Acknowledgements

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CJI would also like to thank several contributors who provided valuable input throughout the development process.

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Suggested Citation:

Introduction

The *Pretrial Justice System Assessment: Survey Version* assesses the status of pretrial justice practices in a given jurisdiction. It is a companion document to the *Pretrial Justice System Assessment*, and can be administered as a survey or used as an abbreviated, stand-alone assessment tool. The survey includes critical areas of interest in the administration of pretrial justice, and can be used to determine the degree to which jurisdictional practices are consistent with national standards. It provides illustrative examples intended to give the respondent an idea of what might be happening in jurisdictions at particular stages of implementation.

The assessment provides an opportunity for stakeholders to take a high-level view of how pretrial practices are functioning. By completing the assessment, pretrial practitioners, local stakeholders, and technical assistance providers can quickly and easily increase their understanding of the system. It is recommended that responses be supported by data and documentation. Checklists of documentation, general information and key data points to reference are included in the appendix. Not all jurisdictions will be able to provide information in all areas of inquiry. The degree to which information is available will often depend on the stage of implementation and local political realities. It is often the case that simply by asking the questions, stakeholders will begin to identify strengths in the system as well as gaps that may need to be addressed.

Prior to initiating the assessment, thought should be given to whom to include in the pool of respondents, what will be done with the information gathered, and the amount of time and resources available to analyze the results. Based on the answers to those questions, the extent of the survey will vary and decisions may need to be made to tailor it accordingly. For example, in some sites responses from a handful of key players will suffice, while in others surveying all staff may be more appropriate.

It is important to note that the results should not be used to compare one pretrial services agency to another. This is not a validated survey, and it is not intended to provide a “grade” for the jurisdiction. The purpose of the rating system is to provide a snapshot of where a particular jurisdiction is relative to targets set forth in national standards, allowing practitioners, stakeholders, and technical assistance providers to see at-a-glance which areas need improvement. The true value in the use of this tool is not in the rating system, but in the discussions and improvement efforts it will initiate.

Should a more intensive assessment of the site be needed, the companion document, *Pretrial Justice System Assessment*, provides a more detailed tool for conducting a comprehensive assessment. In addition to the areas included in the survey and appendix, it includes targets and questions to consider for each critical area as well as an assessment of organizational/system readiness for change. Upon completion of the *Pretrial Justice System Assessment Survey Version* and/or the companion document, jurisdictions are encouraged to celebrate the areas of strength and develop a work plan or strategy to strengthen areas in need of improvement.
Pretrial Justice System Assessment Survey

Structure: The survey is divided into two sections. Section “A,” jurisdictional pretrial processes, is intended to address the system in which pretrial services operate. Section “B,” pretrial justice services, is intended to address the agency that administers pretrial services. Descriptions for each critical area are based on National Association of Pretrial Services Agencies (NAPSA) standards and recommended practices, which draw heavily from the American Bar Association’s Standards on Pretrial Release.

Instructions: Score the jurisdiction in each critical domain area using a rating continuum from 1 (Little to No Progress) through 5 (Advanced Implementation/Fully Operational). 1= Little to No Progress, 2=Initial Discussion, 3=Planning/Early Implementation, 4=Active Implementation, 5=Advanced Implementation/Fully Operational, or N/A=Not Applicable. To illustrate:

- If the jurisdiction has made little to no progress toward national standards in the domain area, then score a “1” (Little to No Progress). For example, if the jurisdiction has not discussed moving toward the use of pretrial risk assessment tool, then score a “1.”
- If the jurisdiction has begun discussions of steps to take and falls between “1” (Little to No Progress) and “3” (Planning / Early Implementation), then score a “2” (Initial Discussion) in the space provided. For example, if the jurisdiction has begun discussing whether or not to adopt the use of a pretrial risk assessment tool but the decision has yet to be made, then score a “2.”
- If the jurisdiction has plans in place and/or has begun the initial steps of implementation, then score a “3” (Planning/Early Implementation) in the space provided. For example, if the jurisdiction has decided to adopt the use of a pretrial risk assessment instrument and developed a work plan to guide the implementation process, then score a “3.”
- If the jurisdiction is in the midst of implementation but not yet at a point of “5” (Advanced Implementation/Fully Operational); then score a “4” (Active Implementation) in the place provided. For example, if the jurisdiction is in the process of implementing a pretrial risk assessment tool, but not yet at a point of widespread use and validation of the tool; then score a “4.”
- If the jurisdiction has succeeded in carrying out implementation steps and is operational in the domain area, then score a “5” (Advanced Implementation/Fully Operational). For example, if the jurisdiction regularly administers a locally validated pretrial risk assessment tool and quality assurance procedures are in place; then score a “5.”
- If a domain area does not apply, denote “N/A” and provide a brief rationale in the comments section. For example, if a conscious decision was made not to utilize a pretrial risk assessment tool; then score a “N/A” and denote the reason for deciding not to use a pretrial risk assessment tool.

Appendix: Includes checklists of documentation and general information to review and performance data to analyze. The checklists can be used to identify appropriate evidence and contextual information in support of survey results.

Recommendation: Upon completion of the assessment, compile a summary document (e.g., brief, presentation, memo, report, etc.) outlining the strengths and areas for improvement for the jurisdiction. This document can then be utilized as the basis for developing a work plan or strategic plan to strengthen the administration of pretrial justice.
### A. Continuum of Implementation: Jurisdictional Pretrial Justice Processes

<table>
<thead>
<tr>
<th>Critical Domain Area</th>
<th>Little to No Progress (Rating of 1)</th>
<th>Planning / Early Implementation (Rating of 3)</th>
<th>Advanced Implementation / Fully Operational (Rating of 5)</th>
<th>Rate 1-5 or N/A</th>
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</thead>
<tbody>
<tr>
<td><strong>Citation Release and Summons</strong></td>
<td>Few, if any, efforts are made to divert minor cases (misdemeanor and low-level felonies) from custodial arrests</td>
<td>Efforts have begun to divert more minor cases (misdemeanor and low-level felonies) from custodial arrests</td>
<td>The jurisdiction does not use custodial arrests for minor cases (misdemeanors and low-level felonies)</td>
<td>Rate 1-5 or N/A</td>
</tr>
<tr>
<td><strong>Bond Schedules</strong></td>
<td>There is significant reliance on monetary bond schedules</td>
<td>The jurisdiction has plans in place to reduce reliance on bond schedules</td>
<td>Bond schedules are not used/allowed</td>
<td>Rate 1-5 or N/A</td>
</tr>
<tr>
<td><strong>Financial Bail</strong></td>
<td>The ability to meet financial conditions tends to be the leading factor in securing pretrial release, rather than imposing the least restrictive conditions based on risk</td>
<td>Plans are in place to ensure only the least restrictive conditions, based on risk, are used to provide reasonable assurance the defendant will appear in court and to protect the safety of the community, victims and witnesses pending trial</td>
<td>Level of risk for pretrial misconduct is the leading factor in securing release pending trial</td>
<td>Rate 1-5 or N/A</td>
</tr>
<tr>
<td><strong>Early Screening</strong></td>
<td>Prosecutors rarely screen cases before first appearance to decide whether to move forward and on what charges</td>
<td>Efforts have begun to have experienced prosecutors screen each case before first appearance to decide whether to move forward and on what charges</td>
<td>An experienced prosecutor reviews each case before initial appearance and decides whether to move forward and on what charges</td>
<td>Rate 1-5 or N/A</td>
</tr>
<tr>
<td></td>
<td>Prosecutors rarely appear at bail-setting hearings</td>
<td>Efforts have begun to increase the appearance of prosecutors at bail-setting hearings</td>
<td>Prosecutors appear at each bail-setting hearing</td>
<td>Rate 1-5 or N/A</td>
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<td></td>
<td>During bail-setting hearings, prosecutors do not advocate for the least restrictive conditions, based on risk, to assure the defendant will appear in court and to protect the safety of the community, victims and witnesses pending trial</td>
<td>Plans are in place to increase advocacy by the prosecutors at bail-setting hearing for the least restrictive conditions, based on risk, to assure the defendant will appear in court and to protect the safety of the community, victims and witnesses pending trial</td>
<td>During bail-setting hearings, prosecutors advocate for the least restrictive conditions, based on risk, to assure the defendant will appear in court and to protect the safety of the community, victims and witnesses pending trial</td>
<td>Rate 1-5 or N/A</td>
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<tr>
<td><strong>Defense for Indigent Defendants</strong></td>
<td>Defense is rarely present at the initial bail-setting</td>
<td>Plans are in place to increase defense representation for defendants at initial bail-setting</td>
<td>Defense is present at the initial bail-setting hearing for each defendant</td>
<td>Rate 1-5 or N/A</td>
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<td></td>
<td>Defense rarely has enough time to meet with each defendant and gather necessary information to make representations regarding release prior to the initial bail-setting</td>
<td>Efforts have begun for defense to meet with more defendants and gather information needed to make representations regarding release prior to the initial bail-setting</td>
<td>Defense has enough time to meet with each defendant and gather information needed to make representations regarding release prior to the initial bail-setting</td>
<td>Rate 1-5 or N/A</td>
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<tr>
<td><strong>Release Authority</strong></td>
<td>Individuals with release authority do not have clear criteria for making release decisions,</td>
<td>Plans are in place to ensure individuals with release authority follow set criteria, including an evidence-based risk assessment, for making</td>
<td>Anyone with release authority follows set criteria for making release decisions, including</td>
<td>Rate 1-5 or N/A</td>
</tr>
</tbody>
</table>
### Pretrial Justice System Assessment: Survey Version

