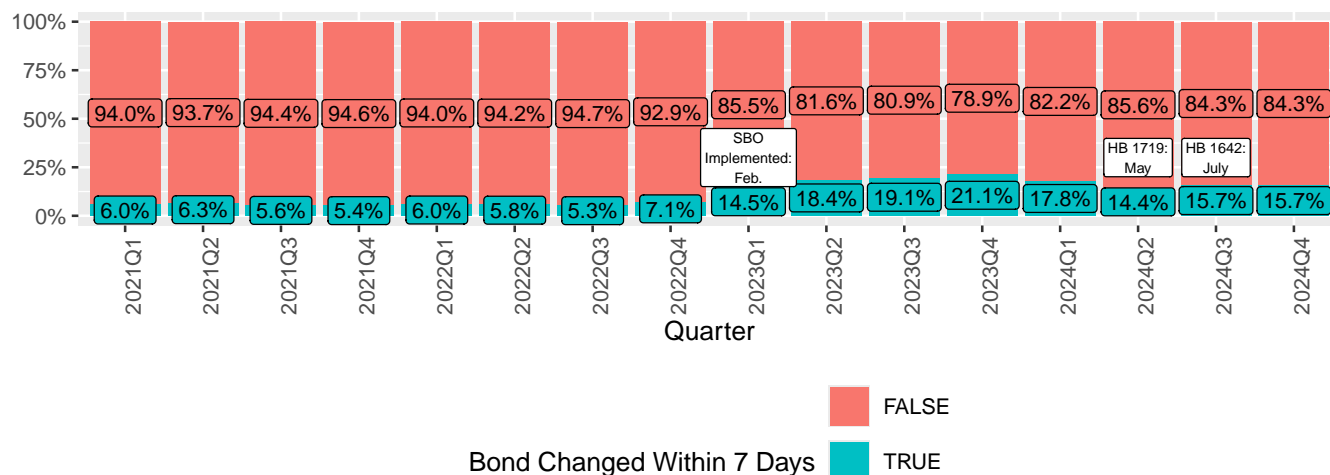
We begin by confirming that the Standing Bail Order actually has resulted in more judicial review relative to pre-reform. We evaluate the rate in which bonds set by judicial commissioners are later revised within seven days of booking. As expected, we find that the bail review process has contributed to an increase in the percentage of cases in which bail levels are changed.²⁶



We report the identical metric for all quarters from 2021 to 2024:

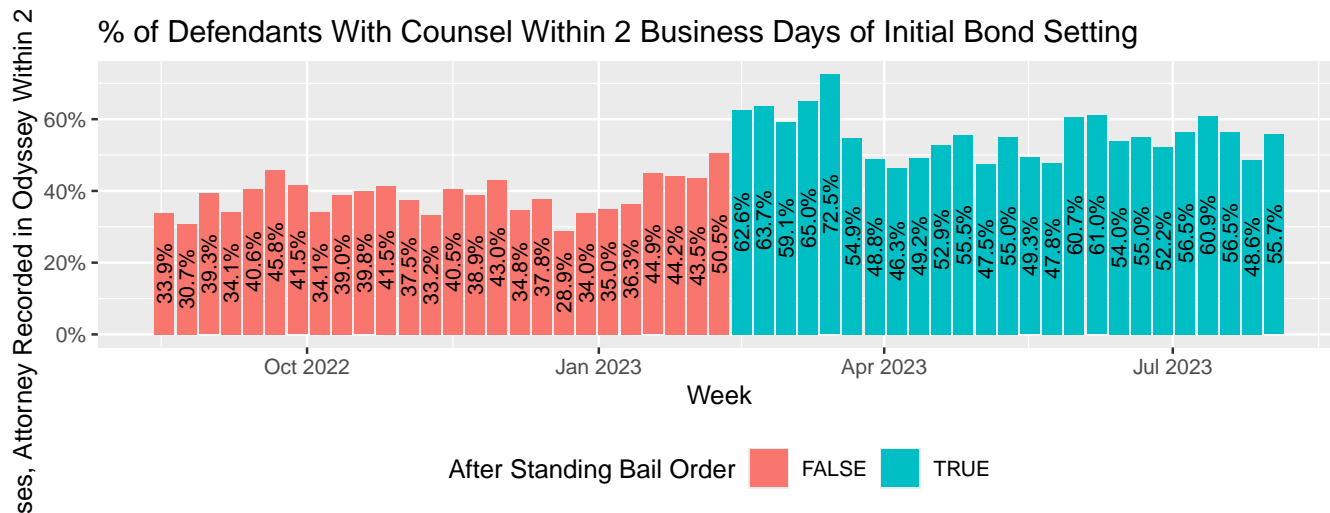
²⁶We specify a regression discontinuity design analogous to prior models with a logistic specification and a binary dependent variable indicating a change in bond level within 7 days. We find a statistically significant discontinuity ($p < .001$); the model suggests that a defendant’s probability of having his or bond amended within seven days more than triples due to the Standing Bail Order.

