

Assessment of Pretrial Services in New York State

Prepared for the New York Association
of Pretrial Service Agencies and the
New York City Criminal Justice Agency

by the Crime and Justice Institute at
Community Resources for Justice

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Table of Contents

Executive Summary.....	6
Program Characteristics and Capacity	6
Screening and Interview	6
Release Recommendations.....	7
Release Decisions.....	8
Bail Setting and Court Representation.....	8
Supervision.....	8
Data Reporting.....	9
Alignment with Standards.....	9
Interagency Collaboration.....	9
Introduction	11
Part I: Survey of Probation and Pretrial Service Agency Directors	13
Respondent Characteristics	13
Pretrial Release Services Structure and Management	14
Pretrial Release Services Provider	14
Program Capacity: Hours and Staffing.....	14
Program Functions.....	15
Pretrial Release Methods.....	17
Desk Appearance Tickets	17
Bail Schedules	17
Pretrial Case Processing Numbers	17
Pretrial Release Methods.....	18
Interview, Risk Assessment, and Recommendation	19
Pretrial Screening.....	19
Pretrial Interview Timing.....	20
Timing of Interview by Court Type.....	21
Follow-up Release Review	21
Release Recommendations.....	21
Disclosure and Use of Defendant Information	22
Pretrial Risk Assessment	23

Use of Risk Assessment in Release Recommendations	24
Special Population Assessment Tool.....	25
Access to Treatment History Records.....	25
Individually Tailored Conditions.....	26
Pretrial Reporting.....	26
Pretrial Report at Initial Appearance	26
Judicial Release Decision.....	26
Supervision.....	27
Pretrial Supervision Services.....	27
Use of Risk Assessment in Supervision	28
Response to Non-Compliance.....	29
Court Date Reminders.....	29
Types of Court Date Reminders	30
Data and Reporting	31
Pretrial Standards and Local Practices.....	33
Open Response	34
Program Capacity	34
Pretrial Functions.....	34
Interagency Collaboration.....	34
Part II: Survey of Judges	35
Respondent and Jurisdiction Characteristics	35
Pretrial Release Services Structure and Management	35
Pretrial Release Methods.....	35
Pretrial Release Options Used by Court.....	35
Financial Bail Options.....	36
Representation at Initial Appearance	36
Bail Considerations	37
Open Response	38
Appendix A: Summary of Focus Groups on New York State Pretrial Release Services Standards	39
Focus Group Findings.....	39
Risk Assessment and Recommendations.....	40
Court Structure	40

Jail Population and Pretrial Released Decisions.....	41
Communication with Courts	41
Confidentiality.....	41
Small Group Activity.....	41
Appendix B: Jurisdictions Represented in the Surveys	43
Survey of Probation and Pretrial Service Agency Directors.....	43
Survey of Judges.....	44

Figures and Tables

Table 1. Respondent Position within Agency.....	13
Table 2. Respondent Agency Affiliation	13
Table 3. Pretrial Release Services Provider	14
Table 4. Full Time Equivalent Employees Assigned to Pretrial Services	14
Table 5. Hours per Day Release Services are Staffed.....	15
Figure 1. Days of the Week Pretrial Services Operates (N=54)	15
Figure 2. Functions of Pretrial Release Services (N=54)	16
Table 6. Summary of Total Numbers and Jurisdictions Reporting Case Processing Statistics.....	17
Table 7. Summary of Total Numbers and Jurisdictions Reporting Release Statistics	17
Table 8. Estimated Number of Interviews Conducted in Most Recent Year	18
Table 9. Estimated percentage of Interviews Resulting in Release Recommendations.....	18
Table 10. Percentage of time Pretrial Release Methods Were Used in Most recent Year.....	19
Figure 3: Defendants Excluded from Pretrial Consideration due to Legal Status (N=51).....	19
Figure 4: Defendants Excluded from Pretrial Consideration due to Charge (N=51).....	20
Table 11. Percentage of Defendants Interviewed Before vs. After Arraignment (N=51).....	21
Table 12. Timing of Interview by Court Type (N=51).....	21
Figure 5. Pretrial Release Recommendation Basis (N=51).....	22
Table 13. Personnel with Access to Defendant Information	23
Table 14. Purpose for Information Disclosure	23
Table 15. Source of Acquired Risk Assessment Tool.....	24
Table 16. Risk Assessment Tool Validation	24
Table 17. Percentage of Release Recommendations Corresponding with Assessed Risk.....	24

Table 18. Outcomes Predicted by Risk Assessment Tool (N=40).....	25
Figure 6. Special Population Assessment Tools (N=51)	25
Table 19. Programs Using Mental Health and Substance Treatment Records (N=51).....	25
Figure 7. Pretrial Report Recipients (N=51)	26
Table 20. Percent of Cases in Which Pretrial Report is Present at First Appearance (N=51).....	26
Table 21. Percentage of Cases in which Release Decision is Consistent with Pretrial Recommendation..	27
Figure 8. Supervision Services Provided (N=50)	27
Figure 9. Assessed Risk Levels Eligible for Supervised Pretrial Release (N=50).....	28
Figure 10. Risk Levels Under Pretrial Supervision (N=50).....	29
Table 22. Supervision Resources Prioritized by Risk Level.....	29
Table 23. Percentage of Defendants Sent Court Date Reminders.....	30
Figure 11. Types of Court Date Reminder Used (N=25).....	30
Figure 12. Performance Indicators Tracked (N=51) and Reported (N=48).....	31
Figure 13. Performance Data Report Recipients (N=48)	32
Table 24. Perceptions of Pretrial Practice (N=51).....	33
Table 25. Courts over which Respondents Preside.....	35
Table 26. Pretrial Release Services Provider.....	35
Table 27. Estimated Percentage of Cases in Which Release Options Are Used (N=145)	36
Table 28. Estimated Percentage of Cases in Which Financial Bail Methods Are Used (N=145).....	36
Table 29. Legal Representation at Initial Appearance (N=141)	36
Figure 14. Factors Considered When Setting Bail Amounts (N=141)	37
Figure 15. Other Factors Considered When Setting Bail Amounts (N=120).....	37

About the Crime and Justice Institute at CRJ

The primary goal of the Crime and Justice Institute (CJI) at Community Resources for Justice is to make criminal and juvenile justice systems more efficient and cost effective to promote accountability for achieving better outcomes. CJI provides nonpartisan policy analysis, consulting and research services to improve public safety throughout the country. With a reputation built over many decades for innovative thinking, unbiased issue analysis and effective policy advocacy, CJI’s strength lies in its ability to bridge the gap between research, policy and practice in public institutions and communities, and provide evidence-based, results-driven recommendations. For more information about CJI, please visit www.crj.org/cji.

Executive Summary

The New York Association of Pretrial Service Agencies (NYAPSA) and the New York City Criminal Justice Agency (CJA), in cooperation with the New York State Division of Criminal Justice Services Office of Probation and Correctional Alternatives (OPCA) and with technical assistance support from the US Department of Justice Bureau of Justice Assistance, launched an effort in late 2012 to examine pretrial services utilization and practices in New York State and develop an action plan for improving practice statewide. This initiative included the development and administration of a detailed survey of probation department and community-based pretrial release program directors to gather detailed information on pretrial practices across the state; a brief survey of judges to gain insight into release decision-making; a series of focus groups with pretrial officials to translate survey findings into recommendations; and a statewide planning group to develop an action plan for improving pretrial services and increasing alignment with state standards for legal and evidence-based practice. Below are highlights from the survey and focus group findings. While they reflect only the opinions and experiences of those participating in the study, they provide the most comprehensive picture available of pretrial services and pretrial release decision-making across the State of New York.

