JUDICIAL COUNCIL OF CALIFORNIA

REQUEST FOR APPLICATIONS

Pretrial Pilot Program

Funding Period:	August 2019–June 30, 2021
Eligible Applicants:	Superior Courts of California
May 20, 2019:	Application Packet Released
May 31, 2019:	Questions Submitted for Optional Applicant Teleconference
June 5, 2019:	Optional Applicant Teleconference, 12:15–1:15 p.m.
June 7, 2019:	**Notice of Intent to Apply Due via E-mail by 5:00 p.m. at pretrial@jud.ca.gov**
June 18–July 1, 2019:	Time frame for Required Partner Interviews (30–40 minutes)
July 2, 2019:	**Application Due Via Hardcopy Mail and E-mail by 5:00 p.m.**

This request for applications (RFA) packet includes application guidelines and instructions that are based on Governor Newsom's proposed court pretrial pilot program originally included in his January fiscal year 2019–20 budget and on subsequent information provided by the legislative and executive branches.

Please note that because the budget is not yet final, some of the information included in this RFA is subject to change.

The Pretrial Reform and Operations Workgroup reserves the right to modify the application guidelines. Dates and deadlines within the RFA may be modified by the Pretrial Reform and Operations Workgroup.

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APPLICATION GUIDELINES FOR PRETRIAL PILOT PROGRAM

1.0 BACKGROUND INFORMATION

1.1 Organizational Background

The pretrial landscape is changing dramatically throughout the country and in California due to court decisions, legislation, and innovative practices.

Recognizing these considerable changes and the impacts on the courts and local justice system partners, the Governor proposed this funding in order to support a system that protects the public, ensures the rights of defendants, and the fair and efficient administration of justice in pretrial decision-making.

Chief Justice Tani G. Cantil-Sakauye appointed the Pretrial Reform and Operations Workgroup (PROW) to develop recommendations for funding allocations for the pretrial pilot program, together with other responsibilities. PROW will make its recommendations to the Judicial Council for pretrial pilot project selection.

Pretrial Pilot Program Overview

As part of the Budget Act of 2019, the Legislature is considering the appropriation of $75 million in one-time funding to the Judicial Council to fund the implementation, operation, and evaluation of programs or efforts related to pretrial decision-making in at least 10 courts.

Each of the selected pretrial pilot projects will operate under existing law and incorporate judicial officer release decisions prior to arraignment (or at arraignment if a hearing is required) that are informed by a risk assessment conducted by county probation departments.

Court and local justice system partner matching funds are not required, and pilot awards should be used to establish new programs or enhance and expand existing programs to meet the goals set forth in section 1.2 and the scope set forth in section 1.3.

1.2 Pretrial Pilot Program Goals

The goals of this program are to fund pretrial programs and practices that will:

- Increase the safe and efficient prearraignment and pretrial release of individuals booked into jail by expanding own recognizance and monitored release;
- Implement monitoring practices of those released prearraignment and pretrial with the least restrictive interventions and practices necessary to enhance public safety and return to court;

- Expand the use and validation of pretrial risk assessment tools that make their factors, weights, and studies publicly available; and,
- Assess any disparate impact or bias that may result from the implementation of these projects in order to better understand and reduce biases based on race, ethnicity, and gender in pretrial release decision-making.

The Pretrial Pilot Program will be administered by the Judicial Council.

1.3 Pretrial Pilot Program Scope

The scope of the pretrial pilot program is based on the goals enumerated in section 1.2.

The pilot project shall require the pretrial risk assessment of all persons booked into and retained in actual jail custody and who are not otherwise released under existing release policies.

The assessment and release decision shall be completed prior to arraignment for those who are eligible for release without a hearing. The assessment information shall be provided to the court prior to arraignment for those for whom a hearing is required.

The project shall not assess persons deemed ineligible for bail under article I of the California Constitution.

Each arrested person who is eligible for release on bail under current law shall be entitled at any time to post bail as specified in the county bail schedule or for the amount set on an arrest warrant, or as otherwise set by the court, whether or not a risk assessment has been completed.

