



Pretrial's Role in Jail Population Reviews



National Association
of Pretrial Services Agencies

Why? The Importance of Reviewing Jail Population Data

- Your local jail is a driving source of data to identify key change targets and a reflection of current practices and decision-making processes in your jurisdiction
- Often stakeholders' perception of who is in the local jail and why differs from reality
- Conducting a jail overview provides an accurate reflection of who is in the local jail, why and for how long
- Helps ensure jurisdiction is maximizing release and use of community alternatives to incarceration and efficiency of said programs, such as pretrial release programs
- Can help drive meaningful discussions with your stakeholders and CJCC regarding key system processes and help identify action items for your team

Importance of Jail Data and Population Review Team

- Jail Data alone, while able to provide insight, does not tell the whole story of a criminal justice system
- The local Criminal Justice Coordinating Council is the perfect body to examine different policies and processes that affect the jail population or what the jail population says about the efficiency of our community programs
- Local jail populations are constantly changing, so a jail review is not a one-time process, but should be reviewed on a consistent basis by a functioning stakeholder team
- Teams should "attempt to examine policies, review available data, assess need and understand the effect it has on the local jail"

(Jail Capacity Planning, NIC)



Benefits of Jail Reviews: A Pretrial System's Perspective

- Pretrial Release Programs are often initially established in response to local jail overcrowding issues.
- Continuous monitoring of the jail population helps a pretrial agency ensure they are maximizing release, which is one of the "Three M's"

Maximize Release, Public Safety, and Court Appearance

- Ensures local jail resources are reserved for those who truly pose a risk to public safety by expediting the release of low-risk justice-involved individuals and reserving expensive jail resources for those who are a genuine risk to the community
- Promotes collaboration and can help spur a cultural shift in a local criminal justice system

Jail Reviews: A Pretrial System's Perspective

- Pretrial Release Programs help reduce the negative impacts of pretrial incarceration:
 - Loss of employment, separation from family, and exposure to high-risk detainees
- Studies show that even just one to two days of pretrial incarceration can increase the likelihood of future misconduct while on supervision and recidivism.
- The implementation of a pretrial system helps offset sentencing disparities.
 - Prior to implementing a pretrial system, defendants often entered guilty pleas solely to avoid jail time, which could negatively impact their future opportunities, such as employment.



Negative Impacts of Pretrial Detention

- Increased likelihood of entering a guilty plea to solely exit jail
- More likely to receive a harsher sentence, including prison time
- Higher risk of recidivism due to exposure to higher-risk individuals due to factors such as loss of employment and housing, and impact on family and social relationships
- Increased failure-to-appear rates
- Increased local incarceration expenses spent on those who are lower risk



Beyond Pretrial Advancement:

By reviewing your jail population, your jurisdiction can also learn more about . . .

- Assessment Practices
- Sentencing Trends
- Diversion Options

- Responses to Violations
- Why Violations Occur
- Adherence to evidence-based practices

- Utilization of Current Programs, such as Community Corrections & Pretrial Services



- Timeliness of Hearings
- Court Processing/Crowded Dockets
- Court Responses to Misconduct

- Barriers to Success on Supervision
- Pretrial Release Decisions

- Gaps in Behavioral Health & Community Services
- Need for Specialty Court



02

Jail Overview vs. Sequential Bail Review

“

A jail overview provides you with a data-informed perspective of your justice system. It helps identify where you can improve and serves as a baseline for future changes.

-APPR

”

What is a Jail Overview?

- Looks beyond just the pretrial population, providing a comprehensive view of the jail population by including data on the average population, admissions and releases, post-conviction population, and community supervision violators.
- Takes a systemic approach to examine the jail population in the context of the jurisdiction's entire criminal justice system
- Can include a variety of data points, such as information on risk level, holds that prevent release, length of stay and capacity and addresses trends and looks for drivers that impact the jail population





A process for continuous review of the defendant population to identify defendants who remain in detention past the point at which release was expected to have occurred and a structured method to respond to pretrial misconduct among released defendants.

- NIC



What is a Sequential Bail Review?

- NAPSA Standards 2024 4.1 (b) (vi) “: review the status of detained individuals to determine their eligibility for pretrial release.
- “Agencies 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.” NIC Essential Elements
- Scope goes beyond baseline systemic review and is a routine process to ensure a jurisdiction is effectively maximizing release and takes action on any material change in circumstance that effects and individual’s potential release





03

Effective Sequential Bail Reviews

What really is Sequential Bail Review?

