

*Mechanisms to Rationalize the Use of Alternatives to Detention: Comparative Experiences*  
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**An Overview of Pretrial Services in the United States**  
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**Introduction**

Pretrial services programs serve two main purposes within the criminal justice field. First, they conduct investigations and evaluate defendants, for the purpose of helping the court make more informed pretrial decisions. Second, they provide supervision to defendants who are released pending trial, providing support services to released defendants and assuring the court and the community that defendants are complying with their release conditions. These programs work within a variety of settings. Often they are housed in the judiciary, in probation departments, in the local jail or sheriff's office, or in independent or nonprofit organizations. They perform their functions in an independent and impartial manner, upholding the presumption of innocence and the right to bail that is not excessive. The right to bail that is not excessive includes the right to have release conditions that are no more restrictive than necessary to serve the purposes of bail.

**I. History**

Historically, financial bail was the preferred statutory method for determining who would be released pending trial or who would be held in jail pending trial. The purpose of bail originally was to assure that defendants appeared at trial. Pretrial services programs emerged due to an arbitrary use of bail in U.S. criminal justice systems, which led to a disproportionate number of pretrial detainees who were unable to post bail simply because they poor.

The first pretrial services program was created in New York in 1961, with the creation of the Manhattan Bail Project, a project sponsored by the Vera Institute of Justice. This program interviewed defendants who were unable to post the money bail that was set regarding their ties to the community, and conducted a risk assessment of the risks that these individuals posed to fail to appear in court. After identifying those who had a low failure to appear risk, the program recommended to the judge that those defendants be released on their own recognizance—that is, without conditions of release. Results from this program found that indigent defendants who were released on their own recognizance through the intervention of this program were just as likely to return for trial as those who paid a money bail. After news of the success of this program spread, similar programs began emerging throughout different parts of the country.

Following the lead of the federal Bail Reform Act of 1984, many state laws changed to include assessing the potential danger to the community as a factor courts must consider when deciding pretrial release. Because the federal system and the majority of states currently have statutory requirements that mandate examining both the potential risks of failure to appear and the danger to the community, pretrial services programs in these places evaluate these two risks as well.

## **II. Regulatory Framework**

Pretrial services programs are governed by a variety of methods including laws, national standards, and internal program regulations. Both federal law<sup>1</sup> and many state laws establish pretrial services programs and regulate their functions and role within the criminal justice system.

The National Association of Pretrial Services Agencies (NAPSA) is a national professional association for the pretrial release and pretrial diversion fields. Among its goals, NAPSA serves as a national forum for ideas and issues in the area of pretrial services, promotes research and development in the field, and promotes the establishment of agencies to provide such services. Significantly, NAPSA publishes Standards on Pretrial Release, which guide both the pretrial release process for judges and other judicial personnel as well as for pretrial service programs.

The American Bar Association also publishes standards on pretrial release, *ABA Standards for Criminal Justice, 3rd edition, Pretrial Release*, which also guide the entire pretrial release process and pretrial services.

While it does not provide standards, the Pretrial Justice Institute (PJI) is a nonprofit organization dedicated to ensuring informed pretrial decision-making and a fair pretrial process. PJI provides resources, training and technical assistance to pretrial services programs throughout the country, and conducts research at both the national and individual program level. For example, PJI will assist a program with conducting a scientific validation of a program's risk assessment instrument. PJI also conducts national surveys of pretrial programs. Its most recent is the *2009 Survey of Pretrial Services Programs* (hereinafter "PJI 2009 Survey").

Lastly, pretrial services programs may have their own internal regulations or guidelines for their staff.

## **III. Functions**

The essential functions that pretrial services programs should perform include conducting an investigation of a defendant's background and current circumstances that are related to the court's release decision, verifying this information, conducting an objective risk assessment of the risks a defendant poses in the pretrial period, presenting this information to the court in the form of a report with recommendations of conditions that could be imposed to respond to the risks identified, and developing appropriate supervision strategies for defendants who are released.

### **1. Pretrial Investigation**

NAPSA Standard 3.3(a) states: "In all cases in which a defendant is in custody and charged with a criminal offense, an investigation about the defendant's background and current circumstances should be conducted by the pretrial services agency or program prior to a defendant's first

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<sup>1</sup> 18 U.S.C. 3152 et seq.

appearance in order to provide information relevant to decisions concerning pretrial release that will be made by the judicial officer presiding at the first appearance.” This pretrial investigation is done by both an interview with the defendant and a review of criminal history records. The pretrial services officer who conducts the interview should advise the defendant that the interview is voluntary, that the purpose of the interview is to assist in determining an appropriate pretrial release decision for the defendant, and any other purposes for which the information may be used. Many programs obtain written consent from the defendant to conduct the interview. The interview should be conducted prior to the defendant’s first appearance in court.

