

Pretrial Reform and Operations Workgroup (PROW)

Report to the Judicial Council

August 9, 2019

**Pretrial Pilot Program
Recommended Awards**

Overview

- Pretrial Reform and Operations Workgroup (PROW)

- Formed by the Chief Justice in January 2019 to review progress on reforms to California's system of pretrial detention and identify next steps to continue work on the issue.
- Twelve-person group that includes trial court judges, appellate justices, and court executive officers from courts of all sizes and from both rural and urban areas.



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PROW's Charge

- Review progress on reforms to California's system of pretrial detention and release.
- Develop recommendations for funding allocations of court pilot projects, should they be included in the final State Budget for fiscal year 2019–2020.
- Examine risk assessment tools.
- Develop a plan for judicial branch education.



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PROW Continues the Work of the Pretrial Detention Reform (PDR) Workgroup

- Chief Justice established PDR in the fall of 2016 to provide analysis and recommendations for areas in which courts may identify better ways to make pretrial release decisions.
- The workgroup presented its final report to the Chief Justice in October 2017.



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“... California’s current pretrial release and detention system unnecessarily compromises victim and public safety because it bases a person’s liberty on financial resources rather than the likelihood of future criminal behavior and exacerbates socioeconomic disparities and racial bias”



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How We Operationalize Pretrial Reform

- Selection of Pilot Courts
- Technical Assistance/Training/Education
- Data Collection/Evaluation/Reporting
- Information Technology Enhancements



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PROW Charge:

Develop Recommendations for
Funding Allocations of Court Pilot
Projects



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Governor's Proposed FY 19-20 Budget—Pretrial Pilot Programs

Of the amount appropriated in Schedule (1), \$75,000,000 shall be allocated to the Judicial Council to fund the implementation, operation, or evaluation of programs or efforts in at least 10 courts related to pretrial decision-making.



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Goals for Pretrial Pilot Program

- Expand the use and validation of pretrial risk assessment tools that make their factors, weights, and studies publicly available.
- Assess any disparate impact or bias that may result from the implementation of these projects in order to better understand and reduce biases based on race, ethnicity, and gender in pretrial release decision-making.



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Goals for Pretrial Pilot Program

- Increase the safe and efficient prearrestment and pretrial release of individuals booked into jail by expanding the use of own recognizance and monitored release.
- Implement monitoring practices of those released prearrestment and pretrial with the least restrictive interventions and practices necessary to enhance public safety and return to court.



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Pilot Program Requirements

- Operate under existing law.
- Demonstrate that there is an effective collaboration among local justice system partners to successfully implement a pilot program in the county.
- Demonstrate a clear commitment to the scope of the program and to meeting all the program goals.



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Funding may be used for:

- Contracts with probation to provide risk assessment information to the court and provide appropriate levels of monitoring of individuals released pretrial.
- Costs associated with judicial officer release and detention decision-making prior to arraignment.