% Cases, Bond Changed Within 7 Days



Timely Access to Counsel

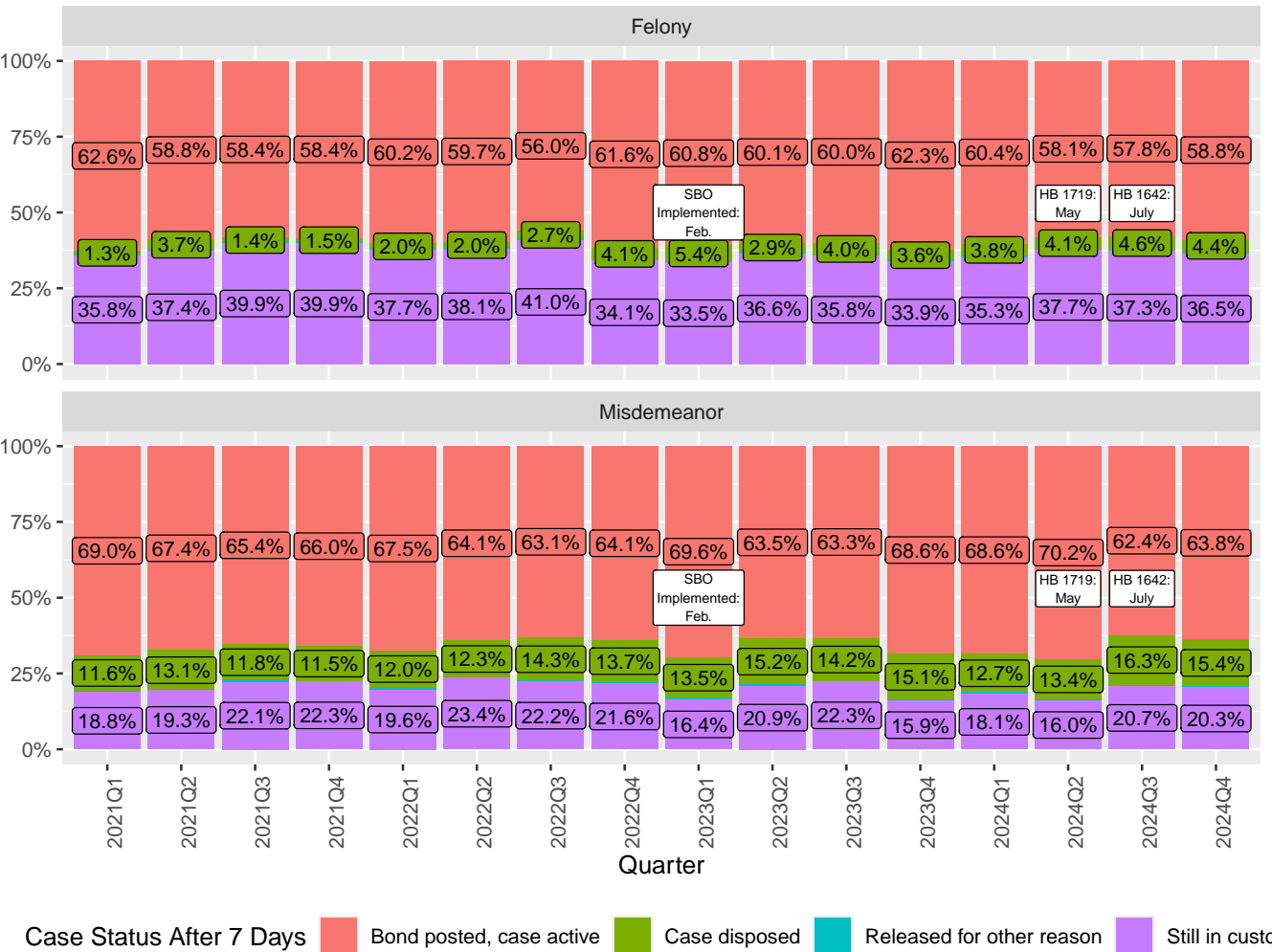
The Standing Bail Order's bail review process requires that the defendants held in custody be represented by counsel within 2 business days of booking. As a result, we explore whether the Standing Bail Order has improved access to counsel. We track the percentage of cases in which Odyssey indicates that a defendant is represented by counsel within 2 business days of initial bond setting. We do observe an increase upon the effective date of the Standing Bail Order.²⁷



²⁷A regression discontinuity design specified analogously to the previous footnote shows a statistically significant effect ($p < .001$).

Time in Custody

Next, we examine case status seven days after booking. Below, we report the share of defendants who are still in custody after 7 days, are released on bond, are released following disposition of their case, or (for rare reasons) released for some other reason, such as transfer to another facility.

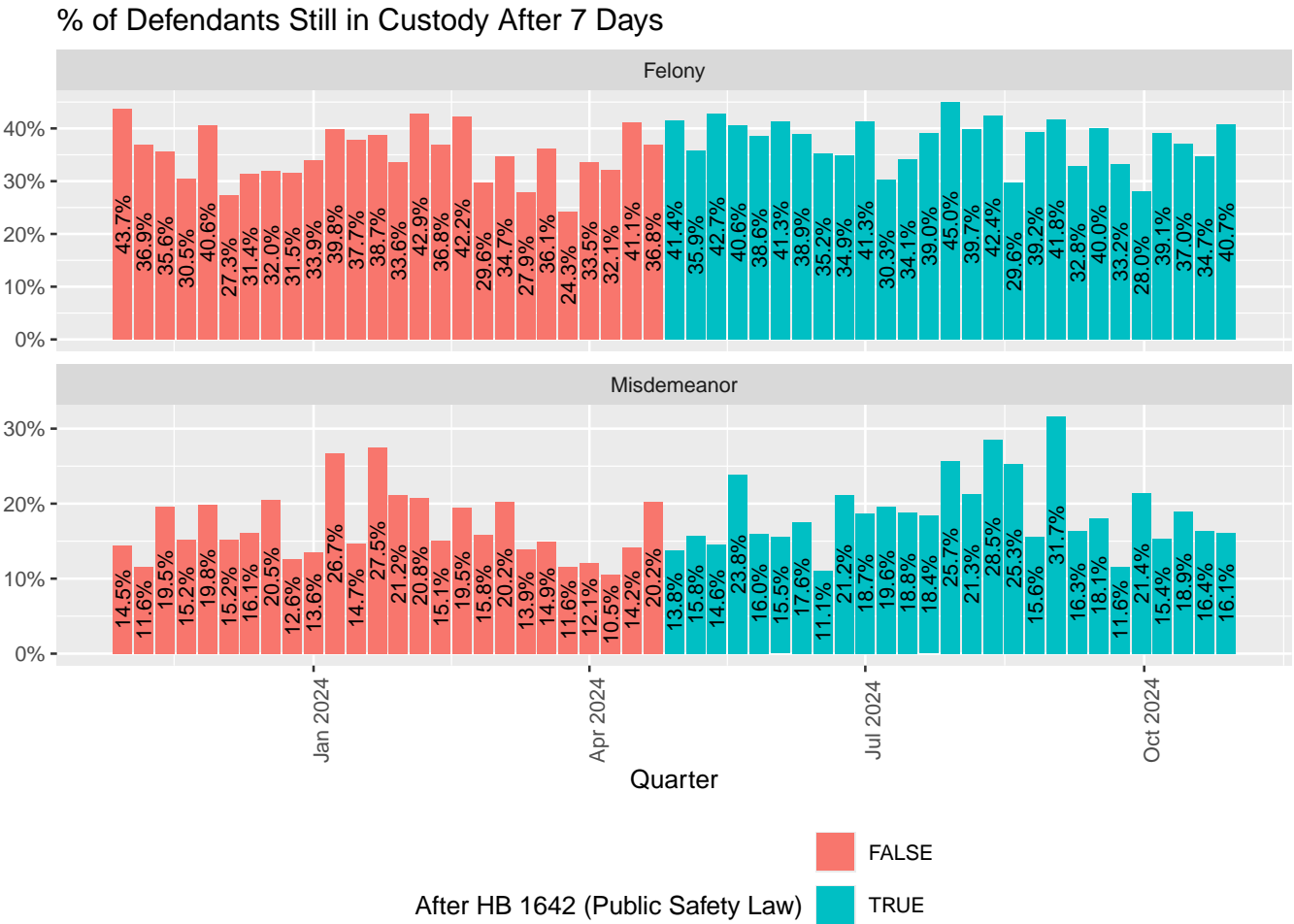


To examine this more closely, we consider rates of defendants remaining in custody seven days after booking for cases immediately before and after the effective date of the Standing Bail Order. We calculate this for one-week periods below. We find subtle differences before and after the effective date for both felony and misdemeanor cases.²⁸ However, these differences do not appear to be sustained, with the share of defendants still in custody on day 7 returning to pre-reform levels about three months following the order's implementation.



