



JUDICIAL COUNCIL of CALIFORNIA

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HON. PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

HON. BRAD R. HILL
Chair, Executive and Planning Committee

HON. ANN C. MOORMAN
Chair, Judicial Branch Budget Committee

HON. MARLA O. ANDERSON
Chair, Legislation Committee
Chair, Litigation Management Committee

HON. CARIN T. FUJISAKI
Chair, Rules Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

Hon. Maria Lucy Armendariz
Hon. C. Todd Bottke
Hon. Jonathan B. Conklin
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Hon. Erica R. Yew

MS. SHELLEY CURRAN
Administrative Director
Judicial Council

May 17, 2024

Ms. Cara L. Jenkins
Legislative Counsel
1021 O Street, Suite 3210
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate State Capitol, Room 305
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 319 Sacramento, California 95814

Re: *Pretrial Release Program: Year 2 Report to the Legislature, 2024*, as required under the Budget Act of 2022.

Dear Ms. Jenkins, Ms. Contreras, and Ms. Parker:

Under the Budget Act of 2022 (Sen. Bill 154; Stats. 2022, ch. 43), the Judicial Council is submitting *Pretrial Release Program: Year 2 Report to the Legislature, 2024*.

If you have any questions related to this report, please contact Francine Byrne, Director, Criminal Justice Services, Judicial Council, at 415-865-8069 or francine.byrne@jud.ca.gov.

Sincerely,

Shelley Curran
Administrative Director
Judicial Council

Ms. Cara L. Jenkins
Ms. Erika Contreras
Ms. Sue Parker
May 17, 2024
Page 2

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Enclosures

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Report title: *Pretrial Release Program: Year 2 Report to the Legislature, 2024*

Statutory citation: Budget Act of 2022 (Sen. Bill 154; Stats. 2022, ch. 43)

Date of report: July 2024

The Judicial Council has submitted a report to the Legislature in accordance with the Budget Act of 2022.

The following summary of the report is provided under the requirements of Government Code section 9795.

The Budget Act of 2022 allocated \$70 million in ongoing funding to the Judicial Council to support the operation of court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail. The act requires the Judicial Council to submit to the Legislature an annual report evaluating the program. This second annual report submitted to the Legislature fulfills that program mandate.

This report presents information on the second year, July 2022 through June 2023, of program operations. During this reporting period, many courts enhanced their pretrial services programs by expanding their capacity to make pretrial release decisions before arraignment. They continued collaborating with justice system partners and referred defendants to support services or ordered monitoring conditions for them or both. All courts reported financial and programmatic activities to the council as required.

During this reporting period, Judicial Council staff conducted two trainings that were attended by 62 judicial officers and 100 court administrators from 54 courts. Staff developed four pretrial training webinars that were viewed more than 500 times by court staff and judicial officers. Finally, Judicial Council staff conducted site visits to nine courts to support program implementation and provide technical assistance, as needed. The full report can be accessed at www.courts.ca.gov/7466.htm. A printed copy of the report may be obtained by calling 415-865-8994.

JUDICIAL COUNCIL OF CALIFORNIA

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July 1, 2024



Pretrial Release Program

Year 2 Report to the Legislature, 2024



Judicial Council of California

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Executive Summary

The Budget Act of 2022 (Sen. Bill 154; Stats. 2022, ch. 43) allocated \$70 million in ongoing funding to the Judicial Council to support the operation of court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail. The act requires the Judicial Council to submit an annual report to the Legislature evaluating the program. This second annual report to the Legislature fulfills that program mandate. It identifies the process and functions of pretrial release services, describes how local trial courts and their pretrial partners use the funding to maintain and enhance their pretrial programs, and presents program output data. Finally, it documents the activities of the Judicial Council to support these programs by providing education for judicial officers and staff, disbursing, and overseeing funding, and visiting sites to provide technical assistance.

The Judicial Council allocated approximately \$69 million to local trial courts to support their pretrial programs. The courts were required to contract with local agencies, typically county probation departments, to help implement the programs. Funds are used to provide judicial officers with essential information that can inform their pretrial detention or release decisionmaking, implement court reminder systems, facilitate supportive services, and monitor individuals on pretrial release.

The Judicial Council retains approximately \$1 million to support administrative activities, including training and technical assistance, data collection and analyses, and fiscal management. In this reporting period, Judicial Council staff developed two trainings that were attended by 62 judicial officers and 100 court administrators from 54 courts. Four pretrial training webinars, developed and made available to court staff and justice partners, were viewed more than 500 times. Judicial council staff conducted site visits to nine courts to ensure that programs were properly implemented and provide technical assistance, as needed.

Introduction

Individuals who are arrested and charged with crimes are considered innocent until proven guilty through the court adjudication process. Judicial officers may detain arrested individuals while their cases are being adjudicated if they pose a potential threat to public safety or are considered at risk of not appearing at their court hearings.¹ This pretrial detention, although sometimes necessary, is costly,² has adverse effects on the individual, and may result in increased recidivism.³

The Legislature has supported judicial branch efforts to ensure that pretrial detention is used only when necessary and, to the extent possible, is based on an individual's risk of committing criminal activity or not appearing in court, rather than on their ability to post monetary bail. Most recently, the Judicial Council received \$70 million through the Budget Act of 2022 for the continued operation of the statewide Pretrial Release Program.⁴ This report fulfills the requirements of the Budget Act to produce an annual report to the Legislature by July 1 of each year.

The Judicial Council distributes funding to all 58 trial courts for pretrial release activities. Funding is used to support judicial officers in making pretrial release decisions that impose the least restrictive conditions needed to (1) address public safety risks, and (2) increase the likelihood that individuals return to court for their hearings. Specifically, it is used for a variety of tools and services to support those goals, including pretrial risk assessments, court date reminder systems, supportive services, and appropriate monitoring practices for released individuals. The Legislation requires courts to collaborate and contract with a county department for the administration of these local pretrial programs.⁵

¹ Cal. Const., art. I, § 12,

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=I.

² Will Dobbie and Crystal S. Yang, "The Economic Costs of Pretrial Detention," *Brookings Papers on Economic Activity* (Mar. 2021), www.brookings.edu/articles/the-economic-costs-of-pretrial-detention/.

³ Tiffany Bergin, Rene Ropac, Imani Randolph, and Hannah Joseph, "The Initial Collateral Consequences of Pretrial Detention: Employment, Residential Stability, and Family Relationships," SSRN (Sept.2022), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4216882;

Arnold Ventures, *The Hidden Costs of Pretrial Detention Revisited* (Mar. 21, 2022), pp. 3–6, <https://craftmediabucket.s3.amazonaws.com/uploads/HiddenCosts.pdf>.

⁴ Before the Budget Act of 2022, the Legislature authorized \$75 million in funding for the development of a pretrial pilot program for the implementation and evaluation of 17 pretrial pilot program sites through the Budget Act of 2019 (Assem. Bill 74 (Ting); Stats. 2019, ch. 23). For more information on preceding program activities, see Cal. Courts, "Prior Reforms: Criminal Justice Realignment," Criminal Justice Services, www.courts.ca.gov/75474.htm (as of Mar. 7, 2024).

⁵ The legislation made exceptions to the requirement to contract with county agencies for the Superior Courts of San Francisco and Santa Clara counties. These jurisdictions were allowed to maintain their pretrial programs that were already in place at the time the legislation was enacted and were administered by local non-profit entities.

After providing background on the program, this report proceeds in three sections that document the important elements of a pretrial release program, local activities, and the Judicial Council’s role in administering the program. Section I describes the pretrial release process and practices of California’s Pretrial Release Program. It describes the use of pretrial risk assessment tools, court reminders, monitoring, and supportive services and presents related program output data. Section II describes local activities, operation and enhancement efforts, local jurisdiction funding priorities, and program innovations and challenges. Section III describes the Judicial Council’s role in allocation disbursement and expenditure oversight, education, and technical assistance.

Background

Before the implementation of pretrial release programs, individuals detained in jail before trial typically had two release options: posted bail⁶ or court-ordered release on one’s own recognizance (OR).⁷ In California, most individuals who post bail use commercial bail bonds and are charged a premium—typically 10 percent of the value of the bail. This money is generally nonrefundable even if criminal charges are never filed in the case. Individuals who cannot afford to post bail often remain incarcerated through the case adjudication process.⁸ Pretrial release programs provide an alternative to monetary bail by providing needed information to judicial officers to enable them to make detention and release decisions based on the individuals risk of recidivism or not appearing in court.

