

Santa Cruz County Probation Department

**Pretrial
Division
Annual
Report**

2023

Our **VISION** is a safe and thriving community with justice for all.

Mission Statement: Pretrial’s mission is to conserve the presumption of innocence of individuals and determine a non-bail release, making detention a limited exception. Recommendations for release with the least restrictive condition will be made by utilizing an evidence-based assessment, which reduces subjectivity.

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Introduction:

Santa Cruz County operates a pretrial program that reduces reliance on incarceration without compromising community well-being and safety, protects the public, ensures the rights of individuals (defendants) to *least restrictive* practices, and is based on fair and equitable pretrial decision-making. Santa Cruz continues to strengthen its pretrial program and move towards advancing pretrial practices locally.

The emphasis on bail reform continues to sweep across the nation and California, with research-based decision making at the center of the discussion due to equity concerns of a monetary-based bail system. While some raise questions about the potential bias within assessment tools, research continues to point us in the direction of utilizing evidence-based principles to enhance our local decision making as we ***balance community well-being and safety with the least restrictive level of oversight*** to ensure success through compliance and court appearances.

Executive Summary:

While the main purpose of pretrial is to assure due process as outlined in the 14th amendment, a robust pretrial program can have the added benefit of assisting with jail overcrowding. On an evidence-based assessment, individuals who assess as Low, demonstrate likelihood to appear and likelihood to remain arrest-free, and should be recommended for release without supervision (appropriate overrides for particularly egregious crimes or unique circumstances). Those who assessed as Moderate should be recommended for supervised release and individuals assessed as High should either have a more structured supervised release, which may include location monitoring and home detention, or be detained (where significant community well-being and safety concerns exist).

SB 129 requires Courts and Counties *to implement* and advance evidence-based monitoring practices with the *least restrictive* interventions and practices necessary to enhance community well-being and safety, and to ensure the individual's return to court.

Santa Cruz County Probation adopted the following standard pretrial outcome measures to measure program effectiveness.

- ❖ Safety Rate: The percentage of supervised individuals who were remained arrest free (not charged with a new offense) pretrial supervision;
- ❖ Appearance Rate: The percentage of supervised individuals who make all scheduled court appearances;
- ❖ Success Rate: The percentage of supervised individuals who were not revoked for technical violations due to condition violations, and who appeared for all scheduled court appearances, and remained arrest free during pretrial supervision; and
- ❖ Concurrence Rate: The ratio of court released, and detained individuals compared to pretrial's submitted recommendations for release and detention.

County Strategic Plan/ Pretrial Division Goals:

The Court and County Probation worked closely to enhance and expand pretrial release services pursuant to Senate Bill 129 (SB 129). Pretrial will use the following strategies to support judicial officer decision making that results in the least restrictive conditions to address community well-being and safety and ensure court appearance.

Strategy 1: Increase Probation staff capacity to respond to increased demand.

Probation staffing increased in 2023 with the support of SB 129 funding. Pretrial implemented Court Liaison and Expeditor positions.

Strategy 2: Develop a comprehensive education and training series for judicial officers.

In Spring 2023 the Superior Court Judges held a retreat that included a presentation from Judge Couzens on SB 129 and advancing pretrial practices. Pretrial hosted the judges in an informational training on location monitoring (LM) equipment and practices facilitated by our LM vendor.

Strategy 3: Establish a Pretrial Steering Committee of criminal justice partners that meets at least semi-annually.

The Pretrial Steering Committee was established in 2022 and met in May 2023. This group is now referred to as the 'Advisory Committee' moving forward.

Strategy 4: Initiate efforts to automate information exchanges between justice partners around pretrial to promote optimal efficiency.

A proposal was submitted to the County's Information Services Department (ISD) to conduct a system analysis. A draft report was received which identified current processes, systems and data exchange needs, and system diagrams. The focus of this work is on improved information sharing which potentially will lead to significant financial and staff time savings. ISD's preliminary recommendation is an iterative phased approach with evaluation of the impact and solution after each phase has been implemented.

Pretrial is piloting a new application for the exchange of timely information and requests with the courts. The project piloted and tested 2-way communications directly with judges for reporting revocations. Our goal is to expand this pilot to include other pretrial activities.

