



**SCAN OF
PRETRIAL
PRACTICES**
SURVEY
2019

Appendix C

2019 Scan of Pretrial Practices Survey

Welcome to the *2019 Scan of Pretrial Practices Survey*.

The purpose of this survey is to collect information on current pretrial practices and processes throughout the United States. This project is conducted by the Pretrial Justice Institute (PJI). You are invited to participate because your County was one of only 150 randomly selected counties.

This online survey has multiple sections and will likely require the assistance of your delegates to complete accurately. Each section should take between 4 and 9 minutes to complete.

- Your participation is voluntary and you may choose not to participate.
- You will receive no direct benefits from participating in this study.
- Your responses will be very helpful in informing decision makers about the current status of pretrial practices.

We will be collecting your contact information, but your personal identifiers will remain confidential and will not be included in the survey analysis or the final report, and will not be shared with anyone outside of PJI without your express permission. In addition, the survey will collect identifiable information about your jurisdiction, however the final report will not refer to your County by name when analyzing the data. Thus, both your personal identity as well as the identity of your jurisdiction will remain confidential.

The information you provide will be stored in the University of Pretrial, an online portal with resources, learning opportunities, and online discussion groups. As part of the survey, you will be asked to create a password-protected account, and your responses will only be accessible by you, any other authorized representatives of your jurisdiction, and staff of the Pretrial Justice Institute.

- At this time, you are only granting permission for your data to be used for the *Scan of Pretrial Practice*.
- At a future date, you may be invited to update your data for research and technical assistance activities.
- Participation in any future activities is optional, and your data will not be used beyond the Scan of Pretrial Practice without additional consent provided by you or another authorized representative of your jurisdiction.
- You will be able to access your data for your own purposes.

The results of this study will be made publicly available in a final report in 2019. If you have any questions about the *Scan of Pretrial Practices*, please contact Toni Shoola at toni@pretrial.org or 419-279-9867. Thank you in advance for your participation in this survey. We couldn't do it without you!

ELECTRONIC CONSENT: Please select your choice below. You may print a copy of this consent form for your records. Clicking on the “Agree” button indicates that:

- You have read the above information.
- You will share this information with all *Scan* delegates in your jurisdiction.
- You will secure verbal consent from all *Scan* delegates within your jurisdiction prior to allowing them access to the survey.
- You voluntarily agree to participate.
- You are 18 years of age or older.

Section 1

Front-end Diversion

When answering the survey questions, please only consider criminal misdemeanor and felony cases. In addition, unless otherwise specified, the focus of this survey is your County's practices. If your County is part of a larger district or if there are smaller jurisdictions within your County, please answer these questions the best you can for your County. Finally, please answer the survey questions only for your adult criminal justice system, not for the juvenile system. In this section, please think of the alternatives to arrest that are available, by statute or local policy, to law enforcement in your County. This section will take approximately 9 minutes to complete.

1. How many arresting agencies are in your County? [write-in]

2. Please choose the alternatives to arrest that are available, by statute or local policy, to law enforcement in your County. Please include options that may not be available countywide, but are available in at least one agency. (Check all that apply)

- Pre-arrest or pre-booking diversion - a formal process in which law enforcement refers individuals to behavioral health treatment or other supportive community services; this may occur through proactive outreach or in lieu of arrest.
- Co-response or specialized response to behavioral health - behavioral health specialists assist law enforcement on mental health or overdose response calls for service; includes Crisis Intervention Teams (CIT), mobile crisis teams.
- Citation release - In lieu of custodial arrest for misdemeanor and/or felony

offenses, individuals are released with a citation and a date to appear in court. Also called citation summons, cite and release, field release or citation, desk appearance tickets, and summons or citation in lieu of arrest.

- Transport to a non-jail based facility specializing in mental health (e.g., crisis center) or detoxification/drug withdrawal.
- Other
- No alternatives to arresting and booking an individual are available.

If Citation Release is selected for question 2 (then continue to question 19):

3. How many of your County's arresting agencies use citation release? Please only consider citations for misdemeanor and felony criminal offenses. [write-in]

4. Which statement best describes the use of citation release throughout your County? Please only consider misdemeanor and felony criminal offenses.

- All or most of our County's law enforcement agencies use citation release.
- All or most of our County's law enforcement agencies rarely or never use citation release.
- Citation release is used unevenly; some law enforcement agencies use it regularly and other agencies rarely or never use citation release.
- I don't know

5. Are data on the use of citation release readily available in your County (such that you could quantitatively answer the previous question, e.g., Citation release is used in 35% of law enforcement encounters in our County.)? Choose the statement that best describes your County.

