

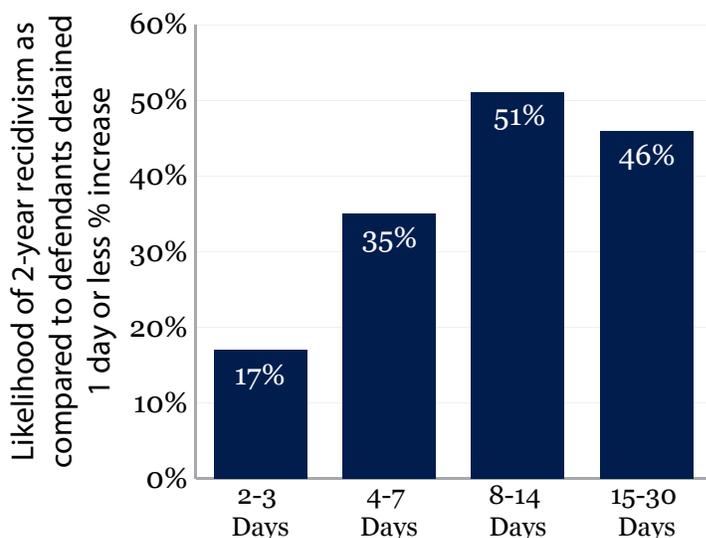
Pretrial Justice

What Sheriffs Need to Know



After arrest, the criminal justice system is responsible for assuring the appearance of accused persons in court and protecting the community from future criminality by making informed decisions about pretrial release. While this responsibility is generally viewed as a judicial decision, sheriffs have an important role to play in the administration of justice pretrial. With over 60% of jail populations comprised of inmates awaiting trial,¹ sheriffs are in a unique position to improve the administration of pretrial justice while keeping the community safe. Currently the decision of who remains in jail pending trial and who is released is often determined by how much money an individual has, not their risk of flight or engaging in crime. Moreover, as the chart to the right shows, even very short stays in jail leads to higher recidivism.

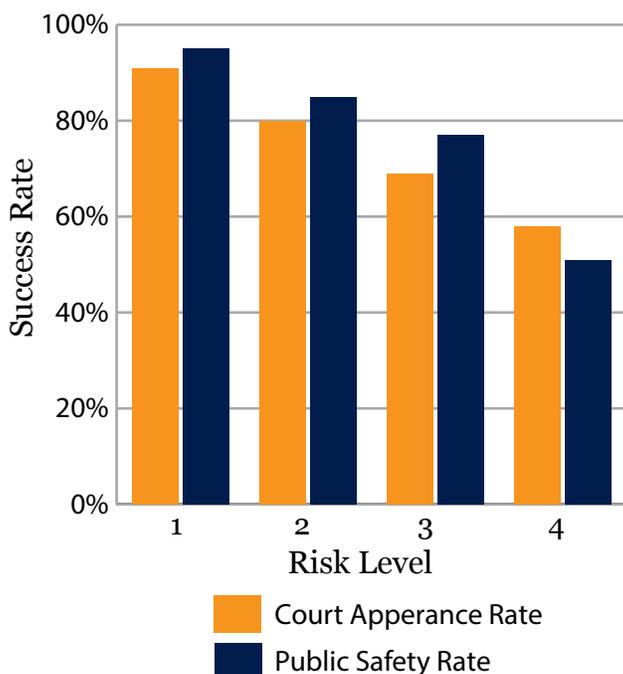
Increase in 2-Year Recidivism Low-Risk Defendants³



Risk Assessment

Similar to objective jail classifications (OJC) when assessing the custody and program needs of an inmate, a pretrial risk assessment is a scientifically developed tool to help justice systems make smart pretrial decisions. These tools are typically a one-page summary of the characteristics of an individual that calculates a score showing his or her likelihood of appearing in court and not endangering the public.² As chart to right shows, as risk levels increase pretrial success decreases.

Colorado Pretrial Assessment Tool⁴



Efforts to Improve the Pretrial Justice System

In recent years, national stakeholders have called for changes to the pretrial process. The Chief Justices from each state along with the Conference of State Court Administrators have called for the use of evidence-based risk assessments and the presumptive use of non-financial release.⁵ Other organizations such as the National Association of Counties and the International Association of Chiefs of Police have taken a strong stance on smart pretrial reform through the development of pretrial initiatives.

Pretrial Justice Initiatives:

- National Association of Counties – www.naco.org/pretrial
- International Association of Chiefs of Police – www.theiacp.org/pretrial

Quick Facts

- Pretrial incarceration is costing county jails over \$9 billion each year.⁶
- 61% of jail inmates are awaiting trial.⁷
- Nearly half of “high risk” defendants walk out of jail by simply paying their bonds.⁸
- Low-risk, non-violent defendants frequently stay detained for lack of bond funds.⁹
- Secured bonds are no better at achieving public safety and court appearance than unsecured bonds.¹⁰
- Higher dollar amounts of secured bonds are associated with more pretrial jail bed use but not increased court appearance rates.¹¹
- Less than 10% of jurisdictions use data-driven pretrial risk assessment.¹²

Get Involved

There are several ways for sheriffs to become involved in improving pretrial justice such as:

- Learning about local bail and preventive detention laws.
- Working with local jurisdictions on improving the use of non-custodial citations in lieu of arrest.
- Working with justice stakeholders to implement validated risk assessment, supervision, and eliminate reliance upon monetary bond schedules.

For more information visit www.pretrial.org

References:

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3. Lowenkamp, C.T., VanNostrand, M., & Holsinger, A. (2013). The Hidden Costs of Pretrial Detention. Laura and John Arnold Foundation. New York City, NY.
4. Pretrial Justice Institute. (2012). The Colorado pretrial risk assessment tool (CPAT). Washington, DC.
5. Conference of Chief Justices. (2013). Resolution 3: Endorsing the Conference of State Court Administrators Policy Paper on Evidence-Based Pretrial Release.
6. Eric Holder, “Attorney General Eric Holder Speaks at the national Symposium on Pretrial Justice,” June 1, 2011.
7. See footnote 1.
8. Laura and John Arnold Foundation. (2013). Developing a National Model for Pretrial Risk Assessment. New York City, NY.
9. See footnote 8.
10. Jones, M.R. (2013). Unsecured Bonds: The as Effective ad Most Efficient Pretrial Release Option. Pretrial Justice Institute. Washington, DC.
11. See footnote 10.
12. See footnote 8.