

PJI
PRETRIAL JUSTICE INSTITUTE
PJI



JULY 2009 – JUNE 2010 ANNUAL REPORT

Informed Pretrial Decision-Making for Safe Communities: The 2010 Annual Report of the Pretrial Justice Institute

The Pretrial Justice Institute (PJI) is the nation's only independent, nonprofit organization staffed by pretrial justice experts dedicated to informed pretrial decision making. PJI promotes safer communities by providing training and technical assistance to criminal justice stakeholders, developing evidence-based pretrial legislation, and educating the public about the community impact of pretrial decisions.

When people are arrested, their release or detention pending trial should be based on thoughtful, informed assessments of whether they will stay crime-free while on release, return to court for trial, and allow for the judicial process to proceed without interruption of victims and witnesses.

High functioning pretrial justice components of the criminal justice system should include:

- Impartial screening of all defendants booked into the jail, regardless of charge;
- Verification of interview information and criminal history checks;
- Assessment of risk of pretrial misconduct through objective means and presentation of

recommendations to the court based upon the risk level;

- Follow up reviews of defendants unable to meet the conditions of release;
- Accountable and appropriate supervision of those released, to include proactive court date reminders; and,
- Reporting on process and outcome measures to stakeholders.

Despite nearly 50 years of research supporting a non-money bail system built from these components, where public safety is upheld and jail resources are cost-effectively used, most of the country still uses an unfair, discriminatory and costly financial bail system.

If implemented with fidelity and managed with transparency, the pretrial justice components outlined above can help jurisdiction to more accurately identify defendants risk and needs, eliminate discrimination based on money, optimize diversion from prosecution and placement in problem-solving courts, and save money.

Dear Friends:

As we finish our 32nd year, I am pleased to report on the great progress of the Pretrial Justice Institute. We focused this year on expanding and enriching our partnerships with vital stakeholder groups and developing tools that are intended to push the field to the next level. We were successful in providing, through a pivotal grant by the US Department of Justice, pretrial justice technical assistance and training in more locations around the country than ever before. We are proud of our collaboration efforts, seeing major outcomes as a result of our educational efforts of elected officials at the county, state and federal levels. In addition, we secured the interest and funding of the Public Welfare Foundation as we recovered from a year operating without the JEHT Foundation's support of our communications work. This year we also saw the launching of the Global Campaign for Pretrial Justice by the Open Society Institute that reaffirms our need to appreciate the country we live in while we continue to push ourselves to do better.

The pages that follow are a summary of the terrific work undertaken this past year, some of which is still ongoing. What cannot be written down in any way that would adequately reflect its depth is the sense we at PJI have of having awakened a sleeping giant. The pretrial field this year – practitioners both seasoned and raw – are standing up to be counted at commission hearings, in newspaper articles, at the state capitals, at national conferences. They are

getting certified by their professional membership association, asking for training and technical assistance in order to raise themselves to the standards set by the American Bar Association, and refusing to hold onto old practices despite their comfort.

I thank the field of pretrial justice practitioners, as well as supporters from the Office of Justice Programs and the Public Welfare Foundation, for their dedication and hard work. And I thank our partners, in particular the American Jail Association, American Probation and Parole Association, Association of Prosecuting Attorneys, National Association of Counties, National Association of Drug Court Professionals, National Association of Pretrial Services Agencies, National Criminal Justice Association, and the National Judicial College for supporting and communicating our work to their constituents. And to our consultants and contractors who have made road trips to the far reaches of the country to conduct pretrial program assessments, trainings and even some old-fashioned handholding – thank you. Finally, a special thanks goes out to PJI's Board of Trustees for their commitment and support, and to the tireless staff and volunteers of PJI. I am indeed blessed to work among the finest professionals our field has ever seen.



Timothy J. Murray,
Executive Director

Focusing Policymakers on Solutions

PJI educates stakeholders throughout the country to increase fairness and access to justice. The goals of this work are three-fold. First, to reduce the number of people who are held before trial when they do not pose an unmanageable threat to the community and will very likely return for all court appearances. Second, to ensure that dangerous people are identified according to these risks and detained if appropriate. Finally, to increase the number of people who are appropriately diverted from the criminal justice system to services such as mental health or substance abuse treatment.



In February 2010, the Public Welfare Foundation (PWF), located in Washington, DC, made a significant investment in pretrial justice by awarding both a general operating grant and a project grant to support media and advocacy efforts. The mission of the PWF is to support efforts to ensure fundamental rights and opportunities for people in need. With these funds PJI actively supported rational pretrial justice policies and practices across the country, working closely with strategic partners at the federal, state and local level.

On April 19th, with PWF funding, PJI and NAPSA co-hosted a daylong Legislative Affairs meeting in Washington, DC. The meeting brought together more than a dozen leaders from state pretrial associations with Legislative Affairs directors from national associations such as the National Association of Counties, American Probation and Parole Association, US

Conference of Mayors, National Association of Drug Court Professionals, National League of Cities, Justice Policy Institute, and many others. The meeting was devoted to establishing effective communications strategies among significant stakeholders interested in fair and effective pretrial justice practices.

Legislation

The nation's economic crisis had many county-based pretrial services programs fighting for their lives. Commercial bail industry lobbyists were extremely active at legislatures in a number of states, pushing bills such as those that would restrict non-financial release to the indigent and refusing to allow any releases in the first 48 hours after arrest except to a commercial surety agent.

During this year PJI worked to support programs, educate key system stakeholders, and, when necessary, provide media commentary in support of pretrial justice laws, statutes and core ideals. NAPSA, with assistance from PJI, recently formed a Legislative Affairs Committee to begin educating legislative officials at the state and county level on pretrial justice issues. The following highlights some of the activities by state.

In Virginia, the bonding industry lobbied aggressively for the passage of a bill that would significantly limit judicial discretion in making pretrial decisions. The bill required financial bonds in every criminal case unless the defendant was identified as indigent.

The bill also called for a dramatic reduction in state funding for Virginia's pretrial services programs. Supporters of the bill mounted a multi-media campaign including numerous television, radio and newspaper ads calling for the bill's passage. The bill ultimately failed.



pretrial service programs only to first time, non-violent misdemeanor defendants. Efforts are underway to educate voters about the negative fiscal impacts that will be placed on counties by this initiative.

Florida also considered but did not pass a law that would prohibit any defendant deemed capable of affording a surety bond from being released to the supervision of a pretrial service program. When it appeared late in the legislative process that the bill would not prevail, a last minute amendment was placed on the state's existing Citizens Right to Know Act, which would prohibit supervised non-financial release in most serious felony cases. This bill also ultimately failed.



In both of these instances, legislation was defeated despite the significant financial support of bonding interests. This was possible only due to the diligent efforts of an impressive array of stakeholders that were mobilized by state and local pretrial programs, state pretrial associations, state associations of counties and PJI.

