

Supervising Individuals on Pretrial Release to Promote Success

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Session Overview

- Legal Foundations and Standards
- Principles of Pretrial
- Research



Are we
promoting
success or
managing
failure?



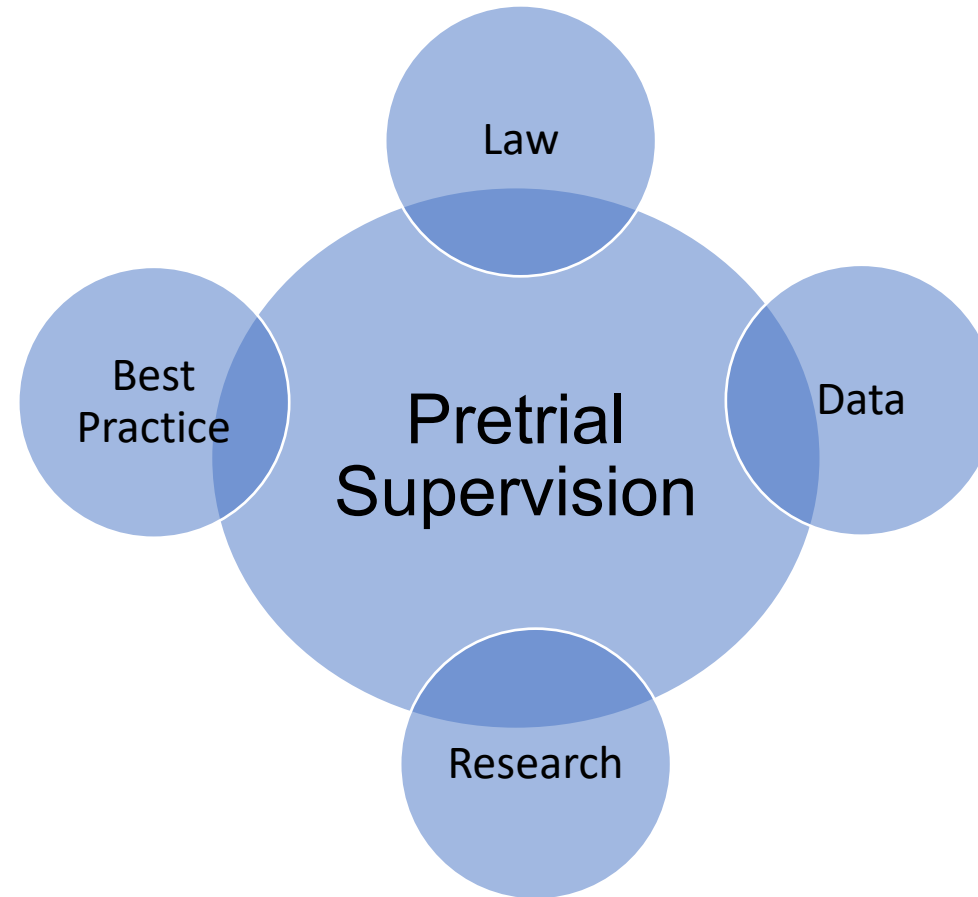
NAPSA's Stance on Supervision and Monitoring: *(from NAPSA Standards, 2024)*

- Supervision should include the following:
 - The least restrictive conditions needed to promote pretrial success
 - Court date notifications
 - Assignment to pretrial specific monitoring or supervision staff and communication with assigned staff to report circumstances that may affect the individual's reporting to court as required, public safety or compliance to court-ordered conditions.
 - Oversight of an individual's compliance with court-ordered conditions, including addressing initial compliance or infractions of court-ordered conditions administratively.
 - Notification to the court of new arrests
 - If statute or local rules allow, recommending lower or higher levels of supervision when appropriate.
 - Facilitate the return of individuals to court who miss hearings

**National Institute of
Corrections on
Supervision:**
(from Essential
Elements of an
Effective Pretrial
System and Agency,
February 2017)

- Pretrial supervision must conform to the “risk principle”
 - *Supervision levels must match an individual’s assessed risk level*
- Supervision should include the following:
 - *Court notifications, Response to individual conduct, Prompt notification of violations*
- On special services and interventions (treatment, housing, etc.)
 - “Providing or referring to interventions such as substance use disorder or mental health treatment, vocational services, or housing assistance is often part of a supervision strategy... **should be tied to risk factors specific to the individual defendant** and be offered voluntarily rather than required...”

