

# smart pretrial

## COMPETITIVE SOLICITATION FOR TECHNICAL ASSISTANCE

Announcement Date: March 8, 2017

### OVERVIEW

The Pretrial Justice Institute (PJI) and the Bureau of Justice Assistance (BJA) are partnering to support the implementation of new policies and practices that enhance the quality of the local pretrial justice system through the Smart Pretrial initiative.<sup>1</sup>

The goal of this Smart Pretrial Initiative is to provide technical assistance to up to five local jurisdictions in implementing practices consistent with legal and evidence-based pretrial practices. This solicitation offers six technical assistance categories:

1. Containing the Costs of the Criminal Justice System
2. Procedural Justice at First Sight
3. Detention Hearings
4. Minimizing Technical Violations and Re-Admission
5. Enhancing and Ensuring Racial and Ethnic Equality
6. Community Participation in Public Safety



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

**pji** PRETRIAL  
JUSTICE  
INSTITUTE

## LENGTH OF TECHNICAL ASSISTANCE

The anticipated timeline for technical assistance is June 2017 to September 2018. This solicitation is for jurisdictions to receive technical assistance. There are no financial awards made to jurisdictions.

## DEADLINE

All applications are due by 11:59 p.m. eastern time on Friday, April 21, 2017. Decisions about the award are expected to be made by June 2, 2017.

## ELIGIBILITY

Eligible applicants are limited to local public and private entities, including nonprofit and for-profit, faith-based, and community organizations, and units of local government such as cities or counties (including federally recognized Indian tribal governments as determined by the Secretary of the Interior). For-profit organizations (as well as other recipients) must forego any profit or management fee.

Jurisdictions must have the following characteristics to be eligible:

- Support from at least one executive-level decision-maker (agency head) from both the judicial (e.g., presiding judge, court administrator) and executive (e.g., county commissioner, county manager, mayor, city council member) branches of government
- Existence of a criminal justice coordinating committee or equivalent entity that consists of policy/executive-level decision makers (agency heads) and that supports the application. A subcommittee or a task force that reports to such a committee may oversee the project if the jurisdiction is selected. The overseeing committee or subcom-

mittee must at a minimum consist of agency heads from the court, prosecutor's office, public defense office, sheriff/detentions, one or more city police agencies, and pretrial services agency (if applicable). Representatives from other agencies (e.g., community- or faith-based group, local university) may participate and are encouraged to do so depending on the nature of the proposed project.

- Demonstration of successful current or recent past participation and progress in a national criminal or juvenile justice technical assistance/improvement initiative such as the Justice Reinvestment Initiative, Transition from Jail to Community Initiative, Evidence-Based Decision Making Initiative, Safety and Justice Challenge, Juvenile Detention Alternatives Initiative, or other comparable initiative. Preference is given to initiatives that pertained to pretrial justice or the "front-end" of the criminal justice system.
- Audio and video technology capability to participate in online meetings, training, and technical assistance. This capability applies to persons gathered together in one meeting room and to persons simultaneously in separate locations (e.g., their own desks).

For applicants applying for Categories 3, 4, or 5, preference will be given to those who are already using an actuarial pretrial risk assessment tool that has been validated for use in the local jurisdiction. The Laura and John Arnold Foundation's Public Safety Assessment qualifies. The tool should currently be used prior to the initial bail decision for all defendants for whom a pretrial release-or-detention decision needs to be made. Additional preference will be given to Category 3, 4, or 5 applicants who also use a pretrial decision-making framework/praxis/matrix in conjunction with the risk tool.

## PROGRAM DESCRIPTION

The goal of participation in the Smart Pretrial approach is for jurisdictions to implement sustainable, effective practices that improve the quality of pretrial justice in the jurisdiction, and for those jurisdictions to render usable, portable lessons for other jurisdictions. For this project, PJI and BJA seek jurisdictions that have the requisite characteristics (see above) already in place to facilitate legal and evidence-based pretrial justice, and that desire to specialize in one of the following categories:

1. Containing the Costs of the Criminal Justice System
2. Procedural Justice at First Sight
3. Detention Hearings
4. Minimizing Technical Violations and Re-Admission
5. Enhancing and Ensuring Racial and Ethnic Equality
6. Community Participation in Public Safety

Jurisdictions may have already begun some work in the selected area, or may be beginning it for the first time.

