



JUDICIAL COUNCIL OF CALIFORNIA

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

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-022

For business meeting on: January 22, 2021

Title

Report to the Legislature: Pretrial Pilot Program

Agenda Item Type

Action Required

Effective Date

January 22, 2021

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

January 1, 2021

Recommended by

Judicial Council staff
Shelley Curran, Director
Criminal Justice Services

Contact

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

Executive Summary

The Budget Act of 2019 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. Judicial Council staff in Criminal Justice Services recommend that the Judicial Council receive *Pretrial Pilot Program: Report to the Legislature* (January 2021), and direct the Administrative Director to submit this report to the Joint Legislative Budget Committee and the Department of Finance. The Budget Act of 2019 mandates that this report be submitted each January and July through 2022. This is the third legislative report on the Judicial Council's Pretrial Pilot Program and documents the activities of pilot courts and Judicial Council administration of the program carried out between July and December 2020. It also presents select data on pretrial risk assessments conducted on individuals in all pilot projects since the start of the program.

Recommendation

Criminal Justice Services staff recommend that the Judicial Council, effective January 22, 2021:

1. Receive *Pretrial Pilot Program: Report to the Legislature* (January 2021); and
2. Direct the 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

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, the Chief Justice appointed the Pretrial Reform and Operations Workgroup (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 (Assem. Bill 74; Stats. 2019, ch. 23, item 0250-101-0001, provisions 8–17) and allocated to the Judicial Council to fund the implementation, operation, and evaluation of programs or efforts related to 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 selected 16 court projects and recommended that the Judicial Council approve (1) funding allocations and distribution to those courts, (2) authorization of further pilot program funding opportunities for the courts, and (3) authorization of Judicial Council staff to undertake pilot program grant administration activities. The Judicial Council approved these recommendations at its meeting on August 9, 2019.

At its meeting on January 17, 2020, the Judicial Council received *Pretrial Pilot Program: Report to the Legislature*, the first legislative report on the activities of the program. The Judicial Council directed the Administrative Director to submit the report to the Joint Legislative Budget Committee and the Department of Finance, as mandated by the Budget Act of 2019.

On March 27, 2020, the Governor issued an order¹ giving the Judicial Council of California and the Chief Justice authority to take necessary action to respond to the health and safety crisis resulting from the COVID-19 pandemic. Several of these measures adopted by the Judicial Council, along with local policies adopted by individual courts in response to the crisis, have impacted the population eligible for participation in the Pretrial Pilot Program. On April 6, 2020, the Judicial Council approved 11 temporary emergency rules, including the adoption of a

¹ Executive Order N-38-20, www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-N-38-20.pdf.

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 Judicial Council repealed the rule on June 10, 2020, with an effective date of June 20, 2020.

At its meeting on July 24, 2020, the Judicial Council received the second legislative report on the activities of the program carried out between January and July 2020. The Judicial Council directed the Administrative Director to submit the report to the Joint Legislative Budget Committee and the Department of Finance.

On November 13, 2020, the Judicial Council heard from PROW chair Justice Marsha G. Slough, who gave an update on the work of PROW and presented a report with the workgroup's recommendations for the use of pretrial risk assessment tools.²

Analysis/Rationale

As part of the Budget Act of 2019, the Legislature directed the Judicial Council to develop and administer for trial courts a program that incorporates pretrial pilot projects. The goals of the program, as set by the Legislature, are to (1) increase the safe and efficient prearrestment 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 January 2021 to the Joint Legislative Budget Committee and the Department of Finance, as mandated by the Budget Act.

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

² Judicial Council of Cal., Pretrial Reform and Operations Workgroup Rep., [*Pretrial Reform: Pretrial Reform and Operations Workgroup Update and Recommendations on Use of Pretrial Risk Assessment Instruments*](#) (Nov. 13, 2020).

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: Report to the Legislature* (January 2021)



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HON. TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

HON. MARSHA G. SLOUGH
Chair, Executive and Planning Committee

HON. DAVID M. RUBIN
Chair, Judicial Branch Budget Committee
Chair, Litigation Management Committee

HON. MARLA O. ANDERSON
Chair, Legislation Committee

HON. HARRY E. HULL, JR.
Chair, Rules Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

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Hon. C. Todd Bottke
Hon. Stacy Boulware Eurie
Hon. Kevin C. Brazile
Hon. Jonathan B. Conklin
Hon. Carol A. Corrigan
Hon. Samuel K. Feng
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Hon. Ann C. Moorman

MR. MARTIN HOSHINO
Administrative Director
Judicial Council

January 1, 2021

Chair, Senate Committee on Budget and Fiscal Review
Chair, Joint Legislative Budget Committee
State Capitol, Room 5019
Sacramento, California 95814

Chair, Assembly Committee on Budget
Vice-Chair, Joint Legislative Budget Committee
State Capitol, Room 6026
Sacramento, California 95814

Ms. Keely Bosler, Director
California Department of Finance
915 L Street
Sacramento, California 95814

Re: *Pretrial Pilot Program: Report to the Legislature* (January 2021), as required under the Budget Act of 2019

Dear Committee Chairs and Ms. Bosler:

Pursuant to the Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23), the Judicial Council is submitting *Pretrial Pilot Program: Report to the Legislature* (January 2021) on the activities of the Judicial Council's Pretrial Pilot Program between July and December 2020, as well as select data on pretrial risk assessments conducted since the start of the program.

If you have any questions related to this report, please contact Shelley Curran, Director, Judicial Council Criminal Justice Services, at 415-865-4013 or shelley.curran@jud.ca.gov.

Sincerely,

Martin Hoshino
Administrative Director
Judicial Council

Committee Chairs
Ms. Keely Bosler
December 8, 2020
Page 2

MH/SC/DMB/ma
Enclosures

cc: Cara L. Jenkins, Legislative Counsel
Erika Contreras, Secretary of the Senate
Sue Parker, Chief Clerk of the Assembly
Eric Dang, Policy Consultant, Office of Senate President pro Tempore Toni G. Atkins
Amy Alley, Policy Advisor, Office of Senate President pro Tempore Toni G. Atkins
Alf Brandt, Senior Counsel, Office of Assembly Speaker Anthony Rendon
Gabrielle Zeps, Policy Consultant, Office of Assembly Speaker Anthony Rendon
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
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Jessie Romine, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
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Hon. Ann C. Moorman

MR. MARTIN HOSHINO
Administrative Director
Judicial Council

Report title: *Pretrial Pilot Program: Report to the Legislature* (January 2021)

Statutory citation: Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23)

Date of report: January 1, 2021

The Judicial Council has submitted a report to the Legislature in accordance with the Budget Act of 2019.

The following summary of the report is provided under the requirements of Government Code section 9795.

As part of the Budget Act of 2019, the Legislature allocated a total of \$75 million to the Judicial Council to fund the implementation, operation, and evaluation of projects or efforts in at least 10 courts related to pretrial decisionmaking. The Budget Act directed the Judicial Council to administer the program, collect and analyze required data elements to measure the outcomes, and report annually to the Joint Legislative Budget Committee and the Department of Finance.

This is the third legislatively mandated report on the Judicial Council's Pretrial Pilot Program. It details pilot court and Judicial Council activities carried out between July and December 2020, as well as select data on pretrial risk assessments conducted in each of the 16 court projects since the start of the program.

Since the time of the last report, pilot courts have resumed many operations previously impacted by the COVID-19 pandemic; however, the composition of the data being collected under the program continues to be affected by COVID-19, and by state and local court emergency rules adopted in response to the pandemic. From the start of the program through data reported as of October 2020, nearly 53,000 individuals were assessed under these pilot projects.

The full report can be accessed at <http://www.courts.ca.gov/7466.htm>.

A printed copy of the report may be obtained by calling 415-865-8994.



Pretrial Pilot Program

REPORT TO THE LEGISLATURE

JANUARY 2021



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CRIMINAL JUSTICE SERVICES

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Tani G. Cantil-Sakauye
*Chief Justice of California and
Chair of the Judicial Council*

Martin Hoshino
*Administrative Director
Judicial Council*

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Executive Summary

As part of the Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23, item 0250-101-0001, provisions 8–17), the Legislature allocated a total of \$75 million to the Judicial Council of California to fund the implementation, operation, and evaluation of two-year projects in trial courts related to pretrial decisionmaking. In August 2019, the Judicial Council approved and distributed funding to the 16 pilot court projects selected for participation in the Pretrial Pilot Program.

The Budget Act directed the Judicial Council to administer the program and report regularly to the Department of Finance and the Joint Legislative Budget Committee. This is the third legislatively mandated report on the Judicial Council’s Pretrial Pilot Program. It details program activities carried out between July and December 2020, as well as Judicial Council administrative support for the pilots during this time. It also presents select data on pretrial risk assessments conducted during an earlier period, starting from the implementation date of each court project. Exact date ranges vary based on available data in each pilot during this period.