In May 2010, Georgia signed into law a measure that drastically reduces the types of defendants who may be released to the supervision of pretrial service programs.

In Colorado, a ballot initiative has been introduced that would restrict release under the supervision of

Oregon, which has been free of commercial sureties for over thirty years, enacted legislation in May 2009 to establish a committee to evaluate the benefit of reinstating the use of commercial bail bonding. House Bill 2682 directed a joint legislative interim committee to take testimony from various constituencies on the feasibility and advisability



of reverting to the use of commercial sureties as a pretrial release option. All stakeholder groups have coalesced in opposition to the reinstatement of commercial surety, and despite this, as of this writing, PJI expects a bill to be introduced in the 2011 session in support of reintroducing commercial surety.

In February 2010, the Santa Clara County (California) Board of Supervisors requested an analysis of several facets of its pretrial services department. This California county is evaluating the possibility of merging the pretrial department with the county's probation department, imposing a sliding fee scale for pretrial services for defendants who can afford such fees, and establishing an income threshold on the defendants who may be eligible for pretrial services. Correspondingly, defendants who could afford surety bonds would be released to bail bondsmen.

Developing Tools for Practitioners and Public

PJI was awarded a \$650,000 twelve-month grant from the Bureau of Justice Assistance (BJA) that targets pretrial practitioners, judges, prosecutors, defenders, corrections officials, and county governments with training and technical assistance tailored to their needs. Criminal justice systems



must become invested in safer, more transparent and equitable alternatives. This can be accomplished through collaborative program development utilizing evidence-based practices such as risk assessment instruments, cross-disciplinary training, and the creation of consistent and clear outcome measures within the confines of local law.

PJI hosted a meeting in November 2009 to review the project's draft strategic plan. PJI wanted to explore how to leverage its respective work over the coming year to ensure maximum impact and coordination on front-end criminal justice decision-making.

James H. Burch II, Acting Director, BJA opened the meeting. Attendees included senior leadership from: American Bar Association, American

Jail Association, American Probation and Parole Association, American University's Justice Programs Office, Association of Prosecuting Attorneys, Bureau of Justice Assistance, Center for Court Innovation, International Association of Chiefs of Police, National Association of Counties, National Association of Pretrial Services Agencies, National Center for State Courts, National Criminal Justice Association, National Institute of Corrections, National Judicial College, and National Sheriffs' Association.

PJI, the JFA Institute, and NAPSA, have used these resources to raise state and local pretrial justice policies and practices to an evidence-based platform aligned with the national standards. The project encompasses four interrelated activities: (1) providing training and technical assistance on bail issues and pretrial release; (2) identifying research findings and lessons learned regarding effective pretrial risk assessment processes; (3) managing the pretrial services online resources center (at www.pretrial.org); and, (4) providing the long-standing Corrections Options Technical Assistance work of JFA, now more tightly focused on the front-end of the system.

Under this grant, PJI has written a handbook, "How to do Pretrial Justice System Assessments," covering both release and diversion programming.



It will be co-published with the National Institute of Corrections (NIC) and has several goals: 1) to provide written guidance to consultants who are engaged to provide program assessments for pretrial service programs, 2) to allow for a training to be developed on doing pretrial justice system assessments, and 3) to allow jurisdictions to do self-assessments by following a standard protocol. The handbook will be out this fall and NIC will sponsor a three-day training this winter.

PJI also developed a “Pretrial Justice Program Starter Kit.” The goal of the Kit is to empower jurisdictions to kick-start the development of a pretrial justice system by providing a “how-to” guide. It will also help lay the foundation for audit standards for program accreditation under development by NAPSA in 2011. The Kit is in production and is scheduled for release in October 2010.

Finally, PJI and the National Association of Pretrial Services Agencies (NAPSA) are working to create a national network of state-level associations who would be empowered to organize and deliver technical assistance and training locally. Thus, under this BJA grant, a “Pretrial Justice State Association Starter Kit” is being developed to help new and existing pretrial state associations formalize their infrastructure. It is also intended to support the expansion of state associations and an invigo-

ration of their work at the state level with other stakeholder associations. The State Kit is expected to be out in October 2010.

PJI Website – Technical Assistance Help Desk

This year, revisions to the PJI Help Desk (www.pretrial.org) included a Pretrial Services Program page providing a listing of pretrial services programs identified, to date, through PJI and NAPSA’s efforts. The page provides links to either the program’s page, or the county’s general page. If you work in a pretrial capacity or know of other departments, agencies or a single individual providing pretrial justice functions to local or state government and they are not listed on this page, please send an email to pji@pretrial.org.

Justice and Mental Health Collaboration Program

PJI is one partner in a Bureau of Justice Assistance collaborative that includes the Council of State Governments Justice Center, the National GAINS Center (a part of the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services), and the National Association of Counties. PJI worked with the Council of State Governments to provide targeted technical assistance and continues into the coming year to serve on this important initiative.

National Institute of Corrections

This past year, PJI, the Center for Effective Public Policy, the Justice Management Institute, and The Carey Group produced “The Framework:



Evidence-Based Decision Making for Local Criminal Justice Systems.” The document is the product of a large project funded by the National Institute of Corrections (NIC), to

build a system-wide decision making framework that will result in more collaborative, evidence-based decision making in local criminal justice systems. The project seeks to equip criminal justice policymakers in local communities with the information, processes, and tools that will result

in measurable reduction of pretrial misconduct and post-conviction risk of re-offending. The project has a large NIC Advisory Committee, comprised of nationally recognized leaders in pretrial, the courts, prosecution, defense and corrections.

The summer of 2009 resulted in the movement of the project into Phase 2, awarded noncompetitively to this same consortium. Phase 2 has now been co-funded by the Office of Justice Programs, and will result in the selection of sites to be evaluated for readiness to implement The Framework, and ultimately the selection of full demonstration sites. It will also involve an expansion of tools and trainings and an impact and outcome evaluation by the National Institute of Justice.

JDAI and The Annie E. Casey Foundation



In 2009, PJI staff expanded the JDAI Helpdesk to provide easier navigation and broader knowledge on issues related to juvenile detention reform. These changes included the addition of 6 JDAI sites and the transition of New Jersey to JDAI's first model state site. The JDAI Help Desk has consistently maintained an average of 49 hits per day to the homepage and an average of 37 searches per month, including an annual high of 92 queries in February.

In July 2009, PJI issued the first in an annual special edi-

tion of the Pretrial Reporter, spotlighting reform efforts in the juvenile justice system. The issue specifically targeted critical movement at the pretrial stage in the juvenile justice system, including innovative programs and new legislation and court rulings in several sites that have taken on the Juvenile Detention Alternatives Initiative.

Since early 2009, PJI has also managed the content on the JDAI section of the Annie E. Casey's website. Additionally, along with running an interactive information table at the annual JDAI Inter-site Conference in September 2009, PJI staff participated in conferences hosted by the Coalition for Juvenile Justice and National Legal Aid and Defender Association. PJI staff also participated in JDAI Team Leader trainings.

