

# Responding to Pretrial Compliance and Noncompliance

DATE: December 3, 2024

PRESENTERS: Dr. Kelvin L. Banks, Associate Director, Center for Effective Public Policy  
Shayna Caleb, Social Worker-Public Defender Office, Oakland County, MI  
Judith Gracey, Defense Attorney, Oakland County, MI  
Barbara Hankey, Director of Public Services, Oakland County, MI  
Samantha L. Honig, August County, VA  
Dr. Michael Jones, APPR Partner  
Barbara Morrison, Chief Prosecuting Attorney, Oakland County, MI  
Eric Schmidt, Manager of Community Corrections, Oakland County, MI  
Alison Shames, Director, Center for Effective Public Policy  
Tomaudrie Thomas, Prince William County, VA  
Judge Cynthia Walker, Judge – 50th (Pontiac) District Court, Oakland County, MI

INFO: National Association of Pretrial Services Agencies Virtual Webinar

# APPR

ADVANCING PRETRIAL  
POLICY & RESEARCH

**Managed by**

**C ≡ P P**

Center for  
Effective  
Public Policy

**Supported by**

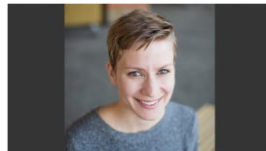




## Advancing Pretrial Justice

Fair, just, effective pretrial practices, every day,  
nationwide.

### Highlights



Story

#### Addressing Unmet Needs

In St. Louis, Missouri, supportive  
pretrial services address...

[LEARN MORE >](#)



Story

#### The Positive Impact of Public Defense...

A RAND Corporation study found  
representation at first appea...

[LEARN MORE >](#)



#### APPR Roadmap for Pretrial Advancement

A roadmap for improving pretrial  
systems, enhancing communit...

[DOWNLOAD](#) 



# Objectives

Understand	Understand the value of developing protocols for responding to compliance and Noncompliance
Become	Become familiar with best practices for responding to compliance and Noncompliance
Learn	Learn steps to develop response protocols for your jurisdiction

## Quote

---

“The sole meaning of life is to serve humanity.”



— Leo Tolstoy

# What is Pretrial Supervision?

Using the  
**least restrictive interventions needed**  
to promote court appearance and  
community safety



Promoting **Success** rather than Managing Failure

# APPR Approach

---

1



Law

2



Data

3



Best  
Practices

4



Research

5



Equity

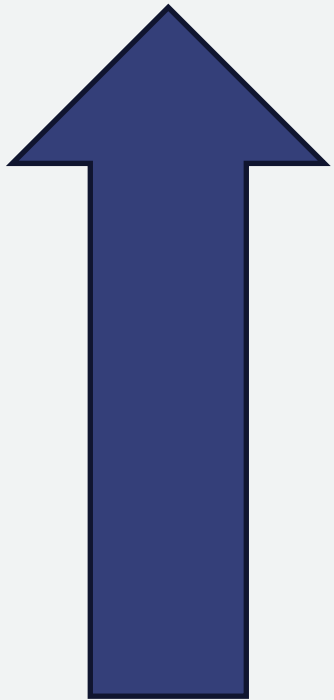
6



Supportive  
Services

# Session Goal

---



To increase  
human  
dignity.



To decrease  
unnecessary  
pretrial  
detention.



# Responding to Compliance and Noncompliance

---

*Dr. Kelvin L. Banks*

# Foundational Principles

---

## Release Decision

- Least Restrictive
- Individualized



## Supervision – Responding to Compliance and Noncompliance

- Least Restrictive
- Individualized



## Supervision Goals

- Court Appearance
- No New Arrest

# Why is this Important?

---



Can prevent unnecessary detention of more people pretrial



Can empower pretrial services to make service referrals or take other actions more directly connected to helping the person succeed

