Judicial Council *of* California

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-007
For business meeting on July 21, 2023

Title
Pretrial Pilot Program: Final Report to the
Legislature

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Judicial Council staff
Francine Byrne, Director
Criminal Justice Services

Agenda Item Type
Action Required

Effective Date
July 21, 2023

Date of Report
July 21, 2023

Contact
Deirdre Benedict, 415-865-7543
deirdre.benedict@jud.ca.gov

Executive Summary

The Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23) earmarked $75 million to the Judicial Council to launch and evaluate two-year pretrial projects in local trial courts. As directed by the Legislature, the projects aim to increase the safe and efficient release of arrestees before trial, use the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances, validate and expand the use of risk assessment tools, and assess any bias. Criminal Justice Services staff recommend that the Judicial Council receive *Pretrial Pilot Program: Final Report to the Legislature* and direct the Acting Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance, as required by the Budget Act of 2019. This is the final legislative report on the pilot program and documents the implementation and outcomes of the program. It also presents aggregate data on public safety as measured by arrests for new crimes during the pretrial period, rates of failure to appear at a court hearing as required, validity of the tools as measured by the accuracy of the risk assessment tools in predicting failures to appear in court and new arrests, and whether the accuracy of the tool's predictions varies by race or ethnicity, gender, or other factors.

Recommendation

Criminal Justice Services staff recommend that the Judicial Council, effective July 21, 2023:

1. Receive *Pretrial Pilot Program: Final Report to the Legislature*; and

2. Direct the Acting Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance.

This legislatively mandated report is included as Attachment A.

Relevant Previous Council Action

The Budget Act of 2019 allocated $75 million to the Judicial Council to fund the implementation, operation, and evaluation of programs or efforts related to pretrial decisionmaking in at least 10 courts.[1] On August 9, 2019, the Judicial Council approved funding allocations for 16 court projects and authorized Judicial Council staff to implement the pilot program.

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 (PROW).[2]

The council also received five legislatively mandated reports on the activities of the Pretrial Pilot Program.[3]

Analysis/Rationale

In January 2019, Governor Gavin Newsom included in his preliminary fiscal year (FY) 2019–20 budget a proposed two-year court pretrial pilot program to be funded at $75 million. That same month, former Chief Justice Cantil-Sakauye appointed PROW—the successor to the Pretrial Detention Reform Workgroup—to, in part, develop recommendations for selection criteria, the application process, and funding allocations for court pretrial pilot projects, should they be included in the final state budget for FY 2019–20.

Ultimately $75 million was included in the Budget Act of 2019 that allocated funding to the council for the implementation, operation, and evaluation of programs or efforts related to

---

[1] Stats. 2019, ch. 23, sec. 2, item 0250-101-0001, provisions 8–17.

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

[3] Pretrial Pilot Program reports:
- January 2020, *www.courts.ca.gov/documents/Pretrial-Pilot-Program-Leg-Report_Jan-2020.pdf*;
- July 2020, *www.courts.ca.gov/documents/Pretrial-Pilot-Program-Leg-Report_July-2020.pdf*;
- January 2021, *www.courts.ca.gov/documents/Pretrial_Pilot_Program_Leg_Report_January_2021.pdf;*
- July 2021, *www.courts.ca.gov/documents/lr-2021-pretrial_pilot_program_Legislative_Report_July-2021.pdf*;
- July 2022, *www.courts.ca.gov/documents/lr-2022-pretrial-pilot-program-2022-BA-2019.pdf*.

pretrial decisionmaking in at least 10 courts. PROW undertook an extensive process to solicit and review applications for funding from the superior courts. From that process, PROW recommended 16 pilot projects to the council for participation in the Pretrial Pilot Program.

The pilot projects were subject to the goals of the program, as set by the Legislature, which were to (1) increase the safe and efficient prearraignment and pretrial release of individuals booked into jail; (2) implement monitoring practices with the least restrictive interventions necessary to enhance public safety and return to court; (3) expand the use and validation of pretrial risk assessment tools that make their factors, weights, and studies publicly available; and (4) assess any disparate impact or bias that may result from the implementation of these programs. The council is required to submit this report on the program in July 2023 to the Joint Legislative Budget Committee and the Department of Finance, as mandated by the Budget Act.

On March 27, 2020, the Governor issued an order giving the council and the Chief Justice authority to take necessary action to respond to the health and safety crisis resulting from the COVID-19 pandemic.[4] Several of these measures adopted by the council, along with local policies adopted by individual courts in response to the crisis, have had an impact on the population eligible for participation in the pilot program. On April 6, 2020, the Judicial Council approved 11 temporary emergency rules, including the adoption of a statewide emergency bail schedule that set presumptive bail at $0 for most misdemeanors and lower-level felonies, with specified exceptions. The emergency rule was intended to promulgate uniformity in release and detention of arrestees throughout the state, and to safely reduce jail populations and protect justice system personnel and public health. The council repealed the rule on June 10, 2020, with an effective date of June 20, 2020. At the time of this report, one of the pilot courts is still operating under local emergency or modified bail schedules that continue to affect the populations eligible for pretrial program participation.[5]

Despite the COVID-19 pandemic, pilot projects continued their pretrial operations. A total of 422,151 individuals were assessed during the pilot program. Data suggests an overall positive impact of the program. Program implementation was associated with:

- 5.7 percent increase in pretrial release for misdemeanors;
- 8.8 percent increase in pretrial release for felonies;
- 5.8 percent decrease in rearrest/rebooking for misdemeanors;
- 2.4 percent decrease in rearrest/rebooking for felonies;
- 6.8 percent decrease in failure to appear for misdemeanors; and
- 2.5 percent increase in failure to appear for felonies.

Failure to appear rates can be greatly improved by shortening case disposition time and implementing a court date reminder system. By the conclusion of the pilot program, 14 of 16

---

[4] Executive Order N-38-20, *www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-N-38-20.pdf*.

[5] The Superior Court of Sacramento County is still operating under a local emergency bail schedule.

pilot projects had implemented a court date reminder system and this has yielded promising results and as court case dispositions improve post-COVID-19 delays, failure to appear rates should decrease.

Policy implications

No policy implications are associated with this report.

Comments

Comments were not solicited for this legislatively mandated report.

Alternatives considered

Alternatives were not considered for this legislatively mandated report.

Fiscal and Operational Impacts

The Budget Act of 2019 allocated up to 10 percent of the $75 million in funding to the Judicial Council for costs associated with implementing and evaluating these programs and for administrative support. Judicial Council staff continue to use this funding to provide pilot courts with legal, research, educational/technical, tool validation, programmatic, business process reengineering, information technology, data exchange, and project management support.

Attachments and Links

1. Attachment A: *Pretrial Pilot Program: Final Report to the Legislature*

July 21, 2023

Pretrial Pilot Program

Final Report to the Legislature

Judicial Council of California

Table of Contents

Executive Summary

As part of the Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23), the Legislature allocated a total of $75 million to the Judicial Council to fund the implementation, operation, and evaluation of two-year pilot projects in trial courts related to pretrial decisionmaking, with the goal of increasing the safe and efficient prearraignment and pretrial release of individuals booked into jail. In August 2019, the council approved and distributed funding to the 16 pilot projects selected for participation in the Pretrial Pilot Program (pilot program).

As directed by the Legislature, the Judicial Council administers the program and reports regularly to the Department of Finance and the Joint Legislative Budget Committee. This is the final legislatively mandated report on California's Pretrial Pilot Program. It details Judicial Council activities, court activities, and implementation and program challenges through the life of the program. The report also presents data on program outcomes, including pretrial release, rearrest/rebooking, and failure to appear, and impact analyses on race and gender.

The implementation of the pilot program coincided with the global COVID-19 pandemic. The Judicial Council implemented several measures to mitigate the spread of COVID-19, including the adoption of a statewide emergency bail schedule that set presumptive bail at $0 for most misdemeanors and lower-level felonies. Courts and their justice partners also implemented measures at the local level to ensure public health. Measures adopted by the council and at the local level affected the composition of the data collected under the pilot program and thus complicated the program analyses.

Despite the pandemic, pilot projects assessed a total of 422,151 individuals during the entirety of the program. Data suggests an overall positive impact of the program. Program implementation was associated with:

- 5.7 percent increase in pretrial release for misdemeanors;
- 8.8 percent increase in pretrial release for felonies;
- 5.8 percent decrease in rearrest/rebooking for misdemeanors;
- 2.4 percent decrease in rearrest/rebooking for felonies;
- 6.8 percent decrease in failure to appear for misdemeanors; and
- 2.5 percent increase in failure to appear for felonies.

Failure to appear rates can be greatly improved by shortening case disposition time and implementing a court date reminder system. By the conclusion of the pilot program, 14 of 16 pilot projects had implemented a court date reminder system and this has yielded promising results (see page 12 for specific information on Alameda County) and as court case dispositions improve post-COVID-19 delays, failures to appear should decrease.

As of this report, all pilot projects have transitioned to operate under the Budget Act of 2021 (Sen. Bill 129 (Skinner); Stats. 2021, ch. 69), which allocated ongoing funding to the Judicial

Council for the implementation or expansion of pretrial programs in all California courts. The funding available under SB 129 for the pilot projects is significantly less than the funding that was provided under AB 74. Pilot projects have had to reduce their level of operations to accommodate this reduction in funding.

Introduction

The Pretrial Detention Reform Workgroup (established by former Chief Justice Tani G. Cantil-Sakauye in 2016) concluded in 2017 that "California's current bail system unnecessarily compromises victim and public safety because it bases a person's liberty on financial resources rather than likelihood of future criminal behavior and exacerbates socioeconomic disparities and racial bias."[1] The bail industry plays a major role in pretrial release with commercial bail bonds being the primary method of posting bail in California. Arrested individuals who use commercial bail bonds (often the only choice for lower-income individuals) are charged a bail premium—typically 10 percent of the value of the bond. The bail premium is nonrefundable, even if the arrested individual's charges are never filed in court, the charges are dismissed, or the individual shows up at all required court hearings, negatively affecting those with limited or no financial resources.

Individuals who do not have the financial resources to post bail are subject to pretrial detention. 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 non-bail court fees owed.[2]

To make justice more equitable for all, Governor Gavin Newsom allocated $75 million to the Judicial Council in the Budget Act of 2019 to fund the implementation, operation and evaluation of programs related to pretrial decisionmaking in at least 10 trial courts. As directed by the Legislature, the Judicial Council administers the program, collects and analyzes required data elements to measure outcomes, and reports to the Joint Legislative Budget Committee and the Department of Finance. This is the final Pretrial Pilot Program report legislatively mandated by the Budget Act of 2019. The report provides background on the pilot program, describes Judicial Council and court implementation activities, and presents program challenges and outcomes.

California's Pretrial Pilot Program

As part of the Budget Act of 2019, the Legislature directed the Judicial Council to administer two-year pretrial pilot projects in trial courts. The goals of the Pretrial Pilot Program, as set by the Legislature, are to:

- Increase the safe and efficient prearraignment and pretrial release of individuals booked into jail;

---

[1] Pretrial Detention Reform Workgroup, *Pretrial Detention Reform: Recommendations to the Chief Justice* (Oct. 2017), p. 57, www.courts.ca.gov/documents/PDRReport-20171023.pdf.

[2] Megan Stevenson, "Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes" (Nov. 2018) 34 *The Journal of Law, Economics, and Organization* 512–513, https://doi.org/10.1093/jleo/ewy019.

- Implement monitoring practices with the least restrictive interventions necessary to enhance public safety and return to court;
- Expand the use and validation of pretrial risk assessment tools that make their factors, weights, and studies publicly available; and
- Assess any disparate impact or bias that may result from the implementation of these programs.

In carrying out pretrial operations, pilot courts are required to (1) operate under existing law, (2) incorporate prearraignment (or at arraignment, if a hearing is required) judicial officer release decisions that are informed by a risk assessment conducted by county probation departments, and (3) collect and provide data to the Judicial Council for evaluation of the pilot program.

Background

Former Chief Justice Cantil-Sakauye appointed the Pretrial Reform and Operations Workgroup (PROW) in January 2019 to review progress on reforms to California's system of pretrial detention and release and identify next steps. One of the responsibilities of PROW was to recommend funding allocations for the pilot program. PROW received 31 court applications for funding totaling $169.64 million in requests. Ultimately, 16 pilot projects, including a two-court consortium, were selected for recommendation to the Judicial Council.[3] Four courts proposed implementing new programs and 12 courts proposed either enhancing or expanding their current pretrial operations. In August 2019, the Judicial Council approved PROW's recommendations for the 16 projects.[4] Council staff set a deadline of June 30, 2020, for all pilot projects to be fully implemented. Although the pilot projects had different start dates, all projects were implemented by the June 30, 2020, deadline.

As originally enacted, the Budget Act of 2019 required that all funds be expended or encumbered by June 30, 2021. In March 2020, a global pandemic was declared due to the COVID-19 virus. To address the impact of the pandemic, the program expenditure and reporting requirements of the pilot program were extended by Senate Bill 115 (Stats. 2020, ch. 40), which allowed the courts an additional year to expend or encumber their funding, until June 30, 2022. The law did not allocate additional funding to the program. Finally, the Budget Act of 2021 (Sen. Bill 129; Stats. 2021, ch. 69) provided ongoing funding to all the state's courts to implement pretrial release programs statewide.[5] As of this report, pilot projects have transitioned their pretrial programs to operate under SB 129.

---

[3] Superior courts in the following counties were selected for participation in the pilot program: Alameda, Calaveras, Kings, Los Angeles, Modoc, Napa, Nevada-Sierra (as a two-part consortium), Sacramento, San Joaquin, San Mateo, Santa Barbara, Sonoma, Tulare, Tuolumne, Ventura, and Yuba.

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

[5] The first annual legislative report under SB 129 was submitted to the Judicial Council at its May 12, 2023, meeting.

Judicial Council Activities

The Judicial Council received up to 10 percent of the $75 million allocated in the Budget Act of 2019 for costs associated with implementing and evaluating the pilot projects and/or providing administrative support. During the course of the pilot program, council staff provided pilot projects with educational opportunities, program oversight, financial oversight, program implementation support, and data collection efforts.

Educational Opportunities

Council staff hosted many trainings to assist pilot projects as they implemented or transitioned their programs. Leading academic researchers, national experts, and judicial officers experienced in pretrial matters were brought in to conduct these trainings. Overall, Judicial Council staff conducted 11 webinars and podcasts related to pretrial release, with topics that included current California law governing bail and pretrial release, considerations for improving pretrial responses for individuals who have mental illness, operating pretrial release programs after the COVID-19 pandemic, effective release conditions, strategies for reducing failure-to-appear rates, pretrial risk assessment tools, and racial equity concerns with risk assessments. (A complete list of trainings held under the program is provided in Appendix H.)

Additionally, council staff hosted three Pretrial Justice Practice Institute (PJPI) events, a two-day mandatory training for all pilot projects. Judicial officers, court executive officers, pretrial program managers, court staff, probation officers, district attorneys, public defenders, information technology staff, and others involved in the pretrial process were encouraged to attend. Over 150 representatives from courts and their various justice partners attended the events each year.

- *October 2019:* The first PJPI event focused heavily on implementation. The event involved panels, workshops, and presentations that sought to explore the role of court leadership in pretrial release programs, provide recent research on risk assessment tools, examine monitoring practices, address common program challenges, enhance communication with justice partners, and familiarize pilot courts with the use of technology to support and integrate these processes.

  Subsequent PJPI events focused more on connecting pilot projects and providing them with a forum for sharing and discussing.

- *September 2020:* The second PJPI event was held remotely. Attendees met in groups of similarly sized courts to share overall successes, challenges, and best practices observed during the implementation phase of their programs. They posed questions, shared resources, and planned additional ways to exchange strategies and useful information after the conference.

- *September 2021:* The third PJPI event was a virtual conference and consisted of a series of webinars and discussions on topics related to pretrial release. Conference sessions

covered topics such as strategies for reducing failure-to-appear rates, adapting pretrial operations to a virtual environment, research on the efficacy of pretrial release conditions, and pretrial risk assessment validation studies.

Council staff coordinated in-person roundtables to provide judicial officers an opportunity to connect and discuss. These roundtable discussions centered on topics such as the use of bail, risk assessment tools, and the legal framework of pretrial release. Counties participating in the pilot program as well as counties not in the pilot program were invited to attend. Roundtables were held in four of the counties.[6]

Council staff received positive feedback regarding the trainings. Attendees shared that the trainings were beneficial, and that they would like to continue receiving educational opportunities through the council. As pilot projects transition to operate under SB 129, council staff continue to coordinate and plan additional educational sessions.

Site Visits

Council staff visited 11 of the 16 pilot projects prior to the courts' shutdowns and the travel restrictions that resulted as a response to the COVID-19 pandemic.[7] Participants on the visits included council staff, representatives from the courts, county probation departments, sheriff's departments, and/or information technology departments. These site visits provided council staff an opportunity to meet with trial courts and their justice system partners and learn about the progress pilot projects were making toward program implementation. At the site visits, pilot projects and council staff discussed successes and challenges to implementation as well as data collection processes and reporting. Council staff visited the Nevada County pilot project after the court resumed operations. Council staff intend to visit the remaining four pilot sites after their transition from pilot funding to ongoing funding under SB 129.

Expenditure Tracking

Council staff were responsible for administering program funding, including disbursements, reallocations, and contract amendments. Funds were distributed quarterly, contingent on the pilot project's submission of agreed-upon deliverables, per a standard agreement. After the passage of SB 115, all pilot projects opted to extend their programs, although no additional funding was provided. During this time, some pilot projects returned funding, allowing council staff to redistribute those funds to other pilot projects, as approved by the Judicial Council.[8] Council

---

[6] Roundtables were conducted in Alameda, Kern, Sacramento, and Sonoma Counties.

[7] Judicial Council staff visited Alameda, Calaveras, Kings, Napa, Sacramento, San Joaquin, San Mateo, Santa Barbara, Sonoma, Tulare, and Yuba Counties prior to the pandemic.

[8] At its August 9, 2019, meeting, the Judicial Council approved the recommendation to allow staff to work with awarded courts to enable modification or reallocation of budget as necessary, transfer of budgeted amounts from one fiscal year to another, or transfer of unspent funds between courts depending on the court's progress on meeting the scope and goals of the pilot program. Judicial Council of Cal., PROW Rep., *Pretrial Reform: Pretrial Pilot Program Recommended Awards* (Aug. 9, 2019), https://jcc.legistar.com/View.ashx?M=F&ID=7573302&GUID=3FE4389F-A275-45D8-BE66-63BD177D2760

staff also assisted the pilot projects with their program extensions under SB 115 and amended the standard agreements and funding disbursements to reflect new end dates. Council staff monitored pilot expenditures to ensure funds were efficiently used based on the agreement.

Program Implementation Support

To assist the pilot projects with implementation, council staff provided technical project managers to support the implementation process, a web-based portal for collaboration and communication between the pilot projects, legal guidance in the development of exclusionary charges, and parameters for the effective use of risk assessment tools. As the program progressed and full implementation was achieved, council staff continued to provide program management support by supporting data integration efforts, addressing programmatic questions from courts, and providing legal support and analysis on issues related to pretrial operations.

Data Collection

Data collection, linking, standardization, analysis, and reporting are integral components of the pilot program. The pilot projects initially submitted the required data elements through a manual process using secured files. This process required significant staff time from the pilot projects and council staff. For more effective data collection and analyses, a robust enterprise architecture was needed. Through the request-for-offers process, council staff selected a vendor to design and implement a data warehouse system to facilitate the integration of pilot projects' data and provide it to the council. The council's enterprise architecture team worked with the vendor to provide support and technical assistance while council program staff met with pilot projects to prepare them for using the new data submission process. By the final year of the pilot program, all pilot projects had transitioned to using a data warehouse and standardized data dictionary. More information regarding the new data submission process and data warehouse is discussed below.

Court Program Activities

Full Implementation

All pilot programs were required to be fully implemented by June 30, 2020. Programs were considered fully implemented if they met the following criteria:

- Judicial officers are making release decisions prearraignment (or at arraignment if a hearing is required) that are informed by a risk assessment conducted by the county probation department for all arrestees booked and detained in jail custody.

- If risk assessments were previously carried out by another agency, responsibilities have been fully transitioned to the probation department prior to the project's implementation date.

- Pretrial operations are serving the entire county unless the court has received specific approval from the Judicial Council to limit the scope to certain jails or courthouses.

- Courts are not making any local modifications to their chosen risk assessment tools.

Technology solutions and integrations for data reporting required additional time but, operationally, all pilot projects were fully implemented by June 30, 2020. (A list of pilot project implementation dates can be found in Appendix D.)

Local Collaboration

A robust pretrial program requires participation of several justice partners. Under the legislation, courts are required to work with their county probation departments. Probation is tasked with conducting risk assessments and providing monitoring services, and is the court's main partner in pretrial programs; however, county sheriff's departments, prosecutors, public defenders, information technology professionals, and behavioral health service providers are also key partners in the program. Sheriff's departments provide the information needed for probation to complete the risk assessments and assist in physical release of individuals from the jail. District attorneys oversee whether to charge individuals. Public defenders are often called upon to represent pretrial participants. Information technology professionals are responsible for developing and/or modifying existing technology to provide the required data elements under the program. Behavioral health service providers serve as support systems for pretrial participants as they navigate the pretrial process. All pilot projects met routinely with their justice partners to implement the program. Many pilot projects reported strong collaboration between the justice partners prior to implementation of the program, contributing to a smooth implementation process. Pilot projects continue to build upon those relationships as they operate their pretrial programs.

