



Legislation Details (With Board Report)

File #: A 24-244 **Name:** MOU - Superior Court - SB129 PreTrial Services Program (SB129)

Type: BoS Agreement **Status:** Passed

File created: 5/17/2024 **In control:** Board of Supervisors

On agenda: 6/11/2024 **Final action:** 6/11/2024

Title: a. Approve and authorize the Chief Probation Officer to sign a Memorandum of Understanding (MOU) with the Superior Court of California, County of Monterey to continue the Pre-trial Services Program under SB129 effective July 1, 2024; and
 b. Authorize the Chief Probation Officer to sign up to three (3) future amendments to this MOU which do not significantly alter the scope of work.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. MOU- Superior Court -SB129 Pre-trial Services Program, 3. Completed Board Order Item No. 25, 4. Fully Executed Agreement - Pre-Trial Services Program

Date	Ver.	Action By	Action	Result
6/11/2024	1	Board of Supervisors		

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 b. Authorize the Chief Probation Officer to sign up to three (3) future amendments to this MOU which do not significantly alter the scope of work.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Chief Probation Officer to sign a Memorandum of Understanding (MOU) with the Superior Court of California, County of Monterey to continue the Pre-trial Services Program under SB129 effective July 1, 2024; and
- b. Authorize the Chief Probation Officer to sign up to three (3) future amendments to this MOU which do not significantly alter the scope of work.

SUMMARY:

California Senate Bill 129 (“SB 129”) allocated ongoing funding to the Superior Courts for pretrial services in each county beginning in FY21-22. Per the legislation, pretrial services include the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail. The purpose of this funding is to provide courts with information and resources to support: (a) judicial officers in making pretrial release decisions that impose the least restrictive conditions; and (b) implementation of appropriate monitoring practices and provisions for released individuals. The Superior Court of California, County of Monterey (“Court”) received \$759,330 of ongoing funding under SB 129 in FY21-22 of which it allocated 70% in the amount of \$531,534 to the Probation Department, with comparable funding levels through FY23-24. The Board of Supervisors in FY21-22 approved the multiyear MOU for these services between the Court and Probation.

The Court has now requested to contract with Probation for the pretrial services established through the prior

MOU on an ongoing basis. The Court will provide funding for these services at a minimum amount of 75% of the total pretrial ongoing funding allocated each year to the Court. The Court currently receives the annual amount of \$759,330 of ongoing funding, with 75% of this allocated to Probation in FY24-25 in the amount of \$569,498. Similar funding levels are anticipated in future years.

DISCUSSION:

Individuals arrested and charged with a crime may be incarcerated until trial or, at the discretion of the court, be allowed to remain in the community on pretrial release. Traditionally, courts have based the decision of pre-adjudication (pretrial) release partly on the ability of defendants to meet financial burdens of bond or bail, a system that may release dangerous defendants while incarcerating--at great cost to both taxpayers and arrested individuals' civil liberties--those who pose little risk to their communities. By contrast, under a pretrial services program, release decisions consider defendants' risk of 1) posing a threat to public safety, and 2) failing to appear in court. By using a validated tool to assess these risks, the program protects the public and allows lower-risk defendants--regardless of financial status--to remain in the community while awaiting adjudication. Once individuals are released to the community, Pretrial Services probation officers provide monitoring services including check-ins to ensure program compliance, automated reminders of upcoming court dates, and connections to recovery programs, housing resources, and mental health services.

As directed by the California Legislature, pretrial programs aim to increase the safe and efficient release of arrested individuals 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 disparate impact or bias.

The established local level of pretrial services under the current MOU includes existing positions consisting of: one (1) Deputy Probation Officer II, two (2) Probation Aides and one (1) Office Assistant II, as well as associated services and supplies. This level of services will continue with no change under the new ongoing MOU and is fully funded by the Court. The program staff will continue to facilitate release decisions, increase the department's ability to monitor defendants on pretrial release and provide for the fulfillment of the mandated services under the legislation.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel-Risk Management has reviewed the MOU and approved as to legal form.

FINANCING:

There will be no impact to the General Fund from approval of these actions. Funding for this MOU is fully funded by the Court's ongoing annual allocation to Probation. The amount of \$569,498 is included in Probation's Recommended Budget 001-2550-PRO001-8165 for FY 24-25. Future fiscal year costs will be requested through the corresponding annual budget process.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This recommendation supports the Board of Supervisors Strategic Initiatives in the area of Public Safety to create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow while reducing violent crimes. This is accomplished with the creation of a sustainable comprehensive approach to reducing violence by implementing best practices, crime prevention and justice system efficiencies.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure

X Public Safety

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Attachment: MOU- Superior Court - SB129 Pre-trial Services Program