



# **Pretrial Services Programming at the Start of the 21<sup>st</sup> Century**

*A Survey of Pretrial  
Services Programs*

**Monograph**

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**NCJ 199773**

This document was prepared by the Pretrial Services Resource Center, under grant number 2001-DD-BX-0037, 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 or policies of the U.S. Department of Justice.

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A Survey of Pretrial  
Services Programs

by

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and  
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July 2003  
NCJ 199773

# Acknowledgments

We wish to thank the more than 200 state and local pretrial services program administrators from around the country, as well as those in the District of Columbia and Puerto Rico, who took the time to complete our very lengthy and detailed survey. Their cooperation was essential in completing this third survey of pretrial services programs. We also would like to thank the National Association of Pretrial Services Agencies, specifically its president, Dennis Hunter, and five members of the Board of Directors—Miranda Boozer, Carl Hinxman, Peter Kiers, Mary Pat Maher, and Marilyn Walczak—for their expert assistance in the development of the survey instrument and their critical review of drafts of this report.

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# Executive Summary

Since their inception in the 1960s, pretrial services programs have been providing bail-setting judicial officers with information and options for the release or detention of persons accused of criminal offenses. Over the ensuing four decades, hundreds of pretrial programs have been established in rural, suburban, and urban jurisdictions. These programs are housed in a variety of settings, including probation departments, court offices, local jails, and as independent or private agencies.

## Surveys Past and Present

The first survey of pretrial services programs, conducted by the Pretrial Services Resource Center, was released in 1979; a second, funded by the Bureau of Justice Assistance, followed in 1989. The results of those two surveys have shown pretrial program administrators how their services and practices compare to those of other programs around the country and have provided guidance for programmatic growth. The results have also guided county boards and other funding agencies looking to establish or expand pretrial services programming.

This report presents the findings from the third survey of pretrial services programs, conducted in 2001, in which a total of 202 pretrial services programs participated. The results describe where pretrial services programs stand in relation to one another, where they stand in relation to where they were in 1979 and 1989, and where they stand in relation to the standards set by the American Bar Association and the National Association of Pretrial Services Agencies for services provided by pretrial programs. The report also examines what pretrial services programs are doing to meet the challenges presented by four groups that are being seen in increasing numbers in the criminal justice system since the last surveys—defendants with mental illness, juveniles charged as adults, people charged with domestic violence offenses, and women. Finally, it looks at any relationships that might exist between pretrial services program practices and jail crowding, exploring such factors as administrative locus, program scope and size, program funding and staffing, and any relationships that might exist between these factors and specific

program practices and outcomes. It does not, however, seek to explain why relationships may or may not exist.

## Highlights of Findings

Many new pretrial services programs have been initiated since the last survey in 1989; 44 percent of the programs participating in the current survey have been started since 1990. Probation is the administrative locus for a growing number of pretrial programs; 34 percent of programs started since 1990 are in probation, compared to 27 percent in jails, and 24 percent in courts. By contrast, 36 percent of programs started in the 1980s were in courts, whereas 27 percent were in probation and 16 percent in jails. The average staff size for a pretrial program is 18; 10 percent of programs have just 1 staff person, and 2 percent have more than 200.

The American Bar Association and the National Association of Pretrial Services Agencies specify several core services or practices for pretrial services programs. Although many of these services and practices are present in a large percentage of programs, the survey results show that several other services and practices are not present in most programs. For example, despite the recommendation in the standards that all persons charged with a criminal offense be interviewed by pretrial services, only 16 percent of programs report having no exclusions on interviews. In addition, although the standards call for the use of objective criteria in the formulation of a risk assessment, fewer than 1 in 4 pretrial programs (23 percent) rely exclusively on objective risk assessment criteria; 42 percent combine objective and subjective criteria, and 35 percent use subjective criteria only.

The survey looked at how pretrial services programs prepare staff to do their jobs and measure their effectiveness. A majority of programs have a mission statement and operations manual to guide and instruct staff. Fewer than half the programs, though, provide a structured training program for new staff. One-quarter of the programs rely exclusively on on-the-job training.

As for efforts to measure effectiveness, 48 percent of pretrial programs report that they have never validated their risk assessment instrument; an additional 22 percent indicate that it has been more than 5 years since their instrument was validated. Forty-five percent of programs do not calculate failure to appear (FTA) rates; of those that do, there is great variation in how these rates are calculated:

- Seventy-one percent count only those released under the supervision of the program, 14 percent count all those interviewed by the program (regardless of release type), and 13 percent count only those interviewed by the program and placed on nonfinancial release.
- Sixty percent define an FTA as occurring only when a bench warrant is issued, whereas 35 percent define FTA as whenever any court appearance is missed, regardless of whether a warrant was issued.
- Sixty percent use a defendant-based measure to calculate FTA, and 32 percent use an appearance-based measure.

Seventy-one percent of programs do not calculate rearrest rates; of those that do, there is variation in how those rates are calculated:

- Eighty percent calculate rearrest rates only for those who are under the program's supervision, 10 percent count all those interviewed by the program regardless of release type, and 8 percent include only those interviewed by the program and placed on nonfinancial release.
- Ten percent define a rearrest as occurring only when the new charge results in a conviction, 80 percent consider a rearrest to be whenever there is a new arrest (regardless of the ultimate disposition of the new charge), and 10 percent qualify other miscellaneous circumstances as a rearrest.

It appears that pretrial services programs are beginning to address challenges brought on by two special populations of defendants whose presence in the criminal justice system has been growing—those who have a mental illness and those charged with domestic violence. Nearly 3 of every 4 pretrial programs ask about mental health status and treatment as a regular part of the

interview. About one-quarter of the programs report having implemented special procedures to supervise defendants with a mental illness. The majority of these, 75 percent, refer the defendant to a mental health program in the community. Sixteen percent report having a specialized caseload. One-quarter of the programs have developed special risk assessment procedures for defendants charged with domestic violence offenses and about one-third have implemented special procedures to supervise defendants charged with domestic violence offenses.

The survey also examined the extent to which pretrial services programs have been making use of technology to aid in their work. Sixty-eight percent of pretrial programs report using drug testing as a tool in pretrial supervision. About half (104) of the programs report using alcohol testing as a supervision tool. Nearly 1 in 5 programs that test for alcohol use a remote system, whereby the defendant can be tested at home by a supervision officer at another location. Fifty-four percent of the pretrial programs use at least one form of electronic monitoring. Most pretrial programs that use electronic monitoring use continuously signaling devices, which sound an alert if the defendant leaves a restricted area. Six percent of the programs use Global Positioning System (GPS) technology, which allows the exact movements of defendants in the community to be tracked from a remote location on a continuous basis. Fewer than 10 percent of pretrial programs rely exclusively on a manual system to gather, store, and retrieve information. Just over half of the programs use a combination of manual and automated systems. More than half of the pretrial programs report that the information systems they use are not integrated with computers from other criminal justice programs in the jurisdiction.

Although pretrial services programs generally have little, if any, control over the population at the jail, the survey examined several characteristics of programs in relation to the jail population. Forty-four percent of the jails in jurisdictions served by the pretrial programs are over capacity. Almost half are under capacity, and the remainder are at capacity. Programs administratively located within the sheriff's department or jail and those that are independent agencies are the least likely by far to be in jurisdictions where the jail population is over capacity—29 percent for both, compared to 47 percent for probation-based programs, 50 percent for private, nonprofit programs, and 54 percent for court-based



programs. Programs that assess risks of pretrial misconduct in an exclusively subjective manner are more than twice as likely to have a jail population that exceeds its capacity than those programs that assess risk exclusively through an objective risk assessment

instrument—56 percent compared to 27 percent. Fifty-seven percent of programs that add subjective input to an objective instrument are in jurisdictions with overcrowded jails.

# I. Introduction

In 1961, the first pretrial services program in the country, the Manhattan Bail Project, was established in New York City. Its purpose was to assist judges in making release decisions that were more consistent and less dependent on release through financial means. The experiences of the Manhattan Bail Project launched what became known as the Bail Reform Movement, during which statutes across the country were rewritten to emphasize a preference for releasing arrestees on their own recognizance pending final disposition of their charges. For this change in policy to occur, verified information about the arrestee was deemed critical and pretrial screening and supervision programs were created to respond.

In subsequent years, hundreds of pretrial programs have been established in rural, suburban, and urban jurisdictions, finding homes in probation departments, court offices, and local jails and as independent county contractors.

These programs provide a number of critical services, including:

- Gathering and verifying information about arrestees—including criminal history, current status in the criminal justice system, address, employment, and drug and alcohol use history—that judicial officers can then take into account in making release/detention decisions.
- Assessing each arrestee’s likelihood of failure to appear and chances of being rearrested.
- Providing supervision for defendants conditionally released, notifying the court of any failure to comply with release conditions.

But from the early years the development of such programs has not been uniform. In some jurisdictions, programs were introduced solely to reduce the jail population; in others, their primary purpose was to provide supervision of those ordered released by the courts pending trial. Some programs targeted certain

groups of defendants for their services, while others interviewed everyone arrested.

Recognizing these differences, in 1978 the U.S. Department of Justice made two grant awards: the first to the National Association of Pretrial Services Agencies (NAPSA) to develop national professional standards for the still-new field and the second to the Pretrial Services Resource Center (PSRC) to determine the current status of the pretrial field (how many programs there were and how they compared with the professional standards that the association was promulgating). That first survey of pretrial programs was produced in 1979. A second survey of pretrial services programs was funded by the Bureau of Justice Assistance (BJA), U.S. Department of Justice, in 1989.

Results from these surveys have been critical for court and local county officials, providing benchmarks as to the types of services offered by programs that now fall under the umbrella term “pretrial services” 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 hints for programmatic growth. Finally, the surveys have guided county boards and other funding agencies planning to establish or expand a pretrial program with regard to such issues as the most frequent administrative location for such programs and their average staff size.

In 2001, BJA funded a third survey of pretrial services programs. This survey, the results from which are reported here, followed very closely the process employed by the earlier surveys, exploring such issues as administrative locus, program scope and size, program funding and staffing, and specific program practices. It also collected information on important current-day issues such as the latest technologies used by pretrial programs to conduct their investigations, assess risks of pretrial misconduct, supervise defendants, and manage information. In addition, the survey explored how pretrial programs are dealing with special populations, including the mentally ill, juveniles charged as adults, women

offenders, and offenders charged with domestic violence—populations that continue to provide difficulties for local courts during the pretrial stage.

### Methodology

A number of sources were used to identify pretrial programs for participation in the survey. The first was the mailing list of PSRC, a clearinghouse for information on pretrial services. This list was cross-referenced with the membership records of NAPSA, the professional organization for pretrial program practitioners, as well as the membership records of various state pretrial associations. Several states, including California, Florida, Minnesota, New York, and Ohio, have their own state pretrial associations, while in others, including Illinois, North Carolina, Pennsylvania, and Virginia, state agencies fund—at least partially—and monitor the pretrial programs in the state. Officials in each of these states were contacted for a list of pretrial services programs, which again were cross-referenced with PSRC's mailing list. In other jurisdictions, such as Connecticut, Delaware, and Kentucky, pretrial is run at the state level, making those programs easy to identify. Next, an attempt was made to contact all programs not yet identified that had participated in the 1989 survey. Finally, an extensive Internet search was undertaken to identify other pretrial services programs that might exist. Through this effort, a total of 337 jurisdictions were identified that either have or might have a pretrial services program.

The instruments used in the 1979 and 1989 surveys were modified by adding questions pertaining to the use of new technologies and the handling of special populations. Five representatives from the NAPSA Board reviewed the instrument from a practitioner's perspective for completeness. This review served two purposes—it provided important additional input from professionals in the field and it provided the means to pretest the instrument.

In early November 2001, a letter was sent to the 337 identified jurisdictions with information about the survey. The letter informed pretrial services program administrators that the survey was accessible on PSRC's web site, and provided a password to access the survey. In late November 2001, a second letter was sent to those

programs that had not yet responded to the survey through the web site. The letter contained a paper copy of the survey and asked recipients to complete it either manually or through the web site. A second followup letter was sent in mid-December.

Nine jurisdictions responded that there was no pretrial services program in the jurisdiction. Return mail was received from six additional programs for which followup investigations could not resolve the current status of the programs. Thus, the number of jurisdictions with possible programs was cut to 322. In early January 2002, project staff began contacting by telephone and e-mail program administrators who had not yet responded to the survey. By the end of January, 202 responses had been submitted for a final response rate of 63 percent.

Ninety-two of the 201 programs that participated in the 1989 survey also participated in the 2001 survey. Attempts were made to contact 65 others, without success (i.e., either the programs were no longer in existence or their existence could not be confirmed). Forty-four of the programs that participated in 1989 never responded to the 2001 survey.

The findings are descriptive in nature. They describe where pretrial services programs differ from one another. They also describe how present pretrial programs and their practices compare to what was reported in the first two surveys. In addition, they describe how the practices of pretrial programs compare to standards set by the American Bar Association (ABA) and the National Association of Pretrial Services Agencies. The findings also reveal what pretrial services programs are doing to meet the challenges presented by four groups that are being seen in increasing numbers in the criminal justice system since the last surveys—defendants with mental illness, juveniles charged as adults, people charged with domestic violence offenses, and women. The findings are used to examine relationships between pretrial services program practices and jail crowding. Finally, the findings describe several general characteristics of pretrial services programs—such as administrative locus, program scope and size, program funding and staffing, and program age—and any relationships that might exist between these factors and specific program practices and outcomes. The report does not, however, seek to explain why relationships may or may not exist.

## How This Report Is Organized

This report is organized into several chapters. The first describes the general characteristics of pretrial services programs, including when the programs began, where they are administratively located, staff size, and budget size. The next chapter compares current pretrial services practices to standards set by the ABA and NAPSA. Then comes a chapter that explores what pretrial services programs are doing to evaluate their own practices. Following that is a discussion of what pretrial programs are doing to address challenges presented by four different special populations: defendants with mental illness, juveniles charged as adults, people charged with

domestic violence, and women. The next chapter looks at how pretrial programs have been incorporating technologies to help investigate and monitor defendants. The final chapter explores associations between pretrial services programming and jail crowding.

In many instances throughout the report, responses from the 2001 survey are compared to those of the 1989 and 1979 surveys.<sup>1</sup> Many of the findings are presented in tables and charts in the text; additional findings are presented in tables in appendix A. In many of the tables and charts, the numbers do not add up to 202, the total number of respondents, because many respondents were unable to answer all the questions.

## II. General Characteristics of Pretrial Services Programs

The findings in this chapter describe characteristics such as where pretrial services programs are located, how long they have been in operation, how large they are in terms of staff and funding, and the types of jurisdictions that they serve. Although important in their own right, many of these characteristics are used in later sections to explore relationships between them and program practices and outcomes.

### Type of Jurisdiction

The overwhelming majority of pretrial services programs serve a single local governmental entity, either a county or a municipality. As table 1 shows, 88 percent serve a single locality, and 10 percent serve multiple localities, typically two or three counties in a particular region. Four programs, those in Connecticut, Delaware, Kentucky, and Puerto Rico, serve the entire state or commonwealth.<sup>2</sup>

**Table 1. Type of Jurisdiction Served by Programs**

Type of Jurisdiction	Percentage of Programs (N = 198)
Local (county or city)	88
More than one county	10
Entire state	2

### Size of Jurisdiction Population

The highest percentage of programs in all three survey periods—46 percent in the 2001 survey, 41 percent in the 1989, and 44 percent in the 1979—served jurisdictions with populations totaling between 100,000 and 500,000. Whereas only 7 percent of the programs in the 1979 survey served populations of 100,000 or fewer, in both the 1989 and 2001 surveys at least one-quarter served such populations. (See table A–1, appendix A.)

### Nature of Jurisdiction Area

According to table 2, nearly half (48 percent) of the pretrial programs in the 2001 survey categorize the area served by their programs as a mix of urban, suburban, and rural. The second highest category is primarily rural, representing 21 percent of the programs. Those serving primarily urban areas represent 17 percent, and those in primarily suburban areas represent 14 percent.

**Table 2. Nature of Jurisdiction Served by the Program**

Nature of Jurisdiction	Percentage of Programs (N = 193)
Mixture	48
Primarily rural	21
Primarily urban	17
Primarily suburban	14

### Annual Number of Arrests

The majority of pretrial programs were unable to report the annual number of arrests in the jurisdiction served by the program. As figure 1 at the end of this chapter shows, of those that could respond, almost half serve jurisdictions that have 10,000 or fewer arrests for felony and misdemeanor offenses each year; more than one-third of responding jurisdictions have 5,000 or fewer annual arrests.

### Number of Interviews Conducted

As shown in figure 2 at the end of this chapter, almost 3 out of 4 pretrial programs interview fewer than 5,000 defendants per year, including 39 percent that interview fewer than 1,000. Two percent of programs report interviewing more than 50,000 per year.

## Decade Program Began

Nearly half the programs participating in the 2001 survey began operating after 1990 (about when the last survey was conducted). In all, 88 of the 188 programs reporting these data began since 1990, including 7 that began since 2000.

**Table 3. Decade Program Began**

Decade	Percentage of Programs (N = 188)
1960s	6
1970s	23
1980s	24
1990s	43
2000s	4

Fifty-one percent of the pretrial services programs that have been started since 1990 are in jurisdictions with populations between 100,000 and 500,000, and 21 percent serve jurisdictions of 100,000 or fewer. Fewer than 10 programs have been started since 1990 in jurisdictions with a population of more than 500,000. None of the programs begun in the 1960s and 1970s serve populations of 100,000 or fewer. (See table A-2, appendix A.)

More than one-third of the programs that have been started since 1990 serve primarily rural areas, and only 9 percent serve primarily urban jurisdictions. By contrast, 60 percent of the programs that were started in the 1960s serve primarily urban areas, and none serve rural areas. (See table A-2, appendix A.)

## Administrative Locus

Pretrial services programs have been housed in a variety of administrative locations since the first pretrial services programs were established in the 1960s. These locations include probation departments, the court, the sheriff’s department or jail administration, independent agencies reporting to the executive branch or local county board, and private, nonprofit organizations.

The percentage of programs run by the sheriff’s department or jail administration has risen consistently across the three surveys. As figure 3 at the end of this chapter shows, in the 1979 survey, only 4 percent of pretrial services programs were housed in the sheriff’s department or jail. In the 1989 survey, the number had risen to 10 percent, and to 19 percent in the 2001 survey. The percentage of programs housed in private, nonprofit organizations has declined slowly but consistently over the three periods, going from a high of 13 percent in the 1979 survey to a low of 8 percent in 2001. Those under the courts rose in the 1989 survey to 38 percent but declined to 29 percent in the 2001 survey. Those under probation rose to 31 percent in the 2001 survey, up from 24 percent in 1989.

There appears to be a movement away from administratively locating pretrial programs in the courts. The largest category of programs that have been started since 1990 are administratively located within probation (34 percent), followed by sheriff/jail (27 percent), and then courts (24 percent). By contrast, the highest percentage of programs started in the 1970s and 1980s (36 percent) are housed under the courts. (See table A-2, appendix A.)

## Program Budgets

As shown in figure 4 at the end of this chapter, 39 percent of the pretrial programs are budgeted at a level of \$200,000 per year or less, including 11 percent at less than \$50,000 and 14 percent between \$50,000 and \$100,000. This finding is consistent with data presented so far—that a large number of pretrial services programs operate in smaller jurisdictions.

Fifty-five percent of the programs begun since 1990 are budgeted at a level of \$200,000 or less, another indication that the newer programs are smaller. By contrast, 80 percent of programs that were started in the 1960s are budgeted at \$1,000,001 or more. (See table A-2, appendix A.)

## Source of Funding

As table 4 shows, county governments are the largest source of funding for pretrial programs, followed by state governments. Seven percent of pretrial programs

**Table 4. Pretrial Program Funding From Various Sources**

Funding Source	Percentage of Pretrial Programs (N = 168), by Percentage From Source					
	None	1–25	26–50	51–75	76–99	100
Federal funds	93	4	1	0	0	2
State funds	49	10	14	5	4	17
County funds	21	7	9	13	11	39
Municipal funds	94	4	1	0	1	1
Fees for service	90	8	2	0	0	0
Private funds	99	1	0	0	0	0

receive all or part of their funding from federal sources. Ten percent receive some funding from fees for service imposed on defendants.

### Staff Size

The average staff size for programs in the survey is 18. As figure 5 at the end of this chapter shows, though, half the programs have 5 or fewer staff members (including 10 percent that have just 1 staff person), and almost 70 percent have 10 or fewer. Less than 10 percent of the programs have more than 50 staff members, including 3 percent that have more than 100.

In comparing staff size to the year the program began, almost 3 out of every 4 programs that were started since 1990 have a staff of five or fewer—20 percent have just one staff person and an additional 52 percent have between two and five staff members. By contrast, only 9 percent of programs started in the 1960s, 27 percent started in the 1970s, and 44 percent in the 1980s have staff of five or fewer. Only 2 percent of the programs started since 1990 have more than 50 staff members, compared to 36 percent of those starting in the 1960s and 16 percent in the 1970s. (See table A–2, appendix A.)

Although the data presented thus far indicate that newer programs are smaller than older programs, both in terms of the population that they serve and the size of their staff, this does not mean that pretrial programs overall are smaller than they were in the past. On the contrary,

as table 5 shows, the size of pretrial program staff appears to be gradually increasing across the three survey periods to a point where 31 percent of current pretrial programs have more than 10 staff persons, compared to 27 percent in the 1989 survey and 18 percent in 1979.

### Hours of Operation

As table 6 shows, just over half the programs (55 percent) operate only during court hours on weekdays. Just over a quarter (27 percent) cover more than 12 hours per day, both weekdays and weekends. Nearly 6 out of 10 programs do not work weekends at all.

Obviously the one-person pretrial programs would not be able to provide extended coverage, and other programs with small staff would find it difficult. The data show that all 18 of the one-person programs work only

**Table 5. Staff Size of Pretrial Services Programs Across the Three Survey Periods**

Staff Size	Percentage of Pretrial Programs, by Year of Survey		
	2001 (N = 187)	1989 (N = 196)	1979 (N = 116)
Fewer than 3	26	35	28
3–4	15	14	22
5–10	28	24	32
More than 10	31	27	18

**Table 6. Pretrial Program Hours of Operation**

Hours	Percentage of Programs (N = 189)
Monday–Friday, during court hours	55
Weekdays and weekends, more than 12 hours	27
Weekdays and weekends, regular hours	15
Monday–Friday, more than 12 hours	3

Monday to Friday during court hours, as do 80 percent of the programs that have 2 to 5 staff members. Eighty percent of the programs that have more than 25 staff work extended hours on both weekdays and weekends. (See table A-3, appendix A.)

### Delegated Release Authority

“Delegated release authority” refers to the authority given to officials of the pretrial services program to release defendants charged with specific offenses before the defendant appears before a judicial officer for the initial court appearance. The authority is typically permitted by statute and then granted by judicial order. The percentage of programs that have such authority in the 2001 survey is half what participants in the two earlier surveys reported. In 1979, 42 percent of programs reported having delegated release authority. The total was 41 percent in the 1989 survey. Only 21 percent reported having delegated release authority in the 2001 survey. (See table A-4, appendix A.)

Table 7 shows the offenses for which the 39 programs that reported having delegated release authority can exercise that authority. A majority have the authority to release people charged with traffic offenses, infractions, and misdemeanors. Nearly 3 out of 4 of these programs have delegated release authority in some felony cases.

**Table 7. Delegated Release Authority**

Cases for Which It Exists	Percentage of Programs (N = 39)
Some felonies	72
Some misdemeanors	67
Traffic offenses	62
Infractions	56
All misdemeanors	31

### Summary

Almost half of the programs in the current survey have been started since 1990. There has been growth since the last survey in the number of pretrial services programs serving smaller jurisdictions, as evidenced by the size of the populations served by the programs, the nature of the area served (i.e., urban, rural), the number of arrests in the jurisdictions served, the number of interviews conducted by the programs, the size of the programs’ budgets, and the size of the programs’ staff. There has also been growth in the percentage of programs housed under the sheriff or jail administration and under probation and a decline in the percentage housed in the courts.



