

# Welcome!

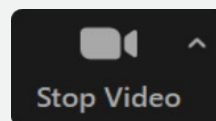
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We'll get started in a few minutes.

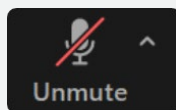
# Zoom Etiquette

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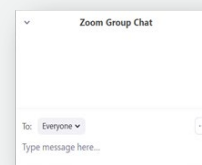
- Keep your video turned on. We want to see you!



- Mute yourself when not talking.



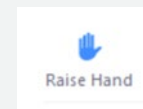
- Use the chat box if you have comments or questions.



- Rename yourself: First and Last Name, Organization

Hover on your image, click on the three dots, click on “Rename”

- Raise your hand if you want to say a comment or question out loud.



- APPR will be recording this session. Please take a moment to consent to the “pop-up” message.

# Pretrial Supervision & Supportive Services

DATE: September 19, 2024

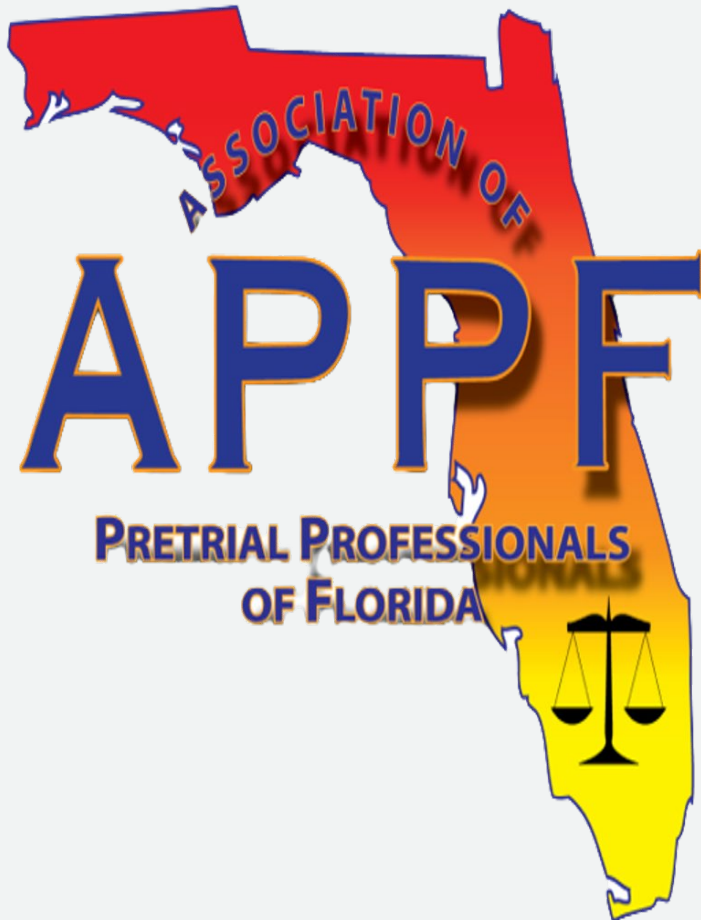
PRESENTERS: Dr. Kelvin L. Banks, Associate Director, Center for Effective Public Policy  
Jessica Ireland, Senior Manager, Center for Effective Public Policy  
Nadia Penelton-Scott, Pretrial Services and Day Reporting Supervisor, Alachua County

INFO: Association of Pretrial Professionals of Florida Training Series

*Advancing Pretrial Policy and Research (APPR) seeks to achieve fair, just, and equitable pretrial practices that positively impact people, systems, and the community. APPR's mission is to support and engage pretrial professionals and community members in the meaningful delivery of data-informed pretrial justice. APPR is managed by the Center of Effective Public Policy (CEPP) and supported by Arnold Ventures (AV).*

*This training and supplemental resources were prepared and delivered to advance pretrial justice from the various diverse viewpoints of the training faculty. The training content, supplemental resources, and faculty views are not intended to represent the official opinion or policies of APPR, CEPP, and/or AV.*

# APPF/APPR Training Series



## Training #1

Introduction to Pretrial Services

## Training #2

Before and During the First Appearance Hearing

## Training #3

Pretrial Supervision and Supportive Services

## Training #4

Measuring Performance

# Objectives

**Describe**

Describe the role of pretrial services in providing monitoring, supervision, and supportive services

**Identify**

Identify the key principles underlying pretrial supervision and supporting people with pretrial needs

**Recognize**

Recognize what pretrial strategies are effective in improving appearance and public safety.

# Agenda

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**Welcome Remarks & Introduction to APPR**

---

**APPR's Approach to Pretrial Supervision**

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**Gathering Information about Needs**

---

**Break**

---

**Best Practices for Referrals**

---

**Responding to Compliance and Noncompliance**

# **APPR** ADVANCING PRETRIAL POLICY & RESEARCH

**Managed by**

**C ≡ P P**


**Center for  
Effective  
Public Policy**

**Supported by**






# advancingpretrial.org



## Advancing Pretrial Justice

Fair, just, effective pretrial practices, every day,  
nationwide.

### Highlights



Story  
**Addressing Unmet Needs**  
In St. Louis, Missouri, supportive pretrial services address...