The optimal practice is that all persons charged with a criminal offense be interviewed. However, there are certain situations in which an interview may not be appropriate, for example if an arrest is made solely for a violation of parole and there is no charge, if the court in which the pretrial services office operates does not have jurisdiction over the defendant, or if the defendant is statutorily excluded from participating in a pretrial services program. According to the PJI 2009 Survey, 76% of programs have at least one factor that would automatically exclude a defendant from being interviewed. Some programs also do not interview defendants based on the seriousness of the crime charged: 9% of programs exclude misdemeanor defendants and 2% exclude felony defendants.

Regarding the number of interviews that are conducted per program, about one third of programs interview fewer than 1,000 defendants per year, and one-third of programs interview between 1,000 and 5,000 defendants per year. Much smaller percentages of programs interview more than 5,000 defendants per year. The median number of interviews conducted per program in the 2009 survey is 2,873.

Lastly, pretrial services programs conduct criminal records checks as a part of the pretrial investigation. Programs throughout the U.S. review a variety of sources, including national criminal history databases, state and local criminal history databases, Department of Motor Vehicle records, and sex offender registries.

## **2. Verification**

After the pretrial investigation, pretrial services programs verify the information obtained about the defendant to ensure its quality.

NAPSA Standard 3.3(d) states: “Following the interview of the defendant, the pretrial services agency or program should seek to verify essential information provided by the defendant.” This verification is generally done by contacting references that the defendant provided during the interview (e.g., a parent, employer, co-worker, or neighbor of the defendant) and by checking official and unofficial records (e.g., school, motor vehicle, or business records).

According to the PJI 2009 Survey, 93% of all programs seek to obtain verification of the information obtained during the interview.

### 3. Risk Assessment

One of the main functions of pretrial service programs is conducting an assessment of the risks posed by a defendant pending trial. A pretrial risk assessment is a research-based objective instrument that identifies the risks posed by a defendant during the time period that the defendant is awaiting trial. Pretrial risk assessments do not predict individual behavior. However, research has shown that it is possible to group defendants into categories of risk in such a way as to predict the probability that persons assigned to each group will commit certain behavior pending trial, such as fail to appear in court or commit a new crime during the pretrial period. Risk assessment instruments group defendants into these categories of risk (e.g., low, medium, or high, or levels 1 through 5) by assigning numerical values to risk factors on a pre-established scale, generating a risk score. Whether or not a defendant presents a risk factor is determined by the pretrial investigation and verification of the information collected during the interview. The risk scores are then used by the pretrial services program to formulate a recommendation to the court about the defendant's release and to design a supervision strategy if the defendant is released.

NAPSA Standard 3.4(a) states: "The assessment and recommendations should be based on an explicit, objective, and consistent policy for evaluating risks and identifying appropriate release options. The information gathered in the pretrial services investigation should be demonstrably related to the purposes of the pretrial release decision and should include factors shown to be related to the risk of nonappearance or of threat to the safety of any person or the community and to selection of appropriate release conditions." In other words, the program should conduct a risk assessment that measures the probability of a defendant posing one of the pretrial risks that the jurisdiction wishes to protect against. In the U.S., these risks are generally failure to appear in court and danger to the community or any person, measured by rearrest. The PJI 2009 Survey finds that 60% of programs assess both failure to appear and rearrest, and 29% only measure failure to appear. Only 10% of programs do not conduct risk assessments.

This risk assessment should be based on objective criteria. Risk assessment instruments that are based on objective criteria often provide for an override of the results, based on mitigating or aggravating circumstances that are not considered in the instrument. Pretrial programs vary in the type of risk assessment procedures used. Most use a combination of objective criteria with subjective input, such as an override (64%), while about a quarter use only objective criteria (24%), and a minority of programs rely exclusively on subjective criteria (12%). In practice, however, overrides are not used very frequently. The PJI 2009 Survey found that half of pretrial programs override objective risk assessment results in only 5% or less of cases, and another 28% override results between 5 and 15% of cases.

