Pretrial Services

Pretrial Services programs provide crucial information to judicial officers to assist with the bail decisions and to provide supervision and services to pretrial defendants that will promote public safety and court appearance.

The role of a high functioning pretrial agency can have many positive impacts on local justice systems. By identifying risk factors through validated risk instruments and providing release options and strategies to manage the defendant's risk pending trial, judicial officers can make informed decisions that balance the Constitutional presumption of innocence while providing protections for the community.

National Standards

National Association of Pretrial Service Agencies (NAPSA) Standards

1. **Pretrial Services Agencies**

Standard 4.1: Purpose, Management, and Functions of a Pretrial Services Agency

4.1(a): The purposes of a pretrial services agency are to:

(i) assist judicial officers to make prompt, fair, and informed bail decisions that promote future court appearance and enhance public safety; and

(ii) provide the Court with practical, risk-based monitoring, supervision, and support options for defendants that require oversight while on pretrial release.

4.1(b): A pretrial services agency should adopt the following core functions to support its purposes

(i) : collect and verify defendant background and criminal history information for all defendants eligible for pretrial release;

(ii) : assess a defendant's likelihood of future court appearance and crime-free behavior while on pretrial release, using factors shown by research to predict the likelihood of pretrial failure;

(iii) : use a defendant's background interview and investigation, criminal history, risk assessment results, and other information to: formulate appropriate risk assessment results; recommend appropriate conditions of pretrial release and supervision; and supervise and monitor defendants released pretrial.

(iv) : monitor and supervise released defendants, in accordance with court-imposed conditions. Those options may include behavioral health services and treatment;

(v) : notify the Court, prosecution, and defense of a defendant's compliance with release conditions and recommend appropriate changes to pretrial release status and conditions; and

(vi) : review the status of detained defendants to determine their eligibility for pretrial release.

2. Pretrial Release and Detention Decisions

Standard 3.1: Prior to the Initial Court Appearance

3.1(a): Jurisdictions should develop guidelines that authorize criminal justice agencies to review and, where appropriate, release arrestees before the initial court appearance. These guidelines should identify the criteria for determining that release

3.1(b): Prior to the initial pretrial court appearance, pretrial services agencies should:

(i) collect and verify background and criminal history information on all bail-eligible defendants;

(ii) assess the likelihood of future court appearance and arrest-free behavior while on pretrial release, using factors shown by research to predict the likelihood of these outcomes; and

(iii)as part of an adjusted actuarial approach, use aggravating or mitigating factors found during the background investigation to formulate appropriate bail recommendations.

3. Standard 3.3: Release Decisions

3.3(a): All defendants should have a statutory presumption of release on personal recognizance with the requirement that the defendant attend all court proceedings and not commit any criminal offense while released. This presumption may be rebutted by evidence of a substantial risk of failure to appear for scheduled court appearances or risk to public safety that warrants a greater level of monitoring or supervision. In these cases, courts may impose conditions of supervision to address these specific risks. Conditions must be the least restrictive needed to address the identified risk.

3.3 (b): In setting conditions of release, the court should consider information in the charging document and information provided by the pretrial services agency, prosecution, defense counsel, and victim, if obtained. Courts should not deny release solely because the defendant refused to provide information to the pretrial services agency.

4. Standard 3.4: Detention Decisions

3.4(a): Jurisdictions should define and justify the criteria for legal pretrial detention, keeping in mind that "liberty is the norm and detention should be the carefully limited exception." Detention without bail should target a limited and carefully defined defendant population and require the government to show by clear and convincing evidence that a defendant fitting the detention eligible category poses an unmanageable risk to commit a dangerous or violent offense or

to willfully fail to appear for court proceedings.

