

# Developing a Pretrial Services Agency in East Baton Rouge Parish, LA

Summary and  
Recommendations



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## EXECUTIVE SUMMARY

This report details technical assistance provided by the Justice Management Institute to the East Baton Rouge Criminal Justice Coordinating Committee (EBR CJCC) and the Louisiana 19<sup>th</sup> Judicial Circuit Court to assess the feasibility of converting the Parish’s Bail Bond Program into a full function pretrial services agency.

JMI found that the Bail Bond Program meets the definition for such an agency under Louisiana law. However, the Program lacks many of the functions of a full service pretrial service agency. Chief among these are:

- Full interviews of individuals awaiting a bail decision;
- Application of a pretrial outcome assessment;
- A supervision option for individuals who cannot be released on own recognizance but may not require financial bail; and
- Specific outcome and performance measures.

Recommendations
1) Determine the Pretrial Services Agency's administrative location
2) Adopt a full background investigation protocol
3) Select a pretrial outcome assessment
4) Adopt an adjusted actuarial approach to recommendations to Court
5) Create a supervision and support strategy
6) Review bail decisions that result in pretrial detention
7) Adopt outcome metrics

## INTRODUCTION

As part of its technical assistance under the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge, the Justice Management Institute (JMI) agreed to assist the East Baton Rouge Criminal Justice Coordinating Council (EBR CJCC) and the Louisiana 19<sup>th</sup> Judicial Circuit Court assess the feasibility of implementing a full-function pretrial services agency. Specifically, JMI staff reviewed:

- Requirements for pretrial services agencies under Louisiana law and nationally recognized standards.
- Comparative analysis of the Bail Bond Program operations with state requirements and recognized standards for a pretrial services agency.
- The functions needed for the Bail Bond Program to meet state requirements and recognized standards.

## COMPARISON OF THE EBR BAIL BOND UNIT TO A FULL-SERVICE PRETRIAL SERVICES AGENCY

### The 19<sup>th</sup> Judicial District Court Bail Bond Program

The 19<sup>th</sup> Judicial District Court Bail Bond Program began in the mid 1970's. The Program assists judges in setting bail requirements for arrestees with District Court charges. The Program may also assist those seeking to function as surety for arrestees by serving as an Unsecured Personal Surety (Sign-Out) or as Secured Personal Surety (Property Bond). The Program's functions center on the initial bail decision, with staff supplying judicial officers with arrestees' criminal history information and the results of a "Financial Information Form for Indigency Determination and Initial Bail."

The Program meets the Louisiana Code of Criminal Procedure's definition of a pretrial services agency as "any organization which is contracted, employed, or which receives public funds to perform or provide pretrial services, such as screening of any defendant."<sup>1</sup> The Article describes the state's requirements for pretrial services agencies as verifying all background information provided by a defendant or otherwise obtained by the organization regarding the defendant.<sup>2</sup>

### Pretrial Services Agency Functions

JMI based its criteria for comparing the Bail Bond Program to pretrial services agencies that operate on national standards created by the National Association of Pretrial Services Agencies (NAPSA)<sup>3</sup> and the National Institute of Correction's (NIC) *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*.<sup>4</sup> Both publications define the fundamentals of an effective pretrial system and the essential elements of a high functioning pretrial services

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<sup>1</sup> Louisiana Code of Criminal Procedure, Art. 317. Amended by Acts 1982, No. 276, §1; Acts 1987, No. 500, §1; Acts 1991, No. 72, §1; Acts 1992, No. 401, §1; Acts 1993, No. 834, §1, eff. June 22, 1993; Acts 2003, No. 222, §1; Acts 2016, No. 613, §1, eff. Jan. 1, 2017.

<sup>2</sup> Id.

<sup>3</sup> National Association of Pretrial Services Agencies. (2020). *National Standards for Pretrial Release: Revised 2020*. Washington, DC: NAPSA.

<sup>4</sup> Pilnik, L., Hankey, B., Simoni, E., Kennedy, S., Moore, L.J., Sawyer, J. (2017). *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. Washington, D.C.: National Institute of Corrections. NIC Accession Number: 032831.

agency. NAPSA's standards and NIC's "Framework" include the following pretrial agency criteria:

*Dedicated Pretrial Services Agency:* A jurisdiction's operational pretrial functions (risk assessment, release/detention recommendation, supervision, compliance monitoring, and performance measurement and feedback) should be contained under a single organizational structure. The pretrial services agency should be a separate, independent entity or a component of a larger organization with the following organizational capacities:

- A clearly defined, pretrial service-related function as its purpose;
- Staff assigned only to pretrial-related work with pretrial defendants; and
- Management that can make independent decisions on budget, staffing, and policy.

*Operationalized Mission Statement:* A mission statement that communicates the agency's purpose and guides its organization's strategic decision-making, allowing leadership to develop short and long-term objectives and strategies to accomplish these objectives. A pretrial services agency's mission statement must be consistent with maximizing release rates for appropriate defendants, court appearance, and public safety.

*Universal Screening:* A pre-bond screening of all defendants eligible by statute for release consideration to make informed, individualized, risk-based recommendations to the court regarding bail. Screening occurs before the defendant's initial court appearance so that the judicial officer can factor screening results into his or her release decision. Screening functions should include:

- Defendant interview to identify possible mitigating/aggravating factors for consideration;
- Criminal history investigation;
- Independent investigation and verification of interview information, specifically information that may affect the agency's supervision intervention; and
- Application of a validated pretrial outcome—or risk—assessment.

*Bail Recommendation:* A suggested strategy of monitoring or supervision to promote court appearance and public safety. The recommendation should be individualized to the defendant's assessed outcome level and the aggravating or mitigating factors found during the pretrial investigation and outline the

least restrictive intervention needed to assure court appearance and community safety.

*Validated Pretrial Outcome Assessment:* The use of a locally validated or nationally recognized pretrial outcome assessment to gauge an individual’s likelihood to miss a scheduled court date or to be rearrested pending adjudication. The assessment should consider factors shown through research to predict these outcomes. As per the Framework, the instrument should be an “adjusted actuarial assessment” that allows pretrial services agency staff limited and well-defined recommendation overrides of assessment results, based on mitigating or aggravating circumstances discovered during the universal screen.

*Sequential Bail Review:* Review of the detained and released defendant populations to ensure that an individual’s release status continues to match their risk level. This function includes report to the court when material changes warrant a reconsideration of bail. Agencies should prioritize these sequential reviews to pretrial detainees whose assessed risk level may not warrant detention and released defendants who are noncompliant with release conditions, have missed a scheduled court appearance or have been rearrested pretrial.

*Risk-Based Supervision:* Supervision and monitoring to promote court appearance and public safety with levels matching the defendant’s assessed risk level. Supervision should conform to the “risk principle” and the requirement found in Federal and most state bail laws—and be supported by pretrial release standards—that pretrial conditions are the least restrictive needed to assure court appearance and public safety.

*Court Notification:* Notification of upcoming court appearances (including phone calls, recorded phone messages, mail notification, text messaging, and e-mail) fully implemented at all levels of supervision and monitoring to reduce the risk of failure to appear.

*Outcome and Performance Measurement:* Metrics that track success at meeting mission and strategic objectives. Agencies should define and measure success with the right metrics to identify practices that work, need improvement or are nonproductive. Suggested measures for pretrial services agencies that support maximizing release, court appearances, and public safety, include:

1. **Release Rate:** The percentage of individuals eligible for pretrial release who secure release pending adjudication.
2. **Appearance Rate:** The percentage of supervised defendants who make all scheduled court appearances.
3. **Safety Rate:** The percentage of supervised defendants who are not charged with a new offense during the pretrial stage.
4. **Success Rate:** The percentage of released defendants who appear for all scheduled court appearances and are not charged with a new offense during pretrial supervision.

While the Bail Bond Program meets the Louisiana Code of Criminal Procedure's definition of a pretrial services agency, it lacks many of the above features of a full-scale pretrial services agency. These include:

- A structured individual background investigation;
- Application of a pretrial risk assessment;
- Recommendations to help inform the court's bail decision;
- Regular review of the pretrial detainee population;
- Supervision and support services' and
- Outcome and performance metric collection and tracking.