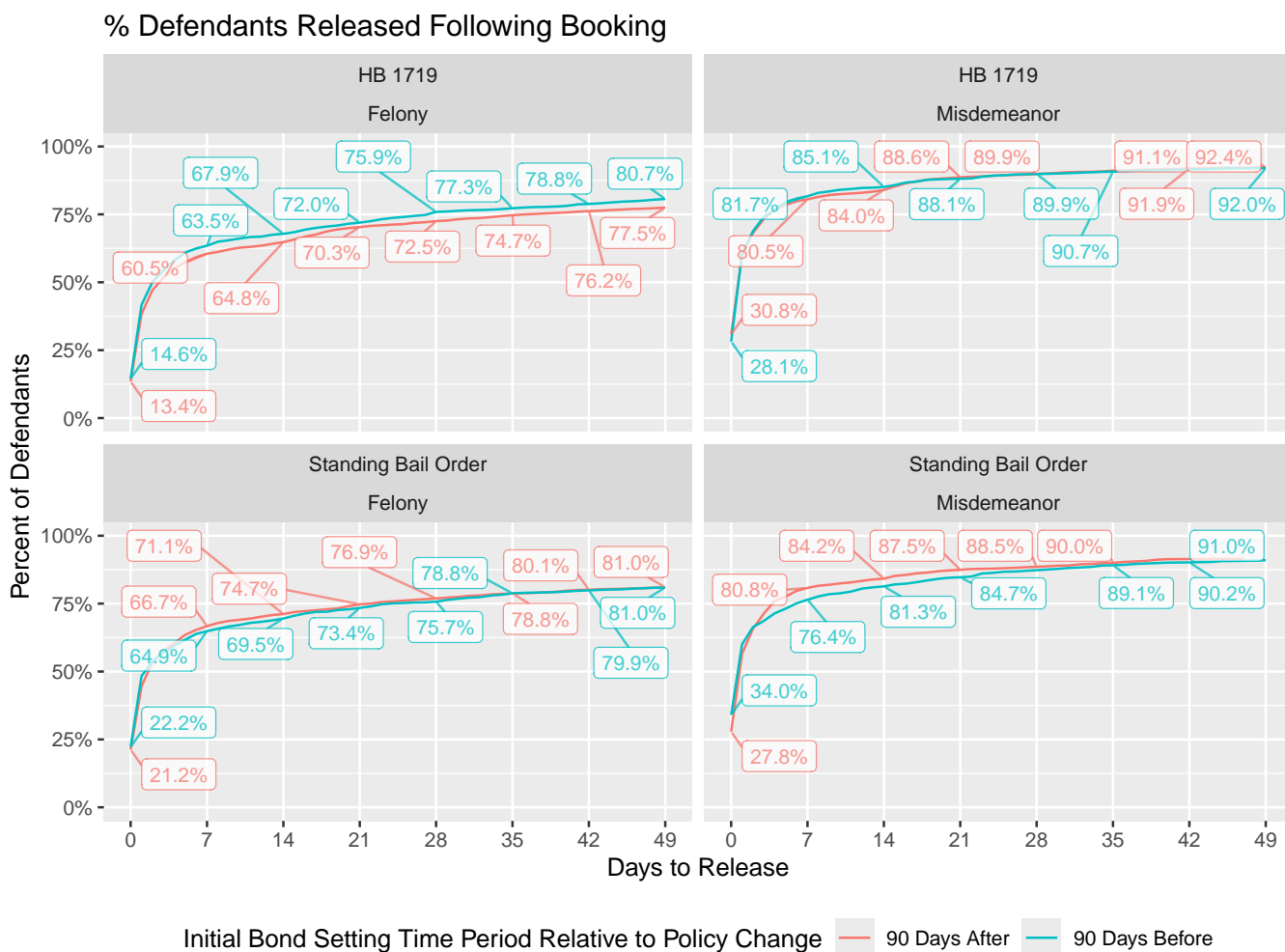
²⁸A regression discontinuity design specification with still in custody after seven days as the dependent variable finds a statistically significant effect ($p=.007$) for the Standing Bail Order.

We conduct a similar analysis for HB 1719 (prohibiting consideration of ability to pay). We find a modest increase in the percentage of cases in which the defendant is held in custody after 7 days following implementation of that law, particularly for felony cases. On the other hand, we do not observe any discontinuities for HB 1642 (prohibition of considering ability to pay).²⁹



²⁹Regression discontinuity models using a binary dependent variable (1=still in custody seven days after booking) find statistically significant effects for HB 1719 ($p=.0449$), but not HB 1642 (negative coefficient; $p=.6401$). Cutoff days used are April 29 and June 29 for initial bond setting, respectively.

We further analyze this data by examining timing of release for all defendants 90 days before and after the Standing Bail Order, as well as 90 days before and after HB 1719. The charts below show these percentages on a daily basis. For example: for HB 1719, 67.9% of felony defendants in the 90-day period before the law's effective date were released within 14 days of booking, versus 64.8% for defendants after the new law. We see smaller effects, in the reverse direction, for the Standing Bail Order for felony cases. On the other hand, differences over time are more pronounced for misdemeanor cases for the Standing Bail Order.



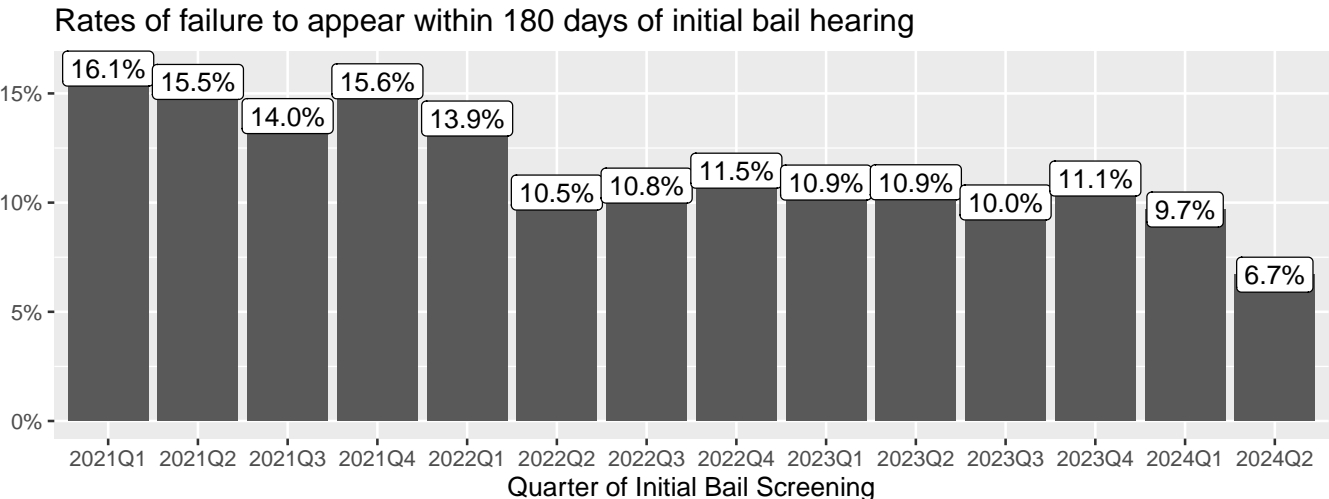
Part 4: Public Safety Outcomes

In this section, we explore rates of failure to appear in court, as well as pretrial rearrest and recidivism.

