2023

BEST PRACTICES FOR PRETRIAL SERVICES &COUNTY SUPERVISION

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01. BACKGROUND

Through a collaborative partnership with the Pew Charitable Trusts and various criminal justice stakeholders throughout Utah, a data-driven initiative was undertaken with the goals of directing resources toward more cost-effective safety strategies, reducing recidivism rates, controlling prison population, and holding individuals accountable. These efforts became the foundation of House Bill 348, which passed during Utah's 2015 General Session and became better known to many as the justice Reinvestment initiative, "JRI". Similar reform initiatives have now reached as many as 40 states across the United States.

The Commission on Criminal and Juvenile Justice (CCJJ) was tasked with implementation and monitoring of reform policies. Since 2015, several annual reports have been published [1] and, in October of 2021, CCJJ began holding the JRI Listening Tours throughout the State of Utah. CCJJ was joined in this endeavor with the Department of Corrections, the Board of Pardons and Parole, the Department of Public Safety, the Administrative Office of the Courts, the Division of Juvenile Justice Services, the Department of Human Services, and the Division of Substance Abuse and Mental Health. There were a total of nine meeting discussions that took place across the state. One of the major findings from this tour pointed to a need at the local county level, specifically with managing individuals outside of incarceration.

In response to this identified gap, $450,000 was appropriated for a Pretrial Services and County Supervision Management Pilot Program from the 2023 Utah General Session. [2] This pilot program is focused on reducing failures to appear and helping navigate treatment options for the misdemeanor population particularly in underserved areas where pretrial services are lacking. Counties can apply for this grant funding through CCJJ to build data driven programs. This brief report serves to highlight key components and best practices for effective implementation of Pretrial Services & County Supervision Management.

02. MAIN TAKEAWAY

Research from evaluations and reviews from across the nation links the following four areas of emphasis to a successful pretrial program:[3]

No. 01 — **Collaboration**
Collaborating with relevant stakeholders and community agencies;

No. 02 —**Support**
Implementing a supportive services model;

No. 03 — **Independence**
Operating with independence; and

No. 04 — **Data**
Regularly evaluating approach through research and data collection.

Section 3 of this report provides specific strategies while section 4 highlights resources that are more comprehensive and highly recommended to consider before implementing a pretrial service and supervision program.

03. SPECIFIC STRATEGIES

Institutionalize collaboration and cooperation among key stakeholders.

This can be established through the formations of criminal justice coordinating councils (CJCCs). It is critical to have pretrial stakeholders at the table which includes pretrial services staff, law enforcement, judges, prosecutors, defense, health and human services partners, and state leaders.[4] Ongoing training and educational opportunities should be provided to relevant stakeholders to establish buy-in, confidence, and trust in the pretrial system.

Establish Pretrial Services & County Supervision Management mission and structure.

Research shows pretrial services are most effective when they operate independently from the justice system such as a nonprofit organization.[5] The literature further suggests a supportive pretrial services model focusing on strengths-based counseling and addressing underlying circumstances, like needs for housing, treatment, and employment are effective in reducing failures to appear and rearrest.[6] It is critical for the mission and structure of a program to be grounded in neutrality, reflect best practices such as the supportive model, and staffed with well trained case managers and counselors.

Map services and needs.

Asset mapping identifies the resources available in a community where partnerships may then be forged. This may also lead to identifying the gaps in service availability that should be addressed.

Utilize risk-based decision making and provide appropriate supervision, diversion and treatment options.

- Risk and needs assessment identify an individual's likelihood of appearing in court for their hearing and the likelihood they will be rearrested while out on pretrial status while Universal screening identify individuals' needs such as behavioral health issues
  - It is important to select an evidence-based risk assessment and have it locally validated [7]
  - It is important to match pretrial services and supervision to an individual's assessed risk level

- Pretrial Services
  - Checking in with a pretrial case manager, court date reminders, and/or treatment referrals [8]
  - Support Services Model: Existing research suggests a supportive pretrial services model focused on strengths-based counseling and addressing underlying circumstances, like needs for housing, treatment, and employment are effective in reducing failures to appear and rearrest. Pretrial services that focus only on mandatory drug testing, gps supervision exposes individuals to more court scrutiny and research is mixed on the effectiveness [9,10]

- Diversion
  - Consider opportunities for diversion. Recognizing many individuals who are held pretrial have behavioral health issues, there may be value in training law enforcement to identify a person experiencing a crisis. One approach is Crisis Intervention Training (CIT) that brings together law enforcement, mental health providers, hospital emergency departments and individuals with mental illness and their families to improve responses to people in crisis [11]