- Also may be referred to as "SBR," "Jail Sweep" or a "Look-Back Process"
- Sequential Bail Review is a ***routine review*** of the pre-adjudication jail population ***by a Pretrial Services Agency*** to identify reasons the Court may change its initial release decision based on material changes in circumstances that warrant a reconsideration of release or detention
- Helps ensure maximized release, presumption of release and mitigates unnecessary pretrial detention
- Sequential bail review is the responsibility of the pretrial services agency and should not be left to defense counsel to complete

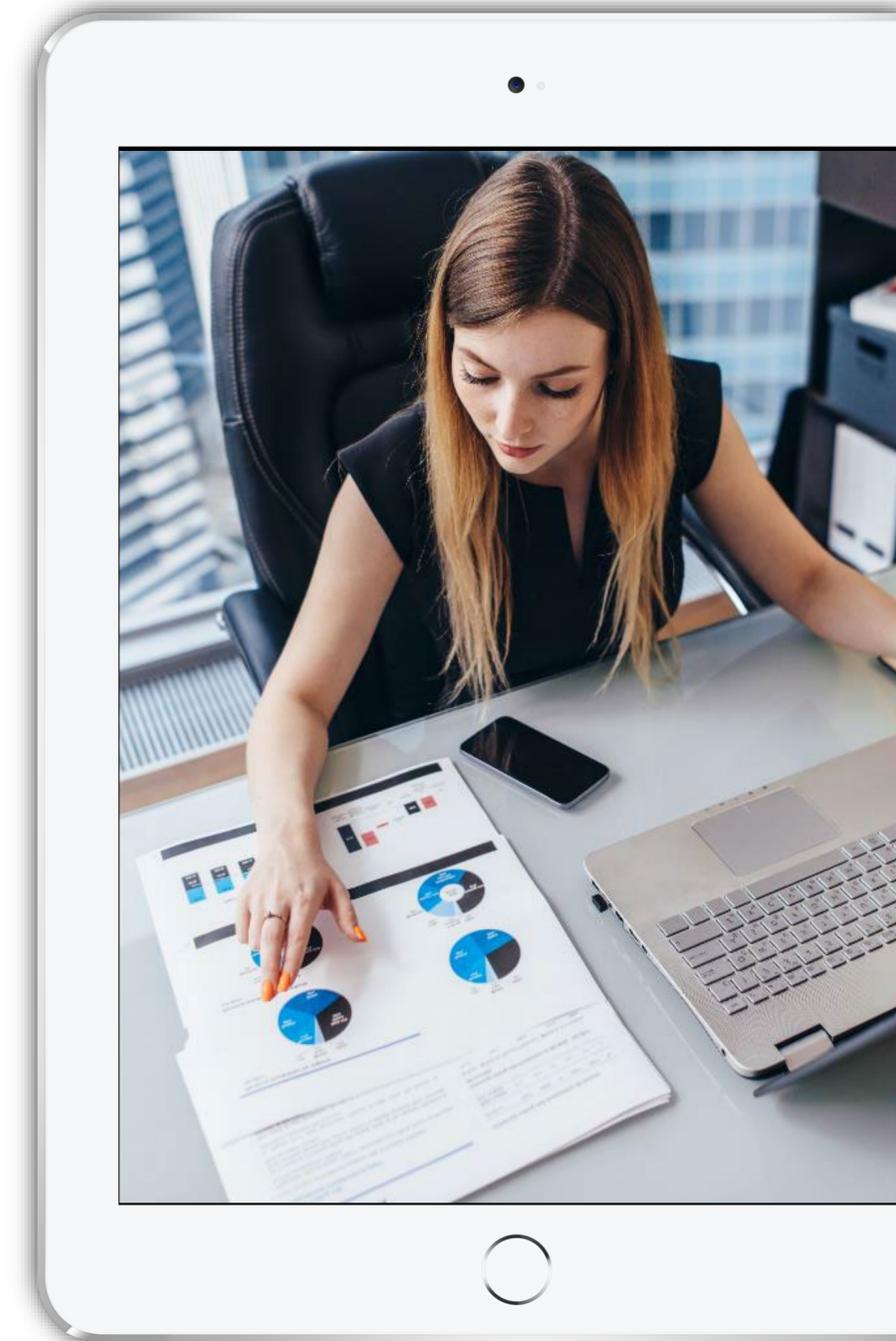
Communicating Results of SBR: What's included?

- Includes information on all pre-adjudication detainees, including pretrial length of stay, type of alleged offense, monetary bond amount, case-specific information and date of last bail review and last assessment results
- Should be translated to the Courts, Prosecutor and Public Defender
- Information on pending community supervision violations are also translated to probation and community corrections
- Can include new or updated information found in the pretrial investigation and updated risk assessment result
- Consider evaluating a person's stability, potential for supportive services, and community ties and social supports that impact success



How often should SBR be completed?