Service Director to the National Association of Pretrial Services Agencies (NAPSA)

As sister organizations, PJI and NAPSA work side-by-side to support the field and engage in outreach to strategic stakeholders in support of pretrial justice. This year, PJI provided conference support for the 37th Annual Conference and Training Institute in Charlotte, North Carolina, the first conference to be held since PJI became NAPSA's Service Director. The conference was a substantive and financial success, allowing NAPSA to generate funds to support more actively members on legislative issues, publish the first edition of Facts and Positions on "The Truth About Commercial Bail Bonding," and start work on developing program accreditation standards.

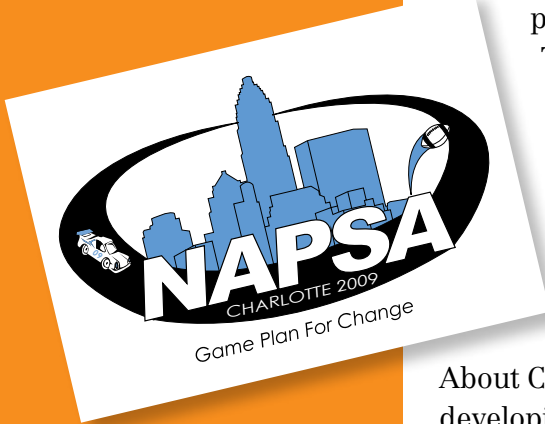
Other County Projects

King County, Washington contracted with PJI to assist local officials in preparing for the implementation of a research-based pretrial risk assessment instrument. The tool would be used by the jail's Intake Services Unit, which interviews defendants after arrest and submits reports, currently with no recom-

mendations, to the court at the initial appearance. PJI led key system stakeholders through discussions of the benefits of and concerns about a pretrial risk assessment tool, presented officials with options regarding the implementation of such a tool, and developed a plan for conducting a risk assessment study.

Milwaukee County, Wisconsin contracted with PJI to conduct a jail population analysis. The project looked at trend data in crime, arrests, case filings and jail populations from 2003 through 2008. It also analyzed data on about 45,000 inmates booked into the Milwaukee County jail system during 2008. The final report targeted opportunities for effectively managing limited jail bed space without compromising public safety.

Two counties in Arizona contracted with PJI to conduct validation studies of the risk assessment instruments currently in use in each. Coconino County Pretrial Services and Maricopa County Pretrial Services Agency have recently provided the data needed to conduct the analyses and both projects should be completed by December 2010.



Advancing Pretrial Justice Through Leadership

Again in 2009-2010, PJI sought to advance the evidence-based principles of pretrial justice by educating leaders in county commissions, state associations of counties, pretrial practitioners, and others.

To that end, PJI developed a set of training modules that are tailored for each occasion:

- The Professional Standards for Pretrial Release
- The Historical and Legal Foundations of Pretrial Justice
- Defendant Interviewing Techniques
- Ethics for Pretrial Professionals
- Courtroom Etiquette
- Supervising Defendants
- Performance Measurement for Pretrial Justice
- Diversion 101

In addition to site-specific training, PJI conducted sessions at the request of the following: Colorado Association of Pretrial Services Agencies, County Commissioners Association of Pennsylvania, California Association of Pretrial Services, the National Criminal Justice Association, New York Association of Pretrial Services Agencies, The Supreme Court of Ohio Judicial College/Ohio Association of Pretrial Services Agencies, Professionals in Pretrial Services Association, University of North Carolina's Judicial

Training Institute, the South Carolina Association of Counties, and the George Washington University's summer school program for high school students.

Since 2007, the National Institute of Corrections (NIC) has hosted a 40-hour program entitled "Orientation for New Pretrial Executives." This intensive course enrolls only 15 students per session and is designed to enhance the leadership capacity and promote sound pretrial release practices for pretrial professionals with decision-making responsibilities. The program incorporates professional standards on pretrial release from the American Bar Association, the National District Attorneys Association, and the National Association of Pretrial Service Agencies. Other course modules focus on cutting-edge organizational and leadership strategies.

In the past year (July 2009 – June 2010), NIC was able to host both a fall and early winter session. The course is vital to the field because it is a unique opportunity for pretrial professionals to enhance their knowledge and skills, strengthen professional connections to others – both peers and faculty from around the country - in an intimate setting. PJI staff rotate through the course as faculty and provide no-cost mentoring and coaching services to students as they join the ranks of the NIC Pretrial Executives alumni.

And, on April 21st, PJI joined the NIC Pretrial Network meeting in New Orleans, LA. The Pretrial Network is comprised of some of the nation's leading pretrial executive directors who meet regularly to discuss emerging issues in pretrial. NIC chose to hold this meeting in New Orleans to support the city's commitment to starting a pretrial supervision program as a part of the over-

haul of the local criminal justice system which was devastated during Hurricane Katrina and the ensuing floods. PJI was honored to facilitate a meeting among local officials and Network participants as well as representatives of the Vera Institute of Justice who have been working on-site in New Orleans for over two years on a wide range of criminal justice reforms.



Building Support for Reform

PJI believes that strong partnerships ultimately result in strong collaborations, where each party works to ensure that their constituency receives the highest quality support for advocacy. Again this year, PJI experienced success in having its partnerships bear the fruit of collaborative projects. These are some of the highlights.

APPA Supports Pretrial Supervision Services

On June 7, 2010, the American Probation and Parole Association (APPA) published a new Resolution supporting pretrial supervision services. The Resolution states, “pretrial supervision services exist to evaluate the jail population to ensure those who should be in custody remain in custody and those who do not pose a significant risk to the community can be released, allowing for better utilization of our justice resources.”

Barbara Broderick, APPA President and Chief of the Maricopa County (Phoenix, AZ) Adult Probation Department says, “As Chief of a large probation agency that includes pretrial supervision services, I know for a fact that the pretrial officers we employ are professionals with superior training and skills that allow them to not only secure public safety by supervising those accused of crime prior to their trials, but to also assist those in need of services such as mental health or substance abuse treatment. The

bail bond industry is simply unable to provide such service to the community.”

Executive Director of APPA, Mr. Carl Wicklund, adds, “Pretrial services are an essential cog in the fair administration of justice by helping ensure responsible population management of jails, appropriate release and supervision of defendants awaiting trial without regard for financial means, and the provision of valuable information to the justice system process.”



