



**2009 SURVEY OF  
PRETRIAL SERVICES PROGRAMS  
August 11, 2009**

PRETRIAL JUSTICE

## Acknowledgments

The Pretrial Justice Institute wishes to thank the state and local pretrial services program administrators and staff from around the country who took the time to complete the lengthy and detailed survey. Their cooperation was essential in completing this fourth survey of pretrial services programs. We also would like to thank the JEHT Foundation for its initial investment in this survey, and to the Bureau of Justice Assistance for providing the funding to complete this monograph. Finally, we would like to thank former staff member Ken Rose for his commitment to this project, and to the field of pretrial justice.

*This document was prepared by the Pretrial Justice Institute, under grant number 2008-DD-BX-0708, awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this document are those of the authors and do not necessarily represent the official position of the U.S. Department of Justice.*

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## EXECUTIVE SUMMARY

This report presents the findings of a survey of pretrial services programs recently completed by the Pretrial Justice Institute (PJI), with funding from the JEHT Foundation and the Bureau of Justice Assistance (BJA). This is the fourth such survey over the past 30 years, with the prior studies having been completed in 1979, 1989, and 2001. The findings describe how pretrial services programs compare in relation to one another, in relation to programs of the past, and in relation to the standards of the American Bar Association (ABA) and the National Association of Pretrial Services Agencies (NAPSA).

Several sources were used to identify pretrial services programs for participation in this survey, including the mailing lists of PJI and the of NAPSA, the lists of several state pretrial associations, the list of programs that participated in the previous surveys, and an internet search for other possible pretrial services programs. Through this effort, about 300 jurisdictions were identified that have or may have pretrial services programs. E-mails were sent to contacts in each of those jurisdictions, with a link to an on-line survey instrument. A total of 171 jurisdictions responded.

Looking at the general characteristics of pretrial services programs compared to programs in the prior 2001 survey, they are now more likely to serve multiple counties; they are larger, on average; and their staff work longer hours. Fifteen percent of pretrial programs were established in this decade, and 61% of these programs serve jurisdictions with populations of 100,000 or less, with an additional 26% serving populations of between 100,001 and 500,000.

Looking at the decade the program began in the current survey, 44% of pretrial programs established since 2000 serve areas that are considered primarily rural. Half of the pretrial services programs started since 1990 are administratively housed within probation departments. Half of these probation-run programs have annual budgets of less than \$200,000 and half have five or less staff persons. These findings suggest that smaller jurisdictions are using their existing probation departments to provide pretrial services.

With respect to current practices of pretrial services programs, there have been several improvements, some incremental, others more significant, in how these programs are functioning in relation to standards put forth by the ABA and NAPSA.

- The standards call for the interview and investigation of *all* defendants in custody. *The percent of programs that have at least one automatic exclusion for interviewing fell from 84% in the 2001 survey to 76% in the current survey.*
- The standards call for pretrial services programs to advise defendants beforehand about the purposes of the interview and to obtain written consent to the interview. *Pretrial services programs in the current survey (62%) are much more likely to obtain written consent from the defendant prior to the interview, as compared to programs surveyed in 2001 (39%).*

- The standards call for the use of objective criteria in assessing risks of pretrial misconduct. *There has been a significant drop in the percentage of pretrial programs that exclusively use subjective criteria to assess risks of pretrial misconduct, ranging from between 29% and 39% in previous surveys to 12% currently.*
- The standards state that risk assessments should be informed by local research. *Forty-two percent of current programs surveyed developed their risk assessment criteria based upon local research, as compared to 25% of programs surveyed in 2001.*
- The standards state a clear preference for the use of non-financial pretrial release options, and, when financial bail is required, for the use of 10% deposit bail. *The percentage of programs that recommend money bail other than 10% deposit fell from about half in the 1989 survey and a third in the 2001 survey, to about a quarter currently.*
- The standards state that pretrial programs should have the capability to supervise conditions of release imposed by the court. *The percentage of programs that provide supervision of defendants has increased from 81% in 1989 and 93% in 2001 to 97% currently.*
- The standards state that pretrial programs should review the detained population in jail on a regular basis to assess their eligibility for pretrial release. *The percentage of programs that provide bail reviews on a regular basis has increased from 18% in 1989 and 21% in 2001 to 39% currently.*

With respect to management and evaluation practices of pretrial programs, seven out of every ten pretrial programs use a combination of manual and automated information systems to manage their data, with less than one in five relying exclusively on a manual system. The percentage of programs that had validated their risk assessment procedures in the previous year rose slightly from 11% in 2001 to 15% currently. That 48% of programs, the same figure as in the 2001 survey, had never validated their risk assessment procedures is discouraging. The percentage of programs that calculate failure to appear (FTA) rates rose from 55% to 68%, and the percentage of programs that calculate rearrest rates rose from 29% to 37%. There are, however, differences among the programs in how these rates are calculated, which makes it difficult to compare rates across jurisdictions.

The survey also looked at the status of jail populations in jurisdictions served by pretrial services programs. About 60% of pretrial programs serve jurisdictions where the jail is at or over capacity, up from about half in 2001. Pretrial services programs that serve jurisdictions which are least likely to have a jail population over or at capacity are primarily in rural and mixed jurisdictions; are housed administratively within a jail, non-profit organization, or probation department; and assess risks of pretrial misconduct exclusively using subjective criteria.

One of the most common questions asked of the Pretrial Justice Institute is where pretrial service programs are most suitably located. For this reason, this report examines a variety of pretrial program practices broken down by administrative location.

The survey shows that pretrial services programs are housed in a number of different administrative settings, including the court, jail, or probation department, as an independent government agency, or even as a private, non-profit organization providing services under a contract. The results of this survey make clear that the core functions of a pretrial services program as outlined by the ABA and NAPSA Standards are achievable, and comparably so, within any of these administrative settings –no single location was identified as the most suitable.

One significant finding related to administrative location is the growth in the percentage of pretrial programs housed in probation departments, rising from 24% in the 1989 survey, to 31% in the 2001 survey, and to 38% in the current survey. This shift in administrative location may be explained by other findings in the current survey, i.e., the growth in the percentage of programs serving smaller jurisdictions, and that probation-based pretrial programs are more likely to serve smaller jurisdictions. That increased numbers of communities are opting to absorb pretrial functions into existing probation services may simply reflect the reality of smaller jurisdictions, which must merge services more often than larger jurisdictions to take advantage of economies of scale.

These survey findings represent the first step in a two-phase effort to learn more about pretrial release decision making practices throughout the country. The second phase of this effort includes a nationwide scan of pretrial practices, which is designed to identify local jurisdictions where pretrial services programs exist, but whose efforts were not captured in prior or current surveys. Once identified, these jurisdictions will be asked to take this same survey, the results of which will be included in an on-line version of this report. Most importantly, the scan is also designed to identify pretrial release decision making practices in jurisdictions that do not have pretrial services programs, or their functional equivalent. What information is available to the pretrial release decision maker in those jurisdictions? What are the sources of the information? How reliable and timely is the information? What pretrial release options are available? Do these options meaningfully address the needs of the decision maker? The results of this scan, in conjunction with these survey findings, will provide, for the first time, a truly national picture of the state of pretrial release decision making and services.

## INTRODUCTION

The first pretrial services program was established in New York City in 1961. Within just a few years, based on the successes of that program, dozens of jurisdictions across the country implemented their own pretrial programs. Nearly 50 years later, pretrial programs can be found in hundreds of jurisdictions across the country.

These programs provide a number of critical services to assist the bail-setting court in making informed pretrial release decisions. In short, these programs:

- Interview individuals shortly after their arrests and gather and verify information such as their ties to the community, residence and employment status, substance abuse and mental health history, criminal history, record of appearance in court, and current criminal justice status.
- Using this information, conduct an assessment of the risks of each individual in failing to appear in court and in being rearrested on new charges while the new case is pending.
- Provide supervision of defendants conditionally released by the court, notifying the court of any failure to comply with release conditions.

From the early years of pretrial services programming through to the present, the implementation of these programs has not been uniform. Some pretrial programs are housed administratively within the courts, some within the jail, some within probation, some as independent government agencies, and some are contracted out to non-profit organizations. Some pretrial programs serve single counties, others multiple counties, and still others the entire state. There are also many differences in how these programs approach their work in such areas as risk assessment, supervision of release conditions, training of staff, processing of information, and tracking program performance.

Recognizing these programmatic differences and the importance of capturing and tracking these differences, the U.S. Department of Justice has funded three prior surveys of pretrial services programs – the results of which were published in 1979, 1989, and 2001. Results from these surveys have been critical to court and local officials, providing benchmarks as to the types of services offered by programs and identifying changes that have taken place in their organizational development. Results have shown pretrial administrators how their services stand in relation to other programs around the country and have provided guidance for programmatic growth. The surveys have also guided county boards and other funding agencies planning to establish or expand a pretrial program with regard to such issues as administrative locations for such programs and their average size.

In 2008, the JEHT Foundation provided funding to the Pretrial Justice Institute (PJI) to begin a fourth national survey of pretrial services programs. The Bureau of

Justice Assistance (BJA) of the U.S. Department of Justice augmented that funding to allow for the completion of the survey and the presentation of the findings in this report.

The survey instrument that was used in the 2001 survey was carefully reviewed and modified to capture information regarding developments since that survey. For example, in the intervening years between the 2001 and the current survey, two new training opportunities had been made available for pretrial program practitioners – a certification process offered through NAPSA and executive training offered through the National Institute of Corrections. Questions about these opportunities were included in the current survey. One question was also added to address what appears to be a growing trend – combining a financial bail with non-financial conditions.

Several other questions were added to the current survey that relate to inquiries that PJI has received from the field in recent years. For example, a series of questions were added to develop a profile of pretrial program staff, including starting salaries, age, and education. Other new questions address the use of video arraignment, the use of the police report in making recommendations, the use of the risk assessment score in making the pretrial release recommendation, and the use of overrides to risk assessment scores.

A number of sources were used to identify pretrial services programs for participation in this survey. These included:

- The mailing lists of PJI and of NAPSA, the professional association for pretrial program practitioners.
- The lists of several state pretrial associations, including California, Florida, Minnesota, New York, Ohio, Pennsylvania, and Virginia.
- Attempts were made to contact all other programs not on these lists, but that had participated in previous surveys.
- An extensive internet search was conducted to identify other pretrial services programs that might exist.

Through this effort, about 300 jurisdictions were identified that either have or might have a pretrial services program, and e-mails were sent to contacts in these jurisdictions, with a link to the survey instrument. All jurisdictions that did not respond to the initial request were contacted at least once more. A total of 171 responses were received.

The number of programs that had responded to the two previous surveys numbered about 200. To explore why there was a 15% reduction in the number of respondents in the current survey, the responses from all the surveys were broken down by state. Table 1 shows the number of pretrial programs that responded from each state for each of the four surveys. While in most states the number of respondents has remained fairly consistent over the four surveys, there are some notable exceptions. For example, the number of California pretrial programs responding fell from 23 in the 1989 survey, to 11 in 2001, and then to five in 2009. The number of New York programs participating fell from 26 in 2001 to 15 in 2009. On the other end,

however, the number of programs from Virginia went from zero in 1979, to six in 1989, to 21 in 2001, and to 28 in 2009. It is not clear whether these figures suggest a drop in the number of pretrial services programs existing in some states or an increase in programs in other states.

**Table 1. Number of Pretrial Programs Responding From Each State**

State	2009	2001	1989	1979
	No. of Programs Responding	No. of Programs Responding	No. of Programs Responding	No. of Programs Responding
Alabama	2	2	3	2
Alaska	0	0	1	1
Arizona	4	5	2	1
California	5	11	23	11
Colorado	7	6	8	4
Connecticut	0	1	1	0
Delaware	0	1	0	1
District of Columbia	1	1	1	1
Florida	11	16	12	0
Georgia	1	4	5	4
Hawaii	4	0	2	4
Idaho	2	1	0	0
Illinois	6	7	5	1
Indiana	1	3	7	5
Iowa	4	3	5	4
Kansas	0	4	4	0
Kentucky	1	1	1	1
Louisiana	0	0	4	3
Maine	1	1	0	0
Maryland	3	5	10	3
Massachusetts	0	0	1	0
Michigan	8	7	4	6
Minnesota	9	9	6	3
Missouri	0	1	4	3
Montana	2	1	2	0
Nebraska	2	1	1	1
Nevada	2	2	2	0
New Hampshire	4	1	0	0
New Jersey	0	1	3	14
New Mexico	1	2	1	1
New York	15	26	17	11

*Continued on next page*

State	2009 No. of Programs Responding	2001 No. of Programs Responding	1989 No. of Programs Responding	1979 No. of Programs Responding
North Carolina	9	20	2	2
Ohio	9	7	4	4
Oklahoma	1	2	1	1
Oregon	3	3	15	3
Pennsylvania	15	10	12	8
Puerto Rico	0	1	0	0
Rhode Island	0	0	1	0
Tennessee	1	2	1	2
Texas	5	6	14	8
Utah	1	1	2	2
Virginia	28	21	6	0
Washington	1	4	7	4
Wisconsin	2	2	1	0
<b>Total</b>	<b>171</b>	<b>202</b>	<b>201</b>	<b>119</b>

The findings presented in this report describe how current pretrial services programs differ from one another. They also describe how current pretrial programs and their practices compare to what was reported in the previous three surveys. In addition, the findings describe how the practices compare to standards set by NAPSA and the American Bar Association (ABA).

This report is organized into five chapters. Chapter I describes the general characteristics of pretrial services programs, including when the programs were started, where they are administratively located, staff size and budget. Chapter II examines current pretrial program practices and compares them to the relevant ABA and NAPSA standards. Chapter III looks at the management and evaluation practices of pretrial programs. Chapter IV explores associations between pretrial services programming and jail crowding. The final chapter offers conclusions. A copy of the survey instrument and a list of the pretrial programs participating in the survey appears in the Appendices.

## I. GENERAL CHARACTERISTICS OF PRETRIAL SERVICES PROGRAMS

The findings presented in this chapter describe characteristics of pretrial services programs, such as the decade when the program was started, type and size of the jurisdiction they serve, program budgets, staff size, administrative location, and hours of operation. Data were also collected to provide a profile of pretrial program staff.

### Jurisdiction Served

The vast majority of pretrial services programs serve a single local jurisdiction – either a county or a city. The percent of programs that serve multiple counties doubled from the 2001 survey, going from 10% to 21% (Table 2).

**Table 2: Type of Jurisdiction Served by Programs**

Type of Jurisdiction	2009	2001
	(N = 169) %	(N = 198) %
Single County/City	78	88
Multiple Counties	21	10
Entire State	1	2

## Size of Jurisdiction Population

The largest percentage of pretrial programs for all four survey periods – 39% in 2009, 48% in 2001, 41% in 1989, and 44% in 1979 – serve jurisdictions with populations of between 100,001 and 500,000. The percentage of programs serving populations of more than 1 million has remained very steady over the last three surveys. There has been a steady growth in the percentage of programs serving communities with populations between 50,001 and 100,000 (Table 3).

**Table 3: Size of Jurisdiction Population Served by Programs**

Size of Jurisdiction	2009	2001	1989	1979
	(N = 161) %	(N = 198) %	(N = 198) %	(N = 109) %
50,000 or fewer	8	11	14	2
50,001 to 100,000	19	14	13	5
100,001 to 500,000	39	48	41	44
500,001 to 1,000,000	21	17	19	28
More than 1,000,000	14	12	13	22

## Nature of Jurisdiction Area

There is very little difference between the 2001 and 2009 surveys in the nature of the jurisdiction served by the pretrial program. About half the programs in both surveys report that they served mixed urban, suburban and rural communities, followed primarily by rural (Table 4).

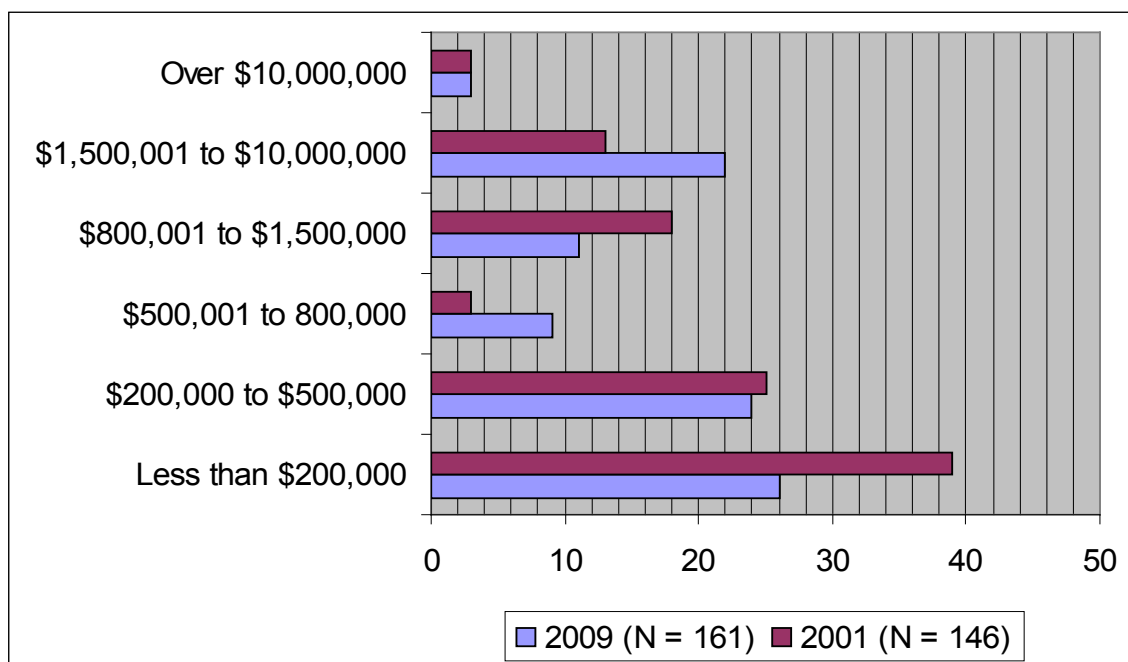
**Table 4: Nature of Jurisdiction Area Served by Programs**

Nature of Jurisdiction	2009	2001
	(N = 170) %	(N = 193) %
Primarily urban	19	17
Primarily suburban	11	14
Primarily rural	21	21
Mixture	49	48

## Program Budgets

About 26% of current pretrial programs report operating with budgets of less than \$200,000. This is still the largest category, but the figure is down from almost 40% in the 2001 survey. The percent of programs operating at the other extreme – over \$10 million – is unchanged from the last survey (Figure 1).

**Figure 1: Program Budgets**



## Staff Size

The average staff size of pretrial programs in the current survey is 22, up from 18 in 2001. In the 2001 survey, half of the programs reported having a staff of five or fewer, compared to 32% in the current survey. The percent of programs with between 6 and 15 staff members grew from 25% in 2001 to 36% in 2009. There is little change in programs with over 50 staff between the 2001 and 2009 surveys (Table 5).

The numbers presented in the table do not include volunteers and interns. Many pretrial services programs seek to increase their staffing capabilities through the use of such resources. A total of 32 programs surveyed (19%) reported that they use interns or volunteers, including nine who use five or more.

**Table 5: Staff Size**

Staff Size	2009	2001
	(N = 171) %	(N = 187) %
1	6	10
2 – 5	26	40
6 – 10	25	19
11 – 15	11	4
16 – 20	5	7
21 – 25	4	4
26 – 50	13	10
51 – 75	4	3
76 – 100	1	2
101 – 200	2	1
Over 200	2	2

## Program Budget by Staff Size

Not surprisingly, pretrial programs with the smallest staff have the smallest budgets – 100% of programs with just one staff person and 75% of those with between 2 and 5 staff persons have annual budgets of less than \$200,000. Looking at programs with more than 25 staff, 76% have budgets of between \$1,500,001 and \$10,000,000, and 11% more than \$10,000,000 (Table 6).

