



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
Chair, Litigation Management Committee*

HON. STACY BOULWARE

EURIE
Chair, Legislation Committee

HON. CARIN T. FUJISAKI

Chair, Rules Committee

HON. KYLE S. BRODIE

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April 25, 2025

Ms. Cara L. Jenkins

Legislative Counsel

1021 O Street, Suite 3210

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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 3 Report to the Legislature, 2025*, as required under the Budget Act of 2023.

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

Under the Budget Act of 2023 (Sen. Bill 101; Stats. 2023, ch. 12), the Judicial Council is submitting *Pretrial Release Program: Year 3 Report to the Legislature, 2025*.

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,

Michelle Curran

Administrative Director

Judicial Council

MS. MICHELLE CURRAN

*Administrative Director
Judicial Council*

Ms. Cara L. Jenkins
Ms. Erika Contreras
Ms. Sue Parker
April 25, 2025
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MC/FB/al
Enclosures

cc: Cara L. Jenkins, Legislative Counsel
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Report title: *Pretrial Release Program: Year 3 Report to the Legislature, 2025*

Statutory citation: Budget Act of 2023 (Sen. Bill 101; Stats. 2023, ch. 12)

Date of report: April 2025

The Judicial Council has submitted a report to the Legislature in accordance with the Budget Act of 2023.

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

The Budget Act of 2023 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 report fulfills that program mandate.

This report presents information on the third year of program operations, July 2023 through June 2024. During this reporting period, many courts enhanced their pretrial services programs by expanding their capacity to make release decisions before arraignment and collaborated with justice system partners to provide supportive services or monitoring to promote individual success.

All courts reported financial and programmatic activities to the council as required. Judicial Council staff developed a training video for judicial officers, and conducted three in-person trainings, seven webinars, and seven site visits during this reporting cycle.

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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April 25, 2025

Pretrial Release Program

Year 3 Report to the Legislature, 2025



Judicial Council of California

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Executive Summary

The Budget Act of 2023 (Sen. Bill 101; Stats. 2023, ch. 12) 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 third 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 Judicial Council staff to support these programs by providing education and communications for judicial officers and staff, disbursing funding and overseeing expenditures, 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 and operate the programs. Funds were used to provide judicial officers with essential information that can inform their pretrial detention or release decision-making, implement court date reminder systems, monitor individuals, and facilitate supportive services during pretrial release. During the third year of the program, 35 courts implemented prearrest decision-making and 53 counties operated a court date reminder system. Courts and their partners reported an increase of over 18,000 cases on their monitoring caseload and over 20,000 cases receiving electronic monitoring or supportive services. Fifty-five counties offer electronic monitoring, and 53 programs provide supportive services, with a concerted effort to facilitate access to housing, substance use and mental health treatments.

The Judicial Council retains approximately \$1 million to support administrative activities, including training and technical assistance, data collection and analyses, and fiscal management. This report covers activities from July 1, 2022, through June 30, 2023. During this time, Judicial Council staff produced and published a training video for judicial officers to access, which was viewed over 140 times within three weeks of going live. Staff conducted three in-person trainings: two trainings developed for judicial officers that were attended by 75 judicial officers from 25 different courts, and one pretrial workshop that was developed for the annual Chief Probation Officers of California conference and attended by over 200 probation personnel. Staff developed seven pretrial training webinars for court staff and justice partners that were then viewed more than 450 times. Judicial Council staff also conducted site visits to seven courts, distributed a quarterly newsletter, and provided technical assistance to the courts related to financial management and data submission.

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,³ and may result in increased recidivism.⁴

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 2023 for the continued operation of the statewide Pretrial Release Program.⁵ 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 address public safety risks, and 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 (1) pretrial risk assessments, (2) court date reminder systems, (3) monitoring, and (4) supportive services that may include education, housing, substance use, and mental health services for released individuals. The Legislature requires courts to collaborate and contract with a county department for the administration of these local pretrial programs.⁶

After providing background on the program, this report proceeds in three sections that document the important elements of a pretrial release program, local court and justice partner activities, and

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

⁴ 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.

⁵ Before the Budget Act of 2023, 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).

⁶ 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 nonprofit entities.

the Judicial Council’s role in administering the program. Section I documents the process and practices of California’s Pretrial Release Program. It describes the use of pretrial risk assessment instruments, prearrest decision-making, court date reminder systems, monitoring, supportive services, and it presents related program output data. Section II describes local activities and funding priorities, court and justice partner program enhancement efforts, and program innovations and challenges. Section III describes the Judicial Council’s role in allocation disbursement and expenditure oversight, education and communications, and technical assistance.

Background

In California, over 96 percent of criminal cases are resolved pretrial.⁷ Before the implementation of pretrial release programs, individuals detained in jail pretrial typically had two release outcomes—posting bail⁸ or court-ordered release on one’s own recognizance (OR).⁹ 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.¹⁰ These individuals, historically, constitute a large share of the jail population.¹¹ 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 individual’s risk of recidivism or not appearing in court.

Section I: Pretrial Release Program Process, Practices, and Outcomes

This section of the report describes the pretrial release process and how programs achieve program compliance through the use of pretrial risk assessment instruments, prearrest decision-making, court date reminder systems, monitoring interventions, and supportive services, highlighting efforts to provide housing services and substance use and mental health treatment. It also provides data on pretrial release activities during the reporting period.

⁷ Judicial Council of Cal., *2024 Court Statistics Report, Statewide Caseload Trends, 2013-14 Through 2022-23*, (2024), www4.courts.ca.gov/documents/2024-Court-Statistics-Report.pdf.

⁸ 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.

⁹ Standard OR conditions include staying within the jurisdiction, returning to court as ordered, and staying away from victims or locations related to the case.

¹⁰ 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.

¹¹ Tafoya, Sonya, *Pretrial Detention and Jail Capacity in California*, (July 2015), www.ppic.org/publication/pretrial-detention-and-jail-capacity-in-california/.

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. Courts and pretrial service agencies collaborate to ensure that individuals released before trial return to court and comply with the conditions of their release. Pretrial service agencies provide risk assessment reports to the court for decision-making at or before arraignment¹² through the use of risk assessment instruments.¹³ Judicial officers 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 standard or monitoring conditions. Pretrial programs collaborate with community-based organizations, local social service agencies, and other justice partners to ensure that individuals released before trial return to court and comply with the conditions of their release. For detailed information and an infographic on the pretrial release process, see Appendix A.

Achieving Program Compliance

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

Pretrial risk assessment instruments

All of California's 58 courts use pretrial risk assessment instruments 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 individual 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 completing the risk assessment reports submitted to the courts that inform judicial officer pretrial release decisions and aid in determining the least restrictive monitoring practices needed to ensure program compliance. Pretrial release programs reported a total of 172,456 risk assessment reports submitted to the courts during the reporting period.

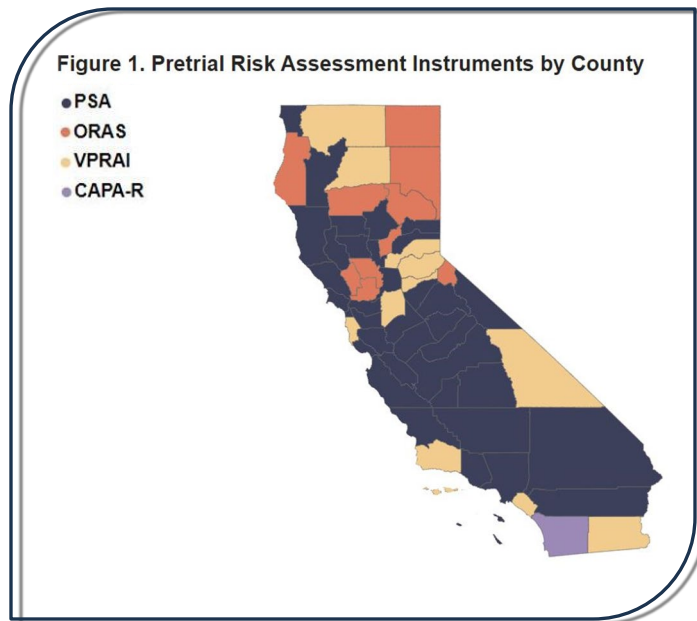
Sonoma County Superior Court and *In Re Humphrey*

The Sonoma County Superior Court integrated a financial analysis into its risk assessment report to align with the *In Re Humphrey* decision that requires courts to consider an individual's financial situation prior to setting monetary bail.

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 more information about pretrial risk assessment instruments, see Judicial Council of Cal., *SB 36: Pretrial Pilot Program Aggregated Data Report* (Dec. 2024), https://courts.ca.gov/system/files/file/2024_sb36_pretrial_aggregated_data_report_final_0.pdf.

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>.



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).) Thirty-six counties have implemented or are transitioning to the Public Safety Assessment (PSA), reporting its use of static data collected at booking, without need for an in-person interview, and reducing staff workload for selecting that tool. See Appendix B for a list of counties and their respective pretrial risk assessment instruments. Figure 1 illustrates the use of pretrial risk assessment instruments by county:

- 36 counties use or are transitioning to the Public Safety Assessment (PSA);
- 10 use the Ohio Risk Assessment System (ORAS);
- 11 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).

