

Pretrial Reform and Operations Workgroup
Pretrial Pilot Program Recommendations to the Judicial Council
August 9, 2019

Large Courts

Very rigorous competition - \$106.67 million in requests from large counties alone. Pretrial Reform and Operations Workgroup wanted to select large courts from diverse areas of the state and in different stages of pretrial programs.

Alameda – Revive and expand their pretrial program.

- Does not currently operate a pretrial program, although they have operated different models of pretrial release since the 1970's.
- In 2018, the Court and Probation formed a committee dedicated to the implementation of a new pretrial program, in collaboration with their local justice system partners: County Information Technology Department, Sheriff, District Attorney, Public Defender and County Bar Association, including representatives from the Court Appointed Panel.
- The court anticipates assigning judges on a 24-hour, seven-day-a-week basis and using a call forwarding or other alert system so that release decisions can be made periodically day and night. The timeframe for release decisions will be 10-12 hours after the completion of booking.

Los Angeles - Enhance and greatly expand current pretrial program.

- The Board of Supervisors passed a motion to pursue bail reform initiatives. The court, in partnership with Probation, Sheriff, District Attorney, Public Defender, Alternative Defender, County of LA, and City Attorney will operate the Pretrial Risk Assessment Pilot.
- Implementing an innovative two-step assessment process.
 1. ALL eligible defendants will be assessed with a static tool prearrestment (except those who bail out); and
 2. The court will use a dynamic assessment to assess a significant portion (20%) of those detained until arraignment, centralized to one courthouse location.
- The Court has established a Magistrate Unit, consisting of multiple judicial officers assigned each day to an on-call duty, to address pretrial release decisions, among other duties.

Sacramento – Implement new pretrial program with Probation Department.

- Sacramento County Board of Supervisors has committed \$1.2 million dollars to pretrial reform and Probation will begin implementing Phase I of the project, which started on July 8, 2019.
- During phase I, probation will begin assessing a targeted population of arrestees during regular business hours and will recommend a level of monitoring based on risk score to the judicial officer for any release conditions.
- During phase II, assessment services will expand to 7 days and evenings a week, including weekends and holidays. Probation will automate the pretrial risk assessment process and documentation and expects to generate the report with a decision recommendation in less than one hour per arrestee.

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Medium Courts

San Joaquin – Maintain existing pretrial program and contribute to the pilot program.

- San Joaquin is not requesting funding but wants to participate in the pilot program and provide data for statewide use. They view the pilot program as an opportunity to become more efficient in collecting data electronically from the Court, the Jail and the Probation Department. They also view this pilot program as an opportunity to receive further technical assistance and learn additional best practices to further improve outcomes in the criminal justice system.
- San Joaquin Probation assesses eligible individuals after booking, generally within 2 hours after booking by the Sherriff is completed. For those who qualify for the existing pretrial assessment, release decisions are currently made within 2 hours following completion of the assessment interview.
- Release decisions are made after review of all the information, generally within 2 hours of completion of the risk assessment. Probation does not contact judicial officers to make prearrestment release decisions for individuals with low-risk scores, as there is a standing order related to the jail cap that provides for release by Probation staff within 48 hours. Individuals with medium-risk scores require detention until arraignment when a judicial officer can review and make the release decision and order pretrial monitoring conditions and reporting instructions.

San Mateo– Enhance and greatly expand current pretrial program.

- San Mateo County has operated a pretrial program since 2000.
- San Mateo has formed a Pretrial Services Working Group Court that includes the County Manager's Office, and other representatives of the County, the Court, Probation Department, Sheriff, District Attorney, Private Defender, and the Behavioral Health and Recovery Services Agency.
- Pilot program funding will enable San Mateo to expand pretrial assessment to all persons booked into and retained in jail custody within 8-12 hours of booking. The Court will make a determination of release within 16-24 hours of booking. October 2019 is the target go-live date for the enhancements, with an operational date for full implementation no later than January 2020.
- During regular business hours, judicial officers will be assigned the pre-arrestment/pretrial determinations as part of the Court's normal criminal grid schedule. An on-call duty officer will make release decisions at designated times in the evening, on weekends, and holidays.

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Santa Barbara – Enhance and greatly expand current pretrial program.

