



NAPSA Standards for Pretrial Release. Revised 2024

MAKING PRETRIAL JUSTICE THE NORM

Standards Committee

In 2018, the NAPSA Board of Directors established a permanent Standards Committee to ensure that the Association's Standards remained current with research, statute, and case law related to best and promising pretrial practices.

The first product of the Committee was the revised 2020 edition of NAPSA's Release Standards.





Mandate: to describe the components of an effective, legal, and evidence-based bail system.

“NAPSA’s primary focus always will be to advocate best and promising practices for pretrial services agencies.

However, we recognize that minimizing unnecessary and unjust pretrial detention, enhancing public safety and court appearance, and administering the bail process fairly requires collaboration among pretrial services, the judiciary, prosecution, defense, law enforcement, and corrections.

This systemic focus acknowledges that for most of America’s justice systems, real bail reform requires a holistic change in local culture and attitudes about pretrial release, the rights of pretrial defendants, and what truly is needed to reasonably assure court appearance and public safety.

Proper implementation of this reform must include all elements of an effective pretrial justice system, properly defined and functioning well.”

Kept from 2020

Describe the components of an effective, legal, and evidence-based bail system.

Update the Standards to the developing body of knowledge about best and promising practices in the pretrial field and changes to the legal definition of and the requirements for fair and reasonable bail decision-making.

Set a higher bar on what is realistic for justice systems to accomplish. The Standards are “aspirational, but not unrealistic.” They identify processes that are fair, rational, effective, and possible.

Strengthen NAPSA’s support of independent pretrial services agencies, validated pretrial outcome assessments, and the abolition of financial conditions of bail.

Prohibition on financial conditions of bail.

New in 2024

Updates to the literature detailing the empirical basis for best and promising practices in the pretrial field.

Inclusion of changes in bail laws and caselaw related to bail that have occurred since the last Edition that continue to evolve the legal definition and requirements of a pretrial justice system.

Value-neutral language to describe justice-involved people (such as “individual” and “person” instead of “defendant”) and system processes (such as “pretrial outcome assessment” instead of “risk assessment”).

New Standards on:

- a.alternatives to in-person court appearances.
- b.behavioral health and social services as part of pretrial supervision.
- c.work- and caseload ratios for critical agency functions.
- d. telephone/virtual reporting .

Guiding Principles for Pretrial Decision-making

- Goals of bail: maximize release, court appearance and public safety
- Bail conditions based on individual risk factors
- Presumption of nonfinancial release
- Prohibition on financial conditions
- Detention as an option for public safety
- Victim safety should be recognized



Standard 1.5:
Financial conditions
of bail should be
prohibited.





Essential Elements of an Effective Pretrial Justice System

- LE options in lieu of arrest
- Bail statute with resumption of OR and progression to conditional release and detention
- Prosecutor screening of case pre initial appearance
- Engaged and active defense representation
- Sequential bail review
- Established pretrial services agency
- Validated pretrial outcome assessment
- Supervision tied to individual risk level/factors
- Alternatives to in-person court appearance*
- Pretrial system performance metrics

* New Standard



Standard 2.7: All jurisdictions should establish a dedicated pretrial services agency.

Standard 4.1(a): The purposes of a pretrial services agency are to:

- (i) assist judicial officers to make prompt, fair, and informed bail decisions that promote future court appearance and enhance public safety; and
- (ii) provide the Court with practical, risk-based monitoring, supervision, and support options for defendants that require oversight while on pretrial release.



Pretrial Release and Detention Decisions

- Criteria for release before the initial appearance hearing
- Preference at initial appearance for OR release with conditions ordered only when risk levels/factors permit
- Clearly defined criteria and population eligible for pretrial detention
- Subsequent review of release and detention decisions



Standard 3.3: Release Decisions

3.3(a): All persons should have a statutory presumption of release on personal recognizance with the requirement that they attend all court proceedings and not commit any criminal offense while released. This presumption may be rebutted by evidence of a substantial risk of failure to appear for scheduled court appearances or risk to public safety that warrants a greater level of monitoring or supervision. In these cases, courts may impose conditions of supervision to address these specific risks. Conditions must be the least restrictive needed to address the identified risk.