Program Characteristics and Capacity

Most pretrial services are housed within probation departments, and most survey respondents represent probation departments. 53 of 59 respondents reported that their jurisdictions offer formal pretrial release services. Most programs offer a range of services including screening, assessment, gathering background information, making release recommendations and providing supervision; however, their capacity is limited. Of those respondents managing pretrial programs, the majority reported fewer than 2 dedicated full-time equivalents (FTEs) staffing their pretrial release services. Most operate 7 to 8.5 hours a day, five days a week. Nine programs operate on weekends. More than half of the jurisdictions responding to the survey interviewed fewer than 500 defendants in the most recent calendar year.

In response to the survey, 45 of 50 respondents agreed that their programs have well-developed organizational structures that can support the critical functions of pretrial release and 38 agree that they have adequate resources to screen all eligible defendants and to provide supervision services. In focus groups, however, participants clarified that while they have the capacity to carry out their basic duties, resources are not sufficient to fully implement the New York State pretrial standards or handle larger caseloads

Screening and Interview

43 of 51 jurisdictions say that universal screening of all eligible defendants is their goal. All jurisdictions exclude some defendants based on legal status, and there is little consistency across the state regarding which defendants are excluded from release consideration based on legal status. There is more consistency regarding charge-based exclusions, with A1 felony being the most common. A third of jurisdictions do not exclude any defendants based on charge.

Most defendants are interviewed post-arraignment; consequently, the pretrial report is not available at the time of first appearance for most defendants. According to focus group participants, the existence of town and village courts contributes in large part to the difficulty in conducting interviews prior to the bail hearing.

Just over two-thirds of survey respondents (34) said their programs have written policies and procedures regarding the disclosure of defendant information obtained during pretrial investigation and supervision; however, a number of responses indicated a need for tighter controls and education on the legal and appropriate use of information. One of three focus groups raised the question whether there should be a state law to protect the confidentiality of the pretrial interview and whether such a statute would improve the quality of the interview.

Focus group participants raised a number of issues related to risk assessment—ranging from the very small amount of time available to conduct interviews and assessments, to the lack of privacy for conducting interviews in some jurisdictions.

While 40 jurisdictions use a risk assessment tool, only three jurisdictions report that their tool has been validated locally. Thirty-one (86 percent) of the survey respondents reported using COMPAS. In focus group discussions, participants expressed a desire for guidance on how to incorporate risk assessment into release recommendations. The focus group discussions provided evidence that there is a lack of awareness and understanding of the validation process and its importance to reliable and accurate risk assessment. Even among the participants who were knowledgeable about validation generally, there was a desire for information on the history of COMPAS validation specifically.

Release Recommendations

According to survey participants, community ties, criminal history and FTA history are the most common factors considered in release recommendations. Thirty-five jurisdictions reported that the risk assessment is a factor in their release recommendations, and more than half reported that recommendations correspond with risk level 75 percent of the time or more.

Based on survey results, there is wide variation by jurisdiction in the frequency of recommendations for release under supervision. In three of the state's four largest jurisdictions—New York City, Westchester County and Monroe County—pretrial services is located within an independent agency and the focus has historically been on release on own recognizance (ROR).¹ In most other counties, the pretrial program is based within the Probation Department and supervised release is a central function of pretrial services. Consequently, recommendations for supervised release are common in most counties and often equal or outnumber recommendations for release on own recognizance; however, supervision is used infrequently in the jurisdictions that see the vast majority of defendants in the state.

¹ New York City, Westchester County, Monroe County and Nassau County account for 87 percent of interviews and 90 percent of release recommendations across the state. Suffolk County, which accounted for 5 percent of all interviews, did not report the number of recommendations made.

Release Decisions

While strong conclusions cannot be drawn from this survey, based on estimates by pretrial and probation officials, it appears that financial release is used less frequently than release on own recognizance or with non-financial conditions. Only 6 of 51 jurisdictions estimated that the majority of defendants are released with financial conditions; none estimated that 75 percent or more of their defendants secured their release through financial means. Judicial survey respondents indicated that their release decisions were slightly skewed toward release on own recognizance opposed to supervised release.

Respondents to the pretrial and probation survey reported a moderate amount of judicial concurrence with release recommendations. 21 jurisdictions said that release decisions are consistent with recommendations 75 percent or more of the time; an additional 16 said that their recommendations are followed 50 percent or more of the time. Only 16 jurisdictions regularly conduct follow-up reviews to identify detainees who should be reconsidered for release based on new information or circumstances.

According to focus group participants, detention bed space has a significant impact on the number of defendants released pretrial. Participants in jurisdictions with recently-constructed jails reported that few defendants are released pending trial; those in jurisdictions with overcrowded jails reported that they are tasked with supervising defendants who were not interviewed or whom they deemed inappropriate for pretrial release under any conditions.

Bail Setting and Court Representation

Based on judges' estimates of the use of financial bail, cash and insurance bonds were by far the most common methods. In their open-ended responses, several judges suggested that the bench could benefit from education on the various types of bail set forth by statute, noting that several forms of financial release set forth in statute are rarely used.

While most judges said they considered indicators of ability to pay such as employment, financial status and home ownership when setting bail, judges also cited a wide range of additional factors including prior record, community ties, charge severity and risk of flight.

Judicial survey respondents indicated that defendants in most cases had legal representation at first appearance; approximately three quarters of respondents estimated that defense counsel was present in 75 percent or more of their cases. Only four percent estimated a District Attorney was never present, and five percent estimated defense counsel was never present.

Supervision

Nearly all jurisdictions surveyed (50 of 51) provide pretrial supervision. This includes three that provide supervision but do not perform investigation or provide release recommendations. Monitoring compliance with conditions, new arrest and court appearance are the most common supervision functions.

Twenty-five jurisdictions use court date reminders, though only half appear to make it a standard part of supervision for all defendants. The most common method for notifying defendants of upcoming court dates is during office visits; the second most common is through telephone calls.

28 out of 50 jurisdictions reported that they have some low and very low risk defendants under supervision, despite most jurisdictions reporting that supervision resources are prioritized by risk level. 42 programs have policies in place for responses to violations; 30 use graduated responses.

Focus group participants voiced concern about case planning for defendants who are ordered to supervision by the courts, but who were not assessed or not recommended for release by pretrial services. According to participants, it is not unusual for judges to assign a defendant to pretrial supervision after the individual has been released and returned to court on his or her own.

Data Reporting

Most jurisdictions are tracking workload measures such as number of defendants screened, interviewed and released. Many also track releases by type. Fewer jurisdictions track outcomes such as FTA (29), and new arrest (15). Only three jurisdictions do no tracking at all. It is worth noting that with the exception of new arrest, all of the measures listed are required for agencies funded by OPCA. This is evidence that state-level oversight has raised the quality of data available on pretrial workload and performance.

Alignment with Standards

There was wide variation in the extent to which survey respondents said their jurisdiction adheres to key pretrial standards. 41 of 51 agreed that their jurisdictions support the presumption of release on personal recognizance and use the least restrictive conditions that will allow reasonable assurance of court appearance. Fewer (34) agreed their jurisdiction reserves financial bail for cases where no condition or combination of conditions will reasonably assure appearance. Approximately half (26) agreed that defendants' financial means are considered when setting financial bond amounts.

One of the three focus groups generated recommendations for increasing compliance with state pretrial standards. These include educating all stakeholders—including judges, attorneys and law enforcement officials—in the standards; incorporating the standards into pretrial operations through ongoing education, training and discussion; supporting National Association of Pretrial Services Agencies (NAPSA) certification through attendance at NAPSA and NYAPSA conferences; increasing the profile and credibility of pretrial release services within probation departments; and conducting program assessment to gauge adherence to standards .

