

PRETRIAL PILOT PROGRAM COURT QUESTIONS & RESPONSES

Updated: June 21, 2019

(New questions and responses added in yellow highlight.)

PRETRIAL PILOT PROGRAM

Question: Section 1.1 (pg.1): The materials indicate they will fund a pilot in at least 10 courts. What is the maximum number of courts they believe will be funded?

The maximum number of courts selected to be pilots will depend on the number of eligible applicants, the total amount of funding requested, and ensuring that selected applicants are diverse in various factors such as court size, location, court case management system, and risk assessment tool used, as required by the Budget Bill Language.

Question: Can we submit the electronic copy of the application by July 2 and then put the hard copies in the mail on July 2?

No. Both the email copy and the hardcopy are due by 5:00 pm on Tuesday, July 2. (RPA Pg. 1 and Section 7.0 pg. 11)

SCOPE OF THE PROGRAM—Section 1.2 and 1.3 (pgs. 1-3)

Question: Are pilot applicants expected to perform risk assessments on all detained defendants, including all defendants charged with serious and violent felonies, regardless of offense or criminal history?

The first legislative goal of the Pretrial Pilot Program is to “increase the safe and efficient prearrestment and pretrial release of individuals booked into jail by expanding own recognizance and monitored release.”

The Pretrial Reform and Operations Workgroup (PROW) discussed scope at length. Their decisions are reflected in the RFA requirements that pilot courts perform a prearrestment risk assessment on each booked and detained arrestee, including arrestees charged with serious and violent felonies, except for those deemed ineligible for bail under article I of the California Constitution.

The RFA assessment requirement covers all classes of offenses. However, if necessary, the court may “exclude pretrial assessment of individuals booked into custody in specified jail/detention facilities or arraigned in specified courthouses.” These permissible exclusions relate to court geography and capacity, not exclusion of persons arrested for certain crimes.

Question: Is the scope of the program intended to perform risk assessments on defendants charged with misdemeanors as well as felonies, or is it limited to felonies only?

The scope of the Pretrial Pilot Program is not limited to felonies. The RFA, in section 1.3, page 2 "Pretrial Pilot Program Scope" states, "The pilot project shall require the pretrial risk assessment of all persons booked into and retained in actual jail custody and who are not otherwise released under existing release policies."

The RFA assessment requirement covers all classes of offenses. However, if necessary, the RFA permits the court to “exclude pretrial assessment of individuals booked into custody in specified jail/detention facilities or arraigned in specified courthouses.” These permissible exclusions relate to court geography and capacity, not exclusion of persons arrested for certain crimes.

Question: Who determines those eligible for prearrestment release without a hearing?

Eligibility for prearrestment release without a hearing is covered in existing statute. Penal Code sections [1270.1\(a\)](#), [1319](#) and [1319.5](#) define when a hearing must be held in open court before an arrested individual can be released on his or her own recognizance.

These sections require a hearing in open court before a magistrate or judge for persons arrested for serious or violent felonies, and for other listed felonies, for persons on felony probation and parole, and for those who have failed to appear multiple times and are arrested for various offenses.

Section [1319.5\(g\)](#) provides an exception to the open hearing requirement for persons who have failed to appear multiple times if the person is released pursuant to a court-operated pretrial release program or a pretrial release program with approval by the court.

Question: What is the timeframe in which prearrest release decisions should occur? How should the pilot handle cases in which the District Attorney makes a decision not to charge, or to drop charges?

The release decision must be made by the judicial officer prior to arraignment for those who are eligible for release without a hearing (as noted on p. 2 of the RFA).

Under Penal Code § [825](#), the arraignment must be held within 48 hours of arrest. While the RFA does not set a specific number of hours, it is anticipated that in most cases the judicial officer will make the prearrest release decision well before the 48 hour deadline for arraignment. The plans for conducting prearrest release, including timelines, should be described in the narrative portion of the Pilot Project's Application (section 8.1.3).

Arrestees may be released on own recognizance or monitored release before the District Attorney makes a decision on charging.

Data on all arrestees will be required and tracked, including those cases where the D.A. makes a decision not to charge, or to drop charges.

Applicant courts should project funding for costs associated with assessing all detained arrestees (except for constitutional exclusions), including those that the D.A. decides not to charge or to drop charges.

