



Implementing the  
Recommendations of the  
National Symposium  
on Pretrial Justice:  
The 2013 Progress Report

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# Acknowledgements

March 2014

The past year has been a good one for the pretrial justice movement in the U.S. The partners in the Pretrial Justice Working Group (PJWG) should feel proud of the many achievements described in this report. At the same time, we should recognize that there is a lot of work ahead. As we know, due to the broken pretrial justice system in this country, too many defendants languish in jails solely because they cannot afford their bonds, while other defendants are released without a risk assessment simply because they have enough money. This is only one of the pretrial practices that is detrimental to individuals and families and costly and counter-productive for jurisdictions.

This is no way to protect our communities and further the goals of our criminal justice system. As recent polling has demonstrated, the public overwhelmingly believes in validated pretrial risk assessments. They also expect us to deliver services and practices that promote safety and fairness. As someone who has been travelling all over the country meeting and talking with public servants and advocates for pretrial justice, I know that we share a sense of professional responsibility and integrity that will lead to vast improvements in the front-end of the criminal justice system. It can't happen too soon, but it is going to take a great deal of coordination, planning, humility and determination.

Thanks to the working group partners' willingness to listen to each other and work together, we have much to celebrate and a good road map for making the changes that are required. Congratulations to us all for our wonderful work in 2013, and good luck in the year ahead!

Thank you!

Timothy J. Murray  
Executive Director  
Pretrial Justice Institute



# Foreword

March 2014

The Bureau of Justice Assistance (BJA) is pleased to have supported the work of the Pretrial Justice Working Group (PJWG) over the last three years. Rarely have I seen a group of leaders come together so cohesively to advance a mission so critical to the criminal justice system. I want to thank the members of the PJWG for their dedication in developing and implementing fair, effective, and safe pretrial practices across the United States. I'd also like to thank the Pretrial Justice Institute (PJI), which has been our partner from the start. Their guidance and dedication to making sure we keep forward momentum have made all the difference. We also thank them for their excellent work on this report.

The mandate of the PJWG is an important one – to facilitate the implementation of the recommendations made at the Attorney General's 2011 National Symposium on Pretrial Justice. To that end, this progress report demonstrates the extraordinary progress made this year to implement the recommendations. As we now know, the decisions made at the front-end of the criminal case process are among the most important and have profound implications with regard to cost, safety, and case outcomes. We also know that until recently, these decisions were most often hurriedly made and without the benefit of evidenced-based support. Thanks to the members of this group and others, we now have new and exciting tools to help decision makers with the difficult pretrial justice tasks they must manage.

And I've saved the best for last—depending on appropriations, BJA hopes to fund pretrial demonstration sites in 2014 that will serve as national models and provide an opportunity for evaluation of promising strategies for pretrial reform. Please check the BJA web site ([bja.gov](http://bja.gov)) for information on how jurisdictions can participate in BJA's Smart Pretrial Demonstration Project. We look forward to continuing this important work with all of you.

Denise E. O'Donnell  
Director  
Bureau of Justice Assistance  
U.S. Department of Justice



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# Implementing the Recommendations of the National Symposium on Pretrial Justice: The 2013 Progress Report

In early 2013, the Pretrial Justice Working Group (PJWG) published its first report, documenting the progress of PJWG partners during the 18 months after the 2011 Department of Justice National Symposium on Pretrial Justice. That first report demonstrated the power of a collective will to raise national awareness on legal and evidence-based pretrial policies and practices. This second progress report provides updates of ongoing projects and outlines impressive new activities undertaken to promote fair, safe and effective pretrial justice.

Among other milestones, 2013 marked the 50th anniversary of the monumental *Gideon v. Wainwright* decision, in which the United States Supreme Court ruled that states must provide legal counsel for indigent defendants. As organizations and jurisdictions across the country commemorated this important case, one of the primary messages was a reminder that much work still needs to be done to make the “promise” of the *Gideon* decision a reality. Both the celebrations and the sobering reminder resonate throughout the pretrial justice community, where the presence of counsel at initial court appearances is a crucial mandate for a properly functioning pretrial system. It is, also, like many of the best practices of pretrial justice, currently only a goal and not a reality in many jurisdictions—and it is just one example of how intrinsic pretrial reform is to the ideals and tenets of the criminal justice system as a whole.

In March at the Department of Justice’s event to mark the *Gideon* decision, Attorney General Eric Holder punctuated his remarks about the importance of the right to counsel with a reference to the role that pretrial services can play in ensuring this right. Five months later in August, during a speech at the Annual Meeting of the American Bar Association’s House of Delegates, the Attorney General continued his call for a repair of the broken justice system when he highlighted the need for bold reform of sentencing practices for drug offenses. His statements about “smart justice” and evidence-based policies invoke his address at the 2011 National Symposium on Pretrial Justice, which heralded a new stage in pretrial justice.

## The Problem and the Solutions

The current pretrial system does not promote public safety, fair and equal treatment of defendants or the effective use of community resources. It is a system based on a defendant’s financial resources, not their measured risk.

- Too many jail inmates in the U.S. are held pretrial simply because they cannot afford their money bond.

- Only 5 percent of all arrestees ultimately go to prison, yet almost 50 percent of those arrested are incarcerated pending the outcome of their case(s).
- Research has found that even short periods of pretrial detention of low and moderate risk defendants increase their likelihood to commit crime in the future.
- Most jurisdictions do not require a risk assessment to determine if a defendant would present a real risk to the community if they are released prior to their trial. Many states do not allow for preventive detention for non-capital offenses or pretrial supervision for those who could be safely released to the community.
- The average pretrial jail bed cost is \$60 per day—as much as \$200 per day in some jurisdictions—with a total cost to the country of \$9 billion per year.

As the pretrial justice movement has expanded and deepened in response to these challenges, it continues to be important to gauge its success by returning to the core recommendations for enhancing pretrial justice that were identified by the 2011 Symposium participants. These core recommendations include:

- Using citation releases by law enforcement in lieu of custodial arrests for non-violent offenses when the individual’s identity is confirmed and no reasonable cause exists to suggest the individual may be a risk to the community or to miss court appointments.
- Eliminating the use of bond schedules that allow a defendant to bond out of jail before appearing in front of a judge for a bail-setting hearing.
- Screening of criminal cases by an experienced prosecutor before the initial court appearance to make sure that the charge that goes before the court at that hearing is the charge on which the prosecutor is moving forward.
- Ensuring the presence of defense counsel at the initial appearance who is prepared to make representations on the defendant’s behalf regarding pretrial release.
- Training and supporting judicial officers presiding and making pretrial decisions at the initial appearance in court.
- Guaranteeing the universal existence of a pretrial services program or similar entity that conducts a risk assessment on all defendants in custody awaiting the initial appearance in court; provides supervision of defendants released by the court with conditions of pretrial release; reminds defendants of their upcoming court dates; and regularly reviews the pretrial detainee population in the jail to see if circumstances may have changed that could allow for pretrial release.
- Requiring detention without bail for defendants who pose unmanageable risks to public safety or appearance in court.

Although some of these elements of well-functioning pretrial justice might be accomplished earlier than others, pretrial justice partners have always recognized that success in any area cannot be complete until all of these factors are working together.

When reviewing the recent steps towards fulfilling these recommendations, a common theme of collaboration emerges. In just a few years, the number of partners and key stakeholders working on the issue of pretrial justice has grown substantially. This is an excit-

ing challenge that the working group has met by following the model of local criminal justice coordinating communities and other collaborative groups and incorporating the viewpoints of diverse stakeholders who serve different roles within the criminal justice system (i.e., judges, prosecutors, defenders, law enforcement professionals, government agencies and watchdog and civil liberties groups.) Rather than any one group monopolizing or defining the issue of pretrial justice, the pretrial justice movement has evolved by recognizing and respecting the expertise of all its constituents and partners. Its strength lies in the connections that are made, nurtured and kept.

As in previous years, the working group's activities have benefited greatly from a substantial commitment by the Department of Justice's Bureau of Justice Assistance (BJA). BJA funds the nonprofit Pretrial Justice Institute (PJI) as facilitator of the working group and leader of committee and full group initiatives. In 2013, the three PJWG committees (Research, Communications and Criminal Justice Systems) met in April and July; and in October a group of more than 50 representatives from the working group met in a full-day, invitation-only PJWG Strategic Summit, which is described in greater detail later in this report.