Pearraignment

The Pretrial Release Program supports courts in making evidence-based release or detention decisions before case adjudication; many courts have implemented programs that enable judicial officers to make those decisions even before the individual's arraignment, their first appearance in court. The prearraignment period is typically the first 48 hours after arrest and the time frame an eligible individual is likely to post bail.¹⁵ Thirty-five courts have implemented procedures that permit prearraignment decision-making. Nineteen of those courts automated the submission of risk assessment reports directly to the court as soon as they are completed. Courts facilitate judicial officers' prearraignment decision-making even when they are away from the bench and outside of regular business hours. Some courts review assessments 24 hours a day, seven days a week. In October 2023, the Superior Court of Los Angeles County replaced its cash bail system for some offenses with newly adopted prearraignment protocols, which has resulted in releasing

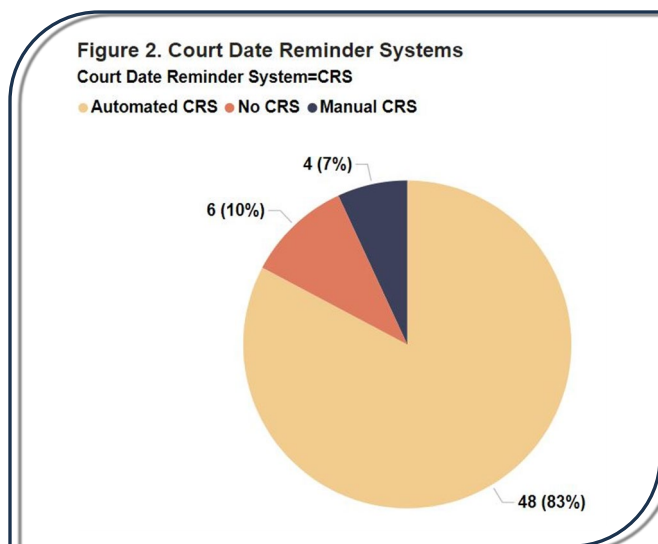
¹⁵ California state law requires an arrested individual to be presented in court for arraignment within 48 hours of arrest with the exclusion of Sundays and holidays. (See Pen. Code, § 825(a)(1), (2).)

individuals at arrest or booking with a promise to appear at arraignment.¹⁶ Preliminary data show success within these new release protocols.¹⁷

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. At the completion of the Pretrial Pilot Program in fiscal year (FY) 2021–22,¹⁸ 14 of the 16 pilot projects indicated they were using a court date reminder

system.¹⁹ When statewide pretrial release funding became available at the end of the pilot program, use of reminder systems expanded. Currently, 53 counties send court date reminders to



Court Date Reminder System Highlights

Butte County Superior Court provides court date reminders through pretrial services for all court hearings and pretrial service appointments. Individuals are also offered video conference options to check-in with the monitoring officer.

Placer County Superior Court extended court date reminders to anyone with a court hearing, including litigants, attorneys, and law enforcement.

Santa Clara County Superior Court and the local pretrial services agency developed a smartphone application to remind individuals through push notifications.

people receiving pretrial services. Forty-eight of those counties developed an automated process that sends reminders based on information obtained through the risk assessment process, arraignment hearing, or first meeting with

¹⁶ Superior Court of California, County of Los Angeles, “Nation’s Largest Trial Court Unveils Safe and Fair Pre-arraignment Release Protocols for Non-violent, Non-Serious Felonies and Misdemeanors,” *News Release* (July 18, 2023), www.lacourt.org/newsmedia/uploads/1420237208532523NRSafeAndJustPre-ArraignmentProtocols.pdf.

¹⁷ Superior Court of California, County of Los Angeles, “Update on Pre-Arraignment Release Protocols (PARP),” *Board of Supervisors Update* (Feb. 27, 2024), <https://file.lacounty.gov/SDSInter/bos/supdocs/188935.pdf>.

¹⁸ As part of the Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23, item 0250-101-0001, provisions 8–17), the Legislature allocated a total of \$75 million to the Judicial Council of California to fund the implementation, operation, and evaluation of two-year projects in trial courts related to pretrial decision-making. In August 2019, the Judicial Council approved and distributed funding to the 16 pilot court projects selected for participation in the Pretrial Pilot Program.

¹⁹ The Superior Court of Alameda County reported successful outcomes with the court date reminder system implemented during the Pretrial Pilot Program. For more information see the final report to the Legislature. Judicial Council of Cal., *Pretrial Pilot Program, Final Report to the Legislature* (July 2023), www.courts.ca.gov/documents/Pretrial-Pilot-Program_Final-Report.pdf.

pretrial release services. Thirty counties provide court date reminders for the arraignment hearing. Four counties have a manual process for reminders, and only six jurisdictions have not implemented a court date reminder system. For more information about court reminders, see Appendix C. Figure 2 shows the number and percentage of courts with a court date reminder system.

Monitoring

Judicial officers may order monitoring whenever they deem it necessary to release someone before trial. Standard release conditions, typically used for lower-risk individuals, generally include remaining within the jurisdiction, returning to court as ordered, and staying away from victims or locations related to the case. Release with monitoring conditions offered through pretrial service agencies are court ordered upon a judicial officer's release decision and may include electronic monitoring or substance use testing, frequent check-ins with pretrial service officers, and supportive services, such as transportation vouchers or referrals to treatment. Electronic monitoring is typically used for individuals considered to have a greater risk of failure to appear or new arrest while on pretrial release. Fifty-five counties offer electronic monitoring that can include a combination of alcohol monitoring and GPS. Of these, fifty-three counties offer GPS services, which tracks an individual's location, allowing pretrial services to monitor their movement and report any violations of restrictions imposed by the court. Twenty-five of those counties offer alcohol monitoring services. In addition, 28 counties offer drug services and/or testing at required check-ins as a condition of release. For more information on substance use services and treatment, see below.

Supportive services

Pretrial release programs use court-ordered and voluntary supportive services to address issues that may contribute to an individual's inability to return to court. Seventy percent of individuals released on OR or monitoring have a low- to medium-risk level of failure to appear and low- to medium-risk level of being subsequently arrested while on pretrial release. Research suggests that an individual's risk decreases as housing, substance use, and/or mental health needs are met.²⁰ Fifty-three programs report collaboration with community-based organizations, local social service agencies, and other justice partners to provide transportation, cellular phones, clothing, food, and/or other basic necessities to support a return to court.

Four counties are accessing resources now available under the California Department of Health Care Service's California Advancing and Innovating Medi-Cal (CalAIM) program to ensure Medi-Cal benefits are active upon release for all eligible individuals with mental and medical health needs.²¹ Programs also contract with local agencies to provide (1) access to career development services, (2) assistance in applying for identification documents, (3) anger

²⁰ Christopher Slobogin, "Presumptive Use of Pretrial Risk Assessment Instruments," Vanderbilt University Law School Faculty Publications, *American University Law Review Forum* (Apr. 2023), <https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=2384&context=faculty-publications>.

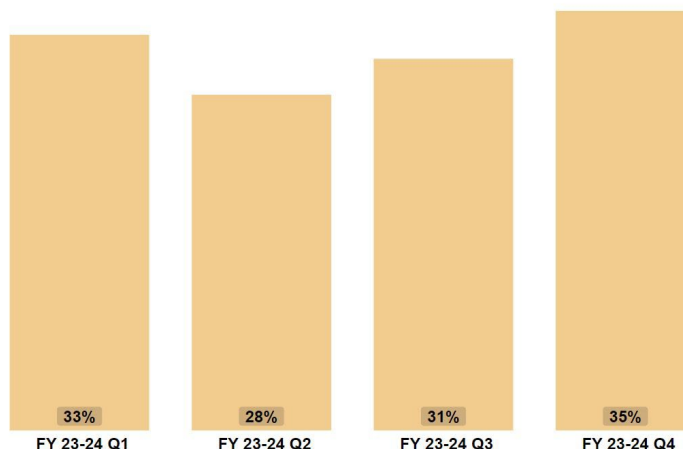
²¹ Department of Health Care Services, *CalAIM*, <https://www.dhcs.ca.gov/CalAIM/Pages/CalAIM.aspx> (as of Nov. 13, 2024).

management and parenting courses, and (4) referrals for housing, mental health, and substance use treatment. Courts also invest in new programs and contract with private or non-profit entities when existing local support services are not adequate.

Housing services

Reflective of national research on criminal justice and homelessness,²² many courts report that a significant number of arrested individuals released pretrial do not have adequate and stable housing. For example, in FY 2023–24, the Superior Court of San Diego County reported an average of 32 percent of individuals released

Figure 3. San Diego Reports Percent of Individuals Released on Program Unhoused



to the program as unhoused. Figure 3 shows the percentage of Pretrial Release Program individuals in San Diego County reported as unhoused in FY 2023–24, by quarter. Individuals who are unhoused face unique challenges for monitoring and reminder efforts and are less likely to appear in court.²³ Thirteen courts refer individuals to local housing assistance or have implemented new housing programs.

While courts continue to report efforts to provide housing services, there are limited resources available and major funding constraints. Some courts have created new programs and partnerships with existing agencies and organizations to address housing issues. For example, the Superior Court of San Francisco County reported preliminary success with its transitional housing program, where an on-site social worker accompanies individuals to court hearings and connects them to services including stable housing.

The court reports 34 percent of individuals who received housing services secured permanent housing through program efforts. However, after one-time funding is exhausted, these services will no longer be available.

²² Jennifer Reingle Gonzalez, Katelyn Jetelina, Madeline Roberts, Lorraine R Reitzel, “Criminal Justice System Involvement Among Homeless Adults” (Dec. 2017), 38(3), *American Journal of Criminal Justice*, www.researchgate.net/publication/318966999_Criminal_Justice_System_Involvement_Among_Homeless_Adults.

²³ Alissa Skog and Johanna Lacoe, “Electronic Monitoring in San Francisco,” California Policy Lab (Nov. 2022), www.capolicylab.org/wp-content/uploads/2022/11/Pretrial-Electronic-Monitoring-in-San-Francisco.pdf.