## LEGAL REQUIREMENTS FOR A PRETRIAL SERVICES AGENCY

As mentioned earlier, Article 317 of the Louisiana Code of Criminal Procedure State defines pretrial services agency as “any organization which is contracted, employed, or which receives public funds to perform or provide pretrial services, such as screening of any defendant.”<sup>5</sup> The Article outlines the state’s requirements for pretrial services agencies as verifying all background information provided by a defendant or otherwise obtained by the organization regarding the defendant.<sup>6</sup>

### General Bail Requirements

State bail requirements outline which individuals are eligible for bail consideration (the potential screening and supervision population for a pretrial services agency) as well as the type of information a pretrial agency should collect during its investigations of arrestees before bail setting.

Bail provisions for Louisiana are found in the state’s Constitution (Const. art. 1 § 18) and the Louisiana Codes for Criminal Procedure (Louisiana C. Cr. P. Art. 330 & Art. 331). These provisions include a presumption of release for most defendants—except those charged with specific violent offenses—but also emphasize financial bail. As noted in *Article I: Declaration of Rights, 18. Right to Bail*:

“Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great.”<sup>7</sup>

The Article also details exceptions to the presumption of release:

“However, a person charged with a crime of violence as defined by law or with production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance as defined by the Louisiana Controlled Dangerous Substances Law, and the proof is

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<sup>5</sup> Louisiana Code of Criminal Procedure, Art. 317. Amended by Acts 1982, No. 276, §1; Acts 1987, No. 500, §1; Acts 1991, No. 72, §1; Acts 1992, No. 401, §1; Acts 1993, No. 834, §1, eff. June 22, 1993; Acts 2003, No. 222, §1; Acts 2016, No. 613, §1, eff. Jan. 1, 2017.

<sup>6</sup> Id.

<sup>7</sup> *Article I: Declaration of Rights, 18. Right to Bail, Section 18. (A)*.

evident and the presumption of guilt is great, shall not be bailable if, after a contradictory hearing, the judge or magistrate finds by clear and convincing evidence that there is a substantial risk that the person may flee or poses an imminent danger to any other person or the community.”<sup>8</sup>

Louisiana’s bail law also enumerates specific factors for judges to consider when setting bail:

Art. 316. Factors in fixing amount of bail

- (1) The seriousness of the offense charged, including but not limited to whether the offense is a crime of violence or involves a controlled dangerous substance.
- (2) The weight of the evidence against the defendant.
- (3) The previous criminal record of the defendant.
- (4) The ability of the defendant to give bail.
- (5) The nature and seriousness of the danger to any other person or the community that would be posed by the defendant's release.
- (6) The defendant's voluntary participation in a pretrial drug testing program.
- (7) The absence or presence in the defendant of any controlled dangerous substance.
- (8) Whether the defendant is currently out on a bail undertaking on a previous felony arrest for which he is awaiting institution of prosecution, arraignment, trial, or sentencing.
- (9) Any other circumstances affecting the probability of defendant's appearance.
- (10) The type or form of bail.

### *Ryan v. Smith*

A federal court case with potential implications for bail setting in the Parish is *Ryan v. Smith* (Case 3:20-cv-00843-SDD-SDJ) pending in the U.S. District Court for the Middle District of Louisiana. Three groups are suing judges in the 19th Judicial District, claiming that the Court’s bail-setting practices discriminate against poor individuals by not considering an individual’s ability to pay set bail amounts. This lawsuit is similar to those filed in Harris County, Texas;<sup>9</sup> the state of California;<sup>10</sup> and other jurisdictions. Later court rulings or consent decrees in

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<sup>8</sup> *Article I: Declaration of Rights, 18. Right to Bail, Section 18. (B).*

<sup>9</sup> *O’Donnell, et al. v. Harris County*, No. 17-20333 at 5 (5th Cir. Feb. 14, 2018).

<sup>10</sup> *In re Humphrey*, 228 Cal. Rptr. 3d 513 (Cal. Ct. App. 2018).

these and other cases imposed a requirement that the courts consider ability to pay when setting bail.

## STAKEHOLDER OPINIONS ON DEVELOPING A PRETRIAL SERVICES AGENCY

To gauge local stakeholder opinions regarding a pretrial services agency in the Parish, JMI invited 22 individuals identified by the EBR CJCC to participate in an on-line survey. Eleven stakeholders (50%) responded to the survey request, with nine responses from the court and one each from the District Attorney and Public Defender.

Eight of 11 respondents (72.7%) believed the Parish should establish a full-service pretrial services agency. An equal number thought the agency should be placed within the Court. All respondents rated the following as “important” or “very important” functions for a pretrial service agency: criminal history checks for individuals awaiting initial appearance or under the agency’s supervision, supervision and support services to pretrial individuals, regular bail eligibility reviews of the detained population, and performance metrics. Ten respondents (91%) also ranked risk assessment, pre-bond interviews, and regular reporting and GPS supervision requirements were “important” or “very important.” Fewer respondents saw making recommendations to the court regarding bail (56%, n=6), membership in the EBR CJCC (64%, n=7), and the use substance abuse disorder and behavioral health referrals as part of supervision (82%, n=9) as essential functions.

Among court respondents, opinions about the bail recommendation function and the pretrial agency’s membership within CJCC were split almost evenly between “not important” and “very important.” For example, two court respondents (22.2%) saw agency recommendations as “not important,” while three (33.3%) found this function as “very important.”

JMI also conducted virtual interviews with two judicial officers. Both were very supportive of establishing a pretrial services agency in the Parish, though their opinions varied on the agency’s most appropriate location (under the court as opposed to the Parish executive). Both judicial officers stressed the need for the agency to be viewed as a neutral actor within the justice system. Both also noted that the agency should make its risk assessment instrument available to other stakeholders and the public to ensure transparency and offer individuals on supervision with community-based behavioral health treatment option.

## SCALING THE BAIL PROGRAM TO A FULL-SCALE PRETRIAL SERVICES

### AGENCY

Although the Bail Bond Program meets the definition for a pretrial services agency under Louisiana law, it lacks many of the functions of a full-service pretrial service agency. This section outlines the functions that the Parish and the EBR CJCC should consider when reorganizing the Bail Program into a full-scale pretrial services agency.

#### Operationalized Mission Statement

The pretrial services agency should develop a mission statement that communicates its purpose and guides its organization’s strategic decision-making, allowing leadership to develop short and long-term objectives and strategies to accomplish these objectives. The mission statement must be consistent with maximizing release rates for appropriate defendants, court appearance, and public safety.<sup>11</sup>

EXAMPLES OF PRETRIAL SERVICES AGENCY MISSION STATEMENTS

Pretrial Services Agency for the District of Columbia	“to promote pretrial justice and enhance community safety”
United States District Court of New Jersey	“provide the Court with the best available information to make appropriate pretrial release decisions and to protecting the community by supervision of those released to its custody”
the U.S. Eastern District Court of Michigan	“(the agency) adheres to the Bail Reform Act of 1984, treating all parties with dignity and respect while facilitating the fair administration of justice”
Pima County, AZ Pretrial Services Agency	“to promote public safety, court appearance, and pretrial justice”

The pretrial services agency should use its mission statement to construct its organizational structure, including its strategic goals and objectives and key strategies. These become the building blocks for creating and managing the agency’s critical work functions. An example of a mission statement driven organizational chart appears in Appendix A.

<sup>11</sup> Id. at p. 35.

## Universal Screening

The pretrial services agency should conduct a screening at the initial court appearance of all individuals eligible by statute for release consideration. The screening should include:

- An interview to include the individual’s residence, contact information, current means of support, relationship with the complainant, and potential behavioral health issues that may affect court appearance or impact public safety;
- A full state or nationwide criminal history investigation;
- Independent investigation and verification of interview information, specifically information that may affect the agency’s supervision intervention; and
- Application of a validated pretrial outcome assessment.<sup>12</sup>

The pretrial interview should occur independent of the Bail Program’s current financial indigency affidavit. JMI’s suggested interview form is included in Appendix B.

