

# The Pretrial Reporter

A bi-monthly newsletter of the Pretrial Services Resource Center, providing the latest information on program developments, legislation, research, and case law of relevance to the pretrial field.

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## NATIONAL NOTES

### Florida Supreme Court amends pretrial release rules

After a series of events over the past several years, the Supreme Court of Florida has adopted a new rule relating to the pretrial release of defendants charged with dangerous offenses. In 2000, the Florida legislature passed a law that provided that “no person charged with a dangerous crime shall be granted nonmonetary pretrial release at a first appearance hearing.” The law also repealed Florida Rules of Criminal Procedure 3.131, Pretrial Release, and 3.132, Pretrial Detention. In 2005, the Supreme Court declared this law unconstitutional on the grounds that it infringed upon the court’s rule making authority (see *The Pretrial Reporter*, 8-9/05), and temporarily re-adopted the rules. The court then asked the Criminal Procedures Rules Committee to review the court rules pertaining to pretrial release and detention.

After review, the committee recommended several amendments to the court rules, which would have adopted some of the changes that the legislature made with the 2000 law – before that law was ruled unconstitutional. A provision of the struck-down law read: “No person shall be released on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies to the court that it has investigated or otherwise verified [various specific circumstances of the defendant’s background.]”

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EXECUTIVE DIRECTOR'S LETTER

Dear Friends:

I am pleased to share some recent developments and activities that have significant implications for all of us who are concerned with pretrial justice. The National Institute of Corrections (NIC) recently hosted a forty hour training seminar for pretrial executives. This pilot program included fifteen pretrial managers from across the nation. They represented large established programs, probation-based efforts, non-profit providers and smaller sites that have made modest investment in pretrial programming.

The results of the training were quite extraordinary. The students took home not only the lessons taught, but also the commitment to make appropriate change within their local systems. NIC has provided them continuing support through the use of a secure chat room and they have taken full advantage working feverously on issues such as program mission statements, forms, policies, you name it.

Recognizing the need for this type of training and gauging the response of the students who participated in the pilot, NIC is pursuing this training as an on-going component of their course offerings. My sincere congratulations to NIC for their foresight on the issue of pretrial executive training, to the faculty for their commitment and countless hours of hard work, and to the students who have proved once again that armed with the right support anything is possible for those in our field.

I am also pleased to share with you the results of the first-ever Pretrial Research Roundtable co-sponsored by the National Institute of Justice (NIJ) and NIC. This historic event brought together representatives from the judiciary, defense, prosecution, county government, philanthropic foundations, federal agencies, state administrative agencies, corrections officials, victim advocates, researchers and pretrial practitioners. The two-day event was lively, informative and provoking. While all agreed that we need to do more to stimulate research in the pretrial arena, it was encouraging to hear of the exciting research-based work that is currently being done by many pretrial programs. NIJ will post a summary of the roundtable on their website ([www.ojp.usdoj.gov/nij](http://www.ojp.usdoj.gov/nij)) in the coming weeks. Here at the PSRC, we will explore strategies to make this research more widely available to our field and our constituents.

Finally I am pleased to report we are making significant headway here at the PSRC with our plans to reconfigure our services. This summer, we will unveil our new web site, announce our new name and move *The Pretrial Reporter* to a modern web-based format along with other exciting changes. Stay tuned and stay well.

Sincerely,

Tim Murray  
Executive Director

Another provision stated that “[n]o person charged with a dangerous crime shall be granted nonmonetary pretrial release at a first appearance hearing; however, the court shall retain the discretion to release an accused on electronic monitoring or on recognizance bond if the findings on the record of facts and circumstances warrant such a release.”

The committee recommended a new subdivision to Court Rule 3.131 providing that “[n]o person charged with a dangerous crime...shall be granted nonmonetary release at a first appearance hearing. At a subsequent hearing, however, a court has the discretion to release an accused on electronic monitoring, personal recognizance, an unsecured appearance bond, or any condition the court deems appropriate if the findings on the record of facts and circumstances warrant such a release.” The committee also recommended another subdivision of that rule that reads: “If the court is considering releasing a defendant charged with a dangerous crime on nonmonetary conditions under the supervision of a pretrial release service, the court must receive and consider the certification of a pretrial release service.”

