



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on January 17, 2020

Title

Report to the Legislature: Recidivism
Reduction Fund Court Grant Program:
Final Report, 2019

Agenda Item Type

Action Required

Effective Date

January 16, 2020

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

December 6, 2019

Recommended by

Judicial Council staff
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Executive Summary

The Criminal Justice Services office recommends that the Judicial Council receive the *Recidivism Reduction Fund Court Grant Program: Final Report, 2019*, and direct the Administrative Director to submit this annual report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2015 (Assem. Bill 93; Stats. 2015, ch. 10). The report documents the Recidivism Reduction Fund court grant program, describes grant-related activities of the Judicial Council and the grantees, and addresses the effectiveness of the programs based on established outcome measures and the impact of the monies appropriated to enhance public safety and improve offender outcomes.

Recommendation

Staff to the Judicial Council's Criminal Justice Services office recommend that the Judicial Council:

1. Receive the attached *Recidivism Reduction Fund Court Grant Program: Final Report, 2019*, that documents the outcomes of the Recidivism Reduction Fund court grant; and

2. Direct the Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2015 (Assem. Bill 93; Stats. 2015, ch. 10).

Relevant Previous Council Action

At its meeting on November 30, 2018, the Judicial Council received the *Recidivism Reduction Fund Court Grant Program, Annual Report 2018*. The Judicial Council directed the Administrative Director to submit the annual report to the Joint Legislative Budget Committee (JLBC) and Department of Finance (DOF) as mandated by the Budget Acts of 2014 and 2015 (Sen. Bills 852 and 69, respectively). The Judicial Council authorized staff to continue to work with the courts to complete data analysis on the programs as directed by the Legislature.

Analysis/Rationale

As part of the Budget Act of 2014, the Legislature directed the Judicial Council to develop and administer a competitive grant program for trial courts that incorporates practices known to reduce adult offender recidivism. The council is required to submit a final report four years after the grants are awarded to the JLBC and the DOF as mandated by the Budget Act of 2015. The *Recidivism Reduction Fund Court Grant Program: Final Report, 2019*, reviews the establishment of the Recidivism Reduction Fund (RRF) court grant program, describes grant-related activities of the Judicial Council and the grantees, and provides information that addresses the effectiveness of the programs based on established outcome measures and the impact of the monies appropriated to enhance public safety and improve offender outcomes.

The Judicial Council's Recidivism Reduction Fund court grant program is an ambitious project that provided funding for 39 pretrial and collaborative court programs, encouraging collaboration among the grantee courts and justice system partners. Approximately 96 percent of the \$15.43 million awarded to the courts was fully expended by the end of the program period, April 30, 2018. The implementation of the RRF program provides critical lessons for the local jurisdictions and the state in grant management, outcome measurement, and training and technical assistance for criminal justice programs.

Policy implications

The implementation of the RRF program provides critical lessons for the local jurisdictions and the state in grant management, outcome measurement, and training and technical assistance for criminal justice programs. CJS staff have been working with Leadership Support Services staff overseeing the Court Innovations Grant Program to share best practices and lessons learned in grant administration and evaluation. Findings from RRF pretrial grantees are also being used to inform the implementation activities following the passage of AB 74 (Budget Act of 2019), which provided funding for pretrial pilot programs.

Comments

Comment was not solicited for the report.

Alternatives considered

Alternatives were not considered for this legislatively mandated report.

Fiscal and Operational Impacts

No fiscal or operational impacts are associated with the report.

Attachments and Links

1. *Recidivism Reduction Fund Court Grant Program: Final Report, 2019*

JUDICIAL COUNCIL OF CALIFORNIA

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Chair of the Judicial Council*

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Executive Summary

In fiscal year 2014–15, the Legislature allocated \$16.3 million from the Recidivism Reduction Fund (RRF) to a competitive grant program designed for courts to use for programs and practices known to reduce offender recidivism and enhance public safety. The grant program was administered by the Judicial Council with funding appropriated as part of the Budget Act of 2014 (Sen. Bill 852; Stats. 2014, ch. 25) and the Budget Act of 2015 (Assem. Bill 93; Stats. 2015, ch. 10). Overall, 39 local projects were funded—20 collaborative court programs and 11 pretrial programs. In addition, 8 small grants were made for courts to conduct twelve-month training and technical assistance projects for their staff and local partners.

The Budget Acts directed the Judicial Council to establish performance-based outcome measures and report annually to the Joint Legislative Budget Committee and the Department of Finance. This final report addresses the effectiveness of the grantee programs based on established outcome measures and the impact of the monies appropriated to enhance public safety and improve offender outcomes.

Program Evaluation

Performance-based outcome measures were developed for both types of programs in partnership with grantee courts and with guidance from subject matter experts in the fields of collaborative justice and pretrial programs. This report describes final data and outcomes based on program data collected for the 31 pretrial and collaborative court programs over all three years of the grant.

Collaborative Courts Findings

Collaborative court programs served a high volume of participants during the grant period, retained most program participants, and had low reported recidivism rates. Eleven different types of collaborative courts participated in the grant program, including adult drug courts, veterans treatment courts, and mental health courts, and those programs received 4,000 new entries during the grant period. Retention rates were strong, with approximately 80 percent of participants either graduating from the program or continuing to receive services and comply with program requirements one year after entry. In-program recidivism rates were low: approximately 7 percent of participants received new charges as a result of an arrest, and only around half of those resulted in a conviction. Only 66 participants out of a total of more than 4,000 new entries were discharged from collaborative court programs because of a new misdemeanor or felony charge.

Pretrial Program Findings

Eleven pretrial program grantees conducted nearly 50,000 pretrial risk assessments during the grant period. The programs assessed detainees' risk of new crime or failure to appear (FTA) during the pretrial period and provided this information to judicial officers for consideration in

making pretrial release determinations at arraignment. Ten of the pretrial programs implemented monitoring programs, and released 7,000 defendants to pretrial monitoring; other pretrial defendants remained eligible for release on their own recognizance or with a secured bond. The reported FTA and new arrest rates for defendants released under the RRF monitoring programs were consistent with the defendants' assessed risk level.

Supplemental Pretrial Program Evaluation

In four of the pretrial programs, individual defendant data was matched with local justice system partner and California Department of Justice data, which allowed for a more comprehensive analysis of pretrial outcomes. This more intensive analysis of data for the four pretrial programs found the following:

- Risk assessment tools worked well to differentiate defendants by risk level—those assessed as low risk had the lowest rate of pretrial failure, and those assessed as high risk had the highest rate of pretrial failure.
- Focusing on releasing more defendants according to risk level could lead to more optimal release practices for each county depending on local policy preferences and risk tolerance.
- Analysis of the data suggests that pretrial programs could be used to safely release more low- and moderate-risk defendants pretrial without increasing the level of risk to public safety or failures to appear in court.
- Further study is needed on effective supervision and monitoring practices of released individuals—effective monitoring practices, such as court date reminders, might further maximize release without increasing pretrial failure rates.

Conclusion

The success of collaborative court and pretrial programs supported by the Recidivism Reduction Fund grant program could be replicated and expanded in order to maximize safer and more just outcomes. Results from the evaluation of these programs support the case for ongoing and sustained funding for both collaborative court and pretrial programs. The evaluation of the RRF collaborative court programs is consistent with over 20 years of collaborative court research that shows that these courts are effective at reducing offender recidivism. The findings of this evaluation and new research on pretrial programs demonstrate that risk-informed decision-making can increase release without jeopardizing public safety and appearance in court.

The recently enacted 2019–20 state budget included funding for pretrial pilot courts to increase safe and efficient pretrial release. The new pretrial pilot program requires pilot courts to assess nearly all individuals booked into county jails prior to arraignment, and to gather data on all individuals released pretrial. The findings from this RRF evaluation can provide a road map for the new pilot courts to implement policies and procedures to maximize pretrial release while maintaining public safety.

The Judicial Council's Recidivism Reduction Fund Court Grant Program

Background

For over two decades, California's prison system faced many challenges with overcrowding and lawsuits related to the provision of health and mental health services in prison. The prison population increased from approximately 60,000 inmates in 1986 to an all-time high of 173,479 in 2006. In 2011, the United States Supreme Court upheld a lower court ruling requiring the California Department of Corrections and Rehabilitation to reduce the population in its institutions to 137.5 percent of the system's design capacity.¹

As part of the effort to reduce the prison population and recidivism, the Budget Act of 2014 established the Recidivism Reduction Fund (RRF). In the Budget Act of 2014 (Sen. Bill 852; Stats. 2014, ch. 25) and the Budget Act of 2015 (Assem. Bill 93; Stats. 2015, ch. 10), the Legislature allocated a total of \$16.3 million from the RRF for a competitive grant program to be developed and administered by the Judicial Council of California (Judicial Council). The funds were designated for courts to use in the administration and operation of programs and practices known to reduce offender recidivism and enhance public safety, including pretrial programs, collaborative courts that serve moderate- and high-risk adult offenders (hereafter referred to as collaborative courts), and court use of validated risk and needs assessment information.²

The legislation directed the Judicial Council to administer the program, establish performance-based outcome measures, and report annually to the Joint Legislative Budget Committee (JLBC) and the Department of Finance (DOF). The legislation also directed the Judicial Council to provide a final report to the JLBC and DOF four years after the grants were awarded to address the effectiveness of the programs based on the established outcome measures and the impact of the monies appropriated pursuant to this act to enhance public safety and improve offender outcomes.

As charged by SB 852, the Judicial Council provided a preliminary report to the JLBC and the DOF in March 2015, and annual reports in 2016 through 2018. The annual reports described the establishment of the RRF court grant program, funding allocations, local program implementation activities, and procedures for establishing data collection and validation methodologies. All RRF annual reports can be accessed on the "Recidivism Reduction Fund Court Grant Program" page of the California Courts website.³

¹ Cal. Department of Finance, *An Update to the Future of California Corrections* (Jan. 2016), www.cdcr.ca.gov/wp-content/uploads/2019/06/an-update-to-the-future-of-california-corrections-january-2016-1.pdf.

² No courts were awarded funding in the "court use of validated risk and needs assessment information" category.

³ See www.courts.ca.gov/RecidivismReduction.htm.

This final report recaps program implementation and administrative activities. It explains the Judicial Council's approach to the evaluation of the program and includes a final assessment of the effectiveness of both pretrial and collaborative court program types. The report also includes a final section describing the methodology and findings of a more in-depth study of a subsample of the pretrial programs.

Grant Awards

The Judicial Council developed and released an RRF request for proposals (RFP) in October 2014. Grant funds were intended to benefit as many courts as possible, and the RFP process was structured to encourage statewide geographic and program diversity with funding priority given to planning and implementation proposals for new programs. In 2015, the Judicial Council awarded \$15,314,146 in funding to 32 applicant courts (12 pretrial release programs and 20 collaborative court programs)⁴ in two funding phases. Initial grant awards ranged from approximately \$130,000 to \$600,000. In 2016, the Judicial Council authorized development of a third phase of the RRF program to provide smaller grants to courts for training and technical assistance related to programs and practices known to reduce offender recidivism. Eight superior courts received training or technical assistance grants totaling approximately \$120,000, with awards ranging from approximately \$8,000 to \$20,000.

Because initial program start-up activities lasted longer than anticipated for most projects, spending in the first year was slow. With Judicial Council authorization to work with grantee courts to most effectively utilize RRF funds, staff conducted two separate reallocation processes in 2016 and 2017. Funds left over by fiscal year-end were offered to courts that demonstrated the ability to spend them, and contracts were amended accordingly. For a summary of all final RRF Collaborative Courts and Pretrial Program grant allocations, see Attachment A. In addition, a map illustrating all county awards is provided as Attachment B.

In total, by the conclusion of the funding period on April 30, 2018, courts and their local partners had expended more than 96 percent of the funding allocated to their programs. While establishing partnerships, documenting agreements, and hiring staff delayed project spending early on, implementation activities and associated expenditures increased steadily each year through the end of project.

Program Monitoring

The full RRF program implementation period spanned April 1, 2015, through April 30, 2018, although some projects ended June 30, 2017. For a summary of RRF Collaborative Courts and Pretrial Program project implementation time frames, see Attachment C. Judicial Council staff conducted a variety of monitoring and technical assistance tasks including site visits, fiscal monitoring, and training and technical assistance activities.

⁴ The Superior Court of San Luis Obispo County was awarded funding for a pretrial program but opted out of further participation in March 2016.

Data Collection

RRF grantee courts were required to submit quarterly data on their programs that included both program summary information as well as individual-level data on participant characteristics and outcomes. Data were submitted through a secure site and cleaned by Judicial Council staff. Additional information on the data collection process can be found in the RRF Annual Report 2017.⁵

⁵ See www.courts.ca.gov/RecidivismReduction.htm.

RRF Program Overview and Evaluation

The Budget Act of 2014 required the Judicial Council to establish performance-based outcome measures, collect and analyze data from grantees, and submit a report that addresses the effectiveness of the programs based on the reports of the established outcome measures. Judicial Council staff, in partnership with the grantee courts, identified performance measures appropriate for each program based on existing research and expert recommendations in the fields of collaborative justice and pretrial programs. Judicial Council staff reviewed the national literature and expert recommendations and engaged in an iterative process with the courts to identify data elements that were feasible for local courts to collect in order to report identified performance measures.

Performance measures tracked across all grantee courts are responsive to the legislative directive to address the effectiveness of the programs and the impact of the monies appropriated but were not intended to be considered a comprehensive program evaluation. The Judicial Council recognized the need for a more comprehensive analysis of the RRF pretrial programs and conducted an in-depth analysis on a subset of the programs.⁶

This section provides an overview of both program types, the evaluation approaches, and program findings.

Collaborative Courts Overview

Adult criminal collaborative justice court programs (sometimes referred to as problem-solving courts) combine intensive judicial supervision and collaboration among justice system partners with rehabilitation services to reduce recidivism and improve outcomes for moderate and high-risk offenders with significant treatment needs. Although program models differ among court types and local jurisdictions, adult criminal collaborative courts are generally led by a judge and include an interdisciplinary team consisting of a defense attorney, a prosecutor, a representative from probation or parole, and treatment staff and/or case managers or other stakeholders specific to the particular type of court. Most of these cases are postadjudication models in which participants plead guilty to their charges and, in lieu of incarceration, are placed in the collaborative court under community supervision.

Collaborative court participants are typically assessed for substance use disorders, mental health issues, and other treatment needs as well as their risk to public safety. Community supervision and treatment plans are created based on the information obtained from these assessments. Participants attend regularly scheduled court sessions, usually one to four times a month, to discuss their adherence to supervision, treatment plans, and other program requirements. Graduated sanctions (e.g., admonishments, increased frequency of court sessions, and brief jail

⁶ Research on pretrial programs was prioritized because California and several other states are considering or implementing statewide pretrial reform efforts that could benefit from the data gathered in the study. In addition to the mandated outcome measures, this report concludes with a more in-depth analysis in the Supplemental Pretrial Program Evaluation (see pages 21–33).

sanctions) are used to respond to noncompliant behaviors, and incentives (e.g., verbal praise, reduced frequency of court hearings, and transportation or food vouchers) are used to reward prosocial behaviors and encourage participants' progress. Participation in collaborative court programs is typically required for 12 to 18 months at which point successful participants can graduate.

There are a variety of collaborative courts operating in California including drug courts, mental health courts, co-occurring disorder courts for individuals exhibiting both substance use disorders and mental illness, veterans treatment courts, driving under the influence (DUI) courts, and domestic violence courts. Although these courts differ in their target populations and some practices, the courts funded through the RRF were all required to follow the key principles of collaborative courts⁷ and to target moderate- to high-risk participants. Grantee courts used their funding in a variety of ways to support their collaborative court programs. While most jurisdictions supported court staff and treatment or supervision activities in one specific collaborative court, some grantees chose to use their funds for services or activities that served a variety of collaborative courts in one jurisdiction. For example, the Superior Courts of San Francisco and Santa Clara Counties created programs to provide supportive housing to participants in several of the collaborative courts. A summary of all collaborative court programs funded can be found in Attachment D.

Collaborative Court Evaluation Approach

Drug courts are the longest-running and most prolific type of collaborative court and have been heavily researched for more than two decades. The large body of research indicates that these programs are effective and result in reduced recidivism among participants.⁸ Although the body of research is less extensive for other collaborative courts, studies on mental health courts,⁹ DUI courts,¹⁰ and reentry courts¹¹ have shown these court models also to be effective. Other newly

⁷ Available on the "Collaborative Justice Courts" page of the California Courts website, www.courts.ca.gov/programs-collabjustice.htm.

⁸ U.S. Government Accountability Office, *Adult Drug Courts: Studies Show Courts Reduce Recidivism, But DOJ Could Enhance Future Performance Measure Revision Efforts*, GAO-12-53 (Washington, D.C.: Dec. 2011), www.gao.gov/assets/590/586793.pdf.

⁹ Yue Yan and Matthew R. Capriotti, "The Impact of Mental Health Court: A Sacramento Case Study" (July/Aug. 2019) *Behavioral Sciences & the Law* 37:4; Dale E. McNiel and Renée L. Binder, "Effectiveness of a Mental Health Court in Reducing Criminal Recidivism and Violence" (2007) *Am J Psychiatry* 164:1395–1403; Henry J. Steadman et al., "Effect of Mental Health Courts on Arrests and Jail Days: A Multisite Study," *Archives of General Psychiatry* 68(2):167–172 (Sept. 2010), DOI: 10.1001/archgenpsychiatry.2010.134.

¹⁰ NPC Research, *San Joaquin DUI Monitoring Court Process and Outcome Evaluation* (Sept. 2012), submitted to San Joaquin County Collaborative Courts and the California Office of Traffic Safety, https://npcresearch.com/wp-content/uploads/San_Joaquin_DUI_Court_Evaluation_0912.pdf.

¹¹ Lama Hassoun Ayoub and Tia Pooler, *Coming Home to Harlem: A Randomized Controlled Trial of the Harlem Parole Reentry Court* (Center for Court Innovation, Oct. 2015), www.courtinnovation.org/sites/default/files/documents/Harlem%20Final%20Report%20-%20June.pdf.

emerging collaborative court programs, including veterans treatment courts, have yet to generate a comprehensive body of research due to their nascency and still others, such as domestic violence courts, have mixed evaluation results. The court models that have less voluminous bodies of research share similar objectives and practices to the proven models. Because these courts lack national standards for performance metrics, consensus among court staff and experts was that the broad performance metrics used for drug courts would be the most appropriate measures applicable to the collaborative courts funded under this grant.