[LEARN MORE >](#)



# Faculty

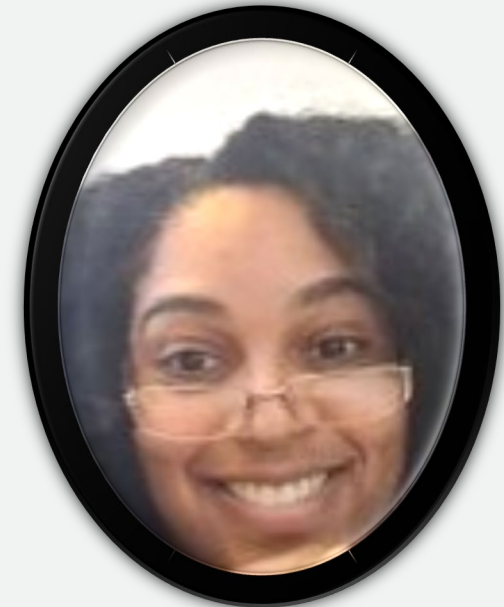
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**Dr. Kelvin L. Banks**  
Associate Director,  
CEPP



**Jessica Ireland**  
Senior Manager,  
CEPP



**Nadia Penelton-Scott**  
Pretrial Services and Day  
Reporting Supervisor  
Alachua County

# APPR's Approach to Pretrial Supervision

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*Dr. Kelvin L. Banks*

# What is Pretrial Supervision?

Using the  
**least restrictive interventions needed**  
to promote court appearance and  
community safety



Promoting **Success** rather than Managing Failure

# APPR Approach

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1



Law

2



Data

3



Best  
Practices

4



Research

5



Equity

6



Supportive  
Services

# 1) Law: Pretrial Release Conditions

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If any conditions are imposed, they must be the **least restrictive necessary** to provide reasonable assurance of court appearance and public safety.

*U.S. v. Salerno*, 281 U.S. 739 (1987)

Conditions must be **individualized**.

*Stack v. Boyle*, 342 U.S. 1 (1951)

## 2) Data: National Studies

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**80%**  
**of People**  
**Released**  
**Pretrial Succeed**

**Remain**  
**Arrest-Free**

**Return to**  
**Court**

**Most People**  
**Succeed!**

# Data: Local Questions on Appearance Rates

---

What is the Overall Appearance Rate?

When are People Missing Court?

Why are People Missing Court?

What Types of Cases?

What are the Demographics of the People Missing Court?

How is Noncompliance for Court Appearance Addressed?



# Data: Local Questions on Arrest-Free Rates

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What is the Overall Arrest-Free Rate?



What Types of Cases for Existing and New Arrest?



What are the Demographics of the People being Rearrested?



How is Noncompliance for New Arrest Addressed ?

# Best Practices

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- Effective supervision strategies promote pretrial success!

# Best Practices: Promoting Success

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**Provide Court Reminders**

**Respond to Compliance  
and Noncompliance**

**Make the Contact Count**

**Match Supervision to the  
Likelihood of Success**

## 4) Research: Strategies for Success

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Empirical research helps us understand **what works** to achieve court appearance and no new arrest.



# Research: Risk Principle

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The risk principle tells us that we should provide **fewer pretrial resources or none** to those who are assessed as more likely to succeed—and provide **more resources** to people who are less likely to succeed.

# Summary of Research Findings

| Condition/<br>Intervention         | Research shows<br>effective for<br>maximizing<br>appearance? | Research shows<br>effective for<br>maximizing<br>arrest-free? | Research shows<br>effective for<br>maximizing<br>release/liberty? |
|------------------------------------|--|---|---|
| Court date<br>notifications        | ✓  | ?   | ✓   |
| Pretrial supervision/<br>check-ins | ✓*   | —   | ✓   |
| Drug & alcohol<br>testing          | —  | —   | ✓*  |
| Electronic location<br>monitoring  | —  | —   | ✓*  |
| Secured financial<br>conditions    | —  | N/A*  | —*  |

# Discussion Question?

---

- Does your system provide court date notifications?
- If so, what type (i.e., email, text message, phone calls)?



# Research: Court Date Notifications

| Condition/<br>Intervention  | Research shows<br>effective for<br>maximizing<br>appearance? | Research shows<br>effective for<br>maximizing<br>arrest-free? | Research shows<br>effective for<br>maximizing<br>release/liberty? |
|-----------------------------|--|---|---|
| Court date<br>notifications | ✓  | ?   | ✓   |

- Effective for lots of people (charges, assessment scores)
- Minimally restrictive/intrusive
- Low cost, high yield



# Discussion Question?

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- Does your agency provide pretrial monitoring for all release types?
- Do you require people to appear in-person or virtual for office visits?



# Research: Supervision/Check-ins

| Condition/<br>Intervention         | Research shows<br>effective for<br>maximizing<br>appearance? | Research shows<br>effective for<br>maximizing<br>arrest-free? | Research shows<br>effective for<br>maximizing<br>release/liberty? |
|------------------------------------|--|---|---|
| Pretrial supervision/<br>Check-ins | ✓ *  | —   | ✓   |

- \* Is more effective for higher assessment-scoring people
- Somewhat restrictive
- Very different from probation supervision




# Discussion Question?

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- Does every person released pretrial receive a drug test?



# Research: Drug & Alcohol Testing

| Condition/<br>Intervention | Research shows<br>effective for<br>maximizing<br>appearance?                      | Research shows<br>effective for<br>maximizing<br>arrest-free?                       | Research shows<br>effective for<br>maximizing<br>release/liberty?                     |
|----------------------------|---|---|---|
| Drug & alcohol<br>testing  |  |  |  * |

- Expensive for people and/or system
- Very restrictive/intrusive
- \* High rate of technical violations

# Discussion Question?

---

- Is your jurisdiction experiencing an increase in the use of Electronic Monitoring?