Interagency Collaboration

Of the 51 probation and Pretrial survey participants, 44 agreed that they have developed strong collaborative relationships with criminal justice partners, and 41 have developed strong relationships with other community partners.

Nonetheless, focus group participants voiced a need for stronger communication and coordination between pretrial services and the courts—particularly with regard to the status and conditions of defendants ordered to supervision.

A common concern in all of the groups was the challenge of working with town and village courts. The problems covered a broad variety of issues including the erratic hours of town and village courts; the structural difficulties that make it nearly impractical for a pretrial service agency to conduct an interview or assessment prior to a bail hearing; and the potential for unequal treatment of defendants in town and village courts since someone arrested just a few miles away under similar circumstances could quickly have their liberty restored through ROR, RUS or bail while the defendant in the town and village is detained.

Introduction

Pretrial practice has long been part of the criminal justice landscape in New York State. Pretrial release services as we now know it was developed in 1961 when the Manhattan Bail Project demonstrated that financial bond was not a necessary condition of pretrial release.² In the decades since, the pretrial services field has seen considerable growth and advancement in the development of evidence-based tools and techniques for assessing and managing the risk of pretrial misconduct among criminal defendants. Consequently, the role of agencies providing pretrial services has evolved as the demands on these organizations have increased. As the field has matured, a body of evidence on what works and a set of commonly accepted standards for best practice based on law and research have been developed. In 1995, the agency then known as the Division of Probation and Correctional Alternatives (DPCA) issued pretrial standards to guide services in the state which are consistent with pretrial standards published subsequently by the American Bar Association (2002) and National Association of Pretrial Services Agencies (2004). A Pretrial Release Committee of statewide leaders convened by DPCA reviewed and revised the standards in 2003 and 2007.³ This study is the first comprehensive effort to gauge the extent to which pretrial practice in New York is consistent with the state's pretrial release standards.

In late 2012, the New York Association of Pretrial Service Agencies (NYAPSA) and the New York City Criminal Justice Agency (CJA), in cooperation with the New York State Division of Criminal Justice Services Office of Probation and Correctional Alternatives (OPCA) and with technical assistance support from the US Department of Justice Bureau of Justice Assistance, launched an effort to examine pretrial services utilization and practices in New York State and develop an action plan for improving practice statewide. This initiative included the development and administration of a detailed survey of probation department and community-based pretrial release program directors to gather detailed information on pretrial practices across the state; a brief survey of judges to gain insight into release decision-making; a series of focus groups with pretrial officials to translate survey findings into recommendations; and a statewide planning group to develop a concrete action plan for improving pretrial practice and increasing alignment with state standards for legal and evidence-based practice. As technical assistance provider, the Crime and Justice Institute at Community Resources for Justice (CJI) served as coordinator and facilitator for the activities described in this report.

The New York State Pretrial Release Survey was issued to all Probation Department and Community-based Pretrial Release Program Directors on June 26, 2013. The survey asks 88 questions intended to help NYAPSA and OPCA gather comprehensive information about the state of pretrial services in New York as part of their work to assess the current need for services and recommend service enhancements.

² McElroy, Jerome E. "Introduction to the Manhattan Bail Project." *Federal Sentencing Reporter* Vol. 24, No. 1, Sentencing Within Sentencing (October 2011), pp. 8-9

³ The New York State Pretrial Release Services Standards can be accessed online <http://www.criminaljustice.ny.gov/opca/pdfs/pretrialstandardsfinalmarch2007.pdf>

For the purposes of this study, the five counties that make up New York City are treated as one jurisdiction and represented by a single respondent. Of 61 jurisdictions invited to participate in the survey of Probation Department and Community-based Pretrial Release Program Directors, 59 responded including six jurisdictions that do not offer pretrial services.

Separate surveys were developed for pretrial program directors and judges in order to capture diverse perspectives. In addition to judges' access to bail-setting and release considerations that program directors may not have, surveying judges also allowed the inclusion of jurisdictions in which no formal pretrial services program exists. Jurisdictions represented in both surveys are included in the Appendix.

The survey of judges was released on July 9, 2013. The survey was developed by NYAPSA, OPCA and CJI with input from the State Office of Court Administration (OCA) and was circulated electronically by OCA to judges presiding over criminal cases; 156 judges responded to the survey.⁴ The 20-item survey was designed to capture information such types of bail set, bail-setting considerations, and representation at initial appearance.

While the findings in this report reflect only the opinions and experiences of those participating in the study, they provide the most comprehensive picture available of the accessibility, management, and characteristics of pretrial services in the State of New York.

⁴ The total number of surveys distributed is not available.

Part I: Survey of Probation and Pretrial Service Agency Directors

Respondent Characteristics

The findings presented in this section detail the general characteristics of the individuals who responded to the New York State Pretrial Release Survey.

The majority of respondents hold the position of Probation Director, with smaller shares reporting their position as Director of a Pretrial Unit/Program or independent Pretrial Agency. Of those reporting their position as “other,” responses included program coordinators, supervisors and a number of positions within probation departments including Deputy Director, Supervisor, Assistant and Probation Officer.

Table 1. Respondent Position within Agency

	Respondents (N=59)
Probation Director	37 (63%)
Director of Pretrial Unit/Program	7 (12%)
Director of Pretrial Agency	6 (10%)
Sheriff or other law enforcement	-
Other	9 (15%)

As shown in Table 2 below, the vast majority (83 percent) of respondents were reporting on behalf of a Probation Department.

Table 2. Respondent Agency Affiliation

	Respondents (N=59)
Probation Department	49 (83%)
Independent Nonprofit Pretrial Services Agency	7 (12%)
Office of Court Administration	-
Sheriff or Correction Agency	1 (2%)
Youth Bureau/ATI	2 (3%)

Due to varying access to data, the survey asked pretrial release programs to use the most recent calendar year available. Most respondents (92 percent) used 2012 data, one used 2011 data, two used the most recent twelve months (July 2012 to June 2013), and two were not able to provide data.

Pretrial Release Services Structure and Management

An overwhelming majority of respondents (53 of 59) stated that Pretrial Release Services are provided.⁵ Of the six respondents stating they do not provide pretrial services, several provided reasons why. Among the reasons are that the county is too small, jail staff screen defendants and make release recommendations, past attempts to offer pretrial services were not supported by the courts and that overcrowding is not a problem. One respondent reported that while there is no formal pretrial release program, judges do release defendants to probation supervision prior to sentencing.

Pretrial Release Services Provider

According to the data, the Probation Department provides pretrial release services in 39 of 54 jurisdictions. Independent nonprofit pretrial services agency is the second most common provider type.

Table 3. Pretrial Release Services Provider

	Respondents (N=54)
Probation Department	39 (72%)
Independent Nonprofit Pretrial Services Agency	9 (17%)
Sheriff/Jail	3 (6%)
Courts (OCA)	1 (2%)
Youth Bureau/ATI	2 (4%)

Program Capacity: Hours and Staffing

Respondents were asked to report the number of full time equivalent employees (FTEs) assigned to pretrial release and supervision direct service. A full time equivalent is defined by the total number of hours worked by all employees divided by the number of hours in a full-time schedule. The mean is 5.9 and median is 1.1. Responses ranged from .10 to 180 FTEs.

Table 4. Full Time Equivalent Employees Assigned to Pretrial Services

	Respondents (N=51)
Less than 1 FTE	10 (20%)
1 FTE	14 (28%)
1 – 2 FTE	12 (24%)
3-5 FTE	7 (14%)
5 - 10 FTE	4 (8%)
10-20 FTE	3 (6%)
More than 150 FTE ⁶	1 (2%)

Note: categories sum to more than 100 percent due to rounding.

