

Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 26-038

For business meeting on April 24, 2026

Title

Report to the Legislature: Pretrial Services Program Year 4, 2026

Report Type

Action Required

Rules, Forms, Standards, or Statutes Affected

None

Effective Date

April 24, 2026

Recommended by

Michelle Curran, Administrative Director
Judicial Council

Date of Report

April 3, 2026

Contact

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Executive Summary

The Budget Act of 2024 (Assem. Bill 107; Stats. 2024, ch. 22) allocated \$70 million in ongoing funding to the Judicial Council to support the operation of court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail. The Judicial Council is required to submit annual reports on the program's progress. Judicial Council staff recommend that the council approve *Report to the Legislature: Pretrial Services Program Year 4, 2026* and direct the Administrative Director to submit it to the Legislature, as required under the Budget Act. The report describes key components of the Pretrial Services Program and documents the local and statewide activities in the fourth year of the program.

Recommendation

Judicial Council staff recommend that the council, effective April 24, 2026:

1. Approve *Report to the Legislature: Pretrial Services Program Year 4, 2026*; and

2. Direct the Administrative Director to submit this report to the Legislature on or before July 1, 2026, as required by the Budget Act.

This legislatively mandated report is included as Attachment A.

Relevant Previous Council Action

On August 9, 2019, the Judicial Council approved funding allocations for 16 court projects and authorized Judicial Council staff to implement the Pretrial Pilot Program.¹

On November 13, 2020, the council received a report with recommendations for the use of pretrial risk assessment tools from the Pretrial Reform and Operations Workgroup. The council also received five legislatively mandated reports on the activities of the Pretrial Pilot Program and submitted a final report to the Legislature in July 2023.²

On October 1, 2021, the council approved \$137.9 million General Fund allocated for the trial courts in accordance with methodologies outlined in the Budget Act of 2021 (Sen. Bill 129 (Skinner); Stats. 2021, ch. 69), including minimum funding floors.³

On July 28, 2022, the council approved \$70 million General Fund allocated for the trial courts in accordance with methodologies outlined in the Budget Act of 2022 (Sen. Bill 154 (Skinner); Stats. 2022, ch. 43), including minimum funding floors.⁴

On May 12, 2023, the council received the first Pretrial Release Program report to the Legislature.⁵ The council also approved \$70 million General Fund allocated for the trial courts in accordance with methodologies outlined in the Budget Act of 2023 (Assem. Bill 221), including minimum funding floors, in July 2023.⁶

¹ Judicial Council of Cal., Advisory Com. Rep., *Pretrial Reform: Pretrial Pilot Program Recommended Awards* (Aug. 5, 2019), jcc.legistar.com/View.ashx?M=F&ID=7573302&GUID=3FE4389F-A275-45D8-BE66-63BD177D2760.

² Judicial Council of Cal., Staff Rep., *Pretrial Pilot Program: Final Report to the Legislature* (July 21, 2023), courts.ca.gov/documents/Pretrial-Pilot-Program_Final-Report.pdf.

³ Judicial Council of Cal., Judicial Branch Budget Com. Rep., *Allocations and Reimbursements to Trial Courts: Pretrial Release Funding and Allocation Methodology* (Sept. 15, 2021), jcc.legistar.com/View.ashx?M=F&ID=9814613&GUID=7AB3D35B-705F-4527-BFE9-C78FC9442FF6.

⁴ Judicial Council of Cal., Judicial Branch Budget Com. Rep., *Allocations and Reimbursements to Trial Courts: Pretrial Release Funding and Allocation Methodology* (July 22, 2022), jcc.legistar.com/View.ashx?M=A&ID=990216&GUID=06D10A3C-ACA7-4A95-A2D0-C04D6FBA3BF6.

⁵ Judicial Council of Cal., Staff Rep., *Pretrial Release: Year 1 Report to the Legislature, 2023* (Apr. 21, 2023), jcc.legistar.com/View.ashx?M=F&ID=11973978&GUID=A478A01B-B207-482F-8222-5C4002E6873C.

⁶ Judicial Council of Cal., Advisory Com. Rep., *Allocations and Reimbursements to Trial Courts: Pretrial Release Funding and Allocation Methodology* (July 21, 2023), jcc.legistar.com/View.ashx?M=F&ID=12124875&GUID=F775DFBC-F095-4DAD-B30F-909F575CED97.

On May 17, 2024, the council received the second Pretrial Release Program report to the Legislature.⁷

On July 12, 2024, the council approved \$70 million General Fund allocated for the trial courts in accordance with methodologies outlined in the Budget Act of 2024, including minimum funding floors.⁸

On April 25, 2025, the council received the third Pretrial Services Program report to the Legislature.⁹

On September 2, 2025, the council approved \$65 million General Fund allocated for the trial courts in accordance with methodologies outlined in the Budget Act of 2025, including minimum funding floors.¹⁰

Analysis/Rationale

In the Budget Act of 2019, the Legislature funded and authorized the Judicial Council to develop, implement, and assess a pretrial pilot program. This pilot was geared toward increasing the safe and efficient release of individuals before trial by using the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances. The Pretrial Pilot Program informed the Legislature’s decision to implement the Pretrial Services Program statewide in the Budget Act of 2021, and the Judicial Council was directed to fund the implementation and operation of ongoing trial court pretrial programs and practices in all 58 California trial courts.

The purpose of the program, as set by the Legislature, is “to support: (a) judicial officers in making pretrial release decisions that impose the least restrictive conditions to address public safety and return to court; and (b) implementation of appropriate monitoring practices and provision of services for released individuals.”¹¹ The funding is anticipated to be ongoing and was included in the Budget Act of 2024.

The Budget Act of 2024 allocated \$70 million in ongoing funding to support the program. The act requires the Judicial Council to submit an annual report to the Legislature evaluating the

⁷ Judicial Council of Cal., Staff Rep., *Pretrial Release Program: Year 2 Report to the Legislature, 2024* (Mar. 18, 2024), jcc.legistar.com/View.ashx?M=F&ID=12906836&GUID=4CCB8014-FE5F-4401-A4E8-19F2EAF23B9E.

⁸ Judicial Council of Cal., Judicial Branch Budget Com. Rep., *Allocations and Reimbursements to Trial Courts: Pretrial Release Funding and Allocation Methodology* (June 12, 2024), jcc.legistar.com/View.ashx?M=F&ID=13046148&GUID=D33A91F3-0A3E-40D7-A40F-96010EDC63D7.

⁹ Judicial Council of Cal., Staff Rep., *Pretrial Release Program: Year 3 Report to the Legislature, 2025* (Apr. 25, 2025), jcc.legistar.com/View.ashx?M=F&ID=14109811&GUID=1E954B5E-8045-477B-AF6D-306ACA1AB374.

¹⁰ Judicial Council of Cal., Judicial Branch Budget Com. Rep., *Allocations and Reimbursements to Trial Courts: Pretrial Release Funding and Allocation Methodology* (Aug. 25, 2025), jcc.legistar.com/View.ashx?M=A&ID=1335072&GUID=B798BDBF-DA3B-4E75-B105-BA2CFBE12AB7.

¹¹ Sen. Bill 129, § 4.

program. The attached report fulfills that program mandate. It describes the functions used to fulfill the legislative intent, presents program output data, and describes how local trial courts and their pretrial partners use the funding to maintain and enhance their pretrial programs. Finally, it documents the activities of the Judicial Council to support these programs by (1) providing education and quarterly communications for judicial officers and staff, (2) disbursing and overseeing funding, and (3) visiting sites to provide technical assistance.

The Judicial Council allocated approximately \$69 million to local trial courts to support their pretrial programs. The courts were required to contract with local agencies, typically county probation departments, to help implement the programs. Funds are used to provide judicial officers with essential information that can inform their pretrial detention or release decision-making and to support program compliance through a variety of methods, including the use of monitoring and supportive services.

During the reporting period, many courts implemented and updated new case management systems for local integration efforts, conducted internal analyses of local policy and procedures, restructured divisions, and enhanced processes to streamline workflow.

All 58 courts continued their efforts to increase court attendance by those released prior to trial, and to improve public safety by using pretrial risk assessment instruments and submitting reports to the court. Courts reported that over 190,000 reports were generated, nearly 51,000 cases were ordered to a monitoring caseload, and 51 percent of the cases closed were done so successfully during the reporting period. Additionally, 56 courts provided supportive services, 55 offered electronic monitoring, 53 operated a court-date reminder system, and 35 administered procedures that permit prearrest decision-making. Six counties have implemented a “step-down” process in which an individual who has been compliant on electronic monitoring conditions may be reevaluated by the court for modification or an end to the electronic monitoring order. Courts and their partners reported an average of 33,000 cases on their monitoring caseload and an average of 14,000 cases receiving electronic monitoring or supportive services.

The Judicial Council retains approximately \$1 million of the funding to support administrative activities, including training and technical assistance, data collection and analyses, and fiscal management. This report covers activities from July 1, 2024, through June 30, 2025. During this time, Judicial Council staff hosted two open virtual forums for judicial officers; these were attended by over 150 judges from 52 courts. Staff developed six pretrial training webinars for court staff and justice partners that were then viewed more than 350 times. Judicial Council staff also conducted one site visit to the Superior Court of Santa Clara County; distributed a quarterly newsletter viewed by an average of 320 judicial officers, court staff, and local justice partners representing all 58 counties; and provided technical assistance to the courts related to financial management and data submission.

Policy implications

No policy implications are associated with this annual report.

Comments

Public comments were not solicited for this annual report because it is within the Judicial Council's purview to approve without circulation.

Alternatives considered

Alternatives were not considered for this annual report.

Fiscal and Operational Impacts

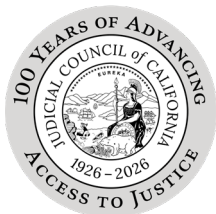
The Budget Act of 2024 allocated funding to the Judicial Council to disburse nearly \$69 million to the courts for local program activities. Of that amount, \$42 million was spent by local pretrial service providers (typically probation departments), and \$14 million was expended by the courts, with an additional \$13 million encumbered during this reporting period.

Many courts identified challenges associated with the increased workload related to the implementation of Proposition 36 and the expanded use of mental health diversion set forth in the Budget Act of 2018 (Assem. Bill 1810; Stats 2018, ch. 34). Both initiatives are geared toward providing treatment to defendants prior to the entry of a final judgment in their case, allowing successful defendants the opportunity to avoid adverse impacts on their criminal records. Courts will need to work more closely with justice system partners to address the increased workload given ongoing pretrial funding cuts implemented in fiscal year 2025–26.¹²

Attachments and Links

1. Attachment A: *Report to the Legislature: Pretrial Services Program Year 4, 2026*

¹² In fiscal year (FY) 2025–26, the Pretrial Services Program received \$63.95 million, a \$5 million reduction that resulted in a cut exceeding 7 percent to all courts. As of this writing, an additional cut in FY 2026–27 is expected to bring the total allocations to \$48.95 million each year, a total reduction of \$20 million per year.