The preferred scope of a pretrial pilot project is implementation on a countywide basis. If an applicant court finds it necessary to limit the scope of its proposed pilot project and exclude pretrial assessment of individuals booked into custody in specified jail/detention facilities or arraigned in specified courthouses, the court should identify in this application those facilities and/or courthouses that the court plans to exclude from participation in the proposed pilot project.

2.0 PRETRIAL PILOT PROGRAM CONSIDERATIONS

The Judicial Council seeks to fund pretrial pilot projects that are diverse in court size; location; court case management systems; risk assessment tools, including those tools that require an interview and those that do not; and other appropriate factors.

Examples of funded activities include:

- Support of activities associated with the development or validation of risk assessment tools on local pretrial populations;
- Exchange of pretrial risk assessment information between the courts and county probation departments;
- Costs for technology to facilitate information exchange and process automation;

- Contracts between the courts and county probation departments to conduct prearraignment and pretrial risk assessments on individuals booked into county jails, and for monitoring of individuals released pretrial;
- Sharing with the Judicial Council data that is necessary to evaluate the programs;
- Costs associated with judicial officer release and detention decision-making prior to arraignment, informed by the use of risk assessment tools that make their factors, weights, and studies publicly available;
- Implementation and improvement of court date reminder programs; and
- Other activities related to pretrial decision-making and practices that follow standards for pretrial services monitoring that enhance public safety, appearance in court, and the efficient and fair administration of justice.

Note: This is a competitive bidding process and therefore courts will not automatically receive Pretrial Pilot Program funding.

3.0 ELIGIBILITY AND APPLICATION

All Superior Courts of California are eligible to apply.

Projects that are ultimately selected will clearly demonstrate:

- Commitment to the scope of the program and to meeting all of the goals of the program;
- Evidence of strong collaboration among local justice system partners;
- A history of successfully meeting grant requirements;
- The ability to have the project implemented and operational soon after being awarded;
- The ability to provide the Judicial Council with the data necessary to evaluate the programs.

Courts must submit an application for project funding and list the associated staffing, programs, and services to be delivered; provide detailed costs; and describe how the funds will be used to cover those costs.

(Detailed information regarding proposal contents can be found in section 8.0)

4.0 AWARDS AND FUNDING

4.1 Amount of Funds Available

A total of $67.5 million is available:[1]

Awards for the Pretrial Pilot Program may range between $250,000 and $17 million to at least 10 selected trial courts. Funds must be expended or encumbered by June 30, 2021.

Guidelines for Funding Allocations

These are guidelines only. A court should request funding in the amount necessary to accomplish stated goals.

Court Category*	Proposed Funding Allocations
Small	$250K–$1.3M
Small/Medium	$1.4–$4M
Medium	$4–$14M
Large	$14M–$17M
Consortium (requires one lead court)	As requested

* Court category is based on the authorized number of judicial positions (AJP) within a county: small (2–5 AJP), small/medium (6–15 AJP), medium (16–47 AJP) and large (48+ AJP).

4.2 Amount of Awards

The Judicial Council seeks to adequately fund at least 10 pretrial pilot projects, with a diversity of project types among small, medium, and large courts. Courts of all sizes are encouraged to apply, and every proposal will be considered on the merits for evaluation purposes.

The Judicial Council will consider proposals from a consortium of trial courts (two or more courts) to provide pretrial projects in multiple counties. One court must be identified as the "lead court" and, if the consortium is selected as a pilot project, the lead court will contract with the Judicial Council for funding and oversee the allocation and distribution of funding among consortium members.

The Judicial Council will seek to award as many qualified applications as possible. The Judicial Council may choose to fund a court at a lesser amount than requested. In this event, the Judicial Council will consult with the recipient court. Courts may

[1] Up to 10 percent of the $75 million in state funding will be allocated to the Judicial Council for costs associated with implementing and evaluating these programs or for administrative support. See section 4.3 for more information.

be asked to submit modified project plans and revised budgets that reflect the award amounts offered.

4.3 Judicial Council Support for Pretrial Pilot Projects

The Pretrial Pilot Program allocates up to 10 percent of funding to the Judicial Council for costs associated with implementing and evaluating these programs.