Substance use treatment

Arrested individuals often have substance use disorders.²⁴ Many courts report a significant number of individuals released pretrial are in need of substance use treatment. For example, information being collected and reported by the Superior Court of Alameda County indicates 50 percent of individuals assessed while in custody were in need of intensive substance use treatment.²⁵ Issues with substance use and addiction may contribute to an individual failing to appear in court.²⁶ Seventeen courts contract with local treatment centers or social service agencies to facilitate substance use treatment in outpatient or residential centers. The Superior Court of San Francisco County program funded the certification of a peer support specialist for substance use counseling and Medi-Cal support training to promote access to services for individuals. The Superior Court of Santa Cruz County, in collaboration with the Santa Cruz Pretrial Services Agency and the county corrections facility, assesses defendants for substance use and addiction and, when eligible for prearrest release, diverts individuals directly from booking to a local sobering center or residential program.

Mental health treatment

Arrested individuals often have mental health challenges.²⁷ Many courts report a significant number of individuals released pretrial struggle with mental health related issues. During FY 2023–24, the Superior Court of Sonoma County reported approximately 300 individuals, or an equivalent of 19 percent of the pretrial population, were identified as having potential needs and referred them to a mental health program. Individuals with mental illness often have fewer community ties and greater mistrust of the criminal legal system, which may reduce their likelihood to appear in court.²⁸ Thirty-nine courts provide referrals to behavioral health and/or contract with other county agencies and local nonprofit organizations for mental health treatment. Four courts utilize their existing mental health diversion programs to coordinate with established mental health services.

The Superior Court of Santa Cruz County reports eligible individuals are assessed, released prearrest, and, if appropriate, referred to the court’s mental health diversion program. The Contra Costa court contracted with TalkSpace for individuals to access video, phone, or text therapy, as well as classes and resources to promote mental wellness. The San Joaquin court has placed three clinicians from the local behavioral health department at their Pretrial Services Agency facility to provide on-the-spot services to individuals in need.

²⁴ Emily Widra, “Addicted to punishment: Jails and prisons punish drug use far more than they treat it,” *Prison Policy Initiative* (Jan. 30, 2024), www.prisonpolicy.org/blog/2024/01/30/punishing-drug-use/.

²⁵ In FY 2023–24 Q4, the Superior Court of Alameda County collected data from a newly implemented Pretrial Service Referral System where eligible individuals are assessed from four housing units at the Santa Rita jail.

²⁶ Brain Nam-Sonenstein, “High stakes mistakes: How courts respond to “failure to appear,”” *Prison Policy Initiative* (Aug. 15, 2023), www.prisonpolicy.org/blog/2023/08/15/fta/.

²⁷ Leah G. Pope, Tehya Boswell, Adria Zern, Blake Erickson, and Michael T. Compton, “Failure to Appear: Professionals’ Role Amidst Pretrial Justice Reform” (July 2022), 73(7) *Psychiatric Services* 721-744. <https://psychiatryonline.org/doi/epdf/10.1176/appi.ps.202100252>.

²⁸ Nam-Sonenstein, *supra*.

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, the use of monitoring and supportive services, and case closure outcomes.²⁹ 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, 2023, and June 30, 2024. Data collected on the timing and types of releases, monitoring caseloads, the use of electronic monitoring and supportive services, and case closure outcomes are presented below.³⁰

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 656,427 bookings in the reporting period, 64 percent (417,460) of which resulted in releases at or before arraignment. Of those releases, more than 68 percent (282,660) took place within two or fewer days of the booking. The percentage of individuals released at or before arraignment did not increase in this third year of the pretrial program, which may be due to staff available to handle growing workload, or programs becoming better at predicting successful releases, and judicial officers taking the time to consider release decisions. Courts reported 709,712 bookings, of which 67 percent (476,861) of individuals were released at or before arraignment, with 69 percent (326,915) of the individuals released within two days of booking, in the previous reporting period of FY 2022–23.³¹

Figures 4 and 5 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 128,418 individuals released in this manner. Release by judicial officer on OR accounts for 21,200 releases within two days, with 8,842 pretrial monitoring releases during that time frame. The transfer to other agency category

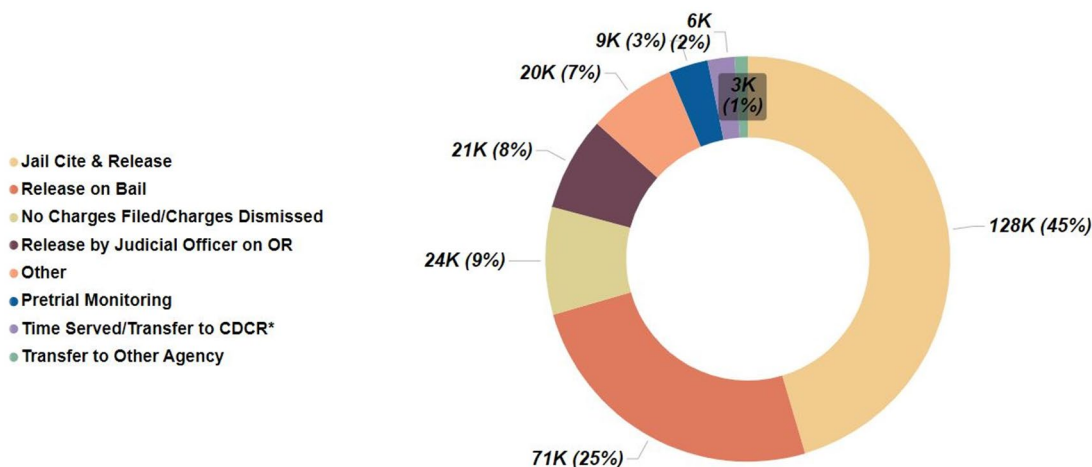
²⁹ Demographic information on general booking information collected is presented in Appendix D.

³⁰ Data from Year 3 does not include Los Angeles County data from the reporting period. Los Angeles is undergoing a major countywide case management system transition and data is forthcoming.

³¹ To compare findings to the FY 2022–23 *Pretrial Release Program, Report to the Legislature 2024*, see Judicial Council of Cal., *Pretrial Release Program, Report to the Legislature 2023*, www.courts.ca.gov/documents/24-084-Pretrial-Release-Report-to-the-Legislature.pdf.

includes transfers to federal immigration agencies, medical institutions, and/or other court programs.

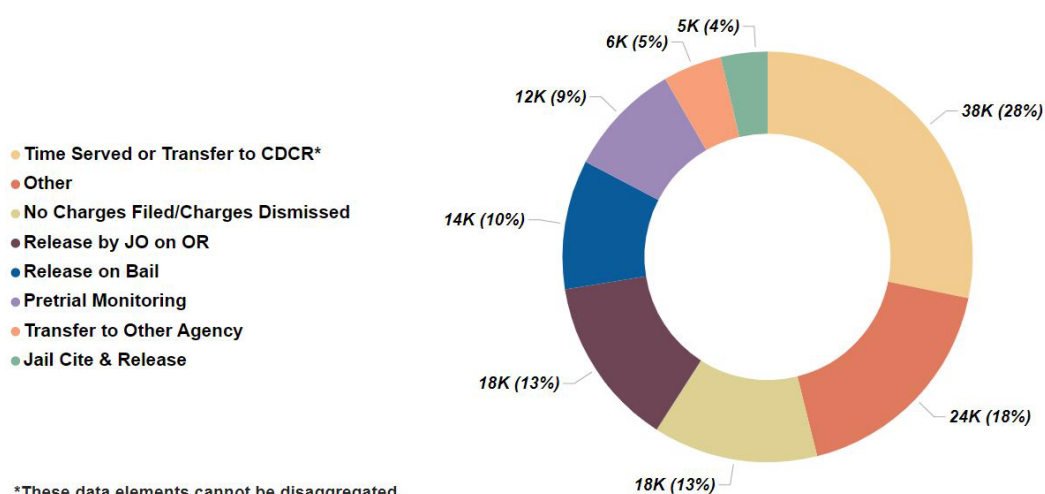
Figure 4. Release Types for Releases Within Two Days
Total = 282,000



*These data elements cannot be disaggregated.

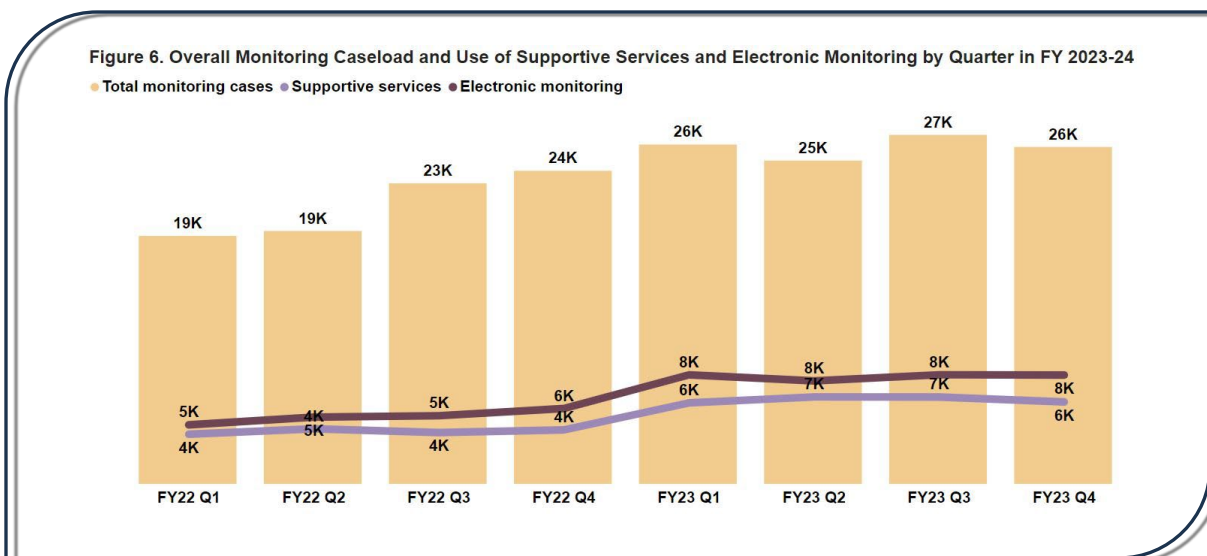
The most common release type after two days is time served or transfer to the California Department of Corrections and Rehabilitation, with courts reporting 38,150 individuals released from jail for those reasons. Time served indicates the release of an individual for the time that was spent incarcerated prior to arraignment, and transfer to CDCR generally represents a probation or parole revocation that results in further incarceration. The “other” release type includes federal releases, dropped parole holds or charges, local jail consent decrees, and data entry errors. Release by judicial officer on OR accounts for 18,091 releases after two days, with 12,214 pretrial monitoring releases.