- Yes, these data are updated and available on a daily basis
- Yes, these data are updated and available on a weekly basis
- Yes, these data are updated and available on a monthly basis
- Yes, these data are updated and available on a quarterly basis
- Yes, these data are updated and available on an annual basis
- No
- I don't know

6. Which statement best describes the types of offenses for which citation release is used in your County?

- Citation release is used for most misdemeanor and most felony cases
- Citation release is used for most misdemeanor and some felony cases
- Citation release is used for most misdemeanor cases
- Citation release is used for some misdemeanor cases
- Citation release is rarely used for any offenses
- I don't know

7. Please describe the legal authority in your County for citation release. (Check all that apply)

- State statutes dictate when citation release can be used.
- County-wide policy dictates when citation release can be used.
- Individual agency policy dictates when citation release can be used.
- Local statutes and/or ordinances dictate when citation release can be used.
- Law enforcement officers have complete discretion to use citation release.
- Other (please specify) _____

8. Are there any other circumstances or considerations, unrelated to the charged offense, where law enforcement is encouraged to use citation release? (Check all that apply)

- If the jail is over or at full capacity.
- For convenience (based on officer's proximity to booking facility or if officer is otherwise limited in time).
- To control costs (e.g., when municipalities are charged for jail beds).
- Other (please specify) _____
- No

9. Under what circumstances is the use of citation release prohibited in your County? (Check all that apply)

- If the individual has an active warrant.
- If the alleged offense involves domestic violence.
- If there is reason to believe that the individual is a danger to him/herself or others.
- If the individual has a particular score on a tool (e.g., a proxy, screen or pretrial assessment, also known as a pretrial risk assessment).
- If there are specific elements in the individual's criminal history.
- Other (please specify) _____
- Citation release is never prohibited.

If Pre-arrest/pre-booking is selected for question 2 (then continue to question 19):

10. How many of your County's arresting agencies use a formal pre-arrest or pre-booking diversion program? [write-in]

11. Who are the target population(s) for the pre-arrest/pre-booking diversion program(s) operating in your County? (Check all that apply)

- Individuals with mental health needs
- Individuals with a substance use disorder
- Individuals with co-occurring disorders
- Individuals who have overdosed
- Sex workers

- Individuals who are homeless
- Individuals who are developmentally disabled
- Individuals who are physically disabled
- Veterans
- Other (please specify) _____

12. Which statement(s) best describes the pre-arrest/pre-booking diversion program(s) operating in your County? (Check all that apply)

- Referral to treatment is made following an overdose (e.g., Naloxone Plus, Quick Response Team, DART, STEER)
- Law enforcement pro-actively identifies individuals in the community (absent of charges) and provides referral(s)
- Individuals voluntarily seek treatment through police or fire stations (e.g., Angel, Safe Stations or PAARI)
- In lieu of an arrest or citation, law enforcement provides individuals with referral to treatment or services (e.g., LEAD)
- Law enforcement arrests or cites, but charges are held and individuals are provided referrals for treatment or services
- Law enforcement co-responds with behavioral health specialists on scene (e.g, mobile crisis teams)
- Law enforcement transports individual to crisis or triage center for assessment
- Other (please specify) _____

13. Please check which, if any, of these “name brand” pre-arrest/pre-booking diversion programs operate in your County. (Check all that apply)

- Law Enforcement Assisted Diversion (LEAD)
- Drug Abuse Response Team (DART)
- Stop, Triage, Engage, Educate and Rehabilitate (STEER)
- Quick Response Team (QRT)
- Crisis Intervention Team (CIT)
- Police Assisted Addiction and Recovery Initiative (PAARI)
- Angel
- Naloxone Plus
- Civil Citation Network
- Other name brand diversion (please specify) _____
- None

14. Are data on the use of pre-arrest/pre-booking diversion readily available in your County (e.g., 10% of law enforcement encounters result in a referral to a pre-arrest/pre-booking diversion program or 200 individuals were served by a pre-arrest/pre-booking diversion program in 2018)? Choose the statement that best describes your County.

- Yes, these data are updated and available on a daily basis
- Yes, these data are updated and available on a weekly basis
- Yes, these data are updated and available on a monthly basis
- Yes, these data are updated and available on a quarterly basis
- Yes, these data are updated and available on an annual basis
- No
- I don't know

15. Do any law enforcement agencies within your County have actuarial tools to assist in the decision to cite, arrest, or divert an individual? In this context, please consider diversion as the pre-arrest or pre-booking models discussed previously.

- Yes, our County has at least one law enforcement agency that uses an actuarial tool (proxy, screen, or assessment) to decide between arrest, citation, and diversion.
- No, law enforcement does not use an actuarial tool but instead uses some combination of the alleged offense, an individual's criminal history, local guidelines/statutes and his/her discretion to decide between arrest, citation, and diversion.
- I don't know

If "yes" selected for question 15 (then continue to question 19):

16. How many law enforcement agencies within your County use actuarial tools to assist in the decision to cite, arrest, or divert an individual? [write in]

17. Does an arresting officer or jail staff have the option to book and immediately release an individual (i.e., book mainly for the purpose of identification and fingerprinting, without using the results of a pretrial assessment tool)?