On April 14, 2010 the International Association of Chiefs of Police (IACP) held a focus group with 15 police chiefs from suburban, urban and rural jurisdictions to discuss issues posed by setting bail and supervision of individuals released pending trial. Facilitated by Cliff

Keenan, Deputy Director of DC Pretrial Services, the meeting also included the Hon. Truman Morrison, PJI’s Vice-Chair, PJI Board member John Goldkamp of Temple University, representatives from the Bureau of Justice Assistance, National Legal Aid and Defenders Association, the Association of Prosecuting Attorneys as well as Tim Murray and Cherise Burdeen of PJI. John Firman, Director of Research at IACP coordinated the meeting. This is the first time law enforcement executives from across the nation have come together to discuss their concerns regarding pretrial justice issues. IACP prepared a publication for law enforcement leaders, articulating the issues raised during the meeting with a focus on pre-

trial systems and policies that enhance public and officer safety. Discussions are underway regarding the inclusion of pretrial justice on the agenda of IACP's annual conference in Orlando, FL later this year.

American Jail Association (AJA)

In February 2010, Executive Director Smith-Ingley participated (voluntarily!) in the National Institute of Correction's weeklong Orientation for Pretrial Executives in Aurora, Colorado. PJI invited Gwyn to participate in this in order to provide an emersion experience on all issues pretrial. Her presence gave the other attendees an opportunity to hear from the leadership of AJA about the impact pretrial policies and practices has on jail administration, and a chance for leadership of AJA to hear from pretrial practitioners about the need for more collaboration between jail administrators and pretrial executives. It was a win-win!

From this, AJA invited PJI to participate in their annual conference in May 2010 in Portland, Oregon and write an article for the AJA magazine, which was published this summer. PJI staff hosted a focus group on pretrial issues, staffed a booth in the exhibitor's hall, and attended the first planning session for the 2011 conference. At that meeting, AJA invited PJI to plan a workshop session for the 2011 Annual Conference, which will be held in Cincinnati, Ohio in May 2011.

American Bar Association

Over many years, staff from PJI have participated in one capacity or another with the Task Forces of the

American Bar Association. This year, PJI continued its work on the Task Force to develop standards for specialty courts and alternatives to incarceration. Tim Murray was asked to co-chair this Task Force.

National Association of Counties

During a fourth year of renewed partnership with the National Association of Counties (NACo), PJI accomplished several important things. First, NACo's Justice and Public Safety Steering Committee, the Board of Directors, and the membership voted unanimously at their 2009 annual conference to



update the American County Platform sections on pretrial practices. A long-time advocate of alternatives

to financial release, NACo upgraded their position to support nearly all of the professional standards published by the American Bar Association, the National District Attorneys Association and the National Association of Pretrial Services Agencies.

Second, PJI and NACo released Jail Population Management: Elected County Officials' Guide to Pretrial Services. Funded by the U.S. Department of Justice's Bureau of Justice Assistance, the Guide provides detailed information for elected county policy makers on how to manage resources at the front end of the criminal justice system. By implementing proven policies and procedures during the pretrial stage of the criminal justice system, counties can ensure the most effective and efficient use of local resources. This is vital because U.S. Department of Justice data



show that nearly two-thirds of the nation's jail population is awaiting adjudication of a charge.

Third, with support from the Bureau of Justice Assistance, PJI and NACo completed technical assistance and training activities. After issuing an August call for proposals, NACo and PJI reviewed more than two-dozen county applicants and selected four for short-term pretrial technical assistance. The counties, Durham County, NC, Okaloosa County, FL, Canyon County, ID, and Spokane County, WA, received on-site pretrial and jail population assessment work and reports of recommendations for program enhancements.

Finally, PJI participated in a two-day Jail Diversion Forum in Pittsburg, PA focused on Allegheny County's extensive work on justice and mental health programming.

As an outgrowth of the PJI/NACo partnership, and in response to the release of the Jail Population Management: Elected County Officials' Guide to Pretrial Services, PJI was asked to meet in October 2009 with officials from the Virginia Community Criminal Justice Association and the Virginia Association of Counties. The aim was the development of a long-term strategy to align county support for pretrial services with the legislature and the public. A statewide meeting of stakeholders is scheduled for fall 2010 to kick off the legislative season.

Also in October, PJI and NACo presented a panel on pretrial services to the South Carolina Association of Counties. South Carolina has an extensive system of

pretrial diversion programming and a South Carolina Association of Pretrial Intervention Programs. They are in the process of examining formal pretrial release programming, and contacted PJI as a direct result of the NACo American County 2009-2010 platform changes regarding pretrial services.

Public and Private Defender Associations

In April PJI met with National Legal Aid and Defenders Association at their Annual Spring Conference



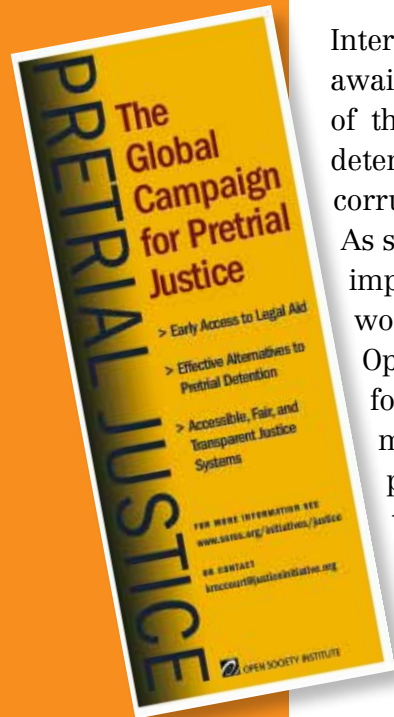
for the American Council of Chief Defenders. Tim Murray spoke at the executive council meeting

and addressed the common interests between the public defender community and the pretrial services community. He described the historical gap between these two stakeholders and suggested that both ought to begin considering why they might benefit from a partnership.

In May, PJI attended the Equal Justice Conference (EJC) in Phoenix, Arizona, co-sponsored by the American Bar Association and the National Legal Aid and Defenders Association. The EJC offered programs on immigration laws, fundraising, public interest impact litigation, and the interactions between pro bono coordinators and nonprofit organizations, to name just a few. In addition, PJI began a dialogue about prospective partnerships with pro bono coordinators from large law firms all over the country.

Supporting International Advocacy

Internationally, millions of people are currently awaiting adjudication behind bars. Moreover, many of the social ills that attend unnecessary pretrial detention are exacerbated in countries plagued by corrupt justice systems and unstable governments. As such, PJI partners with international agencies to improve the pretrial release processes around the world. In particular, PJI is pleased to support the Open Society Justice Initiative's Global Campaign for Pretrial Justice. This campaign seeks to promote alternatives to pretrial detention and expand access to legal aid services, among other things.



PJI was pleased to coordinate two visits of dignitaries from Mexico interested in reforming pretrial justice practices in their respective states. With support from the Open Society Institute and the cooperation of USAID, these visitors spent a week in the U.S. touring the pretrial programs in Washington, DC and Allegheny County, PA. In both sites, program leadership and staff went to great lengths to provide a meaningful and hospitable experience for the visitors. Their reaction to the tours was so enthusiastic that follow-up technical assistance in Mexico was quickly requested of PJI, to help the visitors finish planning for new pretrial programs.