The National Drug Court Institute, with support from the U.S. Department of Justice’s Bureau of Justice Assistance, convened a group of researchers and other national subject-matter experts in drug courts to develop common performance metrics for the field. In June 2006, this National Research Advisory Committee (NRAC) identified four recommended metrics¹² considered high priority including sobriety, in-program recidivism, retention, and service utilization. Judicial Council staff worked with grantee courts to prioritize which performance measures were most essential and feasible to collect and to create standard data definitions. Through this process two of the measures were identified as top priorities: in-program recidivism (defined as a re-arrest that resulted in program termination or the filing of a new criminal charge while in the program) and retention (defined as successfully graduating or remaining in the program for at least 12 months). Descriptive statistics about the collaborative court programs and their outcomes appear below.

Collaborative Court Programs Findings

Summary of Findings

- Eleven types of collaborative court programs were supported through the grant including adult drug courts, veterans treatment courts, mental health courts, and reentry courts.
- Participating collaborative court programs served a high volume of participants—over 4,000 new entries during the grant period.
- Retention rates were strong, indicating approximately 80 percent of participants either had graduated or continued to receive services and comply with program requirements one year after entry.
- In-program recidivism rates were low, with only 7.2 percent of participants receiving new charges as a result of an arrest, and approximately half of those resulting in a conviction. Of 1,683 total exits from the program, successful and unsuccessful, courts reported only 66 participants (4 percent) discharged because of a new misdemeanor or felony charge.¹³

¹² C. Heck, *Local Drug Court Research: Navigating Performance Measures and Process Evaluations* (Alexandria, VA: National Drug Court Institute, 2006), www.ndci.org/wp-content/uploads/Mono6.LocalResearch.pdf.

¹³ In-program recidivism rates are self-reported by the program and likely underestimate the true rates. Collaborative court programs do not always have robust cross-agency data exchange with justice system partners to access

These findings and others are described in more detail below and in tables included in the attachments to this report.

Collaborative Courts Descriptive Statistics

The RRF program funded 20 collaborative courts. Grantees reported a total of 4,079 entries to the 20 court programs from July 1, 2015, through March 31, 2018. These came from a total of 5,542 referrals to the court programs. By the end of the grant program data collection period, a total of 1,683 individuals had exited their court programs, either successfully or unsuccessfully (see Attachment E, Table 1), and 2,396 were still participating in the programs when data collection terminated.

recidivism information in their own county, and they do not always receive the information for participants who may have been arrested in other jurisdictions.

Table 1. Collaborative Courts Quarters Reported—Referrals, Entries, and Exits

County	Court Type	Referrals	Entries	Exits
Los Angeles	College	0	79	30
Mendocino	Drug	86	72	27
Modoc	Drug	23	22	12
Placer	Drug	121	100	68
San Joaquin	Drug	456	317	128
Tuolumne	Drug	131	94	63
San Joaquin	DUI	810	731	313
Tulare	DUI	188	171	99
Contra Costa	DV	126	90	9
Tulare	DV	197	133	83
Kern	MH	126	26	12
Merced	MH	116	68	36
Placer	MH	107	89	35
Santa Cruz	MH	170	81	32
Tehama	MH	116	52	21
Ventura	MH	325	85	47
Sacramento	MH/Drug	44	44	25
San Diego	MS	1,063	1,061	377
San Francisco	Mult*	176	83	44
Santa Clara	Mult*	88	87	30
San Mateo	Mult*	114	125	4
Placer	Prop 36	95	93	34
San Diego	Reentry	180	98	44
Lake	Veteran	43	21	6
Placer	Veteran	59	25	8
San Diego	Veteran	178	75	29
Stanislaus	Veteran	122	76	35
Ventura	Veteran	264	81	32
Total		5,524	4,079	1,683

Source: Judicial Council of California, Recidivism Reduction Fund Quarterly Reports (July 1, 2015-Mar 31, 2018).

*These programs fund services, such as housing support, that cut across a variety of court types.

Grant-funded program entry demographics varied by type of court and location, but on the whole, of the participants whose information was reported, 78 percent were male and 21 percent female; 42 percent were white, 36 percent Latino, 13 percent black, and 7 percent other race/ethnicities; and 18 percent were ages 18–25, 37 percent ages 26–35, 22 percent ages 36–45, 14 percent ages 46–55, and 6 percent over age 55. The average age of all participants was 35.9. (Attachment E, Tables 2–4.)

Retention Rates

Program retention outcomes were measured by looking at only those program participants who entered their programs during the period July 31, 2015, through March 31, 2017, to ensure the outcome data encompassed a full year following program entry. Participants were considered retained if one year after their entry dates they were either still participating in the program or had graduated from the program. One year was chosen based on NRAC recommendations and is a common collaborative court program length.

The overall retention rate for this cohort was approximately 80 percent (Attachment E, Table 5). At the end of the data-gathering period (March 31, 2018), of the 4,079 individuals who had entered these programs beginning July 1, 2015, 2,396 (59 percent) were reported as still enrolled and 784 (19 percent) were reported as having graduated successfully from the program (Attachment E, Table 6).

In-Program Recidivism

Two separate measures were used to identify in-program recidivism: the rates at which program entrants were charged with or convicted of new misdemeanor or felony offenses while participating in grant-funded programs, and the number of participants who were terminated from the program due to new misdemeanor or felony charges (Attachment E, Table 7).¹⁴ Only 1.8 percent overall were reported convicted of a new felony offense, with an additional 2.1 percent convicted of a new misdemeanor offense. Not counting those with convictions, 1.7 percent of program participants were reported as charged with a new felony offense; an additional 1.6 percent were charged with a new misdemeanor offense. Only 53 individuals (3 percent) had been discharged from their program for new felony charges and 13 (1 percent) had been discharged from their program for new misdemeanor charges during that same time.¹⁵

Pretrial Programs Overview

Pretrial programs have three primary functions that include (1) assessing defendant risk of failure to appear for court hearings and risk of committing a new crime if released during the pretrial phase of a case; (2) communicating information about these risks to the court for consideration in pretrial detention/release decisions; and (3) providing monitored release options to the court for defendants who might otherwise be detained during the pretrial phase of a case.

Pretrial programs gather relevant information and use a variety of tools, including validated pretrial risk assessment instruments, to assess defendant risk of failure to appear for court hearings and risk of committing a new crime. This risk information is communicated to the court and allows for a continuum of pretrial monitoring options, with intensity of monitoring conditions matched to risk level. Pretrial monitoring conditions are designed to protect public

¹⁴ These measures are not mutually exclusive—participants may be, but are not necessarily, counted both in new offenses and in terminations.

¹⁵ Recidivism was tracked by collaborative court program staff and only includes cases that occurred in that jurisdiction while the participant was enrolled in the program.

safety and help ensure that released defendants return to court. Risk-based recommendations for monitoring conditions aim to avoid the disadvantages of over-monitoring low-risk defendants, and at the same time to conserve resources for more intensive monitoring of high-risk caseloads.

Pretrial programs may incorporate other important program components including automated reminders of court dates, designated prosecutors to review new arrests before initial appearance in court for bail setting, defense attorney representation at bail hearings, needs assessment for defendants on monitored release, periodic check-ins with pretrial release officers, and more intensive forms of monitoring such as substance abuse testing and electronic monitoring. Pretrial program courts used their funding in a variety of ways, from conducting pretrial risk assessments to supervision and monitoring (Attachment F).

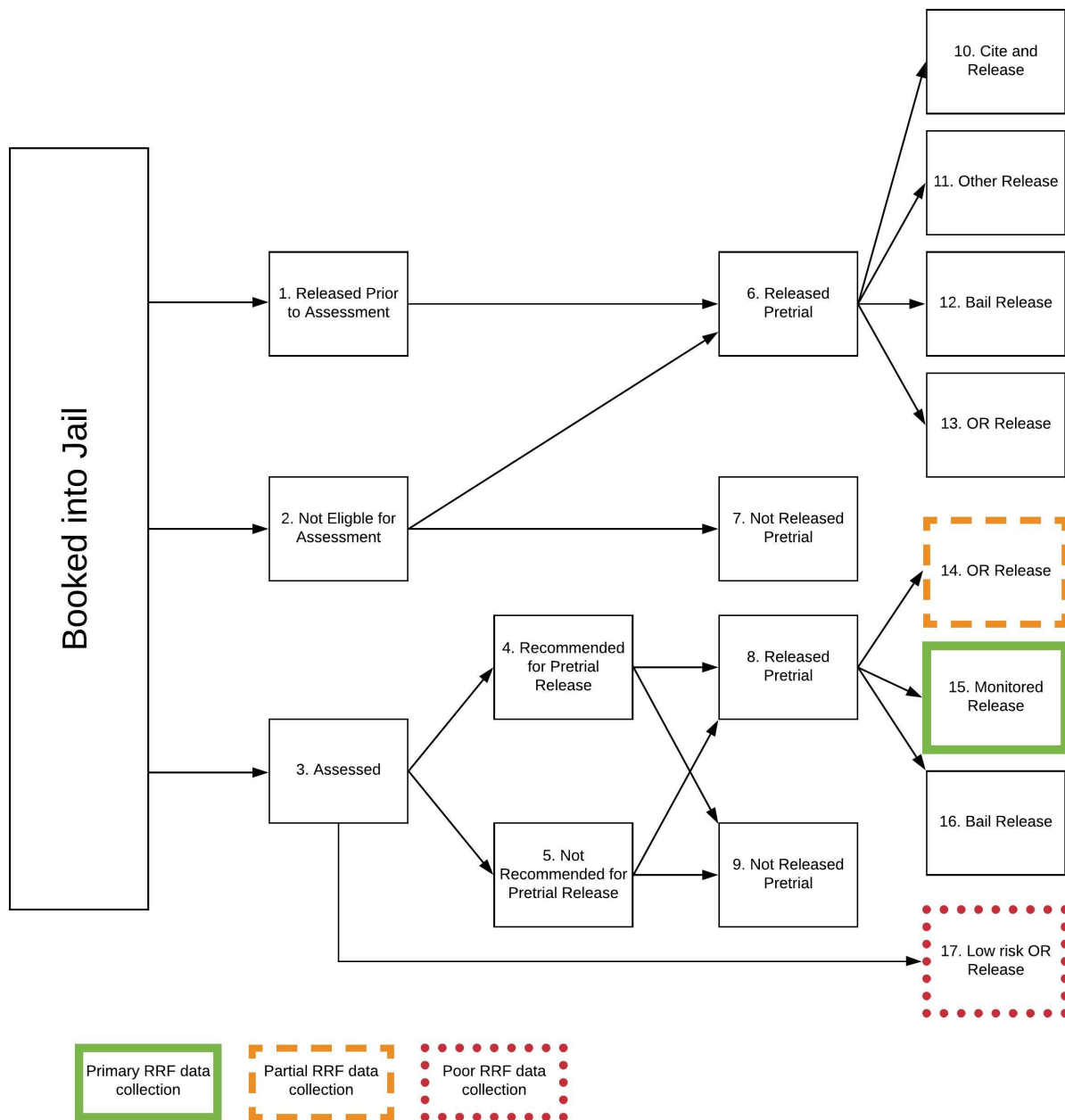
Pretrial Program Evaluation Approach

Similar to the evaluation approach for collaborative courts, Judicial Council staff reviewed existing research and recommendations of national subject-matter experts when identifying the needed performance measures for pretrial programs. Although the diversity of pretrial programs has hindered a national consensus such as exists around drug courts, some experts in the field have identified recommended data elements to collect that can be used to measure program performance.¹⁶ Judicial Council staff identified data elements to be collected by each court and worked with grantee courts to develop the list of required data and data definitions that were feasible to collect.

One of the significant challenges in collecting data from the pretrial counties related to the need for comprehensive data from the jails on individuals who were booked but were not part of the RRF-supported pretrial program. Most of the courts funded through the project focused resources not only on conducting risk assessments, but also on enhancing monitoring and services for pretrial program participants. These courts focused their funding and their data collection efforts mainly on the people who were monitored and therefore could be more easily tracked. Data on defendants who did not receive services through the pretrial program would have allowed for the creation of a comparison group to isolate program effects; however, many courts did not have resources, expertise, or the partnerships in place to gather data on individuals who were not monitored through the program and therefore only provided data on a limited number of defendants. Figure 1 depicts the points in the pretrial system for which RRF pretrial program data are available. Because of these data limitations, Judicial Council staff developed a more comprehensive research approach for a sample of the pretrial counties to complement the performance measures used for all 11 pretrial programs. Details on that more comprehensive study appear below the 11-county findings.

¹⁶ In 2011, the National Institute of Corrections published a comprehensive list of recommended data elements and performance metrics for pretrial programs; see National Institute of Corrections, *Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field* (Aug. 2011), <https://nicic.gov/measuring-what-matters-outcome-and-performance-measures-pretrial-services-field>.

Figure 1. Pretrial System and RRF Data Collection



Pretrial Programs Findings

Summary of Findings

- All 11 grantee counties successfully implemented programs to assess detainees' risk of new crime or failure to appear during the pretrial period and provided this information to judges for consideration in making pretrial release determinations.
- 49,607 pretrial risk assessments were conducted during the grant period.
- Ten counties successfully implemented pretrial monitoring programs, and a total of 7,405 defendants were released from jail to pretrial monitoring during the grant period.
- FTA and new arrest rates overall were consistent with assessed risk level; however, data quality was inconsistent and reported numbers are likely an undercount.

Pretrial Programs Descriptive Statistics

All 11 counties receiving grants for pretrial programs conducted assessments of individuals' risks of failure during the pretrial period (Table 2).¹⁷ These assessments were administered by the county probation department, sheriff's office, or grantee superior court itself. Overall, a total of nearly 50,000 pretrial risk assessments were conducted in these 11 counties across the quarterly grant periods for which data were reported to the Judicial Council.

¹⁷ The numbers of assessments in Table 2 are based on quarterly reports from each county. The Supplemental Pretrial Program Evaluation (see pages 21–33) is limited to 10 quarters of assessments and then further limited to those assessments that could be cross-verified with local jail booking data, that matched assessment eligibility requirements as described by each county, and that contained completed disposition data. As a result, the total number of assessments is lower in the Supplemental Pretrial Program Evaluation than that reported in Table 2.

Table 2. Pretrial Program Recipients and Number of Risk Assessments Conducted

County	Assessments
Alameda	5,991
El Dorado	1,443
Fresno	13,371
Imperial	6,987
Lassen	922
Monterey	535
Orange	8,032
Shasta	1,183
Solano	2,582
Sonoma	7,195
Yuba	1,366
Total	49,607

Source: Judicial Council of California, Recidivism Reduction Fund Quarterly Reports (July 1, 2015-March 31, 2018).

Pretrial program demographics varied by location, but overall, of the assessed individuals whose information was reported, 79 percent were male and 21 percent female;¹⁸ 36 percent were white, 48 percent Latino, 16 percent black, and 6 percent other race/ethnicities;¹⁹ and 29 percent were ages 18–25, 35 percent ages 26–35, 19 percent ages 36–45, 12 percent ages 46–55, and 5 percent over age 55.²⁰ The average age of all assessed individuals was 33.9. (Attachment G, Tables 7–9.)

The distribution of assessed risk levels varied by county (Table 3). Across all eleven counties, 21 percent of participants were assessed as low risk, 26 percent moderate risk, 24 percent high risk, and 28 percent unknown (the assessed risk level was missing from the collected data). Of those with a known risk level, the distribution was 30 percent low risk, 36 percent medium risk, and 34 percent high risk.²¹ Variations in local data collection practices may make certain risk levels less

¹⁸ The share of missing gender data ranges from 0 percent to 50 percent. Across all counties the overall rate of missing gender data was 11 percent.

¹⁹ The share of missing race/ethnicity data ranged from 2 percent to 54 percent. Across all counties the overall rate of missing race/ethnicity data was 11 percent.

²⁰ The share of missing age data ranged from 0 percent to 65 percent. Across all counties the overall rate of missing age data was 22 percent.

²¹ Yuba County used the ORAS risk assessment in combination with other criteria to generate release recommendations rather than using low-, moderate- and high-risk groups based exclusively on the ORAS score. The recommendations were “Prearrestment OR release with no conditions,” “Prearrestment OR release with conditions,” “at arrestment OR release with conditions,” and “Detention.” Throughout this report “Prearrestment OR release with no conditions” was reported as low risk, “Prearrestment OR release with conditions” was reported as moderate risk, and “at arrestment OR release with conditions” and “Detention” were classified together as high risk. As a result of their classification method their risk distribution differs from the other counties’. Upon

likely to be recorded in the collected data, so overall risk distribution across all assessments conducted may differ. For example, conversations with two pretrial programs revealed that many defendants who were assessed as low risk were released on OR without monitoring and were not reported in their low-risk assessment numbers (Figure 1, boxes 14 and 17).

The risk assessment tools used by all 11 of the Pretrial Program counties provide a risk score that combines risk of new criminal activity during the pretrial period with risk of failure to appear in court as required. Thus, it is not possible to determine whether the risk scores of defendants assessed by the Pretrial Program counties indicate risk to public safety as distinguished from risk of failure to appear.

Table 3. Assessed Risk Levels of All Reported Assessments

County	Low	Moderate	High	Unknown	Total
Alameda	1421	2180	1070	1320	5991
El Dorado	144	400	410	489	1443
Fresno	2111	2701	3464	5095	13371
Imperial	3379	2133	777	698	6987
Lassen	73	213	134	502	922
Monterey	94	246	193	2	535
Orange	143	1250	836	5803	8032
Shasta	16	523	644	0	1183
Solano	432	932	1218	0	2582
Sonoma	2746	2155	2099	195	7195
Yuba	18	70	1276	2	1366
Total	10577	12803	12121	14106	49607
Percent	21%	26%	24%	28%	100%

Source: Judicial Council of California, Recidivism Reduction Fund Quarterly Reports (July 1, 2015-March 31, 2018).