- Yes
- No
- I don't know

If "yes" selected for question 17 (then continue to question 19):

18. Which of the following charges are eligible for book and release?

- Some misdemeanors
- Most misdemeanors
- Most misdemeanors and some felonies
- All non-violent misdemeanors and felonies
- Other (please specify) _____

If “no” selected for question 15 & 17:

19. The operational capacity is the number of individuals a facility can safely hold. What is the operational capacity of your jail? [Write in]

20. The average daily population (ADP) is the sum of the number of individuals in jail each day for a year, divided by the number of days in the year. For 2018 (or the last year for which you have jail data), was the average daily population of your jail:

- Above operational capacity
- At operational capacity
- Under operational capacity
- I don't know

21. For 2018 (or the last year for which you have jail data), what percentage of the average daily population in your jail was in pretrial status?

- 91 to 100%
- 81 to 90%
- 71 to 80%
- 61 to 70%
- 51 to 60%
- 41 to 50%
- 31 to 40%
- 21 to 30%
- 20% or less
- I don't know

Thank you for the valuable input you provided by completing this section of the Scan of Pretrial Practices. We appreciate the time and effort you put into responding.

Section 2

Release

When answering the survey questions, please only consider criminal misdemeanor and felony cases. In addition, the focus of this survey is your County's practices. If your County is part of a larger district or if there are smaller jurisdictions within your County, please answer these questions the best you can for your County, not for a single jurisdiction or the larger district. Finally, please answer the survey questions only for your adult criminal justice system, not for the juvenile system.

In this section, please think of the process and conditions of releasing someone after booking and prior to disposition of their case. This section will take approximately 7 minutes to complete.

22. A bond or bail schedule is a list of pre-determined money amounts, corresponding to charged offenses, that an individual can pay (either directly to the court or through a bondsman) to be released. Does your County have a bond schedule?

- Yes
- No
- I don't know

If "yes" selected for question 22 (then continue to question 25):

23. Please describe when the bond schedule is utilized. (Check all that apply)

- At arrest (an individual can pay bond, according to the schedule, to be released in the field/community).
- At booking (after being booked, an individual can pay bond, according to the schedule, to be released from jail without seeing a judge or magistrate)
- At first appearance before a judicial officer (the judicial officer uses the money bond schedule to set a financial release condition)
- Other (please specify) _____

24. Are there any charges excluded from the bond schedule (i.e., the individual cannot pay an amount to be released but must see a judge)? (Check all that apply)

- Capital offenses
- Some or all non-violent felonies
- Violent felonies
- Violent misdemeanors and felonies
- Domestic violence charges
- Charges involving weapons

- Sex offenses
- Probation violations
- Parole violations
- Other (please specify) _____

If “no” or “I don’t know” selected for question 22:

25. Once booked, what options are available for individuals to be released before first appearance in your County? (Check all that apply)

- An individual may bond out according to a bond schedule.
- Delegated release through non-judicial staff (e.g., jail, pretrial services staff).
- There are no options for individuals to be released before a first appearance (i.e., all who are booked have a first appearance).
- I don’t know

If “delegated release” selected for question 25 (then continue to question 29):

26. Delegated release is when the court gives non-judicial officers the authority to release individuals (typically based on a set of offense and/or assessment criteria). In your County, who has delegated release authority? (Check all that apply)

- Law enforcement
- Jail staff
- Pretrial services
- Other (please specify) _____

27. What hours are individuals with delegated release authority available (in person, by phone or video) to make release decisions?

- Normal business hours, 5 days/week
- Normal business hours, 7 days/week
- Normal business hours + evening hours, 5 days/week
- Normal business hours + evening hours, 7 days/week
- 24 hours a day, 7 days a week
- Other (please specify) _____

28. Please describe the criteria individuals with delegated release authority use to make decisions. (Check all that apply)

- The current charge(s)
- A pretrial assessment (also known as pretrial risk assessment) result
- An individual’s criminal history
- Other (please specify) _____

If “delegated release” NOT selected for question 25:

29. For the purposes of this survey, a first appearance is the court proceeding where an individual is first brought before a judicial officer to learn the charges, be advised of his/her rights, and have bail set. The proceeding may also be called a bail hearing, an initial appearance, or an arraignment. What is the title of the judicial officer who usually presides over first appearances? (Check all that apply)

- Judge
- Magistrate
- Justice of the peace
- Other (please specify) _____

30. What days of the week are first appearances held? (Check all that apply)

- Sunday
- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday

31. On an average weekday, how long after an individual is arrested is his/her first appearance?

- Within 6 hours
- More than 6 hours but within 12 hours
- More than 12 hours but within 24 hours
- More than 24 hours but within 48 hours
- More than 48 hours but within 72 hours
- More than 72 hours
- I don't know

32. Does the judicial officer presiding at first appearance receive input (e.g., testimony or a written statement) from the crime victim or survivor, when applicable, regarding pretrial custody status and/or conditions of release?