Judicial Council funding will provide selected applicants with case management system development, pretrial risk assessment integration, and data warehouse integration.

Judicial Council staff will assist pilot courts with legal, research, education/technical assistance, tool validation, programmatic, business process re-engineering, and project management support.

Judicial Council staff will provide data collection technical assistance, data collection tools, and reporting templates, and will work with funded projects to ensure that data can be collected and reported to the Judicial Council.

4.4 Disbursement of Funds

Funds will be disbursed as follows:

- The first disbursement will be made based on the amount requested by the court and the provision of the required Budget Detail Worksheets. The disbursement will be made after execution of the contract and submittal of the sample data extracts to the Judicial Council. See Attachment E for the Pretrial Pilot Program Schedule of Deliverables.

- Trial courts' revenue and expenses will be tracked in a work breakdown structure (WBS) code in the Phoenix System. Disbursed funds are to be recorded as advanced revenue and expenditures recognized as incurred using the WBS code.

- Subsequent disbursements will be made on a quarterly basis when the court and the Judicial Council have completed the following:

    - Resolution of all outstanding reconciliation items from the prior fiscal year's quarterly and annual reports.

    - Receipt of a revised spending plan from the court for any unused funds that documents the movement of planned expenses from one fiscal year to the next (not to exceed the total award) or written acknowledgment by the court that it will not use the funds, which can be returned to the Judicial Council.

- Review of unused funds documentation by the Judicial Council. Unused funds may roll over to a subsequent year or be returned to the Judicial Council.

If the Judicial Council determines that a court will not be able to spend its full funding allocation, the Judicial Council may redistribute the funds as necessary to support other pretrial pilot projects or may solicit additional proposals.

Funds must be fully expended or encumbered by June 30, 2021. Unspent, encumbered funds remaining after the liquidation period revert to the state's General Fund.

4.5 Eligible Expenditures

Program costs must be directly related to the goals, objectives, and activities of the program, and anticipated costs must be listed on the Budget Detail Worksheet.

It is anticipated that most of the funding will be used to contract for staffing and equipment for assessment and monitoring, in addition to funding for court staff and equipment.

Eligible uses of funds may include:

- Consultants/contractors (e.g., probation department salary and benefits, justice partner data extraction, etc.) A copy of all subcontracts must be provided to the Judicial Council;
- Technology costs to facilitate information exchanges and process automation between justice system partners;
- Court date reminder systems;
- Court staff salary and benefits;
- Monitoring equipment (GPS tracking, etc.);
- Equipment (computers and office equipment);
- Instructional material and supplies;
- Office supplies;
- Travel;
- Training; and
- Any other expenses directly related to the project, as properly budgeted and approved by the Judicial Council program manager.

The court must follow applicable federal, state, and local laws and regulations, including the *Judicial Branch Contracting Manual* and the *Trial Court Financial Policies and Procedures Manual*, as applicable.

4.6 Ineligible Expenditures

Any expenditures not directly related to the program are ineligible for funding. Ineligible uses of funds include:

- Supplanting existing funding;[2]
- Routine replacement of office equipment, furnishings, or technology; and
- Facilities.

Exceptions to the expenditure requirements listed above may be considered on a case-by-case basis. Exception requests must be submitted in writing and approved in writing, in advance, by the Judicial Council program manager.

4.7 Contractual Relationships and Right to Audit

The Judicial Council will enter into a standard agreement with individual courts or with a lead court on behalf of a multicourt consortium for the administration and disbursement of funds.

The court must maintain all financial records, supporting documents, and all other records relating to performance under the agreement for a period in accordance with state law and/or the *Trial Court Financial Policies and Procedures Manual*. The court must permit the authorized representative of the Judicial Council or its designee to inspect or audit at any reasonable time, including at the time of reconciliation, any records relating to the agreement.

The court will be required to submit quarterly narrative reports as well as data extracts as described in section 5. Judicial Council staff will be responsible for auditing quarterly and annual transactions against eligible and ineligible expenses. The court must resolve any outstanding issues before subsequent disbursements will be released.