The court rejected these recommendations in favor of language that would simply read: “No person charged with a dangerous crime, as defined in Section 907.041(4)(a), Florida Statutes, shall be released on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies to the court that it has investigated or otherwise verified the conditions set forth in Section 907.041(3)(b), Florida Statutes.” The new rule, which says nothing about barring non-monetary release at the initial appearance, becomes effective April 1, 2007.

#### **New York task force calls for expanded pretrial services**

**I**n February 2006, New York State Chief Judge Judith S. Kaye established a Task

Force on the Future of Probation in New York State. Judge Kaye charged the task force with the responsibility of drawing on lessons learned from successful innovations in other jurisdictions to develop a model that will strengthen probation. The task force recently released its report, in which, among many other recommendations, it called to expanded use of pretrial services.

The task force noted that “pretrial services programs play a critical role in the criminal justice process by assisting courts in their release determinations and minimizing the use of unnecessary pretrial confinement.” The report noted that while pretrial programs in several of the larger counties in the state are run by non-profit organizations, in most of the smaller counties that have pretrial services, the program is run through the county probation departments.

“Probation departments that are given responsibility for pretrial services need to be adequately staffed, trained in the proper role and practices of pretrial services, and provided with the necessary technology to assist in productivity and data collection support to substantiate and audit the program. With proper staffing and access to appropriate resources, these pretrial services programs can help jurisdictions minimize unnecessary pretrial detention, reduce jail crowding, increase public safety and ensure that defendants appear for scheduled court dates.”

Ten counties in the state, according to the report, do not have a functioning pretrial services program. Citing the standards of the American Bar Association and the National Association of Pretrial Services Agencies that call on all jurisdictions to have pretrial services, the task force recommended “the establishment of a pretrial services program in every probation department that currently lacks such a program and has no separate pretrial services agency in the county it serves.”

*A copy of "Report to the Chief Judge of the State of New York: Task Force on the Future of Probation in New York State," can be downloaded at:  
[www.nycourts.gov/whatsnew](http://www.nycourts.gov/whatsnew).*

### **High use of failure to appear convictions cited in Connecticut**

**A**t least 30 states treat failure to appear in court as a separate crime. Most of these states tie the penalty for failure to appear to the seriousness of the underlying charge. In many of these jurisdictions, prosecutors use a failure to appear in plea negotiations – if the defendant agrees to plead guilty to the failure to appear charge the prosecutor will dismiss the underlying charge. A recent review of this practice in Connecticut found that one in every ten cases that ended in a conviction over the past five years included a conviction for failure to appear. In all, there were 6,539 convictions for failure to appear in the state in 2006, compared to just 444 in neighboring New York State.

Many attorneys argue that Connecticut prosecutors are using failure to appear as a means to pressure defendants into pleas. "Failure to appear should be a last resort," said Jon Schoenborn, president of the Connecticut Criminal Defense Lawyers Association. "You can only put so much pressure on parties to move cases along before the pressure is seen as an abuse of discretion." Prosecutors, on the other hand, believe that they are simply taking failure to appear seriously. "Failures to appear are a big problem in our courts," said senior assistant state's attorney John A. East. "They clog up the docket and cost the state a lot of money."

What sparked attention to this matter was a case involving Ayanna Khadijah. Ms. Khadijah made 45 consecutive appearances in court over a three-year period on a drug charge before she was 45 minutes late for court one day. She was charged with failure to appear and convicted.

She appealed this conviction and the Connecticut Court of Appeals overturned the conviction, stating that there was no evidence that Ms. Khadijah willfully failed to appear. Prosecutors have appealed this ruling the Connecticut Supreme Court. (*New York Times*, 2/02/07.)

### **More overhauls contemplated for recently revamped Georgia indigent defense system**

**I**n 2003, Georgia legislators passed legislation that created a new, state-funded indigent defense system. Implemented in 2005, the new system replaced one that was county-funded and which resulted in poor and uneven indigent defense services throughout the state. Now, one case has exposed a fundamental weakness in how the new system is funded, creating a crisis for indigent defense in the state.