Since the last report, pilot courts have resumed many operations previously impacted by the COVID-19 pandemic; however, the composition of the data being collected under the program continues to be affected by COVID-19, and by state and local court emergency rules adopted in response to the pandemic. From the start of the program through data reported as of October 2020, nearly 53,000 individuals were assessed by the pilot projects using one of six pretrial risk assessment tools. The preliminary data in this report provide demographic information, risk level, release decision, and supervision level for assessed individuals. The tables also present preliminary data on outcomes in the pretrial period, though data quality for these outcomes is low and will improve when probation department data are joined with that from other county agencies and the California Department of Justice, and when sufficient time has elapsed to observe all individuals through the completion of their pretrial periods.

Introduction

This report fulfills the legislative mandate of the Budget Act of 2019 (Assem. Bill 74; Stats. 2019, ch. 23, item 0250-101-0001, provisions 8–17), which allocated \$75 million to the Judicial Council to fund the implementation, operation, and evaluation of programs related to pretrial decisionmaking in at least 10 trial courts. The Budget Act directed the Judicial Council to administer the program, collect and analyze required data elements to measure outcomes, and report to the Joint Legislative Budget Committee and the Department of Finance. Accordingly, this report presents information on the activities and data collected for the Pretrial Pilot Program from the time of the last report, submitted in July 2020.

The Judicial Council’s Pretrial Pilot Program

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

- Increase the safe and efficient prearrestment and pretrial release of individuals booked into jail;
- 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 prearrestment (or at arrestment, 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 Pretrial Pilot Program.

Background

In January 2019, the Chief Justice appointed the Pretrial Reform and Operations Workgroup (PROW) and tasked this group with developing recommendations for the application process, selection criteria, and funding allocations for pretrial pilot projects in trial courts, among other duties. Through an extensive request for application and interview process from May to July 2019, the workgroup received over 30 applications to the program, representing approximately \$169.64 million in requested funding. At its meeting on August 9, 2019, the Judicial Council approved the allocation of approximately \$68.06 million to 16 selected pilot court projects.¹

¹ Superior courts of the following counties were selected for participation in the pilot project: Alameda, Calaveras, Kings, Los Angeles, Modoc, Napa, Nevada-Sierra (as a two-court consortium), Sacramento, San Joaquin, San Mateo, Santa Barbara, Sonoma, Tulare, Tuolumne, Ventura, and Yuba.

The Judicial Council's Pretrial Pilot Program is now halfway into its second year of implementation. Pilot courts and their partners used the first year of funding to set up their pretrial operations to comply with the requirements of the program. Courts undertook implementation once funding began and had various official start dates for their projects; all pilots were fully operational by June 30, 2020.

Program Extension

To address the impact of the COVID-19 pandemic, the program expenditure and reporting requirements of the Pretrial Pilot Program were extended by Senate Bill 115, which amended the Budget Act of 2019 and the Budget Act of 2020 (Stats. 2020, ch. 40). As originally enacted, the Budget Act of 2019 required that all funds allocated to pilot courts would be available for encumbrance or expenditure until June 30, 2021. The law also required the Judicial Council to provide reports to the Legislature every six months, with a final report describing the implementation and outcomes of the program by July 1, 2022.

Recognizing the impact of the pandemic on the pilots' ability to produce the anticipated number of assessments and release decisions, and to expend the appropriated funding, SB 115 provides the pilot courts with an additional year, until June 30, 2022, to encumber or expend funds allocated to the program. The Judicial Council is required to provide an interim report to the Legislature on July 1, 2022, on select data elements collected in the program, as well as a final report on the program's outcomes no later than July 1, 2023. The law did not appropriate additional funding for the program. Pilot courts interested in extending their pretrial projects must be able to do so with funding from their original approved awards.

The legislature also approved a delay in implementation of Senate Bill 36 (Hertzberg; Stats. 2019, ch. 589), which established validation and reporting requirements for pretrial services agencies using a pretrial risk assessment tool; these requirements are mandatory for all pilot projects. The legislature recognized that it would not be possible for the pilot projects to collect the volume of data necessary to effectively meet the requirements of SB 36 in the original time frame, given the impact of COVID-19 on arrest rates and the subsequent adoption of the statewide COVID-19 Emergency Bail Schedule (Emergency rule 4; repealed effective June 20, 2020) and local emergency bail schedules. The Governor recently signed Assembly Bill 3364 (Committee on Judiciary; Stats. 2020, ch. 36, §§ 35–42) to provide a six-month extension for each of the SB 36 requirements.

Under the extension in AB 3364, pretrial services agencies have until July 1, 2021, to validate their pretrial risk assessment tools. The Judicial Council will be required to publish outcome-based data on its website commencing June 30, 2021, and, commencing January 1, 2023, will be required to provide reports to the courts and the Legislature with recommendations to mitigate bias in pretrial decisionmaking.

Pilot Court Activities

As of June 30, 2020, all pretrial projects were fully operational and meeting the implementation requirements of the program²:

- A judicial officer is making release decisions prearrest (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.
- Courts are operating under existing law and individuals continue to post bail in accordance with the local bail schedule.
- If risk assessments were previously carried out by another agency, responsibilities have been fully transitioned to the Probation Department.
- 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 have not made any local modifications to their chosen risk assessment tools.
- Courts and justice system partners are providing required data to the Judicial Council.

Since June 2020, all pilots have shifted from the implementation phase to enhancing their pretrial operations through data integration efforts; implementation and improvement of court date reminder systems; ongoing training of judicial officers, probation officers, and law enforcement; and maintaining collaboration among the court and its justice system partners. Pilot courts continue to conduct assessments on all individuals booked into jail and report required data elements to the Judicial Council for program evaluation. Preliminary data on assessments conducted under the program and outcomes are provided later in this report.

Resuming Court Operations

During this reporting period, pilots began to resume court operations and pretrial implementation activities that had been impacted by the COVID-19 pandemic. In addition to conducting pretrial assessments, pilots were able to onboard new staff and held several previously postponed training events. Many pilots, however, are continuing to conduct pretrial assessment interviews remotely and to limit in-person contact with individuals on pretrial monitoring.

Since arrest rates were lower during this period, some pilot courts were able to use their available pretrial resources to expand the population of assessed individuals by focusing on those eligible for pretrial release consideration but not included in the original program parameters. These pilots retroactively assessed eligible individuals booked into jail prior to the implementation of the program. Regardless of whether a risk assessment has been completed, each arrested person eligible for release on bail under current law is entitled to post bail in accordance with the schedule in use. Persons deemed ineligible for bail under article I, section 12 of the California Constitution are not assessed by the pretrial projects.

² The Superior Court of San Joaquin County received limited funding and has been permitted to participate in the Pretrial Pilot Program, although it is not implementing prearrest review.

Program Expenditures

Pilot courts continue to expend funds in accordance with the eligible expenditures listed in their contracts with the Judicial Council.³ Increased expenditures in this reporting period can be attributed to the courts' ability to resume some operations that had been impacted by COVID-19 emergency rules. Though assessment numbers during this period were lower than would have otherwise been expected due to the continuing impacts of COVID-19 and subsequent emergency rules on arrest and release rates, pilot courts expended funds during this time to continue to build the infrastructure and staffing of their programs in anticipation that these numbers would increase.

At the time of this report, the Judicial Council has disbursed approximately 75 percent of the \$68.06 million awarded to participating pilot courts. Of these disbursements, approximately 78 percent has been spent or encumbered by the courts, in accordance with the original budgets approved by the Judicial Council. (A detailed account of court expenditures as of November 15, 2020, is provided as Attachment A.)

With the passage of SB 115, pilot courts were given the opportunity to extend their pretrial programs into a third year, provided that they do so using their original funding award. Nearly all participating courts plan to extend their programs and are working with the Judicial Council to create an updated disbursement schedule to reflect this change. (A list of new program end dates for each pilot court is provided in Attachment A, Table 1).

Judicial Council Activities

Ten percent of the funding of the Pretrial Pilot Program is allocated to the Judicial Council for costs associated with implementing and evaluating the program. Under the guidance of the Pretrial Reform and Operations Workgroup (PROW), Judicial Council staff have continued to meet with pilot court teams remotely throughout this reporting period to assist courts in managing and improving their pretrial operations.

In addition to overseeing the administration of the Pretrial Pilot Program, PROW members have met regularly to conduct an examination of pretrial risk assessment instruments and finalize a report with the workgroup's recommendations for their use. This report was presented to the Judicial Council at its November 13, 2020 meeting, and will be made available to all pilot courts to guide their use of these tools as they carry out their programs. (This report is provided as Link A.)

Program Administration

Judicial Council staff continue to provide pilot courts and their partners with program management and legal support, financial oversight, educational opportunities, and ongoing data integration efforts.

³ Request for Applications: Pretrial Pilot Program, (sections 4.5–4.6), <https://jcc.legistar.com/View.ashx?M=F&ID=7573302&GUID=3FE4389F-A275-45D8-BE66-63BD177D2760>.

Program management

Judicial Council program managers have met with pilot courts and their partners several times during this reporting period. Now that all courts have fully implemented their pretrial operations, Judicial Council program managers are devoting their time to supporting data integration efforts that will assist courts in viewing, storing, and distributing data from their pretrial projects.

