

THE
PRETRIAL
SERVICES
REFERENCE
BOOK

PSRC
Pretrial Services Resource Center

Committed to improving justice at the pretrial stage



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The Pretrial Services Reference Book

History Challenges Programming

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December 1999

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I Introduction

Imagine the following: You have just been appointed the director of a new pretrial services program. You have come over from the probation department where you were highly respected for your knowledge of that field, but you realize right away that you know nothing about pretrial services. Or, maybe you have taken over a long dormant pretrial program, and your chief judge calls you into his office and bluntly tells you that he expects you to “turn things around in that office.” Perhaps you have been running a pretrial program that is neglected at budget time every year, but you’ve just received a large infusion of resources. Regardless of the scenario, you now have a challenge before you to build a pretrial services program that will have the respect of the entire system. Where do you start?

The Pretrial Services Resource Center often receives telephone calls and e-mails from program administrators asking this very question. There is no quick answer; the response is usually something like this: first, it is crucial to have a firm grounding in the philosophical, historical, and legal underpinnings of pretrial services. With such an understanding, answers to questions like who should be interviewed and who should be recommended for release may be more apparent. It will also be much easier to describe program policies, particularly when the inevitable occurs — someone released to the program commits a heinous act.

You now have the challenge before you to build or re-build a pretrial services program that will have the respect of the entire system. Where do you start? This document seeks to give you that answer.

Second, it is important to know that the landscape facing pretrial program administrators has changed dramatically in the past decade. Though

much was written on pretrial program administration in the 1970s and 1980s, it may not have as much relevance in today’s world where:

- victims now have constitutionally protected rights during the pretrial release decision making process;
- deinstitutionalized mentally ill persons clog the courts and jails;
- juveniles are being prosecuted in increasing numbers in adult court; and
- arrest policies have focused on drunk drivers, drug users, and domestic violence offenders.

This document is designed to complement the information the Center provides in technical assistance inquiries. Though it is outlined in a manner that will allow the reader to browse through the material and quickly find what is of most interest, new administrators especially are encouraged to read through the entire document.

The document begins with a discussion of how we have arrived at our concepts of bail and pretrial release. Following is a discussion of the developments over the past decade that have changed the landscape for pretrial program administrators. The next chapter describes current, and often innovative, practices of pretrial services programs relating to each of the many functions of a pretrial program. The last chapter presents a checklist that new programs should use to orient themselves to their systems so that they will have a much better understanding of how their systems operate. Finally, the appendices contain useful materials including: how to gauge your program’s level of services; relevant excerpts of national pretrial release standards pertaining to confidentiality of pretrial records; examples of pretrial program interview forms and risk assessment instruments; and a list of contacts.

II History of Bail and Pretrial Services

BAIL

Definition

Bail (the definition of bail derives from the Old French, *baillier*): *to bear, carry, handle, treat, manage, conduct, govern, control, rule, take charge of, guard, to take hold of, receive, take, take away, and hand over, deliver, give.*¹

From this complexity of meanings derives the Anglo-French legal sense of delivering on trust. Embedded, though, in this tangle is the concept that bail entails someone's governing, managing, controlling, and guarding before handing over the bailed one. While most of us view bail as related to money, the root of the word does not show such a historical link.²

English roots

Bail can be dated to ancient times,³ but the American understanding and use of it has derived chiefly from English roots. In medieval England, magistrates rode a circuit from county (shire) to county throughout the year. In their absence,

¹ *Compact Edition of the Oxford English Dictionary* (Oxford: Oxford University Press, 1971) I.

² "Equating bail and bail decision-making with strictly financial pretrial arrangements is, however, misleading. The original meaning of the term bail is much broader. Black's Law Dictionary (1951:177) defines bail as securing the 'release of a person from legal custody, by undertaking that he shall appear at the time and place designated and submit himself to the jurisdiction and the judgment of the court.'" John Goldkamp, *Two Classes of Accused: A study of bail and detention in American Justice* (Cambridge, MA: Ballinger, 1979), p. 6-7.

³ In ancient Rome (before the Caesars), a 293 BC capital case reiterated the Roman principle that one's liberty could not be deprived before sentence was passed. The prosecutor argued that the defendant was a risk of flight and should be detained pretrial. He might be released, however, on a **promise** to pay a certain sum if he failed to return. The amount must be set by the sentencing body—in this case, the Senate. (Carl Sontag, *Die Entlassung gegen Caution in deutschen*, 1865).

rather than detain a suspect in jail (gaol), the county's sheriff (shire's reeve) would release a defendant into the custody of a family member, friend or neighbor. The friend or neighbor assured that the defendant would return for trial by agreeing to surrender himself if a defendant absconded.⁴ In time, laws evolved to permit the custodian to forfeit a promised sum of money in lieu of himself if the defendant failed to appear for trial. Thus from "my word is my bond" evolved a system of money-held-in-deposit bonding.

Post-colonial period

English common law served as a model for the American legal system. The concept of bail, however, had to be adapted to new American realities of a vast frontier with its wide open spaces, inviting defendants on bail to abscond easily. Moreover, often the defendant lacked friends or relatives who could vouch for him on the transient frontier. Under these conditions, bail became not the word of a friend or family member assuring the return of the accused for trial, but a sum of money to be forfeited by the accused if he failed to appear.

Modern times

The Eighth Amendment to the U.S. Constitution prohibits the use of "excessive bail," but does not define what constitutes excessive. The United States Supreme Court addressed this issue in the 1951 *Stack v. Boyle* decision, when the Court ruled that:

... since the function of bail is limited, the fixing of bail for any individual defendant must be based upon standards relevant to the purpose of assuring the presence of that individual. The right to release before trial is conditioned upon the accused's giving adequate assurances that he will stand trial and submit to sentencing if found guilty. Like the ancient practice of securing the oaths of responsible persons to stand as sureties for the accused, the modern practice of requiring a bail bond or the deposit of a sum of money subject to forfeiture serves as additional assurance of the presence of the accused. Bail set at a figure higher than an

⁴ *Pretrial Release and Supervision Program Training Supplement* (Washington, DC: Pretrial Services Resource Center, 1997), p. 1.

*Bail set at a figure higher than an amount reasonably calculated to fulfill this purpose is excessive.*⁵

In the 1952 *Carlson v. Landon* case, the court ruled that the right to bail in all cases was not guaranteed:

*The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes or cases in which bail shall be allowed in this country. Thus, in criminal cases bail is not compulsory where the punishment may be death. Indeed, the very language of the Amendment fails to say all arrestees must be bailable.*⁶

Against this backdrop of bail definition and interpretation, and the decade of the 60s with its Civil Rights Movement, came the impetus for non-financial release methods and pretrial services as a mechanism for determining release status. Pretrial Services were born of philosophical concerns for equal justice and later modified by practical concerns for jail crowding.

Early studies

The abusive use of money bail in the American criminal justice system was documented in two key works—Arthur Beeley’s 1927 study of bail in Chicago and Caleb Foote’s 1954 examination of the Philadelphia bail system⁷ that showed a fundamental inequity in a detainee’s pretrial fate. The empirical evidence revealed that those who gained

⁵ 342 U.S. 1, 4-5 (1951).

⁶ 342 U.S. 524, 545-546 (1952).

⁷ Arthur L. Beeley, *The Bail System in Chicago* (Chicago: University of Chicago Press, 1927; rpt. 1966), p.102. Caleb Foote, “Compelling appearance in court: Administration of bail in Philadelphia” *University of Pennsylvania Law Review* 1031 (1954). See also Ares, Rankin, & Sturz “The Manhattan bail project,” 38 *New York University Law Review* 67 (1963).

their pretrial freedom had the financial resources to do so and those who remained incarcerated were mostly poor. The continuing inequity was documented again in the seventies when another important study of bail concluded:

*The American system of bail allows a person arrested for a criminal offense the right to purchase his release pending trial. Those who can afford the price are released; those who cannot remain in jail. Innocence, the likelihood that the person will appear at trial, reputation in the community—all are essentially irrelevant. Money is the key to the jail, and it is the bondsman who owns the key.*⁸

Not only did studies show that the poor were more likely to be held prior to trial, but also that being incarcerated pending trial led to a greater likelihood of conviction, and if convicted, a greater likelihood of a harsher sentence.⁹ Yet, it was not until the Civil Rights Movement of the 1960s that empirical evidence, combined with emerging public awareness, gave birth to significant bail reform. The larger Civil Rights era challenges to America’s government institutions drew our attention to two fundamental tenets of American jurisprudence: equal treatment under the law and the presumption of innocence.

THE BAIL REFORM MOVEMENT

Philosophical underpinnings

The “Due Process” clause of the 14th Amendment of the U.S. Constitution assures that no State shall “deny to any person within its jurisdiction the equal protection of the laws.” Courts have long recognized that setting bail so that the wealthy can obtain release while the poor cannot raises serious equal protection concerns. The U.S. Supreme Court reflected this concern in a 1960 decision:

⁸ Wayne Thomas, *Bail Reform in America* (Berkeley: University of California Press, 1976), p. 11.

⁹ Patricia Wald, “The right to bail revisited: A decade of promise without fulfillment,” in *The Rights of the Accused, Sage Criminal Justice System Annuals, Vol. 1* by Stuart S. Nagel, ed. (Beverly Hills, CA: Sage Publications, 1972), p. 178.

The fundamental tradition in the country is that one charged with a crime is not, in ordinary circumstances, imprisoned until after a judgment of guilt...This traditional right to freedom during trial...has to be squared with the possibility that the defendant may flee or hide himself. Bail is the device which we have borrowed to reconcile these conflicting interests...It is assumed that the threat of forfeiture of one's goods will be an effective deterrent to the temptation to break the conditions of one's release...But this theory is based on the assumption that a defendant has property.... We have held that an indigent defendant is denied equal protection of the law if he is denied an appeal on equal terms.... Can an indigent be denied freedom, where a wealthy man would not, because he does not happen to have enough property to pledge for his freedom?¹⁰

The presumption of innocence principle while not articulated in the Constitution, the Bill of Rights, or the Declaration of Independence, is nevertheless a fundamental principle on which American law rests.¹¹ This “presumption” seemed to have come to the Colonies as part of the way Colonists saw the world, through their British heritage. In 1260, the medieval legal authority Henry de Bracton asserted that “any man is considered to be a good man until the contrary is proved.”¹² Another medieval thinker (Sir John Fortescue) argued that “an innocent person ... has no reason to dread the prejudices or calumny of his enemies, he will not, cannot, be put to the rack, to gratify their will and pleasure ... under such laws, every man may live safely and securely.”¹³ If one is accused of criminal behavior, he continued, “the criminal defendant [is] engaged in an unequal struggle ... contending with fearful odds that are arrayed against him.”¹⁴ The presumption of innocence protects as “a guardian angel” and makes ours a rule of law, not of men.

¹⁰ *Bandy v. United States* 7 L. Ed. 9, 11.

¹¹ Nancy Travis Wolfe, “The guardian angel: The presumption of innocence,” *Pretrial Services Annual Journal*, 3 (1980), pp. 52-56.

¹² *Ibid.*, p. 58.

¹³ *Id.*, p. 59.

¹⁴ *Id.*, p. 61.

Courts have long recognized that setting bail so that the wealthy can obtain release while the poor cannot raises serious equal protection concerns.

Before the 1960s, bail decisions, based on little or no information about the defendant, often resulted in the rich procuring release, while the poor remained in jail.

Manhattan Bail Project

In 1961, Louis Schweitzer, a New York philanthropist, created the Vera Institute of Justice and developed the Manhattan Bail Project, the first pretrial screening program in the country. This program demonstrated that:

- a substantial proportion of those in detention were held on modest bails, but were too poor to make bail or to secure the assistance of a bail bondsman; and
- those with strong community ties were likely to return to court if released pretrial.¹⁵

See Appendix A for a complete chronology of the Bail Reform Movement

The Bail Project began conservatively, focusing only on indigent arrestees charged with misdemeanors. Arrestees were interviewed, community ties determined, and recommendations made to bail decision-makers. In its first months the Project recommended only 27 percent of their interviewees for release. After almost a year of successful operation, with the growing confidence of judges, the Project recommended nearly 45 percent of arrestees for release. After three years of operation, the percentage grew to 65 percent with the Project reporting that less than one percent of releasees failed to appear for trial.¹⁶

¹⁵ Wayne Thomas, *Bail Reform in America* (Berkeley: University of California Press, 1976).

¹⁶ *Ibid.*

Illinois Deposit Bail Plan

In 1964, Illinois passed the first major legislative reform of a bail system, requiring defendants posting bail to deposit 10 percent directly to the court—with the deposit to be returned at the conclusion of the case if the defendant appeared for all court hearings. The implementation of ten percent deposit bail in Illinois led to the elimination of the bail bonding industry in that state.¹⁷

“Prior to 1964 the professional bail bondsman system with all its abuses was in full and odorous bloom in Illinois.”

1964 National Conference on Bail and Criminal Justice

Before the establishment of the Manhattan Bail Project, there was little national concern for the plight of the poor in the criminal justice system. Three years later this began to change, with several major features in the *New York Times* helping to popularize the issue, and new pretrial programs starting in St. Louis, MO, Chicago, IL, Tulsa,

¹⁷ The bail bonding industry challenged the constitutionality of this law. In a 1971 U.S. Supreme Court ruling rejecting that challenge, Justice Blackmun wrote for the Court: *Prior to 1964 the professional bail bondsman system with all its abuses was in full and odorous bloom in Illinois. Under that system the bail bondsman customarily collected the maximum fee (10% of the amount of the bond) permitted by statute...and retained that entire amount even though the accused fully satisfied the conditions of the bond...Payment of this substantial “premium” was required of the good risk as well as of the bad. The results were that a heavy and irretrievable burden fell upon the accused, to the excellent profit of the bondsman, and that professional bondsmen, and not the courts, exercised significant control over the actual workings of the bail system. One of the stated purposes of the new bail provisions in the 1963 Code was to rectify this offensive situation. The purpose appears to have been accomplished. It is said that the bail bondsman abruptly disappeared in Illinois “due primarily to the success of the ten percent bail deposit provision.”* From Justice Blackmun’s opinion in the case upholding the law: *Schilb et al. v. Kuebel et al.* 404 U.S. 357 (1971).

OK, Nassau County, NY, Washington, DC, Des Moines, IA, and Los Angeles, CA.¹⁸

U.S. Attorney General Robert F. Kennedy co-sponsored with Vera a national conference to highlight bail issues and criminal justice. Both Kennedy and Chief Justice Earl Warren addressed the 1964 National Conference on Bail and Criminal Justice. Over 400 judges, attorneys, law enforcement personnel, and court officials representing nearly every major jurisdiction in the country attended.¹⁹

The Bail Reform Act of 1966

Two years later, in 1966, a federal law was enacted to reform the bail practices of the federal courts. The Bail Reform Act of 1966,²⁰ which constituted the first major reform of the federal bail system since the Judiciary Act of 1789, had the following provisions:

- the presumption of release on recognizance for defendants charged with non-capital crimes unless the court determined that such release would not assure court appearance;
- conditional pretrial release, or supervision of released defendants, with conditions (such as custody to a designated individual and restrictions on travel, residence, and association) imposed to address the risk of failure to appear;
- restrictions on money bail, which the court could impose only if non-financial release options were not enough to ensure appearance;
- deposit money bail, allowing defendants to post a 10 percent deposit to the court in lieu of a surety bail; and
- review of bail for defendants detained for 24 hours or more.

¹⁸ *Supra*, note 15.

¹⁹ *National Conference on Bail and Criminal Justice* (Washington, DC: U.S. Department of Justice and the Vera Foundation, Inc., April 1975).

²⁰ 18 U.S.C. §§3141-3151.

The states quickly followed suit with statutes establishing the presumption of release by the least restrictive means, including personal recognizance and conditional release. Many of these statutes relegated money bail from the option of choice to the choice of last resort.

Publication of standards on pretrial release

After the enactment of the Federal Bail Reform Act, professional organizations began implementing standards addressing the pretrial release decision. The first of these was the American Bar Association's second edition of *Standards Relating to the Administration of Criminal Justice* which included a chapter on Pretrial Release.²¹ Other professional organizations followed suit: the National District Attorneys Association's 1977 *National Prosecution Standards* addressed Pretrial Release in Chapter 10 and the National Association of Pretrial Services Agencies published *Performance Standards and Goals for Pretrial Release* in 1978. All of these professional standards were based on the Bail Reform Act of 1966. Each of these sets of professional standards also recommended abolishing the option of commercial surety bail.

The standards of the American Bar Association, National District Attorneys Association, and National Association of Pretrial Services Agencies all recommend abolishment of commercial surety bail.

The proliferation of pretrial services programs

The Bail Reform Act of 1966 specified that the release decision in federal courts should be made by taking into consideration the following factors:

- Family ties
- Employment
- Financial resources
- Character and mental condition
- Length of residence
- Criminal record
- Appearance record at court proceedings.

The law left unclear who should gather this information. Today, we recognize these specified areas as the core areas of the pretrial services initial interview.

The importance of pretrial services agencies was acknowledged by the American Bar Association in its 1985 standards on criminal justice:

*The standard...recommends that every jurisdiction establish a pretrial services agency or similar facility, empowered to provide supervision for released defendants.*²²

THE SECOND GENERATION OF BAIL REFORM: PREVENTIVE DETENTION AND COMMUNITY SAFETY

Historically, the sole purpose of bail had been to assure the appearance of the defendant at all court hearings. In 1969, the Nixon administration proposed amending the Bail Reform Act to allow preventive detention of arrestees who are considered threats to public safety. The original bill failed to pass, but the District of Columbia Court Reform and Criminal Procedures Act of 1970²³ passed as a compromise by the congressional oversight committee for the District of Columbia. It was the first bail law in the country to consider community safety, as well as future court appearance, in bail setting.

In 1984, the U.S. Congress passed the Comprehensive Crime Control Act²⁴ that amended the Bail Reform Act of 1966 to include a broader consid-

²¹ American Bar Association, *Standards Relating to the Administration of Criminal Justice*, Chapter 10, "Pretrial Release," 1968, updated in 1985.

²² *Criminal Justice Standards; Chapter 10, Pretrial Release* (Washington, DC: American Bar Association, 1985), p. 26.

²³ PL. 91-358, 84 Stat. 473.

²⁴ PL. 98-473.

eration of danger, “address(ing) the alarming problem of crimes committed by persons on release.”²⁵ While retaining the presumption of release on the least restrictive nonfinancial conditions, the revised Act allowed detention of pretrial arrestees based on both appearance and danger concerns. Federal Courts could detain a defendant for reasons of public safety if that defendant is:

- released pending trial for a felony under Federal, state, or local law;
- released pending sentencing for any offense; or
- on probation or parole for any offense under Federal, state, or local law.

The court could order such defendants detained for up to ten days to give the supervising agencies time to take the defendant into custody. If the agency declined to take the defendant into custody, the court would then consider the defendant for release.

“Throughout much of the past century and before, jails have been a national disgrace, and pretrial release often both grudging and discriminatory. Beginning in the early 1960s the Manhattan Bail Project and its progeny caused a different flame to burn. Equal treatment for the poor and an end to unnecessary detention became important public goals. This fire is now flickering, however. Many are willing to do almost anything to stop crime, the jails are fuller than ever, and concerns about justice and equality are not the order of the day. The question posed for the 1980s is thus a sharp one: Shall we return to the brutishness of the past or can we institutionalize the gains of the past 20 years as a permanent part of the system and move on to develop the full potential of pretrial services as a way of handling some of the massive problems of the jails and courts?”

Floyd Feeney, “Introduction,” *Pretrial Services Annual Journal*, 5 (1982), 1.

The court could also detain a defendant pretrial if the judge found that no condition or combination of conditions would assure appearance or public safety. The revised Act carries a rebuttable presumption of dangerousness for defendants convicted in the past of a violent crime, or an offense punishable by death, life imprisonment, or a maximum term of 10 years or more.

In *United States v. Salerno*, the Supreme Court upheld the Bail Reform Act’s preventive detention language:

*Nothing in the text of the Bail Clause limits permissible governmental considerations solely to the question of flight. The only arguable substantive limitation of the Bail Clause is that the government’s proposed conditions of release or detention not be “excessive” in light of the perceived evil ... We believe that when Congress has mandated detention on the basis of a compelling interest other than prevention of flight, the Eighth Amendment does not require release on bail.*²⁶

Currently, at least 44 states and the District of Columbia have statutes that list community safety as well as the risk of failure to appear as being appropriate considerations in the bail decision.

ADDING JAIL CROWDING TO THE MIX

With renewed focus on law and order and a climate of getting tough on crime and drugs, jail populations have swelled to dangerous proportions in the past 10 to 15 years. In 1984, criminal justice officials responding to a National Institute of Justice (NIJ) sponsored survey described jail crowding as “the most pressing problem facing criminal justice systems in the United States.”²⁷ The problem continued after 1984 as evidenced by a 43 percent increase in the jail population between 1989 and 1997.²⁸ Nationally, 97 percent of local

²⁶ *United States v. Salerno*, 107 S.Ct. 2095 (1987).

