

# COURTROOM FIRST APPEARANCE OBSERVATION TEMPLATE

## A Tool For Understanding and Tracking Pretrial Decision-Making

This brief provides a template for gathering important information and data elements relevant to first appearance hearings. The information gathered during these hearings is one of the most effective and expedient ways to gauge the degree to which a jurisdiction’s pretrial decision-making is compatible with legal and evidence-based practices. The template is designed to be used by practitioners, advocates, consultants, researchers, or anyone else who desires to better understand what activities and decisions take place during first appearance hearings.



## Recommended Use of the Template

The data elements presented in the template may need to be adapted to match the specific terminology used in a given jurisdiction. For example, “first appearance” may be called “advisement,” and “recognizance” may be called “signature release,” and so forth. Additionally, the template format may not be practical to all observers. Users are encouraged to modify the layout of the template in such a way that allows the observer to fill in the information in the most efficient way during court hearings. (Ease of use is essential, as court actions occur, and decisions are made, relatively rapidly, and they are not always easy to hear or otherwise discern.) Also, some information on each person who comes before the court (e.g., name, docket number, charges) may need to be filled in prior to and/or after the hearing if it is not possible to do so during the hearing.

The data elements in the template can be used for a one-time assessment of current practices, or they can be used as a “Time 1” and “Time 2” information-gathering tool to evaluate the degree to which changes are made as part of an initiative to improve the jurisdiction’s pretrial practices.

Finally, the information gathered can be presented in either a case study format or an aggregate format. The former describes the specific details of cases, illustrating desired or undesired practices. Entering the information into a spreadsheet or data set allows for basic analyses showing how frequently certain activities or decisions occur.





**Contextual Information**

Jurisdiction: \_\_\_\_\_

Courtroom: \_\_\_\_\_

Judicial Officer: \_\_\_\_\_

Name of Pretrial Assessment Tool: \_\_\_\_\_

Observer's Name: \_\_\_\_\_

Date and Time: \_\_\_\_\_

**Courtroom Atmosphere (fill-in at the end of the observation period)**

In general, did the judicial officer, prosecuting attorney, defense attorney, and/or security officers...

...Greet and acknowledge the arrested individuals, or otherwise treat them with respect?

Yes or  No

...Invite arrested people to speak?

Yes or  No

...Use pretrial/bail/bond language correctly?

Yes or  No

Notes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Courtroom First Appearance Observation Template



Arrested Person		Prosecutor	Defender	Pretrial Services Staff	Other (describe)
<input type="checkbox"/> In-person	<input type="checkbox"/> In-custody <input type="checkbox"/> Out-of-custody	<input type="checkbox"/>	<input type="checkbox"/> Public	<input type="checkbox"/>	
<input type="checkbox"/> By video			<input type="checkbox"/> Private		

Charges (circle applicable categories)						
<b>Top Charge Level:</b>	Felony		Misdemeanor	Traffic	Ordinance	Other (Specify):
<b>Top Charge Type:</b>	Person		Property	Drug	Public order	Other (Specify):
	Violent	Non-Violent	Weapon	Sex Offense		
				Motor vehicle/Driving		

Pretrial Assessment
Score: _____ or <input type="checkbox"/> Unknown or <input type="checkbox"/> Not Applicable
Level (e.g., Lower, Medium, Higher): _____ or <input type="checkbox"/> Unknown or <input type="checkbox"/> Not Applicable



Discussion of the Case					
Participant	Participant Spoke?	Referred to pretrial assessment?	Requested pretrial supervision	Requested monetary condition?	Requested detention?
Judge			N/A	N/A	N/A
Prosecutor					
Defender					
Pretrial Services					
Arrested Person					
Victim/Victim Rep					

**Judge's Decision**

Release (see below) or  Detain

**Release Conditions (check all that apply)**

Release on Recognizance (ROR)?

Financial condition?  Yes or  No If Yes, the type: Secured or Unsecured (circle one)

Monetary amount: \_\_\_\_\_

Secured condition type (cash only, surety, deposit to court): \_\_\_\_\_

Did the judge inquire into the defendant's financial circumstances?  Yes or  No

Pretrial services supervision?

Drug testing?

No contact order?

Electronic monitoring:

Other conditions (describe): \_\_\_\_\_