- Usually
- Sometimes
- Rarely
- Never
- I don't know

If "Usually", "Sometimes" or "Rarely" selected for question 32 (then continue to 34):

33. What is the title of the position responsible for ensuring that the victim's right to participate and have input is enforced? [write-in]

If "Never" or "I don't know" selected for question 32:

34. Does your County know the average daily population (or ADP, sum of the number of individuals on pretrial release each day for a year, divided by the number of days in the year) of individuals who are on pretrial release? This would include individuals released into the community via any means (e.g., on recognizance, via money bonds, and on pretrial supervision).

- Yes
- No
- I don't know

All answer:

35. The pretrial release rate is the percentage of all charged individuals who are released (by any means) during the pretrial period. Does your County know its pretrial release rate?

- Yes
- No
- I don't know

36. Does your County know the percentage of arrested individuals who bond out through the money bond schedule before first appearance?

- Yes
- No
- I don't know

37. The court appearance rate can be defined as the percentage of individuals released pretrial who make all court appearances or the percentage of all pretrial court hearings where the defendant appeared. Does your County know its court appearance rate by either of these measures? (Check all that apply)

- Yes, we know the percentage of pretrial individuals who make all court appearances.
- Yes, we know the percentage of all court hearings where the defendant appeared.
- No, we do not know our court appearance rate.
- I don't know.

38. The failure to appear (FTA) rate can be defined as the percentage of individuals released pretrial who failed to appear for at least one court hearing or the percentage of all pretrial court hearings where the defendant failed to appear. Does your County know its failure to appear rate by either of these measures? (Check all that apply)

- Yes, we know the percentage of pretrial individuals who failed to appear for at least one court hearing.
- Yes, we know the percentage of all pretrial court hearings where the defendant failed to appear.
- No, we do not know our failure to appear rate.
- I don't know.

39. Does your County have data on how many individuals receive each of the following types of release conditions? (Check all that apply)

- Release on own recognizance (ROR/OR), no monetary conditions
- Unsecured Money Bonds (individual is released and is liable for money amount only if doesn't appear in court)
- Secured Money Bond (an individual must pay in order to be released)
- Electronic Monitoring
- Pretrial Supervision
- Release into the custody or care of a responsible third party
- Restrictions on activities, associations and/or geography
- Participation in treatment or services
- Drug or alcohol monitoring or testing
- Prohibition on possessing certain items (e.g. weapons)
- None of the above
- I don't know

40. Does your County have data on how many individuals are detained without bail for the duration of their case?

- Yes
- No
- I don't know

If "Yes" selected for question 39:

The following question (41) was removed from the final analysis due to incorrect skip logic.

41. Does your County have data showing what proportion of individuals who have a secured money bond set (a money bond that must be paid in order to be released) post it and are released?

- Yes
- No
- I don't know

If “No” selected for question 39:

Thank you for the valuable input you provided by completing this section of the Scan of Pretrial Practices. We appreciate the time and effort you put into responding.

Section 3

Use of Pretrial Assessment

When answering the survey questions, please only consider criminal misdemeanor and felony cases. In addition, the focus of this survey is your County’s practices. If your County is part of a larger district or if there are smaller jurisdictions within your County, please answer these questions the best you can for your County, not for a single jurisdiction or the larger district. Finally, please answer the survey questions only for your adult criminal justice system, not for the juvenile system.

In this section, please think of any and all assessments conducted after an individual is arrested. This section will take approximately 7 minutes.

42. What screens and/or assessments do individuals receive in the period between arrest and their first appearance before a judicial officer? (Check all that apply)

- Pretrial assessment (also known as pretrial risk assessment)
- Behavioral health screen or assessment (for the purposes of jail classification)
- Behavioral health screen or assessment (for the purposes of connecting with services)
- Substance use disorder screen or assessment
- Domestic violence assessment
- Financial screen or assessment (e.g., for indigency or ability to pay a money bond)
- Pretrial diversion program eligibility screen or assessment
- Other (please specify) _____
- No screens or assessments are administered during this time

If “Pretrial assessment (also known as risk assessment)” selected for question 42:

43. How long has your County been using a pretrial assessment? Your County may have used more than one pretrial assessment tool throughout its history. Consider all pretrial assessment tools used by your County when answering this question.