- Training and working with experienced prosecutors and defense attorneys
  - Prosecutors and defense attorneys should work together to recommend appropriate diversion and treatment options while balancing public safety
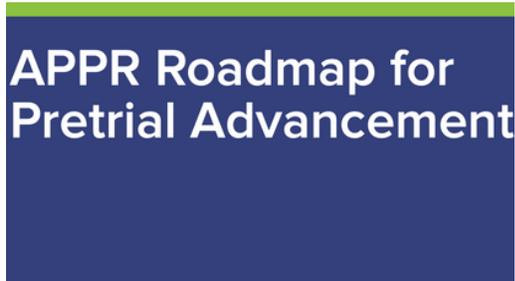
Data and Information Sharing

- Work with what you have
- Collect and analyze data on an ongoing basis and adjust accordingly based on analysis
- Develop mechanisms to share information among stakeholders
- Document and publicly share these results
- Seek feedback from individuals participating in the programs as well as stakeholders/partners, and implement responsive changes

04. RESOURCES

For individuals seeking to implement a pretrial service and county supervision management program, it is highly encouraged to review more comprehensive toolkits and resources such as the ones listed below.
Note: Clicking on the image will take you directly to the resource.

This Policy Roadmap contains 11 policies and practices that apply to different parts of the pretrial system. They describe "what" your system should be doing if striving toward true pretrial justice, The Implementation Roadmap includes four strategies that are key to successfully implementing these policies and practices.

This toolkit offers:
• Key information about the legal framework and national standards for pretrial programs;
• How to implement a pretrial risk assessment;
• Pretrial diversion and supervision advice;
• How to assess your current system; and
• Recommendations on using data to measure and enhance pretrial programs.

This document outlines some of the many proven policies and processes counties can implement to reduce pretrial jail populations, make more effective use of resources and maintain, or even improve, public safety.

05. ENDNOTES

1. All annual reports can be found at https://justice.utah.gov/about-ccjj/justice-reinvestment-initiative/
2. See also Utah's 2022 General Session Senate Bill 179 for information on criminal justice coordinating councils. https://le.utah.gov/~2022/bills/static/SB0179.html
3. National Association of Counties. Safety and Justice Challenge. https://www.naco.org/sites/default/files/documents/SJC-Pretrial-Final.pdf; Melanie Skemer, Cindy Redcross, and Howard Bloom, Pursuing Pretrial Justice Through an Alternative to Bail: Findings from an Evaluation of New York City's Supervised Release Program (New York: MDRC, 2020), https://www.mdrc.org/sites/default/files/Supervised_Release_Final_Report.pdf; Center for Effective Public Policy, Advancing Pretrial Policy and Research (2021). Pretrial Research Summary: Pretrial Monitoring
4. National Association of Counties. Safety and Justice Challenge. https://www.naco.org/sites/default/files/documents/SJC-Pretrial-Final.pdf
5. San Francisco Pretrial Diversion Project, Bail Reform and the San Francisco Pretrial Diversion Project: Preserve Independence and the Presumption of Innocence Until Proven Guilty (San Francisco: San Francisco Pretrial Diversion Project, 2019), 1-2, http://sfpretrial.org/wpcontent/uploads/2019/02/Innocent-Until-Proven-Guilty-Preserve-SF-Pretrial-2.pdf.
6. Center for Effective Public Policy, Advancing Pretrial Policy and Research (2021). Pretrial Research Summary: Pretrial Monitoring.
7. Pretrial Justice Institute. (2019). Effective Pretrial Practices Implementation Toolkit. https://cpoc.org/sites/main/files/file-attachments/effective_pretrial_practices_implementation_toolkit_0.pdf
8. Court Reminder Dates have found to be a promising method to decrease failures to appear while there are unclear effects for drug testing, GPS supervision. Criminal Justice Innovation Lab. (2020). Research on the effectiveness of pretrial support supervisions. https://cjil.sog.unc.edu/wp-content/uploads/sites/19452/2020/05/Research-on-the-Effectiveness-of-Pretrial-Support-Supervision-Services-5.28.2020.pdf; Crime and Justice Institute. (2013). Creating an effective pretrial program. https://www.ncsc.org/__data/assets/pdf_file/0014/1607/creating-an-effective-pretrial-program.ashx.pdf
9. Center for Effective Public Policy, Advancing Pretrial Policy and Research (2021). Pretrial Research Summary: Pretrial Monitoring.
10. Criminal Justice Innovation Lab.(2020). Research on the effectiveness of pretrial support supervisions. https://cjil.sog.unc.edu/wp-content/uploads/sites/19452/2020/05/Research-on-the-Effectiveness-of-Pretrial-Support-Supervision-Services-5.28.2020.pdf
11. Pretrial Justice Institute. (2019). Effective Pretrial Practices Implementation Toolkit. https://cpoc.org/sites/main/files/file-attachments/effective_pretrial_practices_implementation_toolkit_0.pdf