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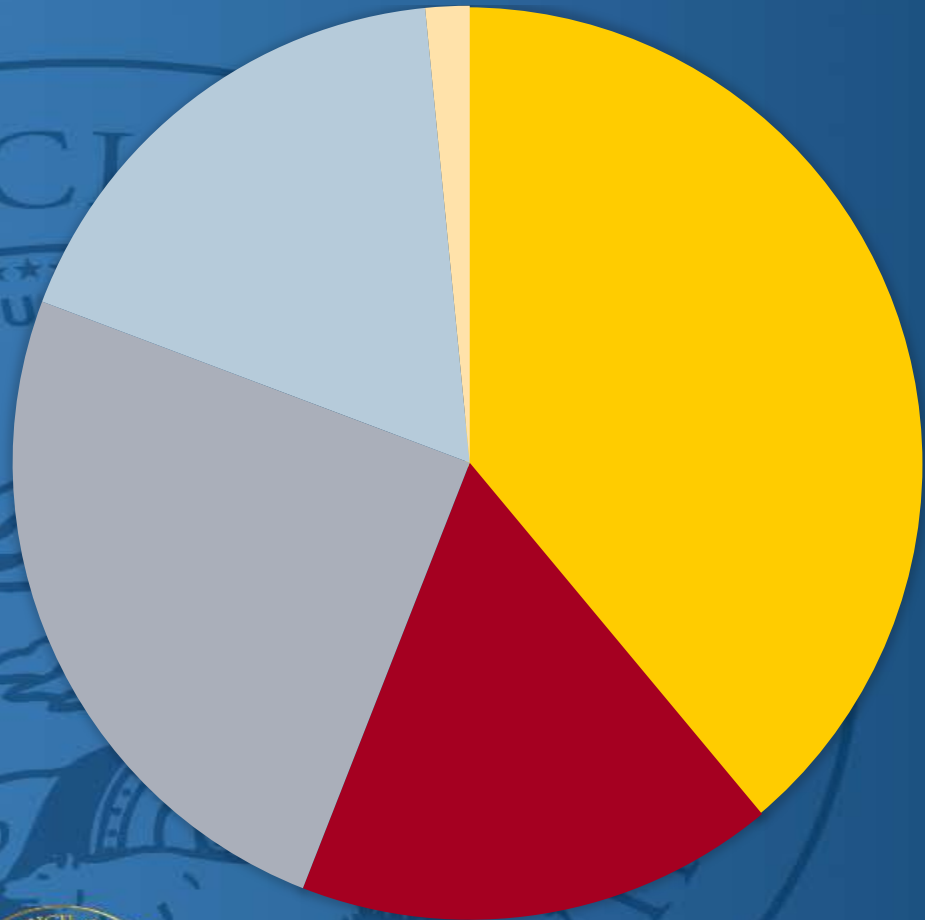
Funding may be used for:

- Costs for technology to facilitate information exchanges and process automation.
- Sharing of data with the Judicial Council that is necessary to evaluate the program.
- Court Date Reminder Systems



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Judicial Council Costs Associated with Pretrial Pilot Program



- Case Management System Development
- Risk Assessment Tool Integration and Validation
- Data Warehouse Integration
- Legal, Research and Administrative Staff Support
- Training and Technical Assistance to Courts and Justice System Partners



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Pilot Selection Considerations

- Currently operate in some form of pretrial program or be actively engaged in moving toward a pretrial release program
- Seeking Diversity in:
 - Court Size
 - Geographic Locations
 - Case Management Systems
 - Pretrial Risk Assessment Tools



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Applications Received

- 35 Courts submitted a Notice of Intent.
- 31 Courts submitted an application.
- \$169.64 million in requested funding.
- Broad diversity of programs of various sizes from across the state.



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Program Timeline

May 20, 2019	Request for Applications (RFA) sent to the courts
June 7, 2019	Notice of Intent to Apply
July 2, 2019	Submission Deadline
July 11, 2019	PROW Scoring Subcommittee
July 30, 2019	PROW Webinar to Approve Scoring Subcommittee recommendations
August 9, 2019	PROW recommendations brought to the Judicial Council



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Application Review and Recommendation Development Process

Justice Partner Interviews

June 20 – July 1



Pretrial Pilot Program Funding For Release by Nonjudicial Officers

- Grantees must incorporate judicial officer release decisions prior to arraignment based on a risk assessment, including release by subordinate judicial officers.
- The authority to release a person on their own recognizance and to impose reasonable conditions is held by a judge or magistrate.
- The Judicial Council cannot provide funding to courts that authorize nonjudicial officers to conduct prearrestment own recognizance release of booked individuals unless such release is permitted by an order addressing the county's jail population cap.



