



Pretrial Pilot

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History of Pretrial and Cash Bail

- Cash bail has been around for about 15 centuries
- The Bail Reform Act of 1966
- Pretrial programs start to appear
- The Bail Reform Act of 1984
- The 2016 US Justice Department “Dear Colleague” Letter
- SB 10 was signed into law 8/28/18, effective 10/1/2019
- A referendum to overturn SB 10 qualified for the November 2020 ballot on January 16, 2019. This effectively stayed the implementation of SB 10 pending the outcome of the 2020 election.



A little bit about pretrial justice

DEFINITION

- Pretrial justice is the part of the criminal justice system that begins when a person comes into contact with law enforcement (or the police) and ends when any resulting charges are resolved—usually through a dismissal, a plea, or a trial.

Goals

- Maximizing individuals' right to liberty
- Maintaining public safety
- Increasing court appearances
- Ensuring Equity



Pretrial evidence based practices

Risk Assessment

1. Predictive of risk to failure to appear and new arrest.
2. Predictive domains
 - a) Criminal Behavior
 - b) Employment
 - c) Substance Use
 - d) Residence
 - e) Age
3. 10-15 minute in person interview



What does pretrial look like in Nevada County?

- Collaboration
- Started in 2014
- Limited resources/coverage
- Only post-arraignment
- Very limited population
- Several excluding factors
- Percentage of jail population

Sample of Pretrial Cases

Risk	Grant	Deny	Total
High	5	5	10
Moderate	15	2	17
Low	10	0	10
Total	30	7	37



What will pretrial look like in Nevada County?

- 1 of 16 pilot project counties
- Year 1: \$135,877 and Year 2: \$126,137
- 2 part-time temporary probation aides
- Looking closely at population and release conditions to reasonably assure public safety and court appearance
- Everyone will be evaluated including misdemeanants



What will pretrial look like in Nevada County?

- 7 day a week coverage/monitoring
- Telephone court reminders
- Pre-arraignment release
- All releases are still a judicial decision
- Opportunity to make adjustments and get system in place prior to SB10



What will pretrial look like with sb10?

- The bill addresses funding to courts and probation departments, but not specific as to amount
- Elimination of cash bail
- Some discretion for non-judicial officer releases
- Presumption of release
- Everyone will be evaluated within 12 hours of booking
- 24/7 coverage/monitoring



Action Needed

- Approval of a Memorandum of Understanding with the Nevada County Superior Court in the amount of \$311,289 for the implementation of a Pretrial Pilot Program.
- The Chair of the Board of Supervisors sign the Judicial Council form that authorizes the application and subsequent pretrial justice pilot program award and contract.



Any
➤ Questions?