After the Strategic Summit, a decision was made to replace the Research Committee with a Policy Committee, which more closely aligns with the legislative and state reform that is one of the working group's priorities. The three committees will each meet four times a year in a monthly rotation schedule, which started in December 2013 when the Policy Committee co-led a legislative webinar with the National Association of Pretrial Services Agencies (NAPSA). The working group will also continue to hold an Annual Strategic Summit.

In addition to fostering PJWG, BJA continues to fund pretrial justice technical assistance. In 2014, BJA also plans to fund pretrial demonstration sites initiative to cultivate and fund sites that can demonstrate pretrial justice system reform by adopting risk-based decision making. The demonstration sites initiative is a rational extension of the working group because the collaborative relationships that have already been created can serve as the foundation for recruiting and developing demonstration site partners and for forging connections among jurisdictions.

The pretrial justice movement is also fortunate that the commitment of BJA and other Department of Justice agencies is reflected and complemented by impressive leadership within the private philanthropic community. In recent years, the Laura and John Arnold Foundation has devoted significant resources to studying critical features of the pretrial system. In 2013, they announced the development of a validated risk assessment tool, created using data from across the nation, which has the potential for creating a sea change in pretrial justice by dramatically expanding and improving pretrial services throughout the country. The Foundation also released research on the effects of pretrial detention and the efficacy of pretrial supervision.

In 2013, the Public Welfare Foundation (PWF) also continued its thoughtful strategy of funding and coordinating the work of a variety of stakeholder groups who can promote pretrial justice improvements to wide and diverse audiences. These groups met regularly to discuss strategies to leverage their PWF funding and partnerships for the greatest impact. This year, PWF added a new component by investing in a communications firm, Dewey Square Group, which will create tool kits, talking points, messaging and media strategies for pretrial justice in 2014. PWF is also very dedicated to developing pretrial “champions,” ambassadors and spokespeople from stakeholder groups who can expand the reach of PJWG and other members of the pretrial justice movement.

From Kentucky to Wisconsin, Colorado, California and New Jersey, to name just a few of 2013’s pretrial “hot spots,” some very impressive work has been taking place. There were so many high points in the year that, instead of choosing which ones to feature in this introduction, they will be allowed to “speak for themselves” in the next section. You will see that they have been grouped under the symposium recommendation to which they are aligned most closely. This is becoming more challenging to do as many of the accomplishments encompass more than one recommendation and some of the accomplishments are not directly connected to any recommendations. Nevertheless, the recommendations from 2011 continue to be a useful lens for measuring how closely we are keeping to our responsibilities and ideals.

This introduction began with a reference to the significance of the 50th anniversary of the Gideon decision in 2013. It is equally important to note that 2014 will be the 50th anniversary of Attorney General Robert Kennedy’s convening of the National Conference on Bail and Criminal Justice, which inaugurated the bail reform movement. As this report shows, the resurgent pretrial justice movement has much to celebrate in the accomplishments of the last two-and-a-half years. However, as veterans of the bail reform movement made clear to fellow participants at PJWG’s 2013 Strategic Summit, the momentum must

Late in 2013, the Laura and John Arnold Foundation released the results of some of their research and development projects conducted over the past two years. The Foundation announced the development of a new and innovative validated risk assessment tool, which they are pilot-testing and will later make available for free throughout the country. They also published research studies that examined the impacts of pretrial detention on sentencing decisions and future criminal activity; the effects of pretrial supervision; and the possibility of conducting risk assessments without defendant interviews.

- [Research Summary: Pretrial Criminal Justice Research](#)
- [Research Report: Investigating the Impact of Pretrial Detention on Sentencing Outcomes](#)
- [Research Report: The Hidden Costs of Pretrial Detention](#)
- [Research Report: Exploring the Impact of Pretrial Supervision on Pretrial Outcomes](#)
- [Research Summary: Developing a National Model for Pretrial Risk Assessment](#)
- [Research Report: Assessing Pretrial Risk without a Defendant Interview](#)

be consciously and deliberately maintained and even accelerated. The goals of pretrial justice may be complex but they are achievable, as many of the working group partners prove time and again through their work. Learning from the earlier bail reform movement, the pretrial justice movement should not have to think and plan in terms of decades to make the necessary improvements to the system that will result in the optimum public safety and individual rights outcomes.

PJWG's shared goals for 2014, as articulated at the recent Strategic Summit, include the following:

- Addressing racial bias in the pretrial process;
- Supporting the Laura and John Arnold Foundation as they launch their new risk assessment tool, develop pilot sites and partners, track outcomes and present risk assessment messaging;
- Identifying and promoting peer-to-peer model learning sites that demonstrate best pretrial justice practices;
- Recruiting civil rights and affinity groups to the working group;
- Cultivating stronger relationships with prosecutor stakeholders;
- Leveraging the stakeholder groups more effectively; creating measurable goals for them and for their cultivation; and providing them with toolkits;
- Developing strategies for informing legislators about evidence to support reform;
- Exploring the impact of the Affordable Care Act on pretrial release/diversion options;
- Learning from the models of the National Institute of Corrections' EBDM (Evidence Based Decision Making) Program, the Annie E. Casey Foundation's JDAI (Juvenile Detention Alternatives Initiative) Program and the National Association of Drug Court Professionals' ARK (Annals of Research Knowledge);
- Working with juvenile pretrial reform efforts to promote adult pretrial best practices in their successful juvenile justice jurisdictions;
- Building greater capacity for data collection;
- Addressing the compartmentalization of the criminal justice system with the argument that all players (defense, prosecution, judicial, pretrial, police, sheriffs, etc.) need to have adequate resources, staff and support in order to provide optimal pretrial service to the public.

PJWG will also continually monitor progress through vehicles such as this report and committee meetings and develop strategies to address the gaps and weaknesses that are revealed. All of these pretrial justice goals build naturally from the activities described in the next section.

# RECOMMENDATIONS FOR POLICY AND PRACTICE ENHANCEMENT

## **Recommendation 1: Expand the use of citation releases.**

### **Progress:**

- The New York Criminal Justice Agency (NYCJA), which provides pretrial services to New York City, recently reviewed data from the Manhattan Summons Project, which, since 1964, has promoted the use of Desk Appearance Tickets (DATs) by the New York Police Department in lieu of custodial arrests for defendants charged with low-level offenses. Their review of data found that the volume of DATs increased steadily from 2003 to 2012. NYCJA concluded that there may be considerable room for expansion of this initiative to include more defendants and that failure to appear rates for DAT defendants could be improved by increasing court appearance reminder calls.
- As part of its participation in the National Institute of Corrections (NIC) EBDM Initiative, Mesa County, Colorado's EBDM Pretrial Committee developed new bond guidelines that place more significance on a specific defendant's failure to appear risk and risk to re-arrest and less significance on the specific criminal charge and the defendant's financial ability to post a financial bond. These new bond guidelines recognize the research that indicates that the severity and type of criminal charge and the defendant's financial ability to post bond do not correspond to a defendant's likelihood of failing to appear for court or committing a new law violation during the pretrial period of their current case. In August 2013, the Mesa County Evidence-Based Pretrial Initiative received a National Association of Counties (NACo) award for the innovative and collaborative design of their new bond guidelines and pretrial practices.
- The Eau Claire County (Wisconsin) Diversion Program completed a study of their program's impact on recidivism by comparing 2012 diversion participants to a comparable low-risk control group from 2011 that did not participate in the program but would have qualified based on their past criminal record and low-risk classification. All individuals included in the study received an adult ordinance citation for possession of THC or paraphernalia. For purposes of the study, recidivism was defined as having received a subsequent misdemeanor or felony charge or any citation that could otherwise be criminal within a 12-month follow-up period. Eau Claire observed a 17.97 percent reduction in recidivism for the diversion group, and they estimated that the odds of reoffending within 12 months were 140 percent greater for individuals who did not complete the Diversion Program.