Impacting Debate with Research

Survey On Pretrial Services Programs

In August 2009, PJI released “2009 Survey of Pretrial Programs,” profiling the findings of a survey of pretrial services programs completed with funding from the JEHT Foundation and the Bureau of Justice Assistance. This is the fourth such survey over the past 30 years, with the prior studies having been completed in 1979, 1989, and 2001. The findings describe how pretrial services programs compare in relation to one another, in relation to programs of the past, and in relation to the standards of the American Bar Association and the National Association of Pretrial

Services Agencies. The report includes findings from 171 jurisdictions who participated in the survey, examining the general characteristics of pretrial services programs, such as jurisdictions and populations served; pretrial program practices such as investigation, risk assessment, initial court appearance and supervised pretrial release; the management and evaluation of these practices; and issues connected to jail crowding. The publication is available at www.pretrial.org.

Scan of Pretrial Justice Practice

PJI conducted a survey of the nation's top 150 most populous counties, to collect information about county level pretrial practice. Pretrial Justice in America: A Survey of County Pretrial Release Policies, Practices and Outcomes, issued in May 2010, discusses the many different approaches taken to administer pretrial justice in America, including: timing of pretrial release decisions, the local roles of the decision makers and the information and options that are available to support pretrial release decisions in these localities. It also includes a disaggregated look at the State Court Processing Statistics data from 2004, showcasing the enormous disparity in pretrial detention rates across the country. The publication is available at www.pretrial.org.

BJS State Court Processing Statistics – A New Vendor and A Warning Against Misuse

The Bureau of Justice Statistics awarded \$1.2 million over two years to the Regional Justice Information Service (REJIS) of St. Louis, Missouri for the State Court Processing Statistics (SCPS) data collection for 2009. First conceived by PJI in 1982 and revised and renamed over its 27-year history, this project is a continual data collection series of felony cases processed in 40 large urban counties chosen to be representative of the nation's 75 most populous counties.

This large-scale effort, made possible only through the cooperation of many courts, pretrial and other criminal justice officials, has provided

high quality data of potential widespread benefit to a vast array of criminal justice planners and decision makers. BJS also publishes a variety of reports with the SCPS data and many secondary data analysis projects have been enabled by the SCPS data available at the National Archive of Criminal Justice Data at the Inter-University Consortium for Political and Social Research (University of Michigan).

In March 2010, BJS issued a Data Advisory for the SCPS data. The memo was in response to claims made about the effectiveness of certain types of pretrial release based on the SCPS results. When collecting data there are inherent limitations that must be considered when using the data. BJS highlighted the limitations:

- SCPS data are insufficient to explain causal associations between the patterns reported.
- Evaluative statements about the effectiveness of a particular program in preventing pretrial misconduct may be misleading.
- The potential for misconduct is only one of many factors that jurisdictions consider in developing and implementing pretrial release policies.

The State of the Science of Pretrial Risk Assessment

Pretrial risk assessment began in the late 1960's with the introduction and proliferation of the "Vera Point Scale." Nearly fifty years later, and with the addition of mandated consideration of community safety, in addition to appearance in court as the



purposes of bail, what has been learned about predicting behavior while on release pending trial? In 2007, the National Institute of Justice and the National Institute of Corrections hosted a Pretrial Research Roundtable. Since then, very little funding has been available to support many of the research questions raised during that meeting.

To help reinvigorate the discussion, the Bureau of Justice Assistance funded PJI to bring together the largest gathering of pretrial justice researchers in history.

On June 7, 2010, Dr. Thomas Feucht, Executive Senior Science Advisor (National Institute of Justice) moderated a daylong forum attended by the following experts:

- Dr. James Austin and Wendy Ware (JFA Institute)
- Dr. Avi Bhati (Maxarth, LLC)
- Dr. Chris Lowenkamp (Administrative Office of the US Courts)
- Dr. Ed Latessa (University of Cincinnati)
- Dr. Michael Jones (Jefferson County Colorado Criminal Justice Planning Unit)
- Dr. Marcy Podkopcak (4th Judicial District of Minnesota)
- Elaine Nugent-Borakove and Barry Mahoney (Justice Management Institute)
- Marlene Beckman (Office of the Assistant Attorney General, OJP)

- Dr. John Goldkamp (Temple University)
- Spurgeon Kennedy (DC Pretrial Services Agency)
- Madeline Carter (Center for Effective Public Policy)
- Lori Eville (National Institute of Corrections)
- Dr. Liz Neeley (Nebraska Minority Justice Committee)
- Dr. David Levin (DEA, formerly of PJI)
- Jerome McElroy (New York City Criminal Justice Agency)
- Dr. Linda Truitt (National Institute of Justice)
- BJA and PJI staff

The following were unable to attend but have been invited to provide input for a Winter 2010 monograph: Dr. Marie Van Nostrand (Luminosity, Inc), Dr. Faye Taxman (George Mason University), Dr. Christopher Innes (National Institute of Corrections), Dr. Nancy LaVigne (The Urban Institute), and David Steinhart, Esq. (Juvenile Detention Alternatives Initiative).

The work of the experts that day covered the following:

- According to the 2009 survey of pretrial programs, 64% utilize a combination of subjective elements and an objective risk assessment instrument to craft a report to the court for the bail decision. Of those, only 52% have had their instrument locally validated. In Virginia, there is what is commonly referred





to as the “Virginia Model,” valid for the whole state. Ohio recently underwent the same generation and validation of a statewide instrument. What is the science and practice supporting locally validated and tailored instruments versus a potentially universal instrument for pretrial risk prediction, similar to the LSI?

- In many communities, there is an internal struggle over utilization of evidence-based risk assessment. Many jurisdictions do not have the capacity to provide the required data to construct a risk assessment instrument. Some system stakeholders resist the use of a tool, and are concerned about having their discretion restricted. Some jurisdictions consistently override their instruments, constructing a bail recommendation that is instead aligned with the will of the judge. How can we create a demand for and use of evidence-based risk assessment at the bail decision be created?

- What has been the impact of risk mitigation practices (supervision) on the data used to create validated pretrial risk schemes? What has been the impact on the population samples used to construct pretrial risk schemes of legislation that restricts bail to only certain types of defendants?
- Research Agenda Setting - How do we advance the science and practice of pretrial risk assessment?

As a result of this meeting, Dr. Chris Lowenkamp, Probation Administrator, Office of Probation and Pretrial Services, Administrative Office of United States Courts, and Dr. Alexander Holsinger, Associate Professor of Criminal Justice, Department of Criminal Justice & Criminology at the University of Missouri-Kansas City, have begun working on a meta-analysis of pretrial risk assessment studies dating back to the 1960s. From this work, PJI hopes that key elements for predicting pretrial risk (failure to appear and rearrest separately) will be isolated and movement towards a valid, universal pretrial risk prediction scheme will take place.