Implementation and Use of Pretrial Risk Assessment Tools

Pilot projects were required to implement a pretrial risk assessment tool to inform judicial officer pretrial release decisions. All 16 pilot projects have used at least one risk assessment tool during the pilot program. The Judicial Council did not preapprove specific risk assessment tools. Instead, pilot projects were encouraged to select tools that met their local county needs, provided the projects could meet the requirements of the program—specifically, that the projects "expand the use and validation of pretrial risk assessment tools that make their factors, weights, and studies publicly available." [9]

Pretrial risk assessment tools use actuarial algorithms to assess the likelihood that an arrested person will fail to appear in court as required or will commit a new offense during the pretrial period. Actuarial algorithms use data to identify factors associated with the target outcome and assign points based on the strength of the association. Judicial officers making pretrial release decisions consider these factors when evaluating the potential risk of releasing arrested individuals and determining the need for and level of supervision.

---

[9] PROW Rep., *supra* note 4.

All pilot projects used one of the following tools:

- Ohio Risk Assessment System: Pretrial Assessment Tool (ORAS-PAT)
- Public Safety Assessment (PSA)
- Criminal Court Assessment Tool (C-CAT)[10]
- Virginia Pretrial Risk Assessment Instrument (VPRAI)
- Virginia Pretrial Risk Assessment Instrument, Original (VPRAI-O)[11]
- Virginia Pretrial Risk Assessment Instrument, Revised (VPRAI-R)

> " Now I have something that gives me the information necessary. … The program has led to releasing more defendants pretrial.
>
> – *Judge, Superior Court of Yuba County* "

Table 1 below shows the number of individuals assessed using one of these tools in all pilot courts during the program. Of the assessments conducted, 4 percent used the ORAS-PAT, 82 percent used the PSA, 5 percent used the VPRAI, less than one percent used the VPRAI-O and 8 percent used the VPRAI-R. The table does not include the 2,844 assessments conducted by Sonoma County's pilot project while they used their locally developed tool in the early stage of the pilot program before transitioning to the PSA.[12] (Additional detailed data collected from the use of risk assessment tools is found in Appendix C.)

Table 1. Number of Assessed Individuals

Tool Name	County	Assessments
ORAS	Modoc, Napa, Nevada, Ventura, Yuba	16,406
PSA	Alameda, Calaveras, Los Angeles, Sacramento, Sonoma, Tulare, Tuolumne	344,724
VPRAI	San Joaquin, Santa Barbara	20,621
VPRAI-O	Kings	1,747
VPRAI-R	Alameda, San Mateo, Santa Barbara	35,809

Source: Pretrial pilot county probation departments. View date: 05/05/2023

Pilot projects were permitted to change their chosen risk assessment tool if they did not make modifications to an existing tool and complied with the data reporting requirements of the

---

[10] The Los Angeles County pilot project operates a two-step process employing two separate risk assessment tools: the PSA (a static tool) and the C-CAT (a dynamic tool). All eligible individuals are assessed using the PSA at bail deviation. Individuals who are not released at this stage—on bail or otherwise—are then subsequently assessed using the C-CAT.

[11] The descriptor "VPRAI-O" is used here to differentiate from the next version of the VPRAI, modified in 2009. This is not a term created or used by the Virginia Department of Criminal Justice Services.

[12] The Sonoma County pilot project was using a locally developed tool (the Sonoma Pretrial Risk Assessment Tool) at the beginning of the pilot program but chose to transition to the PSA.

program. Some counties appear more than once in Table 1 because their pilot projects have used or are currently using more than one assessment tool over the course of the pilot program.[13]

Senate Bill 36 (Hertzberg; Stats. 2019, ch. 589) required pretrial services agencies using a pretrial risk assessment tool to validate and report on their chosen tool. Council research staff have used data collected under the program to conduct validation studies on all risk assessment tools used by the pilot courts for which data were sufficient.[14]

Expenditures

Pilot projects expended $59,589,579 of the $67,899,682 awarded, with more than half of the pilot projects spending over 90 percent of their award amount. Pilot projects with a remaining balance either have encumbered funds to be expended as deliverables are completed or are in the process of returning funds to the state. (A detailed account of court expenditures, as of this report, is provided in Appendix E.) Much of the program spending can be attributed to county probation departments, with probation expenses constituting 74 percent of the overall program expenditures. Probation is required to conduct risk assessments, prepare pretrial reports to inform release decisions, and monitor compliance of individuals on pretrial release. Probation spending was used for personnel costs, software and technology updates for court date reminder systems, monitoring equipment, risk assessment tool implementation, and supportive services, among other expenses. Courts spent their funding on personnel costs and technology upgrades to their case management systems and court date reminder systems. Contractors were brought in to assist courts and their justice system partners with program implementation, conduct best practices analyses, and conduct risk assessment tool validations. More detailed information on program enhancements is discussed below.

Figure 1 below details overall pilot program expenses. Probation departments spent $43,974,151. The courts spent $15,615,428, with 59 percent of their spending attributable to personnel costs, 38 percent attributable to contractors (including information technology contractors and consultants who assisted with program implementation and best practices analyses), 3 percent attributable to operating expenses, and less than one percent attributable to others.

---

[13] The Alameda County pilot project switched from the VPRAI-R to the PSA. The Santa Barbara County pilot project switched its risk assessment tool from the VPRAI to the VPRAI-R.

[14] In 2022, tool validations were performed for the ORAS-PAT, PSA, VPRAI, and VPRAI-R. Data were insufficient to validate the VPRAI-O. In 2022, council staff also provided tool validation studies by individual county to Alameda, Los Angeles, Sacramento, San Joaquin, San Mateo, Santa Barbara, Sonoma, Tulare, and Ventura. https://www.courts.ca.gov/sb36.htm.

Figure 1. Total Expenses by Category

Figure 1. Total Expenses by Category

Category	Amount
Probation	$43,974,151
Personnel	$9,149,031
Contractors	$5,890,042
Operating Expenses	$515,178
Other	$61,177
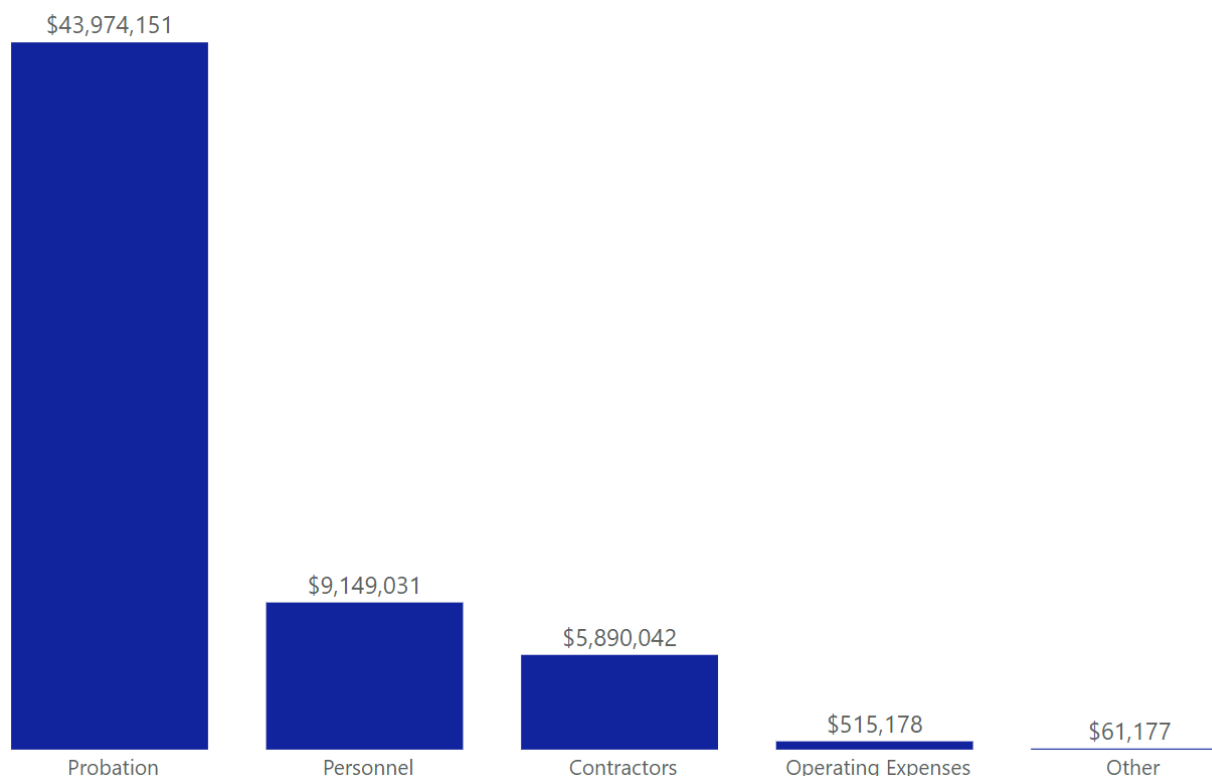
Technical Enhancements

Pilot program funding allowed the pilot projects to invest significantly in technology upgrades, including updating their case management systems, implementing pretrial modules to integrate into their case management systems, implementing the ability for judicial officers to submit orders by electronic means, automating processes, among others. Notable examples of these enhancements include the following:

- In Los Angeles County, the pilot project automated the scoring of the PSA tool, wherein a risk score was automatically calculated for each individual booked into jail.

- In Sacramento County, the pilot project created a similar process to that of Los Angeles. They automated the retrieval of information from various systems, including booking charges, criminal record sheets, and probable cause declarations. After retrieving the information, the system compiled the data into a binder that could then be electronically submitted to justice partners.

- In San Mateo County, the pilot project acquired a new case management system that processed and collected documents. San Mateo County's existing pretrial program had tracked data using Microsoft Access prior to the implementation of the pilot program.

- In Sonoma County, the pilot project implemented DocuSign, software that enables the use of electronic signatures. This allowed judicial officers to approve release decisions remotely.

Enhancement of Scope and Services

In addition to the technology upgrades, pilot projects devoted funding to expanding their program hours. Some pilot projects implemented programs that allowed for pretrial review to be done 24 hours a day, seven days a week. They equipped judicial officers making pretrial release decisions with tools such as tablets and electronic signature software that enabled them to make decisions away from the bench and outside of regular business hours. Many pilots with preexisting pretrial programs opted to expand their current hours of operations.

The Sacramento County pilot project took a unique approach by instituting a night court program for all felonies and in-custody misdemeanors, except domestic violence cases. Sacramento's night court operates five days a week from 3 p.m. to 7 p.m. This specialized arraignment court is staffed by a pretrial commissioner who makes at-arraignment pretrial release decisions.

The Sonoma County pilot project expanded review of pretrial assessments to seven days a week, from 6 a.m. to approximately 8 p.m. This significantly reduced the potential time an individual spent in jail. Under the program, the average time spent in jail (from booking to release) for prearraignment releasees was 14 hours, compared to 71 hours for those released on monetary bail.

Court Date Reminder Systems

Court date reminder systems are a least restrictive intervention that can assist in increasing court appearance rates.[15] At the completion of the pilot program, 14 of the 16 pilot projects indicated they were using a court date reminder system. The types of reminders used varied from manual phone calls to automated text messages or phone calls. Overall, courts reported the implementation of court date reminder systems in conjunction with other supportive services were effective in ensuring court appearances.

The Alameda County pilot project reported significant success with their court date reminder system. Starting on January 1, 2020, the Alameda County Probation Department began providing text message and phone call notifications to all individuals on pretrial release. Prior to the implementation of the court date reminder system, from January 1 to December 31, 2019, individuals released on their own recognizance had a 47 percent court appearance rate. After

---

[15] Court date reminder systems have been proven to increase court appearance rates for individuals on pretrial release. Studies indicate court date reminder systems can reduce failure-to-appear rates by 26 percent, with corresponding reductions in court costs associated with failures to appear. A cost analysis in one study in Multnomah County, Oregon, determined the net estimated costs avoided were as much as $264,000 in six months of program implementation. Multnomah County, *Court Appearance Notification System: Process and Outcome Evaluation* (Mar. 2006), p. 1, *https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/budget/documents/12_cans.pdf*.

implementation, court appearance rates increased to 70 percent. By May 2021, court appearance rates were at 87 percent. This 17 percent increase is attributed to probation department staff, who began reviewing and confirming the accuracy of the collected phone numbers in early 2021.

Supportive Services

Pilot projects used funding through the program to invest in supportive services for pretrial clients. Recognizing that a lack of transportation affects appearance in court, pilot projects provided their clients with transportation vouchers or transportation services, eliminating one barrier to court appearances. Some pilot projects contracted with community-based organizations to provide mental health services, substance use treatment services, anger management classes, parenting classes, and employment readiness services. Pilot projects also hired staff specifically to connect pretrial clients with the appropriate or necessary resources such as mental health services, housing, or employment. Santa Barbara County's pilot project hired "mental health navigators" to assist pretrial clients as they progressed through the pretrial process.

Increase in Number of Individuals Assessed

Pilot projects with preexisting programs were able to increase the number of individuals assessed for pretrial release. The Napa County pilot project updated their list of exclusionary charges, allowing more individuals to be eligible for pretrial release. Ventura County's preexisting pretrial program assessed approximately 25 percent of all felonies and no misdemeanors prior to arraignment. Under the pilot program, they now assess all eligible felonies and misdemeanors.

Local Training

Recognizing the significance of education in the implementation and operation of the pilot program, pilot projects provided educational sessions and materials for their pretrial stakeholders, including judicial officers, probation personnel, court staff, justice partners, and the public. Pilot projects provided information to their judicial officers on their chosen risk assessment tool and training on reviewing the associated reports. These educational sessions were designed to help judicial officers feel confident in using the tools in their decisionmaking process and consider the least restrictive use of monitoring conditions. Pilot projects also developed resources for their pretrial teams, including bench guides, bench cards, and how-to manuals. Additionally, pretrial staff received training from the sheriff's department on jail protocols, from the California Department of Justice on interpreting criminal record sheets, and from vendors of electronic monitoring equipment on how to use the equipment. In addition to training on pretrial procedures, pilot projects provided their teams with training on data analysis and data visualization tools.

Pilot projects understood that public knowledge and engagement in the pilot program is a key factor for success. Pilot projects provided trainings and held public forums on pretrial release, where they provided information and answered questions about the use of risk assessments. Some pilot projects submitted press releases to local news outlets, wrote articles to the local bar journal, created and posted fliers inside jails to inform in-custody individuals of pretrial release services, and updated public webpages.

Challenges

COVID-19 and the Statewide Emergency Bail Schedule

In early 2020, the United States experienced the global pandemic caused by an outbreak of COVID-19. On March 4, 2020, Governor Gavin Newsom declared a state of emergency to protect public health and safety. On March 27, 2020, the Governor issued an order giving the Judicial Council and the Chief Justice authority to take necessary action to respond to the health and safety crisis resulting from the COVID-19 pandemic. Under this order, the council adopted various emergency measures to support courts in providing essential services and help to safely reduce jail populations.

On April 6, 2020, the council adopted 11 temporary emergency rules of court.[16] California Rules of Court, emergency rule 4 established a statewide emergency bail schedule that set presumptive bail at $0 for most misdemeanor and lower-level felonies, with specified exceptions, but did not change any of the traditional bail procedures or the ability of a court to exercise discretion related to the setting of bail. Traditional bail procedures, for the purpose of this report, refer to the use of a commercial surety bond. This is the primary method used by individuals for bailing out of custody. When a person has been arrested and booked into jail, posting bail is the process of releasing that person from custody before trial on secured financial conditions.[17] In California, all superior courts are mandated to develop a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses, except Vehicle Code infractions.[18] Bail schedule amounts for the same charges vary between California counties.

Emergency rule 4 was intended to promulgate uniformity in release and detention of arrestees throughout the state and to safely reduce jail populations and protect justice system personnel and public health. Under the emergency rule, courts retained their ability to adjust bail in an individual case if necessary to ensure the appearance of the defendant and protect public safety. The council repealed the rule on June 10, 2020, with an effective date of June 20, 2020. Additionally, the council encouraged courts to adopt schedules with $0 bail or significantly reduced bail levels for certain misdemeanor and low-level felony offenses to meet their local public health and safety conditions. Currently, Sacramento County is the only pilot county that continues to operate on an emergency or modified COVID-19 bail schedule.

Courts implemented policies to mitigate the impact of the COVID-19 pandemic on their operations. They reduced staff, eliminated public access to jails and courthouses, transitioned

---

[16] Judicial Council of Cal., Internal Com. Rep., *Judicial Branch Administration: Emergency Rules in Response to the COVID-19 Pandemic* (Apr. 4, 2020), https://jcc.legistar.com/View.ashx?M=F&ID=8233133&GUID=4CE2DDDF-426E-446C-8879-39B03DE418B3.

[17] For an individual's right to bail and exceptions, see California Constitution, article I, sections 12 and 28(f)(3), and Penal Code section 1271. For discharge from custody on bail, see Penal Code sections 1268–1275.1. For local court responsibility for bail schedules and the basis for bail amounts based on the seriousness of the charges, see Penal Code section 1269b(d) and (e).

[18] Pen. Code, § 1269b(c).

from physical signatures to electronic signatures, and converted courtrooms to allow remote video arraignments.

The statewide emergency bail schedule and local policies implemented in many courts to prevent the spread of COVID-19 had a significant impact on the pilot program. Under the pilot program, booked individuals would receive a risk assessment unless they were ineligible or released before they could be assessed. Information gathered from the risk assessment would then be shared with a judicial officer who would make a release decision. During the pandemic, pilot projects observed substantial reductions in booking rates and jail populations; many individuals who would otherwise be eligible for program participation were cited and released in the field or released on $0 bail upon booking without undergoing a risk assessment. Pilot projects reported other impacts, including delayed technology enhancements, the inability to meet clients for jurisdictions that used an in-person interview, the unavailability of jail space to conduct remote meetings with clients, and staff retention issues.

Some courts had existing infrastructure that enabled them to conduct remote hearings, which mitigated some of the impact of the pandemic. The pilot project in Tulare County shared that they were able to hear approximately 90 percent of criminal cases remotely during the onset of the COVID-19 pandemic and they continue to conduct remote hearings.

Staffing

Several pilot projects reported having difficulties hiring and/or retaining qualified staff. These staff challenges are reflective of state and national trends related to workforce shortages after the COVID-19 pandemic. During this time, the state experienced more job openings than persons seeking employment.[19] To meet the needs of the pilot program, many probation departments moved existing probation staff into pretrial positions.

Technology and Data Collection

Pilot projects were required to submit a significant amount of individual-level data to the council from jails, probation departments, and courts. Prior to the pilot program, most counties did not have the ability to integrate data across these agencies and were therefore limited in their ability to analyze pretrial outcomes.

From the inception of the pilot program, council staff worked with courts and their partners to develop the technical framework to create a data warehouse that automatically ingests, and processes data submitted by the courts and their justice partners. The data warehouse was designed for the courts to be able to conduct their own analyses of program data and to share certain data up to the council for council staff to view and perform the necessary analysis to evaluate the pilot program.

---

[19] S. Bohn, M. Cuellar Mejia, V. Hsieh, and J. Lafortune, "A Tight Labor Market: Challenges for Business, Opportunities for Workers?" (Nov. 21, 2022) Public Policy Institute of Cal. blog, *www.ppic.org/blog/a-tight-labor-market-challenges-for-business-opportunities-for-workers/*.

During the first year of the pilot program, as the technical framework was being developed for the data warehouse, council staff manually standardized and integrated the data submitted from each county's jail, probation department, and court to create a complete individual-level dataset. Council staff developed a data dictionary for data submissions during this time and worked with the pilot counties to help them submit compliant data. This data dictionary has evolved and continues to be used in the warehouse model.

Council staff worked with the counties and case management vendors to facilitate data extraction and submission and develop multifaceted data-linking strategies that accounted for varied data elements across different counties. However, the data collection for this program is uniquely complicated. The process of joining multiple sources of data, which is its greatest strength, is also one of its greatest challenges.

In the second and third year of the pilot program, council staff were able to deploy and onboard the pilot courts onto the warehouse to automate, further standardize, and integrate data from county agencies. The database system automatically ingests any submitted data and processes it according to rules designed by council staff to align with the earlier manual process. Each court owns their county's final standardized and joined dataset for their own use, and shares data with council staff for legislative reports.

Council staff also acquired data from the California Department of Justice (DOJ) and used it to integrate statewide pretrial rearrest outcomes into the dataset. The resulting dataset is an incredibly powerful and flexible tool for data analytics. This dataset allows for analysis of pretrial outcomes by introducing the ability to trace each individual from booking through to case disposition, including any relevant assessment information from probation, release decision from the court, rearrest statewide from the DOJ, and failure-to-appear notice from the court. The capacity of this system to answer questions about pretrial processes is a notable development for California's judicial branch and an excellent model for other data projects.

The data and technology systems developed for this project laid the foundation for multiple new systems being developed throughout the branch for data exchange and analytics. The system as a whole represents a novel approach of integrating statewide data into a standardized database while allowing each county agency to continue using their case management systems of choice.

The data warehouse development process focused on answering questions specific to the pilot program, and thus these facets of the system are the most fully developed. The system has the capacity to answer questions that far exceed the scope of the pilot program; however, further development is needed to fully operationalize the system if it is to be used for other purposes in the future, either by the courts or by council staff, with continued data sharing from the courts. For example, with improved data quality on pretrial monitoring practices, this data system could help identify best practices in pretrial monitoring that lead to increased rates of court appearance.

Collaboration

As discussed above, a robust pretrial program requires the participation of many local justice system partners. Some counties experienced challenges in developing and/or maintaining these relationships in the pretrial arena. Differing visions, expectations, and/or goals of local partners, the availability and management of personnel and other resources, and the difficulties in exchanging data at the local level presented challenges in local collaborations, particularly in the early stages of program implementation.