The case involves Brian Nichols, who in the Fulton County Courthouse in 2005 overcame and murdered the corrections officer who was escorting him from jail to the courtroom, and then murdered three other people, including the judge who was handling his case. To date, the costs for his ongoing defense for these capital charges have reached \$1.4 million. As a result, the annual budget for the state's Public Defender Standards Council, which oversees the new system, is nearly exhausted – with four months left in the fiscal year. The council has put a freeze on new hires and is asking attorneys to keep working on their cases with the understanding that they may never be paid.

Under the new system, public defender services are funded through collections of surcharges on criminal fines and bail bonds, fees on civil court filings, and a \$50 application fee paid by indigent defendants. The council can only request in its budget the amount of those fines and fees collected during the previous year. In 2005, \$37 million was collected and budgeted to the council. In 2006, however, only \$28 million was

collected, leaving the council with a \$10 million budget cut from the previous year – at a time when it must fund the Nichols defense.

Several bills have been introduced in the Georgia legislature to address the problems with the new system, including one that would establish a committee to examine how the system is funded and develop “significant reforms.” (*The Atlanta Journal-Constitution*, 3/09/07.)

### **Officials spar over changes to San Francisco pretrial diversion procedures**

San Francisco District Attorney Kamala Harris has announced changes to the eligibility criteria for the city’s pretrial diversion program. Under the changes, which went into effect in February, those charged with certain offenses – abusing, endangering or causing physical trauma to a child, indecent exposure, and assaulting a police officer – are no longer eligible for diversion.

Upset with these changes, San Francisco Public Defender Jeff Adachi organized a rally to encourage to encourage public outcry. At the rally, Adachi said that the 30-year-old diversion program, which targets first offenders charged with misdemeanor offenses, should be expanded, not limited. He also claimed that the changes would contribute to the city’s already serious jail crowding problem.

It is estimated that with the changes about 11 percent of those previously eligible for diversion will no longer be eligible. (*San Francisco Examiner*, 1/30/07.)

### **NAMI of Maine says some progress made for mentally ill in jail, but many problems remain**

The Maine chapter of the National Alliance for the Mentally Ill has issued a report stating that while some progress has been made in

*The Pretrial Reporter*, 2-3/07

treating and diverting mentally ill persons from jail there is still much work to be done. The report pointed out that numerous recommendations for improvement from several commissions and committees that have looked at the problems of the mentally ill in Maine jails have gone unfulfilled.

State and local officials acknowledge that there is much work left to do, but they are proceeding as quickly as possible. “We recognize there is a serious need,” said Steven Sharets, mental health and criminal justice coordinator for the Maine Department of Health and Human Services. “Given all the priorities we have to serve, we’re basically trying to bring as many resources to the problem as we can.” Sharets’ position was established 10 months ago in response to a recommendation from the state’s Joint Action Plan to improve conditions for mentally ill inmates.

The NAMI report calls for implementing past recommendations, including better data collection, more training for criminal justice staff, better access to psychiatric beds, and expanded diversion of mentally ill from jails and into intensive treatment.

Some criminal justice officials are also growing impatient with the pace of progress. “Come down to my medical unit, look into a cell at somebody lying on the floor and then tell me we need to move slowly,” said Cumberland County Sheriff Mark Dion. “I’m beyond talking about this. I want to see concrete, tangible action. I need beds in medical institutions to deal with these folks. We need to move beyond coordinating and talking and planning. We need solutions.” (*Portland Press Herald*, 2/26/07.)

## CASES

***Wisconsin v. Brandt*, Court of Appeals of Wisconsin, No. 2006AP2123-CR, 2/13/07**

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Scott Brandt was arrested and charged with damage of property and disorderly conduct in connection with a domestic violence incident involving his former girlfriend. He was released with the condition that he have no contact with his former girlfriend. Shortly thereafter, Brandt was arrested again, this time for battery against the same victim. He was committed to jail in lieu of \$7,500 bail. During the two days he spent in jail on this bail, Brandt made 12 telephone calls to the former girlfriend threatening to kill her and her children. Within a week of his release the body of his former girlfriend was found in her home, a victim of murder.