The risk factors that are taken into account by risk assessment instruments vary, but there are several common risk factors. Common risk factors used throughout the U.S. include prior convictions, school or employment status, prior appearance in court, and length of time in the area. The following chart represents the frequency of risk factors included in the risk assessment instruments of 156 pretrial services offices in the United States.

<b>Risk Factors</b>	<b>%</b>
Prior convictions	96
Employment/school status	94
Prior court appearance history	89
Length of time in area	85
Length of time at current address	83
Local address	79
Use of alcohol or drugs	78
On probation, parole, or pretrial release	76
Living arrangement	66
Compliance with probation, parole or pretrial release	64
Prior arrests	62
Length of time at prior address	50
Physical or mental impairment	49
Parental status/support of children	46
Having references	44
Property owner	38
Income level	35
Comments from victim	35
Age	35
Have telephone	33
Comments from arresting officer	30
Family/friend in court	12

Source: PJI 2009 Survey, p. 38

As far as creating these instruments, there is a trend towards programs creating their own risk assessment instruments based on research done in their own jurisdictions on the factors related to pretrial misconduct. The PJI 2009 Survey showed that 42% of pretrial programs developed their own instruments based on research, 35% adapted their instrument from another jurisdiction, and 23% created their instrument based on a local decision as to what factors should be included. It is

generally preferable for a jurisdiction to create its own instrument so that it will be based on factors that are predictive of pretrial misconduct in the specific jurisdiction.

Lastly, NAPSA Standard 3.2(c) calls for pretrial programs to identify members of special populations that may be in need of additional screening and specialized services. Accordingly, many pretrial programs use additional risk assessment tools for distinct populations, and take additional actions when faced with a defendant that may have mental health problems. Additional risk assessment tools that may be used include a tool for substance abuse, for mental health, for those charged with domestic violence, for women, and for juveniles charged as adults. The overwhelming majority of pretrial services programs take some action when faced with possible mental health issues, including reporting this information to the court at the initial appearance, arranging for a mental health professional before the initial appearance, and referring the defendant for possible placement in a mental health court.

#### **4. Report**

The final function of the pretrial program staff in the pretrial period is to provide a report to the court, prosecutor, and defense, regarding the program's investigation and evaluation of the defendant. The purpose of this report is to allow the court to make an informed decision regarding the release or detention of the defendant. The report includes information collected during the pretrial investigation about the defendant's community ties and criminal history, information of the risk assessment (including the risk score), and a recommendation for release and supervision strategies.

NAPSA Standard 3.4(a) states that the pretrial services program "should prepare a written report that organizes the information, presents an assessment of risks posed by the defendant and recommends ways of responding to the risks through use of appropriate conditions of release." According to the PJI 2009 Survey, nearly all pretrial programs in the U.S. (88%) make recommendations to the court about conditions of release. Programs vary as to whether they prepare written or oral reports, and to who they provide them to. The large majority (77%) prepares written reports to the court, 24% provide oral reports, approximately 40% of programs also provide the reports to the prosecutor or defense, and only 2% do not provide a report. Even when a program provides a written report, pretrial services programs often provide staff representatives in court to answer questions regarding the report.

NAPSA Standard 3.4(b) states: "Suggested release options or conditions should be supported by objective, consistently applied criteria set forth in these policies, and should be the least restrictive conditions necessary to assure the defendant's appearance for scheduled court events and protect the safety of the community and individual persons." The standards state a clear preference for the use of nonfinancial release conditions over financial bail, and also for the use of the least restrictive conditions necessary to address the specific pretrial risks presented by the defendant.

## 5. Supervision

NAPSA Standard 3.5(a) states: “Pretrial services agencies and programs should establish appropriate policies and procedures to enable the effective supervision of defendants who are released prior to trial under conditions set by the court.” The tasks that the program should do include: monitoring the compliance of release conditions, informing the court of compliance or noncompliance of release conditions and of any arrest of a person released pending trial, recommending modifications of release conditions, assisting defendants in securing any social services that would increase the chances of complying with the conditions of release, notifying defendants of court dates, and facilitating the return to court of defendants who fail to appear on their court dates.