**Table 6. Program Budget by Staff Size**

Budget	1 Staff	2-5 Staff	6-10 Staff	11-25 Staff	Over 25 Staff
	(N = 9)	(N = 44)	(N = 40)	(N = 32)	(N = 38)
	%	%	%	%	%
Less than \$200,000	100	75	10	3	0
\$200,000 to \$500,000	0	18	70	13	4
\$500,001 to \$800,000	0	7	13	22	0
\$800,001 to \$1,500,000	0	2	3	41	11
\$1,500,001 to \$10,000,000	0	0	5	19	76
Over \$10,000,000	0	0	0	3	11

### Hours of Operation

There has been a large decrease (from 55%, the percentage in 2001, to 39% in 2009) in pretrial programs that operate during normal business hours, Monday through Friday, and a corresponding increase in the percentage of programs that are extending both their business weeks and their business hours (Table 7).

**Table 7: Hours of Operations**

Hours of Operation	2009	2001
	(N = 171)	(N = 189)
	%	%
Monday-Friday, during court hours	39	55
Monday-Friday, extended hours	15	3
Weekdays and weekends, regular hours	11	15
Weekdays and weekends, extended hours	36	27

As might be expected, the smaller programs tend to operate the least number of hours. Only 8% of programs with 5 or fewer staff operate with both an extended week and extended hours, compared to 43% of programs with more than 25 staff. Moreover, while well over half the programs with 5 or fewer staff operate just Monday to Friday during regular hours, only 5% of programs with more than 25 staff limit their operations to these hours (Table 8).

**Table 8: Staff Size by Hours of Operation**

Staff Size	Percentage of Programs				Number Of Programs
	Monday to	Monday to	Weekdays &	Weekdays &	
	Friday Regular	Friday	Weekends	Weekends	
	Hours	Extended	Regular Hours	Extended	
	%	%	%	%	
1	14	0	0	0	11
2 - 5	42	40	12	8	44
6 – 10	26	36	17	24	43
11 – 25	14	16	38	24	34
More than 25	5	8	34	43	37

**Decade Program Began**

About half the programs participating in the current survey were established either in this or the previous decade. About a third of the programs have been in service since at least the 1970s (Table 9).

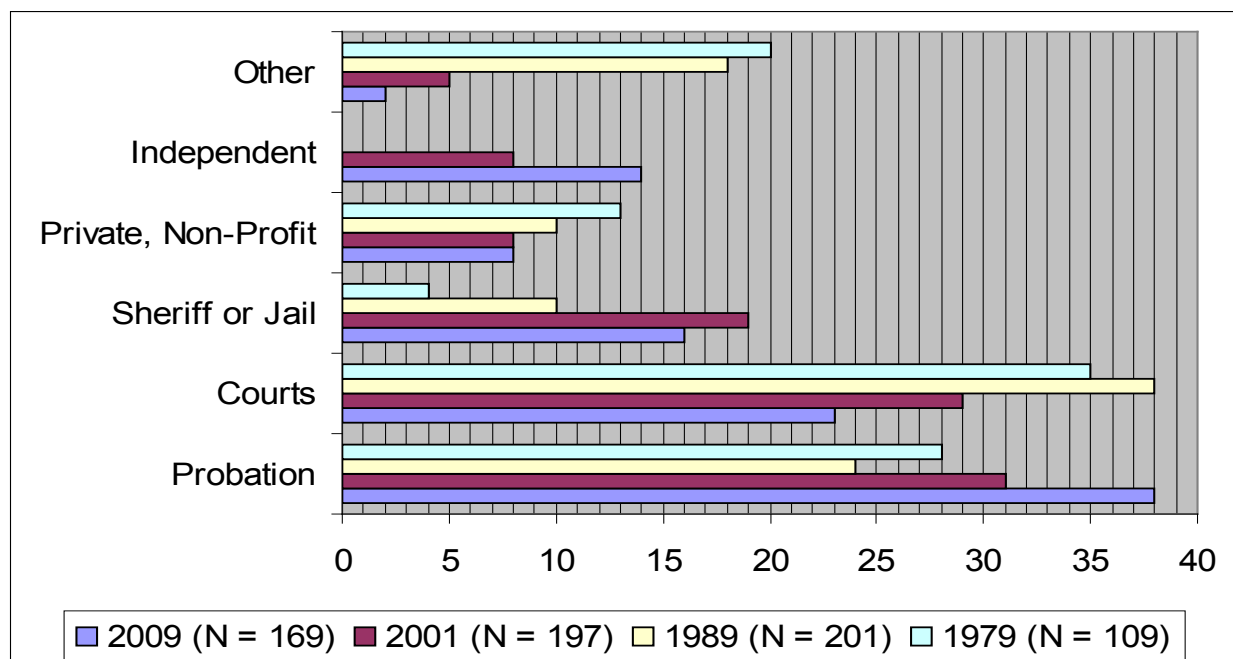
**Table 9: Decade Program Began**

Decade Program Began	(N = 154) %
1960s	4
1970s	27
1980s	20
1990s	33
2000s	15

## Administrative Locus

Pretrial services programs are housed in a variety of administrative settings. Over the past two survey periods, more pretrial programs have been housed within probation departments than any other single entity, reaching 38% in the current survey. There has been a trend in moving away from locating programs within the court, and there is also an increase in the percentage of programs that identify themselves as independent agencies (Figure 2).

**Figure 2: Administrative Locus**



## Delegated Release Authority

Only 14% of pretrial programs have been delegated, either by statute or by court order, the authority to release certain categories of pretrial defendants. This figure has decreased significantly over the last three surveys (41% in 1989 to 21% in 2001) (Table 10).<sup>1</sup>

<sup>1</sup> The decrease in the percentage of programs with delegated release authority over the past two surveys may be explained by the decrease in the number of programs responding from states where delegated release authority has been common practice in the past. Three states in particular – California, Oregon, and Washington – have had a long history of delegated release authority for pretrial decisions. The number of programs responding from California fell from 25 in 1989 to five in 2001, the number from Oregon fell from 15 to three, and the number from Washington fell from seven to one.

**Table 10: Pretrial Services Programs Having Delegated Release Authority**

Delegated Release Authority	2009	2001	1989	1979
	(N = 159)	(N = 188)	(N = 201)	(N = 119)
	%	%	%	%
Yes	14	21	41	42
No	86	79	59	58

In those cases where pretrial services programs do have delegated release authority, 4% can exercise that authority in some felony cases, 50% in some misdemeanor cases, and 54% in all misdemeanor cases (Table 11).

**Table 11: Cases in Which Pretrial Programs Have Delegated Release Authority**

Cases	(N = 24)
	%
Traffic offenses	33
Infractions/Ordinance	38
Some misdemeanors	50
All misdemeanors	54
Some felonies	4

### Overview of Characteristics by the Decade the Pretrial Services Program Began

Table 12 looks at several characteristics of pretrial programs by the decade during which the programs were implemented.

There is a trend toward expanding the number of pretrial services programs in smaller jurisdictions. Sixty-one percent of programs established in this decade were in jurisdictions with populations of 100,000 or less, and an additional 26% serve jurisdictions with populations of between 100,001 and 500,000. By contrast, no programs started in the 1960s serve populations of 100,000 or less, as do only 5% of those started in the 1970s, 31% started in the 1980s, and 32% in the 1990s. Seventy-one percent of programs started in the 1960s serve jurisdictions with populations over 500,000, compared to just 13% of those started within this decade.

With respect to nature of the jurisdiction, four out of 10 pretrial programs started within this decade serve areas that are primarily rural, doubling that percentage from the previous two surveys. Just 13% of the new programs report serving areas that are primarily urban.

With respect to administrative locus, half the programs started in the 1990s and the 2000's report being housed administratively in a probation department. Those programs started in earlier decades were much less likely to be administratively located in probation departments. Twenty-two percent of programs started in this decade are housed within the sheriff's department or jail, compared to between 12% and 13% of those started in earlier decades. There seems to be a trend away from placing pretrial programs in non-profit agencies. While non-profits represented 14% of programs started in the 1960s and 1970s, only 6% of programs started in the 1990s and none that began this decade were located within non-profit agencies.

With respect to program budget, current survey findings suggest that newer pretrial services programs tend to have smaller budgets. Sixty-one percent of programs started in this decade have a budget of less than \$200,000 a year, and another 22% have budgets of between \$200,000 and \$500,000. Only 8% of these new programs have budgets exceeding \$800,000, compared to 86% of programs started in the 1960s and 60% of those begun in the 1970s.

With respect to staff size, the largest programs by far are those that were started in the 1960s and 1970s. Seventy-one percent of programs implemented during the 1960s currently have more than 25 staff persons, as do 45% of those implemented in the 1970s. By comparison, only 22% of programs that were started in this decade have more than 25 staff.

With respect to hours of operation, two-thirds of programs started in the 1960s and about half started in the 1970s and 1980s operate extended hours both weekdays and weekends, compared to one-third of those implemented since 2000 and 15% of those implemented during the 1990s. About half the programs started in the 1990s and 2000s operate only regular court hours Monday through Friday.

Programs started in the 1970s and 1980s are much more likely to have been delegated the authority to release defendants in certain circumstances, 21% and 23%, respectively, compared to 8% of programs established in the 1990s and 5% started in this decade.

**Table 12: Characteristics of Pretrial Services Programs by Decade Began**

Characteristic	Percentage of Programs, by Decade Began				
	1960s (N = 7)	1970s (N = 40)	1980s (N = 29)	1990s (N = 47)	2000s (N = 23)
<b>Size of the Population</b>					
50,000 or fewer	0	0	7	15	17
50,001 to 100,000	0	5	24	17	44
100,001 to 500,000	29	37	35	51	26
500,001 to 1,000,000	57	30	17	13	9
More than 1,000,000	14	28	17	4	4
<b>Nature of the Jurisdiction</b>					
	(N = 7)	(N = 42)	(N = 30)	(N = 52)	(N = 24)
Primarily urban	57	24	20	12	13
Primarily suburban	0	5	13	14	4
Primarily rural	0	14	23	21	44
Mixture	43	57	44	54	39
<b>Administrative Locus</b>					
	(N = 7)	(N = 42)	(N = 30)	(N = 51)	(N = 23)
Probation	14	19	33	51	52
Courts	14	33	27	18	13
Sheriff or jail	14	17	13	12	22
Private, non-profit	14	14	10	6	0
Independent	43	14	17	10	13
Other	0	2	0	4	0
<b>Budget Size</b>					
	(N = 7)	(N = 42)	(N = 30)	(N = 52)	(N = 24)
Less than \$200,000	0	12	27	31	61
\$200,000 to \$500,000	0	17	24	37	22
\$500,001 to \$800,000	14	10	7	12	9
\$800,001 to \$1,500,000	0	12	10	12	4
\$1,500,001 to \$10,000,000	57	43	24	4	4
Over \$10,000,000	29	5	0	2	0

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Characteristic	Percent of Programs, by Decade				
	1960s (N = 7)	1970s (N = 42)	1980s (N = 32)	1990s (N = 52)	2000s (N = 23)
<b>Staff Size</b>					
1	0	0	13	4	6
2 – 5	0	17	16	31	26
6 – 10	14	17	31	35	26
11 – 25	14	21	23	23	20
More than 25	71	45	8	8	22
<b>Hours of Operation</b>	(N = 6)	(N = 43)	(N = 31)	(N = 52)	(N = 24)
Monday-Friday, during court hours	0	33	26	50	54
Monday-Friday, extended hours	17	7	10	25	13
Weekdays and weekends, regular hours	17	9	16	10	0
Weekdays and weekends, extended hours	67	51	48	15	33
<b>Delegated Release Authority</b>	(N = 6)	(N = 38)	(N = 30)	(N = 48)	(N = 22)
Yes	0	21	23	8	5
No	100	79	77	92	95

### Overview of Characteristics by Administrative Locus

The results presented in Table 13 looks at the same characteristics of pretrial programs, but by their administrative location.

With respect to population size, pretrial programs that are housed within the courts or are independent agencies are most likely to serve populations of more than 1 million residents (23% each), compared with 10% of those housed within probation departments. One-half of programs that are housed within probation departments serve populations of 100,000 or less, compared with 15% of jail-based programs, 14% of independently-run programs, 11% of court-based programs, and 9% of programs run by non-profits.

With respect to the nature of the jurisdiction, thirty percent of jail-based programs serve jurisdictions that are primarily urban, compared to 21% and 22% of court-based and independent programs respectively, 15% of non-profit agencies, and 12% of probation-run programs. Fifty percent of programs run by probation departments serve areas that are either primarily suburban or primarily rural, compared to 31 percent of

non-profit run programs, 26 percent of jail-based programs, 22 percent of independent programs, and 16% of court-based programs.

With respect to program budget, 48 percent of probation-run pretrial programs have annual budgets of less than \$200,000, compared to 19% of jail-based programs, 13% of independently-run programs, 8% of those within the courts, and 8% of non-profits. Thirty-nine percent of programs run by non-profits have budgets in excess of \$1.5 million, as do 32% of court-based programs, 30% of independent programs, 30% of jail based programs, and 15% of probation-run programs.

With respect to staff size, half the probation-run programs have five or fewer staff persons, compared to 27% of jail-based programs, 22% of court-based programs, 16% of non-profits, and 13% of independent programs. Almost 40% of non-profit programs have a staff of over 25, as do 32% of court-based programs, 30% of independent programs, 27% of jail-based programs, and 9% of probation run programs.

With respect to hours of operation, nearly 68 percent of independent programs operate extended hours on both weekdays and weekends, compared to 51 percent of court-based programs, 33 percent of jail-based programs, 22 percent of probation-run programs, and 15 percent of non-profits. Half of probation-run programs operate Monday through Friday during regular court hours, compared to about 40% of jail-based and non-profit programs, 29% of court-run programs, and 14% of independent programs.

Twenty-nine percent of programs located within the courts have delegated release authority, as do 21% of programs lodged in jails, 18% of independent programs, and 3% of probation-based programs. No programs run by non-profit agencies have delegated release authority.

**Table 13: Characteristics of Pretrial Services Programs by Administrative Locus**

Characteristic	Percentage of Programs, by Administrative Locus					
	Probation (N = 62)	Courts (N = 35)	Sheriff/ Jail (N = 27)	Non- Profit (N = 11)	Inde- pendent (N = 22)	Other (N = 3)
<b>Size of the Population</b>						
50,000 or fewer	19	0	0	0	5	0
50,001 to 100,000	31	11	15	9	9	0
100,001 to 500,000	36	37	37	46	46	67
500,001 to 1,000,000	5	29	37	46	18	33
More than 1,000,000	10	33	11	0	23	0
<b>Nature of Jurisdiction</b>	(N = 63)	(N = 38)	(N = 27)	(N = 13)	(N = 23)	(N = 3)
Primarily urban	12	21	30	15	22	0
Primarily suburban	11	11	19	0	9	0
Primarily rural	39	5	7	31	13	0
Mixture	39	63	44	54	57	100
<b>Budget Size</b>	(N = 65)	(N = 38)	(N = 27)	(N = 13)	(N = 23)	(N = 3)
Less than \$200,000	48	8	19	8	13	67
\$200,000 to \$500,000	19	29	22	39	26	0
\$500,001 to \$800,000	8	11	15	8	4	0
\$800,001 to \$1,500,000	8	16	4	0	26	0
\$1,500,001 to \$10,000,000	13	29	30	23	26	33
Over \$10,000,000	2	3	0	16	4	0
<b>Staff Size</b>	(N = 64)	(N = 41)	(N = 26)	(N = 13)	(N = 23)	(N = 3)
1	11	0	12	8	0	0
2 – 5	41	22	15	8	13	67
6 – 10	23	20	31	39	26	0
11 – 25	16	27	15	8	30	33
More than 25	9	32	27	39	30	0

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Characteristic	Percentage of Programs, by Administrative Locus					
	Probation (N = 64)	Courts (N = 41)	Sheriff/ Jail (N = 26)	Non- Profit (N = 13)	Inde- pendent (N = 22)	Other (N = 4)
Hours of Operation						
Monday-Friday, during court hours	52	29	41	39	14	50
Monday-Friday, extended hours	15	2	19	23	18	25
Weekdays and weekends, regular hours	11	17	7	23	0	0
Weekdays and weekends, extended hours	22	51	33	15	68	25
Delegated Release Authority	(N = 58)	(N = 34)	(N = 24)	(N = 13)	(N = 22)	(N = 3)
Yes	3	29	21	0	18	33
No	97	71	79	100	82	67

### Profile of Pretrial Program Staff

The next several tables present information about the staff of pretrial services programs. In a large percentage of programs (58%), line staff are paid a starting salary in the range of \$30,000 to \$40,000 per year. One percent of the programs pay line staff starting salaries of less than \$20,000 a year, and 1% pay more than \$50,000 (Table 12).

**Table 14: Starting Annual Salary of Line Staff**

Starting Annual Salary	(N = 166) %
Less than \$20,000	1
\$20,001 to \$30,000	30
\$30,001 to \$40,000	58
\$40,000 to \$50,000	10
Over \$50,000	1

Looking at starting annual salaries of program administrators, about a quarter are in the range of \$50,000 to \$60,000, 18% between \$60,000 and \$70,000, and 16% between \$70,000 and \$80,000. Six percent of programs pay program administrators more than \$100,000 per year in starting salaries (Table 15).

**Table 15: Starting Annual Salary of Program Administrator**

Starting Annual Salary	(N = 164) %
Less than \$30,000	1
\$30,001 to \$40,000	5
\$40,001 to \$50,000	12
\$50,001 to \$60,000	23
\$60,001 to \$70,000	18
\$70,001 to \$80,000	16
\$80,001 to \$90,000	13
\$90,001 to \$100,000	7
\$100,001 to 125,000	5
Over \$125,000	1

The highest educational level achieved was reported for 454 pretrial program staff. Almost one-third of staff have a Bachelor's Degree as their highest academic degree, almost 20 percent have a Master's Degree, 7% have a law degree, and 4% report having a doctorate (Table 16).

**Table 16: Educational Level of Pretrial Staff**

Highest Degree Earned	(N = 454) %
GED	4
High School Diploma	17
Bachelor's Degree	31
Master's Degree	19
Doctorate Degree	4
Law Degree	7
Other Advanced Degree	4

The greatest percentage (26%) of pretrial program staff were between the ages of 36 and 45 years at the time the survey was taken. Another 23% were between 26 and 35 years, 22% between 46 and 55 years, 16% over 55 years and 13% were 25 years or younger (Table 17).

