



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 24-085*

For business meeting on July 12, 2024

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**Title**

Allocations and Reimbursements to Trial Courts: Pretrial Release Funding and Allocation Methodology

**Agenda Item Type**

Action Required

**Effective Date**

July 12, 2024

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

June 12, 2024

**Recommended by**

Trial Court Budget Advisory Committee  
Hon. Jonathan B. Conklin, Chair  
Ms. Rebecca Fleming, Vice-Chair

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### Executive Summary

The Trial Court Budget Advisory Committee recommends approving the fiscal year 2024–25 pretrial release funding of \$68.95 million General Fund for the trial courts. This allocation is in accordance with methodologies outlined in the Budget Act of 2024, including minimum funding floors. Funding through the pretrial release program provides for the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail.

### Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective July 12, 2024, approve fiscal year 2024–25 pretrial release allocations of \$68.95 million General Fund for the trial courts in accordance with methodologies outlined in the Budget Act of 2024, including minimum funding floors.

Recommendations were presented to the Judicial Branch Budget Committee on May 16, 2024, and approved for consideration by the Judicial Council.

The proposed allocations are listed in Attachment A.

## **Relevant Previous Council Action**

At its business meeting on October 1, 2021, the Judicial Council approved the fiscal year (FY) 2021–22 allocations of \$137.9 million General Fund for the trial courts in accordance with methodologies outlined in Senate Bill 129 (Stats. 2021, ch. 69), including minimum funding floors. As required in the legislation, half of the approved FY 2021–22 funding (\$68.95 million) was distributed to the 41 courts that did not receive Pretrial Pilot Program funding provided in the Budget Act of 2019. The remaining \$68.95 million was distributed to all courts.

The Judicial Council subsequently approved allocations for FY 2022–23 via circulating order on July 28, 2022, and allocations for FY 2023–24 at its meeting on July 21, 2023.

## **Analysis/Rationale**

The Budget Act of 2024 provides \$68.95 million in FY 2024–25 in ongoing funding to the Judicial Council for distribution to the courts for the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail.<sup>1</sup>

Each court may retain up to 30 percent of the funding for costs associated with pretrial release programs and practices. Courts are required to contract for pretrial services with their county’s probation department or any county department or agency other than those that have primary responsibility for making arrests or prosecuting criminal offenses and provide those departments with the remainder of the funds.<sup>2</sup>

The Judicial Council is required to distribute funds annually to all courts based on each county’s relative proportion of the state population 18 to 25 years of age. The current annual budget available to the courts for the Pretrial Release Program is \$68.95 million. These funds must be encumbered or expended by June 30, 2025. The breakdown of these ongoing allocation recommendations is reflected in Attachment A.

## **Funding floor**

In previous years, the pretrial release allocations approval requests to the Trial Court Budget Advisory Committee (TCBAC) included a recommendation to provide small and small-medium courts with a minimum funding floor of \$200,000 with a commitment from Judicial Council staff to monitor and evaluate the impact and necessity for the floor, and return to the committee with a

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<sup>1</sup> The originating legislation Senate Bill 129 (Stats. 2021, ch. 69) had allowed the Judicial Council to retain up to 5 percent (\$1.05 million) of the \$70 million for costs associated with implementing, supporting, and evaluating pretrial programs across the state. In the FY 2023–24 Governor’s Budget, the \$1.05 million allocated to the Judicial Council for administrative costs was moved to item 0250-001-0001, reducing the original \$70 million to \$68.95 million.

<sup>2</sup> SB 129 specifically provides that the Superior Court of Santa Clara County may contract with the Office of Pretrial Services in that county, and that the Superior Court of San Francisco County may contract with the sheriff’s office and the existing not-for-profit entity that is performing pretrial services in the city and county for pretrial assessment and supervision services.

recommendation to either rescind or adjust the floor. The original \$200,000 floor is equivalent to the floor used in the funding methodology for the California Community Corrections Performance Incentives Act of 2009.<sup>3</sup>

The floor was in effect for fiscal years 2021–22 and 2022–23, with 23 courts receiving the floor. In FY 2023–24, 22 courts received the original funding floor amount of \$200,000 and one court received a reduced floor amount of \$100,000.<sup>4</sup>

The minimum funding floor allocation has allowed small and small-medium courts to implement robust pretrial programs and provide services to their pretrial populations. Of the 23 courts that previously received the funding floor, 20 have spent more than twice of what they would have received if they were limited to their unadjusted allocations. The minimum funding floor allowed the courts to hire necessary staff, provide basic equipment and supplies, and contract with providers for services that are essential for program operation such as court management system hosting and internet services.

In March 2024, Judicial Council staff again reevaluated the funding floor, reviewed annual expenditures, and analyzed the impact of maintaining a minimum funding floor of \$200,000 for each court to accomplish business goals. Staff also considered other allocation adjustments that may be more reflective of the annual spending of the courts to avoid over allocating the funding floor and reached out to individual courts for feedback regarding their FY 2024–25 allocations.

After a detailed analysis of planned budgets and actual spending, and individual outreach and conversations with the affected courts, Judicial Council staff recommend the following for FY 2024–25:

- 15 courts would continue to receive the floor of \$200,000;
- 1 court would receive a floor of \$175,000;
- 3 courts would receive a floor of \$150,000;
- 2 courts would receive a floor of \$125,000;
- 1 court would receive a floor of \$100,000; and
- 1 court would receive a floor of \$25,000.

Judicial Council staff will continue to monitor and evaluate whether the floor provides small and small-medium courts with the resources necessary to meet the requirements of the legislation. Staff will regularly return to the TCBAC and the Budget Committee with recommendations to rescind, retain, or adjust the floor.