### Category 1: Containing the Costs of the Criminal Justice System

A way to save costs in the pretrial justice system is to minimize the number of people who experience the conventional process of the criminal justice system—i.e., arrest and booking into the jail to await an initial bail hearing (see “Pretrial Justice: How Much Does It Cost?” Pretrial Justice Institute, 2017). The Containing the Costs of the Criminal Justice System Category is for jurisdictions that want to implement or expand policies and practices in one or more of the following areas:

- Pre-citation and pre-booking diversion (sometimes called “deflection”): Individuals who law enforcement would customarily arrest or cite for a crime are instead referred to community-based services according to their behavioral health or physical needs that may contribute to criminal behavior.
- Law enforcement citations and court summonses are used instead of custodial arrests that result in bookings into jail: Individuals who would customarily be charged with a crime and booked into jail are still charged through a citation or summons but not booked.
- Decriminalizing municipal and/or county ordinance violations: Local city and/or county governments pass new ordinances that remove crimes from the code, or if not removed, reduce the severity of offenses and their corresponding potential sentences.

The jurisdiction will implement new policies and practices that will limit the number of individuals entering the justice system’s front door, as measured both before and after the implementation of changes in the above areas. As part of this initiative, the jurisdiction will also develop resources (e.g., manuals, protocols, guidelines, checklists, training modules) that can easily be adapted for use by other jurisdictions.

### Category 2: Procedural Justice at First Sight

Research demonstrates that when defendants perceive the court process to be fair and they feel treated with respect, they are more likely to comply with the court’s orders and avoid criminal activity in the future, regardless of the outcome of their current case. The first appearance hearing provides a tremendous opportunity for the crim-

inal justice system to instill in defendants a sense of procedural justice. The Procedural Justice at First Sight Category is for jurisdictions that want to implement policies and practices that are consistent with procedural justice. These changes will pertain to judges and other court staff, prosecutors, defense attorneys, pretrial services agency staff, and detention staff.

The jurisdiction will compare process and outcome measures both before and after the implementation of changes. As part of this initiative, the jurisdiction will also develop resources (e.g., manuals, protocols, guidelines, checklists, training modules) that can easily be adapted for use by other jurisdictions.

### Category 3: Detention Hearings

When faced with defendants believed to pose unmanageable pretrial risks or very serious charges, judges often set high secured money bail amounts in the hopes of detaining those defendants. This practice is often ineffective, however, because some higher-risk defendants post their money bonds and return to the community. The Detention Hearings Category is for jurisdictions that want to implement new policies and practices characterized by the following:

- Compliance with federal and the jurisdiction's state constitutional, statutory, and case law, and court rule.
- A judicial officer makes a decision at a first appearance hearing, which occurs within 24 hours of the defendants' booking into jail, either to release the defendant or to hold the defendant pending a detention hearing in the near future.
- Release is the norm. All legally bailable (releasable) defendants are released within hours of the first appearance hearing.
- All released defendants' conditions of release are individualized, least restric-

tive, and consistent with the defendant's assessed risk level (per a locally validated, actuarial pretrial risk tool) and existing research on pretrial risk management.

- Detention is the carefully limited exception. All defendants for whom the judicial officer has found, on the record during a detention hearing, that no set of release conditions can reasonably assure the defendant's appearance in court or the public's, victims', or witnesses' safety shall be detained under the jurisdiction's existing legal provisions. Financial conditions of bonds deliberately set to detain defendants cannot be used.

The jurisdiction will compare process and outcome measures both before and after the implementation of changes. As part of this initiative, the jurisdiction will also develop resources for model detention hearings (e.g., manuals, protocols, guidelines, checklists, training modules) that can easily be adapted for use by other jurisdictions, including in other states.

### Category 4: Minimizing Technical Violations & Re-Admission

Many local jurisdictions that have established practices for managing released defendants' risk still struggle with effectively preventing and responding to technical violations of pretrial release, and often resort to jailing defendants for technical violations. The Minimizing Technical Violations and Re-Admission Category is for jurisdictions that want to implement policies and practices that minimize the number of defendants who commit technical violations of pretrial release by (a) effectively incentivizing and rewarding defendants' compliance on pretrial release, and (b) responding to violations in a graduated manner, considering the nature of the violation and the defendant's assessed risk level

per a locally validated, actuarial pretrial risk tool, and using pretrial detention as a last resort

The jurisdiction will compare process and outcome measures both before and after the implementation of changes. As part of this initiative, the jurisdiction will also develop resources (e.g., manuals, protocols, guidelines, checklists, training modules) that can easily be adapted for use by other jurisdictions, including in other states.