# Research: Electronic Location Monitoring

| Condition/<br>Intervention        | Research shows<br>effective for<br>maximizing<br>appearance? | Research shows<br>effective for<br>maximizing<br>arrest-free? | Research shows<br>effective for<br>maximizing<br>release/liberty? |
|-----------------------------------|--|---|---|
| Electronic location<br>monitoring | —  | —   | ✓ *   |

- Expensive for people and/or system
- Very restrictive/intrusive
- \* High rate of technical violations

# Discussion Question?

---

- In practice, are financial conditions of release being used to improve court appearance and reduce no new arrest?



# Research: Secured Financial

| Condition/<br>Intervention | Research shows<br>effective for<br>maximizing<br>appearance? | Research shows<br>effective for<br>maximizing<br>arrest-free? | Research shows<br>effective for<br>maximizing<br>release/liberty? |
|----------------------------|--|---|---|
| Secured financial          | —  | N/A *   | — *   |

- \* \$ cannot be or is not forfeited in most states
- Very restrictive/intrusive
- \* Expensive for people, the system, and the community at large.



# Research Summaries

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Court Date Notifications Systems



Pretrial Monitoring



Pretrial Drug Testing



Electronic Monitoring



Financial Conditions

[Pretrial Research Summaries | Advancing Pretrial Policy & Research \(APPR\)](#)

# More Research is Needed

Many common pretrial release conditions and practices—including no-contact orders, curfews, driving interlock devices, and pretrial services' responses to compliance and noncompliance with court-ordered conditions—lack empirical grounding.

# 5) Advancing Equity in Pretrial Systems



## Goals

Understand  
Experiences in Systems

Improve Outcomes

Make Changes

## 6) What are Supportive Services?

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- Services provided to help clients enhance their way of living and achieve self-sufficiency.

Adapted and retrieved from: <https://www.lawinsider.com/dictionary/supportive-services>

# Discussion Question: Nadia

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1. Are Supportive Services provided to people released during the pretrial phase in Alachua County?
2. Should Supportive Services differ from conditions of pretrial release?