- Frequency depends on resources of the pretrial services or state agency
- The minimum recommended frequency is monthly
- Review of an individual may be expedited if an emergent need occurs
- Key is to create a **routine** and **systematic** process for reviewing the pre-adjudication jail population with identified action steps when the need for review occurs
- Goes beyond distributing information to ensuring a meaning review hearing is scheduled and held



Reasons to Review for Change in Release Decision



Inability to pay bond a defendant was assumed to pay



The resolution of a warrant, hold or concurrent case that prevented release



Changes in residential stability, i.e. securing a safe place to reside



Urgent need for medical care – medically necessitated release



Behavioral health needs or bed secured at inpatient facility



Pretrial detention that has lasted longer than the sentence for the underlying offense



State of Kentucky

- Local or State:

Statewide Pretrial Services Agency in all 120 Counties

- Population:

Statewide population of 4.5 Million People

- Statewide Jail Capacity for 76 Open locations:

Current jail capacity is 21,104 beds

The total pretrial jail population is 9,963 as of March 27, 2025



State of Kentucky: Initial Assessment

- Interview and pretrial assessment is conducted on everyone booked into a local jail or detention center on bailable offenses.
- Based on charge or assessed level, individuals may be eligible for Kentucky's Pre-Arrest Release Protocol (PAR).
- Those not eligible for PAR are presented to judges for determining bail within 24 hours of booking date and time.



State of Kentucky: In-Custody Review

In 2024 Kentucky Pretrial conducted approximately 126,358 interviews and risk assessments.*

Formal arraignment for those in-custody varies based on jurisdiction.

Kentucky Pretrial staff conduct 24-hour reviews on those individuals who remain in custody.

State of Kentucky: System Review

- **Access to jail booking systems**
- **Email system for charging documents**
- **Access to our state E-warrant System**
- **Justice Exchange**
- **Internal processes that staff follow to ensure all individuals are accounted for.**

Allegheny County, Pennsylvania

- **Local or State:**

Local Pretrial Services Agency under Court

Administration

- **Population:**

Countywide population of 2.2 Million People

- **County Jail Capacity: 3223**

Current jail population: 1849



Allegheny County: Initial Assessment

Interview and pretrial assessment conducted on everyone entering the jail

Pretrial conducted 15,964 initial assessments for 2024

Pretrial presented 7,227 cases to Court for 2024



Allegheny County: Post Hearing Review

Preliminary arraignment conducted within 12 hours of entry into the jail

If individuals remain in the jail for 48 hours Pretrial reviews the case

If appropriate, these cases are set for a bail modification hearing within 3 days

Allegheny County: Modifications

3,386 Bond modifications, 436 Walk-in Reinstatements

Can be requested to Pretrial Services by defense or prosecution

Occur daily with the same Judge, Commonwealth Attorney and Public Defender

Local rule dictates that all bond modifications go to the Motions Judge unless it is a homicide case

Galveston County, Texas



- **Local or State:**

Countywide Personal Bond and Magistrate Court

- **Population:**

Countywide population of 365,000 People

- **County Jail Capacity: 1291**

Current jail population: 1090



Galveston County: Initial Assessment

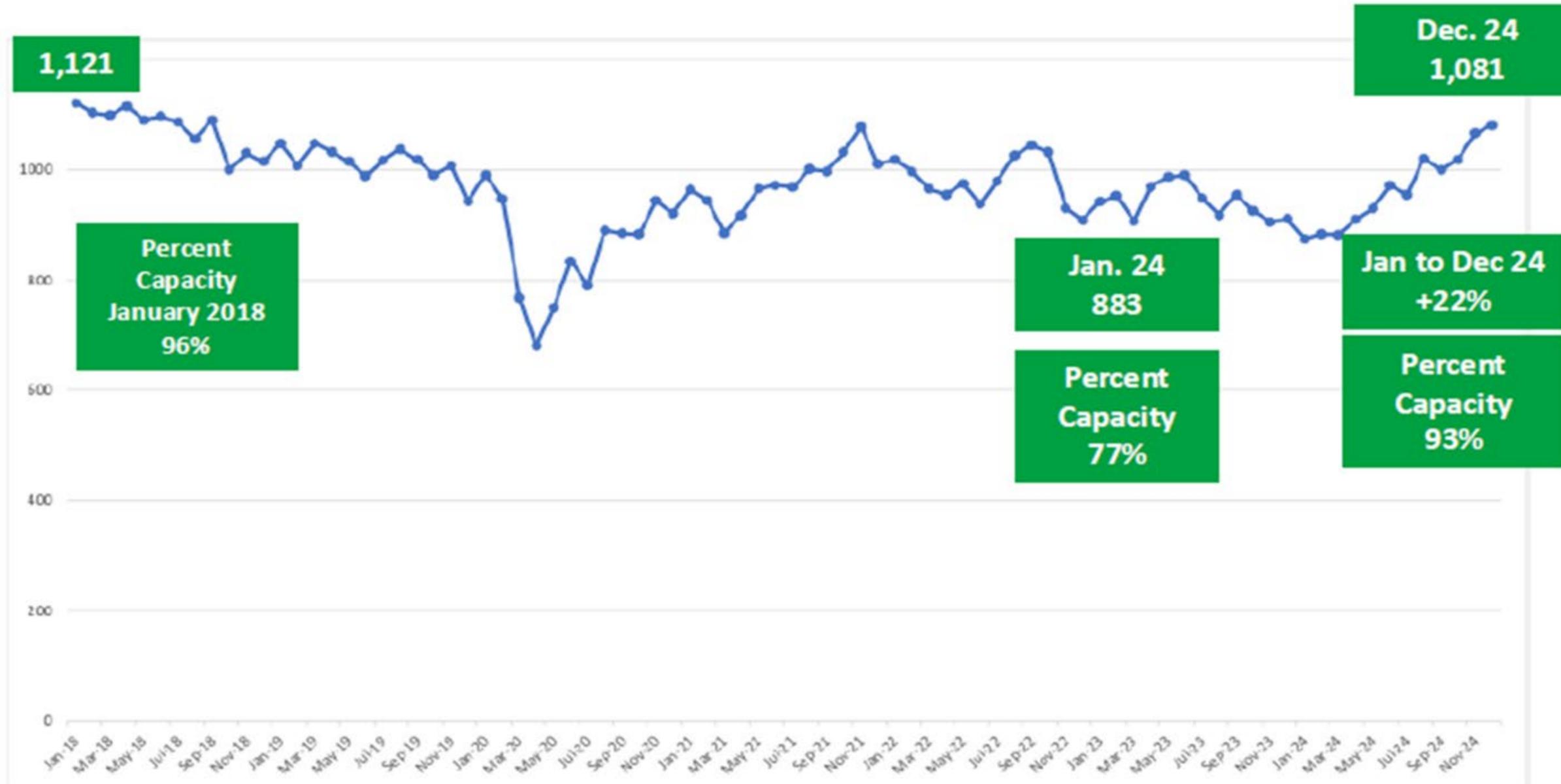
Interview and pretrial assessment conducted on everyone entering the jail: 13,615 Completed in 2024