**Table 17: Age of Pretrial Program Staff**

Age Range	(N = 441) %
18-25	13
26-35	23
36-45	26
46-55	22
Over 55	16

## II. PRETRIAL SERVICES PROGRAM PRACTICES

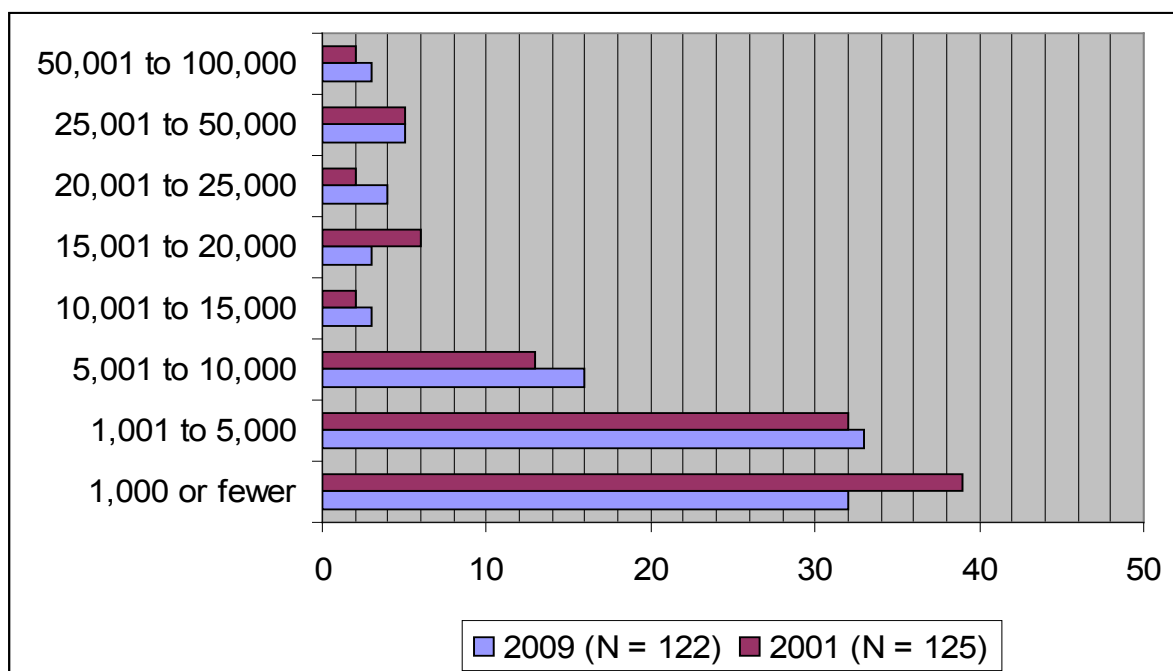
The most recent edition of the American Bar Association (ABA) standards was released in 2002. The most recent edition of the National Association of Pretrial Services Agencies (NAPSA) standards was released in 2004. These standards specify several core functions of pretrial services programs, including interviews, investigation, risk assessment, recommendations for pretrial release, presentation of information to the court, supervision of release conditions, court date reminders, failure to appear follow up, and review of the detained population. This section compares the core functions as described in the ABA and NAPSA standards to the services currently provided by the surveyed pretrial programs.

### Pretrial Investigation

The investigation conducted by pretrial services programs is designed to provide the judicial officer who is making the pretrial release decision with information about the defendant that will help the judicial officer reach- an informed bail decision including options for safely releasing the defendant or, when necessary, detaining the defendant without bail. Such information as provided to the judicial officer includes: the defendant's residence and employment status; length of time in the area; ties to the community; criminal record; record of appearance in court; current probation, parole or pretrial release status; mental health status; and any indications of substance abuse. The investigation begins with an interview of the defendant.

Looking at the number of interviews conducted by pretrial programs, about one-third of pretrial programs interview fewer than 1,000 defendants a year. This is down from 39% in the 2001 survey. Another one-third of programs interview between 1,000 and 5,000 defendants per year, which is very close to the 2001 survey figure. Three percent of programs interview more than 50,000 defendants a year (Figure 3.) The median number of interviews conducted in the 2009 survey is 2,873.

**Figure 3: Annual Number of Interviews Conducted**



The ABA Standards state that pretrial services programs should conduct an investigation and provide the court with information in “all cases in which the defendant is in custody and charged with a criminal offense” (Standard 10-4.2). This standard recognizes that, even in cases where it is unlikely that the defendant will be released on nonfinancial conditions or in which the defendant cannot be released immediately because of a hold relating to another charge, the judicial officer still must make some release or detention decision in the instant charge. The findings suggest progress in this area. Seventy-six percent of pretrial programs have at least one factor that would automatically exclude a defendant from being interviewed. This figure is down from 84% as reported in the 2001 survey. The most common reasons for interview exclusions are: warrant or hold from another jurisdiction, a non-bailable offense, having been charged with a specific offense, and being on probation, parole, or pretrial release. Nine percent of programs do not interview misdemeanor defendants, focusing only on those charged with felonies, and 2% exclude all felony defendants (Table 18).

**Table 18: Pretrial Program Interview Exclusions**

Exclusion	2009	2001	1989	1979
	(N = 164)	(N = 180)	(N = 186)	(N = 119)
	%	%	%	%
At least one automatic exclusion	76	84	78	70
Nonbailable offense	35	43	44	N/A
Warrant/hold from another jurisdiction	43	48	41	32
Warrant/hold from same jurisdiction	19	30	17	13
Charged with other specific charges	27	26	40	N/A
On probation, parole, or pretrial release	22	27	24	9
All misdemeanors	9	5	8	8
All felonies	2	2	4	2

For the pretrial services program to be able to provide information and options to the judicial officer making the pretrial release decision, it is important that the investigation be conducted before the initial court appearance. This is recognized in the ABA Standards, which state that the investigation should be conducted “prior to or contemporaneous with a defendant’s first appearance” (Standard 10-3.2(a)). In the last three surveys, between 69% and 75% of programs conducted their investigations before the initial court appearance, compared with 92% in the 1979 survey (Table 19).

**Table 19: Timing of Initial Interview**

Timing of Initial Interview	2009	2001	1989	1979
	(N = 161)	(N = 194)	(N = 201)	(N = 119)
	%	%	%	%
Before first appearance in court	69	75	70	92
After first appearance in court	31	25	30	8

The ABA and NAPSA Standards state that pretrial services programs should advise defendants that the interview is voluntary and that the information gathered is intended only in helping determine the most appropriate release option for the defendant (ABA Standard 10-4.2(a), NAPSA Standard 3.3(b)). On this point, significant progress among pretrial programs has been made. Current pretrial programs are substantially more likely to obtain written consent from the defendant to conduct the interview. Sixty-two percent of programs in the current survey report that they obtain consent, compared to 39% in the 2001 survey (Table 20.)

**Table 20: Obtain Written Consent Before Interview**

	2009 (N = 161) %	2001 (N = 94) %	1989 N/A	1979 N/A
Obtain Written Consent				
Yes	62	39	N/A	N/A
No	38	61	N/A	N/A

Once the interview is complete, pretrial programs complete a number of other investigative tasks. The first is to verify with a relative or friend of the defendant the information provided by the defendant during the interview. The NAPSA Standards state that “[f]ollowing the interview of the defendant, the pretrial services agency or program should seek to verify essential information provided by the defendant” (Standard 3.3(d)). Almost all pretrial programs reported performing this function in each of the last three surveys. Ninety-three percent of programs seek to obtain verification, down slightly from 95% in 2001 and 98% in 2009 (Table 21).

**Table 21: Verify Information Obtained in Interview**

	2009 (N = 170) %	2001 (N = 196) %	1989 (N = 201) %	1979 N/A
Verify Information				
Yes	93	95	98	N/A
No	7	5	8	N/A

The next step in the investigation is to conduct a criminal record check. Both the ABA (Standard 10-4.2(g)(ii)) and NAPSA (Standard 3.4) state the important role of pretrial services programs in obtaining the criminal record of the defendant.

There are a variety of sources of criminal history information. Eighty-seven percent of current pretrial programs check state criminal history records, and 86% check both the National Crime Information Center (NCIC) and local criminal histories. About 60% look at Department of Motor Vehicle records and about 40% look at Sex Offender Registries (Table 22).

**Table 22: Criminal Records Check**

Record Source	(N = 167 ) %
State Criminal History	87
National Crime Information Center (NCIC)	86
Local Criminal History	86
Department of Motor Vehicles	61
Sex Offender Registry	38
Juvenile	32
National Law Enforcement Telecommunications System (NLETS)	31

### **Risk Assessment**

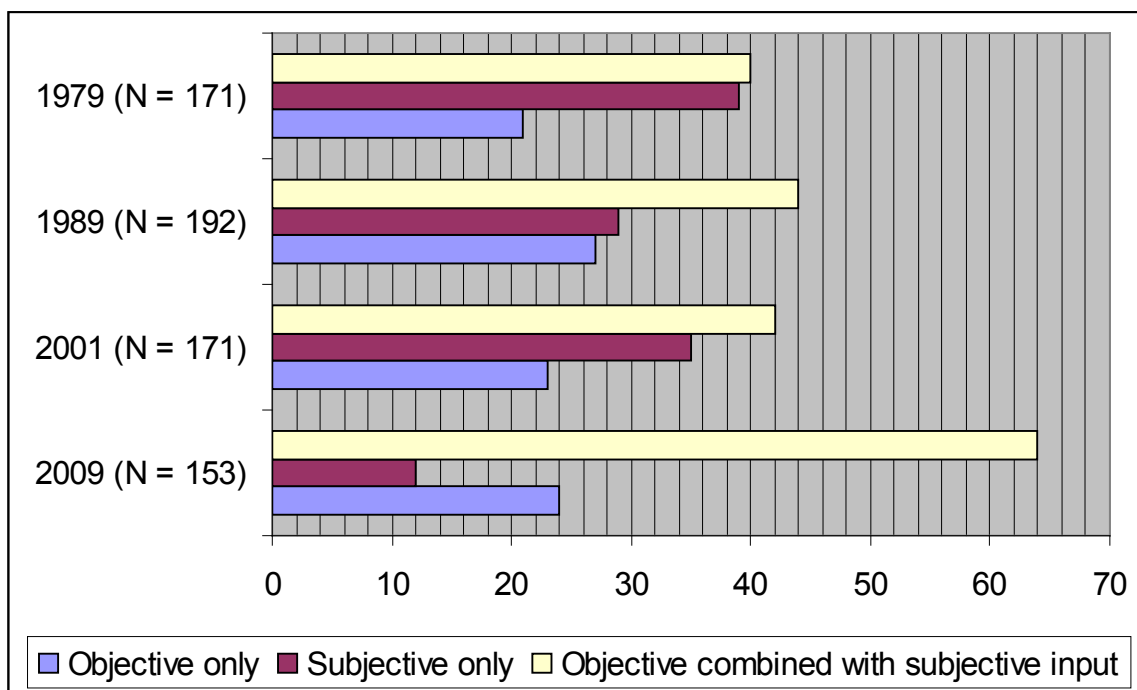
Both the ABA and NAPSA urge the use of objective criteria to assess defendant risks of pretrial misconduct, i.e., failure to appear in court and, in most states, danger to the community. The ABA Standard says that pretrial services information “should be organized according to an explicit, objective and consistent policy for evaluating risk and identifying appropriate release options” (Standard 10-4.2 (g)). Furthermore, the development of those release options “should be based on detailed agency guidelines developed in consultation with the judiciary to assist in pretrial release decisions. Suggested release options should be supported by objective, consistently applied criteria contained in the guidelines.” (Standard 10-4.2 (h)). The NAPSA Standards also call for the use of objective criteria in pretrial risk assessment (Standard 3.4), explaining that the assessment “should not be developed in an ad hoc fashion or on the basis of a staff member’s subjective exercise of discretion. Rather, it should be developed on the basis of explicit and objective policies, followed consistently in cases involving similar sets of circumstances (Commentary to Standard 3.4).

Survey results suggest that only 10% of pretrial programs refrain from making *any* risk assessment. Sixty percent of programs assess risks related to both failure to appear and rearrest; 29% of programs assess risks of failure to appear only, and no programs assess only risks of rearrest (Table 23).

**Table 23: Risks Assessed**

Risk Assessed	(N = 154) %
Failure to Appear only	29
Rearrest only	0
Both Failure to Appear and Rearrest	60
No risks assessed	10

Looking at the *type* of risk assessment procedures used, the most encouraging finding is that the percentage of pretrial programs that rely exclusively on subjective criteria has decreased from 34% in 2001 to 12% in 2009. There has been a large increase in the percentage of pretrial programs that use a combination of objective and subjective criteria in risk assessment, up from 42% in 2001 to 64% in 2009. The percentage using only objective criteria has remained stable over the four survey periods (Figure 4).

**Figure 4: Type of Risk Assessment Procedures Used**

Objective risk assessment instruments typically provide for an override of the risk assessment finding, based on mitigating or aggravating circumstances that may not be captured by the risk instrument. Examining the use of overrides of risk assessment findings may shed some light on how pretrial programs are combining objective and subjective criteria. Half of pretrial programs override the objective risk assessment result

in 5% or less of cases. Another 28% override between 5% and 15% of the time. Eleven percent use overrides more than 25% of the time (Table 24).

**Table 24: Use of Overrides of Risk Assessment Findings**

Frequency of Overrides	(N = 106) %
5% or less	50
More than 5% and less than 15%	28
More than 15% and less than 25%	12
More than 25% and less than 35%	6
More than 35%	5

It is encouraging to note that 42 percent of pretrial programs report having developed their risk assessment procedures based on research done in their own jurisdictions on the factors that are related to pretrial misconduct. This is the highest figure recorded across the four surveys. About one third adapted their risk assessments from other jurisdictions, which is the lowest figure across the four surveys (Table 25).

**Table 25: Development of Risk Assessment Instrument for Pretrial Program**

	2009 (N = 145) %	2001 (N = 198) %	1989 (N = 188) %	1979 (N = 69) %
How Risk Assessment Scheme Was Developed				
Local decision, based on judgment of what should be included	23	47	38	25
Adapted from another jurisdiction	35	39	43	74
Based on own research	42	25	39	13

Survey results suggest that there are a number of consistencies in the factors included in risk assessment instruments used by pretrial services programs. For example, almost all programs across all survey periods reported considering prior convictions, prior appearance in court, and, to a somewhat lesser extent, current status on probation, parole or pretrial release. There have been some changes in the current survey results when looking at factors related to community ties. (The most prominent changes are highlighted in the table in bold font.) For example, the percentage of programs that considered whether the defendant had a local address was 95% in 1979,

94% in 1989, 92% in 2001, but down to 79% in 2009. There were similar changes in factors such as the defendants length of time in the area, whether he or she is a property owner, and living arrangement of the defendant (Table 24).

These findings are worth following in future surveys, as they may reflect a movement by pretrial programs to fine tune their risk assessment instruments using data collected in their own jurisdictions on relevant risk factors.

**Table 26: Factors Included in the Risk Assessment**

Risk Factors	2009	2001	1989	1979
	(N = 156)	(N = 172)	(N = 196)	(N = 117)
	%	%	%	%
<b>Local address</b>	<b>79</b>	<b>92</b>	<b>94</b>	<b>95</b>
<b>Length of time in area</b>	<b>85</b>	<b>94</b>	<b>93</b>	<b>92</b>
Length of time at current address	83	82	84	85
<b>Length of time at prior address</b>	<b>50</b>	<b>60</b>	<b>67</b>	N/A
<b>Property owner</b>	<b>38</b>	<b>53</b>	<b>60</b>	<b>50</b>
Have telephone	33	44	34	27
<b>Living arrangement</b>	<b>66</b>	<b>75</b>	<b>82</b>	<b>74</b>
Parental status/support of children	46	50	63	N/A
Employment/school status	94	92	93	92
Income level	35	36	48	43
<b>Physical or mental impairment</b>	<b>49</b>	<b>59</b>	<b>65</b>	N/A
Use of alcohol or drugs	78	72	68	N/A
Age	35	40	N/A	N/A
<b>Comments from arresting officer</b>	<b>30</b>	<b>40</b>	<b>56</b>	N/A
Comments from victim	35	47	48	N/A
<b>Prior arrests</b>	<b>62</b>	<b>77</b>	<b>79</b>	<b>67</b>
Prior convictions	96	95	91	86
<b>On probation, parole, or pretrial release</b>	<b>76</b>	<b>86</b>	<b>89</b>	N/A
Compliance with probation, parole or pretrial release	64	69	N/A	N/A
Prior court appearance history	89	92	88	N/A
Family/friend in court	12	12	16	20
Having references	44	56	N/A	N/A
Other	13	9	17	6

Many pretrial programs report using additional risk assessment tools for distinct populations. For example, forty-two percent of current programs report using a separate tool for substance abuse, 27% for mental health, 13% for those charged with domestic violence, and 5% each for women and juveniles charged as adults (Table 27).<sup>2</sup>

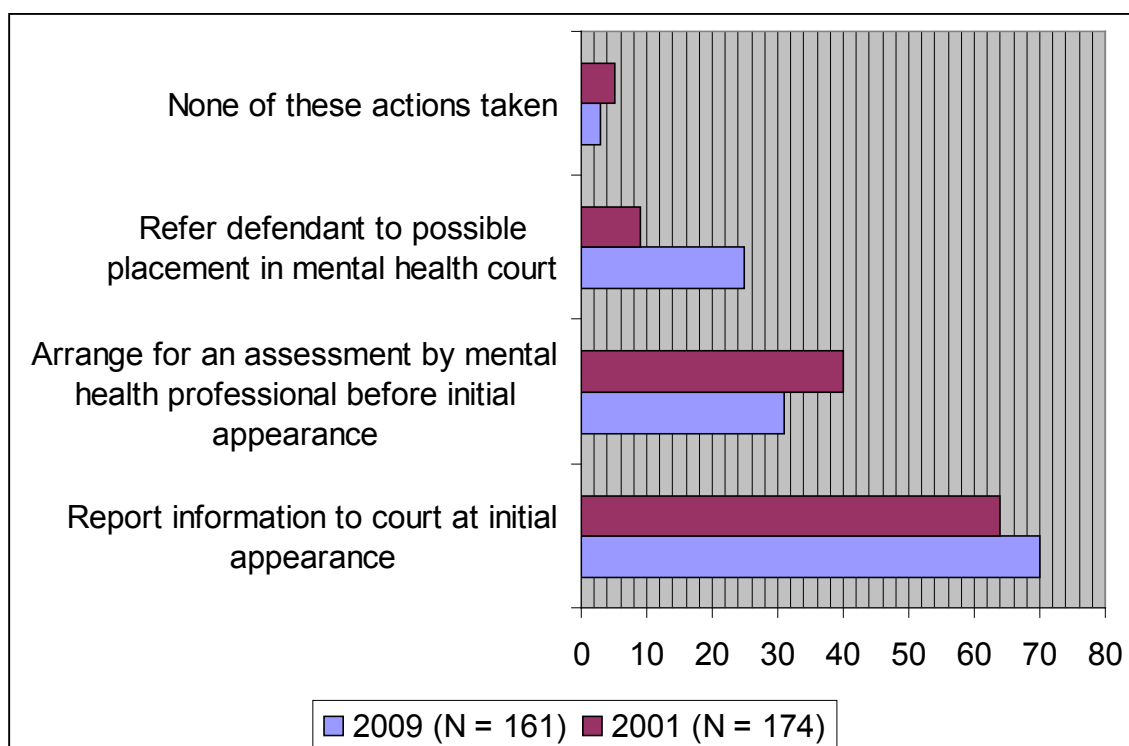
**Table 27: Use of Separate Assessment Tools for Special Populations**

Population Specially Assessed	(N = 151) %
Substance abuse	42
Mental health	27
Domestic violence	13
Women	5
Juveniles charges as adults	5
Other	4
None	50

When there are indications that a defendant interviewed by pretrial services may have mental health challenges, concerns arise over whether the defendant understands what is going on, and whether he or she is capable of complying with conditions of pretrial release. When faced with a defendant with possible mental illness, the overwhelming majority of pretrial services programs take some action. Seventy percent of current programs report this information to the court at initial appearance, up slightly from 2001. About a third arrange for an assessment by a mental health professional before the initial appearance, and about a quarter refer the defendant for possible placement in a mental health court (Figure 5).

<sup>2</sup> The extent to which the use of specialized tools is effective has yet to be determined, but pretrial programs are credited for trying different approaches to risk assessment.

**Figure 5: Action Taken By Pretrial Program When Defendant is Identified With Possible Mental Illness**



### Recommendation Practices

Both the ABA (Standard 10-1.10(b)(ii)) and NAPSA (Standard 3.4(a)) call on pretrial programs to, as the NAPSA Standards state, “recommend ways of responding to the risks through use of appropriate conditions of release.” The percentage of pretrial programs that make recommendations to the court about conditions of release has remained fairly consistent across the four survey periods, ranging from 88% to 93% (Table 28).