In the event a court decides to modify its approach or its Budget Detail Worksheet, the court must bring this to the attention of the Judicial Council Program Manager in the next quarterly report, as described in section 5.

[2] Funds expended in advance of the program to prepare for the program should not be considered supplantation for the purposes of this program.

5.0 PROGRAM REQUIREMENTS

5.1 Program Training

The Judicial Council will conduct informational meetings related to pretrial pilot projects, including a mandatory two-day Pretrial Justice Practice Institute in October 2019. Funds may be used for travel expenses to attend these meetings.

5.2 Reporting and Tracking

Pilot courts must submit quarterly progress reports that summarize pretrial pilot project–related activities, provide ongoing communication regarding spending and financial projections, and provide regular data extracts.

5.2.1 Quarterly Progress Reports

Sample Quarterly Progress Report (see Attachment F): Includes progress toward goals and objectives of the program, achievements and challenges, collaboration with justice system and other local partners, and changes to key staff or procedures. Reports are due no later than 15 days following the end of each fiscal year quarter.

5.2.2 Data Extraction

Includes measurable outcomes as identified by the court in the program proposal (see Program Evaluation and Data Collection, section 5.3).

5.2.3 Financial Tracking

Award recipients agree to track, account for, and report on all expenditures related to the pilot separately from all other expenditures.

Program funds may be used in conjunction with other funding as necessary to complete projects; however, tracking and reporting of expenditures specific to the funds must be separate.

Final report: Award recipients must submit a final report to the Judicial Council due 90 days after project completion. This report will provide a high-level summary of how funds were spent; describe what was accomplished, including any products or services delivered by consultants/contractors; and offer advice to other courts that might seek to replicate the project. The agreement will provide additional information and details on the required elements of the final report.

Supporting documentation: Award recipients agree to maintain supporting documentation (e.g., timesheets, invoices, contracts, etc.) used to compile reports, and to provide copies of this supporting documentation to the Judicial Council or its designee, as requested.

5.3 Program Evaluation and Data Collection

The pilot courts shall collaborate with their local justice system partners to make data available to the Judicial Council. Historical data will also be required to establish baseline outcomes.

The required data elements will include individual and case-level data, and will include booking charges and charge level; risk level of individuals who are assessed; type of release including own recognizance, own recognizance with monitoring, and secured bond; demographic factors including race/ethnicity, gender, and age of the defendant; failures to appear in court as required; and arrests for new crimes during the pretrial period.

Award recipients agree to adhere to the data collection and reporting requirements as outlined in Attachment D.

6.0 TIMELINE FOR REQUEST FOR APPLICATION

6.1 Summary of Key Events

All dates are subject to change at the discretion of the Judicial Council. Dates and deadlines within the RFA may be modified by the Pretrial Reform and Operations Workgroup.

EVENT	DATE
Request for Applications Released	May 20, 2019
Deadline to Submit Questions for Optional Applicant Teleconference	May 31, 2019
Optional Applicant Teleconference	June 5, 2019, 12:15–1:15 p.m.
Deadline for Notice of Intent to Apply	June 7, 2019
Required Justice System Partner Interviews	June 18–July 1, 2019
Application Due Date	July 2, 2019
Pretrial Reform and Operations Workgroup (PROW) Review	Early August 2019
PROW Presentation to Judicial Council	August 9, 2019
Notice of Intent to Award	August 12, 2019
Negotiation and Execution of Agreements	August 12–23, 2019
Standard Agreement Start Date	August 2019
Standard Agreement End Date	December 30, 2021

6.2 Optional Applicant Teleconference

Judicial Council staff will host an applicant teleconference for courts interested in applying for funding. The purpose of the applicant teleconference is to provide an opportunity for courts to ask specific questions regarding the application process, program requirements, and terms and conditions for funding. Participation in the applicant teleconference is optional.

The applicant teleconference is scheduled for Wednesday, June 5, 2019, from 12:15 p.m.–1:15 p.m. Interested applicants should RSVP by e-mail to pretrial@jud.ca.gov for information on the teleconference.