²⁷ *National Assessment Program: Assessing Needs in the Criminal Justice System* (Washington, DC: Abt Associates for National Institute of Justice, January 1984), p. 9.

²⁸ Bureau of Justice Statistics, U.S. Department of Justice web site www.ojp.usdoj.gov/bjs last revised April 26, 1998.

²⁵ PL. 98-473, Chapter I—Bail, cited as the Bail Reform Act of 1984.

jail capacity was occupied as of June 30, 1997, in spite of the capacity increase resulting from the construction of an additional 213,964 beds between 1990 and 1997.²⁹ Localities with capacities of 1,000 or more (i.e. larger jurisdictions) were 100 percent occupied.³⁰ Statistics for the same period show that 58 percent of the jail population were pretrial detainees.³¹

Addressing growing jail populations is made even more urgent as communities come to grips with the cost of building and maintaining new jails. It is estimated that it costs \$73,339 per bed to build a new jail, \$20,723 to renovate each bed³² and \$54.53 a day to maintain an inmate in jail.³³ The nation currently spends upwards of \$40 billion annually just to operate its jails.³⁴

The goal of a pretrial services agency is to maximize rates of release while minimizing rates of failure to appear and re-arrest, so that the only persons who are detained are those for whom no condition or combination of conditions can reasonably assure appearance in court and community safety. Such a goal has made pretrial services an attractive tool in efforts to minimize jail crowding.

As a result, many jurisdictions have looked to pretrial services programs to play a key role in reducing jail populations. For example, as a result of a class action suit against the Sheriff of Harris County (Houston), Texas in 1975,³⁵ citing abhorrent conditions and intolerable overcrowding at the Harris County Jail, the county was ordered to begin a pretrial service program to address some of the issues.

The challenge for pretrial services born of a concern for jail crowding is to keep sight of its original purpose: to provide judges with the information needed to assess and manage risks. The goal of a pretrial services agency is to maximize rates of release while minimizing rates of failure to appear and rearrest, so that the only persons who are detained are those for whom no condition or combination of conditions can reasonably assure appearance in court and community safety. A pretrial services agency reaches these goals by providing timely, verified information to bail decision-makers along with options for the safe release of defendants, which in turn should work to reduce unnecessary pretrial detention.

²⁹ "Prison and Jail Inmates at Midyear 1997," *Bureau of Justice Statistics Bulletin* (Washington, DC: U.S. Department of Justice, 1998), p. 7.

³⁰ *Ibid.*

³¹ *Id.*

³² *Corrections Yearbook 1998* (Middletown, CT: Criminal Justice Institute, 1998), p. 243.

³³ *Ibid.*, p. 249.

³⁴ Neil Vance, "The Organizational Cultures of a Court-Based Pretrial Agency and a Corrections-Based Pretrial Agency," *American Jails* (May/June 1994), p. 86.

³⁵ *Alberti v. Sheriff of Harris County*, 406 F. Supp. 649 (1975).

III

Current Challenges Facing Pretrial Services Programs

The Manhattan Bail Project helped shape the Bail Reform Act of the mid-sixties and, over the years, it was emulated in jurisdictions throughout the country. As a result, hundreds of thousands of criminal defendants have been able to return to constructive lives with their families and communities, while the courts seek a disposition to the charges against them. As a result of the efforts of hundreds of pretrial services programs, courts and legislatures have recognized the intrinsically discriminatory effects of the money bail system and have sought to ameliorate them through extensive use of ROR and supervised release programs. Today pretrial services have become an institutionalized part of the criminal case disposition process, especially in the larger jurisdictions, and therein lies the challenge of the future.³⁶

Much has changed in the three-and-one-half decades since the start of the Bail Reform Movement. Pretrial program administrators must understand these changes so that they can address the special issues that they present in a manner that remains consistent with the original goals of the Bail Reform Movement.

VICTIMS' RIGHTS

In the past several years, 29 states have ratified a "Victims' Rights" amendment to their state constitutions. The rights guaranteed to victims in these amendments vary from state to state, but typically include the right to be:

- notified of and present at all court hearings;
- notified of any release or escape of the defendant/offender; and
- heard at various decision points, including the bail decision, an acceptance of a plea, and sentencing.³⁷

³⁶ Jerome McElroy, "The increasing complexity of pretrial services," *American Jails* (January/February 1998).

³⁷ Telephone conversation with the National Victim Center of Arlington, VA, June 1998.

With growth in the number of states providing constitutional rights to victims, what response, if any, should pretrial services make? Pretrial services programs have information about defendants—including information about court dates and bail setting, to which victims are entitled to be notified under victims' rights amendments. If pretrial services add a victims' focus, that places on them new levels of responsibility for notification. Anecdotal evidence suggests that pretrial services agencies are being asked to take on these responsibilities in some jurisdictions and are responding in various ways. This is an emerging area without guidelines for procedures regarding victims' rights. In the next section, the responses of two agencies are detailed.

Pretrial services programs have information about defendants—including information about court dates and bail setting, to which victims are entitled to be notified under victims' rights amendments.

DEALING WITH THE NEEDS OF SPECIAL POPULATIONS

In the past decade, different groups have been making their way into the criminal justice system in numbers not seen before. These populations include those charged with domestic violence, juveniles charged as adults, the mentally ill, substance abusers, those charged with drunk driving, and increased numbers of women.

Defendants charged with domestic violence

Beginning in 1871 with an Alabama case rescinding the husband's right to beat his wife,³⁸ American culture has moved from the doctrine of family privacy toward the criminalization of domestic violence.³⁹ Oregon was the first state

³⁸ *Fulgham v. State*, 46 Ala. 146-147.

³⁹ Jeffrey Fagan, Paper presented in Washington, DC at the National Institute of Justice, the Bureau of Justice Assis-

(1977) to require that police make an arrest when responding to a domestic violence call. Prior to that, most police departments were “arrest-avoidant” in domestic violence cases. Today at least 15 states and the District of Columbia have adopted mandatory arrest policies in incidents of domestic violence.⁴⁰ In all but three of the remaining states, arrest is the statutorily-listed “preferred approach.”⁴¹

With an increase in the numbers of domestic-violence related offenses, pretrial service programs and the courts face a dilemma. The prompt release of the defendant may leave the victim vulnerable to further abuse and to pressure from the defendant to drop all charges, while keeping the arrestee in detention adds to jail crowding.⁴²

tance, and the Office of Juvenile Justice and Delinquency Prevention’s annual conference on research and evaluation, p. 5.

⁴⁰ The low rate of prosecution in domestic violence, however, undermines police efforts at deterrence through arrest. In one study, reported in the Fagan paper, fewer than five percent of 270 cases involving women with injuries were criminally prosecuted (conviction and sentencing are even rarer). Therefore, the preponderance of domestic violence cases *remains* only pretrial arrestees.

⁴¹ John Clark and D. Alan Henry, *The Pretrial Release Decision Making Process: Goals, Current Practices, and Challenges* (Washington, DC: Pretrial Services Resource Center, 1996), p. 15.

⁴² Further complicating the issue, “evaluations of mandatory arrests for misdemeanor domestic assaults show that while arrest deterred some assailants, arrest caused some other assailants to increase their violence against women.” (Professor Lawrence Sherman, Chair of the Department of Criminology and Criminal Justice, University of Maryland, in the *Wall Street Journal*, 8/6/97). Seven replication studies of the Minneapolis Domestic Violence Experiment report mixed results (Fagan, op. cit. p. 11). Of particular interest are the variables of marital and employment status—with repeat offenses more likely among the unemployed and unmarried. In other words, formal (legal) controls must be reinforced by informal (social) controls. Another study has found that the deterrent effects of the threat of continuing legal sanctions were stronger than the actual imposition of a sanction through arrest (Fagan, op. cit. p. 12). These studies indicate that there is likely to be flux in the status of the laws and practices affecting domestic violence over the coming years.

Juveniles in adult court

The perception that the nation has a chronic juvenile crime problem and that the juvenile justice system is “soft” on juvenile offenders has resulted in policy decisions that have incarcerated large numbers of juveniles in adult jails and prisons.⁴³ While the rates of all juvenile crime and violent juvenile crime are decreasing,⁴⁴ the number of juvenile cases waived or transferred from juvenile court to criminal (adult) court is increasing; 1988 to 1992 saw a 68 percent increase.⁴⁵ As more states lower the age at which juveniles can be transferred to criminal court, the number of juveniles in adult courts grows. These policy decisions have strained a system ill-equipped to deal with the special problems posed by juveniles.⁴⁶

Pretrial services needs-assessment tools and supervision resources have been developed to deal with an adult population and may not be adequate to deal with the special needs and problems of adolescents.

Furthermore, in some jurisdictions juveniles whose cases are to be adjudicated in the adult system are not put in adult jails but are incarcerated in juvenile detention centers, thereby increasing the populations of those facilities to intolerable levels.⁴⁷ Since processing of cases takes longer in the

⁴³ Michael Jones and Barry Krisberg, *Images and Reality Juvenile Crime, Youth Violence and Public Policy* (Washington, DC: National Council on Crime and Delinquency, 1994), p. 4.

⁴⁴ *Ibid.*, p. 2.

⁴⁵ *Supra* note 40, p. 14.

⁴⁶ Between 1985 and 1994, the number of cases transferred annually to criminal court via judicial waiver rose 71 percent. *Juvenile Offenders and Victims: 1997 Update on Violence* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1997), p. 31.

⁴⁷ Juvenile halls in the nation’s largest system (Los Angeles) are, according to its Director, operating at 65 percent

criminal justice system, juveniles adjudicated in adult courts stay longer in juvenile detention facilities than those adjudicated in juvenile justice systems.

Pretrial services needs-assessment tools and supervision resources have been developed to deal with an adult population and may not be adequate to deal with the special needs and problems of adolescents. Policies and procedures found effective for an adult population might be less so for an adolescent, or even pre-adolescent population. Furthermore, the background information needed for pretrial decisions is not always available to pretrial staff as Juvenile Court records are kept confidential.

The mentally ill

The deinstitutionalization of the mentally ill, which began in the 1970s, has contributed to jail crowding and poses challenges to pretrial programs. National studies conducted by Northwestern University Medical School⁴⁸ found that the mentally ill are arrested much more often than people in the general population. On average, nine percent of men and 18.5 percent of women in local jails (about 56,000 people) are severely mentally ill. Ten percent of state and federal inmates (about 122,000 people) are mentally ill. In juvenile cases the percentage jumps to 20 percent (or about 20,000 juveniles).⁴⁹

over capacity, including about 160 youths waiting to be tried in the adult system, but who are housed in the Juvenile Halls. *The Pretrial Reporter* (April/May 1998), p. 13.

⁴⁸ Linda A. Teplin, Ph.D., "The prevalence of severe mental disorder among male urban jail detainees: Comparison with the epidemiologic catchment area program," *American Journal of Public Health*, 80, No. 6 (June 1990) and "Mentally disordered women in jail: Who receives services?" *American Journal of Public Health*, 87, No. 4 (April 1997).

⁴⁹ *Focal Point: A national bulletin on family support and children's mental health* (Spring 1997), p. 5.

The challenge for pretrial agencies seeking to assess the risk of failure to appear for a mentally ill person, who also may be homeless because of his illness, is a difficult one.

The challenge for pretrial agencies seeking to assess the risk of failure to appear for a mentally ill person, who also may be homeless because of his illness, is a difficult one. As described in the next chapter, some agencies are developing screening questions that alert mental health professionals to the need for a more in-depth assessment. Other agencies are developing a range of release options and supervision levels for those assessed as mentally ill. Still others are developing effective ways to notify a mentally ill person (whose capacities for remembering are often impaired and who often have no fixed address) of court dates.

Substance abusers

While the exact nature of the link between pretrial misconduct and substance abuse remains unclear, there is a strong association between the two.⁵⁰ For example, a positive correlation between opiate use and risk of rearrest, and cocaine use and the risk of failure to appear has been found in some jurisdictions.⁵¹ Other drugs showed no power to predict either FTAs or rearrests.⁵² However, more than half of all arrestees test positive for illicit drug use and a third of jail detainees meet the criteria for a diagnosis of alcohol or drug dependence.⁵³ A

⁵⁰ The MacArthur Violence Risk Assessment Study reported in "Violence by people discharged from acute psychiatric inpatient facilities and by others in the same neighborhoods," *Archives of General Psychiatry*, vol 55 (May 1998), p. 393, found that "substance abuse symptoms significantly raised the rate of violence" in all of the populations they studied.

⁵¹ W. Rhodes, R. Hyatt, & P. Scheiman, *Predicting Pretrial Misconduct with Drug Tests of Arrestees: Evidence from Eight Settings* (Washington, DC: National Institute of Justice, September 1994), p. ii.

⁵² *Ibid.*

⁵³ *Just the Facts* (Delmar, NY: The National GAINS Center for People with Co-Occurring Disorders in the Justice Sys-

survey in 1991 showed that over half of arrestees charged with non-drug offenses tested positive for one or more drugs.⁵⁴ In 1997, the rates remained largely the same (between half and three-quarters of arrestees had been taking some substance at the time of arrest).⁵⁵

Many jurisdictions have implemented drug courts as a response to the drug problem and several pretrial programs are playing important roles in drug courts.⁵⁶

Co-occurring substance abuse and mental disorders

Only recently has the prevalence of the co-occurrence of both substance abuse and mental disorders been recognized. There are over half a million people with co-occurring disorders in the criminal justice system at any given time.⁵⁷ In response to this fact, a federal partnership of the Substance Abuse and Mental Health Services Administration and the National Institute of Corrections created the National GAINS Center for People with Co-Occurring Disorders in the Justice System in 1985. The GAINS Center trains and educates local teams to develop non-jail responses to defendants with co-occurring disorders. Most of the local jurisdictions that are developing alternatives to incarceration for those with co-occurring disorders are so new that reliable data on their effectiveness have not yet been collected.⁵⁸ Three of

tem, Spring 1997).

⁵⁴ National Institute of Justice, Drug Use Forecasting program.

⁵⁵ *ADAM: 1997 Annual Report on Adult and Juvenile Arrestees* (Washington, DC: National Institute of Justice, July 1998).

⁵⁶ In the *1997 Drug Court Survey Report: Treatment Provider Services & Perspectives*, published by the Department of Justice, OJP, 23.6 percent of the 97 surveyed programs (130 extant drug courts) had screening and assessment functions for substance abuse performed by the pretrial agency. Only six pretrial agencies provided the follow-up services like case management or treatment.

⁵⁷ "Treatment of people with co-occurring disorders in the justice system," a pamphlet published by the GAINS Center (see Appendix E for address and phone number)

⁵⁸ Interested readers should contact the GAINS Center periodically to learn of new jurisdictions developing programs. The phone number can be found in Appendix E.

these new programs are outlined in the next chapter.

Defendants charged with driving while intoxicated

In 1996, driving under the influence of alcohol and/or drugs (DUI, alternately known as DWI—driving while intoxicated) accounted for one in ten arrests for all crimes nationwide, an estimated 1,467,300 arrests.⁵⁹ That same year, drunk drivers killed 13,400 people.⁶⁰ Four out of ten fatal motor vehicle accidents had a drunk driver.⁶¹

Such statistics have prompted many jurisdictions to increase the use of jails for persons charged with, or convicted of, DUI offenses. The Bureau of Justice Statistics reports that "nine percent of all people in local jails on June 30, 1989, were charged with, or had been convicted of, DWI offenses."⁶² The same report states that between 1980 and 1989 the number of DWI arrests per capita grew by almost seven percent.⁶³

Recognizing the magnitude of the problem and the public's growing impatience with its persistence, states are lowering the legal limits of blood alcohol content and imposing more stringent sanctions (including jail time) on DUI offenders.⁶⁴

⁵⁹ *Alcohol and Crime* (Washington, DC: Bureau of Justice Statistics (BJS) Clearinghouse, National Criminal Justice Reference Services) p. 11.

⁶⁰ *Ibid.*

⁶¹ *Id.*, p. 15.

⁶² "Drunk Driving, 1989 Survey of Inmates of Local Jails" a special report from the Bureau of Justice Statistics Clearinghouse.

⁶³ *Ibid.*

⁶⁴ Responding to the increasing frustration over the lack of effective policies to reduce the problem of persistent drunk drivers, the National Transportation Safety Board in 1994 assembled a prestigious team of experts who attended a Transportation Research Board Workshop to address the issue. Their recommendations were extensive and offered a range of options; interestingly, jail time for the DUI offender was not among them. For their complete report see Barry Sweedler's "Strategies for dealing with the persistent drinking driver" published by the National Transportation Safety Board in Washington. The recommendations from this workshop can be obtained by calling Transportation Research Board (TRB) Publications at 202-334-3213 and

Women

The number of women in jails rose from 19,077 in 1985 (8.0 percent of adult jail inmates) to 52,136 in 1995 (10.2 percent of adult jail inmates). Women's representation in jails rose 273 percent, while, in general, total jail populations rose 192 percent.⁶⁵ Some say this increase is due in large part to the "war on drugs" and the "getting tough on crime policies"—34 percent of the women were arrested on drug charges, while only 13 percent of women were arrested for violent crimes.⁶⁶ Given that jails are seeing increasing numbers of female inmates, it behooves pretrial services to ask whether their risk and needs assessment tools adequately address that population.⁶⁷

USING NEW TECHNOLOGIES IN INFORMATION GATHERING, NOTIFICATION, AND SUPERVISION

Technology now exists that can help pretrial agencies do their two main jobs better: identify defendant risk and monitor released defendants. Technology can now calculate risk assessment automatically, maintain a telephone call-in database, customize reporting questions, refer clients to programs, electronically monitor defendants' whereabouts in the community or compliance with

asking for TRB Circular #437, or from:
www.druglibrary.org/schaffer/Misc/driving/slp3.htm.

⁶⁵ B. Veysey, "Specific Needs of Women Diagnosed with Mental Illnesses in U.S. Jails," *Women's Mental Health Services: A Public Health Perspective* (Thousand Oaks, CA: SAGE, 1998), p. 369.

⁶⁶ D. Leclair, *The incarcerated female offender—offender, victim, or villain?* (Boston, MA: Massachusetts Division of Correction, Research Division, 1990). See also T. Huling, *Breaking the Silence* (Albany, NY: Correctional Association of New York, 1991).

⁶⁷ According to the August 1998 *Research in Brief: Women Offenders* published by the Department of Justice, Office of Justice Programs, National Institute of Justice, "Women in prison have some needs that are quite different from men's, resulting in part from women's disproportionate victimization from sexual or physical abuse and in part from their responsibility for children. Women offenders are also more likely than men to have become addicted to drugs, to have mental illnesses, and to have been unemployed before incarceration."

home detention, and conduct an instant test for recent drug use.

Technology now exists that can help pretrial agencies do their two main jobs better: identify defendant risk and monitor released defendants.

CONFIDENTIALITY CONCERNS

A discussion of technology for pretrial programs takes place against the backdrop of Americans' skepticism of anything that smacks of "Big Brother's" watchful eye, for the question is no longer what *can* be done, but what *should* be done. U.S. Supreme Court Justice Louis Brandeis' dissenting opinion in 1928 provides a still fresh reminder for the "information age":

*The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.*⁶⁸

The privacy rights of defendants are more limited than those of other citizens. Pretrial services agencies gather a great deal of personal information about defendants at the initial interview—this information can now be collected more efficiently through the use of technology. Additional information is obtained while the defendant is on pretrial release, and from the various programs in which the defendant is engaged as part of his/her release—this information could now more easily be shared with others with a need to know, given

⁶⁸ *Olmstead v. United States*, 277 U.S. 438, 478, 48 S. Ct. 564, 72 L. Ed/ 944 (1928) (Brandeis, J., dissenting). Quoted in *Glass Walls: Confidentiality Provisions and Interagency Collaborations*, by Mark Soler, Alice Shotton and James Bell (San Francisco: Youth Law Center, 1993).

the new technology. The information includes current living arrangement, employment, prior and current use of illicit drugs, progress in substance

See Appendix B for standards and guidelines relating to confidentiality of pretrial program information.

abuse or mental health treatment, health, prior criminal history, and status with the criminal justice system. Because of the potential for misuse, most — if not all — of the information collected by a pretrial services agency should be considered confidential and be distributed only very carefully. This remains true in spite of the ease with which it can now be collected and disseminated and the efficiencies that might result.

Pretrial services agencies gather a great deal of personal information about defendants at the initial interview—this information can now be collected more efficiently through the use of technology.

While technology has the possibility of reducing and simplifying the work load and work flow of pretrial services professionals, each advancement comes with its own set of challenges—from re-training professionals in new practices and procedures to legal issues which must be carefully considered before the wholesale adoption of new technology. The costs of technology, while going down, are often still prohibitive.