⁵ One survey participant responding on behalf of a probation agency reported that pretrial services were not offered in the county, but then explained that services were provided by an independent nonprofit. This agency was included in the survey but did not respond.

⁶ New York City Criminal Justice Agency reports 180 FTEs assigned to pretrial release and supervision direct service, not including support staff.

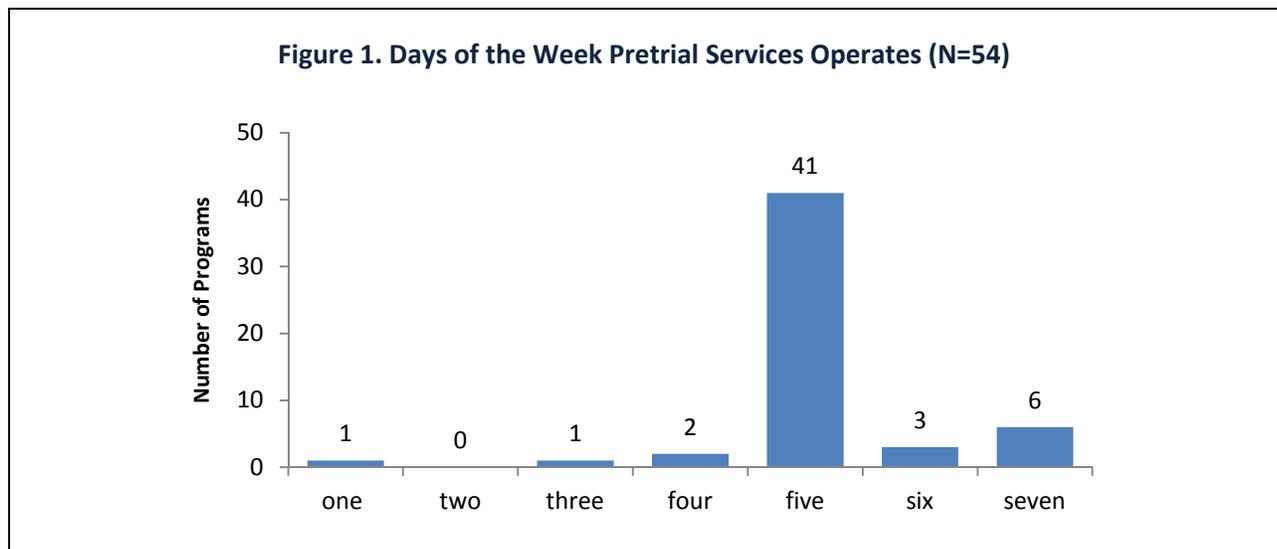
The median number of hours per day that pretrial release services are staffed is 7. The majority (60 percent) are staffed 7 to 8.5 hour per day. This number includes release services only and does not include supervision. Responses range from zero to 24 hours per day (New York City).⁷

Table 5. Hours per Day Release Services are Staffed

	Respondents (N=49)
Fewer than 3 hours	7 (14%)
3 - 5 hours	5 (10%)
7 - 8.5 hours	31 (63%)
10 - 10.5 hours	5 (10%)
24 hours	1 (2%)

Note: categories sum to less than 100 percent due to rounding.

Most programs (41 of 54) operate five days per week. Four operate fewer than five days per week. Nine programs report operating on weekends, including six jurisdictions with coverage seven days a week.

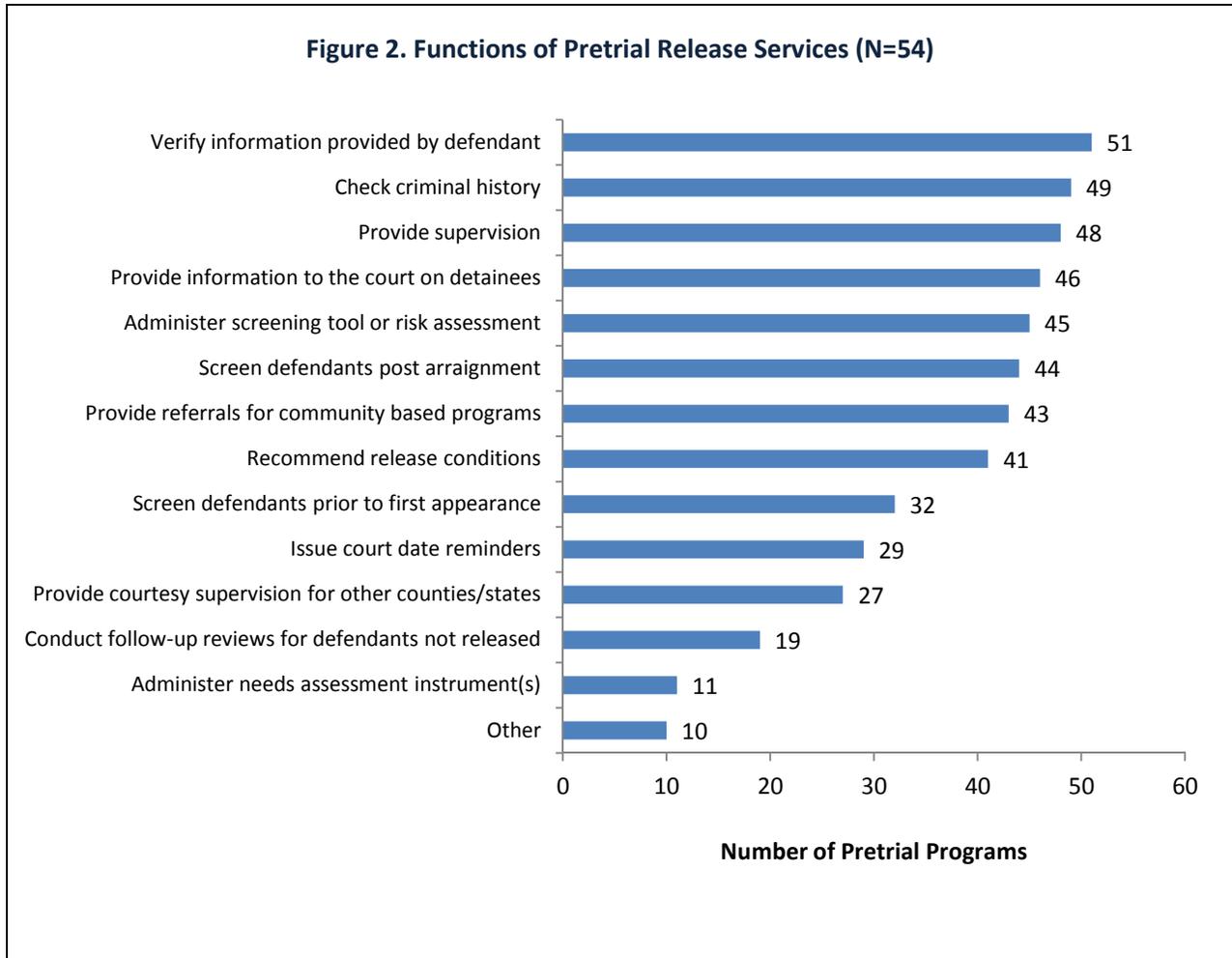


Program Functions

Figure 2 describes the formal functions of pretrial release services, programs, agencies, or units. Counties were encouraged to check all that apply and to add others that were not listed. The most common functions of pretrial release services are verifying information provided by defendants (94 percent), researching defendants' criminal histories (91 percent) and providing supervision (89 percent).

⁷ Two respondents reported zero hours of pretrial release services operation per day: one that provides supervision but not investigation and release services, and one that does not operate a formal program. These are not reported in the table.

Responses in the “other” category included participation in dispositional planning, mental health diversion, providing the court with updates on treatment services and staffing an FTA unit.