Section I: Pretrial Release Program Process and Practices

This section of the report describes the pretrial release process and how programs achieve program compliance through the use of pretrial risk assessment instruments, court reminder systems, supportive services, and monitoring interventions. It also provides data on pretrial release activities during the reporting period.

The Pretrial Release Process

Pretrial release refers to a process in which a person who is charged with a crime and detained in jail is released from custody while their case is being resolved. When a person is arrested, the officer transports them to county jail for booking.⁹ At the jail, the sheriff reviews the booking

⁶ *Bail* is the process by which a person is temporarily released, before trial, in exchange for security (a bond or property) or money promised for the defendant’s future court appearance. The term can also refer to the amount of money posted as a financial condition of pretrial release.

⁷ Standard OR conditions include staying within the jurisdiction, return to court as ordered, and staying away from victims or locations related to the case.

⁸ The California Supreme Court’s unanimous opinion in *In re Humphrey* (2021) 11 Cal.5th 135 requires courts to consider arrested individuals’ financial situation when setting bail. As trial courts continue to operate the Pretrial Release Program, ability-to-pay assessments are being produced and implemented as much as possible.

⁹ In lieu of bringing arrestees to jail, law enforcement officers can cite and release people who are detained for infractions and certain misdemeanors, subject to several exceptions. (See Pen. Code, §§ 853.5, 853.6.) Those

information to determine whether the individual is eligible to be cited and released. Eligibility criteria for release varies from county to county and is typically based on factors such as the severity of the crime, prior criminal history, and any history of failing to appear at court hearings. Individuals cited and released either at the scene or from jail must sign a document promising to appear in court at a future date for their hearing. Individuals who are not released in this manner can post bail according to the local county bail schedule¹⁰ (if financially able) or wait in custody for a release decision that is typically made at arraignment.

Pretrial programs offer an alternative to the typical process by reducing reliance on monetary bail. Pretrial service providers can access criminal history and other relevant information about in-custody individuals and use pretrial risk assessment instruments¹¹ to prepare risk assessment reports. Judicial officers review these reports at or before arraignment hearings to inform individual, evidence-based custody decisions. Courts using automated pretrial risk assessment instruments are often able to make release or detention decisions for many individuals before their arraignment hearing.¹²

At arraignment,¹³ a judicial officer can either set bail, detain the arrestee if they pose a significant risk to public safety or are unlikely to appear in court, or release them on OR with conditions. Standard OR conditions, typically used for lower-risk defendants, include remaining within the jurisdiction, returning to court as ordered, and staying away from victims or locations related to the case. OR with monitoring conditions offered through pretrial service agencies are court ordered upon a judicial officer's release decision and can include Global Positioning System (GPS) monitoring, frequent check-ins with pretrial service officers, and supportive services, such as transportation vouchers or referrals to treatment.

While an individual on pretrial release waits for their case to be adjudicated, pretrial service agencies may monitor individuals and submit progress reports to the courts for potential adjustments to their release conditions or request a remand to custody for people who are not successful in meeting the conditions of their release.

The pretrial program has an impact on when and how individuals are released from custody. Because judicial officers in some jurisdictions can have access to risk assessment information

individuals are provided a citation telling them to appear in court and are not taken into custody. Defendants can be cited and released in the field or transported to jail and then cited and released.

¹⁰ Bail schedules contain recommended bail amounts for different offenses and can vary county to county.

¹¹ For more information about pretrial risk assessment instruments, see Judicial Council of Cal., *SB 36: Pretrial Pilot Program Aggregated Data Report* (July 2023), www.courts.ca.gov/documents/2023-SB36-Pretrial-Aggregated-Data-Report-Final.pdf.

¹² *Arraignment* is the first court hearing in a criminal case that generally occurs within two court days of a person's arrest.

¹³ For those released before arraignment, a judicial officer can consider new available information to detain, order further monitoring conditions, or request supportive service referrals to available voluntary services. Twenty-eight courts have established and implemented robust prearraignment release processes.

shortly after arrest, they are often able to make informed release and detention decisions before arraignment. In addition to the timing of the release, the type of release is also influenced by pretrial programs. Risk assessment information and the ability to ensure that defendants are monitored and have supportive services as needed may result in increases in the number of people released on their own recognizance or on monitoring. In the sections below, more information is provided about pretrial service programs.

Achieving Program Compliance

Courts collaborate with pretrial service agencies to help ensure that individuals released before trial comply with the conditions of their release. Various methods are used, including pretrial risk assessment instruments, court date reminder systems, supportive services, and electronic monitoring.

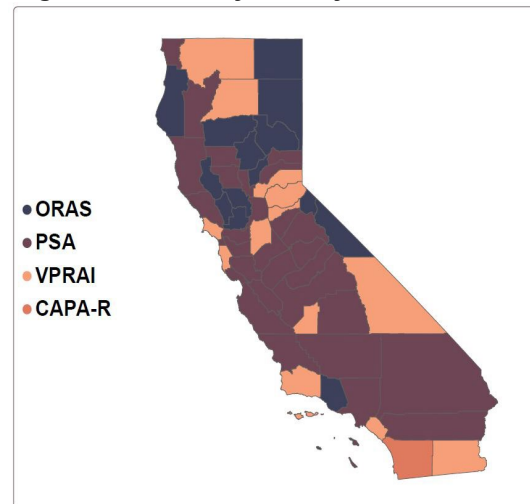
Pretrial risk assessment instruments

All of California's 58 counties use pretrial risk assessment instruments (PRAIs) to help inform judicial officers when making pretrial detention and release decisions. These tools use criminal history and other relevant data to assess the likelihood that an arrested person will commit a criminal offense or fail to appear in court as required during the time they are on pretrial release.¹⁴ These data are integral to the risk assessment reports submitted to the courts to inform judicial officer pretrial release decisions and aid them in determining the least restrictive monitoring practices needed to ensure program compliance. Pretrial release programs reported that 192,201 risk assessments reports were submitted to the courts during the reporting period.

Courts chose which instrument to use based on local needs and preferences, and in accordance with statutory requirements for tool validation and transparency. (See Pen. Code, § 1320.35(c)(2) &(d)(1).) Figure 1 illustrates the use of pretrial risk assessment instruments by county:

- 30 counties use the Public Safety Assessment (PSA);
- 14 use the Ohio Risk Assessment System (ORAS);
- 13 counties use the Virginia Pretrial Risk Assessment Instrument, including revised versions (VPRAI); and
- One county uses the revised version of the California Pretrial Assessment (CAPA-R).

Figure 1. PRAIs by County



¹⁴ More information about PRAIs is available at Judicial Council of Cal., *Pretrial Reform: Pretrial Reform and Operations Workgroup Update and Recommendations on Use of Pretrial Risk Assessment Instruments* (Nov. 13, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8870018&GUID=AFC468B3-B307-45AC-9AB2-A77DE0A692C9>.

See Appendix B for a list of counties and their respective pretrial risk assessment instruments.

Court date reminder systems

Court date reminder systems alert individuals of upcoming court hearings and often other pretrial release obligations. The reminders are typically made through text messages or phone calls. Forty-six counties implemented court reminder systems for people on pretrial release. Ten of those counties developed an automated process that sends reminders based on information obtained directly from court calendar information. The 12 jurisdictions that have not implemented a court date reminder system report that they are planning to do so.