JMI suggests that the pretrial services agency attempt as broad a criminal history investigation as local resources allow. Potential sources should include the Parish’s court database and the FBI’s Triple-I system.

## Validated Pretrial Outcome Assessment

JMI recommends the pretrial services agency adopt a nationally recognized pretrial outcome assessment to gauge each individual’s likelihood to appear for scheduled court dates and remain arrest-free pending adjudication. The assessment should be based on factors shown through research to predict these outcomes. As per NIC’s Framework and NAPSA Standards, the outcome assessment should be structured within an “adjusted actuarial assessment” format, whereby agency staff have limited and well-defined rules to recommend release outside of an assessed risk level, based on mitigating or aggravating circumstances discovered during the universal screen.<sup>13</sup>

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<sup>12</sup> Pilnik, et. al. (2017). p. 36-37.

<sup>13</sup> Id. at p. 38-41.

Outcome assessments have been used in the criminal justice field since the 1920's,<sup>14</sup> mirroring actuarial assessment in other fields such as medicine, economics, and business. Since the 1980's, outcome instruments have evolved and complemented a wider movement toward evidence-based practices in justice decision making and processes. A second generation of assessments incorporated actuarial-style items into assessment tools, usually numeric values associated with the presence or absence of a perceived risk factor. The third generation of assessments introduced empirical study to the factors associated with misconduct. These included dynamic<sup>15</sup> and static factors to produce a more accurate picture of risk. Currently, fourth generation instruments predict risk and suggest intervention strategies to minimize or alleviate this risk.<sup>16</sup>

Several pretrial outcome assessments are in the public domain and in use by pretrial services agencies nationwide, including:

- The Arnold Ventures, LLC. Public Safety Assessment (PSA);
- Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-Revised); and
- Ohio Risk Assessment System-Pretrial Assessment Tool. (ORAS-PAT).

Each of these assessments has been validated in numerous jurisdictions and are generally acknowledged to meet the following standards for prediction instruments:

- *Accuracy*, how well the assessment measures the likelihood of pretrial misconduct;
- *Validity*, whether the assessment measures what it purports to measure.
- *Transparency*, whether the instrument's risk factors and weighting criteria are known publicly; and
- *Reliability*, how well a single rater and rater groups agree in their assessment of similar defendants.

Each assessment identified above has specific advantages and issues associated with its implementation and use. For example, the PSA and VPRAI include decision matrices to help pretrial agencies convert assessment results into actual

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<sup>14</sup> Kehl, D., Guo, P. and Kessler, S. (2017). *Algorithms in the Criminal Justice System: Assessing the Use of Risk Assessments in Sentencing*. Responsive Communities Initiative, Berkman Klein Center for Internet & Society, Harvard Law School. at 3.

<sup>15</sup> Dynamic factors are those that change over time, such as the rate of drug use, residence, and employment.

<sup>16</sup> Andrews, A. and Bonta, J. (2010). *Rehabilitating Criminal Justice Policy and Practice*. Psychology, Public Policy, and Law 2010, Vol. 16, No. 1, 39–55. American Psychological Association.

recommendations. The ORAS allows consideration of mitigating and aggravating factors, making it easier to apply in an adjusted actuarial process. However, all assessments feature a common set of risk factors usually weighted comparably. All produce a categorical description of defendant risk and yield similar rates of validity and accuracy. Finally, all require similar resources and training.

JMI does not consider any particular pretrial outcome assessment as best fitting the needs of the proposed pretrial services agency. Given this, we recommend that the Parish adopt the approach taken by California through its recent Senate Bill 36. That statute requires pretrial services agencies in the state to use an assessment and to validate that tool at least every three years. The statute also outlines requirements for the assessment, including a finding that the assessment produces accurate predictions of pretrial outcomes.

Similarly, the pretrial services agency should adopt specific and enforceable accreditation requirements for its outcome assessment, including:

- Validation by local or national research firm that ensures the instrument's validity and accuracy;
- Assurance that the instrument is supported by available local data;
- Transparency regarding the risk factors uses, weighting, and assessment results;
- Locally produced pretrial outcomes; and
- Regular revalidation based on the locality's defendant population.

### Bail Recommendation

The pretrial services agency's recommendation is its suggested strategy to promote court appearance and public safety. It links the pretrial services agency's outcome assessments and the mitigating and aggravating factors found during the pretrial investigation to appropriate pretrial release options that address individuals' specific risk and supervision needs.

JMI recommends that the pretrial services agency include a recommendation for appropriate release conditions in its court report. The recommendations should meet the criteria set forth in the NAPSA Standards to be tailored to the individual's specific risk factors and are the least restrictive intervention needed to assure court appearance and community safety. Rehabilitation, punishment or victim restitution should not be considerations.<sup>17</sup> The agency also should

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<sup>17</sup> NAPSA (2020).

avoid recommending “blanket conditions” based solely on charge type or defendant class.

Two public domain outcome assessments—the PSA and VPRAI—include decision matrices that help pretrial agencies convert outcome assessment results to recommended conditions that match assessed risk levels. Under a matrix, the intersecting points of the assessment’s appearance and public safety risk categories (or charge severity as a proxy) identify a recommended pretrial release level; for example, from Own Recognizance to “Maximum Conditions.” As an example, the decision-making framework adopted by New Orleans Pretrial Services is provided below:

Decision-Making Matrix							
		New Criminal Activity (NCA) Score					
		NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
<i>Risk of Failure to Appear (FTA) Score</i>	FTA 1	Risk Level 1	Risk Level 1				
	FTA 2	Risk Level 1	Risk Level 1	Risk Level 2	Risk Level 3	Risk Level 4	
	FTA 3		Risk Level 2	Risk Level 2	Risk Level 3	Risk Level 4	Risk Level 5
	FTA 4		Risk Level 2	Risk Level 3	Risk Level 4	Risk Level 4	Risk Level 5
	FTA 5		Risk Level 3	Risk Level 3	Risk Level 4	Risk Level 5	Risk Level 5
	FTA 6				Risk Level 5	Risk Level 5	Risk Level 5

NEW ORLEANS PUBLIC SAFETY ASSESSMENT RELEASE RECOMMENDATIONS

	Level 1	Level 2	Level 3	Level 4	Level 5
COURT DATE REMINDER*	✓	✓	✓	✓	✓
NEW ARREST CHECK		Monthly	Monthly	Monthly	Monthly
FACE-TO-FACE CONTACT		Initial	1x Month	2x Month	At least 3x month
PHONE CONTACT		1x Month	1x Month	2x Month	2x Month

\* Court notification is done manually, except for clients of the New Orleans Public Defender who will soon have an automated text reminder system in place.

### Sequential Bail Review

The pretrial services agency should review the detained and released defendant populations to ensure that release or detention status continues to match assessed risk levels. This function includes 1) review of the defendant population and 2) report to the court when material changes warrant a reconsideration of



release or detention. Agencies prioritize these sequential reviews with pretrial detainees whose assessed risk level may not warrant detention, and released defendants who are noncompliant with release conditions, have missed a scheduled court appearance or have been rearrested pretrial.<sup>18</sup>

### Supervision, Support, and Monitoring

The pretrial services agency should offer supervision, monitoring, and support options for appropriate individuals to promote court appearance and public safety. Levels of supervision and specific conditions should match assessed risk levels and *match to specific risk factors* identified during the agency's background investigation.<sup>19</sup> In addition to requiring appearance at all future court hearings and obedience of all laws, common release conditions enumerated in many bail laws include regular contact with a supervising agency; restrictions on travel, association, or residence; and drug or alcohol testing. Many pretrial services agencies have added electronic monitoring and global positioning surveillance to their supervision protocols.