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Chief Justice of California
Chair of the Judicial Council

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

HON. STACY BOULWARE
EURIE
Chair, Legislation Committee

HON. TAMARA L. WOOD
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Administrative Director
Judicial Council

April 24, 2026

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Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 307
Sacramento, California 95814

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

Re: Report to the Legislature: Pretrial Services Program Year 4, 2026, as required under the Budget Act of 2024

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

Under the Budget Act of 2024 (Assem. Bill 107; Stats. 2024, ch. 22), the Judicial Council is submitting *Report to the Legislature: Pretrial Services Program Year 4, 2026*.

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

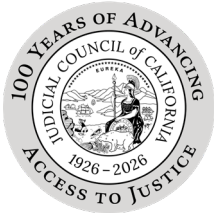
Sincerely,

Michelle Curran
Administrative Director
Judicial Council

Ms. Cara L. Jenkins
Ms. Erika Contreras
Ms. Sue Parker
April 24, 2026
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MC/FB/al
Enclosures

cc: Eric Dang, Counsel, Office of Senate President pro Tempore Monique Limón
Emelyn Rodriguez, General Counsel, Office of Assembly Speaker Robert Rivas
Shaun Naidu, Policy Consultant, Office of Assembly Speaker Robert Rivas
Drew Soderborg, Deputy Legislative Analyst, Legislative Analyst's Office
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Mark Jimenez, Principal Program Budget Analyst, Department of Finance
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Morgan Branch, Consultant, Senate Republican Policy Office
Nicholas Liedtke, Chief Counsel, Assembly Judiciary Committee
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MS. MICHELLE CURRAN
Administrative Director
Judicial Council

April 24, 2026

Report title: *Report to the Legislature: Pretrial Services Program Year 4, 2026*

Statutory citation: Budget Act of 2024 (Assem. Bill 107; Stats. 2024, ch. 22)

Date of report: April 2026

The Judicial Council has submitted a report to the Legislature in accordance with the Budget Act of 2024.

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

The Budget Act of 2024 allocated \$70 million in ongoing funding to the Judicial Council to support the operation of court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail. The act requires the Judicial Council to submit to the Legislature an annual report evaluating the program. This fourth annual report submitted to the Legislature fulfills that program mandate.

This report presents information on the fourth year, July 2024 through June 2025, of program operations. During this reporting period, courts reported an increase in monitoring cases from the previous year. Many courts enhanced their pretrial service programs by analyzing their policies and streamlining processes between justice partners. They referred defendants to supportive services, ordered monitoring conditions for them, or both. All courts reported financial and programmatic activities to the council as required.

Judicial Council staff hosted two open virtual forums for judicial officers, developed six webinars, conducted one site visit to the Superior Court of Santa Clara County, distributed a quarterly newsletter, and provided technical assistance as needed. The full report can be accessed at courts.ca.gov/7466.htm. A printed copy of the report may be obtained by calling 415-865-8994.

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Patricia Guerrero
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April 24, 2026



Report to the Legislature

Pretrial Services Program Year 4, 2026



Judicial Council of California

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Executive Summary

The Budget Act of 2024 (Assem. Bill 107; Stats. 2024, ch. 22) allocated \$70 million in ongoing funding to the Judicial Council to support the operation of court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail. The act requires the Judicial Council to submit an annual report to the Legislature evaluating the program. This fourth annual report to the Legislature fulfills that program mandate. It identifies the purpose and functions of pretrial services, provides program output data, and describes how local trial courts and their partners use the funding to maintain and enhance their pretrial services programs. Finally, it documents the activities of Judicial Council staff to support these programs by providing education and communications for judicial officers and staff, disbursing funding and overseeing expenditures, and visiting sites to provide technical assistance.

The Judicial Council allocated approximately \$69 million to local trial courts to support their pretrial services programs. The courts were required to contract with local agencies, typically county probation departments, to help operate the programs. Funds were used to provide judicial officers with essential information that can inform their pretrial detention or release decision-making, monitor individuals, and facilitate supportive services during pretrial release. During the fourth year of the program, all 58 courts continued their efforts to increase court attendance by those released prior to trial, and improve public safety, by using information from pretrial risk assessment instruments to inform release decisions and identify appropriate conditions. Additionally, 56 counties provided supportive services, 55 offered electronic monitoring, 53 operated a court date reminder system, and 35 administered procedures that permit prearrest decision-making. Courts and their partners reported an average of 33,000 cases on their monitoring caseload and an average of 14,000 cases receiving electronic monitoring, supportive services, or both.

The Judicial Council retains approximately \$1 million to support administrative activities, including training and technical assistance, data collection and analyses, and fiscal management. This report covers activities from July 1, 2024, through June 30, 2025. During this time, Judicial Council staff hosted two open virtual forums for judicial officers, which were attended by over 150 judges from 52 courts. Staff developed six pretrial training webinars for court staff and justice partners that were then viewed more than 350 times. Judicial Council staff also conducted a site visit to the Superior Court of Santa Clara County; distributed a quarterly newsletter viewed by an average of 320 judicial officers, court staff, and local justice partners representing all 58 counties; and provided technical assistance to the courts related to financial management and data submission.

Introduction

Individuals who are arrested and charged with crimes are considered innocent until proven guilty through the court adjudication process. Judicial officers may detain arrested individuals while their cases are being adjudicated¹ if they pose a potential threat to public safety or are considered at risk of not appearing at their court hearings.² This pretrial detention, although sometimes necessary, is costly,³ has adverse effects on the individual,⁴ and may result in increased recidivism.⁵

The Legislature has supported judicial branch efforts to ensure that pretrial detention is used only when necessary and, to the extent possible, is based on an individual's risk of committing criminal activity or not appearing in court rather than their ability to post monetary bail. The Judicial Council received \$70 million through the Budget Act of 2024 for the continued operation of the statewide Pretrial Services Program.⁶ This report fulfills the requirements of the Budget Act to produce an annual report to the Legislature by July 1 of each year.

The Judicial Council distributes funding to all 58 trial courts for pretrial service activities. Funding is used to support judicial officers in making pretrial release decisions that impose the least restrictive conditions needed to address public safety risks and increase the likelihood that individuals return to court for their hearings. Specifically, it is used for a variety of tools and services to support those goals, including (1) pretrial risk assessment instruments and reports to the court, (2) monitoring, and (3) supportive services. The Legislature requires courts to collaborate and contract with a county department for the administration of these local pretrial programs.⁷

¹ Pretrial is defined as the time from arrest to case disposition.

² Cal. Const., art. I, § 12, [leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=I](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=I).

³ Will Dobbie and Crystal S. Yang, "The Economic Costs of Pretrial Detention," Brookings Papers on Economic Activity (Mar. 24, 2021), brookings.edu/articles/the-economic-costs-of-pretrial-detention/.

⁴ Arnold Ventures, *The Hidden Costs of Pretrial Detention Revisited* (Mar. 21, 2022), pp. 3–6, static.prisonpolicy.org/scans/HiddenCosts.pdf.

⁵ Tiffany Bergin, Rene Ropac, Imani Randolph, and Hannah Joseph, "The Initial Collateral Consequences of Pretrial Detention: Employment, Residential Stability, and Family Relationships," Social Science Research Network (Oct. 6, 2022), papers.ssrn.com/sol3/papers.cfm?abstract_id=4216882.

⁶ Before the Budget Act of 2024, the Legislature authorized \$75 million in funding for the development of a pretrial pilot program for the implementation and evaluation of 17 Pretrial Pilot Program sites through the Budget Act of 2019 (Assem. Bill 74 (Ting); Stats. 2019, ch. 23). For more information on preceding program activities, see Cal. Courts, "Prior Reforms: Criminal Justice Realignment," Criminal Justice Services, courts.ca.gov/75474.htm (as of Nov. 3, 2025).

⁷ The legislation made exceptions to the requirement to contract with county agencies for the Superior Courts of San Francisco and Santa Clara Counties. These jurisdictions were allowed to maintain pretrial programs that were administered by local nonprofit entities and already in place at the time the legislation was enacted.

After providing background on the program, this report proceeds in three sections that describe the purpose of the Pretrial Services Program and how an individual achieves program compliance, local court and justice partner activities, and the Judicial Council’s role in administering the program. Section I documents the purpose and practices of California’s Pretrial Services Program. It describes methods and tools used to ensure a return to court and improve public safety through the use of pretrial risk assessment instruments and reports, monitoring, and supportive services such as court date reminder systems and transportation; and it provides related output data. This section also highlights self-reported individual program outcomes for the Superior Courts of Solano and Yolo Counties. Section II describes local activities and funding priorities; court and justice partner program and policy adjustments and enhancements; program innovations and challenges, including the preliminary response to the implementation of the Proposition 36 mental health diversion; and budget cuts in upcoming fiscal years. Section III describes the Judicial Council’s role in allocation disbursement and expenditure oversight, education and training, and technical assistance.

Background

In California, over 96 percent of criminal cases are resolved before they go to trial.⁸ Before the implementation of pretrial service programs, individuals detained in jail pretrial typically had two release outcomes—posting bail⁹ or court-ordered release on their own recognizance (OR).¹⁰ Most individuals who post bail use commercial bail bonds and are charged a premium, typically 10 percent of the value of the bail. This money is generally nonrefundable even if criminal charges are never filed in the case. Individuals who cannot afford to post bail often remain incarcerated through the case adjudication process.¹¹ These individuals, historically, constitute a large share of the jail population.¹² Pretrial service programs offer an alternative to monetary bail by providing needed information to judicial officers to enable them to make release and detention decisions based on the individual’s risk of recidivism or not appearing in court.

⁸ Judicial Council of Cal., *2024 Court Statistics Report, Statewide Caseload Trends, 2013–14 Through 2022–23*, (2024), courts.ca.gov/documents/2024-Court-Statistics-Report.pdf.

⁹ Bail is the process by which a person is temporarily released before trial in exchange for security (a bond or property) or money promised for the defendant’s future court appearance. The term can also refer to the amount of money posted as a financial condition of pretrial release. (Pen. Code, §§ 1268 & 1269; Cal. Const., art. I, § 28.)

¹⁰ Standard OR conditions include staying within the jurisdiction, returning to court as ordered, and staying away from victims or locations related to the case. (Pen. Code, § 1318; Cal. Const., art I, § 28.)

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

¹² Sonya Tafoya, “Pretrial Detention and Jail Capacity in California,” Public Policy Institute of California (July 2015), ppic.org/publication/pretrial-detention-and-jail-capacity-in-california/.

Section I: The Pretrial Services Program

This section of the report describes the purpose of the Pretrial Services Program and how programs help individuals achieve compliance during the pretrial stage through the use of pretrial risk assessment instruments and reports to the court, monitoring, and supportive services. It also provides self-reported individual program outcomes for the Solano and Yolo courts and statewide data on pretrial activities during the reporting period.

The Purpose of the Pretrial Services Program—Public Safety and a Return to Court

The Pretrial Services Program is a collaboration between courts and pretrial service agencies that allows judicial officers to leverage evidence-based risk information in pretrial release decision-making. It also provides monitoring and service options to ensure that individuals released before trial return to court, are not rearrested, and comply with the conditions of their release.¹³ Pretrial services administer and submit reports to the court that include a comprehensive summary of pertinent information as determined by the county and a risk score from a validated pretrial risk assessment instrument that uses evidence-based predictors to determine an individual's risk of failure to appear (FTA) or rearrest. Research indicates that the use of validated risk assessment instruments can improve predictions of risk over unaided human judgment.¹⁴ Under the Pretrial Services Program, judicial officers consider these risk scores and reports along with monitoring and supportive services offered through the pretrial services agency to determine a release decision.