Legal support

The Judicial Council continues to provide pilot courts with legal analysis on issues related to pretrial operations, including questions that have arisen around data governance, and the development and use of lists of offenses excluded from prearrest release consideration. Staff have also assisted in reviewing and amending contracts with the courts that chose to extend their pretrial projects as provided in SB 115.

Expenditure tracking

Judicial Council staff are monitoring pilot expenditures and periodically distributing funding installments to the courts based on a set deliverables schedule. In addition to tracking overall expenditures, staff spent this reporting period conducting an in-depth examination of each court's pretrial pilot finances to ensure compliance with their approved budgets and verify the accuracy of reported spending. Courts that will extend their pretrial projects also had calls with staff to discuss the details of their revised budgets. Judicial Council staff are working to amend those pilots' standard agreements and future funding disbursements to reflect the new end dates.

Education

The PROW Education Subcommittee, comprised of four members of the larger workgroup, continue to meet to design educational programs for the pilots. Following the guidance of this group, Judicial Council staff hosted virtual events for pilot courts and their justice system partners during this reporting period.

On September 10 and 11, 2020, the Judicial Council held its second annual *Pretrial Justice Practice Institute (PJPI)*, which convened more than 150 representatives of the 16 pilot projects over two days. The group included judicial officers, court executive officers, pretrial program managers, court staff, probation officers, district attorneys, public defenders, information technology staff, and others involved in the counties' efforts. Pilot representatives met in groups of similarly sized courts to share overall successes, failures, and best practices observed during the implementation phase of their programs. Participants were able to pose questions, share resources, and plan additional ways to exchange strategies and useful information after the conference.

Conference participants heard from Sandra Mayson, Assistant Professor of Law, University of Georgia Law School, during a session titled "Risk Assessment and Race: Moving Forward." Professor Mayson discussed the racial equity concerns in the pretrial context, 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 effective use of these tools.

Following the conference, Judicial Council staff worked with the PROW Education Subcommittee to design and launch a series of educational webinars for pretrial pilots. The webinars topics were based on common areas of need identified by PJPI participants and feedback from past sessions.

The first session, “Advancing Pretrial Success: Considerations for Improving Pretrial Responses for People who have Mental Illnesses,” took place on October 8, 2020. Dr. Sarah Desmarais, Professor in the Applied Social and Community Psychology Program and Director of the Center for Family and Community Engagement at North Carolina State University, and Hallie Fader-Towe, Program Director of Behavioral Health at the Council for State Governments Justice Center, gave an overview on the intersection of mental illness and pretrial risk assessment, as well as evidence-based strategies for making effective pretrial decisions for people who have mental illness. Over 80 people from the 16 pilot projects participated in this webinar.

Staff also worked with the Center for Judicial Education and Research (CJER) at the Judicial Council to produce a webinar specifically for judicial officers that focused on pretrial release conditions. On November 10, 2020, Judge Brett Alldredge, Superior Court of Tulare County, and Chief John Keene, Chief Probation Officer of the San Mateo County Probation Department, led this training for nearly 150 judicial officers. The presenters addressed the legal basis for imposing conditions on release and considered the range of available conditions and the application of those conditions in the pretrial context, as well as ways to enhance compliance. Judicial officers from 14 of the 16 pretrial pilot courts participated in this session. The high level of attendance suggests this is an area of increasing interest and presents an opportunity for further educational events on this topic.

The next educational session for pilots, planned for late 2020 or early 2021, will focus on strategies for effective data sharing and building data dashboards using Microsoft Power BI to help evaluate and inform local pretrial decisionmaking. Staff continue to map out educational events for the pilots through 2022.

Data collection and integration

Since the last reporting period, the Judicial Council has selected a vendor that has begun designing and implementing a data warehouse system to facilitate the integration pilot courts and justice partner data and provide it to the Judicial Council. The council’s enterprise architecture team is working with the vendor to provide support and technical assistance. Judicial Council staff are simultaneously meeting with pilot courts to prepare them for using the data submission process required under the new system. Until a technical solution is finalized, pilot courts and their partners will continue to submit their required data elements through a more manual process using secured files. Judicial Council staff are collecting, standardizing, and synthesizing data from each separate court and county agency involved in the pilots.

Program Evaluation

The Budget Act of 2019 requires that pilot courts collaborate with local justice system partners to make data available to the Judicial Council as required to measure the outcomes of the pilots. Staff have already completed the first stage of this process, which involves defining data requirements and setting up a data collection process and have begun to analyze the first official submissions of data. Data requirements include a comprehensive list of over 100 data elements collected on every individual from booking to case disposition in all pilot courts. At this time, all 16 pretrial pilots have fully implemented their programs and complied with data reporting requirements.

The data contained in this section are limited in a variety of ways. During this time period, the COVID-19 pandemic continued to cause many disruptions that impact the population eligible for participation in the program, including the Judicial Council's adoption of a statewide emergency bail schedule that set presumptive bail at \$0 for most misdemeanors and lower-level felonies from April 6 to June 20, 2020, and local continuations of \$0 or reduced emergency bail schedules. At the time of this report, approximately half of all pilot courts are still operating under local emergency bail schedules.⁴

As a result of both the emergency bail schedule and local policies implemented in many courts to prevent the spread of COVID-19, pilot courts observed significant reductions in booking rates and jail populations during the period this data were collected. Under these temporary emergency policies, many low-level arrestees 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. Crime and arrest patterns may also have been affected by COVID-19 and subsequent local shelter-in-place orders. The population of assessed individuals shown in this report may therefore be different than would be seen in the absence of the pandemic, both in terms of numbers and composition.

This data is also limited with regard to the time frame under which assessments occurred. It includes assessments conducted by each court between October 2019, when funding began, and the latest data available for submission to the Judicial Council, which varied by county from May to October 2020.⁵ However, many courts started to conduct assessments later than October 2019, with all programs fully implemented by June 30, 2020. In addition, several pilot courts adopted a phased approach to implementing pretrial operations, limiting assessments to certain populations or jail locations in initial phases and expanding in subsequent phases. Most courts reported data on assessments conducted through July 2020. (See Attachment B for a list of exact date ranges used for this report.)

⁴ Superior courts in the counties of Alameda, Los Angeles, Napa, Sacramento, San Mateo, Santa Barbara, Sonoma, and Tulare are still operating under local emergency bail schedules.

⁵ Dates vary based on available data.

Data Reporting and Validation

The data processing and analysis for the program are still in progress. As of the date of this report, the data have not yet been joined across agencies within a county, so the data presented in this report relies only on data received from county probation departments. The joining of probation data with that from the courts, jails, and the California Department of Justice (CA DOJ) will eventually yield more reliable results for data elements that are primarily tracked outside of probation departments.

Data concerning demographic information, release decisions, and risk levels are intended to be drawn from probation data and, therefore, have a greater degree of reliability. Data on charge level, failures to appear in court, and new criminal activity, however, are primarily tracked by jails, courts, and the CA DOJ. Charge-level data are not available at this time, since it is not tracked by probation departments. Data on failures to appear in court and new criminal activity in this report draw on the limited outcomes available from probation departments; it is likely these numbers will change when the data processing reaches the stage of cross-agency data linkage. Furthermore, the data in this report include individuals whose pretrial period is not yet complete, and who may accrue adverse outcomes before completion of the pretrial period. The short time frame for this first reporting period means that many programs have not been operational long enough to accurately measure outcomes.

Preliminary Data and Outcomes

The preliminary data on assessments and outcomes included below cover the following legislatively mandated elements:

- (a) The number of assessed individuals by age, gender, and race or ethnicity;
- (b) The number of assessed individuals by risk level, booking charge levels⁶, and release decision;
- (c) The number and percentage of assessed individuals who receive pretrial supervision by level of supervision;
- (d) The number and percentage of assessed individuals by supervision level who fail to appear in court as required, are arrested for a new offense during the pretrial period, or have pretrial release revoked.

Pilot courts were free to select a pretrial risk assessment tool for use in the program that fits the needs and capabilities of the court and its partners. All 16 pilots are using one of the following tools: (1) Ohio Risk Assessment System: Pretrial Assessment Tool (ORAS-PAT); (2) Public Safety Assessment (PSA); (3) Virginia Pretrial Risk Assessment Instrument *Original* (VPRAI-O); (4) Virginia Pretrial Risk Assessment Instrument (VPRAI); or (5) Virginia Pretrial Risk Assessment *Revised* (VPRAI-R). One pilot court is using a locally made and validated tool: the Sonoma Pretrial Risk Assessment Tool (SPRAT). Table 1 below shows the total number of assessments conducted in all pilot courts using one of these six risk tools.

⁶ Data on booking charge level are currently unavailable but will be provided in future reports.