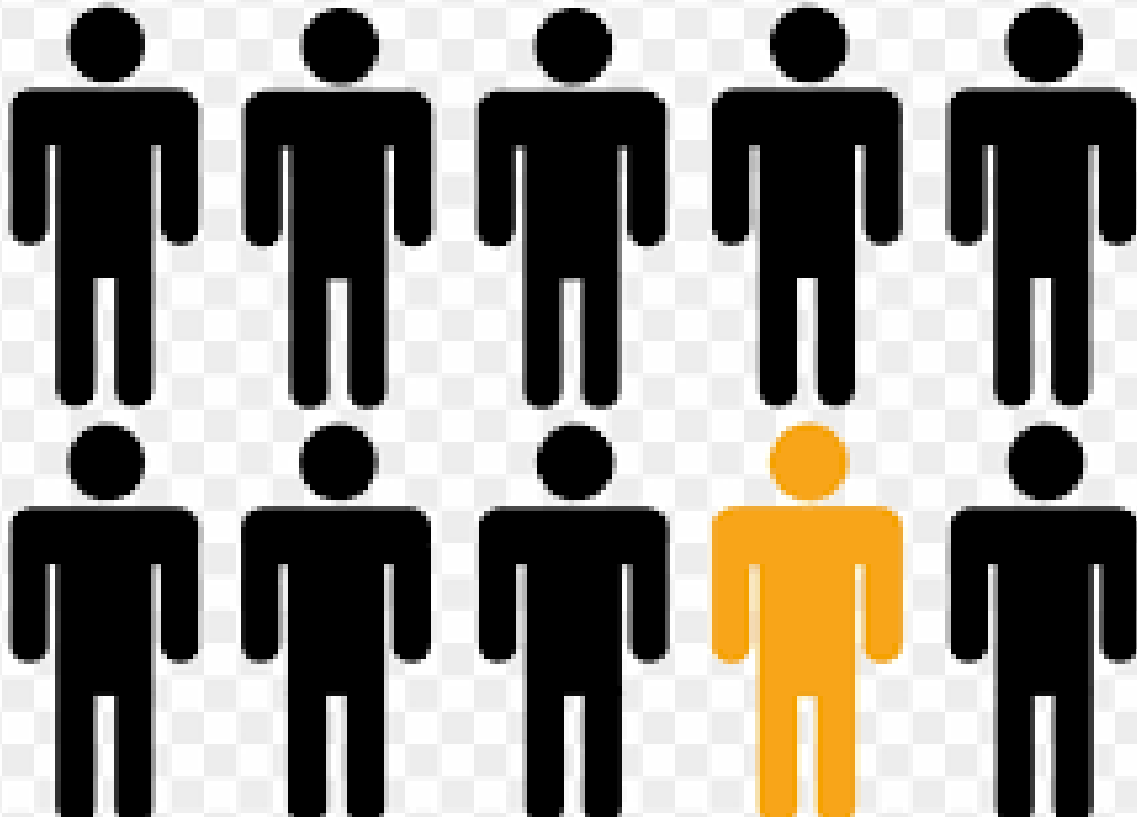
Four Principles of Pretrial Supervision




Buzz Word: “Least Restrictive”

*Least restrictive means that which places the **least possible restriction on personal liberty and the exercise of rights and that promotes the greatest possible integration of an individual into his or her community.***

Buzz Word: “Individualize”



- Tailored to suit a particular individual
- Made individual and distinctive



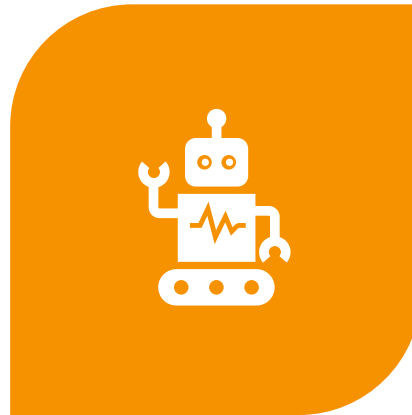
“Success-Based” Pretrial Support Model

- Encourages individualized conditions of pretrial release
- Emphasizes successful outcomes over compliance checking
- Provides meaningful responses to individuals’ conduct
- Includes interventions to address court nonappearance