Galveston County Coordinating Council reviews many criminal justice data points every month – County Admin, Sheriff, IT, Criminal Justice Department Heads

Strategic Planning to be proactive with jail bed utilization



Galveston County: Jail Population Data



Galveston County: Quickly Identified Pain Points

Jail Population Categories Increasing in 2024*			
	January 2024	December 2024	% Change
Probation Violation Felony	49	69	41%
Parole Blue Warrant	14	20	43%
Parole w/Pending Charges	25	57	128%
Immigration Hold	17	60	253%
Convicted Felon to Prison	72	75	4%
% of Jail Population	20%		25%

Galveston County: Interagency Coordination

Review of all cases longer than 5 Days in custody and identify those eligible to be released on Personal Bond.

Email identifying the defendant goes to the DA, Attorney of Record and Court of Record advocating for release to Personal Bond.

Has also coincided with quicker dismissal by the DA as they are reviewing cases sooner.

From: Personal Bond Supervision Team
Sent: Thursday, January 30, 2025 2:44 PM
To: Attorney of Record, DA of Record
Cc: Personal Bond Supervision Team
Subject: Client Case Number and Name

The Personal Bond Director (Aaron Johnson) and I are reviewing cases of defendants who are currently in custody. We have come across a defendant named Client Name who has been in jail for 19 days on charges of PROH SUBSTANCE/ITEM IN CORR/CIV COM FACILITY (F3). This defendant meets the criteria to be released and supervised through the Personal Bond Office. If you choose to make such a request to the Presiding Judge and it is approved, the defendant can be supervised through our office. We offer three different levels of supervision to determine how often a client reports to us and to keep them informed about any scheduled court dates.

If you are interested in making this request and need more information about our supervision process, please feel free to contact me.

Cass County, Indiana

- Local or State:

County Pretrial Services Agency that operates as a stand-alone agency

- Population:

Rural Jurisdiction with a population of 36,000

- Local Jail Capacity:

County jail capacity is 307

Currently, the average capacity is 60%

Without Pretrial Services, the average capacity would be 110%



Cass County Initial Jail Review and Jail Review Team

- Pretrial Services interviews every person booked into the jail within 24 hrs of arrest and evaluates them using the IRAS-PAT, a validated, statewide risk assessment that measures an arrestee's risk of re-offending and failing to appear.
- Initial release decisions and MFAs occur every day, with expediated decisions occurring at daily PC Hearings.
- Local Justice Reinvestment Advisory Council, Indiana's CJCC, serves as jail review team
- Department Director is the primary staff member responsible for analyzing jail data and conducting SBR



5:45 AM- All arrestees that fall within the target population are interviewed using the IRAS-PAT and custom interview guide that assists in identifying needs.

8:00 AM- If an arrestee is approved for pretrial release and low to moderate risk, they are released before their initial hearing when a PC determination is made at arraignment.



5:30 AM- The Pretrial Director pre-screens all new arrestees that have been booked in the County Jail in the past 24 hours every Monday-Friday to determine initial eligibility and identify conflict cases and possible holds.

