



# Pretrial Release Program

## 2023 Report to the Legislature

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May 12, 2023





# Overview

- Timeline of Pretrial Release in California
- Pilot vs Statewide Expansion
- Overview of the 1<sup>st</sup> Year of Implementation
- Next Steps



# Pretrial Reform Timeline

## 2013

- Conference of Chief Justices and Conference of Court State Administrators Joint Resolution

## 2016

- Former Chief Justice Cantil-Sakauye's State of the Judiciary highlighted concerns about the pretrial detention/release system
- Pretrial Detention Reform Workgroup (PDR) formed

## 2019

- Pretrial Reform and Operations Workgroup (PROW) established
- Pretrial Pilot Program formed through Budget Act of 2019 (AB 74)

## 2021

- Pretrial Release Program formed through Budget Act of 2021 (SB 129)



## **Pretrial Pilot Program Budget Act of 2019 AB 74**

- 17 courts
- Risk assessment tools required
- Extensive individual-level data reporting requirements
- Courts contract with county probation dept

**vs.**

## **Pretrial Release Program Budget Act of 2021 SB 129**

- 58 courts
- Risk assessment tools not required
- Minimal aggregate data reporting requirements
- Courts contract with probation dept. or other for pretrial services.



# Pretrial Release Program Funding

- \$70 million in ongoing funding in FY 21–22
- \$70 million to nonpilot courts for one-time implementation costs
- Courts retain up to 30%—Pretrial Service Providers receive at least 70%
- Eligible Uses of Funding:
  - Costs associated with judicial officer pretrial release decisions
  - Data sharing technology
  - Court reminder systems
  - Ability-to-pay assessments
  - Supportive services, and monitoring practices

# May 2023

## Pretrial Release Year 1 Report to Legislature

- Covers first year of implementation of statewide expansion
- Provides court-reported data on booking and release outcomes
- Summarizes Judicial Council staff support
- Describes the allocation methodology
- Summarizes court activities, expenditure tracking, challenges encountered, and innovative usages of funds

# Year 1 Preliminary Data

Approximately 426,000 Reported Bookings

163,000 Individuals Released Within Two Days

- 96,000–Misdemeanor
- 67,000–Felony

86,000 Individuals Released After 2 Days

- 26,000–Misdemeanor
- 60,000–Felony

177,000 individuals not released

- Includes individuals held on warrants, ineligible for release, who have not posted bail, or where released after the data submission date

# Year 1 Challenges

## **COVID-19**

- Changes in arrest patterns and arrest rates
- Residual effects of the statewide emergency bail schedule

## **Staffing**

- Pretrial service providers struggling to recruit and train personnel
- Extensive workloads and lack of continuity of services

## **Data Collection and Sharing**

- Continuity of data collection for reporting requirements
- Updating case management systems and developing data collection and sharing systems

## **Funding**

- Less than funding received than for pilot programs



# Year 1 Successes

- All counties operational by June 30, 2022
- Establishing and/or strengthening relationships with local justice system partners
- Innovative usage of funds—connecting individuals released pretrial with voluntary supportive services
- Building up local technical infrastructures
- Data collection
- Court staff and judicial educational efforts

# Next Steps for Pretrial Release Program

- Pretrial Pilot Report to Judicial Council in July
- Additional Data Collection in Year 2 of Program
  - Assessment Information from Pretrial Service Providers
- Continued technical support, financial review, site visits, and education efforts

# Questions?

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