Pretrial Services Agency

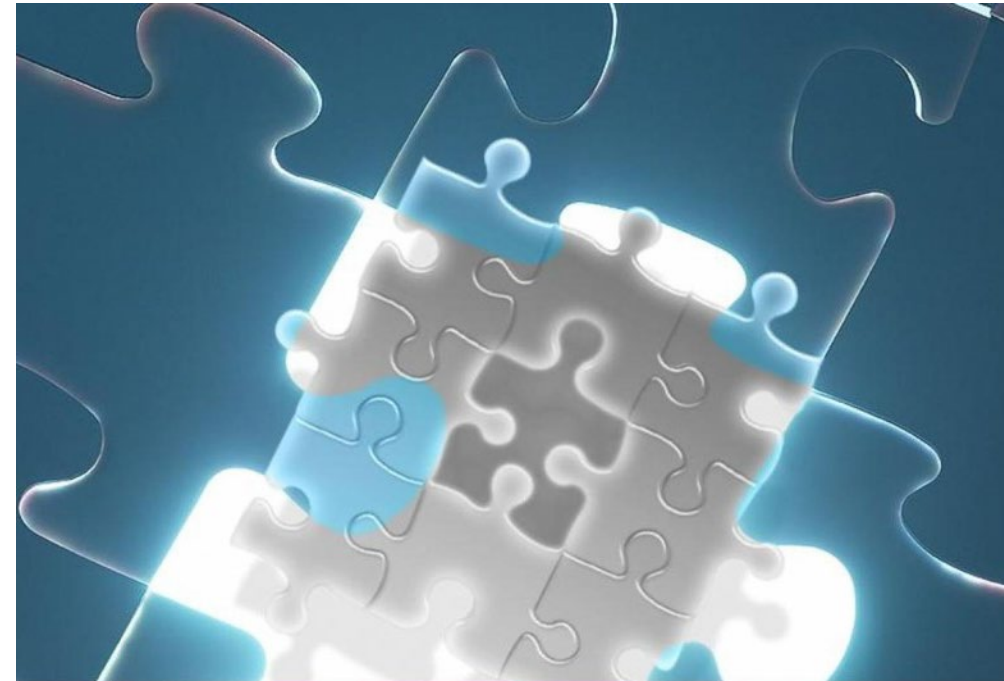
- Purpose: to assist courts make fair and informed bail decisions and provide practical and individualized monitoring, supervision, and support
- Functions: Screening (interview, criminal history, verification, outcome assessment), Recommendation, Supervision, and Outcome Measurement
- Workload and Caseload ratios*
- Confidentiality and Release of Information requirements

* New Standard



Standard 4.1(b): A pretrial services agency should adopt the following core functions to support its purposes:

- (i): collect and verify individual background and criminal history information for all individuals eligible for pretrial release;
- (ii): assess an individual's likelihood of future court appearance and crime-free behavior while on pretrial release, using factors shown by research to predict the likelihood of pretrial failure;
- (iii): use an individual's background interview and investigation, criminal history, risk assessment results, and other information to: formulate appropriate risk assessment results; recommend appropriate conditions of pretrial release and supervision; and supervise and monitor individuals released pretrial.
- (iv): monitor and supervise released individuals, in accordance with-court-imposed conditions. Those options may include behavioral health services and treatment;
- (v): notify the Court, prosecution, and defense of an individual's compliance with release conditions and recommend appropriate changes to pretrial release status and conditions; and
- (vi): review the status of detained individuals to determine their eligibility for pretrial release.