Monitored Pretrial Release

In addition to providing risk information to judges, ten grantee counties also provided additional pretrial release options to judges by implementing a monitored release program using the grant funding.²² Release to pretrial monitoring was determined at least in part by the recommendations of the assessments that were conducted. In total, grantees reported 7,405 releases to monitored pretrial release (Table 4). Counties varied in their definitions of pretrial monitoring, with some only including individuals who received active monitoring and some including individuals whose conditions involved only minimal contact. Individuals not counted as released to pretrial monitoring may have been released on their own recognizance, bailed out, or remained in jail.

Judicial Council request, Yuba provided the risk distribution based on the ORAS score alone. The ORAS risk score distribution was low (0–2), 16 percent; moderate (3–5), 56 percent; and high (6+), 27 percent.

²² Alameda County did not have a supervised pretrial release program during the data reporting period.

Table 4. RRF Volume of Releases to Pretrial Monitoring

County	Releases to Pretrial Supervision Program
Alameda	0
El Dorado	71
Fresno	1,994
Imperial	1,784
Lassen	106
Monterey	53
Orange	355
Shasta	241
Solano	744
Sonoma	1,783
Yuba	274
Total	7,405

Source: Judicial Council of California, Recidivism Reduction Fund Quarterly Reports (July 1, 2015-March 31, 2018).

Note: Alameda County did not have a pretrial supervision program during the data collection period.

Pretrial monitoring program demographics generally resembled those of all the individuals assessed pretrial, but slightly favored older, female, and white defendants. Overall, of the monitored individuals whose information was reported, 76 percent were male and 24 percent female;²³ 39 percent were white, 43 percent Latino, 11 percent black, and 7 percent other race/ethnicities;²⁴ and 34 percent were ages 18–25, 33 percent ages 26–35, 18 percent ages 36–45, 10 percent ages 46–55, and 4 percent over age 55.²⁵ The average age of all pretrial monitored individuals was 32.4. (Attachment G, Tables 10–12.)

The risk-level distribution for individuals on pretrial monitoring differs from the overall distribution of assessed risk. Across the ten counties with pretrial monitoring, the risk distribution of individuals released to monitoring was 30 percent low risk, 24 percent moderate risk, 13 percent high risk, and 33 percent unknown risk level (Table 5).

²³ The share of missing gender data across counties ranged from 15 percent to 76 percent. Across all counties just over one-quarter of the data were missing data on gender.

²⁴ The share of missing race/ethnicity data across counties ranged from 2 percent to 76 percent. Across all counties 28 percent of the race/ethnicity data were missing.

²⁵ One county reported no age data; the missing data rate for the remaining counties ranged from 1 percent to 25 percent. Across all counties roughly one-third of age data was missing.

Table 5. Assessed Risk Level of Defendants Released to Pretrial Supervision

County	Low	Moderate	High	Unknown	Total
Alameda	0	0	0	0	0
El Dorado	11	11	1	48	71
Fresno	674	532	234	554	1994
Imperial	1177	266	78	263	1784
Lassen	16	46	18	26	106
Monterey	9	29	5	10	53
Orange	35	202	70	48	355
Shasta	14	102	114	11	241
Solano	75	456	90	123	744
Sonoma	195	115	99	1374	1783
Yuba	8	31	223	12	274
Total	2214	1790	932	2469	7405
Percent	30%	24%	13%	33%	100%

Source: Judicial Council of California, Recidivism Reduction Fund Quarterly Reports (July 1, 2015-March 31, 2018).

Note: Alameda County did not have a pretrial supervision program during the data collection period.

Failure-to-Appear Rates for Individuals on Monitored Pretrial Release

Participating counties tracked failures to appear in court as required (FTAs) for individuals released to pretrial monitoring. Counties varied in their capacity to accurately track FTAs, and in some cases reported numbers may be a significant undercount. Across the ten counties, individuals on pretrial monitoring had an overall reported FTA rate of 12 percent.

Reported FTA rates overall were consistent with assessed risk level—across the ten counties, reported FTA rates were 11 percent for individuals assessed as low risk, 15 percent for moderate risk, and 20 percent for high risk. Results were varied at the individual-county level (Table 6).

Table 6. Failures to Appear by Risk Level, Defendants Released to Pretrial Supervision

County	Low Risk		Moderate Risk		High Risk		Unknown Risk	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Alameda	0	-	0	-	0	-	0	-
El Dorado	2	18%	6	55%	1	100%	16	33%
Fresno	88	13%	117	22%	62	26%	48	9%
Imperial	127	11%	55	21%	26	33%	80	30%
Lassen	3	19%	11	24%	13	72%	2	8%
Monterey	1	11%	1	3%	0	0%	2	20%
Orange	10	29%	59	29%	23	33%	18	38%
Shasta	3	21%	14	14%	32	28%	3	27%
Solano	0	0%	0	0%	0	0%	0	0%
Sonoma	0	0%	0	0%	0	0%	51	4%
Yuba	1	12%	4	13%	27	12%	1	8%
Total	235	11%	267	15%	184	20%	221	9%

Source: Judicial Council of California, Recidivism Reduction Fund Quarterly Reports (July 1, 2015-March 31, 2018).

Note: Alameda County did not have a pretrial supervision program during the data collection period.

New Arrest Rates for Individuals on Monitored Pretrial Release

In addition to FTAs, pretrial grantee counties also reported new arrests of monitored individuals while on pretrial monitored release. The reported new arrests may be an undercount, especially in cases of out-of-county new arrests and in counties where inter-agency data sharing is not well-established. Across the ten counties, the overall reported new arrest rate for individuals on monitored pretrial release was 4 percent.

Reported new arrest rates overall were also consistent with assessed risk level—across the ten counties, reported new arrest rates were 3 percent for individuals assessed as low risk, 6 percent for moderate risk, and 8 percent for high risk (Table 7). Results were varied at the individual-county level, and data quality issues are a major concern.

Table 7. In-Program New Arrests by Risk Level, Defendants Released to Pretrial Supervision

County	Low Risk		Moderate Risk		High Risk		Unknown Risk	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Alameda	0	-	0	-	0	-	0	-
El Dorado	1	9%	1	9%	1	100%	4	8%
Fresno	7	1%	6	1%	2	1%	1	0%
Imperial	37	3%	48	18%	25	32%	43	16%
Lassen	1	6%	1	2%	0	0%	0	0%
Monterey	0	0%	0	0%	0	0%	0	0%
Orange	1	3%	9	4%	1	1%	2	4%
Shasta	2	14%	9	9%	16	14%	0	0%
Solano	11	15%	37	8%	17	19%	7	6%
Sonoma	4	2%	2	2%	6	6%	7	1%
Yuba	0	0%	0	0%	3	1%	0	0%
Total	64	3%	113	6%	71	8%	64	3%

Source: Judicial Council of California, Recidivism Reduction Fund Quarterly Reports (July 1, 2015-March 31, 2018).

Note: Alameda County did not have a pretrial supervision program during the data collection period.

Supplemental Pretrial Program Evaluation

Due to the pretrial programs' limited data collection, reliable conclusions could not be drawn about FTA and new crime outcomes. The Judicial Council therefore solicited voluntary supplemental data from the courts and jails in four counties, and from the California Department of Justice (DOJ). By collecting data from multiple sources, the Judicial Council was able to track FTA and new arrest outcomes for a larger population of pretrial arrestees, including those not released to pretrial monitoring. FTA and new crime outcomes were also more accurately accounted for by measuring them directly from court and DOJ records rather than relying on pretrial program tracking efforts. This extensive data set of individual-level data across agencies allowed for more comprehensive analyses of participant outcomes.

Supplemental Pretrial Program Evaluation Approach

Judicial Council staff reviewed existing research and recommendations of national subject-matter experts to identify appropriate supplemental data elements and analytical approaches. One of the key goals of the supplementary evaluation was to examine the rates of FTA and new crime during the pretrial period and determine whether the pretrial risk assessment tools successfully differentiated defendants by risk level for these two outcomes. Furthermore, the analyses aimed to shed light on whether pretrial release decision-making could be improved by using the risk scores of assessed defendants to (1) increase pretrial success levels at current rates of release, or (2) increase the number of defendants released under a pretrial program while maintaining current levels of pretrial success. The evaluation also demonstrates the variation in local practices and outcomes across counties.

Summary of Findings

- Risk assessment tools work well to differentiate defendants by risk level so that those assessed as low risk have the lowest rate of pretrial failure, and those assessed as high risk have the highest rate of pretrial failure.
- A majority of assessed individuals released pretrial, whether to a pretrial program or on bail, return to court as required and do not commit a new offense during the pretrial period.
- The pretrial pilot programs were limited in scope and have ample room for expansion.
- Focusing on releasing more defendants according to risk level could lead to more optimal release practices for each county depending on the county's policy preferences and risk tolerance. For example, releasing more defendants according to risk level could increase release rates with no increase in pretrial failure, or alternatively could reduce pretrial failure rates while maintaining current release rates.

This analysis is divided into three parts. The first section provides a brief description of data sources and of the participating counties, including their jail population characteristics, the risk

assessment tools they used, and the eligibility requirements for their pretrial programs. The section then addresses the question of whether pretrial risk assessment scores accurately predict new criminal activity in the pretrial period and court appearance outcomes.

The analysis demonstrates that risk assessments tools are effective in assessing the risk levels of pretrial defendants with respect to the likelihood of committing new criminal activity during the pretrial period or failing to appear in court as required. Each of the risk assessment tools used in the four pilot counties works well to differentiate defendants by risk level; that is, the defendants assessed as low risk proved to be the least likely to recidivate or fail to return to court as required, those assessed as high risk were most likely to recidivate or fail to appear in court, and those assessed as medium risk fell somewhere in the middle of the low- and high-risk categories.

The second section of the report presents data on pretrial program releases in the context of overall jail bookings. The section also includes a description of pretrial release rates by risk level. The findings raise a significant policy consideration: the scope of each of these pilot programs was small and the release rates, even for low-risk defendants, were low relative to the overall number of jail bookings in each county.

The final section uses a constructed risk tool to examine the question of whether it would be possible to maintain current rates of pretrial failure while releasing more defendants based on their risk. Alternatively, the analysis examines whether it would be possible to lower the rate of new criminal activity while keeping release rates at their current level. The hypotheticals presented suggest that for the pretrial pilot counties, releasing more defendants according to risk level, resulting in the release of more low- and medium-risk individuals, could increase release rates with no increase in pretrial failure. Alternatively, maintaining current rates of release while increasing the percentage of released defendants who are low and medium risk could result in lower recidivism rates. Although these results are based on analysis of data for four counties and thus are not generalizable to the state as a whole, they do provide an indication of how pretrial release based on risk level could lead to more optimal release practices for each county.

Data

For the evaluation presented below, Judicial Council staff examined the universe of those booked into jail and released pretrial in four counties for the period July 1, 2015, through December 31, 2018. In addition to the quarterly RRF data extracts provided by all the RRF pretrial pilot counties, four pilot counties also provided jail and court data extracts. The DOJ provided data on arrests that resulted in new criminal filings in the pretrial period.²⁶ After the data extracts were collected from each agency, they were standardized and linked to provide a comprehensive

²⁶ Data from RRF quarterly extracts included information on risk-assessment dates, scores, and recommendation for release to a pretrial program. County sheriffs' data included information on arrest dates, charges, booking and release types, and dates for those booked into local county jails. County superior court data extracts included information on pretrial disposition dates and failures to appear in court. The DOJ data included information on criminal history, rearrests in the pretrial period, and rearrests that resulted in new court filings. The DOJ data include out-of-county criminal activity.

universe of bookings, assessments, releases, and pretrial outcomes.²⁷ Data range from the beginning of the pretrial grant period (July 1, 2015) to the final date for which the Judicial Council received complete data from each of the four counties (December 31, 2018).

County Booking Demographics

While not intended to represent California in its entirety, the four counties included in this analysis range in size, as indicated by their jail populations, and are drawn from distinct geographic regions of the state. Table 8 shows that the racial/ethnic distributions in jail bookings varied widely (black, 4–35 percent; Hispanic, 20–77 percent; and white, 16–39 percent), while the gender breakdown (female, 19–23 percent; male, 77–81 percent)²⁸ and median age (32–33) were similar across the four pilot counties.²⁹

Table 8. Demographic Summary of Jail Bookings by County

County	Total Bookings	Race/Ethnicity (%)				Gender (%)		Median Age
		Black	Hispanic	White	Other	Female	Male	
1	68,207	14	57	24	5	19	81	32
2	18,163	4	77	16	2	19	81	33
3	178,925	7	47	39	7	20	80	32
4	42,398	35	20	38	7	23	77	33

Source: County jail management systems

Risk Assessment Tools and Program Eligibility

Three pretrial risk assessment tools were used across the four counties. County 1 and County 3 used the Virginia Pretrial Risk Assessment Instrument (VPRAI), County 2 used the Correctional Assessment and Intervention System (CAIS), and County 4 used the Ohio Risk Assessment System—Pretrial Assessment Tool (ORAS-PAT).

Each county’s program varied with respect to eligibility criteria. For example, the programs in County 1 and County 3 focused primarily on felony bookings. County 1 limited assessment to felony bookings without a bench warrant or supervision violation, and County 3 limited assessment to nonviolent, non-serious, non-sexual felony bookings without a bench warrant or

²⁷ Records were linked using exact matching on unique personal identifiers and court ID numbers.

²⁸ Nonbinary, other, and unknown genders represented less than 0.1 percent of the bookings.

²⁹ Examination of race/ethnic and gender bias is beyond the scope of this study. The Budget Act of 2019 (AB 74) includes funding for pretrial programs and mandates the collection of data for the purpose of studying race/ethnic and gender bias.

supervision violation. In contrast, assessments in County 2 and County 4 included felony and misdemeanor bookings. County 2 risk assessed those booked on nonviolent, non-serious, non-sexual felonies and all misdemeanor bookings without a bench warrant or supervision violation. County 4 assessed felony and misdemeanor bookings without a bench warrant or supervision.

Risk Assessment Accuracy

To provide context for the discussion of risk assessment accuracy, it is important to note that the majority of assessed individuals released pretrial, whether to a pretrial program or on bail, return to court as required and do not commit a new offense during the pretrial period. Overall, among assessed and released individuals in the four counties, 82 percent received no new criminal filings during the pretrial period, and 64 percent made their required court appearances.³⁰ Given that even those who are assessed as high risk do not have high levels of pretrial failure, the task of risk assessment is to accurately differentiate those individuals more likely to have pretrial success from those more likely to have pretrial failure.

Tool accuracy is fundamental to the success of a pretrial release program. Accurate risk assessment information can provide judges an additional source of information to make better detention and supervision decisions and to maximize the pretrial liberty of defendants while preserving public safety. When low-risk defendants are detained, resources must be used for incarceration and defendants' lives may be disrupted without the benefit of increased public safety. Conversely, releasing high-risk people, especially those at high risk of committing serious crimes, is a threat to public safety. As a result, the more accurate a pretrial tool, the greater the potential benefits if the tool results are followed in the form of lower detention rates and/or reductions in pretrial criminal activity.³¹

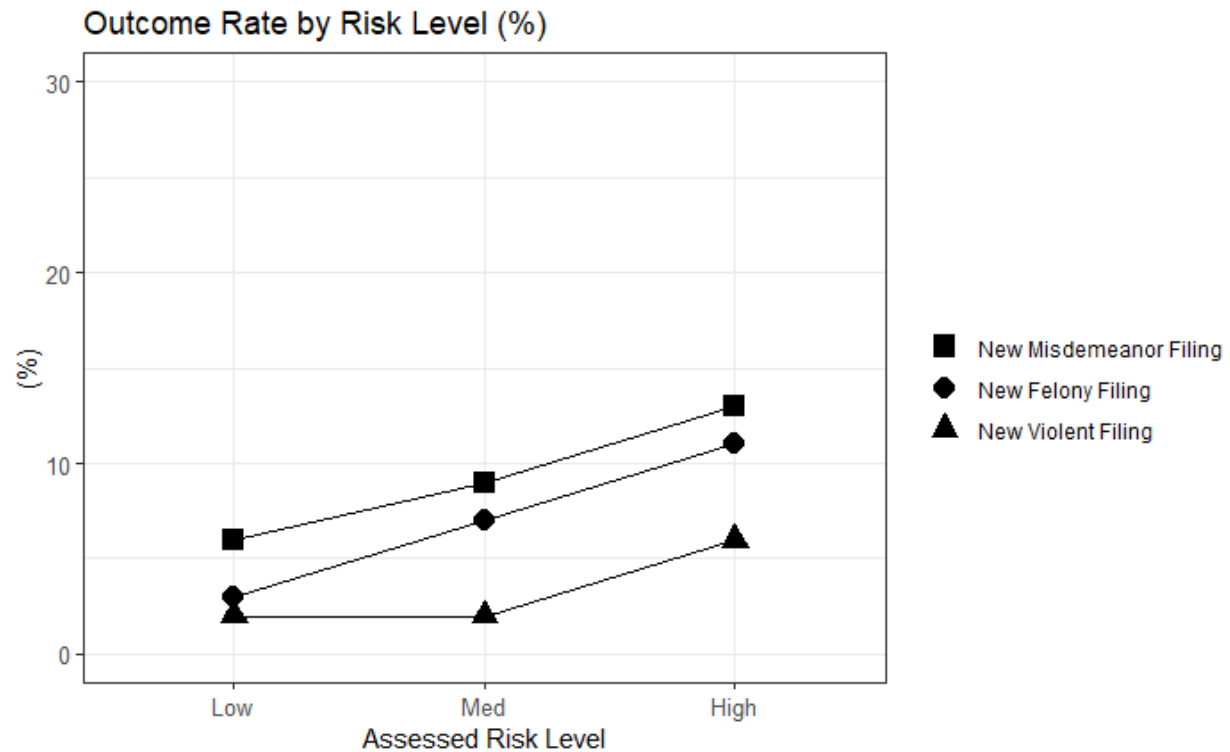
The risk assessments tools worked well to differentiate defendants by risk level; lower risk levels corresponded with better pretrial outcomes and higher risk levels corresponded with worse pretrial outcomes. Whether data are aggregated across counties or analyzed separately, higher risk levels resulted in higher pretrial failure rates. Using data aggregated across the four pilot counties, Figure 2 and Table 9 show filings for new criminal activity and court appearance outcomes by risk level. The two primary outcomes, arrest resulting in a new filing and FTA, demonstrate the rise in failure rates as risk scores increase from low to high. New filings for low-medium-, and high-risk defendants are 11 percent, 17 percent, and 26 percent, respectively.