Supportive services

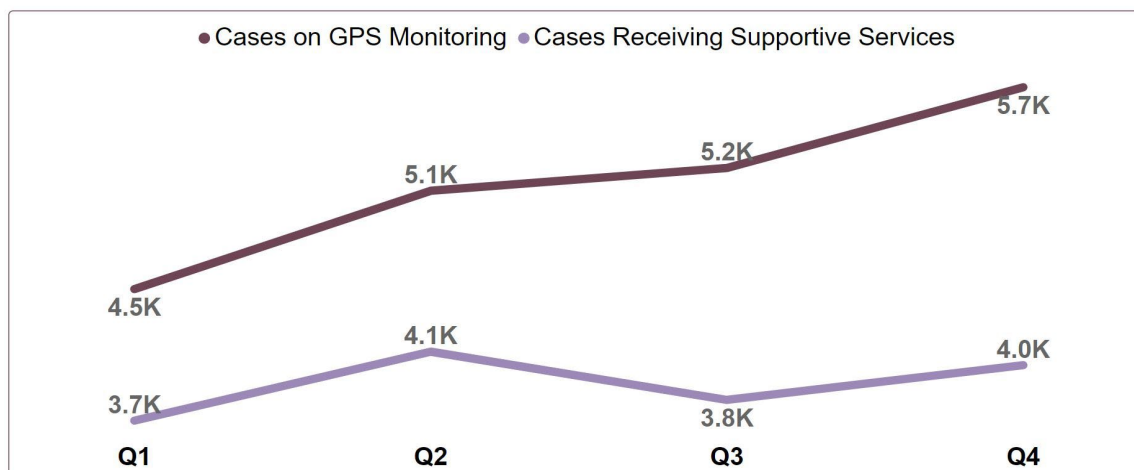
Pretrial release programs use supportive services to address issues that may cause the individual to be more likely to recidivate or increase their risk of not appearing in court. Community-based organizations, local social service agencies, and other justice partners collaborate with pretrial service providers to provide transportation, cellular phones, shelter, clothing, and food or other basic necessities to individuals on pretrial release. Programs also contract with local agencies to provide access to career development services, assist in applying for identification documents, and provide referrals for mental health and substance use treatment.

Electronic monitoring

Although each judicial officer may order monitoring whenever they deem it necessary to release someone before trial, electronic monitoring is typically used for individuals who are considered to be at the highest risk of recidivism while on pretrial release. Electronic monitoring most commonly refers to a GPS and tracks an individual's location in real time, allowing pretrial service to monitor their movement and report any violations of restrictions imposed by the court.

Of the 192,201 risk assessment reports reviewed by the court, 34,243 cases were added to the statewide monitored caseload. Pretrial service agencies carried an average quarterly caseload of 21,187 cases, with an average of 3,910 cases receiving supportive services and an average of 5,100 cases on GPS. Individuals on monitoring may be included in caseloads for multiple quarters. Not all pretrial release participants are represented in these numbers because some individuals are not receiving monitoring services. Figure 2 shows the number of cases using GPS and supportive services by each quarter in fiscal year (FY) 2022–23.

Figure 2. Use of Supportive Services and GPS by Quarter in FY 2022–23



Program Data

To understand the scope and impact of the Pretrial Release Program, the Judicial Council requires courts to submit data on bookings, release types, assessments conducted, and the use of monitoring and supportive services.¹⁵ The courts must work with jails and pretrial service providers to gather and verify these data before submission to the Judicial Council. Data provided for this report were collected between July 1, 2022, and June 30, 2023.¹⁶ Data collected on the timing and types of releases are presented below.

For analytic purposes, release types are categorized into releases that occur either within or after two days of arrest. This information provides a good indicator of whether individuals were released before or after

arraignment. Courts reported 709,712 bookings in the reporting period, 67 percent (476,861) of which resulted in releases at or before arraignment. Of those releases, more than 69 percent (326,915) took place within two or fewer days of the booking.¹⁷ The percentage of individuals released at or before arraignment has increased from the first year of implementation. Courts reported 721,735 bookings, of which 64 percent (464,451) of individuals were released at or

Outcomes From Pilot Program

- Pretrial release rates increased for both misdemeanors (5.7%) and felonies (8.8%).
- Rearrest/rebooking rates decreased for both misdemeanors (5.8%) and felonies (2.4%).
- Failure-to-appear rates decrease for misdemeanors (6.8%) and increased for felonies (2.5%).

¹⁵ Demographic information on general booking information collected are presented in Appendix C.

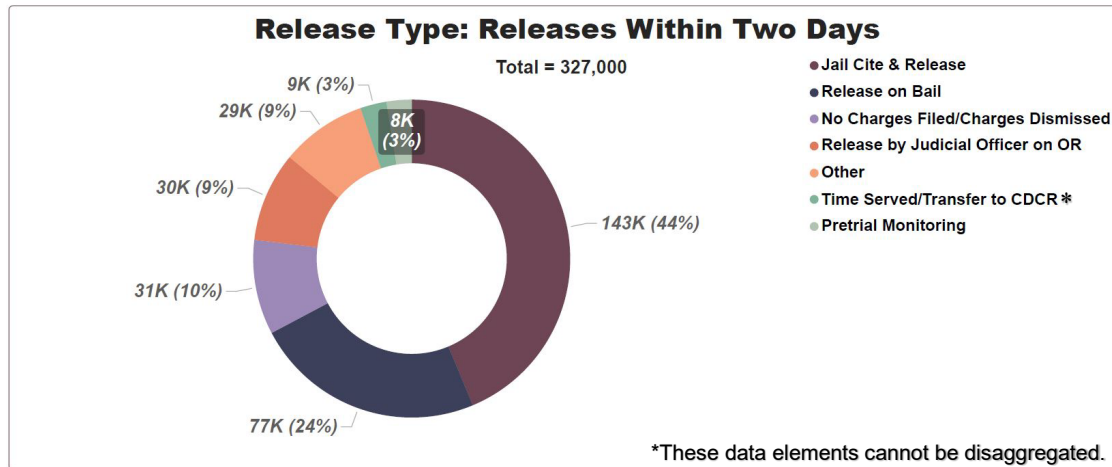
¹⁶ A robust analysis of outcomes was not conducted during this reporting period; however, research findings from the Pretrial Pilot Program indicate that the programs have been successful in increasing pretrial release rates while preserving public safety. See Judicial Council of Cal., *Pretrial Pilot Program, Report to the Legislature* (July 2022), www.courts.ca.gov/documents/Pretrial-Pilot-Program_Legislative-Report_July-2022.pdf.

¹⁷ Data from Year 2 does not include Los Angeles County data from quarters three and four of the reporting period. Los Angeles is undergoing a major countywide case management system transition and data is forthcoming.

before arraignment, with 70 percent (325,555) of the individuals released within two days of booking.

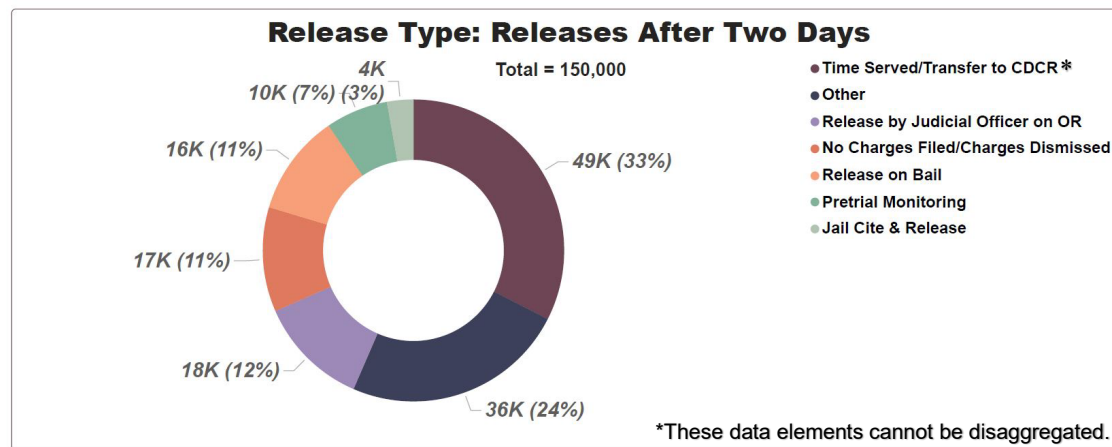
Figures 3 and 4 display the release types of individuals released within two days and after two days, respectively. Numbers have been rounded up for simplicity. The most common release type within two days is jail cite and release, with courts reporting 142,858 individuals released in this manner. Release by judicial officer on OR accounts for 29,829 releases within two days, with 8,349 pretrial monitoring releases during that time frame.

Figure 3. Release Types for Releases Within Two Days



The most common release type after two days is time served or transfer to the California Department of Corrections and Rehabilitation, with courts reporting 48,751 individuals released from jail for those reasons. The second most common release type is other, which includes releases to various agencies, medical institutions, and/or other court programs. Release by judicial officer on OR accounts for 17,870 releases after two days, with 10,030 pretrial monitoring releases.

