Pretrial Justice

Cost Effective Strategies to Safely Manage Detention and Jail Populations

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July 19, 2013
NACO 2013 Annual Conference
Call for Pretrial Reform
Since 2010
Time (behind bars) = $$$$$

How taking advantage of pretrial release options saves serious money.

Keeping low risk defendants out of jail keeps people contributing to the tax base rather than being housed at taxpayer expense. The Administrative Office of the Courts has released statistics that show that recent increases in pretrial release of low risk defendants has been done with no harm to public safety or rise in crime.

The increases in release have been estimated to have saved $25 million in county jail expenses during the first year of HB463.

Public safety rates statewide remain constant regardless of rate of release.

More savings possible: 79 counties are below the statewide average release rate of 70%.

77 days at a cost of $2,817.43 - Average length of time spent on pretrial release, according to the AOC.
Defining “Effective” Bail Decisions

“Effective bail decisions would foster the release of as many defendants as possible before trial, while maintaining suitably low failure to appear and rearrest rates.”

(John Goldkamp and Michael Gottfredson, Policy Guidelines for Bail: An Experiment in Court Reform.)
COSCA White Paper (2012)

• “...Economic status (is) a significant factor in determining whether a defendant is released pending trial, instead of such factors as risk of flight and threat to public safety.”

• “In short, ‘for the poor, bail means jail.’”
Implications of Bail

• Maintain employment, family ties, residence, etc.
• Assist Counsel
• Access to treatment/services
• Protection of victim/public
• Public costs of detention
• Disruption of case process
• Harsher dispositions
Risk Assessment
Pretrial Justice

• Statistically measures probability of success/failure of the two factors to consider for bail:
  
  • Appearance in court
  
  • Community safety
National Symposium
Recommendations

• Expand the use of citation releases
• Risk assessment in place of bond schedules
• Prosecutorial review of all cases prior to initial appearance
• Defense counsel at initial appearance
• Trained Judicial officers presiding at the initial
• Existence of pretrial services program
• Preventive detention
Pretrial Justice in Rural Areas: A Guide for Rural County Officials

Recommendation 1

Develop coordinated, system-wide approaches for pretrial justice planning, implementation and monitoring

*Criminal Justice Coordinating Councils –*

- Analyze jail and public safety data
- Map pretrial decision-making
- Adopt a policy statement or resolution to reflect national standards
Pretrial Justice in Rural Areas: A Guide for Rural County Officials

Recommendation 2

Review local ordinances and state statute pertaining to pretrial release decision-making for their compatibility with the pretrial standards outlined by the American Bar Association.

*Immerse stakeholders in pretrial research and evidence and compare current policies/practices to national standards*
Change in Average Daily Population (ADP) by AECF Grantee/JDAI Sites

Baseline vs. 2012
N=38 grantees, comprising 112 sites
(Grantees shown in ascending order by percentage change in ADP)
Juvenile Detention Alternatives Initiative Sites Compared to Home State Totals

The **decline** in the **Average Daily Population (ADP)** in detention centers – was almost **2.5 times greater** in JDAI sites than the state totals (-42% versus -17%).
Expansion of JDAI vs. National Decrease in Detention, 1997 - 2010

Number of counties in JDAI

Census of Detained Juveniles

- JDAI Counties
- CJRP count of detained youth


Counts:
- JDAI Counties: 3, 59, 155, 20,579
- CJRP count of detained youth: 28,040, 26,170, 20,579

Graph showing the expansion of JDAI counties and the decrease in the census of detained juveniles from 1997 to 2010.
Resources

• 2012 Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative Annual Results Report
• 2012 JDAI Annual Results Report at aecf.org

• 2012 Study Examines the Impact of JDAI Sites
• Warren Institute on Law and Social Policy Berkeley School of Law U of California

• Implementing the Recommendations of the 2011 National Symposium on Pretrial Justice: A Progress Report

• The Delivery of Pretrial Justice in Rural Areas: A Guide for Rural County Officials