Although JMI recommends a supervision component for the proposed agency, we also recognize several shortcomings to this approach. Research on pretrial supervision is mixed. A study by Arnold Ventures, LLC found that supervised moderate- and high-risk people were more likely to appear in court than similar people not under supervision. However, other research shows that imposing pretrial interventions on people at low to moderate risk decreased their likelihood of pretrial success.<sup>20</sup> No study shows significant improvements in public safety rates.<sup>21</sup>

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<sup>18</sup> Pilnik, et. al. (2017). p. 42-43.

<sup>19</sup> Id. at pp. 44-49.

<sup>20</sup> VanNostrand, M. and Keebler, G. (2009). Pretrial Risk Assessment in the Federal Court. *Federal Probation* 73(2). Lowder, E.M. and Foudray, C.M.A. (2021). Use of Risk Assessments in Pretrial Supervision Decision-Making and Associated Outcomes. <https://doi.org/10.1177%2F00111287211022642>.

<sup>21</sup> Lowenkamp, C. T., & VanNostrand, M. (2013). Exploring the impact of supervision on pretrial outcomes. Laura and John Arnold Foundation. Bechtel, K., Holsinger, A. M., Lowenkamp, C. T., & Warren, M. J. (2016). A meta-analytic review of pretrial research: Risk assessment, bond type, and interventions. *American Journal of Criminal Justice*, 42(2), 443–467.

There also is no firm grounding in research for commonly imposed pretrial conditions. No research supports regular contact with a case manager,<sup>22</sup> drug testing,<sup>23</sup> or electronic surveillance.<sup>24</sup> As noted by Advancing Pretrial Policy and Research in 2021:

“The most notable gap in pretrial monitoring literature is the absence of empirical evaluations regarding the effectiveness of common pretrial release conditions and practices on a person’s likelihood of appearing in court or remaining arrest-free pretrial. Unevaluated conditions include, among others, no contact orders, curfews, and driving interlock devices. Additionally, how pretrial services agencies

<sup>22</sup> Lowenkamp, C. T., & VanNostrand, M. (2013).

<sup>23</sup> Henry, D. A., & Clark, J. (1999). Pretrial drug testing: An overview of issues and practices. <https://www.ncjrs.gov/pdffiles1/176341.pdf>. Britt, C. L., III, Gottfredson, M. R., & Goldkamp, J. S. (1992). Drug testing and pretrial misconduct: An experiment on the specific deterrent effects of drug monitoring defendants on pretrial release. *Journal of Research in Crime and Delinquency*, 29(1), 62–78.

<https://doi.org/10.1177/0022427892029001004>. Goldkamp, J. S., & Jones, P. R. (1992). Pretrial drug-testing experiments in Milwaukee and Prince George’s County: The context of implementation. *Journal of Research in Crime and Delinquency*, 29(4), 430–465. <https://doi.org/10.1177/0022427892029004003>. Toborg, M. A., Bellasai, J. P., Yezer, A. M., & Trost, R. P. (1989). Assessment of pretrial urine testing in the District of Columbia (NCJRS 119968).

<https://www.ncjrs.gov/pdffiles1/Digitization/119968NCJRS.pdf>. Goldkamp, J. S., Gottfredson, M. R., & Weiland, D. (1990). Pretrial drug testing and defendant risk. *Journal of Criminal Law and Criminology*, 81(3), 585–652. <https://core.ac.uk/download/pdf/205697685.pdf>.

<sup>24</sup> Coopridner, K. W. and Kerby, J. (1990). A practical application of electronic monitoring at the pretrial stage. *Federal Probation*, 54(1), 28–35. Hatton, R. (2019). Research on the effectiveness of pretrial electronic monitoring.

<https://cjl.sog.unc.edu/files/2019/09/EM-Briefing-Paper-9.26.2019.pdf>; Maxfield, M. G., & Baumer, T. L. (1991). Evaluation of pretrial home detention with electronic monitoring: Brief summary (NCJRS No. 133526). <https://www.ncjrs.gov/pdffiles1/Digitization/133526NCJRS.pdf>. Cadigan, T. P. (1991). Electronic monitoring in federal pretrial release. *Federal Probation*, 55(1), 26–30.

<https://www.ncjrs.gov/pdffiles1/Digitization/133410NCJRS.pdf>. Sainju, K. D., Fahy, S., Hamilton, B. A., Baggaley, K., Baker, A., Minassian, T., & Filippelli, V. (2018). Electronic monitoring for pretrial release: Assessing the impact. *Federal Probation*, 82(3), 3–10. [https://www.uscourts.gov/sites/default/files/82\\_3\\_1.pdf](https://www.uscourts.gov/sites/default/files/82_3_1.pdf). Wolff, K. T., Dozier, C. A., Muller, J. P., Mowry, M., & Hutchinson, B. (2017). The impact of location monitoring among U.S. pretrial defendants in the District of New Jersey. *Federal Probation*, 81(3), 8–14. [https://www.uscourts.gov/sites/default/files/81\\_3\\_2\\_0.pdf](https://www.uscourts.gov/sites/default/files/81_3_2_0.pdf).

respond to people’s compliance and noncompliance (or “technical violations”) with court-ordered condition has not, to our knowledge, been studied in terms of impact on court appearance and pretrial arrest.”<sup>25</sup>

Research and case law argue against the use of “blanket conditions.” These include universal conditions applied to all defendants placed on a pretrial agency’s supervision, bond schedules that apply bail amounts by arrest charge types, and court orders that mandate conditions based offense (for example, drug testing for those charged with drug crimes or firearm prohibitions for weapons offenses) or assessed risk level rather than specific identified risk factors. For example, federal courts reviewing the Adam Walsh Act<sup>26</sup> have ruled the law’s mandate of electronic surveillance and reporting conditions for defendants charged with child pornography as unconstitutional.<sup>27</sup> As one court noted:

“The government interest in protecting society is valid. Its response in this particular case is not . . . The defendant poses no risk to society in general, or to children specifically . . . Under these circumstances, this court finds that electronic monitoring is excessive, as applied to this defendant, in light of the perceived evil.”<sup>28</sup>

Another court ruled that the Adam Walsh Act’s prohibition on firearms possession violated “...due process by requiring that, as a condition of release on bail, an accused person be required to surrender his Second Amendment right to possess a firearm without giving that person an opportunity to contest whether such a condition is reasonably necessary in his case to secure the safety of the

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<sup>25</sup> APPR (2021) at p. 5.

<sup>26</sup> The Adam Walsh Child Protection and Safety Act (PL 109-248) established a national registry of persons convicted of sex offenses. The law also amended the Bail Reform Act to require all Federal defendant charged with receipt or possession of child pornography and released pretrial comply with mandatory conditions of electronic monitoring, curfew, restrictions on personal associations and travel, stay away orders from victims, and regular reporting to a designated law enforcement or pretrial services agency. 18 U.S.C. § 3142(c)(1)(B)) (2006).

<sup>27</sup> Michael R. Handler, *A Law of Passion, Not of Principle, Nor Even Purpose: A Call to Repeal or Revise the Adam Walsh Act Amendments to the Bail Reform Act of 1984*, 101 J. CRIM. L. & CRIMINOLOGY 279 (2011).

<sup>28</sup> *United States v. Polouizzi*, 697 F. Supp. 2d 381, 395 (E.D.N.Y. 2010).

community.”<sup>29</sup> Courts also have struck down mandated pretrial supervision based solely on the nature of an offense<sup>30</sup> and mandated regular urinalysis in drug-related cases.<sup>31</sup>

Finally, most pretrial conditions do not effectively address the risk factors that research and literature link to pretrial misconduct. Pretrial outcome assessments rate static conditions (e.g., age, previous failures to appear, past criminal convictions or incarcerations, pending charges, and current status to the justice system) as more predictive of pretrial outcomes than dynamic factors (e.g., residence, employment, community ties).<sup>32</sup> Static predictors do not change during the supervision period and cannot be addressed well through interventions.<sup>33</sup> Further, the dynamic factors identified in pretrial assessments point to only a narrow range of behaviors or circumstances (such as residence issues or behavioral health concerns) that can be addressed through release conditions.