7:00 AM-The Pretrial Recommendation and Report that includes the Defendant's criminal history, residential & employment information and risk level is prepared along with a proposed supervision plan (special conditions) and is sent to the Court, Prosecutor and Public Defender.

9:00 AM-Pretrial Release Defendants sign their Terms and Conditions in open court and are directed to report to pretrial services upon release and given notice of their initial hearing.

Cass County Jail Review and SBR Process

- Systemic Jail Overviews and SBRs are conducted on a monthly basis, in addition to bail reductions or motions for higher than standard bonds, special conditions, etc., to ensure risk-based determination at every decision point in the pretrial stage.
- All new arrests and jail admissions are reviewed daily to identify individuals to be assessed.
- SBR Reports are sent to all parties for the entire pre-adjudication population, including time in jail, all pending causes, leading charge, assessed risk level, holds or warrants, and any necessary case-specific information.
- Individuals held for more than 90 days are automatically highlighted to ensure emphasis and review by parties.

Cass County SBR Excel Report Example

Name	In Date	Case Number	Reason for Incarceration	Hold	IRAS-PAT Risk Level	Days Held
Snoopy	01/11/24	09D02-2401-CM-5	Pre-adjudication	Parole	Moderate	93
Woodstock	03/01/24	09D02-2306-F6-25 09D02-2401-CM-5	Probation Violation New Offense	-	High	43

JANUARY 2025 CASS COUNTY JAIL ANALYSIS

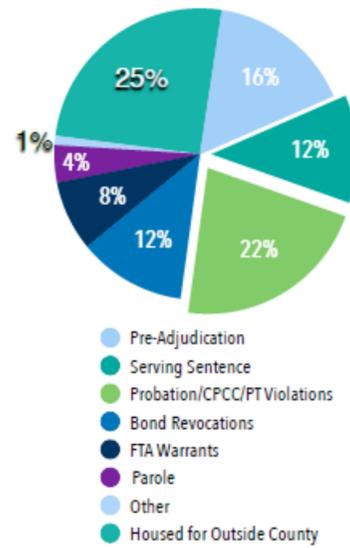
Prepared by Cass County Court & Pretrial Services Vol. 2501

Currently, the Cass County Jail population is 186 inmates, a 15% decrease; 126 Cass County, 11 Carroll County, 38 Howard County, 11 IDOC. 26% of the jail is non-local housing. The jail is operating at 61% capacity including inmates held for IDOC/Carroll/Howard. The December average daily population was 176 inmates, with a high of 189 and low of 166. 117 inmates, a 10% decrease, were booked into the jail in December. This month's jail analysis shows that 16% of inmates are classified as Pre-Adjudication, 22% are Probation/Pretrial/Community Corrections Violations, 12% are serving an Executed Sentence, 8% are being held on FTA Warrants, 12% are held on Bond Revocations, 25%, 49 inmates, are held for other counties, 4% Parole and 1% fall into the other category, which consists of out-of-county, civil warrants, etc.

In December, the jail housed 44 inmates from the Carroll and Howard County Jails for a total of 1,054 days at a per diem of \$40 per day for a total month's revenue of \$42,160. This does not include the additional revenue generated from the IDOC population.

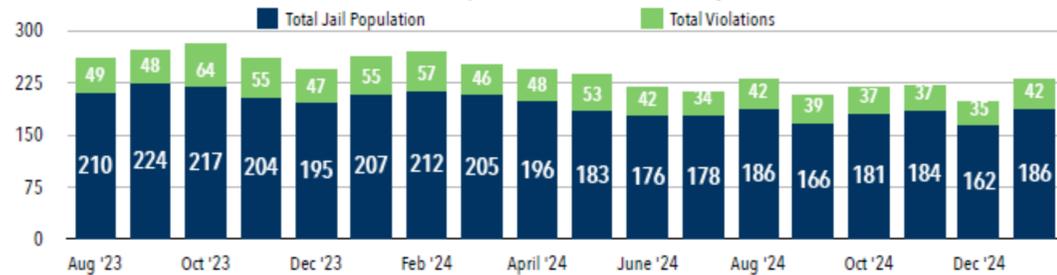
Community Supervision Violators make up the largest sector of the local population, with 42 inmates held on a pending violation or hold. 26 are held on pending Probation Violations, with 73% having an additional pending cause/new offense. Currently, 8 inmates are being held on pending Community Corrections Violations, 3 Work Release and 5 Home Detention, while 5 inmates are being held on pending Pretrial Release Violations. 43%, 50 inmates, of those held on a pending cause were arrested with an additional new offense or have multiple cases that elevate their risk to public safety and the community. Inmates serving an executed sentence make up the second largest local sector of the population with 23 inmates. 25% of the population classified as pre-adjudication have a warrant/hold that excludes them from pretrial release, without judicial override. The pre-adjudication population is 16% and those detained have been assessed to be a high risk to public safety. The Pretrial Release Program's current release rate is 88%.