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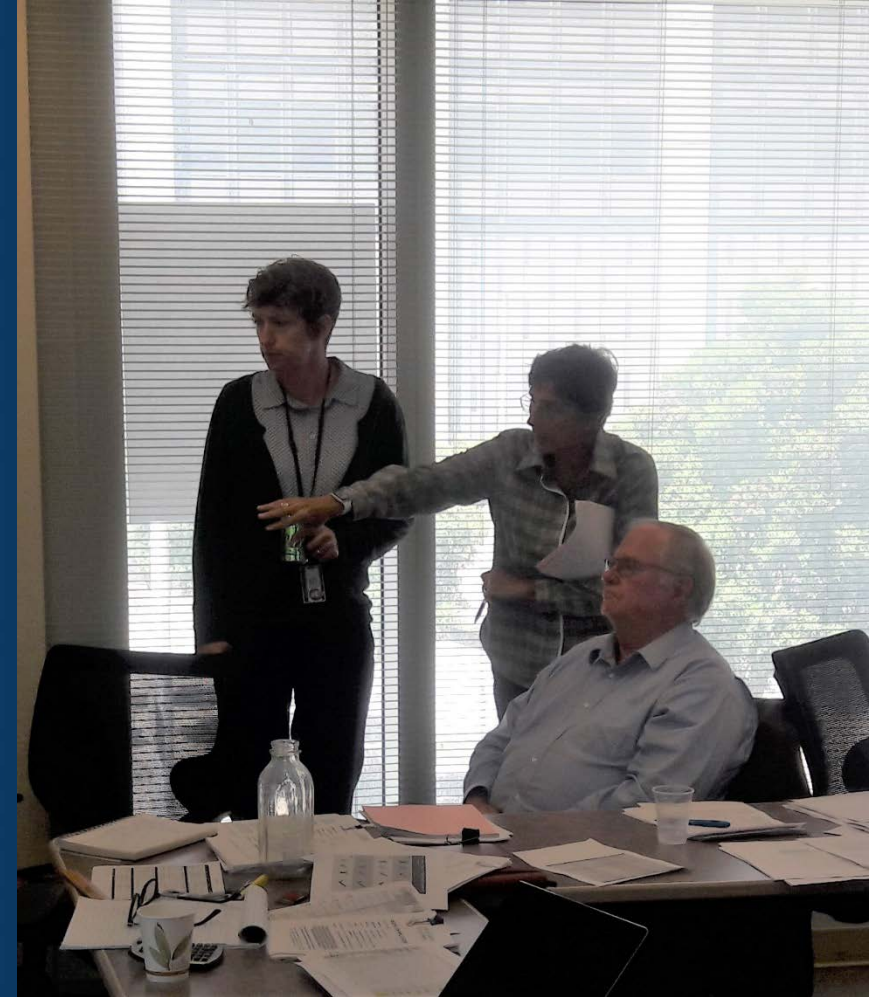
Overview of Applications and Recommendations

- Staff Review

- Initial groundwork and review of all applications.
- Narrative summary, budget analysis, and technology review.
- Summary of strengths and weaknesses.
- Notes and comments from the justice partner interviews.
- Input and feedback provided to the PROW Scoring Subcommittee.



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Overview of Applications and Recommendations PROW Scoring Subcommittee



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Recommendations—Large Courts

- Superior Court of Alameda County
- Superior Court of Los Angeles County
- Superior Court of Sacramento County



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Recommendations—Medium Courts

- Superior Court of San Joaquin County
- Superior Court of San Mateo County
- Superior Court of Santa Barbara County
- Superior Court of Sonoma County
- Superior Court of Tulare County
- Superior Court of Ventura County



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Recommendations—Medium/Small Courts

- Superior Court of Kings County
- Superior Court of Napa County
- Superior Court of Nevada County
(in consortium with the Superior Court of Sierra County)