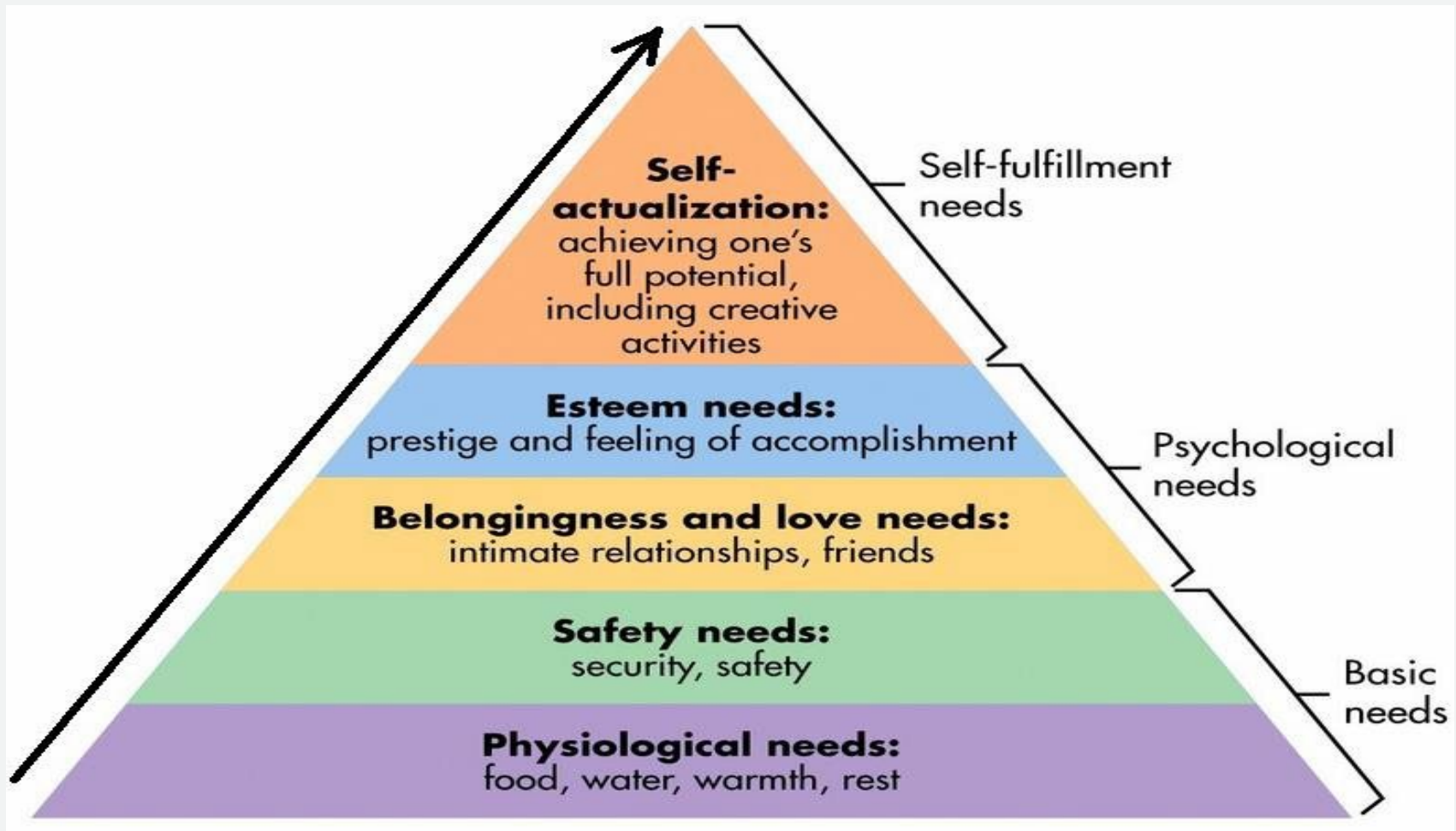


# Supportive Services

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- Address individualized needs
- Are not court ordered
  - Cannot be violated
- Should be coordinated by the primary supervising agency (i.e., Pretrial Services)

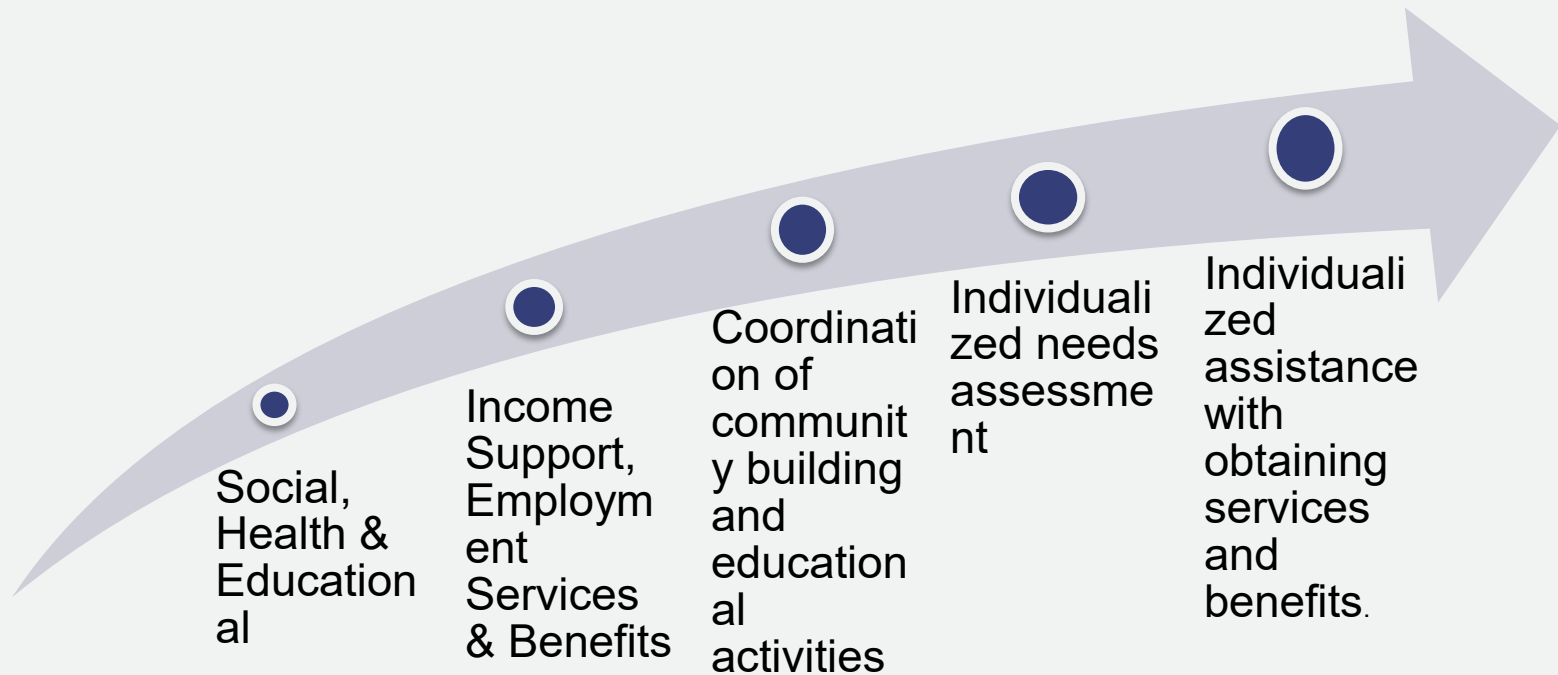
# Individualized Needs: Maslow's Hierarchy



Retrieved from: <https://www.simplypsychology.org/maslow.html>

# Supportive Services includes:

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Adapted and retrieved from: <https://www.lawinsider.com/dictionary/supportive-services>



# Key Takeaway...

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Vast majority of people on pretrial release appear in court and are not arrested on a new offense.

# Gathering Information about Needs

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*Jessica Ireland*

# Important Legal Principle

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**Individualized** is a key legal principle, well established in American law, and consistent with best practices.