Pretrial Release Methods

The following section of the report details the number of defendants that were released pretrial in the most recent calendar year that was available, along with the extent to which various release methods were used.

Desk Appearance Tickets

A Desk Appearance Ticket (DAT) is an order to appear in court which may be issued by law enforcement agencies in lieu of custodial arrest for certain alleged crimes. Thirty five respondents (69 percent) reported that their jurisdictions use Desk Appearance Tickets. Sixteen (31 percent) reported they do not use this alternative.

Bail Schedules

In asking whether their pretrial release program uses a bail schedule, only one jurisdiction responded that their courts employ a schedule of set financial bail amounts based on current charge and criminal history.

Pretrial Case Processing Numbers

Respondents were asked to provide estimates of some key case processing statistics including the number of defendants interviewed and the number recommended for release. Among those recommended for release, respondents were asked to estimate the number recommended for release on own recognizance (ROR) versus release under supervision (RUS).

Table 6. Summary of Total Numbers and Jurisdictions Reporting Case Processing Statistics

Number of Defendants	Total Statewide	Jurisdictions Reporting	Data not available
Defendants interviewed for Pretrial Release	348,933	46	7
Defendants recommended for Pretrial Release	99,820	34	19
Defendants recommended for ROR	92,810	29	24
Defendants recommended for RUS	7,832	33	20

Respondents were also asked to estimate the number of releases with and without cash bail as a release condition. These numbers are not a subset of defendants interviewed or recommended for release.⁸

Table 7. Summary of Total Numbers and Jurisdictions Reporting Release Statistics

Number of Defendants	Total Statewide	Jurisdictions Reporting	Data not available
Defendants released pretrial with cash bail	19,382	26	27
Defendants released pretrial without cash bail	129,231	31	23

⁸ "Cash bail" reflects the terminology commonly used, but may include other forms of financial bail.

46 respondents were able to report at least some workload measures. Of these, a rough breakdown by the number of interviews conducted is included in Table 8.

Table 8. Estimated Number of Interviews Conducted in Most Recent Year

Number of Interviews	Respondents (N=46)
More than 200,000	1
10,000 – 20,000	2
1,000 – 6,000	8
500 – 999	8
100 – 499	19
99 or fewer	8

34 respondents were able to report the number of cases in which they recommended release. 14 jurisdictions report that release is recommended for a majority of defendants interviewed. When all the interviews completed statewide are totaled, release is recommended about 30 percent of the time.

Table 9. Estimated percentage of Interviews Resulting in Release Recommendations

	24% or less	25% - 49%	50% - 74%	75% or more
Percent of interviews resulting in release recommendation (N=34)	5	14	7	8
ROR as a percent of all release recommendations (N=29)	10	6	5	8
RUS as a percent of all release recommendations (N=30)	10	3	4	13

Pretrial Release Methods

Pretrial release programs were asked to estimate, based on the most recent calendar year for which data was available, the percentage of cases in which a variety of release options were used. Responses are summarized in Table 10.

Table 10. Percentage of time Pretrial Release Methods Were Used in Most recent Year

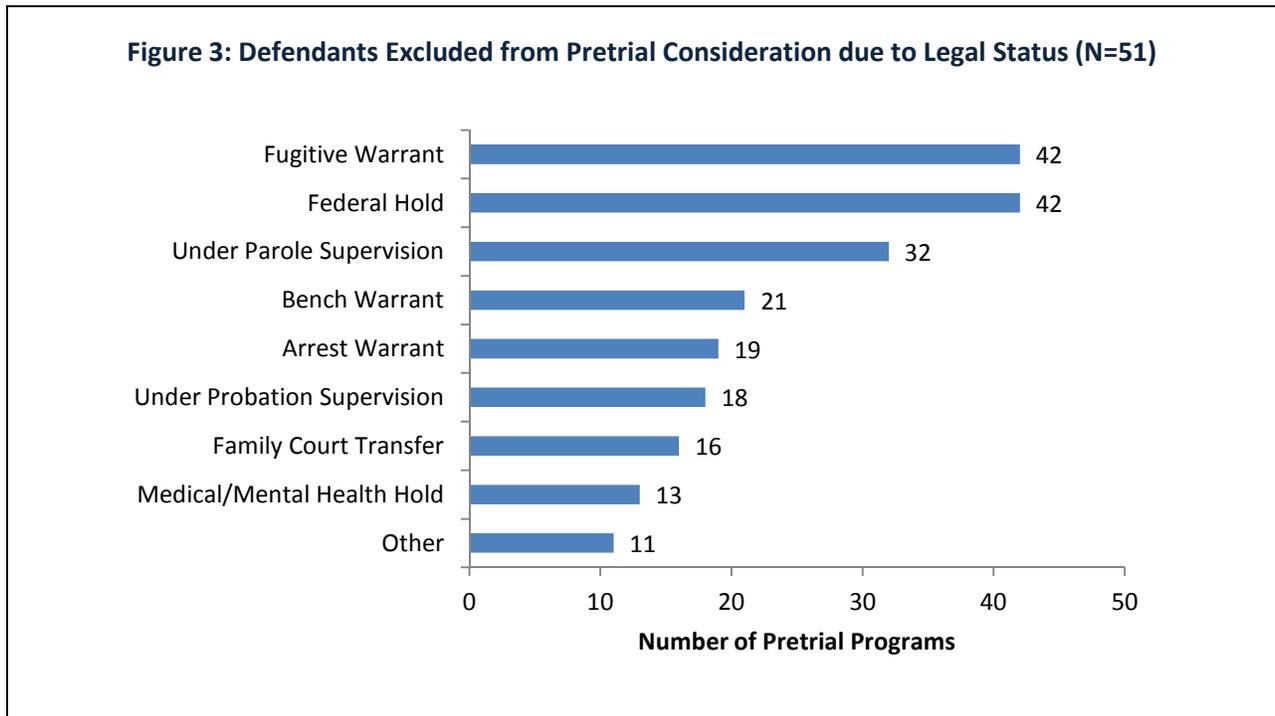
	Not at all	24% or less	25% - 49%	50% - 74%	75% or more
Release on Own Recognizance (N=47)	7	16	16	7	1
Financial Release (e.g., cash bail, secured surety bond) (N=46)	9	23	8	6	-
Pretrial Supervision (N=47)	-	19	8	9	11
Both financial and supervised release (N=45)	25	14	3	1	2
Other (N=19)	19	-	-	-	-

Interview, Risk Assessment, and Recommendation

The following section details general procedures used in pretrial release programs of New York State.