**Table 28: Pretrial Program Recommendation Practices**

Recommendation Practices	2009	2001	1989	1979
	(N = 159)	(N = 188)	(N = 189)	(N = 119)
	%	%	%	%
Program makes a recommendation	88	88	93	92
Program makes no recommendation	12	12	7	8

Although the standards do not address directly the types of recommendations that pretrial services programs should make, the ABA and NAPSA Standards state a clear preference for the use of nonfinancial release conditions over financial bail, and

that whenever financial bail is necessary it should be in the form of a 10% deposit to the court (ABA Standard 10-1.4, NAPSA Standard 1.4).

While several current pretrial programs make recommendations that relate to the use of money bail, the figures are down from previous surveys. Nearly a quarter of current pretrial programs recommend money bail other than 10% deposit. This percentage is down from about one third in the 2001 survey and from one half in 1989. Those that recommend a specific bail amount fell from 46% in 1989, to 27% in 2001, to 14% in 2009.

One question that was not on previous surveys but was included in the current survey relates to the recommendation by the pretrial services programs of money bail in combination with supervision by the pretrial program of non-financial release conditions. This practice is a more recent development, and was included in the 2004 update of the NAPSA Standards. Those standards state that “jurisdictions should ensure that responsibility for supervision of defendants released on bond posted by a compensated surety lies with the surety. A judicial officer should not direct a pretrial services agency to provide supervision or other services for a defendant released on surety bond. No defendant released under conditions providing for supervision by the pretrial services agency should be required to have bail posted by a compensated surety.” (Standard 1.4(g).) As the Commentary to this standard explains, the effect of combining a financial release with non-financial conditions to be supervised by pretrial services “is to make the pretrial services agency a kind of guarantor for the bail bondsman, in effect subsidizing the commercial bail industry by helping to reduce the risk that a defendant released on money bail will not return for scheduled court appearances. (Commentary for Standard 1.4(g). While pretrial services programs may have little or no control over the court’s decision to combine a financial bond with non-financial conditions, pretrial services programs do have control over what they recommend. According to the survey, 28% of programs reported that they sometimes make recommendations for combining financial bail with non-financial conditions (Table 29).

**Table 29: Recommendations Made by Pretrial Services Programs**

Type of Recommendations	2009	2001	1989
	(N = 145) %	(N = 137) %	(N = 158) %
Release on Own Recognizance	82	N/A	N/A
Non-financial conditional release	70	67	80
Monetary other than 10% deposit	23	32	51
Specific bail amounts other than 10% deposit	14	27	46
10% deposit	14	21	35
Monetary bail with supervision of non-financial conditions	28	N/A	N/A
Pretrial detention	34	46	48

Sixty-one percent of the current programs surveyed state that risk assessment procedures guide the recommendations they make to the court. For a quarter of the programs, the risk assessment does not guide the recommendation. The risk assessment *mandates* the recommendation to the court for 5% of pretrial programs (Table 30).

**Table 30: Role of the Risk Assessment in Making the Recommendation**

Role	(N = 148) %
Identifies risk and guides the recommendation	61
Identifies risk but does not guide the recommendation	27
Identifies risk and mandates the recommendation	5
Other	7

Another new question on the current survey sought to ascertain the role that the police report plays in arriving at a recommendation. Forty percent of pretrial programs report that they either do not have access to the arrest report or choose not to use it. Fifty-four percent use the report to help assess danger risk when the charge is a violent one, and 23% summarize the arrest report in the pretrial program's report to the court (Table 31).

**Table 31: Role of the Arrest Report in Making the Recommendation**

Role	(N = 145) %
To assess danger risk when charge is violent	54
Arrest report summarized and provided to the court	23
Program does not have access to the arrest report	23
Program chooses not to consider arrest report	17

### Presentation of Information to the Court

According to the ABA Standards, “the results of the pretrial services investigation and recommendation of release options should be promptly transmitted to relevant first-appearance participants before the hearing” (Standard 10-4.2(h)). The NAPSA Standards state that pretrial services programs should prepare a written report for the court (Standard 3.4(a)). Once again, the findings show some improvement over previous surveys. Seventy-seven percent of current pretrial programs provide a written report to the court, up from 71% in the 2001 survey. Fewer programs, 43% and 41%, provide written reports as well to the prosecutor and defense, respectively – both figures up slightly from the previous survey. About a quarter of the programs present the report findings orally, which is down considerably from the 2001 findings. Only 2% of programs provide no report (Table 32).

**Table 32: Method of Reporting Information**

Reporting Method	2009 (N = 161) %	2001 (N = 191) %
Written report to the court	77	71
Written report to the prosecutor	43	40
Written report to the defense	41	37
Oral report	24	40
Only recommendations are reported	9	9
No report provided	2	2

Ninety percent of pretrial programs report to the court the defendant’s current address, employment, and prior convictions. Eighty-five percent report length of time in the community; probation, parole or pretrial release status; and prior court appearance

history. About half the pretrial programs surveyed report the defendant's income, and a little more than a third present comments from victims (Table 33).

**Table 33: Information Reported to the Court by Pretrial Programs**

Information Reported	(N = 156) %
Current address	90
Employment	90
Prior convictions	90
Length of time in community	85
Living arrangements	85
Probation, parole, pretrial release status	85
Prior court appearance history	83
Length of time at address	81
Compliance with probation, parole, or pretrial release	75
Physical/mental status	73
Age	71
Prior arrest history	63
Parental status/child support	61
Income	49
Victim comments	37

### **Initial Court Appearance**

Sixty-three percent of current pretrial programs report that pretrial staff are typically present at the defendant's initial court appearance. Seventy percent report that the prosecutor is present, and about half report that a defense attorney is present (Table 34).

**Table 34: Parties Present at Initial Appearance**

Parties Present	(N = 161) %
Prosecutor	70
Defense attorney	52
Pretrial program staff	63

In the past decade, many courts have turned to the use of video technology to conduct initial appearance hearings. Fifty-seven percent of current pretrial programs report that the defendant's initial court appearance is conducted via video (Table 35).

**Table 35: Use of Video at Initial Appearance**

Use Video	(N = 153) %
Yes	57
No	43

Where initial video appearance does occur, 27% of pretrial programs report having staff at the jail during appearance, and 62% report having staff in the courtroom (Table 36).

**Table 36: Location of Parties for Video Initial Appearance**

Party Location	(N = 89) %
Pretrial program staff in the jail	27
Pretrial program staff in the court	62
Defense attorney in the jail	25
Defense attorney in the court	42

## Supervised Pretrial Release

The ABA Standards state that pretrial services programs should “develop and provide appropriate and effective supervision for all persons released pending adjudication who are assigned supervision as a condition of release” (Standard 10-1.10(c)). The NAPSA Standards contain similar wording.<sup>3</sup> The percentage of pretrial programs that provide supervision of defendants released pending adjudication, has increased over the past three survey periods, reaching 97% in the current survey (Table 37).

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<sup>3</sup> “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 (Standard 3.5(a)).

**Table 37: Supervision Capability**

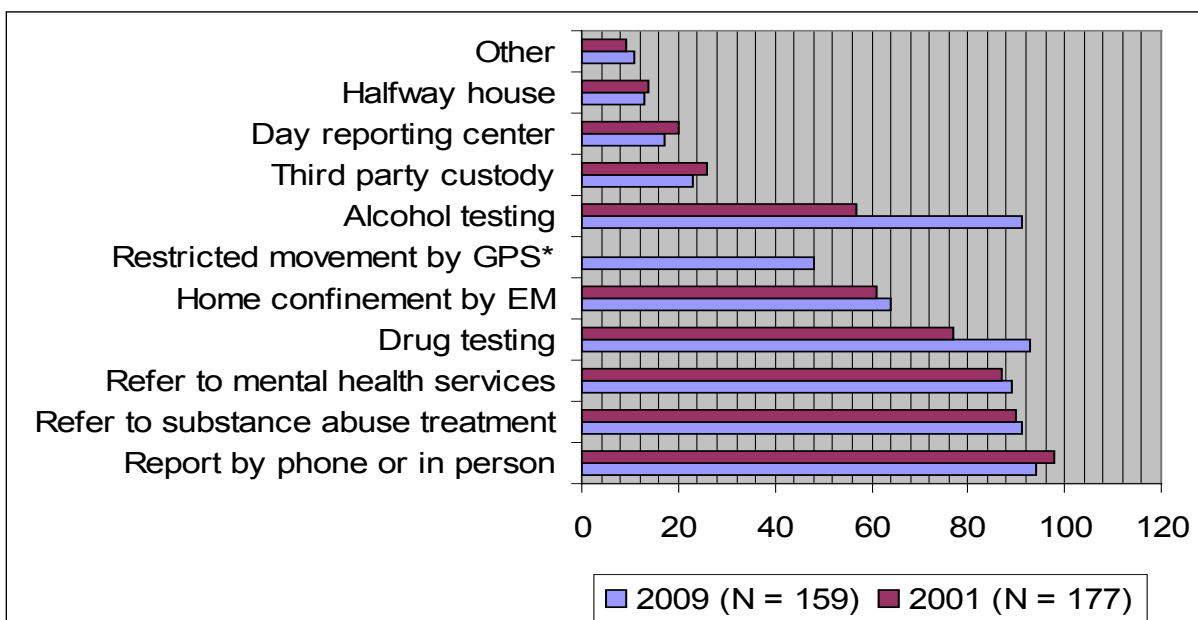
Supervision Services Provided	2009	2001	1989
	(N = 156) %	(N = 190) %	(N = 170) %
Yes	97	93	81
No	3	7	19

One issue that is not addressed directly in the ABA or NAPSA standards is whether pretrial programs should have the option of refusing to accept certain defendants for supervision in the program. An argument can be made that such an option is not envisioned by the standards. For example, the NAPSA Standards speaks of the need for pretrial programs to “establish appropriate policies and procedures to enable the effective supervision of defendants who are released prior to trial under conditions set by the court” (Standard 3.5(a)). The Standards also state that pretrial programs should “recommend modifications of release conditions, consistent with court policy, when appropriate” (Standard 3.5(a)(iii)). Only 27 percent of current pretrial programs surveyed report that they have the option of refusing to supervise a defendant referred to supervision by the court (Table 38).

**Table 38: Pretrial Program Has Option to Refuse to Supervise Defendant**

Option to Refuse	(N = 150) %
Yes	27
No	73

The most common supervision options reported by pretrial services programs available in the past two surveys have been having the defendant check in by telephone or in person, referring the defendant to substance abuse treatment, and referring the defendant to mental health treatment. There has been an increase in the percentage of programs that make drug testing available, from about 75% in the 2001 survey to about 90% currently. Pretrial programs that make alcohol testing available rose from about 55% in 2001 to about 90% currently. About half the programs in the current survey report having the capability of monitoring a defendant’s movements in the community through the use of GPS technology, and 64% can supervise home confinement through electronic monitoring (Figure 6).

**Figure 6: Pretrial Supervision Options**

\*Question not part of the 2001 survey

In looking at pretrial supervision practices for distinct populations, two findings stand out. First, the percentage of programs that have special supervision procedures for persons with mental illness increased from 24% in the 2001 survey to 44% in the current survey. Second, the percentage that have special procedures in place for female defendants rose from 1% in 2001 to 5% (Table 39).

**Table 39: Have Special Supervision Procedures for Distinct Populations**

Population With Special Supervision Procedures	2009	2001
	(N = 160) %	(N = 191) %
Substance abuse	50	N/A
Mental health	44	24
Domestic violence	25	25
Women	5	1
Juveniles charges as adults	4	6
Sex Offender	3	N/A

The current surveyed gathered data on the numbers of defendants supervised by pretrial programs per year. Half of pretrial programs supervise 1,000 defendants or less per year. Another 35% supervise between 1,000 and 5,000 defendants, and 11%

supervise between 5,000 and 10,000 defendants. Four percent of programs supervise over 10,000 defendants in a year (Table 40).

**Table 40: Annual Number of Defendants Supervised by Pretrial Programs**

Number supervised	(N = 116) %
1,000 or fewer	50
1,001 to 5,000	35
5,001 to 10,000	11
Over 10,000	4

In looking at pretrial programs that supervise defendants who have financial conditions of release in conjunction with non-financial supervision options, 30% of these programs supervise 100 or fewer of these defendants per year, 39% between 100 and 500, and 11% between 500 and 1,000. Only 4% supervise over 2,500 of these cases (Table 41).

**Table 41: Annual Number of Defendants Supervised by Pretrial Services Programs Who Also Have Financial Conditions**

Number supervised	(N = 46) %
100 or fewer	30
101 to 500	39
501 to 1,000	11
1,001 to 1,500	7
1,501 to 2,000	4
2,001 to 2,500	4
2,501 to 5,001	2
Over 5,000	2

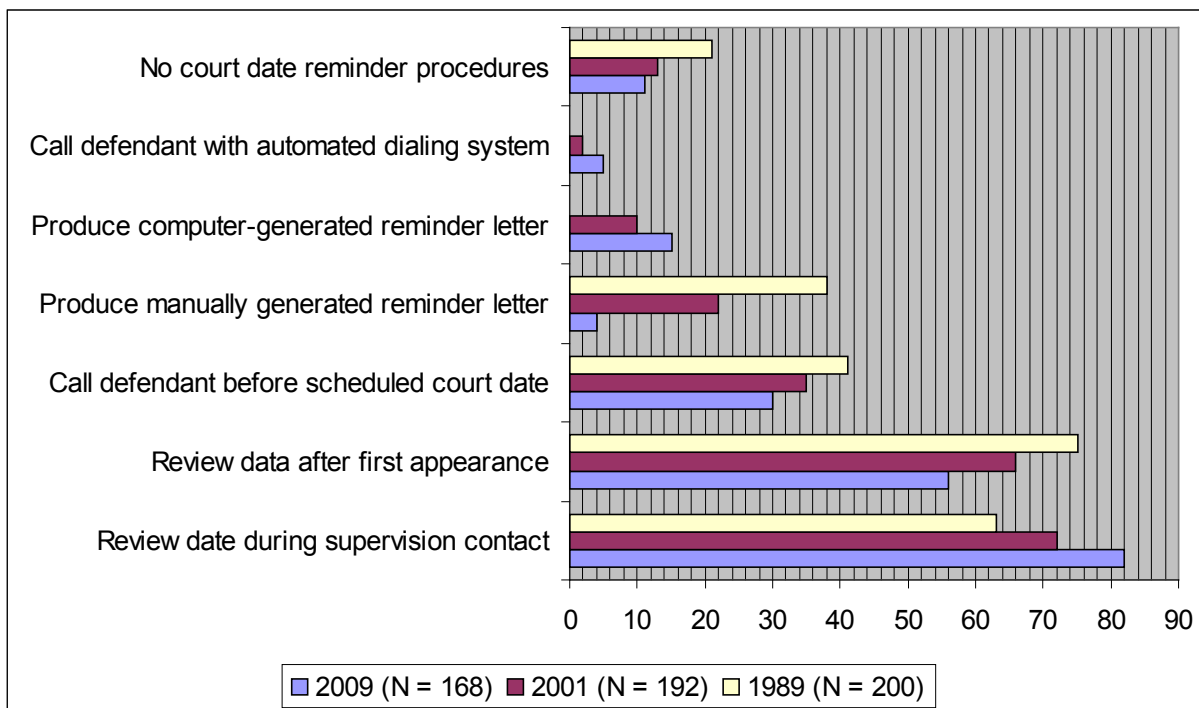
The NAPSA Standards state that pretrial services programs “should assist other jurisdictions by providing courtesy supervision for released defendants who reside in its jurisdiction” (Standard 3.5(d)). Nearly eight out of ten pretrial programs expressed willingness to provide courtesy supervision for other jurisdictions (Table 42).

**Table 42: Willingness to Provide Courtesy Supervision**

Can Provide	(N = 158) %
Yes	79
No	21

### Court Date Reminders

Both the ABA (Standard 10-1.10(k)) and NAPSA (Standard 3.5(vi)) make it clear that it is the responsibility of pretrial services programs to remind defendants of their court dates. Programs do this in many ways. Most programs review the court date with defendants after the first appearance and during supervision contacts. A majority of programs either call or write the defendant with a reminder. About 5% of current programs use an automated dialing system to call the defendant, up from 2% in 2001, and about 17% use automatically generated reminder letters, up from 10% in 2001. About 10% of current programs have no court date reminder procedures, a slight decrease from the previous survey (Figure 7).

**Figure 7: Court Date Reminder Procedures**

## Follow-Up With Defendants Who Fail to Appear

According to the NAPSA Standards, pretrial services programs should “facilitate the return to court of defendants who fail to appear for their scheduled court dates.” Eighty-four percent of current pretrial programs take some action in following up with defendants who have failed to appear in court, up from 79% in the 2001 survey. The most common action (62%) is to call the defendant and urge a voluntary return to court (Table 43).

**Table 43: Pretrial Program Follow Up of Failures to Appear**

FTA Follow Up Action	2009	2001	1989	1979
	(N = 158) %	(N = 191) %	(N = 155) %	(N = 117) %
Send letter to defendant urging return	33	25	43	56
Call defendant urging return	62	52	64	80
Make home visit to defendant urging return	12	12	17	45
Have arrest authority with FTA warrant	23	19	13	14
Assist police in locating defendant	44	35	52	57
Attempt to locate defendant who left jurisdiction	21	24	33	32
Seek to have warrant quashed when defendant returns	23	20	22	N/A
Place defendant's case back on calendar	18	19	27	N/A
No FTA follow up action taken	16	21	N/A	14

## Status Review of Detained Defendants

The ABA Standards state that pretrial services programs should “review the status of detained defendants on an ongoing basis for any changes in eligibility for release options and facilitate their release as soon as feasible and appropriate” (Standard 10-1.10(h)). The NAPSA Standards also call for regular review of the detained population (Standard 3.6). It is encouraging to see that 39% of current pretrial programs conduct these reviews on a regular basis, a figure that increased from 21% in 2001. An additional 16% do so only in certain circumstances (Table 44).

**Table 44: Bail Reviews Conducted by Pretrial Programs**

Bail Review Conducted	2009	2001	1989
	(N = 153) %	(N = 190) %	(N = 194) %
Yes	39	21	18
Only in certain circumstances	16	32	44
No	44	47	38

### Services to Victims

Only eight percent of pretrial programs notify victims of the defendant's initial appearance in *all* cases where there is a victim, which is up from 5% in the 2001 survey; 13% notify the victim in *selected* cases. No pretrial programs notify *all* victims of the defendant's pretrial release, compared to 11% in the 2001 survey, while 31% notify some victims (Table 45).

**Table 45: Victim Notification Services Among Pretrial Services Programs**

Victim Notified of Initial Appearance of Accused	2009	2001
	(N = 155) %	(N = 187) %
Yes, in all cases where there is a victim	7	5
Yes, in selected cases where there is a victim	13	20
No	80	75
Victim Notified of Defendant's Pretrial Release	2009	2001
	(N = 155) %	(N = 189) %
Yes, in all cases where there is a victim	0	11
Yes, in selected cases where there is a victim	30	29
No	70	60

## Other Services Provided

Twenty-two percent of current pretrial programs provide indigency screening, five percent provide jail classification and 3% provide mediation services (Table 46). These percentages closely mirror the findings in the 2001 survey.

**Table 46: Other Services Provided**

Service Provided	2009	2001
	(N = 159) %	(N = 188) %
Indigency screening	22	24
Jail classification	5	6
Mediation	3	5

## Overview of Pretrial Program Practices by Administrative Location

Table 47 looks at several characteristics of pretrial program practices by administrative location.

Pretrial programs housed administratively in non-profit organizations are most likely to operate with no exclusions in interviewing and investigating defendants (54%), followed by programs located within the courts (49%). Programs located within probation departments are the least likely to operate with no exclusions in interviewing and investigating defendants (25%).

Three out of four independent and court-based pretrial programs conduct their interviews with defendants before the initial court appearance. At least two out of three non-profit based and probation-based programs do so as well.

