



## INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

# RESOLUTION

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Adopted at the 121st Annual Conference  
Orlando, Florida  
October 21, 2014

### Pretrial Release and Detention Process

*Submitted by: Research Advisory Committee  
RAC.005.T14*

**WHEREAS**, in 2011, the IACP membership ratified a resolution proposed by the Research Advisory Committee calling for a national law enforcement summit to address the need for bail reform and, in particular, the urgent need for more robust pretrial services that conduct dangerousness assessments for use by the judiciary when considering pretrial release as detailed within the publication launched by IACP in collaboration with the Bureau of Justice Assistance and the Pretrial Justice Institute, titled *Law Enforcement's Leadership Role in the Pretrial Release and Detention Process*; and

**WHEREAS**, in the United States, an estimated 12 million arrests are made each year, with the vast majority of those arrests being for non-violent crimes (United States Department of Justice); and

**WHEREAS**, the pretrial release and detention process currently utilized throughout most of the United States relies on limited information and the use of a bail schedule, without considering empirically developed information regarding individual risks posed by defendants; and

**WHEREAS**, only 10 percent of jurisdictions use a validated, empirically developed risk assessment to inform their pretrial release decisions (Pretrial Justice Institute); and

**WHEREAS**, many jurisdictions have limited legal options to detain individuals who pose an unmanageable pretrial risk or danger other than by setting a high secured bail amount in the hopes the defendant cannot pay; and

**WHEREAS**, our current resource/money-based pretrial release system enables over 50 percent of defendants who are rated higher risk to be released pretrial and defendants who are rated lower risk are more regularly detained (VanNostrand, Lowenkamp, & Holsinger); and

**WHEREAS**, pretrial detainees account for more than 60 percent of the inmate population in U.S. jails (Bureau of Justice Statistics); and

**WHEREAS**, the risk principle suggests that the most intensive interventions, such as pretrial detention or pretrial supervision, should be reserved for the highest and moderate risk individuals, respectively, and that such interventions are ineffective or harmful if applied to low risk individuals (Lowenkamp & Latessa); and

**WHEREAS**, defendants rated low risk and detained pretrial for longer than one day before their pretrial release are more likely to commit a new crime once they are released, demonstrating that length of time until pretrial release has a direct impact on public safety (VanNostrand et al.); and

**WHEREAS**, finding ways to improve pretrial release/detention decision making may prove to be the key to increasing public safety, significantly reducing unnecessary justice system costs, and providing a more just legal system; now, therefore, be it

**RESOLVED**, that the International Association of Chiefs of Police (IACP) calls for law enforcement leaders to advocate in their jurisdictions, regions, and states for: the use of a validated, empirically based risk assessment tool in making pretrial release and detention decisions; legislation enabling the judiciary to use preventive detention for high-risk individuals; and the establishment of more robust pretrial supervision services, with the purposes of improving public safety.

### Bibliography

*2009 Survey of Pretrial Services Programs*. Pretrial Justice Institute, 11 Aug. 2009. 4 June 2014. <<http://www.pretrial.org/download/pji-reports/new-PJI%202009%20Survey%20of%20Pretrial%20Services%20Programs.pdf>>

United States Department of Justice, Federal Bureau of Investigation. (October 2013). *Crime in the United States, 2012*. Retrieved 2 July 2014 , from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/persons-arrested/persons-arrested>

Lowenkamp, Christopher T., and Edward J. Latessa. "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders." *Topics in Community Correction* (2004): 3-8. 4 June 2014. <<http://www.yourhonor.com/dwi/sentencing/RiskPrinciple.pdf>>

Minton, Todd D., and Daniela Golinelli. *Jail Inmates at Midyear 2013 - Statistical Tables*. U.S. Department of Justice: Bureau of Justice Statistics, 2014. <<http://www.bjs.gov/content/pub/pdf/jim13st.pdf>>

VanNostrand, Marie, Christopher T. Lowenkamp, and Alexander Holsinger. *The Hidden Costs of Pretrial Detention*. Laura and John Arnold Foundation, Nov. 2013. Web. 4 June 2014. <[http://www.arnoldfoundation.org/sites/default/files/pdf/LJAF\\_Report\\_hidden-costs\\_FNL.pdf](http://www.arnoldfoundation.org/sites/default/files/pdf/LJAF_Report_hidden-costs_FNL.pdf)>

VanNostrand, Marie, and Christopher T. Lowenkamp. *Assessing Pretrial Risk without a Defendant Interview*. [www.arnoldfoundation.org](http://www.arnoldfoundation.org). Laura and John Arnold Foundation, Nov. 2013. Web. 4 June 2014. <[http://www.arnoldfoundation.org/sites/default/files/pdf/LJAF\\_Report\\_no-interview\\_FNL.pdf](http://www.arnoldfoundation.org/sites/default/files/pdf/LJAF_Report_no-interview_FNL.pdf)>