# Important Legal Principle

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## Release Decision

- Individualized



## Supervision – Identifying Needs and Services

- Individualized



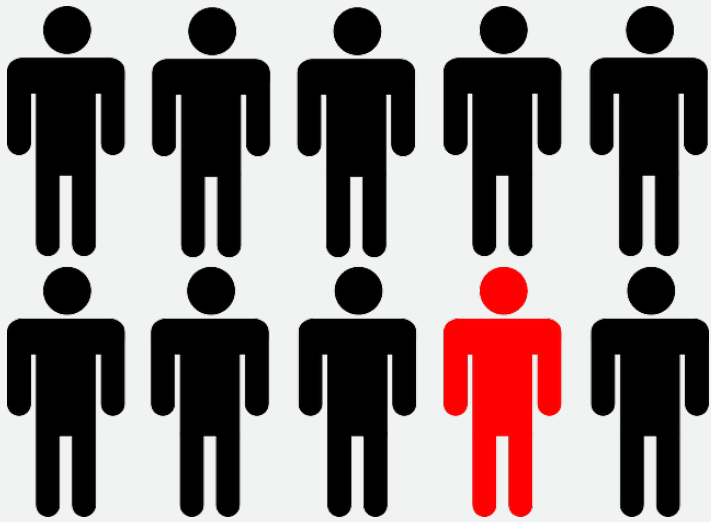
## Supervision Goals

- Court Appearance
- No New Arrest



# Individualized

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Tailored to suit a particular individual

Made individual and distinctive

# Complete the Sentence

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When you have a tough day in the office and want to lift your spirits, you \_\_\_\_\_?

Housing  
Substance use  
Mental health  
Childcare  
Life skills  
Parenting  
Food  
Employment  
Education  
Transportation

***Common Client Needs***

# Quote

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“Nothing about us without us.”

— James Charlton





Retrieved from :[Procedural Justice - Yale Law School](#)

# Discussion Question: Nadia

---

1. What current practices do you use that give your clients a voice when asking about their needs?



# Examples

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## Substance Use

History of drug or alcohol use: \_\_\_\_\_ History of Treatment: \_\_\_\_\_

Describe current and past use: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Mental Health Needs

Mental Health Issues: \_\_\_\_\_ Current Psychiatric Medication: \_\_\_\_\_

Mental Health Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Examples

---

|   |  |                  |  |                |  |
|---|--|------------------|--|----------------|--|
| <p>What can Pretrial do to assist you with getting to court?</p>      |  |                  |  |                |  |
| <p>What can Pretrial do to assist you with remaining arrest-free?</p> |  |                  |  |                |  |
|   |  |                  |  |                |  |
| <p><b>Assistance Provided</b></p>                                     |  |                  |  |                |  |
| Addiction Services  |  | Food Assistance  |  | Mental Health  |  |
| Employment  |  | Housing          |  | Parenting/Kids |  |
| Finance Assistance  |  | Medical Programs |  | Transportation |  |
| Phone/Communication   |  |                  |  |                |  |

# Effective Strategies – Relationships

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- Case management is a dynamic process that requires active and ongoing engagement between clients and supervision officers



# Effective Strategies - Make the Contact Count

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How time with clients is used is critically important



Time can be used primarily to monitor compliance with conditions **or** increase client's motivation to work on their needs

# Effective Strategies – Asking Questions

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**What** you ask is just as important as **how** you ask

- Mr. Smith, you have court on June 2<sup>nd</sup> at 1:00 PM. You will remember to be there, right?

**OR?**

# From Needs to Supportive Services

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**Be specific**



**Provide next steps**

When, Where, and What



**Follow-up**



# Matching Needs to Specific Services

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| Agency          | Service   |
|-----------------|---|
| Changed choices | Transitional housing for females                  |
| Dove's Nest     | Life skills training                              |
| Grace-mar       | GED assistance, industry-specific skills training |

# Putting it Together

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## Strategies

- Voice
- Build relationships
- Open-ended questions

## Needs

- Individualized
- Voluntary
- Aimed to help the person succeed

## Supportive Services

- Specific
- Provide clear next steps
- Follow-up

# Learn from Others

## Supportive Services



Jessica Ireland ·  · Apr 11

● Enhancing Pretrial Justice

Many jurisdictions are adopting supportive services to promote pretrial success. These services are voluntary and aim to support a person's unique and individual needs during the pretrial period. Some common needs include housing, childcare, food, and transportation.

Click [here](#) to read how Peggy Galloway, Jefferson County's Diversion Services and Pretrial Release director, has worked to implement supportive services.

Does your jurisdiction have supportive services in place to help individuals succeed pretrial?

[APPR Community \(advancingpretrial.org\)](https://advancingpretrial.org)

Break

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*5 Minutes*

# Best Practices for Referring to Services

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*Dr. Kelvin L. Banks*

# Inventory of Pretrial Services

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- The pretrial services inventory lists the existing and future services, activities, and interventions that one or more agencies in your jurisdiction provide or will provide to released people.
- Reference: <https://advancingpretrial.org/appr/appr-resources/pretrial-services-inventory/>

# Importance of an Inventory

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- Increase stakeholder's awareness of the options.
- Increase understanding how these options will be the same or different after pretrial improvements.
- Identify which agency provide each service.
- Indicate gaps in services for future consideration.

# The Warm Handoff: Referrals & Collaborations

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# Discussion Question: Nadia

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1. Do you believe a warm handoff is necessary for Supportive Services?



# Effective Referrals and Collaborations

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- At the point of the referral, there is both an opportunity to address a client's unmet need and a potential danger of losing the client.

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

# Effective Referrals and Collaborations

---

- Collaboration is crucial in preventing clients from “falling through the cracks” among independent and autonomous agencies.