Figure 4. Release Types for Releases After Two Days



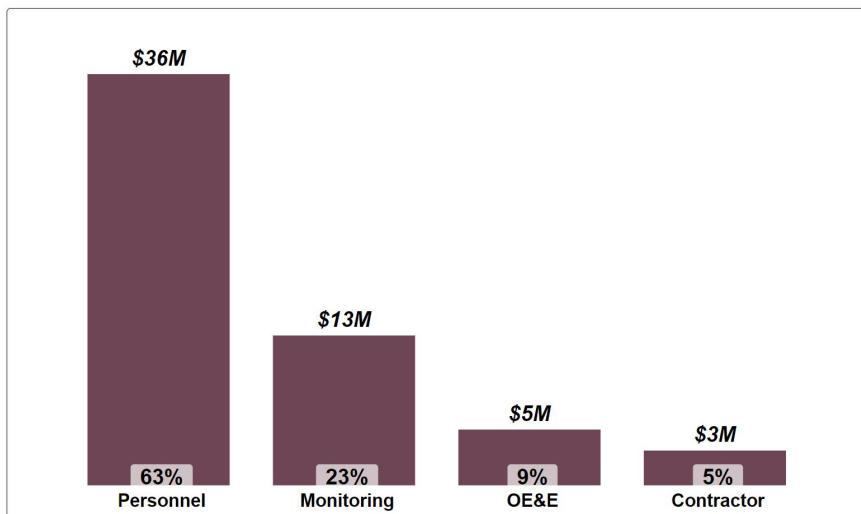
Section II: Local Program Activities

This section of the report describes courts' expenditures in the second program year, program enhancement and implementation activities, justice partner collaboration, and court-reported challenges with lack of resources, staffing, and data collection and sharing efforts.

Allocation Expenditures

The Judicial Council disbursed nearly \$69 million to the courts for local program activities. Approximately 82 percent of the funding was spent by the courts and their pretrial service providers in accordance with authorizing legislation. Courts submit annual program budgets for approval by council staff.¹⁸ After program delays resulting from the COVID-19 pandemic in the first year, court expenditures gradually increased in the second year. Courts expended funds during this reporting period in accordance with the eligible expenditures defined in the Budget Act. See Appendix D for Total Expenses by Category.

Figure 5. Ongoing Pretrial Service Budget, by Category



Pretrial service providers receive at least 70 percent of courts' pretrial allocation. A detailed breakdown of the costs associated with the pretrial service provider allocation distribution can be found in Figure 5. The categories in Figure 5 are

(1) Personnel: salaries and benefits of pretrial service provider staff;

(2) Monitoring: electronic

tracking services, GPS, and associated equipment costs; (3) OE&E (operating expenses and equipment): travel costs, supplies costs, major and minor equipment such as computers and vehicles, and other costs necessary for program operation; and (4) Contractor: information technology contractors, supportive services, and/or consulting contractors.

Courts may keep up to 30 percent of their respective jurisdiction's allocation. After contracting with the local pretrial service agency, the most common reported court expenditures are related

¹⁸ This number does not include FY 2021–22 allocations that were rolled over in the Budget Act of 2022 to be expended or encumbered by the end of FY 2023–24.

to the integration, sharing, and collection of data and to expanding the scope of the program through automated processes and technological enhancements.

Program Enhancement and Implementation Activities

Courts expanded the use of pretrial risk assessments, developed tools to support pretrial decisionmaking more efficiently, and increased monitoring options. Twenty-six courts reported that they began conducting earlier risk assessment review, in some cases completed 24 hours a day, seven days a week, depending on local needs. Several of the remaining courts made plans to implement similar processes. Seventeen courts purchased tablets, electronic signature software, and other equipment to enable judicial officers to make pretrial release decisions away from the bench and outside of regular business hours. Courts increased efficiency through technology upgrades and increased court staffing to enhance and expand on the local programs.

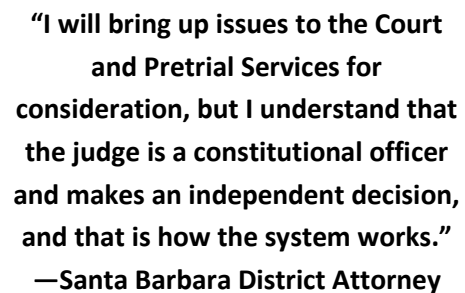
Following are examples of court activities to increase program efficiency, implemented during this reporting period:

- The Superior Court of Alameda County provides user-friendly computer tablets for each courtroom that handles own recognizance releases. Individuals use the tablets to quickly provide contact information for future court date reminders.
- The Superior Court of Imperial County offers a satellite office to assist individuals living in some remote areas to fulfill court orders.
- The Superior Court of Sutter County upgraded courtrooms to provide remote options in criminal court hearings.

Justice Partners and Community Collaboration

Most counties convene a multidisciplinary group of county stakeholders and justice partners to assist in the development of pretrial release programs. Judicial officers and court leadership coordinate stakeholder meetings to discuss local pretrial release policy and program goals and outcomes and to identify and remedy challenges. Pretrial service providers monitor defendants as needed and facilitate supportive services aimed at ensuring a return to court. Sheriff's departments provide data to the court to help fulfill reporting requirements. Prosecutors file charges that are integral to the submitted risk assessment report considered by judicial officers making release decisions. They also provide recommendations to detain or release individuals based on their perceived risk to public safety.

Justice partners collaborate to develop programs and services that meet their local needs with available resources. Below are some examples of programs implemented during this reporting period:



“I will bring up issues to the Court and Pretrial Services for consideration, but I understand that the judge is a constitutional officer and makes an independent decision, and that is how the system works.”
—Santa Barbara District Attorney

- The Contra Costa County Probation Department operates a mobile office at the court for pre- and post- court hearing check-ins. Individuals fulfill some court-ordered requirements and are connected to referrals for services and basic needs.
- The Sacramento County Probation Department automatically submits risk assessment reports to all justice partners before arraignment, allowing the Sacramento County Public Defender’s Office to assess individual needs and facilitate referrals and services upon pretrial release.
- The Yolo County Probation Department contracts an in-house part-time mental health clinician through the Yolo County Health and Human Services Department. The clinician assists individuals with voluntary mental health assessments and referrals to appropriate services.

Although courts recognize that pretrial release programs rely on justice system partner collaboration, many report challenges in developing or maintaining these relationships or both. Differing visions, expectations, and goals of other justice partners and stakeholders; the availability and management of personnel and other resources; and the difficulties in exchanging data at the local level present challenges in local collaborations. These challenges reflect the issues that are often identified throughout the justice system and go beyond the pretrial program. Successfully addressing the issues in the pretrial context are expected to pave the way for increased collaboration in other parts of the system.

Challenges

This section lists some of the most common challenges reported during the second year of local programs by the courts and their pretrial service providers.

Lack of available resources

Some courts report challenges associated with insufficient resources. Several courts participated in the Judicial Council’s Pretrial Pilot Program before the implementation of the statewide program, and because the pilot program provided more funding than the statewide program, some pilot courts reported that they had to limit the scope and services compared to those of their comprehensive pretrial pilot programs. Additionally, courts reported that the allocation methodology stated in the Budget Act of 2022 did not accurately reflect the pretrial workload. The original allocation was based on the proportion of the jurisdiction’s population between the ages of 18 and 25—the age category that is historically most at risk of committing crime. Data collected in the first year of the program suggest that individuals 25 to 34 years of age are most likely to be arrested for committing crime. This finding comports with research conducted at the state level.¹⁹ The Judicial Council is continuing to evaluate the data and may seek revision of the allocation methodology to reflect workload needs more accurately.

¹⁹ Magnus Lofstrom, Brandon Martin, and Deepak Premkumar, *Are Younger Generations Committing Less Crime?* Public Policy Institute of California (Sept. 2023), www.ppic.org/publication/are-younger-generations-committing-less-crime/.

Staffing

Most courts reported challenges in hiring and/or funding staff to fill the needs of their local program. Reflecting the worker shortage experienced throughout the state, courts reported that pretrial release service providers struggled to recruit staff.²⁰ Staffing shortages resulted in higher than optimal pretrial caseload sizes in many counties. Most courts and justice partners continue to search and recruit for vacant positions.

Data collection and sharing

As mentioned previously, the Judicial Council collects data to assess the scope and impact of the statewide Pretrial Release Program. Courts reported that justice partners involved in data collection and sharing encountered challenges making the necessary modifications to their case management systems. Courts are using funding to update their technology and are working with information technology departments to develop comprehensive data collection and sharing systems. Courts continue to have conversations with their justice partners to support the continuity of data collection and compliance for data reporting requirements under the Budget Act.