Question: Can subordinate judicial officers authorize prearrest release on own recognizance?

Yes. Under Penal Code section [1269c](#), except where the defendant is charged with an offense listed in Section [1270.1\(a\)](#), a defendant, either personally or through his or her attorney, friend, or family member, may apply for release on his or her own recognizance, and the magistrate or commissioner to whom the application is made may authorize the defendant's release on his or her own recognizance.

Note also that the current Budget Bill Language references "judicial officers" rather than "judges" or "magistrates," and provides that funds may be used for "costs associated with judicial officer release and detention decision-making prior to arraignment."

Question: What expectations/guidance can the Judicial Council provide regarding the supervision of medium risk defendants placed on supervised OR who live outside the county?

The RFA includes as a funded activity (sec. 2.0, p.3) “Contracts between the courts and county probation departments... for monitoring of individuals released pretrial.”

Since probation departments currently have procedures for monitoring persons placed on probation who live outside the county, the RFA presumes that probation departments will use the same or other appropriate procedures for monitoring persons placed on pretrial supervision.

RISK ASSESSMENT TOOL SELECTION/VALIDATION

Question: Is there a list of Pretrial Risk Assessment tools that are approved for this use?

No. The Council is not designating specific risk assessment tools as approved for use in the pretrial pilot program.

SB 10, the pretrial legislation, includes a requirement that the Judicial Council put together a list of approved pretrial risk assessment tools. However, the referendum that qualified for the November 2020 general election has stayed implementation of SB 10, and the Judicial Council has suspended all activities required by the legislation.

Pilot courts may select or continue to use a tool that meets its local county needs, provided the court meets the goals of the program -- specifically, that the project “expands the use and validation of pretrial risk assessment tools that make their factors, weights, and studies publicly available (sec. 1.2, pg.2).

The Judicial Council seeks to fund pretrial pilot projects that, as a group, are diverse in their use of risk assessment tools, including tools that require an interview and those that do not (2.0, pg.2).

JUSTICE SYSTEM PARTNER INTERVIEW

Question: Is there any prohibition against video or audio recording of the panel interview?

The Justice System Partner Interviews may **not** be video, or audio recorded

Question: Courts raised questions about when and how to implement a risk assessment tool, if not already in use in their county. Would it be more advantageous to select a tool now, prior to submitting their application? Or should they wait until they were selected for the pilot to choose a tool?

Selection of a pretrial risk assessment tool is a court decision made with its local justice system partners - the Judicial Council will not assist courts with selecting and implementing a tool.

Courts do not need to have a tool identified at the onset of the project but need to demonstrate they are working with their justice system partners to identify a risk assessment tool and are taking concrete steps toward selection and implementation of a pretrial risk assessment tool.

As part of the selection process, the members of PROW will consider how quickly a pilot can be up and running under the scope and goals of the program. Selected courts will clearly demonstrate an ability to have the project implemented and operational soon after being awarded. (Sec. 3.0, p.3)

Question: Can a court change tools during the pilot?

Yes, it is permissible to change assessment tools during the course of the pilot. Pilot courts may select or continue to use a tool that meets its local county needs, provided the court meets the goals of the program -- specifically, that the project “expands the use and validation of pretrial risk assessment tools that make their factors, weights, and studies publicly available (sec. 1.2, pg.2).

Courts should have a plan in place to ensure that during the transition period, the court and its partners are able to collect required data elements and adhere to the scope and goals of the program. This transition plan should be addressed in the applicant’s Pilot Project Narrative (sec. 8.1.3, pg.12)

Question: What Judicial Council support can courts expect with regard to validation of risk assessment tools?

The Judicial Council will use an outside evaluator to conduct an evaluation that will include local validation of the assessment tools. However, courts may also choose to select a separate entity to assist with local validation.

IMPLEMENTATION TIMELINE

Question: If a court is awarded the grant, what is the implementation pilot timeline post award?

The Pretrial Pilot Program is a two-year grant program. It is expected that the Court will, upon award, immediately take steps to begin or expand pretrial assessment and release operations and ramp up to being fully operational no later than June 30, 2020.

“Fully operational” in this context means meeting the scope of the pretrial pilot program (sec. 1.3, pg.2) and the parameters of the pilot project as described in the narrative submitted by the court.

It is recognized that technological applications & integrations may require more time and consultation with the Judicial Council, and may be put in place later than June 30, 2020.