Program Impact and Evaluation

The impacts of the implementation of the pilot program on overall pretrial release, the outcomes of rearrest or rebooking and failure to appear, and pretrial release by race and gender are discussed below. The impact evaluation includes data from January 1, 2019, to December 31, 2021. Council staff collected data from pilot counties through 2022; however, the DOJ did not provide 2022 data to council staff in time for processing for inclusion in this report. DOJ data is used to capture rearrests statewide during the pretrial period, as well as to fill in some case disposition dates. Since rearrests could not be accurately measured without the DOJ data, the data for the analyses were limited to bookings with disposition dates before 2022. To avoid skewing the data toward the end of 2022 to individuals with shorter pretrial periods, release dates were limited to those before July 1, 2021.

Impact of COVID-19 and the Statewide Emergency Bail Schedule

Pilot projects were fully implemented on different dates in each participating county, ranging from August 1, 2019, to June 30, 2020 (see the full list of implementation dates in Appendix D). These implementation dates coincided with the COVID-19 pandemic, which began affecting booking patterns in the first quarter of 2020, as illustrated in the graphs below. This timing makes it difficult to separate the effects of program implementation from the effects of the pandemic. The impact analyses in this report exclude individuals who were out on pretrial release from January 2020 through June 2020 to avoid the most dramatically affected time period of the pandemic. The analyses utilizes other strategies to account for changes to policies and practices resulting from the pandemic, as described in more detail below. However, the pandemic affected many aspects of the criminal justice system and society at large in unmeasured ways. Without data from counties that did not participate in the pilot program it is impossible to be fully certain of the impact of the program.

Figure 2. Pattern of Monthly Fresh Arrest Bookings

Note: Fresh arrest bookings are bookings for new offenses as opposed to commitment bookings.
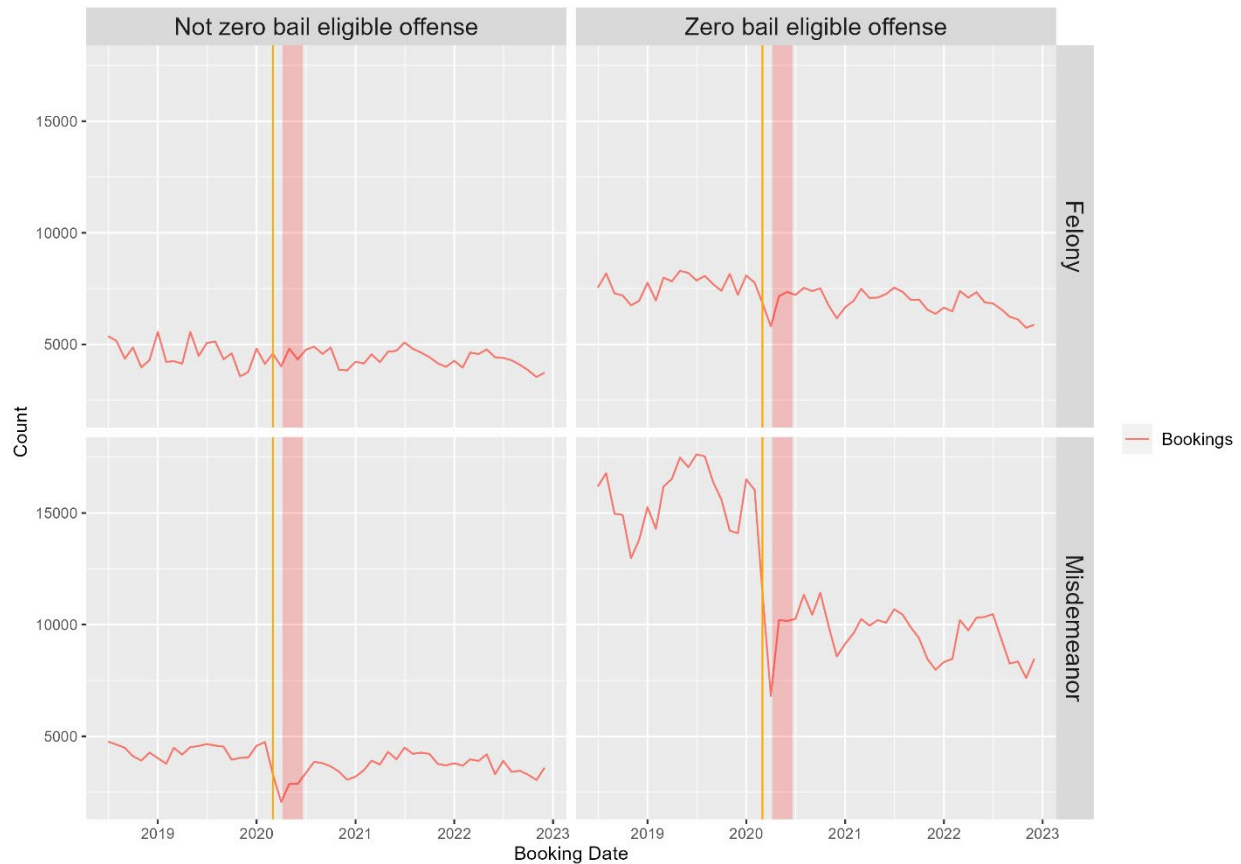
In Figure 2 above, the orange vertical lines represent the onset of the COVID-19 pandemic and statewide shelter-in-place orders. The red shaded bars represent the period which the statewide emergency bail schedule was in effect.

The pattern of bookings was drastically affected by the COVID-19 pandemic. The most dramatic impacts were in the first few months of the onset of the pandemic, but bookings, especially for misdemeanors on the $0 bail-eligible offense list, did not return to pre-pandemic levels.

Figure 3. Pattern of Misdemeanor and Felony Bookings With Dispositions, Pretrial Releases, and Rearrests During the Pretrial Period Over Time With Key Dates
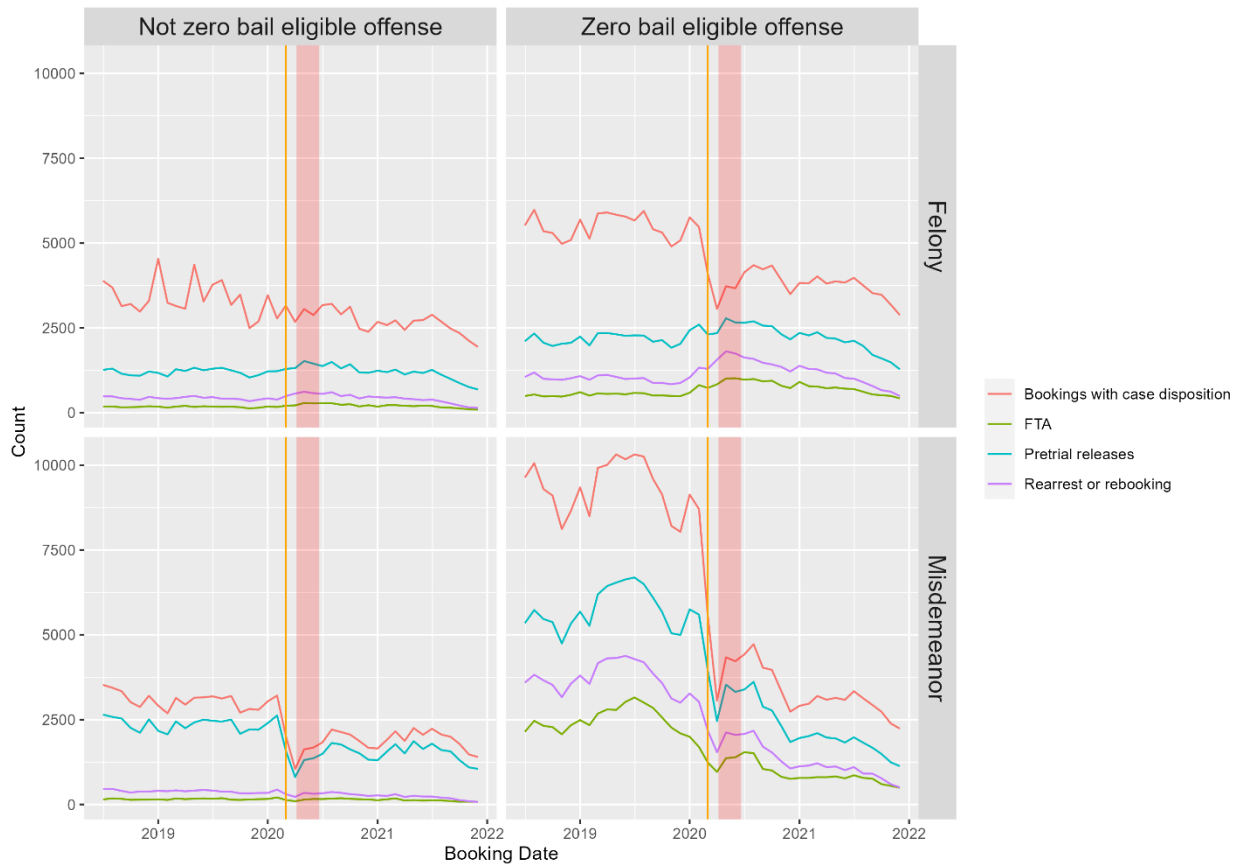
In Figure 3 above, the orange vertical lines represent the onset of the COVID-19 pandemic and statewide shelter-in-place orders. The red shaded bars represent the period during which the statewide emergency bail schedule was in effect. This figure only shows bookings with a final case disposition; bookings associated with cases that are still open are not displayed.

The pattern of bookings with a final disposition was also drastically affected by the COVID-19 pandemic. The most dramatic impacts were in the first few months of the onset of the pandemic, but the number of bookings with a final disposition, especially for misdemeanors, never returned to pre-pandemic levels during the study period. There is a notable change in pattern from Figure 2, which illustrates all bookings on felony $0 bail-eligible offenses, to Figure 3, which illustrates only bookings with a disposition, such that disposed bookings do not recover as much as overall bookings. This is likely due to changes in disposition patterns resulting from the pandemic.

Figure 4. Rates of Pretrial Release and Rearrest During the Pretrial Period by Whether Offense Was $0 Bail-Eligible
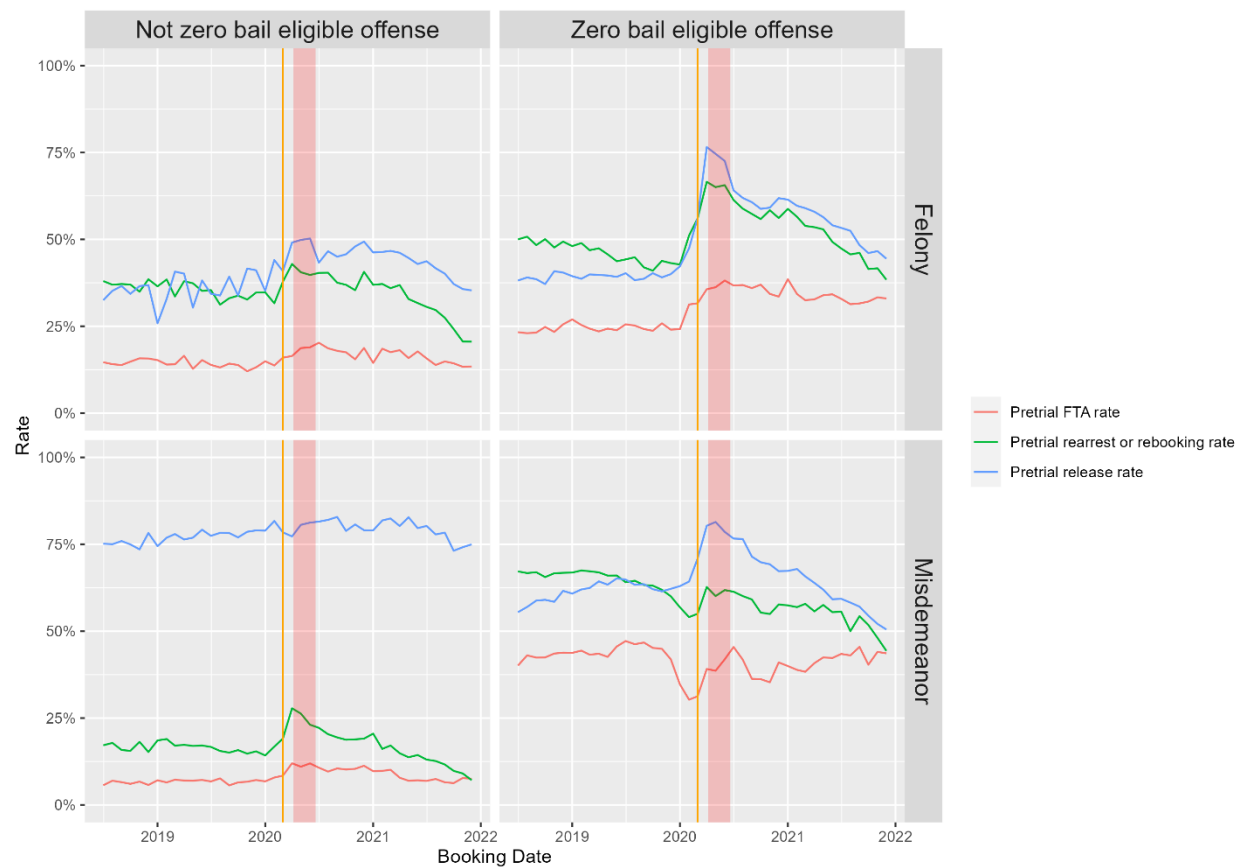
In Figure 4 above, the orange vertical lines represent the onset of the COVID-19 pandemic and the statewide shelter-in-place orders. The red shaded bars represent the period during which the statewide emergency bail schedule was in effect.

The rate of pretrial release for $0 bail-eligible offenses increased dramatically at the onset of the COVID-19 pandemic, especially under emergency rule 4, which mandated $0 bail for specified offenses statewide from April 6, 2020, until June 20, 2020. Despite the dramatic increase in pretrial release for this set of offenses, the rate of rearrest during the pretrial period for misdemeanants decreased. For $0 bail-eligible felonies, the rate of rearrest during the pretrial period increased, although it did not show as dramatic of a shift as the increase in pretrial release. The failure-to-appear rate for $0 bail-eligible felonies increased at the onset of the pandemic and remained elevated, while the failure-to-appear rate for $0 bail-eligible misdemeanors remained relatively stable after fluctuating in the early months of the pandemic.

For offenses that were not $0 bail-eligible, the release rate increased slightly. The rearrest rate during the pretrial period spiked during the first few months of the COVID-19 pandemic and

then returned to normal or below-normal levels. Failure-to-appear rates increased slightly at the onset of the pandemic.

The attrition in release rates and rearrest rates during the pretrial period toward the end of 2021 is likely due to the shorter follow-up period, as data from the DOJ for 2022 were not provided in time for inclusion in this report. A large portion of rearrest data is derived from the DOJ data, as well as some disposition dates.

Program Impact Analyses

The program impact analysis utilizes mobility data to account for various impacts of the COVID-19 pandemic. Research has shown that arrest patterns closely tracked mobility during the pandemic and mobility information serves as a good proxy for the impact of the COVID-19 pandemic on arrests in each county through different stages of the pandemic.[20]

Mobility data were acquired from the federal Bureau of Transportation Statistics, which provides the number of individuals leaving or not leaving their homes each day in each county.[21] This was used to calculate a mobility score that represents the share of individuals leaving their home each day in each county. The mobility data were available from January 1, 2019, to April 30, 2022.

One specific COVID-19-related policy that affected the pilot program was emergency rule 4, which mandated $0 bail for specified offenses statewide from April 6, 2020, until June 20, 2020, and county-level extensions of $0 bail. Individuals booked on $0 bail-eligible offenses while $0 bail was in effect were presumptively released with $0 bail and would typically not be assessed and considered by a judicial officer through the pilot program. By excluding from the analyses the period from January 2020 through June 2020, the data used for the impact analyses do not include individuals affected by the statewide $0 bail mandate, but many individuals may still have been impacted by county-specific $0 bail policies.

County-specific bail policies varied but, for the purpose of the analyses in this report, emergency rule 4 is used to create an indicator of $0 bail-eligible offenses. The impact analyses of the program account for the list of $0 bail-eligible offenses and the dates that county-specific $0 bail policies were active in each county.

The COVID-19 pandemic was associated with an increase in the number of days individuals remained out on pretrial release until the disposition of their cases. Using the restricted sample that excludes January 2020 through June 2020 to analyze individuals who were released pretrial prior to the COVID-19 pandemic, the number of days from pretrial release to disposition of their cases was, on average, 95 days for felonies and 104 days for misdemeanors. After the onset of

---

[20] Public Policy Institute of Cal., *Policy Brief: Assessing the Impact of COVID-19 on Arrests in California* (Feb. 2023), *https://www.ppic.org/publication/assessing-the-impact-of-covid-19-on-arrests-in-california/*.

[21] U.S. Dept. of Transportation, Bureau of Transportation Statistics, "Daily Travel" (Apr. 2023), *https://www.bts.gov/daily-travel*.

the COVID-19 pandemic, these numbers increased to 174 days for felonies and 178 days for misdemeanors.

Statistical tests, including a regression analysis, were conducted to measure program impact. A regression analysis is a set of statistical methods used for the estimation of relationships between a dependent variable (e.g., an individual's likelihood to show up at court hearings) and one or more independent variables (e.g., whether the person was booked before or after the implementation of the pilot program) and provides the opportunity to control for confounding factors (e.g., the COVID-19 pandemic's impact on likelihood of arrest as measured by mobility data). The regressions control for a variety of confounding factors, including the following:

- The mobility score in the county of booking on the day of booking (when looking at pretrial release rates) or the average mobility score during the time the individual was released pretrial until disposition (when looking at outcomes during the pretrial period);

- The number of days the individual was out on pretrial release (when looking at outcomes during the pretrial period);

- The interaction between the average mobility score and the number of days on pretrial release (when looking at outcomes during the pretrial period);

- The DOJ charge hierarchy value of the most severe offense;

- The county of booking and the month of booking;

- Several indicators of offense type;

- A $0 bail-eligible offense indicator; and

- The interaction between the $0 bail-eligible offense indicator and the county emergency bail policy indicator.

For full regression output, see Appendix A.

Pretrial Release

A statistical test was conducted to measure the impact of the implementation of the pilot program on an individual's likelihood of being released pretrial on own recognizance or pretrial monitoring. To avoid the confounding effects of the COVID-19 pandemic on pretrial release by sheriffs, the data are limited for this analysis to individuals who had a release type of "own recognizance" (OR) or "pretrial monitor" (PM) or who were not released pretrial. The data are restricted to individuals released on or after January 2019 and before July 2021, and whose cases were disposed before May 2022. The data are further limited to individuals who either had their cases disposed before January 2020 or who were released on or after July 2020 to remove individuals from the study dataset who were on pretrial release during the period of January 2020 through June 2020, when the COVID-19 pandemic had the most drastic effects. The analyses

look separately at misdemeanor and felony offenses, and the data are limited to individuals whose cases are disposed.

The analyses find that the implementation of the pilot program was associated with a statistically significant 8.8 percent increase in pretrial release on OR/PM for felonies and a statistically significant 5.7 percent increase in pretrial release on OR/PM for misdemeanors.

Pretrial Rearrest or Rebooking

A statistical test was conducted to measure the impact of the implementation of the pilot program on an individual's likelihood of getting rearrested or rebooked during the pretrial period. The data are restricted to individuals released on or after January 2019 and before July 2021, and whose cases were disposed before January 2022. The data are further limited to individuals who either had their cases disposed before January 2020 or who were released on or after July 2020 to remove individuals from the dataset who were on pretrial release during the period of January 2020 through June 2020, when the pandemic had the most drastic effects. The analyses look separately at misdemeanor and felony offenses, and the data are also restricted to individuals whose cases are disposed and who were released pretrial with either an OR or PM jail release type.

The analyses find that the implementation of the pilot program was associated with a statistically significant 5.8 percent decrease in rearrest or rebooking during the pretrial period for misdemeanor defendants on OR/PM release. For felony defendants on OR/PM release, there was a statistically significant 2.4 percent decrease in rearrest or rebooking during the pretrial period.

Pretrial Failure to Appear

A statistical test was conducted to measure the impact of the implementation of the pilot program on an individual's likelihood of having a failure to appear (FTA) during the pretrial period. The data are restricted to individuals released on or after January 2019 and before July 2021, and whose cases were disposed before January 2022. The data are further limited to individuals who either had their cases disposed before January 2020 or who were released on or after July 2020 to remove individuals who were on pretrial release during the period of January 2020 through June 2020, when the COVID-19 pandemic had the most drastic effects. The analyses look separately at misdemeanor and felony offenses, and the data are also restricted to individuals whose cases are disposed and who were released pretrial with either an OR or PM jail release type.

The analyses find that the implementation of the pilot program was associated with a statistically significant 6.8 percent decrease in FTA for misdemeanor defendants on OR/PM release. For felony defendants on OR/PM release, there was a statistically significant 2.5 percent increase in FTA.

Failure to appear rates can be greatly improved by shortening case disposition time and implementing a court date reminder system. By the conclusion of the pilot program, 14 of 16 pilot projects had implemented a court date reminder system and this has yielded promising

results (see page 12 for specific information on Alameda County) and as court case dispositions improve post-COVID-19 delays, FTAs should decrease.

