



Pretrial Release Program

2023 Report to the Legislature

May 12, 2023





Overview

- Timeline of Pretrial Release in California
- Pilot vs Statewide Expansion
- Overview of the 1st 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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