ROLE OF PROBATION AND SUBCONTRACTORS

Question: Is a court required to contract with the County Probation Department to conduct the risk assessments? Or can the court purchase a risk assessment tool, hire staff, and perform the risk assessments internally?

Pilot courts are required to contract with their county probation department to conduct risk assessments. The current Budget Bill Language designates that funds may be used for “contracts between the courts and county probation departments to conduct prearrest and pretrial risk assessments on individuals booked into county jails, and for monitoring of individuals released pretrial.”

Note that Santa Clara has been added as an exception to this requirement. It is possible that other changes may be included until the Budget is finalized.

Based on that requirement, Section 1.1 (pg.1) of the RFA, Pretrial Pilot Program Overview, states that, “each of the selected pretrial pilot projects will... incorporate judicial officer release decisions...that are informed by a risk assessment conducted by county probation departments.”

Section 2.0 (pg.2), provides examples of funded activities, including “[c]ontracts between the courts and county probation departments to conduct prearrestment and pretrial risk assessments on individuals booked into county jails, and for monitoring of individuals released pretrial.”

Question: Section 4.5 (page 6) states that court staff, salary, and benefits are eligible uses of funds. The introductory paragraph anticipates that “most of the funding will be used to contract for staffing and equipment for assessment and monitoring” but does not specifically mention probation. Are personnel resources allowable uses of funds to support increased staffing needs for probation and IT departments? If additional sheriffs’ office, law enforcement, or security personnel are needed to facilitate pre-trial interviews of arrestees, is that funding allowed?

As set forth in the Budget Bill Language, funds may be used to contract with probation departments to conduct risk assessments and monitor defendants; this includes costs associated with staffing and equipment for those departments.

Additionally, funds may be used to support data collection and technology integration among local justice system partners. Funds may not be used for staffing costs associated with other justice system partners.

Question: Section 4.5 (page 6, first bullet) indicates a copy of all subcontracts must be provided to the Judicial Council. What is the timeframe for providing those subcontracts? Is there an assumption the subcontracts will be provided when available (subsequent to the execution of the funding agreement), or that draft subcontracts be submitted with the RFA response?

There is no expectation that draft subcontracts would be included with a Court's application. Expressed intent to contract is sufficient at the time of submission.

However, the budget narrative (See Attachment C) should describe the intended use(s) of the requested funding, which should include any subcontracting with commercial vendors, nonprofit organizations, and justice system partners such as the local Probation department.

The expectation is that the Judicial Council will receive fully executed subcontracts within a reasonable time, subsequent to the funding Agreement. Email the fully executed subcontracts to pretrial@jud.ca.gov.

PRETRIAL PRACTICE INSTITUTE

Question: Section 5.1 (pg.8) indicates travel expenses may be budgeted for the mandatory two-day Pretrial Justice Practice Institute. Can you provide more information on the conference, including guidelines as to how those costs should be based?

The Pretrial Justice Practice Institute will be held October 9-10 in downtown Oakland, California. The training is mandatory for the Presiding Judge, Court Executive Officer, Pretrial Program Manager and Court Information officer or their designees; for the Chief Probation Officer or designee; and for the Sheriff or Corrections Authority or designee.

The court may invite any other justice system partners who would be useful to include.

There will not be a registration fee for the Institute. Courts should include in their budgets the cost of travel and lodging for required attendees, up to six persons. Please include expenses for **all** required members of the team under Section K (Travel) of the Budget Worksheet.

Hotel rates should be based on the Judicial Council's travel reimbursement guidelines. This also includes reimbursement rates for meals and vehicle mileage. Any variances to these prescribed rates will require approval by the Judicial Council project manager.

We anticipate there will be a second, one-day mandatory training in fall of 2020, with the same requirement for participation by judicial officers, court staff and justice system partners. Courts should include in their budgets the cost of travel for required attendees, up to six persons, for the fall 2020 training.

INFORMATION TECHNOLOGY – JUDICIAL COUNCIL SUPPORT AND BUDGETING FOR LOCAL NEEDS

- As indicated in Section 4.3 of the RFA, the Pretrial Pilot Program allocates up to 10 percent of funding to the Judicial Council for costs associated with implementing and evaluating these programs.
- This includes funding that will provide pilots with case management system development, pretrial risk assessment integration, and data warehouse integration.
- Building up these systems will require time and will be tailored based on the needs and resources of the selected projects.
- In terms of a Court developing its pilot project budget, focus on the **immediate** technology needs in working with local partners and include those expenses in the anticipated budget.
- These expenses could range from an individual laptop purchase for a judicial officer to review assessments online, to contracting with the probation department to purchase a pretrial case management system.