- less than 2 years
- 2-5 years

- 6-10 years
- more than 10 years
- I don't know

44. Which pretrial assessment tool does your County currently use?

- Arnold Foundation Public Safety Assessment (PSA)
- Northpointe, Inc. Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)
- University of Cincinnati Ohio Risk Assessment System-Pretrial Tool (ORAS-PAT)
- U.S. Office of Pretrial and Probation Pretrial Risk Assessment (PTRA)
- Virginia Pretrial Risk Assessment Instrument (VPRAI or VPRAI-R)
- A locally developed tool
- Other (please specify) _____

Answer the following questions for the pretrial assessment tool you just selected.

45. How long has your County been using the pretrial assessment tool named in the previous question?

- less than 2 years
- 2-5 years
- 6-10 years
- more than 10 years
- I don't know

46. Who receives this pretrial assessment? (Check all that apply)

- Individuals who are arrested and booked into the jail on a new criminal charge.
- Individuals who are brought in on a warrant and booked into the jail.
- Individuals who are booked into the jail but do not bond out.
- Individuals who do not bond out after first appearance in court.
- Individuals for whom the judge or other judicial officer orders a pretrial assessment.
- Individuals who are charged with specific offenses (e.g., only felonies or only misdemeanors)
- Other (please specify) _____

47. How often do individuals who are arrested solely on a failure to appear (FTA) warrant receive a pretrial assessment?

- Always
- Sometimes
- Never
- I don't know

48. How often do individuals who are arrested for a new crime while on pretrial release receive a pretrial assessment?

- Always
- Sometimes
- Never
- I don't know

49. Who conducts the pretrial assessment?

- Pretrial Services staff
- Arresting Officer
- Jail Staff
- Other Law Enforcement
- Magistrate/Bail commissioner
- Other (please specify) _____

50. Does the pretrial assessment require an interview with the arrested individual?

- Yes
- No
- I don't know

51. How is failure to appear (FTA) measured for the scoring of the pretrial assessment?

- As a court record of an FTA
- As an FTA warrant
- As an FTA arrest
- As an FTA conviction
- Other, please specify: _____

52. Who receives a copy of the pretrial assessment results? (Check all that apply)

- Judicial officer presiding at the first appearance
- Prosecutor
- Defender
- Defendant
- Behavioral health provider or representative
- Victim or victim's advocate
- Other (please specify) _____

53. What information is contained in the pretrial assessment results that the above individual(s) receive?

- The assessment score/results only
- A recommendation of release conditions only
- The assessment score/results and a recommendation of release conditions
- Other (please specify) _____

54. Which sentence best describes how the judicial officer incorporates the pretrial assessment results into his/her decision at first appearance? (Check all that apply)

- To determine if the individual will be released or detained pretrial.
- To guide non-monetary release conditions.
- To set a monetary bail.
- Other (please specify) _____

55. Local validation of an assessment tool means that the tool has been evaluated, by a researcher, to be effective at predicting rates of court appearance and new criminal activity for your local population. Has your pretrial assessment tool been validated on your local population?

- Yes
- No
- I don't know

If "Yes" selected for question 55:

56. When was the pretrial assessment tool last validated on your local population?

- Within the last 1 year
- Within the last 3 years
- Between 3-5 years ago
- More than 5 years ago
- I don't know

57. When the pretrial assessment tool was last validated on your local population, were additional factors tested to determine if they should be added to the assessment tool?

- Yes
- No
- I don't know

58. Validation of an assessment tool for racial, ethnic, and gender neutrality means that the tool has been evaluated, by a researcher, to be equally effective at predicting rates of court appearance and new criminal activity across different races, ethnicities, and genders. Has the pretrial assessment tool also been locally validated for racial, ethnic and gender neutrality?

- Yes
- No
- I don't know

59. Do all individuals booked on new criminal charges receive a pretrial assessment?

- Yes
- No
- I don't know

If "No" for question 59 (continue to 61):

60. Does your County have data on what percentage of individuals booked on new criminal charges receive a pretrial assessment?

- Yes
- No
- I don't know

If "Yes" or "I don't know" for question 59 (continue to 62):

61. Does your County have data on how many persons fall into each pretrial assessment level or category?

- Yes
- No
- I don't know

If "Pretrial assessment (also known as pretrial risk assessment)" NOT selected for question 42:

If "No" selected for question 55:

62. In some places, local stakeholders have developed a decision framework or release matrix to guide and make release decisions more consistent and fair. Typically, the decision framework or matrix uses the charge and the score on a pretrial assessment tool to set release conditions. Does your County use such a framework?

- Yes
- No
- I don't know

If "Yes" selected for question 62:

63. Does your County track how often there is a match between the recommendation of the decision framework or matrix and a judge's release decision? Some jurisdictions call this a concurrence rate.