As the scope of new technologies continue to expand exponentially, the challenges are on-going.

IV Pretrial Program Elements

The main functions of a pretrial services program may seem straightforward: to gather information about new arrestees, assess their risks of pretrial misconduct, report that information to the judicial decision maker, offer the decision maker viable release options, and supervise conditions of release. Since every jurisdiction is different however, each jurisdiction must develop its own approach to completing these functions. This chapter describes the various ways that programs have approached their functions, with a particular focus on how they are facing the challenges described in the previous chapter.

See Appendix C for a list of criteria that would guide administrators in setting up effective practices in each of the functions of a pretrial services program.

INFORMATION GATHERING PRACTICES

One of the most important functions of a pretrial program is to gather information about the arrestee that can be used to set conditions of release. This information is obtained by interviewing defendants, contacting references provided by defendants to verify the interview information, and conducting checks of the defendant's criminal history and current status in the criminal justice system.

In many jurisdictions, this investigation is completed before the defendant makes an initial appearance before a judicial officer. To accomplish this, pretrial programs in many jurisdictions, including **New York City, NY, Dade County, FL, Pima County, AZ, and Multnomah County, OR**, interview and verify information on a 24-hour/day basis. In other jurisdictions, particularly in rural areas, staff are on call 24-hours/day. For example, staff of the **Kentucky** Pretrial Services Agency, a program covering all urban and rural areas of that state, are on call 24 hours a day. Other programs have extended their hours in an

effort to provide complete, verified information at the initial hearing, so that the release/detention decision is made on the basis of the best information available.

Many jurisdictions have worked to utilize existing information systems to maximize the efficiency in which the information gathering process can be conducted. For example, the **Baltimore County, MD** pretrial services program has access to a Central Booking facility which, because of its computer links to other systems, allows for a positive identification of an arrestee in less than two hours. All information gathered at Central Booking is automatically transferred to pretrial services computers. The pretrial agency then examines all criminal records to add criminal history to the information gathered at booking.

One of the most important functions of a pretrial program is to gather information about the arrestee that can be used to set conditions of release.

The **Harris County (Houston), TX** pretrial services program has a PC-based management information system that was developed in-house and is linked to the county's mainframe computer. Police officers enter booking information at computer terminals throughout the county; the District Attorney reviews the information on-line and accepts or rejects the charge(s). While this is taking place, pretrial services officers interview arrestees (in Houston within two hours of arrest, those in outlying areas are interviewed within 12 hours). Pretrial staff enter interview information directly onto a laptop computer that transfers the information into the mainframe. This process allows the initial interview information to be available to decision makers at bail setting.

Several examples of interview forms and risk assessment instruments can be found in Appendix D.

Even in larger rural areas, where long distances separate facilities, or where several counties combine to form regional facilities, pretrial programs

can adopt procedures that assure a timely and accurate information gathering process. One example of this is rural **Emporia, VA**, where the Southside Community Corrections Services, which houses the pretrial services, has made creative use of very limited resources. To complete the pretrial investigations, the agency (with two pretrial services officers) covers the pretrial needs of three rural jails 100 miles apart from one another through the use of video interviewing. The pretrial recommendations are faxed to the presiding judges for the arraignment hearing, which is also done via video. The clerk faxes the judge's decision to the pretrial agency. If the judge orders conditional release, the initial supervision intake interview with the defendant is also conducted via video. The pretrial case officer then becomes a "circuit rider" and can use his/her time in face-to-face supervision in the three rural jurisdictions.

The advantages to this system are many: a previously un-served population (rural and small-in-numbers) is now reaping the benefits of a pretrial services agency, where previously only money bail was available; there are no transportation costs to the jails or the sheriff's office; there are no security costs or concerns on the part of jail administration; pretrial agents can use travel for scheduled supervision, rather than for interviews which cannot be scheduled.

ASSESSMENT PRACTICES

Many programs take the information collected during the interview and investigation of the defendant and develop an assessment of the risk that the defendant will fail to appear in court or will pose as a danger to the community if released. Ideally, the method used to assess risks should be objective.

Any risk assessment tool should be based on the state's bail laws, consider factors shown to be related to pretrial misconduct, assign weights within categories consistently, and be free of bias. For example, in several states, the only purpose of bail is to assure the presence of the accused for all court hearings. In such a jurisdiction, it would be inappropriate to develop risk criteria to assess community safety.

There are several advantages of using an objective risk assessment tool. An objective instrument ensures consistency of application from one interviewer to another. It also ensures that the release/detention decision is made in an equitable fashion. Since the risk criteria are spelled out, it is also more visible. Finally, by isolating the factors considered in the release/detention decision, the data exist to provide on-going refinement of the instrument as more information becomes available and circumstances change.⁶⁹

Types of objective risk assessment schemes

There are various types of objective risk assessment tools. Many jurisdictions use an objective point scale in which weights are assigned to various criteria thought to be related—either positively or negatively—to risks of failure to appear and danger to the community. These tools identify low, medium, and high-risk defendants. In such schemes, low risk defendants would be recommended for ROR, medium-risk defendants would be placed under certain conditions, and high-risk defendants would require the most intensive supervision conditions, or would not receive a recommendation for release.

Objective risk assessment instruments can assure consistency, equitability, visibility, and testability.

Observation of FTAs in a particular jurisdiction can isolate several factors associated with risk of failure to appear in that jurisdiction. These risk factors can then be embodied in a point scale for that locality. Any of the following might appear on a local risk assessment point scale: residence; family ties; employment; availability of a telephone; and responsibility for a child (these factors are considered positive indicators of success). They can also emphasize factors considered negative indicators (or indicators of potential failure): prior convictions; prior FTAs; drug use; prior violation of parole or probation;

⁶⁹ *Pretrial Services Risk Assessment* (Washington, DC: Pretrial Services Resource Center, 1996).

prior escape; pending trial; and current probation or parole status.

Other pretrial programs use bail guidelines that couple the probability of failure to appear and the charge severity. Typically, a guideline ranks the charge severity from least to most serious charge and probability of failure from low to high. Each box of the guidelines grid is linked to a release condition: ROR, conditional, or financial release. In defining “guidelines” as developed for the **Philadelphia, PA** system, Professor John Goldkamp calls them:

*rules that are specific and precise, though not overly complex, and are responsive in a more direct fashion to the concerns of the decision-makers. These guidelines set forth appropriate decision options for similarly situated defendants, but at the same time, permit and even encourage non-compliance when special circumstances are present.*⁷⁰

At least one jurisdiction—the **District of Columbia**—uses a risk matrix that assesses risks of failure to appear and danger to the community separately. For each risk problem identified, a “solution” (a set of conditions) is provided to control the risk.⁷¹

Periodic review of the risk assessment instrument

Several jurisdictions have recently undertaken a review and revision of their assessment tools to assure that the criteria used reflect the changing circumstances of their jurisdiction. Such periodic re-assessment is vital to maintaining a tool that accurately assesses risk in the *local* jurisdiction.

⁷⁰ John Goldkamp, *The Development and implementation of bail guidelines: Highlights and issues* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 1984), p. 6.

⁷¹ For a discussion of the development of one of the first matrices (District of Columbia), see: M. Toborg, A. Yezer, P. Tseng, & L. Carpenter, *Pretrial release assessment of danger and flight: Method makes a difference* (McLean, VA: Lazar Management Group, 1984).

Some jurisdictions having objective instruments:

Polk County, IA

District of Columbia

Harris County TX

Maricopa County, AZ

Monroe County, FL

Hennepin County, MN

Ramsey County, MN

Pima County (Tucson), AZ pretrial services completed a review of its release decisions, pre-trial deviance and risk assessment tools in 1996.⁷² Similarly, the **Harris County (Houston), TX Pre-trial Service Agency** conducted a review of its risk assessment instrument, which was based on the point scale developed by the Vera Institute of Justice in New York. As a result of that study, the agency developed a new instrument.⁷³ In 1996 the new instrument was reviewed again, using the data from 32,589 released defendants. As a result of this review, a new, objective risk assessment tool was developed based on empirical evidence from the study.⁷⁴

In 1998, the **Oahu (Honolulu), HI Intake Service Center** staff met twice weekly over a five month period to evaluate their program and develop a new risk assessment instrument. In Hawaii, unlike some other jurisdictions, a defendant’s military status is one of the risk factors assessed, because of its association with failure to appear rates. The military risk factor has forced pretrial services to forge strong relationships with the military and to maintain regular coordination between pretrial services and the military base personnel.

The **Pretrial Services Corporation of the Monroe County (Rochester, NY) Bar Association** developed a matrix risk assessment instrument in 1995 for assessing the level of supervision needs

⁷² Neil Vance & Michael Polakowski, “Release decisions, pre-trial deviance, and risk assessment tools: A study of Pima County pre-trial services” Unpublished manuscript (September 1996).

⁷³ Steven Jay Cuvelier & Dennis W. Potts, *A reassessment of the bail classification instrument and pretrial release practices in Harris County, Texas* (June 1997)

⁷⁴ *Ibid.*

appropriate to each defendant. Their pretrial supervision options include simple phone contact, electronic monitoring, and day reporting, for those with high supervision needs. When defendants are released, the assessment allows appropriate placement in the least restrictive environment to assure the defendant's return to court.

For a list of contacts for each of the sites listed here, see Appendix E.

The pretrial programs in **Ramsey and Hennepin Counties, MN** undertook extensive data collection/analyses projects in 1996 prior to developing their current point scales. As a result of their evaluations, several of their earlier assumptions about what factors constituted risk (length of employment, welfare status, family ties, age) had to be revised to fit new realities.

Prior to the development of a pretrial risk instrument, pretrial programs should undertake a re-research effort to identify the salient factors in their jurisdictions and their associated risks.

Prior to the development of a pretrial risk instrument, pretrial programs should undertake research to identify the salient factors in their jurisdictions and their associated risks. The **State of Virginia** is currently engaged in a statewide research project in compliance with the Pretrial Services Act. The Act mandates that "the Department of Criminal Justice Services shall develop risk assessment and other instruments to be used by pretrial services programs in assisting judicial officers in discharging their duties" in bail and release decisions.⁷⁵ An objective instrument(s) is to be based on the data collected in three settings: urban, suburban and rural areas of the state, chosen for their diversity of race, size, and poverty levels. Data will reflect factors associated with risk of

failure to appear and rearrest. If one instrument cannot serve statewide, a degree of variability to adjust for local factors will be built into the instrument(s). The instrument(s) is/are expected to be completed by June 30, 2000.⁷⁶

Special assessments for special populations

Mental health/substance abuse screening and assessment

Many jurisdictions are now including questions on their initial interview that screen for substance abuse, mental illness and the co-occurrence (dual diagnosis) of the two.

In Milwaukee County, **Wisconsin Correctional Services** has developed a screening instrument for the mentally ill and substance abusers which is administered at the jail intake by a pretrial staff member. **Pima County (Tucson, AZ) Pretrial Services** works in partnership with a mental health agency and a substance abuse agency to provide screening and assessment for the mentally ill, substance abusers, and the dually diagnosed. **Multnomah County (Portland, OR) Courts Pretrial Services** has adapted and piloted a mental health assessment that is largely self-reported. Once screening has flagged someone in need of further assessment, an adapted Life Skills Inventory is administered by the pretrial staff. In the **District of Columbia**, the **Pretrial Services Agency** provides drug and alcohol screening information on all misdemeanor and felony arrestees at the bail setting hearing.

One rural program that has begun to screen for mental health, substance abuse, and dual diagnosis in its initial interview is the **Saratoga County, NY, Pretrial Services Program**. After the pretrial services program flags a potential problem, a complete assessment is done by a local mental health agency. In **Des Moines, IA**, the **Department of Correctional Services** flags those who have previously been diagnosed with a mental illness, debility, or retardation and/or substance abuse. A partnership with local mental health and

substance abuse agencies provides a more thor-

⁷⁵ 19.2-152.3

⁷⁶ Telephone conversation with Marie Van Nostrand (3/31/99) who heads the research project for the Department of Criminal Justice Services of Virginia.

ough assessment.⁷⁷

*Assessing juveniles transferred
to the adult criminal justice system*

The standard risk assessment tools for pretrial services have been developed for the adult defendant population and do not necessarily address the special circumstances of the juvenile defendant that is charge as an adult. However, there are several developments in local jurisdictions dealing with juveniles entering the adult criminal justice system, particularly in the area of risk assessment.⁷⁸

The **New York City Criminal Justice Agency, Inc.** implemented a release recommendation system for juvenile offenders prosecuted in the adult court system based on empirical analysis of the factors associated with failure to appear. A sample of 1,196 “at risk of failure” juveniles was analyzed over a one-year period. As a result of this analysis, the agency produced a new procedural manual and conducted staff training classes on the new release recommendation scheme. The new risk assessment scheme has been in place since April 1996.

There are several hopeful developments in local jurisdictions dealing with juveniles entering the adult criminal justice system, particularly in the area of risk assessment

The **Pima County Pretrial Services** is developing a risk and needs instrument specifically for

⁷⁷ For agencies seeking guidance on developing risk assessment capabilities for the dually diagnosed, the GAINS Center in Delmar, NY conducts regional forums for developing and implementing integrated services for the dually diagnosed. Contact information can be found in Appendix E.

⁷⁸ A youth risk prediction tool is now being validated by the Youth Study Center in Philadelphia, PA. Pretrial agencies might adapt some elements of that tool for use with juveniles in the adult system.

juveniles being prosecuted in adult court.⁷⁹ Once completed, the Pima County instrument will formulate a range of supervision options and communication protocols to reduce information collection redundancy.⁸⁰

SUPERVISION AND FOLLOW-UP PRACTICES

*No matter how detailed and imaginative the conditions of release imposed...may be, they are likely to be ineffective if the resources to enforce them are not provided. Unfortunately, however, many jurisdictions provide no meaningful supervision for defendants who are conditionally released prior to trial. It is hardly surprising that, without such supervision, the conditions are openly flouted and are ineffective in preventing either flight or recidivism.*⁸¹

Conditions of supervision must be monitored to ensure compliance. “Setting conditions of release would be a futile exercise without an ability to monitor compliance with those conditions and to punish disobedience and reward compliance.”⁸² An effective pretrial program makes every effort to aid defendants in compliance. Notification of court dates is one part of such efforts; clearly articulated sanctions for noncompliance is another.

No one condition, or set of conditions, will address the risk of failure to appear or rearrest for every defendant. Hence, effective supervision is individualized supervision. For example, a mentally ill defendant may have as a condition of release his/her participation in a mental health treatment program. A substance-abusing defendant may be ordered to undergo drug testing or treatment. A range of options must be available if supervision for a range of defendants is the goal.

If an agency is contracting some or all of the supervision, the providing agency must also be

⁷⁹ See Appendix D, Pima County, AZ.

⁸⁰ *The Pretrial Reporter* (February 1998), p. 6.

⁸¹ “Commentary” (on the pretrial services agency standard, 10-1.4), *Standards relating to the administration of criminal justice: Pretrial release* (Washington, DC: American Bar Association, 1985).

⁸² *Performance Standards and Goals for Pretrial Release and Diversion: Release* (Washington, DC: National Association of Pretrial Services Agencies, 1978).

monitored. An agency's supervision is only as good as its contractors' performance.

No one condition or set of conditions of release will address the risk of failure to appear or rearrest for every defendant. Hence, effective supervision is individualized supervision.

Effective supervision should include, at a minimum, timely and effective notification of court dates. At best, it would include a broad range of options for individualized supervision with effective sanctions for violations. If both are practiced, an agency can expect a reduction of FTAs (due to improved notification and supervision) and re-arrests (due to effective supervision).

A range of supervision options

In **Volusia County (Daytona Beach), FL**, the judge assigns a defendant to either low (a check-in phone call once a week), medium (several check-in phone calls per week, a face-to-face visit, and other individualized mid-range options), or high (house arrest with electronic monitoring) level of supervision. Approximately 25 to 30 defendants can be found in the high level of supervision at any given time. A contractor provides 24-hour monitoring and calls the pretrial agency immediately if any violation has occurred. The pretrial agency staff are on rotating call and respond immediately to any infraction. In addition to electronic monitoring, those on a high level of supervision are randomly visited three times a week by pretrial staff and must submit urine specimens at each visit.⁸³ The largest number of conditional releasees, however, is not so intensively supervised. The majority of supervisees check-in at the pretrial office once a week and pretrial staff randomly and sporadically conduct field checks. There are typi-

⁸³ Telephone conversation with Mike Gordon, Pretrial Services Manager, March 1999. Failure to appear rates for all levels of supervision are currently at 7 percent and rearrests at 3.7 percent in Volusia County, FL.

cally between 500 and 600 defendants in this low level of supervision.

The San Mateo County Bar Association Release on Own Recognizance Program conducted a study in 1991: *The effect of levels of required contact upon court appearance*. The study found that "Those who complied with the contact condition imposed, no matter what the level, were more likely to come to court, but the frequency of assigned contact did not matter."

In direct response to jail crowding, the **Des Moines, IA** pretrial services began an Intensive Supervision program for those who had been denied ROR, bail, or regular supervised release with services.

The intensive supervision program includes electronic monitoring and reduced caseloads of the staff. Only those who have been arrested on violent charges are ineligible for the program. In the two years of operation, pretrial staff estimate a savings of \$2 million, based on a cost of \$80/day to house someone in jail.⁸⁴

Court date notification practices

The **San Francisco Institute for Criminal Justice**, the city's pretrial program, provides frequent notification of court dates and changes. Staff call two days before each court date with a verbal reminder and every time the defendant checks-in by phone or in person, he or she is reminded of court dates. FTAs are down by four percent in that jurisdiction largely as a result of the new notification procedures.⁸⁵

The **San Mateo Bar Association Release on Own Recognizance Program** is a private, non-profit agency whose intensive, pro-active notification system has brought down FTAs in that jurisdiction significantly. In 1997 the Own Recognizance Program helped arrange the successful self-surrender of 455 FTA defendants.⁸⁶ Statistics

⁸⁴ Telephone conversation March 1999 with Neil Wheeler of "Department of Correctional Services of the Fifth Judicial District, Des Moines.

⁸⁵ Telephone conversation September 10, 1998 with Marcy Lucas, Executive Director, San Francisco Institute for Criminal Justice.

⁸⁶ *San Mateo County Bar Association Release on Own*

show the following reductions in FTAs in San Mateo:

- Jail Citation O.R.: down from 32 percent pre-notification-effort to 15.7 percent,
- Street Citation O.R.: down from 45 percent pre-notification-effort to 17.1 percent,
- Out-of-County Citation: down from 68 percent pre-notification-effort to 48 percent, and
- Regular O.R., Supervised O.R. and Drug Court averaged total of 8.6 percent, as compared to court O.R.s, which are 33.3 percent.⁸⁷

Supervision for substance abusing and/or mentally ill defendants

The **Montgomery County, MD Pretrial Services** partners with two health and human services agencies to operate a drug treatment program and a shelter that is available to pretrial releasees. Initial interviews, entered directly into the computer, are conducted at the detention center; assessments and referrals are made to supervision programs at that time. The initiative has earned an Innovative Programming Award from the National Association of Counties.

In **Pima County, AZ**, the pretrial program staff work in a partnership with a local mental health agency, the court, the public defender's office, and the county attorney's office to provide a range of release options for the mentally ill. The mental health agency, which has an extensive list of providers for "at risk" clients, works with the pretrial agency to screen for mental illness. Pretrial services staff appear in court with the mental health agency staff and, in cases that have been assessed and registered as "members" of the mental health agency, recommend that the mentally ill person be released on the condition of staying in treatment. A mental health forensic staff member provides the court information on the defendant's eligibility for the mental health program, and makes recommendations regarding conditions of release.

In the first six months of operation, 73 seriously mentally ill individuals with misdemeanor

cases in Pima county were released to the supervision of Pretrial Services. Seventy percent of these 73 individuals had co-occurring disorders. Only four individuals failed to complete the program due to a rearrest, a failure to appear, or non-compliance with conditions of their mental health treatment.

A special court for the mentally ill has been established in **Broward County, FL**. At the court's request, pretrial services in the county supervises the most intensive release conditions of mental health court defendants. Broward County Pretrial also screens for substance abuse and refers defendants with no prior records, third degree felons, and those arrested for purchase of an illegal substance to a special drug court. Pretrial services provides supervision of defendants who are released before arraignment, as well as supervising those defendants who need the most intensive level of supervision (electronic monitoring with house arrest) as a condition of their pretrial release.

The **District of Columbia Pretrial Services Agency** recommends for participation in the Superior Court Drug Intervention Program (SCDIP) all non-violent felony and misdemeanor arrestees who test positive for drugs/alcohol and who are not on probation/parole, have no pending cases with violent charges, and have no prior convictions for a violent felony.

The program then supervises release conditions while the defendant is in the drug court program and provides education and treatment by certified addictions specialists.