The Pretrial Reporter Makes Way for Newer Forms of Communication

Since 1977, PJI has published the bi-monthly Pretrial Reporter, a set of solid reports of pretrial justice news and case law from across the country. But, as a sign of the times, PJI also decided that 2010 would be the final year of the PTR. By the time the PTR is published, the news PJI wants to share with you has been put on the website and sent to you via eBlasts or Facebook updates. This past year, PJI was able to reach nearly 1600 individuals and organizations with monthly eBlasts.

While this long-standing communications vehicle will undoubtedly be missed, PJI is confident that the new communications tools will live up to the high standards set by the PTR while reaching new and broader readership.

National Public Radio Does Three-Part Series on Bail

In January 2010, National Public Radio released a three-part series on pretrial justice. After bringing the story to NPR, PJI worked closely with their staff for over a year in order to develop a comprehensive picture of the challenges facing pretrial justice. As each of the stories profiled highlights, after fifty years of bail reform in this country, there are still policies and practices that detain people unnecessarily, create pressure on defendants to accept plea deals regardless of the merits of a case, and leave families at the mercy of for-profit bail bondsmen.

This series marks the first coverage of pretrial issues by national media since the inception of the Manhattan Bail Project in 1961. The series spawned a number of subsequent stories in local media on issues such as the failure to collect owed surety forfeitures.

Below are the stories' synopses. Please see www.npr.org for more.

Bail Burden Keeps U.S. Jails Stuffed With Inmates

January 21, 2010. Two-thirds of the inmates in U.S. jails are petty, nonviolent offenders who are there

for only one reason: They can't afford their bail. Sometimes, it's as little as \$50. Some will wait behind bars for as long as a year before their cases make it to court. And it will cost taxpayers \$9 billion this year to house them.



Inmates Who Can't Make Bail Face Stark Option

January 22, 2010. Shadu Green was like hundreds of thousands of inmates nationwide who can't afford bail or a bondsman's fee. So Green, who insists he is not guilty of a series of misdemeanors after getting pulled over for speeding, had to decide whether to fight his case from jail or plead guilty and get out faster. Studies show that internal debate usually works in prosecutors' favor.

Bondsman Lobby Targets Pretrial Release Programs

January 22, 2010. The pretrial release program in Broward County, Fla., was working, but commissioners voted to gut the program nonetheless. Industry experts say powerful bail lobbying groups have begun using Broward as a road map of how to squash similar programs elsewhere.

Selected Press Clippings

FORBES



America's Jail Crisis

July 13, 2009 by Jesse Bogan

"Amid budget crises, falling tax revenue and national unemployment approaching 10%, jails—usually city- or county-run holding facilities for those serving short sentences or awaiting trial—saw their populations grow nearly twice as fast as state and federal prison populations during the first half of the decade, according to a 2008 report by the Justice Policy Institute."

ORLANDO SENTINEL



Orange Rejects Bail Bondsmen's Criticism of its Pretrial-Release Program

September 22, 2009 by David Damron – Sentinel Staff Writer

"Our interest is public safety,' said Michael Tidwell, Orange's jail chief. 'The interest of the bail-bond industry is their livelihood; it's their profit margin."

BALTIMORE SUN



High Cost of Pretrial Jailing

November 24, 2009 by Portia Wood and Dave Pantzer

"Incarceration alternatives are often better for defendants, taxpayers."

THE SEATTLE TIMES



Four Days in May Set Stage for Sunday's Tragedy

December 1, 2009 by Nick Perry, Maureen O'Hagan, Jonathan Martin, and Ken Armstrong

"That legal system, both in Arkansas and Washington, failed to account for the entirety of Clemmons' violence and his disdain for the law. Individual crimes, viewed in isolation, trumped a long and disturbing pattern of warning signs. ... Penner, the deputy prosecuting attorney, said Clemmons was turned away by two bail-bond agencies, based on his history of failing to appear in court. But then Clemmons found a taker. Jail Sucks Bail Bonds, based in Chehalis."

CHICAGO TRIBUNE

Chicago Tribune

Virginia Bondsmen Fighting to Stay Afloat
December 25, 2009 by Peter Dujardin

“There’s no sense in keeping people locked up who don’t need to be there for the protection of society from violence.’ said Dan Catley, manager of program administration for the Department of Criminal Justice Services. ‘It’s better not to be occupying a jail bed when you can be inexpensively supervised in the community.”

THE WICHITA EAGLE

The Wichita Eagle Kansas.com

Pretrial Program Grows, Relieving Some Jail Crowding in Sedgwick County
February 3, 2010 by Deb Gruver

“We do take anybody the court shoots our way.” she [Kerrie Platt, administrator of the criminal justice alternatives division] said. “There are those occasions when someone that is outside the scope of our target population makes a high surety bond but the court wants them supervised even though they were able to pay their bond.”

HOUSTON CHRONICLE

★chron.com

Bail Bonds No Bounty for Harris County
Guaranteeing suspects show up for court is a big business, but not everyone pays up.
February 22, 2010 by Lise Olsen

“But not everyone pays on time. Last year, \$1.9 million was paid late, some of which was 10 years overdue, according to the Houston County District Attorney’s Office. And millions more still are owed.” “Not even County Treasurer Orlando Sanchez, a bond board member, could provide a list of recent payments of bond-related debts at the Chronicle’s request. ‘It’s convoluted,’ Sanchez said.

USA TODAY



Mentally Ill People Are Sent to Jail More Often Than Hospital
May 12, 2010 by Rita Rubin

“On average, a seriously mentally ill person in the USA is three times more likely to be incarcerated than hospitalized, a report concludes today.”

CLARION LEDGER



Bond System Under Scrutiny

May 17, 2010 by Gary Pettus

“It’s to ensure a defendant’s appearance at a trial, and it’s to protect the public. But let’s face it: If you set a bond that is completely out of someone’s financial reach, you have, for practical purpose, set no bond.’ [explained Rankin County Court Judge Kent McDaniel.]

THE CRIME REPORT



Shaky Bail-Bond System Allowed Cop Killer To Get Out of Jail

June 6, 2010

“Now, state legislators, prosecutors, and even bail-bond owners are demanding changes to the largely unregulated bail business. ‘There’s no truth in bail,’ King County Prosecuting Attorney Dan Satterberg said.”

Board of Trustees

This year, PJI bid farewell to three Board of Trustee members: immediate Past Chair and President Emeritus of the Justice Management Institute, Barry Mahoney; Dennis Murphy, Legal Aid Society of New York; and, Hallem H. Williams, Jr., Court Services and Offender Supervision Agency. Each served many years on the Board and provided invaluable service and stewardship to the organization.