Strategy 5: Expedite and coordinate the assignment of court dates to improve appearance rates.

Probation staff continues to focus on expediting arraignment court dates for those released on pre-arraignment. Pretrial continues to provide bus passes to mitigate transportation barriers and provides text, email, and call reminders to improve appearance rates.

Strategy 6: Conduct pretrial assessments earlier in the booking process and assess mental health and substance use during booking to divert people to detox and/or residential programs as appropriate.

Pretrial has initiated conversations with local treatment CBO to conduct SUD assessments early in the jail booking process with potential opportunities to divert persons to the appropriate level of treatment. Jail medical and County Behavioral Health are conducting mental health screenings at the front-end creating opportunities for pre-arraignment release and alternatives to detention with a treatment focus.

Strategy 7: Investigate linkages between pretrial and collaborative court programs to support collaborative court participants who pick up new cases.

Pretrial and Collaborative Court staff met, identified clients in common, and developed a workflow. This population was very small, and this strategy was modified to include collaborative court participants in jeopardy of violation due to non-compliance. Meetings will continue in 2024.

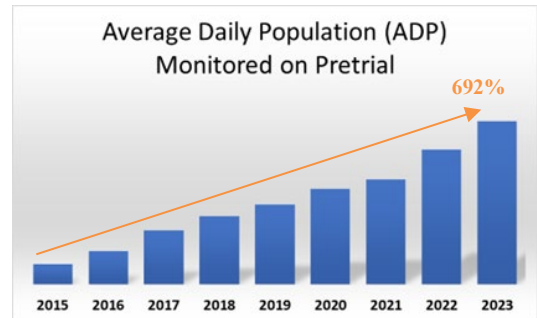
Pretrial Division Highlights

Population



The goal of the Pretrial Services Program is to safely release persons arrested/charged with the least restrictive level of monitoring while safeguarding community well-being and ensuring court appearances. The Pretrial Division assesses individuals using an actuarial assessment and a decision-making framework to provide information to the courts to make a release/detain decision. The Pretrial program provides monitoring to those deemed eligible by the courts to remain in the community.

Since 2015, we have seen a continual increase in the program's average daily population (ADP). In 2021 the ADP was 209, in 2022 the ADP was 249 and has increased to **301** in 2023. The ADP increase trend continues and as we advance practices more individuals should be released on pretrial, and the population will continue to grow. The highest daily census was 340 in December, compared to the 2022 highest of 310.



We continue to see an increase in the reliance on pretrial assessment and monitoring in Santa Cruz County. The pretrial population increased by 21%. The number of individuals monitored by Pretrial's program is only expected to increase in the upcoming years as the County advances Pretrial practices.

Staffing



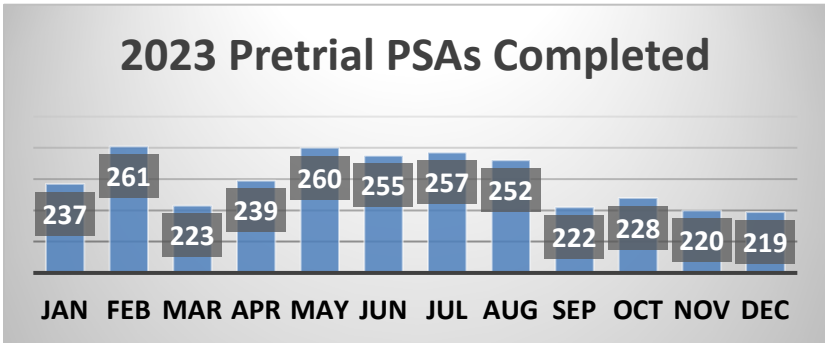
The Pretrial Division has seen increased demands on staff time (particularly with the increased use of location monitoring equipment in the community). In 2023 Pretrial implemented 2 specialty roles, The Court Liaison, and the Expeditor. The Court Liaison is in the courtroom to enhance communication with judicial officers. The Expeditor coordinates expedited/early releases including a focus on those eligible for pre-arraignment release. Pretrial staff opened 939 new cases (1,301 episodes) and closed out 1,275 cases in 2023.