Question: Regarding Judicial Council funding support as described in section 4.3 (pg.5), will the Judicial Council fund the development of integrations necessary to collect and electronically transmit data to the Judicial Council, or should applicants build related funding requests – including subcontractor/justice partner funding requests – into their applications?

Yes, the Judicial Council will fund the development of integrations necessary to electronically transmit data to the Judicial Council. If the court does not have the resources for related work, those costs should be built into the funding request.

Question: (Attachment D) How do we appropriately budget for the technical assistance and justice partner interfacing?

The Judicial Council will work with the Court, CMS vendors and justice partners on data collection and integration for the pretrial program. The full cost of technical assistance and justice partner interfaces will largely depend on the selected pilot court's current technology environment including, CMS, existing interfaces, status of existing pretrial program, etc. If programming at a county level is needed to extract the required data, the court may choose to fund those activities.

Question: Will the Judicial Council pay for and build the necessary integrations to obtain data from the jail, probation and the court for output information and data analyses? Does the court only needs to pay for and build local integrations?

The Judicial Council's technology budget covers secured, permissions-based data storage and collection, and data integration. These processes will be addressed in two phases.

In Phase 1, the JC will procure and build out the judicial branch-wide, court permissions-based data repository. Each court/county will have their own repository within the judicial branch repository. The JC will work with each court to get the data into the repository by whatever short-term method is available (i.e., Excel file, csv, etc). The court is responsible for data collection,

however the JC will work with the court/county to find the best way for data to be collected in its current state.

Also, during Phase 1, the JC will contract with the state's case management systems (CMS) vendors to develop automated data exchanges for populating the data repository with the required CMS data.

If data is spread amongst many systems throughout the county, or is on an old mainframe, the court will need to contract with the county to create a data extract. That expense should be included as part of the court's proposed budget for data collection.

Lastly during Phase 1, the JC will be issuing an RFP/MSA (master service agreement) for electronic pretrial risk data collection solutions, which will include any new/other required data elements. We know that some courts are currently using manual methods. This electronic solution will provide them with an automated method that can integrate with their CMS systems.

During Phase 2, the JC will pay for automated integration with the selected pretrial tool vendors under the master service agreement (MSA) for data collection into each court's data repository and for interfaces to update data in the state CMS vendors. Courts may choose one of the MSA pretrial tool vendors or they can use their existing solution.

Question: Does “case management system development” mean that grant funding can be used to fund enhancements or procurement of case management systems? Does this include enhancements needed by the Probation Department? See also sec. 4.5 (pg.6) Eligible expenditures – (“Any other expenses related to the project, as properly budgeted and approved by the Judicial Council program manager.”)

Yes, grant funding can be used to support enhancements or procurement of case management systems to support the pretrial pilot program. Courts can also contract with probation departments to support enhancements or procurement of pretrial case management systems.

Question: What is the Judicial Council’s vision of data collection and reporting technology development with pilot courts and justice partners?

The Judicial Council will work with courts and justice system partners on data collection and reporting technology development, and these enhancements will be paid for out of the Judicial Council’s portion of the pilot program funds.

ATTACHMENT C – BUDGET WORKSHEET AND NARRATIVE

Question: Can some of the required information required in the Pilot Project Narrative, be exhibits, and not count towards the 10-page maximum?

The only document required to be attached to the Pilot Project Narrative. (sec. 8.1.3(k), pg.13), if applicable, is a current or draft “release conditions matrix” and/or “supervision matrix.”

Although not necessary, a court may choose to provide detailed booking statistics, case flow protocols and related reports, as exhibits to Attachment B. These exhibits will not be applied toward the 10-page maximum requirement for the pilot project narrative section.

Question: Where on the budget should Courts indicate monitoring equipment, staff, technology, etc, that is purchased by another agency?

All expenses, including electronic monitoring equipment and technology, should be included in the Budget Detail Worksheet regardless of whether the Court or a Court’s subcontractor will be procuring the goods.