Figure 5. Estimated Impact of Program Implementation on Rates of Pretrial Release, New Arrest and FTA
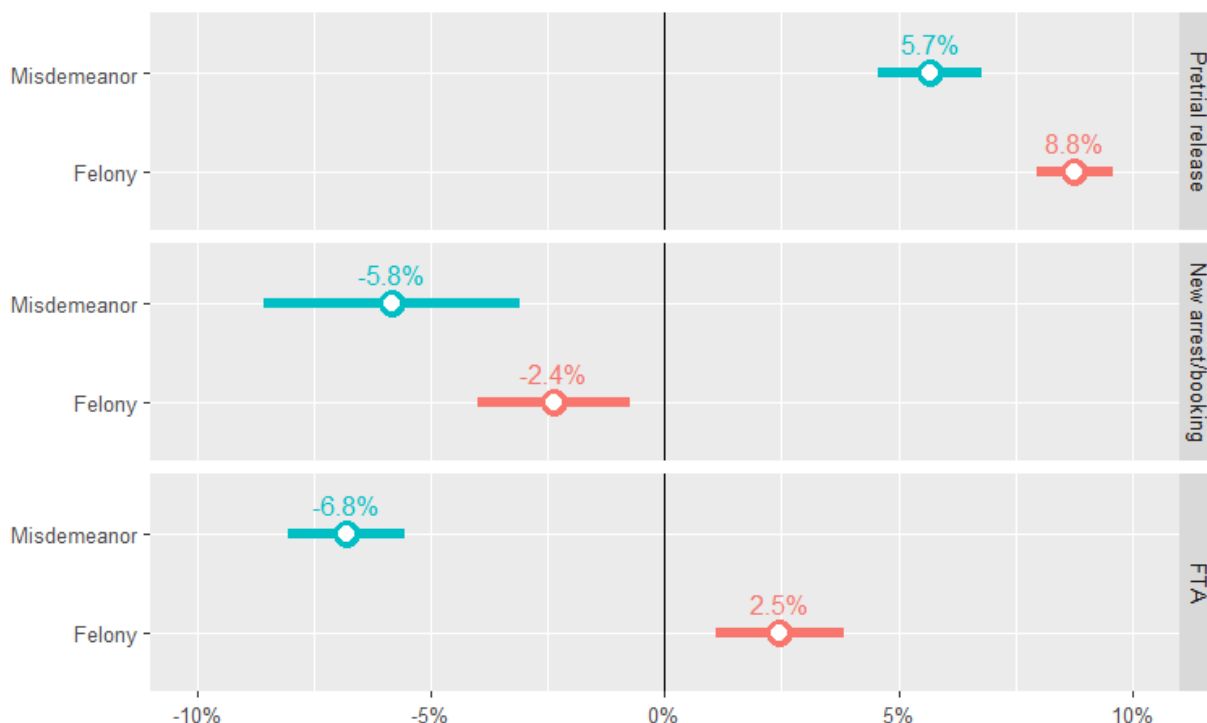
Racial Impact Analyses

The analysis of the racial impact of the pilot program on pretrial release uses the same basic approach that was used for the analysis of program impact on pretrial release, with race added to the model. In order to test whether the program implementation had a differential effect by racial group, the race term was interacted with the program implementation indicator. For a full list of all racial groups, see Appendix G.

For felonies, there was no significant difference across racial groups on the impact of program implementation on OR or PM release.

For misdemeanors, there was a significant interaction such that the impact of program implementation on pretrial release was larger for Black individuals than for individuals of other races.

For Black individuals booked on misdemeanors, program implementation was associated with a statistically significant 9 percent increase in pretrial release on OR/PM. The increases for white and Hispanic individuals were also statistically significant, at 4.8 percent and 5.9 percent,

respectively. The impact on individuals of other or unknown race categories was not statistically significant.

Figure 6: Estimated Impact of Program Implementation on OR/PM Release Rate by Race With 95 Percent Confidence Intervals
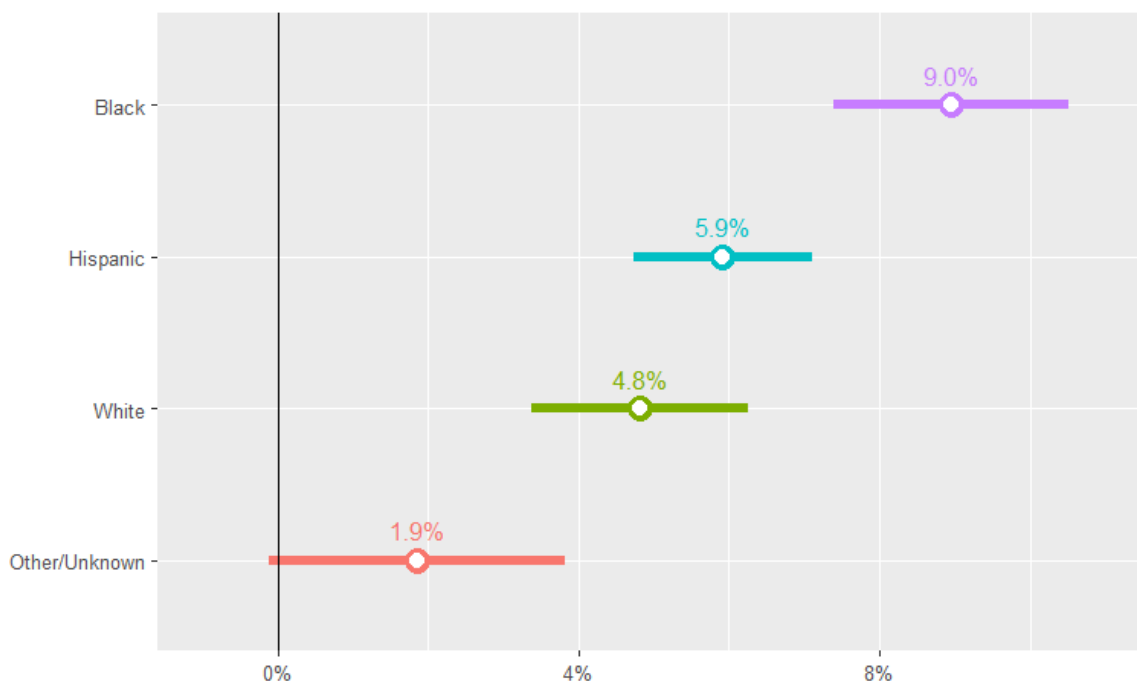
The numbers by the white dots represent the estimate. The length of the bars represents 95 percent confidence intervals. Estimates with bars not crossing the vertical line at 0 percent are statistically significant at the 5 percent level.[22]

Before program implementation, Black and Hispanic individuals booked on misdemeanors were 1.2 percent less likely to be released pretrial on OR/PM compared to white individuals. This is a statistically significant difference. Individuals of other or unknown race categories booked on misdemeanors were 3.7 percent more likely to be released pretrial on OR/PM compared to white individuals.

---

[22] Confidence intervals of 95 percent indicate the range in which the statistical model is 95 percent confident that the true estimate lies within. Statistical significance at the 5 percent level indicates that the model has calculated a less than 5 percent chance that the estimate could have occurred by chance if there is no true effect.

Figure 7. Estimated Probability of Pretrial OR/PM Release Compared to White Individuals Before and After Pilot Implementation With 95 Percent Confidence Intervals
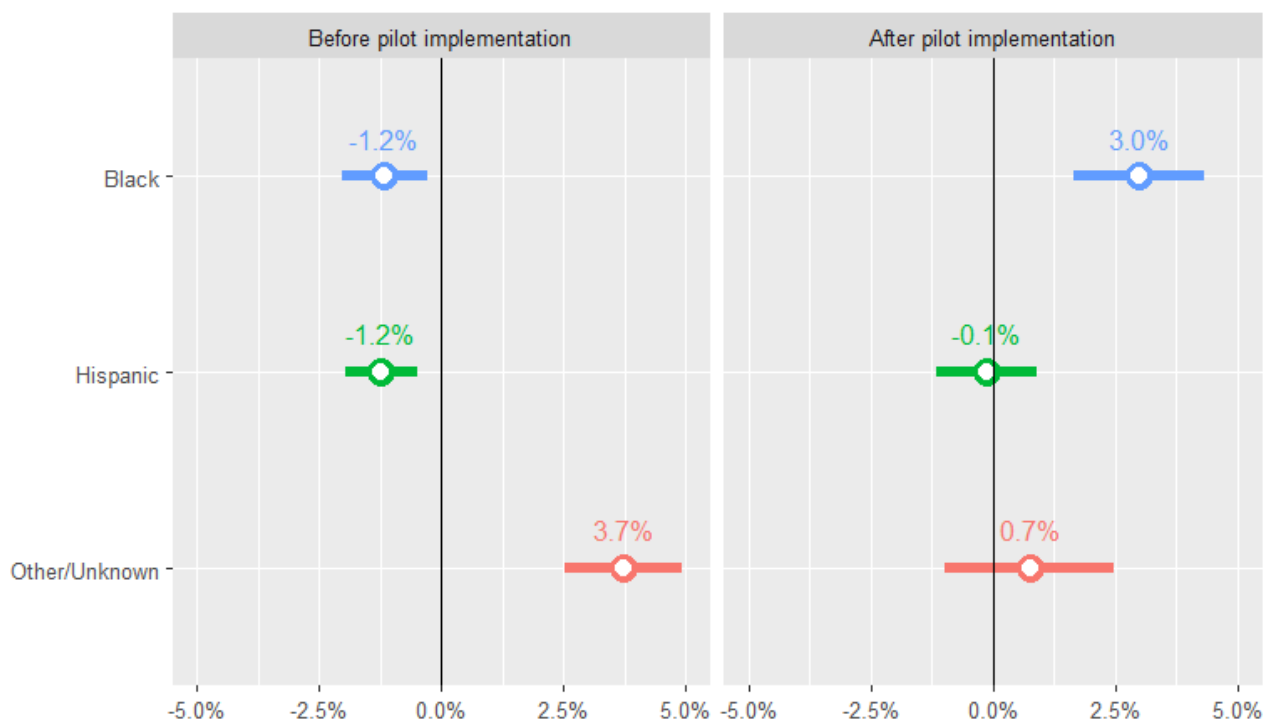
The numbers by the white dots represent the estimate. The length of the bars represents 95 percent confidence intervals. Estimates with bars not crossing the vertical line at 0 percent are statistically significant at the 5 percent level.

After program implementation, Black individuals booked on misdemeanors were 3 percent more likely to be released pretrial on OR/PM compared to white individuals (a statistically significant difference), and Hispanic individuals and individuals of other or unknown race categories had no significant difference compared to white individuals.

Gender Impact Analyses

For felonies, there is a significant interaction such that the impact of program implementation on pretrial release is larger for men than for women. For men booked on felonies, program implementation was associated with an 8.9 percent increase in OR/PM release compared to 7.7 percent for women. Before program implementation, men booked on felonies were 2 percent less likely to be released OR/PM compared to women booked on felonies of similar severity and offense type. After program implementation, men booked on felonies were 0.8 percent less likely to be released OR/PM compared to women.

For misdemeanors, there is also a significant interaction such that the impact of the program implementation on pretrial release is larger for men than for women. For men booked on misdemeanors, program implementation was associated with a 6.4 percent increase in OR/PM

release compared to 3.1 percent for women. Before program implementation, men booked on misdemeanors were 1.5 percent less likely to be released OR/PM compared to women booked on misdemeanors of similar severity and offense type. After program implementation, men booked on misdemeanors were 1.8 percent more likely to be released OR/PM compared to women.

For both misdemeanors and felonies, the program was still associated with a significant increase in pretrial release on OR/PM for women, but the increase was larger for men.

Pretrial Risk Assessment Tool Analyses of Accuracy and Bias

A full analysis of the accuracy of the risk assessment tools used by the pilot projects was presented in the Judicial Council's pretrial risk assessment tool validation report, published in September 2022.[23] Using data from the pilot counties, this report validated four pretrial risk assessment tools in California: the PSA, the VPRAI, the VPRAI-R, and the ORAS-PAT. The report also analyzed any disparate impact or bias in the tools by race/ethnicity and gender.

For each of the four tools studied, there was a strong association between risk score and outcomes of interest, including failure to appear (FTA), new arrest during the pretrial period (NCA), new filing, new conviction, and new violent arrest during the pretrial period (NVCA). Higher scores on each tool corresponded with a higher incidence of each outcome of interest, indicating that the risk assessment tools work as intended.

Figure 8. ORAS – New Arrest During the Pretrial Period by Risk Level
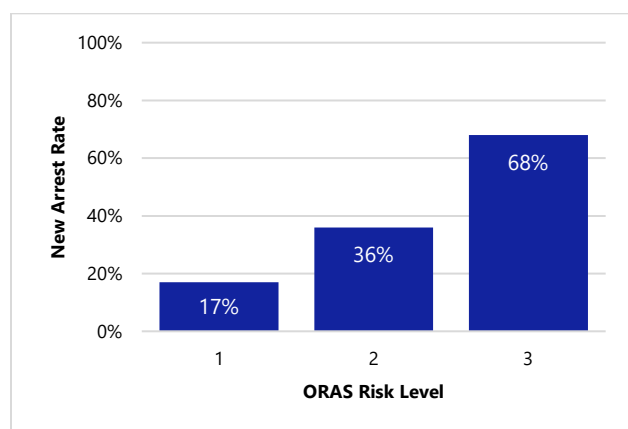
Figure 9. PSA – New Arrest During the Pretrial Period by Risk Level

---
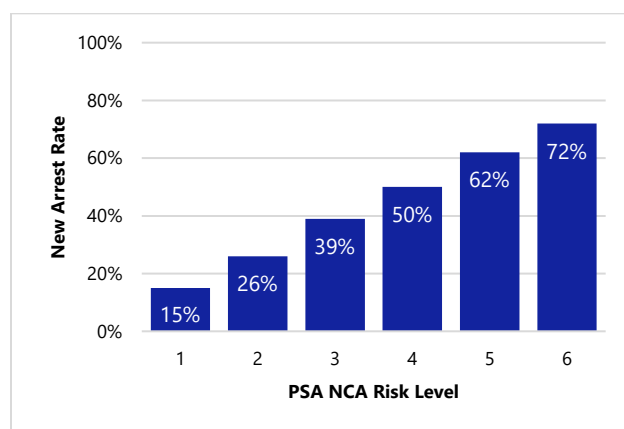
[23] Judicial Council of Cal., *Pretrial Risk Assessment Tool Validation: Pretrial Pilot Program* (Sept. 2022), *www.courts.ca.gov/documents/Pretrial-Pilot-Program-Risk-Assesment-Tool-Validation-2022.pdf*.

Figure 10. VPRAI – New Arrest During the Pretrial Period by Risk Level
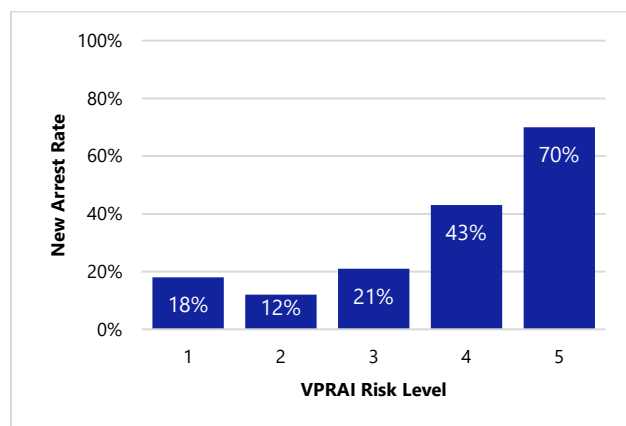
Figure 11. VPRAI-R – New Arrest During the Pretrial Period by Risk Level
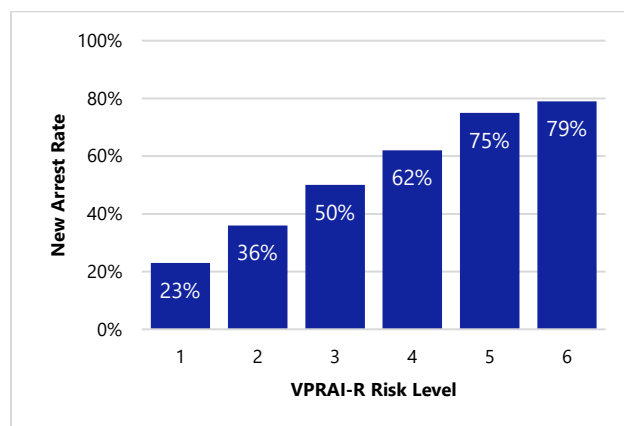
In the validation studies conducted to date by council staff, using a common metric for interpreting the area under the curve (AUC) values in criminal justice risk assessments, all tools had AUCs in the good-to-excellent ranges for the outcomes of FTA and NCA. AUCs for new violent arrests tended to fall in the fair range for most tools. Some differences in AUCs by gender and race were apparent when subgroups were compared, but there was no persistent pattern across tools. Statistical regression models show risk scores were significantly predictive of all outcomes of interest. For more information on statistical tests and findings related to pretrial risk assessment validations please see the full report at https://www.courts.ca.gov/sb36.htm.

To conduct a risk assessment tool validation, data from the DOJ is crucial for the analyses because indicators of rearrest during the pretrial period derived from the DOJ's data is an essential piece of these analyses. Validation using the most recent data was not possible for this report because council staff did not receive updated data from the DOJ in time for processing and inclusion in this report. An updated validation will be performed upon processing updated data from the DOJ.

Assessment Data

Assembly Bill 74 required council staff to publish aggregated assessment data related to pretrial release decisions, booking charge levels, supervision levels, failure-to-appear rates, and new arrests. Demographic data, also required by AB 74, can be found in Appendix B.

Pretrial Release Decision

The release decisions reported in Table 2 below show judicial decisions made on booked individuals considered for release under the program.

Table 2. Number of Assessed Individuals by Pretrial Program Release Decision

Court Size	Granted Program Release	Denied Program Release
Small Counties	50	18
Small/Medium Counties	875	2,833
Medium Counties	14,098	16,103
Large Counties	7,862	22,370
Total	**22,885**	**41,324**

Source: Pretrial pilot county probation departments. View date: 05/05/2023

Of the 64,209 pretrial release decisions made during this time, 22,885 individuals were granted pretrial release. This includes individuals released on own recognizance or on some form of pretrial monitor. Not all individuals booked into jail are reviewed by a judicial officer for potential release. In most cases, this is because they have already been released by the sheriffs. Even after being assessed, individuals may bail out—including those released under the statewide emergency bail schedule in response to the COVID-19 pandemic during a large portion of this reporting period—or are released as a result of their charges being dropped or dismissed. In addition, other individuals may experience further circumstances that prevent their consideration for release, including no-bail warrants or charges in a different jurisdiction.

Table 2 above excludes individuals assessed in Los Angeles County because, at present, data in the county have only been processed for prearraignment release decisions, not for subsequent release decisions made at arraignment.[24]

Of the 152,401 individuals assessed in counties other than Los Angeles, 88,192 individuals are not shown in this table because no pretrial program release decision was made. The reasons for the absence of these decisions include (1) the individual was already released on bail, (2) the charges were dropped or dismissed, (3) the individual was ineligible for consideration for release, or (4) release decision data on the individual were missing.

---

[24] Data provided by Los Angeles County are drawn solely from prearraignment release decisions and do not include data on release decisions made at arraignment. Of the 269,750 individuals assessed in Los Angeles County during this time, 160,093 individuals were not considered for prearraignment release for a variety of reasons: they may have been released on bail (the Los Angeles court operated under a statewide or a locally modified $0 bail schedule for the entirety of the pilot project), had their charges dropped or dismissed, or were statutorily ineligible for consideration for prearraignment release. Of the 109,657 considered for release prior to arraignment, 6,561 individuals were granted prearraignment release. Those not released prearraignment into the program were eligible for release consideration at arraignment unless they were otherwise released from jail on bail or had their charges dropped before arraignment.

Booking Charge Level

Of the total assessments that could be matched with booking data, 239,936 assessments were conducted on individuals with felony bookings and 142,057 assessments were conducted on individuals with misdemeanor bookings.

Table 3. Number of Assessed Individuals by Booking Charge Level

County	F	M	Other Unknown	Total
Small Counties	367	111	251	729
Small-Medium Counties	3,349	615	3,399	7,363
Medium Counties	35,516	20,165	20,334	76,015
Large Counties	200,704	121,166	16,174	338,044
Total	**239,936**	**142,057**	**40,158**	**422,151**

Source: Pretrial pilot county probation departments. View date: 05/05/2023

Levels of Supervision

The information in Table 4 below shows the number and percentage of assessed individuals by supervision level in small, small-medium, medium, and large courts. Overall, of the 21,262 individuals under some type of pretrial supervision during this time, 20 percent received basic supervision, 30 percent received moderate supervision, 34 percent received enhanced supervision, and 17 percent received an unspecified level of supervision.

Table 4. Number and Percentage of Assessed and Supervised Individuals by Supervision Level

Court Size	Total	Basic		Moderate		Enhanced		Unspecified Supervision	
		Percent	Count	Percent	Count	Percent	Count	Percent	Count
Small Counties	71	39%	28	18%	13	34%	24	8%	6
Small-Medium Counties	953	5%	45	7%	66	3%	24	86%	818
Medium Counties	13,872	17%	2,386	26%	3,587	44%	6,071	13%	1,828
Large Counties	6,366	27%	1,696	44%	2,770	16%	1,005	14%	895
Total	**21,262**	**20%**	**4,155**	**30%**	**6,436**	**34%**	**7,124**	**17%**	**3,547**

Source: Pretrial pilot county probation departments. View date: 05/05/2023

Those classified as receiving "unspecified supervision" include individuals in counties that do not categorize supervision conditions into discrete levels. For counties that do use discrete supervision levels, general levels were collapsed into "basic," "moderate," and "enhanced" supervision, though the specific conditions included in each of these supervision levels vary widely across counties. (The same classifications apply to the supervision levels in Table 5 below.) Supervision includes all monitoring conditions that are imposed on an individual during the pretrial period.

Fourteen of the 16 pilot projects report using a release conditions matrix when considering pretrial release and level of supervision. The use of a release conditions matrix helps judicial officers assign the appropriate conditions of release based on an individual's risk level to ensure court appearance. Current research on the efficacy and best use of pretrial monitoring is somewhat inconclusive and suggests few effects between intense levels of supervision and pretrial outcomes.[25] One study indicates that pretrial supervision leads to better outcomes than having no supervision. Pretrial supervision is most effective for individuals with high-risk scores when looking at failure-to-appear rates.[26] The pilot projects aimed to assign the appropriate monitoring conditions.