Figure 5. Release Types for Releases After Two Days
Total = 133,000

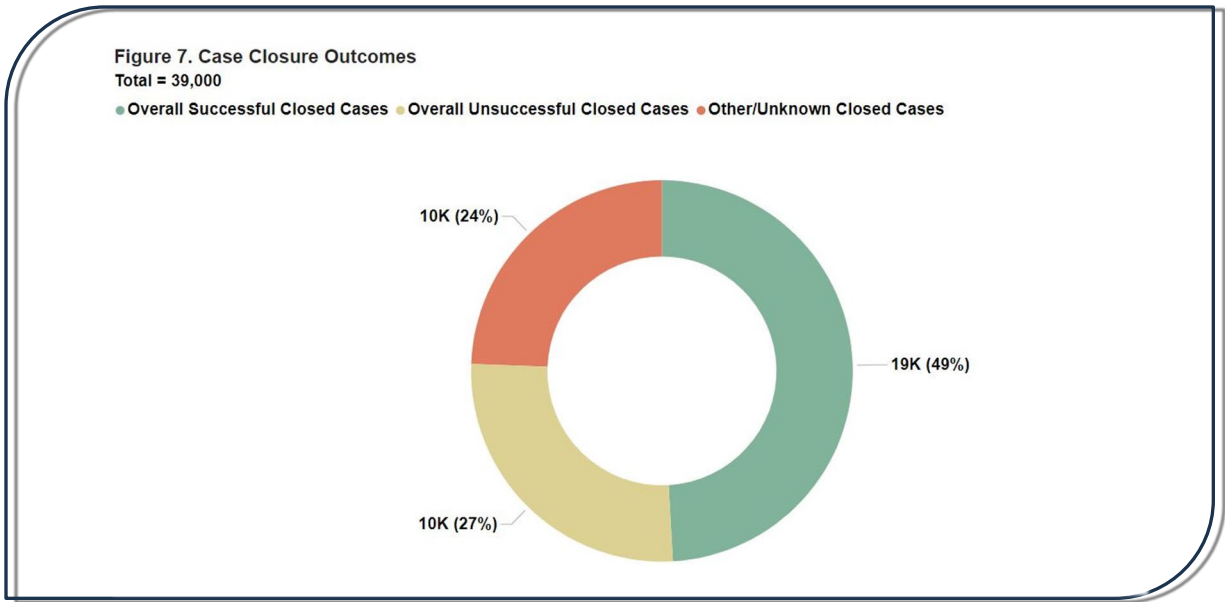


*These data elements cannot be disaggregated.

As stated in the Pretrial Risk Assessment Instrument section, 172,456 risk assessment reports were reviewed by the court. Of those assessment reports 41,961 cases were ordered to a monitoring caseload, an increase by 7,718 cases over what was reported in FY 2022–23. Pretrial service agencies carried an average quarterly caseload of 25,754 cases, with an average of 6,430 cases receiving supportive services and an average of 8,210 cases on electronic monitoring. These numbers represent an increased workload and need for monitoring and supportive services from the previous reporting period. Individuals on monitoring and supportive services 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 6 shows the total number of monitoring cases open and number of cases using electronic monitoring and supportive services in FY 2022–23 and FY 2023–24, by quarter.



Case closure types were submitted by courts and aggregated to understand the outcome of closed pretrial cases and analyze program success. Of the 103,017 open cases in FY 2023–24, the most common closure type was successful and included cases that ended in case resolution or disposition or switched to unmonitored release. Courts reported that 19,264 cases closed successfully. Unsuccessful case closures include cases that ended with a remand to custody, a new crime, or a failure to appear; 10,404 cases closed unsuccessfully. The other category includes instances of case dismissal, out-of-county holds, federal releases, or deportation. Courts reported 9,580 cases were closed for these reasons. Figure 7 shows the total number of case monitoring case closures in FY 2023–24.



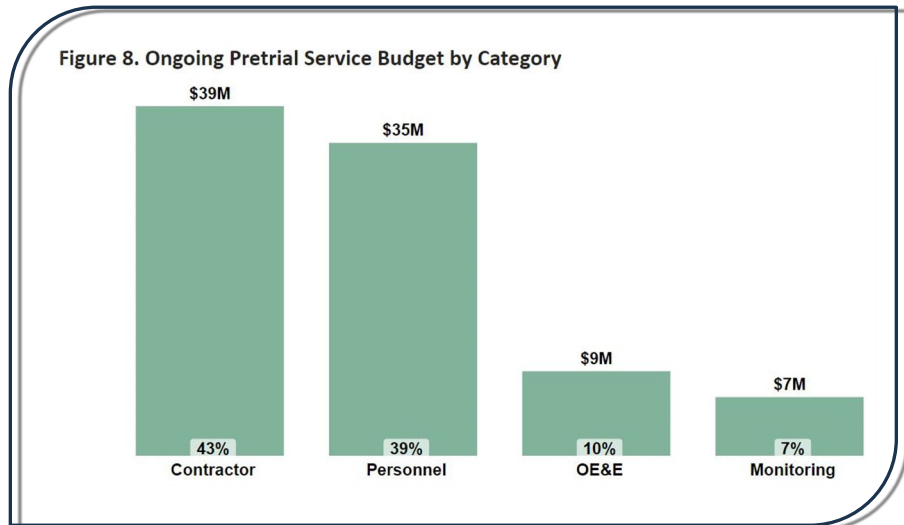
Section II: Court Activities and Justice Partner Collaboration

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

Allocation Expenditures

The Judicial Council disbursed nearly \$69 million to the courts for local program activities. Of that amount, \$30 million was spent by local pretrial service providers (typically probation departments) and \$11 million was expended by the courts, with an additional \$7.5 million encumbered.

These figures equate to 70 percent of funding spent or encumbered by the courts and their pretrial service providers in accordance with authorizing legislation.³² This spending is not indicative of fully staffed and



³² This number does not include FY 2022–23 allocations that were rolled over in the Budget Act of 2023 to be expended or encumbered by the end of FY 2023–24.

envisioned pretrial service programs. Probation departments must receive permission from the county's board of supervisors to make changes to the program, such as hiring new staff or contracting with community-based organizations for services. This process may cause a three-to-six-month lapse for approval and spending, and the hiring process or implementation of services can take over three months. Similarly, courts continue to report that there is a lack of community-based organizations available, prompting the development of needed services through program funding. As counties come to agreements for the program, it is anticipated that subsequent years will demand greater spending.³³ Courts submit annual program budgets for review by council staff. See Appendix D for Total Expenses 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 8. The categories in Figure 8 are (1) Contractor: information technology contractors, supportive services, and/or consulting contractors; (2) Personnel: salaries and benefits of pretrial service provider staff; (3) OE&E (operating expenses and equipment): travel costs, supply costs, major and minor equipment such as computers and vehicles, and other costs necessary for program operation; and (4) Monitoring: electronic tracking services, GPS, and associated equipment costs.

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

One-time Funding for Non-Pretrial Pilot Program Courts

The originating legislation for the Pretrial Release Program in FY 2021–22 authorized \$68.95 million to the 41 courts that did not receive pilot program funding. This one-time funding was to support program implementation and startup activities, with funding allocated based on each county's relative proportion of the state's 18 to 25 years of age population. The funds were available for encumbrance or expenditure for three fiscal years, until June 30, 2024. Thirty-eight courts spent or encumbered a total of \$51.18 million of the one-time funding—\$27.18 million in direct expenditures and \$24 million in encumbrances.³⁴ These encumbered funds must be spent by June 30, 2026.³⁵

One-time funding was spent primarily in two categories. The first category included infrastructure upgrades, such as technology and facility projects, for supporting efficient

³³ Two large courts have not been able to spend as anticipated while countywide changes are made, affecting the spending for these local pretrial service programs.

³⁴ Courts are required to expend, encumber, or return interest earned on one-time funding. Interest accrued inflated the possible expended, encumbered, or returned amounts of one-time funding.

³⁵ Encumbrances are used as a means of ensuring trial court resources are available to pay commitments as they become due. An encumbrance reserves part of a fund until a commitment is paid, canceled, or expired. See Section 6.6 of the Trial Court Financial Policies and Procedures Manual for information on encumbrances.

exchange of information between key partners, providing court date reminders, and submitting required program data to the Judicial Council. Some programs allocated funds towards upgrading courtroom and jail facilities for better remote hearing access. Others purchased laptops and designed mobile applications for judicial officers to make release decisions after office hours, and others used funding for case management system integrations.

The second category included personnel and training costs required to support the influx of new pretrial service officers and court staff positions necessary to support the bench, and the individuals being considered for release. Many courts and pretrial service partners invested in training for officers moving from a probation to a pretrial service assignment, and some courts used their funding to visit other counties with successful programs willing to share their processes and approach.

In addition to these two categories, one-time funding was also used by some courts to conduct risk assessment instrument validations and to provide supportive services to individuals released pretrial. See the pretrial risk assessment instrument and supportive services section above for more information.