³⁰ See Table 9 for FTA and new filing rate for low, medium, and high assessed-risk levels. Overall failure rates were calculated also including those assessed with an unknown risk level. Results are nearly identical whether the "unknown" group is included or not.

³¹ Kleinberg et al., *Human Decisions and Machine Predictions* (2017) (National Bureau of Economic Research, NBER Working Paper No. 23180), www.nber.org/papers/w23180.

FTA rates also rose across risk levels: 30 percent for low-, 39 percent for medium-, and 40 percent for high-risk defendants.³²

Figure 2. New Filings by Assessed Risk Level



³² The extent to which defendants received court date reminders was not tracked under the RRF grant. The Budget Act of 2019 (AB 74) includes funding to implement court date reminder programs to address FTA rates.

Table 9. Pretrial Outcomes by Risk Level for Defendants Assessed and Released (%)

Outcome Type	Low Risk	Medium Risk	High Risk
New Filing	11	17	26
- Felony Filing	4	7	12
- Misd. Filing	5	8	10
- Violent Filing	2	2	3
FTA Warrant	30	39	40
Total (N)	2,127	2,133	2,032

Source: County court and jail data management systems, RRF data submissions, California DOJ ACHS data

Note: Violent refers to an offense on the PSA Violent Offense List for California.

More advanced statistical analyses also support these findings.³³ Across all four counties, differences between low-, medium-, and high-risk defendants are statistically significant and higher risk scores are associated with higher pretrial failure rates. The only outcome for which no significant differences were found was new filings for a violent offense. New violent criminal activity is rare during the pretrial period, making it a more difficult outcome to predict.^{34,35}

Tool-Specific Evaluation

In addition to the combined analysis shown in Table 9, each of the pretrial risk assessment tools used by the counties was also analyzed separately.³⁶ The findings from this portion of the analysis are consistent with the combined analysis and show that a higher risk score predicted a higher, statistically significant difference in pretrial failure rates.

Although newer risk assessment tools use separate measures for each outcome of interest, both VPRAI and ORAS were designed to predict composite pretrial failure, meaning the combined risk of a FTA *or* a new filing. The CAIS tool was initially designed to measure postconviction failure; however, it was used in the pretrial context in County 2. For each risk tool, a higher risk score predicted a higher, statistically significant difference in rate of pretrial failure.³⁷

³³ For regression results, see Attachment H, Section 1, Tables 1.1–1.4.

³⁴ A “violent” offense was defined according to the PSA (Public Safety Assessment) Violent Offense List for California; see www.psapretrial.org/implementation/guides/measuring-risk/guide-to-the-psa-violent-offense-list.

³⁵ Unlike the VPRAI and ORAS, newer risk assessment tools are designed to predict violent recidivism. Although not originally designed for the pretrial context, the CAIS was effective at predicting violent recidivism for high-risk defendants. (Attachment H, Section 1, Table 1.4.)

³⁶ See Attachment H, Section 1, Tables 1.1–1.4, for a county-by-county analysis.

³⁷ In order to measure tool accuracy based on the outcome the tool was designed to measure, composite pretrial failure was used as the outcome for both VPRAI and ORAS. For consistency, composite pretrial failure was also used for the CAIS analysis. See Attachment H, Section 2, Area Under the Curve (AUC).

Additionally, each tool differentiated low-, medium-, and high-risk scores with roughly the same degree of accuracy.³⁸

Scope of Pretrial Programs

The four pretrial programs studied here were limited in scope and, as a result, there is ample room for pretrial program expansion. Under the RRF grant contract obligations, courts were required to use funds for programs and practices known to reduce recidivism and enhance public safety, but programs had broad discretion in their choice and application of pretrial risk assessment tools and in the scale of their programs. The observed impact on overall jail releases as described below would likely have been larger if the programs had assessed every pretrial-eligible individual booked into county jail.³⁹

A moderate number of total bookings⁴⁰ were “potentially eligible” for consideration for pretrial release under the program (73.9 percent, 63.7 percent, 50.6 percent, and 63.6 percent of total bookings in County 1, County 2, County 3, and County 4, respectively). “Potentially eligible” represents the subset of total bookings that excludes those defendants who are ineligible by law for pretrial release. Those excluded as ineligible for pretrial release comprise those booked on federal charges, out-of-county holds, commitment bookings, supervision violations only, and detention only bookings. However, based on each program’s parameters, a smaller subset of total bookings was deemed “program eligible,” or eligible for pretrial program consideration for release based on the criteria for that particular county (26.6 percent, 60.2 percent, 14.0 percent, and 36.4 percent of total bookings in County 1, County 2, County 3, and County 4, respectively).

Based again on the specific parameters of each program, an even smaller subset of defendants was assessed by pretrial services. With the exception of County 2, which included most “potentially eligible” defendants as “program eligible,” and then conducted assessments on nearly half of those, a relatively small share of “potentially eligible” bookings resulted in assessments (7.0 percent, 46.8 percent, 6.0 percent, and 5.6 percent of total bookings in County 1, County 2, County 3, and County 4, respectively). Similarly, only a small portion of “potentially eligible” bookings resulted in release to a pretrial program⁴¹ (2.6 percent, 31.2

³⁸ See Attachment H, Section 2, Area Under the Curve (AUC). AUC scores were 0.61 for the VPRAI, 0.60 for the CAIS, and 0.62 for the ORAS using this data (Table 2.1). Past studies have demonstrated similar AUC scores for pretrial risk assessment tools: M. J. E. Danner, M. VanNostrand, and L. M. Spruance, *Race and Gender Neutral Pretrial Risk Assessment, Release Recommendations, and Supervision: VPRAI and PRAXIS Revised* (Luminosity, Inc., Nov. 2019). www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/corrections/race-and-gender-neutral-pretrial-risk-assessment-release-recommendations-and-supervision.pdf; C. Cirina-Chiu et al., *Validation of the Imperial County Sheriff’s Office Pretrial Assessment Instrument* (San Diego State Univ., 2017).

³⁹ County 2 had the highest assessment rate. It was the only county in which the sheriff’s department was responsible for assessments.

⁴⁰ Total bookings include every separate instance in which a person is booked into jail in each county.

⁴¹ Many defendants released to a pretrial program, especially those assessed at low risk, may not have monitoring or conditions associated with their release. These releases are considered “pretrial program releases” because they were released after assessment in accordance with the county’s pretrial service policy.

percent, 1.7 percent, and 2.6 percent of potentially eligible bookings, respectively). Again, County 2, which risk assessed a far higher percentage of defendants, also released a significantly higher percentage of assessed defendants. Of those defendants who were assessed, a moderate number were released to RRF monitoring programs (38 percent, 67 percent, 27 percent, and 45 percent of total assessed in County 1, County 2, County 3, and County 4, respectively).

Except in County 2, these release rates reflect the fact that the restrictive eligibility criteria for each pilot program limited the share of defendants actually assessed. For example, the steep drop-off observed between the “potentially eligible” and “program eligible” for County 1 and County 3 was in large part because both counties limited assessments to those booked on felony charges. In contrast, County 2 and County 4 show a smaller drop-off because their pilot programs assessed those booked on both felonies and misdemeanors.

Of the “program eligible” bookings in each county, the share assessed ranged from a low of 9.7 percent in County 4 to a high of 48.6 percent in County 2. This is partially explained by the fact that many bookings result in a bail or other release type before an assessment can be conducted. Table 10 shows that, except for those defendants booked in County 2, almost a third of the program-eligible population (28–32 percent) bails out before pretrial services has time to conduct a risk assessment. Including other preassessment release types such as cite-and-release and capacity release,⁴² these data show that both program scope and existing options for pretrial release help explain why only a portion of those eligible for assessment are actually assessed and ultimately released to a pretrial pilot program.⁴³

⁴² In Table 10, “bail” refers to release after payment of cash bail or posting of bond. “RRF” refers to release under each county’s specific pretrial program conditions.

“Detained” refers to those booked who are not released pretrial; generally these defendants are released on time served.

“Cite/Rel” refers to releases for misdemeanor charges governed by Penal Code sections 853.6 and 1270. Under most circumstances, law enforcement has the authority to release a misdemeanor arrestee in the field with a citation that includes a written promise to appear in court. However, citations cannot be issued for offenses involving domestic violence or abuse (unless the officer determines there is not a reasonable likelihood that the offense will continue). This analysis does not include data on field cite and releases. Nothing in the law prevents an officer from booking the arrestee. The booking officer, under most circumstances, also has the discretion to cite and release a misdemeanor arrestee after booking. In this report, “cite and release” always refers to a release after jail booking.

“OR” refers to own recognizance release pretrial by a judge. Penal Code sections 1318–1319.5 and 1270 govern release on own recognizance. OR release does not require payment of bail, but may include other conditions.

“Other” refers to a release due to case dismissal, capacity releases due to federal mandates, and other miscellaneous release types.

⁴³ County 4 is notable for booking and releasing many of those arrested on misdemeanor offenses who are cited in the field in other counties. This explains the 35 percent “Cite/Rel” not assessed.

Table 10. Assessment and Release/Detention Status of Pretrial Program-Eligible Defendants

County	Eligible Book-ings	Assessed (%)			Not Assessed (%)				
		Bail	RRF	Detained	Bail	Cite/Rel	OR	Other	Detained
1	17,979	3	7	9	37	1	2	15	26
2	10,297	6	34	11	9	0	6	22	13
3	24,989	6	7	10	31	1	1	16	30
4	15,363	2	5	3	32	35	4	13	5

Source: County court and jail data management systems, RRF data submissions

Note: Release Type “Other” includes dismissed cases, capacity releases, and other unknown release types.

Release Rates by Risk Level

The limited scope of the RRF pretrial pilot programs indicates that, with the exception of County 2, there is room for broadening the share of defendants who are eligible for pretrial program assessment. Release rates by risk assessment level, Table 11, show the potential for expansion as well. Although release rates to a pretrial program decrease as risk level rises, only 48 percent of low-risk defendants are released to pretrial programs after assessment. Additionally, one-third of moderate-risk and 7 percent of high-risk defendants are released to a pretrial program. The fact that less than half of defendants assessed as low risk are released to pretrial programs may reflect a lack of confidence on the part of judges in the use of risk assessment tools. Alternatively, it may be the case that the low-risk defendants who are not released have characteristics that concern judges and that are not picked up by the risk assessment tools. Finally, these relatively low release rates may reflect other county practices that limit the release of low-risk defendants. Whatever the cause, overall, only 65 percent of people assessed as low risk were released pretrial by any means.

Table 11. Release Type and Overall Pretrial Release Rate by Risk Level for Assessed Defendants

Risk Level	Total	Released Pretrial (%)			Overall
		RRF	Bail	Other	
Low	2,577	48	13	5	65
Medium	3,668	33	15	5	53
High	6,651	7	16	3	26

Source: County court and jail data management systems, RRF data submissions

Note: Total reflects assessed individuals with a known risk scores and non-missing disposition dates.

A Focus on Release of Low-Risk Defendants

This section first looks at pretrial outcomes by risk level. The differences in new criminal filing rates by release type show that low-risk defendants released as part of a pretrial pilot program demonstrate the lowest rates of new filings during the pretrial period.⁴⁴ The differences in FTA are less promising for low-risk defendants.

Arrests That Result in New Court Filings

Overall, new court filing rates (Table 12) were similar across program release types, including pretrial program releases, bail releases, and cite-and-releases (16–17 percent).⁴⁵ New filing rates for own-recognizance releases were slightly higher at 21 percent. Notably, for low-risk pretrial program releases, new court filing rates of 11 percent were much lower than for any other release type. These descriptive results suggest the possibility that overall recidivism rates could be reduced by releasing more low-risk defendants. Alternatively, since defendants assessed as high risk had significantly higher recidivism rates, overall rates could be reduced by detaining more high-risk defendants.

Failures to Appear

For the four programs that were able to provide supplementary data, bail releases have lower observed failure-to-appear rates (24 percent) than low-risk pretrial program releases (30 percent). There could be a variety of explanations for this result. It is possible that those released on bail are, as a group, at overall lower risk for FTAs to begin with as a result of wealth or some other characteristic. Release type may also be confounded by differences in the characteristics of the populations released to a pretrial program versus those released on bail. If defendants released on bail are wealthier, they may have an easier time securing transportation to their court appearances, taking time off from work, and arranging for child care than defendants who are unable to afford bail.

⁴⁴ To account for the differing compositions of pretrial eligible and ineligible populations, Table 12 shows only pretrial-eligible defendants. See Risk Assessment Tools and Program Eligibility (page 23) to review eligibility requirements for each county.

⁴⁵ Table 12 shows recidivism rates by risk level for those released to a pretrial program. Not shown in the table is that across all risk scores, the pretrial program release recidivism rate was 17.3 percent.

Table 12. New Criminal Activity and FTA Rates by Pretrial Program and Non-Program Release Types for Pretrial Program-Eligible Defendants

Outcome Type	Pretrial Program Release			Other Pretrial Release		
	Low	Medium	High	Bail	Cite/Rel	OR
New Filing	11	18	30	17	16	21
- Felony Filing	3	7	11	8	4	6
- Misd. Filing	6	9	13	7	9	11
- Violent Filing	2	2	6	3	3	4
FTA Warrant	30	45	44	24	19	41
Total (N)	1,487	1,202	490	11,782	2,207	1,283

Source: County court and jail data management systems, RRF data submissions, California DOJ ACHS data

An Application of Risk-Based Release

One way to expand the scope and effectiveness of pretrial release programs is to remove the restrictions on eligibility requirements for assessments while simultaneously focusing on releasing the lowest-risk defendants first.⁴⁶ The data presented in Table 12 include outcomes by risk level only for those assessed by the pretrial programs. To understand what might happen if the pretrial release programs were applied to all potentially eligible defendants, assessment data for the entire population of potentially eligible defendants would be needed.

This section of the report uses available data on each defendant, whether assessed or not, to calculate a new score for risk of new criminal activity. The tool used to construct the new score is similar to the component of the Public Safety Assessment (PSA) used for measuring the risk of new criminal activity (NCA).⁴⁷ Using risk scores derived from this tool, risk levels were retroactively applied to all potentially eligible arrestees booked into the county jails of the four pilot counties examined in this study.⁴⁸

While these findings are not generalizable to the state as a whole, they are instructive for demonstrating how risk-based release could improve pretrial outcomes. The hypotheticals in this section assume that risk scores are predictive regardless of release type, and that those detained can be assigned a risk score that would be accurate if they were released. While there may be unobservable differences between those who are actually detained versus those who are released,

⁴⁶ See Attachment H, Section 3, Development of Constructed Risk Assessment Tool, for complete methodology.

⁴⁷ See PSA instrument for new criminal activity, www.psapretrial.org/about/factors.

⁴⁸ See Attachment H, Section 3, Development of Constructed Risk Assessment Tool, for additional detail. The AUC score was 0.61, nearly identical to scores for tools used in the four pilot counties (Attachment H, Section 2, Area Under the Curve (AUC)).

previous studies demonstrate that risk scores appear to be generally accurate across all types of defendants.⁴⁹

Using the constructed risk level, this analysis demonstrates the potential results of expanding the pretrial program, focusing specifically on the issue of public safety. If public safety⁵⁰ were the only pretrial concern, strictly following a pretrial tool by prioritizing the release of lowest-risk defendants (releasing all low-risk defendants before releasing any medium-risk defendants, and then releasing high-risk defendants only after all medium-risk defendants have been released) could reduce the rate of new criminal activity in the pretrial period and/or result in an increase of those released pretrial. According to this analysis, releasing according to risk level could reduce pretrial recidivism by 34 percent while keeping release rates constant or, conversely, increase the number of those released pretrial by 128 percent while maintaining the current recidivism rate.⁵¹

Application of the new tool yielded a risk distribution that was 22 percent low-risk, 57 percent medium-risk, and 21 percent high-risk for new criminal activity across all pretrial bookings in the four counties included in the study. Given the wide variation in risk distributions observed across counties, this risk distribution does not match the overall distribution of the eleven pretrial counties, and is unlikely to match the risk distribution of the state as a whole; however, it is used in this analysis as an example.⁵² Once defendants were divided into risk levels, the rates of new criminal activity were applied, based on the rates of defendants released pretrial with known pretrial outcomes.⁵³ The rates of new criminal activity were 11 percent for the low-risk, 23 percent for the medium-risk, and 26 percent for the high-risk bookings.⁵⁴

Based on the risk distribution generated by the new instrument, the predicted recidivism rates by risk level, and an observed release rate of 25 percent,⁵⁵ the potential benefits of risk-based release can be estimated. Starting with all the low-risk arrestees and working up through the risk distribution until the release rate reached 25 percent, this hypothetical suggests that if releases were solely based on risk score, the new court filing rate would drop from the observed

⁴⁹ Kleinberg et al., *Human Decisions and Machine Predictions* (National Bureau of Economic Research, NBER Working Paper No. 23180, 2017), <https://www.nber.org/papers/w23180>.

⁵⁰ As defined by new criminal filing during the pretrial period.

⁵¹ Risk assessments are not intended to replace judicial decisionmaking; rather, risk assessment information is intended to be used as a source of information that informs judicial decisionmaking. The intent of basing release solely on risk in this model is to illustrate to potential impact of placing more weight on the risk score.

⁵² Use of the constructed tool, not in use in any of the counties, may also account for differences between this distribution and other distributions.

⁵³ This includes defendants released pretrial such as those released on bail, OR, cite-and-release, or pretrial monitoring.

⁵⁴ See Attachment H, Section 3, Development of Constructed Risk Assessment Tool, Table 3.5.

⁵⁵ See *id.*, Table 3.6.

17 percent⁵⁶ in this study to a rate of 11.4 percent. This amounts to a 6 percentage-point or a 34 percent decrease in the recidivism rate.

Conversely, the hypothetical can be set to keep the observed recidivism rate in this study (17 percent) and allow the release rate to vary as defendants are released solely on the basis of recidivism risk. Under this scenario it would be possible to increase the release rate from the 25 percent observed in this study to a 57 percent release rate. This would amount to an overall increase of 32 percentage points, or 128 percent more defendants released, while maintaining a 17 percent rate of recidivism.

These hypotheticals, combined with the finding that risk assessment tools work well to differentiate defendants by risk level, have been included to provide policymakers and those implementing pretrial programs with information on how courts' reliance on risk assessment information has the potential to lead to the release of more pretrial defendants without an increase in pretrial recidivism.