Pretrial Failures/Revocations

Table 5 below shows the number and percentage of assessed individuals by supervision level who failed to appear in court as required or were arrested for a new offense during the pretrial period. The data in this table are limited to bookings with individuals released pretrial who have a completed pretrial period. Of the 6,433 monitored individuals with completed pretrial periods, 31 percent failed to appear in court as required and 34 percent were arrested for a new criminal activity during this period.[27] Data on failures to appear are drawn from indicators of failure to appear in local court and DOJ data. New arrests are defined as new arrests during the pretrial period or new fresh arrest bookings in the same county and are drawn from DOJ data as well as each county's jail data. [28]

Table 5. FTAs and New Arrests by Supervision Level

Monitor Level	Total	FTA		New Crime	
		Percent	Count	Percent	Count
Lowest Levels	1,744	25%	435	27%	478
Medium Levels	2,381	33%	786	35%	836
Highest Levels	2,308	32%	749	39%	893
All Levels	**6,433**	**31%**	**1,970**	**34%**	**2,207**

Source: Pretrial pilot program multi-agency county-linked data and California Department of Justice. View date: 05/05/2023

[25] Evan Mintz, "What Works and What Doesn't in Pretrial Supervision?" Arnold Ventures (Nov. 19, 2020), https://www.arnoldventures.org/stories/what-works-and-what-doesnt-in-pretrial-supervision.

[26] Christopher Lowenkamp and Marie VanNostrand, "Exploring the Impact of Supervision on Pretrial Outcomes," Arnold Foundation (Nov. 2013), https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_Supervision_FNL.pdf.

[27] Data quality on pretrial revocations is inconsistent and therefore is not reported in this table.

[28] In-county rebooking was not calculated for counties with no jail booking types to avoid erroneously counting commitment bookings and other bookings that were not for fresh charges.

Direct Impact to Pretrial Participants: Court Stories

Several pilot projects shared stories of the direct impact their pretrial pilot program had on individuals who have completed or are in the pretrial period. The stories below illustrate the pilot projects' dedication to ensuring their pretrial participants have the necessary resources to appear at all court hearings and remain arrest-free, thereby successfully completing their pretrial period.

The Santa Barbara County pilot project shared stories of the impact their mental health navigators had on their pretrial population. Santa Barbara's pilot project invested in mental health navigators whose primary responsibilities were to attend initial court hearings, provide information about service coordination pending case disposition, create reentry case plans, follow up with mental health service providers, provide updates at subsequent court hearings, accompany individuals to court dates, and provide discharge plans.

- A mental health navigator assisted an unhoused pretrial participant who was released. The navigator secured a bed for the participant and assisted the participant with their remote court appearance. The participant was unfamiliar with Zoom and expressed gratitude to the navigator. Since then, the participant has been present at all court hearings. Additionally, the participant was connected with a local mental health clinic and has been attending classes with the support of the navigator. The participant continues with treatment and is progressing well. The participant has also complied with all pretrial check-ins.

- A mental health navigator assisted a Spanish-speaking participant who presented with paranoia. The navigator connected the participant with a mental health provider and assisted the participant during appointments by providing translation services and transportation services. At the time of the participant's sentencing, the participant was still connected to the mental health provider and receiving ongoing care.

The Nevada County pilot project offers several supportive services for interested participants. One pretrial participant was arrested and released with a high level of supervision. The participant voluntarily attended substance use treatment and joined a local men's group. Since his release, he has remained arrest-free and continues to check in with his pretrial officer.

Senate Bill 129

In the Budget Act of 2021 (Sen. Bill 129), the Legislature allocated $70 million in ongoing funding to all California courts to implement or expand their pretrial operations. Since the conclusion of the Pretrial Pilot Program, pilot projects have transitioned their programs to operate under SB 129. The pilot program under AB 74 provided the 16 pilot projects with a total of $67,899,682 to operate their programs. Under SB 129, these same pilot projects will receive a total of $29,762,977, significantly less funding than was provided under AB 74. (A listing of pilot program allocations and SB 129 allocations for the pilot projects can be found in Appendix F.)

Many pilot projects were forced to downsize their pretrial operations due to the significant reduction in available funding. To operate their programs within the financial limitations of SB 129, pilot projects reduced staffing levels, limited hours of operation, and leveraged technological efficiencies. This resulted in fewer individuals being supervised pretrial. Some pilot projects redirected their efforts to supervise only the highest-risk populations and scaled back services for those on own recognizance release.

Conclusion

The pilot projects have accomplished what they initially set out to achieve. Pilot projects worked closely with their local justice partners to establish or expand their pretrial operations. They have implemented risk assessment tools, invested in technological enhancements, increased pretrial services, implemented or expanded court date reminder systems, and provided supportive services for their pretrial population.

From program inception, pilot projects have worked closely with Judicial Council staff. Representatives from the pilot projects have attended council-hosted educational sessions, participated in site visits, expensed funding according to their agreements with the council, and collected data for reporting to the Legislature.

Data and technology systems were developed to fulfill the data requirements of this program. These data and technology systems laid the foundation for multiple new systems being developed throughout the branch for data exchange and analytics. The system as a whole represents a new approach of integrating statewide data into a standardized database while allowing each county agency to continue using their case management systems of choice.

The data warehouse development process focused on answering questions specific to the pilot program, and thus these facets of the system are the most fully developed. The system has the capacity to answer questions that far exceed the scope of the pilot program; however, further development is needed to fully operationalize the system if it is to be used for other purposes in the future, either by the courts or by council staff, with continued data sharing from the courts.

Collaboration among partners was essential in the program's efforts to collect data, as data were required from several sources, including the DOJ and each county's sheriff's department. The willingness to provide data from these justice partners allowed for outcome analysis to be completed.

The Pretrial Pilot Program coincided with the global COVID-19 pandemic. The Judicial Council and the courts implemented efforts to mitigate the spread of the virus, including the adoption of a statewide emergency bail schedule. During this period, from April 2020 through June 2020, the pattern of bookings was dramatically impacted. Pilot projects saw an increase in pretrial releases for $0 bail-eligible offenses, although the rate of rearrests for misdemeanors decreased and the rate of rearrests for felonies increased.

Despite the pandemic, analyses of the data collected under the program indicate promising outcomes regarding overall pretrial release, rearrest/rebooking, and failure to appear. Since the start of the program, 422,151 individuals were assessed for pretrial release. Analyses of available data from the program show there was a significant increase (8.8 percent) in pretrial release for felonies. There was also a significant increase (5.7 percent) in pretrial release for misdemeanors. There was a significant decrease (2.4 percent) in felony rearrest or rebooking and a significant decrease (5.8 percent) in misdemeanor rearrest or rebooking. There was a significant increase (2.5 percent) in failure to appear for felonies and a significant decrease (6.8 percent) for misdemeanors. Failure to appear rates can be greatly improved by shortening case disposition time and implementing a court date reminder system. By the conclusion of the pilot program, 14 of 16 pilot projects had implemented a court date reminder system and this has yielded promising results (see page 12 for specific information on Alameda County) and as court case dispositions improve post-COVID-19 delays, FTAs should decrease. Regarding race, individuals of all racial groups were more likely to be released on their own recognizance after the implementation of the program; for misdemeanors, the impact of program implementation on pretrial release was larger for Black individuals than for individuals of other races. Finally, regarding gender, men and women were both more likely to be released on their own recognizance after program implementation; however, the increase was greater for men.

Pilot projects have transitioned their programs to operate under SB 129. Although the funding is significantly lower, pilot projects have reimagined their programs to ensure continuity of pretrial operations in their respective counties. The pilot program provided a strong foundation upon which the statewide program was built. Lessons learned from this innovative project have been invaluable and have informed the development of the expanded program.

Appendix A: Regression Analysis Output

Glossary of Terms Used

ch_violent_felony_flag	Whether booking charges included a statutory violent felony charge
ch_property_flag	Whether booking charges included a property charge type
ch_drug_flag	Whether booking charges included a drug charge type
ch_serious_felony_flag	Whether booking charges included a statutory serious felony charge
days_released	The number of days between release from jail and disposition of the case
avg_bts_mob	The average mobility score in the county of booking over the time period from release from jail and disposition of the case
days_released:avg_bts_mob	The interaction between the number of days between release from jail and disposition of the case and the average mobility score in the county of booking over that time period
race	The race of the booked individual
golive_flag:race	The interaction between whether the booking date was before or after Pretrial Pilot Program implementation date and the race of the booked individual
sex	The sex of the booked individual
golive_flag:sex	The interaction between whether the booking date was before or after Pretrial Pilot Program implementation date and the sex of the booked individual

Misdemeanor—Pretrial Release

```
Call:
lm(formula = released_pretrial_count ~ mob_pop + golive_flag +
    charge_hier + county + book_month + ch_dv_flag + ch_violent_psa_flag +
    ch_dui_flag + zb_flag:eb_flag + zb_flag, data = full_bts %>%
    filter(is_release_eligible == "Yes") %>% filter(pretrial_period_end_count ==
    1) %>% filter(charge_level == "M") %>% filter(release_type %in%
    c("Own Recognizance", "Pretrial Monitor") | is_released_pretrial ==
    "No") %>% filter(release_date >= as.Date("2019-01-01"), pretrial_period_end_date <
    as.Date("2020-01-01") | release_date >= as.Date("2020-07-01"),
    release_date < as.Date("2021-07-01"), pretrial_period_end_date <=
        as.Date("2022-04-30")) %>% mutate(days_released = pretrial_period_end_date -
    release_date, charge_hier = scale(as.numeric(if_else(booking_charge_hierarchy %in%
    c("1000000", "999999"), "Undefined", booking_charge_hierarchy)))) %>%
    filter(!is.na(charge_hier)) %>% mutate(book_month = as.factor(month(booking_date))))
```

term	estimate	std.error	statistic	p.value
(Intercept)	0.91	0.042	22	9.7e-103
mob_pop	-0.74	0.048	-15	6.5e-54
golive_flag	0.057	0.0056	10	7.3e-24
charge_hier	0.00081	0.0012	0.65	0.52
countyLos Angeles	-0.26	0.019	-14	3.1e-43
countyNapa	-0.38	0.028	-14	1.2e-41
countyNevada	-0.042	0.022	-1.9	0.061
countySacramento	-0.29	0.02	-15	5.6e-48
countySan Joaquin	0.014	0.02	0.73	0.47
countySan Mateo	-0.31	0.019	-16	6.1e-56
countySanta Barbara	-0.35	0.02	-17	8.4e-66
countySonoma	-0.18	0.02	-9	2.9e-19
countyTulare	-0.43	0.022	-20	2.9e-86
countyTuolumne	-0.31	0.039	-8	1.7e-15
countyVentura	-0.29	0.019	-15	1.6e-49
book_month2	0.0017	0.0057	0.3	0.76
book_month3	0.0045	0.0055	0.82	0.41
book_month4	0.0091	0.0056	1.6	0.1
book_month5	0.019	0.0056	3.4	0.00073
book_month6	0.011	0.0057	2	0.046
book_month7	0.014	0.0056	2.5	0.011
book_month8	0.00043	0.0057	0.076	0.94
book_month9	-0.024	0.0056	-4.3	1.9e-05
book_month10	-0.052	0.0057	-9	1.9e-19
book_month11	-0.071	0.0059	-12	4.2e-33
book_month12	-0.098	0.0063	-16	7.5e-55
ch_dv_flag	-0.023	0.0063	-3.7	0.00024
ch_violent_psa_flag	-0.023	0.0065	-3.6	0.00035
ch_dui_flag	0.45	0.0079	57	0
zb_flag	0.059	0.0076	7.8	8.8e-15
zb_flag:eb_flag	-0.042	0.005	-8.4	3.8e-17

N = 94,492

Felony—Pretrial Release

```
Call:
lm(formula = released_pretrial_count ~ mob_pop + golive_flag +
    charge_hier + county + book_month + ch_dv_flag + ch_violent_felony_flag +
    ch_violent_psa_flag + ch_dui_flag + ch_property_flag + ch_drug_flag +
    ch_serious_felony_flag + zb_flag:eb_flag + zb_flag, data = full_bts %>%
    filter(is_release_eligible == "Yes") %>% filter(pretrial_period_end_count ==
    1) %>% filter(charge_level == "F") %>% filter(release_type %in%
    c("Own Recognizance", "Pretrial Monitor") | is_released_pretrial ==
    "No") %>% filter(release_date >= as.Date("2019-01-01"), pretrial_period_end_date <
    as.Date("2020-01-01") | release_date >= as.Date("2020-07-01"),
    release_date < as.Date("2021-07-01"), pretrial_period_end_date <=
        as.Date("2022-04-30")) %>% mutate(days_released = pretrial_period_end_date -
    release_date, charge_hier = scale(as.numeric(if_else(booking_charge_hierarchy %in%
    c("1000000", "999999"), "Undefined", booking_charge_hierarchy)))) %>%
    filter(!is.na(charge_hier)) %>% mutate(book_month = as.factor(month(booking_date))))
```

term	estimate	std.error	statistic	p.value
(Intercept)	0.2	0.029	7.1	1.6e-12
mob_pop	-0.06	0.036	-1.7	0.096
golive_flag	0.088	0.0041	21	7.6e-100
charge_hier	-0.026	0.0012	-23	7.7e-115
countyCalaveras	0.75	0.3	2.5	0.014
countyLos Angeles	-0.11	0.0071	-15	1.2e-49
countyNapa	-0.18	0.016	-11	2.7e-29
countyNevada	-0.11	0.016	-6.6	4.6e-11
countySacramento	0.33	0.0097	33	7.7e-245
countySan Joaquin	0.092	0.0083	11	5.5e-28
countySan Mateo	-0.1	0.0084	-12	4.7e-35
countySanta Barbara	-0.066	0.0091	-7.2	4.4e-13
countySonoma	0.069	0.01	6.8	1e-11
countyTulare	0.051	0.027	1.9	0.054
countyTuolumne	-0.12	0.0085	-14	2e-46
countyVentura	-0.032	0.0085	-3.8	0.00016
book_month2	-0.0061	0.0043	-1.4	0.15
book_month3	-0.0022	0.0042	-0.52	0.6
book_month4	-0.0014	0.0043	-0.33	0.74
book_month5	-0.0059	0.0043	-1.4	0.17
book_month6	-0.011	0.0044	-2.5	0.012
book_month7	-0.0025	0.0043	-0.59	0.56
book_month8	-0.011	0.0043	-2.5	0.014
book_month9	-0.021	0.0044	-4.7	2.2e-06
book_month10	-0.028	0.0043	-6.4	1.2e-10
book_month11	-0.035	0.0046	-7.6	4.3e-14
book_month12	-0.031	0.0048	-6.4	2e-10
ch_dv_flag	0.0082	0.0047	1.7	0.085
ch_violent_felony_flag	-0.044	0.004	-11	1.5e-27
ch_violent_psa_flag	-0.023	0.0033	-6.9	6.8e-12
ch_dui_flag	0.11	0.0073	15	3.1e-49
ch_property_flag	-0.018	0.0029	-6.2	6.7e-10
ch_drug_flag	-0.029	0.0038	-7.5	5.1e-14
ch_serious_felony_flag	0.00095	0.004	0.24	0.81
zb_flag	0.032	0.0043	7.6	3.4e-14
zb_flag:eb_flag	0.087	0.0036	25	1.5e-132

N = 114,662

Misdemeanor—NCA Outcome

```
Call:
lm(formula = recid_county_or_doj ~ days_released * avg_bts_mob +
    golive_flag + county + book_month + zb_flag:eb_flag + zb_flag +
    ch_dv_flag + ch_violent_psa_flag + ch_dui_flag + charge_hier,
    data = full_bts %>% filter(is_release_eligible == "Yes") %>%
        filter(charge_level %in% c("M")) %>% filter(release_type %in%
        c("Own Recognizance", "Pretrial Monitor")) %>% filter(released_pretrial_count ==
        1, pretrial_period_end_count == 1) %>% filter(release_date >=
        as.Date("2019-01-01"), pretrial_period_end_date < as.Date("2020-01-01") |
        release_date >= as.Date("2020-07-01"), release_date <
        as.Date("2021-07-01"), pretrial_period_end_date <= as.Date("2022-01-01")) %>%
        mutate(book_month = as.factor(month(booking_date))) %>%
        mutate(days_released = pretrial_period_end_date - release_date,
            charge_hier = scale(as.numeric(if_else(booking_charge_hierarchy %in%
                c("1000000", "999999"), "Undefined", booking_charge_hierarchy)))) %>%
        mutate(charge_hier = scale(charge_hier)))
```

term	estimate	std.error	statistic	p.value
(Intercept)	1.1	0.15	7.1	9.3e-13
days_released	-0.0056	7e-04	-8.1	6.8e-16
avg_bts_mob	-1.1	0.19	-6	1.8e-09
golive_flag	-0.058	0.014	-4.2	3.3e-05
countyLos Angeles	-0.12	0.034	-3.6	0.00031
countyNapa	-0.11	0.17	-0.63	0.53
countyNevada	-0.13	0.039	-3.3	0.00097
countySacramento	-0.25	0.042	-5.9	3.7e-09
countySan Joaquin	-0.14	0.035	-3.9	9.6e-05
countySan Mateo	-0.046	0.038	-1.2	0.23
countySanta Barbara	-0.18	0.047	-3.9	0.00012
countySonoma	-0.16	0.037	-4.2	2.2e-05
countyTulare	0.071	0.057	1.2	0.22
countyTuolumne	0.069	0.14	0.5	0.62
countyVentura	-0.063	0.038	-1.7	0.092
book_month2	0.0045	0.014	0.33	0.74
book_month3	0.0016	0.013	0.12	0.91
book_month4	-0.0038	0.014	-0.28	0.78
book_month5	0.0091	0.014	0.67	0.5
book_month6	-0.0037	0.014	-0.26	0.79
book_month7	0.0061	0.014	0.45	0.65
book_month8	0.016	0.014	1.1	0.27
book_month9	-0.0029	0.015	-0.2	0.84
book_month10	-0.00041	0.016	-0.026	0.98
book_month11	-0.017	0.017	-1	0.31
book_month12	0.00059	0.019	0.031	0.98
zb_flag	0.42	0.026	16	1.6e-57
ch_dv_flag	0.079	0.02	4	6.4e-05
ch_violent_psa_flag	-0.045	0.023	-2	0.051
ch_dui_flag	-0.061	0.026	-2.4	0.018
charge_hier	-0.046	0.0032	-14	7.2e-47
days_released:avg_bts_mob	0.0085	0.00093	9.2	3.1e-20
zb_flag:eb_flag	0.00049	0.013	0.039	0.97

N = 18,223

Felony—NCA Outcome

```
Call:
lm(formula = recid_county_or_doj ~ days_released * avg_bts_mob +
    golive_flag + county + book_month + zb_flag:eb_flag + zb_flag +
    ch_dv_flag + ch_violent_felony_flag + ch_violent_psa_flag +
    ch_dui_flag + ch_property_flag + ch_drug_flag + ch_serious_felony_flag +
    charge_hier, data = full_bts %>% filter(charge_level %in%
    c("F")) %>% filter(released_pretrial_count == 1, pretrial_period_end_count ==
    1) %>% filter(release_date >= as.Date("2019-01-01"), pretrial_period_end_date <
    as.Date("2020-01-01") | release_date >= as.Date("2020-07-01"),
    release_date < as.Date("2021-07-01"), pretrial_period_end_date <=
        as.Date("2022-01-01")) %>% mutate(book_month = as.factor(month(booking_date))) %>%
    mutate(days_released = pretrial_period_end_date - release_date,
        charge_hier = scale(as.numeric(if_else(booking_charge_hierarchy %in%
            c("1000000", "999999"), "Undefined", booking_charge_hierarchy)))))
```

term	estimate	std.error	statistic	p.value
(Intercept)	0.85	0.075	11	1e-29
days_released	-0.0042	0.00039	-11	2.6e-27
avg_bts_mob	-0.71	0.096	-7.4	1.6e-13
golive_flag	-0.024	0.0083	-2.8	0.0044
countyCalaveras	-0.019	0.26	-0.073	0.94
countyLos Angeles	0.0032	0.01	0.3	0.76
countyNapa	-0.034	0.028	-1.2	0.22
countyNevada	0.033	0.035	0.95	0.34
countySacramento	-0.3	0.011	-26	2.8e-149
countySan Joaquin	0.0076	0.014	0.54	0.59
countySan Mateo	0.0032	0.016	0.2	0.84
countySanta Barbara	-0.044	0.016	-2.8	0.0059
countySonoma	-0.15	0.016	-9.5	1.7e-21
countyTulare	0.23	0.029	7.9	4.1e-15
countyTuolumne	-0.073	0.021	-3.4	0.00058
countyVentura	-0.024	0.014	-1.6	0.1
book_month2	0.01	0.0091	1.1	0.27
book_month3	-0.0042	0.009	-0.47	0.64
book_month4	0.026	0.0093	2.8	0.0058
book_month5	0.017	0.0095	1.8	0.067
book_month6	0.0087	0.0097	0.89	0.37
book_month7	0.02	0.0092	2.1	0.033
book_month8	0.014	0.0092	1.5	0.13
book_month9	-0.0076	0.0096	-0.8	0.43
book_month10	-0.012	0.0098	-1.2	0.24
book_month11	0.0064	0.01	0.62	0.53
book_month12	0.031	0.01	3.1	0.0023
zb_flag	-0.075	0.0091	-8.3	1.4e-16
ch_dv_flag	-0.11	0.011	-11	3e-26
ch_violent_felony_flag	0.099	0.011	9.1	1.1e-19
ch_violent_psa_flag	-0.053	0.0077	-6.8	9e-12
ch_dui_flag	-0.25	0.013	-20	7.5e-86
ch_property_flag	0.2	0.0058	34	1.7e-255
ch_drug_flag	0.087	0.0075	11	2e-30
ch_serious_felony_flag	-0.019	0.0089	-2.1	0.035
charge_hier	0.025	0.0024	10	1.5e-24
days_released:avg_bts_mob	0.0072	0.00053	14	8.7e-42
zb_flag:eb_flag	0.072	0.0076	9.5	1.5e-21