## **Recommendation 2: Eliminate the use of bond schedules and require all arrestees to undergo a risk assessment.**

### **Progress:**

- In February, PJI published a [new manual](#) to guide Colorado jurisdictions in administering the Colorado Pretrial Assessment Tool (CPAT) and to help Colorado pretrial services agencies to structure and standardize the CPAT's use in the state. Throughout the year, PJI also directly introduced the CPAT to counties and judicial districts in Colorado through presentations and training sessions to judges and magistrates, prosecutors, public defenders, pretrial services practitioners and other justice system stakeholders. In addition, PJI and the Center for Legal and Evidence-Based Practices conducted workshops about the new bail statute, supporting empirical research and the CPAT to many judicial districts throughout the state. Boulder, Jefferson, Larimer, and Weld were just some of the Colorado counties that worked toward implementation of the CPAT in 2013.
- In May, Colorado enacted a new bail statute (HB 13-1236) that, among other things, de-emphasizes secured financial release conditions and charged-based bond schedules and promotes empirical risk assessment. This new law was the result of comprehensive collaboration and review by the state criminal justice commission.
- In November, the Maryland Pretrial Release Subcommittee, working in conjunction with PJI, submitted [six recommendations](#) to the Maryland Governor's Task Force on Laws and Policies Relating to Representation of Indigent Criminal Defendants. Two of the recommendations were to completely eliminate the use of secured financial conditions of pretrial release and to implement a statewide system that utilizes a standard pretrial screening tool at the initial hearing.
- In New York, the Center for Court Innovation is currently in phase one of a research project that will culminate in a brief validated pretrial risk and needs assessment specifically designed for the misdemeanor population. By the end of January 2014, Center researchers will have administered a long-form assessment to approximately 1,000 defendants in the Bronx, Brooklyn and Manhattan. Compliance and recidivism data will be analyzed to create a short-form assessment, which will then be validated on another 1,000 defendants in phase two of the project next summer.
- In West Virginia (SB 371), the state Supreme Court of Appeals is now empowered to use a standardized pretrial risk assessment as part of evidence-based pretrial decision-making.
- In Delaware, a new law (HB 57) requires the court to state in writing its reasons for overriding any risk assessment recommendations for juveniles' pretrial release or other non-detention alternatives.

- In Wisconsin, a bill to reinstate the commercial bail bond industry was defeated.
- The Santa Clara County Office of Pretrial Services and PJI presented a workshop on pretrial risk assessment at the California Association of Pretrial Services' training conference in June. The workshop covered an overview of empirically-based pretrial risk assessment, as well as Santa Clara County's recent experience developing its new tool, the various tasks and challenges encountered during its implementation and preliminary outcomes.
- The National Association of Drug Court Professionals hosted a "Doing Justice" event in Washington, DC, which focused on their Annals of Research and Knowledge on Successful Offender Management (ARK) Program. Based on the Risk and Need Responsivity Theory, the ARK was designed as a reform framework to assess defendants and offenders and sort them into a continuum of evidence-based pretrial diversion and sentencing options.
- The DC Pretrial Services Agency (DCPSA) published an article in the June issue of Federal Probation, "[Using Research to Improve Pretrial Justice and Public Safety: Results from PSA's Risk Assessment Validation Project](#)." DCPSA's new tool incorporates failure to appear, re-arrest, domestic violence and dangerous behavior into its assessment.
- In May, the American Indian Justice Conference in Albuquerque, New Mexico featured a workshop by PJI on pretrial risk assessment and risk mitigation strategies. Several participating tribal justice officials expressed their interest in implementing these strategies within their tribes.
- The Brennan Center for Justice released a new report, [Reforming Funding to Reduce Mass Incarceration](#). The report contained several recommendations to reduce mass incarceration, including the collection of better jail data and the use of risk assessment for the pretrial release decision.
- The annual American Society of Criminology Conference in Atlanta in November featured a workshop titled, "Advancements in Actuarial Pretrial Risk Assessment and Trends in Pretrial Detention and Misconduct." Representatives from the Urban Institute, the University of Missouri-Kansas City, the Administrative Office of the U.S. Courts, Multnomah County, Oregon and PJI made presentations on the rapidly growing demand for validated pretrial risk assessment tools nationally.
- PJI hosted a webinar on pretrial risk assessment for the National Legal Aid and Defender Association in December.
- In 2013, the number of jurisdictions across the country that have begun to use validated pretrial risk assessments continued to grow.

**Recommendation 3: Assign an experienced prosecutor to review all cases before the initial appearance and have a prosecutor present at the initial appearance.**

**Progress:**

- The National Institute of Justice (NIJ) has funded the Center for Court Innovation, the Rand Corporation, the Police Executive Research Forum and the Association of Prosecuting Attorneys to conduct a multi-year, multi-method study with the following goals: (1) to produce a rich understanding of existing prosecutor-led diversion programs through in-depth case studies in 10 sites nationwide, and (2) to conduct a rigorous test of program impacts on conviction rates, incarceration, recidivism, psychosocial problems and costs to the society and the economy in three sites. The programs under examination are run by prosecutors in Chittenden County, Vermont; Cook County, Illinois; Dallas, Texas; Hennepin County, Minnesota; Milwaukee, Wisconsin; Philadelphia, Pennsylvania; Phoenix, Arizona; Maricopa County, Arizona; San Diego, California; and San Francisco, California.

**Recommendation 4: Ensure that indigent defendants have a defense counsel at initial appearance making representations on the defendant's behalf regarding pretrial release.**

**Progress:**

- On March 15th, the Justice Department hosted the 50th Anniversary Celebration of the U.S. Supreme Court Decision in *Gideon v. Wainwright*. Speakers at the event included Attorney General Eric Holder, Supreme Court Justice Elena Kagan and former Vice President Walter Mondale. All spoke on the importance of the right to counsel, with the Attorney General mentioning pretrial services as a way to improve the system.
- In September, Jon Rapping, the Executive Director of Gideon's Promise, a non-profit dedicated to indigent defense reform, and Brandy Alexander, one of the public defenders featured in the 2013 documentary "Gideon's Army," were the plenary speakers at the NAPSA Annual Conference in Orlando, Florida.
- Maryland Law Professor Doug Colbert and his Access to Justice students' 15-year effort to guarantee counsel to indigent defendants at their first bail hearing celebrated a landmark victory when the Maryland Court of Appeals declared in [\*DeWolfe v. Richmond\*](#) that poor people's constitutional right to representation commences when they appear before a judicial officer and their liberty is first at stake. Professor Colbert and the students worked closely with Venable pro bono lawyers, who argued the case before Maryland's high court. The Court held in a 4-3 decision that the right to counsel "attaches in any proceeding that may result in the defen-

dant's incarceration." This ruling is one of the most important right to counsel decisions for the state of Maryland and will have a major impact on release/detention decisions in criminal cases.

- Professor Doug Colbert launched the Gideon Initiative for Representation at Pretrial ([Gideon IRAP](#)) in March 2013. Funded by PWF, Gideon IRAP partners with law school clinical programs and public defenders to provide representation in jurisdictions that are not currently ensuring counsel and where detainees may wait between 3 to 70 days before they obtain a defender's representation. Gideon IRAP's director, Doug Colbert, created and distributed a [video](#) on representation at bail. The Gideon website can be found at [www.GideonIRAP.org](http://www.GideonIRAP.org).
- As reported last year, public defenders in Kentucky have been filing appeals to ensure that provisions of a Kentucky law, passed in 2011, are being followed. Those provisions require that defendants found by the validated pretrial risk assessment to be low or moderate risk be given a non-financial release unless the court states a finding on the record that the defendant poses a greater risk. So far, there have been over 81 appeals, with a success rate of about one in three. The Kentucky public defenders' office is working to develop a body of case law that will firmly support the new provisions.
- The National Association for Public Defense has been working on a pretrial/first appearance policy statement. They will also be offering a free webinar on pretrial release advocacy.
- The National Association of Criminal Defense Lawyers (NACDL) is undertaking a pretrial release advocacy project to collect data and do research, conduct trainings, develop pretrial release manuals, and run demonstration/pilot sites.
- With funding from BJA, NACDL is undertaking a major, systemic project to reduce unnecessary pretrial confinement through effective defense representation. Based in part on the successful efforts of the Kentucky Department of Public Advocacy, NACDL will select at least three jurisdictions to develop jurisdiction-specific pretrial release manuals for the defense bar and provide technical assistance in the form of onsite training and distance learning. NACDL has selected Colorado as the first project site.
- NACDL filed an amicus brief in *Farrow v. Lipetzky*, 9th Cir., No. 13-16781, arguing that in California, initial appearance before a magistrate, at which bail may be considered, is a "critical stage" requiring the presence of appointed counsel.
- An Open Society Foundation grant to the National Legal Aid and Defender Association (NLADA) was designed to establish metrics for case monitoring and disposition, pretrial justice and access to counsel. Establishing the metrics for case

monitoring and disposition has taken far longer than anticipated, and NLADA has requested an extension to complete that and the pretrial justice deliverables. Accordingly, NLADA has focused on the education offerings such as the 2013 New Leadership Pre-Conference on September 5, 2013 and the webinar on December 12, 2013 presented by PJI to NLADA. Now NLADA must turn to the task of selecting pilot sites for the implementation of the necessary deliverables for this portion of the grant. NLADA will seek to partner with PJI to that end.