Prior to providing supervision, pretrial program staff explains the conditions of release and sanctions for non-compliance to the defendant. According to the PJI 2009 Survey, 97% of pretrial programs in the U.S. have supervision capabilities. Supervision options vary among programs. They generally fall within four categories, depending on the defendant’s conditions of release:

- (1) *Status quo conditions*: require a defendant to maintain their current conditions, such as their employment or academic status.
- (2) *Contact conditions*: require a defendant to report periodically to the pretrial services program or another institution (e.g., letters, telephone calls, visits).
- (3) *Restrictive conditions*: prohibit a defendant from contacting certain individuals, going to certain locations, or leaving a certain jurisdiction.
- (4) *Problem oriented conditions*: address specific problems that the defendant has that may increase pretrial risk (e.g., mental health treatment, substance abuse treatment, or other social services).

The most common options reported by pretrial programs are defendant contacts by telephone or in person and referring the defendant to substance abuse or mental health treatment. About half of programs (46%) report having the capability of monitoring defendants’ movements through the use of GPS technology and a majority (64%) can supervise home confinement through electronic monitoring. All pretrial programs should remind defendants of their court dates, regardless of the other conditions of release and supervision strategies imposed on the defendants.

Regarding the number of defendants a program supervises, half of programs report supervising 1,000 or less defendants per year, and another 35% supervise between 1,000 and 5,000 defendants.

#### IV. Current Trends

Currently, there are more than 300 pretrial services programs in the United States. These vary considerably in their characteristics, but studies have revealed that overall they meet national standards in their functions. The following information comes from the PJI 2009 Survey.

*Budget.* The annual budgets of programs throughout the U.S. vary widely, from budgets below \$200,000 to above \$10,000,000. However, of the programs that responded to the survey, the plurality in both 2009 (26%) and 2001 (close to 40%) had operating budgets of less than \$200,000. Further, the survey findings suggest that newer pretrial services programs—those that started after the year 2000—tend to have smaller budgets. 61% of programs started after the year 2000 have a budget of less than \$200,000, and another 22% fall between \$200,000 and \$500,000, while only 8% have a budget exceeding \$800,000. In comparison, 86% of programs started in the 1960s and 60% of programs that started in the 1970s have budgets exceeding \$800,000.

*Staff.* The staff size of programs throughout the U.S. also vary diversely, from a staff of 1 (6%) to a staff of over 200 personnel (2%). The average staff size of pretrial programs in 2009 was 22, and more than half (57%) of the programs reported a staff of 10 or less. The largest programs by far were those that were started in the 1960s and 70s. Programs with smaller staff sizes have smaller budgets, while larger staffs also have larger budgets. The starting salary for pretrial services staff falls within a smaller range. In the majority of programs (58%), staff are paid a starting salary between \$30,000 and \$40,000 per year, and another 30% pay their staff between \$20,000 and \$30,000 per year. Only one percent of programs pay starting salaries of less than \$20,000 a year, while at the top end only one percent of programs pay more than \$50,000 per year. The starting salaries of the program administrator are generally higher and more varied. Respecting the educational level of the staff, the PJI survey showed that 17% have a high school diploma as their highest academic degree, about one third (31%) of the staff have a Bachelor's Degree, 19% have a Master's Degree, and 15% have a law degree, doctorate or other advanced degree.

*Administrative Location.* As previously mentioned, pretrial services programs in the U.S. are located in various administrative locations. The most common location is a probation department (38%), followed by in the court (23%), sheriff's office or jail (16%), independent organization (14%), nonprofit (8%), or other (2%). Pretrial services offices do not need large or complex infrastructures to operate or perform their functions well, and where they are located has not shown an effect on their ability to perform their functions. For example, programs located in probation departments tend to have lower budgets and less staff, but are just as successful than programs located in other locations in providing the core services required by national standards.

*Information Systems.* The databases of pretrial programs in the U.S. vary between paper-based (manual) and automated systems, but the majority (69%) combine manual and automated information systems. Some possible forms of information systems include using web-based programs or mobile devices. Pretrial programs that use automated systems use them not just for information management, but also to record interview information, conduct risk assessments, prepare evaluation reports, and monitor compliance with conditions of release.

## **Conclusion**

In the past 50 years, pretrial services programs in the U.S. have seen many changes and improvements. Overall, empirical information shows that even though these programs and their functions are governed by national standards, their practices are far from standardized. These differences can be explained by differing legal frameworks between locations, varying resources, and diverse populations. However, differences in practices does not mean they are not performing their functions well and having positive outcomes, but that they are working under different contexts. Notwithstanding these variances, pretrial services programs play an important role within the criminal justice system by promoting a more informed pretrial release decision that considers the risks a defendant presents and providing supervision services to released defendants. These purposes are vital to a fair administration of justice and the pretrial process.