Figure 1. Total Annual Arrests by Percentage of Programs

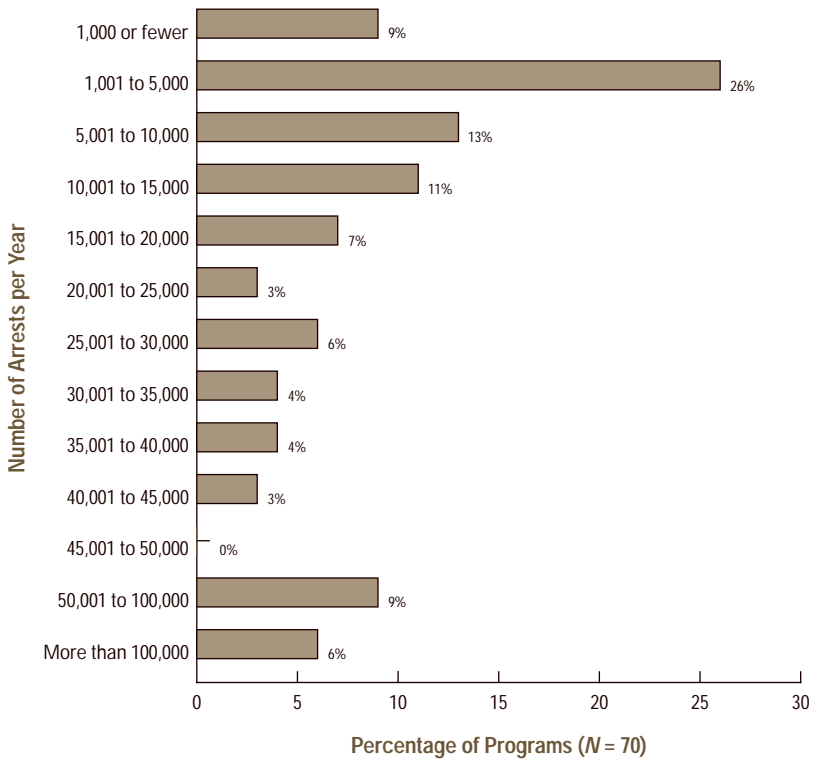


Figure 2. Number of Interviews Conducted per Year, by Percentage of Programs

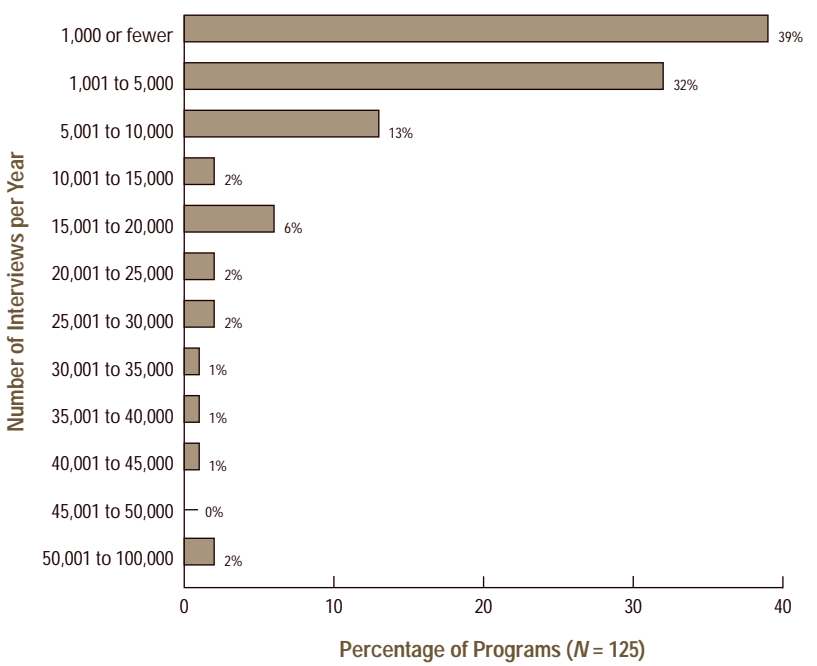


Figure 3. Administrative Locus of Pretrial Programs Across the Three Surveys

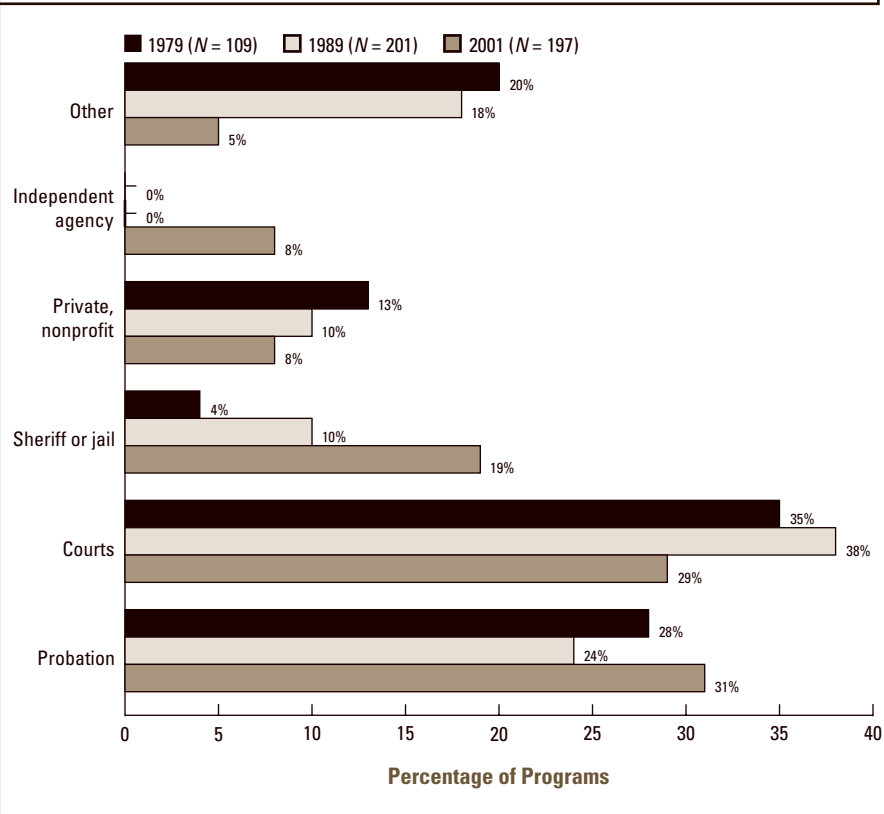


Figure 4. Budget for Pretrial Programs

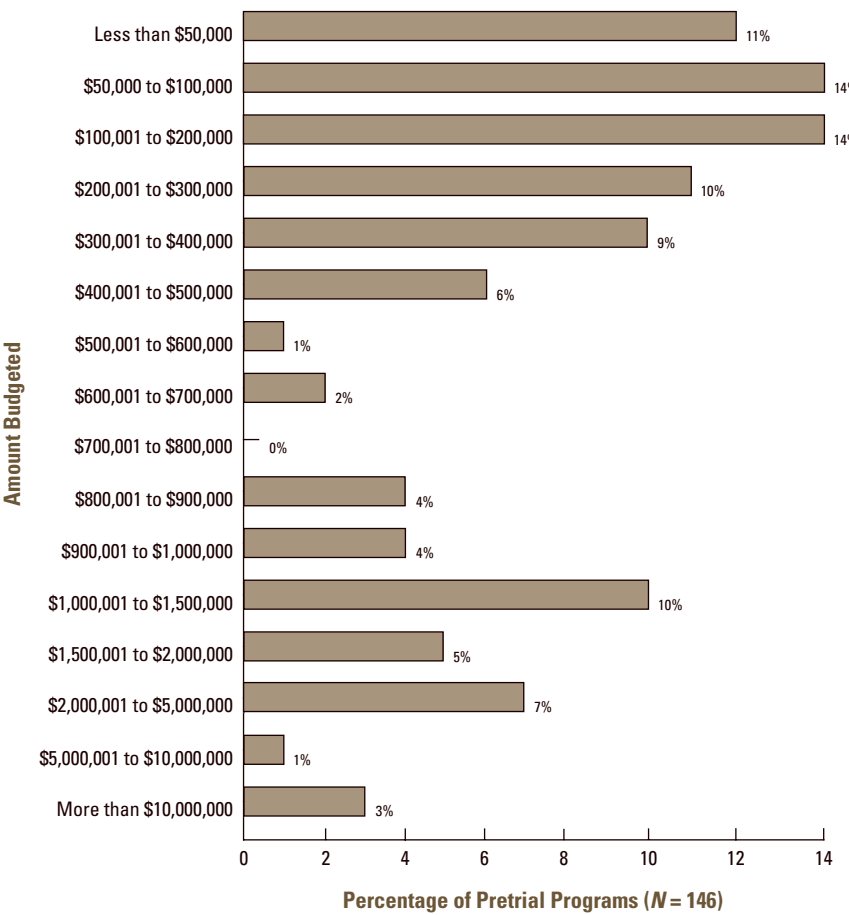
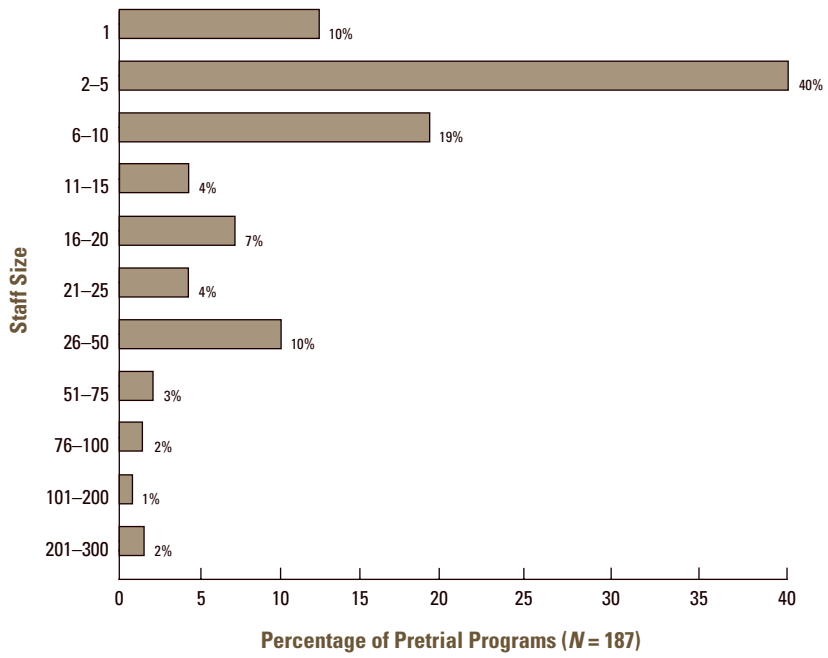


Figure 5. Staff Size of Pretrial Programs



### III. Pretrial Program Services Compared to National Standards

In 1968, the American Bar Association published the first edition of its standards on pretrial release.<sup>3</sup> A second edition was published in 1985, and a third in 2002. In 1978, the National Association of Pretrial Services Agencies published its *Standards and Goals for Pretrial Release*.<sup>4</sup> The standards of the two associations specify several core services that a pretrial services program should provide. This section compares those core services to the services currently provided by pretrial programs.

#### Pretrial Services Investigation

The investigation conducted by pretrial services programs is designed to provide the judicial officer who is making the pretrial release/detention decision with information about the defendant that will aid in reaching an informed bail decision and with options for safely releasing the defendant or, when necessary, detaining the defendant without bail. Such information 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 comprises an interview with the defendant, an interview with references provided by the defendant to verify information, and a check of criminal history and court records.

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 (a)). This standard recognizes that, even in cases in which 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. Furthermore, it is in the more difficult or complicated cases that the information provided by pretrial services programs can be the most important in making that decision. Yet, as table 8 shows, 84 percent of pretrial services programs in the 2001 survey report having at least one category of defendants that is automatically excluded from its interview and

investigation—the highest percentage of programs reporting exclusions in the three surveys. In the 1989 survey, 78 percent of respondents reported having at least one exclusion, as did 70 percent of those participating in the 1979 survey.

The highest categories of exclusion in the 2001 survey are when there is a hold from another jurisdiction (48 percent) and when the defendant is charged with a nonbailable offense (43 percent). More than 25 percent of the programs automatically exclude from investigation defendants who have a warrant or hold from their own jurisdiction and defendants who are charged with specific offenses.

**Table 8. Pretrial Program Interview Exclusions**

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

### Timing of Initial Interview

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 of the pretrial services program should be conducted “prior to or contemporaneous with a defendant’s first appearance” (Standard 10-3.2 (a)). Yet many programs are designed to conduct investigations on defendants who were not able to obtain release at the initial appearance. One out of every 4 programs does not conduct the initial interview until after the first appearance in court.

A review of responses from the two earlier surveys shows a variation in the timing of the initial interview. In the 1979 survey, 92 percent of the programs reported at least attempting to conduct their interviews before the initial appearance. In 1989, 70 percent of programs reported doing so. (See table A–5, appendix A.)

### Advise Before Interview

The ABA standards state that pretrial services programs should advise defendants that the interview is voluntary and that the information is intended solely to help determine the most appropriate release option (Standard 10-4.2(a)).

There has been some improvement in this area since the last survey. Eighty-six percent of programs advise defendants before an interview that participation is

voluntary. This compares to 78 percent of the programs that did so in the 1989 survey. Eighty-five percent advise the defendant beforehand on how the information will be used, compared to 75 percent that did so in the 1989 survey. About 40 percent of pretrial programs obtain written consent from the defendant before conducting the interview. (See table A–5, appendix A.)

### Verification

Verification of the information obtained from the defendant during the pretrial interview is important. The NAPSA standards state that “[i]nformation acquired from the defendant should be verified by the pretrial services agency prior to submission of a report and recommendation. In all instances, places where the defendant can be contacted, i.e., address and telephone number, should be verified, if only through documents found on the defendant’s person” (Commentary to Standard X.A). Ninety-five percent of the programs seek to verify the information obtained from the defendant in the interview.

### Criminal Records Check

The defendant’s criminal record is a crucial piece of information collected by pretrial services programs. Both the ABA (Standard 10-4.2 (g) (ii)) and NAPSA (Commentary to Standard X.A) state the important role of pretrial services programs in obtaining the criminal record. As table 9 shows, the availability and completeness of the criminal record diminishes when pretrial programs need to look outside their own

jurisdictions, particularly out of state. Although 93 percent of programs get complete arrest and disposition information on in-county cases, the figure reduces to 83 percent for out-of-county, in-state cases and to 70 percent for out-of-state cases.

The NAPSA standards also state that pretrial programs should obtain juvenile records for defendants who are 21 years of age or younger. However, 60 percent of programs (N = 193) report that they have no access to juvenile records.

**Table 9. Criminal Record Checks**

Record Check	Percentage of Pretrial Programs, by Completeness of Criminal Record Information		
	In County/City (N = 195)	Out of County In State (N = 191)	Out of State (N = 194)
Arrest record only	6	7	8
Arrest and dispositions	93	83	70
No record obtained	1	9	22

## Risk Assessment

Both the ABA and NAPSA strongly urge the use of objective criteria to assess defendant risks of failure to appear and rearrest. The ABA standards state 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 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 a pretrial program’s risk assessment (Standard XI.A.3), explaining its importance in the following way: “[T]o remove the individual bias [of the pretrial interviewer], release recommendations should be based on objective criteria. This is the only way to remove arbitrariness and approach equal treatment for all defendants” (Commentary to Standard XI.A.4).

As shown by data from the 2001 survey (see figure 6 at the end of this chapter), fewer than 1 in 4 pretrial programs (23 percent) rely exclusively on objective criteria. An additional 42 percent combine objective and subjective criteria, and 35 percent use subjective criteria only. Despite a decades-long call in the standards for the use of objective criteria, there has been no growth in the use of objective-only criteria over the three survey periods. In the 1989 survey, 27 percent reported using only objective criteria, and in the 1979 survey, 21 percent.

The ABA standards state that the risk assessment scheme used by pretrial programs should “include factors shown to be related to the risk of flight or of threat to the safety of any person or the community” (Standard 10-4.2 (g)). Research has shown that factors related to risks in one jurisdiction may not necessarily be relevant in another, even neighboring, jurisdiction. Ideally, each jurisdiction should develop its own risk assessment instrument based on local research related to risks in the jurisdiction and after consultation with key system officials, particularly the judiciary.

As seen in table 10, only 25 percent of pretrial programs in the 2001 survey developed their risk assessment instruments based on the program’s own research and data—much lower than the 39 percent that reported doing so in the 1989 survey. Almost half the programs (47 percent) incorporated local judgment into the development of the instrument. There seems to be a trend away from simply adapting the risk assessment instrument from that used in another jurisdiction. In the 1979 survey, 74 percent of the programs reported that they adapted their risk instruments from another jurisdiction. By the 1989 survey, that figure had fallen to 43 percent, and to 39 percent in 2001.

Consistency exists across the three survey periods in the factors that programs consider in their risk assessments. Local address, time in area, employment, prior convictions, and failure to appear (FTA) in court history were considered as risk assessment factors in at least 85 percent of the pretrial programs in all three surveys. (See table A-6, appendix A.)

**Table 10. Development of Risk Assessment Instrument for Pretrial Programs**

How Risk Scheme Is Developed	Percentage of Pretrial Programs, by Year of Survey		
	2001 (N = 198)	1989 (N = 188)	1979 (N = 69)
Local decision, based on judgment of what should be included	47	38	25
Adapted from another jurisdiction	39	43	74
Based on own research	25	39	13

## 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 the report should be presented to the court “concisely in writing,” with copies to

the prosecution and the defense (Commentary to Standard X.A.3). As figure 7 at the end of this chapter shows, about 3 out of every 4 pretrial programs provide a written report to the court at initial appearance; less than half provide written reports to the prosecutor and defense. Many programs provide an oral report, either in addition to or in lieu of a written one.

As shown in figure 8 at the end of this chapter, at least 8 out of 10 pretrial programs report the following information about the defendant to the court at the initial appearance: residence, employment, prior convictions, pending cases, probation/parole status, and prior FTA history. Almost a third report comments from the arresting officer, and about 4 out of 10 report comments from victims.

The standards are very clear that pretrial programs should make recommendations regarding the most appropriate release decision (ABA Standard 10-1.10(b); NAPSA Standard III.D).

As seen in table 11, 12 percent of pretrial programs participating in the 2001 survey reported that they do not make recommendations to the court, compared to 7 percent who reported not making recommendations in the 1989 survey and 8 percent in 1979. Added to that are an additional 10 percent in the 2001 survey who make recommendations only when requested by the court.

Although the standards do not address directly the types of recommendations that pretrial services programs should make, the ABA 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-percent deposit to the court (Standard 10-1.4(c)). The NAPSA standards

call for the elimination of the use of money bail (Standard V). The 2001 survey data show that almost one-third of the programs (32 percent) make recommendations for monetary release other than a 10-percent deposit, and 27 percent of all programs make recommendations for specific bail amounts. These figures are down from 1989, when 51 percent reported recommending money bail and 46 percent recommended specific bail amounts. (See table A-7, appendix A.)

A comparison of the type of recommendation made to the type of risk assessment used reveals interesting findings. As seen in figure 9 at the end of this chapter, programs that use a subjective assessment only and those that combine objective information with subjective input are much more likely to have money bail other than 10-percent deposit as a recommendation option (39 percent and 29 percent, respectively) than programs that use an objective approach only (15 percent). Likewise, those that use subjective and the combined approach are much more likely (37 percent and 26 percent, respectively) to have specific bail amounts as a recommendation option than programs that use objective criteria alone (8 percent).

The NAPSA standards state that pretrial services programs should have staff present at the defendant's initial court appearance "to answer questions concerning the agency's report and recommendations and to explain conditions of release and sanctions for non-compliance" (Standard X.A.4). Although a quarter of the programs reported never having staff present at the initial appearance in the 2001 survey, this indicates more extensive coverage at the initial appearance than in the 1989 survey, when 41 percent of programs reported never being present in court. Just over half (55 percent) of the programs report always being present at the initial appearance in the 2001 survey, and 21 percent are present when requested by the court. (See table A-8, appendix A.)

**Table 11. Recommendations Offered by Pretrial Programs**

Recommendation Status	Percentage of Pretrial Programs, by Year of Survey		
	2001 (N = 188)	1989 (N = 189)	1979 (N = 119)
Made in all or most cases	78	73	89
Made only when asked by the court	10	20	3
Not made	12	7	8

### 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)). Likewise, the NAPSA standards state that pretrial programs should monitor compliance with conditions of release (Standard X.A.7). More pretrial programs are providing supervision than in the past survey. As shown in table 12, an overwhelming majority of pretrial programs (93 percent) in the 2001 survey report that supervision services are provided, either through the pretrial program or some other program in the jurisdiction, compared to 81 percent in the 1989 survey.

The ABA standards state that pretrial programs should develop a “range of release options” that are “sufficient to respond to the risks and problems associated with released defendants in coordination with existing court, corrections and community resources” (Standard 10-1.10(d)).

As figure 10 at the end of this chapter shows, the three most common types of supervision options are having the defendant report by telephone or in person, referral to substance abuse treatment, and referral to mental health

**Table 12. Pretrial Program Supervision Services**

Supervision Services Provided	Percentage of Pretrial Programs, Supervision Services	
	2001 (N = 190)	1989 (N = 170)
Yes	93	81
No	7	19

services. More than 3 in 4 programs have drug testing, and more than 6 in 10 use electronic monitoring.

An important element of supervised pretrial release is the pretrial program’s policy on responding to instances of noncompliance with release conditions. The standards of both the ABA (Standard 10-1.10(f)) and NAPSA (Standard VI.B) state clearly that the court should be notified of violations. The NAPSA standards also recognize that the pretrial program should use “some discretion in evaluating the seriousness of any noncompliance” in deciding how to respond (Commentary to Standard V.B). As table 13 shows, a significant majority of programs will issue a warning to a defendant as a first response in appropriate cases. Nearly 2 out of 3 have the authority to impose administrative

**Table 13. Actions by Pretrial Programs on Noncompliance With Release Conditions**

Action	Percentage of Programs (N = 177)
Warn defendant	89
Report to court, recommend specific action	86
Impose administrative sanctions	64
Report to court, no recommended action	49

sanctions, such as increasing the frequency of reporting, without having to seek an amended court order.

The NAPSA standards call on pretrial services programs to provide “cross-jurisdictional supervision” of defendants who reside in the program’s jurisdiction but who may have been arrested in another jurisdiction (Standard X.C.2). The percentage of programs willing to do so has grown over the last two survey periods, from 74 percent in the 1989 survey to 87 percent in the current survey. (See table A–9, appendix A.)

### Court Date Reminders

Both the ABA (Standard 10-1.10(k)) and NAPSA (Standard X.A.5) make it clear that it is the responsibility of pretrial services programs to remind defendants of their court dates. Programs employ multiple ways to do this, including reviewing the next court date during regular supervision contacts and contacting the defendant just prior to the date by telephone or mail. As figure 11 at the end of this chapter shows, 13 percent of the programs use no court date reminder procedures. A majority of programs remind defendants after their first court appearance and during supervision contacts. A large percentage of programs either call or write the defendant with a reminder.

### Followup on Defendants Who Fail To Appear in Court

According to the NAPSA standards, pretrial services programs are responsible for assistance with “searching for and returning” defendants who fail to appear in court (Standard X.B.2). This assistance ranges from providing

information to law enforcement trying to execute a bench warrant to locating and persuading the defendant to return to court voluntarily. Almost 80 percent of pretrial programs in the 2001 survey take some action to follow up on defendants who fail to appear in court. Comparing data from the three survey periods, however, reveals that the number of pretrial programs that contact defendants with FTA warrants, either by telephone, mail, or home visit, has diminished across time. As table 14 shows, in 1979, 55 percent of programs reported that they sent a letter to the defendant urging return, 80 percent called the defendant, and 45 percent made home visits. In 1989, 43 percent sent a letter to the defendant, 64 percent called, and 17 percent made a home visit. In 2001, 25 percent sent a letter, 52 percent called, and 12 percent made home visits. The only categories in the 2001 survey that reflect an increase are the percentage of programs that have arrest authority and those that take no action.

### Review of Status 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 a regular review of those

FTA Followup Action	Percentage of Pretrial Programs		
	2001 (N = 191)	1989 (N = 155)	1979 (N = 117)
Send letter to defendant urging return	25	43	55
Call defendant urging return	52	64	80
Make home visit to defendant urging return	12	17	45
Have arrest authority with FTA warrant	19	13	14
Assist police in locating defendant	35	52	57
Attempt to locate defendant who left jurisdiction	24	33	32
Seek to have warrant quashed when defendant returns	20	22	N/A
Place defendant's case back on court calendar	19	27	N/A
No FTA followup action taken	21	N/A	14

N/A = Data not available.

**Table 15. Bail Reviews Conducted by Pretrial Programs, 2001 and 1989**

Bail Review Conducted	Percentage of Pretrial Programs	
	2001 (N = 190)	1989 (N = 194)
No	47	38
Only in certain circumstances	32	44
Yes, on a regular basis	21	18

defendants who are not released. According to those standards, the pretrial services program should conduct an “automatic bi-weekly review of the status of persons in detention over ten days” (Commentary to Standard X.A.8). As table 15 shows, nearly half (47 percent) of pretrial programs in the 2001 survey did not conduct bail reviews for defendants who are unable to post the bail set by the court. This is up from 38 percent in the 1989 survey.

### Information Provided for a Presentence Investigation

The NAPSA standards state that pretrial services programs should report compliance with pretrial release conditions to officials responsible for preparing presentence investigation (PSI) reports (Standard X.B.3). As the commentary to that standard states, “[d]efendant’s behavior while on pretrial release may be of substantial aid to the court in determining appropriate sentences after conviction. If a defendant has complied with conditions of release, the court may consider that compliance justification for probation rather than incarceration.” As table 16 shows, 43 percent of programs routinely provide information for the presentence investigation report, and another 44 percent provide such information on request.

The NAPSA standards also state that a pretrial services program should

**Table 16. Information Provided by Pretrial Programs for Presentence Investigation**

Information Provided	Percentage of Pretrial Programs
	( <i>N</i> = 190)
Only upon request	44
Yes, routinely	43
No	13

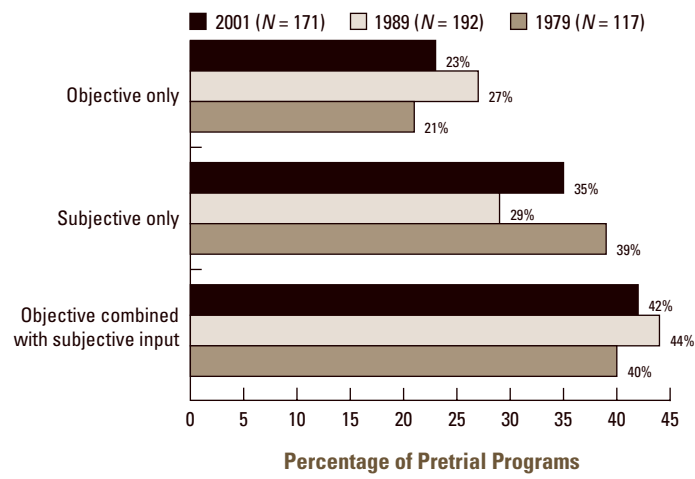
“provide other services not directly related to the release decision but which are appropriate to its role, its access to information, and its relationship with defendants” (Standard X.B). Many pretrial programs provide additional services to their jurisdictions, including 29 percent that provide diversion services, 24 percent that screen defendants for indigency to determine eligibility for assigned counsel, 6 percent that conduct jail classification, and 5 percent that provide mediation services. (See table A–10, appendix A.) In addition, 25 percent of programs notify either all or selected victims

of the initial appearance of the defendant in court and 40 percent notify victims of the defendant’s pretrial release. (See table A–11, appendix A.)