Achieving program compliance

Courts collaborate with pretrial service agencies to help individuals released before trial return to court and comply with the conditions of their release while maintaining public safety. Various methods are used to support court attendance and public safety, including the use of pretrial risk assessment instruments and reports, prearrestment decision-making, monitoring, and supportive services.

Pretrial risk assessment instruments and reports to the courts

All of California's 58 courts use pretrial risk assessment instruments (PRAIs) to generate risk scores to include in reports to the court to help inform judicial officers when making pretrial detention and release decisions. These instruments use criminal history and other relevant data to assess the likelihood that an arrested individual will commit a criminal offense or fail to appear in court as required during the time they are released pretrial.¹⁵

¹³ See Appendix A for a description of the pretrial release process.

¹⁴ For an overview of relevant research, see S. Goel, R. Shroff, J. Skeem, and C. Slobogin, "The accuracy, equity, and jurisprudence of criminal risk assessment," in *Research Handbook on Big Data Law* (Edward Elgar Publishing, 2021), pp. 9–28, [Sharad.com/papers/RAI-chapter.pdf](https://www.sharad.com/papers/RAI-chapter.pdf).

¹⁵ More information about PRAIs is available at Judicial Council of Cal., *Pretrial Reform: Pretrial Reform and Operations Workgroup Update and Recommendations on Use of Pretrial Risk Assessment Instruments* (Nov. 13, 2020), [jcc.legistar.com/View.ashx?M=F&ID=8870018&GUID=AFC468B3-B307-45AC-9AB2-A77DE0A692C9](https://www.jcc.legistar.com/View.ashx?M=F&ID=8870018&GUID=AFC468B3-B307-45AC-9AB2-A77DE0A692C9).

Prearraignment

The Pretrial Services Program supports courts in making evidence-based release or detention decisions before case adjudication; many courts have implemented programs that enable judicial officers to make those decisions even before the individual's arraignment, their first appearance in court. State law generally requires an arrested individual to be presented in court for arraignment within 48 hours of arrest, excluding Sundays and holidays. (See Pen. Code, § 825(a)(1), (2).)

The prearraignment period is typically the first 48 hours after arrest and the time frame an eligible individual is likely to post bail. Thirty-five courts have implemented procedures that permit prearraignment decision-making, providing detained individuals another possible option for release other than posting bail. With access to risk assessment reports prior to arraignment hearings, courts have more time to review the reports, consider possible release decisions, and collaborate with local justice partners on available monitoring and supportive services needed for the individual to be safely released at the arraignment hearing. This also allows time for a more robust and individualized arraignment hearing. Of the 35 courts, 29 have implemented procedures that permit release of individuals prior to arraignment, reducing the time spent incarcerated to under two court days.¹⁷ Nineteen of those courts automated the submission of risk assessment reports directly to the court as soon as they are completed. This facilitates judicial officers' prearraignment decision-making even when they are away from the bench and outside of regular business hours. Some courts review assessments 24 hours a day, seven days a week.

Monitoring

Judicial officers may order monitoring whenever they deem it necessary to release someone before trial. Standard release conditions, typically used for lower-risk individuals, generally include remaining within the jurisdiction, returning to court as ordered, and staying away from victims or locations related to the case. Release with monitoring conditions offered through pretrial service agencies are court-ordered, along with a judicial officer's release decision, and may include electronic monitoring or substance use testing, frequent check-ins with pretrial service officers, and supportive services, such as transportation vouchers or referrals to treatment.

¹⁷ Research indicates that pretrial detention can lead to effects on case outcome and sentence. One study showed that pretrial detention led to a 13 percent increase in the likelihood of being convicted, an effect largely explained by an increase in guilty pleas among defendants who otherwise would have been acquitted or had their charges dropped. The study also found that pretrial detention leads to a 42 percent increase in the length of the incarceration sentence and a 41 percent increase in the amount of nonbail court fees owed. Megan Stevenson, "Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes," *Journal of Law, Economics, and Organization* 34, no. 4 (Nov. 2018): 512–513, doi.org/10.1093/jleo/ewy019.

Electronic monitoring is typically used for individuals considered to have a greater risk of failure to appear or incurring a new arrest while on pretrial release. Fifty-five counties offer electronic monitoring that can include a combination of alcohol monitoring and global positioning system (GPS). Of these, 54 counties offer GPS services, which track an individual’s location, allowing pretrial services to monitor their movement and report any violations of location restrictions imposed by the court. Twenty-eight of those counties offer alcohol monitoring services. In addition, 29 counties offer drug services, testing at required check-ins, or both as a condition of release. Six counties have implemented a “step-down” process in which an individual that has been compliant on electronic monitoring conditions may be reevaluated by the court for modification or an end to the electronic monitoring order.

Monitoring Services and Public Safety

Programs implement policies to ensure monitoring is least restrictive:

The Superior Court of Santa Cruz County implemented a step-down process for individuals in compliance with their monitoring conditions.

The Superior Court of Kern County has limited the number of GPS units dedicated for the pretrial population to 20 units. The court and pretrial service agency communicate regularly to ensure GPS is used for the most high-risk individuals.

The Superior Court of Glenn County releases individuals on OR and increases monitoring services only if an individual fails to comply with OR release conditions.

Supportive services

Pretrial release programs use court-ordered and voluntary supportive services to address issues that may contribute to an individual’s rearrest or inability to return to court. Fifty-six programs report collaboration with community-based organizations, local social service agencies, and other justice partners to provide transportation, cellular phones, court date reminders, clothing, food, and other basic necessities to support a return to court. Twenty-four courts report providing rideshare vouchers, gas cards, or bus passes for court hearings and pretrial service check-ins. Programs also contract with local agencies to provide access to career development services,

Access to Supportive Services

Programs implement policies to promote access to services:

The Pretrial Services Agency of Imperial County travels to remote locations in the rural county to allow individuals to fulfill their check-in requirements and receive services without significant travel.

The Pretrial Services Agency of Mono County operates an automated phone and online check-in feature to refer individuals to services and fulfill their check-in requirements.

assistance in applying for identification documents, anger management and parenting courses, and referrals for housing, mental health, and substance use treatment as appropriate.

Many courts report a significant number of individuals released pretrial who have mental health challenges, are in need of substance

use treatment, or do not have adequate housing.¹⁸ Thirty-two courts provide referrals or contract with other county agencies and local nonprofit organizations for behavioral or mental health treatment. Twenty-nine courts contract with local treatment centers or social service agencies to facilitate substance use treatment in outpatient or residential centers. Seventeen courts refer individuals to local housing assistance or have implemented new housing programs. Four courts use their existing mental health diversion programs to coordinate with established mental health services. Four counties are accessing resources now available under the Department of Health Care Services California Advancing and Innovating Medi-Cal (CalAIM) program to ensure Medi-Cal benefits are active upon release for all eligible individuals with mental and medical health needs.¹⁹

Court date reminder systems

Court date reminder systems alert individuals of upcoming court hearings and often other pretrial release obligations. The reminders are typically made through text messages or phone calls. At the completion of the Pretrial Pilot Program in FY 2021–22,²⁰ 14 of the 16 pilot projects indicated they were using a court date reminder system.²¹ When statewide pretrial release funding became available at the end of the pilot program, use of reminder systems expanded.

Currently, 53 counties send court date reminders to people receiving pretrial services. Forty-eight of those counties developed an automated process that sends reminders based on information obtained through the risk assessment process, arraignment hearing, or first meeting with pretrial release services. Four counties provide court date reminders for the arraignment hearing.²² Four counties have a manual process for reminders, and only five jurisdictions have not implemented a court date reminder system. Courts report key factors for success include gathering accurate contact information at the time of release and, in some cases, distribution of cellular devices for those without one.

¹⁸ See *Pretrial Release Program: Year 2 Report to the Legislature, 2024* for more information about mental health, substance use, and housing services offered for pretrial support and compliance. courts.ca.gov/sites/default/files/courts/default/2024-08/24-084-pretrial-release-report-to-the-legislature.pdf.

¹⁹ Department of Health Care Services, “CalAIM,” dhcs.ca.gov/CalAIM/Pages/CalAIM.aspx (as of Nov. 13, 2024).

²⁰ As part of the Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23, item 0250-101-0001, provisions 8–17), the Legislature allocated a total of \$75 million to the Judicial Council of California to fund the implementation, operation, and evaluation of two-year projects in trial courts related to pretrial decision-making. In August 2019, the Judicial Council approved and distributed funding to the 16 pilot court projects selected for participation in the Pretrial Pilot Program.

²¹ The Superior Court of Alameda County reported successful outcomes with the court date reminder system implemented during the Pretrial Pilot Program. For more information, see Judicial Council of Cal., *Pretrial Pilot Program, Final Report to the Legislature* (July 2023), courts.ca.gov/documents/Pretrial-Pilot-Program_Final-Report.pdf.

²² The number of reported courts providing prearraignment court reminders decreased last year after council staff conducted outreach to the courts and their local partners and clarified the timing of reminders sent.

Program Data

To understand the scope and impact of the Pretrial Services Program, the Judicial Council requires courts to submit data on bookings, release types, assessments conducted, the use of monitoring and supportive services, and case closure outcomes.²³ The courts must work with jails and pretrial service providers to gather and verify these data before submission to the Judicial Council. Data provided for this report were collected between July 1, 2024, and June 30, 2025. Data collected on the timing and types of releases, monitoring caseloads, the use of electronic monitoring and supportive services, and case closure outcomes are presented below.²⁴

Release types are categorized into those that occur either within or after two days of arrest. This information provides a good indicator of whether individuals were released before or after arraignment. Courts reported 521,564 new offense bookings²⁵ in the reporting period, 77 percent (403,339) of which resulted in releases during the reporting period. Of those releases, more than 66 percent (266,327) took place within two or fewer days of the booking.

In all previous reports to the Legislature, council staff reported the release rate based on the number of total bookings submitted by courts, which include both new offense bookings and bookings from prior arrests.²⁶ Council staff have determined new offense bookings provide a more accurate description of the beginning of the pretrial period, as total bookings inflate the number of bookings eligible for a pretrial release consideration. In Appendix D, new offense bookings are provided for all reports to the Legislature, as well as an updated rate of release using this updated booking value. The rate of release is determined by dividing the releases of new offense bookings by the total of new offense bookings.

Courts provide pretrial release outcomes of new bookings and release types that indicate a resolution of arrest. Below are release types that indicate the resolution of arrest and are not on a path to trial:

- Transfer to other agency: transfers to federal immigration agencies, medical institutions, or other court programs;
- No charges filed or charges dismissed: cases dropped by the arresting agency or not pursued by the district attorney;

²³ Demographic information on general booking information collected is presented in Appendix C.

²⁴ Year 4 does not include data from the Los Angeles court. Los Angeles is undergoing a major countywide case management system transition and data is forthcoming.

²⁵ A new offense booking describes an event where an individual has been booked into custody for a new offense. Booking events that are not considered a “fresh arrest” include a postconviction supervision violation or hold, failure to appear warrant, booking on bench warrant for an unadjudicated case, flash incarceration, probation hold dropped, and a bench warrant unless a new offense was charged.

²⁶ Examples of prior arrest bookings include failure to appear, technical violations, and postsupervision violations.