Table 1. Total Assessments by Tool

Tool Name	County	Assessments
ORAS	Modoc, Napa, Nevada, Ventura, Yuba	2,652
PSA	Calaveras, Los Angeles, Sacramento, Tulare, Tuolumne	38,619
SPRAT	Sonoma	2,856
VPRAI	San Joaquin, Santa Barbara	5,443
VPRAIO	Kings	79
VPRAIR	Alameda, San Mateo, Santa Barbara	3,255

See Attachment C for detailed information on each tool and differences in VPRAI versions.

Demographic information

Tables 2–4 below show the number of individuals assessed in the program thus far by age, gender, and race or ethnicity in small, small-medium, medium, and large courts.⁷ Assessments in this period were conducted on 52,904 individuals. As previously mentioned, the assessment numbers shown below are likely lower than would have otherwise been observed due to the impacts of COVID-19 and local emergency rules.

Of the assessed individuals whose demographic information was reported during this period, 79 percent were male and 18 percent female; 26 percent were white, 43 percent Hispanic, 24 percent black, and 7 percent other race/ethnicities; and 21 percent were ages 18–25, 36 percent ages 26–35, 22 percent ages 36–45, 10 percent ages 46–55, 6 percent over age 56, and 5 percent unknown (see Tables 2–4).

Table 2. Number of Assessed Individuals by Gender

Court Size	Male	Female	Other/Unknown	Total
Small	375	115	3	493
Small/Medium	465	110	53	628
Medium	10,972	2,736	127	13,835
Large	30,204	6,780	964	37,948
Total	42,016	9,741	1,147	52,904

⁷ Court size category is based on the authorized number of judicial positions (AJP) within a county: small (2–5 AJP), small/medium (6–15 AJP), medium (16–47 AJP), and large (48+ AJP).

Table 3. Number of Assessed Individuals by Race

Court Size	Black	White	Hispanic	Other/Unknown	Total
Small	3	387	59	44	493
Small/Medium	51	294	190	93	628
Medium	1,837	4,479	6,652	867	13,835
Large	10,579	8,409	16,001	2,959	37,948
Total	12,470	13,569	22,902	3,963	52,904

Table 4. Number of Assessed Individuals by Age

Court Size	18-25	26-35	36-45	46-55	56+	Unknown	Total
Small	69	179	124	82	37	2	493
Small/Medium	99	187	107	63	33	139	628
Medium	2,758	4,316	2,872	1,363	791	1,735	13,835
Large	8,305	14,263	8,285	3,953	2,171	971	37,948
Total	11,231	18,945	11,388	5,461	3,032	2,847	52,904

Risk levels

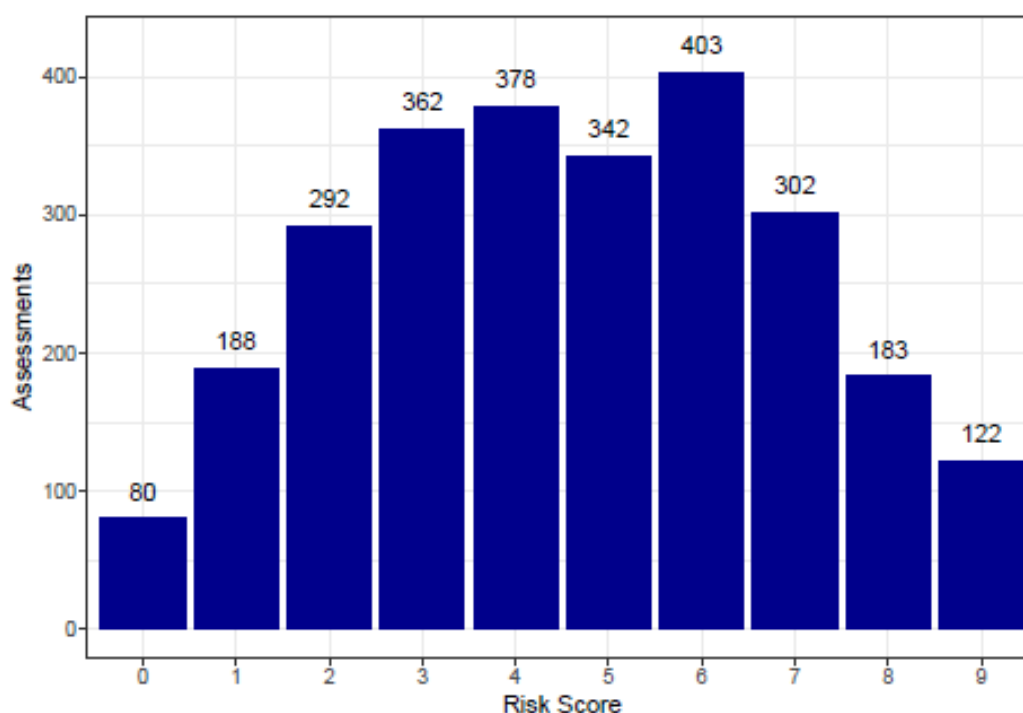
The next set of tables shows the number of assessed individuals by risk level. As shown below, the designation of risk level is not uniform across pilot courts due to the adoption of different risk assessment tools. Pretrial risk assessment tools in use by the pilot courts use varying scales to assign risk to assessed individuals. The tables below are therefore grouped by courts using the same tool.

The Ohio Risk Assessment Instrument: Pretrial Assessment Tool (ORAS-PAT) was designed by the University of Cincinnati, Center for Criminal Justice Research in 2006.⁸ This tool includes seven weighted factors to predict a combined outcome of the likelihood of failure to appear in court (FTA) or new criminal activity (NCA) during the pretrial period. These factors are: (1) age at first arrest; (2) number of failure-to-appear warrants over the past 24 months; (3) three or more prior jail incarcerations; (4) employment status at the time of arrest; (5) residential stability; (6) illegal drug use during the past six months; and (7) severe drug use problem. The ORAS produces a score ranging from 0 (lower risk) to 9 (higher risk).

Five pilots are currently using the ORAS: Modoc, Napa, Nevada, Ventura, and Yuba. During this reporting period, probation departments in these counties assessed 2,652 individuals using the ORAS-PAT.

⁸ *Creation and Validation of the Ohio Risk Assessment System: Final Report* (2009), https://www.assessments.com/assessments_documentation/ORAS/ORAS_Final_Report_and_Validation.pdf.

Table 5. Number of Assessed Individuals by Risk Score (ORAS)



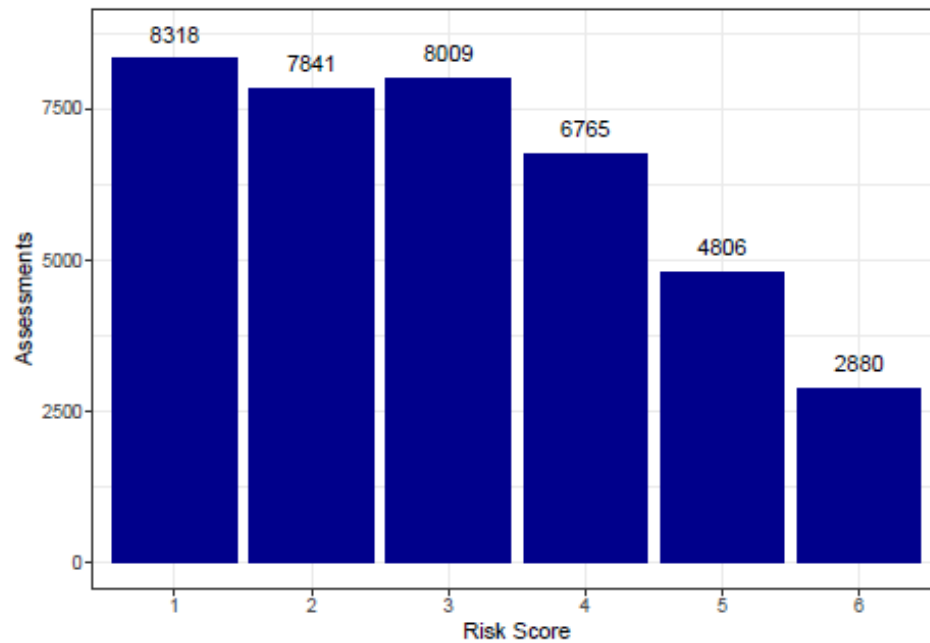
Notes: This table includes data from five counties (Modoc, Napa, Nevada, Ventura, Yuba).

The Public Safety Assessment (PSA) was designed and validated by the Laura and John Arnold Foundation in 2016.⁹ The tool uses nine factors, weighted in different ways, to predict separate likelihoods of an individual's FTA, NCA, and new violent criminal activity (NVCA) during the pretrial period. These factors are: (1) age at current arrest; (2) current violent offense; (3) pending charge at the time of the offense; (4) prior misdemeanor conviction; (5) prior felony conviction; (6) prior violent conviction; (7) prior failure to appear in the past two years; (8) prior failure to appear older than two years; and (9) prior sentence to incarceration.