Court and Justice Partner Collaboration and Program Enhancement

Most counties convene a multidisciplinary group of county stakeholders and justice partners to assist in the development and operation of pretrial release programs. Judicial officers and court leadership coordinate stakeholder meetings with pretrial service providers, local sheriff's departments, prosecutors, and public defenders to discuss local pretrial release policy, program goals and outcomes, and to identify and remedy challenges.

To offset the growing pretrial caseload and the end of one-time funding, courts expanded the use of automated processes, developed integrated systems to support pretrial decision-making and required data collection, and increased accessibility to monitoring and services for individuals. Twenty-three courts reported development and implementation of automated processes, such as direct submission of risk assessment reports to the court, minute orders automatically submitted to pretrial service agencies after court hearings, as well as integrated and automated information and/or data sharing between justice partners. Ten courts report modification of court case management systems to interface with pretrial service agencies and, in some jurisdictions, all relevant justice partners; other courts have reported this modification in progress.

Courts increased efficiency through technological advancements and processes, and hired support staff to enhance and expand local program pretrial decision-making, monitoring, and services:

- The Superior Court of Alameda County developed a searchable database on the court's public website, providing all available services, programs, and resources for individuals to access supportive services.

- The Superior Court of Imperial County hired front desk staff for the local pretrial service agency to enhance individual and pretrial service officer support.
- The Superior Court of Lake County implemented a portal through the pretrial service agencies' case management system, where individuals can access and view contact information, conditions of the court, and upcoming court dates.
- The Superior Court of Mariposa County implemented a process for individuals who fail to appear in court to clear their bench warrants without the threat of incarceration.

Challenges

This section lists some of the most common challenges reported during the third 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 projects provided more funding per county 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 Program.³⁶ Additionally, courts reported that the allocation methodology contained in the Budget Act of 2023 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. This finding comports with research conducted at the state level.³⁷ The Judicial Council is continuing to evaluate the data and may seek revision of the allocation methodology to reflect workload needs more accurately.

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.³⁸ 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.

³⁶ Most pretrial pilot courts were forced to downsize their programs or source funding from county agencies due to the decreased funding allocated under SB 129, as compared to funding allocated under the Pilot Program. In some cases, courts and their county partners redesigned their pretrial programs to operate at a greatly reduced cost and capacity by decreasing staff and increasing technological efficiency. This caused disruptions in supervision, decreasing the number of people being supervised pretrial. Some pilot counties redirected their efforts to supervise their highest-risk populations and scaled back services for those on own-recognition release. For example, under the Pilot Program, the Superior Court of Alameda County received a total of \$16.98 million for a three-year period, or \$5.66 million per year. Under SB 129, their FY 2023–24 annual allocation is \$2.41 million.

³⁷ 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/.

³⁸ 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/>.

Justice partner collaboration

Although courts recognize that pretrial release programs rely on justice system partner collaboration, they report challenges in developing or maintaining these relationships. 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 these vital 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 may help to pave the way for increased collaboration in other parts of the system.

Data collection and sharing

As mentioned previously, the Judicial Council collects data to assess the scope and impact of the statewide Pretrial Release Program. For more information on data collected see Program Data above. Courts reported that justice partners involved in data collection and sharing encountered challenges making the necessary modifications to their case management systems. Twenty-eight courts submitted all data requirements by the end of the reporting period, while the remaining courts submitted partial data. Judicial Council staff continue to provide technical assistance to courts to achieve submission of all data requirements. 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.

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, as well as quarterly communications, technical assistance, and site visits. The Judicial Council retains approximately \$1 million annually (less than 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 2023 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.³⁹ Funding is disbursed annually after budgets are submitted to and reviewed 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

³⁹ 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>.

evaluate and approve requested budget modifications as needed to ensure that changes align with statewide program goals. See Appendix E for 2023–24 Pretrial Release Allocations.

Education and Training

During this reporting period, the Judicial Council hosted several educational opportunities, aimed at assisting judicial officers, court staff, and local program providers to meet program requirements. One instructional video for judicial officers; three in-person trainings, which included a pretrial workshop at the annual Chief Probation Officers of California conference; seven webinars; and one program memorandum were developed during this reporting period. See Appendix H, Education and Training Agendas, for training agendas.

Education and Training Highlights

- 1 instructional video was viewed over 140 times;
- 3 in-person trainings attended by a total of 55 judicial officers and over 200 probation personnel;

Instructional video

Judicial Council staff produced an instructional video for judicial officers using hypothetical cases. Pretrial release experts Judge Lisa R. Rodriguez (Judge, Superior Court of San Diego County), Judge Brett R. Alldredge (Ret.), and Judge J. Richard Couzens (Ret.) reviewed four court hearing simulations and discussed best practices for making individualized release decisions, addressing bail, and documenting the decision-making thought process in the post-Humphrey courtroom. After three weeks of going live the production was viewed over 140 times. Materials were made available to judicial officers on the Judicial Resources Network, the California judicial branch’s internal website.

“The training made clear how to apply Humphrey factors and the thought process behind it. Articulating it to the litigants is much easier and the concept rings clearer.”

-Judicial Officer

In-person trainings

Judicial Council staff developed two in-person regional training sessions, *Pretrial Release Policy and Practice*, 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.⁴⁰

- September 2023—Staff held a regional training for Southern California courts in San Bernardino, California. Thirty judicial officers representing five courts attended the regional training.

⁴⁰ 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.

- October 2023—Staff held a regional training for Northern California courts in Sacramento, California. Forty-five judicial officers representing 20 courts attended the regional training.

Chief Probation Officers of California (CPOC) conference

Judicial Council staff coordinated with court and pretrial service agency representatives from six jurisdictions, including Orange, Mono, San Mateo, San Bernardino, Sonoma, and Yuba counties to host a joint panel for the Chief Probation Officers of California (CPOC) conference, *Bridging the Bench: Collaborative Decisionmaking with Pretrial Staff and Judicial Officers*, in June 2024. The panelists shared practical strategies to improve collaboration efforts between judicial officers and local pretrial service agencies to support pretrial judicial decision-making, solutions to complexities, and effective communication. The discussion was attended by more than 200 probation professionals, and the live recording has been viewed over 60 times on the council's internal Judicial Resources Network.

Webinars

Seven statewide webinars were conducted during this reporting period. Judicial Council staff hosted webinars on the final Pretrial Pilot Program report and on the updates and requirements outlined in the FY 2023–24 Pretrial Program Guidance memorandum. Staff continued to coordinate with an informal workgroup of trial court personnel to help develop a quarterly training for court and pretrial service staff. The workgroup helped staff identify relevant topics, training needs, and potential presenters for the series. An additional webinar was conducted specifically for courts that provide case-level data to the Judicial Council. An average of 96 court staff and local justice partners representing at least 27 and at most 48 courts and counties attended the trainings. Materials and audiovisual recordings were made available to registrants of the webinar after the presentation.

- Judicial Council staff presented findings from its final report to the Legislature on the Pretrial Pilot Program, discussed programmatic activities, and addressed challenges encountered during the program.
- Judicial Council staff developed two different webinars to demonstrate the technical process of using aggregate data to develop interactive data visualizations to share program outcomes with the court and stakeholders.
- Judicial Council staff hosted the Nevada County Pretrial Release Department to discuss the role of supporting the court with release decision-making through the use of data analysis and visualization.
- Judicial Council staff hosted the Superior Courts of Solano, Santa Clara, Mono, and Contra Costa Counties to discuss innovative ways to utilize pretrial one-time funds to achieve program compliance.
- Judicial Council staff hosted the Superior Courts of Napa, Orange, and Sacramento Counties to discuss the implementation of processes for judicial decision-making and release of individuals after-hours and on weekends.

- Judicial Council staff presented review requirements and changes to the statewide program and prepared and distributed the annual Pretrial Release Funding—Overview of Program Guidance Memorandum 2024.

Case-level Data Submission Onboarding

Judicial Council staff collaborated with Santa Clara County to onboard the court and its justice partners to a case-level data submission warehouse created during the pilot program. Pilot projects were required to submit a significant amount of case-level data to the council from jails, probation departments, and courts through the data warehouse. Pilot funding was available for that purpose. This method of data submission will replace Santa Clara County's provision of aggregate data (see Program Data above). The data warehouse was designed for courts to conduct their own analyses of program data and to share certain data with council staff to view and perform the necessary analysis to evaluate the pilot program. The dataset collected will allow for analysis of pretrial outcomes by introducing the ability to trace each individual from booking through case disposition, including any relevant assessment information from probation, release decision, and failure-to-appear notice from the court.

Although these onboarding efforts are still ongoing, the collaboration has yielded much progress towards bringing the county's test submissions into accordance with Judicial Council data specifications. It is anticipated that the onboarding will be completed within the next reporting period. Santa Clara and the pilot projects that have elected to continue to submit individual-level data through the data warehouse will be supported to the extent that resources and funding are available.

Quarterly Communications

Judicial Council staff developed a quarterly newsletter and issued four editions to the courts and justice partners' pretrial contacts during this reporting period. The newsletter provides reporting reminders and updates, relevant state and national pretrial news, upcoming and previous training opportunities and materials, and analysis of qualitative data collected from the courts' quarterly progress reporting. An average of 164 judicial officers, court staff, and local justice partners representing all 58 counties viewed this newsletter quarterly with readership continuing to grow.

Site Visits

Staff conducted seven site visits to the courts in Alameda, Fresno, Mariposa, Merced, Sacramento, Stanislaus, and Tuolumne counties. During site visits, council staff observed court proceedings, visited with local justice partners, and discussed local guidelines and program features. Program challenges were identified and discussed, and council staff provided suggestions based on efforts of similarly situated courts or general guidance or both. One such discussion led council staff to coordinate further support with case-level data collection and submission for legislatively mandated instrument validation.