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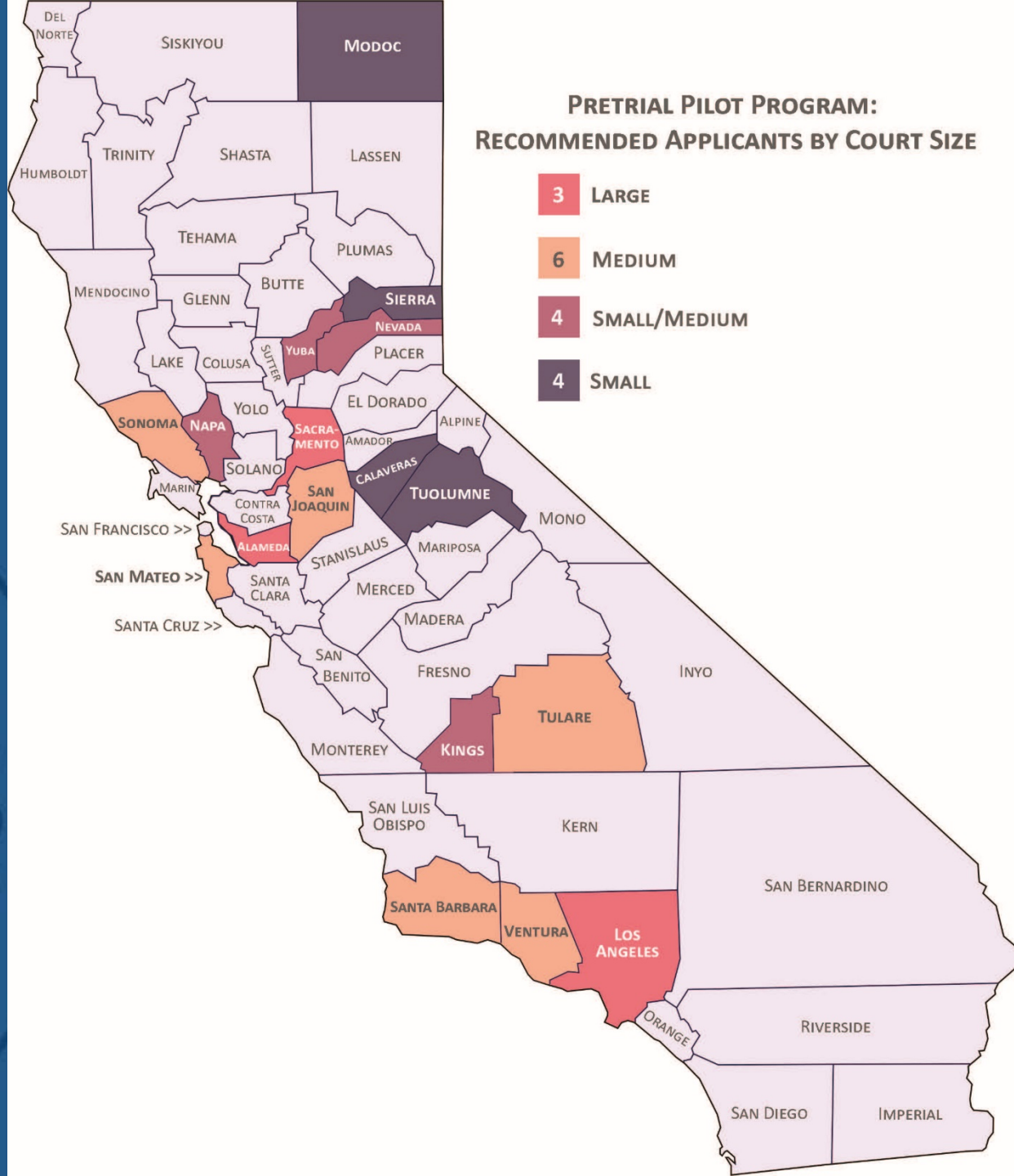