**Recommendation 5: Judicial officers presiding at the initial appearance in court should be thoroughly trained in pretrial release decision-making.**

**Progress:**

- In 2013, judicial officers received pretrial training in a number of jurisdictions, including Colorado, Delaware, Indiana and Kansas.
- Following the Conference of Chief Justices and the Conference of State Court Administrators' recent calls for reforms in pretrial release decision-making, the National Judicial College and PJI, through funding from BJA, have developed a four-hour, live, [interactive training for judges](#) on effective, legal and evidence-based pretrial release decision-making. The curriculum was designed with extensive input from judges from around the country, following a national survey of judges on their pretrial release training needs.
- In June, the Arizona Supreme Court's 2013 Judicial Conference focused on ways to improve the pretrial justice system and on obstacles that still need to be overcome. The event featured a presentation by PJI and information about local data and recent public opinion results from Arizona.

**Recommendation 6: Existence of a pretrial services program that interviews all defendants in custody awaiting their initial bond hearing; compiles the information that the court is required to consider in the pretrial release decision; assesses each defendant's level of risk to the safety of the community and appearance in court using validated tools; recommends to the court the least restrictive conditions needed to address the identified risks; supervises conditions of release imposed by the court; and provides crime victims and others with mechanisms to report possible violations of pretrial release conditions.**

**Progress:**

- In April 2013, Drug Policy Alliance (DPA) released [a report](#) profiling the jail population in New Jersey. This state analysis, the first of its kind, was produced by Ma-

rie VanNostrand of Luminosity. The report garnered major media attention and focused legislators and the public on New Jersey's broken pretrial justice system. The report also caught the attention of the New Jersey Chief Justice Stuart Rabner who convened a taskforce to review pretrial justice practices and make recommendations on reform. The taskforce report is expected early in 2014. Building on the success of the report, DPA was able to get legislation introduced in the New Jersey General Assembly to reform bail practices in New Jersey. The legislation would create pretrial services in New Jersey, require a validated risk assessment for arrestees and encourage nonmonetary conditions for pretrial release. The legislation is still a work in progress and DPA is working with key stakeholders in both houses to achieve the most effective legislation possible. In addition to this legislative work, DPA has built a strong support coalition for pretrial justice reform in New Jersey, with more than 50 organizations supporting the effort. A separate faith-leader sign-on letter has already garnered more than 20 signatories and is expected to gain more support in 2014.

- NIC once again hosted pretrial services program executives from around the country for intensive 4-day pretrial justice training sessions, which featured review of the law, best practices, communications strategies and peer-to-peer network building. Two sessions were held in 2013, involving 30 trainees.
- PJI produced a new publication, [Pretrial Performance Measurement: A Colorado Example of Going from the Ideal to Everyday Practice](#). The paper describes the process Colorado used in 2012 to develop more accurate and useful definitions for pretrial performance measurement so that the Colorado Judicial Branch, General Assembly and Commission on Criminal and Juvenile Justice would be able to evaluate to what extent pretrial services programs are meeting the criminal justice system's needs statewide. The language and definitions were based on the NIC's recent document, "[Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field](#)."
- The Kentucky Department of Public Advocacy released a new resource, the [Kentucky Pretrial Release Manual](#). In addition to providing valuable general information, this manual contains form motions, briefs and writs relating to bail issues at all levels, including bail hearings, district court habeas proceedings and circuit court appeals, and is an excellent practice guide for pretrial release advocates.
- On November 25th, 2013, the Center for Court Innovation launched New York City's first misdemeanor pretrial supervised release program at Kings County Criminal Court. In its initial pilot phase, the program operates out of the weekday arraignment parts, with a dedicated court liaison present to screen eligible cases (the current eligibility criteria excludes domestic violence cases) and conduct brief pre-arraignment interviews with potential participants at the request of defense counsel. Upon enrollment, program staff provide court date reminders, assessment and case management, and referrals to voluntary social services. In the first

6 weeks of operation, the program has maintained a 95 percent compliance rate.

- In 2013, the Crime and Justice Institute (CJI) conducted a range of pretrial technical assistance and training activities to support the efforts of California counties to implement or enhance evidence-based pretrial services programs as a response to Criminal Justice Realignment, which shifts many convicted inmates from state to county incarceration and supervision. With 63 percent of California jail populations composed of pretrial inmates, counties throughout the state are looking for ways to safely reduce the pretrial jail population. In June, CJI coordinated “Pretrial Justice and Realignment: Implications for County Criminal Justice Systems,” a day-long event attended by over 200 participants from throughout the state. In July, CJI convened a California Pretrial Executives Orientation in San Jose, California, which was attended by 19 executives. CJI also provided technical assistance to Humboldt, Riverside and Contra Costa counties, supporting efforts to implement, expand and improve risk-based pretrial release decision-making, and authored a [California Pretrial Toolkit](#).
- At the multi-day Colorado Collaborative Justice Conference in May, judges, magistrates, district attorneys, public defenders, and probation and pretrial services staff learned about innovative and evidence-based practices that can make the front-end of the justice system more cost effective.
- 250 criminal justice and policy stakeholders from Wisconsin attended a Public Welfare Foundation-funded Treatment Alternatives and Diversion Symposium in August. PJI made a presentation on moving to a risk-based system in the context of Wisconsin statute and led a panel on redesigning the front-end of the justice system.
- In September, the eight sites from the Urban Institute and NIC’s Transition from Jail to the Community (TJC) Initiative held a meeting that included a focus on pretrial. PJI, which is one of the technical assistance partners on this project, worked with the sites to help them reduce their pretrial detention populations for two purposes related to the initiative: (1) to lower the percentage of convicted offenders who serve their jail terms while awaiting disposition and then are sentenced to time served, thus leaving jail without the benefit of reentry services, and (2) to lessen the overall jail population so that jails can dedicate more of their resources to reentry activities.
- In May, Virginia pretrial program directors, Virginia Department of Criminal Justice Services staff, NIC, PJI and other national pretrial consultants met to begin developing a plan to improve Virginia pretrial programs’ performance and outcome measurement and reporting. The group is using NIC’s [Measuring What Matters](#) publication to guide its work, as a similar group did in Colorado last year. Virginia already has a statewide validated pretrial risk assessment instrument and information system that will facilitate ongoing data collection, analysis and reporting at

the local and state levels.

- In November, PJI was joined by Chief Justice Eric Washington of the Washington, DC Court of Appeals to facilitate a discussion about systemic management of criminal pretrial matters among Cook County, Illinois criminal justice stakeholders. The discussion focused on strategies to improve the effective administration of justice in Cook County and throughout Illinois.
- PJI and the Center for Legal and Evidence-Based Practices collaborated to create a [decision tree flow chart](#) to help Colorado pretrial officials better understand the new state bail statute enacted earlier this year.
- The National Judicial College and its partners, PJI, the Justice Management Institute, and the American Probation and Parole Association, held webcasts on December 9th and 10th to discuss its newest publication, “[Principles of an Effective Criminal Justice Response to the Challenges and Needs of Drug-Involved Individuals](#),” a conceptual framework for criminal justice systems grappling with growing and high-need populations of addicted and substance using individuals, and its compendium piece, the “Criminal Justice System Matrix,” which provides criminal justice practitioners with a guide on how to base their arrest, detention, treatment and supervision decisions on an individual’s level of substance abuse and his or her likelihood to reoffend.
- In November, key stakeholders in San Joaquin County, California and seven other Northern California counties participated in PJI workshops about evidence-based pretrial practices. These counties are planning to enhance their pretrial services in response to the state’s realignment plan.
- In December, representatives from the DC Pretrial Services Agency, NAPSA, PJI and American University Washington College of Law discussed the disparate racial and ethnic implications of money bail as part of an event put on by NACDL, NACDL Foundation, Brennan Center for Justice, Center for NuLeaders, APA and NYCLA in Washington, DC.
- In February, the Wisconsin Court of Appeals issued a ruling in which it “caution(ed) circuit courts that a mandatory condition of release based solely on the nature of a charged crime without considering a defendant’s individual circumstances constitutes an erroneous exercise of discretion in setting bail conditions.” The court issued this caution in a case that challenged the practice in one Wisconsin county of imposing substance abuse treatment as a blanket condition of pretrial release in all cases in which a defendant was charged with a second or subsequent offense of operating a motor vehicle while intoxicated.

