

BAIL AND RELEASE WORK GROUP
WORK PLAN FOR RECOMMENDATIONS – MARCH 2018¹

#	Recommendation	County Leads	Fiscal Impacts	Timeline	Work Plan Updates
1	Incorporate Pretrial Justice-Related Goals into Existing Reform Efforts	Various	Minimal staff time.	Ongoing implementation.	This is being implemented through the Jail Diversion and Behavioral Health Subcommittee of the Reentry Network, Domestic Violence Council, and other groups.
4	Encourage Increased Reliance on Pretrial Supervision and Discourage the Practice of Ordering Money Bail in Addition to Pretrial Supervision	Office of Pretrial Services	Minimal staff time.	Ongoing implementation. Most recent meeting between Pretrial Services and Superior Court held on March 1, 2018.	In January and February of 2018, 47 pretrial defendants were subject to orders involving both supervision and money bail. Pretrial Services is continuing to work with the Superior Court—including at a March 1, 2018 meeting—to implement this recommendation.

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7	Accept Credit/Debit Payments for Non-Felony Bail at the County Jail	Department of Correction (DOC)	Minimal staff time.	DOC aims to seek Board approval for a vendor contract by May 2018, which could be followed by vendor training in June 2018, and system launch in July 2018.	<p>DOC has been assessing vendors’ abilities to meet its administrative, operational, and accounting needs. Most jurisdictions that accept bail by credit card use a third-party vendor called GovPayNet that verifies custody, accepts online payment of bail, and forwards the bail to the court. GovPayNet charges no fees to public entities that use its services, and protects the public entity against any fraudulent charges by credit card users. However, it imposes a 9% service charge on the cost of each transaction upon each payor of bail. So for example, an individual with bail set at \$2,000 who chose to pay bail by credit card would be required to pay the full amount of the bail, plus a \$180 service charge. Although this 9% charge is not much lower than the 10% non-refundable fee charged by bail agents, it does not require a defendant or his/her family to put up collateral (e.g., a family member’s house) that could be jeopardized, or come with other abusive practices. The credit card machine option may be particularly attractive to individuals with low bail amounts (e.g., \$200) who do not have enough cash on hand at the time they were arrested to pay cash bail, but who could charge the necessary amount. Payors would be provided with clear notice of the service charge and other terms of the transaction.</p> <p>Installation of an ATM in the jail booking area could also be explored. This would allow individual defendants with enough available cash—or their families—to easily withdraw the amount needed to pay their full bail in cash, thus avoiding any service charges associated with credit card bail <i>and</i> any non-refundable fees charged by bail agents.</p>
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8	Post Information about OR, Supervised OR, and other Alternatives to Bail Bonds in County Jails	Reentry Services & Pretrial Services	Materials funded by a grant from the MacArthur Foundation. Moderate staff time to post/display materials and conduct outreach.	Reentry Services, Pretrial Services, and the Public Defender (PD) are meeting with DOC on March 8, 2018 for a walk-through and further status update.	<p>The English, Spanish, and Vietnamese versions of the video to inform arrestees about Own Recognizance, Supervised Own Recognizance, and other alternatives to bail bonds are complete. They are now being played in the Reentry Center and Pretrial Services and PD facilities, and they have been delivered to the Main Jail and Elmwood. The Spanish and Vietnamese versions of the videos are currently being processed. The videos are due to go live on CreaTV public access channels soon.</p> <p>In addition, English and Vietnamese posters have been mounted in the jail booking areas, and English and Vietnamese pamphlets have been made available in various locations. The posters and pamphlets are currently being translated into Spanish. The webpage featuring these materials and an infographic is complete. Community outreach is underway, with faith-based staff working with Reentry Services, Silicon Valley De-Bug, North County Alternative Services, the Superior Court, and others. A Plug and Play toolkit for other jurisdictions in the state is under development, and the No Cost Release Workgroup is preparing a webinar and blog post on these efforts for the MacArthur Foundation’s Safety and Justice Challenge Network.</p> <p>To gauge effectiveness of these efforts, Own Recognizance and Supervised Own Release numbers are being tracked, defendants interviewed by Pretrial Services are being surveyed, and an analytics report created by ISD is tracking use of the No Cost Release webpage.</p>
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9	Continue to Improve the Promptness of In-Custody Arraignments	District Attorney (DA), Pretrial Services, and PD	Moderate staff time.	Ongoing implementation.	In September 2016, the DA began providing defense attorneys at arraignment with electronic versions of the police report, rap sheet, and criminal complaint; this procedure has been fully implemented since March 2017. Since April 2017, the DA has been rolling out electronic discovery, without waiting for requests from defense attorneys, for commonly requested evidence such as photos, 9-1-1 recordings, computer-aided dispatch print-outs, and recordings of witness statements. Additionally, the Superior Court, DA, PD, and Pretrial Services have been working on a pilot program to use electronic data-sharing to speed up arraignments in misdemeanor drug cases, most recently expanding this program to South County in May 2017. Also since 2017, the jail is being alerted to authorize release as soon as the DA decides not to file charges, and the DA has been working with a non-profit consulting firm to find other ways to improve efficiency in the processing and handling of cases internally and in the court system.
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10	Expand and Formalize Pretrial Diversion	Pretrial Services & Reentry Services	Pretrial Services is requesting two new positions to staff CAP full-time. Additional Reentry Services staffing may also be required for the pre-booking diversion station.	A pre-booking diversion station could be in place by October 2018.	Since taking over the Community Accountability Program (CAP) from the DA in July 2017, Pretrial Services has received 472 referrals from the DA. Additionally, the Jail Diversion and Behavioral Health Subcommittee is developing a process for arresting officers to assess individuals at a pre-booking diversion station, so that in appropriate cases individuals need not even enter the system at all.
12	Complete Targeted Periodic Re-Reviews of Pretrial Assessments	Pretrial Services	Pretrial Services is requesting one new position to conduct these re-reviews full-time.	Once new position is approved, hiring and training would take approximately three months.	Pretrial Services has identified a sub-set (approximately 400 inmates) of the post-arraignment, pre-sentenced population (approximately 2,400 inmates) to start targeting the re-review process.

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13	Incorporate Pretrial Justice Issues into CJIC Updates	ISD & Pretrial Services	Minimal staff time.	Ongoing implementation.	Temporary CJIC updates were implemented in December 2017 and are being reviewed by Pretrial Services and ISD's Business Intelligence team on a monthly basis.
15	Improve Consistency of Citation and Release and Jail Citation Decisions	Sheriff & DOC	Minimal staff time.	Completed in 2017.	The Sheriff's Office and DOC began implementing the revised citation and release guidelines—which increase the threshold for offenses for which an arrestee can be booked into the County jail from a minimum bail amount of \$5,000 to \$15,000—on October 1, 2017.
17	Explore Means of Notifying Victims when Domestic Violence Defendants are Released Pretrial	DA Victim Services Unit & Pretrial Services	Moderate staff time.	The Victim Services Unit and Pretrial Services will meet in mid-March 2018 to plan the staff training targeted for April 2018.	Pretrial Services is working with the DA's Victim Services Unit to create a cross-departmental training regarding domestic violence victim notification. Additionally, increased law enforcement reliance on the lethality assessment is helping the Victim Services Unit better prioritize victim needs and organize appropriate and timely system response.