The Pretrial Division is committed to balancing community well-being and safety with the least restrictive level of oversight to ensure the likelihood of pretrial success. Our staff continue to be the strength of our pretrial program. Pretrial staff, tools, and collaboration with local and statewide justice partners will move us towards advancing pretrial practices.

Public Safety Assessment (PSA)



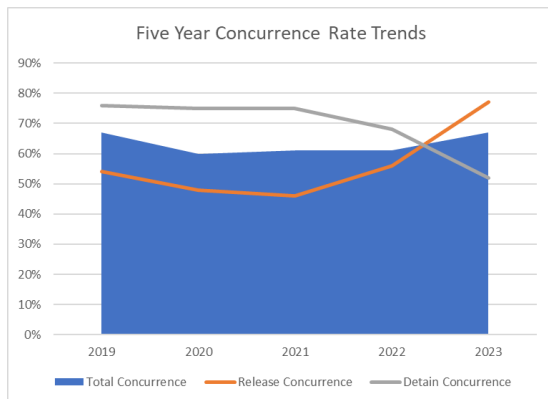
In 2023, Pretrial staff completed 2,873 assessments utilizing the Public Safety Assessment-Court (PSA-Court)¹ tool and local decision-making framework to inform judicial decision for release or detention pending case disposition. In addition to the PSA, Pretrial staff utilize the Ontario Domestic Assault Risk Assessment (ODARA) for individuals who have been arrested for domestic violence charges.² The information is factored into the recommendation submitted to the court.



2023 Concurrence Rate



The concurrence rate measures the ratio of court released, and detained persons compared to the submitted public safety assessment results for release. The concurrence rate measures the system's compliance at the pretrial stage.



➤ 67% Public Safety Assessment (PSA) Recommendations were followed by Judicial Officers; comprising of a 77% release concurrence rate and a 52% detain concurrence rate

➤ 15% Judicial Override PSA recommendations to detain

➤ 18% Judicial Override PSA recommendations to release

Pre-Arrest Release



Historically, persons arrested could secure pre-arrest release by posting bail. Shifting to a non-monetary pre-arrest release removes the ability to pay factor; and a determination is based upon an individualized evidence-based tool and interview with the individual to gather information about their likelihood to be successful on pre-arrest release. Increasing pre-arrest releases is a key indicator and practice for enhancing pretrial procedures, aligned with SB 129 and County Operational Objectives. Recommendations for release are typically made within 24 hours of arrest, prior to arraignment, which typically occurs within 72 hours.

¹ "In partnership with leading criminal justice researchers, the Laura and John Arnold Foundation (LJAF) developed the Public Safety Assessment™ (PSA) to help judges gauge the risk that a defendant poses. This pretrial risk assessment tool uses evidence-based, neutral information to predict the likelihood that an individual will commit a new crime if released before trial, and to predict the likelihood that he will fail to return for a future court hearing. In addition, it flags those defendants who present an elevated risk of committing a violent crime." - PSA-Risk-Factors-and-Formula.pdf (craftmediabucket.s3.amazonaws.com)

² The ODARA was the first empirically developed and validated domestic violence risk assessment tool to assess risk of future domestic assault, frequency, and severity of future assaults (male offenders against female victims/survivors).

In 2023 Pretrial staff made 39 recommendations for Pre-Arrestment releases and 36 individuals were successfully released before their arraignment hearing. This is a significant increase from 2022 and is the result of implementing the Expeditor positions embedded at the jail. Of those 36 pre-arrestment releases twenty-five (25) of the individuals remained arrest free and law-abiding (69%) and eighteen (18) attended their first arraignment court appearance (50%). There are some challenges and learning curves to the pre-arrestment release process. Many individuals are released at a level of supervision (Own Recognizance (OR)) that does not fall under our local pretrial program; so, these individuals have not had the support and resources of the pretrial program. Pretrial initiated a new process to monitor and support OR pre-arrestment releases to support their success. In 2024 we strive to better identify appropriate pre-arrestment releases and provide pretrial support for success.