No one was charged with that murder, but police did arrest Brandt and charged him with 14 counts of bail jumping. Those charges stemmed from 14 incidents in which Brandt allegedly violated the no-contact order that was a condition of pretrial release in his first case, including the 12 telephone calls he made to her from jail. Brandt pleaded guilty to the 14 bail jumping counts, as well as to the property damage and disorderly conduct charges stemming from his first arrest. As part of the plea agreement, the battery charge from his second arrest was dismissed. He was sentenced to 16 years in prison followed by 16 years of extended supervision. After sentencing, Brandt filed a motion with the trial court claiming that 12 of the 14 bail jumping counts were invalid because he was in custody on other charges at the time he contacted his former girlfriend by telephone. He argued that he could not violate a condition of pretrial release if he was in custody. The court denied the motion and Brandt appealed.

Before the appeals court, Brandt argued that a person who is in custody is no longer considered "released" for the purposes of the state's pretrial release statute. WIS. STAT. § 969.01. The relevant part of that statute reads: "Conditions of release, other than monetary conditions, may be imposed for the purposes of protecting members of the community from serious bodily harm

or preventing intimidation of witnesses." In considering this argument, the court noted that "[o]ne of the purposes for the no contact order in this case was the protection of (the former girlfriend). Being in custody did not stop Brandt from making a dozen threatening phone calls to her that were more than idle words, considering Brandt was in custody on account of his alleged battery of (the former girlfriend.) Brandt was released from custody under conditions that he later intentionally violated. The bail-jumping statute requires that he be released with conditions at some point, not that he is out of custody at the time of the violation." The court concluded that "the elements of the bail-jumping statute were satisfied."

**Minnesota v. Mohs, Minnesota Court of Appeals, No. A06-199, 1/30/07**

When Jeffrey Mohs failed to appear in court the judge issued a bench warrant ordering law enforcement "to apprehend and arrest and promptly bring [Mohs] before the court." The warrant indicated "Body Only," rather than stating a bail amount. The next day, police observed Mohs leaving his home. When Mohs saw the police approaching him he reached into his pocket and threw some items onto the ground. The police arrested Mohs on the bench warrant and then seized the items that Mohs had thrown away, which were a glass pipe used for smoking controlled substances and a plastic bag containing methamphetamine. He was then charged with controlled substance offenses. Mohs moved to suppress the seized evidence on the grounds that the bench warrant that led to his arrest for failure to appear was constitutionally invalid because it was not supported by probable cause or oath or affirmation, and because it was designated as "Body Only," rather than specifying bail. The trial court denied this motion and Mohs appealed.

Relying on the Fourth Amendment to the United States Constitution, which provides that no war-

rant shall issue “but upon probable cause, supported by oath or affirmation,” Mohs argued to the appeals court that the trial judge could not issue the bench warrant based solely on his own observations that Mohs was not present in court. Citing Blackstone’s *Commentaries* and U.S. Supreme Court cases dating to 1873, the court noted that there is a “personal knowledge exception to the affidavit requirement” which “recognizes the commonsense notion that there is no point in a judge executing an affidavit when that judge has personal knowledge of facts surrounding probable cause.” The court concluded that the bench warrant did not violate either the U.S. or the Minnesota constitutions. Addressing the validity of a warrant that does not specify a bail, the court concluded that nothing in the law requires a court to attach a bail amount to a bench warrant. The court upheld the trial court’s denial of the motion to suppress the evidence seized during the execution of the bench warrant.

***State of Tennessee v. McKim,*  
Supreme Court of Tennessee,  
No. W2005-02685-SC-S10-CD, 1/29/07**

Stephen McKim was charged with criminally negligent homicide after he accidentally left his infant daughter locked in a car on a hot summer day. He applied for admission to the pretrial diversion program, and his application was denied by the district attorney general’s office. In compliance with Tennessee law, the district attorney general’s office filed a written explanation of its reasons for the denial. The statement, as required by law, weighed the factors favoring accepting the defendant into diversion against the factors favoring prosecution of the case. The statement listed four factors favoring diversion: the defendant’s long-standing steady employment, the fact that he had a college degree, his lack of a prior criminal record, and numerous letters of support from the community. The statement also listed four factors supporting the denial: the defendant’s negli-

gence in caring properly for his daughter, the seriousness of the offense, the need to deter others from committing the same crime, and that a grant of diversion would “lead the public to believe that crimes that involve death are treated lightly by the criminal justice system.”