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

# Effective Referrals and Collaborations

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- Supportive services should be implemented using the community-collaborative model.
  - Community Collaboration means a process by which clients and/or families receiving services, other community members, agencies, organizations, and businesses work together to share information and resources in order to fulfill a shared vision and goals.
- Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/> and <https://www.lawinsider.com/dictionary/community-collaboration>

# Collaboration: The Cornerstone of Effective Referrals

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- The biggest benefit of collaboration among agencies is the improved well-being of clients and therefore of the community.
- One study found that a client's well-being is dependent on how they perceive the quality of their community and the services they receive.

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

# Discussion Question: Nadia

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1. What is your current referral process?



# Potential Supportive Services Collaborators

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- Adult basic education programs and general equivalency diploma (GED) programs
- Alternative education programs
- Childcare services
- Evening adult education programs
- Family services
- Health and disability organizations
- Homeless shelters
- Housing authorities
- Literacy program
- Mental health agencies
- Self-help meeting
- Shelters for survivors of domestic violence
- Social service organizations
- Substance use treatment agencies
- Transportation agencies
- Workforce Development Centers

# Primary Point of Contact for Referrals

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- Establishing a primary point of contact (PPOC) for referrals can prevent fragmentation of services for clients.
- Establishing a PPOC could help to strengthen linkages and communication among various agencies providing different services.
- The PPOC can gather information about client's needs and accompany them throughout the referral process.

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>



# Elements of Effective Referrals

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- In general, an authentically connected referral network is composed of a set of defined relationships formed as clients' needs dictate, using sound principles of case management and building in flexibility and adaptability to meet the needs of individual clients.

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

# Elements of Effective Referrals

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- Mechanism for information dissemination
- Focus on communitywide outcomes
- Vision-driven service provision
- Provider credibility and consistency

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

# Discussion Question: Nadia

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1. Any compelling stories about people receiving Supportive Services?



# Responding to Compliance and Noncompliance

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*Jessica Ireland*

# Foundational Principles

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## Release Decision

- Least Restrictive
- Individualized



## Supervision – Responding to Compliance and Noncompliance

- Least Restrictive
- Individualized



## Supervision Goals

- Court Appearance
- No New Arrest

# Why is this Important?

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Can prevent unnecessary detention of more people pretrial



Can empower pretrial services to make service referrals or take other actions more directly connected to helping the person succeed

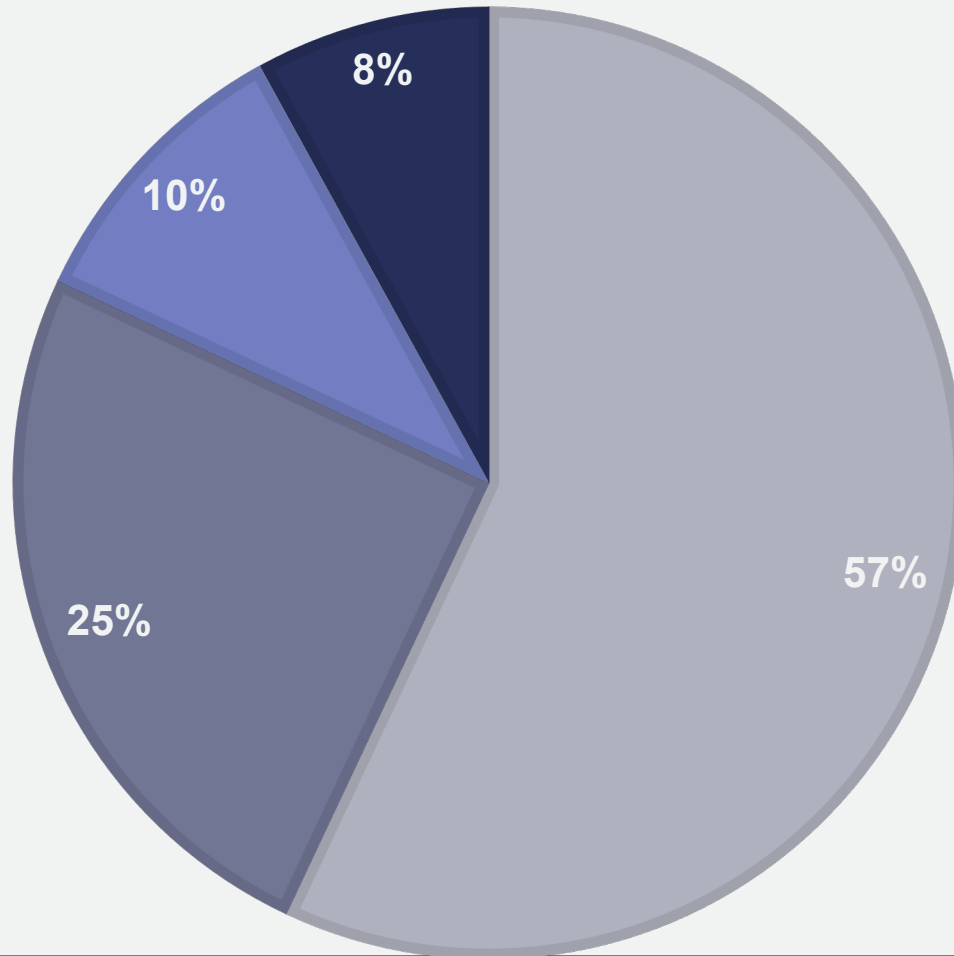


Allows agencies to promote success and not simply manage failure

# Case in Point: Unnamed County, USA 2017

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■ Contact Issues   ■ EM Violation   ■ Positive Drug Screen   ■ Other



