



REPORT:

PRETRIAL DETENTION & COMMUNITY SUPERVISION BEST PRACTICES & RESOURCES FOR CALIFORNIA COUNTIES

FACT SHEET

IN CALIFORNIA, 71% OF JAIL BEDS ARE OCCUPIED BY PRETRIAL DETAINEES, which is higher than the national average of 61%. The release of offenders is based on their ability to pay bail versus their risk of flight or of committing a new offense. This can result in detainees who are low risk for flight and committing new crimes, remaining in jail prior to trial because they cannot afford to pay their scheduled bail amounts, while others who are higher risk being released because they have the financial means to meet their bail requirements.

Realignment under Assembly Bill 109 has placed new responsibilities onto county governments on how they manage adult offenders. As a result, many counties are ill prepared to effectively implement changes that would meet realignment goals. In December 2011, California Forward (CA Fwd)—a nonpartisan, nonprofit organization devoted to improving the performance of government in California—established the Partnership for Community Excellence (PCE) to provide counties with the information they need to make smart decisions in regards to the 2011 Public Safety Realignment Act. CA Fwd’s latest report provides accurate, practical, evidence-based information to local leaders and agencies so they have the best knowledge base available to determine how pretrial programs can assist their local jurisdiction. Approximately, 55% of California’s 58 Counties plan to add new jails or expand lockups. This second report focused on pretrial programs provides:

- > Summary of national pretrial best practices;
- > Experiences and lessons learned from 5 California counties that have effectively implemented pretrial programs;
- > Suggestions related to tracking and data collection analysis;
- > Things to consider when implementing a pretrial program; and,
- > Resources, including technical assistance available to counties.

WHAT IS A PRETRIAL PROGRAM?

Pretrial programs focus on a detainee’s risk to commit new crimes and/or failure to appear in court.

BEST PRACTICES: 5 CA COUNTIES

Brief Summaries of Case Studies
For full details, please see report

MARIN COUNTY

In 2011 the Adult Services Division of the Marin County Probation Department contracted with Leaders in Community Alternatives (LCA) to provide pretrial services. LCA pretrial services staff is based in the Marin County Probation Department, working in cooperation with the Marin County Sheriff’s Department and the courts. LCA excludes certain detainees from an evaluation based on established criteria. Utilizing the Ohio Risk Assessment System - Pretrial Assessment Tool (ORAS-PAT) the staff is able to conduct 10 to 15 minute face-to-face interviews taking into consideration seven risk variables to provide a score that serves as an objective risk assessment of the detainee. Further evaluations are conducted to verify community ties, flight risk, and danger to self or others. Detainees are released based on their risk assessment with recommendations for appropriate supervision or follow-up.

Program highlights (January to May 2012):

- > 79% pretrial detainees appeared for their court date with no further incidents
- > 9% had new charges filed
- > 9% failed to appear

SANTA CLARA COUNTY

Santa Clara's Office of Pretrial Services was established as a separate agency in 1971 and is currently staffed by 47 full-time employees who mostly work with low-end felony detainees. With a station in the jail booking area as well as phone and computer access to the courts, the office has no need to wait for courts to be in session to make release recommendations. The Virginia Pretrial Release Risk Assessment Instrument (VPRAI) is used for initial screening to determine the likelihood of appearance in court and new offenses. VPRAI examines factors such as current charges, pending charges, criminal history, residence, employment, primary caregiver, and history of drug abuse. The pretrial services staffs Own Recognizance (OR) and Supervised OR with an average length of supervision of 120 days. Pretrial cases are also assessed for substance abuse, employment, and housing by other appropriate county agencies.

Program highlights (January to March 2012):

- > 88% appeared for their court date
- > 98% had no new offenses

SANTA CRUZ COUNTY

Santa Cruz County has initiated several reform efforts in the last ten years to improve services for youths and adults under their supervision. Through a collaborative effort between the Probation Department and the Sheriff's Department, the county has effectively streamlined many of the processes to conduct best practice risk assessments. The county's pretrial services program was expanded upon to include stationing four deputy probation officers in the jail booking area, thereby forming a new unit. The staff also utilizes VPRAI, which is connected to the Sheriff's booking case management system and allows an essential interconnection for vital information. Other factors such as employment and residency are also considered during the evaluation and recommendation process. The unit has been successful in large part due to its well-established relationship with the courts and the Sheriff's Department.

Program highlights:

- > Non-sentenced jail population of 53.8% is far below the state average of 71%

SAN FRANCISCO COUNTY

The San Francisco Pretrial Diversion Project, Inc (SFPDP) was established in 1976 and operates nine different pretrial best practice programs that have significantly reduced San Francisco's un-sentenced population over the last 35 years. Of SFPDP's nine programs, three demonstrate innovative approaches to the real needs of their clients and the gaps that exist within the San Francisco judicial system. The Supervised Pretrial Release program (SPR) and the Own Recognizance program (OR) are both designed to serve felony defendants and provide judges with real alternatives to detention pending trial. A third program focuses specifically on homeless felony defendants, providing intensive one-on-one case management, counseling and life skills services.

Program highlights:

- > 3% failure to appear rate among defendants with both felony and misdemeanor charges in the Structured Pretrial Release Program
- > 73% successfully completed the Pretrial Diversion Program
- > 15% of Pretrial Diversion Program defendants failed to comply with the court-ordered components of the program

YOLO COUNTY

The Yolo County Probation Departments' pretrial program was developed in 2010 by funding received from the Byrne Grant to help relieve overcrowding. The Pretrial Services Unit worked closely with the district attorney, public defender, sheriff and the court to establish the initial criteria for the program. The unit uses the ORAS-PAT risk assessment tool for all eligible defendants to develop full recommendation reports that are then reviewed by the probation department to check criminal history, contact victims and confirm release addresses and community ties. The unit provides community supervision for each defendant released on Supervised OR, while high-risk defendants are seen weekly in face-to-face meetings or home visits.

Program highlights:

- > 98% appeared for their next court date
- > 95% did not commit new offenses
- > 90% of all recommendations from the program were accepted by the court