Non-profit-based pretrial services programs are most likely to use an exclusively objective risk assessment instrument with defendants (42%), compared with 30% for probation-based programs, 28% for court-based, 13% for jail-based, and 10% for independent programs. Jail-based programs are most likely to use a combination of objective and subjective risk assessments (75%), and independent programs are most likely to use exclusively subjective assessments (19%).

Among the locations where pretrial programs are housed, court-based, jail-based, and independent programs are most likely to make pretrial recommendations to the court, followed closely by probation-based programs. Close to a quarter of non-profit-based programs do not make a recommendation.

In looking at the recommendations that are made to the court, 82% of court-based programs recommend non-financial conditional release, compared to 73% of probation-based programs, 71% of independent, 55% of non-profit-based, and 50% of jail-based programs. About 20 percent of independent programs and about a quarter of the remaining programs make recommendations for monetary bail other than 10% deposit. Many pretrial programs under all administrative loci recommend a combination of money bail and non-financial conditions: 35% of court-based, 27% of jail-based, 25% of probation-based, 19% of independent, and 18% of non-profit-based programs. With respect to recommendations for specific bail amounts, other than 10% deposit bail, 21% of court-based, 18% of non-profit-based, 13% of probation-based, 9% of jail-based, and 5% of independent programs make such recommendations. Thirty-eight percent of probation-based pretrial programs make recommendations for pretrial detention, as do 35% of court-based programs, 32% of jail-based, 29% of independent, and 9% of non-profit-based programs.

Almost all programs, across all administrative location categories, report having the capability of providing supervision. Nearly half (46%) of jail-based programs can refuse to accept a case referred by the court for supervision, compared to 42% of non-profit-based, 35% of independent, 33% of court-based, and 9% of probation-based programs.

The overwhelming majority of pretrial programs across all location categories take some measure to remind defendants on their court dates. Seventeen percent of probation-based, 12% of jail-based, 10% of court-based, and 5% of non-profit-based programs, however, have no court date reminder procedures.

Court-based pretrial programs are most likely to conduct bail reviews on a regular basis (59%) compared with 50% of jail-based, 39% of non-profit-based, 32% of independent, and 28% of probation-based programs.

A very large majority of programs across all location categories have some procedures to follow up on defendant's failures to appear. Twenty-one percent of probation-based programs, 15% of jail-based, 13% of independent, 8% of non-profit-based, and 5% of court-based programs have no such procedures.

**Table 47: Pretrial Program Practices by Administrative Locus**

Characteristic	Percentage of Programs, by Administrative Locus					
	Probation (N = 60)	Courts (N = 39)	Sheriff/ Jail (N = 25)	Non- Profit (N = 13)	Inde- pendent (N = 22)	Other (N = 3)
<b>Pretrial Program Interview Exclusions</b>						
No exclusions (except violations and non-bailable offenses)	25	49	40	54	32	0
At least one exclusion (other than violations and non-bailable offenses)	75	51	60	46	68	100
<b>Timing of Initial Interview</b>	(N = 60)	(N = 37)	(N = 25)	(N = 13)	(N = 22)	(N = 3)
Before first appearance in court	67	76	60	69	77	33
After first appearance in court	33	24	40	31	23	67
<b>Type of Risk Assessment Used</b>	(N = 56)	(N = 35)	(N = 24)	(N = 12)	(N = 21)	(N = 3)
Objective only	30	28	13	42	10	0
Subjective only	9	9	13	17	19	33
Objective combined with subjective input	61	63	75	42	71	67

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Characteristic	Percentage of Programs, by Administrative Locus					
	Probation (N = 58) %	Courts (N = 35) %	Sheriff/ Jail (N = 23) %	Non- Profit (N = 13) %	Inde- pendent (N = 22) %	Other (N = 3) %
Program makes a recommendation to the court	86	91	91	77	91	100
Program does not make a recommendation	14	9	9	23	9	0
<b>Recommendations Made by Program</b>	<b>(N = 52)</b>	<b>(N = 34)</b>	<b>(N = 22)</b>	<b>(N = 11)</b>	<b>(N = 21)</b>	<b>(N = 3)</b>
ROR	90	79	77	64	81	67
Non-financial conditional release	73	82	50	55	71	67
Monetary other than 10% deposit	23	24	27	27	19	33
Specific bail amounts other than 10% deposit	13	21	9	18	5	33
10% deposit	10	29	9	9	4	33
Money bail plus non-financial supervision	25	35	27	18	19	67
Pretrial detention	38	35	32	9	29	67
<b>Supervision Capability</b>	<b>(N = 58)</b>	<b>(N = 35)</b>	<b>(N = 24)</b>	<b>(N = 13)</b>	<b>(N = 22)</b>	<b>(N = 3)</b>
Yes	98	97	96	92	95	100
No	2	3	4	8	5	0

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Characteristic	Percentage of Programs, by Administrative Locus					
	Probation (N = 57) %	Courts (N = 33) %	Sheriff/ Jail (N = 24) %	Non- Profit (N = 12) %	Inde- pendent (N = 20) %	Other (N = 3) %
<b>Program Can Refuse Supervision</b>						
Yes	9	33	46	42	35	33
No	91	67	54	58	65	67
<b>Court Date Reminder Procedures</b>	<b>(N = 63)</b>	<b>(N = 39)</b>	<b>(N = 26)</b>	<b>(N = 13)</b>	<b>(N = 22)</b>	<b>(N = 4)</b>
Review court date during supervision contact	71	87	85	92	95	50
Review date after first appearance	41	69	65	62	64	50
Generate automated reminder letter	10	15	15	31	18	0
Call defendant manually before court date	21	36	31	38	36	50
Call defendant using automated dialing system	2	3	4	15	14	25
No court date reminder procedures	17	10	12	0	5	0
<b>Bail Reviews Conducted</b>	<b>(N = 58)</b>	<b>(N = 32)</b>	<b>(N = 24)</b>	<b>(N = 13)</b>	<b>(N = 22)</b>	<b>(N = 3)</b>
Yes	28	59	50	39	32	33
Only in certain circumstances	16	16	21	23	9	33
No	57	25	29	39	59	33

*Continued on next page*

Characteristic	Percentage of Programs, by Administrative Locus					
	Probation (N = 67) %	Courts (N =41) %	Sheriff/ Jail (N = 27) %	Non- Profit (N = 13) %	Inde- pendent (N = 23) %	Other (N = 4) %
Send letter to defendant urging return	24	39	19	69	22	25
Call defendant urging return	43	71	52	85	57	50
Make home visit to defendant urging return	12	15	7	8	9	--
Have arrest authority with FTA warrant	21	32	7	23	17	--
Assist police in locating defendant	39	34	44	54	43	--
Attempt to locate defendant who left jurisdiction	16	17	11	23	35	25
Seek to quash warrant upon defendant return	13	34	11	38	26	--
Place defendant's case back on calendar	7	29	7	38	17	25
No FTA follow up action taken	21	5	15	8	13	25

### III. MANAGEMENT AND EVALUATION OF PRETRIAL PROGRAM PRACTICES

This chapter addresses such issues as how pretrial services staff are trained and how pretrial services programs manage information and evaluate their practices.

#### Mission Statement

A mission statement lays out the desired direction of the organization and reflects its aims and purposes. Seventy-one percent of pretrial programs have a mission statement that is specific to the pretrial program (Table 48).

**Table 48: Mission Statement Specific to Pretrial Services**

Have Pretrial Program Specific Mission Statement	(N = 167) %
Yes	71
No	29

#### Training

A well trained staff is required to most effectively satisfy the core functions of a pretrial services program. Current survey results suggest that just over half of pretrial programs have formal training programs for new staff, and three quarters have continuing training for existing staff. Half of pretrial programs report sending staff to NAPSA Conferences, and nearly six out of ten use state pretrial association meetings as staff training opportunities (Table 49).

**Table 49: Training Provided to Pretrial Program Staff**

Training Provided	(N = 169) %
On the job only	8
Formal training course for new employees	53
Continuing training for existing staff	74
Leadership development for supervisory staff	54
Training at Annual NAPSA Conference	53
Training at State Association Meetings	59

Seventy-eight percent of current pretrial programs have expanded staff training opportunities to include more specialized instruction. About half of programs surveyed provide specialized training in substance abuse screening and in motivational interviewing, 43% have trained staff in interviewing techniques, and 37% have trained staff to conduct mental health screenings (Table 50).

**Table 50: Specialized Training Provided to Pretrial Program Staff**

Specialized Training Provided	(N = 162) %
Substance abuse screening	49
Mental health screening	37
Interviewing techniques	43
Motivational interviewing	49
No specialized training	22

Two important pretrial services training opportunities have become available since the 2001 survey was conducted. One training opportunity involves certification of pretrial practitioners by NAPSA as having a strong base of knowledge in pretrial services, including the historical and legal foundations of the field and existing standards. Pretrial program staff can be certified as pretrial professionals by passing an exam administered by NAPSA. Eighteen percent of current programs report having staff who have passed this certification exam.

The second training opportunity is for pretrial program administrators, and is made available by the National Institute of Corrections. This is a week-long intense program focused on sharpening the skills of these administrators. Seventeen percent of programs report having sent administrators to this training (Table 51).

**Table 51: Other Training Opportunities**

Other training	(N = 166) %
Have staff who have passed NAPSA certification test	18
Have administrators who have attended NIC training for pretrial executives	17

The ability of pretrial services programs to provide training is dependent upon available resources. Eleven percent of pretrial programs report having no training funds available at all. A large percentage of programs (62%) report having less than \$5,000 a year budgeted for training. Only seven percent of programs report having more than \$15,000 in training budgets (Table 52).

**Table 52: Training Budget**

Training Budget	(N = 168) %
No training funds	11
Less than \$5,000	62
\$5,001 to \$15,000	20
\$15,001 to \$25,000	4
More than \$25,000	3

### Information Systems

About 70% of current pretrial programs surveyed report using a combination of manual and automated information systems. Fewer than one in five rely exclusively on a manual, paper-based system (Table 53).

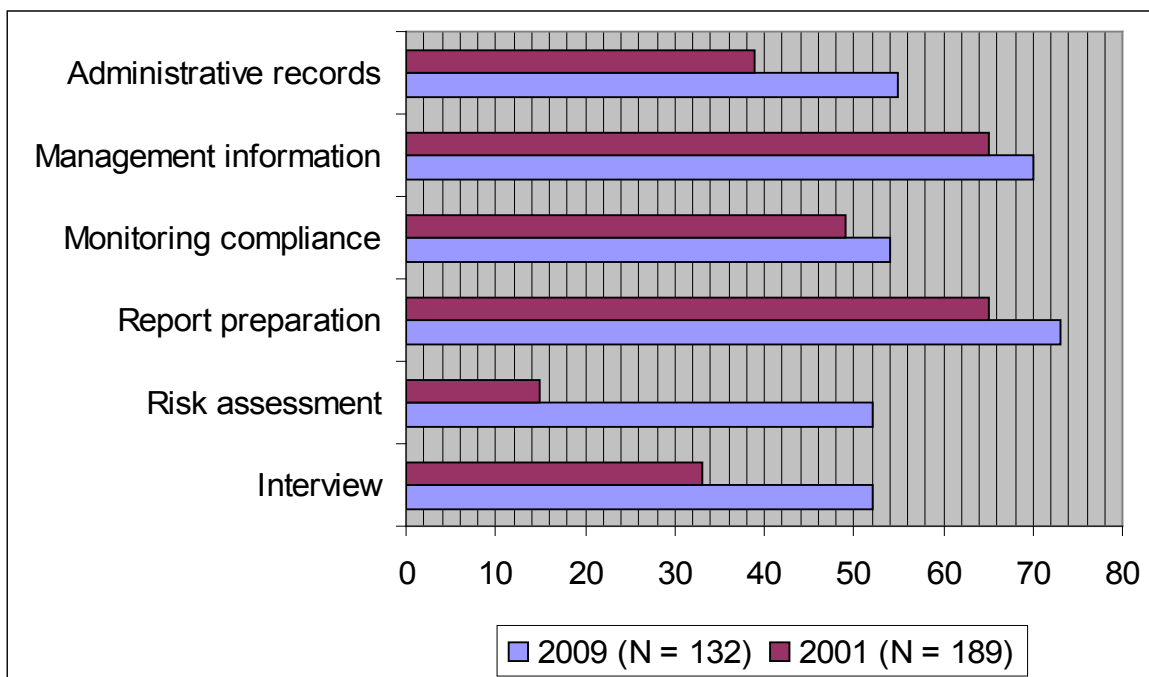
**Table 53: Information Systems Used by Pretrial Programs**

Type of Information System	(N = 140) %
Manual/paper based	19
Mainframe	38
Client service	52
Web-based intranet	18
Web-based internet	24
Mobile device	6
Combine manual and automated systems	69

Over the past two surveys, pretrial programs that have automated systems have most commonly used them to prepare reports and for information management. The

percentage of programs that use automated systems to prepare risk assessments has increased significantly from about 15% in 2001 to 50% in 2009. Programs that use automated systems to record interview information have also increased from one third in 2001 to one half in 2009 (Figure 8).

**Figure 8: Automated Pretrial Program Functions**



Four out of 10 pretrial programs that use automated systems report having developed their systems in-house, using their own resources or their jurisdiction's information technology staff. Thirty-seven percent report having had their systems customized by an outside vendor, and 16% report using a statewide system (Table 54).

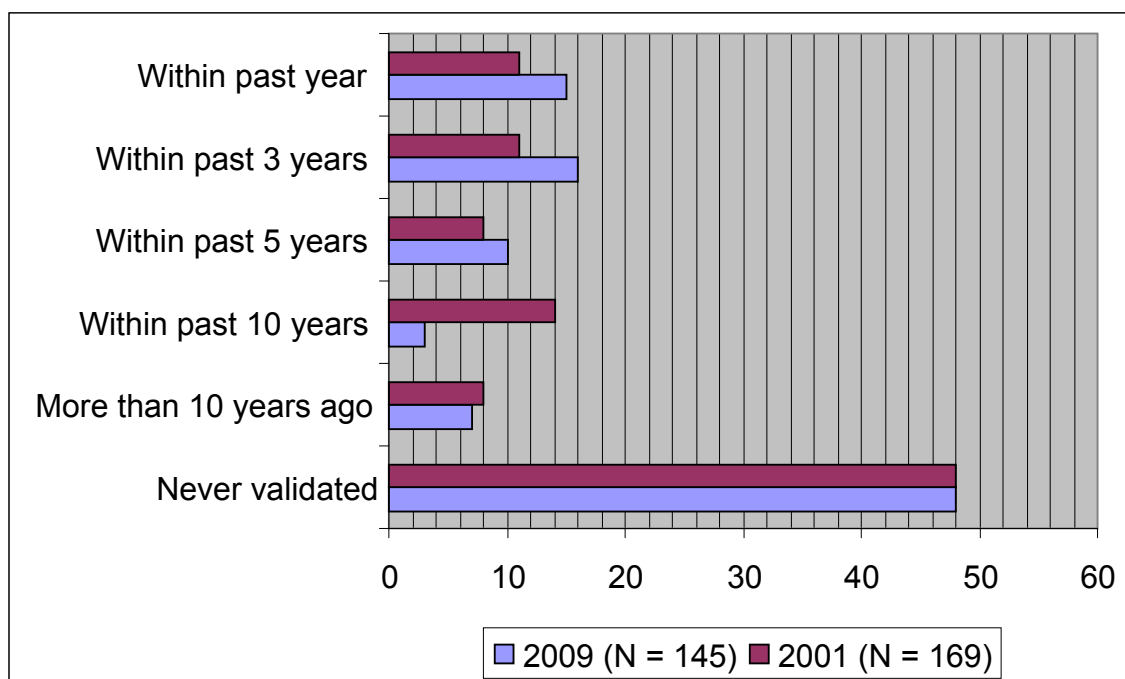
**Table 54: Origin of Automated Information System**

Origination of Information System	(N = 129) %
Software developed by in-house or county IT staff	40
Customized off the shelf by outside vendor	37
Statewide system	16
Other	7

## Validation of Risk Assessment Instrument

In recent years, significant attention has been paid to the use of evidence-based practices in criminal justice programs. In pretrial services, one of the most significant areas in which evidence-based practices can be employed is risk assessment of defendants. Current survey results indicate that the percentage of pretrial programs that have never validated their instruments remained unchanged (48%) from the 2001 to the 2009 surveys. There has been, however, a slight increase in the percentage of programs validating their instruments in the past several years. About 15% of programs did so within the past year in the current survey, compared to about 11% in the 2001 survey. Likewise, of current survey respondents, 16% had conducted a validation within the past three years, compared with 11% in the 2001 survey, and in 2009, 10% had validated in the past 5 years, compared with 8% in 2001 (Figure 9).

**Figure 9: Most Recent Empirical Validation of Pretrial Program's Risk Assessment Instrument**



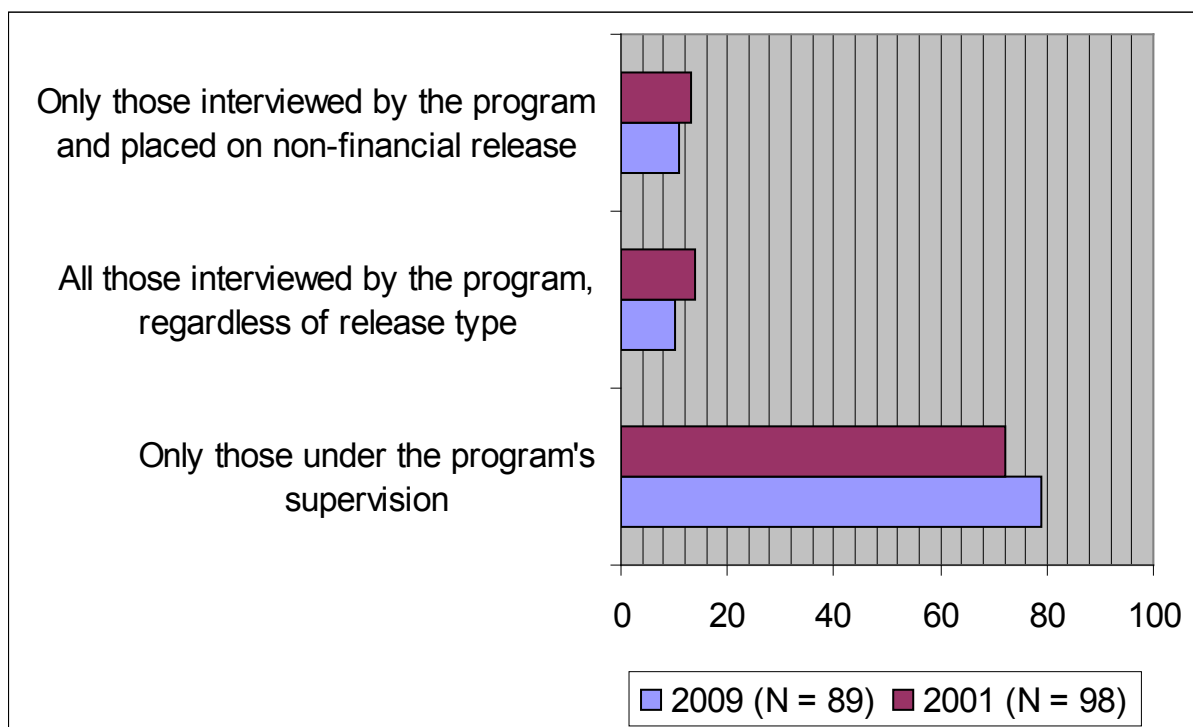
## Calculating Outcomes: Failure to Appear (FTA) Rates

Because one of the goals of a pretrial services program is to minimize instances of a defendant's failure to appear in court, it is critical that programs be able to track the number of defendants who do not appear. In the 2001 survey, 55% of pretrial programs reported that they tracked failure to appear. In the current survey, the figure had increased to 68% (Table 55).