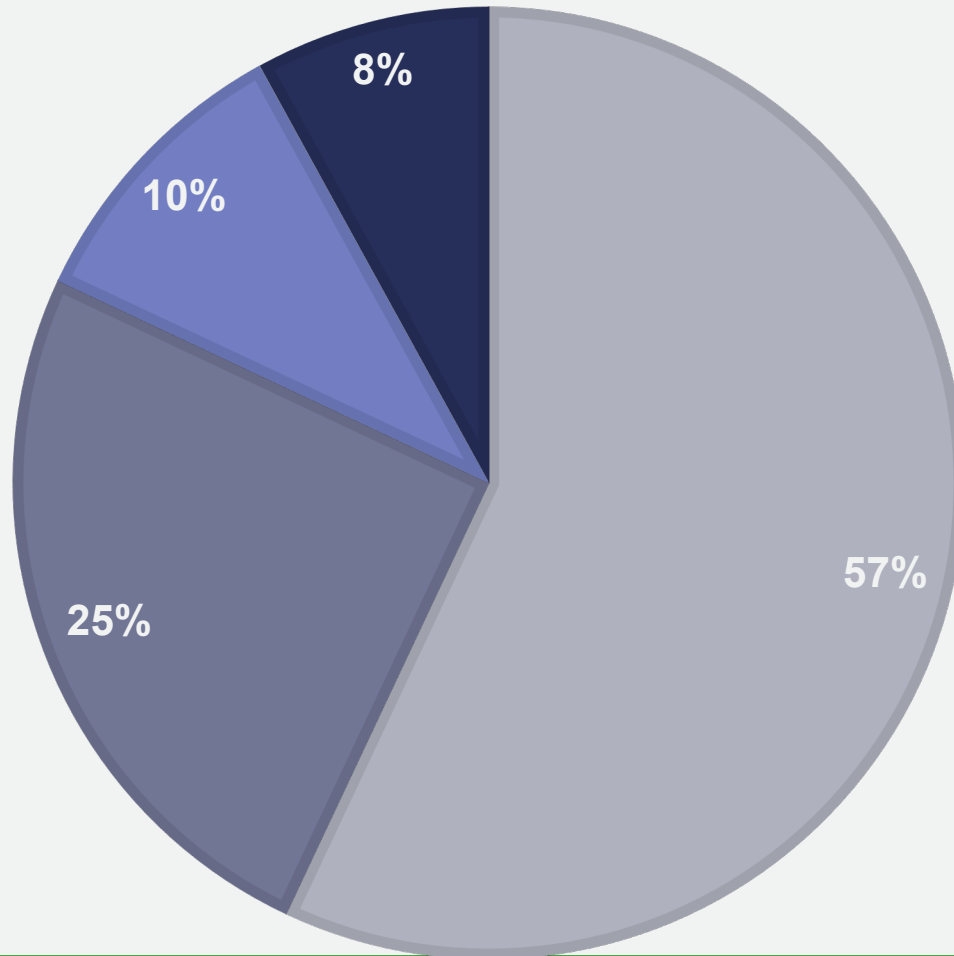


Allows agencies to promote success and not simply manage failure

# Case in Point: Unnamed County, USA 2017

---

■ Contact Issues   ■ EM Violation   ■ Positive Drug Screen   ■ Other



# Case in Point: Unintended Consequences

---

- Average length of stay for a person violated for Noncompliance = 43 days
- Daily cost to detain = \$128
- **Cost of response to Noncompliance = \$5,504 per person**



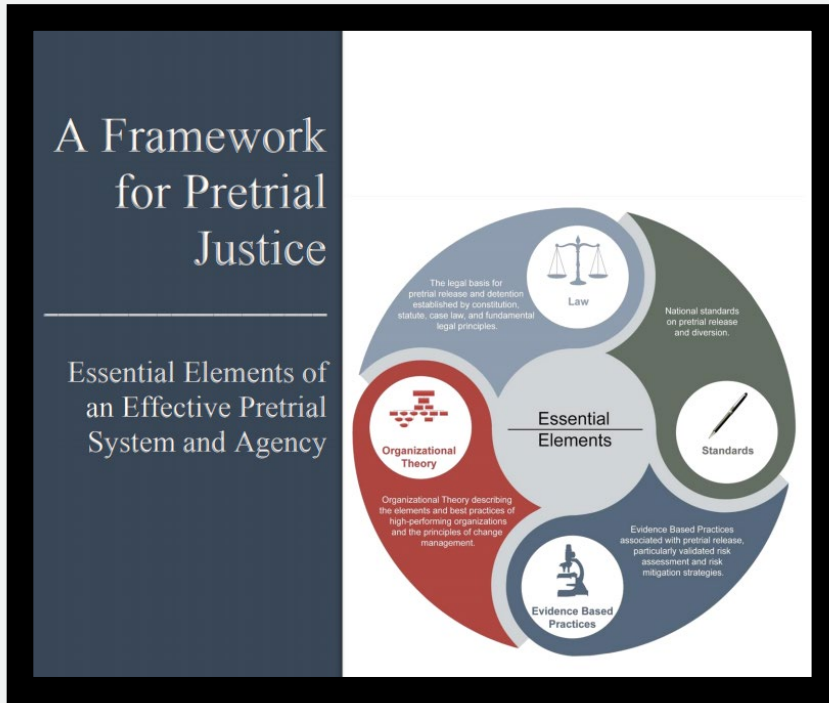
# Best Practices

---

- Implementing a clear, consistent, and **equitable** policy for responding to behavior while on pretrial release can prevent unnecessary pretrial detention and empower pretrial services to make service referrals.