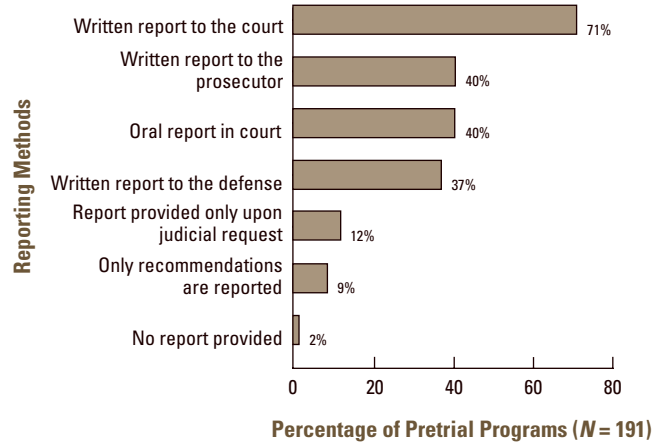
## Summary

Although there have been some improvements in the extent to which pretrial services programs are meeting the core functions set forth by the ABA and NAPSA, major areas for improvement still remain. More than 8 in 10 programs have at least one automatic category that excludes a defendant from receiving a pretrial interview. About one-quarter of the programs do not conduct their interview until after the initial court appearance. Only one-quarter rely exclusively on objective criteria in assessing risks, and the same percentage have based their risk assessment on local research. About one-quarter never make recommendations or do so only when asked to by the court. About one-third make recommendations for money bail other than 10-percent deposit. Nearly half the programs do not conduct regular bail reviews for detained defendants.

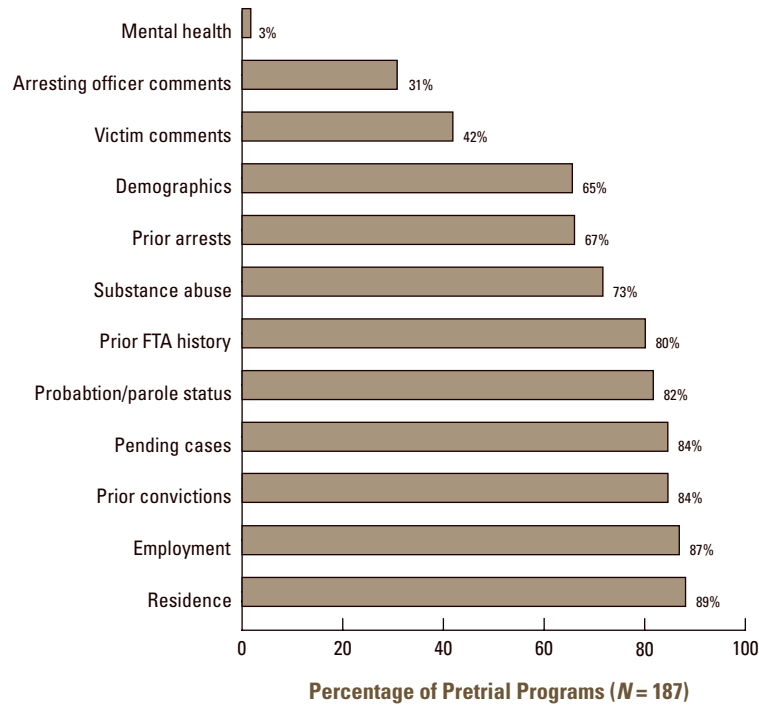
**Figure 6. Type of Risk Assessment Instrument Across the Three Survey Periods**



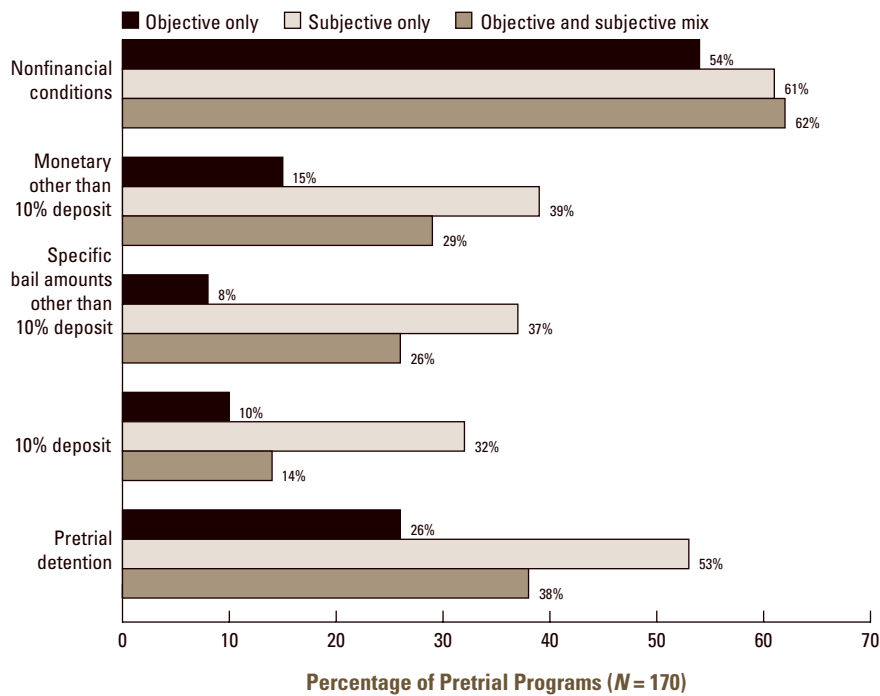
**Figure 7. Method and Recipient of Information Provided by Pretrial Programs**



**Figure 8. Information Reported to the Court by Pretrial Programs**

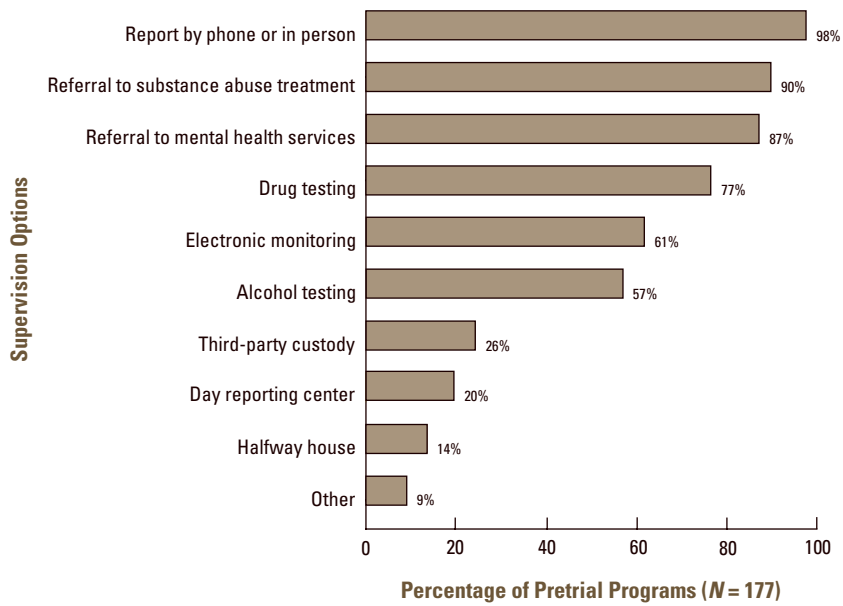


**Figure 9. Comparing Pretrial Programs' Risk Assessment to Recommendation**

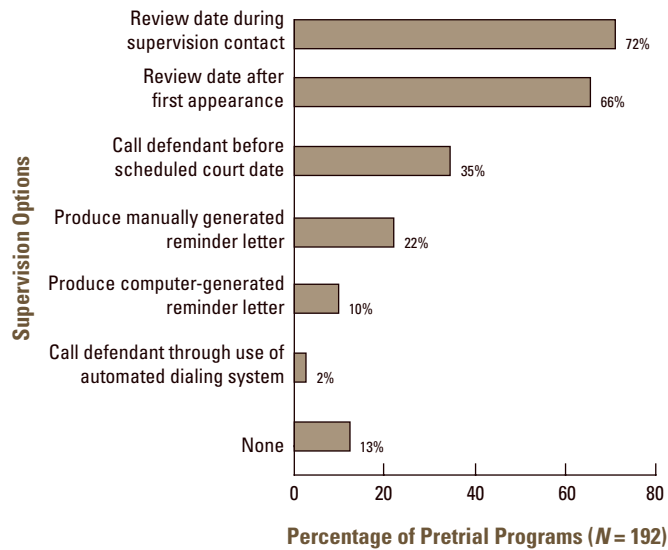


Note: Column percentage totals do not add up to 100 percent because respondents could answer in more than one category.

**Figure 10. Pretrial Program Supervision Options**



**Figure 11. Pretrial Programs' Court Date Reminder Procedures**



# IV. Management and Evaluation of Program Practices

This chapter addresses such issues as how staff are trained and provided direction and the extent to which programs evaluate their own practices. Many of the general characteristics of pretrial services programs described in chapter II are compared to these management and evaluation practices.

## Mission Statement

A mission statement lays out the desired direction of the organization and reflects its aims and purposes. More than 8 out of every 10 programs (82 percent, *N* = 195) have a mission statement.

Programs begun since 1990 are the most likely to not have a mission statement—24 percent, compared to 7 percent of programs started in the 1980s and 18 percent of those started in the 1970s and 1960s. (See table A–12, appendix A.) Programs serving the smallest jurisdictions, fewer than 50,000 people, and serving rural jurisdictions are the most likely to not have a mission statement—37 percent and 35 percent, respectively. Programs serving populations of between 500,001 and 1,000,000 and serving suburban jurisdictions are the most likely to have one—94 percent and 92 percent, respectively. (See tables A–13 and –14, appendix A.) Programs administratively located in the probation department are the least likely to have a mission statement, 31 percent, and programs located in private, nonprofit organizations and those that

are independent agencies are the most likely, 94 percent each. (See table A–15, appendix A.)

## Training

Completing the core functions of a pretrial services program requires a well-trained staff. As figure 12 at the end of this chapter shows, 1 out of every 4 pretrial programs offers staff on-the-job training only. Just 43 percent provide a structured training program for new staff.

The decade in which the program began and administrative locus do not seem to be associated with whether the program offers more than just on-the-job training. With the exception of programs that were begun in the 1960s (where 9 percent offer on-the-job training only), the range for the other time periods is between 24 and 28 percent. (See table A–16, appendix A.) As for administrative locus, between 22 and 27 percent of programs administratively housed in probation, the courts, the sheriff or jail, and private, nonprofit organizations provide just on-the-job training. For independent agencies, only 1 of 16 programs (6 percent) limits training to learning on the job. (See table A–17, appendix A.)

Training variation appears to exist depending on the nature of the area served. As table 17 shows, almost half (48 percent) of the programs that are located in primarily rural areas provide on-the-job training only, compared to 12 percent for programs serving primarily urban areas, 19 percent for suburban areas, and 22 percent for mixed areas.

In addition, as table 18 shows, the smaller programs offer the most limited training opportunities. While not a single program that has more than 25 staff members offers just on-the-job training, 42 percent of

**Table 17. Training of Pretrial Program Staff, by Nature of Area Served**

Type of Training Provided	Percentage of Pretrial Programs, by Nature of Area Served			
	Primarily Urban ( <i>N</i> = 34)	Primarily Suburban ( <i>N</i> = 26)	Primarily Rural ( <i>N</i> = 40)	Mixture ( <i>N</i> = 93)
On the job only	12	19	48	22
More than on the job	88	81	52	78

1-person programs, 34 percent of programs with 2 to 5 staff members, 25 percent of programs with 6 to 10 staff members, and 29 percent of those with 11 to 15 staff members do so.

### Operations Manual

Aside from the training that is provided and the direction set forth in the program’s mission statement, pretrial program staff need consistent instructions on how to effectively and efficiently complete the work of the program. An operations manual can help achieve this objective and should be available in every pretrial services program. However, almost 1 out of every 4 programs (23 percent, *N* = 196) does not have an operations manual.

As with staff training, there appears to be no correlation between the decade in which the program began and whether the program has an operations manual. Seventy-one percent of programs that were started in the 1970s and 79 percent of those started since 1990 have an operations manual. (See table A–18, appendix A.) Those serving jurisdictions with populations of fewer than 50,000 and those serving primarily rural areas are the least likely to have an operations manual, 63 percent and 70 percent, respectively. (See tables A–19 and –20, appendix A.) Likewise, programs with small staff are more likely to not have an operations manual—42 percent for one-person offices and 26 percent for programs with between two and five staff versus 19 percent for the other staff size categories. (See table A–21, appendix A.) Programs administratively located with the sheriff or jail are the most likely to have an operations manual (87 percent), followed by programs that are run by private, nonprofit organizations (81 percent). (See table A–22, appendix A.)

### Validation of Risk Assessment Instrument

A pretrial services program cannot know whether it is accurately assessing risks of pretrial misconduct or whether its instrument is more restrictive than necessary without conducting periodic validation studies of the risk instrument. As figure 13 at the end of this chapter shows, nearly half the programs report that their risk assessment instrument has never been validated. An additional 8 percent say that it has been more than 10 years since it was validated.

The younger the program is, the less likely it is to have validated its risk assessment instrument. Twenty percent of programs started in the 1960s have never validated their instrument, compared to 47 percent of those started in the 1970s, 48 percent in the 1980s, and 53 percent since 1990. (See table A–2, appendix A.) The size of the jurisdiction does not appear to be associated with whether the program has ever validated its risk assessment instrument. Just as many programs that serve the smallest jurisdictions have never conducted a validation of their risk instrument as those that serve the largest jurisdictions—11 percent and 14 percent, respectively. (See table A–23, appendix A.)

Programs that serve primarily urban areas are the most likely to have conducted a validation of their risk assessment instrument (60 percent) and those that serve primarily suburban the least likely (40 percent). (See table A–24, appendix A.) Programs that are administratively located in private, nonprofit organizations are the most likely to have validated their risk assessment instrument, and those housed within the sheriff’s department or jail are the least likely—67 percent compared to 43 percent. (See table A–25, appendix A.)

**Table 18. Training in Pretrial Programs by Staff Size**

Type of Training	Percentage of Pretrial Programs, by Staff Size						
	1 ( <i>N</i> = 19)	2–5 ( <i>N</i> = 73)	6–10 ( <i>N</i> = 36)	11–15 ( <i>N</i> = 7)	16–20 ( <i>N</i> = 13)	21–25 ( <i>N</i> = 7)	More Than 25 ( <i>N</i> = 31)
On the job only	42	34	25	29	7	14	0
More than on the job	58	66	75	71	92	86	100

### Calculating Outcomes: FTA Rates

Because one of the goals of a pretrial services program is to minimize instances of failure to appear in court, it is crucial that programs be able to keep track of the number of defendants who do fail to appear. However, 45 percent of pretrial programs (*N* = 178) report that they do not calculate FTA rates.



In addition, even those programs that do calculate FTA rates vary in the population for which they calculate those rates. As figure 14 at the end of this chapter shows, nearly 3 out of 4 programs that calculate FTA rates do so only for those defendants who are under the program's supervision. Another 13 percent calculate the rates only for those placed on nonfinancial release. Only 14 percent calculate the rates for all those released, regardless of the release type.

As figure 15 at the end of this chapter shows, programs also vary in definition of FTA—60 percent assign FTA when a bench warrant is issued and 35 percent whenever a court appearance is missed, even if a warrant is not issued.

Finally, as figure 16 at the end of this chapter shows, programs differ in how they calculate FTA rates. Thirty-two percent use an appearance-based measure, in which the total number of missed court appearances is divided by the total number of scheduled court appearances. Sixty-one percent use a defendant-based measure, in which the number of defendants who miss at least one court appearance is divided by the number of defendants with scheduled court appearances.

These variations in how pretrial programs calculate FTA rates make efforts to compare rates between jurisdictions a meaningless exercise unless the variations are taken into account.

Turning to the characteristics of programs that do calculate FTA rates, programs begun since 1990 are, by far, the least likely to do so—37 percent, compared to 77 percent for programs started in the 1980s, 74 percent in the 1970s, and 60 percent in the 1960s. (See table A-26, appendix A.) The larger the jurisdiction, the more likely it is that the pretrial program will calculate FTA rates. Eighty-five percent of programs serving jurisdictions with populations between 500,001 and 1,000,000 calculate FTA rates, as do 72 percent with populations exceeding 1,000,000, in contrast to 28 percent where the population is fewer than 50,000 and 35 percent where it is between 50,000 and 100,000. (See table A-27, appendix A.)

Pretrial programs serving primarily suburban areas are the most likely to calculate FTA rates (79 percent), followed by urban (55 percent) and mixed (57 percent). (See table A-28, appendix A.) Probation-based programs

are the least likely to calculate FTA rates (40 percent), independent agencies and private, nonprofit organizations the most likely (75 percent.) (See table A-29, appendix A.)

## Calculating Outcomes: Rearrest Rates

It is also important that pretrial services programs track defendants who have been rearrested on new charges while the initial charge is still pending, because one goal of pretrial programs is to minimize instances of such rearrests. Only 29 percent of pretrial programs ( $N = 177$ ) calculate rearrest rates.

As with FTA rates, programs that calculate rearrest rates vary in the population for which they calculate those rates. As figure 17 at the end of this chapter shows, 80 percent of the programs that do calculate the rearrest rate do so only for defendants under the program's supervision. Just 10 percent (five programs) calculate the rate for all persons released, regardless of the release type.

As figure 18 at the end of this chapter shows, 8 out of 10 programs that calculate rearrest rates count any rearrest; 10 percent count the rearrest only if it results in a conviction.

As with FTA rates, the older the program the more likely it is to calculate rearrest rates. Half of the programs started in the 1960s calculate rearrest rates, as do 32 percent of those starting in the 1970s, 40 percent in the 1980s, and 21 percent since 1990. (See table A-26, appendix A.) Almost 60 percent of programs in jurisdictions with a population of between 500,001 and 1,000,000 calculate rearrest rates, far higher than any other category. About 22 percent of the programs in jurisdictions with a population of fewer than 50,000, between 50,000 and 100,000, and between 100,001 and 500,000 do so, compared to 28 percent where the population is more than 1,000,000. (See table A-27, appendix A.)

Programs operating in primarily urban areas are the most likely to calculate rearrest rates (44 percent), followed by primarily suburban and primarily rural areas (29 percent each), and 21 percent for mixed. (See table A-28, appendix A.) Private, nonprofit programs and independent agencies are the most likely to calculate

rearrest rates (38 percent and 31 percent, respectively). About a quarter of programs housed in probation, the courts, or with the sheriff or jail calculate these rates. (See table A-29, appendix A.)

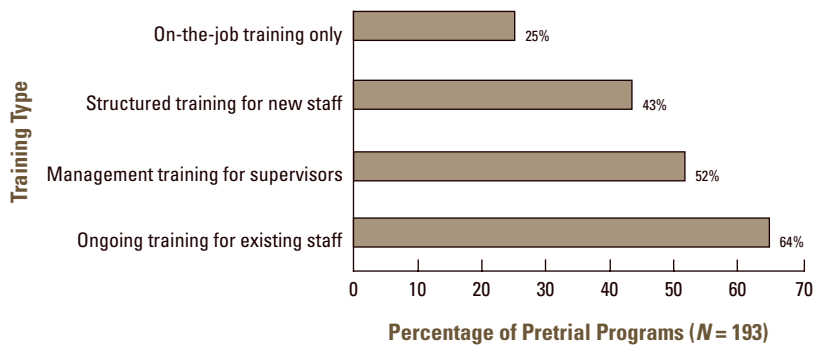
### Summary

A well-trained staff that is provided direction through a mission statement and detailed instructions through an operations manual can be important characteristics for ensuring the success of a program. Although the percentages of programs that have a mission statement and operations manual are high, there are still many

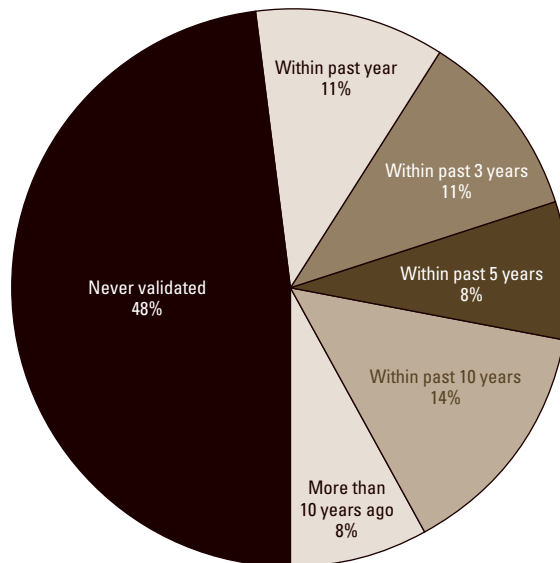
programs that do not. In addition, 1 in 4 pretrial programs provides on-the-job training only. No common characteristics of programs that do not have these emerges, suggesting that there are no barriers based on staff size, budget, administrative locus, or other characteristics.

A large percentage of pretrial services programs do not calculate two very important outcome measures—FTA and rearrest rates. Furthermore, those that do calculate these rates do so in such different ways that any effort to compare rates among jurisdictions is rendered meaningless.

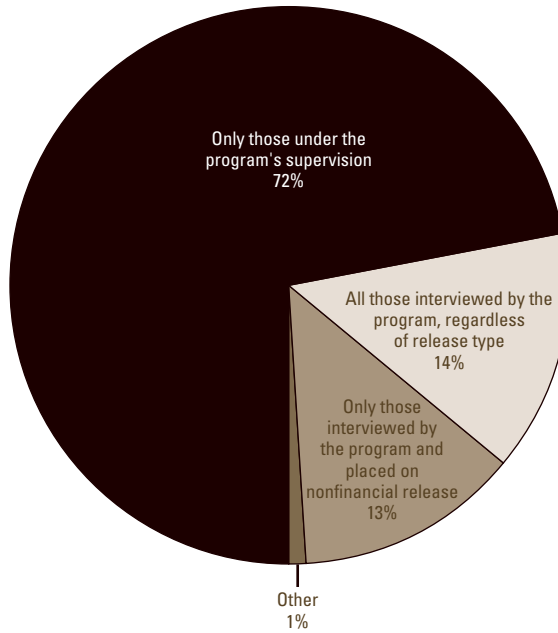
**Figure 12. Training Provided to Pretrial Program Staff**



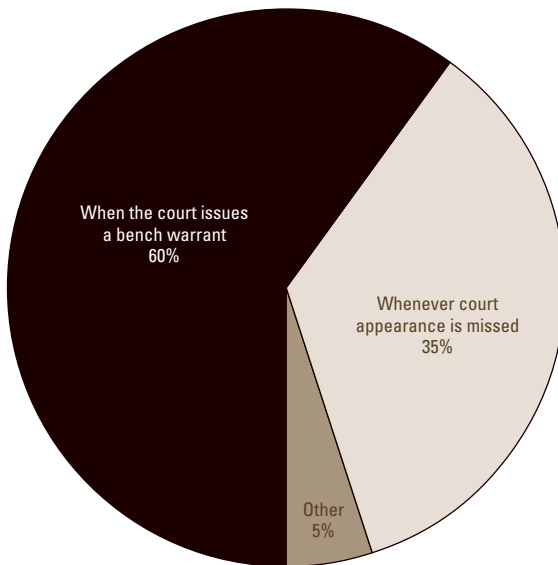
**Figure 13. Risk Assessment Validation by Pretrial Programs (N = 169)**



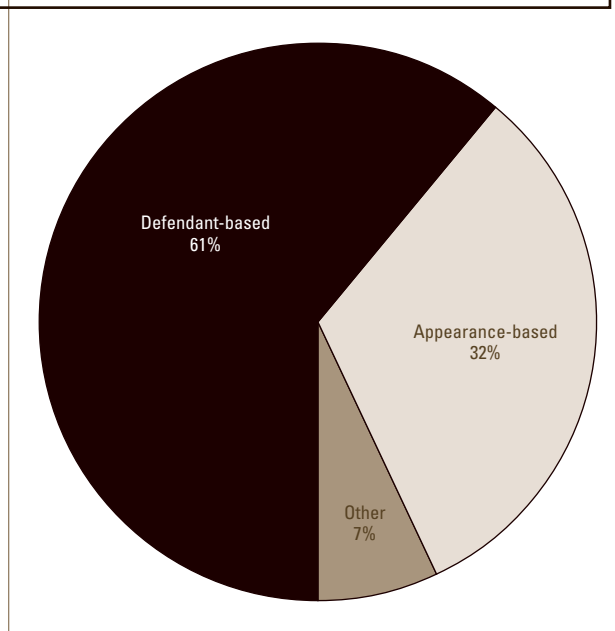
**Figure 14.** Population Used by Pretrial Programs To Calculate Failure-To-Appear Rates ( $N = 98$ )



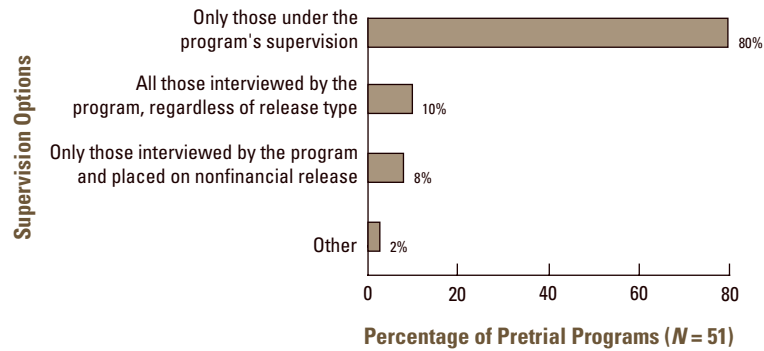
**Figure 15.** How Pretrial Programs Define When Failure To Appear Occurs ( $N = 98$ )



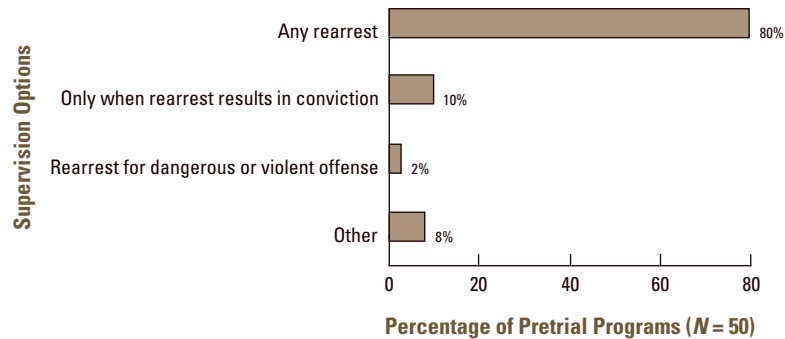
**Figure 16. Measure Used To Calculate Pretrial Program Failure-To-Appear Rate (N = 96)**



**Figure 17. Population Used by Pretrial Programs in Calculating Rearrest Rates**



**Figure 18. Measure Used by Pretrial Programs To Calculate Rearrest Rate**



## V. Dealing With Special Populations

The following analysis explores characteristics of pretrial services programs that have sought to meet special challenges presented by the following categories of defendants: those who have a mental illness, juveniles who are charged as adults, people charged with domestic violence offenses, and women.