The 2010 Board consists of researchers, financial advisors and marketing professionals, as a compliment to the criminal justice stakeholders. The Board's Executive Committee met quarterly this year to review financial statements and be thoroughly briefed on projects and proposals for new work. PJI held its Annual Board of Trustees Meeting at the Administrative Office of the United States Courts building on December 11, 2009.

2009-2010 BOARD OF TRUSTEES

Chair - Jerome E. McElroy, Executive Director of the New York City Pretrial Agency

Vice Chair - Truman Morrison, Senior Judge, D.C. Superior Court

Deborah A. Agosti, retired state Supreme Court Justice, Nevada

Bruce Beaudin, Senior Judge, D.C. Superior Court

Susan Brannen, Specialized Services Manager, Adult Probation, Columbus, Ohio

James G. Carr, Chief Judge of the United States District Court for the Northern District of Ohio

Norm Early, former Denver District Attorney; principal in BounceBack and in MarkeTouch Media.

John Gerold, Senior Vice-President, RBC Dain Rauscher

John Goldkamp, Ph.D., Chair, Department of Criminal Justice, Temple University

Robert J. Guttentag, retired business executive

John M. Hughes, Assistant Director, Office of Probation and Pretrial Services, Administrative Office of the United States Courts, Washington, D.C.

Doug Katz, Partner, Wasserman/Katz

Peter Kiers, President of the National Association of Pretrial Services Agencies (NAPSA) and Director of Operations of the New York City Criminal Justice Agency, Inc.

Cynthia A. Mamalian, Ph.D., independent criminal justice researcher

Judge Tomar Mason, San Francisco Superior Court

Carol Oeller, Director, Harris County Pretrial Services (Texas)

PJI Staff

2009-2010 PJI STAFF

This year we welcomed new staff to the PJI family. Former temporary staff Stuart Cameron and Lindsey Carlson became employees in the spring of 2010. John Clark was honored this year by winning NAPSA's Olgiati Award, the highest honor bestowed by the field's professional association. The Olgiati

Award was established in memory of Ennis Joseph "Joe" Olgiati and recognizes individuals or organizations for lifetime achievement in the field of pretrial services. John was nominated by members of the NIC Pretrial Network and selected unanimously by the NAPSA Board of Directors.



Timothy J. Murray,
Executive Director



Cherise Fanno
Burdeen, Chief
Operating Officer



Stuart Cameron,
Project Associate



Lindsey Carlson, Esq.,
General Counsel



John Clark, Senior
Project Associate



Stephanie Garbo,
Project Manager



India Ochs, Esq.,
Senior Project
Associate,



Amy Peko, Chief
Financial Officer

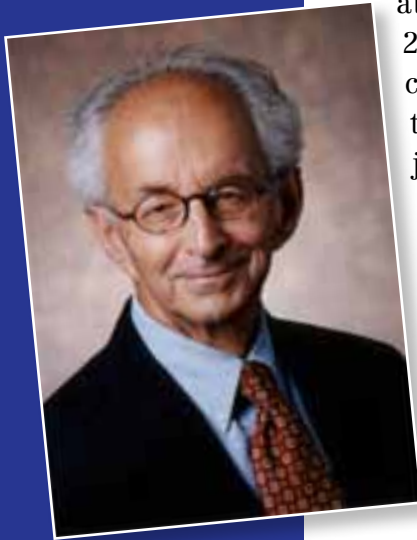


Tracy Loynachan,
Project Consultant

In Memoriam

Daniel J. Freed

Yale Law School Professor Emeritus Daniel J. Freed '51, a pioneer in the criminal justice process and a key figure in the development of clinical education at the Law School, died Sunday, January 17, 2010, in New York. He was 82. Freed was Clinical Professor Emeritus of Law and Its Administration, specializing in sentencing and criminal justice administration. He died of renal and congestive heart failure.



“Dan Freed was a unique scholar, reformer, and social activist,” said Yale Law School Dean Robert Post '77. “He had an unmatched capacity to bring together people on all sides of controversial issues to create thoughtful, reflective, productive and collaborative working groups. He spent a lifetime seeking to realize his goal of making the criminal justice system fairer and more effective. He succeeded to a remarkable degree. We shall miss him deeply.”

“For four decades, Daniel Freed examined and exposed the parts of the criminal justice process that were, when he began his work, most opaque and basically unregulated by law: bail and sentencing,” said Lafayette S. Foster Professor of Law Kate Stith. “He was one of the early theorists and proponents of sentencing guidelines, now commonplace, though he sought guidelines that left considerable room for individualized sentencing.”

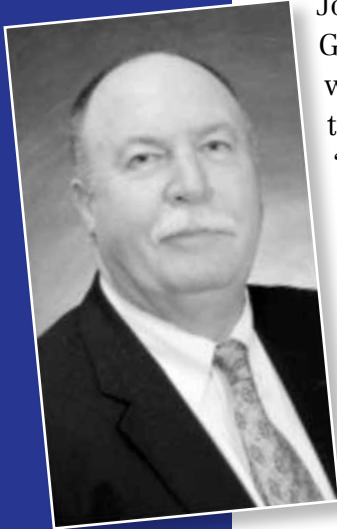
“Dan’s work bridged the gap between judges and academics, practitioners and politicians, policymakers and the public,” said Nancy Gertner '71, U.S. District Court judge in Massachusetts and visiting lecturer at Yale Law School. “In his seminars on sentencing, the conferences he organized and the articles he wrote, he brought together representatives of all sides of the criminal justice debate, in many cases for the very first time. And he challenged them to create a system that was at once principled and just. His loss- as a voice in this discussion, as a mentor for many of us (who consider ourselves ‘Freedians’), and as a leader - is irreplaceable.”

Professor Freed’s books include *The Release, Control, and Detention of Accused Juvenile Offenders between Arrest and Disposition* (with Timothy Terrell, 1980), and *The Nonsystem of Criminal Justice* (1969). His *Bail in the United States*, co-authored in 1964 with Patricia Wald, is widely seen as the basis for the groundbreaking *Bail Reform Act of 1966*. He served on PJI’s Board of Trustees from 1978 to 1995.

Professor Freed is survived by his wife Judy, son Jonathan and his wife Lauren, son Peter and his wife Talya, daughter Amy, daughter Emily and her husband Felix, brothers Norman and Harvey, and six grandchildren.

Professor Freed was a friend to PJI and a staunch ally in our work. His thoughtful inspiration will be missed but will continue to inspire our work for decades to come.

John Hendricks



John Hendricks, former NAPSA President and General Manager of Kentucky Pretrial Services was instrumental in the development of Kentucky Pretrial Services, and is remembered as a “founder” of his state’s agency.

John worked for Pretrial from 1976 until he retired as General Manager in 1999. Prior to the existence of the Kentucky statewide agency, John worked in the pilot pretrial release program in Lexington. John’s passion for pretrial release paved the way for the creation of the first statewide pretrial agency in the nation. His groundbreaking work in Kentucky coupled with his involvement in NAPSA earned him our Association’s prestigious Olgiati award in 1995.