Pretrial Monitoring

A high priority for further research is evaluating pretrial monitoring conditions to determine which conditions are most effective for mitigating pretrial risk of new criminal activity.⁵⁷ Although analyses were undertaken to discern the impact of monitoring on pretrial outcomes, the results were inconsistent across counties, likely as a result of wide variation in program policies and implementation; as such, no definitive conclusions could be drawn. Although general monitoring conditions were included in the pretrial program descriptions for each county and were fairly consistent, the analyses were limited by the fact that the monitoring terms for individual defendants were not reported, a critical shortcoming in the data. In general, the lowest-risk defendants were released with no monitoring conditions; moderate-risk defendants were released with call-in reporting conditions and may have received court date reminders; and higher-risk defendants, when released, were generally subject to call-in and in-person reporting conditions, drug and alcohol testing, and may have also been on electronic monitoring. But without data on the types of conditions imposed on each individual it is impossible to evaluate which conditions are least restrictive and most effective for mitigating pretrial risk at each assessed risk level, warranting further research.

⁵⁶ See *supra*, note 45.

⁵⁷ Understanding how to mitigate the risk of new criminal activity is a high priority in the pretrial context. A growing body of literature using randomized controlled trials demonstrates the effectiveness of court date reminders to reduce failures to appear. See Brice Cook et al., *Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court* (Univ. of Chicago Crime Lab, Jan. 2018), www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf; Russell Ferri, *Desk Appearance Tickets and the Benefits of Court Date Reminders* (New York City Criminal Justice Agency, 2019), www.nycja.org/justice-in-practice/desk-appearance-tickets-and-the-benefits-of-court-date-reminders; BetaGov, *Text Reminders for Initial Court Hearings: Reducing Failure-to-Appear Rates With Text Messages* (2017), www.betagov.org/completed-trials/Monterey-Superior-Court-Trial-Snapshot-7.pdf.

Conclusion

As with most grant programs, RRF funding is meant to seed projects that have the potential to be sustained and enhanced with other sources of ongoing funding. Twenty-seven of 31 participating RRF courts reported plans to continue operating some or all components of their programs beyond the RRF grant period, indicating courts and their justice system partners see the value in continuing these efforts.

In addition to providing their communities with important services aimed at recidivism reduction, RRF grantees will also continue to serve as models for other courts and inform important policy decisions in the years to come.

Attachments

1. Attachment A: Table of Final RRF Grant Awards
2. Attachment B: Map of Grantee Sites
3. Attachment C: Table of Final RRF Project Time Frames
4. Attachment D: Collaborative Court Program Summaries
5. Attachment E: Collaborative Courts Data Tables
6. Attachment F: Pretrial Release Program Summaries
7. Attachment G: Pretrial Data Tables
8. Attachment H: Supplemental Pretrial Data and Analysis

Attachment A. Table of Final RRF Grant Awards*

96% of RRF grants were expended.

Collaborative Courts:

Court	Final Contract Amount	% Spent
Contra Costa	\$533,521	97%
Kern	\$513,957	100%
Lake	\$317,873	85%
Los Angeles	\$216,370	99%
Mendocino	\$504,261	99%
Merced	\$432,178	100%
Modoc	\$428,125	93%
Placer	\$203,184	92%
Sacramento	\$671,775	78%
San Diego	\$673,941	97%
San Francisco	\$639,961	99%
San Joaquin	\$663,718	94%
San Mateo	\$593,294	100%
Santa Clara	\$779,500	93%
Santa Cruz	\$711,123	97%
Stanislaus	\$244,581	90%
Tehama	\$663,953	100%
Tulare	\$553,078	100%
Tuolumne	\$196,769	100%
Ventura	\$175,234	100%

* Does not include 8 Training and Technical Assistance grantees (11/1/15–6/30/16) or the Superior Court of San Luis Obispo (7/1/15–4/1/16).

Attachment A. Table of Final RRF Grant Awards

Pretrial:

Court	Final Award	% Spent
Alameda	\$626,094	100%
El Dorado	\$565,009	85%
Fresno	\$720,326	97%
Imperial	\$295,649	95%
Lassen	\$159,984	100%
Monterey	\$443,393	99%
Orange	\$629,750	100%
Shasta	\$716,020	100%
Solano	\$381,120	95%
Sonoma	\$761,264	100%
Yuba	\$412,813	100%

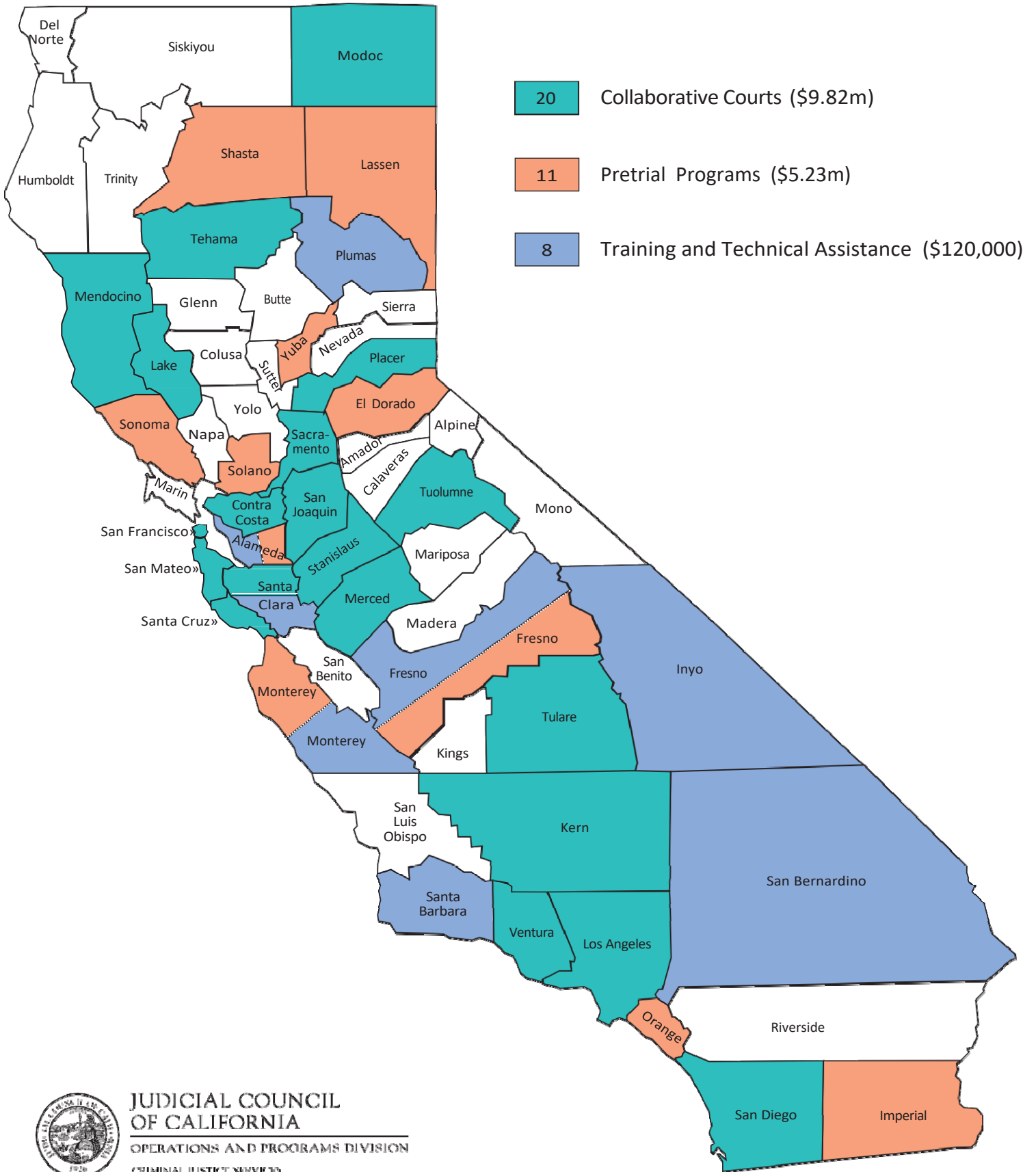
Training and Technical Assistance Grants:

76% of Training and Technical Assistance grants were expended.

Court	Final Award	% Spent
Alameda	\$20,000	100%
Fresno	\$8,260	81%
Inyo	\$8,929	34%
Monterey	\$20,000	94%
Plumas	\$15,849	78%
Santa Clara	\$15,725	22%
San Bernardino	\$15,427	99%
Santa Barbara	\$15,719	100%

Attachment B. Map of Grantee Sites

2015–2017 RECIDIVISM REDUCTION FUND GRANTEES



Attachment C. Table of RRF Project Time Frames

Collaborative Courts:

Court	Contract Start Date	Contract Expiration Date
Contra Costa	4/1/2015	6/30/2017
Kern	4/1/2015	4/30/2018
Lake	4/1/2015	4/30/2018
Los Angeles	7/1/2015	4/30/2018
Mendocino	4/1/2015	4/30/2018
Merced	4/1/2015	4/30/2018
Modoc	4/1/2015	4/30/2018
Placer	7/1/2015	4/30/2017
Sacramento	4/1/2015	4/30/2018
San Diego	4/1/2015	4/30/2018
San Francisco	4/1/2015	4/30/2018
San Joaquin	4/1/2015	12/31/2017
San Mateo	4/1/2015	4/30/2017
Santa Clara	4/1/2015	4/30/2018
Santa Cruz	4/1/2015	6/30/2017
Stanislaus	7/1/2015	4/30/2018
Tehama	4/1/2015	4/30/2018
Tulare	4/1/2015	4/30/2018
Tuolumne	4/1/2015	4/30/2018
Ventura	4/1/2015	4/30/2017

Pretrial:

Court	Contract Start Date	Contract Expiration Date
Alameda	4/1/2015	4/30/2018
El Dorado	4/1/2015	4/30/2018
Fresno	4/1/2015	4/30/2018
Imperial	4/1/2015	4/30/2018
Lassen	7/1/2015	4/30/2018
Monterey	4/1/2015	4/30/2018
Orange	4/1/2015	4/30/2018
Shasta	4/1/2015	4/30/2018
Solano	4/1/2015	4/30/2018
Sonoma	4/1/2015	4/30/2018
Yuba	4/1/2015	4/30/2018

Attachment D. Collaborative Court Program Summaries

This attachment provides a brief description of the key program elements and a summary of program strengths and challenges. The summaries are drawn from program descriptions and quarterly reports submitted by each county and supplemented by information collected during site visits.

Contra Costa County

Program type: Domestic Violence Intensive Support Program

Program elements: The goal of the Domestic Violence Intensive Support Program is to reduce recidivism among individuals convicted of felony and/or misdemeanor domestic violence offenses who have been assessed to be at medium to high risk of reoffending. To achieve these goals the court is collaborating with the district attorney, public defender, probation, and public and community agencies. Participants are interviewed using the Ontario Domestic Assault Risk Assessment tool (ODARA).

Strength: Agreements with service providers were strengthened and clarified to assure that the funding provided the maximum level of services possible.

Challenge: Program staff struggled to identify whether the district attorney or probation was the most appropriate justice partner for administering the ODARA with participants.

Kern County

Program type: Mental Health Court

Program elements: The goal of the mental health court is to identify persons in the criminal justice system whose mental health issues have contributed to their criminal behavior, with eligibility determined as soon as possible after criminal charges are filed. Persons eligible for the mental health court are offered a wide array of services including mental health and substance-use disorder treatment, and case management including facilitation of applications for housing, public benefits, and transportation.

Strength: The program has a dedicated judicial officer providing leadership for the effort, helping to bring court and county partners together.

Challenge: The program staff reported a lack of in-patient substance abuse treatment programs and limited availability of beds at sober living environments in Kern County, especially for women.

Lake County

Program type: Veterans Treatment Court

Program elements: The Veterans Treatment Court is a voluntary program for veterans with criminal charges. Cases are referred by judicial officers in the outlying courts under Penal Code

Attachment D. Collaborative Court Program Summaries

section 1170.9 for an eligibility hearing. Treatment includes weekly individual and group counseling, drug and alcohol testing, and if applicable, mental health treatment, and regular attendance at recovery support/self-help meetings. Referrals for vocational training, education, and/or job placement, and housing services are provided.

Strength: The program includes a mentorship component for participants.

Challenge: Program staff reported challenges associated with Proposition 47 and difficulties recruiting misdemeanor participants for the program.

Los Angeles County

Program type: Court to College Program

Program elements: The Court to College program is a collaboration between the Superior Court of Los Angeles County, Cerritos Community College (CCC), the Los Angeles County Department of Probation, the Los Angeles County District Attorney's Office, the Los Angeles County Public Defender, and the California Department of Justice's Division of Recidivism Reduction and Reentry. The program's central feature is to focus its participants on an educational track: obtaining a high school diploma or a GED while attending a training/academic program at CCC. Participants must be from the Southeast Judicial District of Los Angeles County and be between the ages of 18 and 25. Supportive services include intensive probation supervision and substance-use disorder treatment services, ongoing court monitoring, and judicial interaction with participants.

Strength: Despite change in judicial leadership, the program continues to move forward.

Challenge: With multiple new law changes, staff reported that recruitment of new participants was a challenge. Also, California Department of Justice staff assisting with the program evaluation do not have access to probation data, and have found data on academic progress to be limited.

Mendocino County

Program type: Adult Drug Court

Program elements: The adult drug court program is for county residents with criminal charges who have underlying substance-use disorder issues. The program consists of six phases that are a minimum of 14 weeks. In addition to substance-use disorder treatment, participants are also required to perform a minimum of 488 hours of community service. The program uses sanctions that are graduated, therapeutic, and positive. Incentives are utilized to recognize and bolster the success of the participant.

Strength: Program staff added a peer mentor component.

Attachment D. Collaborative Court Program Summaries

Challenge: The public defender's office has experienced a significant staffing shortage, and there has been significant turnover in the district attorney's office, creating a lack of continuity and teamwork in pre-court hearings.

Merced County

Program types: Mental Health Treatment Court and Re-Entry Program

Program elements: The Mental Health Treatment Court and Re-Entry Program focuses on medium- and high-risk offenders on post-release community supervision, mandatory supervision, and felony probation who have an Axis I mental health disorder and agree to participate in required counseling and treatment.

Strengths: Program staff worked to link participants to community-based services, in addition to those in their court-ordered treatment plan. Services include literacy programs through the local library, Department of Rehabilitation programs offering employment skills and volunteer opportunities, National Association of Mentally Ill support groups for families, and probation department programs on life skills. Participants were assisted with activating and applying for insurance and SSI. In some instances, probation terms were reduced for participants if they completed Behavioral Health Court. Felony charges were also reduced for some cases, and fines/fees were significantly reduced for graduates.

Challenges: Staff sometimes struggled to find appropriate placements for participants with acute symptoms of severe mental illness. There was not always a consensus on whether to allow someone into the program. Some individuals were not accepted into the program if they did not have time left on their probation term to complete the program. Due to the challenges in recruiting staff, the program was without a clinician in the final year. Fortunately, another clinician in the Behavioral Health Court program was available to cover the necessary services for the grant participants.

Modoc County

Program type: Adult Drug Treatment Court

Program elements: The Adult Drug Treatment Court focuses on alcohol or drug charges or other charges where there was involvement of alcohol and/or drugs in the commission of the offense. The program is designed to last 18 months, with three phases and six months of aftercare. The treatment team includes the judge (chair), defense attorney, district attorney, coordinator, chief probation officer, substance-use disorder counselors, a mental health counselor, and an employment specialist.

Strength: Program staff utilized RRF funding to provide needed residential treatment.

Challenge: Modoc is a sparsely populated county with limited services dispersed across a wide geographic area.

Attachment D. Collaborative Court Program Summaries

Placer County

Program types: Drug Court/Proposition 36 Drug Court and Veterans Court

Program elements: Placer County's Mental Health Court is a three-phase program for individuals with a diagnosis of a psychotic disorder, bipolar disorder, or other psychiatric disorder that qualifies the participant for long-term disability. Placer County's drug courts are alternative sentencing programs for substance-use disorder-related criminal charges. The programs are designed for participants who are high need and high risk. Veterans Court is a four-phase program for veterans whose criminal charges or convictions are related to their military service.

Strength: A major accomplishment with this grant funding has been increased policy support for collaborative court programs that resulted in updates to program protocols, the revitalization of Homeless Court, the establishment of focused data collection and utilization, increased access to treatment and incentives for collaborative court participants, a successful pilot to change drug-testing practices, and increased access to training for collaborative court staff.

Challenge: The court foresees ongoing challenges related to maintaining overarching policy support for the programs absent the collaborative court coordinator position that was funded through the RRF.

Sacramento County

Program type: Co-Occurring Mental Health Court

Program elements: The Co-Occurring Mental Health Court is a collaboration between the Superior Court of Sacramento County, the public defender's office, the district attorney's office, the Sacramento County Department of Health and Human Services (Division of Behavioral Health Services), and the Probation Department's Adult Community Corrections Division and Alcohol and Other Drug Services Division, and is designed to serve defendants who have serious mental health issue along with a co-occurring substance-use disorder.

Strength: The team refined the referral process yielding higher numbers of eligible referrals. They also worked collaboratively to finalize a program manual.

Challenge: Program staff reported that they need to discharge some participants from the program when the services available cannot meet the needs of the client (i.e., participants' cognitive functioning does not allow for them to adhere to or comply with the structure of the program). Staff also reported that they will be looking into a wider variety of services to meet more participant needs.

Attachment D. Collaborative Court Program Summaries

San Diego County

Program types: Veterans Treatment Court, Mandatory Supervision Court, and Reentry Court

Program elements: San Diego County's Veterans Treatment Court targets moderate- to high-risk offenders who are eligible for relief under Penal Code section 1170.9 (offense must stem from military service-related trauma, traumatic brain injury, substance-use disorder (SUD), or mental health issues). The program has three phases including an additional aftercare component. San Diego County's Mandatory Supervision Court is a three-phase collaborative court program for offenders who have been sentenced under Penal Code section 1170(h)(5)(B) and have entered the post-release phase of their sentence. San Diego County's Reentry Court serves high-risk felony offenders under parole, mandatory supervision, probation, or post-release community supervision who are either facing a new felony conviction or a revocation of their terms of supervision. Participants must be assessed as having a SUD, or co-occurring mental health issue and SUD. The program aims to link participants to appropriate treatment services, including mental health issues, substance-use disorder, housing, employment training, and prosocial skills.