#### Crime and Justice Institute at CRJ

<table>
<thead>
<tr>
<th>Release Options</th>
<th>Confidentiality of Information</th>
<th>Role of Pretrial Interviewers</th>
<th>Articulated Use of Clinical Judgment</th>
<th>Organizational Capacity for Pretrial Decision-Making</th>
<th>Impact of Pretrial Social Worker</th>
<th>Description of Pretrial Interview Process</th>
<th>Pretrial Interview Facilitation</th>
<th>Individualized Pretrial Risk Assessment</th>
<th>Pretrial Interview Frequency</th>
<th>Pretrial Interview Language</th>
<th>Pretrial Interview Participation Rate</th>
<th>Description of Pretrial Interview Process</th>
<th>B. Continuum of Implementation: Pretrial Justice Services</th>
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</thead>
<tbody>
<tr>
<td><strong>Individuals with release authority are seldom trained in using set criteria to make release decisions</strong></td>
<td>Efforts have begun to train individuals with release authority in how to use set criteria for making release decisions</td>
<td>Anyone with release authority is trained to follow set criteria for making release decisions</td>
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<td><strong>Release Options</strong></td>
<td><strong>The releasing authority does not have all the information needed to make an informed decision, including evidence-based risk assessments</strong></td>
<td><strong>Plans are in place to provide the releasing authority all the information needed to make an informed decision, including evidence-based risk assessments</strong></td>
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<td><strong>Ongoing Review</strong></td>
<td>The status of detained defendants is rarely reviewed to determine if new circumstances would enable release</td>
<td>Efforts have begun to review the status of detained defendants to determine if new circumstances would enable release</td>
<td>The status of detained defendants is regularly reviewed to determine if there are any changes that would enable release</td>
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<td>Information collected in the pretrial interview is not relevant to the type of supervision and follow up needed if the defendant is released</td>
<td>Efforts have begun to ensure the information collected is relevant to the type of supervision and follow up needed if the defendant is released</td>
<td>In addition to the information used for risk assessment, most-if not all-information collected is relevant to the type of supervision and follow up required if the defendant is released</td>
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<td><strong>Risk Assessment</strong></td>
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<td>An evidence-based pretrial risk assessment is not in use</td>
<td>Plans are in place to administer an evidence-based pretrial risk assessment instrument</td>
<td>A validated risk assessment is being administered in a timely fashion to the target population</td>
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<td>The risk assessment has not been recently validated on the population</td>
<td>Efforts have begun to validate the risk assessment on the population</td>
<td>The risk assessment has been recently validated on the population</td>
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<td>A quality assurance process to ensure accuracy and consistency is not in place</td>
<td>Plans are in place to establish a quality assurance process to ensure accuracy and consistency</td>
<td>A quality assurance process is in place to ensure accuracy and consistency</td>
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<td><strong>Release Recommendations</strong></td>
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<td>Recommendations rarely correspond to assessed risk</td>
<td>Plans are in place to increase the degree of correspondence between assessed risk and recommendations</td>
<td>Recommendations regularly correspond with the assessed risk level</td>
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<tr>
<td>Those with release authority seldom follow release recommendations</td>
<td>Plans are in place to increase the agreement between release recommendations and the decisions made by those with release authority</td>