Unlike the other adopted tools, the PSA produces separate scores to indicate an individual's likelihood to commit each outcome (FTA, NCA, and NCVA). For FTA and NCA, the tool produces a score ranging from one (lower risk) to six (higher risk). For NCVA, the tool produces a score of either zero (lower risk) or one (higher risk). Tables 6–8 below show the number of assessed individuals by risk score for each of these three outcomes in the five counties using the PSA: Calaveras, Los Angeles, Sacramento, Tulare, and Tuolumne. During this time, probation departments in these counties assessed 38,619 individuals under the program using the PSA.

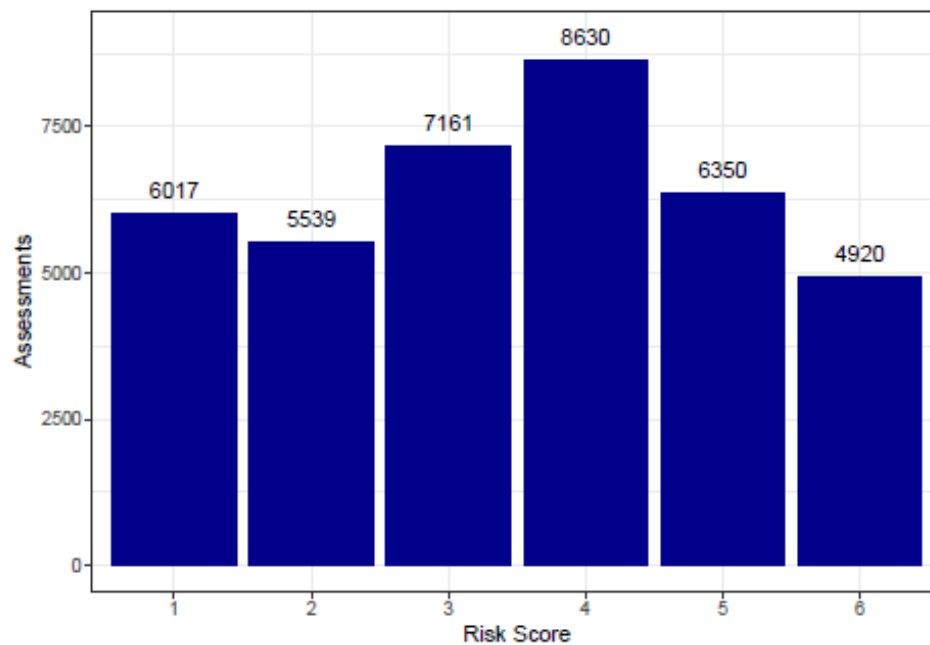
⁹ *The Public Safety Assessment: A Re-Validation and Assessment of Predictive Utility and Differential Prediction by Race and Gender in Kentucky* (2016), <https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/3-Predictive-Utility-Study.pdf>.

Table 6. Number of Assessed Individuals by Risk Score (PSA FTA)



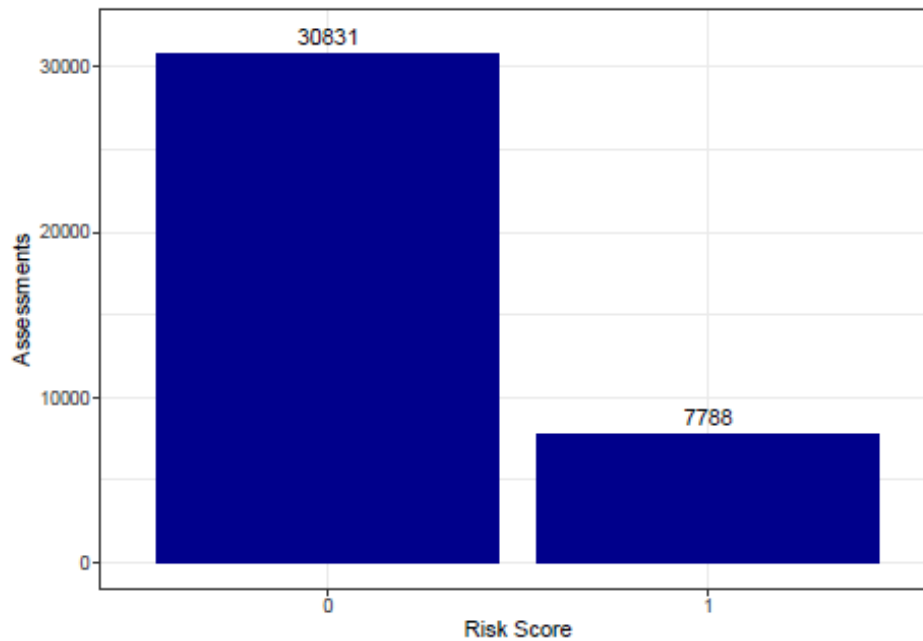
Notes: This table includes data from five counties (Calaveras, Los Angeles, Sacramento, Tulare, Tuolumne).

Table 7. Number of Assessed Individuals by Risk Score (PSA New Criminal Activity)



Notes: This table includes data from five counties (Calaveras, Los Angeles, Sacramento, Tulare, Tuolumne).

Table 8. Number of Assessed Individuals by Risk Score (PSA New Violent Criminal Activity)



Notes: This table includes data from five counties (Calaveras, Los Angeles, Sacramento, Tulare, Tuolumne).

The original Virginia Risk Assessment Instrument (VPRAI-O)¹⁰ was developed by the Virginia Department of Criminal Justice Services in 2003.¹¹ The tool uses nine weighted factors to assign individuals a risk score ranging from 0 (lower risk) to eight (higher risk) based on a combined likelihood of FTA or NCA during the pretrial period. The nine factors used are: (1) charge type; (2) pending charge(s); (3) outstanding warrant(s); (4) criminal history; (5) two or more FTA convictions; (6) two or more violent convictions; (7) length at current residence; (8) employed/primary child caregiver; and (9) history of drug abuse.

Over time, different versions of the VPRAI have been developed using a variety of statistical techniques to test whether alternative factors would improve the tool's predictive ability. In 2009, a minor change was made to the VPRAI after a validation study was conducted on the tool.¹² The eight factors included in the updated tool (VPRAI) are: (1) primary charge type; (2) pending charge(s); (3) criminal history; (4) two or more FTAs; (5) two or more violent convictions; (6) length at current residence; (7) employed/primary caregiver; and (8) history of drug abuse.

¹⁰ 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.

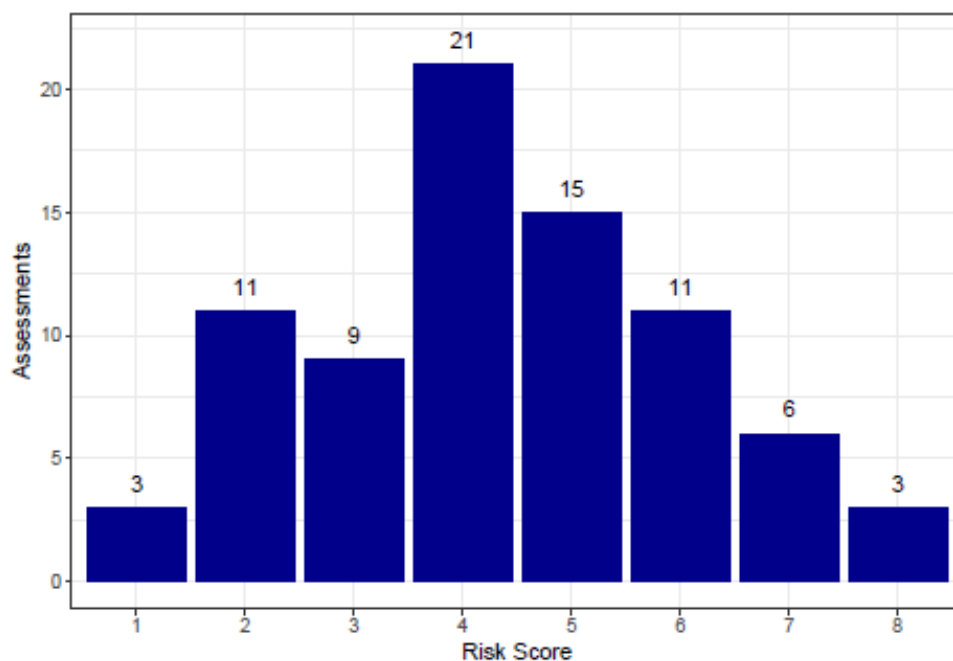
¹¹ *Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument* (2003), <https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/corrections/assessing-risk-among-pretrial-defendants-virginia-virginia-pretrial-risk-assessment-instrument.pdf>.

¹² *Pretrial Risk Assessment in Virginia* (2009), <https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/corrections/virginia-pretrial-risk-assessment-report.pdf>.

The VPRAI-Revised (VPRAI-R) was developed in 2015–16 and uses eight factors to predict a combined pretrial outcome of FTA or NCA: (1) active community supervision; (2) charge is felony drug, theft, or fraud; (3) pending charge; (4) criminal history; (5) two or more FTAs; (6) two or more violent convictions; (7) unemployed at time of arrest; and (8) history of drug abuse.¹³

Two pilot counties are using or have used the VPRAI (San Joaquin and Santa Barbara); one county uses the VPRAI-O (Kings); and three counties use the VPRAI-R (Alameda, San Mateo, and Santa Barbara).¹⁴ Tables 9–11 below show the number of assessed individuals using the VPRAI, VPRAI-O, and VPRAI-R tools. These courts conducted a total of 8,777 assessments using one of the three versions of the VPRAI during this time.