- NAPSA revamped its Education Committee that, among other things, developed a new certification test, review materials and test preparation webinar for pretrial services practitioners. The new test was administered for the first time in December.
- In September, NAPSA convened its 41<sup>ST</sup> anniversary annual conference, where current best practices and research were showcased. This year, the National Institute of Justice, the research arm of the US Department of Justice, sponsored a brand new research-to-practice track of five panels at the conference.
- PJI staff provided technical assistance to local pretrial justice stakeholders in Yamhill County, a rural jurisdiction in Oregon. Stakeholders are working to implement more evidence-based practices, such as risk-based pretrial release and detention decisions, pretrial supervision of higher risk defendants and using process and outcome data to evaluate the extent to which they are achieving their effectiveness and efficiency goals.
- In St. Louis County, Minnesota, collaborative efforts have resulted in the placement of a laminated advisory on the bench of every judge instructing them to make sure every defendant, other than those charged with homicide or on a hold from another jurisdiction, receives a supervised release evaluation. If release is denied, the judge will tell the defendant why. The county partners also created a new level of supervised release called “intensive supervised release,” which is enhancing appearances and keeping victims safe.
- In October 2013, CJI at Community Resources for Justice, with support from PWF, began developing a cost-benefit model to help local officials to better understand the impact of pretrial detention and release and make more informed policy decisions. Led by economist Mike Wilson, the first stage of this work will be to model the costs and benefits of risk-based pretrial release decision-making in comparison with the predominant charge- and cash-based release schemes. The second stage of this project will be to apply the model in several jurisdictions as part of a large-scale cost-benefit study. CJI is currently recruiting sites to participate, and plans to launch the study in 2014.

**Recommendation 7: State statutes should make available the use of detention without bail for defendants who pose substantial risks.**

**Progress:**

- In February, New York State Chief Judge Jonathan Lippman highlighted the need for an overhaul of the bail system in a State of the Judiciary speech, which quickly gained national attention via major news outlets such as [The New York Times](#), [CBS News](#) and The Wall Street Journal, reigniting a public discussion of pretrial practices in the

U.S. Judge Lippman’s proposal, following the reform mandates in recent resolutions by the Conference of Chief Justices and the Conference of State Court Administrators, urged New York to join 46 other states in allowing judges to consider danger to the community when setting bail. He also called for the system to seriously consider removing the profit motive out of bond making and to provide appropriate levels of supervision to those on pretrial release.

## **RECOMMENDATIONS FOR STAKEHOLDER GROUPS**

**Recommendation 1: Stakeholder groups and constituent organizations should maintain a policy statement or resolution calling for the reform of pretrial justice practices.**

**Progress:**

- At the Conference of Chief Justices midyear meeting in the beginning of 2013, the nation’s highest ranking state judicial officers adopted a bold and historic [resolution](#) calling upon state courts to “adopt evidence based pretrial practices” and to “advocate for presumptive nonfinancial pretrial release.”

**Recommendation 2: Stakeholder groups and constituent organizations should educate their members regarding pretrial justice through conferences, publications, and trainings.**

**Progress:**

- In January, PJI held two identical webinar sessions to help victims and victims’ advocates better understand the pretrial decision-making process. The sessions also touched on efforts to improve the current system, such as increased use of risk assessments.
- In January, the International Association of Chiefs of Police (IACP) convened the startup meeting of its [Pretrial Justice Reform Initiative](#). Participants included law enforcement representatives, PWF, Vera Institute of Justice, BJA and PJI. The initiative, funded by PWF, will develop a series of strategies and products designed to inform law enforcement executives of the need for pretrial justice reform and their role in achieving change.
- In March, IACP’s Division of State Associations of Chiefs of Police midyear meeting featured a session that focused on how improvements to the pretrial process such as risk assessment and pretrial supervision can help reduce crime and victimization.

- As part of its new Pretrial Justice Reform Initiative, IACP and the Prince Georges County, Maryland Police Department met with PJI to discuss law enforcement perspectives regarding pretrial justice reform.
- IACP traveled to Kansas, Tennessee and Mississippi to make presentations at each state's police chiefs' conference. The presentations focused on how different law enforcement groups are supporting pretrial reform.
- In October at IACP's 2013 annual conference, a champions group of law enforcement was convened with the help of PJI and PWF. At this 2-hour meeting, highly respected police chiefs from around the country were given a presentation by PJI and discussed some of the positives and challenges that could come from implementing pretrial justice. PJI also attended various IACP committee and section meetings, including the civil rights committee and the community policing committee, and gave abbreviated pretrial reform presentations explaining why the IACP supports this initiative and why police departments should encourage change in their communities.
- In March, the National Sheriffs' Association, BJA and PJI hosted a daylong sheriffs' focus group on pretrial issues and best practices. During the summer, PJI convened a follow-up webinar with several sheriffs to explore next steps for engaging sheriffs across the country in pretrial reform.
- Sheriff Stan Hilkey of Mesa County, Colorado; Sheriff Gary Raney of Ida County, Idaho; and Tim Murray of PJI conducted a pretrial session at the National Sheriffs' Association annual meeting in Charlotte, North Carolina. The session was on sheriffs' role in shaping and implementing local pretrial policy and practices.
- At NACo's Smart Justice Symposium in January, participating officials, many of whom were newly elected, were given an overview of pretrial justice policies and standards, and alerted to the increasing number of national associations calling for smarter pretrial justice practices.
- In June, the California State Association of Counties, the California State Sheriffs' Association and the Chief Probation Officers of California sponsored an event that focused on the legal and evidence-based principles of pretrial justice in California and explored the public safety and cost savings implications of pretrial justice practices.
- The theme of this year's National Association for Court Management Midyear Conference in February was "making tough choices and coping with change." PJI made a presentation on how enhancing pretrial justice can aid in reducing criminal court caseloads and save courts money.

- In April, over 800 juvenile justice professionals gathered for the Annie E. Casey Foundation’s JDAI Inter-Site Conference in Atlanta, Georgia. Bart Lubow, director of Casey’s Juvenile Justice Strategy Group, spoke about JDAI’s expansion to 39 states and nearly 200 sites across the country but also cautioned participants that, while much has been accomplished, there are still far too many youth incarcerated. A discussion of Georgia’s new efforts to safely reduce youth incarceration was also highlighted.
- In April, PJI highlighted the need for pretrial reform in a panel discussion of crime prevention best practices at the National Association of Attorneys General Mid-western Regional Meeting in Oklahoma City.
- In September, the National Legal Aid and Defender Association’s 2013 New Leadership Conference included pretrial-specific presentations by University of Maryland Law School, the DC Pretrial Services Agency, the Kentucky Department of Public Advocacy and PJI.
- In November, the Colorado Public Defender, Doug Wilson, held an all-day training on legal and evidence-based practices for defense attorneys in Colorado’s 22 judicial districts. Staff from PJI and the Center for Legal and Evidence-Based Practices, along with several experienced attorneys from the Public Defender’s Office, presented topics such as the history and legal foundations of bail, the Colorado Pretrial Assessment Tool (CPAT), findings from Colorado’s money bail research study, Colorado’s new pretrial statute and strategies for facilitating local jurisdictions’ compliance with the new statute. In 2011, Doug Wilson was part of the group of defense attorneys who issued the American Council of Chief Defenders’ Policy Statement on Fair and Effective Pretrial Justice Practices.
- In October, the Drug Policy Alliance’s 2013 National Conference in Denver included a pretrial panel that featured the findings from PJI’s [new study](#) on the impact of unsecured and secured money bonds on important pretrial outcomes and a discussion of recent initiatives in California and Colorado to improve pretrial justice policy.
- In December, the Mississippi Association of Chiefs of Police Winter Conference included a session titled, “Pretrial Decision Making and Officer Safety Training.” Representatives from the Association of Prosecuting Attorneys and PJI joined Chief Mike Ward of Alexandria, Kentucky in this presentation to approximately 75 police chiefs and command staff from across the state.
- In December, a roundtable discussion at the [NACo Large Urban Counties Caucus’s](#) Innovations Symposium included a representative from PJI who spoke on pretrial issues.