In assessing the seriousness of the offense, the statement noted that “[e]ven though this class of crime is divertible, it appears to be an aberration of the law.” The statement reasoned that since the Tennessee legislature had removed several other offenses that result in death from the list of divertible offenses, criminally negligent homicide should not be divertible. McKim appealed this denial to the trial court. That court sided with the district attorney general’s office. After the Tennessee Court of Appeals denied his appeal, McKim went to the Tennessee Supreme Court, which accepted the case.

The Supreme Court cited a line of its own cases which “make clear that a district attorney general is bound to consider and weigh all *relevant* factors in determining whether to grant pretrial diversion.” (Emphasis in original.) “In this case,” the court said, “the district attorney general’s office denied diversion in part based upon its individual and irrelevant determination that criminally negligent homicide should not be a divertible offense.” The court noted that it is the legislature, not individual district attorney generals, that determines which offenses are divertible. “Contrary to established precedent, the assistant district attorney general in this case focused not on the defendant’s amenability to correction but rather on his own opinion of what should and should not be a divertible offense. In doing so, the assistant district attorney general considered a factor not relevant to his determination of whether to grant pretrial diversion to the defendant in this matter. The prosecutor’s consideration of, and emphasis upon, an irrelevant factor so tainted his decision-making process as to constitute an abuse of discretion.” The court remanded the case to the trial court

“for a proper evaluation of the defendant’s application.”

**Payton, et al. v. County of Carroll, et al.,  
U.S. Court of Appeals for the 7<sup>th</sup> Circuit,  
No. 05-3428, 1/18/07**

Persons arrested in Illinois can obtain pretrial release by posting a refundable 10 percent deposit bond with the clerk of court. To facilitate release on evenings and weekends, when the clerk’s office is not open, Illinois law allows defendants to post the deposit bond with the sheriff. The law also entitles sheriffs to charge detainees a small administrative fee at the time the bond is posted for the privilege of posting bond with the sheriff rather than the clerk. In a class action suit, several defendants from several counties in the state filed suit in U.S. District Court, claiming that the sheriff’s administrative fee violated the U.S. Constitution. The district court dismissed the suit and the plaintiffs brought the case to the U.S. Court of Appeals for the 7<sup>th</sup> Circuit.

That court began with the plaintiffs’ first claim – that the administrative fee violated the 8<sup>th</sup> Amendment’s prohibition against excessive bail. The plaintiffs acknowledged that the U.S. Supreme Court, in the case of *Schilb v. Kuebel*, 404 U.S. 357 (1971), upheld an earlier law that allowed the clerk’s office to, upon completion of the case, retain one percent of the bail amount to cover administrative costs. Plaintiffs distinguished *Schilb* from this case on the ground that the fee there was imposed after case disposition, while in the instant case the fee is a condition of pretrial release. The court rejected this argument, stating that “there is no indication that judges set bail at the maximum point that would be non-excessive, such that the addition of the modest administrative fee tips the balance and makes bail constitutionally excessive. If, for example, bail of \$1,000 is reasonable, it would be absurd to say that bail of \$1,001, or \$1,050, is automatically excessive.”

Plaintiffs also raised several due process claims, revolving around the fact that sheriffs have not established “policies, procedures, waivers, hearings, or other process” that would allow plaintiffs to post their bonds without the administrative fee. The court rejected this argument as well, writing that “the sheriffs have a legitimate interest in recouping some of the costs of administering the bail system. If they had to offer another separate set of hearings devoted only to these small administrative fees, they might opt out of the bail bond process altogether – a step that Illinois would permit them to take. Every detainee would then need to wait for the office hours of the county clerk, rather than the subset of detainees who now elect that option. We cannot conclude that plaintiffs have not stated a claim for a deprivation of due process.”

## RESEARCH

### Evaluation of Hennepin County pretrial risk assessment released

In 2002, Hennepin County, MN conducted a validation study of the risk assessment instrument used by the county’s pretrial services program. Based on the results of that study, the risk assessment instrument was revised. The Research Division of the Fourth Judicial District of Minnesota recently completed a validation study of that revised instrument.

The pretrial services program employs the risk assessment instrument in each of the 7,000 to 8,000 bail investigations it conducts each year. The program has been granted release authority by the court for people who score lower than 17 on the instrument. Those who score 18 points or higher must be seen by a judge for the pretrial release decision.

