



AMERICAN COUNTY PLATFORM, REVISED JULY 2009

CRIMINAL JUSTICE SYSTEM – Criminal Justice Planning and Coordination

[Updated language appears in italics. Language proposed for removal appears with strikethrough.]

B. Citation Release—Counties are encouraged to promote the use of citation release by law enforcement officers. This form of release should be utilized in misdemeanor cases where *allowable by law*. ~~(1) the alleged criminal behavior is unlikely to continue; and (2) the officer is able to determine that the arrestee is likely to appear in court at a designated time and place.~~ Police agencies should have written procedures *and offer training*, to aid officers in making the decision whether to release or detain an arrested individual.

Courts

E. Intake and Assessment—~~The local judiciary should be encouraged to establish criteria to permit prompt intake, assessment, referral, and release services.~~ *Counties should ensure that every individual who is booked into the county jail have a thorough intake interview conducted. This interview should include screening and assessment for the presence of substance abuse and mental illness. The information provided by the arrestee should be investigated prior to the pretrial release decision.*

Pretrial Release—*Counties should establish written policies that ensure:*

- *The interview and assessment of all arrestees booked into county jails;*
- *The investigation of information provided in order to provide a report to the judiciary for use during the pretrial release or detention decision; and,*
- *The use of release methods that are in compliance with state bail statues which call for the least restrictive conditions during the pretrial stage that can protect the community and assure the appearance of the arrestee at all court events. These include release on recognizance, non-financial supervised release, and preventive detention.*
- ~~the local judiciary should be encouraged to establish alternatives to the money bail system, such as release on recognizance and supervised release programs.~~

Corrections

Corrections—It is the primary responsibility of the counties to ensure public safety and at the same time protect the constitutional rights of pretrial and convicted persons. Most individuals in the local criminal justice system eventually return to their own communities. Counties are the

best suited in providing to the individual basic social and physical environments *that* can help him/her to take a more productive place in the community. Counties alone cannot assume the full financial burden of providing comprehensive correctional programs and therefore need to make maximum use of intergovernmental arrangements to develop the capability of assessing the risk of an individual to the community.

A. State-County Partnership Programs for Community Corrections—NACo supports state-county partnership programs that foster local comprehensive planning and provide a range of community alternatives to incarceration for less serious felony and misdemeanor populations. State governments should assist counties in this process by providing a stable source of financial and technical assistance.

Partnership programs should emphasize ~~the role of the private sector and encourage~~, wherever feasible, the systematic sharing of resources on a multi-county basis. Inherent in the practice of community corrections is the recognition that the community is the best place to deal with the behavior of less serious offenders and that county governments are uniquely able to coordinate, collaborate, and provide administrative leadership and oversight in developing programs suited for their communities.

C. Intake Services—County governments are urged to establish an intake screening process for the purpose of determining the overall needs of persons charged and assessing risks, in order to select persons charged for release on recognizance (ROR) *and* pretrial services programs. *These programs should, and to provide regular reports on outputs, outcomes, and needs for community-based services information* to the county governing board, courts, and other community agencies. ~~in determining needs for community services.~~

D. Alternatives to Incarceration—Counties are urged to minimize the cost of *inappropriate* incarceration by maximizing the use of existing community services. Counties should identify gaps in services and develop a systematic plan for implementing a range of alternatives to incarceration. Such programs might include ROR, work release, halfway houses, *substance abuse and mental illness drug and alcohol* programs, vocational training, educational programs, and restitution.

Bail Practices and Release Options—The National Association of Counties (NACo) recommends that to ease the financial burden of bail on poor defendants, all states enact defendant-based percentage bail laws.

Further, NACo recommends, where not already incorporated in state statutes, enacting legislation: ~~(a) permitting pretrial detention of repeat violent crime offenders; and (b) recognizing community safety as one consideration to be taken into account in judicial determinations of bail or other pretrial options.~~ *(a) requiring the court to consider danger to community safety in judicial determinations of bail or other pretrial options; and (b) provides for the preventive detention of those shown to be incorrigible, repeat violent crime offenders.*

NACo recommends that all counties establish a written set of policies and procedures aligned with state statute, national professional standards, and best practices on the pretrial release decision. This includes: screening of all arrestees booked into county correctional facilities; the investigation of arrestees background information in order to provide a complete and accurate report to the judiciary for use during the pretrial release decision; and the option for the court of placing arrestees on supervised release to be monitored until disposition of case.