Failure to Appear in Court

We begin by analyzing rates of failure to appear in court among defendants released on bond pretrial. We examine rates of failure to appear for a 180-day period following initial bond setting. We identify cases of bench warrants, as well as conditional forfeitures of bonds, for each case, as well as all related Held-to-State and Criminal Court cases.

The data suggests that failure-to-appear rates appear to have declined precipitously over the time period; however, this decline is likely unrelated to bail policy. The decline is sharpest after the first quarter of 2022, one year prior to the effective date of the Standing Bail Order.



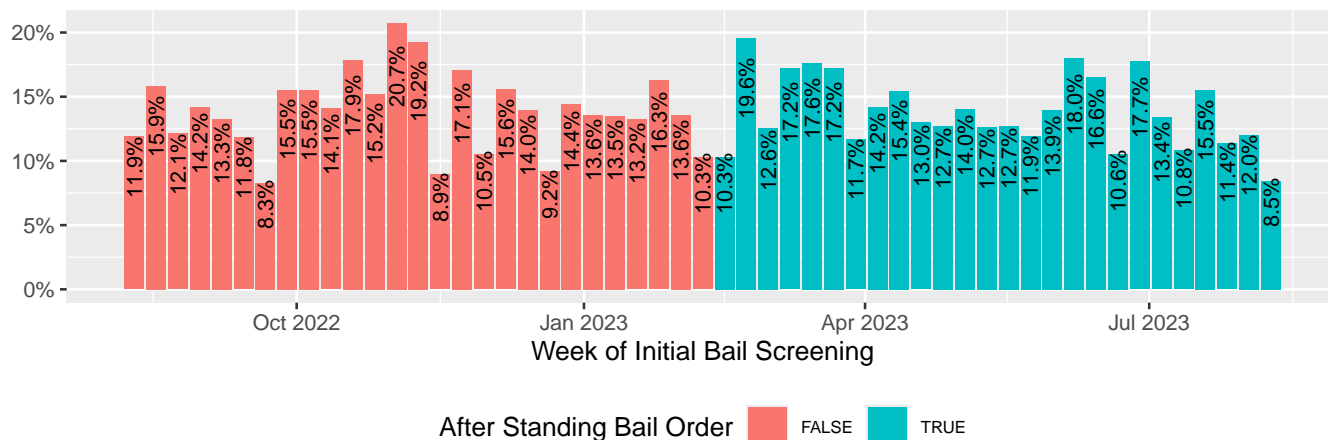
Impact of Standing Bail Order on Failure to Appear

We examine whether there exists any evidence of a change in failure to appear rates for cases immediately before and after the Standing Bail Order was implemented. Below, we visualize 500-day, 300-day, and 120-day failure-to-appear rates for two-week periods before and after the effective date of the Standing Bail Order. Counts of days begin at the time of the initial bond setting; we include only cases in which the defendant is at some point released pretrial, and prior to the end of the 500, 300, or 120-day period.

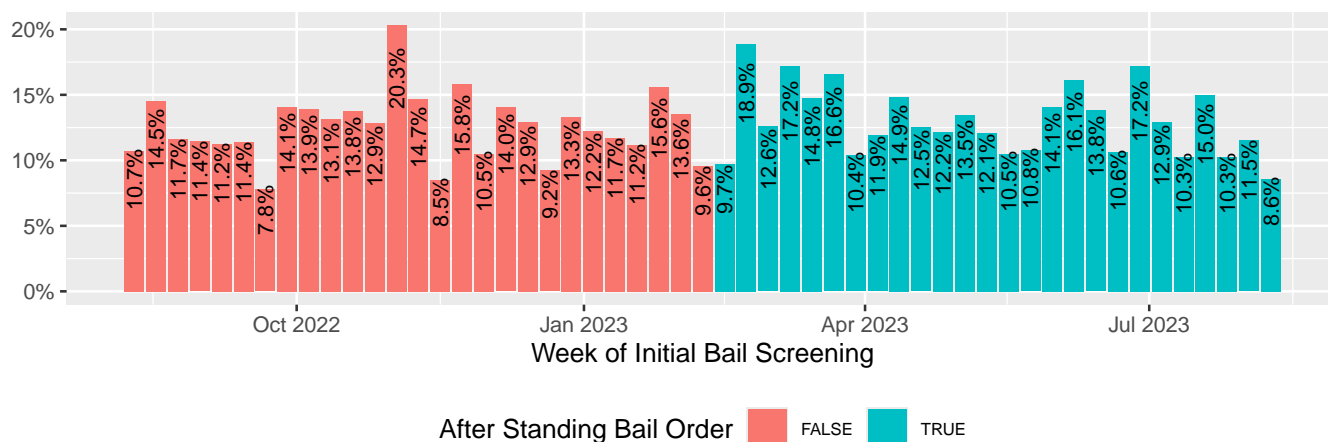
Although we observe a nominal increase in bench warrant rates in the few months following deployment of the Standing Bail Order, our statistical models do not indicate, after controlling for confounding factors, that these differences are distinguishable from random chance.³⁰

³⁰We conduct a series of regression discontinuity design models on 500, 300, and 120-day failure to appear. Logistic regression models analogous to prior specifications were executed. The reference period (500 days, etc.) begins on the date of initial bond setting. Like the charts, we include only cases where a defendant is released pretrial and prior to the end of the reference period. None of these models identify a statistically significant discontinuity on the effective date of the Standing Bail Order. P-values are 0.919 for the 500-day model, 0.723 for the 300-day model, and 0.773 for the 120-day model.

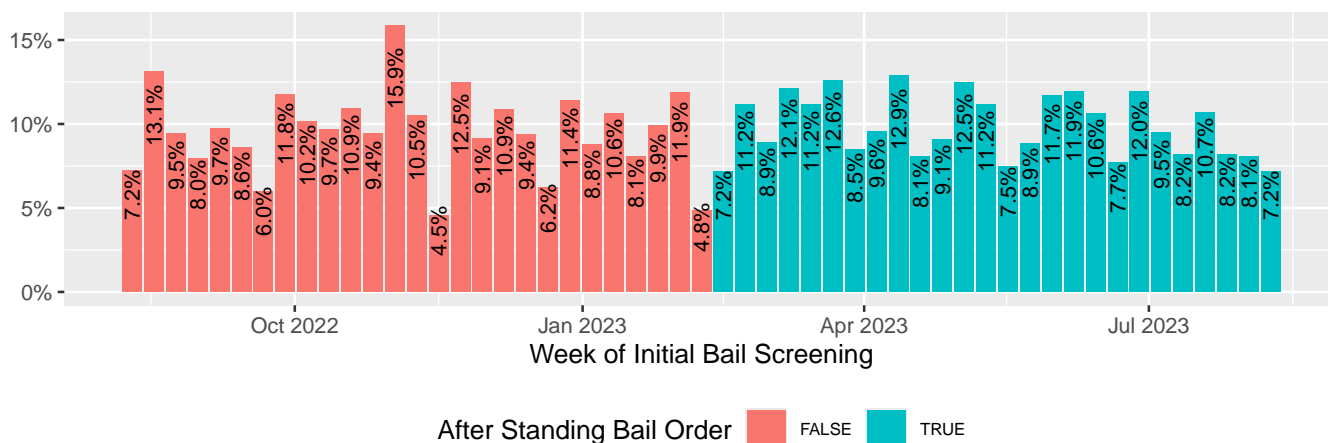
Rates of failure to appear within 500 days of initial bail hearing