Table 9. Number of Assessed Individuals by Risk Score (VPRAI-O)

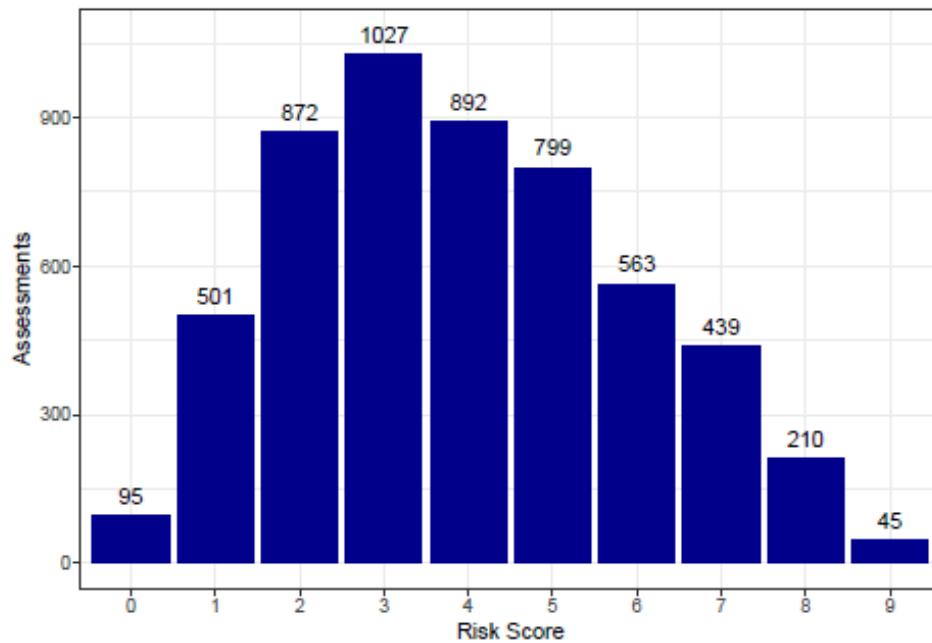


Notes: This table includes data from one county (Kings).

¹³ *Race and Gender Neutral Pretrial Risk Assessment, Release Recommendations, and Supervision: VPRAI and Praxis Revised* (2016), https://www.ncsc.org/_data/assets/pdf_file/0021/1668/race-and-gender-neutral-pretrial-risk-assessment-release-recommendations-and-supervision.ashx.pdf.

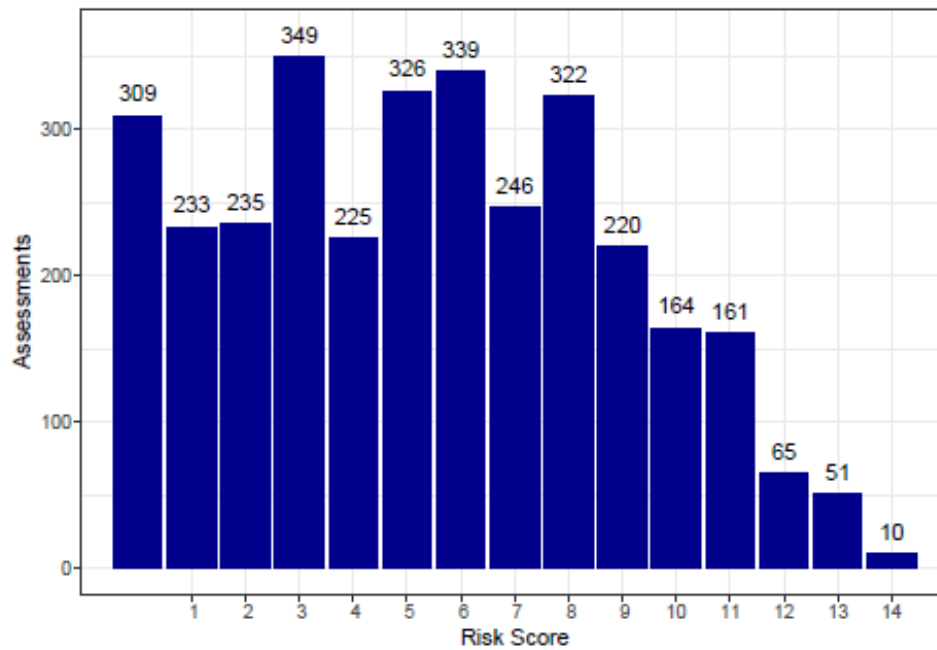
¹⁴ During the course of its program, Santa Barbara County switched its risk assessment tool from the VPRAI to the VPRAI-R. Pilots are permitted to change their chosen risk assessment tool as long as they do not make modifications to an existing tool and comply with the data reporting requirements of the program.

Table 10. Number of Assessed Individuals by Risk Score (VPRAI)



Notes: This table includes data from two counties (San Joaquin, Santa Barbara).

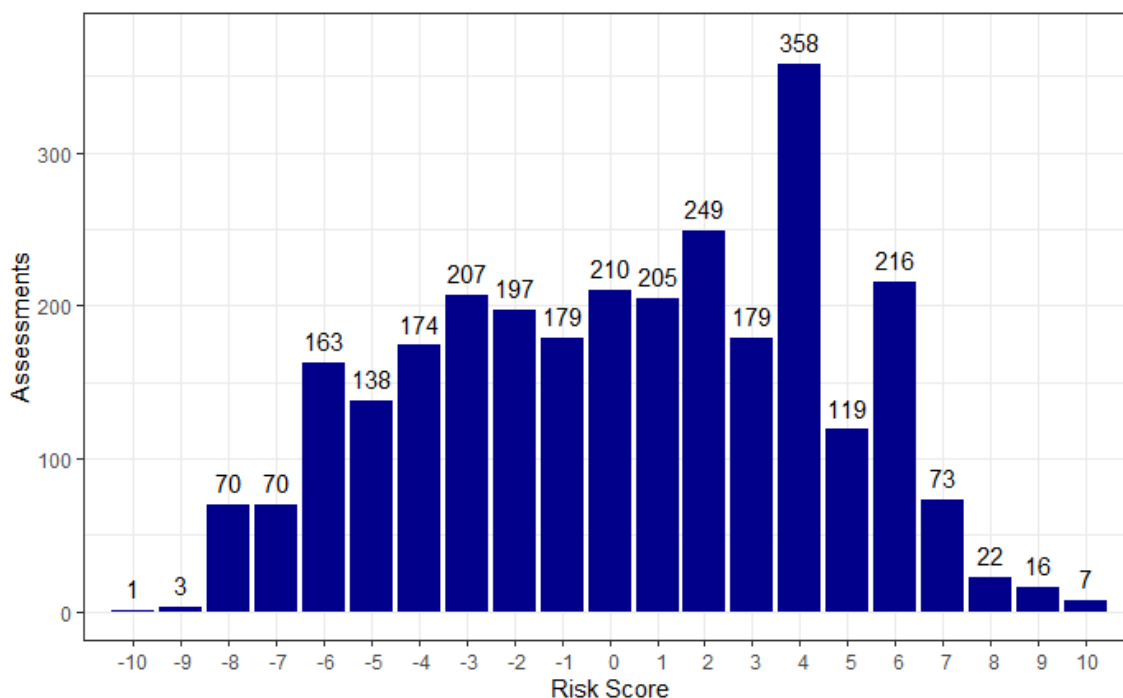
Table 11. Number of Assessed Individuals by Risk Score (VPRAI-R)



Notes: This table includes data from two counties (Alameda, San Mateo, Santa Barbara).

Pilot courts were also free to select locally developed tools for use in their programs. At the time of this report, only one pilot court is using a locally developed tool, the Sonoma Pretrial Risk Assessment Tool (SPRAT). The SPRAT was developed in Sonoma County in 2013 and uses 11 factors to predict an individual's likelihood of FTA or NCA during the pretrial period. These factors are: (1) two charges or less; (2) arrest for DUI; (3) arrest for domestic violence; (4) arrest for violence; (5) no prior FTA; (6) employed or student; (7) prior jail time; (8) pending cases; (9) gang affiliation; (10) homeless or transient; and (11) mental health code of high likelihood to commit violent behavior. This tool assigns both positive and negative weight values to its factors to produce a score ranging from -11 (lower risk) to +11 (higher risk). In Sonoma County, risk assessments using the SPRAT were conducted on 2,856 individuals during this time period (see Table 12).

Table 12. Number of Assessed Individuals by Risk Score (SPRAT)



Booking charge level

Booking charge level is reported in a separate data source from assessment data. Data on this measure are therefore currently unavailable but will be provided in future reports.