Person-Centered Supportive Pretrial Release



PARTNERSHIPS WITH
COMMUNITY-BASED
SERVICES

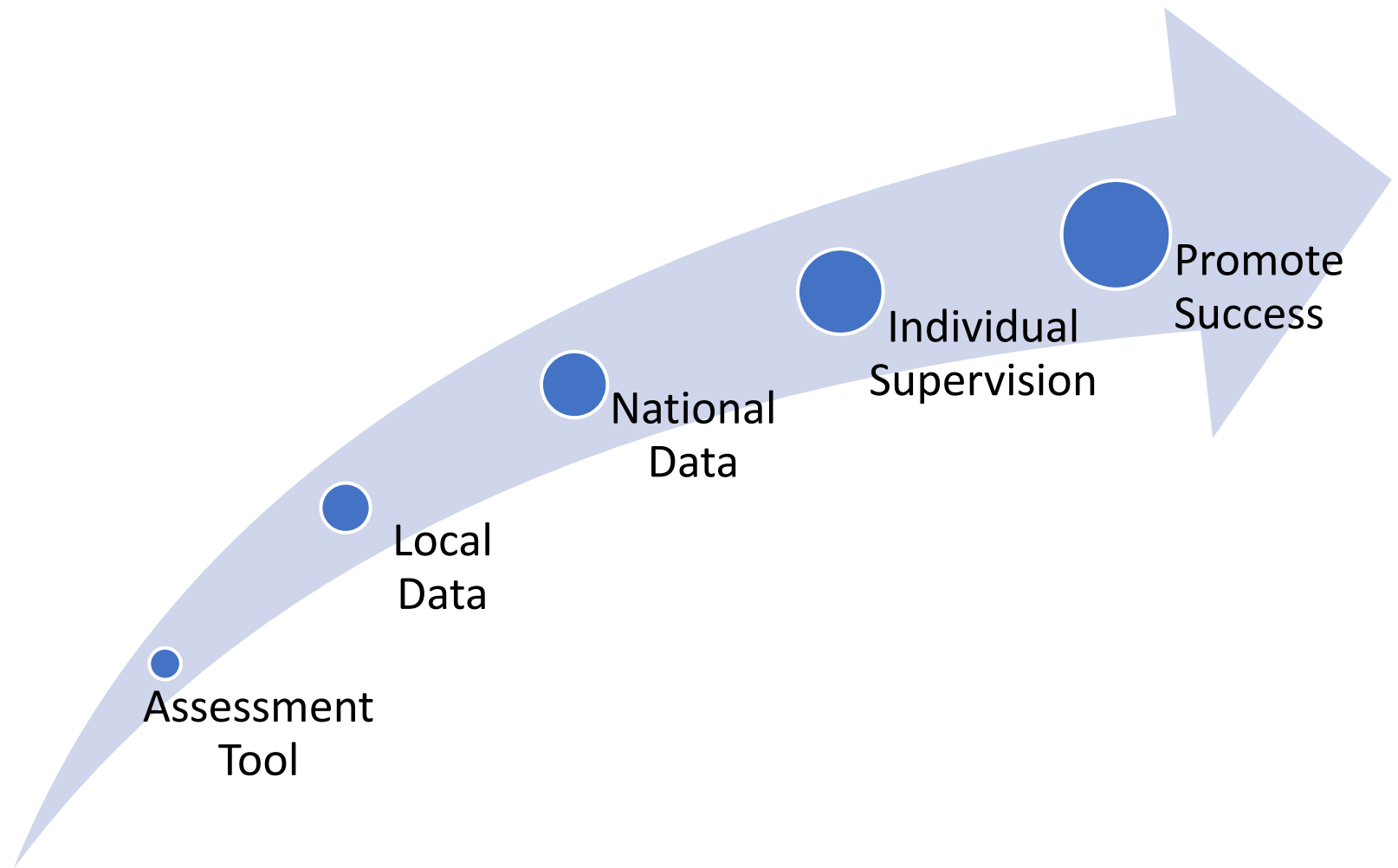


“SUCCESS-BASED” PRETRIAL
SUPPORT MODEL



RECOVERY STRATEGIES

Pathway to Promoting Success



What does the
research on pretrial
conditions tell us?

Not much....