### Defendants With Mental Illness

Defendants who suffer from serious mental illness can present enormous challenges to the court system. Many such defendants repeatedly cycle through the criminal justice system, often charged with minor offenses, clogging court calendars and jail cells. They may not be getting the help they need for their mental illness, because of either lack of adequate mental health resources in the community or lack of coordination between the mental health and criminal justice systems.

The most fundamental action that a pretrial services program can take is to ask defendants about their mental health status during the pretrial interview, to aid in the identification of those who might have a mental illness. As figure 19 at the end of this chapter shows, nearly 3 of every 4 pretrial programs ask about mental health status and treatment as a regular part of the interview. Only about 10 percent never ask mental health questions.

Pretrial programs that have been started since 1990 are the most likely to ask about mental illness as a regular

part of the interview—83 percent, compared to 72 percent for programs started in the 1970s, 64 percent for those started in the 1980s, and 55 percent for those started in the 1960s. (See table A–30, appendix A.) Programs serving primarily rural areas are slightly more likely to ask about mental illness as a regular part of the interview, although the differences are not large. (See table A–31, appendix A.) Sheriff/jail-based pretrial services programs are the most likely to include questions about mental health status in the interview, with 87 percent of programs doing so, compared to 76 percent of probation-based programs, 67 percent of court-based programs, 62 percent of independent agencies, and 56 percent of programs run by private, nonprofit agencies. (See table A–32, appendix A.)

Whether the program interviews defendants before or after the initial court appearance does not appear to be related to whether the program asks mental health questions in the interview. Of those programs that interview before the initial appearance, 74 percent include mental health questions in the interview, compared to 71 percent that interview after the first court appearance. (See table A–33, appendix A.)

Mental health information, like any medical information, is protected by confidentiality requirements. A provider of mental health services is not permitted to divulge information about a patient’s mental health status, except in carefully limited circumstances, without the consent of the patient.

The importance of advising the defendant beforehand that the interview with pretrial services is voluntary and of informing the defendant how the information gathered will be used was discussed earlier. This is even more important when the pretrial program is seeking private medical information. As table 19 shows, 16 percent of the programs that inquire about mental health status during the interview with the defendant and 13 percent of programs that ask

**Table 19. Mental Health Inquiry in Interview by Pretrial Program Where Defendant Advised That Interview Is Voluntary**

Mental Health Inquiry	Percentage of Pretrial Programs That Advised Defendant That Interview Is Voluntary	
	Yes	No
Asked as regular part of interview (N = 139)	84	16
Asked only if indicators of mental illness (N = 31)	87	13
No mental health questions asked (N = 19)	90	10

about mental illness if there are indicators that the defendant may have a mental illness do not inform the defendant that the interview is voluntary and that the defendant can refuse to answer questions.

Likewise, as table 20 shows, 15 percent of programs that ask about mental illness during a regular interview and 16 percent of programs that ask if there are indicators of mental illness do not advise the defendant beforehand how the information will be used.

According to table 21, more than half of the programs that ask about mental illness during the interview and 84 percent that ask if there are indicators of mental illness do not obtain written consent from the defendant prior to asking mental health questions.

Pretrial programs that use a subjective risk scheme are more likely to ask about mental health status than programs that use an objective instrument only and programs that combine objective and subjective criteria.

Eighty-three percent of those using a subjective-only risk assessment ask about mental health status as a regular part of the interview, compared to 70 percent of those using a combined objective and subjective approach, and 69 percent of those that assess risks in an exclusively objective manner. (See table A-34, appendix A.)

Not surprisingly, those programs that do not make recommendations to the court are the most likely to not ask about the defendant's mental health status—27 percent, compared to 12 percent of programs that make recommendations in all cases and 5 percent that make them in most cases. (See table A-35, appendix A.) Also, those programs that do not provide or have access to supervision for defendants on pretrial release are the most likely to not ask about the defendant's mental health status—39 percent, compared to 8 percent of those that provide supervision through their own program and 10 percent when supervision is provided by another program. (See table A-36, appendix A.)

As figure 20 at the end of this chapter shows, 40 percent of the pretrial programs state that they can arrange for an assessment to be conducted by a qualified mental health professional before the first appearance in court for defendants who may have a mental illness. Sixty-four percent report mental health information to the court at the initial appearance.

About one-quarter (24 percent) of the programs (*N* = 191) report having implemented special procedures to supervise defendants with a mental illness. The vast majority of these, 75 percent, refer the defendant to a mental health program in the community. Sixteen percent report having a specialized caseload. (See table A-37, appendix A.) As figure 21 at the end of this chapter shows, the majority of programs that have developed special procedures to supervise defendants with mental illness have done so in the past 5 years.

Pretrial programs starting in the 1970s are the most likely to have developed

**Table 20. Mental Health Inquiry in Interview by Pretrial Program Where Defendant Advised How Information Will Be Used**

Mental Health Inquiry	Percentage of Pretrial Programs That Advised Defendant on Use of Information	
	Yes	No
Asked as regular part of interview ( <i>N</i> = 139)	85	15
Asked only if indicators of mental illness ( <i>N</i> = 31)	84	16
No mental health questions asked ( <i>N</i> = 18)	83	17

**Table 21. Mental Health Inquiry in Interview by Pretrial Program Where Written Consent Obtained Before Interview**

Mental Health Inquiry	Percentage of Programs That Obtained Written Consent Before Interview	
	Yes	No
Asked as regular part of interview ( <i>N</i> = 139)	45	55
Asked only if indicators of mental illness ( <i>N</i> = 31)	16	84
No mental health questions asked ( <i>N</i> = 19)	32	68

special procedures for supervising defendants who have a mental illness, followed by programs that have been started since 1990. Thirty-three percent of programs started in the 1970s have such procedures, compared to 24 percent for those started since 1990, 20 percent in the 1980s, and 18 percent in the 1960s. (See table A–38, appendix A.)

One-third of programs that serve primarily urban areas have instituted procedures to supervise defendants who have mental illnesses, compared to 26 percent for mixed jurisdictions, 20 percent for primarily suburban jurisdictions, and 18 percent for primarily rural jurisdictions. (See table A–39, appendix A.)

The administrative locus of a pretrial program does not seem to be associated with whether the program has special supervision procedures for defendants with mental illness. (See table A–40, appendix A.) Programs that make recommendations in all cases (30 percent) or in most cases (28 percent) are twice as likely to have supervision procedures in place for defendants with mental illness as programs that never make recommendations (14 percent). (See table A–41, appendix A.)

## Juveniles Charged as Adults

In recent years, many jurisdictions have amended their laws to increase opportunities to prosecute juveniles as adults. Pretrial services programs dealing with juveniles who are charged as adults face two critical challenges: accurately assessing risks of pretrial misconduct for juveniles and providing the court with viable options, including conditions of pretrial release that are appropriate for juveniles.

Just 3 percent, or six pretrial programs, report that they have developed a special risk assessment for juveniles charged as adults. Six percent, or 11 programs, have developed special supervision procedures for juveniles charged as adults. Five programs (45 percent) have a specialized caseload for these cases, four (36 percent) involve parents or guardians in the supervision of the juvenile defendant, and one program (9 percent) increases the frequency of required contacts. (See table A–42, appendix A.) Six of the 11 programs (54 percent) that have implemented special supervision procedures for juveniles charged as adults have done so in the past 5 years. (See table A–43, appendix A.)

## Domestic Violence Cases

As awareness of the extent to which domestic abuse occurs has grown, more and more jurisdictions are enhancing the enforcement of domestic violence offenses, leading to more persons being charged with these offenses. The issue of domestic violence is an important one for pretrial services programs, which work to facilitate the quick release of those who can be safely released. Facilitating release that is both quick and safe is a particular challenge when dealing with domestic violence cases, because it is in the time shortly after arrest that the alleged victim might be the most vulnerable to a reoccurrence of the victimization. This chapter examines the extent to which pretrial services programs are addressing this challenge.

One-quarter of the pretrial programs ( $N = 198$ ) have developed special risk assessment procedures for defendants charged with domestic violence offenses. Fifty-eight percent of the programs that have implemented such procedures have done so within the past 5 years, and an additional 28 percent between 1992 and 1996. (See table A–44, appendix A.)

As table 22 shows, programs that were started in the 1960s and 1970s are the most likely to have special risk assessment procedures for defendants charged with

**Table 22. Special Risk Assessment for Domestic Violence Cases, by Decade Pretrial Program Began**

Special Risk Assessment for Domestic Violence Cases	Percentage of Pretrial Programs, by Decade Program Began			
	1960s ( $N = 11$ )	1970s ( $N = 43$ )	1980s ( $N = 45$ )	Since 1990 ( $N = 81$ )
Yes	46	37	20	20
No	54	63	80	80

domestic violence offenses—46 percent and 37 percent, respectively, compared to 20 percent for programs started in the 1980s and since 1990.



As table 23 indicates, programs that serve primarily urban areas and areas where there is a mix are most likely to have special risk assessment procedures for domestic violence cases.

**Table 23. Pretrial Program Special Risk Assessment for Domestic Violence Cases, by Nature of Area Served**

Special Risk Assessment for Domestic Violence Cases	Percentage of Pretrial Programs, by Nature of Area Served			
	Primarily Urban (N = 33)	Primarily Suburban (N = 25)	Primarily Rural (N = 38)	Mixture (N = 90)
Yes	27	20	18	29
No	73	80	82	71

Thirty-eight percent of independent agencies have special risk assessment procedures for domestic violence cases, as do 30 percent of court-based programs, 23 percent of probation-based programs, 19 percent of sheriff-based programs, and 12 percent of private, nonprofit programs. (See table A-45, appendix A.) Programs that interview before the initial court appearance are more likely to have special risk assessment procedures for domestic violence offenses than those that interview after that appearance, 28 percent versus 16 percent. (See table A-46, appendix A.) Programs that advise the defendant before the interview that it is voluntary are also more likely to have such procedures, 26 percent compared to 18 percent. (See table A-47, appendix A.)

Thirty-six percent of programs that use a combined objective and subjective approach to risk assessment have developed special risk assessment procedures for domestic violence cases, compared to 23 percent that use subjective only and 15 percent that use objective only. (See table A-48, appendix A.)

About one-third (34 percent) of the pretrial programs (N = 188) have implemented special procedures to supervise defendants with domestic violence offenses. According to figure 22 at the end of this chapter, 31

percent of those that have such procedures report that they refer the defendant to counseling, 30 percent maintain contact with the victim throughout the period that the case is pending to monitor a “no contact” order, 14 percent use electronic monitoring, 14 percent make use of a specialized caseload, and 12 percent enhance their supervision.

Nearly 7 out of 10 programs that have developed special supervision procedures for domestic violence offenses have done so in the past 5 years. (See table A-49, appendix A.) Programs that were started in the 1960s are the most likely to have instituted special procedures to supervise domestic violence cases—55 percent, compared to 34 percent of programs started in the 1970s and since 1990 and 29 percent that started in the 1980s. (See table A-50, appendix A.)

About half the programs that serve primarily urban and primarily suburban areas have such procedures, compared to 28 percent for programs that serve primarily rural areas. (See table A-51, appendix A.)

Probation-based programs are more likely to have special supervision procedures for domestic violence cases (36 percent) than court-based (27 percent) or sheriff/jail-based (24 percent) programs. (See table A-52, appendix A.) Thirty-seven percent of those that conduct the initial interview before the first appearance in court have such supervision procedures, compared to 23 percent that conduct that interview after the first court appearance. (See table A-53, appendix A.) Programs that use a combined objective and subjective approach to risk assessment (39 percent) are more likely to have such procedures, followed by programs that use subjective only (36 percent) or objective only (23 percent). (See table A-54, appendix A.)

## Women

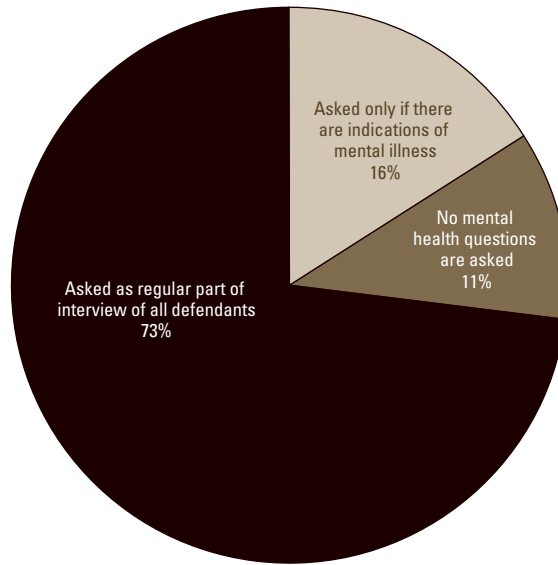
As the number of women being arrested has been growing, more attention is being paid to the special needs presented by this population in areas such as jail and prison classification and probation supervision. The participants in this survey were asked about any special procedures that they have introduced to assess risks of

pretrial misconduct or to provide supervision conditions of pretrial release for women. Only one program reported having done so—in Hamilton County, Ohio. That program has developed a gender-specific risk assessment instrument and has developed special programming to supervise women with co-occurring substance abuse and mental health disorders.

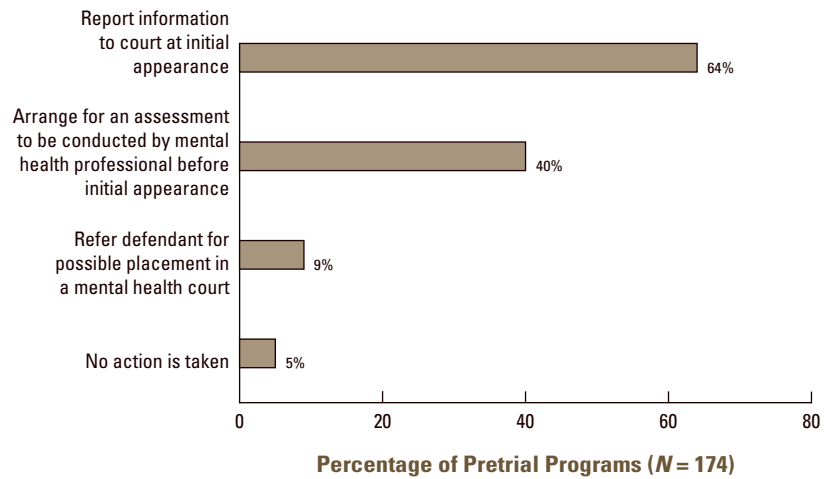
## Summary

Many pretrial services programs have been taking steps, particularly in the past 5 years, to assess risks and supervise release for defendants with mental illness and those charged with domestic violence offenses. There is much less being done to address special challenges presented by juveniles charged as adults and women.

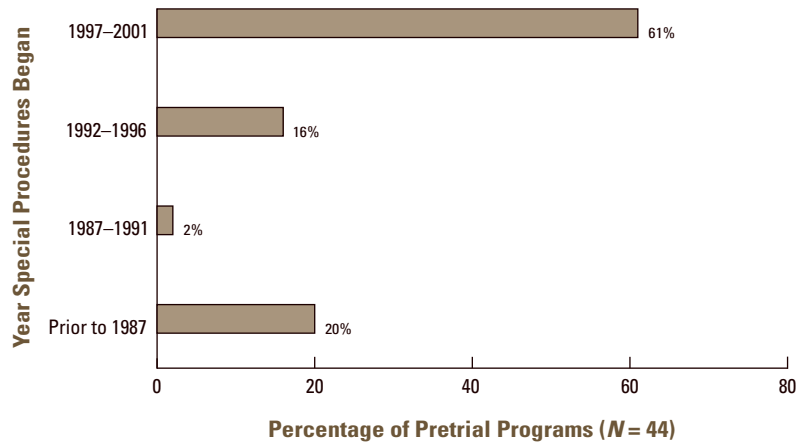
**Figure 19. Pretrial Program Interview Questions Relating to Mental Illness (N = 191)**



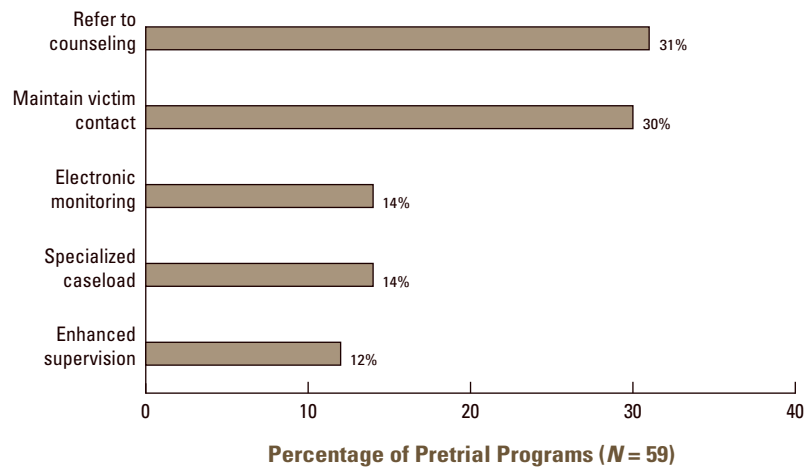
**Figure 20. Action Taken by Pretrial Programs When Defendant Is Identified With Possible Mental Illness**



**Figure 21. Year Program Began Special Procedures for Supervising Defendants With Mental Illness**



**Figure 22. Pretrial Programs Supervision Procedures for Domestic Violence Cases**



## VI. Technology and Pretrial Services

This chapter explores the extent to which pretrial services programs are making use of technologies to aid supervision of defendants on pretrial release and to manage information. It also examines the characteristics of programs that use available technologies.

### Drug Testing as a Supervision Tool

Drug testing began to be used by pretrial services programs to monitor the drug use of defendants on supervised release in the 1980s and early 1990s. Currently, 68 percent of pretrial programs report using drug testing as a tool in pretrial supervision. As figure 23 at the end of this chapter shows, 43 percent of the programs contract with an outside laboratory to test urine specimens; 31 percent test the specimens themselves using hand-held, single-use devices, the results of which can be read by supervision officers; and 28 percent test the specimens in-house using analyzer-based instrumentation. Three percent of pretrial programs use the Sweat Patch™, an adhesive pad that is affixed to the subject’s body to collect perspiration. The pad is then removed by the supervision officer and sent to a laboratory for analysis.

The decade in which the program began operating does not seem to be associated with whether the program currently conducts drug testing. Seventy-three percent of programs that began in the 1960s, 66 percent in the 1970s, 71 percent in the 1980s, and 73 percent since

1990 have drug testing available as a supervision tool. (See table A–55, appendix A.)

Testing takes place most often in programs serving mid-sized jurisdictions, and least often in programs serving the smallest and the largest jurisdictions. As seen in table 24, 79 percent of programs serving jurisdictions with populations between 500,000 and 1 million have drug testing available, compared to 61 percent in jurisdictions in which the population is more than 1 million. Sixty-nine percent of programs serving jurisdictions of between 100,001 and 500,000 and between 50,000 and 100,000 have drug testing available; in jurisdictions in which the population is fewer than 50,000, 62 percent of the programs test for drug use.

Pretrial programs that serve primarily suburban areas are most likely to have drug testing available, although the differences are not large—78 percent, compared to 74 percent for programs serving primarily urban areas and 66 percent for those serving primarily rural and mixed jurisdictions. (See table A–56, appendix A.)

As noted earlier, the top three administrative locations for pretrial services programs are probation, courts, and sheriff/jail. These three locations have drug testing available at the same rates—68 percent for probation- and sheriff/jail-based programs and 67 percent for court-based programs. Of the 16 programs that are independent agencies of the local government, 88 percent have drug testing capability. (See table A–57, appendix A.)

As table 25 shows, programs in the lowest budget range, less than \$200,000, are the least likely to have drug testing availability—57 percent, compared to 77 percent of those with budgets between \$200,000 and \$500,000, 88 percent between \$500,001 and \$1,000,000, and 72 percent over \$1,000,000.

**Table 24. Drug Testing as a Pretrial Program Supervision Tool, by Population Served**

Drug Testing Available	Percentage of Pretrial Programs, by Population Served				
	Less Than 50,000 (N = 21)	Between 50,000 and 100,000 (N = 26)	Between 100,001 and 500,000 (N = 89)	Between 500,001 and 1,000,000 (N = 34)	More Than 1,000,000 (N = 23)
Yes	62	69	69	79	61
No	38	31	31	21	39

The size of the staff does not seem to be associated with the availability of drug testing. A large majority of programs in all staff size categories have drug testing capability. (See table A-58, appendix A.) There also appears to be little variation in drug testing capability due to hours of operation of pretrial programs. Seventy percent of those programs that work only court hours (Monday through Friday) test for drugs, compared with 68 percent that work regular hours on weekends as well as weekdays, and 67 percent that work extended hours both weekdays and weekends. (See table A-59, appendix A.)

### Alcohol Testing as a Supervision Tool

About half (104) of surveyed programs report having alcohol testing as a tool for supervision. Breathalyzer technology for testing alcohol use has been available for several decades. A more recent enhancement involves combining telecommunications technology with the Breathalyzer to allow testing from a remote location. As figure 24 at the end of this chapter shows, nearly 1 in 5 (36 programs) test for alcohol use with a remote system.

According to table 26, programs begun since 1990 are the most likely to have alcohol testing available and those starting in the 1960s the least likely, 60 percent compared to 27 percent. Of those starting in the 1980s, 56 percent have alcohol testing, as do 46 percent of those starting in the 1970s.

As with drug testing, it is the programs that serve the largest jurisdictions that are least likely to have alcohol testing available—only 26 percent of those with populations more than 1,000,000. Rates of alcohol testing by population size groups are fairly close, ranging

**Table 26. Alcohol Testing as a Supervision Tool, by Decade Pretrial Program Began**

Alcohol Testing Available	Percentage of Pretrial Programs, by Decade Program Began			
	1960s (N = 11)	1970s (N = 44)	1980s (N = 45)	Since 1990 (N = 81)
Yes	27	46	56	60
No	73	54	44	40

from 50 percent where the population is between 500,001 and 1,000,000 to 62 percent where it is fewer than 50,000. (See table A-60, appendix A.) Programs that serve primarily suburban areas are much more likely to have alcohol testing available as a supervision tool than programs that serve primarily urban areas and those that serve mixed areas—78 percent versus 41 percent and 44 percent, respectively. Almost two-thirds of those that serve rural areas have alcohol testing available. (See table A-56, appendix A.)

Pretrial programs administratively located in the probation department are the most likely to have alcohol testing available. Sixty-one percent of those programs can test, compared to 54 percent for sheriff/jail-based programs and 46 percent in the court-based programs. (See table A-57, appendix A.)

Whether a pretrial program chooses to have alcohol testing available does not seem to be associated with the size of the program’s budget. Those in the highest budget category, more than \$1,000,000, are the least likely to have alcohol testing available—42 percent, compared to 65 percent for those with budgets of between \$500,001 and \$1,000,000, 63 percent between \$200,000 and \$500,000, and 48 percent less than \$200,000. (See table A-61, appendix A.)

No relationship appears to exist between the size of the staff of the program and whether the program has alcohol testing as a supervision tool. Programs with a staff of 1 person, 2 to 5 people, and 6 to 10 people are just as

**Table 25. Drug Testing as a Pretrial Program Supervision Tool, by Budget**

Drug Testing Available	Percentage of Pretrial Programs, by Budget			
	Less Than \$200,000 (N = 58)	Between \$200,000 and \$500,000 (N = 35)	Between \$500,001 and \$1,000,000 (N = 17)	More Than \$1,000,000 (N = 36)
Yes	57	77	88	72
No	43	23	12	28

likely to have alcohol testing as the larger programs. (See table A-58, appendix A.)