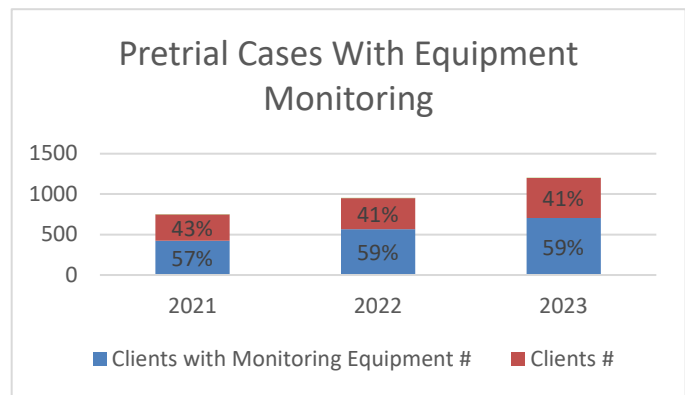
Location Monitoring (LM)



Over half of pretrial releases involve court-ordered location monitoring (GPS and/or alcohol monitoring). Pretrial aims for the least restrictive release conditions. To meet this goal, staff and two local judges tested the Veri-watch, a discreet GPS system. Pretrial will add this equipment as an offering and alternative or step down from traditional ankle monitoring. Our LM vendor conducted several trainings on the

SmartLink communications and check-in App. Pretrial will pilot the App in 2024 with the Home Confinement population to support managing schedules and activities and maintain communications with pretrial clients real-time through cell phone devices.

To promote equity in the pretrial system and to abide by statute, individuals are not charged with any costs associated with their monitoring (including location monitoring equipment).



Outcome and Performance Measures



There are 4 key outcome measures to track program effectiveness and can indicate how the system and processes are working: 1) Appearance Rate (percentage of supervised persons who make all schedule court appearances); 2) Safety Rate (percentage of supervised persons who are not charged with a new offense during the pretrial stage); 3) Concurrence Rate (ratio of persons who supervision level or detention status corresponds with their assessed likelihood/risk); and 4) Success Rate (percentage of released persons who are not revoked, appear for all scheduled court appearances, and are not charged with new offense during pretrial supervision). Following several national pretrial associations and other jurisdictions, Pretrial will also start tracking and measuring a person's success rate removing technical violations from the equation. Excluding violations from the success rate results in an increase from 60% to **78% success**. Removing technical violations (pretrial program and/or court orders) demonstrates that 78% of persons remained arrest free, law-abiding, and attended all court appearances.

Collaboration and coordination amongst our justice partners has increased to creatively release individuals back into the community while supporting their likelihood of appearing in court, remaining arrest free and remaining law-abiding. Below are the outcomes of these efforts.


Safety Rate							
The percentage of supervised persons who remained arrest free and law-abiding during their period of pretrial supervision.							
Supervised	1 st Half 2014 (VPRAI)	2 nd Half 2014 (PSA-Court)	2019	2020	2021	2022	2023
Safety Rate	93.40%	91%	87%	90%	93%	93%	91%
Goal	95%	95%	95%	95%	95%	95%	95%

Appearance Rate							
The percentage of supervised persons who make all scheduled court appearances.							
Supervised Pretrial	1 st Half 2014 (VPRAI)	2 nd Half 2014 (PSA-Court)	2019	2020	2021	2022	2023
Appearance Rate	94.20%	91.80%	75%	85%	87%	88%	86%
Goal	85%	85%	85%	85%	85%	85%	85%


Success Rate							
The % of released persons who were not revoked for technical violations due to condition violations, <u>and</u> who appeared for all scheduled court appearances, <u>and</u> remained arrest free during pretrial supervision.							
Supervised Pretrial	1 st Half 2014 (VPRAI)	2 nd Half 2014 (PSA-Court)	2019	2020	2021	2022	2023
Success Rate	51%	58%	52%	49%	62%	58%	60%
Goal	70%	70%	70%	70%	70%	70%	70%

Equity

The Pretrial Division has collaborated with state and national researchers to advance race equity in the system. Pretrial has enhanced collaborations to provide equitable opportunities and support success. This includes improved intake and screening processes to connect individuals to resources and services such as North and South County Success Centers, community-based organizations, grant funded services, and other funding streams.