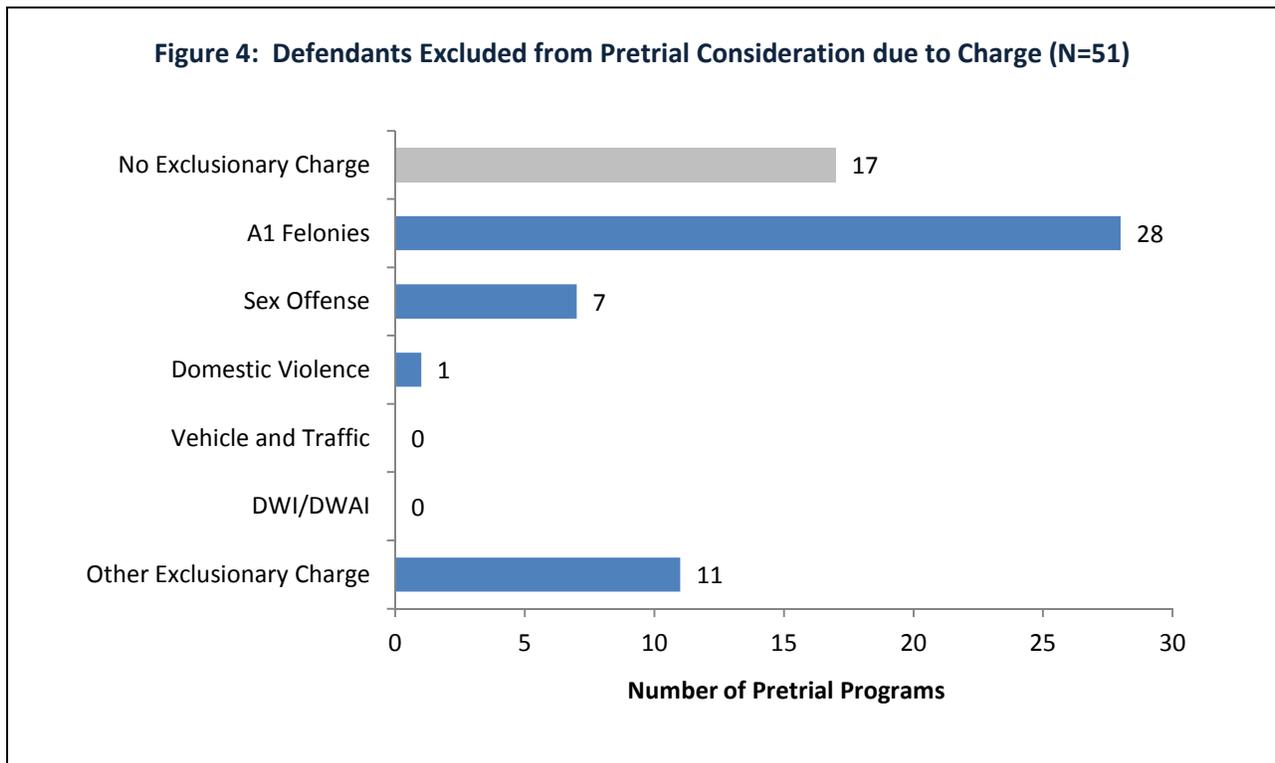
Pretrial Screening

When asked if it was a goal of their pretrial programs to interview all eligible defendants, 43 participants (84 percent) responded that it was a goal. Respondents were asked which defendants were excluded from consideration for pretrial release, either based on the defendant’s status or on the current charge. As shown in Figure 3 below, fugitive warrant and federal hold are the most common exclusions based on status, with 42 pretrial release programs reporting these as reasons for ineligibility.



Criteria captured in the “other” category above include AWOL/Military Deserter, Immigration Violation/ICE Detainer, Interstate Compact violator, and out of county resident as well as arrestees who were previously revoked from pretrial release status, are homeless, have an open case or hold in a different county or city court and inmates in the custody of another jurisdiction. One jurisdiction reports that there is no formal policy guiding screening and eligibility; defendants are screened out on a case-by-case basis.

As shown in figure 4 below, seventeen respondents reported that they do not exclude any defendants based on charge. Of those that do, the most common exclusionary charge was an A1 felony, with 28 respondents reporting it as a reason.⁹



Responses in the “other” category include ABC Felony charges, civil commitments, loaded firearm charges, serious violent felonies, violation-level offenses, and drug court sanctions.

Pretrial Interview Timing

Very few respondents reported that the majority of defendants are interviewed prior to arraignment. 24 respondents (47 percent) reported that no defendants are interviewed prior to arraignment.

⁹ A1 felonies include serious and violent crimes such as first degree arson, conspiracy, kidnapping, criminal possession of a controlled substance, criminal sale of a controlled substance, and first and second degree murder.

Table 11. Percentage of Defendants Interviewed Before vs. After Arraignment (N=51)

	Not at all	24% or less	25% - 49%	50% - 74%	75% or more
Before Arraignment	24 (47%)	9 (18%)	6 (12%)	5 (10%)	7 (14%)
After Arraignment	5 (10%)	12 (24%)	8 (16%)	6 (12%)	20 (39%)

Timing of Interview by Court Type

Due to the multiple court types that may be serviced by one program, and logistical differences across court types, respondents were asked whether pretrial interviews were administered prior to or following arraignment for each of three types: Town and Village, City and County/Supreme Courts. As shown in Table 12, the majority of programs perform interviews after arraignment, regardless of court type.

Table 12. Timing of Interview by Court Type (N=51)

	Before Arraignment	After Arraignment	Varies by Court	Not Applicable
Town and Village Courts	5 (10%)	29 (57%)	12 (24%)	5 (10%)
City Courts	13 (26%)	22 (43%)	--	16 (31%)
County and Supreme Courts	25 (49%)	26 (51%)	--	--

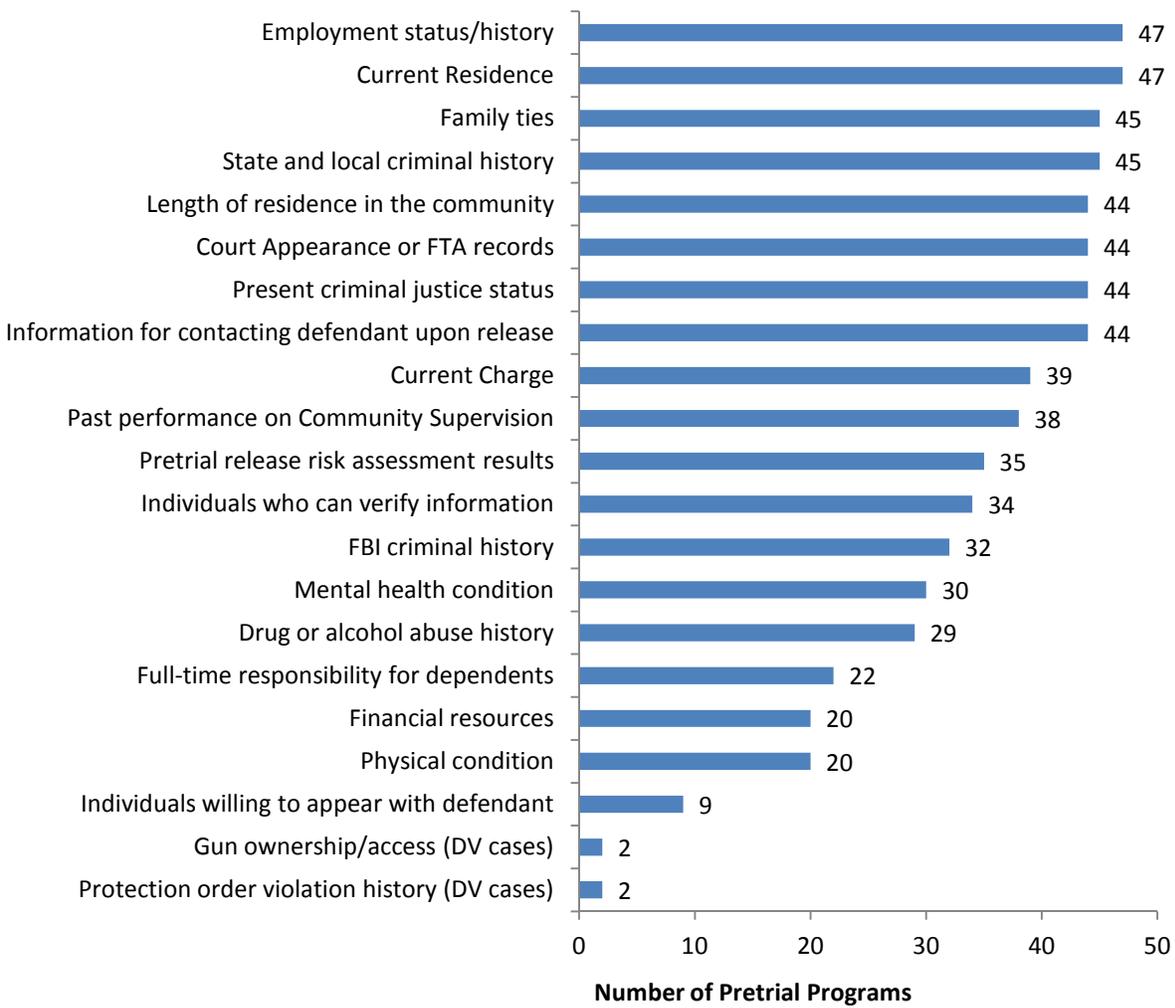
Follow-up Release Review

Participants were asked if they regularly conduct a review of detainees, in the event that a change in circumstances or information available may alter the release recommendation or decision. In most jurisdictions (69 percent), pretrial release staff members do not conduct follow-up reviews on a regular basis for defendants who are detained.