Conclusion

Courts continue to conduct their operations in compliance with the goals and requirements of the California Pretrial Release Program, as outlined by the Legislature. After delays due to the pandemic in Year 1, courts and providers took Year 2 and 3 to work diligently on the enhancement of local programs, reporting that roles of all justice partners, local stakeholders, and agencies are essential to the development and operation of the local program.

With the ongoing 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 in the Pretrial Release Program will be submitted to the Legislature in July 2025.

Appendix A: 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.⁴¹ At the jail, the sheriff reviews the booking 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 schedule⁴² (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 instruments⁴³ 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.⁴⁴

At arraignment,⁴⁵ 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 is court ordered upon a judicial officer's release decision and can include (1) Global Positioning System (GPS) monitoring, (2) frequent check-ins with pretrial service officers, and (3) 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

⁴¹ 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 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.

⁴² Bail schedules contain recommended bail amounts for different offenses and can vary county to county.

⁴³ For more information about pretrial risk assessment instruments, see Judicial Council of Cal., *SB 36: Pretrial Pilot Program Aggregated Data Report* (July 2023), <https://courts.ca.gov/sites/default/files/courts/default/2024-12/2023-sb36-pretrial-aggregated-data-report-final.pdf>.

⁴⁴ *Arraignment* is the first court hearing in a criminal case that generally occurs within two court days of a person's arrest.

⁴⁵ 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. Thirty-five courts have established and implemented robust prearraignment release processes.

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 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.

>>> Pretrial Release Process

Pretrial Release is when a person who is accused of a crime and who has been booked into custody is then released from custody, with or without monitoring conditions, before trial, with charges pending.



Arrest

Law enforcement can cite and release (for infractions and certain misdemeanors) or transport individuals to jail for booking.



Booking

Arrested individuals can also be cited and released for infractions or certain misdemeanors. Individuals who remain booked have a bail amount based on a predetermined bail schedule.



Assessment

Pretrial Release Services (PRS) assess in-custody, eligible individuals and submit reports and other pertinent documents for judicial decisionmaking before or at arraignment.



Pretrial Release Services

PRS monitors individuals who are released OR with pretrial release conditions. The objective of conditions is to ensure a return to court and public safety.



Arraignment

Judicial officers review PRS reports and make decisions to set bail, detain, or release on own recognizance (OR). OR release can involve monitoring conditions and/or supportive services through pretrial services.



Prearraignment

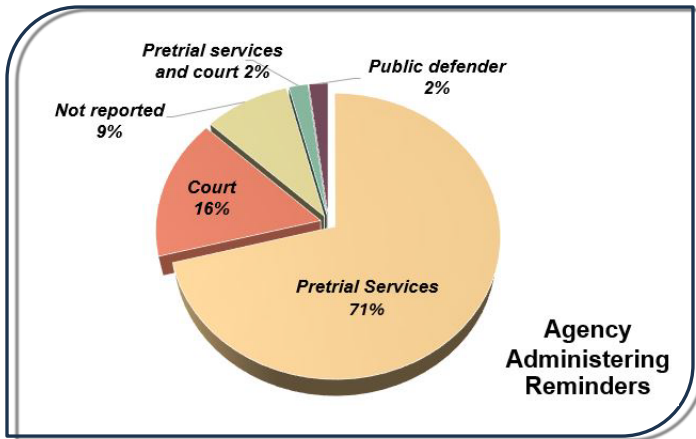
Judicial officers may release in-custody individuals prearraignment dependent on the PRS report. Individuals released must attend their arraignment.



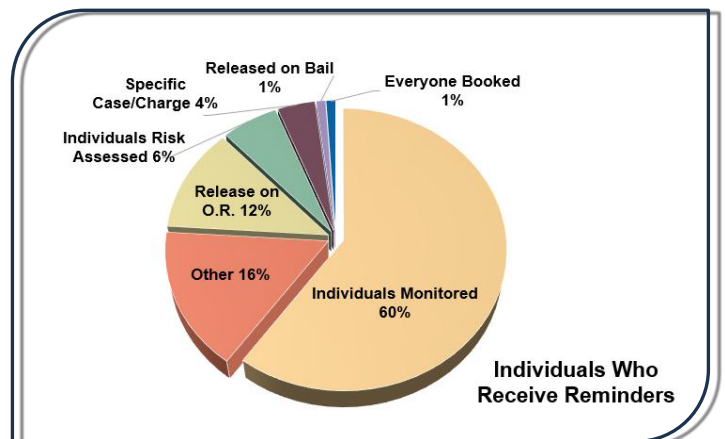
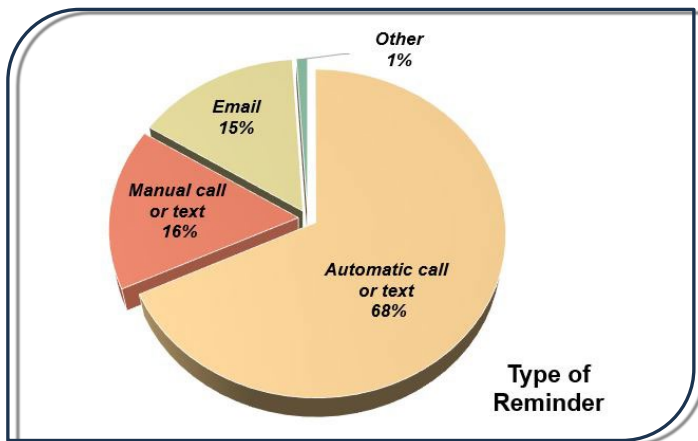
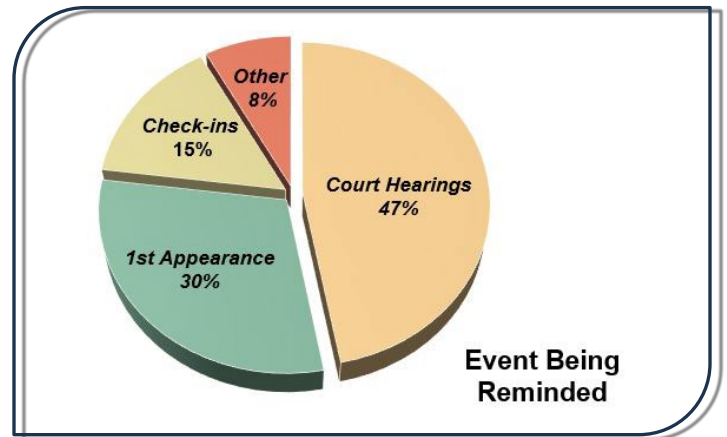
Appendix B: Pretrial Risk Assessment Instrument by County

| Court | Pretrial Risk Assessment Instrument | Court | Pretrial Risk Assessment Instrument |
|--------------|-------------------------------------|-----------------|-------------------------------------|
| Alameda | PSA | Orange | VPRAI |
| Alpine | ORAS | Placer | VPRAI |
| Amador | VPRAI | Plumas | ORAS |
| Butte | PSA | 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 | PSA | Shasta | VPRAI |
| Lake | PSA | Sierra | PSA |
| Lassen | ORAS | Siskiyou | VPRAI |
| Los Angeles | PSA | Solano | ORAS |
| Madera | VPRAI | Sonoma | PSA |
| Marin | PSA | Stanislaus | PSA |
| Mariposa | PSA | Sutter | PSA |
| Mendocino | PSA | Tehama | ORAS |
| Merced | PSA | Trinity | PSA |
| Modoc | ORAS | Tulare | PSA |
| Mono | PSA | Tuolumne | PSA |
| Monterey | PSA | Ventura | PSA |
| Napa | ORAS | Yolo | ORAS |
| Nevada | PSA | Yuba | ORAS |