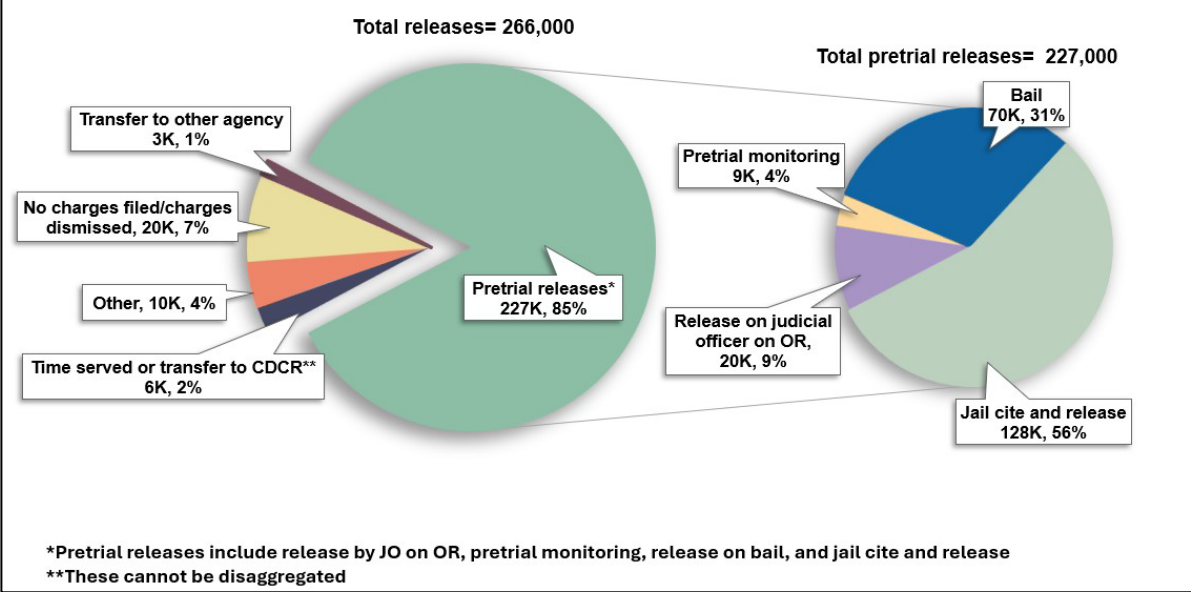
- Time served or transfer to California Department of Corrections and Rehabilitation: releases of individuals for the time that was spent incarcerated prior to arraignment or a probation or parole revocation that results in further incarceration; and
- Other: dropped parole holds or charges, local jail consent decrees, and data entry errors.

Figures 2 and 3 display the release types of individuals released within two days and after two days, respectively, and extract pretrial release types from all reported release types for a closer examination of pretrial release activities. Numbers have been rounded up for simplicity. Pretrial release types include:

- Bail: individuals released from custody before trial on secured financial conditions;
- Jail cite and release: individuals cited and released from jail sign a document promising to appear;
- Release by judicial officer on OR: risk assessment reports are reviewed by a judicial officer, and individuals are released with a promise to appear in court; and
- Pretrial monitoring: risk assessment reports are reviewed by a judicial officer, and individuals are released with monitoring conditions and a promise to appear in court and comply with conditions.

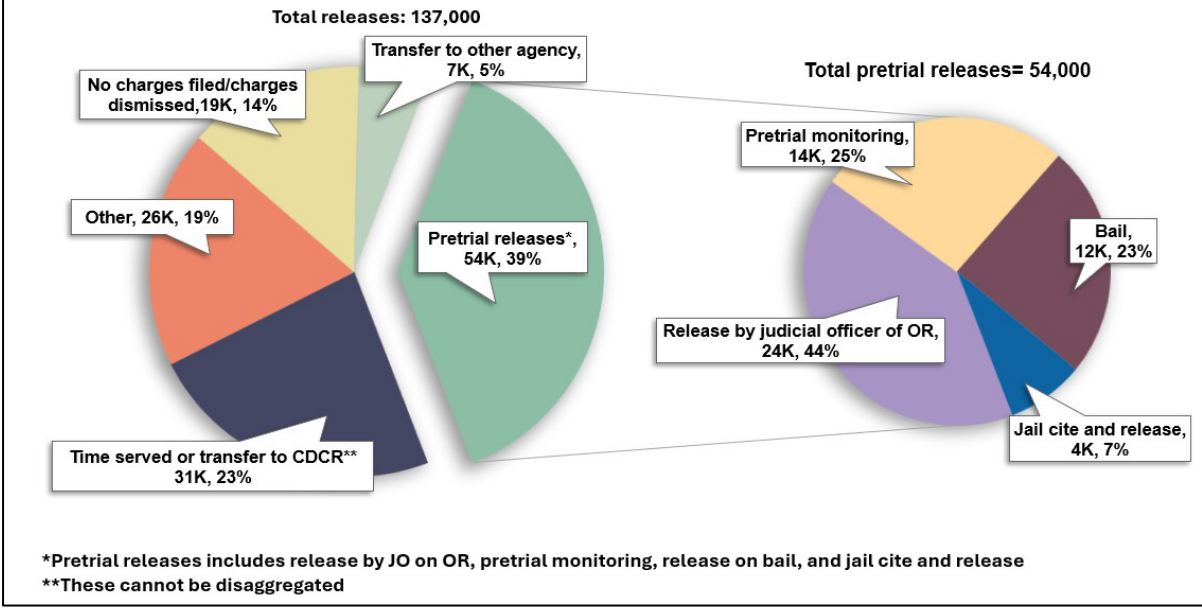
The most common release types within two days are pretrial releases, which include bail, jail cite and release, release by judicial officer on OR, and pretrial monitoring, with courts reporting 227,496 individuals released awaiting trial or case disposition. Jail cite and release is the most common type of release, with 128,231; release on bail accounts for 70,038 releases, and releases by judicial officer on OR and pretrial monitoring account for 20,408 and 8,819, respectively.

Figure 2. Release Types for Releases Within 2 Days

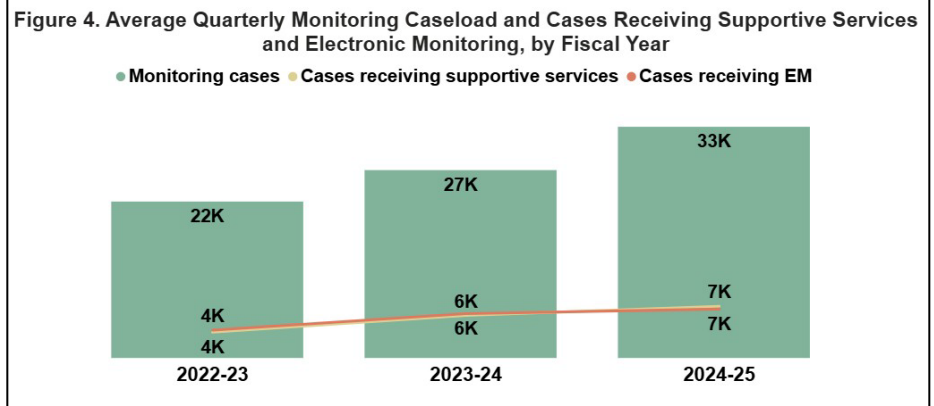


The most common release type after two days is pretrial release, with 53,727 released awaiting trial or final court disposition. Release by judicial officer on OR is the most common type of release, with 23,848; release on pretrial monitoring accounts for 13,687, and release on bail and jail cite and release account for 12,351 and 3,841, respectively.

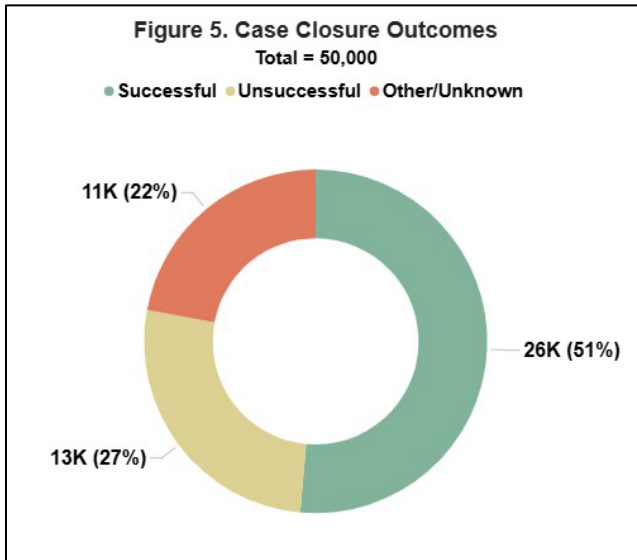
Figure 3. Release Types for Releases After Two Days



As stated previously, 191,381 risk assessment reports were generated by pretrial services agencies. Of those assessment reports, 50,938 cases were ordered to a monitoring caseload,



an increase of 8,977 cases over what was reported in FY 2023–24. Pretrial service agencies carried an average quarterly statewide caseload of 33,206 cases, with an average of 7,436 cases receiving supportive services and 7,020 cases on electronic monitoring. These numbers represent an increased workload and need for monitoring and supportive services from the previous reporting period. Figure 4 shows the average quarterly number of monitoring cases open and average number of cases using electronic monitoring and supportive services from FY 2023–24²⁷ through FY 2024–25, by year.



Monitored pretrial cases are considered successfully closed if they end in case resolution or disposition or are switched to unmonitored release. Courts reported that 25,786 cases closed successfully. Unsuccessful case closures (13,286 during the reporting period) include cases that may have ended with a remand to custody, a new crime, or a failure to appear. The “other/unknown” category includes cases that were not tracked or in which the individual never reported to pretrial services. Courts reported 11,047 cases were closed for these reasons. Figure 5 shows the total number of monitoring case closures in FY 2024–25.

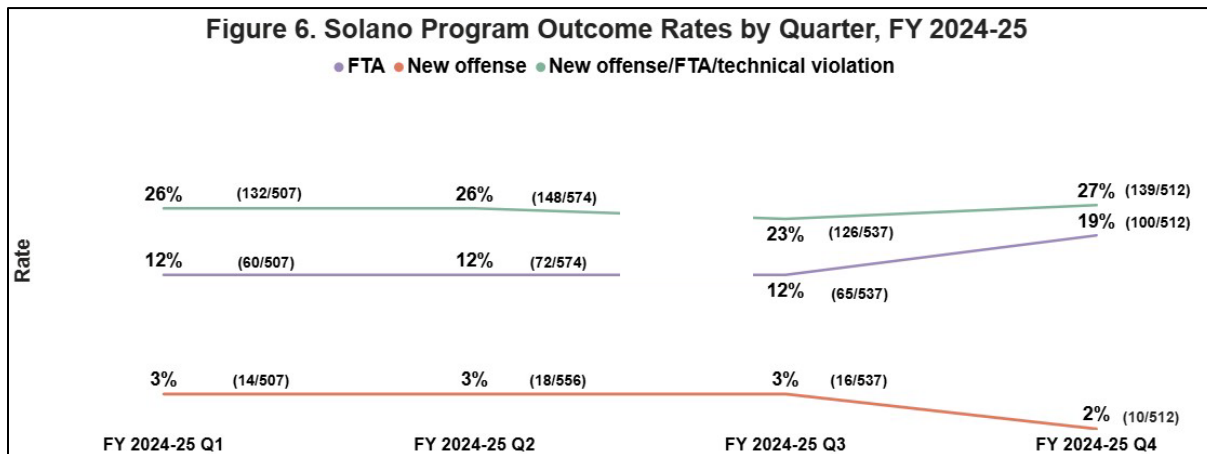
²⁷ The average quarterly caseload and electronic monitoring numbers reported in *Pretrial Release Program: Year 3 Report to the Legislature, 2025* (Apr. 25, 2025) differ from what is shown in Figure 7 because data was resubmitted after quality control measures were conducted by the Superior Court of Sacramento County. courts.ca.gov/system/files/file/20250425-25-079-updated-20250422.pdf.