Data also suggest that most individuals released to pretrial will make all scheduled court dates and not be rearrested pending adjudication. For example, in fiscal year 2021, 92% of defendants released pretrial in Washington, D.C. made all scheduled court dates and 90% were not rearrested during the pretrial stage.<sup>34</sup> Ninety-eight percent of released defendants were not rearrested on a

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<sup>29</sup> *United States v. Arzberger*, 592 F. Supp. 2d 590 (S.D.N.Y. 2008) supra at 603.

<sup>30</sup> *State v. Wilcenski*, 2013 WI App 21, 346 Wis. 2d 145, 827 N.W.2d 642, 12-0142.

<sup>31</sup> *State v. Rose* 31 146 Wn. App. 439.

<sup>32</sup> Examples of commonly used pretrial risk assessments are the Public Safety Assessment, the Virginia Pretrial Risk Assessment Instrument, and the Ohio Risk Assessment Safety: Pretrial Assessment Tool. These can be found at: [https://www.insideprison.com/article\\_assessments\\_Ohio\\_Risk\\_Assessment\\_System\\_Pretial\\_Assessment\\_Tool.asp](https://www.insideprison.com/article_assessments_Ohio_Risk_Assessment_System_Pretial_Assessment_Tool.asp). [https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/corrections/virginia-pretrial-risk-assessment-instrument-vprai\\_0.pdf#:~:text=Virginia%20Pretrial%20Risk%20Assessment%20Instrument%20%28VPRAI%29%20examines%20a,Section%2C%20beginning%20on%20page%2021%20of%20this%20manual](https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/corrections/virginia-pretrial-risk-assessment-instrument-vprai_0.pdf#:~:text=Virginia%20Pretrial%20Risk%20Assessment%20Instrument%20%28VPRAI%29%20examines%20a,Section%2C%20beginning%20on%20page%2021%20of%20this%20manual). <https://advancingpretrial.org/psa/about/>.

<sup>33</sup> Douglas, K.S. and Skeem, J.L. Violence risk assessment: getting specific about being dynamic. *Psychology, Public Policy, and Law*. 2005;11:347.

<sup>34</sup> Pretrial Services Agency for the District of Columbia (2022). *Congressional Budget Justification and Performance Budget Request Fiscal Year 2023* at p. 33. Washington, D.C.: Pretrial Services Agency for the District of Columbia. The “arrest-free” metric includes criminal traffic and local misdemeanors as well as criminal misdemeanor and felonies.

new violent criminal charge.<sup>35</sup> In Cook County (Chicago), Illinois, 83% of released felony-charged defendants made all scheduled court dates, and 80% were not rearrested pretrial.<sup>36</sup> Ninety-seven percent of felony-charged defendants were not rearrested on a new violent offense as they awaited trial.<sup>37</sup> Even higher-level individuals typically succeed more often than they fail. Just under 85% of high-risk defendants in federal courts succeeded before trial.<sup>38</sup> Seventy-six percent of high-risk defendants in Allegheny County (Pittsburgh), PA, made all scheduled court appearances, remained arrest-free before trial, and complied with conditions of pretrial supervision.<sup>39</sup> Sixty-two percent of high-risk defendants in Riverside, CA, succeeded pretrial.<sup>40</sup>

With these caveats in mind, JMI suggests the pretrial services agency adopt a supervision model that:

- Ties the goal of supervision to the purposes of bail—reasonable assurance of future court appearance and public safety;
- Includes supervision conditions and supports that are specific to identified risk factors determined during the pretrial background investigation;
- Uses the least restrictive conditions and interventions needed to address specific identified risk factors; and
- Includes mitigation strategies short of a recommendation of supervision termination to address pretrial misconduct when it occurs.

#### ABILITY TO COMPLY

The pretrial services agency should verify that the court-ordered conditions it monitors are within an individual's ability to perform. This directive usually applies to secured financial conditions,<sup>41</sup> fees for pretrial supervision, or

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<sup>35</sup> Ibid.

<sup>36</sup> Stemen, D. and Olson, D. (2020). *Dollars and Sense in Cook County: Examining the Impact of General Order 18.8A on Felony Bond Court Decisions, Pretrial Release, and Crime*. Chicago, IL: John D. and Catherine T. MacArthur Foundation.

<sup>37</sup> Ibid.

<sup>38</sup> Van Nostrand, M. and Keebler, G. (2009).

<sup>39</sup> Collins, K. (2018). *Allegheny County Pretrial Services Outcome Reports: 2018*. Pittsburgh, PA: Allegheny County Pretrial Services.

<sup>40</sup> Lovins, B. and Lovins, L. (2016). *Riverside Pretrial Assistance to California Counties (PACC) Project Validation of a Pretrial Risk Assessment Tool Report*. Boston, MA: Crime and Justice Institute.

<sup>41</sup> See *In re Humphrey*, 228 Cal. Rptr. 3d 513 (Cal. Ct. App. 2018) and *O'Donnell, et al. v. Harris County*, No. 17-20333 at 5 (5th Cir. Feb. 14, 2018).

behavioral health placements.<sup>42</sup> It is also appropriate for conditions that require an individual to complete a regularly occurring activity, such as reporting, urinalysis, or adhering to curfews. Nonfinancial conditions should not impose unnecessary restrictions on a defendant's movements, conflict with a defendant's employment, education, home schedules, nor require defendants to expend limited transportation resources better used for scheduled court dates.

#### INDIVIDUAL SUPPORTS

The supervision model should include supports that foster positive behaviors and identifies possible impediments to court appearance and public safety.

**Court Notification:** Notification to defendants of scheduled court dates is a recognized evidence-based practice in the pretrial field.<sup>43</sup> Pretrial agencies or the courts should notify all defendants of upcoming court dates. The pretrial agency should ask defendants during the interview or upon the start of supervision which forms of notification (i.e., text message, email, phone call, and/or letter) are best for them and then employ those methods for future notifications.

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<sup>42</sup> See Vermont Statute Title 13 : Crimes And Criminal Procedure, Chapter 229 : Bail And Recognizances. § 7554. Release prior to trial, (a)(1)(C) ... The judicial officer shall take into consideration the defendant's ability to comply with an order of treatment and the availability of treatment resources.

<sup>43</sup> Eckert, M. and Rouse, M. (1991). *The 1991 Court-Date Notification Study: A Preliminary Report on CJA Notification Procedures and Their Impact on Criminal Court Failure-to-Appear Rates, February 4, 1991 Through March 27, 1991*. New York, NY: New York City Criminal Justice Agency. Rouse, M. and Eckert, M. (1992). *Arrestment-Date Notification and Arrestment Appearance of Defendants Released on Desk Appearance Tickets: A Summary of Preliminary Findings*. New York, NY: New York City Criminal Justice Agency. Murray, C., Polissar, N., and Bell, M. (1998). *The Misdemeanant Study: Misdemeanors and Misdemeanor Defendants in King County, Washington, Seattle, WA*. Crozier, T.L. (2000). *The Court Hearing Reminder Project: "If You Call Them, They Will Come," King County, WA: Institute for Court Management Court Executive Development Program*. Nice, M. (2006). *Court Appearance Notification System: Process and Outcome Evaluation, A Report for the Local Public Safety Coordinating Council and the CANS Oversight Committee*. White, W. F. (2006). *Court Hearing Call Notification Project, Coconino County, AZ: Criminal Coordinating Council and Flagstaff Justice Court*. Jefferson County Criminal Justice Planning Unit (2006). *Jefferson County Court Notification Program Six Month Program Summary, Jefferson County, CO*. Herian, M.N. and Bornstein, B.H. (2010). "Reducing Failure to Appear in Nebraska: A Field Study," *The Nebraska Lawyer*, 13, no. 8. Kainu, M. (2014). *Automated Court Notifications*. Washington, D.C.: District of Columbia Pretrial Services Agency.