# Best Practices



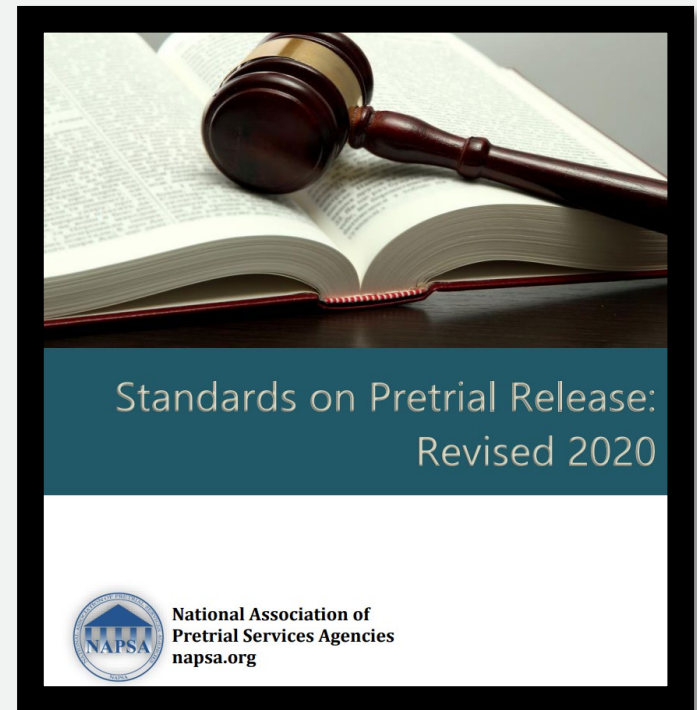
- **Certainty**—the person knows the supervision program’s response scheme beforehand
- **Swiftness**—responses are prompt and timely to the person’s behavior
- **Proportionality**—responses are appropriate to the person’s behavior
- **Fairness**—persons perceive the response as fair and just compared to the behavior
- **Individualization**—responses must consider the person’s likelihood of future noncompliance or pretrial failure

# Best Practices

---

“Pretrial services agencies should verify and, when appropriate, respond to a defendant’s conduct on court-ordered supervision. The agency’s response procedures should include **administrative options the agency may apply without requesting court action**. These should be developed with the court’s approval and shared with prosecutors, defense attorneys, and defendants.”

- *NAPSA Standard 4.6*





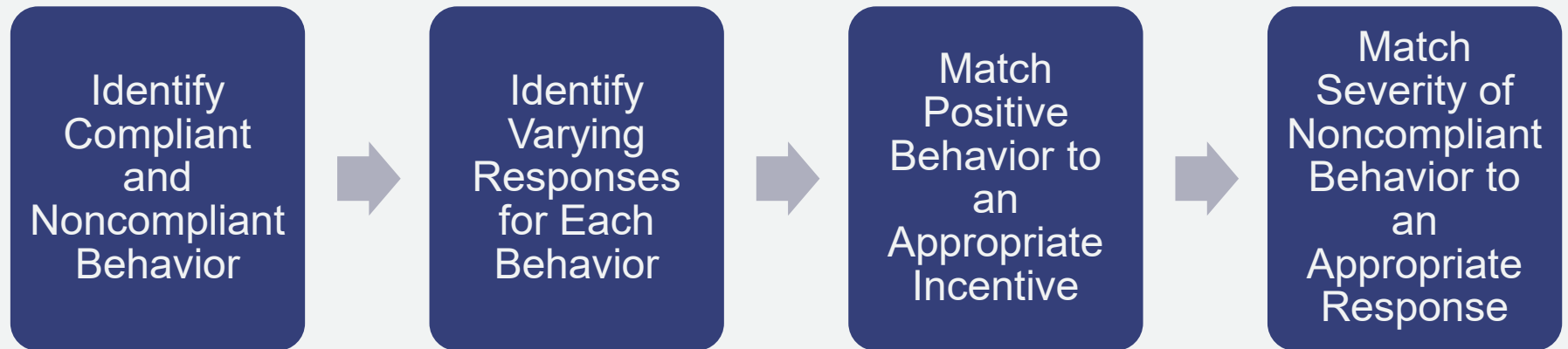
# Best Practices

---



# Developing a Process

---



# Compliant Behavior Examples

---

- No positive drug tests
- Maintain compliance with all conditions for 90 days
- On time for appointments
- No electronic monitoring violations
- No new arrest in 60 days
- Appearing at all court dates