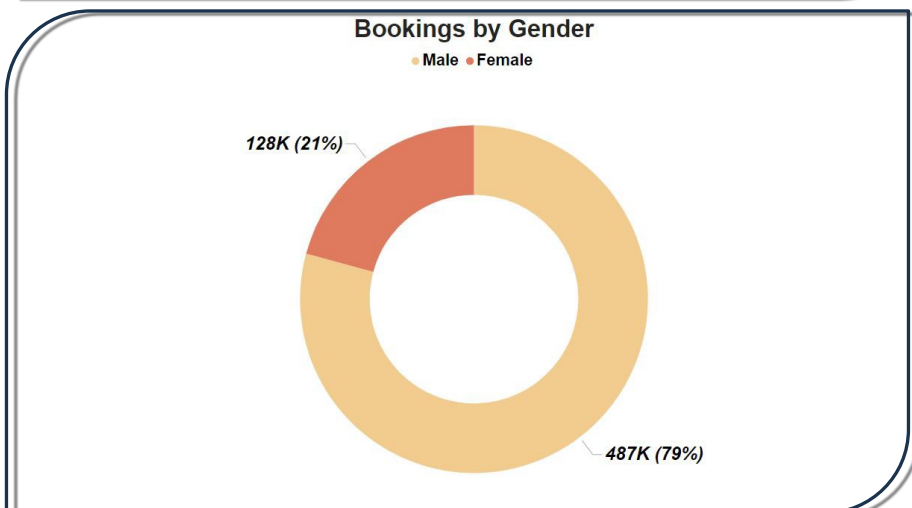
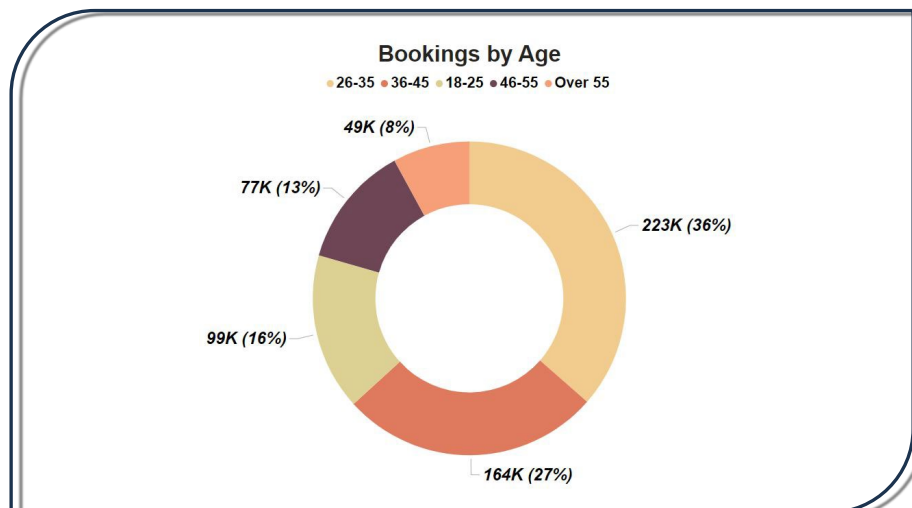
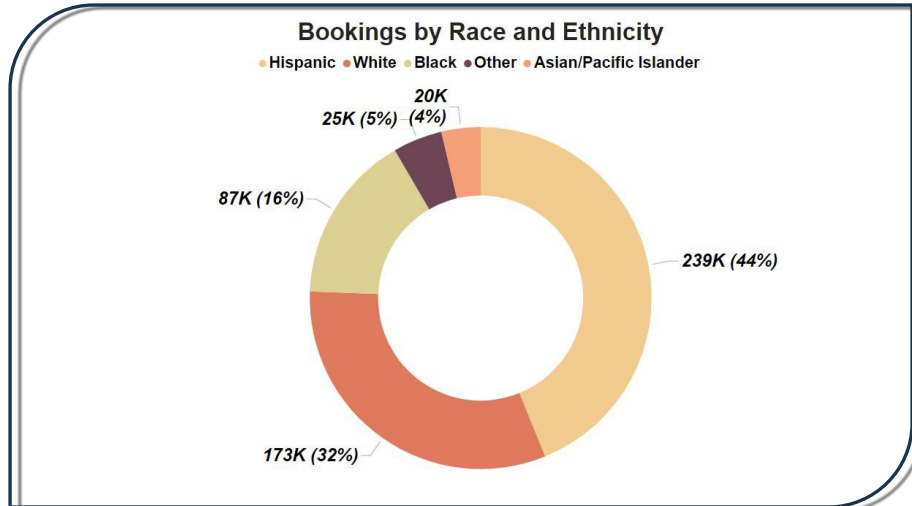
Appendix C: Court Date Reminder System Information



See the court date reminder system section above to learn more about how many counties provide court date reminders, the number of systems automated, and how contact information is obtained.

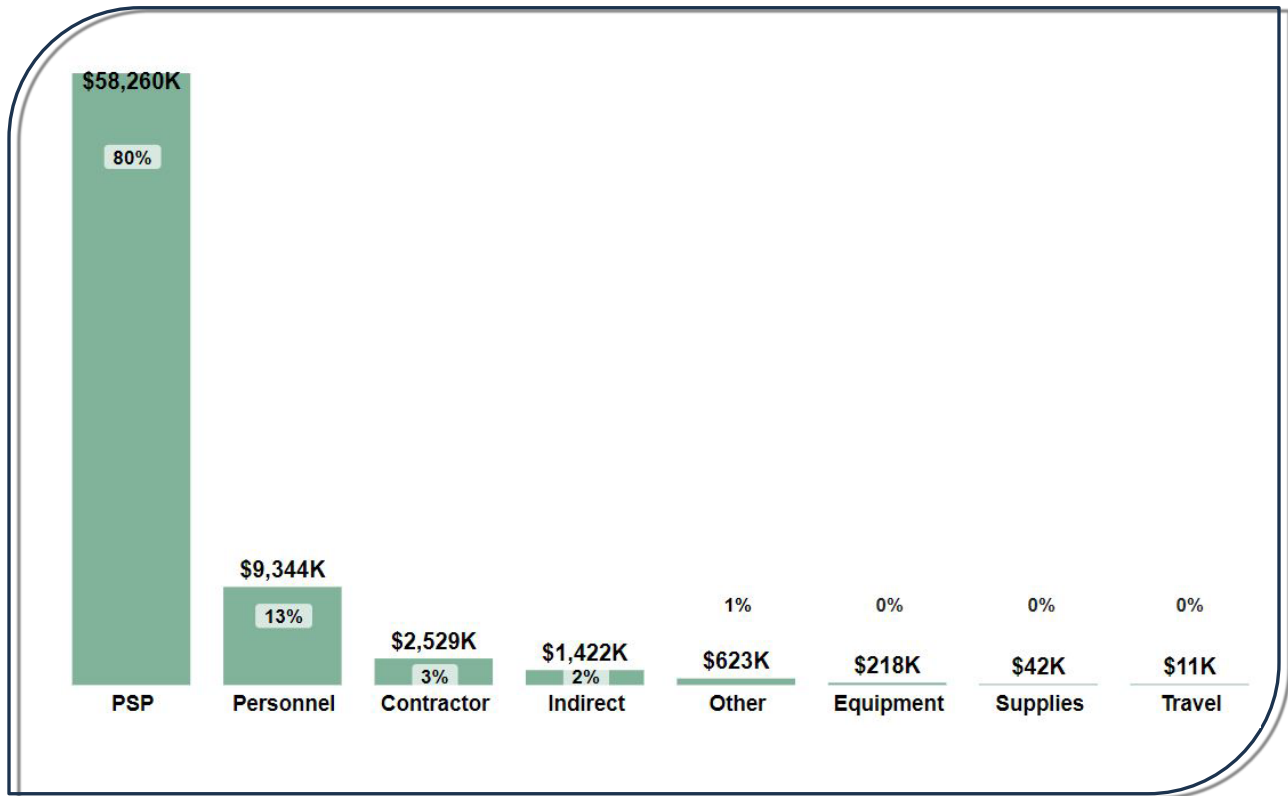


Appendix D: Booking Demographic Data Collected



Appendix E: Total Expenses by Category

PSP=Pretrial Release Provider



Appendix F: Pretrial Release Allocations

| Court | Allocations | Court | Allocations |
|---------------------|--------------------|------------------------|--------------------|
| Alameda | \$2,423,036.00 | Placer | \$520,431.00 |
| Alpine | \$200,000.00 | Plumas | \$200,000.00 |
| Amador | \$200,000.00 | Riverside | \$4,122,541.00 |
| Butte | \$562,947.00 | Sacramento | \$2,353,292.00 |
| Calaveras | \$200,000.00 | San Benito | \$200,000.00 |
| Colusa | \$200,000.00 | San Bernardino | \$3,932,956.00 |
| Contra Costa | \$1,669,016.00 | San Diego | \$5,935,758.00 |
| Del Norte | \$200,000.00 | San Francisco | \$1,053,408.00 |
| El Dorado | \$234,019.00 | San Joaquin | \$1,317,396.00 |
| Fresno | \$1,746,951.00 | San Luis Obispo | \$756,995.00 |
| Glenn | \$200,000.00 | San Mateo | \$985,762.00 |
| Humboldt | \$303,906.00 | Santa Barbara | \$1,241,487.00 |
| Imperial | \$321,185.00 | Santa Clara | \$2,878,401.00 |
| Inyo | \$200,000.00 | Santa Cruz | \$719,981.00 |
| Kern | \$1,620,585.00 | Shasta | \$245,616.00 |
| Kings | \$291,807.00 | Sierra | \$200,000.00 |
| Lake | \$200,000.00 | Siskiyou | \$200,000.00 |
| Lassen | \$200,000.00 | Solano | \$689,671.00 |
| Los Angeles | \$16,642,502.00 | Sonoma | \$703,652.00 |
| Madera | \$260,672.00 | Stanislaus | \$924,335.00 |
| Marin | \$308,889.00 | Sutter | \$200,000.00 |
| Mariposa | \$200,000.00 | Tehama | \$200,000.00 |
| Mendocino | \$200,000.00 | Trinity | \$100,000.00 |
| Merced | \$557,641.00 | Tulare | \$850,093.00 |
| Modoc | \$200,000.00 | Tuolumne | \$200,000.00 |
| Mono | \$200,000.00 | Ventura | \$1,384,110.00 |
| Monterey | \$770,653.00 | Yolo | \$780,888.00 |
| Napa | \$212,331.00 | Yuba | \$200,000.00 |
| Nevada | \$200,000.00 | | |
| Orange | \$5,127,087.00 | Total | \$68,950,000.00 |