John’s service to NAPSA as a Board member and as President elevated the Association’s standing in the criminal justice community nationally. His fierce dedication to pretrial practitioners ushered in a new era of professionalism and commitment that remains to this day.

In his career, John’s charismatic personality led pretrial officers through many policy changes and legislative hurdles. John believed intensely in the right to reasonable bail and the protections afforded by the Constitution. He served on PJI’s Board of Trustees from 1987 to 1990.

John’s good humor, gracious spirit and unrelenting belief in the principles of our work, have set standards for our profession.

Finances

Fiscal Year 2009 Donors

Unrestricted funds allow PJI to undertake a number of activities that advance the principles of pretrial justice, beyond grant and contract work. We thank the following individuals and organizations for their generous support during our 2009 fiscal year.

- Bruce Beaudin
- James Carr
- Norman Early
- Robert Guttentag
- John Hughes
- Doug Katz
- Jerome McElroy
- Cyndy Mamalian

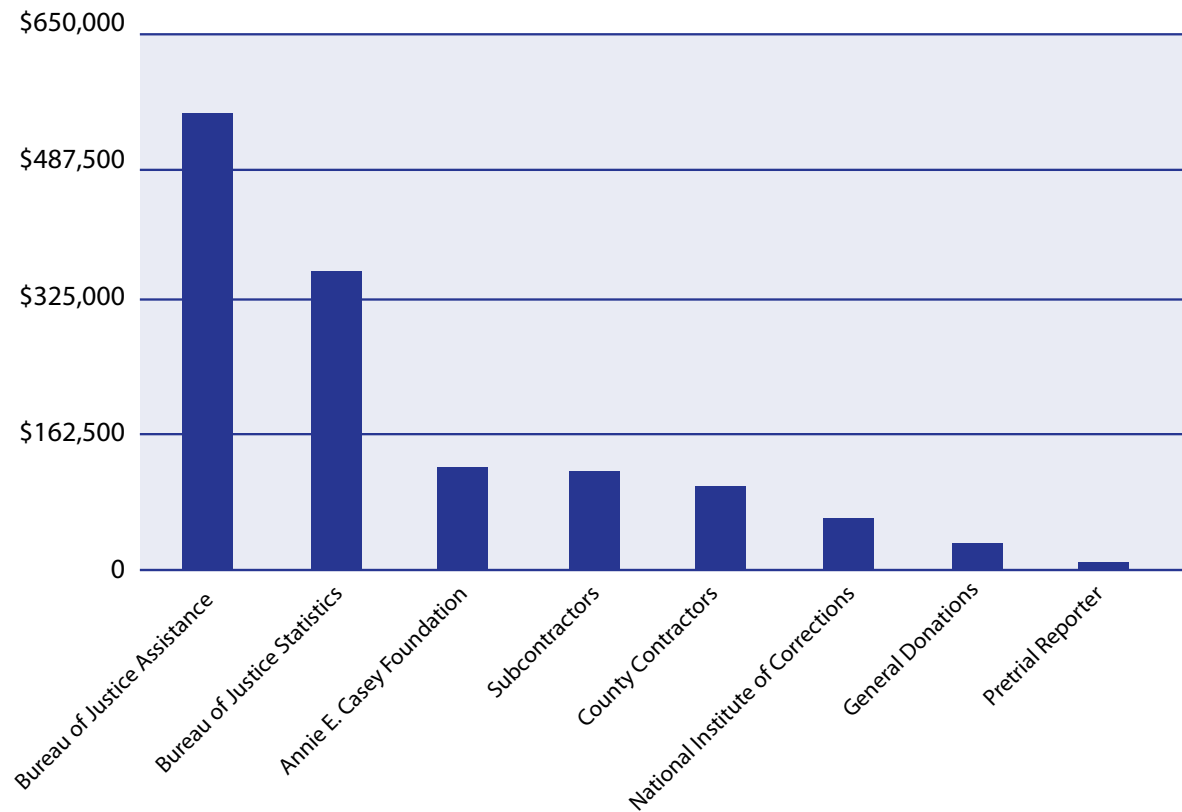
Other Donors

- Anonymous - \$30,000
- National Association of Pretrial Services Agencies
- The Wasno Family
- The National Association of Drug Court Professionals (2010)

REVENUE

Since 2000, the revenues for the Pretrial Justice Institute have grown significantly. During 2009, just like the rest of the country, PJI was faced with a continued uncertain economy. The closing of the JEHT Foundation impacted PJI's 2009 revenue, resulting in a 9% decrease in revenue when compared with 2008.

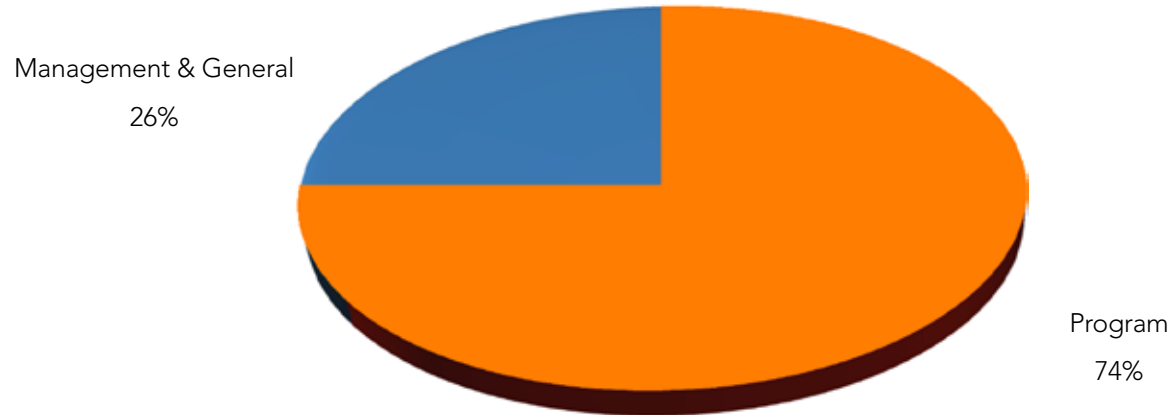
CHART 1. INCOME BY FUNDING SOURCES



EXPENSES

PJI strives to minimize non-project related spending that does not further its mission. In 2009, management expenses comprised 26% of overall organizational spending as reflected in Chart Two. This is an 8% decrease from 2008.

CHART 2. 2009 PROGRAM AND MANAGEMENT EXPENSES



A breakdown of expenses is as follows:

PERSONNEL	\$739,162
CONSULTANTS/PROFESSIONAL SERVICES	\$308,016
FACILITIES.....	\$110,760
TRAVEL	\$60,023
OTHER	\$51,202
SOFTWARE/EQUIPMENT	\$12,727
GENERAL SUPPLIES	\$27,357
TOTAL	\$1,309,247



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