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<sup>3</sup> Sen. Bill 678; Stats. 2009, ch. 608, [www.courts.ca.gov/documents/sb678.pdf](http://www.courts.ca.gov/documents/sb678.pdf).

<sup>4</sup> Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, San Benito, Sierra, Siskiyou, Sutter, Tehama, Tuolumne, and Yuba Counties received \$200,000. Trinity County received \$100,000.

### **Policy implications**

No policy implications are associated with this report.

### **Comments**

Public comments were not solicited for this proposal because the recommendations are within the Judicial Council’s purview to approve without circulation.

### **Alternatives considered**

The FY 2024-25 allocation considered two alternatives to the funding floor:

- **Provide the 23 funding floor courts with the full funding floor allocation of \$200,000.** This option would reduce the overall allocation amount to the remaining 35 courts.
- **Provide the 23 funding floor courts with an unadjusted allocation.** More than half of the courts expended or will expend over 100 percent of their unadjusted allocation. This option does not provide enough funding for the courts to continue operating their pretrial programs.

### **Fiscal and Operational Impacts**

The Budget Act of 2024 allocates \$1.05 million to the Judicial Council for costs associated with implementing, supporting, and evaluating pretrial programs in courts. Council staff continue to assist courts with legal, educational, and technical support to help courts operate their pretrial programs and meet the legislative requirements.

### **Attachments and Links**

1. Attachment A: Recommended FY 2024–25 Pretrial Release Ongoing Allocations

**Attachment A: Recommended FY 2024–25 Pretrial Release Ongoing Allocations**

<b>Court</b>	<b>No. of 18–24 Yr. Olds</b>	<b>% of Total Population of CA 18–24 Yr. Olds</b>	<b>\$ Allocation of \$68.95M Based on % of 18–24 Yr. Olds</b>
Alameda	137,108	3.74%	\$2,428,229
Alpine	N/A	N/A	\$100,000
Amador	N/A	N/A	\$150,000
Butte	31,608	0.86%	\$559,788
Calaveras	N/A	N/A	\$150,000
Colusa	N/A	N/A	\$200,000
Contra Costa	96,112	2.62%	\$1,702,176
Del Norte	N/A	N/A	\$125,000
El Dorado	13,226	0.36%	\$234,237
Fresno	100,912	2.75%	\$1,787,185
Glenn	N/A	N/A	\$175,000
Humboldt	16,912	0.46%	\$299,517
Imperial	18,328	0.50%	\$324,595
Inyo	N/A	N/A	\$200,000
Kern	92,536	2.52%	\$1,638,844
Kings	16,383	0.45%	\$290,148
Lake	N/A	N/A	\$200,000
Lassen	N/A	N/A	\$200,000
Los Angeles	933,968	25.47%	\$16,540,887
Madera	15,326	0.42%	\$271,429
Marin	17,974	0.49%	\$318,326
Mariposa	N/A	N/A	\$150,000
Mendocino	N/A	N/A	\$200,000
Merced	31,470	0.86%	\$557,344
Modoc	N/A	N/A	\$200,000
Mono	N/A	N/A	\$200,000
Monterey	44,833	1.22%	\$794,007
Napa	11,705	0.32%	\$207,299
Nevada	N/A	N/A	\$200,000
Orange	297,509	8.11%	\$5,268,984
Placer	30,503	0.83%	\$540,218
Plumas	N/A	N/A	\$125,000
Riverside	237,956	6.49%	\$4,214,281
Sacramento	136,768	3.73%	\$2,422,207
San Benito	N/A	N/A	\$200,000

Court	No. of 18–24 Yr. Olds	% of Total Population of CA 18–24 Yr. Olds	\$ Allocation of \$68.95M Based on % of 18–24 Yr. Olds
San Bernardino	227,084	6.19%	\$4,021,734
San Diego	334,709	9.13%	\$5,927,809
San Francisco	55,291	1.51%	\$979,222
San Joaquin	76,102	2.08%	\$1,347,792
San Luis Obispo	43,148	1.18%	\$764,166
San Mateo	56,246	1.53%	\$996,136
Santa Barbara	68,741	1.87%	\$1,217,426
Santa Clara	169,610	4.62%	\$3,003,850
Santa Cruz	38,080	1.04%	\$674,410
Shasta	13,779	0.38%	\$244,031
Sierra	N/A	N/A	\$200,000
Siskiyou	N/A	N/A	\$200,000
Solano	39,292	1.07%	\$695,875
Sonoma	39,503	1.08%	\$699,611
Stanislaus	53,267	1.45%	\$943,376
Sutter	N/A	N/A	\$200,000
Tehama	N/A	N/A	\$200,000
Trinity	N/A	N/A	\$25,000
Tulare	49,543	1.35%	\$877,423
Tuolumne	N/A	N/A	\$200,000
Ventura	78,340	2.14%	\$1,387,428
Yolo	43,478	1.19%	\$770,010
Yuba	N/A	N/A	\$200,000
<b>Total</b>	<b>3,667,350</b>	<b>100%</b>	<b>\$68,950,000</b>

Source: U.S. Census Bureau, American Community Survey, 2022: ACS 5-Year Estimates Subject Tables, Table S0101,

[https://data.census.gov/table/ACSST5Y2022.S0101?g=040XX00US06\\$0500000&ip=true](https://data.census.gov/table/ACSST5Y2022.S0101?g=040XX00US06$0500000&ip=true).

Notes: FY 2024–25 funding must be spent or encumbered by June 30, 2025.

“N/A” designates courts that have been provided with a minimum funding floor allocation to ensure adequate funding is provided to meet the legislative mandate.