- Santa Barbara has operated a pretrial program since 1977. Court staff conduct pretrial risk assessment interviews on a small percentage of defendants based on the arrest charge.
- The Court, in collaboration with the Community Corrections Partnership (CCP) and the local criminal justice stakeholders, had explored the use of validated pretrial risk assessments and expansion of supervised release options. They have leveraged technical assistance opportunities from state and national experts to aid local planning efforts.
- Pilot Program funding will enable Santa Barbara to consolidate assessments and monitoring under the Probation Department, increase the number of individuals released prearrest, and allow all eligible defendants to be assessed within 24 hours of booking. The Court and Probation Department are actively engaged in implementing these enhancements, expected to be operational by January 2020.
- Release decisions for lower risk defendants will be made prearrest within 24 hours of booking. On-call judges will be available to process after hours requests. All other release decisions will be determined at arraignment.
- The plan also includes implementation of a mental health navigator component, and to use a “step-down” process for defendants who are compliant on release. In addition, the project will use of a “look-back” process to explore options for release for those detained at arraignments who remain in custody.

Sonoma - Enhance and greatly expand current pretrial program.

- Sonoma has operated a pretrial program since 2015.
- Strong evidence of collaboration and judicial leadership – consensus among partners for shifting the responsibility for conducting in-custody pretrial risk assessments from the Sheriff’s Office to the Probation Department.
- Pilot program funding will enable Sonoma to expand the population eligible for pretrial release and ensure that all individuals booked into custody on new charges receive a pretrial risk assessment. The court estimates that 92.5% of those booked on new charges only (e.g. without a warrant) will be eligible for release prior to arraignment under the pretrial pilot program.
- The Court projects that 82% of arrestees will be assessed within 1 hour of booking and the remainder within 4 hours maximum post-booking.
- Prearrest releases will be made within 12 hours of booking. During business hours or by an on-call judicial officer who will e-review and e-sign. Those not released prearrest will be reviewed by a judicial officer at arraignment.

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Tulare - Enhance and greatly expand current pretrial program.

- Tulare has operated a pretrial program since 2016.
- The County has established a working group with representatives from the Court, Probation, the Sheriff's Office, the District Attorney's Office, the Public Defender's Office, and local law enforcement, and will add a dedicated project manager to ensure effective planning, execution, and reporting.
- Pilot Program funding will enable Tulare to expand prearrest assessment for all booked and retained in custody (except those who are ineligible for bail) by the Summer of 2020. This will be a significant increase in the volume of completed prearrest assessments.
- Individuals will be assessed within 24 hours of arrest. The Court will utilize a magistrate to enable prearrest releases on the weekends, evenings and holidays.
- The Court has hired a commissioner to ensure prearrest release decisions are made prior to arraignment. The court will develop an electronic process to access assessment reports and sign off on them remotely.

Ventura – Enhance and greatly expand current pretrial program.

- Ventura has operated a pretrial program since 2013 and currently assesses 25% of felony bookings prior to arraignment.
- Pretrial Pilot Program funding will enable Ventura to expand operations to 12 hours per day, 7 days a week. All detained defendants would be assessed prior to the DA's filing decisions. Misdemeanors would be assessed within 12 hours and felonies within 24 hours.
- The assigned judge or on-call magistrate will review risk assessment and release recommendations twice daily.
- Court and partners agreed to establish a steering committee to review data, policies, risk assessment tool use, release matrix, etc. The steering committee will evaluate demographic information to assess disparate impact or bias.

Medium/Small Courts

Kings – Implement new pretrial program with Probation Department

- The Court, Probation Department, the Sheriff's Office, District Attorney, and Contract Defense Attorney Coordinator have worked collaboratively to develop plans for a pretrial program.
- Pretrial Pilot Program funding will enable Kings to operationalize its program by September 2019.
- Probation will interview and assess all individuals booked on new charges, not otherwise released, within 12 hours of booking.

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- Individuals with low-risk scores will be recommended for prearrestment release during consultation with the on-call judicial officer. Individuals with medium-risk and high-risk scores will remain in custody pending arraignment.
- The pretrial program will operate 7 days/week from 7am-6 pm and 11 pm-7am.