Individual Program Outcomes

Courts are required to report quarterly data to the Judicial Council. The Superior Courts of Solano and Yolo Counties have taken steps to collect additional data not currently mandated and to calculate program outcomes from the data. These individual program outcomes allow each county to assess the effectiveness of local policies and practices and adjust them as needed. See below for both counties’ individual outcomes, illustrating the success of each jurisdiction’s program.²⁸

Solano

The Superior Court of Solano County reports quarterly program outcome rates for monitored individuals. In FY 2024–25, the Solano court reported 23 to 27 percent of cases as unsuccessful, calculated as monitored individuals who were issued a bench warrant or taken into custody for a new offense, failed to appear, or experienced a technical violation.²⁹ The Solano court reported that 12 to 19 percent of monitored individuals were issued a bench warrant for failure to appear in court each quarter. Of those monitored individuals, 2 to 3 percent committed a new misdemeanor or felony offense. Figure 6 displays failures to appear, new offenses, and the county’s outcome of the rate of failure for monitored individuals (new offenses, FTA, and technical violations).



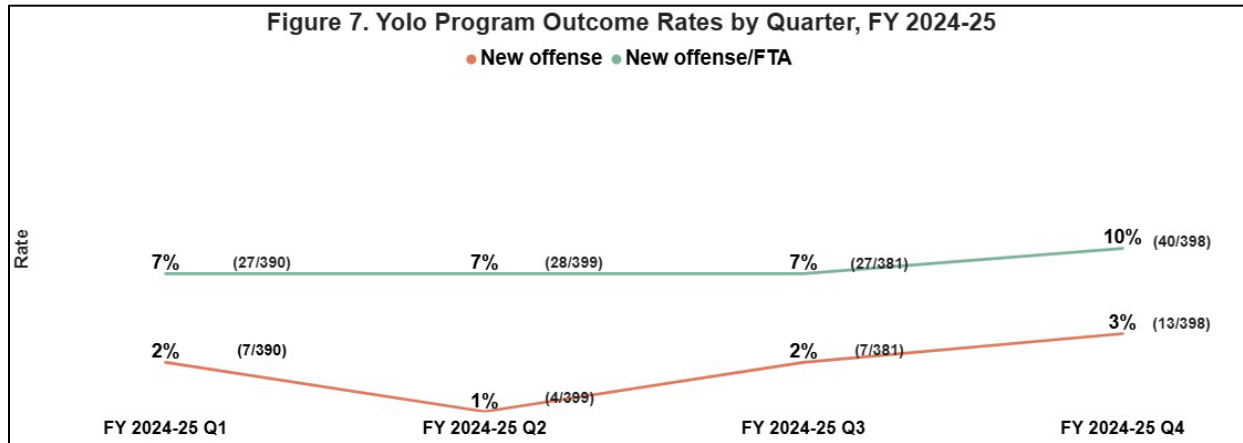
Yolo

The Superior Court of Yolo County reports quarterly program outcome rates for monitored individuals. The Yolo court reported 0 to 5 percent of monitored individuals failed to appear for their arraignment hearing each quarter. The Yolo court also reported that 7 to 10 percent of monitored individuals each quarter failed to appear at a subsequent court hearing or committed a new offense. Of those monitored individuals, 1 to 3 percent committed a new offense, and less than 1 percent committed a new violent offense each quarter. Figure 7 displays new offenses and

²⁸ Individuals are counted in each quarter for which they were monitored and may be counted in multiple quarters.

²⁹ Technical violations occur when logistical errors occur during electronic monitoring, such as the unit battery not being maintained within the guidelines of the conditions.

the county’s calculation of the overall rate of failure for monitored individuals each quarter (new offenses and failures to appear) for FY 2024–25.



Section II: Court Expenditures, Justice Partner Collaboration, and Program Challenges

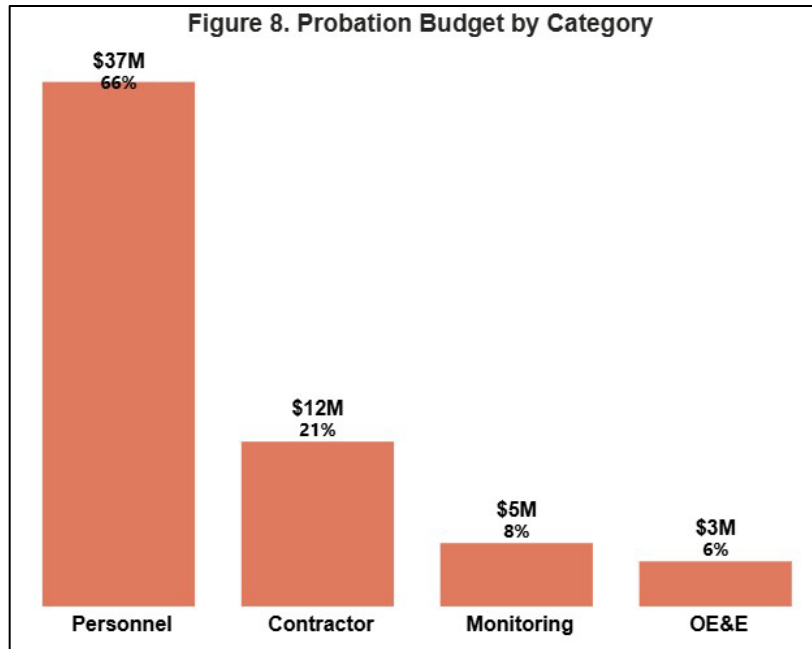
This section of the report describes courts’ expenditures in the fourth program year, court and justice partner collaboration, and program enhancement. It documents court-reported challenges involving upcoming reductions in resources, staffing, and data collection and sharing efforts, as well as the emerging impacts of Proposition 36 and mental health diversion to pretrial service agencies.

Allocation Expenditures

The Judicial Council disbursed nearly \$69 million to the courts for local program activities. Of that amount, \$42 million was spent by local pretrial service providers (typically probation departments), and \$14 million was expended by the courts, with an additional \$13 million encumbered. See Appendix E for total expenses by category.

Pretrial service providers receive at least 70 percent of courts’ pretrial allocation. A detailed breakdown of the costs associated with the pretrial service provider allocation distribution can be found in Figure 8. The categories are (1) personnel: salaries and benefits of pretrial service provider staff; (2) contractor: information technology contractors, supportive services, and consulting contractors; (3) monitoring: electronic tracking services, GPS, and associated equipment costs; and (4) operating expenses and equipment (OE&E): travel costs, supply costs, major and minor equipment such as computers and vehicles, and other costs necessary for program operation.

Courts may keep up to 30 percent of their respective jurisdiction’s allocation. Fourteen courts gave 100 percent of their funding to their pretrial service provider. After contracting with the local pretrial service agency, the most common reported court expenditures are related to the staffing, integration, sharing, and expanding the scope of the program through automated processes, technological enhancements, and collection of data.



Court and Justice Partner Collaboration and Program Enhancement

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

To support informed decision-making and improve pretrial services, programs implemented and updated new case management systems for local data integration efforts, conducted internal analyses of local policy and procedures, and restructured divisions and enhanced processes to streamline workflow. Twenty courts report implementation of new or modified case management systems to interact with pretrial services and, in some jurisdictions, all relevant justice partners; other courts have reported implementation or modification in progress. Eight courts report implementing automated submission of risk assessment reports directly to the court, reducing the time between arrest and review by a judicial officer.

Court Activities
Local Best Practices

The Superior Court of San Luis Obispo County conducts education and outreach sessions to local law enforcement providing informational materials to increase efficiency at release.

The Superior Court of Santa Cruz County implemented a direct phone line in the jail to streamline pretrial assessment and release communications between the court and law enforcement.

The Superior Court of Shasta County modified a form shared with law enforcement to ensure monitoring orders are received from the bench.

Fifteen courts have conducted or are in the beginning stages of independent analysis of internal program policies and procedures; thirteen courts have implemented changes based on these findings. As a result of collaboration with Harvard Kennedy School Government Lab Policy³⁰ and subject matter experts Advancing Pretrial Policy and Research,³¹ 10 courts have conducted analyses of local processes and implemented recommendations based on project outcomes.

Challenges

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

Staffing

Most courts reported challenges in maintaining filled positions due to retirement, promotion, and leaves of absence. Staffing shortages resulted in pretrial caseload sizes that were higher than optimal in many counties. Courts and justice partners cross-train probation personnel to ensure pretrial services are available. Some programs have created administrative positions to relieve the increasing workload of pretrial service officers. Imperial County Pretrial Services hired administrative staff to connect individuals to supportive services and issue court-ordered monitoring units, which increases the time pretrial services officers have to conduct pretrial risk assessments and monitor individuals.

Justice partner collaboration

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

Data collection and sharing

As mentioned previously, the Judicial Council collects data to assess and evaluate the scope and impact of the statewide Pretrial Services Program. For more information on data collected, see Program Data above. Courts reported that justice partners involved in data collection and sharing encountered challenges in making the necessary modifications to their case management systems. Thirty-three courts submitted all data requirements by the end of the reporting period, while the remaining courts submitted partial data. Judicial Council staff continue to provide technical assistance to courts to achieve submission of all required data. Courts are using funding to update their technology and are working with information technology departments to develop

³⁰ More information about Harvard Kennedy School Government Lab Policy and its collaboration with jurisdictions for pretrial justice can be found at govlab.hks.harvard.edu/focus-area/pretrial-justice/.

³¹ More information about Advancing Pretrial Policy and Research can be found at advancingpretrial.org/.

comprehensive data collection and sharing systems. Courts continue to have conversations with their justice partners to support the continuity of data collection and compliance for data reporting requirements.

Increased use of pretrial resources and funding for Proposition 36 and mental health diversion

Many courts identified challenges associated with the increased workload related to the implementation of Proposition 36 and the expanded use of mental health diversion created under Assembly Bill 1810 (Budget Act of 2018; Stats. 2018, ch. 34). Both initiatives are geared toward providing treatment to defendants prior to the entry of a final judgment in their case, allowing successful defendants the opportunity to avoid adverse impacts on their criminal records.

Proposition 36 was passed by the voters in November 2024 and went into effect on December 18, 2025, midway through the reporting period that is the focus of this report.³² Proposition 36 authorizes prosecutors, under certain conditions, to charge some drug and theft cases as felonies that would have previously been charged as misdemeanors.³³ This appears to be resulting in an increase in the number of felony cases brought into the jail and the length of time they stay in jail, resulting in increases in the number of pretrial assessment reports required.