To ensure a fair process, applicants (including interested justice system partners and co-applicants) should submit their questions in advance by e-mail to pretrial@jud.ca.gov. Questions must be received by 5:00 p.m. on Friday, May 31, 2019.

Requests for clarification or guidance should indicate the RFA page number and section and state the question clearly. Judicial Council staff will consolidate or paraphrase questions for efficiency and clarity. Questions and answers will be posted to *www.courts.ca.gov/criminaljustice.htm* within one week following the conference call and may be updated, as needed.

6.3 Mandatory Justice System Partner Interviews

The chair of the Pretrial Reform and Operation Workgroup and Judicial Council staff will hold a mandatory 30- to 40-minute video conference call with each applicant court and probation department. The purpose of the individualized video conference is to discuss the project design, collaboration among local justice system partners, and to address any anticipated challenges and/or issues. These calls will be an opportunity to discuss any changes made to the program based on revisions to the budget bill language. Questions will be provided to the participants in advance of the call.

Required participants include:

- Court presiding judge, or designee;
- Court executive officer, or designee;
- Chief probation officer, or designee; and
- Court information technology director, or designee.

Courts may invite any other justice system partners who would be useful to include in this discussion.

Courts that are members of a multicourt consortium may choose to participate solely through the lead court presiding judge, court staff, and probation chief,

or to include judges, staff, and probation chief or designees from other member courts.

Please indicate the dates and time segments that all required participants will be available to participate on Attachment A.

7.0 SUBMISSIONS OF PROPOSALS

Proposals should provide information that satisfies the requirements outlined in this RFA. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFA's instructions and requirements, and completeness and clarity of content.

The applicant must submit one original of the proposal and five copies in a sealed envelope. The application cover page (Attachment A) must be signed by the court's presiding judge and court executive officer, and the chief probation officer. The original proposal must be submitted to the Judicial Council of California, Criminal Justice Services Office. The applicant must write "Pretrial Pilot Program" on the outside of the sealed envelope.

The applicant must submit an electronic version of the entire proposal by e-mail to pretrial@jud.ca.gov.

Both the hardcopies and the electronic copy of the proposal must be delivered by Tuesday, July 2, 2019, no later than 5:00 p.m., to:

Judicial Council of California
Criminal Justice Services
Attn: Deirdre Benedict, Program Manager
455 Golden Gate Avenue
San Francisco, California 94102-3688

Late proposals will not be accepted.

8.0 PROPOSAL CONTENTS AND INSTRUCTIONS

The following information must be included in the proposal and must cover the full funding period (August 2019 to June 30, 2021). A proposal lacking any of the following information may be deemed nonresponsive.

8.1 Project Application

Use the *Project Application* (see Attachment B) to address the following:

8.1.1 Court Contact Information

Provide court name, address, and telephone number in addition to the name, title, and e-mail address of the individual who will act as the court project manager for purposes of this RFA.

8.1.2 Risk Assessment Tool and Technology Information

Provide the name of the court's case criminal case management system, as well as the case management system used by the Probation Department.

Provide the name of the pretrial risk assessment tool that will be employed during the pretrial pilot project.

8.1.3 Pilot Project Narrative

Maximum 10 pages, 12 point, Times New Roman double-spaced.

Describe how the pretrial process will operate to meet the program scope and all goals as enumerated in section 1.3. At a minimum, please address the following questions:

Operational Status of Current Pretrial Program

(a) Do you have a pretrial program that is currently operating? If so, what is your plan to expand or enhance it to meet the pilot goals and scope?

(b) If not, what is the expected date of operation?

(c) If your program will not be operational across all detention facilities and courthouses in your county, please explain where the pilot will operate, and the reasons for limiting the pilot locations.

Assessment

(d) Where will those arrested be assessed? How soon after booking will the assessment occur?

(e) Provide the average number of people booked into jail each month for new charges (for jails that will be included in the pilot), and the average number of people who bail out or are released due to a jail cap each month.

(f) In what manner will the Probation Department provide the risk assessment information to the judicial officer? (For example, will the Probation Department transmit an electronic report to the judicial officer?)

(g) In what format will the Probation Department provide the information? (For example, what information will be included in the report? How will risk scores be communicated?)