**Table 55: Pretrial Program Tracks Failure to Appear Rate**

Calculates FTA Rate	2009	2001
	(N = 136) %	(N = 178) %
Yes	68	55
No	32	45

As was the case in the 2001 survey, pretrial programs vary in the populations for which they calculate FTA rates. In both surveys, most (about 79% in 2009 and 72% in 2001) only calculate FTA rates for those defendants under the supervision of the program. The percentage of pretrial programs that calculate FTA rates for *all* defendants, regardless of release type, was 10% in 2009, compared with 13% in 2001 (Figure 10).

**Figure 10: Population Used by Pretrial Programs to Calculate Failure to Appear Rates**

There are two main measures that are used to calculate FTA rates. One is appearance, or event-based; for this measure, the number of court appearances scheduled is compared with the number of appearances made. The other is defendant-based, which measures whether each defendant had at least one failure to appear in the life of a case. The event-based calculation is a more accurate measure of the impact of FTA on the court, and thus may be a more useful measure from the court's perspective.

Current survey results indicated that a shift in the ways pretrial programs measure defendant's FTA. In 2001, about 62% of programs used a defendant-based measure and 32% used event-based. In 2009, the percent using a defendant-based fell to 45%, while the percent using an event-based methodology increased to 56% (Figure 11).

**Figure 11: Measure Used to Calculate Defendant's Failure to Appear Rate**



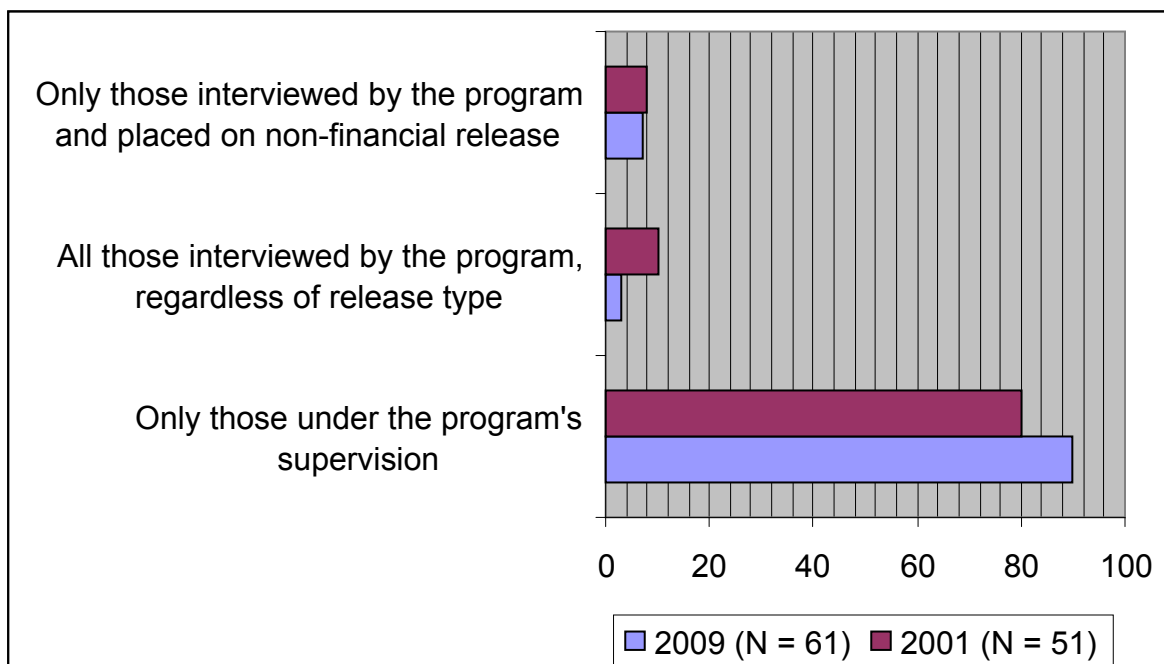
### Calculating Outcomes: Rearrest Rates

One goal of pretrial programs is to minimize rearrest of the defendant on pretrial release. Therefore, it is important that pretrial services programs track defendants who have been rearrested on new charges while the initial charge is still pending. A large majority of pretrial programs do not calculate rearrest rates, however, this percentage of programs decreased from 71% in the 2001 survey to 63% in the current survey (Table 56).

**Table 56: Pretrial Program Tracks Rearrest Rate**

Calculates Rearrest Rate	2009	2001
	(N = 126) %	(N = 177) %
Yes	37	29
No	63	71

In the current survey, of those programs that *do* calculate rearrest rates about 87% only calculate rearrest rates for those defendants under the supervision of the program (Figure 12).

**Figure 12: Population Used by Pretrial Programs to Calculate Rearrest Rates**

### Publication of An Annual Report

Generating an annual report can be an effective medium for pretrial services programs to convey to the criminal justice system and larger community, the business of the program. Nearly six out of 10 pretrial programs report that they publish an annual report (Table 57).

**Table 57: Publication of An Annual Report by the Pretrial Services Program**

Annual Report Published	(N = 169)
	%
Yes	57
No	43

### **Overview: Management and Evaluation of Pretrial Programs by Administrative Location**

Table 58 presents the survey findings related to several management and evaluation practices of pretrial programs by administrative location.

Nearly all (96%) of independent pretrial programs have a mission statement specific to pretrial services, as do 85% of non-profit-based, 83% of court-based, and 78% of jail-based programs. Half of probation-based programs have a pretrial services-specific mission statement.

With respect to training, jail-based and independent programs are the most likely to offer a formal training course for new employees (59%) compared to 52% of probation-based, 49% of court-based, and 46% of non-profit-based pretrial programs.

In looking at the types of information systems used by administrative location, almost 75 percent of jail-based programs use a combination of manual and automated systems, compared to roughly 62 percent of non-profit-based and independent, and 52 percent of probation based pretrial programs.

Almost a quarter of probation-based pretrial programs have validated their risk assessment instrument in the past year, compared to 17% of non-profits, 15% of court-based, 13% of jail-based, and 5% of independent programs. Seventy percent of independent programs have never validated their risk assessments, and for an additional 15% of independent programs, the most recent validation occurred more than 10 years ago.

With respect to calculating defendant outcomes, non-profit-based programs are most likely to calculate failure to appear rates, while independent programs are most likely to calculate rearrest rates. Probation-based programs are the least likely of all program types to calculate either rate.

**Table 58: Management and Evaluation of Program Practices  
by Administrative Location**

Characteristic	Percentage of Programs, by Administrative Locus					
	Probation (N = 65)	Courts (N = 36)	Sheriff/ Jail (N = 27)	Non- Profit (N = 13)	Inde- pendent (N = 22)	Other (N = 3)
Have Mission Statement Specific to Pretrial Services	%	%	%	%	%	%
Yes	49	83	78	85	96	100
No	51	17	22	15	4	0
Training Provided to Pretrial Program Staff	(N = 64)	(N = 41)	(N = 27)	(N = 13)	(N = 22)	(N = 3)
On the job only	8	10	11	15	0	0
Formal training for new staff	52	49	59	46	59	33
Continuing training	78	73	59	54	90	100
Supervisor leadership training	48	54	52	69	59	66
NAPSA Conference	38	51	56	62	82	66
State Associations	64	59	37	69	59	33
Information Systems Used	(N = 67)	(N = 41)	(N = 27)	(N = 13)	(N = 23)	(N = 3)
Manual/paper based	16	17	11	15	13	0
Mainframe	21	32	44	23	35	33
Client Services	39	42	44	62	35	67
Web-based intranet	9	12	22	8	26	0
Web-based internet	15	22	26	31	17	0
Mobile device	3	0	4	8	13	0
Combine manual/automated	52	42	74	62	61	67

*Continued on next page*

Characteristic	Percentage of Programs, by Administrative Locus					
	Probation (N = 53) %	Courts (N = 32) %	Sheriff/ Jail (N = 23) %	Non- Profit (N = 12) %	Inde- pendent (N = 20) %	Other (N = 3) %
Most Recent Risk Assessment Validation						
Within past year	23	15	13	17	5	0
Within past 3 years	15	21	22	8	10	0
Within past 5 years	11	9	13	25	0	0
Within past 10 years	4	3	4	0	0	0
More than 10 years ago	6	9	4	0	15	0
Never validated	42	42	44	50	70	100
Calculate FTA Rates	(N = 48)	(N = 27)	(N = 22)	(N = 11)	(N = 21)	(N = 3)
Yes	50	67	77	91	86	100
No	50	33	23	9	14	0
Calculate Rearrest Rates	(N = 45)	(N = 26)	(N = 20)	(N = 11)	(N = 21)	(N = 3)
Yes	24	42	30	46	52	100
No	76	58	70	54	48	0

## IV. JAIL CROWDING AND PRETRIAL SERVICES

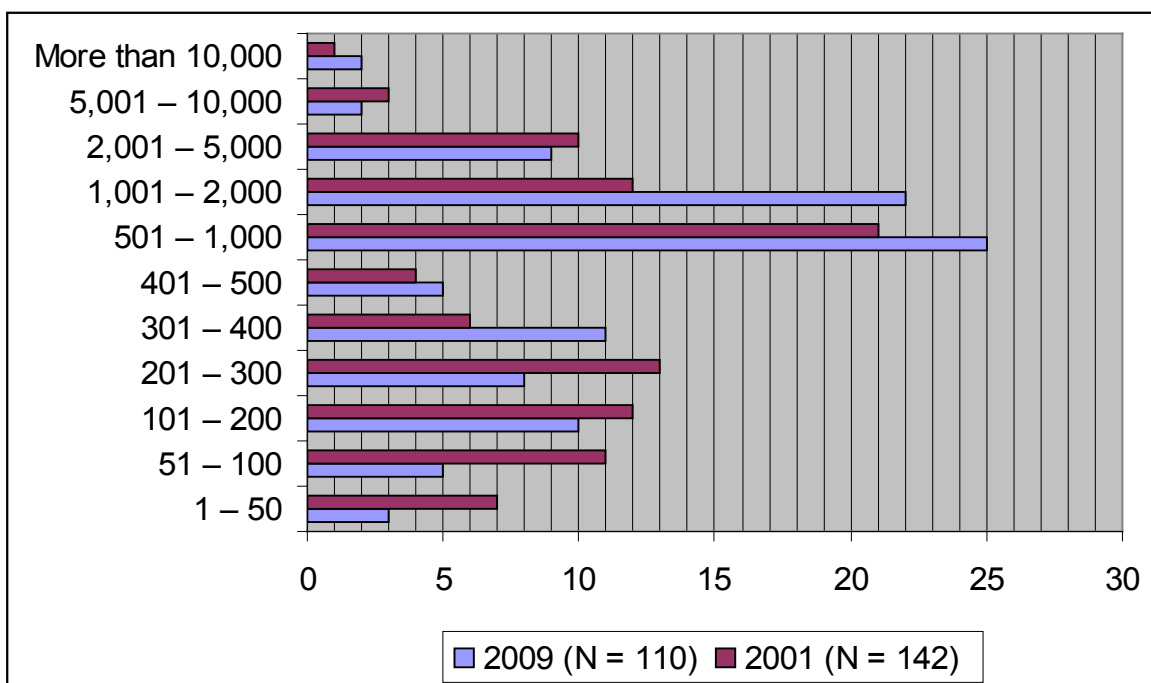
This chapter considers associations that might exist between pretrial services programs and their practices and jail crowding. The purpose of a pretrial services program is to provide the court with information and viable options that ensure safe pretrial release of the maximum number of defendants. That, in turn, should lead to improved efficiency of court processing and several beneficial outcomes for both the defendant and larger community. It should also lead to more efficient use of scarce jail bed space by minimizing unnecessary pretrial detention.

The findings presented in this section point to potential areas of further research. These results however, must be interpreted conservatively for two very important reasons. First, the existence of an association between two variables – say, for example, a particular pretrial program practice and jail crowding – does not imply that a cause and effect relationship exists. Second, there are many factors beyond the control of the pretrial services program that can affect the population level at the jail, such as case processing procedures, sentencing practices, and other factors. Nevertheless, the findings point to potential areas for further inquiry.

### Jail Capacity and Average Daily Population

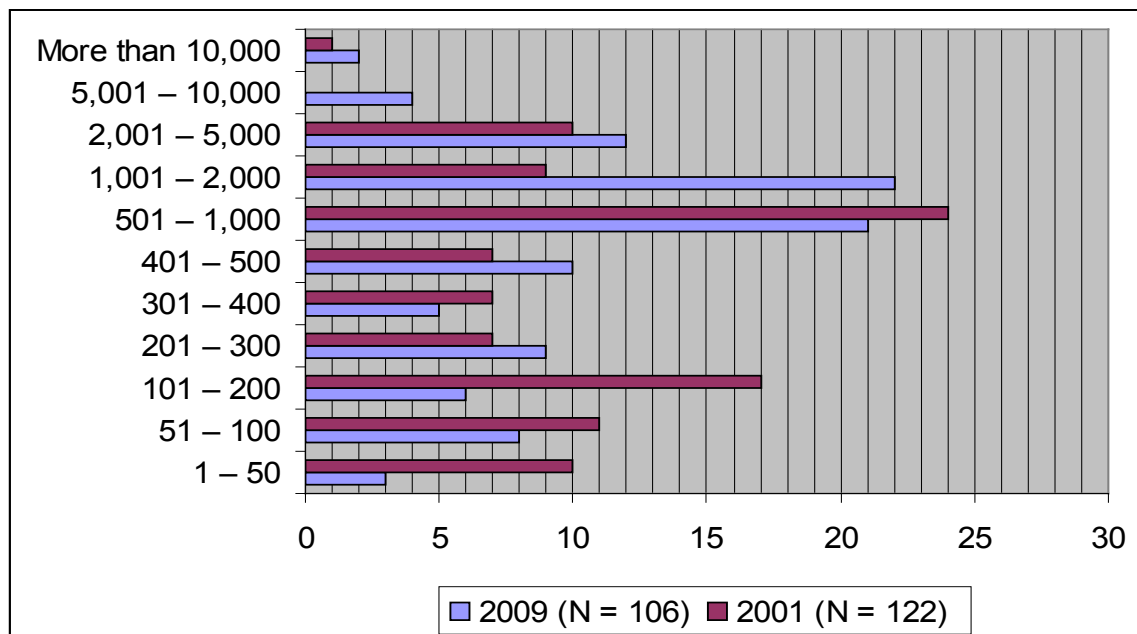
In the current survey, one-quarter of pretrial programs serve jurisdictions that have a jail capacity of between 501 and 1,000 beds. Nearly as many serve jurisdictions with 1,001 and 2,000 beds, about double the percentage from the 2001 survey (Figure 13).

**Figure 13: Jail Capacity in Jurisdictions Served by Pretrial Programs**



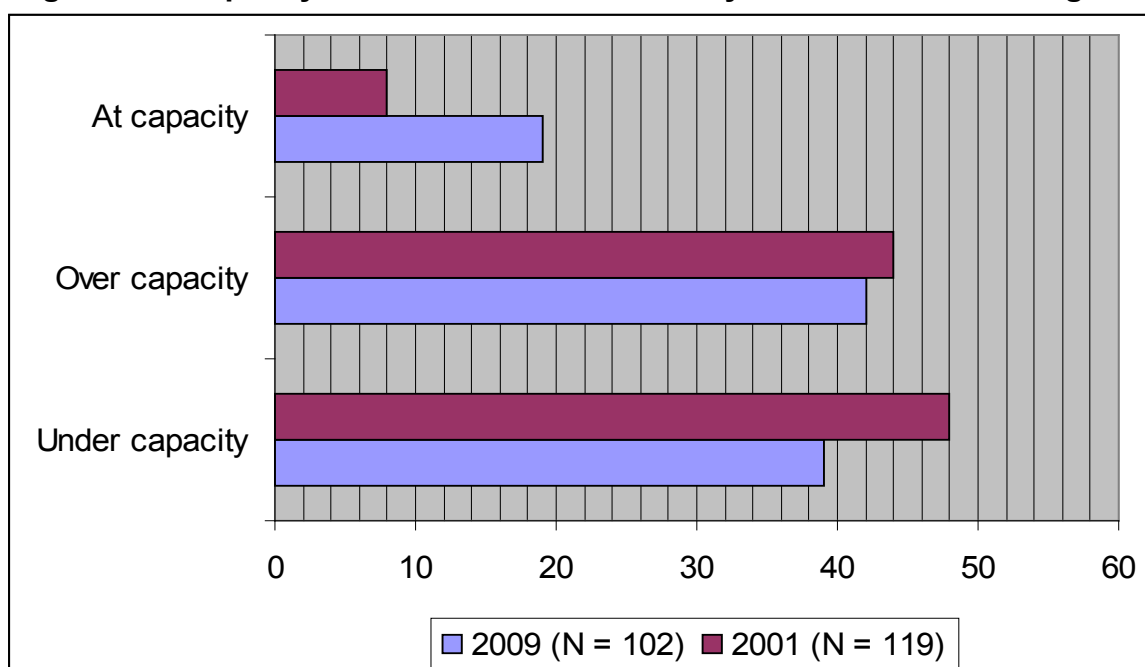
Twenty-two percent of pretrial programs serve jurisdictions that have an average daily population of between 1,001 and 2,000 inmates, up from 9% in the 2001 survey. An additional 21% serve jurisdictions with jail populations of between 501 and 1,000 inmates, down from 24% in 2001. The percentage of programs serving jurisdictions with jail populations of 200 or less fell from 38% to 17% (Figure 14).

**Figure 14: Average Daily Jail Population of Jurisdictions Served by Pretrial Programs**



### Jail Crowding in Jurisdictions Served by Pretrial Programs

The percentage of pretrial programs serving jurisdictions where the jail is over its capacity fell slightly from 42% in the 2001 survey to 41%, while the percentage of pretrial programs where the jail is at capacity rose from 8% to 19% (Figure 15).

**Figure 15: Capacity Situation at Jails Served by Pretrial Services Programs**

Jails in urban areas served by pretrial services programs are most likely to be over capacity (61%), compared with 50% for jails in primarily suburban areas, 43% in primarily rural, and 34% in jurisdictions that are a mix of urban, suburban and rural (Table 59).

**Table 59: Jail Population of Jurisdictions Served by Pretrial Services Programs, by Nature of Area Served**

Jail Population	Primarily Urban (N = 18) %	Primarily Suburban (N = 10) %	Primarily Rural (N = 21) %	Mixture (N = 53) %
Over capacity	61	50	43	34
At capacity	17	20	0	26
Under capacity	22	30	57	40

Sixty-three percent of jails in jurisdictions served by independent pretrial programs operate over capacity, as do 41% with probation-based, 38% in non-profit-based, 33% in jail-based, and 32% in court-based pretrial programs (Table 60).

**Table 60: Jail Population of Jurisdictions Served by Pretrial Services Programs, by Administrative Locus**

Jail Population	Probation (N = 32) %	Courts (N = 22) %	Sheriff/ Jail (N = 18) %	Non-Profit (N = 8) %	Independent (N = 19) %
Over capacity	41	32	33	38	63
At capacity	13	32	17	13	16
Under capacity	47	36	50	50	21

Forty-eight percent of pretrial programs that use a combination of objective and subjective criteria in formulating their risk assessments serve jurisdictions with jails that are operating over capacity, as do 39% of programs that use exclusively subjective criteria and 29% of those using exclusively objective criteria (Table 61).

**Table 61: Jail Population of Jurisdictions Served by Pretrial Services Programs, by Type of Risk Assessment**

Jail Population	Objective Only (N = 17) %	Subjective Only (N = 13) %	Combination of Objective and Subjective (N = 67) %
Over capacity	29	39	48
At capacity	29	15	15
Under capacity	41	46	37

## V. CONCLUSIONS

The four surveys of pretrial services programs, spanning 30 years from 1979 to 2009, provide very useful data for tracking the development of pretrial services programs. From these surveys we know that the first generation of pretrial programs, those began in the 1960s and 1970s, served mostly large urban jurisdictions. These programs still tend to be the largest programs in terms of both budget and staff size. A second generation of programs, those started in the 1980s and 1990s, sprung up in mid-sized jurisdictions. The third generation, those started in the current decade, are most likely to be found in smaller jurisdictions with populations of 100,000 or less – 63% of all programs started in the 2000s.