Strength: San Diego County has the capacity to serve a high volume of participants, particularly in the Mandatory Supervision Court.

Challenge: Staff reported that in the Veterans Treatment Court (VTC), participants remain in the screening phase for increasingly longer periods of time, due to a lack of necessary documentation (military records). This delay posed a challenge in keeping potential participants interested in participating in a highly structured program such as VTC.

San Francisco County

Program types: Transitional housing component for participants in Behavioral Health Court, Adult Drug Court, Intensive Supervision Court, and Community Justice Center (all existing)

Program elements: San Francisco is using the funds to support transitional housing for high-risk/high-need homeless and marginally housed clients, most of whom have co-occurring conditions, who are participating in one of the collaborative court programs listed above. The Tenderloin Housing Clinic (THC) blocks housing units for a maximum of 12 months in order to provide supported transitional housing to 80 collaborative court clients. Participants work with a THC housing specialist to plan for permanent housing once the participant finishes the supportive housing program in addition to receiving court-affiliated case management and social service support.

Strength: Staff reported that all participants receive a housing needs assessment and an individualized permanent housing plan within one week of intake.

Challenge: Staff reported that limits to affordable housing options have required staff to seek out-of-county housing options.

Attachment D. Collaborative Court Program Summaries

San Joaquin County

Program types: DUI Court and Adult Drug Court

Program elements: San Joaquin's DUI Court is a dual-track system of court supervision in high-risk DUI cases for repeat DUI offenders whose previous DUI was within 10 years of the current case. Track 1 is for program participants with little or no addiction issues. Track 2 is for program participants whose reoffending clearly revolves around alcoholism or substance-use disorder as determined by a licensed substance-use disorder counselor. The Adult Drug Court is a three-phase program that targets individuals charged with misdemeanor or felony offenses for which a jail or prison sentence will be imposed. The program provides intensive court monitoring so that participants can achieve total abstinence from drugs and alcohol, and become productive and responsible members of society.

Strength: Staff reported that San Joaquin County has the capacity to serve a relatively large number of participants in DUI and Drug Court programs. They have also secured continued funding for DUI Court and Drug Court programs through a 2017 Judicial Council Court Innovations Grant. They have received additional funding from an Office of Traffic Safety Grant for DUI Court and a Substance Abuse Focus Grant for both DUI and Drug Court.

Challenge: Staff reported that although San Joaquin County already serves a large number of participants in Drug Court, they have been experiencing an increase in the number of referrals, which may indicate greater need.

San Mateo County

Program types: Bridges Substance Abuse Treatment Court, Pathways Mental Health Court, Drug Court, Veterans Treatment Court (all existing)

Program elements: The San Mateo County collaborative courts include a courtroom-based team approach with a strong judicial leadership role. By relaxing their traditional adversarial roles, Drug Court officials work as a team to develop a strategy that is in the best interest of both the defendant and society. The goal is to improve outcomes for participants by connecting them to needed services, such as mental health treatment and therapy, substance abuse counseling, healthcare, job training and employment, and housing assistance. Participants are intensively supervised by a deputy probation officer, are expected to avail themselves of the services offered, must make restitution to their victims, and must appear in court for progress reviews. Upon graduation, participants may be eligible to have their fines reduced, have probation terminated early, and/or have their convictions expunged/dismissed.

Strength: Staff reported that RRF grants led to important capacity-building activity, especially for probation officers who are vital to the operations of San Mateo County's collaborative courts. Three probation officers were able to attend the National Association of Drug Court Professionals training.

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Challenge: Staff reported that the court had to work closely with partner agencies to ensure timely spending of grant funds, and that some agencies had difficulty spending down allocated funds.

Santa Clara County

Program types: Drug Treatment Court, Mental Health Treatment Court, Veterans Treatment Court, Parolee Reentry Court, Developmentally Disabled and Competency Restoration Court

Program elements: The Santa Clara County collaborative justice court programs listed above are using funds to create a housing component that will serve the highest-risk participants who are dually diagnosed with mental health and substance use disorders with a high need for treatment and services. The housing component utilizes a Housing First model and is a 30- to 90-day program that provides additional treatment, case management, and other social services.

Strength: Santa Clara County has a complete array of collaborative courts and has the capacity to serve many participants. This allowed the county to draw from multiple programs to provide housing to court participants. Santa Clara County has recently improved its data collection and reporting capacity.

Challenge: Santa Clara County's data collection capacity has lagged behind its capacity to provide services.

Santa Cruz County

Program type: Mental Health Court

Program elements: Santa Cruz County's Mental Health Court is a supportive postadjudication review court designed to improve offender treatment outcomes, reduce recidivism, respond to public safety and victims' rights concerns, and effectively utilize public resources. The program is for individuals on specialized mental health probation supervision who agree to participate in the program. The Mental Health Court is a collaboration between the Superior Court of Santa Cruz County, probation, mental health professionals, the district attorney, defense counsel, and law enforcement.

Strength: Santa Cruz County has a high degree of collaboration across partner agencies. They have also refined their referral process using their new case management system.

Challenge: The Mental Health Court in Santa Cruz County experienced some accounting delays that led staff to consider contracting directly with treatment providers.

Attachment D. Collaborative Court Program Summaries

Stanislaus County

Program type: Veterans Court

Program elements: Stanislaus County's Veterans Court is a collaborative justice court for veterans with a service-related mental health problem. In order to be eligible, the criminal offense must have resulted from a mental health problem, and the offense must be eligible for probation. Program components include full-service options at the local veterans services clinic, the Veterans Administration, and the county behavioral health services agency.

Strength: Implementation for this court was efficient. The court reached operating capacity quickly after implementation.

Challenge: Processes for exchanging data were challenging, but have been resolved over the past two quarters. There may be capacity constraints on this court based on the availability of probation staff.

Tehama County

Program type: Mental Health Court

Program elements: Tehama's mental health court is a four-phase program and targets specific outcomes related to increases in mental health functioning, successful community reintegration, and lower recidivism. Participants must be moderate- to high-risk for recidivating and must have a serious and persistent mental health disorder, which is the primary motivating factor in the person's involvement with the criminal justice system. There may be a dual diagnosis of chemical dependency, though the substance-use disorder is not the primary diagnosis.

Strength: The court recognizes the successes among participants with services and medication stabilization, and has identified alternative funding sources to potentially access after RRF funding ends.

Challenge: Tehama County reports that there is a shortage of mental health workers and appropriate housing options in the area. The lack of the services and housing provides a challenge to the court in meeting the needs of program participants.

Tulare County

Program types: Domestic Violence (DV) Court and DUI Court

Program elements: Tulare County's Domestic Violence Court is a three-phase program that requires completion of a 52-week Batterer's Treatment Program. The program is incentivized by the provision of job training/job placement in Phase 3 and the ability to reduce the term of probation from three years to 18 months upon successful completion of batterer's treatment and the payment of victim restitution. The DUI Court is a three-phase program that requires completion of a 12-, 18-, or 24-month Driving Under the Influence Program. The program is

Attachment D. Collaborative Court Program Summaries

incentivized by the provision of job training/job placement in Phase 3 and the ability to reduce the term of probation from five years to three years upon successful completion of the designated DUI program and the payment of victim restitution.

Strength: The court has devoted resources to the analysis and validation of the assessment tools being used in DV Court and DUI Court. They have also determined that staff and providers would benefit from updated training on evidence-based practices.

Challenge: The most significant challenge for the DV Court has been a higher failure rate as compared to the DUI Court. This led to a review and adjustment of the DV supervision practices, required training for all DV providers on evidence-based practices, and the adoption of a system that tracks offenders who have failed the DV program in hopes of identifying unmet program/referral needs of these participants.

Tuolumne County

Program type: Adult Drug Court

Program elements: Tuolumne County's adult drug court program is for offenders with criminal offenses that are related to drug addiction. The program provides outpatient groups, requires 12-step meeting attendance, frequent and random drug testing, and weekly or twice-monthly court hearings. The program also addresses issues of housing, mental health needs, employment, and education.

Strength: The drug court program's treatment team has had consistent participation from the probation department, behavioral health, and the courts. Over the years, it has had the same clinicians, program manager, probation officer, and judge, which has resulted in a team that is cohesive, communicates well, and is committed to the program and the positive outcomes of participants.

Challenge: The court team reports that the county jail is overcrowded, limiting the ability of the court to use flash incarcerations as a sanction.

Ventura County

Program types: Mental Health Court and Veterans Court

Program elements: Ventura County's Veterans Court is for veterans of U.S. military service who have been honorably discharged or in some cases have general/other than honorable discharges and are suspected of having sexual trauma, traumatic brain injury, posttraumatic stress disorder, substance-use disorder, or mental health problems stemming from service. The treatment services provided for veterans include residential care, intensive outpatient treatment, medically supervised care, psychiatric treatment, cognitive behavioral psychotherapy, drug and alcohol testing, drug and alcohol therapy, and veteran peer support groups that enhance the veteran's social and occupational functioning. Ventura County's Mental Health Court is for adult mentally

Attachment D. Collaborative Court Program Summaries

ill offenders who have a primary Axis I, DSM-IV diagnosis. Those determined to have a co-occurring substance-use disorder diagnosis, in addition to the other Axis I diagnoses, are also eligible. This program provides specialized substance-use disorder counseling, general psychotherapy, group therapy, case management services, and psychiatric medication.

Strength: The court created a database in-house to store data and run reports for both mental health and veterans treatment court program.

Challenge: The public defender's office has proposed the expansion of the Veterans Treatment Court. Currently the court and other partner agencies do not have the resources to expand the program.

Attachment E. Collaborative Courts Data Tables

Data represent individuals for whom program entry data were received by the Judicial Council. Court programs that existed prior to the start of the grant data reporting period, beginning July 1, 2015, were given the option of submitting data for those participants enrolled on that date who had entered their programs earlier if those data were available. The following courts were able to provide at least some data for this group: Mendocino (Drug), Merced (Mental Health), Placer (Drug, Mental Health, Prop. 36, and Veterans Treatment), San Francisco (Multiple), San Joaquin (DUI), Santa Clara (Multiple), Santa Cruz (Mental Health), Tehama (Mental Health), Tulare (Domestic Violence), and Tuolumne (Drug). Courts with existing programs that were not able to provide information on individuals entering their programs prior to that date may have had larger caseloads and additional program exits or other outcome measures during the reporting period than are represented in these tables.

Table 1. Collaborative Courts Quarters Reported, Referrals, Entries, and Exits

County	Court Type	Referrals	Entries	Exits
Los Angeles	College	0	79	30
Mendocino	Drug	86	72	27
Modoc	Drug	23	22	12
Placer	Drug	121	100	68
San Joaquin	Drug	456	317	128
Tuolumne	Drug	131	94	63
San Joaquin	DUI	810	731	313
Tulare	DUI	188	171	99
Contra Costa	DV	126	90	9
Tulare	DV	197	133	83
Kern	MH	126	26	12
Merced	MH	116	68	36
Placer	MH	107	89	35
Santa Cruz	MH	170	81	32
Tehama	MH	116	52	21
Ventura	MH	325	85	47
Sacramento	MH/Drug	44	44	25
San Diego	MS	1,063	1,061	377
San Francisco	Mult*	176	83	44
Santa Clara	Mult*	88	87	30
San Mateo	Mult*	114	125	4
Placer	Prop 36	95	93	34
San Diego	Reentry	180	98	44
Lake	Veteran	43	21	6
Placer	Veteran	59	25	8
San Diego	Veteran	178	75	29
Stanislaus	Veteran	122	76	35
Ventura	Veteran	264	81	32
Total		5,524	4,079	1,683

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

*These programs fund services, such as housing support, that cut across a variety of court types.

Attachment E. Collaborative Courts Data Tables

Table 2. Collaborative Courts Racial and Ethnic Distribution

County	Court Type	RACE/ETHNICITY PERCENT					Total (N)
		Black	Latino	White	Other	Unknown	
Los Angeles	College	16%	78%	1%	1%	3%	79
Mendocino	Drug	0%	11%	76%	11%	1%	72
Modoc	Drug	0%	5%	86%	9%	0%	22
Placer	Drug	3%	17%	73%	7%	0%	100
San Joaquin	Drug	14%	33%	48%	5%	1%	317
Tuolumne	Drug	2%	10%	84%	4%	0%	94
San Joaquin	DUI	15%	52%	22%	11%	0%	731
Tulare	DUI	2%	83%	12%	3%	0%	171
Contra Costa	DV	23%	12%	19%	4%	41%	90
Tulare	DV	7%	69%	20%	4%	0%	133
Kern	MH	19%	23%	54%	4%	0%	26
Merced	MH	21%	40%	37%	3%	0%	68
Placer	MH	11%	7%	74%	8%	0%	89
Santa Cruz	MH	5%	19%	69%	6%	1%	81
Tehama	MH	2%	13%	77%	8%	0%	52
Ventura	MH	6%	42%	38%	7%	7%	85
Sacramento	MH/Drug	23%	16%	52%	9%	0%	44
San Diego	MS	16%	34%	44%	5%	0%	1,061
San Francisco	Mult*	42%	6%	39%	13%	0%	83
Santa Clara	Mult*	23%	31%	37%	9%	0%	87
San Mateo	Mult*	7%	31%	42%	17%	2%	125
Placer	Prop 36	2%	12%	76%	6%	3%	93
San Diego	Reentry	29%	27%	37%	8%	0%	98
Lake	Veteran	5%	0%	95%	0%	0%	21
Placer	Veteran	0%	0%	64%	36%	0%	25
San Diego	Veteran	19%	25%	45%	11%	0%	75
Stanislaus	Veteran	5%	28%	53%	4%	11%	76
Ventura	Veteran	6%	27%	59%	2%	5%	81
Total		13%	36%	42%	7%	2%	4,079

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Notes: Racial categories “Black,” “White,” and “Other” are more precisely defined as “Non-Hispanic Black,” “Non-Hispanic White,” and “Non-Hispanic Other,” as all people with an indicated “Hispanic” ethnicity are placed into that category.

Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

* These programs fund services, such as housing support, that cut across a variety of court types.

Attachment E. Collaborative Courts Data Tables

Table 3. Collaborative Courts Gender Distribution

County	Court Type	GENDER PERCENT			Total (N)
		Female	Male	Other/Unknown	
Los Angeles	College	18%	81%	1%	79
Mendocino	Drug	26%	74%	0%	72
Modoc	Drug	45%	55%	0%	22
Placer	Drug	37%	62%	1%	100
San Joaquin	Drug	20%	80%	0%	317
Tuolumne	Drug	44%	56%	0%	94
San Joaquin	DUI	19%	81%	0%	731
Tulare	DUI	12%	88%	0%	171
Contra Costa	DV	4%	68%	28%	90
Tulare	DV	5%	95%	0%	133
Kern	MH	38%	62%	0%	26
Merced	MH	35%	65%	0%	68
Placer	MH	27%	73%	0%	89
Santa Cruz	MH	15%	85%	0%	81
Tehama	MH	31%	67%	2%	52
Ventura	MH	44%	56%	0%	85
Sacramento	MH/Drug	32%	66%	2%	44
San Diego	MS	25%	75%	0%	1,061
San Francisco	Mult*	16%	83%	1%	83
Santa Clara	Mult*	20%	80%	0%	87
San Mateo	Mult*	27%	73%	0%	125
Placer	Prop 36	32%	68%	0%	93
San Diego	Reentry	10%	90%	0%	98
Lake	Veteran	10%	90%	0%	21
Placer	Veteran	8%	92%	0%	25
San Diego	Veteran	4%	96%	0%	75
Stanislaus	Veteran	5%	95%	0%	76
Ventura	Veteran	9%	91%	0%	81
Total		21%	78%	1%	4,079

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Note: Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

* These programs fund services, such as housing support, that cut across a variety of court types.

Attachment E. Collaborative Courts Data Tables

Table 4. Collaborative Courts Age Distribution

County	Court Type	AGE RANGE PERCENT						Total (N)
		18-25	26-35	36-45	46-55	Over 55	Unknown	
Los Angeles	College	84%	14%	0%	0%	0%	3%	79
Mendocino	Drug	17%	51%	21%	8%	3%	0%	72
Modoc	Drug	23%	36%	27%	9%	5%	0%	22
Placer	Drug	27%	44%	16%	10%	3%	0%	100
San Joaquin	Drug	15%	45%	25%	11%	3%	1%	317
Tuolumne	Drug	32%	44%	11%	10%	4%	0%	94
San Joaquin	DUI	17%	41%	21%	13%	6%	3%	731
Tulare	DUI	16%	44%	17%	14%	8%	1%	171
Contra Costa	DV	8%	14%	18%	1%	2%	57%	90
Tulare	DV	32%	40%	20%	8%	0%	0%	133
Kern	MH	23%	31%	31%	8%	8%	0%	26
Merced	MH	22%	50%	15%	10%	3%	0%	68
Placer	MH	29%	26%	22%	12%	10%	0%	89
Santa Cruz	MH	20%	25%	26%	20%	6%	4%	81
Tehama	MH	27%	25%	23%	13%	6%	6%	52
Ventura	MH	19%	40%	16%	18%	7%	0%	85
Sacramento	MH/Drug	11%	45%	30%	9%	2%	2%	44
San Diego	MS	16%	35%	26%	16%	7%	0%	1,061
San Francisco	Mult*	5%	33%	27%	25%	11%	0%	83
Santa Clara	Mult*	13%	24%	29%	22%	13%	0%	87
San Mateo	Mult*	18%	32%	26%	15%	8%	1%	125
Placer	Prop 36	22%	31%	30%	15%	2%	0%	93
San Diego	Reentry	10%	37%	20%	26%	7%	0%	98
Lake	Veteran	0%	24%	19%	24%	29%	5%	21
Placer	Veteran	12%	32%	8%	16%	32%	0%	25
San Diego	Veteran	7%	61%	23%	7%	3%	0%	75
Stanislaus	Veteran	7%	43%	17%	22%	11%	0%	76
Ventura	Veteran	15%	43%	21%	14%	7%	0%	81
Total		18%	37%	22%	14%	6%	1%	4,079

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Note: Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

* These programs fund services, such as housing support, that cut across a variety of court types.