N = 51,895

39

Misdemeanor—FTA Outcome

```
Call:
lm(formula = fta_flag ~ days_released * avg_bts_mob + golive_flag +
    county + book_month + zb_flag:eb_flag + zb_flag + ch_dv_flag +
    ch_violent_psa_flag + ch_dui_flag + charge_hier, data = full_bts %>%
    filter(charge_level %in% c("M")) %>% filter(released_pretrial_count ==
    1, pretrial_period_end_count == 1) %>% filter(release_date >=
    as.Date("2019-01-01"), pretrial_period_end_date < as.Date("2020-01-01") |
    release_date >= as.Date("2020-07-01"), release_date < as.Date("2021-07-01"),
    pretrial_period_end_date <= as.Date("2022-01-01")) %>% mutate(book_month = as.factor(month(booking_date))) %>%
    mutate(days_released = pretrial_period_end_date - release_date,
        charge_hier = scale(as.numeric(if_else(booking_charge_hierarchy %in%
            c("1000000", "999999"), "Undefined", booking_charge_hierarchy)))))
```

term	estimate	std.error	statistic	p.value
(Intercept)	0.33	0.062	5.3	1.3e-07
days_released	-0.00099	0.00029	-3.4	0.00068
avg_bts_mob	-0.3	0.077	-3.8	0.00012
golive_flag	-0.068	0.0064	-11	2.8e-26
countyLos Angeles	-0.013	0.0079	-1.6	0.11
countyNapa	0.05	0.017	3	0.003
countyNevada	-0.11	0.019	-5.8	8.8e-09
countySacramento	0.045	0.0092	4.9	1e-06
countySan Joaquin	0.091	0.01	8.7	4.6e-18
countySan Mateo	-0.17	0.012	-13	2.1e-41
countySanta Barbara	-0.074	0.013	-5.8	7.3e-09
countySonoma	0.087	0.01	8.5	1.8e-17
countyTulare	0.22	0.014	16	1.1e-54
countyTuolumne	0.08	0.016	5.1	3.6e-07
countyVentura	0.14	0.0089	16	6.5e-57
book_month2	0.0085	0.006	1.4	0.15
book_month3	0.0038	0.0058	0.65	0.52
book_month4	0.0097	0.006	1.6	0.11
book_month5	0.0089	0.0061	1.5	0.14
book_month6	0.03	0.0063	4.7	2.5e-06
book_month7	0.046	0.006	7.6	2.4e-14
book_month8	0.034	0.0062	5.6	2.8e-08
book_month9	-0.0048	0.0065	-0.73	0.46
book_month10	-0.013	0.0071	-1.8	0.071
book_month11	-0.02	0.0079	-2.5	0.011
book_month12	-0.0013	0.0086	-0.15	0.88
zb_flag	0.13	0.013	11	1.5e-26
ch_dv_flag	-0.076	0.0097	-7.8	6.4e-15
ch_violent_psa_flag	-0.068	0.0094	-7.2	6.8e-13
ch_dui_flag	-0.2	0.013	-16	1.4e-56
charge_hier	-0.0068	0.0014	-5	6.6e-07
days_released:avg_bts_mob	0.0027	0.00039	6.9	5.7e-12
zb_flag:eb_flag	-0.066	0.0053	-12	1.1e-35

N = 86,183

Felony—FTA Outcome

```
Call:
lm(formula = fta_flag ~ days_released * avg_bts_mob + golive_flag +
    county + book_month + zb_flag:eb_flag + zb_flag + ch_dv_flag +
    ch_violent_felony_flag + ch_violent_psa_flag + ch_dui_flag +
    ch_property_flag + ch_drug_flag + ch_serious_felony_flag +
    charge_hier, data = full_bts %>% filter(charge_level %in%
    c("F")) %>% filter(released_pretrial_count == 1, pretrial_period_end_count ==
    1) %>% filter(release_date >= as.Date("2019-01-01"), pretrial_period_end_date <
    as.Date("2020-01-01") | release_date >= as.Date("2020-07-01"),
    release_date < as.Date("2021-07-01"), pretrial_period_end_date <=
        as.Date("2022-01-01")) %>% mutate(book_month = as.factor(month(booking_date))) %>%
    mutate(days_released = pretrial_period_end_date - release_date,
        charge_hier = scale(as.numeric(if_else(booking_charge_hierarchy %in%
            c("1000000", "999999"), "Undefined", booking_charge_hierarchy)))))
```

term	estimate	std.error	statistic	p.value
(Intercept)	0.26	0.063	4.1	4.2e-05
days_released	-0.0024	0.00033	-7.2	5e-13
avg_bts_mob	-0.22	0.081	-2.7	0.0079
golive_flag	0.025	0.007	3.5	4e-04
countyCalaveras	-0.21	0.22	-0.98	0.33
countyLos Angeles	-0.096	0.0088	-11	1.1e-27
countyNapa	-0.033	0.023	-1.4	0.16
countyNevada	-0.2	0.029	-6.7	1.9e-11
countySacramento	-0.084	0.0095	-8.8	1.6e-18
countySan Joaquin	0.034	0.012	2.9	0.0033
countySan Mateo	-0.088	0.013	-6.6	3.4e-11
countySanta Barbara	-0.057	0.013	-4.3	1.8e-05
countySonoma	0.0072	0.013	0.55	0.58
countyTulare	0.16	0.025	6.4	1.5e-10
countyTuolumne	0.1	0.018	5.7	9.9e-09
countyVentura	0.079	0.012	6.5	7.1e-11
book_month2	-0.0068	0.0076	-0.9	0.37
book_month3	-0.016	0.0075	-2.1	0.038
book_month4	3e-04	0.0079	0.039	0.97
book_month5	-0.0082	0.008	-1	0.31
book_month6	-0.0059	0.0082	-0.72	0.47
book_month7	0.00089	0.0077	0.12	0.91
book_month8	0.00037	0.0078	0.048	0.96
book_month9	-0.0067	0.008	-0.83	0.41
book_month10	-0.00054	0.0082	-0.066	0.95
book_month11	-0.0089	0.0086	-1	0.3
book_month12	0.01	0.0086	1.2	0.23
zb_flag	0.0064	0.0076	0.84	0.4
ch_dv_flag	-0.0048	0.009	-0.53	0.6
ch_violent_felony_flag	0.046	0.0091	5.1	3.8e-07
ch_violent_psa_flag	-0.013	0.0065	-2.1	0.04
ch_dui_flag	-0.1	0.011	-9.7	3.5e-22
ch_property_flag	0.14	0.0049	28	1.4e-168
ch_drug_flag	0.034	0.0063	5.4	8.5e-08
ch_serious_felony_flag	0.012	0.0075	1.6	0.1
charge_hier	0.029	0.002	14	1.1e-45
days_released:avg_bts_mob	0.004	0.00044	9.1	8.7e-20
zb_flag:eb_flag	0.071	0.0064	11	4.5e-29

N = 51,895

Misdemeanor—Pretrial Release by Race

```
Call:
lm(formula = released_pretrial_count ~ mob_pop + golive_flag *
    race + charge_hier + county + book_month + ch_dv_flag + ch_violent_psa_flag +
    ch_dui_flag + zb_flag + zb_flag:eb_flag + zb_flag, data = full_bts %>%
    filter(is_release_eligible == "Yes") %>% filter(pretrial_period_end_count ==
    1) %>% filter(charge_level == "M") %>% filter(release_type %in%
    c("Own Recognizance", "Pretrial Monitor") | is_released_pretrial ==
    "No") %>% filter(release_date >= as.Date("2019-01-01"), pretrial_period_end_date <
    as.Date("2020-01-01") | release_date >= as.Date("2020-07-01"),
    release_date < as.Date("2021-07-01"), pretrial_period_end_date <=
        as.Date("2022-04-30")) %>% mutate(days_released = pretrial_period_end_date -
    release_date, charge_hier = scale(as.numeric(if_else(booking_charge_hierarchy %in%
    c("1000000", "999999"), "Undefined", booking_charge_hierarchy)))) %>%
    filter(!is.na(charge_hier)) %>% mutate(book_month = as.factor(month(booking_date))))
```

term	estimate	std.error	statistic	p.value
(Intercept)	0.9	0.043	21	3.1e-99
mob_pop	-0.75	0.048	-16	3.2e-54
golive_flag	0.09	0.008	11	4e-29
raceHispanic	-0.00071	0.0038	-0.19	0.85
raceOther/Unknown	0.049	0.0062	7.9	3.1e-15
raceWhite	0.012	0.0044	2.6	0.009
charge_hier	0.001	0.0012	0.81	0.42
countyLos Angeles	-0.25	0.019	-13	1.6e-40
countyNapa	-0.38	0.028	-13	3.1e-40
countyNevada	-0.037	0.022	-1.7	0.097
countySacramento	-0.29	0.02	-14	1.3e-46
countySan Joaquin	0.019	0.02	0.95	0.34
countySan Mateo	-0.3	0.019	-15	4.8e-54
countySanta Barbara	-0.34	0.02	-17	2.7e-62
countySonoma	-0.17	0.02	-8.6	9.4e-18
countyTulare	-0.42	0.022	-19	3.1e-81
countyTuolumne	-0.31	0.039	-7.8	4.9e-15
countyVentura	-0.29	0.02	-15	1.7e-50
book_month2	0.0016	0.0057	0.29	0.77
book_month3	0.0047	0.0055	0.87	0.38
book_month4	0.0092	0.0056	1.7	0.097
book_month5	0.019	0.0056	3.5	0.00055
book_month6	0.012	0.0057	2.1	0.04
book_month7	0.014	0.0056	2.6	0.01
book_month8	0.00071	0.0057	0.13	0.9
book_month9	-0.023	0.0056	-4.2	3.1e-05
book_month10	-0.051	0.0057	-9	3.4e-19
book_month11	-0.071	0.0059	-12	7.9e-33
book_month12	-0.098	0.0063	-16	7.4e-55
ch_dv_flag	-0.022	0.0063	-3.6	0.00036
ch_violent_psa_flag	-0.023	0.0065	-3.5	0.00041
ch_dui_flag	0.45	0.008	57	0
zb_flag	0.062	0.0076	8.1	7.5e-16
golive_flag:raceHispanic	-0.03	0.0069	-4.4	1.1e-05
golive_flag:raceOther/Unknown	-0.071	0.011	-6.6	4.8e-11
golive_flag:raceWhite	-0.041	0.008	-5.1	2.6e-07
zb_flag:eb_flag	-0.045	0.005	-8.9	4.1e-19

N = 94,492

Misdemeanor—Pretrial Release, Program Implementation Term for Different Race Groups

race	term	estimate	std.error	statistic	p.value
Black	golive_flag	0.09	0.008	11	4e-29
White	golive_flag	0.048	0.0073	6.6	5.6e-11
Hispanic	golive_flag	0.059	0.0061	9.7	2.5e-22
Other/Unknown	golive_flag	0.019	0.01	1.8	0.065

Misdemeanor—Pretrial Release, Race Terms (Compared to White) Pre and Post Program Implementation

golive	term	estimate	std.error	statistic	p.value
Pre	raceBlack	-0.012	0.0044	-2.6	0.009
Pre	raceHispanic	-0.012	0.0037	-3.3	0.00089
Pre	raceOther/Unknown	0.037	0.0061	6.1	1.2e-09
Post	raceBlack	0.03	0.0068	4.4	1.2e-05
Post	raceHispanic	-0.0013	0.0052	-0.25	0.8
Post	raceOther/Unknown	0.0075	0.0088	0.85	0.39

Felony—Pretrial Release by Race

```
Call:
lm(formula = released_pretrial_count ~ mob_pop + golive_flag *
    race + charge_hier + county + book_month + ch_dv_flag + ch_violent_felony_flag +
    ch_violent_psa_flag + ch_dui_flag + ch_property_flag + ch_drug_flag +
    ch_serious_felony_flag + zb_flag:eb_flag + zb_flag, data = full_bts %>%
    filter(is_release_eligible == "Yes") %>% filter(pretrial_period_end_count ==
    1) %>% filter(charge_level == "F") %>% filter(release_type %in%
    c("Own Recognizance", "Pretrial Monitor") | is_released_pretrial ==
    "No") %>% filter(release_date >= as.Date("2019-01-01"), pretrial_period_end_date <
    as.Date("2020-01-01") | release_date >= as.Date("2020-07-01"),
    release_date < as.Date("2021-07-01"), pretrial_period_end_date <=
        as.Date("2022-04-30")) %>% mutate(days_released = pretrial_period_end_date -
    release_date, charge_hier = scale(as.numeric(if_else(booking_charge_hierarchy %in%
    c("1000000", "999999"), "Undefined", booking_charge_hierarchy)))) %>%
    filter(!is.na(charge_hier)) %>% mutate(book_month = as.factor(month(booking_date))))
```

term	estimate	std.error	statistic	p.value
(Intercept)	0.2	0.029	7	3.1e-12
mob_pop	-0.061	0.036	-1.7	0.088
golive_flag	0.087	0.0053	16	1.1e-60
raceHispanic	0.0062	0.003	2.1	0.037
raceOther/Unknown	0.013	0.0054	2.5	0.012
raceWhite	-0.0024	0.0037	-0.66	0.51
charge_hier	-0.026	0.0012	-23	6.9e-114
countyCalaveras	0.75	0.3	2.5	0.014
countyLos Angeles	-0.11	0.0072	-15	2e-49
countyNapa	-0.18	0.016	-11	5.6e-29
countyNevada	-0.1	0.016	-6.4	1.4e-10
countySacramento	0.33	0.0098	33	1.3e-244
countySan Joaquin	0.091	0.0084	11	3.5e-27
countySan Mateo	-0.1	0.0084	-12	1.8e-35
countySanta Barbara	-0.067	0.0092	-7.3	2.4e-13
countySonoma	0.07	0.01	6.8	1e-11
countyTulare	0.051	0.027	1.9	0.054
countyTuolumne	-0.12	0.0088	-13	9e-41
countyVentura	-0.039	0.0087	-4.5	6.8e-06
book_month2	-0.0061	0.0043	-1.4	0.16
book_month3	-0.0022	0.0042	-0.52	0.6
book_month4	-0.0014	0.0043	-0.32	0.75
book_month5	-0.0058	0.0043	-1.3	0.18
book_month6	-0.011	0.0044	-2.5	0.011
book_month7	-0.0025	0.0043	-0.59	0.56
book_month8	-0.011	0.0043	-2.4	0.014
book_month9	-0.021	0.0044	-4.8	2e-06
book_month10	-0.028	0.0043	-6.4	1.2e-10
book_month11	-0.035	0.0046	-7.5	4.8e-14
book_month12	-0.031	0.0048	-6.4	1.7e-10
ch_dv_flag	0.0079	0.0047	1.7	0.096
ch_violent_felony_flag	-0.043	0.004	-11	4e-27
ch_violent_psa_flag	-0.023	0.0033	-6.9	6.9e-12
ch_dui_flag	0.11	0.0073	15	1.2e-48
ch_property_flag	-0.018	0.0029	-6.2	7.6e-10
ch_drug_flag	-0.029	0.0038	-7.6	4.2e-14
ch_serious_felony_flag	0.0012	0.004	0.3	0.77
zb_flag	0.032	0.0043	7.6	4e-14
golive_flag:raceHispanic	-0.0023	0.0046	-0.49	0.62
golive_flag:raceOther/Unknown	0.0091	0.0081	1.1	0.26
golive_flag:raceWhite	0.0055	0.0057	0.97	0.33
zb_flag:eb_flag	0.088	0.0036	25	1.4e-132

N = 114,662

Misdemeanor—Pretrial Release by Gender

```
Call:
lm(formula = released_pretrial_count ~ mob_pop + golive_flag *
    sex + charge_hier + county + book_month + ch_dv_flag + ch_violent_psa_flag +
    ch_dui_flag + zb_flag:eb_flag + zb_flag, data = full_bts %>%
    filter(is_release_eligible == "Yes") %>% filter(pretrial_period_end_count ==
    1) %>% filter(charge_level == "M") %>% filter(sex %in% c("Male",
    "Female")) %>% filter(release_type %in% c("Own Recognizance",
    "Pretrial Monitor") | is_released_pretrial == "No") %>% filter(release_date >=
    as.Date("2019-01-01"), pretrial_period_end_date < as.Date("2020-01-01") |
    release_date >= as.Date("2020-07-01"), release_date < as.Date("2021-07-01"),
    pretrial_period_end_date <= as.Date("2022-04-30")) %>% mutate(days_released = pretrial_period_end_date -
    release_date, charge_hier = scale(as.numeric(if_else(booking_charge_hierarchy %in%
    c("1000000", "999999"), "Undefined", booking_charge_hierarchy)))) %>%
    filter(!is.na(charge_hier)) %>% mutate(book_month = as.factor(month(booking_date))))
```

term	estimate	std.error	statistic	p.value
(Intercept)	0.92	0.042	22	8.2e-105
mob_pop	-0.74	0.048	-15	5.4e-54
golive_flag	0.031	0.0074	4.1	3.7e-05
sexMale	-0.015	0.0034	-4.5	6.9e-06
charge_hier	0.00091	0.0012	0.73	0.46
countyLos Angeles	-0.26	0.019	-14	5.1e-43
countyNapa	-0.38	0.028	-13	1.9e-41
countyNevada	-0.041	0.022	-1.9	0.064
countySacramento	-0.29	0.02	-15	6.5e-48
countySan Joaquin	0.016	0.02	0.83	0.41
countySan Mateo	-0.3	0.019	-16	1.4e-55
countySanta Barbara	-0.35	0.02	-17	1.5e-65
countySonoma	-0.18	0.02	-9	3.6e-19
countyTulare	-0.43	0.022	-20	6.2e-86
countyTuolumne	-0.31	0.039	-7.9	2.1e-15
countyVentura	-0.29	0.019	-15	1.9e-49
book_month2	0.002	0.0057	0.35	0.72
book_month3	0.0049	0.0055	0.89	0.37
book_month4	0.0095	0.0056	1.7	0.089
book_month5	0.019	0.0056	3.4	0.00057
book_month6	0.011	0.0057	2	0.05
book_month7	0.015	0.0056	2.7	0.0078
book_month8	0.00072	0.0057	0.13	0.9
book_month9	-0.024	0.0056	-4.3	1.7e-05
book_month10	-0.051	0.0057	-8.9	5e-19
book_month11	-0.071	0.0059	-12	6.6e-33
book_month12	-0.098	0.0063	-16	2.2e-54
ch_dv_flag	-0.023	0.0063	-3.6	0.00033
ch_violent_psa_flag	-0.023	0.0065	-3.6	0.00035
ch_dui_flag	0.45	0.008	57	0
zb_flag	0.059	0.0077	7.8	8.2e-15
golive_flag:sexMale	0.033	0.0061	5.5	3.7e-08
zb_flag:eb_flag	-0.042	0.005	-8.5	2.2e-17

N = 94,289

Misdemeanor—Pretrial Release, Program Implementation Term for Different Sex Groups

sex	charge_level	term	estimate	std.error	statistic	p.value
Male	M	golive_flag	0.064	0.0058	11	2.4e-28
Female	M	golive_flag	0.031	0.0074	4.1	3.7e-05

Misdemeanor—Pretrial Release, Sex Terms (Compared to Male) Pre and Post Program Implementation

golive	charge_level	term	estimate	std.error	statistic	p.value
Pre	M	sexMale	-0.015	0.0034	-4.5	6.9e-06
Post	M	sexMale	0.018	0.005	3.6	0.00033

Felony—Pretrial Release by Gender

```
Call:
lm(formula = released_pretrial_count ~ mob_pop + golive_flag *
    sex + charge_hier + county + book_month + ch_dv_flag + ch_violent_felony_flag +
    ch_violent_psa_flag + ch_dui_flag + ch_property_flag + ch_drug_flag +
    ch_serious_felony_flag + zb_flag:eb_flag + zb_flag, data = full_bts %>%
    filter(is_release_eligible == "Yes") %>% filter(pretrial_period_end_count ==
    1) %>% filter(charge_level == "F") %>% filter(sex %in% c("Male",
    "Female")) %>% filter(release_type %in% c("Own Recognizance",
    "Pretrial Monitor") | is_released_pretrial == "No") %>% filter(release_date >=
    as.Date("2019-01-01"), pretrial_period_end_date < as.Date("2020-01-01") |
    release_date >= as.Date("2020-07-01"), release_date < as.Date("2021-07-01"),
    pretrial_period_end_date <= as.Date("2022-04-30")) %>% mutate(days_released = pretrial_period_end_date -
    release_date, charge_hier = scale(as.numeric(if_else(booking_charge_hierarchy %in%
    c("1000000", "999999"), "Undefined", booking_charge_hierarchy)))) %>%
    filter(!is.na(charge_hier)) %>% mutate(book_month = as.factor(month(booking_date))))
```

term	estimate	std.error	statistic	p.value
(Intercept)	0.23	0.029	7.8	4.5e-15
mob_pop	-0.066	0.036	-1.8	0.068
golive_flag	0.077	0.0056	14	6.6e-43
sexMale	-0.02	0.003	-6.6	4.8e-11
charge_hier	-0.026	0.0012	-23	5.1e-113
countyCalaveras	0.75	0.3	2.5	0.013
countyLos Angeles	-0.11	0.0071	-15	4.3e-50
countyNapa	-0.18	0.016	-11	1.5e-29
countyNevada	-0.11	0.016	-6.7	1.7e-11
countySacramento	0.33	0.0097	33	9.99999999999999e-244
countySan Joaquin	0.092	0.0084	11	3e-28
countySan Mateo	-0.1	0.0084	-12	2.4e-35
countySanta Barbara	-0.066	0.0091	-7.3	3.9e-13
countySonoma	0.069	0.01	6.8	1.2e-11
countyTulare	0.052	0.026	1.9	0.051
countyTuolumne	-0.12	0.0085	-14	2.1e-44
countyVentura	-0.033	0.0085	-3.9	0.00011
book_month2	-0.0065	0.0043	-1.5	0.13
book_month3	-0.0024	0.0042	-0.58	0.56
book_month4	-0.0016	0.0043	-0.36	0.72
book_month5	-0.0061	0.0043	-1.4	0.15
book_month6	-0.012	0.0044	-2.6	0.0084
book_month7	-0.0026	0.0043	-0.62	0.54
book_month8	-0.011	0.0043	-2.4	0.015
book_month9	-0.021	0.0044	-4.7	2.2e-06
book_month10	-0.028	0.0043	-6.4	1.4e-10
book_month11	-0.035	0.0046	-7.7	1.6e-14
book_month12	-0.031	0.0048	-6.5	1e-10
ch_dv_flag	0.0059	0.0047	1.2	0.21
ch_violent_felony_flag	-0.043	0.004	-11	5.7e-27
ch_violent_psa_flag	-0.024	0.0034	-7.2	6.9e-13
ch_dui_flag	0.1	0.0073	14	4.3e-47
ch_property_flag	-0.019	0.0029	-6.5	1e-10
ch_drug_flag	-0.029	0.0038	-7.6	4.1e-14
ch_serious_felony_flag	0.00013	0.004	0.034	0.97
zb_flag	0.031	0.0043	7.2	8.5e-13
golive_flag:sexMale	0.011	0.0047	2.4	0.016
zb_flag:eb_flag	0.088	0.0036	25	3.5e-135

N = 114,413

Felony—Pretrial Release, Program Implementation Term for Different Sex Groups

sex	charge_level	term	estimate	std.error	statistic	p.value
Male	F	golive_flag	0.089	0.0042	21	7.2e-97
Female	F	golive_flag	0.077	0.0056	14	6.6e-43

Felony—Pretrial Release, Sex Terms (Compared to Female) Pre and Post Program Implementation

golive	charge_level	term	estimate	std.error	statistic	p.value
Pre	F	sexMale	-0.02	0.003	-6.6	4.8e-11
Post	F	sexMale	-0.0086	0.0037	-2.4	0.019

Appendix B: Demographic Data

Tables B-1 through B-3 below show the number of individuals assessed in the program by age, gender, and race or ethnicity in small, small-medium, medium, and large courts. Assessments were conducted on 422,151 individuals.