 To promote equitable access to health care, Pretrial participates in the Cal-AIM (Medi-Cal) pilot to screen pretrial individuals for health benefits and provide information and outreach for Medi-Cal enrollment. Pretrial screened over 1,900 individuals booked into jail or cited in the field in 2023. Pretrial is also actively involved in many Cal-AIM workgroups, planning meetings and committees.

Additionally, Pretrial management participated in the Cal-AIM strategic planning with county partners to enhance population eligibility and access to Medi-Cal funded programs and services. Pretrial is piloting Medi-Cal screening and linkages to application and enrollment. Pretrial has screened over 1,900 individuals in the state’s Eligibility Verification System (EVS).

 To ensure equitable access to court reminders, Pretrial is piloting providing cell phones and service to those without personal phones due to financial or documentation limitations. The aim is to boost court reminders and engagement with the program and community resources, potentially improving court appearance rates in 2024.

Continued SB 129 Implementation and Advancing Practices

SB 129 Enhancement Implementation Meetings: The Court, Pretrial Leadership and partners meet monthly for high level discussions and implementation planning of the SB 129 expansion project.

SB 129 Information Sharing Meetings: The Pretrial Division has an ongoing commitment to improving information and data sharing, system integration and overall technological efficiencies with the justice partners to prioritize real time information sharing to benefit client outcomes. Pretrial meets twice a month with the courts and system partners.

Pretrial/Corrections Meetings: The Division held monthly meetings with Correction's Administration staff to enhance communication, create workflows, and to collaborate around the custodial pretrial population.

Collaborative Site Visit: Pretrial Assistant Division Director presented our local pretrial program to local and out of county representatives and CBO's and participated in a collaborative session.

Alameda County Site Visit: Pretrial and Superior Court attended a site visit to Alameda County Superior Court for a presentation on their past pretrial (SB 36) pilot program and their current SB 129 model.

Advancing Pretrial Policy & Research (APPR): Pretrial staff and management attended numerous trainings hosted by APPR, including but not limited: Meaningful First Appearances; Compliance vs. Non-compliance; Bench Warrant Recall; Measuring Data and Outcomes; and many more.

Judicial Council: Pretrial Division Director and the Superior Court presented our local Collaborative Court/Pretrial Mental Health Diversion collaboration at a Judicial Council webinar.

O'Connell Consulting: Consultant Kevin O'Connell provided process improvement technical assistance and system mapping. The focus in 2023 was the development of a process utilizing an APP for direct communications with judicial officers and other court partners to streamline and improve information sharing for court requests.

California Association of Pretrial Services (CAPS): Five Pretrial staff attended the 34th CAPS Annual Conference: California Pretrial Reform Effective Practices and Services in San Diego, CA.

HARVARD Kennedy School Government Performance Lab: Harvard has been working alongside Pretrial and has engaged system stakeholders to support data-driven performance management (high frequency review of performance metrics to improve target outcomes). Results of this technical support has spurred several projects around defining data, defining success, and mapping metrics to data entry fields.

Strategic Planning: Probation and Pretrial kicked off strategic planning sessions Spring of 2023 with staff and continues to work on the strategic plan.

Public Defender's Office Early Representation and Holistic Advocacy Program: Pretrial continues to collaborate with the PDO Holistic Advocacy Program for client services and interventions, assistance with Medi-Cal application for clients, and connections to resources and supports.

Pretrial Equity and Transformation (PET)/Safety and Justice Challenge: PET is a national research group that focuses on front-end criminal justice system strategies that improve racial equity pretrial. The Pretrial Division Director attended the Safety and Justice Challenge (SJC) CA network Cal-AIM convening. In Winter 2023 the Pretrial Division Director and Sheriff's Corrections were panelists to share local planning around Cal-AIM implementation.

Medi-Cal Administrative Activities (MAA): The Pretrial Division continues to participate in Medi-Cal Administrative Activities (MAA) to generate revenue based upon reimbursable activities. We continue to receive and plan to continue receiving technical assistance and support of another County Department to continue engagement in this successful revenue generating program.