<td>Those with release authority regularly adhere to the recommendations</td>
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<td>Supervision resources are not prioritized by risk</td>
<td>Efforts have begun to prioritize supervision resources and provide differentiation of services between levels of risk</td>
<td>Supervision resources are prioritized for higher risk defendants, and less restrictive options are used for lower risk defendants</td>
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<td><strong>Responses to Violations</strong></td>
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<td>The jurisdiction has no established criteria to respond to violations do not exist</td>
<td>The jurisdiction has begun to establish criteria to respond to violations</td>
<td>Established criteria for responding to violations exist</td>
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<td>The criteria are not consistently applied</td>
<td>Plans are in place to ensure consistent application</td>
<td>Established criteria for responding to violations are consistently applied</td>
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<td><strong>Court Reminders</strong></td>
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<td>Reminders of upcoming court dates are not provided to defendants</td>
<td>Efforts have begun to establish a court date reminder system</td>
<td>Court date reminder notices are provided to defendants</td>
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<td><strong>Data / Quality Assurance</strong></td>
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<tr>
<td>Limited or no data is available at the case and agency levels</td>
<td>Efforts have begun to collect data at case and agency levels</td>
<td>The jurisdiction has accurate data at case and agency levels</td>
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<tr>
<td>No quality review of data reports is being conducted</td>
<td>Plans are in place to develop data reports to guide continuous improvement efforts</td>
<td>The jurisdiction uses data reports to guide continuous improvement efforts</td>
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## Continuum of Implementation: Pretrial Justice Documentation Checklist and General Information

<table>
<thead>
<tr>
<th>Critical Domain Area</th>
<th>Documents and Information to Review</th>
<th>Areas of Focus</th>
<th>Title of Documents Reviewed, If Applicable</th>
</tr>
</thead>
</table>
| **Legal Framework**  | • Relevant law and court rulings related to pretrial justice in the jurisdiction  
• Criminal procedures for bail and pretrial release provisions  
• Court ruling or consent decrees in force  
• Criteria for issuing release citations or summonses | • Whether there is a presumption of release on the least restrictive conditions  
• Factors that the court is required to consider  
• Which release options the court must choose from  
• Whether the court can hold a defendant without bail  
• Circumstances under which a defendant can be held without bail  
• Provisions on the use of citation releases and summonses in lieu of arrest  
• Mandatory population limitations  
• Judicial officers’, prosecutors’, and defenders’ familiarity with and interpretation of pretrial statute, case law, and court rules | |
| **Policies and Procedures** | • Pretrial services agency standard operating procedures, such as:  
  o defendant screening  
  o interview and verification  
  o risk assessment and recommendations  
  o follow up reviews, supervision  
  o performance management  
  o information sharing and confidentiality  
  • Training materials | • Understand pretrial functions, ask informed questions and assess degree of adherence | |
| **Pretrial Forms**    | • Documents utilized to administer pretrial services  
  o Risk assessment  
  o Interview guide  
  o Bail report to the court  
  o Release order  
  o Compliance/violation | • How forms are used in daily work (e.g., if there is a bond schedule, is it used by law enforcement or jail staff prior to initial appearance or by magistrates setting bail)? | |
### Performance Reports
- Daily pretrial population reports
- Monthly management reports
- Annual performance reports
- Annual pretrial service agency budget