Programs that have extended hours on both weekdays and weekends are the least likely to have alcohol testing available, whereas those with extended hours on weekdays only are the most likely. (See table A-59, appendix A.)

## Electronic Monitoring as a Supervision Tool

Fifty-four percent of the pretrial programs use at least one form of electronic monitoring. As figure 25 shows, most pretrial programs that use electronic monitoring have the continuously signaling devices that sound an alert if the defendant leaves a restricted area. Six percent of the programs use Global Positioning System (GPS) technology, which allows the exact movements of defendants in the community to be tracked from a remote location on a continuous basis.

As table 27 shows, pretrial programs begun in the 1960s are the most likely to have electronic monitoring available as a supervision tool—73 percent, compared to 50 percent of those started in the 1970s, 62 percent in the 1980s, and 52 percent since 1990.

**Table 27. Electronic Monitoring as a Supervision Tool, by Decade Pretrial Program Began**

Electronic Monitoring Available	Percentage of Pretrial Programs, by Decade Program Began			
	1960s ( <i>N</i> = 11)	1970s ( <i>N</i> = 44)	1980s ( <i>N</i> = 45)	Since 1990 ( <i>N</i> = 88)
Yes	73	50	62	52
No	27	50	38	48

The size of the population served by the pretrial program does not appear to be associated with whether the program uses electronic monitoring to supervise defendants on pretrial release. There is a range of 47 percent for jurisdictions that serve populations between 100,001 and 500,000 and 65 percent where the population is between 500,001 and 1,000,000. (See table A-62, appendix A.) Programs serving urban, suburban,

and rural jurisdictions use electronic monitoring at an equal rate of 56 percent, compared to 52 percent for those in mixed jurisdictions. (See table A-56, appendix A.)

About half the programs that are administratively located in probation (56 percent), the courts (53 percent), and the sheriff/jail-based administration (49 percent) use electronic monitoring to supervise defendants on pretrial release. (See table A-57, appendix A.)

Whether the program has electronic monitoring does not seem to be associated with the size of the budget. More programs that have budgets of less than \$200,000 have electronic monitoring (53 percent) than those with budgets between \$200,000 and \$500,000. Likewise, programs with budgets between \$500,001 and \$1,000,000 are more likely to use electronic monitoring (71 percent) than those with budgets of more than \$1,000,000 (64 percent). (See table A-61, appendix A.)

Having a smaller staff does not seem to affect whether the program offers electronic monitoring. Just as many of the one-person programs have electronic monitoring as do programs that have more than 25 staff members—about 75 percent. (See table A-58, appendix A.)

As to hours of operation, those programs that operate during the most limited hours (weekdays during regular court hours) are just as likely to have electronic monitoring as those that work extended hours on both weekdays and weekends—about 55 percent. (See table A-59, appendix A.)

## Information Systems

Eleven percent of pretrial programs rely exclusively on a manual system to gather, store, and retrieve information. As figure 26 at the end of this chapter shows, just over half the programs use a combination of manual and automated systems.

Programs that began operating in the 1980s, that serve jurisdictions with populations of 50,000 or fewer, that serve primarily rural areas, and that are housed in private, nonprofit agencies are the most likely to have an exclusively manual information system. (See tables A-63, -64, -65, and -66, appendix A.) Thirteen percent of programs that are budgeted below \$200,000 have manual systems only, compared to 3 percent with budgets between \$200,000 and \$500,000, and zero for

those between \$500,001 and \$1,000,000. Surprisingly, three programs (8 percent) that have budgets higher than \$1,000,000 rely exclusively on a manual information system. (See table A-67, appendix A.) Having an information system that is at least partially automated does not appear to be associated with staff size. (See table A-68, appendix A.)

As figure 27 at the end of this chapter shows, programs most commonly use automated systems to prepare reports and provide management information. Less than half use automated systems to monitor defendants' compliance with release conditions.

Having an automated information system that is integrated with systems used by other criminal justice entities in the jurisdiction can have several benefits, including reducing the need for data entry and ensuring easier access to available information. More than half (55

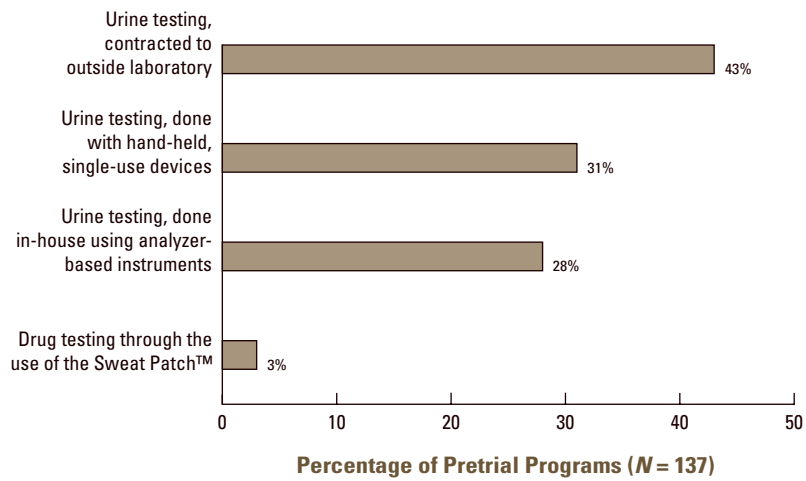
percent) of the pretrial programs ( $N = 170$ ) report that the information systems they use are not integrated with computers from other criminal justice programs in the jurisdiction.

### Summary

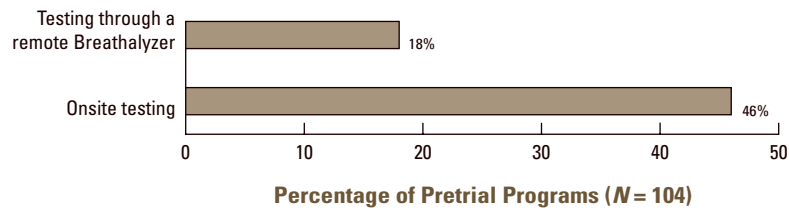
Nearly 7 out of 10 pretrial programs have drug testing available as a supervision tool, and about half have alcohol testing. A slight majority has electronic monitoring capability, but only 6 percent of these make use of the most recent electronic monitoring technology—GPS. A large majority of programs automate at least some portion of their information systems. No clear patterns emerged regarding characteristics shared by programs that tend to make use of automated technologies.



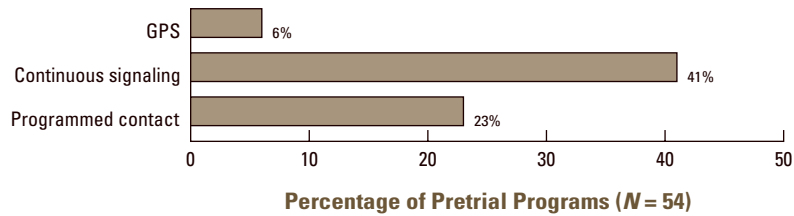
**Figure 23. Methods of Drug Testing Used by Pretrial Programs**



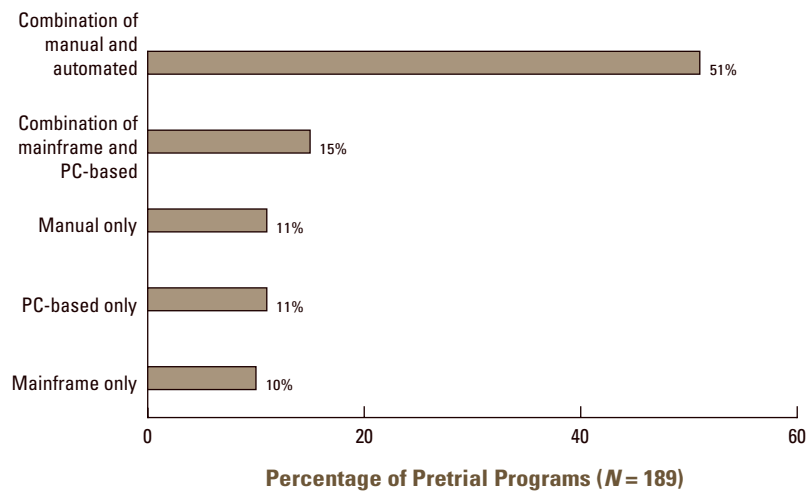
**Figure 24. Methods of Alcohol Testing Used by Pretrial Programs**



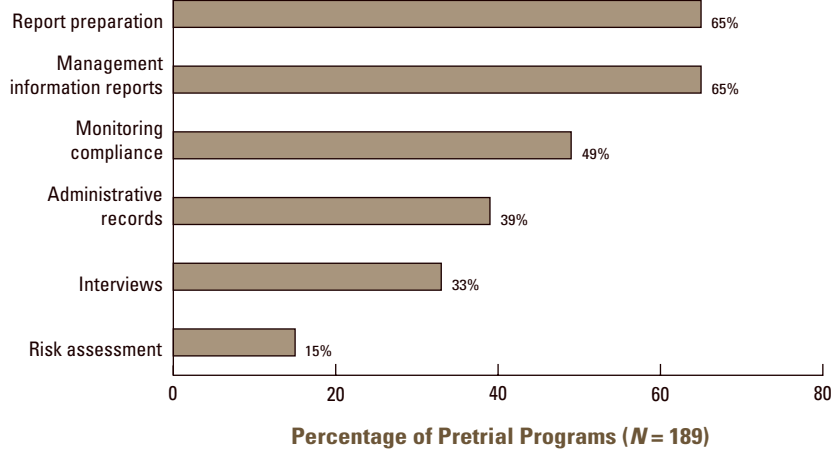
**Figure 25. Methods of Electronic Monitoring Used by Pretrial Programs**



**Figure 26. Information Systems Used by Pretrial Programs**



**Figure 27. Automated Pretrial Program Functions**



## VII. Jail Crowding and Pretrial Services

This chapter identifies 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 to allow the safe pretrial release of the maximum number of defendants. That, in turn, should lead to several beneficial outcomes (including enhanced public safety) and improved efficiency of court processing. It should also lead to more efficient use of scarce jail space by minimizing unnecessary pretrial detention.

The results presented here must be viewed with great caution, however, 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-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 several potential areas for further inquiry.

### Jail Capacity and Average Daily Population

Consistent with earlier findings that a large number of pretrial programs participating in the 2001 survey serve

small to midsized jurisdictions, more than half the pretrial programs serve jurisdictions that have a jail capacity and an average daily population of 500 or fewer. About 1 in 5 serve jurisdictions with jails that have more than 1,000 beds and 1 in 5 serve jurisdictions with average daily populations of more than 1,000 inmates. (See table A-69, appendix A.)

### Jail Crowding in Jurisdictions Served by Pretrial Programs

As figure 28 at the end of this chapter shows, 44 percent of jails in jurisdictions served by pretrial programs ( $N = 119$ ) are over capacity. Almost half are under capacity, and the remainder (8 percent) are at capacity.

Figure 29 at the end of this chapter shows the percentage of jail space occupied in the jurisdictions served by pretrial services programs. In nearly 1 in 5 jurisdictions, the jail has an occupancy rate of 80 percent or less, with an additional 10 percent with an occupancy rate between 81 and 90 percent. A quarter of the jurisdictions have jail occupancy rates between 91 and 100 percent.

Pretrial programs serving areas that are primarily urban are the most likely to have jails where the population is over capacity (55 percent), and those that serve a mix of urban, suburban, and rural are the least likely (39 percent). (See table A-70, appendix A.)

As table 28 shows, programs administratively located within the sheriff's department or jail and those that are independent agencies are by far the least likely to have jails in which the population is over capacity—29 percent for both, compared to 47 percent for probation-based programs, 50 percent for private, nonprofit programs, and 54 percent for court-based programs.

Programs that provide the most extensive coverage are the least likely

**Table 28. Jail Crowding in Jurisdictions Served by Pretrial Programs, by Administrative Locus**

Jail Population	Percentage of Pretrial Programs, by Administrative Locus				
	Probation ( $N = 45$ )	Courts ( $N = 28$ )	Sheriff/Jail ( $N = 24$ )	Private, Nonprofit ( $N = 8$ )	Independent ( $N = 7$ )
Over capacity	47	54	29	50	29
Under capacity	47	46	58	38	71
At capacity	7	0	13	12	0

to serve a jurisdiction with a jail that exceeds its population capacity. Only 34 percent of those programs that work extended hours both weekdays and weekends serve jurisdictions in which the jail is over capacity, compared to 49 percent of those that work regular, weekdays only, court hours. (See table A-71, appendix A.)

In a previous chapter, the importance of interviewing defendants before the initial court appearance was discussed. According to the data, programs that interview defendants before the initial appearance are less likely to have a jail that is over capacity than those that interview after the initial appearance—43 percent, compared to 52 percent. (See table A-72, appendix A.)

Programs that assess risks of pretrial misconduct in an exclusively subjective manner are more than twice as likely to have a jail population that exceeds its capacity than those programs that assess risk exclusively through an objective risk assessment instrument—56 percent, compared to 27 percent. Forty-seven percent of programs that add subjective input to an objective instrument are in jurisdictions with overcrowded jails. (See table A-73, appendix A.)

Sixteen percent of programs (*N* = 173) noted that they changed their risk assessment instrument as a response to jail crowding. Sixty-one percent of programs serving jurisdictions in which the jail is overcrowded have modified their risk assessment scheme due to jail crowding, compared to 43 percent that have not modified

their risk assessment scheme. (See table A-74, appendix A.)

There appears to be no relationship between whether a program makes a recommendation and the population level of the jail. Those programs that make recommendations all or most of the time are just as likely to have a jail population that exceeds capacity as those that do not make recommendations at all or do so only when asked by the court. (See table A-75, appendix A.)

As table 29 indicates, 52 percent of programs recommending financial bail other than 10-percent deposit serve jurisdictions that have crowded jails, compared to 42 percent where the jail is under capacity and 6 percent where it is at capacity. For programs recommending specific bail amounts other than 10-percent deposit, 54 percent are located in a jurisdiction in which the jail population exceeds its capacity, 43 percent where the jail is under capacity, and 4 percent where the jail is at capacity. For programs recommending nonfinancial conditional release, 43 percent are in jurisdictions in which the jail is overcrowded, 54 percent where it is under capacity, and 3 percent where it is at capacity.

### Summary

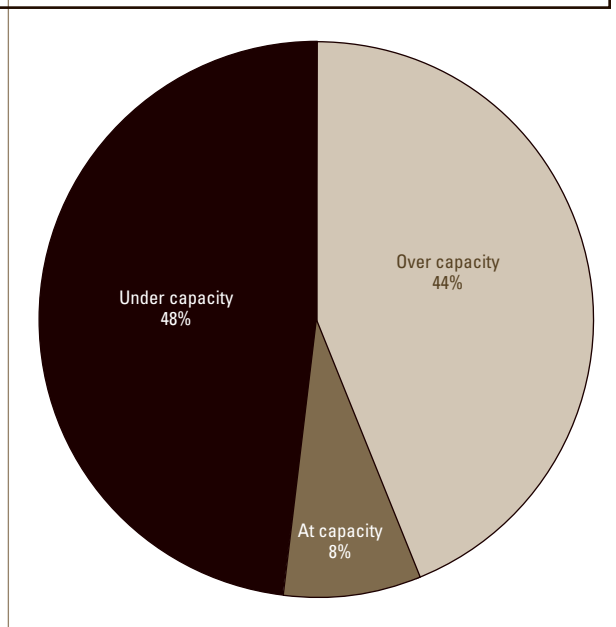
A slight majority of jurisdictions served by pretrial programs have a jail that is either at or below capacity.

Programs that serve jurisdictions least likely to have a jail population over its capacity are in mixed urban, suburban, and rural areas, are housed under the sheriff/jail administration or an independent agency, provide the most extensive hours of operation, interview defendants before the initial court appearance, and assess risks of pretrial misconduct objectively.

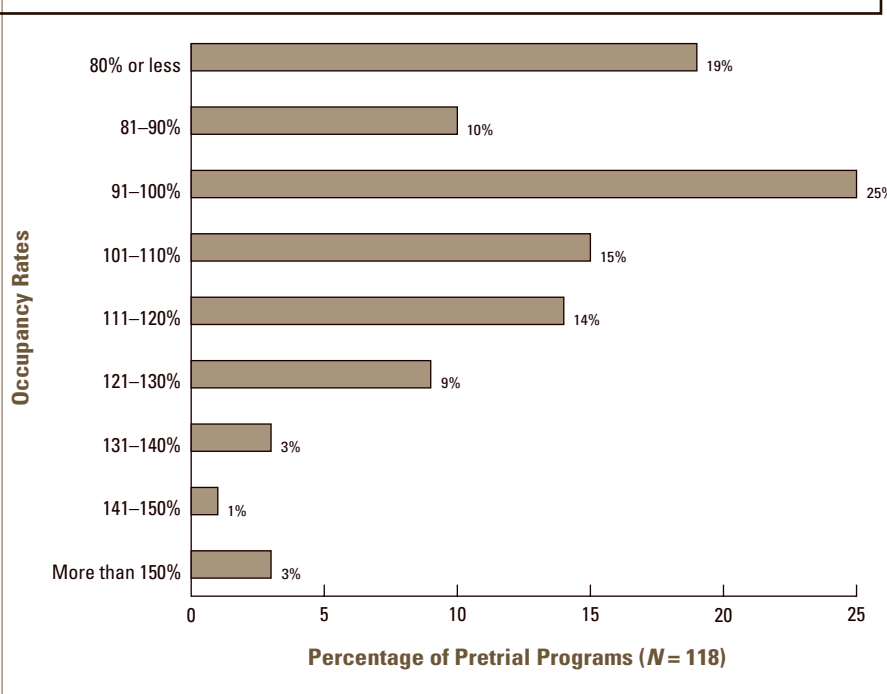
**Table 29. Jail Crowding in Jurisdictions Served by Pretrial Programs, by Recommendation Made**

Jail Population	Percentage of Pretrial Programs, by Recommendation Made				Pretrial Detention ( <i>N</i> = 47)
	Nonfinancial Conditional ( <i>N</i> = 68)	Monetary Other Than 10% Deposit ( <i>N</i> = 33)	Specific Bail Amounts if Other Than 10% Deposit ( <i>N</i> = 28)	10% Deposit ( <i>N</i> = 23)	
Over capacity	43	52	54	48	47
Under capacity	54	42	43	48	47
At capacity	3	6	4	4	6

**Figure 28. Capacity Situation at Jails Served by Pretrial Programs (N = 119)**



**Figure 29. Occupancy Rates of Jails Served by Pretrial Programs**



## VIII. Conclusions

Each year more than 10 million arrests are made for criminal offenses. In each one of these arrests a judicial officer must make a decision regarding the release or detention of the accused, with significant implications attached to each decision. The unnecessary detention of a defendant who could have been safely released creates unnecessary costs and can clog jail cells and lead to jail crowding. The inappropriate release of a defendant may pose a serious risk to public safety. Pretrial services programs have become important tools used by judicial officers making these decisions by providing them with information and options for more effective pretrial release/detention decisionmaking.

This survey (conducted in 2001) has identified 88 pretrial services programs that have come into existence since 1990. This is perhaps the largest growth period for new programs since pretrial services were introduced in the 1960s. As the expansion of pretrial services continues, it is important that individual programs adhere to national standards. As in the past two surveys, a number of areas have been identified in which improvements are needed to standardize the practices of pretrial services programs. These improvements include the following:

- Conduct an investigation on all persons accused of a criminal offense. As noted earlier, in complicated cases the judicial officer especially needs complete information and a full range of options to ensure that an appropriate decision is made. Yet the majority of pretrial services programs have at least one category of defendant that is automatically excluded from their interview and investigation process. Pretrial services programs should include in their target population all people for whom a judicial officer must make a pretrial release/detention decision. The only exception to this might be, as recognized by the standards, persons who are charged with minor offenses and who will be released with minimal investigation.
- Compile a complete criminal record. Data show that pretrial services programs are very successful in obtaining both arrest and disposition information from

their immediate jurisdictions. Their success rate diminishes, however, when the defendant has charges outside the immediate jurisdiction, particularly out-of-state charges. Pretrial services programs should work with appropriate local, state, and federal officials to ensure that they have timely access to complete criminal records.

- Assess risks of pretrial misconduct using objective criteria. Data show that less than one-quarter of pretrial services programs exclusively rely on objective criteria in assessing risks. More than one-third use subjective criteria only. The several advantages to using objective over subjective criteria justify the standards calling for their use. First, if applied correctly, objective criteria ensure consistency in application among the staff of the program. Second, objective criteria provide a visibility to the risk assessment process that cannot exist with a subjective approach. Finally, with an objective risk assessment instrument, the factors that go into the assessment of risk can be tested for their validity.
- Review regularly the status of detained defendants. Many defendants sit in jail for prolonged periods of time simply because they cannot afford the bail, even a nominal bail, set by the court. Often, the judicial officer setting the bail never intended for the defendant to remain detained. In other cases, the defendant may have had a bail set on a new charge simply because there was a hold due to another matter, but once that other matter is resolved the defendant may remain detained. In still other cases, new information may be available, such as the identification of an address at which the defendant could live, that would make it possible for the defendant to be released. Pretrial services programs can address these types of situations by conducting a regular review of the status of detained defendants. Yet as the data show, only about 1 in 5 programs do so on a regular basis; nearly half never do so.

In addition, it is clear that pretrial services programs need to do more to assess their effectiveness. Almost half

## Pretrial Services Programming

have never validated their risk assessment procedures. Almost half do not calculate failure-to-appear rates; three-quarters do not calculate rearrest rates. Even those programs that do calculate these rates vary greatly in the way that they do so.

Notwithstanding these areas where improvements are necessary, the data show that several positive developments are underway. Pretrial services programs are beginning to address special challenges raised by

defendants with mental illness and those charged with domestic violence offenses. Although this survey was not designed to assess the effectiveness of strategies employed for these populations, the data indicate that pretrial services programs are taking steps to provide more information and options to the court. In addition, programs are making use of technologies designed to improve their information-gathering capability and the options that they are providing to the court.

# Endnotes

1. The 1989 results are reported in Kristen L. Segebarth, *Pretrial Services and Practices in the 1990s: Findings From the Enhanced Pretrial Services Project*, Washington, D.C.: National Association of Pretrial Services Agencies, 1991. The 1979 results are reported in Donald E. Pryor, *Practices of Pretrial Release Programs: Review and Analysis of the Data*, Washington, D.C.: Pretrial Services Resource Center, 1982.

2. Puerto Rico was included in only the 2002 survey.

3. *Standards Relating to Pretrial Release*, New York, N.Y.: American Bar Association, 1968.

4. *Standards and Goals for Pretrial Release*, Washington, D.C.: National Association of Pretrial Services Agencies, 1978.



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*American Bar Association Standards for Criminal Justice: Pretrial Release.* 2d ed. Washington, D.C.: American Bar Association, 1985.

*American Bar Association Criminal Justice Standards on Pretrial Release.* 3d ed. Washington, D.C.: American Bar Association, 2002.