## References

National Association of Pretrial Services Agencies, *NAPSA Standards on Pretrial Release*, 3rd Edition, Washington, D.C. (2004).

Schnacke, Timothy R., Pretrial Justice Institute, *The History of Bail and Pretrial Release*, Washington, D.C. (2010).

Pretrial Justice Institute, *2009 Survey of Pretrial Services Programs*, Washington, D.C., Pretrial Justice Institute (2009).

Pretrial Justice Institute, *Pretrial Services Program Implementation: A Starter Kit*, Washington, D.C. (2009).

VanNostrand, Marie, and Crime and Justice Institute, *Legal and Evidence-Based Practices: Applications of Legal Principles, Laws, and Research to the Field of Pretrial Services*, U.S. Department of Justice, National Institute of Corrections, Washington, D.C. (2007).

**A continuación, se encuentra la presentación utilizada para exponer este estudio sobre la experiencia en Estados Unidos de los servicios de antelación al juicio (*pretrial services*) durante el seminario, “Mecanismos para racionalizar las medidas cautelares en material penal: experiencias comparativas” que se llevó a cabo en la ciudad de San José, Costa Rica, entre el 5 y 6 de diciembre de 2011.**



CEJA - JSCA

**Servicios de Antelación al Juicio:  
"La experiencia de Estados Unidos"**

CEJA - JSCA

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### Introducción

Los Servicios de Antelación al Juicio cumplen dos propósitos principales en el ámbito de la justicia penal en relación con las personas aprehendidas e imputadas:

1. Recopila información, la verifican y evalúan el riesgo procesal.
2. Proporcionan supervisión y apoyo.

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### Historia

- **Intención original** → Libertad bajo fianza.
- **Consecuencia** → uso arbitrario y aumento de imputados en las cárceles a la espera del juicio, por falta de dinero para pagar la fianza.
- **Primer servicio previo al juicio** → Manhattan Bail Project, 1961
  - Intervenia en los casos en que los acusados no podían pagar la fianza.
  - Proceso de entrevista, evaluación de riesgo y recomendaciones al juez.
  - Intervención exitosa.
- **Ley de Reforma de Fianza, 1984**

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## Marco Regulatorio

Los programas de servicios de antelación al juicio se rigen por leyes, estándares nacionales, autorregulación y las siguientes instituciones:

- Asociación Nacional de Agencias de Servicios de Antelación al Juicio (NAPSA)
- Asociación Americana de Abogados (ABA)
- Instituto de Justicia Previa al Juicio (PJI)

*Se analizará más adelante los resultados de la encuesta nacional del Instituto de Justicia Previa al Juicio 2009.*

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## Tendencias Actuales

1. Presupuestos variados de los programas de SAJ
2. Tamaño y nivel de educación del personal
3. Ubicación administrativa dentro la estructura jurídica
4. Sistemas de información

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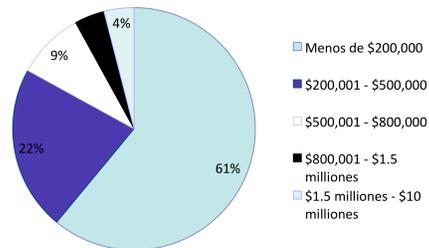
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## Presupuesto

**Tamaño del Presupuesto de Programas Implementado desde el Año 2000**



Encuesta PJI 2009

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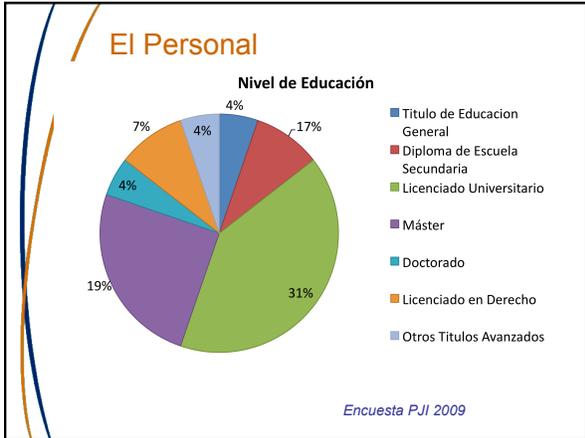
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### El Personal