## Category 5: Enhancing and Ensuring Racial & Ethnic Equality

Given the current climate of the United States, relationships between justice agencies and communities of color are fragile. Recent empirical research, the work of multiple national civil rights organizations, and the media have brought attention to the significant overrepresentation of people of color in the justice system. The Enhancing and Ensuring Racial and Ethnic Equality Category is for jurisdictions that intend to promote equality and reduce justice system involvement for people of color.

The jurisdiction will use local data to (1) identify whether and to what extent people of color are overrepresented in their pretrial population, and (2) identify opportunities within an agency or across agencies to reduce disparate system involvement for people of color, and increase community-based interventions.

The jurisdiction will collect data on the following justice system phenomena:

- Arrest (whether law enforcement charges, or does not charge, an individual with a crime at the point of contact with that individual) disaggregated by race/ethnicity.
- Arrest Disposition/Booking (whether law

enforcement deflects/diverts the individual, issues a citation or the court issues a summons to an individual, or the individual is taken into custody to be booked into a detention facility) disaggregated by race/ethnicity and diversion eligibility criteria, most serious offense category, most serious specific offenses, residence zip code, and pretrial risk level.

- Charging (whether the prosecution charges an individual, and what those charges are) disaggregated by race/ethnicity and most serious offense category, most serious specific offenses, and pretrial risk level.
- Pretrial Release and Conditions (whether the court releases or detains an individual prior to case disposition, the time until release, and financial and non-financial conditions of release) disaggregated by race/ethnicity and most serious offense category, most serious specific offenses, and pretrial risk level.
- Jail Utilization (average daily population and average length of stay) disaggregated by race/ethnicity and most serious offense category, most serious specific offenses, pretrial risk level, and inmate status (e.g., holds).

To qualify for this category, a jurisdiction must have the:

- Ability to provide data on the phenomena listed above
- Willingness to share these data with training and technical assistance providers, partner agencies, and community partners
- Political will for key stakeholders and community members to undertake pretrial racial equity reform.

The jurisdiction will implement new policies and practices that will reduce disparity and/or

unnecessary involvement of people of color in the justice system, as measured both before and after the implementation of changes to policy and practice for the various phenomena.

## Category 6: Community Participation in Public Safety

Many local jurisdictions have improved their pretrial justice practices through successful collaboration among system decision-makers and with the help of national partners. Additionally, there is an opportunity for community members to play an important role in pretrial justice work. In particular, individuals charged with crimes, their families, and their communities become educated and activated partners in pretrial decision making. Jurisdictions that select this category will create informed communities that exercise more influence over the pretrial policies and practices that affect defendants, defendants' families, and all community members.

The Community Participation in Public Safety Category is for jurisdictions that will make a significant commitment to community and civic engagement, as demonstrated by established and results-producing partnerships with community-based groups. The objectives are to create and maintain transparency of the pretrial justice system, engage the community, and empower individuals around pretrial justice reform.

The jurisdiction will create at least one active community-based group that (a) partners with system decision makers to produce a community education curriculum on pretrial risk assessment and risk management (e.g., supervision) strategies being used (or proposed to be used) in lieu of money bond, and (b) conducts local trainings so that system decision makers hear the voices of the community. These resources will be created in a way that renders them easily adaptable to other local jurisdictions.

The jurisdiction will compare process and outcome measures both before and after the implementation of changes. As part of this initiative, the jurisdiction will also develop the above resources such that they can easily be adapted for use by other jurisdictions.

## TECHNICAL ASSISTANCE SUMMARY

PJI will coordinate all technical assistance provided to the selected jurisdictions. One or more technical assistance providers will be assigned to each jurisdiction depending on the jurisdiction's needs and the category (from above) and scope of the project. The provider(s) will assist the jurisdiction with:

- Convening relevant stakeholders and helping them develop the cohesion needed to make collaborative decisions
- Linking local project stakeholders and staff with peers for national networking and sharing information and ideas
- Accessing information and trainings on legal, evidence-based, and other relevant practices
- Setting specific, measurable, agreed upon, realistic, time-based (S.M.A.R.T.) goals
- Developing a project plan to achieve project goals
- Creating process and outcome measures to gauge short-term and long-term progress
- Communicating effectively with the public and media about the project
- Developing resources (manuals, trainings, events) that will enable the jurisdiction to sustain improvements and to serve as a model for other jurisdictions

## REQUIRED PROJECT ACTIVITIES

All selected jurisdictions will be required to complete the following activities:

- Identify a local site coordinator—a staff person who coordinates all activities for the project and serves as the primary project liaison.
- One person (typically the local site coordinator) from each jurisdiction will be required to attend one in-person meeting (e.g., a Smart Pretrial Inter-Site Summit 2017). The meeting date and location (e.g., Washington, D.C.) will be determined, and all travel and per diem expenses for the person will be paid by the Pretrial Justice Institute.
- If not already in place, convene a project team/committee of representatives from relevant stakeholder agencies and organizations, depending on the nature of the project.
- In consultation with the technical assistance provider(s) assigned to the jurisdiction, perform a baseline (“time one”) assessment of current policies and practices, including data for relevant process and outcome measures.
- Facilitate at least one site visit from the technical assistance provider(s) and/or PJI or BJA staff to the jurisdiction.
- The local site coordinator and committee members participate in online meetings, trainings, webcasts, telephone conversations, and email correspondence with PJI and the technical assistance provider(s) on a periodic basis as needed for the project and the overall Smart Pretrial Initiative.
- Create a project implementation plan that includes activities, timelines, deliverables, and performance (process and outcome) measures.

- Create a manual that (a) describes the policies and procedures for accomplishing the selected project’s goals and objectives, and (b) can be adapted for use by other jurisdictions.
- During implementation, collect data to monitor progress toward the selected goals.
- After implementation, perform an outcome/impact (“time two”) evaluation, including the use of data in comparison to baseline data, to determine the extent to which project goals were achieved.

## APPLICATION INSTRUCTIONS

Jurisdictions may apply for more than one category of technical assistance. If doing so, the jurisdiction must submit separate applications for each category. If a jurisdiction is selected to receive technical assistance, it will only receive one category of technical assistance agreed upon by the jurisdiction and the Pretrial Justice Institute and the Bureau of Justice Assistance.

Send completed applications in PDF via email to Michael Jones at the Pretrial Justice Institute at [mike@pretrial.org](mailto:mike@pretrial.org).

A completed application must include the following items, labeled clearly as separate attachments:

### 1. Cover Sheet

Include the following information:

- Project Category (see Program Description above)
- Name of Applicant Agency
- Point of Contact for Application Process
- Title

- Organization
- Email Address
- Phone Number
- Mailing Address

## 2. Project Narrative (8 pages maximum, double-spaced, 12-point font, 1-inch margins)

Include the following content in the narrative:

- Which one of the six technical assistance categories is being applied for
- Why this category was chosen for the project. Include any supporting data when possible (e.g., the jurisdiction’s pretrial outcome data on court appearance rates, safety rates, and release rates, disaggregated by defendants’ charge-risk profile [from a decision-making framework/praxis/matrix])
- What the jurisdiction’s stakeholders desire to accomplish with the project
- What policies, procedures, programs, or other resources are already in place that meet the application criteria, including the aforementioned required characteristics (e.g., existence of a criminal justice coordinating committee or equivalent, demonstration of success in a technical assistance/improvement initiative, audio and video technology capability)
- The nature of the technical assistance being sought

## 3. Support Letters (At least 3 letters, 2 pages maximum per letter)

Each letter should clearly demonstrate each stakeholder’s understanding and commitment on behalf of his/her agency or organization and staff to support the project and to work as part of a collaborative team. Support letters should be from the executive decision makers from the

executive and judicial branches of local government, as well as from the head decision makers from other agencies and organizations relevant to the project. These decision makers must include their assurances that their agency will provide relevant data.

## SELECTION PROCESS

PJI and BJA are committed to ensuring a fair and open process for awarding technical assistance. Applications will be reviewed and scored by PJI staff, with final review and approval by BJA. Applicants will be evaluated based on the content in the Project Narrative and the commitment expressed in the Support Letters.

In addition to these criteria, considerations for technical assistance award recommendations and decisions may include, but are not limited to, underserved populations, geographic diversity, BJA’s and PJI’s strategic priorities, the jurisdiction’s past performance, and availability of relevant technical assistance.

## CONTACT INFORMATION

For assistance with any requirement of this solicitation, contact Michael Jones at the Pretrial Justice Institute at [mike@pretrial.org](mailto:mike@pretrial.org).

## ENDNOTE

1. From October 2016 through September 2018, the Bureau of Justice Assistance is funding the Pretrial Justice Institute to oversee the Smart Pretrial technical assistance and other pretrial-related activities. As such, PJI and other experts will provide training and technical assistance to those jurisdictions selected under this competitive announcement, subject to the availability of funding. For more information about PJI, visit [www.pretrial.org](http://www.pretrial.org).