# Case in Point: Unintended Consequences

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- Average length of stay for a person violated for Noncompliance = 43 days
- Daily cost to detain = \$128
- **Cost of response to Noncompliance = \$5,504 per person**





# Best Practices

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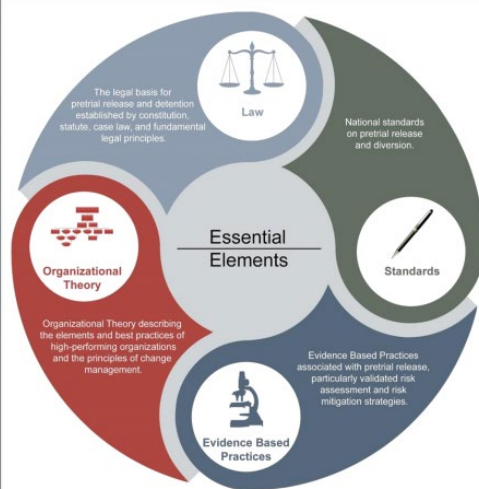
- Implementing a clear consistent, and equitable policy for responding to behavior while on pretrial release can prevent unnecessary pretrial detention and empower pretrial services to make service referrals.



# Best Practices

## A Framework for Pretrial Justice

### Essential Elements of an Effective Pretrial System and Agency



- **Certainty**—the person knows the supervision program’s response scheme beforehand
- **Swiftness**—responses are prompt and timely to the person’s behavior
- **Proportionality**—responses are appropriate to the person’s behavior
- **Fairness**—persons perceive the response as fair and just compared to the behavior
- **Individualization**—responses must consider the person’s likelihood of future noncompliance or pretrial failure

# Best Practices

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# Best Practices

“Pretrial services agencies should verify and, when appropriate, respond to a defendant’s conduct on court-ordered supervision. The agency’s response procedures should include administrative options the agency may apply without requesting court action. These should be developed with the court’s approval and shared with prosecutors, defense attorneys, and defendants.”

- *NAPSA Standard 4.6*



Standards on Pretrial Release:  
Revised 2020



National Association of  
Pretrial Services Agencies  
napsa.org

# Best Practices

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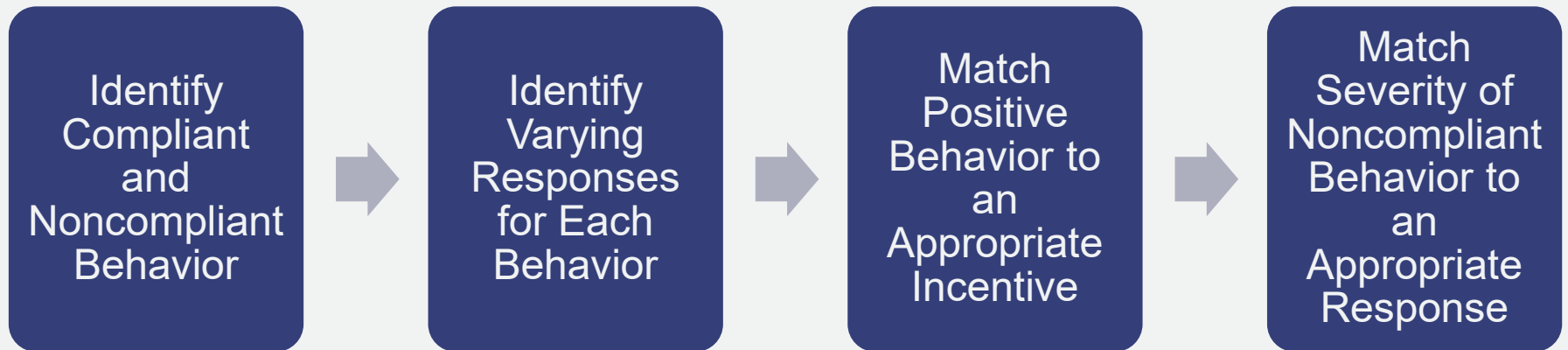
“Assist persons released prior to trial in securing any necessary employment, medical, drug, mental or other health treatment, legal or other needed social services that would increase the chances of successful compliance with conditions of pretrial release.”

- *ABA Standard 10-1.10*



# Developing a Process

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# Compliant Behavior Examples

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- No positive drug tests
- Maintain compliance with all conditions for 90 days
- On time for appointments
- No electronic monitoring violations
- No new arrest in 60 days
- Appearing at all court dates

# Response to Compliance Examples

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- Verbal praise
- Reduce supervision
  - Generally, after a period of 60-90 days when compliant with all pretrial conditions
- Ask the court to remove supervision
- Convert in-person appointment to a phone appointment
- Reduce or stop drug testing





# Response to Noncompliance Examples



| Reinforce                                    | Offer Support   | Increase Contact                      | Problem-Solve                  | Increase Supervision       | Court Involvement  |
|--|---|---------------------------------------|--------------------------------|----------------------------|--|
| Verbally reinforce conditions of supervision | Work with client to identify barriers and identify ways to support compliance <ul style="list-style-type: none"><li>• Make appropriate service referral</li></ul> | Increase contact (frequency and type) | Develop a problem-solving plan | Increase supervision level | Notify the court <ul style="list-style-type: none"><li>• Request OFA</li></ul> |

