

Pretrial Services Program Proposal

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Pretrial Services Include:

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graph TD; A[Pretrial Services Include:] --- B[Risk assessments and Needs screening done shortly after arrest or before or proximate to arraignment]; A --- C[Pretrial supervision and case management of defendants released from court or involved in precharge treatment program];
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Risk assessments and Needs screening done shortly after arrest or before or proximate to arraignment

Pretrial supervision and case management of defendants released from court or involved in precharge treatment program

Why develop pretrial services?

- Prompt treatment for receptive defendants
- Better bail decisions
- Increased public safety
- Less costly case outcomes
- Expanded precharge programs



How it would work

Defendant is arrested and is awaiting arraignment (first appearance in front of judge)



Risk Assessment and Needs Screening conducted prior to first court appearance to inform charging/bail/release decisions



Prosecutor makes (discretionary) decision between two options based on assessment and screening:

- A. Allow defendant to enroll in precharge treatment program; or
- B. File case with the court

Option A - Defendant enrolls in precharge treatment program

Defendant meets with Pretrial Services Monitor



Monitor refers Defendant to community based treatment/programming and monitors defendant's compliance



Monitor reports to Prosecutor on Defendant's participation in treatment



If Defendant is successful in treatment, no charge is filed or charge is filed with "fine only" outcome



If Defendant is not successful, case is filed in court and follows traditional track

Examples of where referrals are made:



- Community mental health agency
- Substance abuse providers and/or residential treatment
- Community justice center

Option B: Charges Filed

Judge/Prosecutor/Defense receive Risk assessment and Needs screening



Bail and conditions of release decisions informed by the Assessment and Screening



Defendants released by risk category:

1. Low Risk: Released on Recognizance – no supervision
2. Medium Risk: Released on conditions with phone monitoring supervision
3. High Risk: Released on conditions with pretrial services monitoring and reporting to court by the monitor

Defendant meets with pretrial services monitor, reviews conditions of release and is referred to community based treatment/programming



Monitor reports to Court-Prosecution-Defense on Defendant's participation in treatment and compliance with conditions



Non compliance results in court sanction

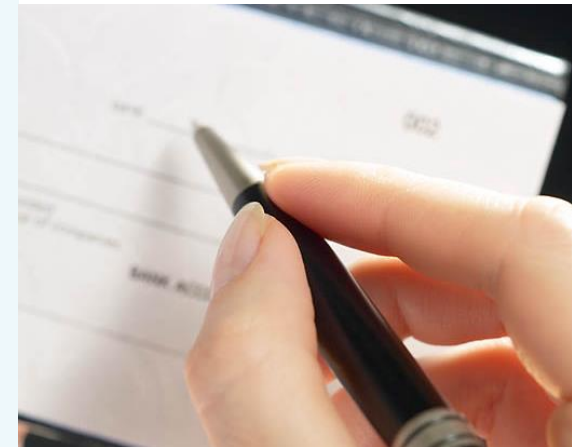


Successful participation results in:

- A. If Defendant convicted, sentencing informed by the successful pretrial participation; or
- B. Dismissal of charges or reduced charge (at prosecutor's discretion)

Keep in mind:

- Release conditions may also involve bail(money or a promise to pay as a prerequisite to release on conditions)
- Bail/Bond Options:
 - No bond
 - Unsecured bond (a promise to pay if defendant fails to appear)
 - Secured bond (10% down with a promise to pay the balance if a failure to appear)
 - Cash/Surety (all paid up-front)



What is new?

- Statewide pretrial **risk assessment and needs screening**
- Bail decisions informed by **evidence-based instruments**
- **Pretrial monitoring** of released defendants and those in precharge programs

Is it completely new?

- **Rapid Intervention Community Court**

Swift risk /needs assessment

- **Rapid Referral Program**

Prompt referral to treatment

- **Sparrow Program**

Case management with reporting to court

Each of these programs has been evaluated and shown to reduce instances of new offenses

Benefits

- “Striking while the iron is hot”
- Expanded precharge programs
- Informed evidence-based bail decisions
- Enhanced supervision and public safety
- Fewer failures to appear in court
- Less punitive case outcomes
- Fewer new offenses
- Fewer pre-trial detainees
- Geographic Justice



Pretrial Services Resources

- Pretrial Justice Institute

<http://www.pretrial.org/>

- Pretrial Justice Institute Bond Report

<http://www.pretrial.org/download/research/Unsecured%20Bonds,%20The%20As%20Effective%20and%20Most%20Efficient%20Pretrial%20Release%20Option%20-%20Jones%202013.pdf>

- DOJ Pretrial Services Survey

<https://www.ncjrs.gov/pdffiles1/bja/199773.pdf>

- BJA Pretrial Risk Assessment: Research Summary -

<https://www.bja.gov/Publications/PretrialRiskAssessmentResearchSummary.pdf>

- Arnold Foundation Report – Pretrial Research Report

<http://www.pretrial.org/download/research/Pretrial%20Criminal%20Justice%20Research%20Brief%20-%20LJAF%202013.pdf>

Pretrial Services Resources: Vermont Programs

- Rapid Intervention Community Court Program Description and Evaluations
<http://forms.vermontlaw.edu/criminaljustice/chittenden.cfm?program=precharge>
- VIP News - Vermont Innovative Practices Newsletter: Rapid Intervention
<http://forms.vermontlaw.edu/criminaljustice/VIPNews/VIPNewsDecember2013.pdf>
- Rapid Referral Program Description and Evaluations
<http://forms.vermontlaw.edu/criminaljustice/chittenden.cfm?program=pretrial>
- Sparrow Program Description and Evaluations
<http://forms.vermontlaw.edu/criminaljustice/windsor.cfm?program=pretrial#contact>

Thank You