Numero del Personal	%
1	6
2 - 5	26
6 - 10	25
11 - 15	11
16 - 20	5
21 - 25	4
26 - 50	13
51 - 75	4
76 - 100	1
101 - 200	2
Más de 200	2

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**Sistemas de Información**

Bases de datos:

- De papel
- Automatizados
- Combinación de ambos sistemas



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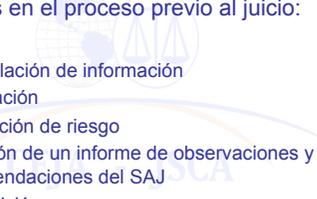
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**Funciones de Programas de SAJ**

Estos servicios llevan a cabo cinco etapas centrales en el proceso previo al juicio:

1. Recopilación de información
2. Verificación
3. Evaluación de riesgo
4. Creación de un informe de observaciones y recomendaciones del SAJ
5. Supervisión



CEJA - JSCA

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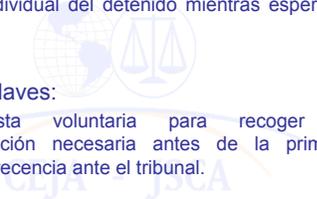
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**Recopilación de Información**

Objetivo principal: Decidir apropiadamente sobre la libertad individual del detenido mientras espera el juicio.

Elementos claves:

- Entrevista voluntaria para recoger la información necesaria antes de la primera comparecencia ante el tribunal.
- Análisis de otras fuentes de información, para recopilar datos sobre antecedentes penales, por ejemplo.



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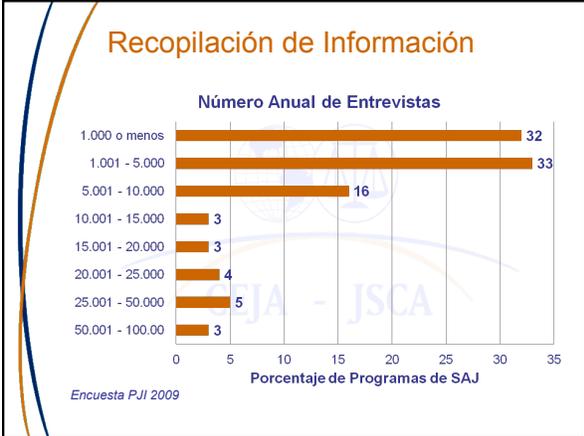
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### Verificación

Los funcionarios de los Servicios de Antelación al Juicio deben averiguar la calidad de información dada durante la entrevista.

- Contactan a las personas mencionadas.
- Comprueban con las fuentes de información, oficiales (bases de datos de antecedentes penales) y extraoficiales (bases de datos de servicios de internet).

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### Evaluación concreta de Riesgo

**Objetivo principal:** Determinar que la libertad del individual detenido en espera del juicio puede traer los siguientes riesgos.

- No comparecer en el tribunal.
- Causar un peligro en la comunidad.

**Elemento clave:** Instrumento imparcial basado en la información recopilada previamente

- Mide factores de riesgo categóricamente (bajo, medio o alto) o numéricamente (escala de 1 – 5).

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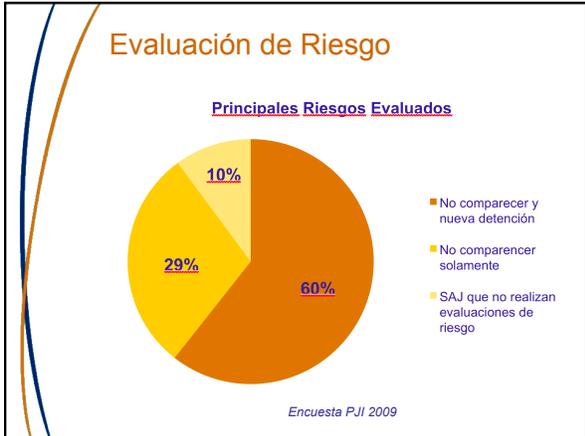
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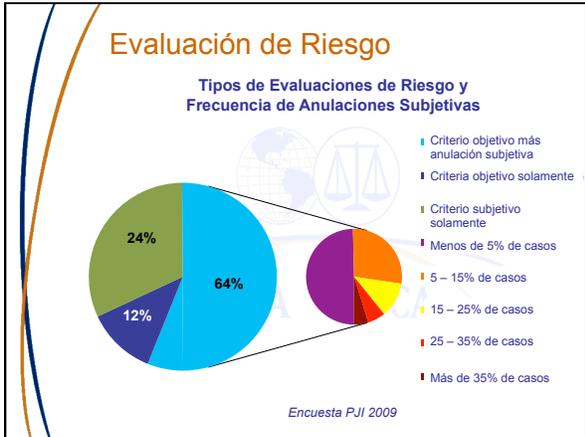
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### Evaluación de Riesgo

Las organizaciones que proporcionan estos servicios comúnmente reconocen los mismos factores de riesgo.