Least Restrictive

Individualized

# Developing Protocols – Collaborative Approach

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- Identify stakeholders
- Share and discuss best practices
- Share and discuss data (if available)
- Identify appropriate responses for each supervision condition and level of Noncompliance
- Develop communication plan



# Monitor and Provide Feedback

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01

Ensure consistency in application

02

Create opportunities for feedback

03

Measure pretrial outcomes

- Court appearance
- New criminal arrest

04

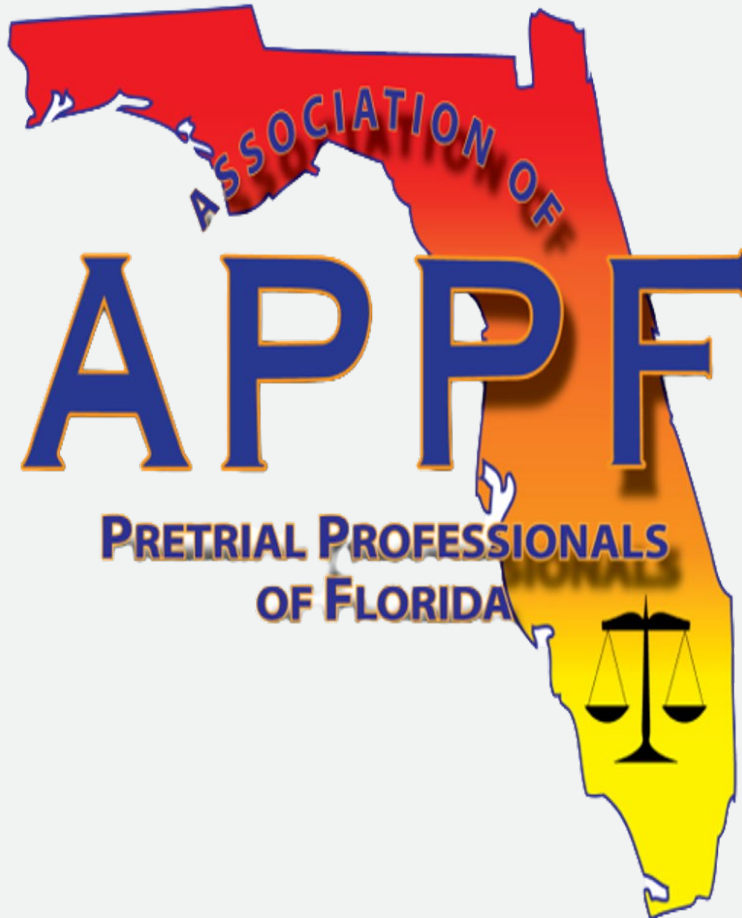
Commit to ongoing review and evaluation

# Evaluation & Closing Remarks

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*Dr. Kelvin L. Banks*

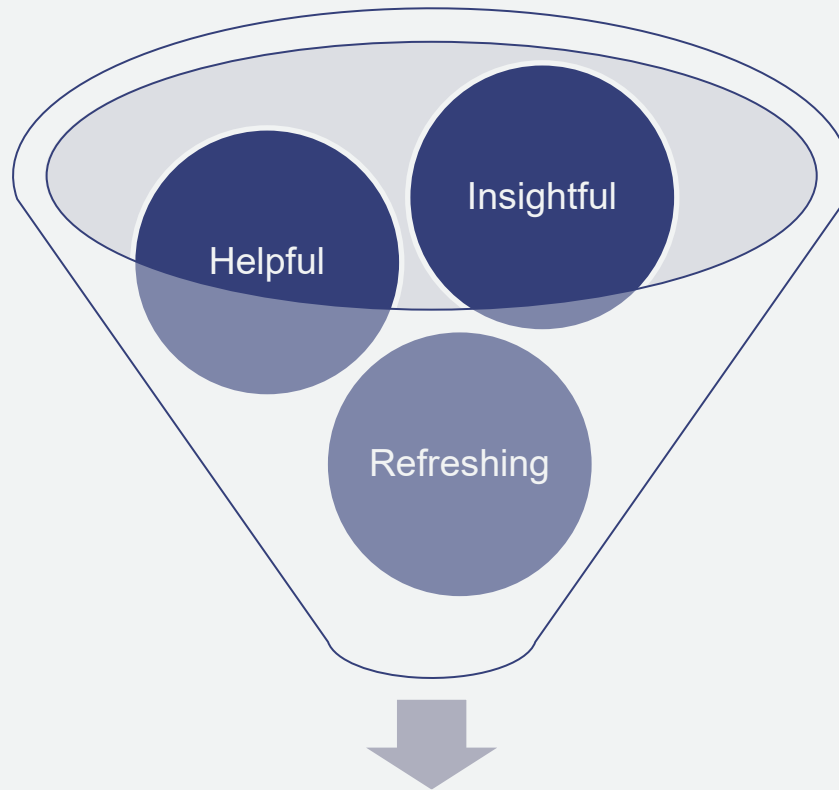
# APPF/APPR Training Series: Office Hour



***Reminder:***  
***30-Minute Office Hour***  
***Immediately Following***

# One Word Takeaway for Today?

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One Work Takeaway

# Thank you for your time!

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Don't forget to register with APPR to receive advance notice of trainings and new resources!

Join the APPR Community to connect with pretrial practitioners from around the country!