**Behavioral Health Referrals:** Individuals with behavioral health related risk factors (for example, substance use disorder) may require additional clinical assessments to determine the need for treatment and the appropriate level of care required. In these instances, the pretrial agency should consider referrals to treatment, if appropriate. Agencies also should consider recommendations to the court for behavioral health diversion programming, if these are available.

The pretrial services agency should adopt procedures to offer referrals to behavioral health placement *independent of court orders* for defendants with an assessed treatment need but a low risk of pretrial misconduct. The agency should consider these as complements to supervision and not report engagement or non-engagement to the court.

**Response to Individual Conduct:** The pretrial services agency should monitor conditions in a way that promotes successful outcomes. This requires that the agency adopt a policy that identifies:

- Compliant and noncompliant defendant conduct and appropriate responses to each event;
- Defendant conducts that the agency should address internally; and
- Defendant conducts that requires court action.

The agency should notify the court whenever an individual's conduct cannot be addressed through administrative responses. The agency's report should include recommendations for court action; however, agencies should not recommend supervision termination for any defendant who has not willfully missed a scheduled court appearance or has not had a new criminal case filed against them.

### Outcome and Performance Measurement

The pretrial services agency should adopt outcome and performance metrics to track its success at meeting its mission and strategic objectives. Measures for pretrial services agencies suggested by NIC and NAPSA support maximizing release, court appearance, and public safety, including:

- **Release Rate:** The percentage of individuals who secure release pending case adjudication;
- **Appearance Rate:** The percentage of supervised individuals who make all scheduled court appearances;
- **Safety Rate:** The percentage of supervised individuals who are not charged with a new offense during the pretrial stage; and

- Success Rate: The percentage of released individuals who appear for all scheduled court appearances and are not charged with a new offense during pretrial supervision.<sup>44</sup>

Examples of metric reporting the pretrial services agency can adopt include a quarterly report produced by the New Orleans Pretrial Services that provides outcome and performance data (for example, quarterly statistics on rates of release, court appearance, and public safety) to its judicial district and a recent report issued by the Pretrial Services Agency for the District of Columbia highlighting its accomplishments from 2017-2021.<sup>45</sup>

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<sup>44</sup> National Institute of Corrections (2021). *Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field, 2<sup>nd</sup> Edition*. Washington, D.C.: NIC.

<sup>45</sup> See [https://issuu.com/cfpsa/docs/pretrial\\_justice\\_in\\_the\\_nation\\_s\\_capital\\_fy17-21-f/6](https://issuu.com/cfpsa/docs/pretrial_justice_in_the_nation_s_capital_fy17-21-f/6).



## WORK AND CASELOAD RATIOS FOR AGENCY STAFF

An agency's effective operation requires sufficient staff to perform critical work functions. The essential work functions of the pretrial services agency described in this report are divided into pre-bond investigation and supervision areas including:

### **Pre-bond investigation:**

- Pre-bond interview
- Financial affidavit
- Criminal history investigation
- Interview verification
- Outcome assessment application
- Pretrial report with recommendation

### **Supervision:**

- Condition supervision
  - In person/telephone reporting
  - Support referrals
  - EM/GPS monitoring
- Monthly criminal history check
- Compliance report

JMI has conducted several workload analyses for pretrial services agencies with similar core functions.<sup>46</sup> These studies included estimates of staffing needs based on “workload diaries” or timesheets of staff time per function per day and interviews with senior agency staff. JMI used these data to identify:

- Critical and regular work functions performed by staff;
- The time needed to complete these functions and other identified work activities (for example, training, time off, and break time); and
- The average time per day, week, and month available per staff to complete these functions.

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<sup>46</sup> See Kennedy, S. and Michailides, N. (2020). *Harris County Pretrial Services Workload Analysis*. Arlington, VA: Justice Management Institute. Borakove, M.E., Kennedy, S., and Lowe, N. (2019). *Maricopa County Adult Probation and Pretrial Services Department: Final Report Parts I and II Workload Study*. Arlington, VA: Justice Management Institute. Kennedy, S. and Galgano, S. (2018). *Cook County Pretrial Services Division Staffing Analysis*. Chicago, IL: MacArthur Foundation. Consultant Spurgeon Kennedy also conducted workload analyses for the Pretrial Services Agency for the District of Columbia (2015) and the Administrative Office of the United States Courts (2017).

This information is then used to calculate work and caseload ratios by dividing the average work hours available to staff by the total time spent conducting work-related activities. The resulting ratios are measures that define the number of individuals or work products (i.e., criminal history checks, defendant interviews, risk assessments) that staff can manage in a given time frame based on work volume, level of effort, and time spent on non-case related activities.

As an example, Harris County Pretrial Services’ pre-bond investigation activities include an indigency affidavit similar to that used in the East Baton Rouge Parish. Our calculations of comparable critical work times for Harris County yielded the following time results:<sup>47</sup>

Function	Timing
Pretrial Interview/Affidavit	40 minutes
Criminal History Check	22 minutes
Risk Assessment	10 minutes
Pretrial Packet Preparation	20 minutes
Data Entry/Retrieval	10 minutes
<b>TOTAL</b>	<b>102 minutes</b>

Assuming an average seven hours of work time a day (eight hours excluding 30 minutes lunch and 30 minutes break time), each staff person was assumed to complete 4.11 pre bond investigations a day.

Supervision caseload will depend on the supervision protocol the agency adopts and the conditions it supervises. For example, a “differentiated supervision” model where staff supervise individuals according to risk levels will require separate ratios for each supervision level. By contrast, a “blended supervision” model where staff supervise a mix of risk levels will require a single caseload ratio. More stringent conditions require reduced caseload ratios. For example, JMI recommended in its previous studies that effective supervision of electronic surveillance conditions required a case manager to supervised individual ratio of 1:20 to 1:23.

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<sup>47</sup> Harris County averaged 136 pretrial screenings a day.

## FINDINGS AND RECOMMENDATIONS

The 19th Judicial District Court Bail Bond Program meets the Louisiana Code of Criminal Procedure’s definition of a pretrial services agency. However, it lacks many significant features of a full-scale pretrial services agency. These include a structured individual background investigation, application of a pretrial outcome assessment, recommendations to help inform the court’s bail decision, regular review of the pretrial detainee population, supervision and support services, and outcome and performance metric collection and tracking. Based on the survey results, there is local interest in establishing an agency that meets NAPSA Standards and NIC Framework criteria.

### Recommendation 1: Determine the Pretrial Services Agency’s Administrative Location

NAPSA Standards and the NIC Framework do not suggest a preferred administrative location for a pretrial services agency—for example, under the executive branch or the court—but do recommend the agency should be a separate, independent entity

Survey respondents favored the court as the pretrial services agency’s administrative locale (8 of 11 responses, 72.7%). State or local courts administer pretrial services agencies in the Federal system, and several states such as Kentucky, New Jersey, Arizona, New Mexico, Alaska, and Illinois. JMI believes the 19<sup>th</sup> Judicial Circuit is a suitable placement for the proposed agency. However, within the court, the pretrial services agency should be an independent entity with the following organizational capacities:

- An executive level officer to oversee agency functions and, at minimum, supervisory level positions to manage the critical pre-initial appearance and supervision and support functions outlined earlier in this report;
- Management authority to make independent decisions on budget, staffing, and policy;
- A clearly defined, pretrial service-related mission statement; and
- Staff assigned only to pretrial-related work with pretrial-involved individuals.<sup>48</sup>

The court also should provide the agency with needed information technology and human capital support.

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<sup>48</sup> Pilnik, et. al. (2017). p. 31.

## Recommendation 2: Adopt a Full Background Investigation Protocol

The pretrial services agency should develop a full-background investigation protocol that includes a pretrial interview and verification of interview information, criminal history check, and risk assessment. The agency should include all information from the background investigation in a report that is given to the court before the initial court hearing.

