



AGENDA STAFF REPORT

Control: 26001320

MEETING DATE: 06/23/2026

LEGAL ENTITY TAKING ACTION: Board of Supervisors

BOARD OF SUPERVISORS DISTRICT(S): All Districts

SUBMITTING AGENCY/DEPARTMENT: Probation

DEPARTMENT CONTACT PERSON(S): Daniel Hernandez, 714-645-7001
Todd Graham, 714-645-7003

SUBJECT: Memorandum of Understanding Between Court and County for Pretrial Services

CEO CONCUR	COUNTY COUNSEL REVIEW	CLERK OF THE BOARD
Concur	Approve agreement to form	DISCUSSION
		3 Votes Board Majority

Budgeted: N/A	Current Year Cost: N/A	Annual Cost: N/A
Staffing Impact: No		Sole Source: No
Current Fiscal Year Revenue: N/A	Funding Source: State (Court SB 129 Pretrial Funding): 100%	County Audit in Last 3 years: No
Levine Act Review Completed? N/A		

Prior Board Action: 6/24/2025 #62, 6/4/2024 #33, 6/27/2023 #69, 9/13/2022 #25

RECOMMENDED ACTION(S):

Authorize the County Executive Officer and Chief Probation Officer, or designee to execute the Memorandum of Understanding between the County of Orange, the Orange County Probation Department and the Superior Court of California, County of Orange, to provide for the Probation Department’s provision of Pretrial Monitoring Services and the Superior Court’s reimbursement for those services, for the term beginning July 1, 2026, through June 30, 2027.

SUMMARY:

Approval of the Memorandum of Understanding for the Pretrial Release Program services will allow the Orange County Probation Department to provide Pretrial Monitoring Risk Assessment Reports and program monitoring services for pretrial defendants, in compliance with Senate Bill 129.

BACKGROUND INFORMATION:

The Budget Act of 2021 and the approval of Senate Bill (SB) 129 (2021) appropriated \$70 million in ongoing funding to the Judicial Council to fund the implementation and operation of court programs and practices that promote safe, efficient, fair and timely pretrial release of individuals booked into a correctional facility.

The intent is to provide courts with information and resources to support judicial officers in making pretrial release decisions that impose the least restrictive conditions to address public safety and return to court as well as implementation of appropriate monitoring practices and provision of services for released individuals. The control language for this appropriation requires courts to contract with any county department, including county probation departments, to provide pretrial services except for departments that have primary responsibility for making arrests or prosecuting criminal offenses; the Superior Court of California, County of Orange (Court) has opted to contract with the Orange County Probation Department (Probation). Under the Memorandum of Understanding (MOU), the Court will reimburse the County of Orange (County) for costs that Probation incurs while providing pretrial monitoring services.

In September 2021, the Court initiated conversations to contract with Probation to provide pretrial monitoring services. Meetings occurred to negotiate the MOU, the Pretrial Assessment Release program (PARS) guidelines (Guidelines) and a budget for monitoring services. The table below shows previous actions taken by the Orange County Board of Supervisors (Board).

Board Date	Memorandum of Understanding	Term	Maximum Obligation	Board Action
9/13/2022	MOU No. 1	7/1/2022 – 6/30/2023	N/A	Board Approved
6/27/2023	MOU No. 2	7/1/2023 – 6/30/2024	N/A	Board Approved
6/04/2024	MOU No. 3	7/1/2024 – 6/30/2025	N/A	Board Approved
6/24/2025	MOU No. 4	7/1/2025 – 6/30/2026	N/A	Board Approved

The Court’s Pretrial Service Unit, staffed by Court Pretrial Services Officers, interview and assess in-custody defendants through use of the Virginia Pretrial Risk Assessment Instrument (VPRAI), a validated risk assessment tool. Assessments are shared with Probation, who prepare and submit Pretrial Monitoring Risk Assessment Reports (PMRAM) to the Court. These reports include Probation’s recommendations on defendants’ participation in the PARS program. Defendants released onto the PARS program are monitored by Probation based on their VPRAI score and specific court orders.

Probation provides the following services for justice involved individuals who qualify for the pretrial release program:

1. Completion of PMRAMs, including recommendations on PARS participation
2. Monitoring of defendants released on PARS, including supportive services
3. Completion of progress reports for court hearings
4. Completion of Non-Compliance reports

From July 1, 2025, through March 31, 2026, there were 2,570 PARS participants. 614 were already active on the PARS program during that period, and 1,956 were newly placed on the program.

The monitoring services, as detailed in the Guidelines, are consistent with recommended best practices for monitoring and supervision strategies; see Attachment B. The pretrial monitoring of defendants released by the Court focuses on supporting the defendant in attending court hearings and reducing the risk factors that

may increase the likelihood of a new law violation. To accomplish this, Probation may employ a variety of strategies such as court date reminders, office visits and referrals to supportive services.

The MOU includes non-standard indemnification language. CEO Risk Management has reviewed and approved the Mutual Hold Harmless provision.

Probation is now requesting the Board's approval of the MOU with the Court and the County for Pretrial Monitoring Services, effective July 1, 2026, through June 30, 2027. This item has been brought before the Board within 30 days of renewal due to the delay of the State's budget and funding allocation report.

FINANCIAL IMPACT:

Appropriations and Revenue for this MOU will be included in Budget Control 057 recommended FY 2026-27 Budget and will be included in the budgeting process for future years. The estimated expenses to be reimbursed by the Court to the County are incorporated in the SB 129 Pretrial Release Program proposed expenditures and are subject to mid-year adjustments and funding availability. Funding for this MOU is based on a preliminary estimated amount of \$3,677,558 allocated from the State. At this time, the available funding is estimated to be sufficient for the existing Pretrial program, however, in the event further reductions are made, or if there is an increased demand for services, then Probation will work with the Court to adjust services in accordance with available funding.

STAFFING IMPACT:

N/A

REVIEWING AGENCIES/DEPARTMENTS:

N/A

ATTACHMENTS:

Attachment A - Memorandum of Understanding for Senate Bill 129 Pretrial Release Program

Attachment B - Pretrial Assessment and Release Services Program Guidelines

Attachment C - Risk Assessment Form

Attachment D - Senate Bill 129 (2021)