Pretrial programs in **Prince George's County, MD**, **Milwaukee County, WI**, and the **District of Columbia**, operate on-site drug testing facilities to test defendants during the supervision period who have been identified as drug users.⁸⁸

Maricopa County, AZ pretrial services staff screen women for a gender specific substance abuse treatment program. Those found in need of such services can, on a voluntary basis, attend

Recognizance Program 1998 Annual Report, p. 40.

⁸⁷ *Ibid.*, p. 41. For details of the program, call the R.O.R. Program, see Appendix E for resource list.

⁸⁸ Many of the programs with the capacity to test for substance abuse also require participation in a substance abuse treatment program as one of the conditions of release. A summary of current pretrial drug testing applications can be found in "Pretrial Drug Testing: Overview of Issues and Practices," Bureau of Justice Assistance Bulletin, July 1999 (NCJ 176341), available at the National Criminal Justice Reference Service at (800) 851-3420.

treatment in the Women's Treatment Services and Supervision Network administered by the Parole and Probation Department.

Readers considering adapting programming for incarcerated women to pretrial female populations might see *the National Institute of Justice Research in Brief of August 1998: Women Offenders: Programming Needs and Promising Approaches* (available from Fax on Demand at 1-800-851-3420, document 4035). The National Institute of Corrections has also produced two monographs that could provide material adaptable to pretrial services: *Women in Jail: Legal Issues* (December 1997) and *Women in Jail: Classification Issues* (March 1997).

The **Saratoga County (NY) Pretrial Services Program**, which services a small, rural area, has begun an informal screening process by the pretrial staff for dual diagnosis. Follow-up assessment is provided by a local agency. The abundance of community resources for both mental health and substance abuse, as well as the active and coordinated communication between agencies, makes it possible to provide individualized treatment and intensive supervision for a high-risk population in a traditionally under-served (rural) population.

Wisconsin Correctional Services (WCS), the pretrial agency in Milwaukee, screens all defendants for potential mental illness during the pretrial interview and refers those in need of services to another unit of the pretrial agency that provides individualized plans for those assessed with mental health needs. These needs include: case management, housing, medical and pharmaceutical services, and financial services. In another effort to improve supervision of special needs defendants, WCS has recently re-organized its supervision program to correspond to levels of defendants' supervision needs. One caseworker is assigned to the "Fastrack" case-load that provides court notification and random drug testing once a week for those with minimal needs and lower risks. The "Intermediate" level, with three caseworkers, serves clients who are, for the most part, already established in treatment. Court notification, twice a week supervision, and random drug testing are provided at the intermediate level. In the "Intensive" level, two caseworkers provide court notification and three to five contacts a week with re-

leasees, as well as random drug testing. WCS also has a special Alcohol and Other Drug Assessment unit that can provide diagnostic and assessment services and refer to out-patient or in-patient treatment facilities, as the need requires.

The Des Moines, IA, Department of Correctional Services has begun a dual diagnosis program for those with a substance abuse disorder and a previously diagnosed mental illness, debility, or retardation. The team that coordinates the program has members from the pretrial services department, a local mental health facility, a substance abuse agency, a correctional services supervisor (who has had previous supervision responsibilities for most of the current supervisees), the county health department, and the visiting nurses association. Pretrial services screens for potential dual diagnosis and refers to the mental health and substance abuse professionals for an assessment and placement in appropriate services. Pretrial services coordinates with treatment providers to supervise the defendants' progress through the conditions of pretrial release.

Supervision for domestic violence defendants

Coconino County (Flagstaff, AZ) Superior Court Pretrial Services has contracted with a local family health center to provide a domestic violence program. Domestic violence arrestees are flagged, their past criminal record is examined, and they are evaluated for the program. If accepted, their pretrial release is conditioned on their successful completion of the program. Classes are offered to the defendant and support groups for victims; mediation and follow-up are also offered. Pretrial pays the initial assessment and enrollment fee, and the defendant pays for the 25 class sessions.

The program has been in existence since September 1997 and boasts a 95 percent completion rate. No one who has graduated has been convicted of a domestic violence offense in the year since the program began.⁸⁹

The **Oakland County, MI** pretrial program is piloting a domestic violence supervision tool using a global positioning system (GPS), which can identify where a person is at any given time. In

⁸⁹ Telephone conversation March 1999 with Jim Buzzard, statistician of the Parole and Probation Department.

domestic violence cases the “hot zone”—the area around the victim—can be set at any distance. The defendant is warned electronically that s/he is in a “hot zone” and given a chance to leave before being sanctioned.

In rural **Ulster County, NY**, the pretrial services program has a domestic violence unit, in which staff supervise domestic violence defendants using electronic monitoring. The victim is provided with a device that gives a warning if the defendant approaches.

Another rural agency that is addressing domestic violence supervision issues is **Bannock County (Pocatello, ID) Court Services**. As the coordinator for all domestic violence “no contact” orders, the program provides: notification of revocations, petitions to revoke, supervision (where required), and victim notification (statutorily mandated). The “no contact” order informs all parties of the next court appearance date. The agency provides daily supervision for all those on supervised release with no-contact orders.

Dade County, FL began a Domestic Violence Court in 1993, which, in 1998 handled about 30 cases daily. When police officers arrest someone in a domestic violence dispute, the arrest form is flagged for a special bond hearing. The Pretrial Release Intake Unit, which operates from the Dade County main jail, interviews all those domestic violence cases flagged by arresting officers. If the defendant meets the criteria established by local statutes and is referred by the presiding judge, he or she can be released to an alternative address under special pretrial supervision conditions.

Victim notification by pretrial agencies

With the proliferation of Victims’ Rights Amendments to state constitutions that require victims to be notified of developments in the case, some pretrial programs have begun to play a role in providing that notification. For example, **Multnomah County (Portland, OR) Courts Pretrial Services’ Supervision Unit** staff routinely notify victims of court dates and release dates.

The **San Mateo County (CA)** pretrial program has set up a similar victim notification effort for victims who request to be notified.

Supervision of drunk drivers

Milwaukee County, in partnership with the State of Wisconsin, began an Intoxicated Driver Intervention Program in 1993 in the **Wisconsin Correctional Service**, Milwaukee’s pretrial agency. The program currently operates in five sites and provides: (1) screening of arrestees and assessment for appropriate placement, (2) monitoring of pretrial release conditions, (3) random drug/alcohol tests, and (4) placement of repeat drunk drivers in intensive alcohol treatment. The program includes outpatient mental health treatment, residential drug treatment, halfway houses, and employment and training programs. A recent evaluation reports a 50 percent reduction in drunk driving recidivism among those participating in the program.⁹⁰

MANAGEMENT PRACTICES

To effectively address the functions of pretrial programs (information gathering, risk assessment and supervision) administrators must use management tools that facilitate the smooth functioning of their work environment. Efficient and effective pretrial management practices include having efficient management information systems that allow for easy access, reliable use, and the conversion of data to information needed by the courts and the pretrial manager.

Pretrial management information systems

The **Hamilton County (Cincinnati), OH** pretrial program is developing a fully integrated management information system that includes all aspects of Ohio criminal justice. Their initial interviews – part of the central intake process – are entered directly on-line. They have gathered the major community players, including pretrial officers, judges, prosecutors, defenders, jail administrators, and supervision treatment providers; collectively these players have defined various criminal justice terms across boundaries. With uniformity of language, all input about a defendant from the various sources becomes part of a coherent picture, provid-

⁹⁰ Mark Rosnow, *Milwaukee County Pretrial Intoxicated Driver Intervention Pilot Project: Four Year Follow-up Evaluation*, Wisconsin Correctional Service (August 1, 1997).

ing a valuable management tool. With a common language, the levels of risk, levels of services needed, and predictors of “success” can be defined in an integrated way. Pretrial information becomes the foundation of pre-sentencing investigation when defendants move to adjudicated status. The pretrial program has, in effect, become the gatekeeper of the criminal justice system.⁹¹

Effectively managed pretrial services use technology that conserves staff time for the more important tasks that require human oversight.

The **San Mateo Bar Association Release on Own Recognizance Program** developed its own computer system, which can be modified to accommodate changes in local circumstances. The system is connected to the county’s integrated Criminal Justice Information System (CJIS) and has access to the sheriff’s and the courts’ information on any defendant. The initial interview information is entered into the pretrial computer system and is used as a database for the research regularly performed for the county. For example, the San Mateo county jail is currently overcrowded and the county is considering a day reporting center and/or a drug court to alleviate the crowding. The county has turned to the San Mateo Bar Association Release on Own Recognizance Program to research the most effective approach to solving the problem.

New York City’s Criminal Justice Agency (CJA), the pretrial program for that jurisdiction, has built their Management Information System around their defendant notification needs. They have been tracking defendant data since the late 1970s and have used the information to provide the basis of risk assessment revisions. They also produce regular reports to the City and the courts that document their recommendations as well as the results of those recommendations.

The information processing of a case begins when CJA downloads police information into its database. To this is added the initial interview data collected by pretrial agents, as well as information from the Office of Courts Administration on court dates. The system regularly generates a list of defendants due in court in a week’s time. The defendants on the list are then sent a letter and notified by telephone of their next appearance in court. The computer also generates a two-day priority list of those who were not notified on the seven-day advance list.

⁹¹ Telephone conversation October 1998 with Wendy Niehaus, Director, Hamilton County Pretrial Services.

V

Checklist for New and Existing Programs

In planning to start a new pretrial program or to enhance an existing one, certain steps should be taken. First, it is essential that the planners have an accurate picture of the current pretrial release/detention decision-making process. This entails obtaining answers to the “who, what, when, where, how, how many, and why,” of pretrial release/detention decision making. Based on these answers, the planners are then ready to develop (or revise) the vision, goals, and objectives of the pretrial program. Next, the planners must address the practical issues of where to place the program, how to financially support the program, and how many and what type of staff to hire, beginning with the program director.

The following checklists will guide planners through the questions that should be addressed when beginning a new program or expanding an existing one.

FIRST STEPS: UNDERSTANDING THE CURRENT RELEASE/DETENTION DECISION-MAKING PROCESS

1. Who currently has the authority to release or detain a defendant?

- Judge?
- Bail commissioner?
- Law enforcement officer by citation?
- Law enforcement officer by summons?
- Law enforcement officer by station-house release?
- Sheriff by jail citation?
- Sheriff by bail schedule?
- Pretrial services by delegated authority?
- Bondsmen?

2. When and by whom are bail decisions made? (Check all that apply)

- Within 24 hours?
 - by schedule?
 - by bail commissioner?
 - by judge?
 - by the pretrial program?
- Within 48 hours by judge?

3. What verified information is available at the initial appearance?

- Address?
- Length of residence in the community?
- Employment status?
- Education?
- Drivers license?
- Phone?
- Military service?
- Family information?
- Financial information?

- Medical information?
- Substance abuse history?
- Mental illness history?
- Dual diagnosis history?
- Domestic violence history?
- Current status with criminal justice system?

4. What release options are used at bail setting?

- Financial bail only?
- Non-financial options?
- Varying levels of supervision to manage varying levels of risk?

5. What resources are used or available to support release options?

- A mental health program?
- A substance abuse treatment program?
- A dual diagnosis treatment program?
- A homeless shelter?
- A day reporting center?
- An electronic monitoring system?
- Other

6. What resources are used to monitor compliance with conditions of release?

- Pretrial program?
- Probation department?
- Other

7. What MIS resources are available for the pretrial program?

- Is there a personal computer-based program for data collection?
- A commercial program?
- If so, is it linked to a county system(s)?
- Can initial interview information be entered directly into the computer?
- Can court notification be done automatically?
- Can the system generate aggregate reports?

8. Where are bail decisions made?

- At the police station?
- At the jail?
- At court?
- Via video arraignment?

9. How are pretrial release/detention decisions at the initial court appearance made?

- Is a risk assessment scheme used?
- Is the prosecutor present?
- Is defense counsel present?
- Is a pretrial program representative present?

10. Data

- How many persons were arrested in the jurisdiction last year, both felony and misdemeanor?
- Of those, how many were detained in jail for at least some period of time pretrial?
- How many of the felony defendants last year were released on non-financial bail?
- On financial bail?
- How many misdemeanor defendants were released on non-financial bail?
- On financial bail?
- How many FTAs were there in that time period?
- How many were rearrested?

INTERMEDIATE TASKS: ESTABLISHING THE VISION, GOALS, AND OBJECTIVES OF THE PRETRIAL PROGRAM

- What will be the mission for this program?
- What are the program goals?
 - Providing information for all defendants?
 - Providing information for a particular defendant population?
 - Interviewing defendants prior to initial appearance?
 - Verifying all information before presentation to decision makers?
 - Other?
- By what objectives will the program measure success on each of the goals?

FINAL STEPS: PRACTICAL ISSUES OF A PRETRIAL PROGRAM

1. Determining the locus of the program

- Are there statutes or orders that would determine where the program should be located?
- Given the program's goals, what placement provides the greatest credibility and access to information?

2. Determining staffing needs and patterns

- How many staff people need to be hired?
 - For administration?
 - For investigation?
 - For supervision positions?
 - Is a secretary needed?
 - Is there a local law school or criminal justice graduate program where interns might be found?
- Given the initial appearance schedules in this jurisdiction, what hours should interviewers work to assure that the chosen target population can be interviewed and information verified before the defendant's initial appearance in court?
- Will weekend coverage be needed?
- Given the size and geographical configuration of this jurisdiction, are extra staff persons needed to cover outlying regions?
- Is video interviewing an option?
- Video arraignments?
- Given the goals for a supervision program in this jurisdiction, how many staff will be needed to supervise at each level of supervision?

- Given the goals of this program for data collection, report generation, notification, etc., will an information technologist be needed, or can those functions be a part of an administrative position?
- What kind of backgrounds is the agency seeking in its administrative, investigative and post-release staff?
- What office equipment will be needed to support the efficient functioning of the staff?

3. Hiring a director

- Is there a Board of Directors for whom the director will work?
- To whom will the Director be accountable?
- The courts, or the administrative agency under whose authority the Director falls, usually make explicit the Director's fiscal responsibilities. Are these responsibilities clearly articulated in the job description?
- If the agency is to be a non-profit, will the Director have primary fund raising responsibility?
- What public relations duties will be the Director's responsibility?
- How many employees will the Director supervise?
- Will the Director have responsibility for creating a Management Information System? Revising, or overseeing an existing one?
- Will the Director have the training responsibility for other staff, or is this function handled by a central agency?
- Will the Director be expected to create or revise a policy and procedures manual?

A local planning team that has thoroughly understood the current release/detention decision making process before formulating the mission, goals and objectives of a new or existing program will find its task greatly simplified. Turning its attention to addressing the practical issues of placement, funding, staffing and management of a pretrial services agency should then also be a simpler prospect. The planning team that knows who in the community supports the development of a pretrial services and who might be opposed to the creation of such a service is a step ahead in the planning process. Time spent building community support will reap benefits in the program development phase.

APPENDIX A

Bail Reform: A Chronology

- 1951 *Stack v. Boyle*, 342 U.S. 1 (1951). The United States Supreme Court defines the Eighth Amendment's Excessive Bail Clause.
- 1952 *Carlson v. Landon*, 342 U.S. 524 (1952). The Supreme Court rules that bail is not an absolute right in all cases.
- 1961 Louis Schweitzer creates the Vera Institute of Justice and the Manhattan Bail Project, the first program in the country to advocate own recognizance release.
- 1964 Illinois adopts a Ten Percent Deposit Plan, allowing defendants to post 10 percent of a bail amount directly with the court.
The first of two National Conferences on Bail and Criminal Justice is held.
Pretrial programs modeled after the Manhattan Bail Project begin in St. Louis, Chicago, Tulsa, and Nassau County, New York.
- 1966 Congress enacts the 1966 Bail Reform Act, the first reform of the federal bail system since the Judiciary Acts of 1789. The Act contains the first statutory presumption to release on bail.
- 1968 The Omnibus Crime Control Act establishes the Law Enforcement Assistance Administration (LEAA). LEAA funds a number of pretrial release and diversion programs.
The American Bar Association advocates eliminating surety bail and developing nonfinancial forms of pretrial release in its *Criminal Justice Standards*.
- 1970 Congress amends the bail laws of the District of Columbia (Washington, D.C.). The D.C. Court Reform and Criminal Procedures Act of 1970 is the first in the country to openly address danger at bail setting and introduces the concept of preventive detention of defendants who may be threats to public safety.
- 1972 The National Association of Pretrial Services Agencies (NAPSA) is formed.
- 1974 *The Speedy Trial Act of 1974* establishes ten pilot pretrial services agencies under the Federal Courts.
- 1975 The U.S. District Court for Southern Texas finds in *Alberti v. Sheriff of Harris County* that the conditions of the local detention facility is unconstitutional and orders the establishment of a pretrial services agency in that jurisdiction. The use of pretrial programs to reduce jail crowding would become common throughout the 1980s.
- 1976 Kentucky abolishes commercial surety bail and begins a statewide pretrial release system.
LEAA establishes the Pretrial Services Resource Center as a clearinghouse on pretrial issues.
- 1977 The National District Attorney's Association (NDAA) calls for the elimination of surety bail in its criminal justice standards.
- 1978 NAPSA publishes its *Standards for Pretrial Release and Diversion*, calling for the elimination of surety bail and increased use of pretrial release and diversion programs.
- 1979 Wisconsin outlaws commercial surety bail.
- 1981 The District of Columbia Court of Appeals finds the city's preventive detention statute constitutional in *U.S. v. Edwards*, 430 A.2d 1321 (D.C. App. 1981) *cert. denied*, 455 U.S. 1022 (1982). The court ruled that detention was not punishment, but the outgrowth of a legitimate regulatory goal of reducing potential harm to the public.
The Pretrial Services Act of 1981 was passed by Congress creating pretrial services in each Federal District.
- 1982 *Huihui v. Shimoda*, 64 Hawaii 527, 644 P.2d 968 (1982): The Hawaii Supreme Court rules that safety is a legitimate goal in bail setting.
- 1984 Congress revises the Bail Reform Act to include pretrial detention for defendants believed to be potential threats to the community.
- 1985 The ABA restates in its revised Criminal Justice Standards its opposition to commercial surety bail and endorses limited preventive detention.
- 1987 The Supreme Court upholds the Bail Reform Act of 1984 in *United States v. Salerno*, 107 S.Ct. 2095 (1987).
- 1988 New York State adopts standards for pretrial services agencies.
- 1991 The NDAA restates in its revised National Prosecution Standards its opposition to commercial surety bail and supports preventive detention.

1993 Forty-two states, the District of Columbia, and the Federal Courts have bail statutes addressing danger and community safety as well as appearance in court.

APPENDIX B

**National Association of Pretrial Services Agencies
Standards on Confidentiality and Release of Information⁹²**

XII. INFORMATION OBTAINED DURING THE COURSE OF THE PRETRIAL SERVICES AGENCY'S INVESTIGATION AND DURING POST-RELEASE SUPERVISION OF DEFENDANTS SHOULD REMAIN CONFIDENTIAL WITH LIMITED EXCEPTIONS.

- A. The Pretrial Services Agency Should Exercise Judgment In What Information Is Obtained From The Defendant And The Disclosure Of That Information.
 - 1. The pretrial services agency should obtain from the defendant only that information which is directly related to release considerations. The agency should not seek to determine the circumstances surrounding arrest.
 - 2. The pretrial services agency should exercise judgement in disclosing information that:
 - (a) will be submitted to the court for the purpose of setting conditions of release;
 - (b) may be used to provide notices of court appearances;
 - (c) may be used to notify the court of violations of conditions of release, including failure to appear;
 - (d) may be given to other service programs, *e.g.*, diversion, custodian, *etc.*;
 - (e) may be given to law enforcement officials attempting to serve process for failure to appear;
 - (f) may be used in pre-sentence reports.
 - 3. At the time of the initial interview, the defendant should be clearly advised as to the above uses to which the information offered will or may be put.
- B. No Information Other Than That Which Is Public Information Should Be Released To Any Individual Or Organization Outside The Criminal Justice System Without The Express Permission Of The Defendant At Or Near The Time The Information Is To Be Released.
- C. The Pretrial Services Agency Should Establish A Written Policy Regarding Defendant's Access To Their Own Files.
- D. Information Contained In Agency Files Should Be Made Available For Research Purposes To Qualified Personnel Provided That No Single Defendant Be Identified In The Research Report By Name, Docket Number, Or Any Other Label Which Might Allow Identification.
- E. Pretrial Services Agency Staff And Files Should Not Be Subject To Subpoena For Purposes Of Providing Information Relating To The Agency's Investigation Or Monitoring Of The Defendant, Except When Such Information Is Necessary To The Prosecution Of Noncompliance With Conditions Of Release.