Rates of failure to appear within 300 days of initial bail hearing



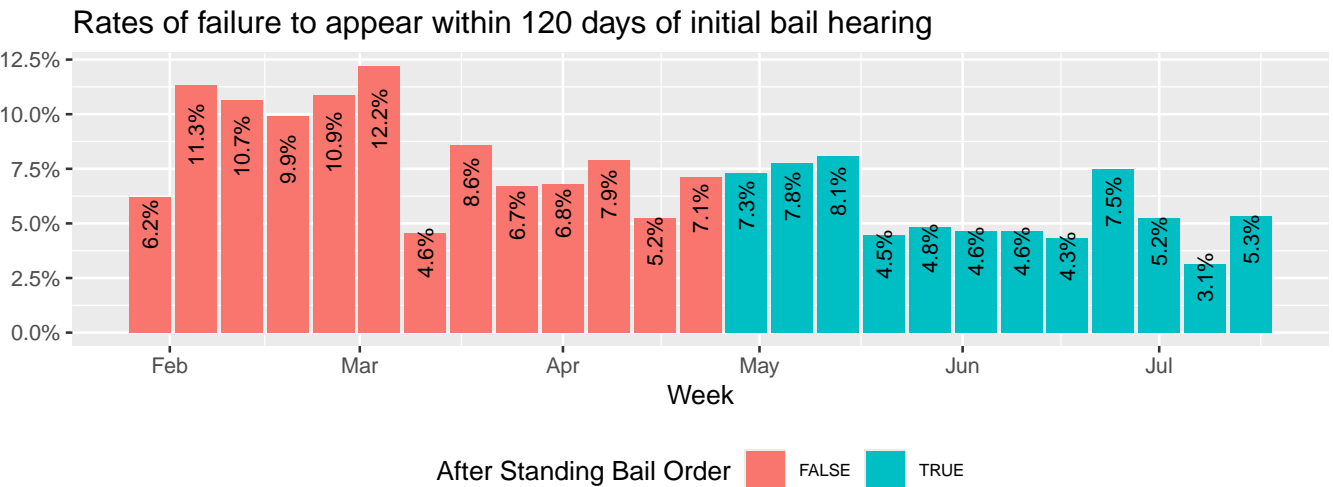
Rates of failure to appear within 120 days of initial bail hearing



Impact of HB 1719 on Failure to Appear

Exploring public impacts of more recent public policy changes, such as HB 1719 (public safety prioritization of bail), is challenging for several reasons. First, the statistical biases imposed by the expungement process makes it difficult to make longitudinal comparisons when conducting retrospective analyses. Second, the follow-up period in which outcomes can be tracked is much more limited. As a result, it requires a long amount of time before a rigorous analysis of a public policy change can truly be conducted.

With these significant caveats in mind, to examine potential impacts of HB 1719, we report rates of failure to appear below for the first 120 days following initial bond setting. We do not see clear evidence of a discontinuity.³¹ While failure to appear rates appear to decline over the time period, it is difficult to attribute this solely to HB 1719 as we do not observe a discontinuity at the point of implementation. Declining bench warrant rates may be due to other factors, including but not limited to changes in underlying crime rates or prosecutorial behavior, or alternatively may simply be an artifact of the expungement process. This is a potential area for further study. We repeat this analysis for 90-day bench warrant rates for HB 1642 and find similar results.



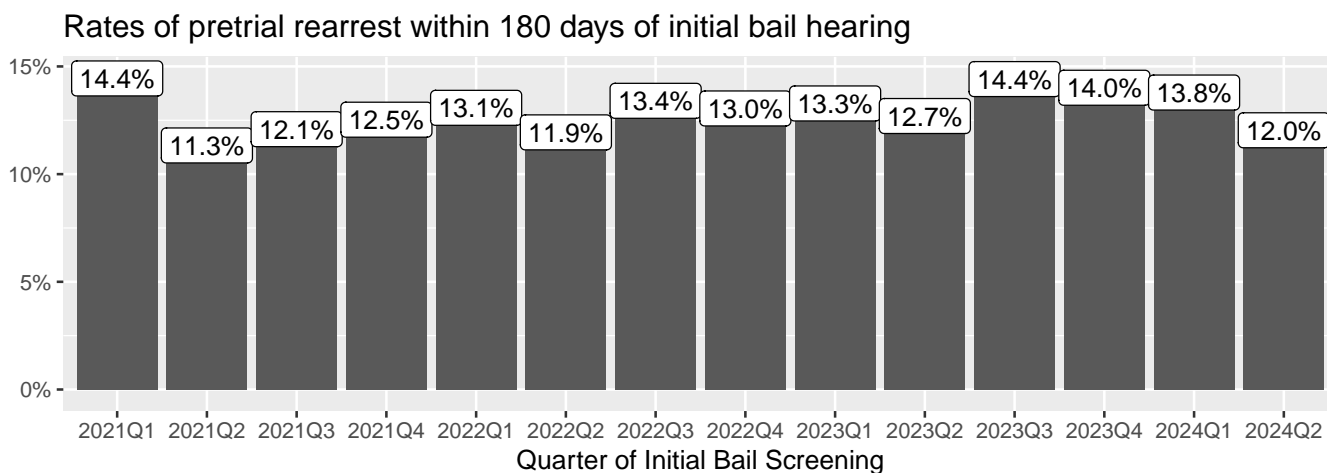
³¹This is confirmed by a regression discontinuity model, $p=.888$.

Pretrial Rearrest

Next, we consider rates for which a defendant is rearrested while out on bond, prior to the disposition of his or her case. This calculation leverages new features our improved dataset, which now includes full disposition data for cases across General Sessions Court and Criminal Court.

Pretrial rearrest rates are calculated based on a number of days following initial bond setting. For example, if a defendant is released within 180 days of initial bond setting, and prior to the disposition of his or her case and all related held-to-state and criminal court cases, then the defendant is included in our 180-day pretrial rearrest rate calculation. If included, we define a case as including a “pretrial rearrest” if the defendant is arrested on a new General Sessions case, with file date at least one day after the day he or she was released from jail. The arrest must occur within 180 days of the original bond setting and prior to the disposition of the original case.

As discussed earlier, measuring rearrest longitudinally is difficult due to statistical biases brought out by the process of expungement, which increases the number of cases in more recent time periods relative to earlier time periods, and thus may artificially increase rearrest rates for more recent time periods. With this in mind, our calculations for pretrial rearrest by quarter are visualized below.