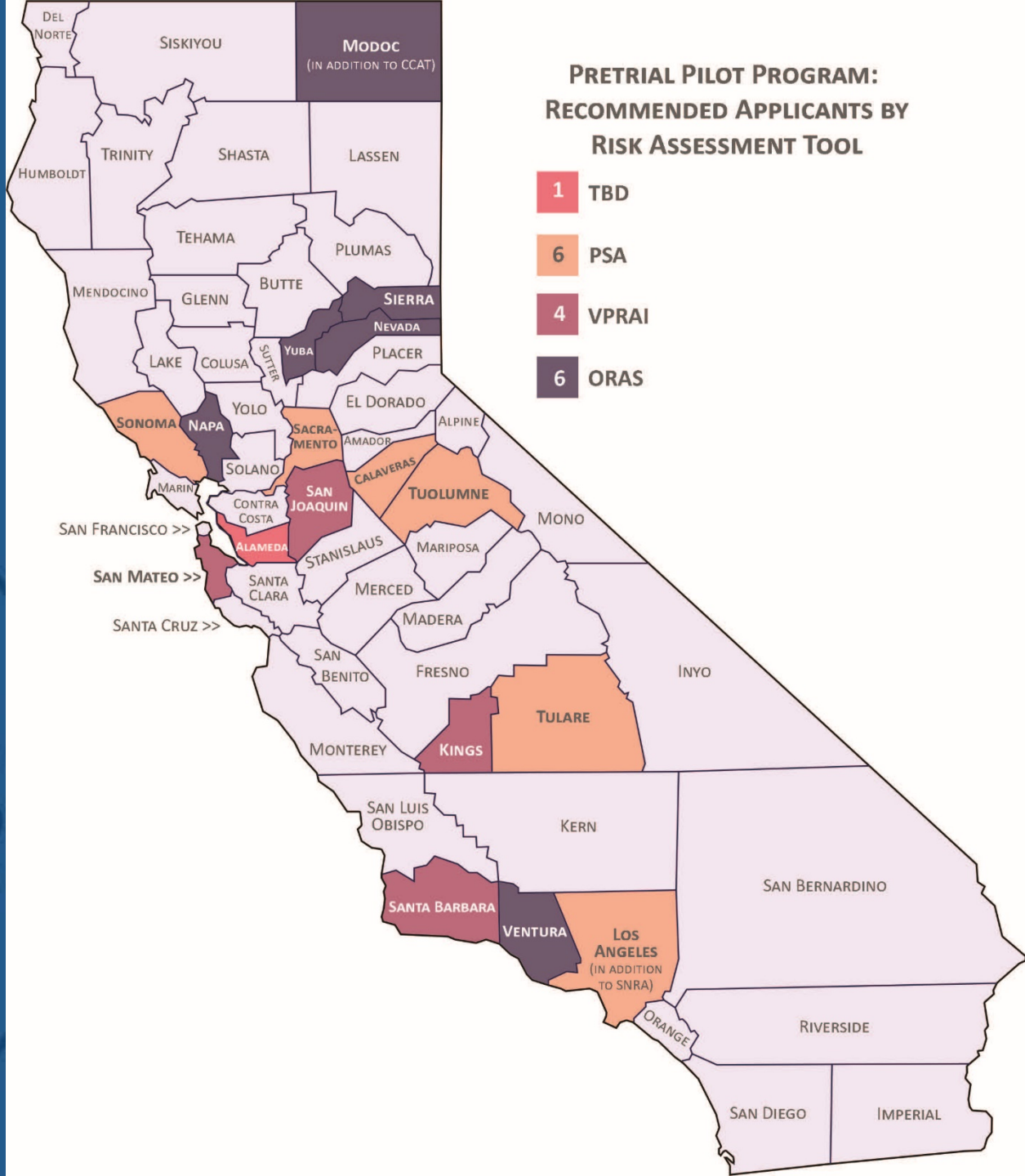
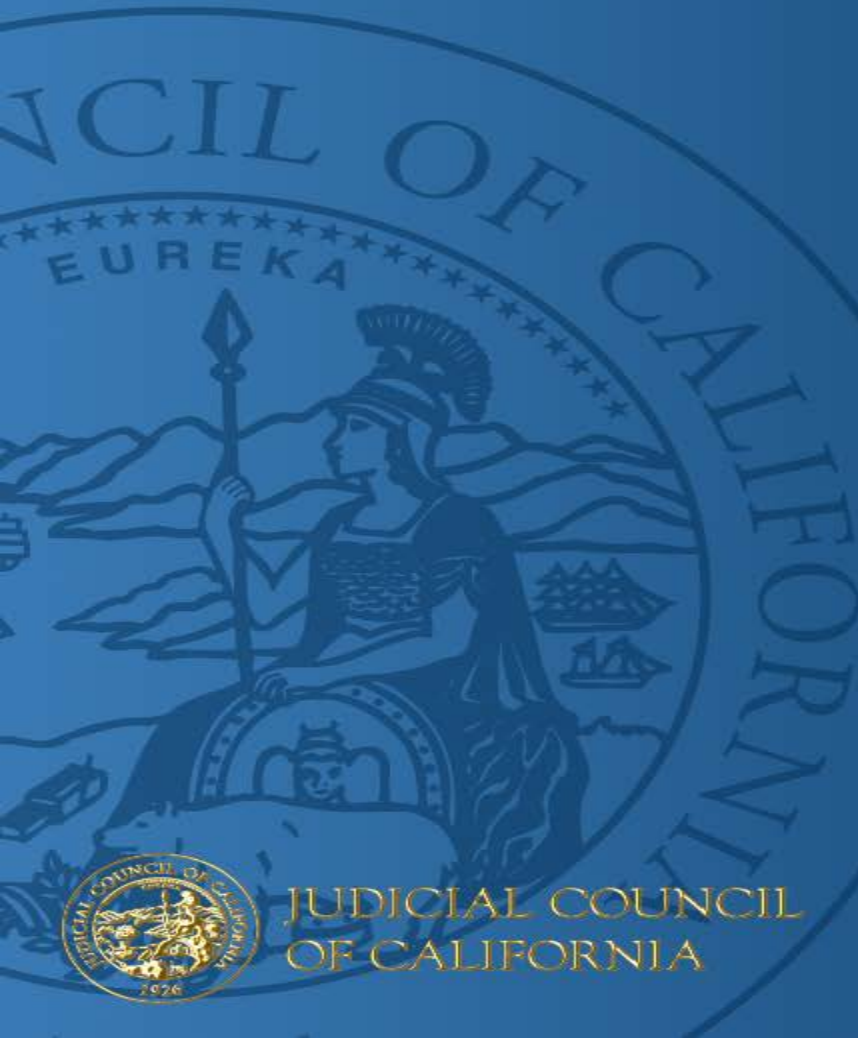
Recommendations—Small Courts