COMMENTARY, Standard XII

General. Pretrial services agencies collect and have access to a substantial amount of information on defendant's backgrounds. Frequently, this information includes matters of a highly personal nature. While the agency is obligated to provide that information directly related to release decisions, it should maintain a general policy of confidentiality to retain credibility with defendants and the criminal justice system. No information obtained during the course of the agency's investigation or during the monitoring of conditions should be admissible on the issue of innocence or guilt. Information which is released by the agency should not include, under any circumstances, highly personal material such as psychiatric evaluations.

A. Information Obtained From the Defendant and Disclosure to Other Criminal Justice Systems.

- 1. The interview of the defendant should focus on the defendant's ties to the community and other background information that might impact on the release decision. Questions about the circumstances sur-

⁹²Taken from the National Association of Pretrial Services Agencies, *Performance Standards and Goals for Release*, Standards XII (1978), pp. 67-70.

rounding the arrest other than to determine whether the defendant lives with the complaining witness should not be asked. (See COMMENTARY, Standard III D).

2. Judgement should be exercised in disclosing information that:
 - (a) will be submitted for bail-setting purposes in order to make certain extraneous prejudicial information is not submitted. For example, a series of arrests without convictions disclosed by the defendant should not be included in the report;
 - (b) may be used to provide notification of court appearances. While such disclosure may be essential to courts which notify defendants, it should not be disclosed to police officers investigating possible defendant involvement in other crimes;
 - (c) may be used to notify the court of violation(s) of conditions, including failure to appear. Again, extraneous prejudicial material should not be included;
 - (d) may be given to other service programs such as diversion programs. Diversion programs, for example, may have no need to know of prior civil commitments to mental hospitals;
 - (e) may be given to the police executing warrants for failure to appear. The pretrial services agency probably should not disclose references who verify the information obtained at the initial interview for fear that defendants will be unwilling to offer credible references knowing that they may be questioned by the police at a later date. In addition, disclosure of the name and address of such a reference who became an "unwitting participant" through the defendant and who may never have been contacted may lead to unwarranted intrusion upon the privacy of innocent third parties; and
 - (f) may be used in presentence reports. The pretrial services agency should restrict the information to general behavior and the defendant's compliance with release conditions, omitting any personal matters such as the details of a psychiatric report (unless, of course, the defendant consents).
4. The defendant should be advised as to the uses to which the information offered may be put in order to make a knowing and intelligent waiver of his right to remain silent. The pretrial services agency should make it clear to the defendant that it will not ask for, nor should the defendant offer, details about the arrest or charge.

B. Nondisclosure To Outside Organizations.

The pretrial services agency should refrain from releasing any information which is not public to any individual or organization outside the criminal justice system without the express permission of the defendant at or near the time the information is to be released. This policy should extend to community organizations and social services agencies, as well as to the general public. Requests for information from welfare agencies attempting to locate fathers or domestic relations staff trying to confirm jurisdictional residence for individuals should be resisted.

C. Written Policy Of Disclosure

The agency should establish a written policy on the extent to which defendants and/or other criminal justice personnel shall have access to defendant files. In general, defendants should be allowed access to their files in the presence of their attorneys. Forms should be drafted, signed by the defendant and his attorney, and placed in the agency files. At any time information is given a note describing the information, the date, the time, the person giving and the person to whom it is given should be made and put in the file.

D. Research Use Of Defendant Information

Information in defendants' files may be used for purposes of research, management information, and evaluation, provided that no individual defendant can be identified by any label (name, docket number, *etc.*) in the report of the research. Access to agency files for research purposes should be limited to qualified personnel, and no person should be allowed to remove defendant files from the pretrial services agency office. In addition, no person or agency should be permitted access to agency files except under close supervision and pursuant to a written agreement setting out the purposes of the research and the conditions under which access has been granted.

E. Agency Personnel And Files Should Generally Be Immune From Subpoena

Except for subpoenas for information relating to the prosecution of noncompliance, pretrial services agency staff should not be subject to subpoena for purposes of providing testimony relating to the

agency's initial interviewing or monitoring of the defendant. The agency should not be subpoenaed to any proceedings where a determination of innocence or guilt on the charge is being made. Finally, agency personnel should not be subject to subpoena for purposes of impeaching the defendant at trial with information given in his original interview with the agency.

Appropriate Use of Pretrial Services Agency Information

Appropriate uses of information gathered in the pretrial stage:

- pretrial release or detention determination;
- supervision of defendants released to the agency's custody, including notification of upcoming court dates;
- hearings to determine the penalties for failure to appear, rearrest, and violation of release conditions;
- presentence investigations; and
- other pretrial proceedings such as perjury and impeachment proceedings.⁹⁴

Limited, well-defined exceptions to a general confidentiality rule allowing release of information *to appropriate criminal justice officials exercising a legitimate law enforcement purpose* might include the following:

- **Courts** can use agency information to determine pretrial release or detention, penalties for failure to appear, rearrest, and violation of supervision conditions; and in perjury and impeachment proceedings. The court should not use agency information to determine a defendant's guilt.
- **Prosecutors** also may have the information available to the court.
- **Defense attorneys** may have access to any information in a defendant's file pertaining to the case in which the attorney represents the defendant.
- **Law enforcement personnel** may receive address and employment information gathered during the interview or updated during pretrial supervision to execute arrest or bench warrants against the defendant.
- **Defendants** may have access to their case information in the presence of their attorneys.
- **Researchers** may use agency information to evaluate the agency or particular agency functions. Information given to researchers should not include any identifying data, such as the defendant's name, identification numbers, or docket numbers. Researchers should not make copies of agency information or leave agency premises with agency files.
- **Social services and rehabilitative agencies** who may supervise the defendant pretrial may receive information needed to perform their supervision functions. This includes data on current and past substance abuse and health.

If the pretrial services agency's computer is linked to the computer system of other agencies, access to its sensitive pretrial information should be restricted to those with a need to know. Non-public information should never be released to individuals or organizations outside the criminal justice system. Exceptions to this rule could be granted for organizations serving a legitimate government purpose, such as a social service or welfare agency seeking address information.

Suggested release of information procedures

Pretrial agency procedures for releasing information should include at least the following:

- For in-office queries, pretrial staff should positively identify the person (by name and position) requesting information. For example, police officers should present badges, defense attorneys proof that they are the defendant's attorney of record.
- Staff should complete an information "release form" whenever defendant-based information is given. The form should have space for the request date; the requester's name, position, and signature; the information requested; and the reason for the request. Space also should be provided for the pretrial staff person approving/denying the information request, the date of and reason for the action; and a description of what information, if any, was released. Once completed, the release form should be placed in the defendant's file.

⁹³ *Pretrial Release and Supervision Program Training Supplement* (Washington, DC: Pretrial Services Resource Center, 1997).

⁹⁴ *Ibid.*, p. 63-64

- Agencies should discourage the release of information by telephone, unless the caller's identity can be confirmed definitely. If information is released by phone, staff should complete the release form accordingly.
- Requesters should have access only to the information to which they are entitled.
- All requests for information made by persons outside the criminal justice system (for example, the media or private citizens) should be handled by at least supervisory-level personnel.⁹⁵

Pretrial Services Agency and immunity to subpoena

To ensure that pretrial services agency information is used only for bail setting, supervision, and limited pretrial processing purposes, agency information should be immune from subpoena, either from prosecutors or defense attorneys,⁹⁶ except for subpoenas relating to noncompliance to release conditions. Most especially, agency staff should never be subpoenaed to testify at a defendant's trial or other proceeding where the issue is the defendant's guilt or innocence. Agencies should work out agreements with the courts and prosecutors to keep information from being subject to subpoena.

Applying other rules of confidentiality

Pretrial services agency staff may find themselves in situations in which they need familiarity with other rules of confidentiality. Title 28 of the United States Code places restrictions on reporting non-conviction criminal history data. Another example is Federal Rule 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records, which forbids federally funded from getting or, using as evidence, substance abuse information from other federally-funded agencies.⁹⁷ Many states also are adopting measures that grant victims of crime greater access to the justice system. Pretrial services agencies should be familiar with all other confidentiality rules that may apply to the information they collect and maintain. Moreover, agencies should train all staff on the requirement of these rules.

⁹⁵ *Id.*, p. 65.

⁹⁶ Two states, Kentucky (*Court Rule 4.08*) and Connecticut (*Ct. Sec. 54.63 b[c] 5 and b 8*) protect pretrial program information from subpoena.

⁹⁷ 42 CFR Part 2, Section 2.12(d).

APPENDIX C

Enhanced Pretrial Services Criteria

Any effort to analyze the practices of a program is best accomplished by comparing those practices to a set of model practices. In the pretrial field, the national standards and the experiences of numerous pretrial services programs have served as a basis for developing such a set of model practices.

In 1988, with input from a number of criminal justice professionals — including pretrial practitioners — and drawing on national standards, the Pretrial Services Resource Center issued criteria for an "Enhanced Pretrial Services" (EPS) model program.⁹⁸ Using these criteria, several pretrial programs have been designated EPS Programs.⁹⁹ These programs provide the highest level and quality of services to their criminal justice communities and serve as models for other pretrial programs.

The EPS criteria are grouped into three categories: **information gathering and assessment process, supervision and followup, and management effectiveness.**

INFORMATION GATHERING AND ASSESSMENT PROCESS

Population Targeting

The enhanced pretrial services program interviews prior to the initial appearance before a judicial officer everyone arrested or charged with an offense over which the court(s) that it serves has jurisdiction, with the following possible exceptions:

Those arrested solely on a probation or parole violation;

Those arrested for charges that are statutorily excluded from consideration by the pretrial services program;

Where the defendant is released by other means before the initial court appearance; and,

System factors preclude interviews of certain defendants, such as imminent release by virtue of disposition at the initial court appearance.

Pretrial Interview

The interview elicits information concerning the defendant's community ties, criminal history, and mental health or substance abuse problems.

Records Check

Both in and out of county criminal records are checked, including arrests and dispositions. Also checked are the defendant's present criminal justice status (e.g., whether or not the arrestee has a pending charge or hold) and history of failure to appear.

Verification

Verification consists of confirming the information provided by the defendant by contacting references, and when discrepancies arise, re-interviewing defendants. Programs attempt to verify as much information as possible prior to the initial appearance. If the defendant is not released because of unverified information, the program continues verification efforts until as much if not all of the pertinent information is verified. The court is immediately notified when such verification occurs.

⁹⁸ This effort was funded by the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice.

⁹⁹ The eight programs designated in 1992 as Enhanced Pretrial Services Programs were: Fifth District Department of Correctional Services, Des Moines, IA; District of Columbia Pretrial Services Agency; Wisconsin Correctional Service, Milwaukee, WI; Monroe County Pretrial Services Program, Key West, FL; San Mateo County Release on Own Recognizance Program, Redwood City, CA; Pima County Superior Court Pretrial Services, Tucson, AZ; Los Angeles Superior Court Pretrial Services, Los Angeles, CA; and Pretrial Services Corporation of the Monroe County Bar Association, Rochester, NY.

Risk Assessment and Recommendations

The enhanced pretrial program uses a risk assessment scheme that in a consistent and equitable fashion effectively assesses the defendant's likelihood of failing to appear at future court hearings or of posing a risk to community safety, if statutorily prescribed. The assessment scheme should be developed as a result of local research and evaluated or reviewed at least every five years.

Based on an assessment of the defendant, the enhanced program makes a recommendation to the court as to an appropriate release/detention decision. A range of options are available, such as release on recognizance, restrictive non-financial conditions, and as the last resort financial conditions (financial conditions are only imposed to assure appearance). Conditions are recommended on a graduated basis from least to most restrictive. Where applicable (i.e., in states with preventive detention legislation), recommendations indicate if preventive detention is appropriate.

Submission of Report to Court

The program submits a report to the court and provides access to the report to the defense counsel and prosecutor. Pretrial staff are either present in court or are readily available to the court during the release/detention hearing.

Checks for Consistency

Procedures exist to ensure that program staff in fact use the assessment scheme and use it consistently. A supervisor checks every report before it is presented to the court. In the case of a one-person office, a supervisor reviews reports on a regular basis after submission to the court.

SUPERVISION AND FOLLOW-UP

Supervision and Monitoring

Supervision should include contact supervision and referral or provision of services. Compliance of defendants in supervision should be monitored. Supervision plans should be individualized and based on a scheme of graduated contacts and level of supervision dependent on pretrial performance. A final report on the defendant's compliance with release conditions should be prepared to assist in the compilation of pre-sentence report information. The effectiveness and reliability of services provided by any agency to which defendants are referred should be monitored regularly by the program.

Court Date Notification System

The enhanced program carries out or supplements court date reminders to all defendants except those released on surety bail. The reminder specifies the date, location, and time of appearance before each subsequent court appearance. When no court date is issued at the time of the court appearance, the program provides written notification of the telephone number and name of a person to call who will provide such information (i.e., the date, time, and exact location of the court appearance).

Location and Return of Defendants Who Fail to Appear

The enhanced program has procedures for attempting to locate and return defendants to court to preclude the issuance of a bench warrant as well as procedures for resolving the warrant once issued.

Review of Pretrial Custody Population

The enhanced program reviews the pretrial detainee population at least weekly to determine if factors associated with the initial detention decision still apply and reports findings to the court.

MANAGEMENT EFFECTIVENESS

Information System

The enhanced program maintains a systematic case tracking and information system—manual or automated—for the following purposes: monitoring defendant pretrial performance, measuring program performance/effectiveness, validating program practices, diagnosing problems, and testing the impact of implemented or proposed changes. Two types of information are needed to accomplish these: defendant-based and aggregated numbers. The latter should be compiled on a regular basis in reports.

A. Defendant-based data elements:

1. defendant characteristics, including age, sex, race/ethnicity, length of residence in county, marital status, drug use, and other factors deemed to be appropriate in county
2. prior record information, including the number previously arrested/convicted (felony and misdemeanor), number previously failed to appear, number with previous parole/probation revocation, number with previous pretrial release revocation, number previously incarcerated
3. current defendant criminal justice information, including arrest date, initial appearance date, pretrial release date (if different from initial appearance date), date(s) when defendant failed to appear, date defendant was returned to court, date of final adjudication, sentencing date

B. Regularly generated reports:

1. pretrial program intervention information, including the number of persons interviewed, the number of persons recommended for release by type of conditions, reasons for not recommending release
2. court actions and outcome information, including the number of persons convicted and the types and lengths of sentences imposed (by charge and form of release or detention), the time spans between arrest, initial release from detention, and case disposition
3. current criminal justice information, including the number of persons arrested and charged with a criminal offense (misdemeanors and felonies), the number of persons released prior to trial on each form of release, the number of persons detained prior to trial according to charge and length of detention, the number of persons who failed to appear at a scheduled court appearance (by charge and form of release), the number of persons rearrested (by initial charge and rearrest charge and form of release)

Information is reviewed periodically to evaluate program practices and for planning.

Mission Statement

The enhanced pretrial program has a concise, written mission statement. The mission statement is more than the statutory language incorporating the program; it reflects the program's aims and purposes.

Operations Manual

The enhanced pretrial program has a written, up-to-date "how to" manual that explains in detail the procedures that must be followed in performing each function of pretrial operations. The manual explicitly details the procedures for the pretrial interview, records check and verification, release assessment, supervision, and use of information systems.

Training

The enhanced program has a structured orientation and training program for new staff, ongoing training for line staff, and management training for supervisory staff.

System Interaction

The enhanced program has regular meetings with its supervising body, and with judicial officers. The program has regular contact with the community, including press and community meetings.

APPENDIX D

INTERVIEW AND ASSESSMENT FORMS

AN ILLUSTRATIVE SAMPLE

HARRIS COUNTY, TEXAS PRETRIAL SERVICES AGENCY

- I. INTERVIEW
- II. SPECIAL NEEDS ASSESSMENT
- III. SUPERVISION INSTRUCTIONS

HARRIS COUNTY PRETRIAL SERVICES AGENCY DEFENDANT INTERVIEW

DEFENDANT NAME: TEST

SPN: 00482505

CHARGE INFORMATION

997

CHARGE AND BOND

COURT AND CASE NO.

ADDITIONAL CHARGES:

FELONY ___
HOLDS ___

MISDEMEANOR ___
HARRIS CO. WARRANTS ___

CLASS C ___
FUGITIVE ___

CRIMINAL HISTORY SUMMARY

FELONY CONVICTIONS ___
PRESENTLY ON PROBATION ___

MISDEMEANOR CONVICTIONS ___
PRESENTLY ON PAROLE ___

PREVIOUSLY FTA ___

DEFENDANT REPORTED CONVICTIONS / OPEN CASES

ARREST DT	LOCATION	CHARGE	NAME USED	DISPOSITION
1.				
2.				
3.				
4.				

PERSON IDENTIFICATION INFORMATION

TRUE NAME _____ ADDITIONAL SPN _____ POSSIBLE SPN _____

AKA / OTHER NAMES _____

AGE ___ SEX F RACE W U MARTIAL STATUS _____ DOB 010101 DOB2 _____

CITIZENSHIP ___ POB _____ HGT ___ WGT ___ EYE ___ HAIR ___

SCARS / MARKS / TATOOS _____ DEFENDANT SPEAKS ___

SSN _____ DL NO. _____ DL STATE _____ SON _____

FBI _____ SID _____ HPD _____ INS NO. _____

RESIDENCE INFORMATION

997

CURRENT ADDRESS _____ APT NO. _____ CITY _____ STATE _____

ZIP _____ COUNTY _____ APT NAME _____ HOME PHONE _____ RETURN _____

LENGTH HERE ___ / ___ LIVES WITH _____ RELATION _____ WK PHONE _____

CHILDREN ___ / ___ AGE RANGE FROM ___ / ___ TO ___ / ___

ALTERNATE ADDRESS _____ APT NO. _____ CITY _____ STATE _____

ZIP _____ HOME PHONE _____ LIVES WITH _____

RELATIONSHIP _____ WORK PHONE _____ CAN CONTACT _____

PREVIOUS ADDRESS _____ APT NO. _____ CITY _____ STATE _____

ZIP _____ HOME PHONE _____ LIVED WITH _____ RELATION _____

STILL THERE ___ CAN CONTACT ___ LENGTH HERE ___ / ___

OCCUPATIONAL INFORMATION

997

EMP ___ UNEMP ___ / ___ SCH ___ TRN ___ DISABILITY _____ OTHER _____

CURRENT EMPLOYER / SCHOOL _____ POSITION / GRADE _____ DEPT _____ SHIFT _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

WORK PHONE _____ CONTACT AT WORK _____ CAN CONTACT ___ LENGTH EMP ___ / ___

INCOME ___ / ___ SOURCE OF INCOME IF NOT EMP _____ DEPENDANTS _____

SECOND JOB/SCHOOL _____ ADDRESS _____

PREVIOUS EMPLOYER _____ POSITION _____ LENGTH EMP ___ / ___ INCOME ___ / ___

PREV EMP ADDRESS _____ CITY _____ STATE _____ ZIP _____ WORK PHONE _____

VETERAN ___ BRANCH OF SERVICE _____ H.S. GRADUATE ___ OBTAINED GED ___ GRADE COMPLETED _____

HEALTH PROBLEM ___ TYPE OF HEALTH PROBLEM _____ ALCOHOL PROBLEM ___ DRUG PROBLEM _____

HARRIS COUNTY PRETRIAL SERVICES AGENCY DEFENDANT INTERVIEW

DEFENDANT NAME: TEST

SPN: 00482505

FINANCIAL INFORMATION

SPOUSES EMPLOYER _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____ 997

SPOUSES INCOME _____ CASH ON HAND _____ OTHER PROP OWNED _____

BANK NAME _____ AMT CHECKING _____ AMT SAVINGS _____

RESIDENCE STATUS _____ NAME ON LEASE _____

OTHER INCOME SOURCE _____ INCOME _____ SOURCE _____ INCOME _____
 SOURCE _____ INCOME _____ SOURCE _____ INCOME _____

MOTOR VEHICLE 1 MAKE/MODEL _____ VALUE _____ OWES _____
 MOTOR VEHICLE 2 MAKE/MODEL _____ VALUE _____ OWES _____

MONTHLY EXPENSES MORT/RENT _____ UTIL _____ FOOD _____ MEDICAL _____
 CHILD CARE _____ INS _____ AUTO _____ CREDITORS _____
 COURT ORDERED _____ OTHER _____

REFERENCES

CONTACTED ANYONE SINCE ARREST _____ WHO _____ PHONE NUMBER _____ 997
 ATTORNEY'S NAME _____ ATTORNEY'S PHONE NUMBER _____

NEXT OF KIN _____ RELATION _____ KNOWN DEF _____ ADDRESS _____
 HOME PH _____ WK PH _____ CONTACT _____ VERIFIER _____ DATE/TIME _____

VERIFIED : ADDRESS _1_ 2_ 3_ 4_ 5_ COMMENTS _____

REFERENCE _____ RELATION _____ KNOWN DEF _____ ADDRESS _____
 HOME PH _____ WK PH _____ CONTACT _____ VERIFIER _____ DATE/TIME _____