But, if a Court’s subcontractor will be procuring such equipment, these expenses should be listed under the Consultants/Contractors section in the Budget Detail Worksheet.

The only exception is for travel for all required members of the team to attend the Pretrial Justice Practice Institute in 2019 and 2020, which should be included under Section K (Travel) of the Budget Worksheet.

Question: Are courts permitted to charge defendants for the cost of release conditions imposed pretrial such as anger management classes or GPS monitoring?

No, pilot courts are not permitted to charge defendants for the cost of any pretrial release conditions. Pilot courts should plan accordingly and include those projected costs in their proposed budgets.

Question: What is the “Indirect Rate,” how is it calculated, and to what should it be applied?

“Indirect costs” are expenses ancillary to doing business and conducting court operations as a result of participating in the pretrial pilot program.

The “indirect cost” calculation is based on the salary and benefits of the staff provided for in this funding opportunity, not based on all court staff. If a Court is not familiar with their individual indirect cost rate, please contact Judicial Council staff directly.

As noted on pg. 14 of the RFA (8.2.1) indirect costs for partner agencies and subcontractors are not allowed.

Question: Section 4.4 (page 5) seems to indicate funding will be disbursed up front after the contract is executed and approved. Subsequent disbursements will be made quarterly thereafter. What percentage of the funding will be in the initial disbursement? Will Year 1 be disbursed first and then quarterly thereafter?

The initial disbursement will be determined by the request of the Court as indicated on the Court’s Application Section 1H and is not intended to be a specific percentage of the total award, but rather is meant to meet the needs of the Court with respect to start-up costs for implementing the pilot. All subsequent disbursements will be allocated equally by the remaining balance of the total award, unless otherwise agreed upon by the Court and the Judicial Council and in accordance with the terms of the contract.

For example, Court A requested a \$20MM total with an initial disbursement of \$5MM and is approved for such a request. The subsequent disbursements of the remaining \$15MM would then be distributed in equal installments on a quarterly basis and in accordance with the terms of the contract.

Question: Section 4.6, (pg.7) categorizes “facilities” as an ineligible use of funds. However, many courts, probation departments, sheriff’s departments, and jails may need to modify or expand their existing facilities to provide adequate, secure space for the pre-trial risk assessment process. Is funding to support those facilities modifications allowable?

No, funding for facilities is not permissible under the Pretrial Pilot Program.

Question: Is office space an allowable cost as a part of the subcontract the Court would be making with the Probation Department, if that office space was used exclusively for the purposes of the Pretrial Program?

Section 4.6 Ineligible Expenditures (Page 7) does list “facilities” as an ineligible expense, however in this context, that means capital expenses (building and renovating permanent structures). The rental of office space is consistent with the goals of the pretrial pilot program.

If you can quantify the expense as a new cost for new, additional space, solely for these activities it is allowable. If you can show you have expanded and can show the additional costs over and above normal, that would also be allowable. If it’s a percentage of your current rent bill, then no, that would not be allowable.

Equipment (desk/chairs/phones/computers) is also allowable if it’s purchased and supplied at the beginning of the project so as to justify the purchase.

Question: Our court is considering preparation work prior to the start of the Pretrial Pilot Program, including reallocating existing staff into the assessment role and phasing out contractors. Under Section 4.6 Ineligible Expenditures (pg.7), is the salary of a reallocated officer an allowable expense or only the additional staff that would be brought on to create increased monitoring options were we to receive funding?

Yes, the salary of a reallocated officer would be considered an eligible expense so long as the reallocated officer is assigned to pretrial services with a time base outlined in the Budget Detail Worksheet. If pretrial services previously had been conducted by contractors, then the work by the reallocated officers would not be considered supplantation. Please refer to Section 4.6, footnote 2 (pg.7) of the RFA.

Question: If we have more line items than Attachment C allows for based on format, is it possible to submit our own budget document with the requested information listed in C? For example, more space for positions and/or technology costs associated.

Please contact pretrial@jud.ca.gov to request the word document version of Attachment C, which will allow you to add additional line items.

Please note that this version will not automatically calculate totals, so please ensure that you have calculated the subtotals and grand total correctly.

Question: Can pilot funding can be used to enhance existing case management systems to increase risk assessment related functionality, justice partner integrations, and data collection and reporting mechanisms? Will these necessary upgrades and integrations be considered allowable expenses or prohibited “supplanting”?