Section III: Judicial Council Activities Supporting the Statewide Program

This section of the report describes the role of the Judicial Council, which includes allocation disbursement and oversight, pretrial education and training for the courts and justice partners, and site visits. The Judicial Council retains approximately \$1 million annually (the equivalent of five percent of the funding that may be retained by the trial courts) to assist with supporting and evaluating the statewide Pretrial Release Program.

Allocation Disbursement and Expenditure Oversight

The Budget Act of 2022 authorized the Judicial Council to disburse and oversee local program funding to all trial courts in accordance with ongoing funding formulas, identified by the Legislature based on an allocation methodology approved by the council at its October 2021 meeting.²¹ For expenditure oversight, a percentage of funding is disbursed annually after budgets are submitted to and approved by council staff. The Judicial Council requires courts to submit itemized projected spending proposals in a budget summary and a program description detailing budgets for the courts and providers from each local program. Council staff monitor expenses through a court financial system and evaluate and approve requested budget modifications as needed to ensure that changes align with statewide program goals. See Appendix E for 2022-23 Pretrial Release Allocations.

²⁰ Dan Walters, *California's Worker Shortage Has Quickly Become Another Existential Issue* (Cal Matters, Jan. 10, 2024), <https://calmatters.org/commentary/2024/01/worker-shortage-existential-issue-california/>.

²¹ Judicial Council of Cal., Advisory Com. Rep., *Allocations and Reimbursements to Trial Courts: Pretrial Release Funding and Allocation Methodology* (Sept. 15, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9814613&GUID=7AB3D35B-705F-4527-BFE9-C78FC9442FF6>.

Education and Training

During this reporting period, the Judicial Council hosted several educational events, including in-person and virtual trainings, aimed at assisting the trial courts in their efforts to meet the local program requirements. Council staff also provided technical assistance to trial court staff in the development of local in-person and virtual pretrial training sessions for judicial officers, court staff, and local program providers. Two in-person trainings, four webinars, and one program memorandum were developed during this reporting period. See Appendix G, Education and Training Agendas, for training agendas.

In-person trainings

Judicial Council staff developed two in-person training sessions for judicial officers. Materials were made available to judicial officers and court staff on the Judicial Resources Network, the California judicial branch’s internal website.²²

- Statewide training: The Judicial Council hosted a pretrial training for judicial officers in conjunction with the statewide meeting of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee in January 2023. This training was attended by 46 presiding or assistant presiding judges and 57 court executive or assistant court executive officers.
- Regional training: Staff held a regional training, *Pretrial Release Policy and Practice*, for Northern California courts in April 2023, in Redding, California. Sixteen judicial officers representing 11 courts attended the regional training. Two additional regional trainings are scheduled for San Bernardino and Sacramento in FY 2023–24.

“This training helped me break the inertia of 30 years of criminal practice, changing my view on the reasons for and purpose of bail, and changing the way I approach bail issues on a day-to-day basis.”
–Judicial Officer Attendee

Webinars

Judicial Council staff created an informal workgroup with trial court personnel to develop a four-part annual training by identifying relevant topics, training needs, and potential presenters. Three statewide webinars were conducted during this reporting period. An additional webinar was conducted specifically for courts that provide case-level data to the Judicial Council. An average of 70 court staff and local justice partners representing at least 33 courts and counties attended the trainings. Materials and audiovisual recordings were made available to registrants of the webinar after the presentation.

²² Topics included a review of the historical and emerging perspective on bail; the procedures for setting, modifying, and denying bail based on the holdings of *In re Humphrey* (2021) 11 Cal.5th 135, *In re Brown* (2022) 76 Cal.App.5th 296, and *In re Kowalczyk* (2022) 85 Cal.App.5th 667 [301 Cal.Rptr.3d 648], review granted March 15, 2023, S277910; and the use of pretrial risk assessment instruments.

- The Superior Court of Santa Cruz County presented on issues at the intersection of pretrial release services and mental health diversion, focusing on how local community-based organizations meet the needs of individuals on pretrial release.
- The Superior Court of Tuolumne County presented on the court’s use of consultants to help facilitate collaboration with the Tuolumne County Probation Department to implement and streamline a comprehensive program.
- Judicial Council staff hosted a webinar for the courts and local justice partners to review requirements and changes to the statewide program and prepared and distributed the annual *Pretrial Release Funding—Overview of Program Guidance Memorandum*.

Technical data visualization webinars for courts providing robust data

In addition to the above webinars, special trainings were developed on data visualization for courts that submit case-level data to the Judicial Council. A two-part series was created, with one webinar held during this reporting period, in January 2023. It demonstrated the process of developing interactive data visualizations to share program outcomes with the court and stakeholders. Ten courts and counties, with several county agencies supporting local programs, were in attendance. Materials and audiovisual recordings were made available to registrants of the webinar after the presentation.

Site Visits

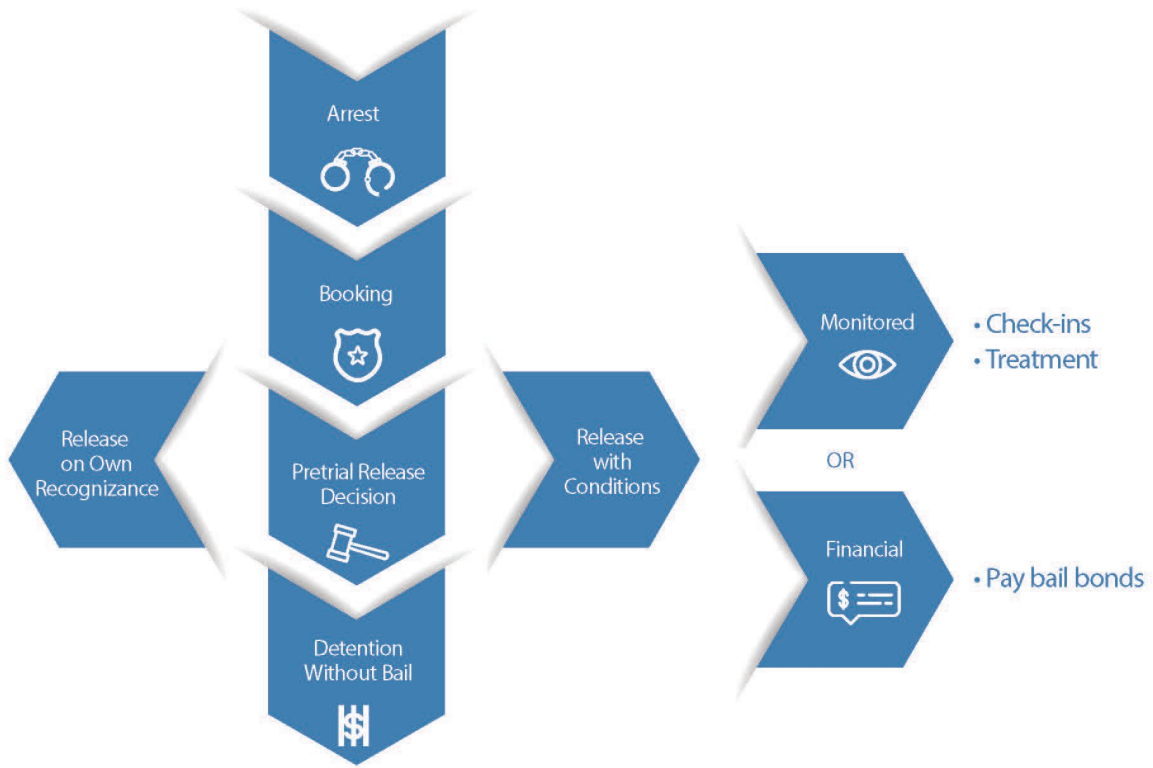
Staff conducted nine site visits in the reporting period. Staff visited the courts of Glenn, Lake Lassen, Nevada, Plumas, San Francisco, Shasta, Siskiyou, and Tehama counties. During site visits, council staff observed the courts’ proceedings, visited with local justice partners, and discussed local guidelines and program features. Program challenges may be identified and discussed, and council staff may provide suggestions based on efforts of similarly situated courts or general guidance or both. One such discussion led two judicial officers to attend an upcoming judicial officer training, and another discussion led a court to a significantly easier reporting process on clarification of a required data point.

