



Pretrial Services

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Colonial America	1835	1900	1920s-1960s	1960s-1990s
America gradually adopts a broad right to bail for virtually all defendants. Bailable defendants are expected to be released.	First clear recorded instance that a judge sets and leaves in place a secured financial condition leading to a bailable defendant being detained pretrial.	After a gradual lessening of personal sureties throughout the 1800s, America formally switches to commercial sureties and an increased reliance on "secured bonds."	The first formal generation of reform was focused on finding ways to release bailable defendants and resulted in release on recognizance, nonfinancial conditions, risk assessment, and pretrial services supervision.	The second formal generation of reform was focused on "no bail" or detention and resulted in public safety being declared a proper consideration at bail; <i>United States v. Salerno</i> (1987) provides important guidance on how to create fair and effective detention provisions.

Pretrial Services History

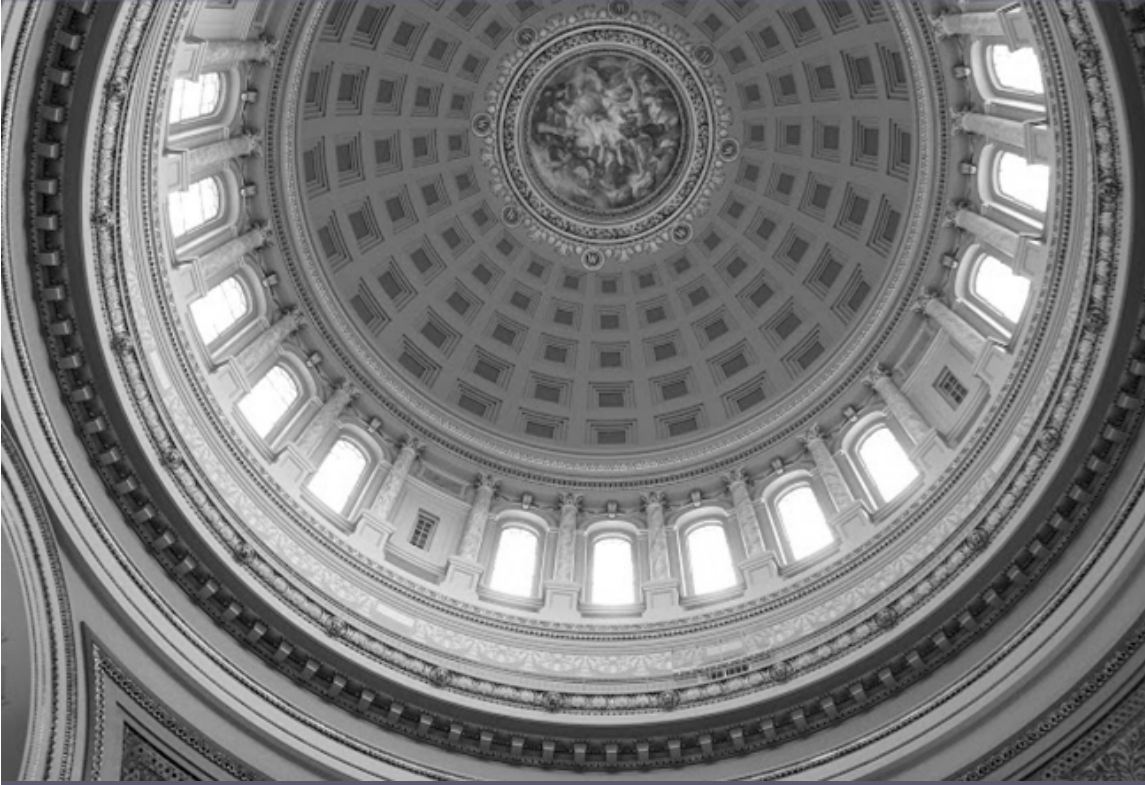
- 1920's – 1960's development of pretrial services to supervise those who couldn't meet financial conditions of release.
- *Stack v. Boyle* and passage of the federal Bail Reform Act of 1966.
- After the federal act, pretrial services programs focused on providing information on all defendants to aid release determinations and supervising defendants to ensure compliance with conditions of release.
- Now many programs are focused on holistic pretrial services, focusing on “what works” and providing pretrial supports that increase pretrial success.



Table 5.1: Duties of Pretrial Services (For counties that have pretrial services) N=91

Among Counties with Pretrial Assessments Tools	High	Medium	Low	Total
Administer pretrial assessment	82%	90%	72%	82%
Make recommendations to court on release	79%	71%	72%	75%
Supervise pretrial clients	92%	95%	89%	92%
Provide referrals for treatment and other services	76%	90%	44%	73%
Monitor pretrial conditions	87%	100%	83%	90%
Reward clients for adherence to pretrial conditions	24%	43%	22%	29%
Respond to violations of pretrial conditions	87%	90%	83%	87%
Provide court with updates on pretrial clients	76%	86%	67%	77%
Call/text/email clients about court dates	79%	62%	50%	68%
Make house visits	24%	24%	17%	22%
Administer surveillance technologies	71%	81%	61%	71%
Administer drug testing	74%	81%	78%	77%
Other	76%	90%	44%	73%

Source: Scan of Practices, PJI (2019)



Prevalence of Pretrial Services Programs

- Counties in every state responded to the Pretrial Justice Institute's most recent survey (2019) and of those 85% had pretrial services.
- Currently, Alaska, Kentucky, New Jersey and the District of Columbia each have centralized or statewide pretrial services.
- Other states have encouraged or authorized local jurisdictions to establish pretrial services programs.



Other State Actions: Court Reminders

- AK SB 91 (2015)
- CO SB 36 (2019)
- NY SB 1509 (2019)
- TX HB 4293 (2021)
- WA SB 6168 (2019)

What do we know?

- Court date notification systems can increase court appearance rates
- Pretrial supervision can improve court appearance but does not appear to reduce pretrial arrests
- There is no clear association between pretrial location monitoring (often called “EM”) and improved court appearance or arrest-free rates
- There is no clear association between pretrial drug testing and improved court-appearance or arrest-free rates