Yes, the court’s portion of the funding may go towards the enhancements described above.

Yes, expenses directly related to enhancing existing case management systems to increase risk assessment related functionality, justice partner integrations, and data collection and reporting mechanisms will be allowed and not considered supplanting.

ATTACHMENT D – DATA ELEMENTS AND DATA EXTRACTS

Question: Attachment D includes a “Data Elements Inventory”. Which of the data elements included here will be required to be reported on a historical basis (as compared to current/on-going)? Many courts have recently migrated to new case management systems. Will the inability to provide every data element exclude courts from participating in this program?

No. the Judicial Council recognizes that not all courts will be able to provide all the data elements requested and that historical data will be a significant challenge to courts that have recently migrated to new case management systems.

Pilots do not need to provide all the data elements listed in the inventory and the lack of ability to provide comprehensive historical data will not necessarily disqualify a court from receiving an award. However, the ability to provide data will be one factor in the evaluation process. Courts should describe data collection challenges including the availability of historic data, in Section (m) “Grant Requirements” of the application narrative.

Question: How does the Judicial Council anticipate collecting or requiring courts to report this data?

The manner of data collection will depend on the pilot courts selected and their data collection capacity. The Judicial Council will work with awarded courts individually to identify the most appropriate method of data collection.

Question: Can courts contract with justice partners to provide the requisite data to the Judicial Council, or does the Judicial Council want the courts to be responsible for transmitting and checking all pretrial release-related data?

The Judicial Council anticipates working directly with local partners to collect data and perform data quality checks. Courts will be responsible for contracting and/or collaborating with local agencies, including probation or jails, in order to facilitate the Judicial Council’s ability to access data directly from justice system partners.

Question: I was reviewing the data element requirements for the pilot program and had a question about it. The Court, Probation and Jail all have similar information. Will it be necessary to provide access to all three system if we have the same information?

For the Pretrial Pilot Program, it will be necessary for the Judicial Council to have access to the required data elements listed in Attachment D of the RFA, Pretrial Pilot Program Data Elements Inventory. While the court, Probation Department and jail often have similar or some overlapping information, it is not typical that one entity would have all of the required data elements. However, if your county has a system in which it is possible for the Judicial Council to access all required data elements through one entity, then access to that system would be sufficient.

Question: Attachment D lists a series of data fields that need to be extracted from the jail (Sheriff's Dept). Some of those data fields are not collected/maintained by them (e.g., court case number, conviction date, conviction charge, etc.). For purposes of the grant requirements, would it be acceptable to extract this information from the Court's case management system and report it as a 'null' value from the Sheriff's system?

The Judicial Council will work with each selected county to make sure they can provide all the necessary data elements, the fact that the sheriff does not track those data elements will not exclude a county from being selected.

Question: Is there a data element the Judicial Council would be looking for courts to provide to assess any disparate impact of bias that may result from the implementation of these projects in order to better understand and reduce biases based on race, ethnicity, and gender in pretrial release decision-making?

The data elements that will be collected for this Pilot Program include the race, gender, and ethnicity of each defendant as listed in the data elements requested in Attachment D. The Judicial Council will be responsible for assessing disparate impact and bias once the data has been collected.

Question: What is the data collection frequency?

Data will be reported (more or less) quarterly. Data reporting frequency is outlined in Attachment E. under the "Data Due" heading.

Question: At what point within the life of a case or the records of a particular inmate or defendant will data be required to be reported?

The Judicial Council does not anticipate requiring courts to track specific individuals over time or across different data management systems. The courts and their local partners will be providing full extracts of the data required.

Courts will be expected to contract and/or collaborate with local justice system partners to direct data exchange between the local partners and the Judicial Council. For each time range described in Attachment E, the Judicial Council will require data on all relevant individuals entered into the data management system regardless of the stage in the criminal justice process.

Question: What triggers extracting the data for a specific case so that it is sent to JCC for analysis?

We will be requesting a data extract of the specific data elements listed for all cases for the time period

Question: Will the same case be sent multiple times?

Yes, we know that there will be many duplicates with this type of extract, and we are prepared to identify duplicate records. Our experience with similar programs indicates that this is easier for the courts.

Question: Will data only be required for incarcerated defendants with a pre-release report?