Conclusion

Courts continue to conduct their operations in compliance with the goals and requirements of the statewide Pretrial Release Program, as outlined by the Legislature. After delays due to the pandemic in Year 1, courts and providers took Year 2 to work diligently on the enhancement of local programs, reporting that the roles of all justice partners, local stakeholders, and agencies are essential to the development and operation of the local program. With the continued help of the Legislature, the judicial branch will continue to pursue best practices and procedures to reduce the number of individuals detained before trial and to preserve public safety. The next legislative report on the Pretrial Release Program will be submitted to the Legislature in July 2025.

Appendix A: Pretrial Release Process

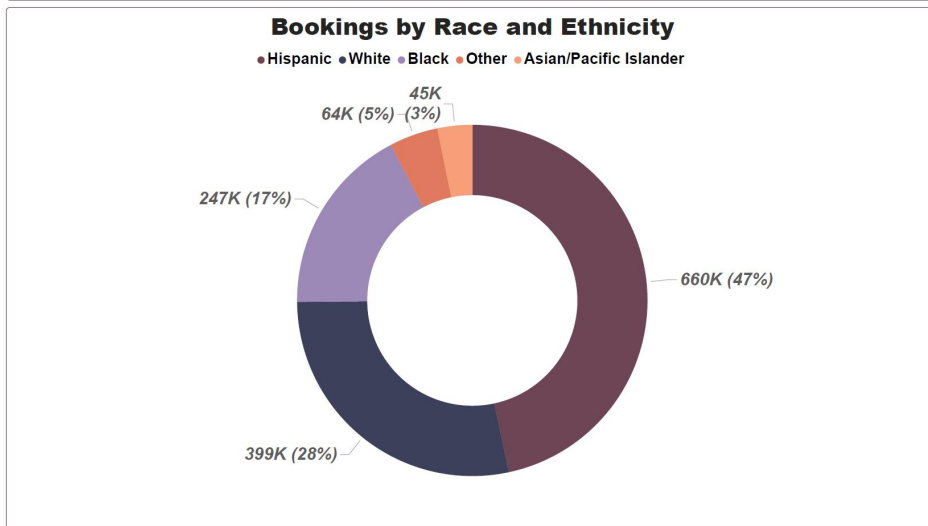
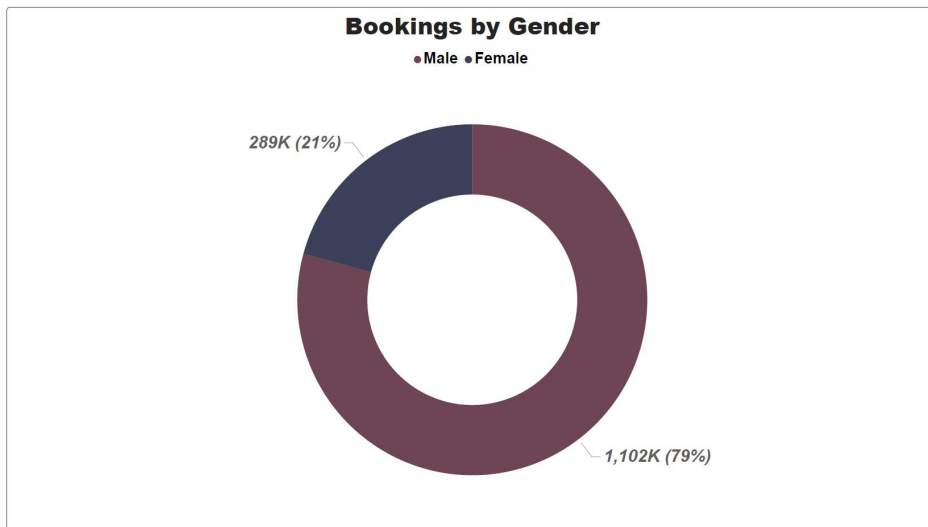
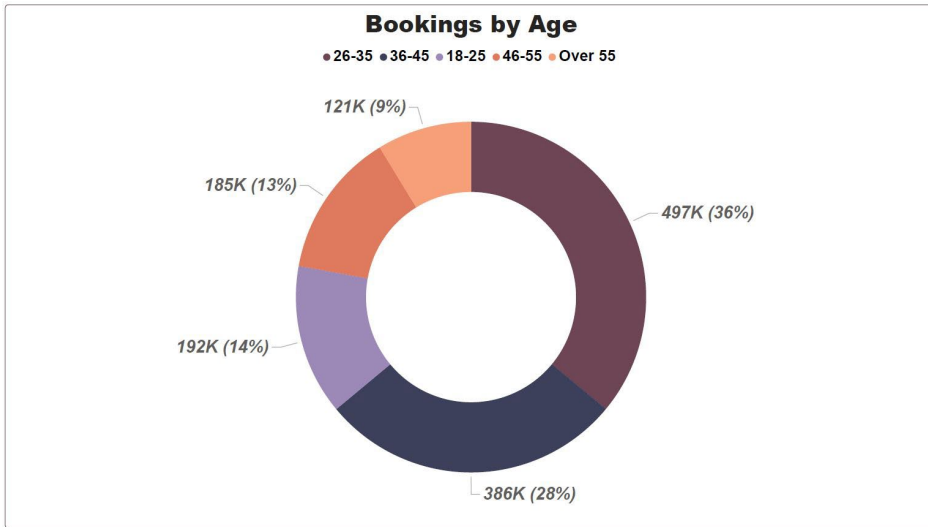
Pretrial Release Process



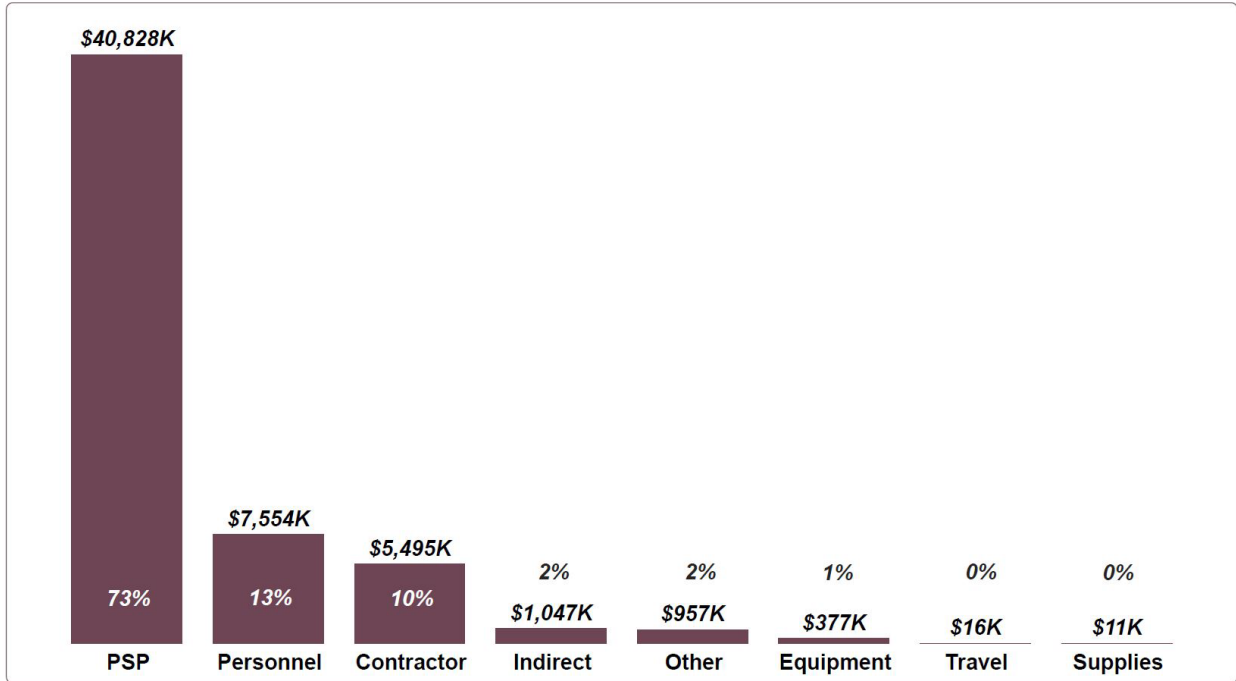
Appendix B: Pretrial Risk Assessment Instrument, by County

