

Sonoma County Pretrial Release Conditions Matrix

(using borrowed success rates from national data)

		New Criminal Activity (NCA) Scaled Score					
Failure to Appear (FTA) Scaled Score	1 91% Likely Arrest-Free	2 85% Likely Arrest-Free	3 78% Likely Arrest-Free	4 68% Likely Arrest-Free	5 55% Likely Arrest-Free	6 47% Likely Arrest-Free	
1 89% Likely to Appear	Level 1	Level 1					
2 85% Likely to Appear	Level 1	Level 1	Level 1	Level 2	Level 3		
3 81% Likely to Appear		Level 1	Level 1	Level 2	Level 3	Level 3*	
4 73% Likely to Appear		Level 2	Level 2	Level 2	Level 3	Level 3*	
5 69% Likely to Appear		Level 2	Level 2	Level 2	Level 3	Level 3*	
6 65% Likely to Appear				Level 2	Level 3	Level 3*	

***NOTE:** Pre-arraignment release is not recommended per local guidance for arrestees with a NCA score of 6.

Pretrial Release Activities and Conditions

Release Activities and Conditions	Pretrial Release Level		
	Level 1	Level 2	Level 3
Mandatory Statutory Conditions	X	X	X
Report to Pretrial Services as Directed or Upon Release	X	X	X
Court Reminder	X	X	X
Periodic Criminal History Checks		X	X
Monthly Phone Check In		X	X
Monthly Face-to-Face Check In			X
Other Case-Specific Conditions (monitoring by Pretrial Services is NOT required)		If Court-Ordered	If Court-Ordered
Other Case-Specific Conditions (monitoring by Pretrial Services is required)			If Court-Ordered

Description of Release Activities & Conditions

Mandatory Statutory Conditions: Pursuant to PC Sec. 1318(a), (1) The defendant promises to appear at all times and places, as ordered by the court or magistrate and as ordered by any court in which, or any magistrate before whom the charge is subsequently pending. (2) The defendant promises to obey all reasonable conditions imposed by the court or magistrate. (3) The defendant promises not to depart this state without leave of the court. (4) The defendant agrees to waive extradition if the defendant fails to appear as required and is apprehended outside of the State of California. (5) The defendant acknowledges that he or she has been informed of the consequences and penalties applicable to violation of the conditions of release.

Report to Pretrial Services as Directed or Immediately Upon Release: The released person is required to report to Pretrial Services as directed. Upon judicial order of Pretrial Release, the released person will report to Pretrial Services for an initial sign up. For individuals released pre-arraignment, the initial sign up with pretrial services staff will take place prior to the individual being released from custody. Individuals released at or after arraignment, will report to Pretrial Services after release.

Court Date Notifications: The released person receives all court date notifications and replies, if applicable. The released person is responsible for providing up-to-date contact information (e.g., phone, email, residential address) to Pretrial Services.

Criminal History Checks: The released person's criminal history is checked for new criminal charges at a regular interval.

- Release level 2: criminal history checks will be conducted monthly, using DAT (local criminal history)
- Release level 3: criminal history checks will also include California and out of state criminal record checks through CLETS

Check-Ins: As agreed upon between the released person and pretrial services staff, check-ins with pretrial staff will occur as follows:

- Release Level 2: A monthly check-in will take place between the released person and pretrial services staff by phone or videoconference (i.e. FaceTime, Skype, etc.) or any other approved communication methods. Videoconferencing may be used if the technology is available to the released person.
- Release Level 3: Each month the released person will check-in once by phone or videoconference, or any other approved communication method, and once in-person, face-to-face, with pretrial services staff.

Other Case-Specific Conditions: Additional case-specific conditions may be ordered if deemed necessary to support the defendant in successful completion of pretrial release. A list of possible conditions that could be ordered are provided in the table below. Some conditions are possible for Level 2 or Level 3 releases, whereas other conditions require Level 3.

Additional guidelines on imposing release conditions are provided, following the list of possible conditions that may be ordered on a case-specific basis.

Conditions that may accompany Level 2 or Level 3

- Do not possess or use alcohol.
- Do not possess or use controlled substances or associated paraphernalia without valid prescription.
- Submit to warrantless search and seizure of person, property, personal effects, or vehicle at any time of the day or night by any probation department or law enforcement officer.
- Submit to warrantless search and seizure of residence at any time of the day or reasonable hour of the night by any Probation or law enforcement officer.
- Do not own, possess, or use any firearms, weapons, or ammunition.
- Do not drive under the influence of any alcohol or other substances.
- No marijuana use, even with a 215 card.
- Do not be in a place where alcohol is the primary item of sale (no bars or liquor stores).
- Do not contact victim directly or indirectly.
- May have peaceful contact with the victim. Do not molest, attack, strike, threaten, harass, stalk, sexually assault, or batter victim, & do not disturb victim's peace.
- Do not congregate/frequent locations that you know, or a Pretrial Service officer informs you, are associated with gang members or wear gang attire/colors or possess gang paraphernalia. Do not associate with any person that you know, or a Pretrial Service officer informs you, is a member of a criminal street/prison gang.
- Do not contact co-defendant(s) either directly or indirectly.

Conditions that require Level 3

- Submit to random chemical tests as directed by Pretrial Services.
- Do not leave Sonoma County without notifying Pretrial Services.
- Wear GPS monitor for ____ days - contact within 2 business days. Notify Pretrial Services of any violations.
- Wear CAM monitor for ____ days - contact within 2 business days. Notify Pretrial Services of any violations.
- Reside with/at: _____ Or other address approved by Pretrial Services.

Guidelines for Imposing Specific Release Conditions

Several research studies have shown that pretrial monitoring can improve court appearance rates during pretrial release, especially for accused people with higher assessment scores (e.g., on the PSA), and the following guidelines are relevant to its use:

- In the case where the judicial officer finds imposing additional case specific terms and conditions is the least-restrictive condition that provides reasonable assurance of (a) protecting another individual (e.g., victim, witness) from harm, intimidation, threats or interference caused by the released person during the person's upcoming pretrial release, (b) helps ensure public safety and law-abiding conduct, the judicial officer should add those

terms and conditions to the pretrial release order (e.g., no contact order, chemical testing, weapons restrictions).

- Specific criminal charges or criminal history do not automatically result in an order to pretrial monitoring nor will any criminal charge or criminal history trigger an imposition of standard pretrial release conditions. Pretrial release conditions will be selected and imposed on a case by case basis.

Authority to Modify Release

The judicial officer authorizing the arrestees' release will determine the initial release level. Should the released person's behavior, over a period of time at a higher release level, demonstrate a lower level of release monitoring is warranted, typically based on compliance with conditions and attendance at scheduled court hearings, the release level may be decreased by Pretrial Services staff. The released person will remain at their initial release level for no less than thirty (30) days before reductions to the level are assessed. Pretrial Services staff may reduce the release level based on the following:

- a. Compliance with terms and conditions of pretrial release and no sustained violations of pretrial release.
- b. No new arrests, new pending criminal charges, warrants or failures to appear.
- c. Contact information on file with Pretrial Services is current and the release person is responsive to contact by Pretrial Services.
- d. Demonstrated appearance at scheduled court hearings and pretrial services appointments.
- e. Review and approval by a Pretrial Services supervisor is required prior to any adjustment in monitoring level.

Additionally, release levels are considered minimum standards for contact with the released person, and may be increased if risk/needs, or community functioning factors dictate the need for a more intensive release level; increases in release level may be adjusted to be consistent with public safety, court appearance, and needs of the released person.