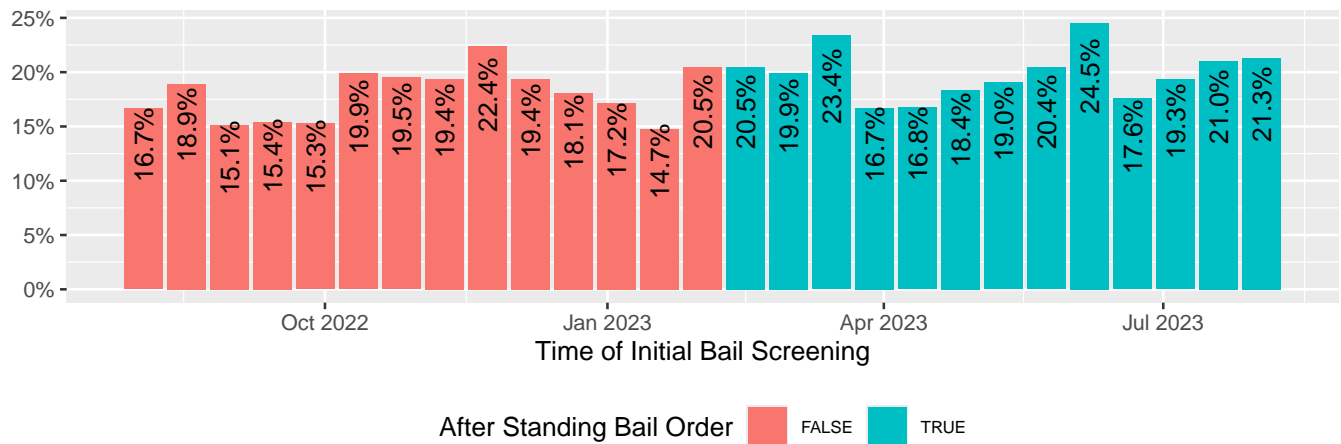
Warning: rearrest rates may be artificially inflated in more recent time periods due to statistical implications of the expungement process.

Impact of Standing Bail Order on Pretrial Rearrest

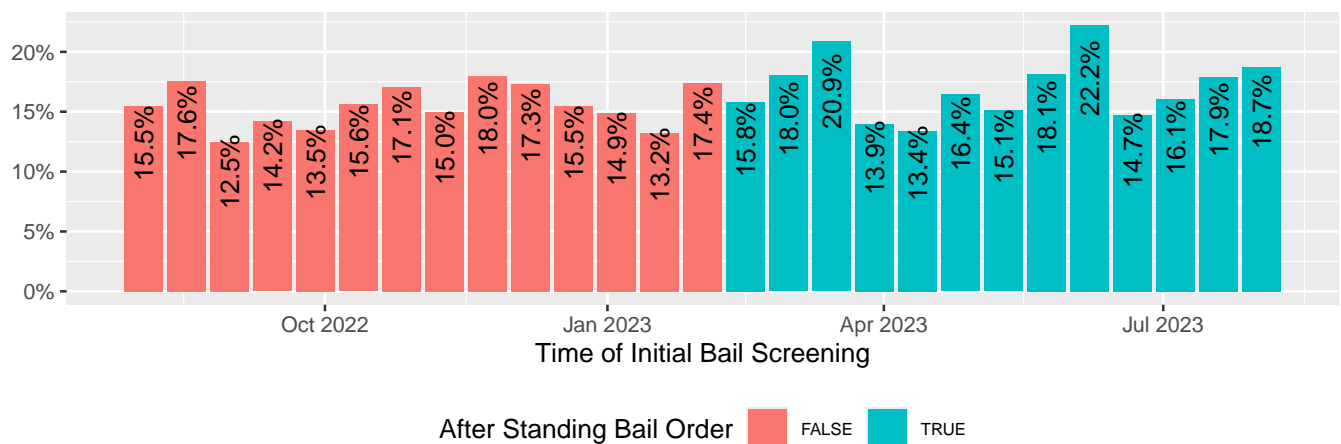
We take a closer look at the Standing Bail Order to examine whether there exists any evidence of a change in pretrial rearrest rates for cases immediately before and after the Standing Bail Order was implemented. Below, we visualize 500-day, 300-day, and 120-day pretrial rearrest rates for two-week periods before and after the effective date of the Standing Bail Order. (Longer time periods are more likely to include more expungement-related distortion, but also provide a longer time period by which one can track public safety outcomes.) We do not observe obvious evidence of a discontinuity at the effective date, and our statistical tests do not indicate that any differences are distinguishable from random chance.³²

³²Regression discontinuity design models, analogous to those previously specified, result in statistically insignificant p-values (0.288 for 120 days, 0.123 for 300 days, 0.122 for 500 days).

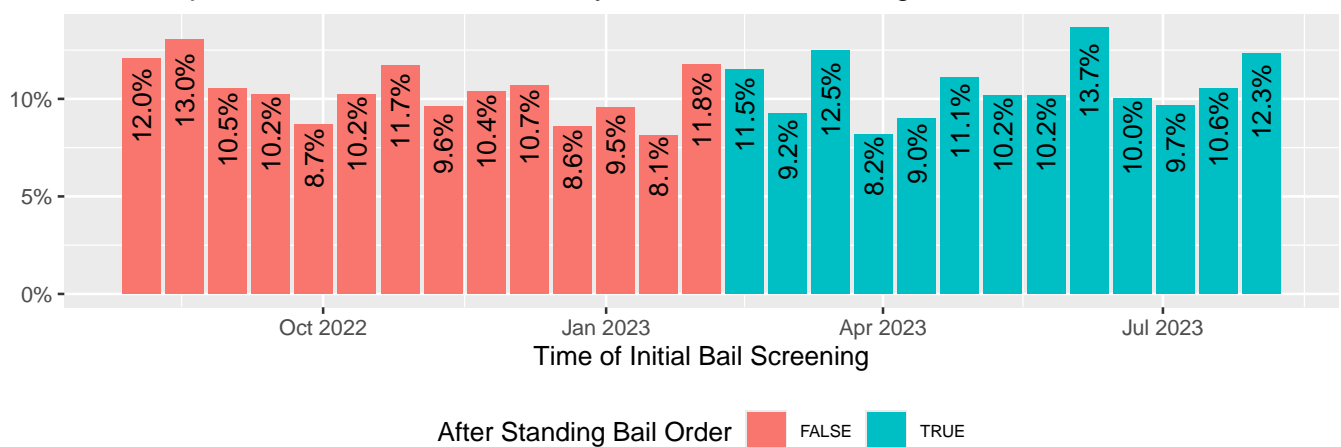
Rates of pretrial rearrest within 500 days of initial bail hearing