VERIFIED : ADDRESS _1_ 2_ 3_ 4_ 5_ COMMENTS _____

REFERENCE _____ RELATION _____ KNOWN DEF _____ ADDRESS _____
 HOME PH _____ WK PH _____ CONTACT _____ VERIFIER _____ DATE/TIME _____

VERIFIED : ADDRESS _1_ 2_ 3_ 4_ 5_ COMMENTS _____ 997

COMMENTS

997

BAIL CLASSIFICATION SCALE

VARIABLE	SCORING	POINTS
1. AUTO	Add 1 point if the defendant has an automobile	(+) _____
2. TELEPHONE	Add 1 point if the defendant has a phone in his / her residence	(+) _____
3. FULL TIME EMPLOYMENT OR SCHOOL, OR HOMEMAKER	Add 1 point if defendant is either employed or attending school full time, or if defendant is a full time homemaker	(+) _____
4. NUCLEAR FAMILY	Add 1 point if defendant lives alone or with his / her spouse and or children	(+) _____
5. UNDER 21 YEARS OLD	Subtract 1 point if the defendant is under 21 years old	(-) _____
6. PRIOR FAILURES TO APPEAR	Subtract 1 point if defendant has one or more verified fta's	(-) _____
7. PRIOR MISDEMEANORS	Subtract 1 point if defendant has 2 or more prior misdemeanor convictions	(-) _____
8. PRIOR FELONIES	Subtract 2 points if the defendant has 2 or more prior felony convictions	(-) _____
TOTAL	RANGE +4 TO -5	00

INTERVIEW PARTICULARS

997

INTERVIEWER 01010101 TST SHIFT 1 DATE/TIME 010195/0101 LOCATION SEJ DATE OF ARREST _____
 JIMS CHECKS _____ TCIC HIST _____ TCIC WANTS _____ NCIC HIST _____ NCIC WANTS _____
 HPD RAP _____ SO ID _____ CRISS CROSS _____ OTHER _____

JUDICIAL DECISION

DENIED _____ APPROVED _____
 DATE _____ DATE _____

Harris County Special Needs Screening

Client's Name: _____		S.S.#: _____	
SPN #: _____		Phone: _____	
Address: _____			
D.O.B. _____	SEX: M F	SID NO. _____	Offense: M F B
Disabled? ____	Disability Type: _____		Lang: _____
Physical Health Problem? ____	Problem Type: _____		PH Code: _____
Mental Impairment? ____	Impairment Type: _____		MI Code: _____
On Maintenance Medication? ____	Names(s) of Medication: _____		Med Type: _____
MHMRA Client Now? ____	MHMRA Past? ____	MH Hospitalizations? ____	Last year hospitalized: ____
Defendant wants substance abuse treatment? ____		Substance Abuse type: _____ (Drug, Alcohol, Both)	
Personal Contact/Guardian: _____		Phone: _____	Rel to Def: _____
Is Client receiving any of these services at the time of the interview:			
Outpatient Substance Abuse Treatment? ____		Outpatient Psychiatric Treatment at MHMR? ____	
Outpatient Psychiatric Treatment/Other? ____		Inpatient Psychiatric Treatment? ____	
SSI ____	Food Stamps ____	AFDC ____	Medicare ____ Medicaid ____ VA Benefits ____
Social Security ____	TRC ____	Public Housing ____	Halfway House ____

Circle Applicable Observations (from the TCIS Jail Screening Instrument)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Does the individual talk or act in a strange manner? 2. Does the individual seem unusually confused or preoccupied? 3. Does the individual talk very rapidly or seem to be in an unusually good mood? 4. Does the individual claim to be someone else like a famous person or fictional figure? | <ol style="list-style-type: none"> 5. Does the individual's vocabulary (in his/her native tongue) seem limited? 6. Does the individual have difficulty coming up with words to express him/herself? 7. Does the individual seem extremely sad, apathetic, helpless, or hopeless? |
|---|---|

Comments/Other Observations:

ACTION REQUESTED	ARREST/COURT ACTIVITY
MI/MR Confirmation _____	PTSA Interview Date/Location _____
Assessment _____	PCH Date and Time _____
MI Conditional Release Options _____	Referral Date/time _____
MI Confirmation Only; Def Released _____	PCH Outcome _____
SN Conditional Release Options _____	Assigned Court Setting _____
SN Notification Only; Def Released _____	Assigned Court/Cause _____
Additional Infor (Ref Before) _____	Other _____
Other _____	Other _____

Defendant _____ SPN _____

Court/Cause _____ Next Setting _____

**Request or Refusal of Services by a Defendant
Who Is Hard of Hearing or Deaf**

Can you read? _____ No _____
Witness Name, Department, SPN

_____ Yes _____
Defendant's Signature

If yes, please continue reading.

Harris County has charged you with a crime. To ensure that you can effectively communicate with staff in Harris County's criminal justice system, we need to know how you prefer to communicate. Please place your initials next to the communication aid you may need under the following circumstances.

I. You are physically present at a Harris County facility to participate in an activity (court), program (Pretrial Services), or other service:

- _____  A Sign Language Interpreter/American Sign (free of charge)
- _____  A Sign Language Interpreter/English Sign (free of charge)
- _____  An Oral Interpreter (free of charge)
- _____  An Assistive Listening Device (free of charge)
- _____  Assisted Real Time/Captioning (free of charge)
- _____  Exchange typed notes on computer monitor (free of charge)
- _____  Other _____ (free of charge)
- _____  No assistance needed

II. If you have been released on bond and we need to contact you while you are at home:

- _____  We should use a TDD or TTY
- _____  We can send you a written notice at facsimile number _____
- _____  We can send you a written notice at email address _____
- _____  You have an amplified telephone and will be able to hear us
- _____  We should ask for another member of your household _____
- _____  Other _____
- _____  No assistance needed

I understand that this form conveys the help I may need to understand and participate in activities related to my criminal case.

Defendant's Signature

Original: Clerk's File
Copy: PTSA
Copy: Court Coordinator

Witness Department Date

Adult Mental Health - Forensic Services
MHMRA Pre - Trial Screening

HARRIS COUNTY SPECIAL NEEDS RESPONSE FORM

CLIENT NAME: _____, _____ MHMRA #: _____ SPN #: _____

DOB: _____ AGE: _____ SEX: _____ RACE: B: _____ W: _____ H: _____ Other: _____

REFERRAL SOURCE: _____ CRT: _____ CRT DATE: _____

MENTAL HEALTH TREATMENT

Outpatient Treatment

___ No History Found

___ Harris Co. MHMRA Last Date Seen: _____ Clinic: _____

Current Status Active: ___ Not Active: ___

___ Other County MHMRA Last seen: _____ County: _____

___ Private Counseling as reported by client Last Date: _____

Service Info: _____

In-Patient Services or Psychiatric Hospitalizations

___ No History Found

Facility	City	Year	Length of Stay	Diagnosis
----------	------	------	----------------	-----------

CURRENT DIAGNOSTIC IMPRESSION (subject to Psychiatric Evaluation)

Axis I (P): _____

Axis I (S): _____

Axis II: _____

Axis III: _____

Axis V: Current GAF: _____ Past Year: _____

CURRENT MEDICATIONS: _____

PRELIMINARY SERVICE RECOMMENDATIONS

___ Refer to PreTrial Intensive Casemanager - _____

___ Refer to Outpatient MHMRA Clinic- _____

___ Refer to MR assessment - _____

___ Refer to Adult Forensic Unit - _____

___ Refer for Substance Abuse assessment - _____

___ Refer to HCJ medical department - _____

___ Refer to Private Physician - _____

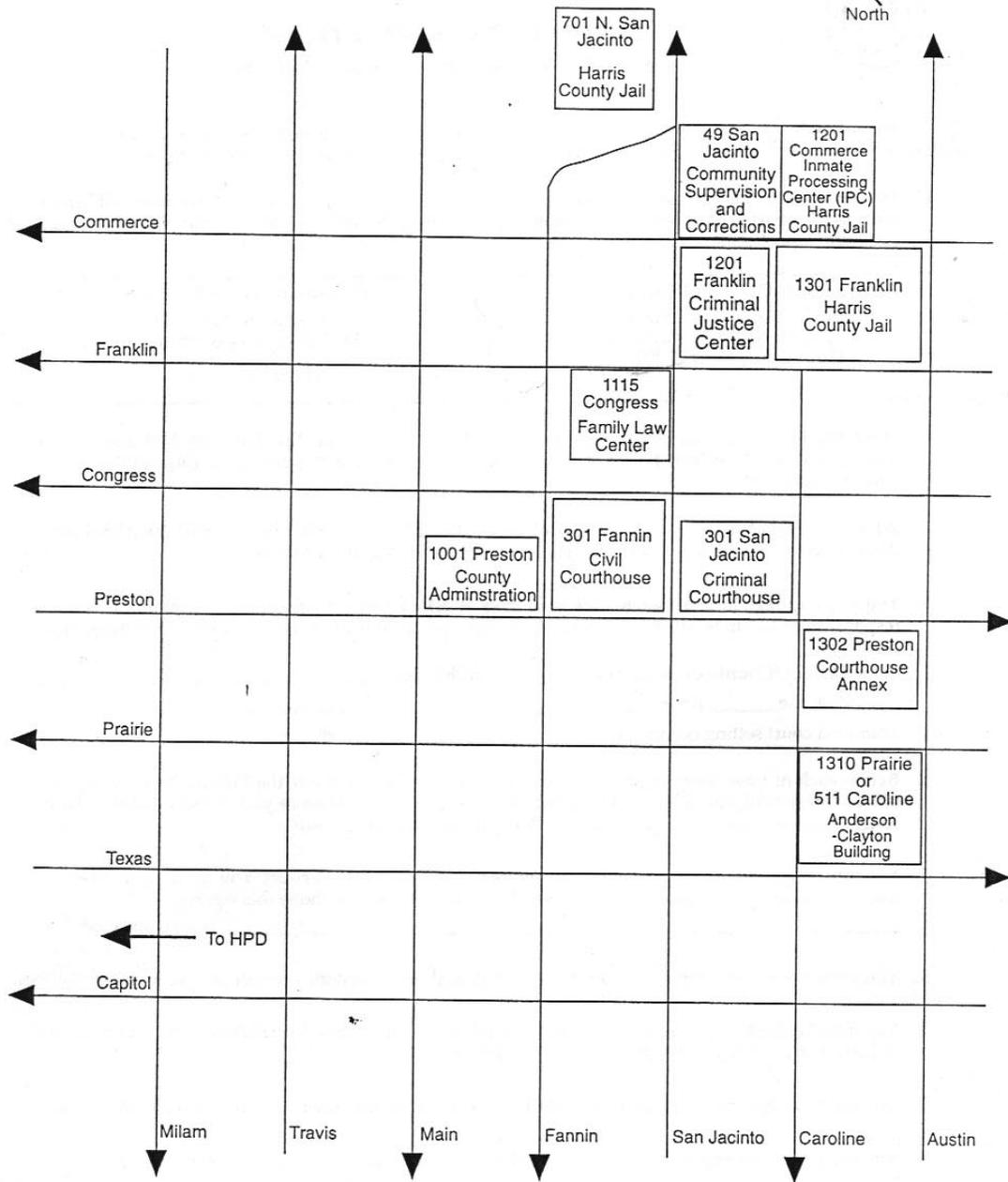
___ Refer to other - _____

___ No mental health intervention needed at this time

DATE: _____

Screener: _____

Map of Downtown Courthouse Area



Access from Major Freeways to the Downtown Courthouse Area

North Freeway (I 45) Downtown exit, Milam St.

Gulf Freeway (I 45) Downtown exit, St. Joseph's Pkwy.

Eastex Freeway (Hwy 59) Exit Capitol St.

Southwest Freeway (Hwy 59) Downtown exit, Travis St.

Katy Freeway (I 10) Downtown exit, Smith St.

East Freeway (I 10) Exit San Jacinto/Main St.



HARRIS COUNTY PRETRIAL SERVICES AGENCY

SUPERVISION INSTRUCTIONS
Defendants Released on Personal Bond

A magistrate or judge has approved your release from jail on a personal bond(s) and placed you under this Agency's supervision. This Agency requires that you adhere to certain rules. Your obligations are as follows:

- 1. You must go to the Pretrial Services Agency office as soon as you are released from jail (or as soon as we file your bond if you were not arrested). If the office is closed, you must report on the next day that the office is open. This office is located at:

Table with 2 columns: Anderson-Clayton Building (511 Caroline, First Floor) and Criminal Justice Center (1201 Franklin, First Floor). Both in Houston, Texas 77002, with phone number (713) 755-8252.

The office hours are: Monday through Friday 7:30 a.m. - 5:30 p.m.; Sunday from 8:00 a.m. - 2:00 p.m.; closed Saturday and holidays. If you can not report as instructed, you must call to make other arrangements.

- 2. When you report to the office you should bring identification with you. Identification includes: driver's license; social security card; birth certificate; or immigration papers.
3. You must appear in court each time your case is called and your presence is required. It is your responsibility to know when your court dates are and to be in the assigned court on time. Your case(s) is: in the District/County Court number with Judge located on the floor at Your next court setting occurs on: 199 at AM.
4. By law, the court may assess a personal bond fee. In your case the court: [checkbox] Has assessed a fee of \$. You must pay this fee with cash or a money order made payable to Pretrial Services. If necessary, you may inquire about paying your fee in installments. [checkbox] Will assess any fees as court costs. [checkbox] Has waived the fee. [checkbox] Other
5. Before each of your court appearances you must appear in person at the Pretrial Services Agency office. You should physically report approximately one (1) hour before you are scheduled to be in court. You must come back to the office after your appearance in court.
6. You must telephone this Agency the day before you are to appear in court. You must call before noon. The telephone number is (713) 755-8252. You must also telephone this Agency every two weeks or as instructed.
7. You must notify the Pretrial Services Agency of all address, telephone number, or employment changes.
8. You must request permission to travel out of the Harris County area. You should request permission at least twenty-four (24) hours in advance of the travel time.
9. You must not commit an offense against the laws of this or any other state or of the United States.
10. You shall not have any contact with complaining witnesses in this case unless Court ordered.
11. You must comply with any additional conditions of release that the court orders.
12. You will need a lawyer.
13. Other

You can be arrested for failing to comply with these instructions. You may also incur costs for non-compliance such as those associated with an arrest or the financial liability of your bond amount. By signing below you acknowledge receipt of these instructions and agree to comply with them.

SPN: Defendant's Signature
File date: Defendant's Name
Def Location: Pretrial Officer's Initials and Instruction Date

CAUSE NO. _____

STATE OF TEXAS

§

In the District/County Court of
Harris County, Texas

vs.

§

(Defendant)

§

§

(SPN)

§

§

(Court)

O R D E R

It is ordered that as a condition of release on a surety, cash, or personal bond, the Defendant shall comply with the following condition(s):

_____ Submit to supervision by the Harris County Pretrial Services Agency and abide by the rules on the **Supervision Instructions** form.

_____ Submit to urinalysis by the Pretrial Services Agency on a random basis / mandatory basis _____ (frequency). Defendant is forbidden to use, possess or consume any controlled substance, dangerous drugs or marijuana unless prescribed pursuant to a lawful prescription issued by a medical doctor.

Defendant to pay testing costs \$ _____ Court waives testing costs _____ (Judge's initials)

_____ Report in person to the Pretrial Services Agency office (frequency) _____. Check-in time and day shall be arranged on the defendant's initial check-in.

_____ Remain at his/her residence between the hours of _____ and _____ every day.

_____ Obtain a full time job or enroll in and attend faithfully an educational program full time within thirty (30) days upon being released from jail. If already employed or in an educational program full time, or once this activity is secured, it will be maintained. Submit written verification of employment/attendance or attempts to secure employment/enrollment to the Pretrial Services Agency. Tell the Agency about any changes in employment/educational program status within forty-eight hours of the change.

_____ Reside with _____ at _____

_____ Submit to a substance abuse or a mental health/retardation evaluation by a service provider that is designated by the Court or Pretrial Services Agency. Further, the defendant will abide by all recommendations made by the service provider.

_____ Hire an attorney in this case by the next court setting.

_____ Surrender into the temporary custody of the Pretrial Services Agency any passports, visas, green cards, titles, deeds, monies or other property that are ordered surrendered by the court. Specifically: _____ (additional order required)

_____ Refrain from any contact with the prosecution's witness(s) / the complainant(s) / the victim(s). Specifically: _____

_____ Abide by all the terms and conditions of the contractual agreements required for participation in the Electronic Monitoring Supervision program of the Harris County Pretrial Services Agency (**additional forms required**).

Defendant to pay daily cost for EMS \$ _____ Court waives daily EMS cost _____ (Judge's initials)

_____ Not replace this Personal Bond with a Cash or Surety Bond without Court approval.

_____ Other: _____

Signed this the _____ day of _____, 19 _____

Judge, _____ District/County Court

I, the undersigned, understand that the court is ordering my compliance with the conditions listed above as a requirement of my release on bond. I understand that failure to comply with these conditions could result in a revocation of my bond and my subsequent arrest.

Defendant Signature Date

Original - clerk
copy - defendant
copy - PTSA/DMS

Filed with _____ on _____
at _____ AM/PM BY: _____

RAMSEY COUNTY, MINNESOTA
PROJECT REMAND

- I. PRETRIAL EVALUATION
- II. POINT SCALE

PROJECT REMAND, INC.
 RAMSEY COUNTY PRETRIAL SERVICES
 POINT SCALE

	<u>Points</u>		<u>Point</u>
I. <u>Age</u>			
_____ 20-30 with clear record	+2		
_____ 31 or over with clear record	+4		
II. <u>Time at Current Residence</u>			
_____ Three months or more	+1		
_____ Less than three months	0		
III. <u>Heavily Weighted Offense List</u> (see list of offenses) (-3 to -9)			
_____ PV in current offense	-3		
IV. <u>Employment/Income</u>			
_____ Employed, student, or receiving public assistance	+1		
_____ Unemployed, not a student, or not receiving public assistance	0		
V. <u>Prior Criminal Record</u> (within 15 years)			
_____ a. 1 or less felony convictions		0	
_____ b. 2 or more felony convictions		-3	
_____ c. 2 or fewer gm/misd. convictions (exclude non-alcohol related traffic)		0	
_____ d. 3 or more gm/misd. convictions (exclude non-alcohol related traffic)		-1	
_____ e. GM/misd. person convictions		-1 e	
_____ f. Felony person convictions*		-3 ea	
		(*No time limit)	
VI. <u>Failure to Appear (Bench Warrants)</u> (excludes non-alcohol related traffic BW)			
_____ 1 bench warrant within last 3 years		-1	
_____ 2-4 bench warrants within last 3 years		-3	
_____ 5 or more bench warrant within last 3 years		-6	

REMAND RECOMMENDATIONS

OR (+6 to 0)* _____
 CR (-1 to -10)* _____
 Recommend Bail (-11 or lower) _____
 Judicial Override Required _____

PROJECT REMAND, INC.
HEAVILY WEIGHTED OFFENSES
(Current Charge Only)

<u>Homicide</u>	<u>Weight</u>	<u>Crimes Against the Family</u>	<u>Weight</u>
Criminal vehicular operation/death	-6	Incest (intrafamilial sexual conduct)	-9
Criminal vehicular operation/injury	-3	Malicious Punishment of a Child	-3
Manslaughter I	-9	Neglect or Endangerment of a Child	-3
Manslaughter II	-9		
Murder I	-9	<u>Crimes Against the Administration</u>	<u>Weight</u>
Murder II	-9	<u>of Justice</u>	
Murder III	-9	Escape from Justice	-3
		Felony fleeing police resulting in injury	-3
<u>Crimes against the Person</u>	<u>Weight</u>	Felony fleeing police resulting in death	-9
Aggravated Robbery	-9	Fugitive from Justice	-3
Assault I	-9	Obstructing Legal Process with Force	-3
Assault II	-9	Tampering with a Witness	-3
Assault III	-6		
Assault IV	-3	<u>Crimes Against Public Safety & Health</u>	<u>Weight</u>
Assault V (DA)	-3	Drive by Shooting	-6
Deprivation of Custodial or Parental Rights	-3	Machine Guns & Short Barreled Shotguns	-9
False Imprisonment	-9	Possession of Controlled Substance	-3
Harrasment – GM/Misd.	-3	Possession of Firearm – Felony	-3
Harassment – Felony	-6	Possession with Intent to Distribute I, II, III	-6
Kidnapping	-9	Possession of Pistol Without a Permit	-3
Simple Robbery (Theft from person)	-3	Reckless Use/Discharge of a Firearm	-6
Simple Robbery with Weapon	-6	Sale of Controlled Substance I, II, III, IV	-6
Stalking – GM/Misd.	-3	Sale of Controlled Substance V	-3
Stalking – Felony	-6		
Violation of Order for Protection	-3	<u>Public Misconduct</u>	<u>Weight</u>
		Rioting 1st degree	-9
<u>Sex Crimes</u>	<u>Weight</u>	Rioting 2nd degree	-6
Criminal Sexual Conduct I	-9	Rioting 3rd degree	-3
Criminal Sexual Conduct II	-9	Terroristic Threats	-3
Criminal Sexual Conduct III	-6	Terrorist Threats with Weapon	-6
Criminal Sexual Conduct IV	-3		
Criminal Sexual Conduct V	-3	<u>Damage to Property</u>	<u>Weight</u>
Failure to register as a sex offender	-3	Arson I	-9
Indecent Conduct	-3	Arson II	-6
Promotion of Prostitution	-3	Burglary I	-6
Solicitation of Children to Engage in Sexual Conduct	-9	Burglary II	-3
		Criminal Damage to Property I (Felony)	-3
<u>Misc.</u>	<u>Weight</u>		
Interfering with a 911 call	-3		
Probation Violation	-3		
Theft of a Firearm	-3		
Third DWI in 10 years	-3		