- In December, the National Criminal Justice Association convened a focus group and leadership meeting of SAA (state administrative agency) officials from around the country, which featured a presentation by PJI on the challenges and opportunities of pretrial justice and bail reform at the state and local levels.

## RECOMMENDATIONS FOR THE DEPARTMENT OF JUSTICE PROGRAMS

### **Recommendation 1: Establish a multidisciplinary Pretrial Justice Working Group.**

#### **Progress:**

- The Working Group was established in late 2011. In April and July of 2013, PJI hosted the three Working Group Subcommittee (Research, Communications and Criminal Justice Systems) meetings and convened a Working Group Strategic Summit in October. In December, the new Policy Subcommittee was launched as a replacement for the Research Subcommittee.
- PJWG's October Strategic Summit was a daylong event with over 50 representatives from working group partners. Opening remarks were made by Denise O'Donnell, the Director of BJA, and Assistant Attorney General Karol Mason of the Office of Justice Programs. The meeting also featured goal setting and strategic planning for PJWG. Presentations included updates on:
  - the Laura and John Arnold Foundation's new research and risk tool;
  - the Conference of Chief Justices and the National Center for State Courts;
  - IACP's pretrial initiative;
  - the National Association of Criminal Defense Lawyers' pretrial release advocacy project
  - the Gideon's Initiative for Representation at Pretrial;
  - Kentucky Pretrial Services, Kentucky Public Defenders and the National Association for Public Defense;
  - Colorado's Pretrial Assessment Tool (CPAT), new bail statute and money bail research study;
  - key trends in crime, arrests and jail;
  - the state of pretrial release in the Federal District Courts;
  - the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI); and
  - public opinion and strategic communications.

Materials from this meeting were published on PJI's website at [www.pretrial.org](http://www.pretrial.org).

**Recommendation 2: Provide state and regional pretrial justice symposia through efforts such as state or local data collection or analysis, legal analysis of state bail laws, and roadmaps for achieving pretrial justice reform.**

**Progress:**

- In August, NIC held a 2-day pretrial justice training/bail boot camp for judges, defense attorneys, prosecutors and other key stakeholders from their eight EBDM sites. Representatives from the sites, Kentucky Public Defenders, University of Maryland Law School, the DC Pretrial Services Agency, Lake Research Partners, Potomac Communications Group, Annie E. Casey Foundation, the Center for Legal and Evidence Based Practices and PJI led workshops at this event.
- In June 2013, CJJ conducted a statewide survey of pretrial release and supervision practices in New York as part of a larger technical assistance effort to assess the state of pretrial justice and develop a statewide strategy for improving pretrial practice. Survey participants included county probation department officials, directors of independent pretrial service agencies and a number of criminal court judges. This work was undertaken in partnership with the New York Association of Pretrial Service Agencies (NYAPSA), NYCJA and the New York State Division of Criminal Justice Services Office of Probation & Correctional Alternatives with support from BJA.
- PJI Senior Project Associate Michael Jones authored a new publication issued by NIC to assist local and state-level Criminal Justice Coordinating Committees in developing data-guided policies and programs and other practices to improve the justice system's effectiveness and efficiency. The publication, [Guidelines for Staffing a Local Criminal Justice Coordinating Committee](#), draws from Dr. Jones' experience as a local criminal justice planning manager and as a consultant to many of these committees across the U.S. The guidelines also featured advice from a variety of retired and active criminal justice planners.

**Recommendation 3: Convene a judicial roundtable to develop a strategic approach to training and educating judges.**

**Progress:**

- PJI formed the National Judicial Council on Pretrial Justice in 2012. In 2013, a 5-part curriculum for training judges was developed and refined by PJI and the National Judicial Council and, at the end of the year, a daylong train-the-trainers workshop was held in Washington, DC. The full in-person judicial training is approximately 4 hours, but the length and content can be customized to each jurisdiction's needs.

**Recommendation 4: Take full advantage of OJP’s communications assets by highlighting the need for pretrial justice reform while showcasing best practices.**

**Progress:**

- In October, PJI released a new BJA-funded study, “[Unsecured Bonds: The As Effective and Most Efficient Pretrial Release Option](#),” which compared unsecured and secured bonds by analyzing outcomes for nearly 2,000 pretrial defendants in Colorado. The study concluded that greater use of unsecured bonds results in greater efficiency in the pretrial bail process, decreased use of jail beds, increased cost savings and reduced community and tax burdens while achieving the same public safety and court appearance rates associated with secured bonds.
- With BJA’s support, NACo and PJI have released a new guide to assist counties in planning and launching pretrial justice programs in rural communities, home to 51 million Americans. The guide, [The Delivery of Pretrial Justice in Rural Areas: A Guide for Rural County Officials](#), outlines the obstacles many small counties face when considering pretrial justice programs and offers recommendations to overcome these challenges.
- The Urban Institute invited PJI to discuss the role of pretrial release decision-making in the TJC Program, a NIC-funded jail-to-community re-entry initiative. Representatives from the eight sites that are participants in phase 2 of TJC attended the pretrial webinars.
- NIJ is conducting research on videoconferencing at post-arraignment release hearings. They recently awarded a contract to ICF International for a phase 1 to assist NIJ in developing a blueprint based on operational videoconferencing protocols for implementation in new jurisdictions. Phase 2 will implement the protocol in two jurisdictions for field testing, and phase 3 will evaluate the impact of the protocol on outcomes in multiple jurisdictions.

**Recommendation 5: Demonstrate the effectiveness of pretrial justice best practices through a dedicated Bureau of Justice Assistance grant program.**

**Progress:**

- BJA continued a cooperative agreement with PJI to provide training and technical assistance in the area of pretrial justice.

**Recommendation 6: Collect a comprehensive set of pretrial data needed to support analysis, research, and reform through the Bureau of Justice Statistics.**

**Progress:**

- No progress reported.

**Recommendation 7: Embark upon a comprehensive research strategy that results in the identification of proven best pretrial justice practices through the National Institute of Justice.**

**Progress:**

- No progress reported.

## **RECOMMENDATIONS FOR LEGISLATORS**

**Recommendation 1: Review proposed pretrial bills for their compatibility with the policies and practices for pretrial release decision-making outlined by the American Bar Association in its Standards on Pretrial Release.**

**Progress:**

- In 2013, the Colorado General Assembly in House Bill 13-1236 rewrote the bail statute. Among other things, the new statute:
  - No longer defines “bail” as an amount of money;
  - Encourages empirical risk assessment;
  - Maintains and strengthens judicial discretion;
  - Has the presumption of release and least restrictive release conditions;
  - De-emphasizes cash and surety bonds and money bond schedules; and
  - Is more consistent with legal and evidence-based pretrial practices.

Colorado also passed legislation to improve pretrial diversion across the state.

- California considered a number of bills related to pretrial justice, though none were enacted. AB1118 would establish a statewide bail schedule and SB210 would establish a number of pretrial best practices, both are being re-considered in the 2014 session.
- Legislation in both Wisconsin and Oregon was initiated to reintroduce bail bondsman into the states. The Oregon legislation stalled in committee and the Wisconsin bill was vetoed by the Governor after a short, but strong campaign supported by members of the PJWG.

- West Virginia passed a number of justice reinvestment bills which included improving pretrial release and supervision (SB584) and establishing the use of a standardized risk assessment tool (SB371).
- In September, representatives from the Justice Policy Institute (JPI) and PJI discussed the latest updates in bail reform as part of the NACDL State Criminal Justice Network (SCJN) conference call series titled, “National Advocacy Calls on Developing Legislation.” JPI’s Spike Bradford, author of “[For Better or For Profit](#),” discussed bail reform in Virginia and nationally; Michael Jones, senior project associate for PJI, highlighted research from Colorado.
- The Pretrial Release Subcommittee of the Maryland Governor’s Task Force on Laws and Policies Relating to Indigent Criminal Defendants convened periodically to develop pretrial justice [recommendations](#). As part of this process, PJI conducted a study of bail practices in five Maryland counties, and the subcommittee presented a final report to the taskforce. The group recommended moving away from money and towards risk-based release decision-making and expanding the use of supervision and monitoring. Members of the Governor’s Task Force agreed to move forward with five of the six recommendations, and the Governor is now in talks with legislative leadership about legislatively improving pretrial justice in the state.
- Representatives from Maine Pretrial Services and PJI spoke to a group of justice stakeholders from across Massachusetts about potential improvements to pretrial justice in the state.
- In December, NAPSA and the PJWG Policy Subcommittee held a web conference on legislative initiatives. Legislation from 2013 was reviewed and participants shared reports on current work for the upcoming legislative sessions.
- In December, PJI’s Tim Murray and several other pretrial justice leaders testified to a New Jersey legislative committee in support of bail reform in the state. Legislation has now been introduced to improve pretrial justice in New Jersey. On September 6th, 2013, New Jersey Governor Chris Christie signed a bill establishing a conditional dismissal program for cases concerning disorderly person offenses under municipal court jurisdiction. The new law, which creates a municipal version of Pre-Trial Intervention, will take effect January 4, 2014.