Appendix G: Funding Floor Allocations for Small Courts

| Court | Funding Floor Allocation | Nonfunding Floor Allocation | Total Expended | Nonfunding Floor % Expended |
|-------------------|---------------------------------|------------------------------------|-----------------------|------------------------------------|
| Alpine | \$200,000.00 | \$1,617.55 | \$45,655.93 | 2823% |
| Amador | \$200,000.00 | \$42,432.49 | \$218,364.82 | 515% |
| Calaveras | \$200,000.00 | \$50,332.16 | \$228,558.74 | 454% |
| Colusa | \$200,000.00 | \$35,774.20 | \$176,661.70 | 494% |
| Del Norte | \$200,000.00 | \$36,902.73 | \$203,901.48 | 553% |
| Glenn | \$200,000.00 | \$49,128.40 | \$134,409.55 | 274% |
| Inyo | \$200,000.00 | \$19,974.87 | \$23,332.10 | 117% |
| Lake | \$200,000.00 | \$82,984.11 | \$202,965.04 | 245% |
| Lassen | \$200,000.00 | \$60,376.02 | \$85,033.04 | 141% |
| Mariposa | \$200,000.00 | \$15,347.92 | \$118,418.58 | 772% |
| Mendocino | \$200,000.00 | \$127,824.13 | \$228,563.83 | 179% |
| Modoc | \$200,000.00 | \$8,463.93 | \$206,845.31 | 2444% |
| Mono | \$200,000.00 | \$21,573.61 | \$158,264.87 | 734% |
| Nevada | \$200,000.00 | \$111,592.19 | \$226,445.30 | 203% |
| Plumas | \$200,000.00 | \$21,874.55 | \$78,559.07 | 359% |
| San Benito | \$200,000.00 | \$106,720.73 | \$218,702.03 | 205% |
| Sierra | \$200,000.00 | \$5,586.19 | \$261,615.54 | 4683% |
| Siskiyou | \$200,000.00 | \$55,429.33 | \$131,542.11 | 237% |
| Sutter | \$200,000.00 | \$158,538.78 | \$358,222.17 | 226% |
| Tehama | \$200,000.00 | \$88,626.73 | \$202,716.82 | 229% |
| Trinity | \$100,000.00 | \$14,144.16 | \$35,161.57 | 249% |
| Tuolumne | \$200,000.00 | \$67,147.16 | \$220,204.68 | 328% |
| Yuba | \$200,000.00 | \$137,284.92 | \$220,638.09 | 161% |

Appendix H: Education and Trainings

| | | | |
|---|---|----------------|--|
| <p>PRETRIAL RELEASE POLICY AND PRACTICE</p> <p>Training for Judicial Officers</p> | | |  <p>Judicial Council of California</p> |
| <p>Thursday, September 14, 2023</p> <p>9:00 a.m. – 4:15 p.m.</p> <p>Vineyard Training Room @ San Bernardino Superior Court, California</p> | | | <p>Agenda</p> |
| <p>Morning session</p> | | | |
| 9.00am | - | 9.05am | <p>Criminal Justice Services (CJS) Welcome and Call to order</p> <p><i>Deirdre Benedict, Supervising Analyst, Criminal Justice Services, Judicial Council</i></p> |
| 9.05am | - | 9.15am | <p>Welcome and Introductions</p> <p><i>Hon. Glenn Yabuno, Superior Court of California, County of San Bernardino</i></p> |
| 9.15am | - | 10.15am | <p>Bail and Pretrial Release</p> <ul style="list-style-type: none"> ▪ Background to Bail ▪ Purpose and intent of legislation ▪ Role of Judicial Officer making release decision <p><i>Hon. Lisa Rodriguez, Superior Court of California, County of San Diego</i></p> |
| 10.15am | - | 11.15am | <p>Pretrial Release in Post-Humphrey Era</p> <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> <p><i>Hon. Richard Couzens, Superior Court of California, County of Placer (Ret.), appearing remotely</i></p> |
| 11.15am | - | 11.30am | <p>Morning Break</p> |
| 11.30am | - | 12.30pm | <p>The Use of Risk Assessment Instruments and Pretrial Release</p> <ul style="list-style-type: none"> ▪ What are Risk Assessment Instruments? ▪ Communicating Risk - Success vs Failure ▪ Pre-Arrestment vs. Individualized Detention Hearing <p><i>Hon. Brett Alldredge, Superior Court of California, County of Tulare</i></p> |
| 12.30pm | - | 1.15pm | <p>Lunch Break</p> |
| <p>Afternoon session</p> | | | |

| | | | |
|--|---|---------|---|
| 1.15pm | - | 2.45pm | Prearrest Review and Release <i>Hon. Kenneth English, Commissioner of the Superior Court of California, County of Sonoma and Hon. Serena Murillo, Superior Court of California, County of Los Angeles</i> |
| 2.45pm | - | 3.00pm | Afternoon Break |
| 3.00pm | - | 4.00pm | Hypothetical Exercises Scenarios and discussion around assessments and application of Humphrey <i>Facilitated by Hon. Kenneth G. English, Hon. Brett Alldredge and Hon. Lisa Rodriguez</i> |
| 4.00pm | - | 4.15pm | Closing Remarks <i>Hon. Lisa Rodriguez</i> |
| PRETRIAL RELEASE POLICY AND PRACTICE Training for Judicial Officers | | |  Judicial Council of California |
| Thursday, October 26, 2023 9:00 a.m. – 4:00 p.m. Judicial Council, Gateway Oaks, Sacramento | | | Agenda |
| Morning session | | | |
| 9.00am | - | 9.15am | Welcome and Introductions <i>Hon. Michael G. Bowman, Superior Court of California, County of Sacramento</i> |
| 9.15am | - | 9.30am | Setting the scene and objectives for the day <i>Hon. Lisa Rodriguez, Superior Court of California, County of San Diego</i> |
| 9.30am | - | 10.30am | Bail and Pretrial Release <ul style="list-style-type: none"> ▪ Background to Bail ▪ Purpose and intent of legislation ▪ Role of Judicial Officer making release decision <i>Hon. Lisa Rodriguez</i> |
| 10.30am | - | 10.35am | Short break |

| | | | |
|---------------------------|---|----------------|---|
| 10.35am | - | 11.35am | 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. Richard Couzens, Superior Court of California, County of Placer (Ret.)</i> |
| 11.35am | - | 11.40am | Short Break |
| 11.40am | - | 12.00pm | Risk Assessment Instruments and Pretrial Release <ul style="list-style-type: none"> What are Risk Assessment Instruments? Communicating Risk - Success vs Failure Pre-Arrestment vs. Individualized Detention Hearing <i>Hon. Brett Alldredge, Superior Court of California, County of Tulare</i> |
| 12.00pm | - | 12.45pm | Lunch |
| Afternoon sessions | | | |
| 12.45pm | - | 1.45pm | Preadmission Review and Release <ul style="list-style-type: none"> What, when, who, how, where, and why. Preadmission Hypotheticals <i>Hon. Kenneth English, Commissioner of the Superior Court of California, County of Sonoma</i> |
| 1.45pm | - | 1.50pm | Short Break |
| 1.50pm | - | 2.30pm | Judging in the 21st Century <i>Hon. Brett Alldredge</i> |
| 2.30pm | - | 3.45pm | Hypothetical Exercises Scenarios and discussion around assessments and application of Humphrey Arrestment and bail review <i>Facilitated by Hon. Richard Couzens (Ret.), Hon. Kenneth G. English, Hon. Brett Alldredge and Hon. Lisa Rodriguez</i> |
| 3.45pm | - | 4.00pm | Closing Remarks <i>Hon. Lisa Rodriguez</i> |

Snowflake Brown-Bag Webinar

Criminal Justice Services



Judicial Council of California

Wednesday, July 12, 2023

Agenda

12PM

- Welcoming Remarks
- Sacramento Superior Court Demo
- Questions

1PM

- Closing Remarks

August Pretrial Brown-Bag Webinar

Criminal Justice Services



Judicial Council of California

Wednesday, August 09, 2023

Agenda

12PM

- Welcoming Remarks
- CJS Power BI Demo
- Questions

1PM

- Closing Remarks

August Final Pretrial Pilot Report Webinar

Criminal Justice Services



Judicial Council of California

Wednesday, August 17, 2023

Agenda

12PM

- Welcoming Remarks
- Background on Pretrial Pilot Program
- Pretrial Pilot Program Overview
- Alameda Superior Court
- Outcomes and Findings
- Questions

1:30PM

- Closing Remarks

November Pretrial Brown-Bag Webinar




Criminal Justice Services



Judicial Council of California

Wednesday, November 08, 2023

Agenda

| | |
|--|---|
| 12PM | <ul style="list-style-type: none"> • Welcoming Remarks • Nevada Pretrial Release Program • Program Background • Pretrial Services • Pretrial Response Behavior Matrix • Questions |
| 1PM | <ul style="list-style-type: none"> • Closing Remarks |
| <div> <div> February Pretrial Brown-Bag Webinar Criminal Justice Services Wednesday, February 21, 2024 </div> <div>  Judicial Council of California </div> </div> <div> <div> <ul style="list-style-type: none"> • Welcoming Remarks • Reminders for FY 23-24 • What Have We Seen So Far • Solano Pretrial Release Program • Santa Clara Pretrial Release Program • Mono Pretrial Release Program • Contra Costa Pretrial Release Program • Questions • Closing Remarks </div> <div> Agenda </div> </div> | |
| <div> <div> May Pretrial Brown-Bag Webinar Criminal Justice Services Thursday, May 30, 2024 </div> <div>  Judicial Council of California </div> </div> <div> <div> <ul style="list-style-type: none"> • Welcoming Remarks • Sacramento Pretrial Release Program • Napa Pretrial Release Program • Orange Pretrial Release Program • Questions • Closing Remarks </div> <div> Agenda </div> </div> | |
| <div> <div> Overview of FY 24-25 Pretrial Release Program Guidance Memorandum Criminal Justice Services Wednesday, June 12, 2024 </div> <div>  Judicial Council of California </div> </div> <div> <div> Agenda </div> </div> | |

| | |
|---|--|
| <ul style="list-style-type: none"> • Welcoming Remarks by the Hon. Lisa Rodriguez | |
| <ul style="list-style-type: none"> • Pretrial Policy and Data Subcommittee • Webinar Overview • Legislative Structure and Focus • Successes and Emerging Trends • What's New: IBA Renewal Process • What's New: Progress Report • Questionnaire • Data Collection • Individual-Level Data Collection • Aggregate-Level Data Collection • Summary of Upcoming Trainings • Technical Assistance and Support • Important Deadlines • Closing Remarks | |