In light of these generational developments, it is not surprising to see a trend in the data toward the increasing placement of pretrial programs within probation departments. Currently, 38% of pretrial programs are housed administratively within probation departments, up from 24% in the 1989 survey and 31% in 2001. This trend may be explained by the expansion of pretrial programs into smaller jurisdictions where economies of scale dictate introducing pretrial services functions into existing criminal justice structures, specifically probation departments.

While the trend toward the placement of pretrial services within probation departments may be perceived as being inconsistent given the different missions of pretrial and probation programs, results from the current survey provide interesting data about the practices and performance of these pretrial programs. Even though probation-based pretrial services programs tend to have smaller budgets, smaller staffs, and serve smaller populations, it is clear that, on most measures, they are just as successful as pretrial programs based in other administrative locations in providing the core services as outlined in the ABA and NAPSAs Standards. For example:

- 67% of probation-based programs conduct their initial interview of defendants before the initial court appearance, compared to 68% for all programs.
- 30% rely upon exclusively objective criteria in risk assessment, compared to 24% for all programs.
- 23% recommend money bail other than 10% deposit, the same figure for all programs.
- 25% recommend money bail with non-financial conditions of release, compared to 28% for all programs.
- 98% provide supervision services, compared to 97% for all programs.
- 83% have at least one procedure in place for reminding defendants of court dates, compared to 89% for all programs.
- 79% have at least one procedure in place for following up on a defendant's failure to appear, compared to 84% for all programs.
- 23% validated their risk assessment procedures in the past year, compared to about 15% for all programs.

Indeed, in looking at all pretrial programs, regardless of administrative location, there are several notable findings regarding program progress with respect to the standards provided by the ABA and NAPSAs Standards. Examples of this progress include:

- Pretrial programs appear to be limiting the exclusions they apply regarding which defendants they interview.
- There has been a large decrease in the percentage of pretrial programs that rely exclusively upon subjective criteria in risk assessment.
- More programs are basing their risk assessments on local research and more have validated their risk assessment instruments in recent years.
- The percentage of programs that recommend money bail other than 10% deposit went from half in the 1989 survey, to a third in the 2001 survey, to less than a quarter in the current survey.
- More programs are providing written reports to the court at initial appearance, with more providing copies to the prosecution and defense.
- More are providing supervision services.
- And more are finding ways to remind defendants of upcoming court dates, respond to instances of a defendant's failure to appear, and review the status of detained defendants.

This may be the last survey report that compares the practices of current pretrial services program against the ABA and NAPSAs pretrial release standards. With the push toward Evidence-Based Practices, future survey reports will more likely compare existing pretrial practices to evidence-based findings. Without evidence-based findings, the criminal justice field can only *assume* that the standards related to practices such as verification of interview information, reminding defendants of court dates, and supervision are effective in improving court appearance and community safety. If the research that we hope we will see over the next several years finds that these or other practices produce no greater results than doing nothing or something different, then pretrial programs should adjust their practices accordingly and the ABA and NAPSAs should adjust their standards as well.

As helpful as these surveys have been in providing snapshots over time of pretrial program practices, they can only inform us about programs that are known to exist. There are over 3,000 counties in the United States, but the best information available can only identify between 200 and 300 pretrial programs that serve, at best, less than 1,000 counties. There is no information at the national level about the availability or lack thereof of core pretrial services (i.e., interviewing and investigating defendants, assessing risks of pretrial misconduct, providing supervision of pretrial release conditions set by the court) in more than 2,000 counties in this country.

Steps are underway to address this deficiency. The Pretrial Justice Institute and the National Association of Counties, supported by funds from the Bureau of Justice Assistance, are currently conducting a scan of counties across the country to identify what pretrial services practices may be in place. That scan is designed to identify local jurisdictions where pretrial services programs exist, but have not been included in the

past four surveys. Once identified, these jurisdictions will be asked to respond to the most recent survey questions, the results of which will be included in an on-line version of this report. More importantly this scan will also identify pretrial release decision making practices in jurisdictions that do not have pretrial services programs, or their functional equivalent. What information is available to the pretrial release decision maker in those jurisdictions? What are the sources of the information? How reliable and timely is the information? What pretrial release options are available? Do these options meaningfully address the needs of the decision maker? The results of this scan will provide, for the first time, a truly national picture of the state of pretrial release decision making.

# APPENDIX A: SURVEY INSTRUMENT

## Survey of Pretrial Services Programs

### 1. National Survey of Pretrial Programs

With the support of the JEHT Foundation and in cooperation with the National Association of Pretrial Services Agencies, the Pretrial Justice Institute is conducting the fourth survey of pretrial release programs throughout the country.

Many of you graciously participated in the program surveys conducted in 1979, 1989 and 2001. Many of you have benefited from the products that resulted, in planning for program improvements, assessing your current practices, or starting a new program. Now we need your help again.

Like any survey, the higher the response rate the more useful the results will be, so we encourage you to take the time to complete the survey. We are hopeful that enough will respond to allow us to do longitudinal analysis which includes the prior three survey cycles.

Remember: this is the only national survey that focuses on our profession, to benefit both you and your peers across the country. So please take the brief time — less than an hour — to complete this survey. The information you enter will be saved each time you advance to the next page by selecting "next". You may come back later and complete the survey at your convenience. If you would like to see the survey before completing it please let me know and I will email you a copy. We would like to receive your response by Friday February 6th. If that is not possible, please let us know when you expect to have it completed.

If you have any questions or technical difficulties, please contact [pji@pretrial.org](mailto:pji@pretrial.org). Thank you for your cooperation.

### 2. Program Contact Information

**1. This survey is designed to collect information about pretrial release programs and is primarily focused on screening, release, and supervision of defendants pending trial. What is the full name of your program? (Ex., Alachua County Court Services Pretrial Program)**

**2. Does your program also provide diversion services?**

Yes

No

**3. Please enter your program contact information here:**

**Address:**

**Address 2:**

**City/Town:**

**State:**

**ZIP/Postal Code:**

**Email Address:**

**Phone Number:**

## Survey of Pretrial Services Programs

### 4. Program administrator's name

### 5. Program web address:

### 6. Name of the person completing the survey

## 3. Organizational Structure and Program Management

### 1. Indicate the geographic area that is served by your program. (Please select one)

- A single jurisdiction (County or City)
- Multi-jurisdictional (Small group of contiguous counties and/or cities)
- Entire state

### 2. What counties and/or cities does your program serve?

### 3. What is the approximate population of the jurisdiction that your program serves? (Please select one)

- Fewer than 50,000
- Between 50,000 and 100,000
- Between 100,001 and 500,001
- Between 500,001 and 1,000,000
- More than 1,000,000

### 4. How would you describe the nature of the area served by your program? (Please select one)

- Primarily urban
- Primarily suburban
- Primarily rural
- Mixture

## Survey of Pretrial Services Programs

### 5. Where is your program located administratively in the criminal justice system? (Please select one)

- Probation department (state)
- Probation department (local)
- Courts (state)
- Courts (local)
- Prosecutor
- Public Defender
- Sheriff
- Jail administrator
- Private-nonprofit organization
- Private-for profit organization
- Other (please specify)

### 6. Describe the types of courts that your program provides service. (Check all that apply)

- Lower
- Trial
- Felony

### 7. In what year did your program start providing pretrial services?

### 8. What is your program's annual budget? (Please select one)

- Less than \$200,000
- \$200,000 -- \$500,000
- \$500,001 -- \$800,000
- \$800,001 -- \$1,500,000
- \$1,500,001 -- \$10,000,000
- More than 10,000,000

## Survey of Pretrial Services Programs

**9. What is the starting salary for line staff? This information will be used to help new programs formulate budgets. (Please select one)**

- less than \$20,000
- \$20,001 -- \$30,000
- \$30,001 -- \$40,000
- \$40,001 -- \$50,000
- \$50,001 or more

**10. What is the annual salary of your Program Director or Administrator? This information will be used to help new programs formulate budgets. (Please select one)**

- less than \$30,000
- \$30,001 -- \$40,000
- \$40,001 -- \$50,000
- \$50,001 -- \$60,000
- \$60,001 -- \$70,000
- \$70,001 -- \$80,000
- \$80,001 -- \$90,000
- \$90,001 -- \$100,000
- \$100,001 -- \$125,000
- \$125,001 or more

**11. How many full-time equivalent staff does your program have? (For paid staff, include any current vacancies that are authorized to be filled.)**

Executive	<input type="text"/>
Middle management/Front-line supervisors	<input type="text"/>
Line staff	<input type="text"/>
Research	<input type="text"/>
Clerical	<input type="text"/>
Volunteer/interns	<input type="text"/>
Other	<input type="text"/>

## Survey of Pretrial Services Programs

### 12. If known, please list the number of full-time staff by highest level of education completed. (If unknown, leave blank)

High school diploma earned	<input type="text"/>
GED or alternative credential	<input type="text"/>
Associates degree (for example: AA, AS)	<input type="text"/>
Bachelor's degree (for example: BA, BS)	<input type="text"/>
Master's degree (for example: MA, MS, MSW)	<input type="text"/>
Law degree	<input type="text"/>
Doctorate degree (for example: PhD, EdD)	<input type="text"/>
Other	<input type="text"/>

### 13. If known, please list the number of full-time staff by the following age ranges. (If unknown, leave blank)

18-25	<input type="text"/>
26-35	<input type="text"/>
36-45	<input type="text"/>
46-55	<input type="text"/>
56 or older	<input type="text"/>

### 14. What is your program's schedule of operation for the interviewing staff? (Check all that apply)

- Regular hours (considered to be normal business hours)
- Extended hours (considered to be beyond normal business hours, but less than 24 hours a day)
- 24 hours a day

### 15. What days of the week does your program operate? (Check all that apply)

- Sunday
- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday

## Survey of Pretrial Services Programs

**16. Does your program have a mission statement specific to pretrial services?**

- Yes  
 No

### 4. Training

**1. What is your annual training budget? (Please select one)**

- \$0  
 Less than \$5,000  
 \$5,001 - \$15,000  
 \$15,001 - 25,000  
 More than \$25,000

**2. Does your program receive matching funds for training on an annual basis, either from the State or some other entity?**

- Yes  
 No

**3. What type of training does your program provide to staff? (Check all that apply)**

- On-the-job training for new employees  
 Structured training courses for new employees  
 Continuing training courses for existing staff  
 Management/leadership development training for supervisory staff  
 National Association of Pretrial Services Annual Conference & Training Institute  
 State association training conferences  
 Other (please specify)

## Survey of Pretrial Services Programs

**4. Since the last survey, new certifications have been created. Indicate which, if any, your program staff has: (Check all that apply)**

- NAPSA Certification
- NIC Orientation for Pretrial Services Executives
- None
- Other (please specify)
- 

**5. We are beginning to see a movement toward state-wide accreditation. Has your program successfully completed accreditation?**

- Yes
- No
- Program accreditation is not available in our jurisdiction

**6. Please indicate any of the specialized training that you offer your staff. (Check all that apply)**

- Substance abuse screening
- Mental health screening
- Pretrial interviewing techniques (offered by PSRC/PJI)
- Pretrial interviewing techniques (offered by others)
- Motivational Interviewing
- None
- Other (please specify)
- 

## 5. Interview and Investigation

## Survey of Pretrial Services Programs

### 1. Under what circumstances are defendants automatically excluded from being interviewed by your program? (Check all that apply)

- All violations (less serious than misdemeanors) or minor traffic offenses
- All misdemeanors
- All felonies
- Defendants charged with offenses that are not bailable by statute
- Defendants charged with specific charges
- Defendants with outstanding warrants in the same jurisdiction(s) served by the program
- Defendants held on warrant or detainer from another jurisdiction, in addition to local charges
- Defendants currently on parole, probation, and/or pretrial release
- Juvenile defendants charged as adults
- None; all defendants are interviewed, unless they are sick, they refuse, etc.
- Other (please specify)

### 2. When does your program conduct its first interview with defendants? (Please select one)

- Prior to the initial bail hearing
- After the initial bail hearing
- Neither; our program does not provide this service

### 3. Does your program use a written consent form that states how the information gathered during the interview will be used and its purpose?

- Yes
- No

## Survey of Pretrial Services Programs

### 4. What sources for criminal history information does your program use on a regular basis? (Check all that apply)

- National Crime Information Center (NCIC)
- National Law Enforcement Telecommunications (NLETS)
- State criminal history databases
- Local criminal history databases
- Department of Motor Vehicle (DMV) databases
- Court information systems
- Sex offender registry databases
- Juvenile criminal history databases
- Other (please specify)

### 5. What sources do you use to verify the information provided by the defendant? (Check all that apply)

- Personal reference provided by the defendant
- Information provided from criminal history sources
- Internet searches (e.g., reverse lookup websites)
- Other (please specify)

### 6. Please indicate the how often your program encounters the following barriers to verification.

	Always	Most of the time	Sometimes	Never
Time constraints	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Defendant cannot remember reference phone numbers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Availability of references	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 6. Risk Assessment, Recommendations, and Presentation

## Survey of Pretrial Services Programs

### 1. Does your program assess the defendant's risks of failure to appear in court and/or rearrest? (Check all that apply)

Yes, failure to appear

Yes, rearrest

No assessment done

Other (please specify)

### 2. In your jurisdiction, failures to appear are only defined by the issuance of a bench warrant/similar court action.

True

False

### 3. In your jurisdiction, failure to appear in court is measured by which of the following? (Please select one)

Defendant based (count only the number of individuals)

Event based (count all court events)

Other (please specify)

### 4. Which of the following best describes your recommendation scheme? (Please select one)

Objective only

Subjective only

Combination of objective and subjective

### 5. If you use an objective recommendation scheme, how often do you "override" or not follow your risk assessment scheme?

	5% or less	More than 5%, but less than 15%	More than 15%, but less than 25%	More than 25%, but less than 35%	More than 35% of the time
Overrides	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Survey of Pretrial Services Programs

### 6. How was your current risk assessment scheme developed? (Check all that apply)

- Local decision, based on subjective assessment of what should be included
- Adapted from program in another jurisdiction
- Based on program's own research and data
- Other (please specify)

### 7. What factors are included in your risk assessment scheme? (Check all that apply)

- Local address
- Length of time resident in local community
- Length of time at present address
- Length of time at prior address
- Ownership of property in community
- Possession of a telephone
- Living arrangements (e.g., whether married or living with relatives)
- Parental status and/or support of children
- Employment and/or educational or training status
- Income level or public assistance status (means of support)
- Physical and/or mental impairment
- Use of drugs and/or alcohol
- Age
- Comments from arresting officer/Arrest report
- Comments from victim
- Prior court appearance history
- Prior arrests
- Prior convictions
- Compliance with probation, parole, or pending case
- Whether currently on probation or parole or has another open case
- Whether someone is expected to accompany the defendant to court at first appearance
- Identification of references who could verify and assist defendant in complying with conditions

## Survey of Pretrial Services Programs

Other (please specify)

**8. When was your risk assessment scheme last validated using a rigorous research methodology, such as multivariate analysis? (Please select one)**

- Within the past year
- Within the past 3 years
- Within the past 5 years
- Within the past 10 years
- More than 10 years ago
- The scheme has never been empirically validated

**9. What best describes your risk assessment instrument? (Please select one)**

- Identifies risk level only
- Identifies risk level and guides the recommendation
- Identifies risk level and mandates a recommendation
- Other (please specify)

**10. Does your program make recommendations?**

- Yes
- No

**11. If your program makes recommendations, how is this communicated? (Check all that apply)**

- Written report provided to the court
- Written report provided to the prosecutor
- Written report provided to the defense attorney
- Oral report provided only upon request by judicial officer
- Only release recommendations are reported
- Report not provided

## Survey of Pretrial Services Programs

**12. If your program does not make recommendations, is a report provided to the court?**

Yes

No

**13. Which of the following recommendations to the court concerning defendants does your program make? (Check all that apply)**

Release on recognizance

Non-financial conditional release

Monetary bail (other than 10 percent deposit bail)

Monetary bail with non-financial conditions

Monetary bail with supervision

Specific bail amounts (other than 10 percent deposit bail)

Ten percent deposit bail

Pretrial detention/hold without bond

Other (please specify)

**14. How do you use the arrest or probable cause arrest report to assist you with making recommendations? (Check all that apply)**

This information used when assessing risk of danger and failure to appear when the charge is violent in nature

This information is summarized in the written or oral report provided to the judicial officer

Our program does not have access to this information at the time the recommendation is made

Our program chooses not to consider this information when making recommendations

## Survey of Pretrial Services Programs

### 15. What information about the defendant is reported to the court? (Check all that apply)

- Local address
- Length of time resident in local community
- Length of time at present address
- Length of time at prior address
- Ownership of property in community
- Possession of a telephone
- Living arrangements (e.g., whether married or living with relatives)
- Parental status and/or support of children
- Employment and/or educational or training status
- Income level or public assistance status (means of support)
- Physical and/or mental impairment
- Use of drugs and/or alcohol
- Age
- Comments from arresting officer/Arrest report
- Comments from victim
- Prior court appearance history
- Prior arrests
- Prior convictions
- Compliance with probation, parole, or pending case
- Whether currently on probation or parole or has another open case
- Whether someone is expected to accompany the defendant to court at first appearance
- Identification of references who could verify and assist defendant in complying with conditions
- Other (please specify)

## Survey of Pretrial Services Programs

### 16. Who is present at the first appearance? (Check all that apply)

- Defendant
- Judicial officer
- Prosecutor
- Defense attorney
- Pretrial services staff

### 17. Does your court use video arraignment at the first appearance?

- Yes
- No

### 18. When using video arraignment technology, where are the involved parties located?

	Defendant	Pretrial Services Staff	Judge	Prosecutor	Defense Attorney
Jail/Lock-up	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="text"/>				

## 7. Monitoring and Supervision

### 1. Is supervision of pretrial release conditions provided in your jurisdiction? (Please select one)

- Yes, with supervision provided by our program
- Yes, with supervision provided by another program (i.e., probation department)
- No, there is no capacity in our jurisdiction to supervise conditions of release

### 2. Does your program have the option to refuse to accept a defendant the court is considering placing under your supervision?

- Yes
- No

## Survey of Pretrial Services Programs

### 3. What options are used in your jurisdiction to supervise defendants on pretrial release? (Check all that apply)

- Stay away from specific people or places
- Curfew
- Referral to substance abuse treatment
- Referral to mental health services
- Reporting to the program in person or by telephone
- Third party custody to a community organization
- Drug testing
- Alcohol testing
- Home confinement by electronic monitoring--programmed contact (i.e., periodic calls initiated to defendant's home to ensure defendant is there)
- electronic monitoring of defendant movement in the community through Global Positioning System (GPS) technology
- Day reporting center
- Halfway house
- Other (please specify)

### 4. Is your program willing to supervise, monitor, or work in other ways with defendants with charges in other jurisdictions (i.e., engage in inter-program compacts)?