January Population Analysis



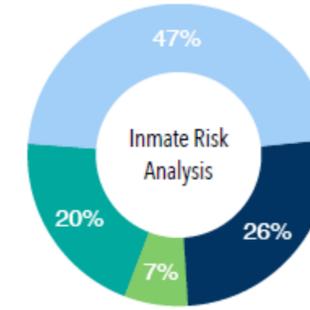
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Inmate Population 18 Month Trend Analysis



Other Notable Findings:

- 48% of those serving an executed sentence (11 inmates), are being held and billed for IDOC sentences, generating a \$37.50 daily per diem.
- 9% of the total inmate population have an out of county warrant or hold.
- Less than 3% have an INS, parole hold or are being held on a civil warrant.
- 47% of this sector of the population, are serving a sentence on a Level 6 Felony Conviction with the potential for a possible modification to Community Corrections.



Risk Analysis:

The risk analysis shows that 47% of inmates (90) have been assessed to be Very-High or High Risk, 26% Moderate Risk, 7% Low Risk and that 20% have not had a risk assessment administered. It should be noted that assessments include the results of the IRAS-PAT, IRAS-CST, IRAS-CSST, & IRAS-SRT from all state agencies. This past month there was an 18% increase in the high risk population. 37% of those held for outside counties are identified as High Risk.

High Moderate
Low Not Assessed

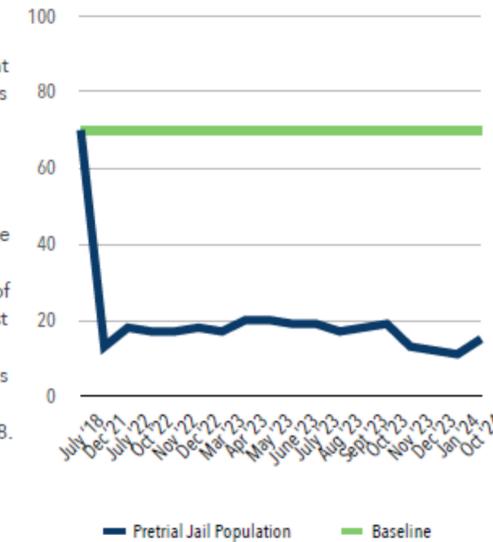
Cass County Jail Programming

In 2021, the Cass County Sheriff's Department, in collaboration with 4C Health and Court Services, launched the Jail Therapy Program to assist inmates with substance abuse disorders. The program's curriculum includes WRAP (Wellness Action Recovery Plan) and MORE (My On Going Recovery), which are relapse prevention programs aimed at facilitating inmates' transition back into the community. Both group and individual counseling sessions are offered for women and men. In 2023, the Court Services department deployed the ACCI Corrections eCourse Program at the Cass County Jail. Currently, 20 inmates are participating in the Wednesday Individual Counseling, WRAP, or MORE programs, while 8 inmates are enrolled in the ACCI eCourse Program and 5 clients are in the HSE (High School Equivalency) Program. This year, 23 inmates have earned ACCI Certificates, and the jail has a 24% program participation rate.

Impact of Pretrial Services:

With expansion, any population above 307 inmates is considered overcapacity per state incarceration standards. Currently, with expansion, the jail is at 61% capacity. The current active population of the Cass County Pretrial Release program is 146 clients. It is estimated that without Pretrial Services the jail would be 8% overcapacity. Pretrial Services took 28 new clients in December, a 56% increase and had 147 clients under their supervision for a total of 4,852 days for an estimated cost savings of \$194,080. Using the \$40 daily per diem/\$200 juvenile detention, per diem, CCCPS is currently diverting an estimated \$5,840 per day in incarceration expenses. Approximately 20% of active clients have needs where supervised release is in the best interest of the county. The department currently has 3 clients in inpatient treatment, securing 89 clients inpatient treatment beds in 2024. Pretrial Services has reduced the pre-adjudication population by a total of 80% since launching in October of 2018.