**Recommendation 2: County legislative bodies should ensure that any local ordinances pertaining to pretrial release decision-making are compatible with the state law.**

**Progress:**

- In South Carolina, the Lexington County Council declined to commit to a 10 percent match to apply for state funding to start a pretrial services program in that jurisdiction. This followed a year-long process, funded by the state, to develop an implementation plan for a Lexington County pretrial services program, which would have been the first pretrial services program in South Carolina.

## **RECOMMENDATIONS FOR THE PHILANTHROPIC COMMUNITY**

**Recommendation 1: Convene a comprehensive philanthropic roundtable to identify areas that federal support cannot address.**

**Progress:**

- With funding from PWF, Lake Research Partners continued their national public opinion research on bail reform. In May 2013, they conducted a survey of 2,233 likely 2016 nationwide voters. The poll found that there is strong support (7 in 10 supporting, with nearly half “strongly” supporting) for using pretrial risk assessments instead of cash bonds. PJI created a video presentation and a memo template about the public polling for use by pretrial reform advocates.
- In October, PWF and the Laura and John Arnold Foundation sponsored a 1-day “Managing Risk, Achieving Justice” forum on pretrial reform, which was held by IACP, NACo and the National Center for State Courts. The event was attended by a number of Attorneys General, Chief Justices, legislators and researchers, as well as many other stakeholders from across the criminal justice system. PJI’s Tim Murray, who provided the opening remarks, and other presenters and panelists gave their insights on the latest research and promising practices related to pretrial justice from across the country.
- PWF regularly convened meetings of grantees working on pretrial issues; supported the cultivation of pretrial “champions” from stakeholder groups; and recruited a communications firm, Dewey Square Group, to initiate bold pretrial reform messaging and marketing campaigns in 2014.
- With funding from PWF, PJI redesigned their website ([www.pretrial.org](http://www.pretrial.org)) to create an informational hub for pretrial reform. PWF also funded PJI’s e-communication

tions, including bi-weekly [updates](#) on pretrial activities and a new [blog series](#).

**Recommendation 2: Examine state statutes relating to pretrial release decision-making and develop a Model Code.**

**Progress:**

- In late 2013, the American Bar Association submitted a proposal for uniform laws governing pretrial justice to the Committee on Scope and Program of the Uniform Law Commission.

## **RECOMMENDATIONS FOR THE ACADEMIC COMMUNITY**

**Recommendation 1: Develop and seek funding for research proposals relating to pretrial justice.**

**Progress:**

- No progress reported.

**Recommendation 2: Prepare future practitioners and leaders to effectively address pretrial justice issues in a fair, safe, and effective manner.**

**Progress:**

- In conjunction with two symposia convened by NACDL, Brennan Center for Justice, Center for NuLeadership, APA, and NYCLA, the New York University Journal of Legislation and Public Policy published a series of academic articles on racial disparities in the criminal justice system, including an article by Cynthia Jones examining racial disparities in bail determinations.
- In February, the John Jay Center on Media, Crime and Justice featured PJI's Tim Murray as a panelist at the closing session of the Guggenheim Symposium on Crime in America. The audience included journalists, academics, practitioners and advocates interested in criminal justice reform.
- In March, the University of Maryland School of Law sponsored a presentation about pretrial justice and indigent defense for future legal practitioners.
- Gideon IRAP's director Doug Colbert spoke about indigent rights and defense at numerous law school symposia and clinical events, including Penn Law School,

Iowa Law School, Arkansas Law School, Northwestern Law School and the Cover Public Interest Retreat sponsored by Boston University.

- In April, Human Rights First and numerous law schools sponsored “Dialogues on Detention,” a forum about criminal justice reform and the immigration detention system for policy makers and advocates in Washington, DC. Representatives from the DC Pretrial Services Agency and PJI participated in the opening panel.
- In October, the Health Behind Bars Symposium at John Jay College of Criminal Justice focused on what the Affordable Care Act means for courts, prisons, jails and justice-involved communities. PJI’s Tim Murray discussed its potential impact on pretrial defendants, processes and decisions.
- In November, PJI’s Tim Murray spoke about the importance of effective pretrial practices in California at a Loyola Law School symposium on “Making Use of Alternatives to Custody: Increasing Efficiency & Improving Public Safety under Realignment.” The symposium brought together law enforcement practitioners, policymakers and academics to address new sentencing options and alternatives to custody in light of realignment.
- PJI coordinated a panel on pretrial justice research at the American Society of Criminology Annual Conference.
- The Drug Policy Alliance and Luminosity published a New Jersey jail population [analysis](#), which found that more than 73 percent of the jail population was in pretrial status and that 38.5 percent of the jail population was being held solely because of inability to pay their money bond. The report concluded that “more efficiently and effectively managing the pretrial population” was the best route for reducing the jail population.
- In July, PJI gave a pretrial 101 introduction at The George Washington University to a group of high school students interested in pursuing criminal justice careers.

# **APPENDIX: Members of the Subcommittees of the Pretrial Justice Working Group (2013-2014)**

<b>Name</b>	<b>Organization Name</b>
<b>Research Subcommittee</b>	
Angela Moore	National Institute of Justice
Anne Milgram	Laura and John Arnold Foundation
Bryan Taylor	Pretrial Justice Institute
Carrie Williamson	Justice Research and Statistics Association
Cherise Fanno Burdeen	Pretrial Justice Institute
Chris Innes	National Institute of Corrections
Chris Lowenkamp	Luminosity Inc.
Christian Henrichson	Vera Cost Benefit Analysis Unit
Cynthia Jones	American University Washington College of Law
Cynthia Lum	George Mason University
David Mueller	Regional Justice Information Service
Dianne Beer-Maxwell	International Association of Chiefs of Police
Doug Marlowe	National Association of Drug Court Professionals
Edward Banks	Department of Justice
Ezekiel Edwards	American Civil Liberties Union
Faye Taxman	George Mason University
Hallie Fader-Towe	Council of State Governments
Herb Sturz	Open Society Foundation
Inimai Chettiar	Brennan Center for Justice
Isami Arifuku	National Council on Crime and Delinquency
Jennifer Bradford	Metropolitan State University – Denver
Jerome McElroy	NY Criminal Justice Agency
Jesse Janetta	Urban Institute
Jim Austin	JFA Institute
Joan Weiss	Justice Research and Statistics Association
John Clark	Pretrial Justice Institute
John Firman	International Association of Chiefs of Police
Kara Dansky	American Civil Liberties Union

<b>Name</b>	<b>Organization Name</b>
Katherine Schmitt	Office of Justice Programs
KiDeuk Kim	Urban Institute
Kim Ball	Bureau of Justice Assistance
Laura House	DC Pretrial Services Agency
Lauren-Brooke Eisen	Brennan Center for Justice
Marie VanNostrand	Luminosity Inc.
Marlene Beckman	Office of Justice Programs
Matt Alsdorf	Laura and John Arnold Foundation
Meg Egan	Cook County IL Sheriff's Office
Melissa Neal	Justice Policy Institute
Mike Jones	Pretrial Justice Institute
Nadine Frederique	National Institute of Justice
Nancy LaVigne	Urban Institute
Nathan Lowe	American Probation and Parole Association
Pamela Davis	Pretrial Justice Institute
Pamela Rodriguez	National TASC
Rebecca Neusteter	Laura and John Arnold Foundation
Richard Jerome	Pew's Public Safety Performance Project
Robert Harris	National Assn. of Prosecutor Coordinators
Stephanie Vetter	Pretrial Justice Institute
Thomas Cohen	Administrative Office of the US Courts
Tim Cadigan	Administrative Office of the US Courts
Tim Murray	Pretrial Justice Institute
Tina Chiu	Vera Cost Benefit Analysis Unit
Tracy Velazquez	Justice Policy Institute
Whitner Tymas	Vera Institute of Justice