Of the assessed individuals whose demographic information was reported during this period, 78 percent were male and 18 percent were female; 19 percent were white, 47 percent were Hispanic, 23 percent were Black, and 9 percent were other or unknown race/ethnicity. Twelve percent were ages 18–25, 37 percent were ages 26–35, 26 percent were ages 36–45, 12 percent were ages 46–55, 8 percent were over age 56, and 4 percent were an unknown age.

Table B-1. Number of Assessed Individuals by Gender

Court Size	Male	Female	Other/Unknown	Total
Small Counties	566	157	6	729
Small-Medium Counties	4,197	1,012	2,154	7,363
Medium Counties	48,562	11,314	16,139	76,015
Large Counties	274,323	62,090	1,631	338,044
Total	**327,648**	**74,573**	**19,930**	**422,151**

Source: Pretrial pilot county probation departments. View date: 05/05/2023

Table B-2. Number of Assessed Individuals by Race

Court Size	Black	White	Hispanic	Other/Unknown	Total
Small Counties	14	555	83	51	729
Small-Medium Counties	453	2,080	1,696	2,999	7,363
Medium Counties	6,275	16,535	30,597	20,404	76,015
Large Counties	90,049	61,956	166,183	12,909	338,044
Total	**96,791**	**81,126**	**198,559**	**36,363**	**422,151**

Source: Pretrial pilot county probation departments. View date: 05/05/2023

Table B-3. Number of Assessed Individuals by Age

| Court Size	18-25	26-35	36-45	46-55	56+	Unknown	Total
Small Counties	65	227	219	122	91	5	729
Small-Medium Counties	471	2,095	1,547	746	316	2,188	7,363
Medium Counties	7,691	21,353	17,737	8,659	5,720	14,855	76,015
Large Counties	43,297	132,139	91,823	42,128	27,085	1,572	338,044
Total	**51,524**	**155,814**	**111,326**	**51,655**	**33,212**	**18,620**	**422,151**

Source: Pretrial pilot county probation departments. View date: 05/05/2023

Appendix C: Risk Levels by Risk Assessment Tools

The following figures show the number of assessed individuals by risk level. The designation of risk level is not uniform across pilot projects due to the adoption of different risk assessment tools that use varying scales to assign risk to assessed individuals. The figures below are therefore grouped by pilot projects using the same tool.

Figure C-1 shows data from the five pilot projects that used the ORAS tool: Modoc, Napa, Nevada/Sierra, Ventura, and Yuba. During this reporting period, probation departments in these counties assessed 16,406 individuals using the ORAS-PAT.

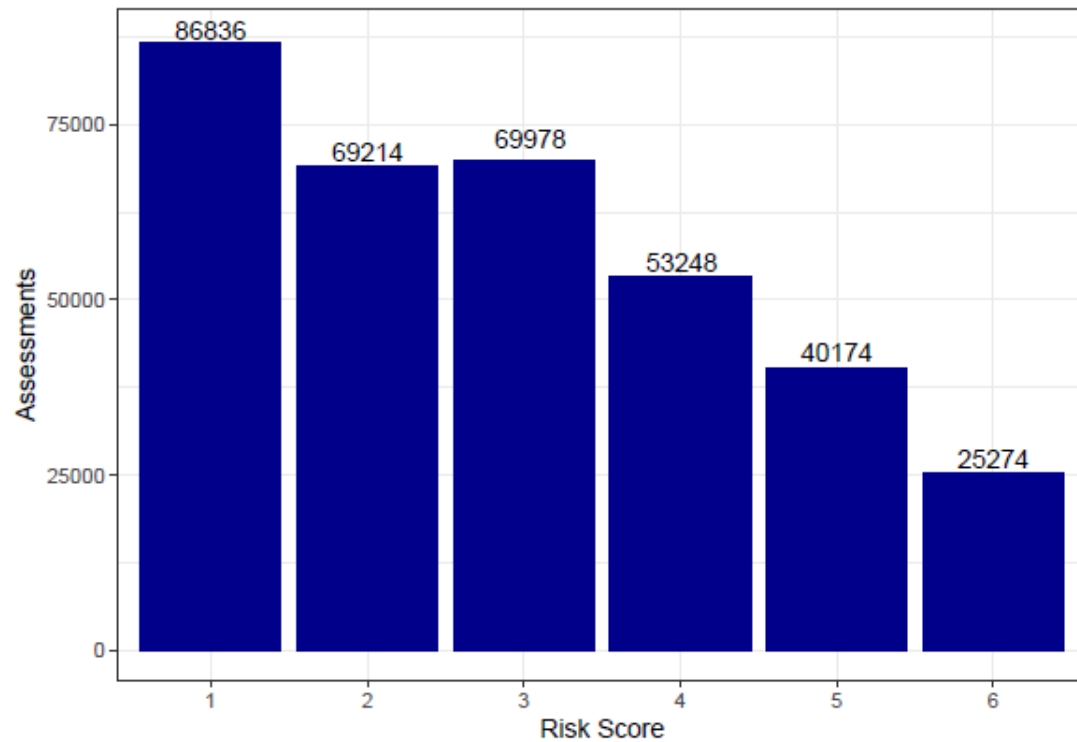**Figure C-1. Number of Assessed Individuals by Risk Score (ORAS)**
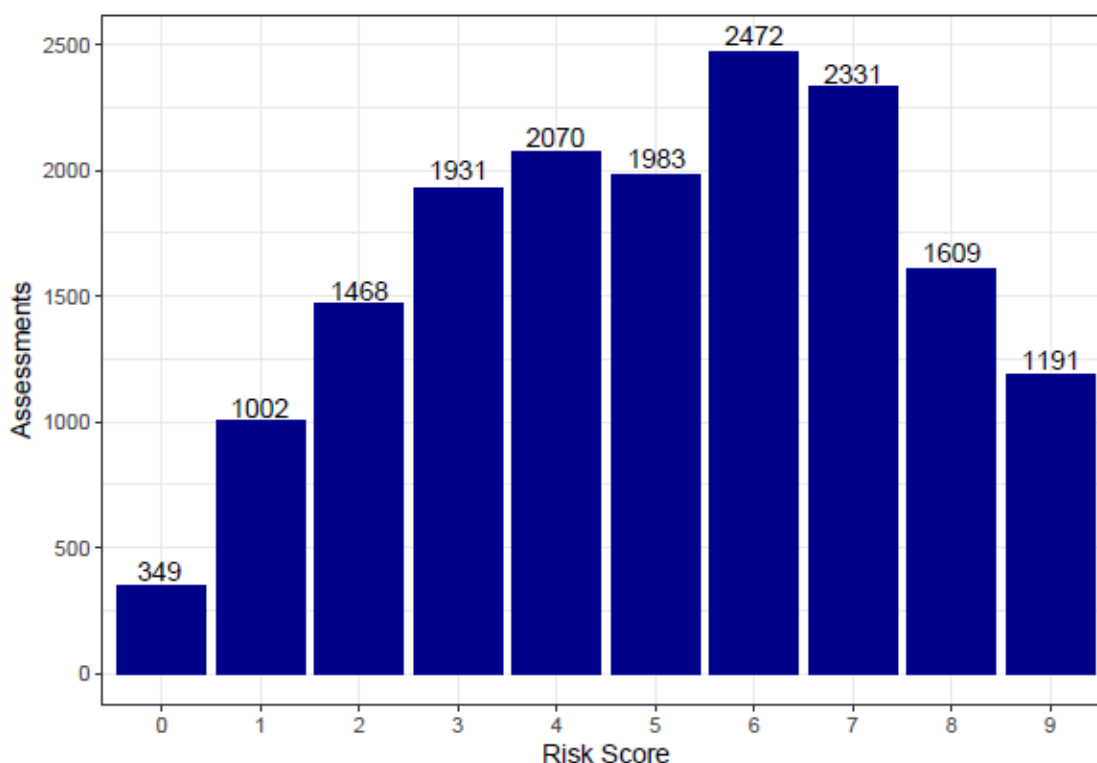
Source: Pretrial pilot county probation departments (Modoc, Napa, Nevada/Sierra, Ventura, and Yuba). View date: 05/05/2023

Figures C-2 through C-4 below show the number of assessed individuals by risk score for each of the three outcomes—failure to appear (FTA), new arrest during the pretrial period (NCA), and new violent arrest during the pretrial period (NVCA)—in the seven counties that used the PSA tool: Alameda, Calaveras, Los Angeles, Sacramento, Sonoma, Tulare, and Tuolumne. Unlike the other adopted tools, the PSA produces separate scores to indicate an individual's likelihood to commit each outcome. For FTA and NCA, the tool produces a score ranging from 1 (lower risk) to 6 (higher risk). For NVCA, the tool produces a score of either 0 (lower risk) or 1 (higher risk).

During this time, probation departments in these counties assessed 344,724 individuals under the program using the PSA.

Figure C-2. Number of Assessed Individuals by Risk Score (PSA Failure to Appear)
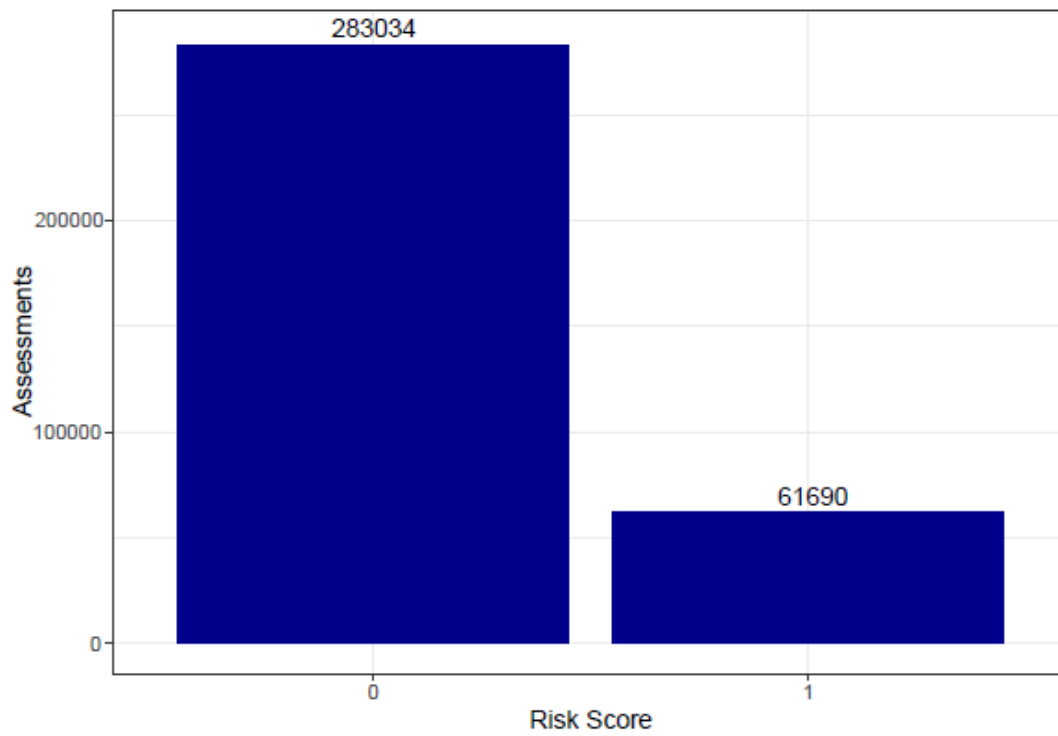

Source: Pretrial pilot county probation departments (Alameda, Calaveras, Los Angeles, Sacramento, Sonoma, Tulare, and Tuolumne). View date: 05/05/2023

Figure C-3. Number of Assessed Individuals by Risk Score (PSA New Criminal Activity)
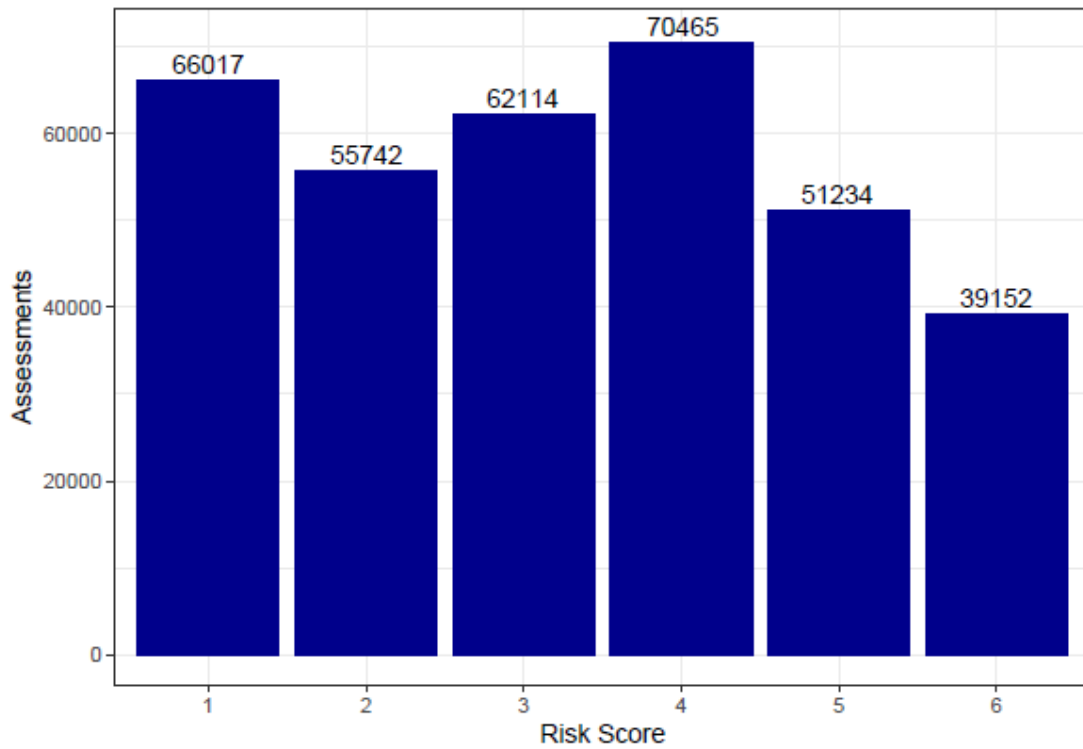
Source: Pretrial pilot county probation departments (Alameda, Calaveras, Los Angeles, Sacramento, Sonoma, Tulare, and Tuolumne). View date: 05/05/2023
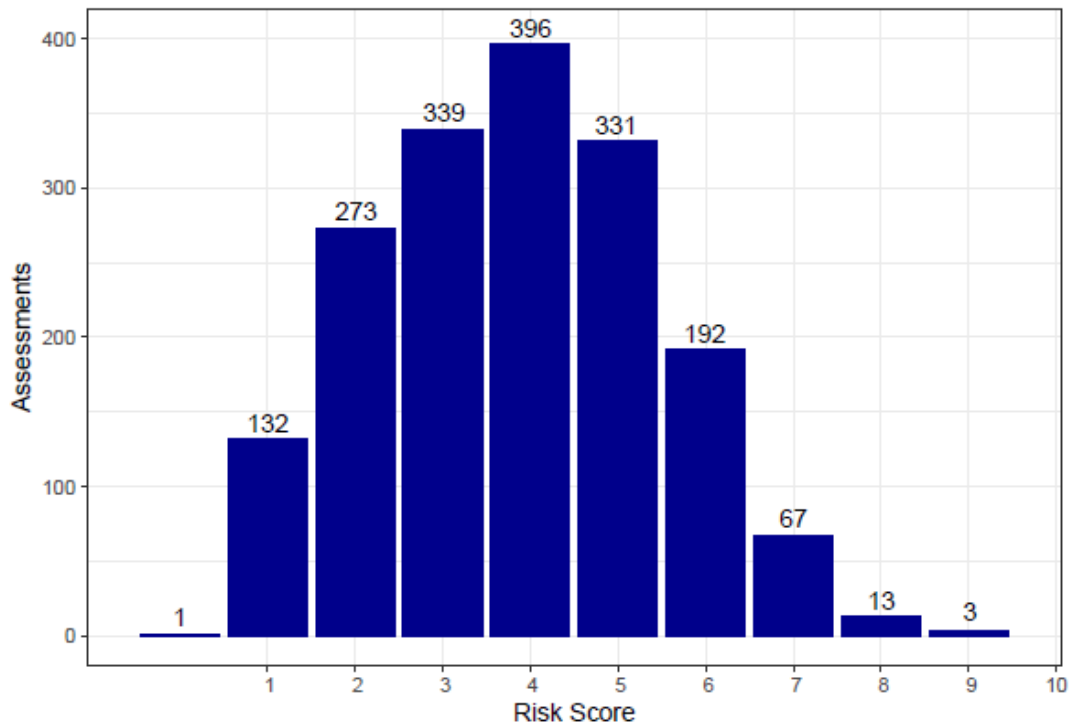
Figure C-4. Number of Assessed Individuals by Risk Score (PSA New Violent Criminal Activity)

Source: Pretrial pilot county probation departments (Alameda, Calaveras, Los Angeles, Sacramento, Sonoma, Tulare, and Tuolumne). View date: 05/05/2023

Figures C-5 through C-7 below show the number of assessed individuals using the VPRAI, VPRAI-O, and VPRAI-R tools. Two pilot projects are using or have used the VPRAI (San Joaquin and Santa Barbara); one county used the VPRAI-O (Kings); and three counties used the VPRAI-R (Alameda, San Mateo, and Santa Barbara). These courts conducted a total of 58,177 assessments using one of the three versions of the VPRAI during this time.