# Appendix A. Tables

<b>Table A-1. Size of Population Served by Pretrial Services Programs</b>			
<b>Size of Population</b>	<b>Percentage of Programs, by Survey Year</b>		
	<b>2001 (N = 193)</b>	<b>1989 (N = 199)</b>	<b>1979 (N = 109)</b>
50,000 or fewer	11	14	2
50,001 to 100,000	14	13	5
100,001 to 500,000	46	41	44
500,001 to 1,000,000	17	19	28
More than 1,000,000	12	13	22

**Table A-2. Characteristics of Pretrial Services Programs, by Year Program Began**

Characteristic	Percentage of Programs, by Year			
	1960s (N = 11)	1970s (N = 44)	1980s (N = 43)	Since 1990 (N = 87)
<b>Size of Population</b>				
50,000 or fewer	0	0	7	18
50,001 to 100,000	0	0	12	21
100,001 to 500,000	27	46	47	51
500,001 to 1,000,000	46	27	26	7
More than 1,000,000	27	27	9	3
<b>Nature of Jurisdiction</b>	<b>(N = 10)</b>	<b>(N = 44)</b>	<b>(N = 44)</b>	<b>(N = 88)</b>
Primarily urban	60	25	16	9
Primarily suburban	10	16	18	13
Primarily rural	0	7	14	35
Mixture	30	52	52	43
<b>Administrative Locus</b>	<b>(N = 11)</b>	<b>(N = 44)</b>	<b>(N = 44)</b>	<b>(N = 88)</b>
Probation	46	23	27	34
Courts	18	36	36	24
Prosecutor	0	0	0	1%
Sheriff or jail	0	9	16	27
Private, nonprofit	9	11	9	6
Community corrections	0	2	2	0
Independent agency	18	16	7	5
Other	9	2	2	3
<b>Budget Size</b>	<b>(N = 10)</b>	<b>(N = 35)</b>	<b>(N = 32)</b>	<b>(N = 66)</b>
\$50,000 or less	0	0	16	17
\$50,001 to \$100,000	0	9	9	21
\$100,001 to \$200,000	10	9	13	17
\$200,001 to \$300,000	0	9	6	14
\$300,001 to \$400,000	0	3	16	11
\$400,001 to \$500,000	0	11	6	1
\$500,001 to \$600,000	0	3	0	1
\$600,001 to \$700,000	0	0	0	5
\$700,001 to \$800,000	0	0	0	0
\$800,001 to \$900,000	0	9	6	1
\$900,001 to \$1,000,000	10	0	6	5
\$1,000,001 to \$1,500,000	10	23	16	0
\$1,500,001 to \$2,000,000	30	6	3	1
\$2,000,001 to \$5,000,000	20	14	3	3
\$5,000,001 to \$10,000,000	0	0	0	1
More than \$10,000,000	20	6	0	0

continued

**Table A-2 continued. Characteristics of Pretrial Services Programs, by Year Program Began**

Characteristic	Percentage of Programs, by Year			
	1960s ( <i>N</i> = 11)	1970s ( <i>N</i> = 44)	1980s ( <i>N</i> = 41)	Since 1990 ( <i>N</i> = 82)
<b>Staff Size</b>				
1	0	0	12	20
2–5	9	27	32	52
6–10	9	16	24	20
11–15	0	7	2	4
16–20	18	11	10	1
21–25	9	5	7	1
26–50	18	19	12	1
51–75	0	9	0	1
76–100	9	2	0	0
101–200	9	0	0	1
201–300	18	5	0	0
<b>Risk Assessment Validation</b>	<b>(<i>N</i> = 10)</b>	<b>(<i>N</i> = 43)</b>	<b>(<i>N</i> = 42)</b>	<b>(<i>N</i> = 68)</b>
Within past year	0	14	12	10
Within past 3 years	20	2	19	10
Within past 5 years	10	7	2	10
More than 10 years ago	30	12	10	1
Never validated	20	47	48	53

**Table A-3. Pretrial Program Staff Size, by Hours of Operation**

Staff Size	Percentage of Programs, by Hours of Operation				Number of Programs
	Monday-Friday, Regular Hours	Monday-Friday, Extended Hours	Weekdays and Weekends, Regular Hours	Weekdays and Weekends, Extended Hours	
1	100	0	0	0	18
2-5	80	0	14	6	70
6-10	57	0	23	20	35
11-25	15	7	19	59	27
More than 25	3	10	7	80	30

**Table A-4. Pretrial Services Programs Having Delegated Release Authority**

Delegated Release Authority	Percentage of Programs, by Survey Year		
	2001 (N = 188)	1989 (N = 201)	1979 (N = 119)
Yes	21	41	42
No	79	59	58

<b>Procedure</b>	<b>Percentage of Programs, by Survey Year</b>		
	<b>2001 (N = 194)</b>	<b>1989 (N = 201)</b>	<b>1979 (N = 119)</b>
<b>Set Time of Initial Interview</b>			
Before first appearance in court	75	70	92
After first appearance in court	25	30	8
<b>Advise Defendant That Interview Is Voluntary</b>	<b>(N = 194)</b>	<b>(N = 201)</b>	<b>N/A</b>
Yes	86	78	N/A
No	14	22	N/A
<b>Advise Defendant on Use of Information</b>	<b>(N = 193)</b>	<b>(N = 201)</b>	<b>N/A</b>
Yes	85	75	N/A
No	15	25	N/A
<b>Obtain Written Consent From Defendant*</b>	<b>(N = 94)</b>	<b>N/A</b>	<b>N/A</b>
Yes	39	N/A	N/A
No	61	N/A	N/A

N/A = Data not available.  
\*Data from 2001 survey.

**Table A-6. Factors Considered in Risk Assessment by Pretrial Services Programs**

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

N/A = Data not available.

**Table A-7. Recommendations Made by Pretrial Services Programs**

Type of Recommendation	Percentage of Programs, by Survey Year	
	2001 (N = 137)	1989 (N = 158)
Nonfinancial conditional release	67	80
Monetary other than 10% deposit	32	51
Specific bail amounts other than 10% deposit	27	46
10% deposit	21	35
Pretrial detention	46	48

**Table A-8. Pretrial Staff Present at Initial Court Appearance**

Program Staff Present	Percentage of Programs, by Survey Year	
	2001 (N = 164)	1989 (N = 192)
Yes, always	55	33
Only when requested by the court	21	26
No	24	41

**Table A-9. Courtesy Supervision by Pretrial Program**

Willing To Provide Courtesy Supervision	Percentage of Programs, by Survey Year	
	2001 (N = 176)	1989 *
Yes	87	74
No	13	26

\*Not reported in the 1989 report.



**Table A-10. Services Provided by Pretrial Services Programs**

Service	Percentage of Programs	
	Yes	No
Diversion ( <i>N</i> = 186)	29	71
Mediation ( <i>N</i> = 189)	5	95
Jail classification ( <i>N</i> = 188)	6	94
Indigency screening ( <i>N</i> = 188)	24	76

**Table A-11. Victim Notification Services Among Pretrial Services Programs**

Victim Notified of Initial Appearance of Accused	Percentage of Programs
	( <i>N</i> = 187)
Yes, in all cases where there is a victim	5
Yes, in selected cases where there is a victim	20
No	75
Victim Notified of Defendant's Pretrial Release	( <i>N</i> = 189)
Yes, in all cases where there is a victim	11
Yes, in selected cases where there is a victim	29
No	60

**Table A-12. Mission Statement, by Decade Pretrial Program Began (*N* = 185)**

Mission Statement	Percentage of Programs, by Decade Program Began			
	1960s	1970s	1980s	Since 1990
Yes	82	82	93	76
No	18	18	7	24

**Table A-13. Mission Statement of Pretrial Services Programs, by Population of Jurisdiction Served (*N* = 190)**

Mission Statement	Percentage of Programs, by Jurisdiction Population				
	Fewer Than 50,000	Between 50,000 and 100,000	Between 100,001 and 500,000	Between 500,001 and 1,000,000	More Than 1,000,000
Yes	63	89	77	94	83
No	37	12	23	6	17

**Table A-14. Mission Statement of Pretrial Services Programs, by Nature of the Area Served (*N* = 192)**

Mission Statement	Percentage of Programs, by Area Served			
	Primarily Urban	Primarily Suburban	Primarily Rural	Mixture
Yes	88	92	65	83
No	12	8	35	17

**Table A-15. Mission Statement of Pretrial Services Programs, by Administrative Locus (*N* = 194)**

Mission Statement	Percentage of Programs, by Administrative Locus				
	Probation	Courts	Sheriff/Jail	Private/Nonprofit	Independent
Yes	69	85	84	94	94
No	31	15	16	6	6

**Table A-16. Staff Training, by Decade Pretrial Program Began (*N* = 186)**

Type of Training	Percentage of Programs, by Decade Program Began			
	1960s	1970s	1980s	Since 1990
On the job only	9	25	24	28
More than on the job	91	75	76	72

**Table A-17. Training for Pretrial Program Staff, by Administrative Locus (N = 194)**

Type of Training	Percentage of Programs, by Administrative Locus				
	Probation	Courts	Sheriff/ Jail	Private/ Nonprofit	Independent
On the job only	26	27	22	25	6
More than on the job	74	73	78	75	94

**Table A-18. Operations Manual, by Decade Pretrial Program Began**

Operations Manual	Decade Program Began			
	1960s (N = 11)	1970s (N = 44)	1980s (N = 44)	Since 1990 (N = 87)
Yes	73	71	77	79
No	27	29	23	21

**Table A-19. Operations Manual of Pretrial Services Programs, by Population of Area Served**

Operations Manual	Percentage of Programs, by Population of Area Served				
	Fewer Than 50,000 (N = 19)	Between 50,000 and 100,000 (N = 26)	Between 100,001 and 500,000 (N = 89)	Between 500,001 and 1,000,000 (N = 34)	More Than 1,000,000 (N = 23)
Yes	63	81	75	85	78
No	37	19	25	15	22

**Table A-20. Operations Manual of Pretrial Services Programs, by Nature of Area Served**

Operations Manual	Percentage of Programs, by Nature of Area Served			
	Primarily Urban (N = 34)	Primarily Suburban (N = 26)	Primarily Rural (N = 40)	Mixture (N = 93)
Yes	88	85	70	75
No	12	15	30	25

**Table A-21. Operations Manual of Pretrial Services Programs, by Staff Size**

Operations Manual	Percentage of Programs, by Staff Size				
	1 ( <i>N</i> = 19)	2–5 ( <i>N</i> = 73)	6–10 ( <i>N</i> = 36)	11–15 ( <i>N</i> = 27)	More Than 25 ( <i>N</i> = 32)
Yes	58	74	81	81	81
No	42	26	19	19	19

**Table A-22. Operations Manual of Pretrial Services Programs, by Administrative Locus**

Operations Manual	Percentage of Programs, by Administrative Locus				
	Probation ( <i>N</i> = 61)	Courts ( <i>N</i> = 56)	Sheriff/ Jail ( <i>N</i> = 37)	Private/ Nonprofit ( <i>N</i> = 16)	Independent ( <i>N</i> = 16)
Yes	74	73	87	81	69
No	26	27	13	19	31

**Table A-23. Pretrial Program Risk Assessment Validation, by Population of the Jurisdiction**

Risk Assessment Validated	Percentage of Programs, by Jurisdiction Population				
	Fewer Than 50,000 ( <i>N</i> = 19)	Between 50,000 and 100,000 ( <i>N</i> = 19)	Between 100,001 and 500,000 ( <i>N</i> = 76)	Between 500,001 and 1,000,000 ( <i>N</i> = 31)	More Than 1,000,000 ( <i>N</i> = 22)
Within past year	5	6	44	17	28
Within past 3 years	16	11	33	33	5
Within past 5 years	16	8	31	15	14
Within past 10 years	11	13	50	25	5
More than 10 years ago	5	7	50	29	7
Never validated	11	14	49	13	14

**Table A-24. Pretrial Program Risk Assessment Validation, by Nature of Area Served**

Risk Assessment Validated	Percentage of Programs, by Nature of Area Served			
	Primarily Urban (N = 25)	Primarily Suburban (N = 25)	Primarily Rural (N = 34)	Mixture (N = 82)
Within past year	8	8	15	11
Within past 3 years	28	8	9	9
Within past 5 years	8	0	9	10
Within past 10 years	8	20	9	17
More than 10 years ago	8	4	9	9
Never validated	40	60	50	45

**Table A-25. Pretrial Program Risk Assessment Validation, by Administrative Locus**

Risk Assessment Validated	Percentage of Programs, by Administrative Locus				
	Probation (N = 56)	Courts (N = 49)	Sheriff/Jail (N = 28)	Private/Nonprofit (N = 12)	Independent (N = 15)
Within past year	5	14	14	17	0
Within past 3 years	13	10	7	8	7
Within past 5 years	9	2	14	0	13
Within past 10 years	14	16	7	33	13
More than 10 years ago	14	6	0	8	13
Never validated	43	51	57	33	53

**Table A-26. Calculation of Failure-To-Appear (FTA) and Rearrest Rates, by Decade Pretrial Program Began**

Calculation of FTA Rates	Percentage of Programs, by Decade Program Began			
	1960s ( <i>N</i> = 10)	1970s ( <i>N</i> = 38)	1980s ( <i>N</i> = 43)	Since 1990 ( <i>N</i> = 79)
Yes	60	74	77	37
No	40	26	23	63
Calculation of Rearrest Rates	( <i>N</i> = 10)	( <i>N</i> = 38)	( <i>N</i> = 43)	( <i>N</i> = 78)
Yes	50	32	40	21
No	50	68	60	79

**Table A-27. Pretrial Program Calculation of Failure-To-Appear (FTA) and Rearrest Rates, by Population of Jurisdiction Served**

Calculation of FTA Rates	Percentage of Programs, by Jurisdiction Population				
	Fewer Than 50,000 ( <i>N</i> = 18)	Between 50,000 and 100,000 ( <i>N</i> = 23)	Between 100,001 and 500,000 ( <i>N</i> = 83)	Between 500,001 and 1,000,000 ( <i>N</i> = 33)	More Than 1,000,000 ( <i>N</i> = 18)
Yes	28	35	51	85	72
No	72	65	49	15	28
Calculation of Rearrest Rates	( <i>N</i> = 18)	( <i>N</i> = 23)	( <i>N</i> = 82)	( <i>N</i> = 33)	( <i>N</i> = 18)
Yes	22	22	21	58	28
No	78	78	79	42	72

**Tables A-28. Pretrial Program Calculation of Failure-To-Appear (FTA) and Rearrest Rates, by Nature of Area Served**

Calculation of	Percentage of Programs, by Nature of Area Served			
	Primarily Urban ( <i>N</i> = 31)	Primarily Suburban ( <i>N</i> = 24)	Primarily Rural ( <i>N</i> = 38)	Mixture ( <i>N</i> = 83)
<b>FTA Rates</b>				
Yes	55	79	34	57
No	45	21	66	43
<b>Rearrest Rates</b>				
Yes	44	29	29	21
No	56	71	71	79

**Tables A-29. Pretrial Program Calculation of Failure-To-Appear (FTA) and Rearrest Rates, by Administrative Locus**

Calculation of	Percentage of Programs, by Administrative Locus				
	Probation ( <i>N</i> = 58)	Courts ( <i>N</i> = 45)	Sheriff/ Jail ( <i>N</i> = 35)	Private/ Nonprofit ( <i>N</i> = 16)	Independent ( <i>N</i> = 16)
<b>FTA Rates</b>					
Yes	40	56	63	75	75
No	60	44	37	25	25
<b>Rearrest Rates</b>					
Yes	25	28	26	38	31
No	75	72	74	62	69

**Table A-30. Mental Health Inquiry by Pretrial Services Programs in Interview, by Decade Program Began**

Mental Health Inquiry	Percentage of Programs, by Decade Program Began			
	1960s ( <i>N</i> = 11)	1970s ( <i>N</i> = 43)	1980s ( <i>N</i> = 45)	Since 1990 ( <i>N</i> = 83)
Asked as regular part of interview	55	72	64	83
Asked only if indicators of mental illness	36	19	20	11
No mental health questions asked	9	9	16	6

**Table A-31. Mental Health Inquiry by Pretrial Services Programs in Interview, by Nature of Area Served**

Mental Health Inquiry	Percentage of Programs, by Nature of Area Served			
	Primarily Urban ( <i>N</i> = 33)	Primarily Suburban ( <i>N</i> = 24)	Primarily Rural ( <i>N</i> = 41)	Mixture ( <i>N</i> = 90)
Asked as regular part of interview	73	75	83	68
Asked only if indicators of mental illness	15	17	5	22
No mental health questions asked	12	8	12	10

**Table A-32. Mental Health Inquiry by Pretrial Services Programs in Interview, by Administrative Locus**

Mental Health Inquiry	Percentage of Programs, by Administrative Locus				
	Probation ( <i>N</i> = 58)	Courts ( <i>N</i> = 54)	Sheriff/ Jail ( <i>N</i> = 37)	Private/ Nonprofit ( <i>N</i> = 16)	Independent ( <i>N</i> = 16)
Asked as regular part of interview	76	67	87	56	62
Asked only if indicators of mental illness	19	17	3	25	38
No mental health questions asked	5	17	11	19	0

**Table A-33. Mental Health Inquiry by Pretrial Services Programs in Interview, by Timing of Initial Interview**

Mental Health Inquiry	Percentage of Programs Conducting Initial Interviews at This Time	
	Before the First Court Appearance ( <i>N</i> = 144)	After the First Court Appearance ( <i>N</i> = 45)
Asked as regular part of interview	74	71
Asked only if indicators of mental illness	17	16
No mental health questions asked	9	13



**Table A-34. Mental Health Inquiry by Pretrial Services Programs in Interview, by Type of Risk Assessment Scheme**

Mental Health Inquiry	Percentage of Programs, by Risk Assessment Scheme		
	Objective Only ( <i>N</i> = 32)	Subjective Only ( <i>N</i> = 58)	Objective Plus Subjective Input ( <i>N</i> = 70)
Asked as regular part of interview	69	83	70
Asked only if indicators of mental illness	18	12	20
No mental health questions asked	13	5	10

**Table A-35. Mental Health Inquiry by Pretrial Services Programs in Interview, by Recommendations**

Mental Health Inquiry	Percentage of Programs Making Recommendations Under These Circumstances			
	Made in All Cases ( <i>N</i> = 69)	Made in Most Cases ( <i>N</i> = 75)	Made Only When Asked ( <i>N</i> = 19)	Not Made ( <i>N</i> = 22)
Asked as regular part of interview	72	75	79	68
Asked only if indicators of mental illness	16	20	16	5
No mental health questions asked	12	5	5	27

**Table A-36. Mental Health Inquiry by Pretrial Services Programs in Interview, by Supervision**

Mental Health Inquiry	Percentage of Programs, by Supervision		
	Provided by Pretrial Program ( <i>N</i> = 124)	Provided by Another Entity ( <i>N</i> = 10)	No Supervision Available ( <i>N</i> = 13)
Asked as regular part of interview	75	80	46
Asked only if indicators of mental illness	17	10	15
No mental health questions asked	8	10	39

**Table A-37. Procedures by Pretrial Services Programs To Supervise Defendants With Mental Illness (N = 44)**

Procedures	Percentage of Programs
Referral to mental health program	75
Specialized caseload	16
Referral to mental health court	5
Assist with housing/require verification of use of medicine	2
Third-party custody	2

**Table A-38. Pretrial Program Procedures To Supervise Defendants With Mental Illness, by Decade Program Began**

Special Procedures	Percentage of Programs, by Decade Program Began			
	1960s (N = 11)	1970s (N = 43)	1980s (N = 45)	Since 1990 (N = 83)
Yes	18	33	20	24
No	82	67	80	76

**Table A-39. Pretrial Program Procedures To Supervise Defendants With Mental Illness, by Nature of Area Served**

Special Procedures	Percentage of Programs, by Nature of Area Served			
	Primarily Urban (N = 33)	Primarily Suburban (N = 25)	Primarily Rural (N = 40)	Mixture (N = 90)
Yes	33	20	18	26
No	67	80	82	74

**Table A-40. Pretrial Program Procedures To Supervise Defendants With Mental Illness, by Administrative Locus**

Special Procedures	Percentage of Pretrial Services Programs, by Administrative Locus				
	Probation (N = 58)	Courts (N = 54)	Sheriff/ Jail (N = 37)	Private/ Nonprofit (N = 16)	Independent (N = 16)
Yes	21	22	24	25	44
No	79	78	76	75	56

**Table A-41. Pretrial Program Procedures To Supervise Defendants With Mental Illness, by Recommendations**

Special Procedures	Percentage of Pretrial Services Programs, by Recommendations			
	Made in All Cases (N = 68)	Made in Most Cases (N = 76)	Made Only When Asked (N = 19)	Never Made (N = 22)
Yes	30	28	16	14
No	70	72	84	86

**Table A-42. Pretrial Program Special Procedures To Supervise Juveniles Charged as Adults**

Special Procedures	Percentage of Programs (N = 11)
Require more contacts	9
Specialized caseload	45
Third-party custody to parents	36
Unknown	9

**Table A-43. Year Pretrial Services Programs Began Special Procedures for Supervising Juveniles Charged as Adults**

Year Began	Percentage of Programs ( <i>N</i> = 11)
1997–2001	67
1992–1996	22
1987–1991	11
Prior to 1987	0

**Table A-44. Year Pretrial Services Programs Began Special Risk Assessment for Domestic Violence Offenses**

Year Began	Percentage of Programs ( <i>N</i> = 43)
1997–2001	58
1992–1996	28
1987–1991	9
Prior to 1987	5

**Table A-45. Pretrial Services Program Special Risk Assessment for Domestic Violence Cases, by Administrative Locus**

Special Risk Assessment	Percentage of Programs, by Administrative Locus				
	Probation ( <i>N</i> = 57)	Courts ( <i>N</i> = 53)	Sheriff/ Jail ( <i>N</i> = 37)	Private/ Nonprofit ( <i>N</i> = 16)	Independent ( <i>N</i> = 16)
Yes	23	30	19	12	38
No	77	70	81	88	63

**Table A-46. Pretrial Program Special Risk Assessment for Domestic Violence Cases, by Timing of Initial Interview**

Special Risk Assessment	Percentage of Programs, by Timing of Initial Interview	
	Prior to the Initial Court Appearance (N = 142)	After the Initial Court Appearance (N = 45)
Yes	28	16
No	72	84

**Table A-47. Pretrial Services Program Special Risk Assessment for Domestic Violence Cases, by Whether Defendant Is Advised That Interview Is Voluntary**

Special Risk Assessment	Percentage of Programs That Advise Defendant the Interview Is Voluntary	
	Yes (N = 159)	No (N = 28)
Yes	26	18
No	74	82

**Table A-48. Pretrial Program Special Risk Assessment for Domestic Violence Cases, by Type of Risk Assessment Scheme**

Special Risk Assessment for Domestic Violence Cases	Percentage of Programs, by Type of Risk Assessment Scheme		
	Objective Only (N = 39)	Subjective Only (N = 57)	Objective Plus Subjective (N = 69)
Yes	15	23	36
No	85	77	64

**Table A-49. Year Pretrial Services Programs Began Special Supervision Procedures for Domestic Violence Offenses**

Year Began	Percentage of Programs ( <i>N</i> = 55)
1997–2001	69
1992–1996	16
1987–1991	6
Prior to 1987	9

**Table A-50. Pretrial Program Special Supervision Procedures for Domestic Violence Cases, by Decade Program Began**

Special Supervision Procedures	Percentage of Programs, by Decade Program Began			
	1960s ( <i>N</i> = 11)	1970s ( <i>N</i> = 41)	1980s ( <i>N</i> = 45)	Since 1990 ( <i>N</i> = 82)
Yes	55	34	29	34
No	45	66	71	66

**Table A-51. Pretrial Program Special Supervision Procedures for Domestic Violence Cases, by Nature of Area Served**

Special Supervision Procedures for Domestic Violence Cases	Percentage of Programs, by Nature of Area Served			
	Primarily Urban ( <i>N</i> = 32)	Primarily Suburban ( <i>N</i> = 25)	Primarily Rural ( <i>N</i> = 39)	Mixture ( <i>N</i> = 89)
Yes	47	48	28	28
No	53	52	72	72

**Table A-52. Pretrial Program Special Supervision Procedures for Domestic Violence Cases, by Administrative Locus**

Special Supervision Procedures	Percentage of Programs, by Administrative Locus				
	Probation (N = 58)	Courts (N = 51)	Sheriff/ Jail (N = 37)	Private/ Nonprofit (N = 16)	Independent (N = 16)
Yes	36	27	24	31	44
No	64	73	76	69	56

**Table A-53. Pretrial Program Special Supervision Procedures for Domestic Violence Cases, by Timing of Initial Interview**

Special Supervision Procedures	Percentage of Programs, by Conducting Initial Interview at This Time	
	Prior to First Court Appearance (N = 142)	After First Court Appearance (N = 44)
Yes	37	23
No	63	77

**Table A-54. Pretrial Program Special Supervision Procedures for Domestic Violence Cases, by Type of Risk Assessment**

Special Supervision Procedures	Percentage of Programs, by Type of Risk Assessment Scheme		
	Objective Only (N = 39)	Subjective Only (N = 55)	Objective Plus Subjective (N = 70)
Yes	23	36	39
No	77	64	61

**Table A-55. Drug Testing as a Pretrial Program Supervision Tool, by Decade Pretrial Program Began**

Drug Testing Available	Percentage of Programs, by Decade Program Began			
	1960s ( <i>N</i> = 11)	1970s ( <i>N</i> = 44)	1980s ( <i>N</i> = 45)	Since 1990 ( <i>N</i> = 88)
Yes	73	66	71	73
No	27	34	29	27

**Tables A-56. Special Supervision Procedures, by Nature of Area Served**

Supervision Procedure	Percentage of Programs, by Nature of Area Served			
	Primarily Urban ( <i>N</i> = 34)	Primarily Suburban ( <i>N</i> = 27)	Primarily Rural ( <i>N</i> = 41)	Mixture ( <i>N</i> = 93)
<b>Drug Testing Available</b>				
Yes	74	78	66	66
No	26	22	34	34
<b>Alcohol Testing Available</b>				
Yes	41	78	63	44
No	59	22	37	56
<b>Electronic Monitoring Available</b>				
Yes	56	56	56	52
No	44	44	44	48



**Tables A-57. Special Supervision Procedures, by Administrative Locus**

Supervision Procedure	Percentage of Programs, by Administrative Locus				
	Probation (N = 62)	Courts (N = 57)	Sheriff/ Jail (N = 37)	Private/ Nonprofit (N = 16)	Independent (N = 16)
<b>Drug Testing Available</b>					
Yes	68	67	68	56	88
No	32	33	32	44	12
<b>Alcohol Testing Available</b>					
Yes	61	46	54	44	50
No	39	54	46	56	50
<b>Electronic Monitoring Available</b>					
Yes	56	53	49	31	75
No	44	47	51	69	25

**Table A-58. Special Supervision Procedures, by Staff Size**

Supervision Procedure	Percentage of Programs, by Staff Size				
	1 (N = 19)	2-5 (N = 74)	6-10 (N = 36)	11-25 (N = 27)	More Than 25 (N = 31)
<b>Drug Testing Available</b>					
Yes	63	64	75	81	74
No	37	36	25	19	26
<b>Alcohol Testing Available</b>					
Yes	53	57	50	56	45
No	47	43	50	44	55
<b>Electronic Monitoring Available</b>					
Yes	74	47	44	63	71
No	26	53	56	37	29

**Table A-59. Special Supervision Procedures, by Hours of Operation**

Supervision Procedure	Percentage of Programs, by Hours of Operation			
	Monday–Friday Regular Hours ( <i>N</i> = 104)	Monday–Friday Extended Hours ( <i>N</i> = 6)	Weekdays and Weekends Regular Hours ( <i>N</i> = 28)	Weekdays and Weekends Extended Hours ( <i>N</i> = 51)
<b>Drug Testing Available</b>				
Yes	70	100	68	67
No	30	0	32	33
<b>Alcohol Testing Available</b>				
Yes	59	83	57	37
No	41	17	43	63
<b>Electronic Monitoring Available</b>				
Yes	56	83	43	55
No	44	17	57	45