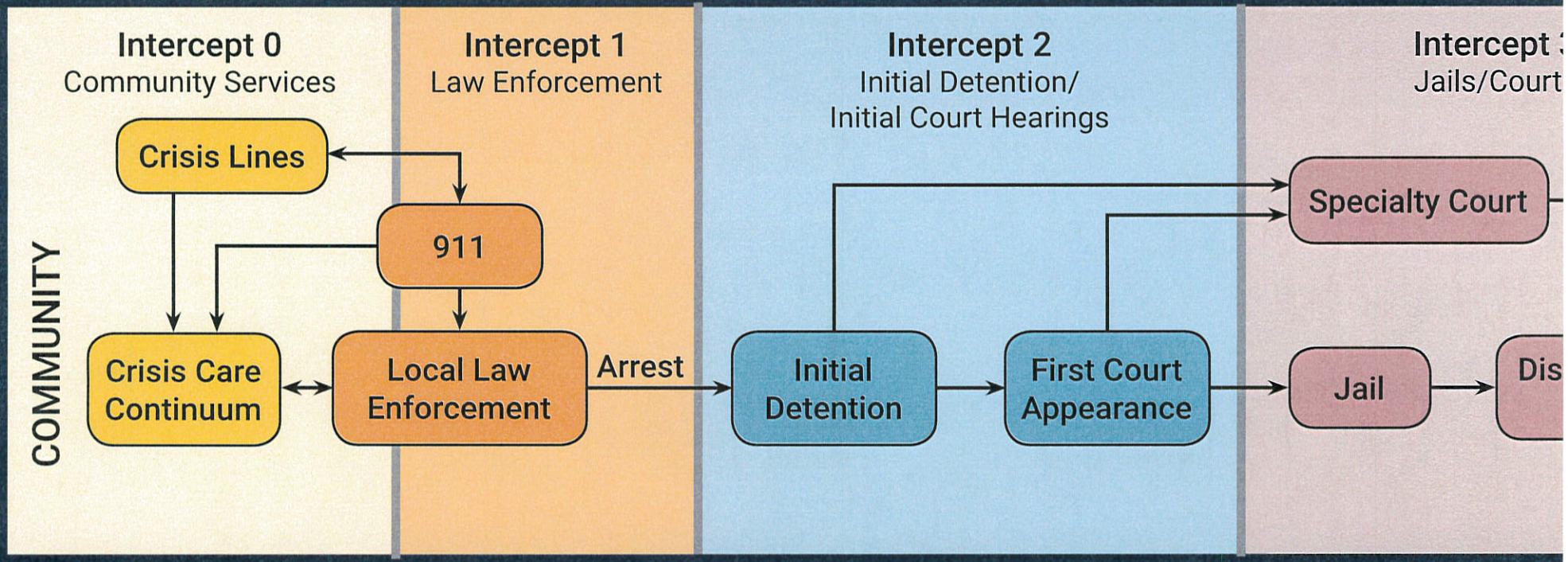
In making these determinations, the court may consider the charging document, information obtained from the pretrial services agency, and arguments presented by prosecution and defense counsel.

5. Standard 3.5: Subsequent Review of Release and Detention

3.5(a): The judicial officer may at any time modify the defendant's bail status to address the defendant's conduct pretrial or changes in the defendant's likelihood to appear in court as required or to remain arrest free if released. Court orders setting or modifying conditions of release should be in writing and provided to the defendant. Only the Court can amend the substance of a condition but may permit the pretrial services agency discretion to administer conditions of supervision.

3.5(b): The prosecutor, defense or the pretrial services agency may request a hearing to consider changes to a defendant's release or detention status, including reduction of supervision for positive behavior or to address an alleged violation of conditions of release, willful failure to appear in court or an arrest on a new offense

The Sequential Intercept Model



Key Issues at Each Intercept

Intercept 0

Mobile crisis outreach teams and co-responders. Behavioral health practitioners who can respond to people experiencing a mental or substance use crisis or co-respond to a police encounter.

Emergency department diversion. Emergency departments (EDs) can provide triage with behavioral health providers, embedded mobile crisis staff, and/or peer specialist staff to provide support to people in crisis.

Police-behavioral health collaborations. Police officers can build partnerships with behavioral health agencies along with the community and learn how to interact with individuals experiencing a crisis.

Intercept 1

Dispatcher training. Dispatchers can identify mental or substance use crisis situations and pass that information along so that Crisis Intervention Team officers can respond to the call.

Specialized police responses. Police officers can learn how to interact with individuals experiencing a crisis in ways that promote engagement in treatment and build partnerships between law enforcement and the community.

Intervening with frequent utilizers and providing follow-up after the crisis. Police officers, crisis services, and hospitals can reduce frequent utilizers of 911 and ED services through specialized responses.

Intercept 2

Screening for mental and substance use disorders. Brief screens can be administered universally by non-clinical staff at jail booking, police holding cells, court lock ups, and prior to the first court appearance.

Data-matching initiatives between the jail and community-based behavioral health providers.

Pretrial supervision and diversion services to reduce episodes of incarceration. Risk-based pre-trial services can reduce incarceration of defendants with low risk of criminal behavior or failure to appear in court.

Intercept 3

Treatment courts for high-ris need individuals. Treatment c specialized dockets can be dev examples of which include adul courts, mental health courts, ar treatment courts.

Jail-based programming and care services. Jail health care are constitutionally required to behavioral health and medical s detainees needing treatment, in providing access to medication treatment (MAT) for individuals substance use disorders.

Collaboration with the Vetera Outreach specialist from the Health Administration.

Best Practices Across the Intercepts