## Recommendation 3: Select a Pretrial Outcome Assessment

JMI recommends that the pretrial services agency adopt a public-domain pretrial outcome assessment, such as the PSA, VPRAI, or ORAS-PSA. As mentioned earlier, JMI does not believe that one assessment is superior over another – each brings advantages for the Parish to consider. For example, the ORAS-PSA makes it easier for the pretrial services agency to integrate an adjusted actuarial approach that includes not just outcome assessment results, but information obtained during the pretrial investigation to the agency’s recommendation. Both the PSA and VPRAI include decision-making frameworks to help model recommendations to assessed outcome levels. The PSA is also supported via stakeholder training by Arnold Ventures.

## Recommendation 4: Adopt an Adjusted Actuarial Approach to Recommendations

The pretrial services agency should adopt the adjusted actuarial approach in making recommendations to court. This approach will allow the agency to consider a broader range of mitigating and aggravating circumstances outside of the outcome assessment. While these factors should be limited in scope and application, they allow agencies to adjust recommended supervision levels based on regular and consistent social, demographic, and charge-related factors within the pretrial-involved population.

JMI also recommends that the agency include poly-substance abuse, substance use disorder, and mental health information to judicial officers at bail decision-making. Given the time constraints, agency staff should collect this information during the pretrial interview using “pre-screens” for possible behavioral health needs. Our suggested interview form includes examples of these pre-screens.

## Recommendation 5: Create a Supervision and Support Strategy

The pretrial services agency should create a “Supervision, Services, and Support” unit to provide the court with alternatives to own recognizance and financial bail for appropriate individuals. To help address the previously discussed shortcomings of most release conditions, agency and court policy should link conditions to *specific identified risk factors*. These include dynamic factors found in the background investigation (for example, contact, victim safety, or behavioral health issues) and static factors quantified in the outcome assessment (such as recent missed court appearances or current pending cases). For example, the developing consensus within the pretrial field is that electronic monitoring should not be imposed as a stand-alone condition but rather as a way to enforce compliance with stay away from persons and locations, curfews, and house detention conditions.<sup>49</sup> Therefore, pretrial services agencies should offer electronic surveillance only:

- To enforce one of those conditions;
- In cases involving a victim crime; or
- Where there are special circumstances identified by the court or prosecutor that require a higher level of supervision.

An example of a risk-specific supervision model is presented below. In it, commonly identified risk factors are associated with potential conditions of supervision, each graded from least restrictive to most severe.

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<sup>49</sup> Oren M. Gur, Peter R. Ibarra & Edna Erez (2016) Specialization and the Use of GPS for Domestic Violence by Pretrial Programs: Findings from a National Survey of U.S. Practitioners, *Journal of Technology in Human Services*, 34:1, 32-62, DOI: 10.1080/15228835.2016.1139418 To link to this article: <http://dx.doi.org/10.1080/15228835.2016.1139418>. DeMichele, M. T., Payne, B. K., & Matz, A. K. (2011). Community supervision workload considerations for public safety. Report of the American Probation and Parole Association. Retrieved from <https://www.appa-net.org/eweb/docs/APPA/pubs/CSWCFPS.pdf> Dron, J. (2013). Soft is hard and hard is easy: Learning technologies and social media. *Form@re*, 13, 32-43. Retrieved from <http://www.fupress.net/index.php/formare/article/view/12613>. Erez, E., Ibarra, P. R., & Gur, O. M. (2013). Using GPS in domestic violence cases: Lessons from a study of pretrial programs. *Journal of Offender Monitoring*, 25(1), 5-10. Erez, E., Ibarra, P. R., & Lurie, N. A. (2004). Applying electronic monitoring to domestic violence cases: A study of two bilateral programs. *Federal Probation*, 68(1), 15-20.

EXAMPLE OF AN INDIVIDUALIZED RISK-BASED RECOMMENDATION SCHEME

Risk Factor	Assessed Outcome Level			
	Low	Moderate	Medium	High
Missed court date within the past 2 years	Court notification	Case manager contact 2-3 days before the court date	Regular reporting to Pretrial Services	
Victim-related crime	Stay-away order	Temporary protection order		GPS-enforced stay-away order
Suspected substance use disorder	Treatment assessment, voluntary treatment placement		Treatment assessment, recommended treatment placement	

## Recommendation 6: Review Bail Decisions that Result in Detention

In a money-centric pretrial system, detention usually results from individuals’ inability to afford financial bail. To reduce the unintended effects of money bail, many jurisdictions have established “sequential reviews” of financial conditions that result in detention. Courts routinely reappraise these bail decisions, usually with updated information supplied by defense or the pretrial services agency and consider if reduced financial bail or nonfinancial release is warranted. Agencies prioritize sequential reviews to pretrial detainees whose assessed risk level may not warrant detention, and released defendants who are noncompliant with release conditions, have missed a scheduled court appearance or have been rearrested pretrial. An example of this is Illinois’ recent Bail Reform Act, which requires courts to rehear bail matters within seven days of the original bail decision for defendants who cannot afford the set bail amount.<sup>50</sup> We recommend that the pretrial services agency and the Court adopt a similar seven-day review of bails that result in detention, and then ensure that each court hearing, when appropriate, is a review point for financial and nonfinancial releases and detention.

<sup>50</sup> See <http://www.chicagotribune.com/news/local/politics/ct-bruce-rauner-bail-bill-met-0610-20170609-story.html>. The new law also specifies that cash bail is not necessary for people who are in custody for a nonviolent misdemeanor or low-level felony. There now is a presumption that any bail set in connection with those categories of crimes shouldn't be monetary.

## Recommendation 7: Adopt Outcome Metrics

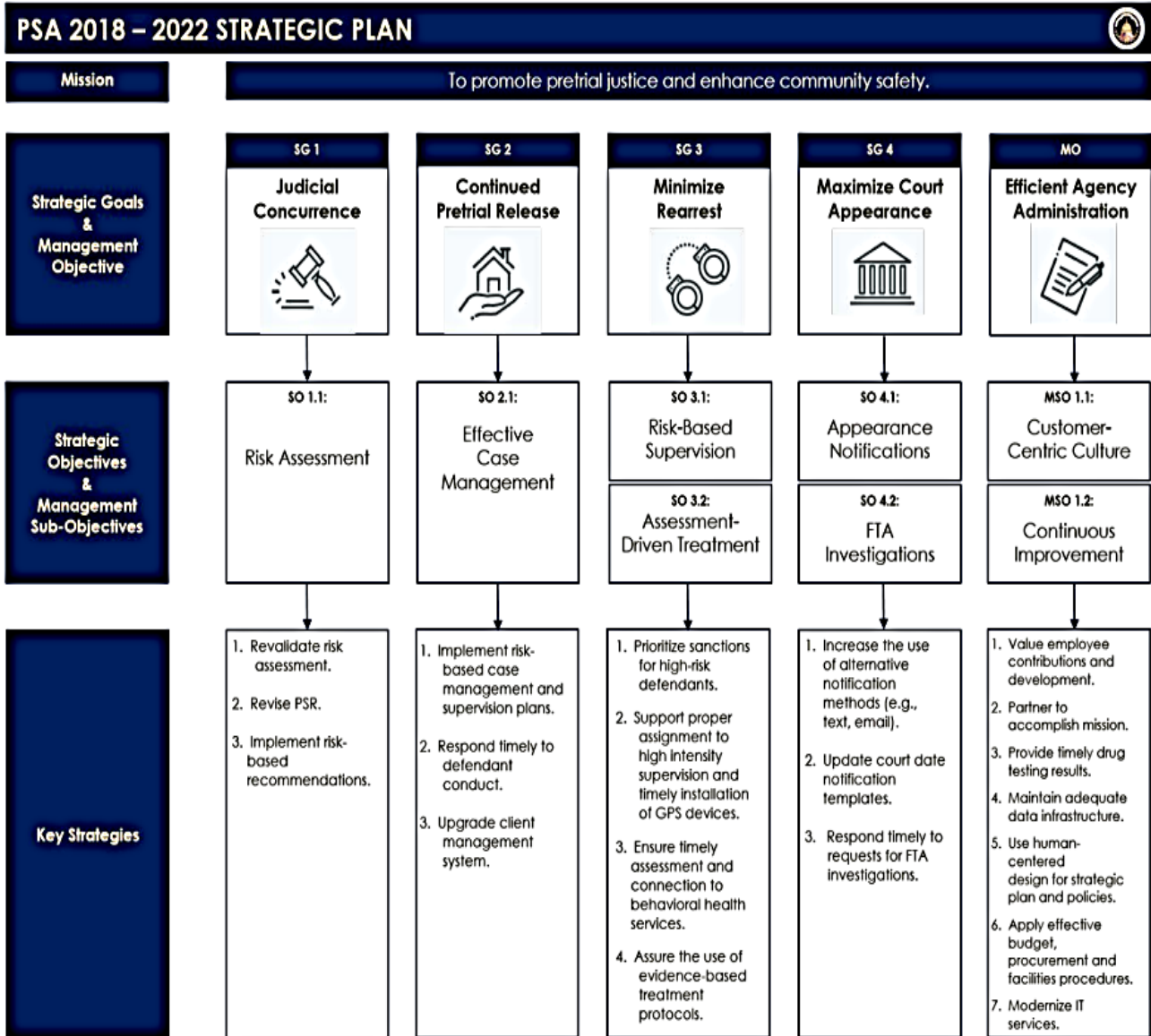
To measure agency progress in meeting goals and objectives and to build stakeholder confidence to use the agency's services, JMI recommends the agency collect data to track the performance of individuals released on its supervision. Performance measurement is an evidence-based practice in community corrections and a key characteristic of high performing organizations. These agencies define and measure success with the right metrics, identifying practices that work, need improvement, or are nonproductive. The Essential Elements Framework recommends the following measures to help pretrial service agencies gauge their effectiveness in meeting agency and justice system goals. The measures are also compatible for any pretrial services agency whose mission statement is linked to maximizing release, court appearance, and community safety.