Preadjudication Population Reduction

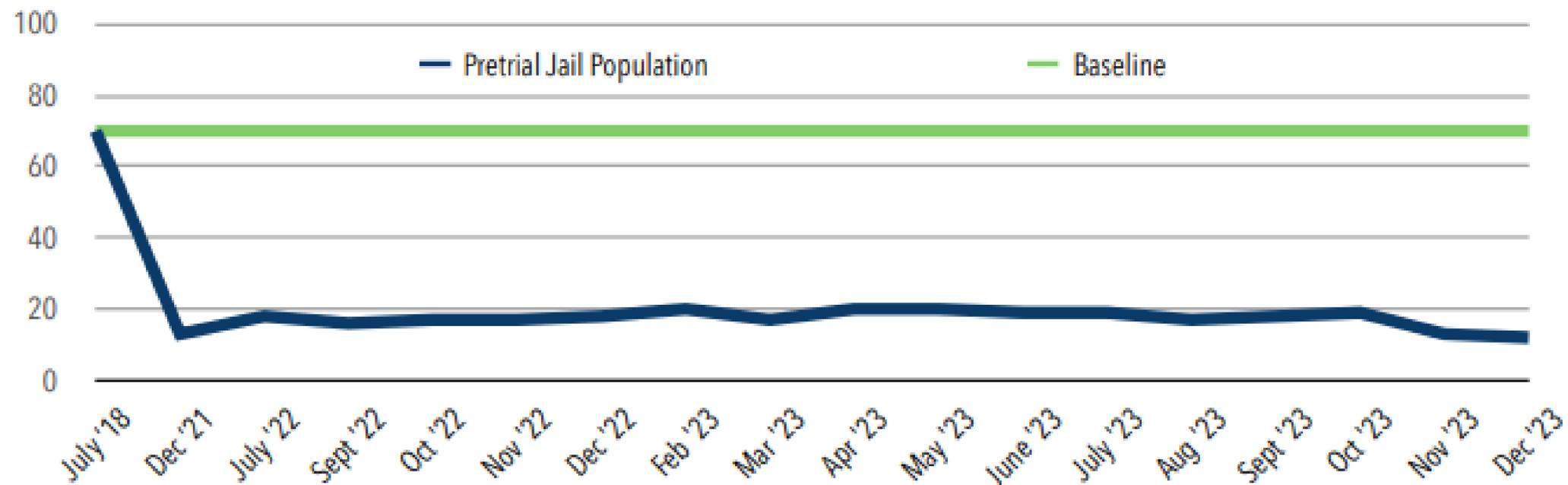


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Prepared January 16, 2025 Hillary Hartoin,
Court & Pretrial Services Director

