



Essential Elements of a Pretrial Justice System

Review and Planning

National Criminal Justice Association
Pretrial Regional Meeting
Baltimore, MD
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Session Goals

- ✓ Review Elements of a High Functioning Pretrial Justice System
- ✓ Review Elements of a High Functioning Pretrial Justice Agency
- ✓ Complete Gap analysis of your current system and pretrial functions

Pretrial Justice Framework



Essential Structures to Support Pretrial Justice Reform

- Legal Structure to Support the Purpose of Bail
- Essential Elements Pretrial Justice System in place
- System Supports a Dedicated Pretrial Services Agency
- Organizational Capacity- Adaptive Change vs, Technical Change

Essential Elements of a Pretrial System

1. Guiding principle of bail decisions based on risk
 - Appearance
 - Public Safety
 - Release
 - Three M's
2. Release options following arrest
 - Cite and Release
 - Summons vs. Warrant
 - Diversion
3. Legal Scheme to support in or out decision immediately effectuated

Essential Elements of a Pretrial System

4. Speedy prosecutorial case screening
 - Options for diversions
 - No charge
 - Specialty Courts

5. Delegated Release Authority
 - Early
 - Limited
 - Risk Based not Money Based

6. Initial appearance timeliness and meaningful
 - Defense
 - Prosecutor
 - Judge

Essential Elements of a Pretrial System

7. Dedicated Pretrial Services Agency/Function

- ✓ Operationalized Mission
- ✓ Universal Screening
- ✓ Utilize Validated Pretrial Risk Assessment
- ✓ Differential Supervision
- ✓ Performance Measurement and Feedback

Gap Analysis: Pretrial System

Element	Present	Missing	Improved
Guiding Principle of Risk Based Decisions	●	●	●
Release Options following arrest	●	●	●
Presumption of Non-Financial Release	●	●	●
Speedy Prosecutorial Case Screening	●	●	●
Defense Counsel at Initial Appearance	●	●	●
Dedicated Pretrial Services Agency	●	●	●
Performance Measurement	●	●	●

Essential Elements of a Pretrial Services Agency

1. Dedicated Pretrial Functions
2. Operationalized Mission
3. Universal Screening
4. Validated Assessment Instruments
5. Sequential Bail Review
6. Risk-based Supervision
7. Performance measurement and Feedback

Gap Analysis: Pretrial Agency

Element	Present	Missing	Improved
Dedicated Pretrial Services Functions	●	●	●
Operationalized Mission	●	●	●
Universal Screening	●	●	●
Validated Assessment Instrument	●	●	●
Sequential Review of Release/Diversion Eligibility	●	●	●
Supervision to Match Risk	●	●	●
Performance Measurement	●	●	●

For More Information....

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