Release Decisions and Conditions

(h) What is the time frame(s) under which release decisions will be made?

(i) How will the court ensure judicial officers are available to make prearraignment release decisions?

(j) Is your county jail, or any jail within your county, currently operating under a state or federal jail cap? If so, describe how the jail cap may affect the operation of the court's proposed pretrial pilot.

(k) Will the court and its justice system partners develop and use a release conditions matrix? If so, attach a copy of the currently used matrix or a draft of the proposed matrix to the application form.

(l) What policies will the court and its justice partners adopt to ensure consistent application of conditions of pretrial release?

Grant Requirements

(m) Discuss how you will meet the grant data requirements:

- Explain the plan for collaborating with justice system partners to collect and report required data. (See Attachment D.)
- Explain any anticipated challenges related to collecting data and describe any data quality issues.
- Briefly describe methods for assuring data quality.

8.2 Budget

8.2.1 Proposed Costs

Budget Detail Worksheet: Use the attached Budget Detail Worksheet template (Attachment C), which includes a detailed line item budget, to show costs of the proposed services.

This worksheet is broken out into two sections:

(1) Year 1 (August 2019 to June 30, 2020): The estimated funding need for fiscal year 2019–20 must be included in this section.

(2) Year 2 (July 1, 2020 to June 30, 2021): The estimated funding need for fiscal year 2020–21 must be included in this section.

All Budget Detail Worksheets include four main budget categories: Personnel Services/Benefits, Operating Expenses, Consultants/Contractors, and Indirect Costs.

- Expense items listed under Personnel Services/Benefits should list each position by title and name of employee (if known), show the monthly salary rate, the percentage of time to be devoted to the project or number of months the employee will be needed for the project. A full benefit breakdown should also be included for the same time base and number of months.
- Expense items listed under Operating Expenses—including travel expenses, equipment, supplies, and other costs—should consist of actual costs paid by the court and/or the court's contractor, not to exceed the contract amount.
- Consultant/Contractor expense items should include a breakdown of type and cost of services to be provided and estimated time on the project.
- Courts' indirect costs are costs that cannot be directly assigned to a particular activity but are necessary to the operation of the organization and the performance of the project. The costs of operating and maintaining facilities, accounting services, and administrative salaries are examples of indirect costs.

In order to qualify to be reimbursed for indirect costs, the project must comply with the following:

- Court staff salaries and benefits funded by this program must appear in the Personnel Services cost category on the worksheet;
- The indirect cost rate of no more than 20 percent of the court staff salaries and benefits funded by this project may be reimbursed if the court has a current Judicial Council approved indirect cost rate on file; and
- Partner agency and subcontractor indirect costs are not allowed.

Calculating indirect costs: Add the court employee salary and benefits funded through this program and multiply that total by the Judicial Council–approved indirect cost rate or 20 percent (whichever is lower). This is the maximum amount that will be reimbursed to the court.

8.2.2 Budget Justification

Use the attached Budget Detail Worksheet to provide a full explanation of all budget line items in narrative form. The budget justification should thoroughly and clearly describe every category of expense listed in the worksheet. Proposed budgets should be complete, cost-effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). The narrative should explain how the applicant estimated and calculated costs, and how those costs are relevant to the completion of the proposed project.

9.0 EVALUATION OF PROPOSALS

Proposals will be evaluated on a 100-point scale using the criteria set forth in the table below. In addition, the Judicial Council will also take into account selecting pretrial pilot projects that are diverse in court size, location, court case management systems, risk assessment tools, and other appropriate factors. Courts with lower scores may be selected in order to accomplish the program goals of including courts of various size, geographic, and other diversity factors.

Applicants may be asked to respond to questions from Judicial Council staff to clarify elements set forth in their proposals.

Awards will be posted at *www.courts.ca.gov/criminaljustice.htm*.

CRITERION	RFA SECTION	MAXIMUM NUMBER OF POINTS
Meeting Basic Eligibility Requirements	**8.1**	20
Project Plan to Address Project Goals	**8.1.3**	55
Justice System Interview—Local Collaboration	**6.3**	15
Budget	**8.2**	10