Court	Pretrial Risk Assessment Instrument	Court	Pretrial Risk Assessment Instrument
Alameda	PSA	Orange	VPRAI
Alpine	ORAS	Placer	VPRAI
Amador	VPRAI	Plumas	ORAS
Butte	ORAS	Riverside	PSA
Calaveras	PSA	Sacramento	PSA
Colusa	PSA	San Benito	PSA
Contra Costa	PSA	San Bernardino	PSA
Del Norte	PSA	San Diego	CAPA-R
El Dorado	VPRAI	San Francisco	PSA
Fresno	PSA	San Joaquin	VPRAI
Glenn	PSA	San Luis Obispo	PSA
Humboldt	ORAS	San Mateo	VPRAI
Imperial	VPRAI	Santa Barbara	VPRAI
Inyo	VPRAI	Santa Clara	PSA
Kern	PSA	Santa Cruz	PSA
Kings	VPRAI	Shasta	VPRAI
Lake	ORAS	Sierra	PSA
Lassen	ORAS	Siskiyou	VPRAI
Los Angeles	PSA	Solano	ORAS
Madera	PSA	Sonoma	PSA
Marin	VPRAI	Stanislaus	PSA
Mariposa	PSA	Sutter	PSA
Mendocino	PSA	Tehama	ORAS
Merced	PSA	Trinity	PSA
Modoc	ORAS	Tulare	PSA
Mono	ORAS	Tuolumne	PSA
Monterey	PSA	Ventura	ORAS
Napa	ORAS	Yolo	ORAS
Nevada	PSA	Yuba	ORAS

Appendix C: Booking Demographic Data Collected



Appendix D: Total Expenses, by Categories



PSP = Pretrial Service Provider.

Appendix E: 2022–23 Pretrial Release Allocations

Court	Allocation	Court	Allocation
Alameda	\$2,412,294.00	Placer	\$505,765.00
Alpine	\$200,000.00	Plumas	\$200,000.00
Amador	\$200,000.00	Riverside	\$4,159,766.00
Butte	\$569,525.00	Sacramento	\$2,306,027.00
Calaveras	\$200,000.00	San Benito	\$200,000.00
Colusa	\$200,000.00	San Bernardino	\$3,933,868.00
Contra Costa	\$1,638,230.00	San Diego	\$6,001,161.00
Del Norte	\$200,000.00	San Francisco	\$1,071,399.00
El Dorado	\$234,913.00	San Joaquin	\$1,276,343.00
Fresno	\$1,723,613.00	San Luis Obispo	\$750,574.00
Glenn	\$200,000.00	San Mateo	\$986,104.00
Humboldt	\$299,976.00	Santa Barbara	\$1,228,201.00
Imperial	\$322,902.00	Santa Clara	\$2,846,992.00
Inyo	\$200,000.00	Santa Cruz	\$2,846,992.00
Kern	\$1,592,888.00	Shasta	\$240,055.00
Kings	\$292,669.00	Sierra	\$200,000.00
Lake	\$200,000.00	Siskiyou	\$200,000.00
Lassen	\$200,000.00	Solano	\$679,877.00
Los Angeles	\$16,779,791.00	Sonoma	\$705,761.00
Madera	\$266,802.00	Stanislaus	\$910,265.00
Marin	\$298,708.00	Sutter	\$200,000.00
Mariposa	\$200,000.00	Tehama	\$200,000.00
Mendocino	\$200,000.00	Trinity	\$200,000.00
Merced	\$539,503.00	Tulare	\$827,188.00
Modoc	\$200,000.00	Tuolumne	\$200,000.00
Mono	\$200,000.00	Ventura	\$1,385,039.00
Monterey	\$758,621.00	Yolo	\$777,586.00
Napa	\$211,494.00	Yuba	\$200,000.00
Nevada	\$200,000.00	Total:	\$68,950,000.00
Orange	\$5,102,448.00		

Appendix F: Funding Floor Allocations for Small Courts

Court	Funding Floor Allocation	Nonfunding Floor Allocation	Total Expended	Nonfunding Floor % Expended
Alpine	\$200,000.00	\$592.44	\$46,413.99	7,834%
Amador	\$200,000.00	\$41,915.36	\$101,308.11	242%
Calaveras	\$200,000.00	\$52,634.87	\$253,685.10	482%
Colusa	\$200,000.00	\$35,305.91	\$146,929.92	416%
Del Norte	\$200,000.00	\$35,602.13	\$152,993.92	430%
Glenn	\$200,000.00	\$46,358.68	\$167,569.32	361%
Inyo	\$200,000.00	\$19,661.71	\$596.64	3%
Lake	\$200,000.00	\$78,980.08	\$228,371.64	289%
Lassen	\$200,000.00	\$61,799.23	\$189,445.44	307%
Mariposa	\$200,000.00	\$16,255.16	\$276,941.66	1,704%
Mendocino	\$200,000.00	\$7,461.08	\$376,526.85	5047%
Modoc	\$200,000.00	\$26,067.50	\$160,783.69	617%
Mono	\$200,000.00	\$109,194.68	\$105,417.74	97%
Nevada	\$200,000.00	\$20,865.11	\$286,476.87	1,373%
Plumas	\$200,000.00	\$106,362.06	\$39,755.84	37%
San Benito	\$200,000.00	\$2,814.11	\$133,128.96	4,731%
Sierra	\$200,000.00	\$54,060.44	\$157,902.94	292%
Siskiyou	\$200,000.00	\$86,496.70	\$15,060.02	17%
Sutter	\$200,000.00	\$12,293.20	\$181,421.95	1,476%
Tehama	\$200,000.00	\$69,315.85	\$205,653.45	297%
Trinity	\$200,000.00	\$133,799.59	\$36,272.81	27%
Tuolumne	\$200,000.00	\$120,265.97	\$233,894.62	194%
Yuba	\$200,000.00	\$152,813.31	\$350,719.79	230%

Appendix G: Education and Training Agendas

PRETRIAL RELEASE POLICY AND PRACTICE Training for Judicial Officers			
Thursday, January 26, 2023 Marriott Hotel, Rancho Cordova Sacramento, California			<h1>Agenda</h1>
Zoom Meeting Link (8:30–10:30 am) https://jud-ca-gov.zoomgov.com/j/1601695696?pwd=MTc2VjNuN1NBbkc2ZGgwbVNJZXF1UT09			
8:30	–	8:35 a.m.	CJS Welcome (Junior Ballroom) <i>Francine Byrne, Director, Criminal Justice Services, Judicial Council</i>
8:35	–	8:45 a.m.	Welcome and Introductions (Junior Ballroom) <i>Hon. Marsha Slough, Justice, Fourth District Court of Appeal, Division Two</i>
8:45	–	9:10 a.m.	Bail and Pretrial Release (Junior Ballroom) <ul style="list-style-type: none"> ▪ Background to Bail ▪ Purpose and intent of legislation ▪ Role of Judicial Officer making release decision <i>Hon. Lisa R. Rodriguez, Judge, Superior Court of California, County of San Diego</i>
9:10	–	9:45 a.m.	Pretrial Release in Post-Humphrey Era (Junior Ballroom) <ul style="list-style-type: none"> ▪ A review of recent case law including <i>In re Humphrey</i>, <i>In re Brown</i>, <i>In re Kowalczyk</i>, and <i>In re O’Connor</i> <i>Hon. J. Richard Couzens (Ret.), Judge, Superior Court of California, County of Placer</i>
9:45	–	10:20 a.m.	The Use of Risk Assessment Instruments and Pretrial Release (Junior Ballroom) <ul style="list-style-type: none"> ▪ What are Risk Assessment Instruments? ▪ Communicating Risk: Success vs Failure ▪ Pre-Arrestment v. Individualized Detention Hearing <i>Hon. Brett R. Alldredge, Judge, Superior Court of California, County of Tulare</i>
10:20	–	10:30 a.m.	Break —Head into breakout groups (three breakout groups by court size and one Zoom link for virtual attendees) <i>Michael Roosevelt, Senior Analyst, Criminal Justice Services, Judicial Council</i>