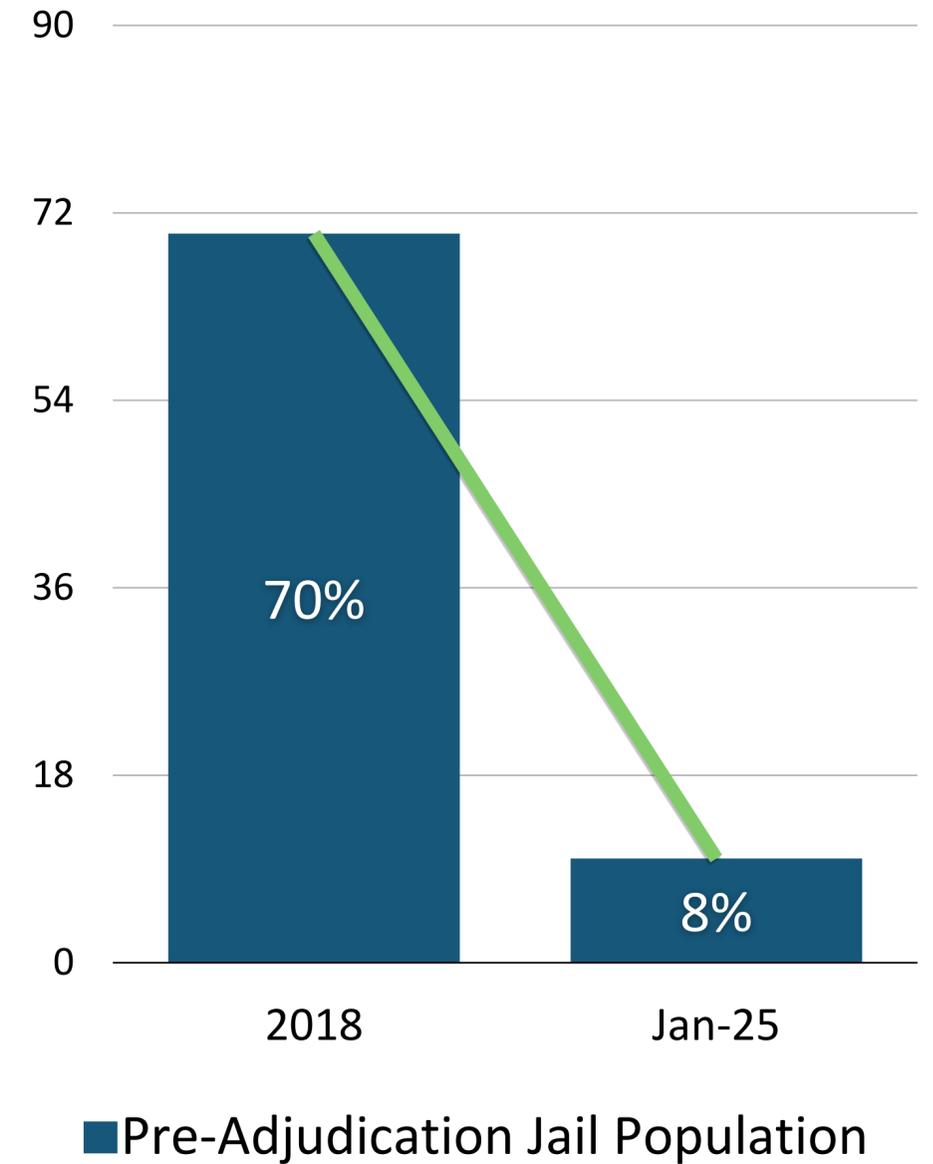
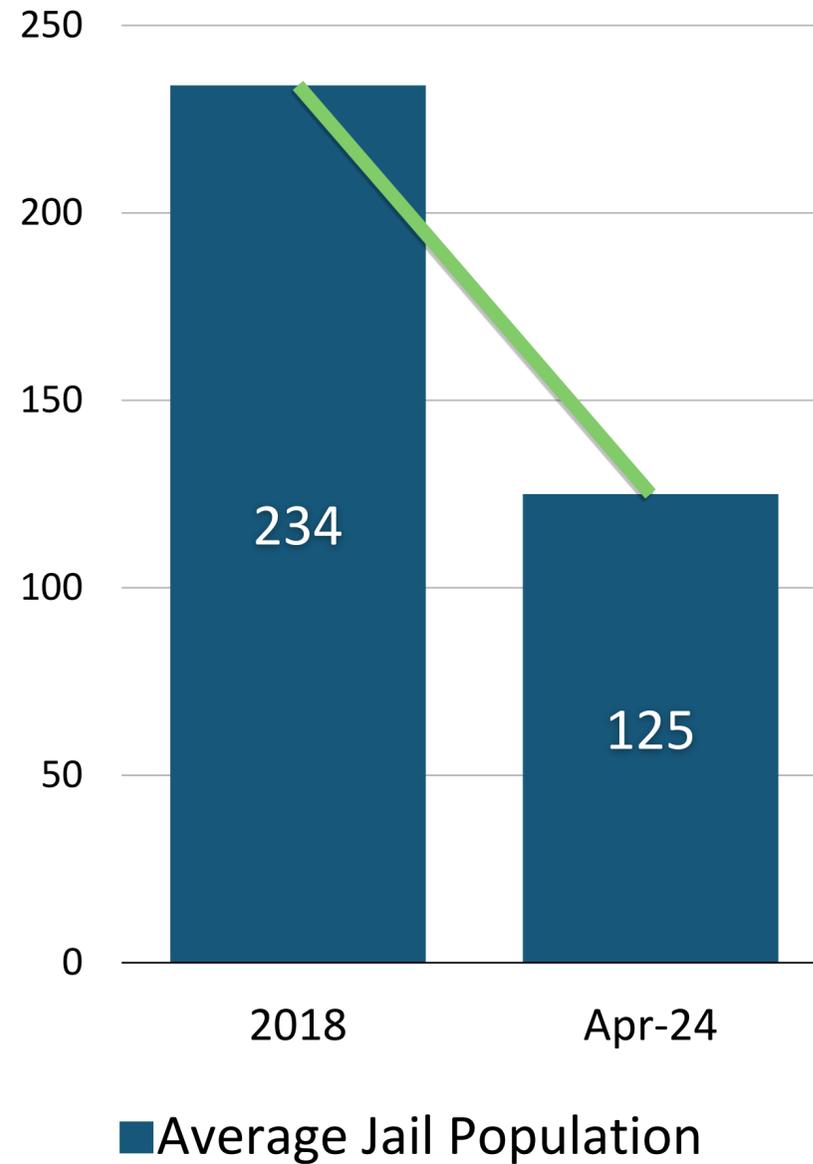
PRE-ADJUDICATION POPULATION REDUCTION

Before implementation of Pretrial Services in 2018, an analysis of the Cass County Jail revealed that the average daily population was 46% overcapacity and that 70% of those incarcerated were classified as Pre-adjudication/ Pretrial, i.e. awaiting trial. The below analysis shows that Pretrial Services reduced the pre-adjudication population in the jail by 63% in 2020 and since program launch in 2018, Pretrial Services has reduced the jail population by a total of 80%. As of December 2023, only 12% of inmates were awaiting trial and/or had a hold that prevented release, a 33% decrease from 2022. At the close of 2023, 32% of the pre-adjudication population were arrested with an additional new offense or had multiple cases that elevated their risk to the community. 48% of inmates were arrested with outside warrants/holds that exclude them from pretrial services.



Show Impact on Local Jail Population

- Before Pretrial Services approximately 70% of the jail population was pre-adjudication with an average population of 234 inmates.
- Today the pre-adjudication population has remained below 10% for the past two years, an 80% reduction and has an average population of 120 inmates.



Questions?

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