Researchers drew a 10 percent random sample of defendants who underwent these bail investi-

gations during the years 2000 to 2004. A total of 3,843 defendants were included in the sample. Eighty percent of these defendants were released during the pretrial period, giving them the opportunity to engage in pretrial misconduct.

One of the goals of the previous research that led to the current risk assessment was that at least 60 percent of those assessed would be released at or before the initial court appearance. This goal was reached in each of the five years involved in this study, ranging from a low of 60.7 percent released at or before initial appearance in 2001 to a high of 67.3% in 2004.

About 26 percent of the cases in the sample had at least one failure to appear, ranging from a low of 23 percent in 2004 to a high of 28 percent in 2000. Due to problems in gathering information on rearrests during the pretrial period, researchers were forced to measure pretrial crime by looking at convictions resulting from rearrests during the pretrial period. Nine percent of defendants in the study group engaged in pretrial crime according to this measurement. Five percent of defendants engaged in both pretrial crime and failure to appear.

Researchers first conducted a bivariate analysis, which identified two variables on the current scale – whether the defendant lives alone and whether the defendant is a Minnesota resident – as having no relationship to failure to appear. The same two variables, in addition to whether a weapon was used in the alleged offense and whether the defendant was 21 years of age or younger, had no relationship to pretrial crime.

In the multivariate analysis, researchers identified three variables that are significant in predicting pretrial crime – having a higher number of prior convictions, having a history of failure to appear, and being employed less than 20 hours a week or being unemployed. One variable, being charged with a felony against a per-

son, decreased the odds of a defendant committing pretrial crime.

The same four variables that were significant for pretrial crime were also significant for failure to appear. A history of failure to appear, a higher prior conviction history, and being employed less than 20 hours a week increased the odds of failure to appear, and being charged with a felony against a person decreased those odds.

District Court Chief Judge Lucy Wieland and Hennepin County Community Corrections Director Fred LaFleur have convened a workgroup to revise the current risk scale based on these findings.

*A copy of "Fourth Judicial District Pretrial Evaluation: Scale Validation Study," can be obtained by contacting Marcy R. Podkopacz, Ph.D., at [marcy.podkopacz@courts.state.mn.us](mailto:marcy.podkopacz@courts.state.mn.us).*

#### **Study looks at cost savings of mental health courts**

In 2001, Allegheny County, Pennsylvania established a Mental Health Court (MHC). In 2004, the Pennsylvania General Assembly adopted a resolution requesting a study of the fiscal impact of the Allegheny County MHC to determine the appropriateness of developing and implementing similar programs throughout the Commonwealth. The Council of State Governments contracted with the RAND Corporation to conduct the fiscal impact study.

The study was designed to address three questions: (1) What are the criminal justice and treatment costs for participants in the Allegheny County MHC prior to entry into the court and during participation? (2) How do these costs compare with what would be expected from routine adjudication and processing for MHC participants? (3) What is the fiscal impact – net savings or increase in public expenditures – of the MHC program?

To address these questions, researchers had to construct a comparison condition because there was not a readily available comparison group. This involved forming an estimate of hypothetical costs, based on assumptions about the costs that MHC participants would likely have experienced had there been no MHC, and comparing those to the actual costs of MHC participation. It also involved conducting a pre/post comparison focusing on the costs associated with a previous arrest compared to the costs associated with the arrest that brought the participant into the MHC program. The study sample comprised of all 365 individuals who participated in the MHC program between its inception in 2001 and the end of September 2004.

Researchers found that the MHC program led to an increase in the use of mental health services in the first year after entry. The increase in costs for mental health services was almost completely offset by the decrease in jail expenditures. Comparing costs of the MHC with costs associated with a prior arrest showed a small net decrease in costs in the first year, mostly attributable to the decrease in jail costs. Looking beyond first year costs and savings, researchers found that over a two-year time horizon, both average mental health costs and jail costs are reduced, "suggesting that the MHC program may help to decrease total taxpayer costs. Although the total cost savings for the two years was not statistically significant, the leveling off of mental health treatment costs and the dramatic drop in jail costs yielded a large and statistically significant cost savings at the end of our period of observation."