10:30	–	11:30 a.m.	<p style="text-align: center;">Hypothetical exercises (Junior Ballroom, Newport Room, and Santa Rosa Room)</p> <p style="text-align: center;">Zoom Meeting Link https://jud-ca-gov.zoomgov.com/j/1606079709?pwd=Y09WZGIveTg5Q2RpOHluTnpFVFVVIQT09</p> <ul style="list-style-type: none"> ▪ Scenarios and discussion around assessments and application of Humphrey <p><i>Facilitated by Judge Couzens (Ret), Judge Rodriguez, Judge Alldredge, and Assistant Presiding Judge Sergio Tapia, Superior Court of California, County of Los Angeles</i></p>
11:30	–	11:45 a.m.	<p>Break: Lunch held in Rancho Cordova Room</p>
11:45 a.m.	–	1:15 p.m.	<p>Panel Discussion: <i>Implementing Successful Pretrial Programs and the Role of Court Leadership</i> (Rancho Cordova Room)</p> <p style="text-align: center;">Zoom Meeting Link https://jud-ca-gov.zoomgov.com/j/1605236860?pwd=VDZKNKziI4TnhBV0VpbVNkVEZhWENZdz09</p> <p>Panel members:</p> <ul style="list-style-type: none"> ▪ Hon. Charles A. Smiley III, Presiding Judge, Superior Court of California, County of Alameda ▪ Hon. Debra L. Givens, Presiding Judge, Superior Court of California, County of Yuba ▪ Hon. Sergio Tapia III, Assistant Presiding Judge, Superior Court of California, County of Los Angeles ▪ Ms. Stephanie Cameron, CEO, Superior Court of California, County of Tulare ▪ Mr. Hector Gonzalez, CEO, Superior Court of California, County of Tuolumne ▪ Mr. Lee Seale, CEO, Superior Court of California, County of Sacramento <p><i>Moderated by Justice Slough and Jason B. Galkin, CEO, Superior Court of California, County of Nevada</i></p>

PRETRIAL RELEASE POLICY AND PRACTICE			
Training for Judicial Officers			
Tuesday, April 18, 2023			Agenda
8 a.m.–4 p.m. Red Lion Hotel, Redding Shasta County, California			
Morning Session			
8:00	–	9:00 a.m.	Registration and Breakfast A chance to meet the faculty for today’s training and the Judicial Council’s pretrial team
9:00	–	9:05 a.m.	Criminal Justice Services (CJS) Welcome and Call to Order <i>Deirdre Benedict, Supervising Analyst, Criminal Justice Services, Judicial Council</i>
9:05	–	9:15 a.m.	Welcome and Introductions <i>Hon. Adam B. Ryan, Presiding Judge, Superior Court of California, County of Shasta</i>
9:15	–	10:15 a.m.	Bail and Pretrial Release (via Zoom) <ul style="list-style-type: none"> ▪ Background to bail ▪ Purpose and intent of legislation ▪ Role of judicial officer making release decision <i>Hon. Lisa R. Rodriguez, Judge, Superior Court of California, County of San Diego, appearing remotely</i>
10:15	–	11:00 a.m.	Pretrial Release in Post-Humphrey Era <ul style="list-style-type: none"> ▪ A review of recent case law including <i>In re Humphrey</i>, <i>In re Brown</i>, <i>In re Kowalczyk</i>, and <i>In re O’Connor</i> <i>Hon. J. Richard Couzens (Ret.), Judge, Superior Court of California, County of Placer</i>
11:00	–	11:15 a.m.	Morning Break

11:15 a.m.	–	12:15 p.m.	The Use of Risk Assessment Instruments and Pretrial Release <ul style="list-style-type: none"> ▪ What are Risk Assessment Instruments? ▪ Communicating Risk—Success vs Failure ▪ Pre-Arrestment v. Individualized Detention Hearing <i>Hon. Brett R. Alldredge, Judge, Superior Court of California, County of Tulare, appearing remotely</i>
12:15	–	1:00 p.m.	Lunch Break
Afternoon session			
1:00	–	1:45 p.m.	A Probation Officer’s Perspective on Pretrial Release and Pretrial service <i>Jim Amaral, Supervising Deputy Probation Officer, Nevada County Probation</i>
1:45	–	3:15 p.m.	Hypothetical Exercises Scenarios and discussion around assessments and application of Humphrey <i>Facilitated by Judge Couzens (Ret.); Hon. Kenneth G. English, Commissioner, Superior Court of California, County of Sonoma</i>
3:15	–	3:20 p.m.	Closing Remarks <i>Hon. Kimberly Merrifield, Judge, Superior Court of California, County of Butte</i>
3:20	–	4:00 p.m.	Programmatic Office Hours Q&A with the council’s Pretrial team and faculty to answer any programmatic questions or assist with any queries you may have <i>Deirdre Benedict, Supervising Analyst, Criminal Justice Services</i> <i>Jenny Clarke, Analyst, Criminal Justice Services</i> <i>Amber Larson, Associate Analyst, Criminal Justice Services</i>

January CJS Snowflake Brown Bag

Overview of Program Guidance Memo Webinar



Judicial Council of California

Wednesday, January 18th, 2023

Zoom Meeting

Agenda

Webinar Objective: Demonstrate how Power BI connects with Snowflake to create visuals.

WEDNESDAY, JANUARY 18

- | | |
|------------------|--|
| 12:00–12:05 p.m. | Welcoming Remarks
Sonya Tafoya, Supervising Analyst, Criminal Justice Services |
| 12:05–12:50 p.m. | Power BI Live Demonstration
Sal Lempert, Senior Analyst, Criminal Justice Services
Jeffrey Wu, Associate Analyst, Criminal Justice Services |
| 12:50–1:00 p.m. | Questions |
| 1:00 p.m. | Adjourn |

February 2023 Pretrial Court Staff Brown Bag Webinar

Featuring Santa Cruz Pretrial Release Program



Judicial Council of California

Wednesday, February 22ND, 2023

Zoom Meeting

Agenda

Webinar Objective: This presentation will discuss how Santa Cruz's Pretrial Release Program used SB 129 funding to offer supportive services through its Mental Health Diversion

WEDNESDAY, FEBRUARY 22ND

- | | |
|------------------|--|
| 12:00–12:10 p.m. | Welcoming Remarks
Deirdre Benedict, Supervising Analyst, Criminal Justice Services |
| 12:10–12:30 p.m. | Santa Cruz Pretrial Service Provider
Yolanda James-Sevilla, Pretrial Division Director, Santa Cruz Probation Department |
| 12:30–12:50 pm | Santa Cruz Superior Court
Time Newman, Director of Criminal and Traffic Operations
Alphonse Arretz, Collaborative Court Manager |
| 12:50–1:00 p.m. | <i>Questions</i> |
| 1:00 p.m. | Adjourn |

May 2023 Pretrial Court Staff Brown Bag Webinar

Featuring Tuolumne Pretrial Release Program



Judicial Council of California

Wednesday, May 10th, 2023

Zoom Meeting

Agenda

Webinar Objective: This presentation will discuss how Tuolumne strengthened its relationship with justice partners, transitioned to the Public Safety Assessment (PSA), and streamlined its programmatic procedures.

WEDNESDAY, MAY 10

- | | |
|------------------|---|
| 12:00–12:05 p.m. | Welcoming Remarks
Deirdre Benedict, Supervising Analyst, Criminal Justice Services |
| 12:05–12:50 p.m. | Tuolumne Pretrial Release Program
Hector Gonzalez, Court Executive Officer, Tuolumne Superior Court
Kevin Parr, Juvenile Division Manager, Tuolumne Probation Department |
| 12:50–1:00 p.m. | Questions |
| 1:00 p.m. | Adjourn |

FY 23-24 Pretrial Release
Overview of Program Guidance Memo Webinar



Judicial Council of California

Wednesday, May 31st, 2023
Zoom Meeting

Agenda

Webinar Objective: Provide an overview of the Program Guidance Memo for the FY 23-24 cycle of the pretrial release program required under the Budget Act of 2023 (AB 221).

WEDNESDAY, MAY 31

12:00–12:05 p.m.

Welcoming Remarks

Deirdre Benedict, Supervising Analyst, Criminal Justice Services

Assembly Bill 221

Deirdre Benedict, Supervising Analyst, Criminal Justice Services

Awards & Funding

Jenny Clarke, Analyst, Criminal Justice Services

Program Requirements

Deirdre Benedict, Supervising Analyst, Criminal Justice Services

Sal Lempert, Senior Analyst, Criminal Justice Services

Jenny Clarke, Analyst, Criminal Justice Services

Octavio Jimenez, Analyst, Criminal Justice Services

Reporting Requirements and Submission Process

Sal Lempert, Senior Analyst, Criminal Justice Services

Jenny Clarke, Analyst, Criminal Justice Services

Octavio Jimenez, Analyst, Criminal Justice Services

Judicial Council Resources

Deirdre Benedict, Supervising Analyst, Criminal Justice Services

Questions

1:30 p.m.

Adjourn