- Yes
- No
- I don't know

If "No" OR "I don't know" selected for question 62:

Thank you for the valuable input you provided by completing this section of the *Scan of Pretrial Practices*. We appreciate the time and effort you put into responding.

Section 4

First Appearance and Detention Hearings

When answering the survey questions, please only consider criminal misdemeanor and felony cases. In addition, the focus of this survey is your County's practices. If your County is part of a larger district or if there are smaller jurisdictions within your County, please answer these questions the best you can for your County, not for a single jurisdiction or the larger district. Finally, please answer the survey questions only for your adult criminal justice system, not for the juvenile system.

In this section, please think of the processes in place to decide if an individual is released or detained pretrial. The first appearance is the court proceeding where an individual is first brought before a judicial officer to have bail set. The proceeding may also be called a bail hearing, an initial appearance, or an arraignment. Although an individual may be initially detained without bail at first appearance, for the purposes of this survey, a detention hearing is a later court proceeding before a judicial officer, with full due process and prosecutor and defense present, to decide if the defendant will be held without bail or released (with or without conditions) while they are waiting for their case to be disposed. This section will take approximately 8 minutes.

64. Who is typically present at the first appearance? (Check all that apply)

- Public defender or appointed counsel (for all defendants)
- Public defender or appointed counsel (only for defendants in custody)
- Prosecutor
- Defendant
- Pretrial staff
- Arresting officer
- Behavioral health provider or representative
- Victim or victim's advocate (if applicable)
- Other (please specify) _____

65. Does prosecutor staff review the case and the assessment results before first appearance?

- Yes
- No
- I don't know

If "Yes" selected for question 65 (then continue to 67):

66. What is the typical level of experience of the prosecutor that reviews the case and the assessment?

- Junior or entry level staff (0-5 years experience)
- Intermediate level staff (6-10 years experience)
- Senior level staff (10+ years experience)
- Unknown or variable

If “No” or “I don’t know” selected for question 65 (then continue to 69):

67. Does appointed or public defense counsel review the case and the assessment results before first appearance?

- Yes
- No
- I don’t know

68. Does appointed or public defense counsel meet with the individual before first appearance?

- Yes
- No
- I don’t know

If “Yes” selected for question 68 (then continue to 70):

69. What is the typical level of experience of the appointed or public defense counsel that reviews the case and the assessment and/or meets with the individual?

- Junior level staff (0-5 years experience)
- Intermediate level staff (6-10 years experience)
- Senior level staff (10+ years experience)
- Unknown or variable

If “No” “I don’t know” selected for question 67 (then continue to 71):

70. Please describe how the first appearance is conducted. (Check all that apply)

- In-person in Courtroom
- In-person in Jail
- Via Video
- Via Telephone
- Other (please specify) _____

71. What victim notification process(es) are in place during the pretrial phase of a case? (Check all that apply)

- Victims are notified of the location of the defendant.
- Victims are notified of the status of the defendant.
- Victims are notified of the first appearance.

- Victims are notified of their ability to participate in first appearance.
- Victims are notified when a defendant is released.
- Victims are notified of when pretrial release conditions will be determined.
- Victims are notified of how pretrial release conditions will be determined.
- Victims are notified of the release conditions of the defendant.
- Victims are notified if the defendant violates any conditions of release.
- Victims are notified of all court dates throughout the defendant's case.
- There is no victim notification process in place.
- Other (please specify) _____

72. Which of the following measures does your County offer to provide reasonable protection to crime victims and survivors during the pretrial phase of a case? (Check all that apply)

- Temporary protective orders at arraignment
- Protective orders that address child custody and visitation
- Proactive monitoring of compliance with protective orders
- Provide victims/survivors with copies of protective orders
- Professional assistance for victims/survivors to seek and secure measures of reasonable protection
- Other (please specify) _____
- Our County currently does not have any measures

73. What options are available to the judicial officer at first appearance? (Check all that apply)

- Release on own recognizance (ROR/OR), no monetary conditions
 - Unsecured Money Bonds (Individual is released and liable for money amount only if s/he does not make her/his court appearance)
 - Secured Money Bonds
 - Electronic Monitoring
 - Pretrial Supervision
 - Release into the custody or care of a responsible third party
 - Restrictions on activities, associations and/or geography
 - Release conditional on participation in treatment or services
 - Prohibition on possessing certain items (e.g. weapons)
 - Detention
 - Other (please specify) _____
- If "Secured Money Bond" or "Unsecured Money Bond" selected for question 73 (then continue to 75):

74. When money bonds are set, typically, how is the person's ability to pay the bond addressed?

- The judge asks the individual what s/he can pay.
- The individual submits financial information on an application or form.
- Other (please specify) _____
- No inquiry is made.