Researchers concluded that "[t]hese findings generally suggest that the MHC program does not result in substantial incremental costs, at least in the short term, over status quo adjudication and processing for individuals who would otherwise pass through the criminal justice system....The findings also suggest that, over a longer time frame, the MHC program may actu-

ally result in net savings to government, to the extent that MHC participation is associated with reductions in criminal recidivism and utilization of the most expensive sorts of mental health treatment (i.e., hospitalization.)"

*The report, "Justice, Treatment, and Cost: An Evaluation of the Fiscal Impact of Allegheny County Mental Health Court," is available at [www.rand.org](http://www.rand.org).*

## CENTER ACTIVITIES

The entire staff of the Resource Center recently visited the D.C. Pretrial Services Agency and the Montgomery County (Maryland) Pretrial Services. The purpose of the visits was three-fold: to learn more about what these programs are doing; to describe for staff of these programs some of the Center's latest initiatives; and to discuss topics of interest to the field. The Center hopes to continue these visits with other pretrial programs around the Washington, D.C. area.

Executive Director Tim Murray conducted a day-long training session for the staff of the Allegheny County, Pennsylvania Pretrial Services. The Center has been providing technical assistance to the program as it undergoes a major restructuring. The Center is also nearing completion of the data collection stage of a validation study of the risk assessment instrument used by the program.

The Center has begun work on a new project in Dallas County, Texas. Through a contract with the county, the Center is helping the jurisdiction address a serious jail crowding problem. A main part of that effort is to help the court set up a new pretrial services program. There had been a pretrial program in the county for several decades, but it was eliminated four years ago. Since the elimination of the program the pretrial detainee population in the jail has been growing,

and state inspectors recently threatened to close the jail down if actions were not taken to reduce the population. The Center is partnering with Carter Goble Lee, which will be responsible for conducting a jail population analysis, as well as with two local organizations, which will assess public opinion on alternatives to detention and identify resources in the community that can serve those released to alternatives.

Tim Murray has been working with the Legal Aid Society of Milwaukee, which recently won a lawsuit against the county over crowded conditions at the jail. The lawsuit was unusual in that rather than seeking financial damages from the county, the Society sought only to move county officials toward making changes that will lead to reductions in the jail population. Tim is assisting the Society in its discussions with the county over what changes need to be made.

## EMPLOYMENT

The Arizona Superior Court in Pima County is seeking a Director of Pretrial Services. The director is responsible for planning and managing the operational and administrative activities of the Pretrial Services division in accordance with Superior Court goals and objectives. Minimum requirements are a bachelor's degree with a major in public administration or related field and at least five years of pretrial services experience including one year of supervisory experience in a pretrial or probation setting. The salary range is \$68,000 to \$83,000 a year. The position will be opened until filled. Send a detailed resume indicating employment history by month and year, with a cover letter to: Superior Court Human Resources, 110 W. Congress, 9<sup>th</sup> Floor, Tucson, AZ 85701. To see the complete job announcement, go to PSRC's web site at: [www.pretrial.org](http://www.pretrial.org).

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## CALENDAR

The National Association of Pretrial Services Agencies (NAPSA) will hold its annual conference September 16 – 19, 2007 at the Marriott Key Center in Cleveland, Ohio. The hotel is in easy walking distance of the Rock and Roll Hall of Fame and Jacob's Field, home of the Cleveland Indians. Watch the NAPSA web site, [www.napsa.org](http://www.napsa.org), for more details as the date approaches.

## ANNOUNCEMENT

The American Probation and Parole Association (APPA), in partnership with the Pretrial Services Resource Center and the International Community Corrections Association, is conducting a survey of community corrections agencies, including pretrial services programs regarding the Prison Rape Elimination Act (PREA). This act, passed by Congress in 2003, supports the elimination, reduction, and prevention of sexual assault in correctional systems. This includes prisons, jails, local lock-ups, and community corrections settings.

Through the survey of pretrial programs, APPA is seeking to gather information regarding current policies and procedures in place to prevent and respond to instances of sexual assault, including defendant on defendant, staff on defendant, or defendant on staff assaults. APPA will use the survey results to develop a guidebook to assist programs in complying with the requirements of PREA.

The survey of pretrial services programs – whether release or diversion – can be completed on-line through the Resource Center's web site at [www.pretrial.org](http://www.pretrial.org). Please take the time to complete the survey – even if your program has no procedures in place to reduce or prevent these types of sexual assaults.

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