Rates of pretrial rearrest within 300 days of initial bail hearing



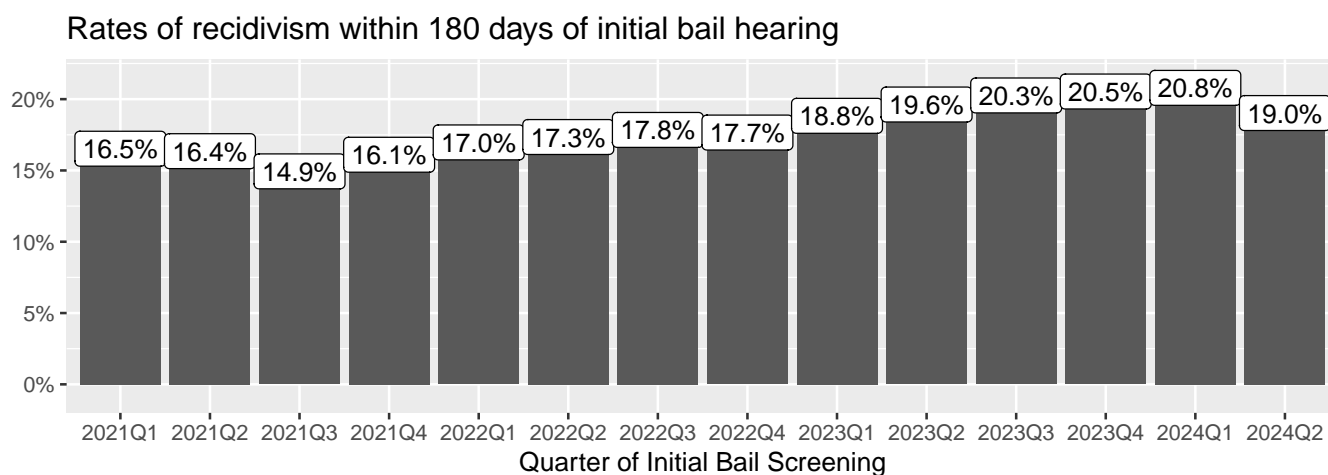
Rates of pretrial rearrest within 120 days of initial bail hearing



Recidivism

Finally, we consider the incidence of rearrest regardless of whether a defendant is released on bond or whether the reoffense occurs prior to the disposition of one's case. Like pretrial rearrest, rates are calculated on a number of days. Calculated for all cases, we define a case of "180-day recidivism" if the defendant is arrested on a new General Sessions case, with file date at least one day after the day he or she was released from jail. The arrest must occur within 180 days of the original bond setting. To be included in this statistic, the defendant must be released from jail within 180 days of release for any reason.

Like pretrial arrest, measuring recidivism longitudinally is difficult due to statistical biases brought out by the process of expungement, which increases the number of cases in more recent time periods relative to earlier time periods, and thus may artificially increase rearrest rates for more recent time periods. With this in mind, our calculations for recidivism by quarter are visualized below.



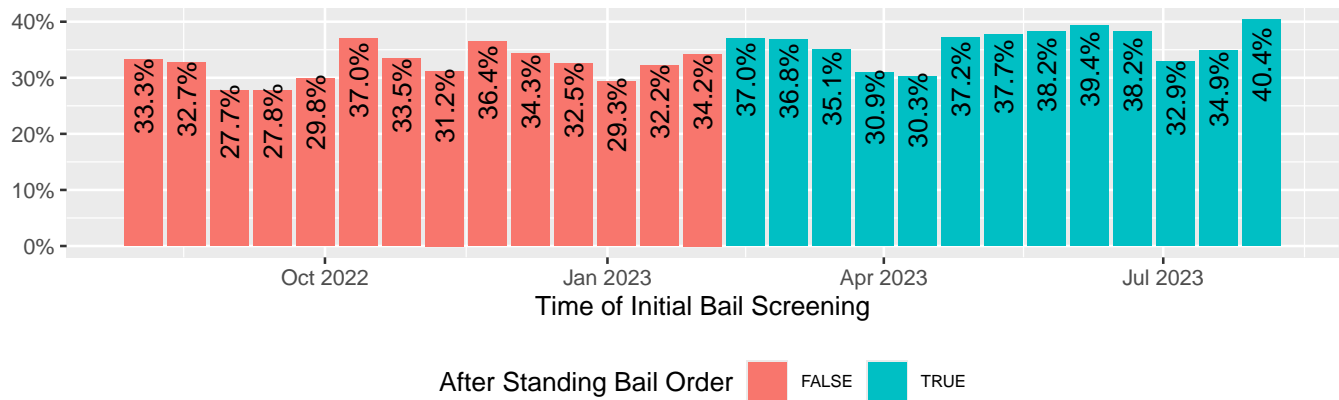
Warning: rearrest rates may be artificially inflated in more recent time periods due to statistical implications of the expungement process.

Impact of Standing Bail Order on Recidivism

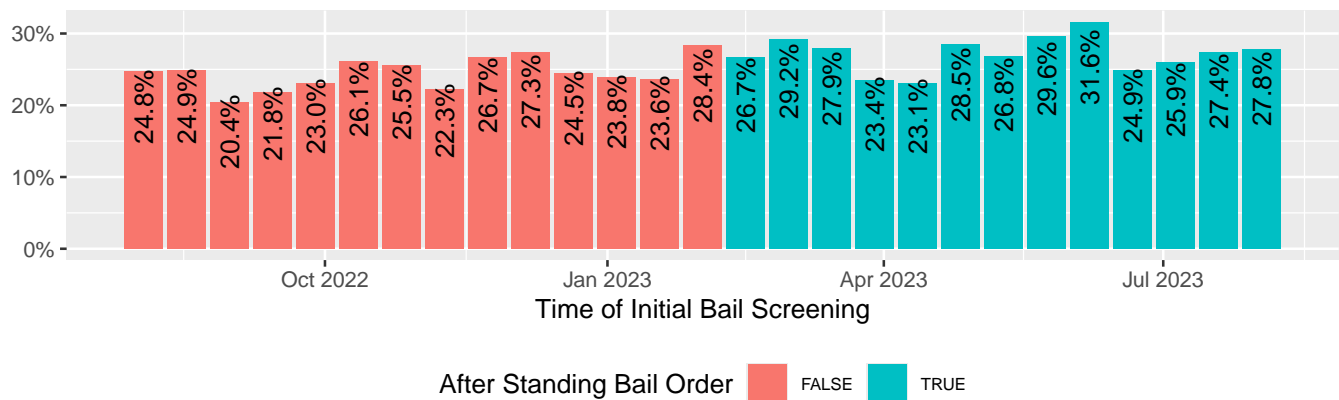
We take a closer look at the Standing Bail Order to examine whether there exists any evidence of a change in recidivism rates for cases immediately before and after the Standing Bail Order was implemented. Below, we visualize 500-day, 300-day, and 120-day recidivism rates for two-week periods before and after the effective date of the Standing Bail Order. While rates are increasing over time (particularly in the 500-day analysis, likely due to the expungement phenomenon), we do not observe evidence of a discontinuity at the effective date, suggesting that the Standing Bail Order's impact on recidivism, if any, is minimal. Furthermore, our statistical tests do not indicate that any differences at the conventionally used 95% significance level.³³

³³Our 120-day models and 300-day models show no statistically significant effect ($p=.207$ and $p=.172$, respectively). Our 500-day model is statistically significant at the 90% level but not the conventional 95% level ($p=.090$). Results vary by specification, and while we control for linear effects, the 500-day model is more likely subject to expungement bias than the 120-day and 300-day models. This will be a significant area of focus in our manuscript this summer.