### Physical Layout and Operating Hours
- Agency layout and geography
- Use of technology and mobility of staff
- Hours of operation
- Organizational chart

### Strategic Documents
- Strategic plan/mission/vision
- Efforts of coordinating councils or key committees
- Analysis of key issues

### External Relations
- Recent media coverage
- Reports by advisors or consultants

### National Survey
- National Association of Pretrial Services Agencies (NAPSA) or Pretrial Justice Institute (PJI) survey responses

### Other
- Any other information source

### Performance Reports
- Understanding priorities and budgetary authority
- Assessment of data capacity
- Knowledge of prior issues, challenges and milestones achieved

### Physical Layout and Operating Hours
- Proximity of pretrial services staff to defendants and court
- Availability of interview space
- Ability of staff to access data system, upload information and utilize other technologies
- Understanding of resource availability and constraints
- Availability of staff
- Efficiency of operations

### Strategic Documents
- An understanding of the purpose of pretrial practices and key priorities
- A sense of the collaboration and prior efforts around pretrial justice practices

### External Relations
- Sense of pretrial reputation in the community
- Knowledge of history, successes/challenges

### National Survey
- Broad overview of practices

### Other
- Other points of view, background, etc.
## Continuum of Implementation: Pretrial Justice Checklist of Key Data Points*

<table>
<thead>
<tr>
<th>Critical Area</th>
<th>Data Measures to Analyze</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Pretrial Processing | • Annual data for the past one to five years:  
  o # of bookings  
  o # of defendants statutorily eligible for pretrial release booked  
  o # of defendants assessed  
  o # not interviewed and why they were not assessed  
  o # recommended for release, by type of release recommendation and risk level  
  o # not recommended, by reasons why they were not recommended and risk level  
  o # of defendants released, by release type and risk level  
  o # of defendants under pretrial supervision (also include current population), by risk level | |
| Pretrial Outcome | • Annual data for all releases in the past year to five years:  
  o # of pretrial releases, by type of release and risk level  
  o # of failures to appear, by type of release and risk level  
  o # of re-arrest, by type of release and risk level  
  o # of technical violations, by type of release and risk level | |
| Jail Capacity | • Current population  
  • Trends in the jail population (by month or year, over the past five years), including:  
    o # of bookings (by charge type, i.e., felony, misdemeanor, violent, property, drug)  
    o average daily population  
    o average length of stay  
    o average length of stay for those released during the life of the case, by charge type, bond amounts, and type of release  
    o average length of stay in jail for those detained throughout the pretrial period, by charge type and bond amounts  
    o composition of population in terms of status (e.g., pretrial, sentenced, awaiting probation violation hearing, holding for other jurisdictions) | |
| Other | • TBD depending on the jurisdiction | |

* Not all data points listed may be available in a given jurisdiction, and not all are necessary to inform the system assessment. The availability and format of data will vary by jurisdiction. It is important to review the source, reliability and computation method of various data elements. For additional information on what to measure and rates to calculate please see the National Institute of Corrections document, *Measuring What Matters: Outcome and performance measures for the pretrial services field* (2011).