## **Communications Subcommittee**

Aishatu Yusuf	National Council on Crime and Delinquency
Akiba Bradford	National Council on Crime and Delinquency
Alex Busansky	National Council on Crime and Delinquency
Allison DeFoor	FSU Project on Accountable Justice
Anne Milgram	Laura and John Arnold Foundation
Anu Rangappa	Dewey Square Group
Aubry Fox	Center for Court Innovation

<b>Name</b>	<b>Organization Name</b>
Brandon Haynes	Kentucky Administrative Office of the Courts
Brendon Fischer	PR Watch
Bryan Taylor	Pretrial Justice Institute
Burke Fitzpatrick	National Criminal Justice Association
Cabell Cropper	National Criminal Justice Association
Cherise Fanno Burdeen	Pretrial Justice Institute
Chris Rodgers	National Association of Counties
Craig Wacker	MacArthur Foundation
Dalen Harris	National Association of Counties
Daniel Gotoff	Lake Research Partners
Deborah Brodsky	FSU Project on Accountable Justice
Deon Jones	Pretrial Justice Institute
Donna Lyons	National Conference of State Legislatures
Emily Gold	Center for Court Innovation
Ginny Terzano	Dewey Square Group
Greg Berman	Center for Court Innovation
Hallie Fader-Towe	Council of State Governments
Heather Hogsett	National Governors Association
Jacqueline Cheney	Council of State Governments
Jerry Madden	American Legislative Exchange Council
Joe Fuld	Campaign Workshop
John Clark	Pretrial Justice Institute
Kim Ball	Bureau of Justice Assistance
Kristin Levingston	Ford Foundation
Laurie Garduque	MacArthur Foundation
Lenny Noisette	Open Society Foundation
Lizzie Kendrick	The Campaign Workshop
Maddy Delon	Innocence Project
Maeghan Gilmore	National Association of Counties
Marc Levin	Right on Crime
Marc Mauer	The Sentencing Project
Mark Pelka	Council of State Governments
Marlene Beckman	Department of Justice, Office of Justice Programs
Mary McClymont	Public Welfare Foundation
Matt Alsdorf	Laura and John Arnold Foundation

<b>Name</b>	<b>Organization Name</b>
Maurice Possley	John Jay College
Michael Jones	Pretrial Justice Institute
Mike Thompson	Council of State Governments
Pamela Davis	Pretrial Justice Institute
Paul Ashton	Justice Policy Institute
Peter Bailon	ALICE
Robert Harris	National Assn. of Prosecutor Coordinators
Sarah Solon	American Civil Liberties Union
Seema Gajwani	Public Welfare Foundation
Stephen Handelman	John Jay College
Tim Murray	Pretrial Justice Institute
Tracy Velazquez	Justice Policy Institute
Truman Morrison III	Judge, DC Superior Court, PJI Board Chair

## **Criminal Justice System Subcommittee**

Alyssa Work	The Bronx Freedom Fund
Art Wallenstein	Montgomery County, MD Department of Corrections
Ashley Harron	National Assn. of Drug Court Professionals
Avis Buchanan	DC Public Defender Service
Bill Dressell	National Judicial College
Cabell Cropper	National Criminal Justice Association
Carl Wicklund	American Probation and Parole Association
Cherise Fanno Burdeen	Pretrial Justice Institute
Cliff Keenan	Pretrial Services Agency for the District of Columbia
Bernadette DiPino	Chief, Sarasota, FL Police Department
David Carroll	Sixth Amendment Center
David LaBahn	Association of Prosecuting Attorneys
David Tevelin	Consultant
Deborah Leff	Department of Justice Access to Justice Office
Doug Colbert	University of Maryland School of Law
Ed Burnette	National Legal Aid and Defenders Association
Ed Monahan	Kentucky Department of Public Advocacy
Elaine Borokove	Justice Management Institute
Elyse Clawson	Crime and Justice Institute
Eric Washington	Chief Judge, DC Court of Appeals

<b>Name</b>	<b>Organization Name</b>
Ezekiel Edwards	American Civil Liberties Union
Fran Ecker	National Criminal Justice Association
Frank Hecht	American Jail Association
Greg Mize	National Center for State Courts
Hallie Fader-Towe	Council of State Governments
Inimai Chettiar	Brennan Center for Justice
Jack Hanna	American Bar Association
Jane Messmer	American Bar Association
Jason Lamb	National Association of Prosecutor Coordinators
Jim Cosby	National Institute of Corrections
Jo-Ann Wallace	National Legal Aid and Defenders Association
Jodi Lobel	Philadelphia District Attorney's Office
John Clark	Pretrial Justice Institute
John Gross	National Association of Criminal Defense Lawyers
Katie Green	National Institute of Corrections
Kevin Bowling	National Association for Court Management
Kevin Burke	American Judges Association
Kim Ball	Bureau of Justice Assistance
Kim Kelberg	Office for Victims of Crime
Lisa Brooks	Criminal Justice Institute
Lisa Wayne	National Association of Criminal Defense Lawyers
Lori Eville	National Institute of Corrections
Maegan Gilmore	National Association of Counties
Mark Heyerly	KY Administrative Office of the Courts
Marlene Beckman	Office of Justice Programs
Mary Ann Mowatt	American Probation and Parole Association
Mary McQueen	National Center for State Courts
Matt Chase	National Association of Counties
Mia Fernandez	National Center for Victims of Crime
Michael Ferrence	Major County Sheriffs Association
Meghan Guevara	Crime and Justice Institute
Michael Jones	Pretrial Justice Institute
Nancy Beatty	Office of Probation and Pretrial Services
Norm Reiner	National Association of Criminal Defense Lawyers
Pamela Davis	Pretrial Justice Institute

<b>Name</b>	<b>Organization Name</b>
Paul Pastor	Major County Sheriffs Association
Peter Kiers	National Association of Pretrial Services Agencies
Ray Billotte	National Association of Court Managers
Richard Wintory	Pima County Deputy Attorney & ABA
Robert Harris	National Association of Prosecutor Coordinators
Robin Wosje	Justice Management Institute
Scott Burns	National District Attorneys Association
Sheriff Stanley Glanz	National Sheriffs Association
Shima Baradaran	ABA Task Force on Pretrial Reform
Spurgeon Kennedy	National Association of Pretrial Services Agencies
Stan Hilkey	Sheriff, Mesa County, CO
Steve Jansen	Association of Prosecuting Attorneys
Susie Shaffer	National Institute of Corrections Board
Tim Murray	Pretrial Justice Institute
Trent Cornish	Office of Probation and Pretrial Services
Truman Morrison III	Judge, DC Superior Court
Will Marling	National Organization for Victim Assistance

## **Policy Subcommittee**

Bryan Taylor	Pretrial Justice Institute
Carl Wicklund	American Probation and Parole Association
Carl Takei	American Civil Liberties Union
Carrie Williamson	Justice Research and Statistics Association
Cherise Fanno Burdeen	Pretrial Justice Institute
Dominick Liberatore	International Association of Chiefs of Police
Elyse Clawson	Crime and Justice Institute
Emily Gold	Center for Court Innovation
Hallie Fader-Towe	Council of State Governments
Jenni Trovillon	National Council on Crime and Delinquency
Jerome McElroy	New York City Criminal Justice Agency
Kara Dansky	American Civil Liberties Union
Larry Kupers	Office of Defender Services at Admin. Office of U.S. Courts
Lauren-Brooke Eisen	Brennan Center for Justice
Lindsey Carlson	Pew Charitable Trusts

**Name****Organization Name**

Lisa Wayne	National Association of Criminal Defense Lawyers
Marc Levin	Texas Public Policy Foundation
Marie VanNostrand	Luminosity, Inc.
Mike Jones	Pretrial Justice Institute
Pamela Davis	Pretrial Justice Institute
Peggy McGarry	Vera Institute of Justice
Peter Bailon	ALICE
Seema Gajwani	Public Welfare Foundation
Shawna Bongard	Justice Continuum
Shima Baradaran	ABA Pretrial Justice Taskforce
Will Marling	National Organization for Victim Assistance