Attachment E. Collaborative Courts Data Tables

Table 5. Collaborative Courts 12-Month Retention Count and Rates

County	Court Type	Retention Rate	Total (N)
Los Angeles	College	69%	59
Mendocino	Drug	77%	47
Modoc	Drug	75%	16
Placer	Drug	58%	100
San Joaquin	Drug	79%	209
Tuolumne	Drug	72%	74
San Joaquin	DUI	99%	622
Tulare	DUI	79%	125
Contra Costa	DV	92%	51
Tulare	DV	61%	87
Kern	MH	81%	26
Merced	MH	64%	53
Placer	MH	97%	89
Santa Cruz	MH	82%	74
Tehama	MH	87%	45
Ventura	MH	51%	85
Sacramento	MH/Drug	71%	31
San Diego	MS	75%	1,005
San Francisco	Mult*	54%	63
Santa Clara	Mult*	94%	51
San Mateo	Mult*	97%	124
Placer	Prop 36	85%	93
San Diego	Reentry	52%	81
Lake	Veteran	91%	11
Placer	Veteran	96%	25
San Diego	Veteran	67%	46
Stanislaus	Veteran	83%	47
Ventura	Veteran	93%	81
Total		80%	3,420

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Dec. 31, 2017).

Notes: Retention rate expressed as the sum of graduates and continuing participants divided by the number of entries. Table includes data from individuals entering programs in quarters 1–7. A complete analysis of retention requires calculation of retention rates at multiple intervals. A 12-month retention rate is used for consistency.

Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

* These programs fund services, such as housing support, that cut across a variety of court types.

Attachment E. Collaborative Courts Data Tables

Table 6. Collaborative Courts Program Exits by Exit Type (All Reported Exits)

County	Court Type	Still In Pro- gram	EXIT TYPE COUNT						Total (N)
			UNSUCCESSFUL			SUCCESSFUL	NEITHER		
			New Felony Charge	New Misde- meanor Charge	Other	Graduated	Moved	Other	
Los Angeles	College	49	0	0	27	2	0	1	79
Mendocino	Drug	45	0	0	20	6	0	1	72
Modoc	Drug	10	0	0	9	2	0	1	22
Placer	Drug	32	4	0	40	20	0	4	100
San Joaquin	Drug	189	10	2	39	55	14	8	317
Tuolumne	Drug	31	1	0	33	29	0	0	94
San Joaquin	DUI	418	0	0	2	302	5	4	731
Tulare	DUI	72	2	0	32	64	0	1	171
Contra Costa	DV	81	1	0	2	4	0	1	90
Tulare	DV	50	3	1	47	31	0	1	133
Kern	MH	14	0	0	5	6	0	1	26
Merced	MH	32	3	0	16	10	1	6	68
Placer	MH	54	1	0	8	22	2	2	89
Santa Cruz	MH	49	2	0	12	15	2	1	81
Tehama	MH	31	3	1	4	11	0	2	52
Ventura	MH	38	0	0	28	5	3	11	85
Sacramento	MH/Drug	19	1	0	17	6	0	1	44
San Diego	MS	684	13	4	219	89	35	17	1,061
San Francisco	Mult*	39	3	0	17	13	5	6	83
Santa Clara	Mult*	57	0	0	6	23	0	1	87
San Mateo	Mult*	121	0	0	2	0	1	1	125
Placer	Prop 36	59	3	1	6	13	6	5	93
San Diego	Reentry	54	2	2	36	0	1	3	98
Lake	Veteran	15	0	0	2	4	0	0	21
Placer	Veteran	17	0	0	2	4	0	2	25
San Diego	Veteran	46	0	1	12	9	0	7	75
Stanislaus	Veteran	41	0	0	20	13	1	1	76
Ventura	Veteran	49	1	1	4	26	0	0	81
Total		2,396	53	13	667	784	76	89	4,079

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Note: Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

Attachment E. Collaborative Courts Data Tables

Table 7. Collaborative Courts New Charges and Convictions

County	Court Type	NEW CHARGE PERCENT		NEW CONVICTION PERCENT		Total (N)
		Felony	Misd	Felony	Misd	
Los Angeles	College	0%	0%	0%	0%	79
Mendocino	Drug	18%	2%	10%	2%	72
Modoc	Drug	0%	5%	0%	5%	22
Placer	Drug	4%	2%	1%	0%	100
San Joaquin	Drug	14%	15%	10%	13%	317
Tuolumne	Drug	7%	1%	4%	1%	94
San Joaquin	DUI	0%	0%	0%	0%	731
Tulare	DUI	4%	3%	3%	1%	171
Contra Costa	DV	6%	0%	4%	0%	90
Tulare	DV	9%	12%	3%	2%	133
Kern	MH	0%	4%	0%	0%	26
Merced	MH	1%	1%	1%	1%	68
Placer	MH	7%	4%	2%	0%	89
Santa Cruz	MH	5%	10%	0%	6%	81
Tehama	MH	4%	6%	0%	2%	52
Ventura	MH	0%	14%	0%	11%	85
Sacramento	MH/Drug	7%	5%	0%	5%	44
San Diego	MS	1%	0%	0%	0%	1,061
San Francisco	Mult*	2%	0%	0%	0%	83
Santa Clara	Mult*	26%	31%	16%	25%	87
San Mateo	Mult*	2%	3%	0%	0%	125
Placer	Prop 36	4%	2%	3%	1%	93
San Diego	Reentry	1%	3%	0%	1%	98
Lake	Veteran	0%	0%	0%	0%	21
Placer	Veteran	0%	0%	0%	4%	25
San Diego	Veteran	0%	0%	0%	0%	75
Stanislaus	Veteran	0%	3%	0%	0%	76
Ventura	Veteran	1%	1%	0%	0%	81
Total		4%	4%	2%	3%	4,079

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar 31, 2018).

Note: Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

* These programs fund services, such as housing support, that cut across a variety of court types.

Attachment E. Collaborative Courts Data Tables

Table 8. Collaborative Court Participant Risk Levels

County	Court Type	ASSESSED RISK LEVEL PERCENT				Total
		Low	Moderate	High	Unknown	
Los Angeles	College	0%	0%	0%	100%	79
Mendocino	Drug	0%	11%	12%	76%	72
Modoc	Drug	14%	9%	55%	23%	22
Placer	Drug	10%	45%	40%	5%	100
San Joaquin	Drug	2%	0%	86%	12%	317
Tuolumne	Drug	13%	29%	57%	1%	94
San Joaquin	DUI	19%	0%	64%	18%	731
Tulare	DUI	25%	11%	62%	2%	171
Contra Costa	DV	0%	9%	49%	42%	90
Tulare	DV	1%	32%	63%	4%	133
Kern	MH	31%	15%	35%	19%	26
Merced	MH	7%	18%	25%	50%	68
Placer	MH	19%	30%	20%	30%	89
Santa Cruz	MH	14%	43%	43%	0%	81
Tehama	MH	17%	44%	35%	4%	52
Ventura	MH	19%	14%	6%	61%	85
Sacramento	MH/Drug	0%	5%	48%	48%	44
San Diego	MS	9%	14%	14%	63%	1,061
San Francisco	Mult*	0%	1%	0%	99%	83
Santa Clara	Mult*	14%	18%	17%	51%	87
San Mateo	Mult*	18%	26%	14%	42%	125
Placer	Prop 36	5%	15%	25%	55%	93
San Diego	Reentry	3%	10%	62%	24%	98
Lake	Veteran	43%	14%	14%	29%	21
Placer	Veteran	20%	20%	8%	52%	25
San Diego	Veteran	15%	24%	15%	47%	75
Stanislaus	Veteran	0%	0%	0%	100%	76
Ventura	Veteran	38%	7%	0%	54%	81
Total		12%	13%	37%	39%	4,079

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Note: Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

* These programs fund services, such as housing support, that cut across a variety of court types.

Attachment F. Pretrial Release Program Summaries

This attachment provides a brief description of the key program elements and a summary of program strengths and challenges. The summaries are drawn from program descriptions and quarterly reports submitted by each county and supplemented by information collected during site visits.

Alameda County

Assessment tool: Ohio Risk Assessment System (ORAS-PAT)

Assessment administered by: Court Pretrial Services unit

Assessment conducted: At arraignment

Release decision made: At hearing subsequent to arraignment

Supervised pretrial release options: None

Treatment services offered: No

Strength: Data outcomes of those released on bail and those released on OR are comprehensive. Alameda County recently added a second courthouse where risk assessments are conducted.

Challenge: The program supervision component will be conducted by a community-based agency but was significantly delayed. The new supervision implementation was targeted to begin in the fall of 2017.

El Dorado County

Assessment tool: Virginia Pretrial Risk Assessment Instrument (VPRAI)

Assessment administered by: Probation

Assessment conducted: At arrest

Release decision made: At arraignment

Supervised pretrial release options: Reminders and probation meetings

Treatment services offered: Yes

Strength: The court recognized that they needed to make some program changes in order to increase the number of pretrial releases. They sought guidance from outside subject matter experts, brought in experienced personnel, and are reevaluating program policy and processes.

Challenge: The program's current pretrial release criteria limits eligibility and has resulted in relatively low program numbers.

Fresno County

Assessment tool: Virginia Pretrial Risk Assessment Instrument (VPRAI)

Assessment administered by: Probation

Attachment F. Pretrial Release Program Summaries

Assessment conducted: At booking

Release decision made: At arraignment

Supervised pretrial release options: Reminders and monitoring

Treatment services offered: Yes

Strength: The court is starting a project to build a portal and an app to facilitate secure, mobile communications between probationers on pretrial supervision and the probation department.

Challenge: The court faces challenges in maintaining updated information about service provider availability.

Imperial County

Assessment tool: Correctional Assessment and Intervention System (CAIS)

Assessment administered by: Sheriff

Assessment conducted: At booking

Release decision made: At arraignment

Supervised pretrial release options: Call or report in depending on risk level

Treatment services offered: No

Strength: Imperial County's pretrial assessment tool was studied and validated by San Diego State University and determined to be predictive. Suggested changes made during the validation process were implemented, including widening the "Low Risk" category.

Challenge: Configuring the jail management system to interface with court and pretrial data has presented significant challenges for the program.

Lassen County

Assessment tool: Ohio Risk Assessment System (ORAS)

Assessment administered by: Probation

Assessment conducted: Pre-arraignment

Release decision made: At arraignment

Supervised pretrial release options: Monitoring via telephone; physical check-in

Treatment services offered: No

Strength: This small county program worked collaboratively as a partnership to craft a pretrial services agreement and make it available at the appropriate time so all parties can make informed decisions about each individual's pretrial plan.

Challenge: The county reports some challenges identifying the ideal point in the pre-arraignment process to conduct the assessment.

Attachment F. Pretrial Release Program Summaries

Monterey County

Assessment tool: Ohio Risk Assessment System Pretrial Assessment Tool (ORAS-PAT)

Assessment administered by: Probation

Assessment conducted: Pre-arraignment

Release decision made: At arraignment

Supervised pretrial release options: Check-in with the pretrial program, electronic monitoring, home visits, drug and alcohol testing, and court date reminders

Treatment services offered: No

Strength: Program staff worked with BetaGov, a nonprofit agency that promotes innovation in the public sector, to conduct a randomized control trial of the impact of court reminders on failure-to-appear rates. Preliminary results suggest that court appearance rates improved when defendants received court reminders, and the project will be extended until results are conclusive.

Challenge: Referrals for pretrial risk assessment have increased but probation department staff assigned to the pretrial program has decreased. The court and probation are transitioning to new information management systems resulting in data collection challenges.

Orange County

Assessment tool: Virginia Pretrial Risk Assessment Instrument (VPRAI)

Assessment administered by: Court

Assessment conducted: At booking

Release decision made: At arraignment

Supervised pretrial release options: Check-ins with probation

Treatment services offered: Yes

Strengths: The University of California, Irvine assessed the Pretrial Assessment and Release Supervision Program (PARS). It found that the program positively impacted release rates, and that defendants placed on PARS were significantly less likely to fail pretrial relative to those released on cash bond. Orange County also developed and implemented an electronic database and information exchange platform to automate transfer of program data between the court and probation department. The county as a whole underwent cultural change in how they view and approach the pretrial population and pretrial process.

Challenges: Legislative changes such as Prop. 47, Prop. 63, and SB 10 affected the number of eligible program participants, imposed additional rules that led to changes in court processes, and as of 2019 will impose new policies and procedures.

Attachment F. Pretrial Release Program Summaries

Shasta County

Assessment tool: Virginia Pretrial Risk Assessment Instrument (VPRAI)

Assessment administered by: Probation

Assessment conducted: Monday through Friday at booking (formerly assessments were conducted on Saturday and Sunday)

Release decision made: Pre-arraignment and at arraignment

Supervised pretrial release options: Reminders, check-ins

Treatment services offered: Yes

Strength: County self-identified a need to reevaluate program eligibility and expand criteria.

Challenge: High rate of failures to appear; data coming from three different sources sometimes conflicts and requires cross-checking. More defendants than anticipated committed crimes too serious to allow their release on supervised own recognizance. Our release numbers were therefore much lower than we hoped for.

Solano County

Assessment tool: Ohio Risk Assessment System (ORAS)

Assessment administered by: Probation

Assessment conducted: At booking

Release decision made: At arraignment

Supervised pretrial release options: Phone reminders, probation check-in

Treatment services offered: Yes

Strength: Solano County Administrator's Office has been tasked with investigating expansion of pretrial programs. New probation officer resources added to the program.

Challenge: Slower than anticipated timeline for identifying IT vendor for criminal minute order project.

Sonoma County

Assessment tool: Sonoma Pretrial Risk Assessment Tool (SPRAT)

Assessment administered by: Sheriff

Assessment conducted: At booking

Release decision made: At arraignment

Supervised pretrial release options: Court reminders, basic supervision, moderate supervision, enhanced supervision

Treatment services offered: No

Attachment F. Pretrial Release Program Summaries

Strength: The Sonoma County program has been releasing a gradually increasing number of offenders on supervised pretrial release.

Challenge: The inability to generate a unique ID for program participants so they can be tracked through data coming from multiple sources remains a challenge for Sonoma County. They are also in the process of converting to a new case management system, which is consuming significant resources to put in place.

Yuba County

Assessment tool: Ohio Risk Assessment System (ORAS-PAT). In addition to using an ORAS-PAT score, Yuba also used an additional set of stability factors, severity of current offense factors, and severity of prior offenses to determine whether the defendant would be detained, would be released on OR pre-arraignment, released on OR with conditions pre-arraignment, or released on OR with conditions at arraignment.

Assessment administered by: Probation

Assessment conducted: At booking

Release decision made: Pre-arraignment and at arraignment

Supervised pretrial release options: Reminders and monitoring

Treatment services offered: No

Strength: Risk assessment information is collected in electronic form. Use of the court's JALAN case management system and a customized database allow further dynamic data tracking and predominantly automated reporting capabilities.

Challenge: The county is concerned it will not be able to continue the program without grant funding.

Attachment G. Pretrial Data Tables

Table 1. Assessments and Releases to Pretrial Supervision

County	Assessments	Releases to Pretrial Supervision Program
Alameda	5,991	0
El Dorado	1,443	71
Fresno	13,371	1,994
Imperial	6,987	1,784
Lassen	922	106
Monterey	535	53
Orange	8,032	355
Shasta	1,183	241
Solano	2,582	744
Sonoma	7,195	1,783
Yuba	1,366	274
Total	49,607	7,405

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Note: Alameda County did not have a pretrial supervision program during the data collection period.

Table 2. Assessed Risk Level of Defendants Released to Pretrial Supervision

County	Low	Moderate	High	Unknown	Total
Alameda	0	0	0	0	0
El Dorado	11	11	1	48	71
Fresno	674	532	234	554	1994
Imperial	1177	266	78	263	1784
Lassen	16	46	18	26	106
Monterey	9	29	5	10	53
Orange	35	202	70	48	355
Shasta	14	102	114	11	241
Solano	75	456	90	123	744
Sonoma	195	115	99	1374	1783
Yuba	8	31	223	12	274
Total	2214	1790	932	2469	7405
Percent	30%	24%	13%	33%	100%

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Note: Alameda County did not have a pretrial supervision program during the data collection period.

Attachment G. Pretrial Data Tables

Table 3. Failures to Appear by Risk Level, Defendants Released to Pretrial Supervision

County	Low Risk		Moderate Risk		High Risk		Unknown Risk	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Alameda	0	-	0	-	0	-	0	-
El Dorado	2	18%	6	55%	1	100%	16	33%
Fresno	88	13%	117	22%	62	26%	48	9%
Imperial	127	11%	55	21%	26	33%	80	30%
Lassen	3	19%	11	24%	13	72%	2	8%
Monterey	1	11%	1	3%	0	0%	2	20%
Orange	10	29%	59	29%	23	33%	18	38%
Shasta	3	21%	14	14%	32	28%	3	27%
Solano	0	0%	0	0%	0	0%	0	0%
Sonoma	0	0%	0	0%	0	0%	51	4%
Yuba	1	12%	4	13%	27	12%	1	8%
Total	235	11%	267	15%	184	20%	221	9%

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Note: Alameda County did not have a pretrial supervision program during the data collection period.

Table 4. In-Program New Arrests by Risk Level, Defendants Released to Pretrial Supervision

County	Low Risk		Moderate Risk		High Risk		Unknown Risk	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Alameda	0	-	0	-	0	-	0	-
El Dorado	1	9%	1	9%	1	100%	4	8%
Fresno	7	1%	6	1%	2	1%	1	0%
Imperial	37	3%	48	18%	25	32%	43	16%
Lassen	1	6%	1	2%	0	0%	0	0%
Monterey	0	0%	0	0%	0	0%	0	0%
Orange	1	3%	9	4%	1	1%	2	4%
Shasta	2	14%	9	9%	16	14%	0	0%
Solano	11	15%	37	8%	17	19%	7	6%
Sonoma	4	2%	2	2%	6	6%	7	1%
Yuba	0	0%	0	0%	3	1%	0	0%
Total	64	3%	113	6%	71	8%	64	3%

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Note: Alameda County did not have a pretrial supervision program during the data collection period.