In 2018, AB 1810 established mental health diversion for defendants facing both misdemeanor and felony charges who have a mental illness (Pen. Code, §§ 1001.35, 1001.36). In 2020, courts began reporting on the number of mental health diversions granted.³⁴ In FY 2020–21 the number of petitions granted was 1,415, and by the last reported year to date, FY 2023–24, the number of petitions granted had grown to 5,685—a 302 percent increase.³⁵

There is no legislatively defined interpretation of what constitutes “pretrial,” and the use of pretrial funding for deferred entry of judgment programs, including mental health diversion, is neither explicitly authorized nor prohibited in the language of the Pretrial Services Program.³⁶ Providing pretrial support to individuals on diversion may be effective in individual cases, but

³² Proposition 36 allows defendants facing drug possession charges who have two or more prior drug possession convictions to participate in drug treatment in lieu of custody time. These cases are known as “treatment-mandated felonies (TMF)” that allow defendants to plead guilty or no contest to the charges but delay the entry of that judgment while they receive court-ordered treatment. Individuals who successfully complete their treatment programs may have the case dismissed. Many jurisdictions are developing Proposition 36 programs modeled after drug courts; however, they don’t always include local supervision due to a lack of resources.

³³ Health & Saf. Code, § 11395, leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11395.&lawCode=HSC.

³⁴ Mental health diversion reporting was optional in its first year (FY 2019–2020). FY 2020–21 was the first year reporting was mandatory for all courts.

³⁵ Judicial Council of Cal., *2025 Mental Health Diversion Data Summary Report*, courts.ca.gov/system/files/2025-06/Mental_Health_Diversion_Data_Summary_Report_2025.pdf.

³⁶ California Legislative Information, *AB-107 Budget Act of 2024* (Assem. Bill 107; Stats. 2024, ch. 22), leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB107.

the courts and probation received no funding for diversion courts and the intensive and lengthy monitoring and support they require.

Both Proposition 36 and mental health diversion provide pretrial opportunities for defendants to access treatment and avoid adverse consequences; however, neither was in existence when the pretrial program was initiated and funding needs were identified. It is anticipated that the impact on pretrial resources will grow as more guidance is provided. In a recent opinion,³⁷ the Court of Appeal, First Appellate District, found that Proposition 36 does not prevent judges from ordering pretrial diversion, indicating that individuals prosecuted under Proposition 36 may have their cases adjudicated through mental health diversion programs and may also be in need of pretrial release monitoring.

Adjusting to decreased funding for the pretrial program

This report focuses on FY 2024–25, when courts received their full funding allocations. However, during this reporting period, courts indicated a need to engage in advance planning for the cuts experienced in FY 2025–26, which brought a decrease in funding of over 7 percent; additional budget cuts are expected in future years.³⁸ This will likely force courts to reevaluate available resources and make choices about services that can be provided. Anticipating future cuts, courts have reported limiting services for the upcoming year, including prearrest review and release procedures and ability-to-pay assessments per *In re Humphrey*. Pretrial service agencies report a reduction of operational hours, capping their monitoring caseloads, and reducing supportive services that promote a return to court.

Section III: Judicial Council Activities Supporting the Statewide Program

This section of the report describes the role of the Judicial Council, which includes allocation disbursement and oversight; pretrial education and training for the courts and justice partners; and ongoing communication and program guidance, technical assistance, and site visits. The Judicial Council retains approximately \$1 million annually (less than 5 percent of the funding that may be retained by the trial courts) to assist with supporting and evaluating the statewide Pretrial Services Program.

Allocation Disbursement and Expenditure Oversight

The Budget Act of 2024 authorized the Judicial Council to disburse and oversee local program funding to all trial courts in accordance with ongoing funding formulas identified by the Legislature based on an allocation methodology approved by the council at its meeting in

³⁷ *Reed v. Superior Court of Solano County* 2025 WL 3764212.

³⁸ In FY 2025–26, the Pretrial Services Program received \$63.95 million, a \$5 million reduction that resulted in a cut of over 7 percent to all courts. As of this writing, an additional cut in FY 2026–27 is expected to bring the total allocations to \$48.95 million each year—a total reduction of \$20 million per year.

October 2021.³⁹ Funding is disbursed annually after budgets are submitted to and reviewed by council staff. The Judicial Council requires courts to submit itemized projected spending proposals in a budget summary and a program description detailing budgets for the courts and providers from each local program. Council staff monitor expenses through a court financial system and evaluate and approve requested budget modifications as needed to ensure that changes align with statewide program goals. See Appendix F for 2024–25 pretrial services allocations.

Education and Training

During this reporting period, the Judicial Council hosted several educational opportunities aimed at assisting judicial officers, court staff, and local program providers. Two open virtual forums for judicial officers; two office hours for data visualization assistance; six webinars, which included a collaborative webinar with Advancing Pretrial Policies and Research; and one program memorandum were developed during this reporting period. See Appendix G, Education and Training Agendas.

Virtual forums

Judicial Council staff developed two open virtual forums, web-based meetings limited to judicial officers to discuss pretrial policy and best practices and share resources among peers. Facilitated by judges, topics discussed included setting, modifying, and denying bail based on *In re Humphrey* and the possible implications of the decision in the pending case *In re Kowalczyk*. Materials were made available to judicial officers and court staff on the Judicial Resources Network, the California judicial branch’s internal website. In February 2025, 56 judicial officers representing 24 courts attended the virtual forum. In May 2025, 96 judicial officers representing 28 courts attended the virtual forum.

Webinars

Six statewide webinars were conducted during this reporting period. Judicial Council staff continued to coordinate with an informal workgroup of trial court personnel to help develop relevant trainings for court and pretrial service staff. The workgroup helped staff identify relevant topics, training needs, and potential presenters for the series. Staff also hosted a webinar on the updates and requirements outlined in the FY 2024–25 Pretrial Program Guidance memorandum. An average of 74 court staff and local justice partners representing at least 20 and at most 43 courts and counties attended the trainings. Materials and audiovisual recordings were made available to registrants of the webinar after the presentations.

- Judicial Council staff highlighted the Superior Court of Alameda County to discuss the court’s supportive service referral system and the supporting role of the Harvard Kennedy Lab in building the platform.

³⁹ Judicial Council of Cal., Advisory Com. Rep., *Allocations and Reimbursements to Trial Courts: Pretrial Release Funding and Allocation Methodology* (Sept. 15, 2021), jcc.legistar.com/View.ashx?M=F&ID=9814613&GUID=7AB3D35B-705F-4527-BFE9-C78FC9442FF6.

- Judicial Council staff collaborated with Advancing Pretrial Policies and Research to discuss the requirements of Senate Bill 36 (Stats. 2019, ch. 589) and provide insight into the council’s risk assessment validation process.
- Judicial Council staff developed and produced three webinars to discuss data collection and reporting and demonstrate aggregate data mapping methods and how to use the collected data for program outcomes. The third of the series included representatives from the National Association of Pretrial Services Agencies (NAPSA), who discussed the national pretrial standards.⁴⁰
- Judicial Council staff provided an overview of the requirements and changes to the statewide program and prepared and distributed *Pretrial Release Funding—Overview of Program Guidance Memorandum 2025*.

Case-Level Data Submission Onboarding

Judicial Council staff collaborated with the Superior Courts of Santa Clara and Los Angeles Counties to onboard the courts and their justice partners to a case-level data submission warehouse created during the pilot program.⁴¹ The data warehouse was originally designed to assist pretrial pilot courts in conducting their own analyses of program data and share certain data with council staff to view and perform the necessary analysis to evaluate the pilot program. The data set allows for analysis of pretrial outcomes by introducing the ability to trace each individual from booking through case disposition, including any relevant assessment information from probation, release decision, and failure-to-appear notice from the court.

This method of data submission will replace the Superior Court of Santa Clara County’s provision of aggregate data. In addition to onboarding the Santa Clara court, council staff began onboarding the Superior Court of Los Angeles County into case-level data submission again. The Los Angeles court had previously submitted case-level data during the Pretrial Pilot Program but paused after the pilot due to a system update that temporarily prevented continued submissions. The second onboarding effort helped to align the Los Angeles court’s test submissions with council data specifications. Importantly, the county’s system update now allows test data to identify booking type. During the pilot program, the jail data systems could not extract this level of detail, which is essential for filtering data to include only bookings for new arrests.

Both the Santa Clara and Los Angeles courts are expected to complete the onboarding process within the next reporting period. All counties that elect to continue submitting individual-level data through the data warehouse will receive support to the extent that resources and funding are available.

⁴⁰ See National Association of Pretrial Services Agencies, *Pretrial Standards: Revised 2024*, irp.cdn-website.com/42480a97/files/uploaded/NAPSA+Pretrial+Standards+Revised+2024-5e29ef45.pdf.

⁴¹ Pilot projects were required to submit a significant amount of case-level data to the council from jails, probation departments, and courts through the data warehouse. Pilot funding was available for that purpose.

Technical Assistance

Judicial Council staff provided technical assistance to court and justice partner staff in multiple counties to support accurate case-level data reporting. For example, while analyzing assessment data, staff observed that the number of booked individuals in San Joaquin County who received a pretrial risk assessment had not increased as expected given the number of new bookings since the previous report. After council staff reviewed the Superior Court of San Joaquin County's data, strategies were recommended to standardize the data to match related events across the separate pretrial data files. Once implemented, these changes substantially improved the proportion of assessments that linked to bookings, expanding the pool of cases available for future tool validation efforts.

In addition to ad hoc technical assistance, council staff developed new resources to promote timely reporting. Because counties often have multiple technical points of contact for different justice partners, staff turnover has disrupted the continuity of data uploads. To address this, council staff created a data submission guidebook for newly onboarded justice partner staff responsible for uploading data to the pretrial data warehouse. Council staff also implemented an automated notification process to remind justice partner contacts of upcoming submission deadlines. These reminders are intended to increase the number of partners who successfully upload data on time to meet important reporting deadlines.

Office Hours

Judicial Council staff offered office hours to assist in the development of interactive data visualizations for individual courts and justice partners. Interactive data visualizations are used by the court and stakeholders for the evaluation of local policy. Staff assisted the Superior Courts of Stanislaus and Solano Counties with the visualizations of aggregate data during these office hours. The Superior Court of Stanislaus County reports the data dashboard has been useful to its program and court staff, and it now has the capability to adjust functions based on local needs. The Superior Court of Solano County reported plans for a local data dashboard are still in development.

Quarterly Communications

Judicial Council staff developed a quarterly newsletter and issued four editions to the courts and justice partners' pretrial contacts during this reporting period. The newsletter provides reporting reminders and updates, relevant state and national pretrial news, upcoming and previous training opportunities and materials, and analysis of qualitative data collected from the courts' quarterly progress reporting. An average of 320 judicial officers, court staff, and local justice partners representing all 58 counties viewed this newsletter quarterly, and readership has doubled since last reporting period.

Site Visits

Staff conducted one site visit to the Superior Court of Santa Clara County. During this site visit, council staff visited with local justice partners and discussed case-level data onboarding challenges and solutions.

Conclusion

Courts continue to conduct their operations furthering the goals and requirements of the Pretrial Services Program, as outlined by the Legislature. After delays due to the pandemic in Year 1, courts, their justice partners, and local stakeholders worked diligently to implement best practices and enhance services.