1. *Release Rate*: The percentage of individuals that are eligible for pretrial release and who secure pretrial release pending adjudication.
2. *Appearance Rate*: The percentage of supervised individuals who make all scheduled court appearances.
3. *Safety Rate*: The percentage of supervised individuals who are not charged with a new offense during the pretrial stage.
4. *Success Rate*: The percentage of released individuals who appear for all scheduled court appearances and are not charged with a new offense during pretrial supervision.

Measurement of results also should be a standard item in the pretrial services agency's budget requests to help justify needed resources and advertise success at meeting or exceeding goals and objectives. Finally, performance measures should be made available to staff so that they are aware of program success and progress.



APPENDIX A: MISSION DRIVEN STRATEGIC PLAN





II

APPENDIX B: PRETRIAL INTERVIEW

Name: \_\_\_\_\_  
DOB: \_\_\_\_\_ Race: \_\_\_\_\_ Gender: \_\_\_\_\_ Hispanic: Yes \_\_\_ No \_\_\_  
Criminal Justice Identifying Number: \_\_\_\_\_

ADVISEMENT OF RIGHTS

1. I understand that this interview is voluntary and that I may decline to participate with no penalty.
2. I understand that Pretrial Services will use this information to make a recommendation to the court regarding my release in this case.
3. I understand that Pretrial Services will share this information with my attorney and the prosecutor to help them make recommendations about my release in this case.
4. I understand that Pretrial Services will share this information with the Court and that the Court may use this information to make its decision about my release in this case.
5. I understand that this interview will be made part of the case record.
6. I understand that Pretrial Services will report any false statements I make during this interview to the Court.

\_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Individual's Signature      Date      Witness      Date

Other Names Used: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_  
US Citizen: Yes \_\_\_ No \_\_\_ If no, Nationality: \_\_\_\_\_  
Current Citizenship Status: \_\_\_\_\_  
Preferred Language: \_\_\_\_\_

Marital Status: \_\_\_\_\_  
Length of Time in Area : \_\_\_\_\_  
Family in Area: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Military (Y/N): \_\_\_\_\_ Branch: \_\_\_\_\_ Discharge Date: \_\_\_\_\_

Developing a Pretrial Services Agency in East Baton Rouge Parish, LA

**Current Address**

Address: \_\_\_\_\_ Apt#: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_ Zip Code: \_\_\_\_\_

Length of Residence: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Mailing Address? Yes \_\_\_ No \_\_\_

Homeowner/Leasee? Yes \_\_\_ No \_\_\_

Lives with: \_\_\_\_\_ Relationship: \_\_\_\_\_

Does the Complaining Witness Reside at this Address? Yes \_\_\_ No \_\_\_

Is there another address where you can live if the Court orders you to stay away from your current residence? Yes \_\_\_ No \_\_\_

If YES:

Address: \_\_\_\_\_ Apt#: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_ Zip Code: \_\_\_\_\_

Length of Residence: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Homeowner/Leasee?: Yes \_\_\_ No \_\_\_

Are you experiencing houselessness? Yes \_\_\_ No \_\_\_

If "Yes," is there a contact address or individual that can assist you with notifications of future court dates? Yes \_\_\_ No \_\_\_

Mailing Address: \_\_\_\_\_ Apt#: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_ Zip Code: \_\_\_\_\_

Homeowner/Leasee: \_\_\_\_\_ Relationship: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Means of Support**

Employed? Yes \_\_\_ No \_\_\_ If NO, Current Means of Support: \_\_\_\_\_

Employer: \_\_\_\_\_ Address: \_\_\_\_\_

Direct Supervisor: \_\_\_\_\_ Contact: \_\_\_\_\_

Time at Current Employer: \_\_\_\_\_

Student: Yes \_\_\_ No \_\_\_ School: \_\_\_\_\_ Address: \_\_\_\_\_

IV

**Health**

Current Physical Health Issues? Yes \_\_\_ No \_\_\_ If YES: \_\_\_\_\_

Current Prescribed Medications? Yes \_\_\_ No \_\_\_ If YES: \_\_\_\_\_

Current Mental Health Issues: \_\_\_\_\_

Are you currently under mental health care? Yes \_\_\_ No \_\_\_ Physician/Contact:

\_\_\_\_\_/\_\_\_\_\_

Are you currently under medication for mental health care? Yes \_\_\_ No \_\_\_ If YES, medication:

\_\_\_\_\_

Were you previously under mental health care? When: \_\_\_\_\_ Treatment type:

Thoughts to harm self (Y/N): \_\_\_\_\_ If yes, when: \_\_\_\_\_

Attempts to harm self (Y/N): \_\_\_\_\_ If yes, when: \_\_\_\_\_

**Substance Abuse/Possible Substance Abuse Disorder**

Have you used any illicit drug within the past 30 days? Yes \_\_\_ No \_\_\_

If yes, what drugs? \_\_\_\_\_

Have you ever felt you ought to cut down on your drinking or drug use? Yes \_\_\_ No \_\_\_

Have people annoyed you by criticizing your drinking or drug use? Yes \_\_\_ No \_\_\_

Have you felt bad or guilty about your drinking or drug use? Yes \_\_\_ No \_\_\_

Have you ever had a drink/used drugs in the morning to steady your nerves or to get rid of a hangover? Yes \_\_\_ No \_\_\_

**Current Status with the Criminal Justice System**

Do you have any cases now pending before any court? Yes\_\_\_ No\_\_\_ Don't Know\_\_\_

If YES, Where: \_\_\_\_\_ Charge: \_\_\_\_\_ Next Court Date \_\_\_\_\_

Are you currently on Probation \_\_\_ Parole \_\_\_ Community Supervision \_\_\_

If YES, Where: \_\_\_\_\_ Charge: \_\_\_\_\_ P.O. Name/Tel #:

\_\_\_\_\_

Have you missed a court appearance within the past 2 years? Yes \_\_\_ No \_\_\_

If YES, what was the reason? \_\_\_\_\_

**References**

Name \_\_\_\_\_

Relationship \_\_\_\_\_

Contact \_\_\_\_\_

Name \_\_\_\_\_

Relationship \_\_\_\_\_

Contact \_\_\_\_\_

Name \_\_\_\_\_

Relationship \_\_\_\_\_

Contact \_\_\_\_\_