**Table A-60. Alcohol Testing as a Pretrial Program Supervision Tool, by Jurisdiction Population**

Alcohol Testing Available	Percentage of Programs, by Jurisdiction Population				
	Fewer Than 50,000 ( <i>N</i> = 21)	Between 50,000 and 100,000 ( <i>N</i> = 12)	Between 100,001 and 500,000 ( <i>N</i> = 89)	Between 500,001 and 1,000,000 ( <i>N</i> = 34)	More Than 1,000,000 ( <i>N</i> = 23)
Yes	62	54	58	50	26
No	38	46	42	50	74

**Tables A-61. Special Supervision Procedures, by Budget Size**

Supervision Procedure	Percentage of Programs, by Budget Size			
	Less Than \$200,000	Between \$200,000 and \$500,000	Between \$500,001 and \$1,000,000	More Than \$1,000,000
<b>Alcohol Testing Available</b>	(N = 58)	(N = 35)	(N = 17)	(N = 36)
Yes	48	63	65	42
No	52	37	35	58
<b>Electronic Monitoring Available</b>				
Yes	53	43	71	64
No	47	57	29	36

**Table A-62. Electronic Monitoring as a Pretrial Program Supervision Tool, by Jurisdiction Population**

Electronic Monitoring Available	Percentage of Programs, by Jurisdiction Population				
	Fewer Than 50,000 (N = 21)	Between 50,000 and 100,000 (N = 26)	Between 100,001 and 500,000 (N = 89)	Between 500,001 and 1,000,000 (N = 34)	More Than 1,000,000 (N = 23)
Yes	57	62	47	65	57
No	43	39	53	35	44

**Table A-63. Information System, by Decade Pretrial Program Began**

Type of System	Percentage of Programs, by Decade Program Began			
	1960s (N = 11)	1970s (N = 41)	1980s (N = 44)	Since 1990 (N = 84)
Manual only	9	7	21	7
Mainframe only	9	12	10	10
PC-based only	0	12	11	11
Combined manual and PC-based	56	49	62	62
Combined manual and mainframe	27	20	11	11

**Table A-64. Information System, by Jurisdiction Population**

Type of System	Percentage of Programs, by Jurisdiction Population				
	Fewer Than 50,000 (N = 19)	Between 50,000 and 100,000 (N = 25)	Between 100,001 and 500,000 (N = 12)	Between 500,001 and 1,000,000 (N = 32)	More Than 1,000,000 (N = 22)
Manual only	26	8	8	6	14
Mainframe only	11	4	8	19	9
PC-based only	11	12	13	9	9
Combined manual and PC-based	42	72	58	44	41
Combined manual and mainframe	11	4	13	22	27

**Table A-65. Information System, by Nature of Area Served**

Type of System	Percentage of Programs, by Nature of Area Served			
	Primarily Urban (N = 31)	Primarily Suburban (N = 25)	Primarily Rural (N = 41)	Mixture (N = 89)
Manual only	3	4	17	11
Mainframe only	10	20	7	7
PC-based only	10	8	15	11
Combined manual and PC-based	45	56	54	57
Combined manual and mainframe	32	12	7	14

**Table A-66. Information Systems Used by Pretrial Services Programs, by Administrative Locus**

Type of System	Percentage of Programs, by Administrative Locus				
	Probation (N = 59)	Courts (N = 52)	Sheriff/ Jail (N = 37)	Private/ Nonprofit (N = 16)	Independent (N = 16)
Manual only	14	6	14	19	6
Mainframe only	10	8	8	6	19
PC-based only	10	10	11	0	6
Combined manual and PC-based	54	54	57	56	44
Combined manual and mainframe	12	15	11	19	25

**Table A-67. Information Systems Used by Pretrial Services Programs, by Budget Size**

Type of System	Percentage of Programs, by Budget Size			
	Less Than \$200,000 (N = 56)	Between \$200,000 and \$500,000 (N = 34)	Between \$500,001 and \$1,000,000 (N = 15)	More Than \$1,000,000 (N = 36)
Manual only	13	3	0	8
Mainframe only	7	6	20	17
PC-based only	13	15	13	14
Combined manual and PC-based	64	50	40	33
Combined manual and mainframe	4	26	27	28

**Table A-68. Information Systems Used by Pretrial Services Programs, by Staff Size**

Type of System	Percentage of Programs, by Staff Size				
	1 ( <i>N</i> = 19)	2-5 ( <i>N</i> = 69)	6-10 ( <i>N</i> = 36)	11-25 ( <i>N</i> = 25)	More Than 25 ( <i>N</i> = 28)
Manual only	21	10	6	0	7
Mainframe only	5	10	3	16	11
PC-based only	16	12	11	0	18
Combined manual and PC-based	58	57	67	56	36
Combined manual and mainframe	0	12	14	28	26

**Table A-69. Jail Capacity and Average Daily Population Served by Pretrial Services Programs**

Jail Capacity		Average Daily Population	
Number ( <i>N</i> = 142)	Percentage of Programs	Number ( <i>N</i> = 122)	Percentage of Programs
1-25	1	1-25	3
26-50	6	26-50	7
51-100	11	51-100	11
101-150	3	101-150	11
151-200	9	151-200	6
201-300	13	201-300	7
301-400	6	301-400	7
401-500	4	401-500	7
501-600	2	501-600	5
601-700	9	601-700	5
701-800	4	701-800	6
801-900	3	801-900	5
901-1,000	3	901-1,000	3
1,001-1,500	8	1,001-1,500	5
1,501-2,000	4	1,501-2,000	4
2,001-5,000	10	2,001-5,000	10
5,001-10,000	3	5,001-10,000	—
More than 10,000	1	More than 10,000	1

**Table A-70. Jail Population of Jurisdiction Served by Pretrial Services Programs, by Nature of Area Served**

Jail Population	Percentage of Programs, by Nature of Area Served			
	Primarily Urban (N = 20)	Primarily Suburban (N = 18)	Primarily Rural (N = 29)	Mixture (N = 51)
Over capacity	55	50	45	39
Under capacity	35	50	48	51
At capacity	10	0	7	10

**Table A-71. Jail Crowding in Jurisdictions Served by Pretrial Services Programs, by Hours of Operation**

Jail Population	Percentage of Programs, by Hours of Operation			
	Monday–Friday Regular Hours (N = 66)	Monday–Friday Extended Hours (N = 5)	Weekdays and Weekends Regular Hours (N = 17)	Weekdays and Weekends Extended Hours (N = 26)
Over capacity	49	60	41	34
Under capacity	42	40	53	58
At capacity	9	0	6	8

**Table A-72. Jail Crowding in Jurisdictions Served by Pretrial Services Programs, by Timing of Initial Interview**

Jail Population	Percentage of Programs, by Timing of Initial Interview	
	Prior to First Court Appearance (N = 90)	After First Court Appearance (N = 27)
Over capacity	43	52
Under capacity	47	48
At capacity	10	0

**Table A-73. Jail Crowding in Jurisdictions Served by Pretrial Services Programs, by Type of Risk Assessment**

Jail Population	Percentage of Programs, by Type of Risk Assessment		
	Objective Only ( <i>N</i> = 22)	Subjective Only ( <i>N</i> = 36)	Objective With Subjective ( <i>N</i> = 45)
Over capacity	27	56	47
Under capacity	55	36	51
At capacity	18	8	2

**Table A-74. Risk Scheme Changed Because of Jail Crowding in Jurisdictions Served by Pretrial Programs**

Jail Population	Percentage of Programs, by Risk Scheme Changed Because of Crowding	
	Yes ( <i>N</i> = 18)	No ( <i>N</i> = 88)
Over capacity	61	43
Under capacity	33	49
At capacity	6	8

**Table A-75. Jail Crowding, by Whether Recommendations Made**

Jail Population	Percentage of Programs, by Whether Recommendations Made	
	Yes ( <i>N</i> = 40)	No, or Only When Asked ( <i>N</i> = 25)
Over capacity	45	44
Under capacity	48	48
At capacity	7	8



# Appendix B. Survey Instrument

**Pretrial Release Programming at the Start of the 21st Century**  
A Project of the Pretrial Services Resource Center and the National Association of Pretrial Services Agencies  
Funded by the Bureau of Justice Assistance, U.S. Department of Justice

## Survey Instrument

Full Name of Pretrial Program: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

Program Administrator: \_\_\_\_\_

Administrator's Telephone (including area code): \_\_\_\_\_

Administrator's Fax (including area code): \_\_\_\_\_

E-mail: \_\_\_\_\_ Web Address: \_\_\_\_\_

This survey comprises nine sections:

- Program Structure and Management.
- Information Gathering (Interviews, Verification, Records Check).
- Risk Assessment Procedures.
- Information and Risk Assessment Reporting Procedures.
- Supervision and Monitoring.
- Dealing With Special Populations.
- Miscellaneous Services.
- Information Systems.
- Pretrial Data.

All but the final section are designed to capture descriptive characteristics of your pretrial services program. The final section asks for program data, if available.

There are four convenient options for submitting the completed survey form:

- Fill it out on the web page and submit it electronically.
- Call John Clark at the Pretrial Services Resource Center at 202–638–3080 and submit it by telephone.
- Print out a hard copy of the instrument and mail it to John Clark, Pretrial Services Resource Center, 1010 Vermont Avenue NW., Suite 300, Washington, D.C. 20005.
- Print out a hard copy of the instrument and fax it to John Clark at 202–347–0493.

For general information about the Pretrial Services Resource Center, visit its web site at [www.pretrial.org](http://www.pretrial.org). For general information about the National Association of Pretrial Services Agencies, visit its web site at [www.napsa.org](http://www.napsa.org). For general information about the Bureau of Justice Assistance, visit its web site at [www.ojp.usdoj.gov/BJA](http://www.ojp.usdoj.gov/BJA).

If you have any questions in completing this survey, please contact John Clark, Pretrial Services Resource Center, at 202–638–3080, or send an e-mail to [john@pretrial.org](mailto:john@pretrial.org). Your cooperation is greatly appreciated.

## Glossary

**Matrix System (risk assessment scheme):** A risk assessment scheme that rates a defendant’s perceived dangerousness by means of a score based on how the defendant fits into a classification matrix that takes into account charge severity, prior criminal record, behavioral characteristics, etc.

**Nonfinancial Conditional Release:** “Conditional release” refers to any form of release in which the defendant is required to comply with specific limitations on association, movement, or activities during the pretrial period; in nonfinancial conditional release, money is not one of the limitations—i.e., money does not need to be posted for the defendant to be released. Conditions may include checking in with a pretrial release agency, maintaining a specified place of residence, avoiding complaining witnesses, or submitting to periodic drug testing, electronic surveillance, or intensive supervision. However, as this term is used here, conditional release does not include the two primary conditions which are objectives of most bail statutes—that the defendant refrain from engaging in criminal activity during the pretrial period and that he or she appear at trial as required.

**Point Scale:** An objective instrument to determine release eligibility that assigns each defendant a certain number of points based on his or her answers to uniform questions asked during the pretrial interview (and subsequently verified in most jurisdictions) about the nature and extent of the defendant’s community ties to the locale (how long a resident, whether employed locally or in school, etc.); prior involvement with the criminal justice system, if any; and possible behavioral dysfunctions (drug or alcohol use, mental health problems, etc.). A fixed number of points are added to or subtracted from the defendant’s score based on his or her response to each standard question. A predetermined number of points typically is required by a jurisdiction for the defendant to be eligible for pretrial release. A point scale does not dictate the type of release to be granted; it only assesses the comparative release risk posed by the defendant based on the numerical score received.

**Pretrial Detention:** Also sometimes called “preventive detention.” The laws of many states and the federal system allow the court to detain certain carefully defined categories of defendants without possibility of pretrial release because in the judgment of the court they constitute so high a risk of flight or danger or both that no condition or combination of release conditions can reduce that risk to an acceptable level. A pretrial detention decision is not automatic simply

because a defendant falls into one of the statutory categories defined as high risk. A decision must be made by a judicial officer after a due process hearing (“detention hearing”) that the facts warrant detention, i.e., that the prosecution has borne its burden of proof that the defendant constitutes so high a risk that he or she must be detained pretrial.

**Release on Recognizance (ROR, OR, PR):** Release on recognizance, or “own recognizance,” or “personal recognizance” refers to release of a defendant on his or her simple promise to appear for trial. As the term is used in this survey, ROR implies no additional conditions of release other than that the defendant appear in court as required.

**Risk Assessment Scheme:** The method by which a program/agency or individual assesses the risks of pretrial misconduct, i.e., failure to appear in court or rearrest on a new charge. Some jurisdictions base their risk assessment on a point scale, or matrix system (objective scheme), whereas others rely on subjective criteria by interviewers. Still others use a combination of subjective and objective criteria—interviewers are allowed to supplement or override a point scale determination based on certain subjective information given by the defendant during the interview.

**Subjective Assessment Scheme:** Typically based on questions in an interview similar to the questions in an objective assessment scheme but with no formal scoring. Rather, the recommendation is based on a subjective evaluation of the defendant by the interviewer, who draws on his or her prior experience to assess release eligibility.

**Supervised Release:** Supervised release implies frequent and intensive contact between the supervising agency and the defendant. For example, these conditions may include the defendants participating in a drug treatment or counseling program or working with a vocational counselor to secure employment.

**Ten Percent Deposit Bail:** A system of money bail which is designed to serve as an alternative to security or cash bond. After bail is set, the defendant deposits with the court 10 percent of the face amount of the bond. This amount is returned in full (sometimes minus a small administrative processing fee) at the successful conclusion of the pretrial period. If the defendant fails to appear in court as required, he or she becomes liable for the full face amount of the bond. Some deposit bail systems become activated in a given case only at the discretion of the releasing judicial officer (“court option”), whereas others are available as a matter of right to all defendants in cases in which money bond is set (“defendant option”).

## I. Program Structure and Management

1. In what year did your program begin interviewing defendants for pretrial release/detention eligibility determinations? \_\_\_\_\_.
2. Indicate the type of jurisdiction served by your program. (Check only one.)
  - \_\_\_\_\_ (a) Local jurisdiction (county or city).
  - \_\_\_\_\_ (b) More than one county.
  - \_\_\_\_\_ (c) Entire state.
  - \_\_\_\_\_ (d) Other (indicate) \_\_\_\_\_.
3. What is the approximate population of the jurisdiction that your program serves? (Check only one.)
  - \_\_\_\_\_ (a) Fewer than 50,000.
  - \_\_\_\_\_ (b) Between 50,000 and 100,000.
  - \_\_\_\_\_ (c) Between 100,001 and 500,000.

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- \_\_\_\_\_ (d) Between 500,001 and 1,000,000.
- \_\_\_\_\_ (e) More than 1,000,000.
4. How would you describe the nature of the area served by your program? (Check only one.)
- \_\_\_\_\_ (a) Primarily urban.
- \_\_\_\_\_ (b) Primarily suburban.
- \_\_\_\_\_ (c) Primarily rural.
- \_\_\_\_\_ (d) Mixture.
5. Where is your program located administratively in the criminal justice system? (Check only one.)
- \_\_\_\_\_ (a) Probation department (state).
- \_\_\_\_\_ (b) Probation department (county).
- \_\_\_\_\_ (c) Courts (state).
- \_\_\_\_\_ (d) Courts (county or municipal).
- \_\_\_\_\_ (e) Prosecutor.
- \_\_\_\_\_ (f) Public defender.
- \_\_\_\_\_ (g) Sheriff or jail.
- \_\_\_\_\_ (h) Private, nonprofit organization.
- \_\_\_\_\_ (i) Other (indicate) \_\_\_\_\_.
6. What is your program's annual budget? \_\_\_\_\_.
7. Please indicate the sources of funding for your program and the approximate percentage of your budget that comes from each source. (Respond for any that apply.)

Source of Funds	Percentage
(a) Federal funds	_____
(b) State funds	_____
(c) County funds	_____
(d) Municipal funds	_____
(e) Fees for service	_____
(f) Private funds	_____

8. How many full-time equivalent staff does your program have? (For paid staff, include any current vacancies likely to be filled within a month or two.)

- \_\_\_\_\_ (a) Management.
- \_\_\_\_\_ (b) Line.
- \_\_\_\_\_ (c) Research.
- \_\_\_\_\_ (d) Clerical.
- \_\_\_\_\_ (e) Volunteer/interns.
- \_\_\_\_\_ (f) Other (specify) \_\_\_\_\_.

9. What is your program's schedule of operation for the interviewing staff? (e.g., 24 hours/day, Monday to Friday during court hours, 7 days/week, etc.) \_\_\_\_\_.

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

- \_\_\_\_\_ (a) On-the-job training for new employees.
- \_\_\_\_\_ (b) Structured training course for new employees.
- \_\_\_\_\_ (c) Continuing training courses for existing staff.
- \_\_\_\_\_ (d) Management training courses for supervisory staff.

11. Does your program have an operations manual that explains in detail the procedures that must be followed in performing each program function?

- \_\_\_\_\_ (a) Yes.
- \_\_\_\_\_ (b) No.

12. Does your program have a mission statement?

- \_\_\_\_\_ (a) Yes.
- \_\_\_\_\_ (b) No.

## II. Information Gathering (Interviews, Verification, Records Check)

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

- \_\_\_\_\_ (a) All violations (less serious than misdemeanors) or minor traffic offenses.
- \_\_\_\_\_ (b) All misdemeanors.
- \_\_\_\_\_ (c) All felonies.

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- (d) Defendants charged with offenses that are not bailable by statute.
- (e) Defendants charged with specific charges.
- (f) Defendants with outstanding warrants in the same jurisdiction(s) served by the program.
- (g) Defendants held on warrant or detainer from another jurisdiction, in addition to local charges.
- (h) Defendants currently on parole, probation, and/or pretrial release.
- (i) Other (specify) \_\_\_\_\_.
- (j) None; all defendants are interviewed, unless they are sick, they refuse, etc.

14. When does your program conduct its first interview with defendants?

- (a) Prior to initial court appearance.
- (b) After initial court appearance.

15. In conducting the interview, how are the interview responses recorded?

- (a) Manually on a paper interview form.
- (b) Directly into a computer.
- (c) Other (specify) \_\_\_\_\_.

16. Does your program inform defendants prior to conducting the interview that the interview is voluntary?

- (a) Yes.
- (b) No.

17. Does your program notify defendants prior to the interview as to how the information gathered during the interview will be used, what limitations will be placed on its use, and who will have access to the information?

- (a) Yes.
- (b) No.

18. Does your program use a written consent form that defendants sign prior to conducting the interview?

- (a) Yes.
- (b) No.

19. Does your program attempt to verify the information that defendants provide in the interview? (Check only one.)

- (a) Yes.
- (b) Yes, with some exceptions (specify)\_\_\_\_\_.
- (c) No.

20. Does your program obtain on a regular basis defendants' in-county/city criminal record?

- \_\_\_\_\_ (a) Arrest record only.  
\_\_\_\_\_ (b) Both arrests and dispositions.  
\_\_\_\_\_ (c) No.

21. Does your program obtain on a regular basis defendants' out-of-county/city, in-state criminal record?

- \_\_\_\_\_ (a) Arrest record only.  
\_\_\_\_\_ (b) Both arrests and dispositions.  
\_\_\_\_\_ (c) No.

22. Does your program obtain on a regular basis defendants' out-of-state criminal record?

- \_\_\_\_\_ (a) Arrest record only.  
\_\_\_\_\_ (b) Both arrests and dispositions.  
\_\_\_\_\_ (c) No.

23. Does your program obtain on a regular basis defendants' juvenile court record?

- \_\_\_\_\_ (a) Yes.  
\_\_\_\_\_ (b) Yes, with some exceptions (specify) \_\_\_\_\_.  
\_\_\_\_\_ (c) No \_\_\_\_\_.

### III. Risk Assessment Procedures

24. Does your program assess defendants' risks of failure to appear (FTA) and/or rearrest? (Check all that apply.)

- \_\_\_\_\_ (a) Yes, FTA.  
\_\_\_\_\_ (b) Yes, rearrest.  
\_\_\_\_\_ (c) No.

**If "no", go to section IV.**

25. Which of the following best describes your risk assessment scheme? (Check only one.)

- \_\_\_\_\_ (a) Point scale only.  
\_\_\_\_\_ (b) Matrix system only (i.e., bail guidelines).  
\_\_\_\_\_ (c) Subjective system only.

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- \_\_\_\_\_ (d) Point scale, or matrix system plus subjective input.
- \_\_\_\_\_ (e) Other (specify) \_\_\_\_\_.

26. How was your current risk assessment scheme developed? (Check any that apply.)

- \_\_\_\_\_ (a) Local decision, based on subjective assessment of what should be included.
- \_\_\_\_\_ (b) Adapted from program in another jurisdiction.
- \_\_\_\_\_ (c) Based on program's own research and data.
- \_\_\_\_\_ (d) Other (specify) \_\_\_\_\_.

27. Has your program changed its risk assessment scheme as a result of a jail cap or consent decree?

- \_\_\_\_\_ (a) Yes.
- \_\_\_\_\_ (b) No.

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

- \_\_\_\_\_ (a) Local address.
- \_\_\_\_\_ (b) Length of time resident in local community.
- \_\_\_\_\_ (c) Length of time resident at present address.
- \_\_\_\_\_ (d) Length of time resident at prior local address.
- \_\_\_\_\_ (e) Ownership of property in community.
- \_\_\_\_\_ (f) Possession of a telephone.
- \_\_\_\_\_ (g) Living arrangements (e.g., whether married or living with relatives).
- \_\_\_\_\_ (h) Parental status and/or support of children.
- \_\_\_\_\_ (i) Employment and/or educational or training status.
- \_\_\_\_\_ (j) Income level or public assistance status (means of support).
- \_\_\_\_\_ (k) Physical and/or mental impairment.
- \_\_\_\_\_ (l) Use of drugs and/or alcohol.
- \_\_\_\_\_ (m) Age.
- \_\_\_\_\_ (n) Comments from arresting officer.
- \_\_\_\_\_ (o) Comments from victim.
- \_\_\_\_\_ (p) Prior arrests.
- \_\_\_\_\_ (q) Prior convictions.



- \_\_\_\_\_ (r) Whether currently on probation or parole or has another open case.
- \_\_\_\_\_ (s) Compliance with probation, parole, or pending case.
- \_\_\_\_\_ (t) Prior court appearance history.
- \_\_\_\_\_ (u) Whether someone is expected to accompany the defendant to court at arraignment.
- \_\_\_\_\_ (v) Identification of references who could verify and assist defendant in complying with conditions of release.
- \_\_\_\_\_ (w) Other (specify) \_\_\_\_\_.

29. Is potential danger to the community (i.e., risk of rearrest) considered when assessing release or detention eligibility?

- \_\_\_\_\_ (a) Yes.
- \_\_\_\_\_ (b) No.

30. How is the risk assessment tabulated?

- \_\_\_\_\_ (a) Manually (staff count up points, locate placement on grid, etc.).
- \_\_\_\_\_ (b) Automated (staff key in information and computer program calculates a score or placement).
- \_\_\_\_\_ (c) Other (specify) \_\_\_\_\_.

31. When was your risk assessment scheme last validated? (Check only one.)

- \_\_\_\_\_ (a) Within the past year.
- \_\_\_\_\_ (b) Within the past 3 years.
- \_\_\_\_\_ (c) Within the past 5 years.
- \_\_\_\_\_ (d) Within the past 10 years.
- \_\_\_\_\_ (e) More than 10 years ago.
- \_\_\_\_\_ (f) The scheme has never been empirically validated.

#### IV. Information and Risk Assessment Reporting Procedures

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

- \_\_\_\_\_ (a) Demographics.
- \_\_\_\_\_ (b) Residence status.
- \_\_\_\_\_ (c) Employment status.
- \_\_\_\_\_ (d) Prior arrest record.
- \_\_\_\_\_ (e) Prior conviction record.

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- (f) Pending cases.
- (g) Current probation or parole status.
- (h) Substance abuse.
- (i) Comments from arresting officer.
- (j) Comments from victim.
- (k) Prior FTA history.
- (l) Other (specify) \_\_\_\_\_.

33. How is this information reported? (Check all that apply.)

- (a) Written report provided to the court.
- (b) Written report provided to the prosecutor.
- (c) Written report provided to the defense attorney.
- (d) Oral report provided in court.
- (e) Written or oral report provided only upon request by judicial officer.
- (f) Only release recommendations are reported.
- (g) Report not provided.

**If no written report is submitted, skip to question 35.**

34. How is the written report generated? (Check only one.)

- (a) Handwritten.
- (b) Typed.
- (c) Computer generated.

35. Does your program make specific recommendations to the court? (Check only one.)

- (a) Recommendations made in all cases.
- (b) Recommendations made in most cases.
- (c) Recommendations made only when asked by court.
- (d) No recommendation made; information only provided.

**If “no”, skip to section V.**

36. Other than recommending eligibility for ROR, does your program ever make any of the following specific recommendations to the court concerning specific defendants? (Check all that apply.)

- (a) Nonfinancial conditional release.
- (b) Monetary bail (other than 10 percent deposit bail).
- (c) Specific bail amounts (other than 10 percent deposit bail).
- (d) Ten percent deposit bail.
- (e) Pretrial detention.

37. Is there a pretrial program representative present at defendants' initial court appearance?

- (a) Yes, always.
- (b) Only when requested by the court.
- (c) No.