Pretrial release decision

The release decisions reported in Table 13 below represent the decisions made by judicial officers on individuals considered for release under the program. Not all individuals who are assessed, however, progress to consideration for release by a judicial officer. In most cases, this is because they have already been released. Even after being assessed, many individuals may bail out—including those released under the \$0 Statewide Emergency Bail Schedule in response to

the pandemic during a large portion of this reporting period—or are released as a result of their charges being dropped or dismissed. Still more individuals may experience other circumstances that prevent their consideration for release, or release decision data were simply missing.

Table 13 below excludes individuals assessed in Los Angeles County because, at present, data in the county are only processed for *prearrest* release decisions, not for subsequent release decisions made at arraignment.¹⁵ Of the 28,516 individuals assessed in counties other than Los Angeles, 17,858 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 individual had their charges dropped or dismissed, (3) the individual was ineligible for consideration for release, or (4) release decision data on the individual were missing.

Table 13. Number of Assessed Individuals by Pretrial Program Release Decision

Court Size	Granted Program Release	Denied Program Release
Small	175	104
Small/Medium	61	178
Medium	3,032	3,862
Large	1,668	1,578
Total	4,936	5,722

Of the 10,658 pretrial release decisions made during this time, 4,936 individuals were granted pretrial program release. This includes individuals released on their own recognizance or on some form of pretrial monitoring. Individuals denied release are those that judicial officers chose not to release through the pretrial program; however, many of these individuals may still have been released on bail. Thus, the group of individuals denied program release here does not represent the number of individuals ultimately detained during the pretrial period. Future reports will include data on individuals released on bail and those released under \$0 emergency bail schedules.

Levels of pretrial supervision

The information in Table 14 below shows the number and percentage of assessed individuals by supervision level in small, small/medium, medium and large courts. Overall, of the 3,987

¹⁵ Data provided by Los Angeles are drawn solely from prearrest release decisions and do not include data on release decisions made at arraignment. Of the 24,388 individuals assessed in Los Angeles through June 30, 2020, 15,158 individuals were not considered for prearrest release for a variety of reasons: they may have been released on bail (the Los Angeles court has been operating under a statewide or a local \$0 bail schedule for the entirety of the pilot project), had their charges dropped or dismissed, or were statutorily ineligible for consideration for prearrest release. Of the 9,230 considered for release prior to arraignment, 686 individuals were granted prearrest release. Those not released prearrest 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. Data on those granted release at arraignment will be made available in a future report.

individuals under some type of pretrial supervision during this time, 16% received basic supervision, 36% received moderate supervision, 38% received enhanced supervision, and 9% received an unspecified level of supervision.

Table 14. Number and Percentage of Assessed and Supervised Individuals by Supervision Levels

Court Size	Total	Basic		Moderate		Enhanced		Unspecified Supervision	
		Percent	Count	Percent	Count	Percent	Count	Percent	Count
Small	88	56%	49	30%	26	11%	10	3%	3
Small/Medium	46	7%	3	13%	6	4%	2	76%	35
Medium	2,639	17%	438	28%	728	45%	1181	11%	292
Large	1,214	13%	155	57%	686	27%	329	4%	44
Total	3,987	16%	645	36%	1446	38%	1522	9%	374

Those classified as receiving “unspecified supervision” include individuals in counties that do not categorize supervision conditions into discrete levels. For counties that do not use discrete supervision levels, levels were collapsed into “basic,” “moderate,” and “enhanced” supervision, though the specific conditions included in each of these supervision levels vary across counties. (The same classifications apply to the supervision levels in Table 15 below.)

Pretrial Failures/Revocations

Table 15 below shows the number and percentage of assessed individuals by supervision level who fail to appear in court as required, are arrested for a new offense during the pretrial period, or commit a technical violation while on pretrial release. Although the outcome data presented here contain limitations (discussed in more detail below), of the 3,987 monitored individuals, 11% failed to appear in court as required, 4% were arrested for a new offense during the pretrial period, and 5% committed a technical violation of their release or had their pretrial release status revoked for an unknown reason.

Table 15. Pretrial Revocations by Termination Reason and Monitor Level

Monitor Level	Total	FTA		New Crime		Technical Violation/ Unknown		Total Revoked	
		Percent	Count	Percent	Count	Percent	Count	Percent	Count
Basic	645	8%	52	2%	12	4%	26	14%	90
Moderate	1,446	13%	187	3%	42	3%	42	19%	271
Enhanced	1,522	13%	197	7%	100	6%	96	26%	393
Unspecified	374	4%	15	2%	8	5%	20	11%	43
All Levels	3,987	11%	451	4%	162	5%	184	20%	797

Data quality is low for failures to appear, new offenses during the pretrial period, and revocations of pretrial release due to limited records of FTA and new criminal offenses in

probation departments. For future reports, FTA and new offense data will come from different data sources that are not currently available. The data in this table also include individuals whose pretrial period is not yet complete and may accrue adverse outcomes before completion of the pretrial period. The short time frame for this reporting period means that many programs have not been operational long enough to accurately measure these outcomes.

Conclusion

All 16 pretrial pilots continue to expend funds and conduct their operations in compliance with the goals and requirements of the program, as outlined by the Legislature. During this reporting period, courts and their partners began to resume several activities impacted in the first months of the COVID-19 pandemic, though ongoing local emergency rules aimed at reducing jail populations continue to affect the number and composition of assessed individuals under the program.

The data presented in this report are preliminary and data processing for the program is ongoing. The joining of data from county probation departments with other local sources and the CA DOJ will ultimately produce more reliable results for certain measures that have low data quality in this report. The next legislative report on the Pretrial Pilot Program is due in July 2021 and will include information on the activities carried out between January and July 2021, as well as the same measures presented in this report using data collected from the pilots and their partners within the same time frame.

Attachments and Links

1. Attachment A: Pilot Court Disbursement and Expenditure Summary
2. Attachment B: Pilot Court Data Reporting Date Ranges
3. Attachment C: Pretrial Risk Assessment Tools Used by Pilot Courts
4. [Link A](#): *Pretrial Reform: Pretrial Reform and Operations Workgroup Update and Recommendations on Use of Pretrial Risk Assessment Instruments* (Nov. 2020)
5. [Link B](#): *Pretrial Pilot Program: Report to the Legislature* (July 2020)

Attachment A: Pilot Court Disbursement and Expenditure Summary

The disbursement and spending summaries below detail pilot court financial activity as of November 15, 2020.

Table 1. Pilot Court Funding Disbursements

	Court	Approved Award	Disbursement to Date	% Disbursed to Date	Program End Date
Large Courts	Alameda	\$ 14,359,400	\$ 10,798,983	75%	12/21/2021
	Los Angeles	\$ 17,296,300	\$ 14,001,642	81%	6/30/2022
	Sacramento	\$ 9,553,041	\$ 7,164,781	75%	6/30/2021
Large Court Subtotal:		\$ 41,208,741	\$ 21,177,221	51%	
Medium Courts	San Joaquin	\$ 3,725	\$ 2,350	63%	6/30/2022
	San Mateo	\$ 6,169,300	\$ 4,295,044	70%	6/30/2022
	Santa Barbara	\$ 1,593,000	\$ 845,000	53%	12/31/2021
	Sonoma	\$ 5,747,202	\$ 4,181,307	73%	9/30/2021
	Tulare	\$ 3,671,400	\$ 2,908,144	79%	6/30/2022
	Ventura	\$ 3,687,000	\$ 2,885,411	78%	9/30/2021
Medium Court Subtotal:		\$ 20,871,626	\$ 15,600,931	75%	
Medium/Small Courts	Kings	\$ 1,110,046	\$ 536,466	48%	6/30/2022
	Napa	\$ 1,677,543	\$ 1,283,959	77%	12/31/2021
	Nevada-Sierra	\$ 329,717	\$ 223,238	68%	6/30/2022
Medium/Small Court Subtotal:		\$ 3,117,306	\$ 2,043,664	66%	
Small Courts	Calaveras	\$ 528,743	\$ 396,531	75%	6/30/2022
	Modoc	\$ 744,000	\$ 464,223	62%	6/30/2022
	Tuolumne	\$ 587,965	\$ 483,675	82%	6/30/2022
	Yuba	\$ 841,300	\$ 658,072	78%	6/30/2022
Small Court Subtotal:		\$ 2,702,008	\$ 1,518,826	56%	
TOTAL:		\$ 67,899,682	\$ 51,128,826	75%	

Note: Court category is based on the authorized number of judicial positions (AJP) within a county: small (2–5 AJP), small/medium (6–15 AJP), medium (16–47 AJP), and large (48+ AJP).