Release Recommendations

Figure 5 details information that is collected by responding pretrial release programs and which may be provided to the court as the basis for release recommendations.

Figure 5. Pretrial Release Recommendation Basis (N=51)



In addition to the list above, respondents reported making recommendations based on other factors including student status, verification of an awaiting bed for inpatient treatment, identification of an alternate residence in domestic violence cases, veteran status, complaints, history of orders of protection and information provided in the arrest report. One jurisdiction responded that decisions are made on a case-by-case basis.

Disclosure and Use of Defendant Information

When asked about information sharing, 34 respondents (67 percent) say their programs have written policies and procedures regarding the disclosure of defendant information obtained during pretrial investigation and supervision; 17 (33 percent) do not have these policies or procedures. Table 13 specifies the personnel most likely to have access to information. Responses included in the “other”

category are treatment providers and ATI program providers. In some instances, respondents specified that defendants’ written consent was obtained prior to releasing information.

Table 13. Personnel with Access to Defendant Information

	Respondents (N=51)
Judge	44 (86%)
Probation Department	41 (80%)
District Attorney	32 (63%)
Defense Council	30 (59%)
Other	5 (10%)

When asked for what purpose this information is made available to parties outside of pretrial services, respondents reported a number of uses listed in Table 14. Responses in the “other” category include consideration for alternatives to incarceration, and probation case management. While participants could choose multiple responses, those responding “do not know” did not select any other response category.

Table 14. Purpose for Information Disclosure

	Respondents (N=51)
Progress reports/court appearance updates	41 (80%)
Pre-sentence investigations	35 (69%)
Determining eligibility for community-based service	22 (43%)
Prosecution	7 (14%)
Other	2 (4%)
Do not know	2 (4%)

Pretrial Risk Assessment

40 out of 51 respondents (78 percent) reported that their jurisdiction uses a pretrial risk assessment tool. 31 of these use the COMPAS. Among the others, responses list a variety of instruments including the NCJA Screening Tool and Universal Screening Point Scale. When asked about the instrument source, 4 respondents reported that they developed the tool locally and 36 said they acquired it from another source. Sources are listed in Table 15.

Table 15. Source of Acquired Risk Assessment Tool

	Respondents (N=36)
NY DCJS/OPCA¹⁰	31 (86%)
Vera Institute of Justice	1 (3%)
Center for Community Alternatives	1 (3%)
Source Unknown	3 (8%)

When asked if and where their risk tool had been validated, the majority of respondents say that the tool they are using was validated elsewhere or not at all. Only three programs report using a locally validated tool. Of these, one jurisdiction last validated the tool a year ago, one validated five years ago and one last validated their tool 14 years ago. When asked if they planned to validate their tool in the next two years, 36 respondents (90 percent) did not.

Table 16. Risk Assessment Tool Validation

	Respondents (N=40)
Validated elsewhere	24 (60%)
Don't know	10 (25%)
Not Validated	3 (8%)
Validated locally	3 (8%)

Use of Risk Assessment in Release Recommendations

The majority of respondents estimate that the release recommendation corresponds with the assessed level of risk most of the time.

Table 17. Percentage of Release Recommendations Corresponding with Assessed Risk

	Respondents (N=40)
75% or more	22 (55%)
50% - 74%	11 (28%)
25% - 49%	2 (5%)
24% or less	5 (13%)
None at all	-

¹⁰ A range of responses including OPCA, DCJS, NY State and Northpointe were all coded as DCJS/OPCA. There is not perfect overlap between respondents who say they are using the COMPAS and those who acquired their tool from DCJS/OPCA. One jurisdiction using both COMPAS and a locally developed tool cites the source as unknown. One jurisdiction names Point Scale as the tool and NY State as the source.

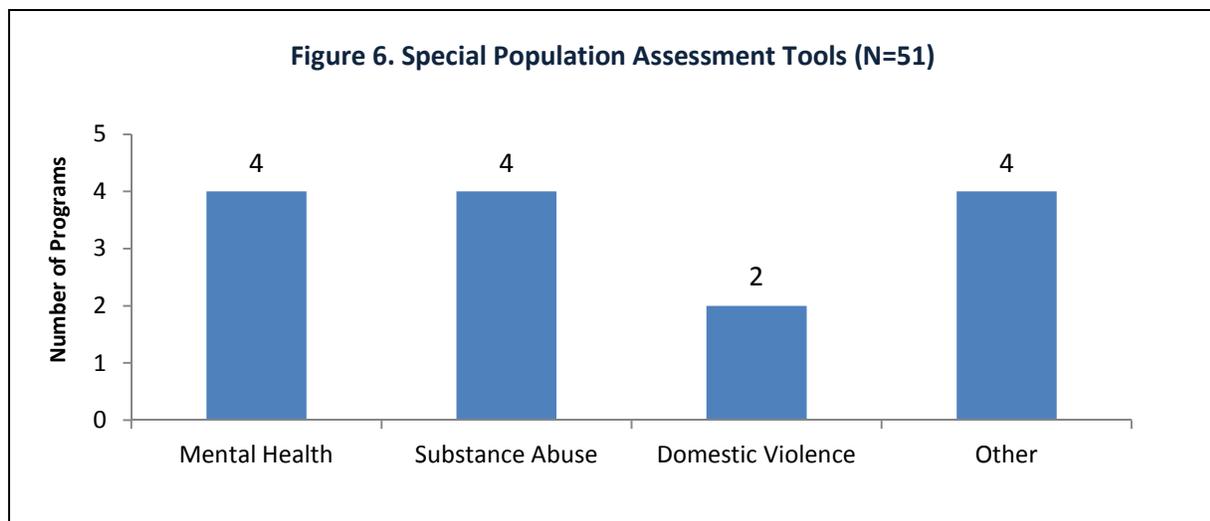
When asked if recommended conditions specifically address risk for failure to appear and re-arrest, most respondents report that their tool addresses failure to appear only; fewer than half of the tools in use address both risk of failure to appear and re-arrest.

Table 18. Outcomes Predicted by Risk Assessment Tool (N=40)

	Yes	No
Failure to Appear	31 (78%)	9 (23%)
Re-arrest	20 (50%)	20 (50%)
Both Failure to Appear and Re-arrest	18 (45%)	--

Special Population Assessment Tool

Figure 6 details whether pretrial release services use a separate assessment tool for one or more special populations. Nine respondents reported using such tools. Four programs use more than one. Responses in the “other” category include assessment for juvenile offenders and community courts, as well as those administered by treatment service providers.



Access to Treatment History Records

Respondents were asked if mental health and substance abuse records are accessed to determine defendant’s treatment history and current status to help pretrial release services make a release recommendation, as well as if these records were available to pretrial services. Results are summarized in Table 19.