PROJECT REMAND, INC.
HEAVILY WEIGHTED OFFENSES
(Current Charge Only)

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<u>Misc.</u>	<u>Weight</u>		
Interfering with a 911 call	-3		
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Theft of a Firearm	-3		
Third DWI in 10 years	-3		

MONROE COUNTY, NEW YORK
PRETRIAL SERVICES

I. POINT SCALE

PRETRIAL SERVICES REPORT

Defendant _____ Date _____

Charges(s) _____ MAG# _____

Bond _____ Case# _____

Verified? Yes No

Criminal History None Attached

Circle no more than one number for each category of criteria except where indicated

AGE

- +2 25-29
- +1 30 or older
- 0 Under 25

RESIDENCE

- +3 Has lived at present residence 1 year or more
- +2 Has lived at present residence 3 – 5 months
- +1 Has lived at present residence 6 – 11 months
- 0 Has lived at present residence less than 3 months

TIME IN KEYS

- +3 Has been a resident of the Keys 3 or more years on a continuous, recent basis
- +2 Has been a resident of the Keys 2 years or more
- +1 Has been a resident of the Keys at least 1 year
- 0 Has been a resident of the Keys less than 1 year
- 1 Transient

EMPLOYMENT/SUPPORT

- +3 Has held present job 1 year or more
- +2 Has held present job 6 months or more
- +1 Receives SSI, Worker's Comp, Unemployment Comp, family support, etc.; student, retired
- 0 Has held present job 5 months or less
- 1 Unemployed, no support

SUMMARY NARRATIVE:

CRIMINAL RECORD

- +3 No convictions within 3 years
- +2 No arrests within 3 years
- 1 Felony convictions within 3 years
- 2 Has two or more prior arrests within 3 years of the same nature as the instant case OR any arrest of a violent nature within 3 years
- 3 Felony arrests within 3 years

MISCELLANEOUS (More than one may apply)

- + 1 No prior FTA's
- 1 One prior FTA
- 2 PTS, probation, parole violation; flight to avoid prosecution, AWOL, escaped or absconded within 5 years
- 3 Two or more FTA's OR two or more PTS, probation or parole violations within 5 years
- 5 Facing habitual felony offender filing

DISCRETIONARY

- +2 Motivated, receptive, cooperative
- 2 Unmotivated, negative, uncooperative

+ POINTS _____

- POINTS _____

TOTAL _____ (Range is +17 to -16 points)

RECOMMENDATION:

PRETRIAL SERVICES OFFICER

Judge accepted recommendation? _____

Original to Court/File

Copy to PTS, Defense Attorney, State Attorney

(PTS 11/98)

PIMA COUNTY, ARIZONA SUPERIOR COURT
PRETRIAL SERVICES

- I. JUVENILE RISK/NEEDS ASSESSMENT
- II. FELONY INTAKE INTERVIEW (automated, so blank forms print as “did not ask”)
- III. RISK ASSESSMENT (Felony risk assessment relies on N.C.I.C. and A.C.I.C records, local county attorney records, juvenile court records for defendants 20 years or younger, III records, and the pre-trial automated tracking system. This information is reported to the court as part of the intake packet)

PIMA COUNTY PRETRIAL SERVICES JUVENILE RISK/NEEDS ASSESSMENT

Name _____ DOB _____ Interviewer: _____

Nicknames and street names: _____ Interview Date: _____

Arrest Date _____ Transfer Date _____ Transfer Type: Discretionary Automatic Remand

Charge(s) _____

CR# _____ Status at Arrest: None Diversion Juv. Prob. JIPS Juv. Parole ICPC

Pending Dispositions (circle all that apply): None Status Misdemeanor Felony

Specify Jurisdiction/Officer Name and Telephone: _____ / _____ / _____

Hold, detainer, or no-bond status? _____ Jurisdiction Officer Name Phone
 Number of co-defendants in this case: _____

Relationship between defendant and alleged victim: None Family Friend Acquaintance Other: _____
(circle one or more, as applicable)

Comments or clarification by defendant:

I. Home and Community Ties	SECTION ONE: Risks and Needs
-----------------------------------	-------------------------------------

Verif.		
Y N		Current Address _____ Telephone _____
Y N		Type of Home: SFR Apartment Duplex Mobile Home Other _____
Y N		Is defendant welcome to return home? Y N
Y N		Others in Home/Relationship _____
Y N		Time at this address _____ Time in Tucson _____ Time in Arizona _____
Y N		Number of residence moves in the previous six months: _____
Y N		Defendant welcome home? Y/N Previous runaways? Y/N If yes, how many past 12 mos? _____
Y N		Reason(s) for running away? _____
Y N		Availability of supervision by caregiver (days and times of available supervision) _____

Y N		Alternative address _____
Y N		With whom/relationship _____
Y N		Availability of supervision by caregiver (days and times of available supervision) _____

Y N		Any person in the household on probation or parole _____
Y N		Defendant's marital status: Single Married Divorced Widowed
Y N		Does defendant live with spouse/significant other? Y N If yes, name: _____
Y N		Does defendant have children? Y N If yes, name(s)/age(s) of children: _____
Y N		Does defendant financially support child(ren)? Y N

Verif.	
Y	N
Y	N
Y	N
Y	N

Current placement of children with defendant? Y N
 If no, give placement of children: _____
 Child(ren) in Child Protective Services custody? Y N Circle dependency type(s): legal physical
 If yes, CPS case manager's name and telephone number: _____
 Comments or clarification by defendant: _____

II. Education History

Verif.	
Y	N
Y	N
Y	N
Y	N

Circle last year of full-time school enrollment: 6 7 8 9 10 11 12 Semesters attended: 1 2 3 4
 Defendant currently enrolled? Y N Last school attended: _____
 Does defendant have a history of truancy or absenteeism? Y N
 Defendant's explanation for non-attendance _____

Y	N
Y	N
Y	N
Y	N
Y	N

Circle if defendant is in classes for: Special Ed. Emotionally Handicapped Physically Handicapped
 Explanation for above placement: _____
 Is defendant eligible to return to school? Y N Explanation: _____
 Has defendant earned a GED? Y N
 Can defendant be placed in an alternative ed. program? Y N If yes, which one: _____
 Comments or clarification by defendant: _____

III. Employment

Verif.	
Y	N
Y	N
Y	N
Y	N
Y	N

Is defendant currently employed? Y N Full-time Part-time
 Employer name: _____ Supervisor: _____
 Employer address and telephone: _____
 How long at this job? _____
 How many jobs in the last year? _____ Reason(s) for leaving last employer: _____

Y	N
---	---

Any other source of income for defendant: _____
 Comments or clarification by defendant: _____

This page intentionally left blank for scoring purposes.

1. On a scale of 1 to 5, is the defendant at risk for failing to appear in court, if released? 1 2 3 4 5

This assessment is based on the following factors:

2. On a scale of 1 to 5, is the defendant at risk for rearrest, if released? 1 2 3 4 5

This assessment is based on the following factors:

3. On a scale of 1 to 5, is the defendant at risk for non-compliance with court orders, if released? 1 2 3 4 5

This assessment is based on the following factors:

I. Substance Abuse, Mental Health, and Medical Issues **SECTION FOUR - Information by Self-Report**

Has defendant ever used alcohol? Y N
Describe type, amount, and frequency of use: _____
Age at first use: _____
Was defendant under the influence of alcohol when arrested? Y N
Has defendant ever been in an alcohol treatment program? Y N
If yes, give name of program(s) and dates of attendance: _____

How long did defendant stay sober after treatment?: _____
Does defendant want treatment? Y N If yes, what program?: _____
Has defendant ever used illegal/illicit drugs? Y N
Describe type, amount, and frequency of use: _____
Age at first use: _____ Last use of drugs listed above: _____
Was defendant under the influence of drugs when arrested? Y N Type(s): _____
Has defendant ever been in a drug treatment program? Y N
If yes, give name of program(s) and dates of attendance: _____

How long did defendant stay "clean" after treatment?: _____
Does defendant want treatment? Y N If yes, what program?: _____
Has the defendant ever been treated for mental illness? Y N If yes, describe: _____

Name any current medication(s) and reason for prescription(s): _____

Name any current or chronic medical problems: _____
Comments or clarification by defendant: _____

II. Gang Involvement

Does defendant claim gang association? Y N If yes, which one?: _____
At what age did defendant become associated with a gang? _____
Are other family members associated with a gang? Y N If yes, which one?: _____
Is defendant willing to end association with the gang? Y N N/A
Comments or clarification by defendant: _____

Check all that apply. Have you ever:

- Carried a weapon for self-defense? Y N
- Carried a weapon for criminal activity? Y N
- Used a weapon to carry out a crime? Y N
- Been involved in a fist fight? Y N
- Purposely damaged someone else's property? Y N
- Stolen a car for joyriding? Y N
- Bought or accepted something from someone which you knew was stolen? Y N
- Shoplifted from a store, market, or shop? Y N
- Stolen items from a car? Y N
- Sprayed graffiti on someone else's property? Y N
- Broken into a house? Y N

Choose two of the above acts that you have been most involved in and describe the frequency of the acts:

Crime type: _____

- a.) A few times a week
- b.) Once a week
- c.) Once a month
- d.) Less than once a month

Crime type: _____

- a.) A few times a week
- b.) Once a week
- c.) Once a month
- d.) Less than once a month

At what age did you begin committing criminal acts? _____

Check all that apply. While in school did you:

- Skip classes? Y N
- Fail to complete your work? Y N
- Get suspended? Y N
- Serve a detention? Y N
- Fight with teachers? Y N
- Fight with other students? Y N
- Get expelled? Y N

Check all that apply. Which of the following activities have you regularly been involved in?

- Smoking cigarettes? Y N
- Chewing tobacco? Y N
- Smoking marijuana? Y N
- Using cocaine? Y N
- Using crack? Y N

Using methamphetamine? Y N
Using heroin? Y N
Using other dangerous drugs? Y N
Using other materials to get high? Y N

Check all that apply. If you have held a job, have you ever:

Been fired from a job? Y N
Called in sick when you weren't sick? Y N
Gotten into a fight with another employee or your boss? Y N

Most recently, have you lived with both of your parents in the same household? Y N

If no, at what age did you no longer live with both parents?

- a.) before five years old
- b.) between 6 and 10 years old

Have you ever been placed in foster care? Y N

If yes, how old were you when first placed in foster care? _____

Have you ever been adopted? Y N

If yes, how old were you when you were adopted? _____

Before your most recent arrest, about how many times did you move from one home to another (either with your parents or by yourself)?

- a.) never moved
 - b.) once or twice
 - c.) between three and six times
 - d.) between seven and ten times
 - e.) more than ten times
-

Defendant's County File Number: _____

I. Characteristics of the first referral from JOLTS:

- 1-1. Number of counts alleged in the referral:
 _____ One
 _____ Two (or more)
- 1-2. Type of offense(s) alleged (check all that apply):
 _____ a. Drugs or weapons
 _____ b. Person
 _____ c. Status
 _____ d. Two or more property
- 1-3. Was the juvenile detained?
 _____ Yes
 _____ No
- 1-4. Age at first complaint
 _____ 12 or younger
 _____ 13 or older
- 1-5. Most serious offense class alleged
 _____ Misdemeanor
 _____ All other

II. Characteristics of the instant referral from JOLTS

- 2-1. Type of offense(s) alleged:
 _____ a. Number of felony allegations
 _____ b. Number of misdemeanor allegations
 _____ c. Number of other allegations
- 2-2. Hour of day the most serious offense allegedly occurred?
 Enter hour, in military time
- 2-3. Day of the week the most serious offense allegedly occurred?
 Enter day of week
- 2-4. Number of days between the offense date (most serious alleged) and the complaint receipt date?
 Enter number of days
- 2-5. Number of days between the offense date and the assessment interview?
 Enter number of days
- 2-6. Total number of accomplices alleged?
 Enter number of accomplices
- 2-7. Age at time of referral?
 Enter age, in years and months
- 2-8. Number of hours detained on this referral?
 Enter number of hours

III. Characteristics of Prior Juvenile Court Processing (If applicable, from JOLTS)

- 3-1. Age at first referral _____
- 3-2. Age at first adjudication _____
- 3-3. Days between first referral and instant referral _____
- 3-4. Total number of previous referrals _____
- 3-5. Days between last referral and instant referral _____
- 3-6. Number of petitions filed _____
- 3-7. Number of adjudications _____
- 3-8. Number of times detained (excluding instant referral) _____
- 3-9. Total number of days in detention (excluding instant referral) _____
- 3-10. Age first placed on probation _____
- 3-11. Number of violation of probation charges filed _____
- 3-12. Age first committed to DYTR _____

IV. Characteristics of Prior Assessments (if applicable, from JOLTS)

- 4-1. Prior assessment classification _____
- 4-2. Prior PO's classification _____
- 4-3. Compliance with prior assignments _____

V. Identification (This section not included in PTS Interview)

VI. Instant Police Report

- 6-1. Was a weapon involved
 _____ Yes
 _____ No
 If weapon, mark all that apply
 _____ Firearm
 _____ Knife
 _____ Other
- 6-2. Child related to any victims

Y	N	U	S
---	---	---	---
- 6-3. Treatment for victim's injuries

Y	N	U	X	S
---	---	---	---	---

VII. Juvenile

- 7-1. Used alcohol within the past year

Y	N	U	S
---	---	---	---

 If yes, frequent/serious disruption

Y	N	U	X	S
---	---	---	---	---
- 7-2. Used drugs within the past year

Y	N	U	S
---	---	---	---

 If yes, frequent/serious disruption

Y	N	U	X	S
---	---	---	---	---
- 7-3. Run away/run away attempts

Y	N	U	S
---	---	---	---
- 7-4. Child ever neglected, abused (physical/sexual)

Y	N	U	S
---	---	---	---
- 7-5. Child ever subject of dependency petition

Y	N	U	S
---	---	---	---
- 7-6. Child ever assaultive?

Y	N	U	S
---	---	---	---
- 7-7. Ever considered suicide?
 a. If YES, suicide still a concern?

Y	N	U	S
---	---	---	---

 b. Date of last suicide attempt, if any

Y	N	U	X	S
---	---	---	---	---
- 7-8. Child steals from family/friends

Y	N	U	S
---	---	---	---
- 7-9. Friends involved in delinquency

Y	N	U	S
---	---	---	---
- 7-10. Gang involvement or association

Y	N	U	S
---	---	---	---
- 7-11. Behavior problems/mental health issues

Y	N	U	S
---	---	---	---
- 7-12. Ever RTC placed/psychiatric

Y	N	U	S
---	---	---	---
- 7-13. Child currently employed

Y	N	U	X	S
---	---	---	---	---
- 7-14. Job skills assistance needed

Y	N	U	X	S
---	---	---	---	---
- 7-15. Child needs independent living assistance

Y	N	U	S
---	---	---	---

VIII. School

- 8-1. Currently enrolled in public, private or home school on a regular basis? If Child obtained GED, response = "X"

Y	N	U	X	S
---	---	---	---	---
- 8-2. Ever dropped out of school

Y	N	U	S
---	---	---	---
- 8-3. Ever truancy or excessive absenteeism

Y	N	U	S
---	---	---	---
- 8-4. Ever behavioral problems at school

Y	N	U	S
---	---	---	---
- 8-5. Ever suspended/expelled from school

Y	N	U	S
---	---	---	---
- 8-6. Ever failed or failing one or more classes

Y	N	U	S
---	---	---	---
- 8-7. Overall school performance in the last year (check one)
 _____ Exceeds grade level (E) (One or more years)
 _____ At grade level (A)
 _____ Below grade level (B) (One or more years)
- 8-8. Indicate services received or needed (indicate all that apply)
 _____ Mentally handicapped
 _____ Physically handicapped
 _____ Emotionally handicapped

----- English as Second Language
----- Gifted/Honors

IX. Family

- 9-1. Criminal/delinquent history
- 9-2. Recent significant family problems
- 9-3. Adult(s) have drinking problems
- 9-4. Adult(s) use drugs
- 9-5. Parents/Guardians concerned
- 9-6. Parents/Guardian cooperative
- 9-7. Parents/Guardian knowledgeable about child's activities
- 9-8. Any resident authority changed within last five years
- 9-9. Moved in past five years
- 9-10. Child's relationship with his/her family (mark one)
----- Positive/Accepting (P)
----- Frequent/Intense Conflict (F)
----- Alienated/Assaultive (A)
- 9-11. Family's relationship with child (mark one)
----- Positive (P)
----- Frequent/Intense Conflict (F)
----- Disassociated (D)
- 9-12. Parents/Guardian in need of parenting skills

YNU	S

YNU	S
-----	---

DISTRICT OF COLUMBIA
PRETRIAL SERVICES AGENCY

- I. INTERVIEW FORM
- II. APPEARANCE RECOMMENDATION SCHEME
- III. SAFETY RECOMMENDATION SCHEME
- IV. DEFINITIONS OF PROBLEM AND SOLUTION CATEGORIES ON APPEARANCE AND SAFETY SCHEMES

APPEARANCE PROBLEMS

- A1 Suspected alcohol abuser---a defendant who needs to drink daily, has a history of alcoholism, shows physical signs suggesting an alcohol problem, and/or whose alcohol program participation has been verified.
- A2 Suspected drug abuser---a defendant who admits drug usage or tested positive for illegal drug usage within the last month, and/or a urine sample is not collected in lockup for drug testing.
- A3 Suspected mental health problem---a defendant who is unable to communicate meaningfully, who is in current treatment, and/or has a prior history of emotional disorders.
- A4 Non-area resident---a defendant who resides outside a 100 mile radius of Washington, D.C..
- A5 Non-English speaking---a defendant who cannot speak and/or understand English.
- A6 Conflicting identity information.
- A7 No verified fixed address---a defendant who has no verified returnable residence or mailing address and/or has conflicting address information.
- A8 Probation violator---a defendant who has an unsatisfactory adjustment related to contact with his/her probation officer.
- AA Parole violator---a defendant who has an unsatisfactory adjustment related to contact with his/her parole officer.
- AC Condition violator---a defendant who has violated his/her appearance release conditions for pending case.
- AE Present charge plus pending bail charge(s) plus arrest warrant from a foreign jurisdiction to be held in abeyance.
- AF Present charge---fugitive---if underlying offense is BRA/FTA/Elopement.
- AG Present and/or pending FTA/BRA/Escape/Elopement (Disregard Bench Warrant for FTA if the defendant has a verified excuse for failure to appear).
- AH Present charge plus 2 open, pending cases, regardless if those cases are misdemeanors or felonies.
- AJ Prior conviction for BRA/FTA/Escape/Elopement with supervision within the last 5 years.
- AL Stated intent to flee.
- AM On probation for any offense plus present charge non-dangerous/violent offense, regardless of adjustments to probation.
- AN On parole for any offense plus present charge non-dangerous/violent offense, regardless of adjustments to parole.
- Do not include defendants who are only incarcerated on the weekends.

- AS Active military status---on active duty---AWOL---stationed in another jurisdiction.
- AU Charge of Solicitation Prostitution---the defendant has been charged with this offense and has resided in the D.C. area for less than one year.
- AV On unsupervised probation.
- AW Alien---non-U.S. citizen.
- AX Bond Review---In jail.

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- AV On unsupervised probation.
- AW Alien---non-U.S. citizen.
- AX Bond Review---In jail.