Table 2. Pilot Court Expenditure by Court Size

	Total Award	Funds Spent or Encumbered	% Spent or Encumbered
Large Courts	\$ 41,208,741	\$ 27,536,212	67%
Medium Courts	\$ 20,871,627	\$ 10,163,672	49%
Medium/Small Courts	\$ 3,117,306	\$ 1,071,121	34%
Small Courts	\$ 2,702,008	\$ 1,340,633	50%
TOTAL	\$ 67,899,682	\$ 40,111,638	59%

Attachment B: Pilot Court Data Reporting Date Ranges

County	Start Date	End Date
Alameda	1/21/2020	5/12/2020
Calaveras	10/10/2019	7/14/2020
Kings	3/16/2020	7/28/2020
Los Angeles	3/23/2020	6/30/2020
Modoc	4/9/2020	9/8/2020
Napa	1/1/2020	6/30/2020
Nevada	5/1/2020	9/3/2020
Sacramento	10/22/2019	10/9/2020
San Joaquin	10/1/2019	12/19/2020
San Mateo	1/27/2020	10/14/2020
Santa Barbara	1/1/2020	7/5/2020
Sonoma	10/1/2019	7/7/2020
Tulare	1/2/2020	6/29/2020
Tuolumne	6/30/2020	9/30/2020
Ventura	10/3/2019	6/30/2020
Yuba	1/2/2020	6/30/2020

Note: Data date ranges vary based on available data.

Attachment C: Pretrial Risk Assessment Tools Used by Pilot Courts

Table 1. Virginia Pretrial Risk Assessment Instrument, *Original* (VPRAI-O): Factors and Weights

Risk Factor	Criteria	Weight
Charge Type	If the most serious charge for the current arrest was a felony	No = 0
		Yes = 1
Pending Charge(s)	If the defendant had one or more charge(s) pending in court at the time of the arrest	No = 0
		Yes = 1
Outstanding Warrant(s)	If the defendant had one or more warrant(s) outstanding in another locality for charges unrelated to the current arrest	No = 0
		Yes = 1
Criminal History	If the defendant had one or more misdemeanor or felony convictions	No = 0
		Yes = 1
Two or More Failure to Appear Convictions	If the defendant had two or more failure to appear convictions	No = 0
		Yes = 2
Two or More Violent Convictions	If the defendant had two or more violent convictions	No = 0
		Yes = 1
Length at Current Residence	If the defendant had lived at their current residence for less than one year prior to arrest	No = 0
		Yes = 1
Employed/Primary Child Caregiver	If the defendant had not been employed continuously for the past two years and was not the primary caregiver for a child at the time of arrest	No = 0
		Yes = 1
History of Drug Abuse	If the defendant had a history of drug abuse	No = 0
		Yes = 1
Point Range		0–10

Source: [Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument](#), Virginia Department of Criminal Justice Services (2003)

Table 2. Virginia Pretrial Risk Assessment Instrument (VPRAI): Factors and Weights

Risk Factor	Criteria	Weight
Primary Charge Type	If the most serious charge for the current arrest was a felony	No = 0
		Yes = 1
Pending Charge(s)	If the defendant had one or more charge(s) pending in court at the time of the arrest	No = 0
		Yes = 1
Criminal History	If the defendant had one or more misdemeanor or felony convictions	No = 0
		Yes = 1
Two or More Failures to Appear	If the defendant had two or more failure to appear convictions	No = 0
		Yes = 2
Two or More Violent Convictions	If the defendant had two or more violent convictions	No = 0
		Yes = 1
Length at Current Residence	If the defendant had lived at their current residence for less than one year prior to arrest	No = 0
		Yes = 1
Employed/Primary Caregiver	If the defendant had not been employed continuously for the past two years and was not the primary caregiver for a child at the time of arrest	No = 0
		Yes = 1
History of Drug Abuse	If the defendant had a history of drug abuse	No = 0
		Yes = 1
Point Range		0–9

Source: [*Pretrial Risk Assessment in Virginia: The Virginia Pretrial Risk Assessment Instrument*, Virginia Department of Criminal Justice \(2009\)](#)

Table 3. Virginia Pretrial Risk Assessment Instrument, *Revised* (VPRAI-R): Factors and Weights

Risk Factor	Criteria	Weight
Active Community Criminal Justice Supervision	If the defendant is under active community supervision at the time of arrest	No = 0
		Yes = 2
Charge is Felony Drug, Felony Theft, or Felony Fraud	If the defendant's charge is felony drug, felony theft, or felony fraud	No = 0
		Yes = 3
Pending Charge(s)	If the defendant had one or more charge(s) pending in court at the time of the arrest	No = 0
		Yes = 2
Criminal History	If the defendant had one or more misdemeanor or felony convictions	No = 0
		Yes = 2
Two or More Failures to Appear	If the defendant had two or more failure to appear convictions	No = 0
		Yes = 1
Two or More Violent Convictions	If the defendant had two or more violent convictions	No = 0
		Yes = 1
Unemployed at Time of Arrest	If the defendant is unemployed, a full-time student, a primary caregiver, or a retiree at the time of arrest	No = 0
		Yes = 1
History of Drug Abuse	If the defendant had a history of drug abuse	No = 0
		Yes = 2
Point Range		0–14

Source: [Virginia Pretrial Risk Assessment Instrument \(VPRAI\): Instruction Manual – Version 4.3, Virginia Department of Criminal Justice Services \(2018\)](#)

Table 4. Ohio Risk Assessment System: Pretrial Assessment Tool (ORAS-PAT): Factors and Weights

Risk Factor	Response	Weight
Age at First Arrest	33 or Older	0
	Under 33	1
Number of Failure-to-Appear Warrants in Past 24 Months	None	0
	One Warrant for FTA	1
	Two or More FTA Warrants	2
Three or More Prior Jail Incarcerations	No	0
	Yes	1
Employed at the Time of Arrest	Yes, Full-time	0
	Yes, Part-time	1
	Not Employed	2
Residential Stability	Lived at Current Residence for Past Six Months	0
	Not Lived at Same Residence	1
Illegal Drug Use During Past Six Months	No	0
	Yes	1
Severe Drug Use Program	No	0
	Yes	1
Point Range		0–9

Source: [*Creation and Validation of the Ohio Risk Assessment System: Final Report*, University of Cincinnati School of Criminal Justice, Center for Criminal Justice Research \(2009\)](#)

Table 5. Public Safety Assessment (PSA): Factors and Weights

Risk Factor	Response	Weight
FAILURE TO APPEAR (0–7)		
Pending Charge at the Time of the Offense	No	0
	Yes	1
Prior Conviction	No	0
	Yes	1
Prior Failures to Appear Pretrial in Past 2 Years	0	0
	1	2
	2 or More	4
Prior Failure to Appear Pretrial Older than 2 Years	No	0
	Yes	1
NEW CRIMINAL ACTIVITY (0–13)		
Age at Current Arrest	23 or Older	0
	22 or Younger	2
Pending Charge at the Time of the Offense	No	0
	Yes	3
Prior Misdemeanor Conviction	No	0
	Yes	1
Prior Felony Conviction	No	0
	Yes	1
Prior Violent Conviction	0	0
	1 or 2	1
	3 or more	2
Prior Failure to Appear Pretrial in Past 2 Years	0	0
	1	1
	2 or More	2
Prior Sentence to Incarceration	No	0
	Yes	2
NEW VIOLENT CRIMINAL ACTIVITY (0–7)		
Current Violent Offense	No	0
	Yes	2
Current Violent Offense & 20 Years Old or Younger	No	0
	Yes	1
Pending Charge at the Time of the Offense	No	0
	Yes	1
Prior Conviction	No	0
	Yes	1
Prior Violent Conviction	0	0
	1 or 2	1
	3 or More	2

Source: [Public Safety Assessment: Risk Factors and Formula](#), Laura and John Arnold Foundation (2013)

Table 6. Public Safety Assessment (PSA): Factors and Weights

Outcome Measure	Raw Score	Risk Scale
Failure to Appear (FTA)	0	1
	1	2
	2	3
	3	4
	4	4
	5	5
	6	5
	7	6
New Criminal Activity (NCA)	0	1
	1	2
	2	2
	3	3
	4	3
	5	4
	6	4
	7	5
	8	5
	9-13	6
Outcome Measure	Raw Score	NCVA Flag
New Violent Criminal Activity (NVCA)	0	No
	1	No
	2	No
	3	No
	4	Yes
	5	Yes
	6	Yes
	7	Yes

Source: [*Public Safety Assessment: Risk Factors and Formula*, Laura and John Arnold Foundation \(2013\)](#)

Table 7. Sonoma Pretrial Risk Assessment Tool (SPRAT): Factors and Weights

Risk Factor	Weight
Two Charges or Less	No = 0 Yes = -1
Arrest for DUI	No = 0 Yes = -4
Arrest for Domestic Violence	No = 0 Yes = -2
Arrest for Violence	No = 0 Yes = -1
No Prior FTA	No = 0 Yes = -2
Employed or Student	No = 0 Yes = -1
Prior Jail	No = 0 Yes = 2
Pending Cases	No = 0 Yes = 2
Gang Affiliation	No = 0 Yes = 1
Homeless or Transient	No = 0 Yes = 3
Mental Health Code of Likelihood to Commit Violent Behavior	No = 0 Yes = 3
Total	-11 to + 11

Source: [Sonoma County Pretrial Services Program: 2018 Annual Report, Samantha Feld & Robert P. Halverson \(2018\)](#)