Creación del instrumento basado en la investigación realizada dentro de las propias jurisdicciones es la práctica preferible.

Factores de Riesgo	%
Condenas anteriores	96
Estado de empleo/estudios	94
Historia de comparecencia ante el tribunal	89
Tiempo de permanencia en la zona	85
Tiempo de permanencia en dirección actual	83
Dirección local	79
Uso de drogas o alcohol	78
En libertad condicional o provisional previa al juicio	76
Estado de vivienda	66
Cumplimiento con condiciones de libertad previa al juicio	64
Arrestos anteriores	62
Tiempo de permanencia en dirección anterior	50
Discapacidad física o mental	49
Situación con los hijos/apoyo de hijos	46
Con referencias	44
Dueño de propiedad	38
Nivel de ingreso	35
Comentarios de la víctima	35
Edad	35
Con teléfono	33
Comentarios de policía que lo detuvo	30
Familia/amigo en el tribunal	12

Encuesta PJI 2009

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## Evaluación de Riesgo

Evaluaciones para poblaciones especiales:

- Problemas de salud mental
- Abuso de sustancias
- Adolescentes que son acusados como adultos
- Violencia domestica
- Mujeres

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## Informe

Objetivo principal: Permite al juez tomar una decisión más informada sobre la libertad o detención previa al juicio del individual detenido.

Elementos claves:

- Puntuación de riesgo, información de la entrevista, antecedentes penales, lazos con la comunidad.
- Sugerencia de condiciones de libertad y supervisión que otorgará el SAJ
- Se prefiere condiciones de libertad no-financieras en vez de fianza monetaria

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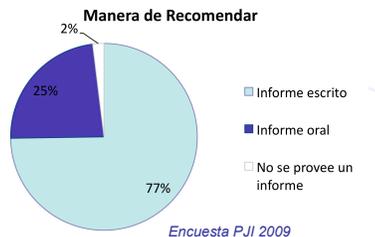
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## Reporte

El 88% del los programas hacen recomendaciones al juez sobre las condiciones de supervisión en caso de una libertad provisional.

40% de dichos programas también proveen el informe a la defensa y/o el fiscal.



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## Supervisión

### Objetivos principales:

- Monitorear el cumplimiento de las condiciones decretadas por el juez al imponer medida cautelar alternativa
- Trabajar con otros servicios sociales
- Informar al imputado de su fecha de comparecencia en el tribunal
- Informar al juez el incumplimiento de las condiciones
- Recomendar modificaciones

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## Supervisión

### Estrategias de Supervisión

- Condiciones de mantener el status quo
- Condiciones de contacto
- Condiciones de restricción
- Condiciones con orientación a un problema

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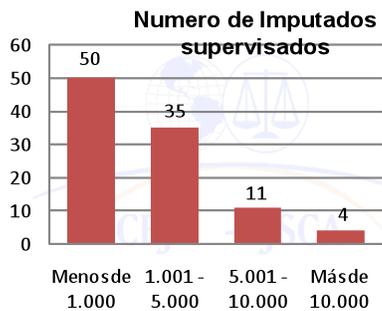
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## Supervisión



Encuesta PJI 2009

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## Beneficios de los SAJ

- Legitimidad del sistema
  - Reduce considerablemente el uso innecesario de la prisión preventiva.
  - Racionaliza el uso de las medidas cautelares sustitutivas.
  - Asegura que las personas en espera del juicio comparezcan posteriormente a su realización.
  - Asegura que la etapa procesal antes del juicio sea garantizada de manera justa.
- Costos
  - Costo de supervisión vs. costo de la prisión

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## Conclusión

- No ha habido una normalización de las prácticas.
- Diferentes marcos legales han significado que los programas de estos servicios trabajan en distintos contextos u áreas.
- Estos servicios otorgan la administración justa de la ley y del proceso previo al juicio.

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