NEXT STEPS:



Review by the NAPSA
Board of Directors
(9/27/2024)



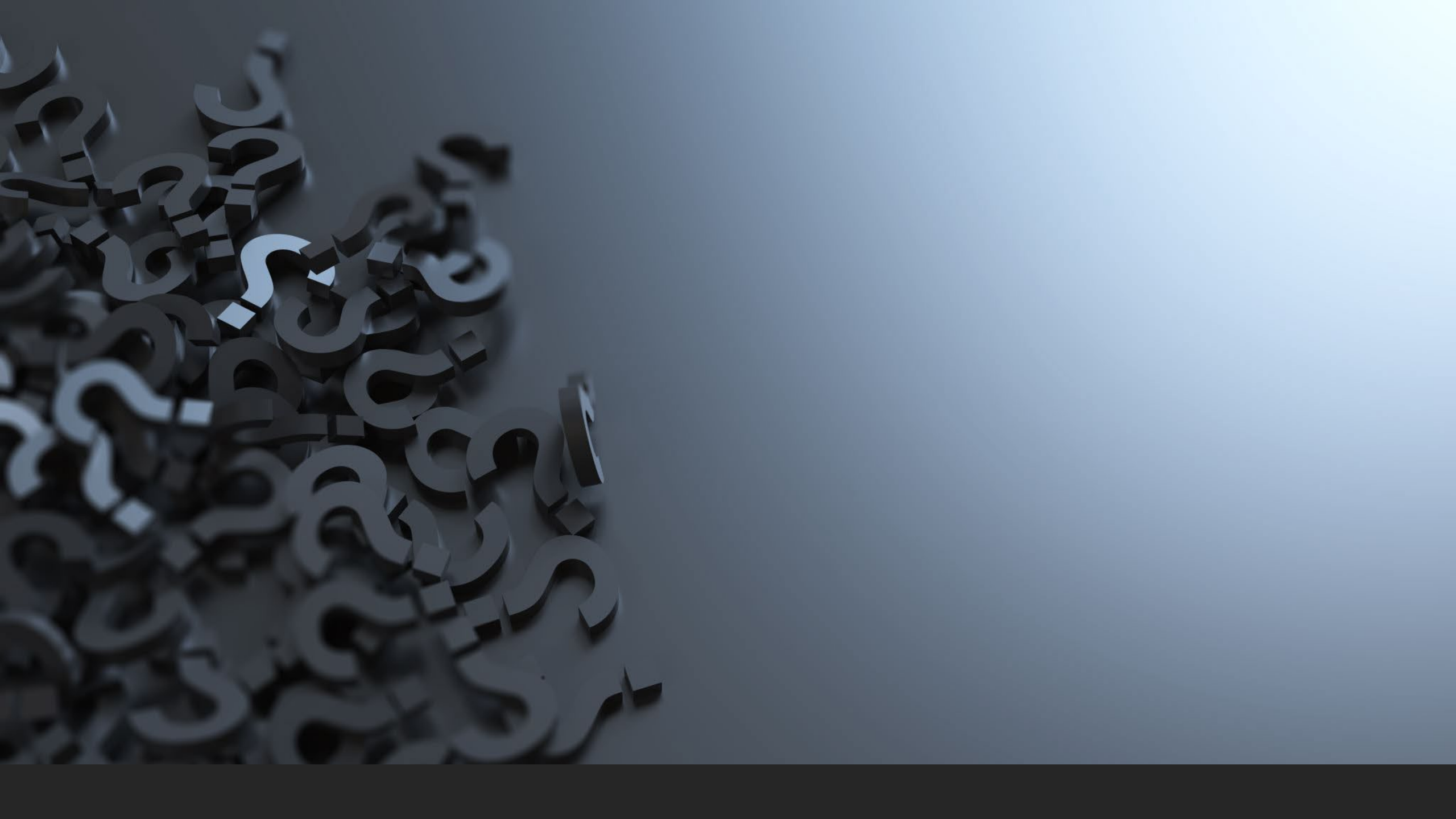
Revisions directed by the
Board (10/25/2024)



Public Comment (10/26-
11/15/2024)



Release on NAPSA
website (11/22/2024)



Setting the Standard for Pretrial Justice - Feedback Survey

