



Symposium reviews progress in pre-trial justice

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Nearly 50 years ago, then-U.S. Attorney General Robert Kennedy held the 1964 National Conference on Bail Reform. The conference prompted dramatic improvements in administering pretrial justice, including the 1966 Federal Bail Reform Act.

On May 31 and June 1 in Washington, D.C., the National Symposium on Pretrial Justice took another look at the same issues and examined progress towards a fair, safe and accountable system of pretrial justice. Representatives from NACo were among the leaders invited to participate.

Over the two days, participants learned about the impact of the 1964 bail reform conference, the development of significant pretrial legislation, the emergence of pretrial service professionals and challenges the field will face in the future. They also reviewed successful local models such as the Jefferson County, Colo. Bail Project.

U.S. Attorney General Eric Holder, a keynote speaker at the symposium, laid out the challenge for participants.

"Across the country, nearly two-thirds of all inmates who crowd our county jails — at an annual cost of roughly \$9 billion taxpayer dollars — are defendants awaiting trial," he said, adding that close to 750,000 people reside in America's jail system.

"When they are sent home or sentenced to prison, they will cycle out, and others will cycle in — so that by the end of the year, 10 million individuals will have been involved in nearly 13 million jail admissions and releases."

Panelists discussed the implications of using evidence-based decision making in the pretrial process. They contrasted the evidence-based decisions with those that relied on more traditional ways of dealing with pre-trial detainees such as instinct and political considerations. Common themes emerged around building alliances and partnerships, implementing evidence-based practices and collecting data to measure outcomes. In particular, discussions focused on utilizing a pretrial risk assessment tool in local jurisdictions.

Assistant Attorney General Laurie Robinson, another symposium speaker, related how the Bureau of Justice Assistance and the National Institute of Justice recently convened a meeting of researchers and practitioners to discuss the current state of the science regarding pretrial risk assessment. One of the big themes, she said, was the need for information from judges, prosecutors, defense counsel and others — including defendants themselves.

"We need to understand what motivates judges' decisions and get a better picture of why defendants who fail to appear or who commit new crimes do so. These are factors that need to be considered in developing risk-assessment instruments," she said.

She added that pretrial services agencies help judges make more informed decisions and are cost-effective, noting that the average cost of county pretrial services supervision is less than \$10 per day. Coordination among law enforcement agencies, probation departments and courts is key, she said.

A final panel discussed future pretrial justice strategies and policies. The need for more information, education, technical assistance, communication and collaboration were commonly shared perspectives.

While the symposium provided the platform to discuss issues and information, the work to elevate and highlight a federal and local strategy will need to continue. Tim Murray, executive director of the Pretrial Justice Institute (PJI), encouraged all participants to engage in addressing bail reform. Counties can lead the effort in this area in partnership with the Pretrial Justice Institute and others in the field to develop a national and local strategy.

NACo has taken initial steps by providing information and publications about pretrial services, specifically in a publication with the Pretrial Justice Institute, entitled *Jail Population Management: Elected County Officials' Guide to Pretrial Services*. NACo and PJI will work to update the guide in the coming year, providing case studies and legislative issues faced by states in the last year.

NACo has also adopted language in its American County Platform that supports the use of pretrial risk assessment and interview at the time of booking into county jails.

The Birth Of Evidence-based Pretrial Release

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Chief Judge Eric Washington, D.C. Court of Appeals and incoming president of the Conference of Chief Justices, gave a brief history on pre-trial services and their purpose at the symposium. He explained that prior to the early 1960s the concept of pretrial release was based on the theory that financial bonds were the best way to ensure the return of criminal defendants to the courthouse for trial. In most jurisdictions the use of money bonds is still the most common practice.

It was in 1961 when the Manhattan Bail Project began to test community ties as an alternative to financial bond that courts began to address the fundamental inequity of the traditional bail system: liberty being determined by economic status.

The success of the New York project ultimately prompted Congress to pass the Federal Bail Reform Act of 1966, providing for release on non-financial conditions and requiring judges to consider family ties, employment and length of residence in the community when shaping their release orders.

The act, however, did not authorize the courts to consider the degree of danger to the community as a factor to be considered in pretrial release conditions, Washington said.

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