In Year 4, courts increased the number of individuals assessed by nearly 20,000 and almost 9,000 ordered to the pretrial monitoring caseload. Programs implemented and updated new case management systems for local integration efforts, conducted internal analyses of local policy and procedures, and restructured divisions and enhanced processes to streamline workflow.

The Pretrial Services Program continues to face budget reductions, with no upcoming plans for restoration.⁴² Ongoing budget cuts, in addition to the increased workload anticipated with Proposition 36⁴³ and mental health diversion during the pretrial phase will likely require courts and pretrial service agencies to evaluate available resources to determine what services will be possible in the coming years.

The judicial branch will continue to pursue best practices and procedures to reduce the number of individuals detained before trial and to preserve public safety. The next legislative report for the Pretrial Services Program will be submitted to the Legislature in July 2027.

⁴² In FY 2025–26, the program allocation was reduced to \$63.95 million. Of that amount, \$15 million can be spent in three years. In FY 2026–27, the program is expected to be reduced again to \$48.95 million, with no plans for restoration.

⁴³ The Budget Act of 2025 requires that the Judicial Council, in collaboration with the state Department of Health Care Services, develop a report that contains the subprovisions outlined in provision 20 of the Budget Act of 2025. The Judicial Council will submit an annual report until the funds are spent, courts.ca.gov/system/files/legislative-reports/lr-2026-proposition-36-court-data.pdf.

Appendix A: Pretrial Release Process

Pretrial release refers to a process in which a person who is charged with a crime and detained in jail is released from custody while their case is being resolved. When a person is arrested, the officer transports them to county jail for booking.⁴⁴ At the jail, the sheriff reviews the booking information to determine whether the individual is eligible to be cited and released. Eligibility criteria for release varies from county to county and is typically based on factors such as the severity of the crime, prior criminal history, and any history of failing to appear at court hearings. Individuals cited and released either at the scene or from jail must sign a document promising to appear in court at a future date for their hearing. Individuals who are not released in this manner can post bail according to the local county bail schedule⁴⁵ (if financially able) or wait in custody for a release decision that is typically made at arraignment.

Pretrial programs offer an alternative to the typical process by reducing reliance on monetary bail. Pretrial service providers can access criminal history and other relevant information about in-custody individuals and use pretrial risk assessment instruments⁴⁶ to prepare risk assessment reports. Judicial officers review these reports at or before arraignment hearings to inform individual, evidence-based custody decisions. Courts using automated pretrial risk assessment instruments are often able to make release or detention decisions for many individuals before their arraignment hearing.⁴⁷

At arraignment,⁴⁸ a judicial officer can either set bail, detain the arrestee if they pose a significant risk to public safety or are unlikely to appear in court, or release them on their own recognizance (OR) with conditions. Standard OR conditions, typically used for lower-risk defendants, include remaining within the jurisdiction, returning to court as ordered, and staying away from victims or locations related to the case. OR with monitoring conditions offered through pretrial service agencies is court-ordered upon a judicial officer's release decision and can include (1) global positioning system monitoring, (2) frequent check-ins with pretrial service officers, and (3) supportive services, such as transportation vouchers or referrals to treatment.

⁴⁴ In lieu of bringing arrestees to jail, law enforcement officers can cite and release people who are detained for infractions and certain misdemeanors, subject to several exceptions. (See Pen. Code, §§ 853.5, 853.6.) Those individuals are provided a citation telling them to appear in court and are not taken into custody. Defendants can be cited and released in the field or transported to jail and then cited and released.

⁴⁵ Bail schedules contain recommended bail amounts for different offenses and can vary from county to county.

⁴⁶ For more information about pretrial risk assessment instruments, see Judicial Council of Cal., *SB 36: Pretrial Pilot Program Aggregated Data Report* (July 2023), courts.ca.gov/sites/default/files/courts/default/2024-12/2023-sb36-pretrial-aggregated-data-report-final.pdf.

⁴⁷ Arraignment is the first court hearing in a criminal case, which generally occurs within two court days of a person's arrest.

⁴⁸ For those released before arraignment, a judicial officer can consider new available information to detain, order further monitoring conditions, or request supportive service referrals to available voluntary services. Thirty-five courts have established and implemented robust prearraignment release processes.

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

The pretrial program has an impact on when and how individuals are released from custody. Because judicial officers in some jurisdictions can have access to risk assessment information shortly after arrest, they are often able to make informed release and detention decisions before arraignment. In addition to the timing of the release, the type of release is also influenced by pretrial programs. Risk assessment information—and the ability to ensure that defendants are monitored and have supportive services as needed—may result in increases in the number of people released on their own recognizance or on monitoring.⁴⁹

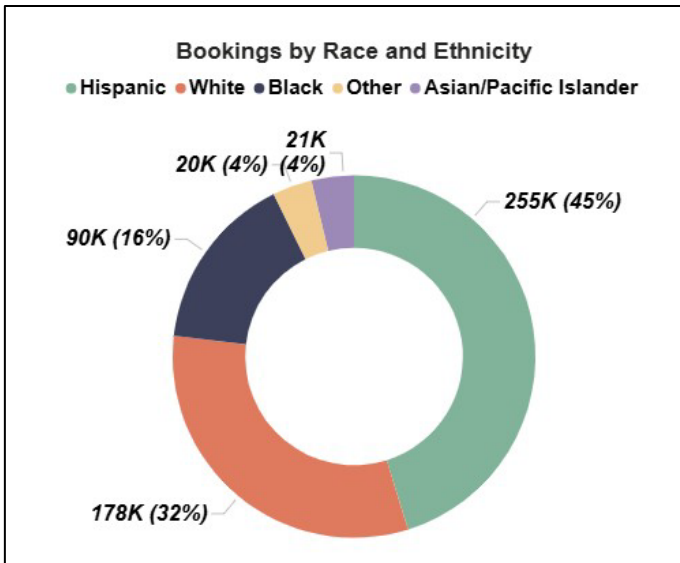
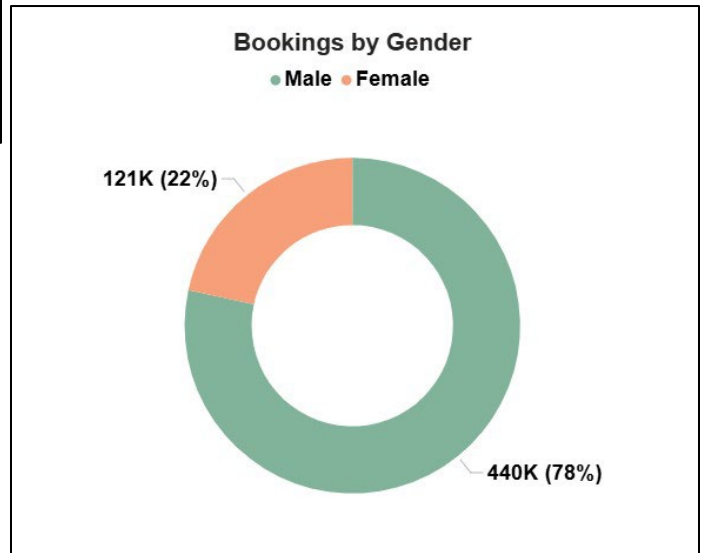
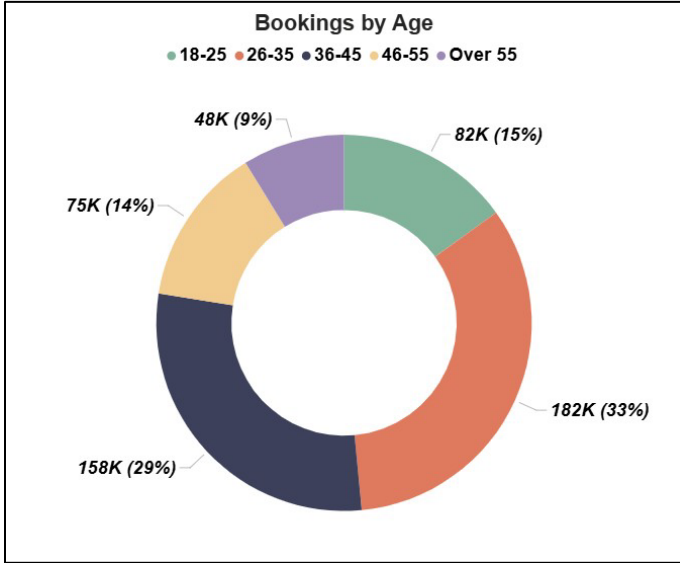
⁴⁹ For an infographic of the pretrial release process, please see the California Pretrial Services Program webpage, courts.ca.gov/programs-initiatives/criminal-justice-services/california-pretrial-release-program.

Appendix B: Pretrial Risk Assessment Instrument by County

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

Notes: CAPA-R = California Pretrial Assessment; ORAS = Ohio Risk Assessment System; PSA = Public Safety Assessment; VPRAI = Virginia Pretrial Risk Assessment Instrument.

Appendix C: Booking Demographic Data Collected



Appendix D: Updates to Past Legislative Reports

Judicial Council staff conducted quality control and validation of reported numbers and found prior reports to the Legislature for the Pretrial Services Program require updates. See below for updates to (1) the inaccurate reporting period presented in FY 2024–25; (2) the universe of bookings used for pretrial release rate; and (3) the demographics of race/ethnicity, gender, and age of total bookings for FY 2022–23 and FY 2023–24.

1. The executive summary of *Pretrial Release Program: Year 3 Report to the Legislature, 2025*, shows July 1, 2022, through June 30, 2023, as the reporting period. The correct reporting period is July 1, 2023, through June 30, 2024.
2. In all previous reports to the Legislature, council staff reported the release rate based on the number of total bookings submitted by courts. Total bookings include both new offense bookings and bookings from prior arrests.⁵⁰ Council staff have determined new offense bookings provide a more accurate description of the beginning of the pretrial period. Total bookings inflates the number of bookings eligible for a pretrial release consideration. New offense bookings are provided for all past reports to the Legislature, as well as updated rates of release, using this updated booking value. The rate of release is determined by dividing the releases of new offense bookings by the total of new offense bookings.
 - *Pretrial Release Program: Year 1 Report to the Legislature, 2023*: In the Program Data section, page 8, the correct number of new offense bookings is 600,560. The rate of release is 77 percent⁵¹ and number of new offense releases is 461,369. The rate of release within two days and number of releases within two days are 67 percent and 310,978, respectively.
 - *Pretrial Release Program: Year 2 Report to the Legislature, 2024*: In the Program Data section, page 20, the correct number of new offense bookings is 559,395. The rate of release is 86 percent⁵² and number of new offense releases is 482,071. The rate of release within two days and number of releases within two days are 66 percent and 318,936, respectively.
 - *Pretrial Release Program: Year 3 Report to the Legislature, 2025*: In the Program Data section, page 10, the correct number of new offense bookings is 519,988. The

⁵⁰ Examples of prior arrest bookings include failure to appear, technical violations, and postsupervision violations.

⁵¹ At the time of reporting, council staff reported 425,774 court bookings and 162,521 releases within two days of booking. <https://courts.ca.gov/sites/default/files/courts/default/2024-08/pretrial-release-report-to-the-legislature-2023.pdf>.