## V. Supervision and Monitoring

38. Is supervision of pretrial release conditions provided in your jurisdiction?

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

**If "no", skip to question 42.**

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

- (a) Referral to substance abuse treatment.
- (b) Referral to mental health services.
- (c) Reporting to the program in person or by telephone.
- (d) Third party custody to a community organization.
- (e) Urine testing using in-house analyzer-based instruments.
- (f) Urine testing using disposable hand-held devices.
- (g) Urine testing using contracted testing facility.
- (h) Drug testing through the use of the Sweat Patch.
- (i) Onsite alcohol testing.
- (j) Alcohol testing using remote breathalyzer through telephone lines.

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- \_\_\_\_\_ (k) Home confinement by electronic monitoring—programmed contact (i.e., periodic calls initiated to defendant’s home to ensure defendant is there).
- \_\_\_\_\_ (l) Home confinement by electronic monitoring—continuously signaling (i.e., monitoring agency informed immediately if defendant leaves permitted area).
- \_\_\_\_\_ (m) Electronic monitoring of defendant movement in the community through Global Positioning System (GPS) technology.
- \_\_\_\_\_ (n) Day reporting center.
- \_\_\_\_\_ (o) Halfway house.
- \_\_\_\_\_ (p) Other (specify) \_\_\_\_\_.
40. What actions does your program take to address noncompliance with conditions of release? (Check all that apply.)
- \_\_\_\_\_ (a) Warn defendants.
- \_\_\_\_\_ (b) Impose administrative sanctions (i.e., increase frequency of contacts).
- \_\_\_\_\_ (c) Report noncompliance to the court without a request for court action.
- \_\_\_\_\_ (d) Report noncompliance to the court with a request for court action.
- \_\_\_\_\_ (e) Other (specify) \_\_\_\_\_.
41. Is your program willing to supervise, monitor, or work in other ways with defendants with charges pending in other jurisdictions (i.e., engage in interagency compacts)?
- \_\_\_\_\_ (a) Yes.
- \_\_\_\_\_ (b) No.
- \_\_\_\_\_ (c) In certain circumstances (specify) \_\_\_\_\_.
42. What procedures does your program use to notify released defendants of upcoming court appearances? (Check all that apply.)
- \_\_\_\_\_ (a) None (done by other agency).
- \_\_\_\_\_ (b) Staff review court date with defendants upon release following initial court appearance.
- \_\_\_\_\_ (c) Staff review court date with defendants during regular supervision contact.
- \_\_\_\_\_ (d) Staff initiate telephone calls prior to court date.
- \_\_\_\_\_ (e) Automated dialing system calls defendants prior to court date.
- \_\_\_\_\_ (f) Computer generates letters or postcards.
- \_\_\_\_\_ (g) Staff generate letters or postcards.
- \_\_\_\_\_ (h) Other (specify) \_\_\_\_\_.

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

- (a) Sends letter to defendants urging voluntary return to the court.
- (b) Makes phone call to defendants urging return to court.
- (c) Makes home visit to defendants urging return to court.
- (d) Uses authority to arrest defendants.
- (e) Assists police in locating defendants.
- (f) Tries to locate defendants who have apparently left the jurisdiction.
- (g) Seeks quashing of warrant when defendants return.
- (h) Places defendants back on court calendar.
- (i) Other (specify) \_\_\_\_\_.
- (j) None.

44. Does your program provide information to probation departments for use in presentence reports?

- (a) Yes, routinely.
- (b) Only upon request.
- (c) No.

## VI. Dealing With Special Populations

45. In the pretrial interview, does your program ask about defendants' current mental health status and current or past treatment?

- (a) No mental health questions are asked.
- (b) 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.
- (c) Program asks about past mental health status and treatment as a regular part of the interview.

46. 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.)

- (a) Report the information to the court at the initial appearance.
- (b) Arrange for an assessment by a mental health professional to be conducted before the initial appearance.
- (c) Refer the defendant for possible placement in a mental health court.
- (d) Other (specify) \_\_\_\_\_.
- (e) No action is taken.

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47. Has your program implemented any special procedures to supervise pretrial release conditions of defendants with mental illness?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

If yes, describe those procedures. \_\_\_\_\_

\_\_\_\_\_

Year began \_\_\_\_\_.

48. Does your program use a separate risk assessment instrument for juveniles who are charged as adults?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

If yes, year began \_\_\_\_\_.

49. Has your program implemented any special procedures to supervise pretrial release conditions of juveniles being prosecuted as adults?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

If yes, describe those procedures. \_\_\_\_\_

\_\_\_\_\_

Year began \_\_\_\_\_.

50. Has your program implemented any special procedures to assess the risks of pretrial misconduct of people charged with domestic violence offenses?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

If yes, year began \_\_\_\_\_.

51. Has your program implemented any special procedures to supervise pretrial release conditions for people charged with domestic violence offenses?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

If yes, describe those procedures. \_\_\_\_\_

\_\_\_\_\_

Year began \_\_\_\_\_.

52. Has your program implemented any special procedures to assess the risks of pretrial misconduct of women?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

If yes, year began \_\_\_\_\_.

53. Has your program implemented any special procedures to supervise pretrial release conditions for women?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

If yes, describe those procedures. \_\_\_\_\_

\_\_\_\_\_

Year began \_\_\_\_\_.

54. Has your program implemented any special procedures to supervise pretrial release conditions for any other special populations?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

If yes, describe those procedures. \_\_\_\_\_

\_\_\_\_\_

Year began \_\_\_\_\_.

### VII. Miscellaneous Services

55. Does your program have the authority to release defendants (i.e., “designated release authority”) prior to the initial court appearance? (Check all that apply.)

- (a) Yes, for moving traffic offenses (“major traffic” cases).
- (b) Yes, for all infractions or ordinance violations (less serious than criminal misdemeanors).
- (c) Yes, for all misdemeanors.
- (d) Yes, for some misdemeanors.
- (e) Yes, for some felonies (specify) \_\_\_\_\_.
- (f) No, our program has no designated release authority.

56. 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?

- (a) Yes, always.
- (b) Yes, in certain circumstances (specify) \_\_\_\_\_.
- (c) No.

57. Does your program provide pretrial diversion services?

- (a) Yes.
  - (b) No.
- If yes, year began \_\_\_\_\_.

58. Does your program provide mediation/arbitration services?

- (a) Yes.
  - (b) No.
- If yes, year began \_\_\_\_\_.

59. Does your program provide jail classification services?

- (a) Yes.
  - (b) No.
- If yes, year began \_\_\_\_\_.



60. Does your program provide defendant indigency determination services?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

If yes, year began \_\_\_\_\_.

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

\_\_\_\_\_ (a) Yes, in all cases.

\_\_\_\_\_ (b) Yes, in selected cases (specify) \_\_\_\_\_.

\_\_\_\_\_ (c) No.

If yes, year began \_\_\_\_\_.

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

\_\_\_\_\_ (a) Yes, in all cases.

\_\_\_\_\_ (b) Yes, in selected cases (specify) \_\_\_\_\_.

\_\_\_\_\_ (c) No.

If yes, year began \_\_\_\_\_.

63. Does your program provide any other miscellaneous services?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

If yes, describe. \_\_\_\_\_

\_\_\_\_\_

## VIII. Information Systems

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

\_\_\_\_\_ (a) Manual.

\_\_\_\_\_ (b) Mainframe computer.

\_\_\_\_\_ (c) Network of personal computers.

\_\_\_\_\_ (d) Combination of manual and automated.

**If answer is "a" only, skip to section IX.**

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65. What best describes your automated information system? (Check only one.)

- (a) Software customized to your program by outside vendor (specify product) \_\_\_\_\_.
- (b) Software developed by in-house or county information system team.
- (c) Tied to jurisdiction's mainframe computer.
- (d) Other (specify) \_\_\_\_\_.

66. Is your computer information system integrated with computers from other criminal justice programs in your jurisdiction?

- (a) Yes.
- (b) No.

67. What parts of your program's operations are done by computer? (Check all that apply.)

- (a) Interviews.
- (b) Risk assessment.
- (c) Report preparation.
- (d) Monitoring compliance with release conditions.
- (e) Management information reports.
- (f) Administrative records, such as personnel reports.
- (g) Other (specify) \_\_\_\_\_.

## IX. Pretrial Data

Note: For the purpose of answering the questions in this section, pretrial data should be reported for your program's last full year. Where the information is unknown, please indicate N.A.

68. In the jurisdiction covered by your program, approximately how many total arrests (excluding minor ordinance violations) occurred last year?

- (a) Felony: \_\_\_\_\_.
- (b) Misdemeanor: \_\_\_\_\_.

69. Indicate how many defendants were interviewed by your program staff last year.

- (a) Defendants charged with felony offenses: \_\_\_\_\_.
- (b) Defendants charged with misdemeanor offenses: \_\_\_\_\_.

70. Indicate how many defendants (excluding fugitives) were excluded from an interview as a matter of policy in the past year: \_\_\_\_\_.

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

(a) Felony: \_\_\_\_\_.

(b) Misdemeanor: \_\_\_\_\_.

72. What was the jail capacity (“design capacity”) in your jurisdiction during the past year? \_\_\_\_\_

73. What was the average daily jail population in the past year? \_\_\_\_\_

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

\_\_\_\_\_ % or \_\_\_\_\_ (no.)

75. What was the average length of time in days between initial court appearance and disposition of a case in your jurisdiction?

(a) Felony: \_\_\_\_\_ days.

(b) Misdemeanor: \_\_\_\_\_ days.

76. Does your program calculate failure-to-appear (FTA) rates?

\_\_\_\_\_ (a) Yes.

\_\_\_\_\_ (b) No.

**If “no”, skip to question 81.**

77. For what population does your program calculate FTA rates?

\_\_\_\_\_ (a) All those interviewed by our program, regardless of the type of release.

\_\_\_\_\_ (b) Only those interviewed by our program and placed on any type of nonfinancial release (ROR, conditions, etc.).

\_\_\_\_\_ (c) Only those released to the supervision of our program.

\_\_\_\_\_ (d) Other (specify) \_\_\_\_\_.

78. How does your program define when an FTA has occurred?

\_\_\_\_\_ (a) Only when a bench warrant or capias has been issued.

\_\_\_\_\_ (b) Whenever a court appearance has been missed.

\_\_\_\_\_ (c) Other (specify) \_\_\_\_\_.

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79. How does your program calculate the FTA rate?

- \_\_\_\_\_ (a) Number of scheduled court appearances divided by the number of missed court appearances (appearance-based).
- \_\_\_\_\_ (b) Number of defendants with pending cases divided by the number of defendants who miss at least one court appearance (defendant-based).
- \_\_\_\_\_ (c) Other (specify) \_\_\_\_\_.

80. What was the FTA rate for the last full year?

- (a) Misdemeanor: \_\_\_\_\_%.
- (b) Felony: \_\_\_\_\_%.
- (c) Overall: \_\_\_\_\_%.

81. Does your program calculate pretrial crime rates?

- \_\_\_\_\_ (a) Yes.
- \_\_\_\_\_ (b) No.

**If “no”, skip to end.**

82. For what population does your program calculate pretrial crime rates?

- \_\_\_\_\_ (a) All those interviewed by our program, regardless of the type of release.
- \_\_\_\_\_ (b) Only those interviewed by our program and placed on any nonfinancial release (ROR, conditions, etc.).
- \_\_\_\_\_ (c) Only those released to the supervision of our program.
- \_\_\_\_\_ (d) Other (specify) \_\_\_\_\_.

83. How does your program define when a pretrial crime has occurred?

- \_\_\_\_\_ (a) Any rearrest for any criminal charge.
- \_\_\_\_\_ (b) Any rearrest for a dangerous or violent offense.
- \_\_\_\_\_ (c) Only when the rearrest results in a conviction.
- \_\_\_\_\_ (d) Other (specify) \_\_\_\_\_.

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

- (a) Misdemeanor: \_\_\_\_\_%.
- (b) Felony: \_\_\_\_\_%.
- (c) Overall: \_\_\_\_\_%.

**End of survey—thank you.**

# Appendix C. List of Participating Pretrial Services Programs

## 2002 Survey Respondents

### Alabama

Mobile County Pretrial Services  
Mobile, AL

Treatment Alternatives to Street Crime  
Birmingham, AL

### Arizona

Coconino County Pretrial Services  
Flagstaff, AZ

Maricopa County Pretrial Services Agency  
Phoenix, AZ

Navajo County Pretrial Services  
Holbrook, AZ

Pima County Pretrial Services  
Tucson, AZ

Yavapai County Pretrial Services Program  
Prescott, AZ

### California

Berkeley Own Recognizance Project  
Berkeley, CA

Detention Release  
West Santa Ana, CA

North Santa Barbara County Pretrial Services  
Santa Maria, CA

County of Santa Clara  
San Jose, CA

Pretrial Services  
Los Angeles, CA

Pretrial Services  
Sacramento, CA

Riverside County Superior Court  
Riverside, CA

Santa Barbara Pretrial Services  
Santa Barbara, CA

Santa Cruz Probation/Pretrial  
Santa Cruz, CA

San Diego Superior Court Pretrial Services  
San Diego, CA

San Francisco Institute for Criminal Justice  
San Francisco, CA

### Colorado

Adams County Sheriff's Office  
Brighton, CO

Arapahoe County Pretrial Release Service  
Englewood, CO

El Paso County Department of Justice Services  
Colorado Springs, CO

Justice Services Department  
Golden, CO

Larimer County Pretrial Release Services  
Fort Collins, CO

Mesa County Criminal Justice Services  
Grand Junction, CO

### Connecticut

Court Support Services Division  
Rocky Hill, CT

## Pretrial Services Programming

### District of Columbia

District of Columbia Pretrial Services Agency  
Washington, DC

### Delaware

Bureau of Community Corrections  
Dover, DE

### Florida

12th Judicial Circuit Pretrial Services Program  
Sarasota, FL

Bay County Pretrial Release Program  
Panama City, FL

Brevard County Pretrial Release  
Sharpes, FL

Broward Sheriff's Office Pretrial Services  
Fort Lauderdale, FL

Seminole County Community Justice  
Sanford, FL

Dade County Pretrial and Monitoring Service  
Miami, FL

Okaloosa County Pretrial Services  
Crestview, FL

Orange County Corrections Department  
Orlando, FL

Osceola County Pretrial Release Program  
Kissimmee, FL

Palm Beach County Pretrial Services  
West Palm Beach, FL

Pasco County Sheriff/Pretrial  
Land O Lakes, FL

Pinellas County Pretrial Services  
Clearwater, FL

Pretrial Release  
Naples, FL

Pretrial Services  
Key West, FL

Santa Rosa County Court Services  
Milton, FL

Volusia County Pretrial Services  
Daytona Beach, FL

### Georgia

Cobb County Pretrial Court Services  
Marietta, GA

Fulton County Superior Court Pretrial Services  
Atlanta, GA

Office of Atlanta Pretrial Services  
Atlanta, GA

Pretrial Services  
Canton, GA

### Idaho

Bannock County Court Services  
Pocatello, ID

### Illinois

Cook County Adult Probation Department  
Chicago, IL

Lake County Adult Probation and Pretrial  
Waukegan, IL

Macon County Probation and Court Services  
Decatur, IL

Rock Island County Court Services  
Rock Island, IL

Tazewell County Pretrial Services  
Pekin, IL

Whiteside County Court Services  
Morrison, IL

Winnebago County Pretrial Services  
Rockford, IL

**Indiana**

Allen Superior Court Pretrial Services  
Fort Wayne, IN

Lake Superior Court Pretrial Release Services  
Crown Point, IN

Marion County Pretrial Release Program  
Indianapolis, IN

**Iowa**

Department of Correctional Services  
Des Moines, IA

Department of Correctional Services  
Walcott, IA

Department of Correctional Services  
Ames, IA

**Kansas**

3rd Judicial Court of Kansas  
Topeka, KS

13th Judicial District Court Services  
El Dorado, KS

23rd Judicial District Court Services  
Hays, KS

10th Judicial District Court  
Olathe, KS

**Kentucky**

Pretrial and Court Security Services  
Frankfort, KY

**Maine**

Maine Pretrial Services, Inc.  
Portland, ME

**Maryland**

Anne Arundel County Circuit Court  
Annapolis, MD

Carroll County Circuit Court  
Westminster, MD

Montgomery County Circuit Court  
Rockville, MD

Circuit Court for Baltimore City  
Baltimore, MD

Circuit Court for Wicomico County  
Salisbury, MD

**Michigan**

Calhoun County Court Pretrial Services  
Battle Creek, MI

67th District Court  
Flint, MI

Kalamazoo County Pretrial Services  
Kalamazoo, MI

Kent County Pretrial Screening and Investigation  
Grand Rapids, MI

Monroe County Pretrial Services  
Monroe, MI

Oakland County Pretrial Services  
Waterford, MI

Pretrial Services of Third Circuit Court  
Detroit, MI

**Minnesota**

Anoka County Tenth Judicial District  
Anoka, MN

Brown County Probation Department  
New Ulm, MN

Chisago County Court Services  
Center City, MN

Kandiyohi County Community Corrections  
Willmar, MN

Hennepin County Community Corrections  
Minneapolis, MN

## Pretrial Services Programming

Project Remand  
St. Paul, MN

Tri-County Community Corrections  
Crookston, MN

Scott County Department of Court Services  
Shakopee, MN

Waseca County Court Services  
Waseca, MN

### Missouri

Adult Court Services  
Columbia, MO

### Montana

Pretrial Supervision Program  
Missoula, MT

### Nebraska

Douglas County Pretrial Release  
Omaha, NE

### Nevada

Las Vegas Justice Court Pretrial Services  
Las Vegas, NV

Washoe County Court Services  
Reno, NV

### New Hampshire

Merrimack County Pretrial Services  
Concord, NH

### New Jersey

Burlington County PTI Program  
Mt. Holly, NJ

### New Mexico

11th Judicial District Court of New Mexico  
Aztec, NM

Bernalillo County Metropolitan Court  
Albuquerque, NM

### New York

Allegany County Probation Department  
Belmont, NY

Broome County Probation Pretrial Release  
Binghamton, NY

Cattaraugus County ATI Program  
Little Valley, NY

Cayuga County Pretrial Release Services  
Auburn, NY

Chautauqua County ROR Screening  
Jamestown, NY

Delaware County Alternatives to Incarceration  
Delhi, NY

Erie County Pretrial Release Services  
Buffalo, NY

Fulton County Alternatives to Incarceration  
Johnstown, NY

Jefferson County Pretrial Release Program  
Watertown, NY

Lewis County Pretrial Services  
Lowville, NY

New York City Criminal Justice Agency  
New York, NY

Niagara County Pretrial Program  
Niagara Falls, NY

Oneida County Pretrial Release Program  
Utica, NY



Ontario County Alternatives to Incarceration  
Canandaigua, NY

Oswego County Enhanced Pretrial Release  
Oswego, NY

Steuben County Probation and Community Corrections  
Bath, NY

Schuyler County Pretrial Services  
Watkins Glen, NY

Onondaga County Probation Department  
Syracuse, NY

Ulster County Probation Department  
Kingston, NY

St. Lawrence County Probation  
Canton, NY

Pre-Trial Services Corporation of the Monroe County  
Bar Association  
Rochester, NY

Rensselaer County Probation Pretrial Services Program  
Troy, NY

Saratoga County Pretrial Services  
Ballston Spa, NY

Seneca County Department of Probation and  
Community Corrections  
Waterloo, NY

Washington County Alternative Sentencing  
Fort Edward, NY

Wayne County Pretrial Services, Inc.  
Newark, NY

## North Carolina

Buncombe County Pretrial Release  
Asheville, NC

Caldwell County Pretrial Release  
Lenoir, NC

Columbus County Pretrial Program  
Whiteville, NC

Criminal Justice Partnership  
Wadesboro, NC

Cumberland County Pretrial Services  
Fayetteville, NC

Forsyth County Pretrial Release/Electronic House  
Arrest Program  
Winston-Salem, NC

Guilford County Pretrial Services  
Greensboro, NC

Haywood County Pretrial Release  
Waynesville, NC

Lee/Harnett Pretrial Release Program  
Sanford, NC

Mecklenburg County Pretrial Release Program  
Charlotte, NC

Montgomery County Pretrial Release  
Troy, NC

Moore County Day Reporting Center  
Carthage, NC

New Hanover County Pretrial Release Program  
Wilmington, NC

Pender County Pretrial Release Program  
Burgaw, NC

Randolph County Day Reporting Center Pretrial Release  
Asheboro, NC

ReEntry, Inc., Pretrial Release Program  
Raleigh, NC

Repay, Inc., Pretrial Services  
Newton, NC

Rockingham County Pretrial Services  
Wentworth, NC

## Pretrial Services Programming

Stanly County Pretrial Release  
Albemarle, NC

Wilkes County Pretrial Release Services  
Wilkesboro, NC

### Ohio

Butler County Pretrial Services  
Hamilton, OH

Licking County Pretrial Program  
Newark, OH

Marion County Adult Probation Department  
Marion, OH

Montgomery County Pretrial Services  
Dayton, OH

Hamilton County Pretrial Division  
Cincinnati, OH

Cuyahoga County Common Pleas Court  
Cleveland, OH

Stark County Pre-Trial Release Services  
Canton, OH

### Oklahoma

Oklahoma County Conditional Bond Program  
Oklahoma City, OK

Tulsa County Court Services  
Tulsa, OK

### Oregon

Jackson County Court  
Medford, OR

Jefferson County Sheriff/Adult Correctional Facility  
Madras, OR

Matrix Release  
Oregon City, OR

### Pennsylvania

Allegheny County Court of Common Pleas Bail Agency  
Pittsburgh, PA

Center for Alternatives in Community Justice  
State College, PA

Chester County Bail Agency  
West Chester, PA

Indiana County Pretrial Services  
Indiana, PA

Lehigh Valley Pretrial Services, Inc.  
Allentown, PA

Luzerne County Pre-Trial Services  
Wilkes-Barre, PA

Lycoming County Supervised Bail Program  
Williamsport, PA

Northampton County Pretrial Services  
Easton, PA

Westmoreland County Pretrial Services  
Greensburg, PA

Wyoming County Bail Supervision  
Tunkhannock, PA

### Puerto Rico

Oficina de Servicios con Antelacion al Juicio  
San Juan, PR

### Tennessee

General Sessions Court Pretrial Services  
Nashville, TN

Shelby County Pretrial Services  
Memphis, TN

### Texas

Gregg County Pretrial Services  
Longview, TX

Harris County Office of Court Services  
Houston, TX

Orange County Pretrial Release  
Orange, TX

Smith County Pretrial Release Services  
Tyler, TX

Tarrant County Pretrial Services  
Fort Worth, TX

Travis County Pretrial Services Department  
Austin, TX

**Utah**

Salt Lake County Pre-Trial Services  
Salt Lake City, UT

**Virginia**

Alexandria Criminal Justice Services  
Alexandria, VA

Arlington Sheriff’s Office Pretrial  
Arlington, VA

Central Virginia Regional Jail Pretrial Program  
Orange, VA

Chesapeake Pretrial Services  
Chesapeake, VA

Chesterfield Community Corrections and  
Pretrial Services  
Chesterfield, VA

Colonial Community Corrections Pretrial Services  
Williamsburg, VA

Court-Community Corrections Program  
Salem, VA

Fairfax County General District Court  
Fairfax, VA

Fauquier County Office of Adult Court Services  
Warrenton, VA

Halifax Pittsylvania Court Services  
Halifax, VA

Loudoun County Community Corrections and  
Pretrial Services  
Leesburg, VA

Middle Peninsula Pretrial Services  
Saluda, VA

Norfolk Pretrial Services  
Norfolk, VA

OAR/Jefferson Area Community Corrections  
Charlottesville, VA

Prince William County Office of Criminal  
Justice Services  
Manassas, VA

Piedmont Court Services  
Farmville, VA

Portsmouth Pretrial Services  
Portsmouth, VA

Rappahannock Regional Pretrial Services  
Stafford, VA

Rockingham-Harrisonburg Court Services Unit  
Harrisonburg, VA

Southside Community Corrections and Pretrial Services  
Emporia, VA

Virginia Beach Sheriff’s Office—Pretrial Services  
Virginia Beach, VA

**Washington**

Clark County Corrections ROR/JR  
Vancouver, WA

Cowlitz County Pre-Trial Release  
Kelso, WA

Pierce County PreTrial Services  
Tacoma, WA

Pretrial Services  
Yakima, WA

**Pretrial Services Programming**

**Wisconsin**

Kenosha Pretrial Program  
Kenosha, WI

Wisconsin Correctional Service  
Milwaukee, WI

# Bureau of Justice Assistance Information

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For more indepth information about BJA, its programs, and its funding opportunities, requesters can call the BJA Clearinghouse. The BJA Clearinghouse, a component of the National Criminal Justice Reference Service (NCJRS), shares BJA program information with state and local agencies and community groups across the country. Information specialists are available to provide reference and referral services, publication distribution, participation and support for conferences, and other networking and outreach activities. The clearinghouse can be reached by:

- Mail**  
P.O. Box 6000  
Rockville, MD 20849-6000
- Visit**  
2277 Research Boulevard  
Rockville, MD 20850
- Telephone**  
1-800-688-4252  
Monday through Friday  
8:30 a.m. to 7 p.m.  
eastern time
- Fax**  
301-519-5212
- BJA Home Page**  
[www.ojp.usdoj.gov/BJA](http://www.ojp.usdoj.gov/BJA)
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Leave the subject line blank  
In the body of the message,  
type:  
subscribe justinfo  
[your name]

The logo for the Bureau of Justice Assistance (BJA) features the letters 'BJA' in a large, bold, serif font. The letters are black and set against a white background.

**U.S. Department of Justice**

Office of Justice Programs

*Bureau of Justice Assistance*

*Washington, DC 20531*

