

Responses to participants' questions posed during the Pretrial Justice Institute's webinar, "Decreasing Jail Crowding While Maintaining Public Safety: Pretrial Solutions for Sheriffs and Jail Administrators," November 29, 2011.

Q: Can we download this PPT or will y'all be sending that around in the coming days?

A: A PDF of the slideshow was emailed to all registrants, and is on PJI's web site at: [\[http://www.pretrial.org/Featured%20Resources%20Documents/Webinar%20on%20Pretrial%20for%20Sheriffs%20and%20Jail%20Admin%202011-11-29.pdf\]](http://www.pretrial.org/Featured%20Resources%20Documents/Webinar%20on%20Pretrial%20for%20Sheriffs%20and%20Jail%20Admin%202011-11-29.pdf).

Q: What should I do now if I'm a jail administrator? How would I start?

A: A place to start is to look through the various publications listed during the webinar, especially those on the Pretrial Justice Institute's web site. This may help you learn about the issues and what other jurisdictions have done to address public safety and pretrial detention concerns. Contacting PJI, NIC, or BJA to discuss your jurisdiction's specific issues and to request technical assistance may also be helpful.

Q: Have there been real cost savings?

A: There have been several jurisdictions that have implemented new pretrial policies and practices and have experienced declines in pretrial detention populations. When this occurs, jurisdictions have a choice to reduce actual budgets (e.g., the jail's) or to reinvest the funds toward other purposes (e.g., treatment; housing other types of inmates, such as sentenced). Another participant submitted this response: "Bexar County has data showing real cost savings to City and County, www.diversioninitiatives.net."

Q: For those jurisdictions that rely so heavily on money bail, is there a good first step to use in efforts to move away from that?

A: A good first step is to get important stakeholders, such as judges who set bail bonds, as well as prosecutors and defense attorneys who make bond recommendations and sheriffs and jail administrators who are responsible for housing pretrial detainees, to agree to get together to look for possible opportunities for improved public safety, court appearance, and more frugal use of limited jail resources. After they are together, a typical necessary step is for the group to educate themselves about this topic. PJI has a number of good publications to get a group like this started, such as:

[Definitions:

<http://www.pretrial.org/Reports/PJI%20Reports/PJI%20Glossary%20of%20Terms%202011.pdf>]

[History of Bail:

[http://www.pretrial.org/Reports/PJI%20Reports/PJI%20History%20of%20Bail%20\(2010\).pdf](http://www.pretrial.org/Reports/PJI%20Reports/PJI%20History%20of%20Bail%20(2010).pdf)]

[ABA Standards:

<http://www.pretrial.org/1964present/aba%20standards%20on%20pretrial%20release%202002.pdf>]

Some jurisdictions will be able to lead themselves through this process, and others may need the facilitation of a consultant with expertise in this area.

Q: I come from a small agency. Can the tools for assessment be used without follow up by a pretrial supervision?

A: Yes, a validated pretrial risk assessment instrument can be used to help judges make more informed decisions about whether to detain or release any individual defendant and about which conditions of bond appear most likely to reduce released defendants' risk. However, if there is no pretrial supervision program or other entity to monitor those court-ordered conditions, then they might be perceived as meaningless to a defendant. There are pretrial programs as small as one full-time person, and this person often has responsibilities to perform both the in-jail risk assessment and the community-based supervision for a small caseload of defendants.

Q: Are there any jurisdictions that operate without any cash or surety bond at all?

A: We're not sure about the "at all" part regarding money bail, but there are jurisdictions that use it very, very rarely. District of Columbia judges typically use a monetary condition of bond only as a last resort when no other bond conditions appear to reasonably assure the presence of the defendant in court and to assure public safety, so very few defendants get a monetary condition. As for compensated/commercial sureties, some states have banned them (e.g., Wisconsin, Illinois, Oregon, Kentucky) and others allow them but rarely use them (e.g., Maine, Nebraska, Washington, D.C.)

Q: If a legislature lowered the cost of the offense, would that also decrease pretrial services or is it just better to lower the bail amount?

A: For a defendant charged with an offense of any severity or that carries any potential punishment of jail time or a fine, there is to date no research that shows that a monetary bail bond amount is more likely to protect public safety and motivate the defendant to appear in court than non-monetary bond (such as recognizance) would. Also, newer research shows that what is often perceived as a 'low' bond amount by the people in the system is still too high for many defendants or their families to post, including when collateralized through a commercial surety. Thus, rather than working to lower bond amounts for any individual defendant or on a schedule or in a statute, a jurisdiction would be more cost-effective in its efforts if it focused attention on using validated risk assessment and setting non-monetary bond conditions that would address a defendant's specific risk factors. Money's limitation, even in 'low' amounts, is that it cannot do these things.

Q: Can you briefly discuss the value of a coordinating council to help sheriffs and jail administrators achieve better pretrial outcomes?

A: A criminal justice coordinating committee, or a similar group of justice system stakeholders who get together to try to better coordinate their agencies, programs, decisions, etc. can be a very effective forum for discussing and trying out new pretrial policies and practices in any sized jurisdiction. Sheriffs and law enforcement executives are typically members of these committees, which can provide a forum in which sheriffs and jail administrators can help other stakeholders

become more aware of the impact of their agencies' policies and practices on the jail population. A group like this can work toward achieving better pretrial outcomes (better public safety practices, increased defendant court appearance, reduction in unnecessary pretrial detention). For more information on these committees, see NIC's publication at: <http://static.nicic.gov/Library/017232.pdf>.

Q: Does PJI endorse a specific risk assessment or is there any information on the risk assessments available on the PJI website?

A: PJI does not endorse any single pretrial risk assessment instrument over others. PJI is aware of the current state of the science in pretrial risk assessment. A review of existing instruments indicates that although there are common predictive factors in these instruments across jurisdictions (e.g., criminal history, current charges, ties to the community, etc.), the scoring of these factors usually differs and sometimes the factors themselves differ. Thus, counties or states should develop their own tool that is customized to the clientele in that jurisdiction, to the culture and practices of the justice system, and the statutory framework. For more information on this topic, go to: <http://www.pretrial.org/Pages/bail-decision.aspx>.