No, data will be required for all defendants.

Question: Is there a particular output format for the data that will be specified for submission (XML, CSV, etc.)?

This will be determined in consultation with the selected counties.

Question: Some of the data items appear to require multiple values, how will these be handled (depending on desired format)?

For elements that have multiple values we want the date and status of the element for each incidence of that data element. This can be repeated across rows, which may result in some duplicate records.

Question: Can you define or provide clarity on the following Data elements?

FTA_Dates – All FTA dates for this defendant?

Yes, all FTA dates for the specific reporting periods, if possible.

Warrant_Date – All warrant dates, or just the most recent?

All FTA warrant dates for the specific reporting period.

Disposition_Outcome – Is this the current charge disposition, or all dispositions for the charge??

Any, and all actions on the charge during the time period. And the date of each action.

Disposition_Event_Date_Time – Is this the date for the current charge disposition, or a list of the dates for all the dispositions of this charge?

Any, and all actions on the charge during the time period. And the date of each action.

Sentence_Type – The definition indicates this is to be the sentencing result for each charge, however sentences can be combined across multiple charges. Is a Sentence_Type for the case an acceptable alternative?

Yes

Case_Status – Is the request to send the current case status, or all case statuses which have ever been placed on the case?

Current case status only

Case_Status_Date – Again, current, or the dates to go with each case_status?

Current Case date only

Filing_Charge – All, the current set, as originally filed?

We want original filings and filing dates, any amendments with amendment date, as well as the final charges.

Charge_Level – What is a ‘violation’ charge level? We only have misdemeanor, felony and infraction level charges.

Violation was included in error. We are interested in misdemeanor and felony level arrests, however we will accept infractions if they are associated with a felony or misdemeanor arrest.

Hearing_Type – Is this intended to be the current hearing, the latest, all?

All hearings for the cases during the reporting period.

Hearing_Date_Time – Dates of all hearings, the latest hearing?

All hearing dates for the reporting period.

Plea_Type – All pleas for each charge, or the current plea value for each charge?

We would like all pleas for each charge

Question: Sentence_Location – We sentence to state prison, county jail, etc. rather than a specific facility. Is this sufficient?

Yes.

Question: We understand one intent of the Pretrial Pilot will be to examine larger issues such as recidivism. This could require data that is outside the currently requested data set such as previous data on similar offenders, cases without pretrial assessments, etc. Can we limit our estimation of required resources to the currently specified data set and assume additional data requests would be funded separately?

Yes. The Judicial Council staff is working with the California Department of Justice to obtain recidivism information.

ATTACHMENT E – SCHEDULE OF DELIVERABLES

Question: Attachment E sets forth a Schedule of Deliverables, which sets the first deliverables' due date as October 15, 2019 based on a data span of July-Sept. 2019. Since the pilot participants will not be decided until August 2019, with contracts to be negotiated thereafter, what deliverables would be expected on the October 15, 2019 due date?

Data available from July-September 2019 should be delivered by the October 15, 2019 due date, in addition to a Quarterly progress report (Attachment F).

Question: Some courts anticipate developing an automated process for risk assessments and related reporting and judicial review. However, the Schedule of Deliverables set forth in Attachment E does not appear to build in any development time. Are applicants expected to have built such systems prior to the selection of the pilot courts? Or does the Judicial Council expect the applicants to develop paper processes for immediate implementation, even though the related data and Quality Assurance mechanisms would be limited? Would phased risk assessment and automated reporting go-lives be acceptable or discouraged?

Applicants are not expected to have such systems built and operational prior to being selected as a pilot project.

At a minimum, a Court and its justice system partners must have electronic and/or paper processes in place to collect the required data elements and adhere to the scope and goals of the program. This should be noted in the applicant's Pilot Project Narrative (8.1.3)

Automated processes will vary county by county based on the resources of the applicant courts and their local partners. The JUDICIAL COUNCIL will work with selected applicants to help facilitate this process and help craft a technology solution.

Question: How is the time necessary to build the appropriate electronic or manual reporting system built into the Schedule of Deliverables set forth in Attachment E?

The manner of data collection will depend on the pilot courts selected and their data collection capacity. The Judicial Council will work with awarded courts individually to identify the most appropriate method of data collection. It is anticipated that initial data collection will involve data extracts until a more dynamic solution can be developed in partnership with the courts.