If "Secured Money Bond" or "Unsecured Money Bond" NOT selected for question 73:

75. For the purposes of this survey, a detention hearing is a court proceeding before a judicial officer, typically with prosecutor and defense also present, to decide if the defendant will be held without bail or released (with or without conditions) while they are waiting for their case to be disposed. When a decision of initial detention without bail is made at first appearance, is there a follow-up detention hearing?

- Yes
- No
- I don't know

If "Yes" selected for question 75 (then continue to 78):

76. What is the average time between the first appearance hearing and the detention hearing?

- 72 hours (3 days) or less
- Longer than 3 days but 5 days or less
- Longer than 5 days but 7 days or less
- Longer than 7 days but 14 days or less
- Longer than 14 days
- I don't know

77. What parties are present at the detention hearing? (Check all that apply)

- Public defender or appointed counsel
- Prosecutor
- Defendant
- Pretrial staff
- Arresting officer
- Behavioral health provider or representative
- Victim or victim's advocate (if applicable)
- Other (please specify) _____

If "No" selected for question 75:

78. If an individual has had a monetary condition set but remains in jail because s/he has not paid it, is there a process in place to review and amend the conditions in order to facilitate release (aka a bond review)?

- Yes, there is a process that triggers an automatic review after an individual remains detained for a set period of time
- Yes, there is a process if individuals remain detained, but only if it is brought to the court's attention
- The court holds a bond review only at the defendant's request
- No, once a bond is set there is no formal review process
- Other (please specify) _____

79. Has your County been the subject of litigation based upon your bail or pretrial practices within the past five years?

- Yes
- No
- I don't know

If "Yes" selected for question 79 *then continue to 81):

80. What practices were or are being challenged in that litigation? [write-in]

If "No" selected for question 79:

81. The pretrial detention rate is the percentage of individuals who are detained without bail during the pretrial period of their case. Does your County know its pretrial detention rate?

- Yes
- No
- I don't know

82. The public safety rate can be defined as the percentage of individuals who are not charged with a new offense while on pretrial release. Does your County know its public safety rate? (check all that apply)

- Yes, we know the percentage of individuals who do not have a new case filed on them during the pretrial period.
- Yes, we know the percentage of individuals who do not have a new arrest during the pretrial period.
- No, we do not know our public safety rate.

Thank you for the valuable input you provided by completing this section of the *Scan of Pretrial Practices*. We appreciate the time and effort you put into responding.

Section 5

Supervision/Supportive Services

When answering the survey questions, please only consider criminal misdemeanor and felony cases. In addition, the focus of this survey is your County's practices. If your County is part of a larger district or if there are smaller jurisdictions within your County, please answer these questions the best you can for your County, not for a single jurisdiction or the larger district. Finally, please answer the survey questions only for your adult criminal justice system, not for the juvenile system.

In this section, please think of supervision and/or supportive services available to individuals during the pretrial phase. This section will take approximately 4 minutes.

83. Does your County have some form of pretrial services in place?

- Yes
- No
- I don't know

If "Yes" selected for question 83 (continue to 87):

84. Where are pretrial services located administratively?

- County department or office
- Non-profit agency
- For-profit agency
- Sheriff of jail department or office
- Probation
- Court department or office
- State-based department or office
- Other (please specify) _____

85. What are the duties of pretrial services? (Check all that apply)

- To administer the pretrial assessment (also known as pretrial risk assessment)
- Make recommendations to the court on release
- Supervise pretrial clients
- Provide referrals for treatment and other services
- Monitor pretrial conditions
- Reward clients for adherence to pretrial conditions

- Respond to violations of pretrial conditions
- Provide the court with updates on pretrial clients
- Call/text/email clients about court dates
- Make house visits
- Administer surveillance technologies (e.g., electronic monitoring, GPS)
- Administer drug testing
- Other (please specify) _____

86. Are there differentiated levels of pretrial supervision?

- Yes
- No, there is only one level of pretrial supervision
- I don't know

If "No" or "I don't know" selected for question 83:

87. Which of the following release conditions do pretrial defendants pay for themselves? (Check all that apply)

- Supervision fees
- Surveillance technology (e.g., electronic monitoring, GPS)
- Drug testing
- Treatment or other mandatory services
- Defendants do not pay for any release conditions
- Other (please specify) _____
- None

88. Does your County use court date reminders (Check all that apply)?

- Yes, individuals receive a postcard prior to their court date.
- Yes, individuals receive an automated call prior to their court date.
- Yes, individuals receive a call from a live caller prior to their court date.
- Yes, individuals receive a text message prior to their court date.
- Yes, individuals receive an email message prior to their court date.
- Yes, Other (please specify)
- No
- I don't know

If "Yes" selected for question 88 (then continue to 90):

89. Who receives a court date reminder?

- All individuals with a pending case
- Only individuals under pretrial supervision
- Only individuals who have a public defender
- Individuals who opt into court date reminders
- Other (please specify) _____

If "No" selected for question 88:

**90. What steps are taken if an individual fails to appear for court?
(Check all that apply)**

- An attempt is made to contact the individual by phone
- A text message is sent to the individual
- An email message is sent to the individual
- An FTA warrant is issued immediately
- An FTA warrant is issued after a grace period
- Other (please specify) _____
- No steps are taken

91. Technical violations are violations of one or more conditions of pretrial release other than appearing in court and not being arrested or charged with a new offense. Does your County track data on technical violations?