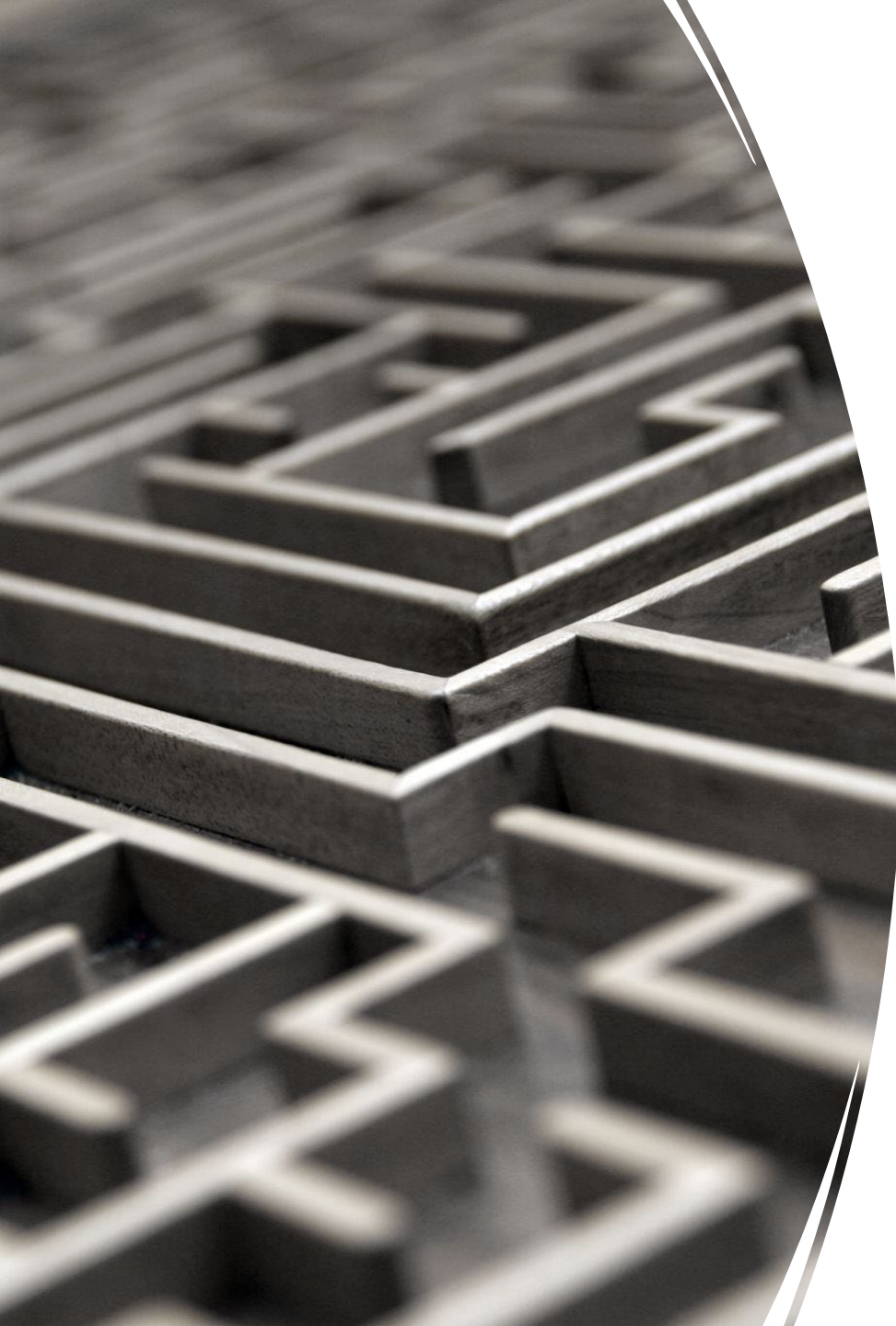
- Text court notification improves appearance rates
- Drug testing does not improve court appearance or new-arrest rates
- Supervision does not significantly improve court appearance or new-arrest rates
- EM/GPS: There is no clear association with improved pretrial outcomes

How Effective are Financial Conditions?

They aren't.....



- There are no studies that show financial conditions improve pretrial outcomes
- Money causes detention, which leads to bad outcomes
- Financial conditions are unfair and unjust



Court Non-Appearance Strategies

- NC, Harris Co, TX, and NYC (Common Themes)
 - Plain language text reminders
 - Address barriers with transportation assistance and partnerships with community-based services
 - Make court more user-friendly (scheduling blocks, appearance requirements)
 - Reduce collateral harms (warrant process)
 - Build trust (community engagement)
- KY Research (Practices)

Is EM/GPS Effective

What does the research tell us?

- No clear association with improved pretrial outcomes
- Increased technical violations
- Pretrial outcomes: “low-risk” individuals were twice as likely to fail
- Research on IPV/DV cases is mixed
- Occupational stress is associated with EM/GPS monitoring, especially for IPV/DV cases



Drug Testing

- **Results are mixed, dated information.**
Why? Drug use is a behavior, not a risk factor.
- **Court Appearance:** Drug testing has not shown to improve court appearance.
- **No New Arrest:** Drug testing has not been shown to reduce arrest during pretrial release

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What are your
questions or
comments?