Napa– Enhance and greatly expand current pretrial program

- Napa has operated its current pretrial program since 2011. The program screens all jail bookings that meet specified criteria. Pretrial services currently operate during standard business hours and current staffing levels do not allow for intensive monitoring and support for higher risk participants.
- Pretrial pilot funding will enable Napa to expand assessments to 7 days/week, 7:00 a.m. to 11:00 p.m., and will include release after-hours and on weekends.
- Assessments should be completed within 12 hours of booking and not more than 24 hours after booking.
- The Pretrial Services officers will notify the judicial officer once a pretrial report is ready for review. Judicial officers will review reports a minimum of two times per day during regular court hours and provide an on-call judicial officer for after-hours reports.
- The program’s exclusionary criteria will be re-examined to be more inclusive. Monitoring will be added for higher risk pretrial populations.

Consortium of Nevada and Sierra Counties - Enhance and greatly expand current pretrial program

- The only court consortium selected for the Pretrial Pilot program. Nevada and Sierra are in a unique position to collaborate on pretrial services as Sierra County inmates are housed at the Nevada County jail and the counties have a long history of collaboration.
- Nevada County began developing a pretrial program in 2014. Currently, assessments are not completed until the District Attorney files the complaint, which restricts the ability to release individuals. Sierra County does not currently have a developed pretrial program but completes a lengthy bail report and recommends monitoring or various bail options to the judicial officer.
- Pretrial Pilot funding will enable Nevada and Sierra to expand the number of prearrestment assessments and reports, and release. Probation would assess at the jail within 16 hours of booking.
- Pretrial reports will be completed and delivered within 24 hours for all arrestees regardless of risk and statutory eligibility.
- Judicial officers from both counties will be assigned to review reports and make release decisions, M-F, 7am-5pm, and an on-call judicial officer will be assigned for each county on weekends for 7 day/week coverage.

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Small Courts

Courts in the small court category all demonstrated strong local collaboration and an ability to reach decisions quickly and amicably.

Yuba - Enhance and greatly expand current pretrial program

- In 2014, the Yuba County Pretrial Release Program was formed with representatives from the Court, the District Attorney, Sheriff's Office, Probation Department, and the Public Defender.
- Yuba has operated its current pretrial program since 2015. Probation currently conducts assessments on eligible individuals and does not provide monitoring services.
- Pretrial Pilot funding will enable Yuba to perform risk assessments on all arrestees and monitoring of released defendants. Probation will interview booked arrestees at the jail as soon as practicable, within the 48-hour arraignment deadline.
- Judicial officers will make release decisions as soon as practical after they receive the assessment report; the court always has an on-call judicial officer.

Tuolumne - Enhance and greatly expand current pretrial program

- Tuolumne formalized its pretrial program in 2017, when the local Community Corrections Partnership (CCP) formed the Pretrial Working Group and solicited input from diverse local stakeholders.
- In the current program, jail sergeants conduct risk assessments, but these are not always completed in a timely manner due to jail personnel's' primary responsibilities.
- Pretrial Pilot Program funding will enable responsibility for pretrial risk assessment to transfer to the Probation Department, with the support of the Sheriff's Office. Probation Officers will conduct assessments remotely and obtain criminal records electronically through terminal access to the Sheriff's system.
- Judicial officers will receive pretrial release reports electronically and will issue release decisions seven days a week. An on-call duty judge will review on weekends once a day.

Modoc - Implement new pretrial program with Probation Department

- Modoc currently offers several components of a pretrial program on a limited basis, but Pretrial Pilot funding will enable them to conduct risk assessment on all in-custody inmates not otherwise released or ineligible. Probation will report pretrial assessment information to the court at in-custody arraignments.
- This two-judge court makes a judicial officer available for prearrestment decisions 24 hours a day.
- Modoc seeks to increase participation in pretrial diversion programs and address client needs for pretrial program compliance (employment, transportation &/or referrals to external

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programing) while using the least restrictive intervention.

Calaveras - Implement new pretrial program with Probation Department

- The Court will contract with the Probation Department to perform risk assessments for prearrestment release on all those arrested and held in county jail (unless immediately released). Assessments will be completed within one court day of booking.
- The court will establish a list of criteria for prearrestment release. For those qualifying for prearrestment release, Probation will provide a recommendation and recommended conditions.
- Review and a release decision will be made by a judicial officer once the assessment is completed by probation. Arrestees not released prearrestment will be considered for release at arraignment. Reviews will take place on all court days.
- Probation staff will provide monitoring for higher risk defendants, coordinate case management data entry and provide court reminder messages and will assist with securing transportation to court for arrestees, when necessary. Monitoring services will be used only when necessary. Least restrictive conditions will be applied.