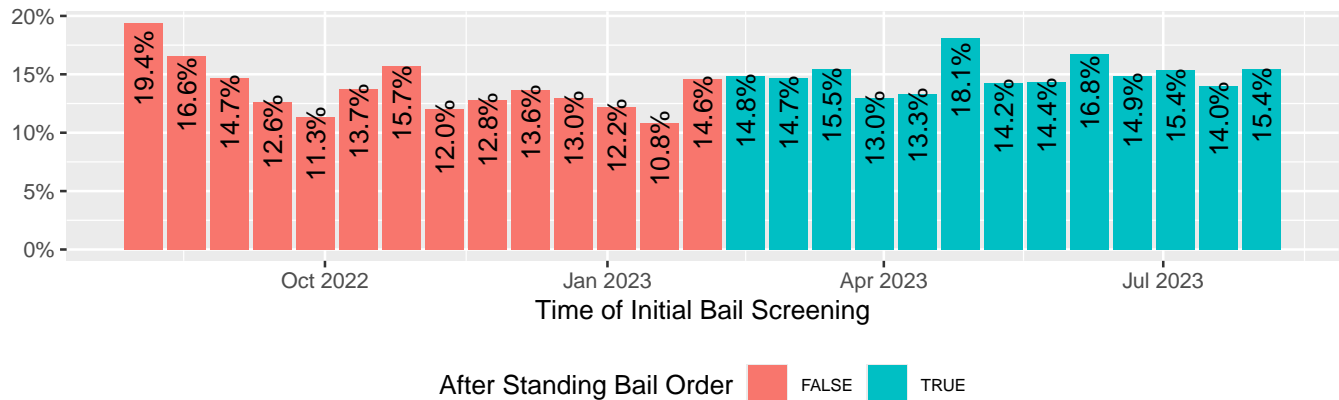
Rates of recidivism within 500 days of initial bail hearing



Rates of recidivism within 300 days of initial bail hearing



Rates of recidivism within 120 days of initial bail hearing



Conclusion

We conclude by briefly summarizing and contextualizing the findings of our ongoing evaluation of pretrial detention system in Shelby County. We focus first on our current conclusions with respect to the Standing Bail Order, then move to what we now know about the suite of state laws passed in 2024 affecting pretrial detention. We conclude with a small number of recommendations to support future reporting.

Standing Bail Order: Our analysis suggests the Standing Bail Order’s provisions appear to have had only a modest, if any, impact on *initial* bail levels set by judicial commissioners. A larger impact is seen after initial bail setting: while judges could always have reconsidered the initial bond setting, the formal bail review process led to higher rates of judicial review for cases, and many of these bail reviews (20% of all bail reviews; 9% of all defendants) do lead to a release-on-recognizance finding at bail review. However, it is important to emphasize that many of these defendants would have soon after posted a monetary bond if offered: the percentage of defendants released after 14 days, for example, increases only 3% for misdemeanor cases when comparing 90-day periods before and after the Standing Bail Order’s effective date, and even less so for felony cases. We also find that the reform has also incidentally improved the percentage of cases in which defendants have timely access to legal counsel.

This report examines two public safety concepts previously analyzed (failure to appear, recidivism/rearrest) as well as an additional measure of rearrest that focuses on the pretrial period. When we compare cases immediately before and after the implementation of the Standing Bail Order, both visually and using a preliminary suite of statistical tests, we do not currently observe increases in key public safety metrics clearly distinguishable from random chance. That said, analyzing these rates over time, particularly rearrest, is challenging because of how the expungement process can statistically inflate case counts over time in more recent time periods. We are currently working on a manuscript for submission to an academic journal that will rigorously explore this subject using a regression discontinuity design. We will submit the manuscript later this summer and shall release it to the public at that time. While we cannot yet rule out that this analysis will show a statistically significant impact on a public safety measure, our analysis of the data at present does not indicate that bail reform has significantly impacted public safety outcomes in Shelby County. To some extent, our results are similar to other studies that have found impacts on bail amounts but inconclusive impacts on public safety.³⁴

We also find that bail review outcomes vary considerably by court division: both in the decision of a judge to conduct his or her own bail review hearings or delegate this to the bail review hearing room, and in how judicial officers apply their discretion when adjudicating cases. While this report largely considers public safety impacts in aggregate, an area of future inquiry will be whether we observe public safety impacts specifically among the subset of court divisions in which a defendant’s experience was more significantly impacted by the Standing Bail Order.

Recent State Laws: We further explore how recent state laws have affected pretrial detention in Shelby County. In particular, HB 1642, requiring effective July 1, 2024 that public safety be considered as the highest priority when setting bail, appears linked to higher bail requirements set by initial judicial commissioners. While it is somewhat premature to calculate long-run public safety impacts of this, this is a further area of study, and we are currently identifying grant opportunities or funding sources to fund such a study.

While HB 1642 appears potentially impactful for bail setting practices, it did not fundamentally target the Standing Bail Order practices. On the other hand, HB 1719, effective May 1, 2024, prohibited con-

³⁴See for example: Ouss, Aurélie and Megan Stevenson, 2023, “Does Cash Bail Deter Misconduct?”, in *American Economic Journal: Applied Economics*, 15.3, p.150-182.

sideration of a defendant’s “ability to pay” in the bail setting process, a key component of the Standing Bail Order. We wish to briefly note how HB 1719 does and does not affect the Standing Bail Order: the law eliminates the distinction between affordable and unaffordable bonds, but not does lift the constitutional presumption of release on recognizance or conditions where possible, and does not affect the core requirement that bail levels for defendants still in custody after initial bond setting be reviewed in a formal hearing. The impacts of HB 1719 appear less significant than those of HB 1642; nonetheless, there is some evidence of a decrease in release on recognizance at *bail review* (but not initial screening) after May 1, which has mapped onto an increase in time-in-custody for a small number of defendants. This will continue to be an area of focus of our analysis.

Data Quality: We make two recommendations to promote high-quality reporting moving forward. First, we recommend that all bail review hearings in which a bail setting is not changed be documented within the bail setting’s history record, rather than simply as an event or hearing. This documentation should distinguish bail reviews from other instances in which a bail hearing is updated but the amount remains unchanged. Second, we recommend that the state consider implementing procedures that allow the preservation of expunged records for the purposes of statistical reporting and analysis, while not in any way affecting defendants’ rights.³⁵

We appreciate Shelby County’s partnership with CCRE to facilitate this analysis and welcome any partnerships to promote and advance evidence-based policymaking.

³⁵While focused on juvenile records, an excellent treatment of the implications of expungement is found in Rips, Eve, 2023, “Off the Record: Preserving Statistical Information after Juvenile Expungement.” *American University Law Review*, 72, p.587-655.