- Yes
- No
- I don't know

If "Yes" selected for question 91 (then continue to 93):

92. The readmission rate is the percentage of individuals who were booked into jail, released pretrial, but are taken back into jail for a technical violation of conditions during the pretrial phase. Does your County know its readmission rate for technical violations?

- Yes
- No
- I don't know

If "No" selected for question 91:

93. The pretrial success rate is the percentage of released individuals who made all court appearances and were not arrested or charged with a new offense through the adjudication of their case. Does your County know its pretrial success rate?

- Yes
- No
- I don't know

Thank you for the valuable input you provided by completing this section of the *Scan of Pretrial Practices*. We appreciate the time and effort you put into responding.

Section 6

Community Engagement, Stakeholder Training and Communications

When answering the survey questions, please only consider criminal misdemeanor and felony cases. In addition, the focus of this survey is your County's practices. If your County is part of a larger district or if there are smaller jurisdictions within your County, please answer these questions the best you can for your County, not for a single jurisdiction or the larger district. Finally, please answer the survey questions only for your adult criminal justice system, not for the juvenile system.

In this section, please think of the pretrial stakeholders engaged in your County. In addition, consider the training and communication plans/strategies used in your County. This section will take approximately 4 minutes.

94. Which of the following exist in your County?

- Community bail fund (an organization that secures the release of individuals by providing the funds necessary to bond out)
- Court watching efforts
- County- or system-provided training of grassroots or community groups on justice system data or criminal justice processes
- Community group or representative as part of stakeholder group that oversees pretrial justice
- Commercial Bail Bond Organization
- None of the above

95. Does your pretrial justice system have a dedicated stakeholder group that discusses and reviews pretrial justice policies and outcomes?

- Yes
- No
- I don't know

96. Does your County have a Criminal Justice Coordinating or Policy Committee?

- Yes
- No
- I don't know

If "Yes" selected for question 96 (then continue to 98):

97. In the past year has the committee pursued specific goals pertaining to pretrial?

- Yes
- No
- I don't know

If "No" selected for question 96:

98. What training has been provided to your County's judicial officers who preside at first appearances? (Check all that apply)

- Legal and evidence-based/best practices in pretrial justice
- Alternatives to money bonds
- Your state's legal framework for pretrial justice
- The effects of pretrial incarceration
- Pretrial assessment (also known as pretrial risk assessment) and/or decision frameworks
- Community engagement
- Diversity, equity and/or implicit bias
- Other (please specify) _____

99. What training has been provided to your County's public defenders or appointed counsel? (Check all that apply)

- Legal and evidence-based/best practices in pretrial justice
- Alternatives to money bonds
- Your state's legal framework for pretrial justice
- The effects of pretrial incarceration
- Pretrial assessment and/or decision frameworks
- Community engagement
- Diversity, equity and/or implicit bias
- Other (please specify) _____

100. What training has been provided to your County's prosecutors? (Check all that apply)

- Legal and evidence-based/best practices in pretrial justice
- Alternatives to money bonds
- Your state's legal framework for pretrial justice
- The effects of pretrial incarceration
- Pretrial assessment and/or decision frameworks
- Community engagement
- Diversity, equity and/or implicit bias
- Other (please specify) _____

101. What other stakeholders have been provided training on pretrial justice? (Check all that apply)

- County Administration
- County Commissioners
- Law enforcement
- Behavioral health provider or public health representative
- Victim advocates/representatives
- Community groups/public
- Local elected officials (e.g., mayors, legislators)
- Other (please specify) _____

102. Does your County have communications strategies for responding to media coverage of pretrial justice issues or events (e.g., crime committed by individuals released pretrial, jail crowding)?

- Yes
- No
- I don't know

103. Does your County work with the media to encourage coverage of the pretrial justice system?

- Yes
- No
- I don't know

104. Does your County have communications strategies for engaging with the public regarding pretrial justice issues?

- Yes
- No
- I don't know

Thank you for the valuable input you provided by completing this section of the *Scan of Pretrial Practices*. We appreciate the time and effort you put into responding.

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