Figure C-5. Number of Assessed Individuals by Risk Score (VPRAI-O)

Source: Pretrial pilot county probation departments (Kings). View date: 05/05/2023

Figure C-6. Number of Assessed Individuals by Risk Score (VPRAI)
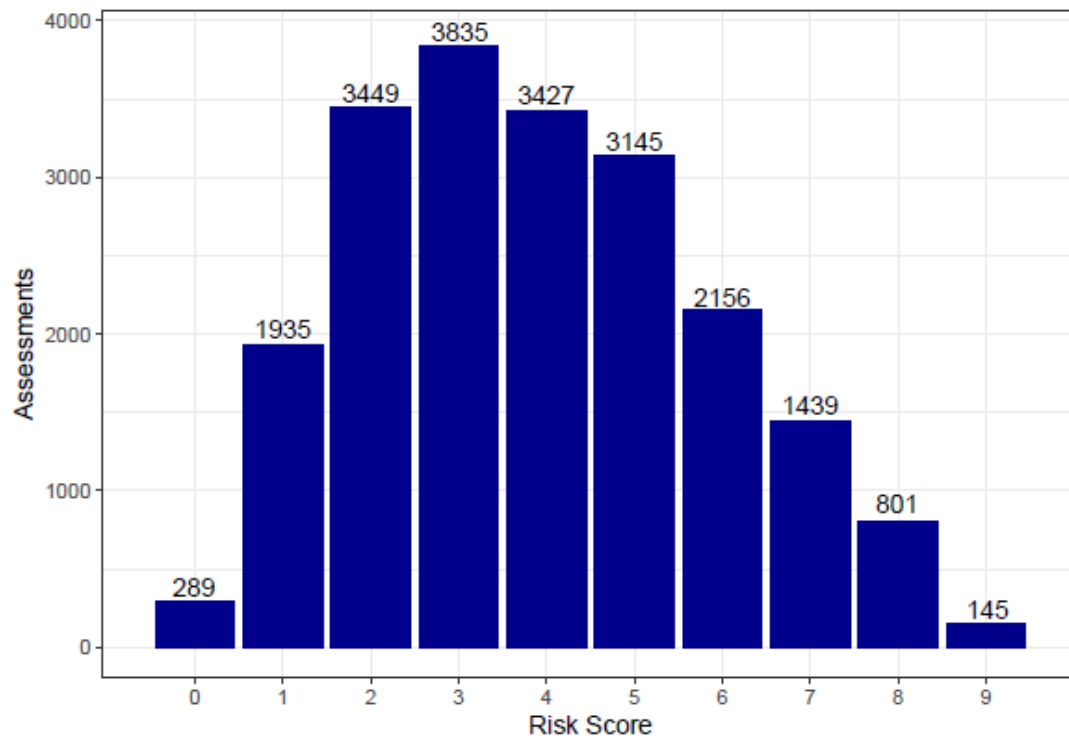
Source: Pretrial pilot county probation departments (San Joaquin and Santa Barbara). View date: 05/05/2023

Figure C-7. Number of Assessed Individuals by Risk Score (VPRAI-R)
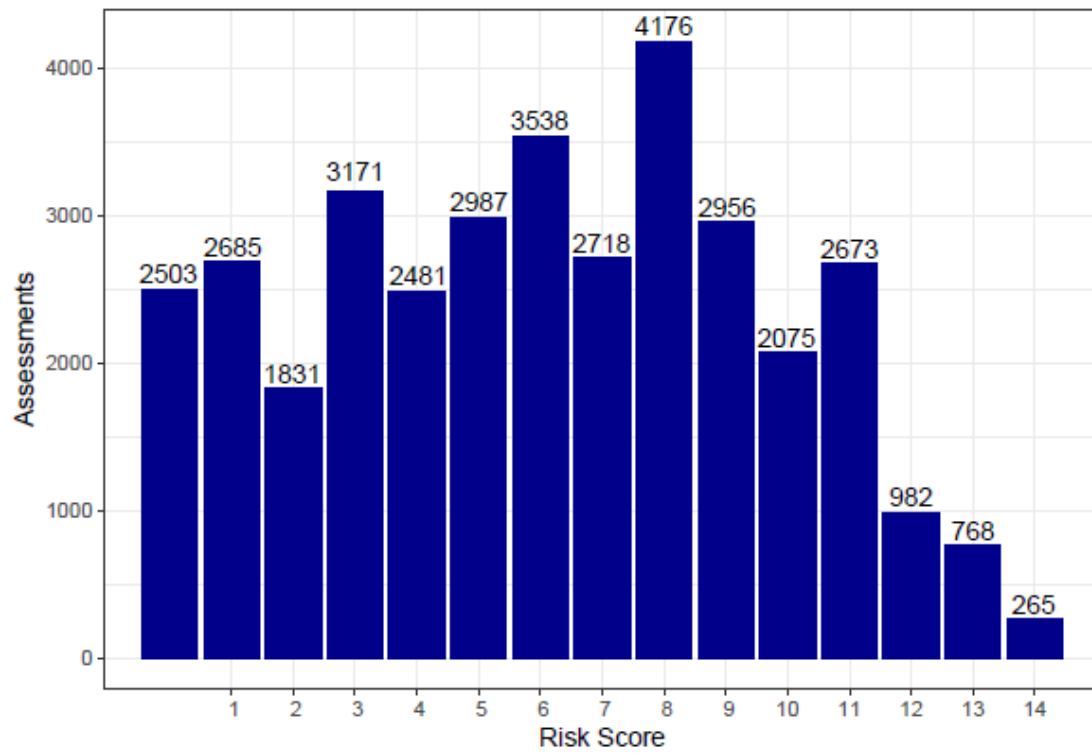
Source: Pretrial pilot county probation departments (Alameda, San Mateo, and Santa Barbara). View date: 05/05/2023

Appendix D: Pilot Project Implementation Dates

County	Implementation Date
Alameda	5/12/2020
Calaveras	10/15/2019
Kings	3/16/2020
Los Angeles	3/23/2020
Modoc	4/1/2020
Napa	11/1/2019
Nevada-Sierra	6/30/2020
Sacramento	Mid-February 2020
San Joaquin	6/30/2020
San Mateo	1/23/2020
Santa Barbara	8/1/2019
Sonoma	8/1/2019
Tulare	3/1/2020
Tuolumne	6/15/2020
Ventura	6/30/2020
Yuba	8/9/2019

Appendix E: Pilot Court Disbursement and Expenditure Summary

	Court	Award Amount	Expenditure	Program End Date
Large Courts	Alameda	$16,981,452	$17,057,985	6/30/2022
	Los Angeles	$11,481,277	$5,177,213	6/30/2022
	Sacramento	$11,234,172	$10,928,413	6/30/2022
Large Court Subtotal:		**$39,696,901**	**$33,163,611**	
Medium Courts	San Joaquin	$3,725	$2,086	6/30/2022
	San Mateo	$5,369,300	$3,865,370	6/30/2022
	Santa Barbara	$1,593,000	$1,593,188	12/31/2021
	Sonoma	$6,461,077	$6,473,668	6/30/2022
	Tulare	$3,806,853	$3,750,025	6/30/2022
	Ventura	$4,445,834	$4,445,834	6/30/2022
Medium Court Subtotal:		**$21,679,789**	**$20,130,171**	
Small-Medium Courts	Kings	$1,241,487	$1,249,011	6/30/2022
	Napa	$2,051,919	$2,044,799	6/30/2022
	Nevada-Sierra	$375,712	$329,364	6/30/2022
Small-Medium Court Subtotal:		**$3,669,118**	**$3,623,174**	
Small Courts	Calaveras	$618,743	$575,651	6/30/2022
	Modoc	$744,000	$617,264	6/30/2022
	Tuolumne	$649,831	$649,855	6/30/2022
	Yuba	$841,300	$829,854	6/30/2022
Small Court Subtotal:		**$2,853,874**	**$2,672,624**	
Total:		**$67,899,682**	**$59,589,579**	

Appendix F: Pilot Program Allocations vs. Senate Bill 129 Allocations

Court	Pilot Award	SB 129 Allocation	% Decrease
Alameda	$16,981,452	$2,424,169	86%
Calaveras	$618,743	$200,000	68%
Kings	$1,241,487	$289,658	77%
Los Angeles	$11,481,277	$16,959,835	-48%
Modoc	$744,000	$200,000	73%
Napa	$2,051,919	$211,134	90%
Nevada	$375,712	$200,000	47%
Sacramento	$11,234,172	$2,298,378	80%
San Joaquin[†]	$3,725	$1,253,873	−33561%
San Mateo	$5,369,300	$980,104	82%
Santa Barbara	$1,593,000	$1,221,093	23%
Sierra*	—	$200,000	—
Sonoma	$6,461,077	$714,244	89%
Tulare	$3,806,853	$820,183	78%
Tuolumne	$649,831	$200,000	69%
Ventura	$4,445,834	$1,390,308	69%
Yuba	$841,300	$200,000	76%

[†] The San Joaquin Superior Court has a preexisting pretrial program that is fully funded through the county. They participated in the pilot program to further their data collection efforts and expended their award amount minimally.

*The Sierra County Superior Court participated in the pilot program as a two-part consortium with the Nevada County Superior Court. The two-part consortium shared the allocation which is listed under Nevada.

Appendix G: Race Categories

Race Categories	Number of Individuals Booked
American Indian	3,083
Asian	29,315
Black	301,519
Blank	15,409
Hispanic	727,064
Other	80,839
Specific Race not otherwise categorized	38
White	322,410

Appendix H: Educational Sessions

Advancing Pretrial Release

1 hour
Deirdre Benedict, *Supervising Analyst*, *Judicial Council of California*
Eve Hershcopf, *Attorney, Judicial Council of California*
Suzanne Schleder, *Supervisor II, Judicial Council of California*

This *Criminal Law Update* podcast, produced by Criminal Justices Services, briefly covers current California law governing bail and pretrial release. It offers an overview of the bail industry and discusses the use of risk assessment tools and imposition of release conditions on bail.

Impacts of the *In re Humphrey* Decision

1.5 hours
Mia Bird*, California Policy Lab*
Hon. Ricky Tripp, *Superior Court of Tulare County*
Hon. Barbara Dickinson, *Superior Court of Alameda County*

The California Supreme Court's unanimous opinion in *In re Humphrey* reinforced the constitutional principle of liberty over detention, and requires individualized court consideration of relevant factors in setting bail. This session will provide examples of how courts are modifying pretrial practices in response to this decision.

Risk Assessment Tool Validation: Interpretation & Next Steps

1.5 hours
Sal Lempert*, Senior Research Analyst, Judicial Council of California*
Alison Shames*, Director, Center for Effective Public Policy; Co-Director, Advancing Pretrial Policy and Research*
Robert Halverson, *Research and Program Development Manager, Sonoma County Probation Dept.*
Samantha Feld*, Program Planning and Evaluation Analyst, Sonoma County Probation Dept.*

SB 36 established validation and reporting requirements for pretrial services agencies using a pretrial risk assessment tool. This session will go over various elements of the validation studies produced by the JCC for the pilot courts, as well as how these studies may be used to inform future practices.

Carrying Forward Promising Pretrial Practices After COVID-19

1.5 hours
Hector Gonzalez, *Court Executive Officer, Superior Court of Tuolumne County*

Ken English, *Court Commissioner, Superior Court of Sonoma County*
Erick Webb*, Supervising Deputy Probation Officer, Ventura County Probation Dept.*
Deon Whitfield*, Director of Information Technology, Superior Court of Tulare County*

The ongoing COVID-19 pandemic has brought unprecedented challenges to courts and their partners and forced them to reimagine aspects of their pretrial programs. In this session, members of several counties will discuss the impact of the pandemic, offer lessons learned, and suggest ways to continue using effective pretrial practices developed during COVID-19.

Effective Release Conditions & Strategies for Reducing FTAs

1.5 hours
Sal Lempert, *Senior Research Analyst, Judicial Council of California*
Tanja Heitman, *Chief Probation Officer, Santa Barbara County Probation Dept.*
Jim Amaral, *Supervising Deputy Probation Officer–Juvenile Unit/Pretrial Services, Nevada County Probation Dept.*
Sarah Fletcher, *Probation Adult Division Director, Santa Cruz County Probation Dept.*
Hon. Eric Geffon, *Supervising Judge, Criminal Division, Superior Court of Santa Clara County*

Increasing court appearance rates using the least restrictive conditions of release can lead to enhanced confidence in pretrial release, public trust, and safety. This session will discuss current research on the efficacy of various release conditions and strategies for encouraging return to court while protecting public safety.

Lessons Learned for Starting, Strengthening, and Maintaining Pretrial Release Programs

1.5 hours
Hon. Sergio C. Tapia II, *Superior Court of Los Angeles County*
Hector Gonzalez, *Court Executive Officer, Superior Court of Tuolumne County*
David Koch, *Chief Probation Officer, Sonoma County*

This webinar is designed for both existing pretrial pilot programs and for courts that are considering implementing or expanding a pretrial program. The webinar will address ways that pretrial pilot programs can be sustained, and review important elements for implementing or expanding a pretrial program, including funding, collaboration with justice partners, risk assessment, internal and external communication, technology, data collection and data sharing, and overcoming challenges.

Effectively Communicating Risk at the Pretrial Stage

1.5 hours
Hon. Jackson Lucky, *Superior Court of Riverside County*
Hon. Donald Segerstrom, *Superior Court of Tuolumne County*
Sal Lempert, *Research Analyst, Judicial Council of California*

An essential component of judicial decisionmaking at the pretrial stage involves the judge's assessment of the risk posed by the defendant with respect to public safety and return to court. As an aid for those pretrial release decisions, many courts are provided with reports that include results from risk assessments. This webinar will discuss best practices for accurately conveying the results of a pretrial risk assessment tool and how the effective communication of results can provide judges with a clearer understanding of the risk posed by a defendant when making pretrial release decisions. It will also provide a judicial perspective on establishing collaboration to create pretrial reports that clearly communicate a defendant's risk and fit the needs and preferences of the court and its partners.

Advancing Pretrial Success: Considerations for Improving Pretrial Responses for People Who Have Mental Illness

1.5 hours
Dr. Sarah Desmarais, Ph.D., *Director and Professor of Psychology, Center for Family and Community Engagement at North Carolina State University*
Hallie Fader-Towe, J.D., *Program Director, Behavioral Health Division of the Council of State Governments*

People who have behavioral health needs—particularly mental illnesses—are shown to be overrepresented among those arrested and booked into jails across the country, and many California counties report similar occurrences in their local justice systems. For many people who have mental illnesses, engagement in the community in lieu of detention during the pretrial stage can be an effective way to protect public safety, ensure appearance in court, and engage them in treatment when appropriate. This session will provide an overview on the intersection of mental illness and pretrial risk assessments, as well as evidence-based strategies for making effective pretrial decisions for people who have mental illness.

Risk Assessment and Race: Moving Forward

1.5 hours
Prof. Sandra Mayson, *Assistant Professor of Law, University of Georgia Law School*

Prof. Sandra Mayson discusses the racial equity concerns with pretrial risk assessment, the reasons that racial disparity can enter risk assessment data and outputs, and how pretrial service agencies and courts can strive to avoid perpetuating racial inequality while making the most of pretrial risk assessment tools.

Bail and Pretrial Release

1 hour
Hon. Lisa Rodriguez, *Superior Court of San Diego County*
Hon. Brian Back (Ret.), *Superior Court of Ventura County*

This recorded webinar briefly covers current California law governing bail and pretrial release and the origins of the bail system to ensure a defendant's appearance in court. It provides a snapshot of the California bail industry and reviews the impact of monetary bail

on defendants, their families, and communities. The webinar addresses public safety as the primary consideration in release and touches on the use of risk assessment tools to inform release decisions. It also reviews the imposition of release conditions on bail *(In re Webb)* and recent California cases on ability-to-pay determinations for release on bail *(In re Humphrey)* and preventive detention *(In re White)*.

Bail and Pretrial Release

15 minutes
Hon. Lisa Rodriguez, *Superior Court* of *San Diego County*

This *Criminal Law Update* podcast, produced by Criminal Justices Services, briefly covers current California law governing bail and pretrial release. It offers an overview of the bail industry and discusses the use of risk assessment tools and imposition of release conditions on bail.

Appendix I: Glossary

arraignment	The initial step in a criminal prosecution whereby the defendant is brought before the court to hear the charges and to enter a plea.
arrestee	Someone who has been taken into custody by legal authority; a person who has been arrested; also, a person in custody whose release may be secured by posting bail.
bail	The process by which a person is temporarily released, prior to trial, in exchange for security (a bond or property) or money promised for the defendant's future court appearance, or on the defendant's own recognizance. Also, can refer to the amount of bond money posted as a financial condition of pretrial release.
bail agent	A bail agent is a person permitted to solicit, negotiate and effect undertakings of bail on behalf of any surety insurer. All bail agents must meet specified bond requirements. Licensees that fail to meet bond requirements are not authorized to transact.
bail bond (appearance bond; personal bond)	A bond given (posted) to a court by a criminal defendant's surety to guarantee that the defendant will appear in court at all future court dates and, if the defendant is jailed, to obtain the defendant's release from confinement. The court will release an arrestee from detention upon posting of the bail bond. The effect of the release on bail bond is to transfer custody of the defendant from the officers of the law to the surety on the bail bond, whose undertaking is to redeliver the defendant to legal custody at the time and place appointed in the bond. Bail bonds are underwritten and issued by licensed bail agents who act as the appointed representatives of licensed surety insurance companies.
booking	A procedure following an arrest in which information about the arrest and the suspect are recorded.
case	A judicial proceeding for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed, or any proceeding judicial in nature. A case is a single charging document filed in a court containing one or more charges against one or more defendants and constituting the unit of action in court activity following the filing. Charges in two or more charging documents are sometimes combined, or the charges or defendants in one charging document separated, for purposes of adjudication.
charge/criminal charge	A formal accusation of an offense as a preliminary step to prosecution.
citation	A police-issued order to appear before a judge on a given date to defend against a stated charge, such as a traffic violation.
commercial/compensated	A surety who engages in the business of executing suretyship

surety	contracts in exchange for premium. A bonding company is a typical example of a commercial/compensated surety.
complaint	A formal document submitted to the court by a prosecutor, law enforcement officer, or other person, alleging that a specified person or persons has committed a specified offense or offenses and requesting prosecution.
conviction	A judgment of guilt against a criminal defendant. A conviction includes pleas of guilty and nolo contendere, and excludes final judgments expunged by pardon, reversed, set aside, or otherwise rendered invalid.
corporate surety	A person, persons, or entity who has entered into a bond (or an agreement) to give surety for another. As a condition of pretrial release, the defendant enters into an agreement that requires a third party, such as a bail bondsman, to promise the payment of the full bail amount in the event that the defendant fails to appear in court. See also surety bond.
court order	A written direction or command delivered by a court or judge.
deposit bond	An agreement made by a defendant as a condition of pretrial release that requires the defendant to post a fraction of the bail before he or she is released to the community.
detention	The legally authorized confinement of a person subject to criminal or juvenile court proceedings, until the point of commitment to a correctional facility or until release.
dismissal	The decision by a court to terminate adjudication of all outstanding charges in a criminal case, or all outstanding charges against a given defendant in a criminal case, thus terminating the court action in the case and permanently or provisionally terminating court jurisdiction over the defendant in relation to those charges. Includes nolle prosequi and deferred prosecution.
failure to appear	Willful absence without excuse from any court hearing or appointment that the defendant is required to attend.
felony	A serious crime that involves a potential punishment of one year or longer in prison or a crime punishable by death.
financial condition	The monetary condition on which the release of a defendant before trial is contingent, including deposit bond, surety bond, and collateral bond. See also the specific definitions for these bond types.
give bail/post bail	To post security for one's appearance in court.
incarceration	Any sentence of confinement, including prison, jail, or other residential placements.
misdemeanor	A criminal offense punishable by a jail term not to exceed one year.
own recognizance/ personal	A pretrial release condition in which the defendant promises to

recognizance	appear at trial and no financial conditions are imposed.
personal recognizance ("own recognizance release")	The release of a defendant in a criminal case in which the court takes the defendant's word that he or she will appear for a scheduled matter or when told to appear. This type of release dispenses with the necessity of the person's posting money or having a surety sign a bond with the court.
pretrial detention	The holding of a defendant before trial on criminal charges either because the established bail could not be posted or because release was denied.
pretrial period	The pretrial period begins with arrest and covers the period from the time a person is cited and released or booked into jail to the period when he or she is charged in a criminal complaint through conviction or dismissal of the case. *
pretrial release	A defendant's release from custody to the community, for all or part of the time before trial or during prosecution, upon his or her promise to appear in court when required. The defendant may be released on personal (own) recognizance, unsecured bond, or under financial conditions. Pretrial release includes defendants released within two days after arrest and defendants released after posting bail or having release conditions changed at a subsequent hearing.
pretrial revocation	The decision to detain a defendant for violating conditions of pretrial release or for committing a new crime while in a pretrial release status.
pretrial services	An investigation of a [federal] criminal defendant's background, conducted after the defendant has been arrested and charged but before trial, to help the court determine whether to release or detain the defendant pending trial. If the court orders release, a pretrial- services officer supervises the defendant on release.
preventive detention	The detention of a defendant awaiting trial for the purpose of preventing further misconduct.
property/collateral bond	An agreement made as a condition of pretrial release that requires the defendant to post property valued at the full bail amount as an assurance of his or her intention to appear at trial.
revocation	Termination of a probation, parole, or mandatory release order because of a rule violation or a new offense, which forces the offender to begin or to continue serving his or her sentence.
risk assessment	The activity of identifying, estimating, and evaluating the probability of harm associated with an activity and determining an acceptable level of risk.
sentence; judgment of conviction	The judgment that a court formally pronounces after finding a criminal defendant guilty; the punishment imposed on a criminal wrongdoer.
surety	An arrangement whereby one party becomes answerable to a third party for the acts of a second party. Customarily an

	insurance company, the party in a suretyship arrangement who holds himself responsible to one person for the acts of another.
surety bond	An agreement by the defendant as a condition of release that requires a third party (usually a bail bondsman) to promise to pay the full bail amount in the event that the defendant fails to appear in court. A bond which the surety agrees to answer to the obligee for the nonperformance of the principal (also known as the obligor).
technical violation	Failure to comply with any of the conditions of pretrial release, probation, or parole, excluding alleged new criminal activity. Technical violations may result in revocation of an offender's release status. Conditions that may be imposed and then violated include remaining within a specified jurisdiction or appearing at specified intervals for drug tests.
unsecured bond	An agreement by the defendant as a condition of pretrial release in which the defendant agrees to pay the full bond amount in the event of nonappearance at trial but is not required to post security as a condition to release.
warrant/bench warrant	A court order (writ) that directs a law enforcement officer to conduct a search or arrest and bring a person before the judge, such as persons charged with a crime, escaped federal prisoners, or probation, parole, or bond default violators.

Source: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Federal Justice Statistics 2013, Statistical Tables* (March 2017); *Black's Law Dictionary* (10th ed. 2014); and the California Department of Insurance.

* Penal Code sections 853.6 and 1270 govern the release of those arrested for misdemeanors. Under most circumstances, law enforcement has the authority to release a misdemeanor arrestee in the field with a citation. However, citations cannot be issued for offenses involving domestic violence or abuse (unless the officer determines there is not a reasonable likelihood that the offense will continue).