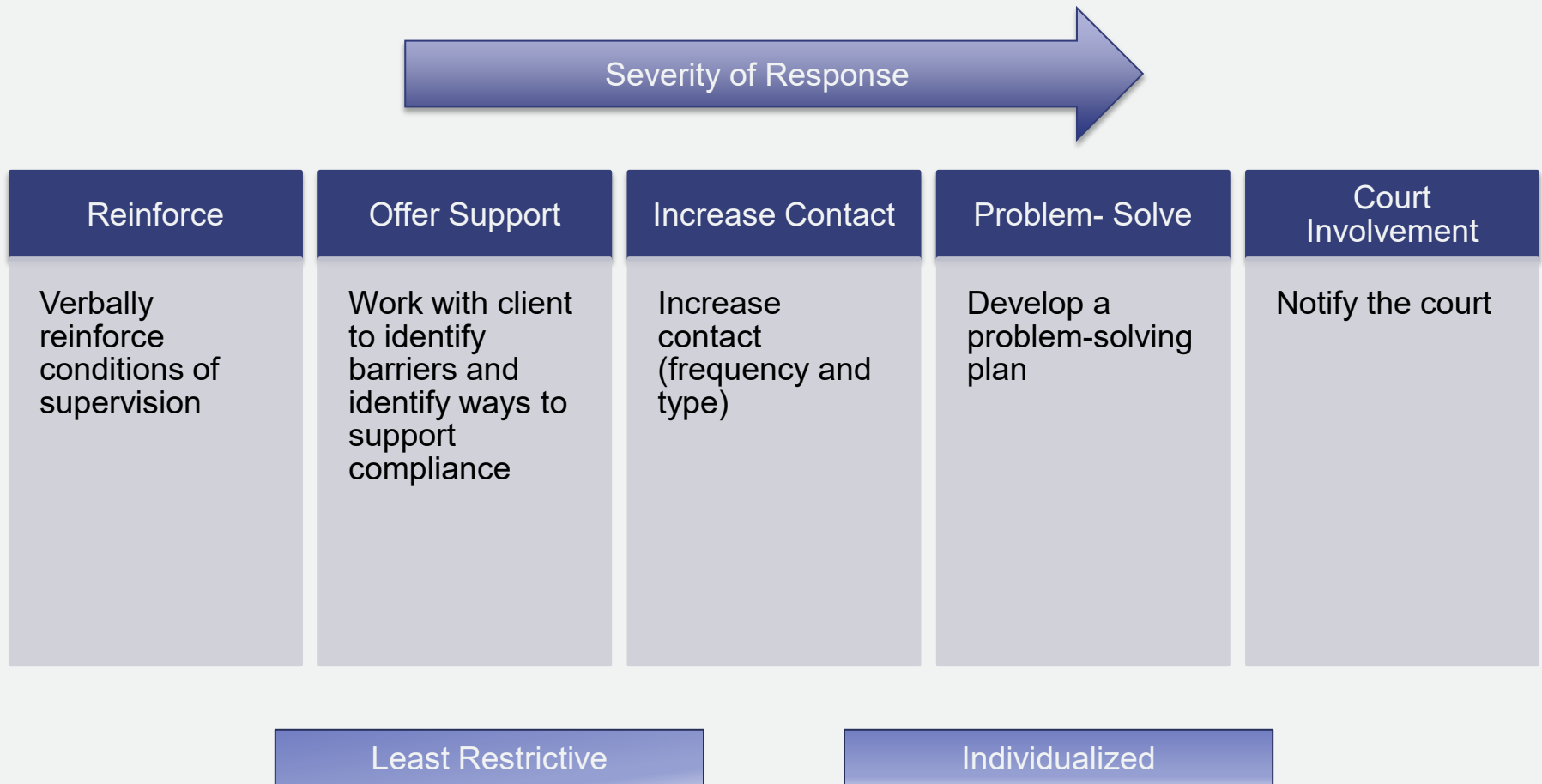
# Response to Compliance Examples

---

- Verbal praise
- Reduce supervision
  - Generally, after a period of 60-90 days when compliant with all pretrial conditions
- Ask the court to remove supervision
- Convert in-person appointment to a phone appointment
- Reduce or stop drug testing



# Response to Noncompliance Examples



# Developing Protocols – Collaborative Approach

- Identify stakeholders
- Share and discuss best practices
- Share and discuss data (if available)
- Identify appropriate responses for each supervision condition and level of Noncompliance
- Develop communication plan



# Monitor and Provide Feedback

01

Ensure consistency in application

02

Create opportunities for feedback

03

Measure pretrial outcomes

- Court appearance
- New criminal arrest

04

Commit to ongoing review and evaluation

# Virginia's Approach

---

*Dr. Michael Jones*



# Oakland County, MI's Approach

---

*Dr. Kelvin L. Banks & Alison Shames*

# Evaluation

---

*Dr. Kelvin L. Banks*

# Closing Thoughts & Key Takeaways

---

*Dr. Kelvin L. Banks*



## Key Takeaways: Responses to Compliance and Noncompliance

---

Grounded in Procedural Justice



Reduce or Eliminate Unnecessary Pretrial Detention



Continuous Review Practices to Ensure Alignment with Best Practices

# Success Starts With You!

---



# Sign Up with APPR

---

Sign up with APPR to receive notice of free trainings, new resources, inspiring stories, and more.