- Yes
- No
- In certain circumstances (please specify)

## Survey of Pretrial Services Programs

### 5. What procedures does your program use to notify released defendants of upcoming court appearances? (Check all that apply)

- Staff review court date with defendants during check-ins by telephone or office visits.
- None (done by other program)
- Staff review court date with defendants upon release following defendants initial court appearance
- Staff initiate telephone calls prior to court date
- Automated dialing system calls defendants prior to court date
- Computer generates letters or postcards
- E-mail notifications
- Other (please specify)

### 6. When defendants fail to appear in court, which of the following steps does your program regularly take? (Check all that apply)

- Sends letter to defendants urging voluntary return to court
- Makes phone calls to defendants urging them to return to court
- Makes home visit to defendants urging them to return to court
- Uses authority to arrest defendants
- Assists police in locating defendants
- Tries to locate defendants who have left the jurisdiction
- Seeks quashing of warrant when defendants return
- Places defendants back on court calendar
- Nothing
- Other (please specify)

### 7. Does your program provide information to probation department for use in presentence reports?

- Yes, information is provided to probation departments in writing
- Yes, information is provided to probation departments verbally
- No

## 8. Responding to Special Populations

## Survey of Pretrial Services Programs

### 1. Does your program use any separate assessment tools for any of the following special populations? (Check all that apply)

- Substance abuse
- Mental health
- Domestic violence
- Women offenders
- Juveniles being prosecuted as adults
- None
- Other (please specify)

### 2. During the pretrial interview, does your program ask about the defendant's current mental health status and current or past treatment? (Please select one)

- No mental health questions are asked
- Program asks about mental health status and treatment only if there are indicators (i.e., observed behavior, reports from other sources) that a particular defendant may have a mental illness
- Program asks about past mental health status and treatment as a regular part of the interview
- Other (please specify)

### 3. If there are indications (through self-report, observed behavior, or other sources) that a defendant has mental health problems, what action does your program take? (Check all that apply)

- Report the information to the court at the initial appearance
- Arrange for an assessment by a mental health professional to be conducted before the initial appearance
- Refer the defendant for possible placement in a mental health court
- No action taken
- Other (please specify)

## Survey of Pretrial Services Programs

**4. During the pretrial interview, does your program ask about the defendant's current substance abuse status and current or past treatment? (Please select one)**

- No substance abuse questions are asked
- Program asks about substance abuse status and treatment only if there are indicators (i.e., observed behavior, reports from other sources) that a particular defendant may have a problem
- Program asks about past substance abuse status and treatment as a regular part of the interview
- Other (please specify)

**5. If there are indications (through self-report, observed behavior, or other sources) that a defendant has substance abuse problems, what action does your program take? (Check all that apply)**

- Report the information to the court at the initial appearance
- Arrange for an assessment by a substance abuse professional to be conducted before the initial appearance
- Refer the defendant for possible placement in a treatment court
- No action taken
- Other (please specify)

**6. Has your program implemented any special procedures to supervise pretrial release conditions for these special populations? (Check all that apply)**

- Substance abuse
- Mental health
- Domestic violence
- Women offenders
- Juveniles being prosecuted as adults
- Other (please specify)

## 9. Release Authority

## Survey of Pretrial Services Programs

**1. Does your program have the authority to release defendants (i.e., "delegated release authority") prior to the initial court appearance? (Check all that apply)**

- Yes, for moving traffic violations ("major traffic" cases)
- Yes, for all infractions or ordinance violations (less serious than criminal misdemeanors)
- Yes, for all misdemeanors
- Yes, for some misdemeanors
- No, our program has no delegated release authority
- Yes, for some felonies (please specify)

### 10. Additional Program Functions

**1. Does your program conduct a bail review of those defendants who fail to post bail in the amount originally set by the court following an initial court appearance?**

- Yes
- No
- In certain cases (please specify)

**2. Does your program provide mediation/arbitration services?**

- Yes
- No

**3. Does your program provide jail classification services?**

- Yes
- No

**4. Does your program provide defendant indigency determination services?**

- Yes
- No

## Survey of Pretrial Services Programs

### 5. Does your program notify victims of crime of the time and location of the initial court appearance?

- Yes
- No
- Yes, in selected cases (please specify)

### 6. Does your program notify victims of crime of the pretrial release of the defendant?

- Yes, in all cases
- No
- Yes, in selected cases (please specify)

### 7. Does your program participate or provide support to any specialty or therapeutic courts?

- No
- Yes (please specify)

### 8. Does your program provide any other services?

- No
- Yes (please specify)

## 11. Data Collection and Program Outcome Measures

For the purpose of answering the questions in this section, pretrial data should be reported for your program's last full reporting year. If unknown, please enter 0 in the field for unknown. Please use the "total" field only if you do not separate misdemeanor and felony cases when you collect your program data.

### 1. Does your program publish an annual report?

- Yes
- No

## Survey of Pretrial Services Programs

### 2. Indicate how many defendants your program staff interviewed last year.

Felony

Misdemeanor

Total

Unknown

### 3. Indicate how many defendants were excluded from an interview by policy.

Felony

Misdemeanor

Total

Unknown

### 4. Indicate the number of recommendations that were made to a judicial officer at first appearance during the last year.

Personal Recognizance

Non-financial conditions

Financial bond

Financial bond + conditions

No Recommendation

### 5. Indicate the number of recommendations accepted by the judicial officer during the last year.

Personal Recognizance

Non-financial conditions

Financial bond

Financial bond + conditions

No Recommendation

### 6. Indicate how many defendants that you supervised during the last year.

Felony

Misdemeanor

Total

Unknown

## Survey of Pretrial Services Programs

**7. Indicate how many defendants that you supervised that also had a financial condition of release during the last year.**

Felony

Misdemeanor

Total

Unknown

**8. On average, what is the estimated caseload size for staff providing supervision to defendants during the past year?**

Felony

Misdemeanor

Total

Unknown

**9. What was the average time under supervision for defendants being supervised by your program during the last year?**

Felony

Misdemeanor

Total

Unknown

**10. What was the average length of time in days between arrest and the pretrial interview in the past year?**

Felony

Misdemeanor

Total

Unknown

**11. What was the average length of time in days between arrest and release pending trial in the past year?**

Felony

Misdemeanor

Total

Unknown

**12. What was your jail capacity ("design capacity") in your jurisdiction during the past year?**

Jail Capacity

**13. What was your average daily jail population in past year?**

Average daily jail population

## Survey of Pretrial Services Programs

### 14. What was the average daily percentage or number of pretrial defendants in jail in the past year?

Average daily pretrial jail population

### 15. Are new jail beds scheduled to open within the next 12 months?

Yes

No

If yes, please indicate how many

### 16. Does your program calculate failure to appear rates?

Yes

No

### 17. For what population does your program calculate failure to appear rates? (Please select one)

All those interviewed by our program, regardless of the type of release

Only those interviewed by our program and placed on any type of non-financial release (ROR, conditions, etc.)

Only those released to the supervision of our program

Other (please specify)

### 18. What was your failure to appear rate for the last year?

Felony

Misdemeanor

Total

Unknown

### 19. Does your program calculate pretrial crime rates?

Yes

No

## Survey of Pretrial Services Programs

### 20. For what population does your program calculate pretrial crime rates? (Please select one)

- All those interviewed by our program, regardless of the type of release
- Only those interviewed by our program and placed on any non-financial release (ROR, conditions, etc.)
- Only those released to the supervision of our program
- Other (please specify)

### 21. How does your program define when a pretrial crime has occurred? (Please select one)

- Any time for any criminal charge
- Any rearrest for a dangerous or violent offense
- Only when the new offense is alleged to have occurred subsequent to release
- Only when the rearrest results in a conviction
- Other (please specify)

### 22. What was the pretrial crime rate for the last full year?

Felony	<input type="text"/>
Misdemeanor	<input type="text"/>
Total	<input type="text"/>
Unknown	<input type="text"/>

## 12. Information Systems

### 1. Which parts of your program's operations are automated even only in part (not done by hand, on paper)? (Check all that apply)

- Interviews
- Risk assessment
- Report preparation
- Monitoring compliance with release conditions
- Management information reports
- Administration records, such as personnel reports
- Other (please specify)

## Survey of Pretrial Services Programs

### 2. What method(s) do you use to gather/store/retrieve case files information? (Check all that apply)

- Manual/paper based system
- Mainframe/legacy computer system
- Client/server network
- Web-based Intranet
- Web-based Internet
- Mobile devices (PDAs or Smart Phones)
- Combination of manual and automated
- Other (please specify)

### 3. What best describes your automated information system? (Please select one)

- Customized off the shelf (COTS) by outside vendor
- Software developed by in-house or county IT staff
- Other (please specify)

### 4. With which of the following agencies does your information system integrate? (Check all that apply)

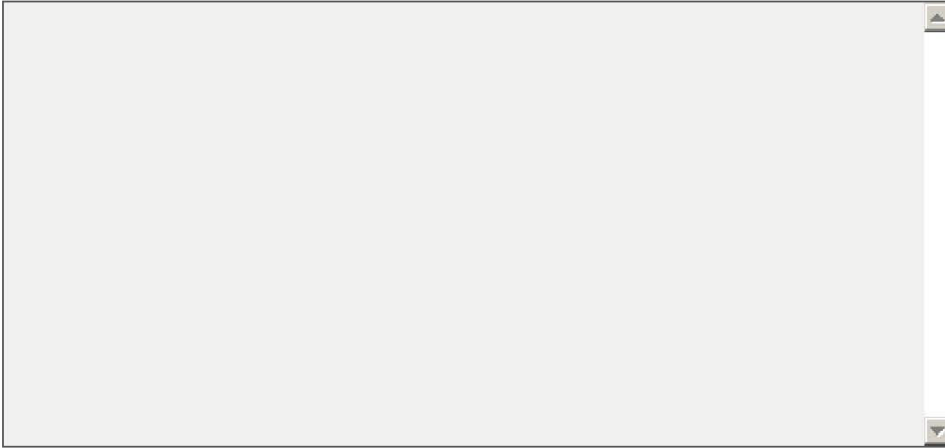
- Police
- Jail
- Court
- Probation
- None
- Other (please specify)

## 13. Survey Conclusion

Thank you for participating in this survey. If you have additional information or feedback, contact Ken Rose at 202-638-3080, ext. 304 or send him an e-mail at [ken@pretrial.org](mailto:ken@pretrial.org).

## Survey of Pretrial Services Programs

**1. Is there anything more about your program that you would like to tell us that has not been covered by this survey?**



## APPENDIX B: LIST OF PARTICIPATING PRETRIAL SERVICES PROGRAMS

### Alabama

Mobile County Pretrial Services	Mobile	AL
UAB TASC-Jefferson County Community Corrections	Birmingham	AL

### Arizona

Maricopa County Adult Probation	Phoenix	AZ
Pinal County Pretrial	Florence	AZ
Pima County Pretrial Services	Tucson	AZ
Yavapai County Adult Probation	Prescott	AZ

### California

Los Angeles County Probation Department	Los Angeles	CA
Orange County Superior Court	Santa Ana	CA
San Diego Superior Court, Pretrial Services	San Diego	CA
Santa Barbara Superior Court Pretrial Services	Santa Barbara	CA
Santa Clara County Office of Pretrial Services	San Jose	CA

### Colorado

Adams County Sheriff's Office	Brighton	CO
Boulder County Pretrial Services	Boulder	CO
Denver County Pretrial Service	Denver	CO
El Paso County Court Services	Colorado Springs	CO
Jefferson County Justice Services	Golden	CO
Larimer County Community Corrections	Fort Collins	CO
Weld County Pre-Trial Supervision	Greeley	CO

### District of Columbia

District of Columbia Pretrial Services Agency	Washington	DC
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### Florida

Alachua County Court Services	Gainesville	FL
Broward Sheriff's Office	Fort Lauderdale	FL
Charlotte County Pretrial Services	Punta Gorda	FL
Lee County Pretrial Services	Fort Myers	FL
Miami-Dade County Pretrial Services	Miami	FL
Orange County Pretrial Services	Orlando	FL
Osceola County Pretrial Services	Kissimmee	FL
Palm Beach County Pretrial Services	West Palm Beach	FL
Pretrial Services of the 16th Judicial Circuit	Key West	FL
Sarasota County Pretrial Services	Sarasota	FL
Volusia County Pretrial Services	Daytona Beach	FL

**Georgia**

Fulton County Pretrial Services	Atlanta	GA
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**Hawaii**

Hawaii Department of Public Safety	Honolulu	HI
Hawaii Intake Service Center	Hilo	HI
Maui Intake Service Center	Wailuku	HI
Oahu Intake Service Center	Honolulu	HI

**Idaho**

Bonneville County Pretrial Services	Idaho Falls	ID
Kootenai County Pre-trial Services	Coeur d'Alene	ID

**Illinois**

Coles County Probation and Court Services	Charleston	IL
Lake County Adult Probation-Pretrial Services	Waukegan	IL
Macon County Pretrial	Decatur	IL
Ogle County Pretrial Services	Oregon	IL
Rock Island County Court Services	Rock Island	IL
Winnebago County Court Service	Rockford	IL

**Indiana**

Lake Superior Court Pretrial Release	Crown Point	IN
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**Iowa**

5th Judicial District, Department of Corrections	Des Moines	IA
6th Judicial District Department of Corrections	Cedar Rapids	IA
7th Judicial District Department of Corrections	Davenport	IA
8th Judicial District Department of Corrections	Fairfield	IA

**Kentucky**

Kentucky Pretrial Services	Frankfort	KY
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**Maine**

Maine Pretrial Services, Inc.	Augusta	ME
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**Maryland**

Anne Arundel County Detention Center Pretrial Services	Annapolis	MD
Montgomery County Pre-Trial Services	Rockville	MD
Pretrial Release Services Program	Baltimore	MD

**Michigan**

Bay County Pre-Trial Services	Bay City	MI
Calhoun County Community Corrections	Battle Creek	MI
Kent County Court Services	Grand Rapids	MI
Macomb County Community Corrections	Mt. Clemens	MI

Monroe County First District Court Services	Monroe	MI
Oakland County Community Corrections	Waterford	MI
Saginaw County Pretrial Services	Saginaw	MI
Third Circuit Court Pretrial Services	Detroit	MI
<b>Minnesota</b>		
Brown County Probation's Pretrial Services	New Ulm	MN
Freeborn County Court Services	Albert Lea	MN
Kandiyohi County Community Corrections	Willmar	MN
Meeker County Court Services	Litchfield	MN
Mille Lacs County Probation Department	Milaca	MN
Otter Tail County Probation	Fergus Falls	MN
Sherburne County Court Service	Elk River	MN
Stearns County Community Corrections	St. Cloud	MN
Wright County Court Services	Buffalo	MN
<b>Montana</b>		
Gallatin County Office of Court Services	Bozeman	MT
Missoula Pretrial Supervision	Missoula	MT
<b>Nebraska</b>		
Douglas County Pretrial Release	Omaha	NE
Sarpy County Pretrial Services	Papillion	NE
<b>Nevada</b>		
Las Vegas Justice Court PreTrial Services	Las Vegas	NV
Washoe County Pretrial Services	Reno	NV
<b>New Hampshire</b>		
Cheshire County Alternative Sentencing	Keene	NH
Merrimack County Pretrial Services	Concord	NH
Rockingham County SCRIP	Brentwood	NH
Strafford County Community Corrections	Dover	NH
<b>New Mexico</b>		
11th Judicial District Court Pretrial Services	Aztec	NM
<b>New York</b>		
Allegany County Probation Department	Belmont	NY
Broome County Pre-Trial Release	Binghamton	NY
Clinton County Department of Pretrial Services	Plattsburgh	NY
Columbia County Pre-Trial Release	Hudson	NY
Cortland County Pretrial Services	Cortland	NY
Dutchess County Pretrial Services	Poughkeepsie	NY
Nassau County Pretrial Screening	Hempstead	NY
New York City Criminal Justice Agency	New York	NY

Pre-Trial Services Corporation	Rochester	NY
Pre-Trial Services Institute	White Plains	NY
Rensselaer County Probation Department	Troy	NY
Schuyler County Pre-Trial Release	Watkins Glen	NY
St. Lawrence County Pre Trial Services	Canton	NY
Washington County Pre- Trial Services	Fort Edward	NY
Wayne Pre-Trial Services, Inc.	Newark	NY

### **North Carolina**

Alexander County Pre-Trial Release Program	Taylorsville	NC
Brunswick County Electronic Home Detention	Bolivia	NC
Buncombe County Pretrial Services	Asheville	NC
Cumberland County Criminal Justice Services	Fayetteville	NC
Gaston County Pretrial Service	Gastonia	NC
Guilford County Pretrial Services	Greensboro	NC
Harnett County Pretrial Release Program	Lillington	NC
Mecklenburg County Pretrial Services	Charlotte	NC
New Hanover County Pretrial Release Program	Wilmington	NC

### **Ohio**

Butler County Pretrial Services	Hamilton	OH
Cuyahoga County Common Pleas Court	Cleveland	OH
Franklin County Court of Common Pleas	Columbus	OH
Hamilton County Department of Pretrial Services	Cincinnati	OH
Lorain County Court Supervised Release	Elyria	OH
Marion County Adult Probation	Marion	OH
Stark County Pre-Trial Service	Canton	OH
Summit County Pretrial Service	Akron	OH
Williams County Adult Probation	Bryan	OH

### **Oklahoma**

Tulsa County Court Services	Tulsa	OK
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### **Oregon**

Jackson County Court - Release Services	Medford	OR
Lane County Circuit Court Pretrial Services	Eugene	OR
Multnomah County Pretrial Services	Portland	OR

### **Pennsylvania**

Allegheny County Pretrial Services	Pittsburgh	PA
BCPS/Pretrial Services	Reading	PA
Cambria County Adult Probation	Ebensburg	PA
Centre County Bail Agency	State College	PA
Chester County Bail and Pretrial Services	West Chester	PA
Dauphin County Pretrial Services	Harrisburg	PA
Delaware County Pretrial/Bail	Media	PA

Franklin County Pretrial Release	Chambersburg	PA
Indiana County Pretrial Services	Indiana	PA
Lehigh Valley Pretrial Services	Allentown	PA
Northampton County Pretrial Services	Easton	PA
Pretrial Service Division	Philadelphia	PA
Somerset County Probation Bond	Somerset	PA
Westmoreland County Pretrial Services	Greensburg	PA
Wyoming County Bail Supervision	Tunkhannock	PA

### **Tennessee**

Shelby County Pretrial Services	Memphis	TN
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### **Texas**

Collin County Pre-Trial Release	McKinney	TX
Harris County Pretrial Services	Houston	TX
Tarrant County Pretrial Services	Fort Worth	TX
Travis County Pretrial Services	Austin	TX
Webb County Pre Trial Services	Laredo	TX

### **Utah**

Salt Lake County Criminal Justice	Salt Lake City	UT
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### **Virginia**

Alexandria Criminal Justice Services	Alexandria	VA
Arlington Sheriff's Office Pretrial Services	Arlington	VA
Blue Ridge Court Services	Staunton	VA
Chesapeake Community Corrections	Chesapeake	VA
Chesterfield County Pretrial Services	Chesterfield	VA
Colonial Community Corrections, Pretrial Services	Williamsburg	VA
Court Community Corrections	Roanoke	VA
Court Services Division	Fairfax	VA
Fauquier County Office of Adult Court Services	Warrenton	VA
Halifax/Pittsylvania Court Services	Halifax	VA
Hampton-Newport News Pretrial Services	Hampton	VA
Hanover County Community Corrections	Hanover	VA
Henrico County Community Corrections	Henrico	VA
Lynchburg Community Correction	Lynchburg	VA
Middle Peninsula Local Probation	Tappahannock	VA
New River Community Corrections	Pulaski	VA
Norfolk Criminal Justice Services	Norfolk	VA
OAR/Jefferson Area Community Corrections	Charlottesville	VA
Piedmont Court Services	Boydton	VA
Portsmouth Community Corrections	Portsmouth	VA
Pretrial Services Agency	Winchester	VA
Prince William County Office of Criminal Justice Services	Manassas	VA
Rappahannock Regional Jail Pretrial Services	Stafford	VA

Richmond City Pretrial Services	Richmond	VA
Riverside Criminal Justice Agency	Prince George	VA
Rockingham-Harrisonburg Court	Harrisonburg	VA
Southside Community Corrections	Emporia	VA
Virginia Beach Community Corrections	Virginia Beach	VA

**Washington**

Spokane County Pretrial Services	Spokane	WA
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**Wisconsin**

Justice 2000 Pretrial Intervention	Milwaukee	WI
Wisconsin Community Services,	Milwaukee	WI