APPEARANCE SOLUTIONS

- S-1 "...the defendant report to _____ to be referred for enrollment in an alcohol treatment program and abide by the rules of the program."
- S-2 "...the defendant report to _____ for drug program placement."
- S-3 "...the defendant report to PSA for drug evaluation and possible program placement."
- S-4 "...the defendant be released under the supervision of (Agency in jurisdiction) which has agreed to assist in notification."
- S-5 "...the defendant be released under the supervision of the D.C. Pretrial Services Intensive Supervision Program subject to all terms and conditions of that program, including placement into a D.C. Department of Corrections halfway house followed by community supervision, reporting to Pretrial Services, drug testing and/or treatment, counseling services, and any imposed curfew."
- S-6 "...the defendant be required to live at _____ while this case is pending."
- S-7 "...the defendant be released into the third party custody of (Private Individual)."
- S-8 "...the defendant report to the Pretrial Services Agency within 24 hours, a satisfactory, verified mailing address at which mail notification can be received."
- S-9 "...the defendant report once a week in person to the Pretrial Services Agency."
- S-A "...the defendant report to the Probation Office immediately upon release."
- S-B "...the defendant report to the Parole Office immediately upon release."
- S-E "...the defendant be released into the third party custody of the D.C. Department of Corrections Work Release program."
- S-G "...the following work day, the defendant deliver into the custody of the Pretrial Services Agency any and all passports, which will be returned upon final disposition of this case."
- S-H "...the defendant be released under the supervision of the D.C. Pretrial Services Heightened Supervision Program subject to all terms and conditions of that program, including reporting to Pretrial Services, drug testing and/or treatment, and any imposed curfew."

- S-I "...the defendant maintain participation in an alcohol treatment program at _____."
- S-J "...the defendant maintain participation in a drug program at _____."
- S-K "...the defendant be referred by the Court for outpatient forensic screening."
- S-L "...the defendant report to Armed Forces Police and notify the Base Legal Assistance Officer."
- S-M "...the defendant report once a week by phone to the Pretrial Services Agency."
- S-N "...the defendant and counsel report to the judge who placed the defendant on unsupervised Probation."
- S-O "...the defendant not leave the Washington Metropolitan Area without permission of the Pretrial Services Agency and without notifying the Agency of the purpose, destination, and approximate length of time of the trip."
- S-Q "...the defendant maintain psychiatric treatment at _____."
- S-R "...the defendant be placed under 24-hour house arrest to remain at _____."
- S-V "...the defendant report to the Pretrial Services Agency once per week in person until a verified mailing address has been accepted."
- S-W "...the defendant report to the Pretrial Services Agency once per week in person and two times per week by telephone."
- S-Z "...the defendant report to the Central Cell Block of the Metropolitan Police Department for "routine processing" (booking, fingerprinting, photographing)."

NOTE: "S" Solutions may only be used in conjunction with "A" Problems.

APPEARANCE RECOMMENDATION

"Based upon the information known to Pretrial Services, the Agency recommends that...

- N-1 "...the defendant be released on Personal Recognizance."
- N-2 "...the defendant be released on Personal Recognizance with the following conditions designed to minimize potential failure to appear."
- N-5 "...no conditions in the appearance category."
- N-15 "...subject to the resolution of the warrant, detainer, or attachment status (must have another "N")."
- N-16 "...the defendant be held until an examination can be completed by the Forensic Screening Branch of the Court. Upon a finding of competency, the Agency will submit a new recommendation."
- N-17 "...an inquiry be made in open court to determine the defendant's true identity."
- N-18 "...a hearing be conducted under 23-1322(B)(1)(D) to determine if there are any conditions that would reasonably assure appearance."
- N-20 No interview.
- N-21 No papered.
- N-22 Nolled.
- N-23 Dismissed.
- N-24 RVTDS.
- N-25 Unable.
- N-26 TOT.
- N-30 "...a hearing to consider the alleged violation(s) reported in the pending case(s) prior to the imposition of release conditions. If the defendant is to be released, the Agency recommends:"
- N-31 "...there are no conditions that can be recommended while the defendant is under sentence."

- N-35 "Consult Pretrial Services about additional informational."
- N-36 "...a hearing to determine alien status under 18 USC 3142(d) prior to the imposition of release conditions. If the defendant is to be released, the Agency recommends:"
- N-38 "...a hearing to determine probation status under 18 USC 3142(d). If the defendant is to be released, the Agency recommends:"
- N-39 "...a hearing to determine parole status under 18 USC 3142(d). If the defendant is to be released, the Agency recommends:"
- N-40 "...a hearing to determine probation and parole status under 18 USC 3142(d). If the defendant is to be released, the Agency recommends:"
- N-43 "...a hearing to determine whether the defendant should be held without bail under 18 USC 3142(f) prior to the imposition of any release conditions. If the defendant is to be released, the Agency recommends:"
- N-44 "...a hearing be conducted pursuant to 18 USC 3142(f) to determine if there are any conditions that would reasonably assure appearance."

NOTE: The following language precedes temporary detention requests:

"Based on the above information, the defendant may qualify for temporary detention under the following provision(s) prior to the imposition of any release conditions:"

SAFETY PROBLEMS

- C1 Present dangerous/violent charge and suspected alcohol abuse---a defendant who needs to drink daily, has a history of alcoholism, shows physical signs suggesting an alcohol problem, and/or whose alcohol program participation has been verified.
- C2 Present dangerous/violent charge and suspected drug abuse---a defendant who admits drug usage or tested positive for illegal drug usage within the last month, and/or a urine sample is not collected in lockup for drug testing.
- C3 Present dangerous/violent charge and suspected mental health problem---a defendant who is unable to communicate meaningfully, who is in current treatment, and/or has a prior history of emotional disorders.
- C4 Present dangerous/violent charge and prior conviction for dangerous/violent offense where supervision has been within the last 5 years.
- C5 Present dangerous/violent charge and on probation for a dangerous/violent charge.
- C6 Present dangerous/violent charge and pending dangerous/violent charge.
- C7 Present dangerous/violent charge and on parole for a dangerous/violent charge.
- C8 Present dangerous/violent charge and on probation for any charge.
- CA Present dangerous/violent charge and serious juvenile record, that is if juvenile charges would be dangerous/violent if charged as an adult.
- CB Condition violator---a defendant who has violated his/her safety release conditions.
- CD Any charge plus threat to a witness.
- CE Any charge plus threat to a juror.
- CF Present dangerous/violent charge and on parole for any charge
- CH Present dangerous/violent charge and weapon involved.
- CI Present charge is Murder I.
- CJ Under sentence for a dangerous/violent charge.
- CK Any charge with a live victim.
- CL Present dangerous/violent charge and on unsupervised probation.
- CM Present dangerous/violent charge and on release for any charge.
- CN Present dangerous/violent charge and on release for a felony charge.

HIGH RISK SAFETY SOLUTIONS

- U-1 "...the defendant report to _____ to be referred for enrollment in an alcohol program and abide by the rules of the program."
- U-2 "...the defendant report to _____ for drug program placement."
- U-3 "...the defendant report to PSA for drug evaluation and possible program placement."
- U-5 "...the defendant be released under the supervision of the D.C. Pretrial Services Intensive Supervision Program subject to all terms and conditions of that program, including placement into a D.C. Department of Corrections halfway house followed by community supervision, reporting to Pretrial Services, drug testing and/or treatment, counseling services, and any imposed curfew."
- U-6 "...the defendant be ordered to avoid all contact with prosecution witnesses."
- U-9 "...the defendant report to the Probation office immediately upon release."
- U-A "...the defendant report to the Parole office immediately upon release."
- U-B "...the defendant be released into the third party custody of the D.C. Department of Corrections Work Release program."
- U-E "...the defendant remain inside _____ between _____ p.m. and _____ a.m. "
- U-H "...the defendant be released under the supervision of the D.C. Pretrial Services Heightened Supervision Program subject to all terms and conditions of the program, including reporting to Pretrial Services, drug testing and/or treatment, and any imposed curfew."
- U-I "...the defendant maintain participation in an alcohol treatment program at _____."
- U-J "...the defendant maintain participation in a drug program at _____."
- U-K "...the defendant be referred by the Court for outpatient forensic screening."
- U-L "...the defendant and counsel report to the judge who placed the defendant on unsupervised Probation."
- U-M "...the defendant be released into the third party custody of (Private Individual)."
- U-Q "...the defendant maintain psychiatric treatment at _____."

SAFETY SOLUTIONS

- U1 the defendant report to _____ to be referred for enrollment in an alcohol program and abide by the rules of the program.
- U2 the defendant report to _____ for drug program placement.
- U3 the defendant report to the Pretrial Services Agency for drug evaluation and possible program placement.
- U6 the defendant be ordered to avoid all contact with prosecutions witnesses.
- U9 the defendant report to the Probation Office immediately upon release.
- UA the defendant report to the Parole Office immediately upon release.
- UB the defendant be released into the Intensive Third Party Custody of the Department of Corrections.
- UD the defendant be released into the third party custody of _____ (custodial organization).
- UE the defendant remain inside _____ (address) between _____ p.m. and _____ a.m. and phone the Pretrial Services Agency once each night during this period.
- UI the defendant maintain participation in an alcohol treatment program at _____.
- UJ the defendant maintain participation in a drug program at _____.
- UK the defendant be referred by the Court for outpatient forensic screening.
- UL the defendant and counsel report to the Judge who placed the defendant on unsupervised Probation.
- UM the defendant be released into the third party custody of _____ (private individual).
- UQ the defendant maintain psychiatric treatment at _____

U-R "...the defendant be placed under 24-hour house arrest to remain at _____."

U-Z "...the defendant report to the Central Cell Block of the Metropolitan Police Department for "routine processing" (booking, fingerprinting, photographing)."

NOTE: "U" Solutions may only be used in conjunction with "C" Problems.

**SUPERIOR COURT
SAFETY RECOMMENDATION SCHEME**

PROBLEMS

C1	Present Dangerous/Violent Charge + Suspected Alcohol Abuse
C2	Present Dangerous/Violent Charge + Suspected Drug Use
C3	Present Dangerous/Violent Charge + Suspected Mental Health Problem
CB	Safety Release Condition Violator
CD	Risk of Obstructing Justice or Threat to Witness/Juror
CI	Present charge Murder I, Felony Murder, Assault with Intent to Kill while Armed
CK	Any charge with a live victim
CM	Any charge + release for felony
CQ	Any charge + Release pending Sentence, Appeal, or Completion of Sentence
CR	Charged With a Crime of Violence or Dangerous Crime
CS	Sealed Information
CW	Any charge + Probation for any charge
CX	In Jail (Bond Review Only)
CY	Any charge + Parole for Any Charge
CZ	Booking order

SOLUTIONS

U1	UI				
U3	U2	UJ			
UK	UQ				
UE	UM	UH	UR	UB	
U6	UE	UM	UH	UR	UB
U6	UE	UM	UH	UR	UB
U6	UE	UM	UH	UR	UB
UE	UM	UH	UR	UB	
UE	UM	UH	UR	UB	
UE	UM	UH	UR	UB	
U9	UE				
U5	UB				
UA	UE				
UZ					

RECOMMENDATION

N4	N15				
N4	N15				
N4	N15	N16			
N4	N15	N30	N46		
N4	N15	N55			
N4	N15	N34			
N4	N15				
N4	N15	N50			
N4	N15	N31	N51		
N4	N15	N55			
N35					
N4	N15	N52			
N4	N15				
N4	N15	N52			
N4	N15				

SAFETY RECOMMENDATION

- N3 no condition in the safety category.
- N4 the defendant be released on Personal Recognizance with the following conditions designed to minimize the potential threat to community safety.
- N15 that subject to the resolution of the warrant, detainer, or attachment status.
- N16 the defendant be held until an examination can be completed by the Forensic Screening Branch of the Court. Upon a finding of competency, the Agency will submit a new recommendation.
- N27 Citation Release.
- N28 the defendant not be released on a citation. The defendant may qualify for conditional release as determined by a judicial officer.
- N30 a hearing to consider the alleged violation(2) reported in the pending case(s) prior to the imposition of release conditions.
- N31 there are no conditions that can be recommended while the defendant is under sentence.
- N34 based on today's charge, the defendant is subject to a detention hearing under 23-1325.
- N36 a hearing to determine alien status under 18 U.S.C. 3142(d) prior to the imposition of any release conditions. If the defendant is to be released, the Agency recommends:
- N38 a hearing to determine probation status under 18 U.S.C. 3142(j). If the defendant is to be released, the Agency recommends:
- N39 a hearing to determine parole status under 18 U.S.C. 3142(d). If the defendant is to be released, the Agency recommends:
- N40 a hearing to determine probation and parole status under 18 U.S.C. 3142(j). If the defendant is to be released, the Agency recommends:
- N43 a hearing to determine whether the defendant should be held without bail under 18 U.S.C. 3142(f) prior to the imposition of any release conditions. If the defendant is to be released, the Agency recommends:
- N44 that a hearing be conducted pursuant to 18 U.S.C. 3142(f) to determine if there are any conditions that would reasonably assure appearance.
- N50 the defendant may be held under 23-1322(a)(1)(A) for up to 5 days to reconsider release status in the pending felony case.
- N51 the defendant may be held under 23-1322(a)(1)(B) for up to 5 days to reconsider release in the case pending sentencing, on appeal, or pending completion of sentence.
- N52 the defendant may be held under 23-1322(a)(1)(C) for up to 5 days to review continuation of release on Probation.
- N53 the defendant may be held under 23-1322(a)(1)(C) for up to 5 days to review continuation of release on Parole.

APPENDIX E

PRETRIAL PROGRAMS REFERENCED IN THE TEXT

Pretrial Programs Referenced in the Text

Arizona

Coconino County Pretrial Services
County Courthouse
100 East Birch
Flagstaff, AZ 86001
James (Jim) Buzzard, Director of Adult Probation
520-774-8741

Maricopa County Pretrial Services Agency
Superior Court of Arizona
111 South Third Avenue
West Court Building, 2nd Floor
Phoenix, AZ 85003
Perry Mason Mitchell, Administrator
602-506-1304

Pima County Superior Court Pretrial Services
110 W. Congress, 8th Floor
Tucson, AZ 85701
Kim M. Holloway, Director
520-740-3310

California

Los Angeles County Probation Department
433 Bauchet Street
Los Angeles, CA 90012
Terry Clark, Director
213-351-5174

San Francisco Institute for Criminal Justice
15 Boardman Place
San Francisco, CA 94103
Marcy C. Lucas, Executive Director
415-552-1496

San Mateo Bar Association Release on Own Re-
cognizance Program
303 Bradford Street, 2nd Floor
Redwood City, CA 94063
Roman "Skip" Duranczyk, Administrator
650-363-4181

District of Columbia

District of Columbia Pretrial Services Agency
400 F Street, NW, Room 310
Washington, DC 20001
Susan W. Shaffer, Director
202-727-2911

Florida

Broward County Court Alternatives and Pretrial
Services Program
540 S. E. 3rd Avenue, Suite 201
Ft. Lauderdale, FL 33301-2919
Michael Rodriguez, Pretrial Services Coordinator
Broward County Office of Justice System Services
954-765-4251 X 241

Monroe County Pretrial Services Program
Sixteenth Judicial Circuit of Florida
323 Fleming Street, 2nd Floor
Key West, FL 33040
Robin Rooks, Director
305-292-3469

Pretrial Services Bureau
Metro/Dade County Corrections and Rehabilitation
Department
6501 N.W. 36th Street, 2nd Floor
Miami, FL 33166
Victoria Cox, Acting Commander
305-874-1035

Seventh Judicial Circuit Court
251 North Ridgewood Avenue
Daytona Beach, FL 32114-4492
John H. DuPree, Assistant Court Administrator
904-239-7780

Idaho

Bannock County Court Services
P.O. Box 4847
130 North 6th Courthouse Annex
Pocatello, ID 83205-4847
Cindy Hawkey, Director
208-236-7083

Iowa

Fifth Judicial District
Department of Correctional Services
1000 Washington
Des Moines, IA 50314
Dorothy Faust, Director
515-242-6582

Hawaii

Oahu Intake Service Center
2199 Kamehameha Highway
Honolulu, HI 96819
John Hamano, Intake Service Center Manager
1-808-848-2584

Kansas

Pretrial Release Third Judicial Court Services
200 East 7th, Suite 104
Topeka, KS 66603
Kelly Rae Lee, Court Services Officer II-
Supervisor
785-233-8200 X4015

Kentucky

Kentucky Pretrial Services
100 Millcreek Park
Frankfort, KY 40601-9230
Melinda Wheeler, General Manager
502-573-2350

Maryland

Montgomery County Pretrial Services
408 Hungerford Drive
Rockville, MD 20850-4119
Claire Gunster-Kirby, Acting Director
301-279-1243

Pretrial Release Services Program
508 Clarence M. Mitchell Jr., Courthouse
100 N. Calvert Street
Baltimore, MD 21202
John R. Camou, Director
410-333-3833

Prince George's County
Department of Corrections
13400 Dille Drive
Upper Marlboro, MD 20772
W. Stephan Simmons, Division Chief
301-952-7050

Michigan

Oakland County Pretrial Services
Office of Community Corrections
1201 North Telegraph Road, Department 460
Pontiac, MI 48341-0460

Barbara M. Hankey, Director
248-858-1299

Minnesota

Operation de Novo, Inc.
800 Washington Avenue, North
Suite 610
Minneapolis, MN 55401
James T. Brown, Executive Director
612-348-9170

Project Remand
Ramsey County Pretrial Services
50 West Kellogg Boulevard, Suite 510A
St. Paul, MN 55102
Mary Pat Maher, Executive Director
651-266-2992

Nevada

Washoe County Court Services
P.O Box 11130
Reno, NV 89520-0027
Carl Hinxman, Director
702-325-6614

New York

County of Ulster Probation Department
17 Pearl Street
Kingston, NY 12401
Ann "Linoe" McKeague, Probation Officer
914-340-3200

New York City Criminal Justice Agency, Inc.
52 Duane Street, 3rd Floor
New York, NY 10007
Jerome E. McElroy, Executive Director
212-577-0500

Pretrial Services Corporation of the Monroe
County Bar Association
80 W. Main Street, Suite 200
Rochester, NY 14614
Susan Brannen, Executive Director
716-454-7350

Saratoga County Department of Probation
152 West High Street
Ballston Spa, NY 12020
Paul F. Viscusi, M.S., Director II
518-884-4120

Ohio

Hamilton County Department of Pretrial Services
1000 Sycamore, Suite 111
Cincinnati, OH 45202
Wendy Huebner Niehaus, Director
513-946-6165

Oregon

Multnomah Courts Pretrial
1120 SW 3rd Street, Suite 301
Portland, OR 97204
Steve LaMarche, Program Administrator
503-248-3992

Texas

Harris County Pretrial Services Agency
1310 Prairie, Room 170
Houston, TX 77002
*Carol Oeller, Assistant Director?
713-755-5440

Virginia

Rappahannock Regional Jail
P.O. Box 8390
Fredericksburg, VA 22404
Richard A. Martin, Director of Pretrial Program
540-371-3838

Southside Community Corrections
202 Hicksford Avenue
Emporia, VA 23847
Director: Lance P. Forsythe
804-348-1035

Wisconsin

Wisconsin Correctional Service
821 W. State Street, Room 417
Milwaukee, WI 53233
Marilyn Walczak, Pretrial Program Administrator
414-223-1307

Additional Resources

Pretrial Services Resource Center
1325 G Street, NW
Washington, DC 20009
D. Alan Henry, Executive Director
202-638-3080

The GAINS Center
262 Delaware Avenue
Delmar, NY 12054
518-439-7415
800-311-GAIN
fax: 518-439-7612
e-mail: gains@prainc.com

National Alliance for the Mentally Ill
200 North Glebe Road
Arlington, VA 22203
703-524-7600
Publications: 888-780-4167

National Association of Pretrial Services Agencies
(NAPSA)
Cindy Fraleigh, NAPSA Services Director
P.O.Box 280808
San Francisco, CA 94128-0808
Phone: 650-588-0212
Fax: 650-588-5752
Web site: www.napsa.org

National Center for State Courts
757-253-2000

National Criminal Justice Reference Service
Fax on Demand
National Institute of Justice
800-851-3420
Office of Juvenile Justice and Delinquency Pre-
vention 800-638-8736
Office of Violent Crime
800-627-6872
Bureau of Justice Statistics
800-723-3277
Bureau of Justice Assistance
800-688-4252
Office of National Drug and Crime Policy
800-666-3332

National Institute of Corrections
Jails Division, for technical assistance with jail
crowding
1-800-995-NICW (6429)

Sciacca Comprehensive Service Development for
MIDAA
299 Riverside Drive, New York, NY 10025
phone: 212-866-5935
(Kathleen Sciacca)
web site: <http://pobox.com/~dualdiagnosis>
e-mail: ksciacca@pobox.com

State Justice Institute
703-684-6100

U.S. Department of Health and Human Services
Public Health Service
Substance Abuse and Mental Health Services Ad-
ministration (SAMHSA)
Center for Substance Abuse Treatment
Rockwall II
5600 Fishers Lane
Rockville, MD 20857
Communication Office
301-443-0091

National Clearing House of Alcohol and Drug In-
formation
1-800-729-6686

Commonwealth of Virginia Department of Crimi-
nal Justice Services
805 East Broad Street
Richmond, VA 23219
Marie Van Nostrand, Criminal Justice Program
Analyst
Phone: 804-225-4866
Fax: 804-786-9656