⁵² At the time of reporting, council staff reported court bookings (709,712), the rate of release as 67 percent (476,861), and 69 percent (326,915) releases within two days of booking. courts.ca.gov/sites/default/files/courts/default/2024-08/24-084-pretrial-release-report-to-the-legislature.pdf.

rate of release is 81 percent⁵³ and number of new offense releases is 418,587. The rate of release within two days and number of releases within two days are 66 percent and 276,180, respectively.

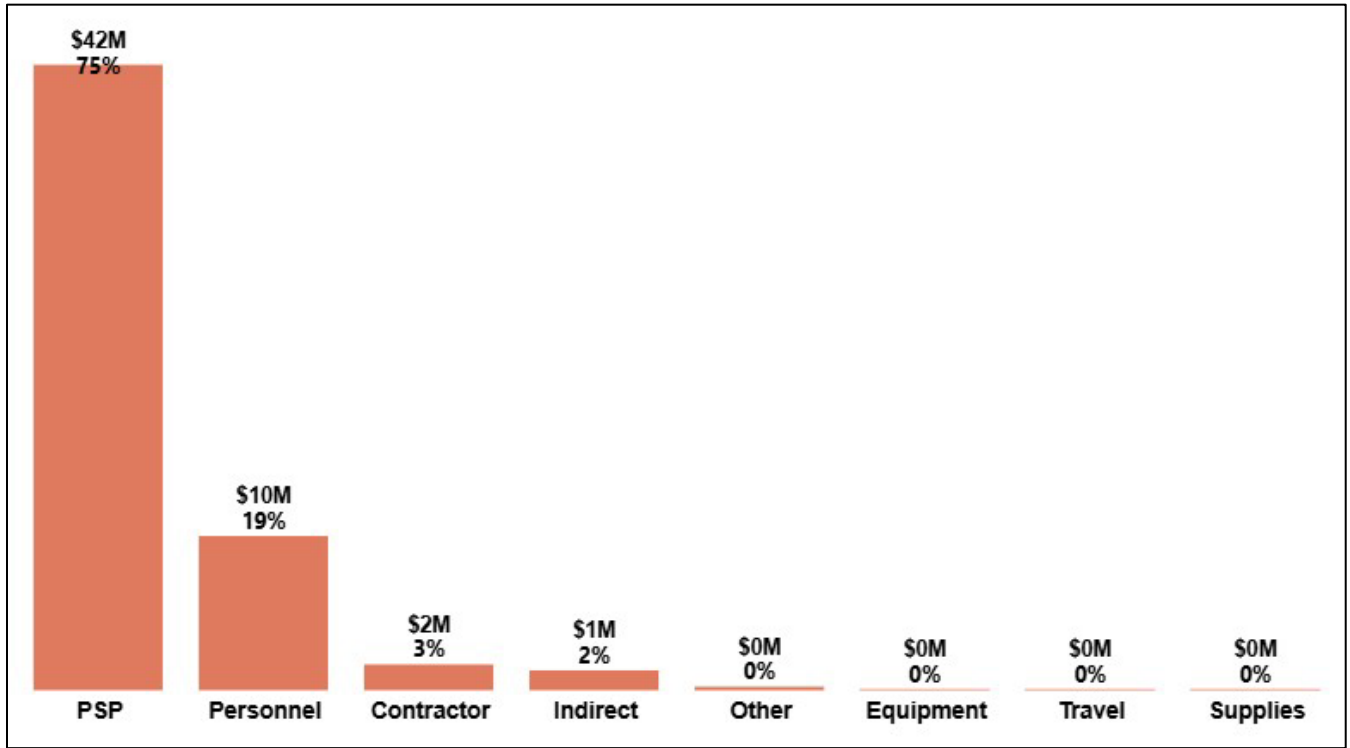
3. In *Pretrial Release Program: Year 2 Report to the Legislature, 2024*, the demographic data of total bookings published in Appendix C, page 20, was not filtered to the relevant fiscal year. As a result, the published data was the cumulative total of all available data at the time rather than the specific fiscal year data. In *Pretrial Release Program: Year 3 Report to the Legislature, 2025*, Appendix D, page 27, validation of each demographic category yielded significant changes to the reported booking data. See Table D-1.

Table D-1: Booking Demographic Data Updates

Booking Demographic	Reported 2022–23	Update 2022–23	Reported 2023–24	Update 2023–24
Age: 18–25	192,000	99,000	99,000	82,000
Age: 26–35	497,000	222,000	223,000	186,000
Age: 36–45	386,000	163,000	164,000	147,000
Age: 46–55	185,000	77,000	77,000	69,000
Age: over 55	121,000	48,000	49,000	44,000
Gender: male	1,102,000	485,000	487,000	429,000
Gender: female	289,000	127,000	128,000	118,000
Race/ethnicity: Hispanic	660,000	307,000	239,000	240,000
Race/ethnicity: white	399,000	185,000	173,000	173,000
Race/ethnicity: Black	247,000	104,000	87,000	88,000
Race/ethnicity: other	64,000	24,000	25,000	23,000
Race/ethnicity: Asian/Pacific Islander	45,000	21,000	20,000	20,000

⁵³ At the time of reporting, council staff reported court bookings (656,427), the rate of release as 64 percent (417,460), and 68 percent (282,660) releases within two days of booking. courts.ca.gov/system/files/file/20250425-25-079-updated-20250422.pdf.

Appendix E: Total Expenses by Category












Note: PSP = Pretrial Services Provider.

Appendix F: Pretrial Services Allocations

Court	Allocation	Court	Allocation
Alameda	\$2,428,229	Orange	\$5,268,984
Alpine	100,000	Placer	540,218
Amador	150,000	Plumas	125,000
Butte	559,788	Riverside	4,214,281
Calaveras	150,000	Sacramento	2,422,207
Colusa	200,000	San Benito	200,000
Contra Costa	1,702,176	San Bernardino	4,021,734
Del Norte	125,000	San Diego	5,927,809
El Dorado	234,237	San Francisco	979,222
Fresno	1,787,185	San Joaquin	1,347,792
Glenn	175,000	San Luis Obispo	764,166
Humboldt	299,517	San Mateo	996,136
Imperial	324,595	Santa Barbara	1,217,426
Inyo	200,000	Santa Clara	3,003,850
Kern	1,638,844	Santa Cruz	674,410
Kings	290,148	Shasta	244,031
Lake	200,000	Sierra	200,000
Lassen	200,000	Siskiyou	200,000
Los Angeles	16,540,887	Solano	695,875
Madera	271,427	Sonoma	699,611
Marin	318,326	Stanislaus	943,376
Mariposa	150,000	Sutter	200,000
Mendocino	200,000	Tehama	200,000
Merced	557,344	Trinity	25,000
Modoc	200,000	Tulare	877,423
Mono	200,000	Tuolumne	200,000
Monterey	794,007	Ventura	1,387,428
Napa	207,299	Yolo	770,010
Nevada	200,000	Yuba	200,000

Appendix G: Education and Trainings

 <p style="text-align: center;">Agenda Tuesday, February 18th, 2025 12:15 p.m. – 1:15 p.m.</p>  <p style="text-align: center;">Judicial Council of California</p>	<p>12:15pm - 12:17 pm Welcome and Introductions</p> <p>12:17pm - 12:25 pm Pretrial Release – program updates</p> <ul style="list-style-type: none"> • Work of the Pretrial Policy and Data Subcommittee <p>12:25pm - 1:15pm Application of Humphrey to pre-arraignment process</p> <ul style="list-style-type: none"> • Use of SJO's and advocate letters • Los Angeles PARP program <p>Relationship between § 12 and § 28</p> <ul style="list-style-type: none"> • No bail status as to non-§ 12(b) cases • No bail in misdemeanor cases? <p>Humphrey</p> <ul style="list-style-type: none"> • Key elements of case <ul style="list-style-type: none"> • findings necessary for detention • findings necessary for non-financial conditions • How does court evaluate ability to pay? Live hearing? Offers of proof? • Does Humphrey relate to 1269c bail enhancements? • Does Humphrey relate to probation violations and § 1203.25? • Relationship to Prop 36 for designated crimes • use of commissioner for judicial officer • Application to violation of conditions of release • Setting unaffordable bail/findings required <p>1:15 pm Adjourn Next call Tuesday, May 20th, 2025 @ 1.15pm</p>
 <p style="text-align: center;">Agenda Tuesday, May 20th, 2025 12:15 p.m. – 1:15 p.m.</p>  <p style="text-align: center;">Judicial Council of California</p>	<p>12:15pm – 12:25pm Program updates</p> <ul style="list-style-type: none"> • Pretrial Release Form (CR-104) – Invitation to Comment deadline is May 23rd, 2025. <p>12:25 – 1:15pm Implementation of Prop 36</p> <ul style="list-style-type: none"> • Treatment availability • Detention length • Frequency of diversion to Collaborative Courts <p>Calculating Ability to Pay</p> <ul style="list-style-type: none"> • Use of forms and breadth of information considered • Do you use a formula to calculate an amount? • Cash bail vs bond <p>Use of GPS</p> <ul style="list-style-type: none"> • Use of home detention (PC 1203.016) • How are violations reported? Are there county limits/program limits to the number of units available to pretrial clients? <p>1:15 pm Adjourn</p> <ul style="list-style-type: none"> • Next call Tuesday, August 19th, 2025

<p>Pretrial Court Staff Brown-Bag Webinar: Needs Assessment and Service Referral Process Agenda Wednesday, February 5th, 2025</p>  <p>Judicial Council of California</p>	<p>12:15 p.m. Welcome Remarks Pretrial Release in Alameda County Pretrial Service Referral System (PSRS) Questions 1:15 p.m. Closing Remarks</p>
<p>Pretrial Court Staff Brown-Bag: Pretrial Data Series #1 – How Data is Collected & Used Agenda Wednesday, March 12, 2025</p>  <p>Judicial Council of California</p>	<p>12:15 p.m. Welcome Remarks Why Are We Collecting Data Case-Level Data Pretrial Services Program Data Collection Process Questions 1:15 p.m. Closing Remarks</p>
<p>Pretrial Court Staff Brown-Bag: Pretrial Data Series #2 – Data Mapping Agenda Tuesday, April 15, 2025</p>  <p>Judicial Council of California</p>	<p>12:15 p.m. Welcome Remarks Case-Level Data Challenges Attachment D (Pretrial Agg Data Collection) Data Mapping Exercise Questions 1:15 p.m. Closing Remarks</p>
<p>Pretrial Court Staff Brown-Bag: Pretrial Data Series #3 – Future Planning Agenda Thursday, May 29, 2025</p>  <p>Judicial Council of California</p>	<p>12:15 p.m. Welcome Remarks Looking Ahead to FY 25-26 Data Collection Plan State V. Local Data About NAPSA NAPSA Pretrial Standards Questions 1:15 p.m. Closing Remarks</p>
<p>Pretrial Program Guidance Memorandum Webinar Agenda Tuesday, July 22, 2025</p>  <p>Judicial Council of California</p>	<p>12:15 p.m. Welcome Remarks Purpose of Funding Mid-Year Allocation Legislature Funding Structure Judicial Council Approval Process Programmatic (What’s New for FY 25-26) Financials for FY 25-26 Data Collection Training Opportunities Important Deadlines Questions 1:30 p.m. Closing Remarks</p>