Table 5. Termination Reasons by Risk Level, Terminated Defendants Released to Pretrial Supervision

County	Low Risk					Moderate Risk					High Risk					Unknown Risk				
	Successful	New Arrest	Other Not Successful	Other or Unknown	Total	Successful	New Arrest	Other Not Successful	Other or Unknown	Total	Successful	New Arrest	Other Not Successful	Other or Unknown	Total	Successful	New Arrest	Other Not Successful	Other or Unknown	Total
Alameda	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
El Dorado	7	0	0	1	8	2	1	2	0	5	0	1	0	0	1	10	0	14	0	24
Fresno	219	19	88	28	354	145	25	115	30	315	52	10	68	21	151	85	2	65	2	154
Imperial	908	0	59	1	968	108	1	31	0	140	6	1	2	0	9	55	3	10	1	69
Lassen	9	2	0	4	15	20	0	19	4	43	3	0	14	0	17	12	0	6	0	18
Monterey	5	0	1	0	6	16	0	4	0	20	3	0	1	0	4	4	0	3	0	7
Orange	19	0	9	6	34	76	7	54	18	155	22	0	27	6	55	13	2	13	2	30
Shasta	8	3	0	0	11	47	8	14	0	69	46	19	11	0	76	4	1	1	1	7
Solano	37	11	5	0	53	173	37	132	0	342	9	17	37	0	63	31	7	34	0	72
Sonoma	77	6	39	0	122	30	6	51	0	87	17	8	52	0	77	262	24	240	0	526
Yuba	4	0	1	0	5	21	1	5	0	27	113	10	36	0	159	6	1	1	0	8
Total	1,293	41	202	40	1,576	638	86	427	52	1,203	271	66	248	27	612	482	40	387	6	915

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Note: Alameda County did not have a pretrial supervision program during the data collection period.

Attachment G. Pretrial Data Tables

Table 6. Assessed Risk Levels of All Assessments

County	Low	Moderate	High	Unknown	Total
Alameda	1421	2180	1070	1320	5991
El Dorado	144	400	410	489	1443
Fresno	2111	2701	3464	5095	13371
Imperial	3379	2133	777	698	6987
Lassen	73	213	134	502	922
Monterey	94	246	193	2	535
Orange	143	1250	836	5803	8032
Shasta	16	523	644	0	1183
Solano	432	932	1218	0	2582
Sonoma	2746	2155	2099	195	7195
Yuba	18	70	1276	2	1366
Total	10577	12803	12121	14106	49607
Percent	21%	26%	24%	28%	100%

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Table 7. Pretrial Risk Assessments Administered, Racial and Ethnic Distribution

County	RACE/ETHNICITY PERCENT					Total
	Black	Latino	White	Other	Unknown	
Alameda	45%	18%	15%	5%	16%	5,991
El Dorado	2%	4%	39%	1%	54%	1,443
Fresno	14%	52%	22%	4%	8%	13,371
Imperial	5%	58%	24%	10%	2%	6,987
Lassen	3%	8%	58%	9%	22%	922
Monterey	8%	51%	21%	2%	18%	535
Orange	6%	45%	39%	6%	3%	8,032
Shasta	4%	5%	74%	7%	9%	1,183
Solano	33%	19%	40%	5%	2%	2,582
Sonoma	6%	21%	46%	3%	25%	7,195
Yuba	10%	19%	65%	4%	2%	1,366
Total	14%	37%	32%	5%	11%	49,607

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Notes: Racial categories “Black,” “White,” and “Other” are more precisely defined as “Non-Hispanic Black,” “Non-Hispanic White,” and “Non-Hispanic Other,” as all people with an indicated “Hispanic” ethnicity are placed into that category.

Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

Attachment G. Pretrial Data Tables

Table 8. Pretrial Risk Assessments Administered, Gender Distribution

County	GENDER PERCENT			Total
	Female	Male	Other/Unknown	
Alameda	19%	65%	16%	5,991
El Dorado	13%	37%	50%	1,443
Fresno	16%	76%	8%	13,371
Imperial	20%	80%	0%	6,987
Lassen	20%	52%	28%	922
Monterey	19%	63%	18%	535
Orange	25%	72%	3%	8,032
Shasta	25%	66%	9%	1,183
Solano	21%	79%	0%	2,582
Sonoma	17%	58%	25%	7,195
Yuba	20%	79%	1%	1,366
Total	19%	70%	11%	49,607

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015-Mar. 31, 2018).

Note: Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

Table 9. Pretrial Risk Assessments Administered, Age Distribution

County	AGE RANGE PERCENT						Total
	18-25	26-35	36-45	46-55	Over 55	Unknown	
Alameda	22%	24%	17%	15%	7%	16%	5,991
El Dorado	8%	11%	8%	5%	3%	65%	1,443
Fresno	28%	34%	18%	9%	3%	8%	13,371
Imperial	27%	34%	20%	11%	5%	3%	6,987
Lassen	16%	27%	16%	12%	6%	22%	922
Monterey	27%	24%	16%	11%	4%	18%	535
Orange	31%	37%	17%	9%	3%	3%	8,032
Shasta	20%	31%	20%	14%	5%	9%	1,183
Solano	25%	35%	21%	14%	5%	0%	2,582
Sonoma	0%	0%	0%	0%	0%	100%	7,195
Yuba	27%	32%	22%	13%	6%	1%	1,366
Total	22%	27%	15%	9%	4%	22%	49,607

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015-Mar. 31, 2018).

Note: Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

Attachment G. Pretrial Data Tables

Table 10. Releases to Pretrial Supervision, Racial and Ethnic Distribution

County	RACE/ETHNICITY PERCENT					Total
	Black	Latino	White	Other	Unknown	
Alameda	-	-	-	-	-	0
El Dorado	1%	8%	65%	0%	25%	71
Fresno	10%	41%	20%	4%	25%	1,994
Imperial	4%	56%	27%	10%	3%	1,784
Lassen	3%	6%	77%	8%	6%	106
Monterey	13%	45%	34%	0%	8%	53
Orange	7%	46%	35%	10%	2%	355
Shasta	2%	4%	83%	6%	5%	241
Solano	32%	19%	34%	4%	10%	744
Sonoma	2%	7%	15%	1%	76%	1,783
Yuba	9%	19%	67%	3%	2%	274
Total	8%	31%	28%	5%	28%	7,405

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Notes: Alameda County did not have a pretrial supervision program during the data collection period.

Racial categories “Black,” “White,” and “Other” are more precisely defined as “Non-Hispanic Black,” “Non-Hispanic White,” and “Non-Hispanic Other,” as all people with an indicated “Hispanic” ethnicity are placed into that category.

Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

Attachment G. Pretrial Data Tables

Table 11. Releases to Pretrial Supervision, Gender Distribution

County	GENDER PERCENT			Total
	Female	Male	Other/Unknown	
Alameda	-	-	-	0
El Dorado	31%	61%	8%	71
Fresno	17%	58%	25%	1,994
Imperial	20%	79%	1%	1,784
Lassen	38%	52%	10%	106
Monterey	32%	64%	4%	53
Orange	30%	68%	2%	355
Shasta	35%	60%	5%	241
Solano	21%	70%	9%	744
Sonoma	6%	18%	76%	1,783
Yuba	27%	72%	1%	274
Total	18%	56%	27%	7,405

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Notes: Alameda County did not have a pretrial supervision program during the data collection period.

Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

Table 12. Releases to Pretrial Supervision, Age Distribution

County	AGE RANGE PERCENT						Total
	18-25	26-35	36-45	46-55	Over 55	Unknown	
Alameda	-	-	-	-	-	-	0
El Dorado	13%	44%	23%	8%	6%	7%	71
Fresno	28%	26%	12%	6%	3%	25%	1,994
Imperial	29%	31%	20%	13%	6%	1%	1,784
Lassen	24%	30%	17%	16%	6%	8%	106
Monterey	40%	19%	21%	15%	2%	4%	53
Orange	45%	32%	11%	7%	4%	2%	355
Shasta	24%	35%	21%	12%	3%	5%	241
Solano	31%	27%	17%	10%	5%	9%	744
Sonoma	0%	0%	0%	0%	0%	100%	1,783
Yuba	34%	30%	20%	11%	5%	1%	274
Total	23%	22%	12%	7%	3%	32%	7,405

Source: Judicial Council of Cal., Recidivism Reduction Fund Quarterly Reports (July 1, 2015–Mar. 31, 2018).

Note: Alameda County did not have a pretrial supervision program during the data collection period. Percents are rounded to the nearest whole number. In rare instances (where the row total is greater than 200) it is possible for a value of 0% to reflect a very low number of occurrences rather than zero occurrences.

Attachment H. Supplemental Pretrial Data and Analysis

Section 1. Logistic Regression Results for Outcomes Based on Risk Level

Table H1.1: Logistic Regression of New Filing on Risk Assessment Level

	<i>Dependent variable:</i>				
	County 1	County 2	New Filing County 3	County 4	Combined
	(1)	(2)	(3)	(4)	(5)
Low Risk (Intercept)	0.137*** (0.014)	0.099*** (0.012)	0.102*** (0.025)	0.099*** (0.023)	0.112*** (0.008)
Medium Risk	0.062*** (0.021)	0.056*** (0.018)	0.060* (0.032)	0.060** (0.029)	0.058*** (0.012)
High Risk	0.126*** (0.023)	0.186*** (0.025)	0.151*** (0.028)	0.138*** (0.031)	0.144*** (0.012)
Observations	1,870	1,761	1,625	1,036	6,292
Log Likelihood	−896.378	−633.814	−818.369	−441.731	−2,813.869
Akaike Inf. Crit.	1,798.757	1,273.627	1,642.738	889.463	5,633.738

Note:

*p<0.1; **p<0.05; ***p<0.01

Source: County court and jail data management systems, RRF data submissions, California DOJ ACHS data

Attachment H. Supplemental Pretrial Data and Analysis

Table H1.2: Logistic Regression of Failure to Appear on Risk Assessment Level

	<i>Dependent variable:</i>				
	Failure to Appear				
	County 1 (1)	County 2 (2)	County 3 (3)	County 4 (4)	Combined (5)
Low Risk (Intercept)	0.346*** (0.018)	0.363*** (0.017)	0.060** (0.025)	0.206*** (0.029)	0.300*** (0.010)
Medium Risk	0.105*** (0.027)	0.123*** (0.025)	0.130*** (0.033)	0.130*** (0.036)	0.089*** (0.015)
High Risk	0.170*** (0.028)	0.174*** (0.036)	0.236*** (0.029)	0.230*** (0.039)	0.100*** (0.015)
Observations	1,870	1,761	1,625	1,036	6,292
Log Likelihood	-1,319.607	-1,244.438	-870.721	-675.463	-4,294.072
Akaike Inf. Crit.	2,645.214	2,494.876	1,747.442	1,356.926	8,594.144

Note:

*p<0.1; **p<0.05; ***p<0.01

Source: County court and jail data management systems, RRF data submissions, California DOJ ACHS data

Attachment H. Supplemental Pretrial Data and Analysis

Table H1.3: Logistic Regression of New Filing or Failure to Appear on Risk Assessment Level

	<i>Dependent variable:</i>				
	New Filing or Failure to Appear				
	County 1	County 2	County 3	County 4	Combined
	(1)	(2)	(3)	(4)	(5)
Low Risk (Intercept)	0.408*** (0.018)	0.407*** (0.017)	0.147*** (0.029)	0.277*** (0.030)	0.359*** (0.011)
Medium Risk	0.122*** (0.027)	0.148*** (0.025)	0.153*** (0.037)	0.139*** (0.038)	0.112*** (0.015)
High Risk	0.194*** (0.028)	0.270*** (0.036)	0.325*** (0.032)	0.287*** (0.041)	0.183*** (0.015)
Observations	1,870	1,761	1,625	1,036	6,292
Log Likelihood	-1,333.754	-1,244.768	-1,074.991	-717.298	-4,470.920
Akaike Inf. Crit.	2,673.509	2,495.537	2,155.982	1,440.596	8,947.840

Note:

*p<0.1; **p<0.05; ***p<0.01

Source: County court and jail data management systems, RRF data submissions, California DOJ ACHS data

Attachment H. Supplemental Pretrial Data and Analysis

Table H1.4: Logistic Regression of New Filing (Violent) on Risk Assessment Level

	<i>Dependent variable:</i>				
	New Filing (Violent)				
	County 1	County 2	County 3	County 4	Combined
	(1)	(2)	(3)	(4)	(5)
Low Risk (Intercept)	0.029*** (0.007)	0.019*** (0.005)	0.019** (0.008)	0.032*** (0.011)	0.024*** (0.003)
Medium Risk	0.005 (0.010)	-0.006 (0.007)	0.002 (0.010)	-0.006 (0.014)	-0.001 (0.005)
High Risk	0.012 (0.010)	0.027*** (0.011)	-0.004 (0.009)	0.016 (0.015)	0.006 (0.005)
Observations	1,870	1,761	1,625	1,036	6,292
Log Likelihood	548.517	924.746	1,036.397	303.144	2,666.790
Akaike Inf. Crit.	-1,091.034	-1,843.492	-2,066.794	-600.287	-5,327.580

Note:

*p<0.1; **p<0.05; ***p<0.01

Source: County court and jail data management systems, RRF data submissions, California DOJ ACHS data

Attachment H. Supplemental Pretrial Data and Analysis

Section 2. Area Under the Curve (AUC)

AUCs are a commonly used measure of predictive accuracy. The AUC answers the following questions: If you take a random person who failed pretrial and a random person who succeeded pretrial, how likely is it that the tool rated the person who failed as higher risk? There is some debate over what is considered an acceptable AUC score in criminal justice risk assessment. Most revalidation studies for pretrial tools have AUC values in the mid-0.6 range.

Table H2.1: AUCs by Risk Tool and Failure Type

Tool	Combined Failure	Failure to Appear	New Filing	New Filing (Violent)
CAIS	0.60	0.57	0.62	0.56
ORAS	0.62	0.60	0.60	0.56
VPRAI	0.61	0.60	0.59	0.50

Source: County court and jail data management systems, RRF data submissions, California DOJ ACHS data

Attachment H. Supplemental Pretrial Data and Analysis

Section 3. Development of Constructed Risk Assessment Tool

For the purposes of this report a risk assessment tool was constructed to predict risk of new arrest resulting in a new criminal filing. Tool development was based on a total of 86,886 potentially eligible bookings from across the four counties that also had enough data to construct the pseudo risk score described below. The risk factors and weights are shown below and the AUC for constructed risk assessment tools was similar to the scores for the tools used in the pilot counties (0.61).

The pilot risk tool created for this analysis is identical to the [PSA New Criminal Activity \(NCA\) instrument](#), except that data limitations precluded the identification of exact dates for failures to appear (FTAs). Thus, prior FTAs were not restricted exclusively to the past two years. The seven factors used to predict NCA and the assigned points associated with each factor are shown in Table H3.1.

Table H3.1: Pilot Tool Risk Factors and Assigned Points

Risk Factor	Points
Age at current arrest	23 or older = 0 22 or younger = 2
Pending charge	No = 0 Yes = 3
Prior misdemeanor conviction	No = 0 Yes = 1
Prior felony conviction	No = 0 Yes = 1
Prior violent conviction	0 = 0 1 = 1 2 = 1 3 or more = 2
Prior failure to appear	0 = 0 1 = 1 2 or more = 2
Prior sentence to incarceration	No = 0 Yes = 2

Points were assigned based on each risk factor and totaled. The total points were then scaled to create an NCA scaled score according to Table H3.2. The NCA scaled score was then used to create “low,” “medium,” and “high” risk categories as shown in Table H3.3.

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Note that the PSA does not use scaled scores to place defendants into low, medium, and high categories. The PSA NCA score is intended to be used in conjunction with a score for risk of FTA and a risk flag for violent NVA. This report does not endorse the use of this component alone, but rather based on the available data, uses this measure as a proxy for risk of new criminal activity and categorizes defendants into low, medium, and high groups for ease of explanation.

Table H3.2: Pilot Tool Risk Factors and Assigned Points

Total NCA Points	NCA Scaled Score
0	1
1	2
2	2
3	3
4	3
5	4
6	4
7	5
8	5
9	6
10	6
11	6
12	6
13	6

Table H3.3: Conversion of NCA Scaled Score to Risk Level

Risk Level	NCA Scaled Score
Low	1, 2
Medium	3, 4
High	5, 6

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Table H3.4: Constructed Risk Scores by Percent of Potentially Eligible Bookings

Constructed Risk Score	Percent	Count
Low	22	19,160
Medium	57	49,234
High	21	18,492
Total Bookings	100	86,886

Source: County court and jail data management systems, RRF data submissions, California DOJ ACHS data

Table H3.5: New Filing Rate by Constructed Risk for Pretrial Releases with Known Outcomes

Constructed Risk Score	New Filing Rate	Count	Proportion of Total Count
Low	11.3	15,412	40.0
Medium	22.9	20,136	52.3
High	26.0	2,937	7.6
Total Bookings	18.5	38,485	100.0

Source: County court and jail data management systems, RRF data submissions, California DOJ ACHS data

Note: Total Bookings refers to individuals released pretrial with known outcomes.

The observations in Table H3.6 are drawn from the group of defendants who were assessed by the pretrial services program. It is included only to illustrate that the overall release rate is 25 percent. This release rate may not reflect the true release rate due to any bias that may have been introduced through the matching process.

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Table H3.6: Observed Pretrial Release Rates by Risk Assessment Level and Release Type

Risk Level	Total	Released Pretrial (%)			
		RRF	Bail	Other	Overall
Low	2,577	48	13	5	65
Medium	3,668	33	15	5	53
High	6,651	7	16	3	26
No Score	75,014	NA	13	8	22
Overall	88,277	3	14	8	25

Source: County court and jail data management systems, RRF data submissions

Note: Total reflects assessed individuals with a known risk scores and non-missing disposition dates.

Section 3 calculations. Based on the risk distribution generated by the new instrument (Table H3.4), the predicted recidivism rates by risk level (Table H3.5), and an observed release rate of 25 percent, the potential benefits of risk-based release were estimated using the following equations:

Holding release rate constant at 25%

$[(.22 * .098 \text{ (all low risk)} + .03 * .22 \text{ (3\% of medium risk)}) / .25 \text{ (total releases)}] = .114 \text{ (11.4\% recidivism rate)}$

Holding recidivism rate constant at 17.3%

$[(.22 * .098 \text{ (all low risk)} + X * .22 \text{ (X\% of medium risk)}) / (.22 + X) \text{ (total release rate)}] = .173 \text{ (17.3\% recidivism rate)}, x = .35, .22 + .35 = .57 \text{ (57\% projected release rate)}$