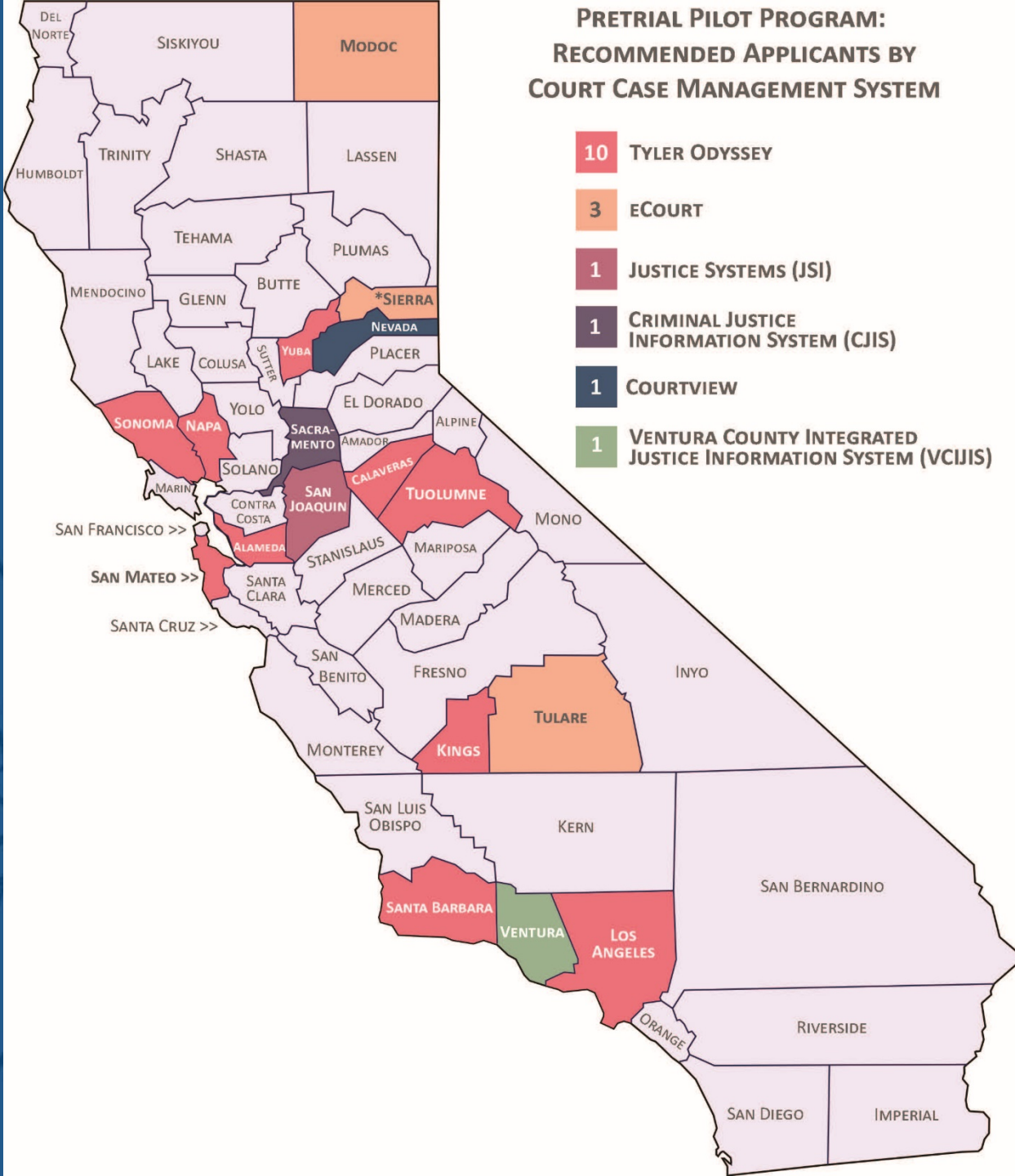
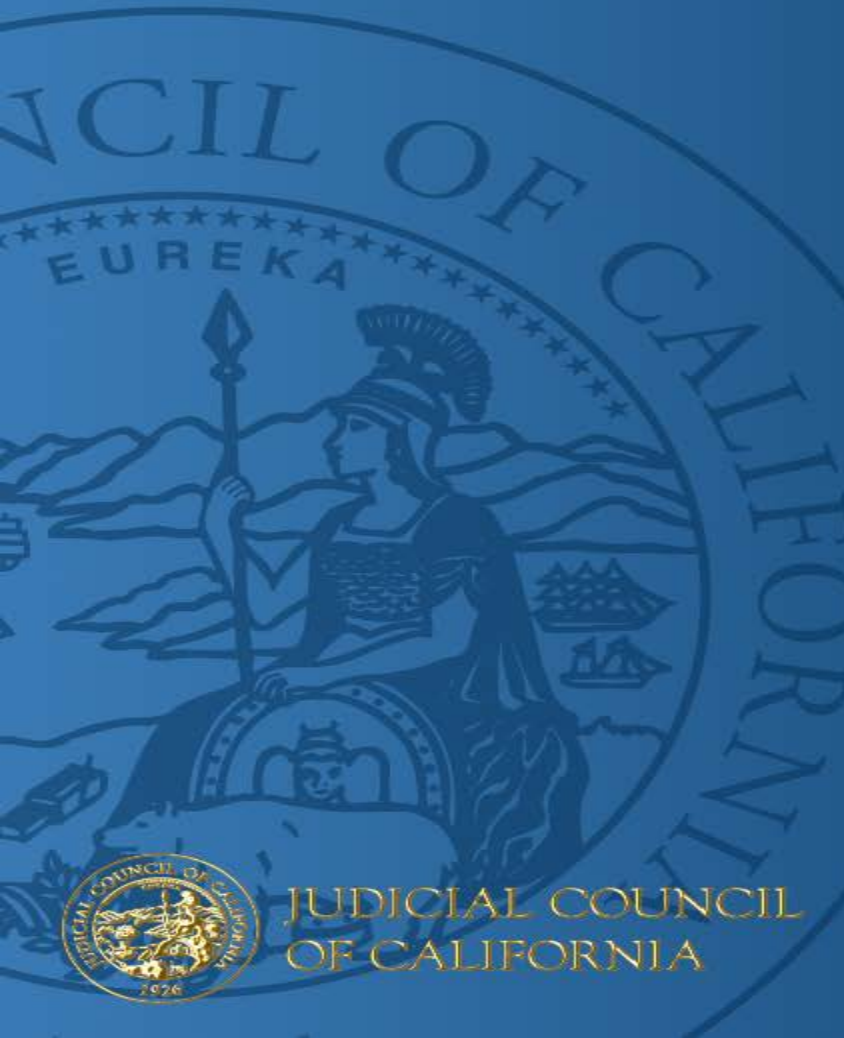
- Superior Court of Calaveras County
- Superior Court of Modoc County
- Superior Court of Tuolumne County
- Superior Court of Yuba County



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Recommendations

1. Approve awards of approximately \$68 million to 16 superior courts for the period of August 1, 2019, to June 30, 2021, from the Pretrial Pilot Program, as stated in Attachment A.



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Recommendations

2. Authorize PROW to approve awards to applicant courts that are not included in this initial allocation, if funds become available.



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Recommendations

3. Authorize Judicial Council 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.



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Questions and Wrap Up