Table 19. Programs Using Mental Health and Substance Treatment Records (N=51)

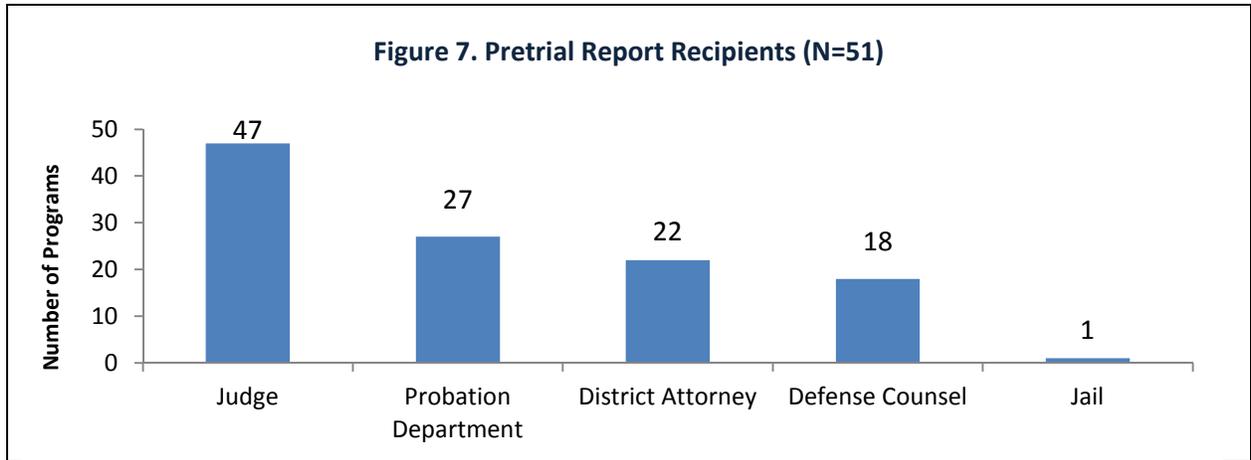
	Yes	No	Records Not Available
Mental Health	21 (41%)	16 (31%)	14 (27%)
Substance Abuse	21 (41%)	15 (29%)	15 (29%)

Individually Tailored Conditions

When asked whether recommended conditions of release are individually tailored to meet defendants’ assessed needs, 38 respondents (75 percent) reported that they were. It should be noted that all survey participants were asked to respond to this question, not only those using a health needs assessment.

Pretrial Reporting

As shown in Figure 7, pretrial reports are provided to a variety of stakeholders in addition to judges.



Pretrial Report at Initial Appearance

Table 20 summarizes responses regarding the frequency with which a pretrial report is present at the initial appearance in various types of court.

Table 20. Percent of Cases in Which Pretrial Report is Present at First Appearance (N=51)

	Not Applicable	None at all	24% or less	25% - 49%	50% - 74%	75% or more
Town and Village Courts	5 (10%)	22 (43%)	9 (18%)	3 (6%)	3 (6%)	9 (18%)
City Court	15 (29%)	14 (28%)	4 (8%)	4 (8%)	3 (6%)	11 (22%)
County and Supreme Court	--	18 (35%)	13 (25%)	5 (10%)	2 (4%)	13 (26%)

Judicial Release Decision

Respondents were asked to estimate the percentage of cases in which judicial release decisions are consistent with the pretrial release services unit or program’s recommendation. Results are summarized in Table 21 below.

Table 21. Percentage of Cases in which Release Decision is Consistent with Pretrial Recommendation

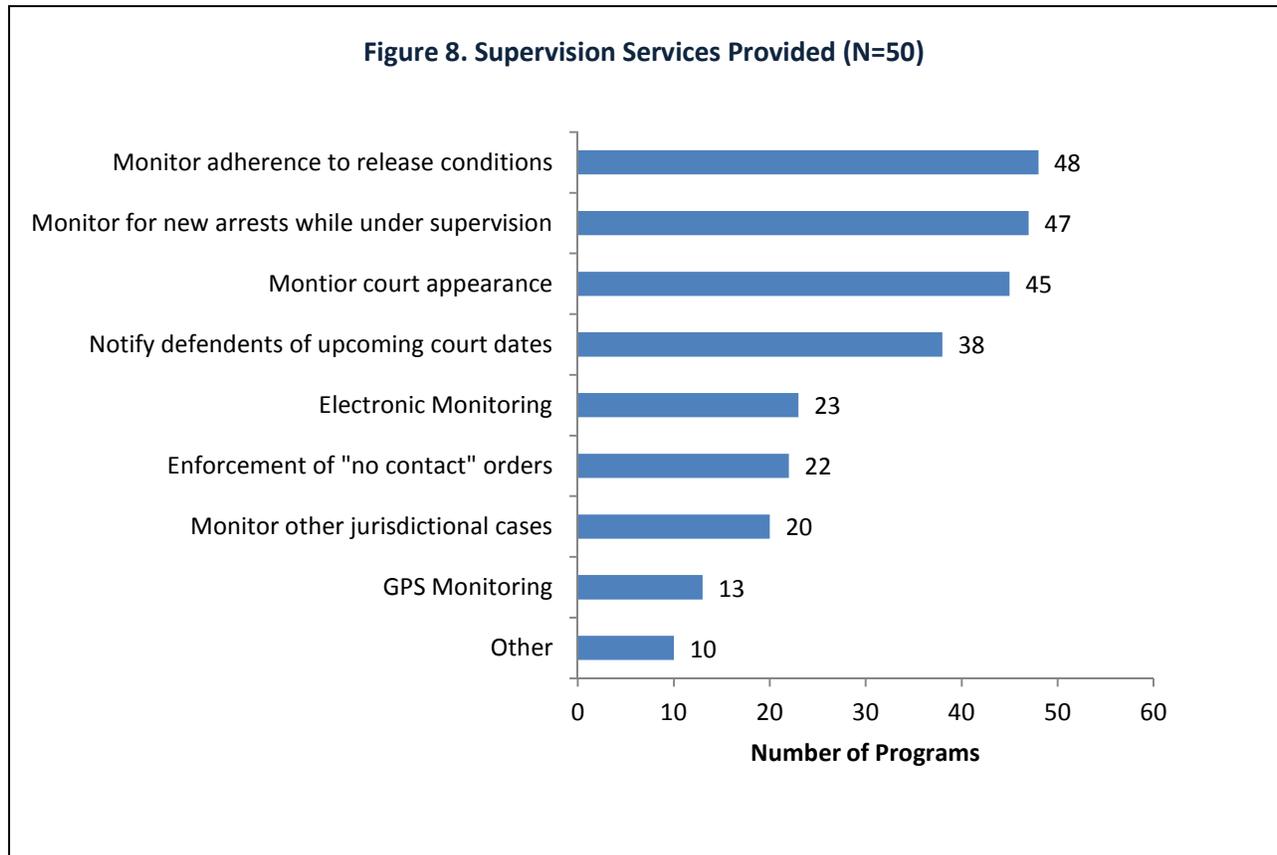
	Programs (N=51)
75% or more	21 (41%)
50% - 74%	16 (31%)
25% - 49%	8 (16%)
24% or less	6 (12%)

Supervision

This section details pretrial supervision practices throughout New York State. For the purposes of this section, supervision services are defined as release supervision or monitoring by an assigned officer or case manager.

Pretrial Supervision Services

Release supervision is provided in 50 of 51 jurisdictions (98 percent) that report providing pretrial release services. Figure 8 displays the wide range of pretrial supervision services that are offered throughout New York. Responses in the “other” category include alcohol monitoring, electronic monitoring with sobriety, treatment referrals, monitoring treatment completion, needs assessment, monitoring city court service referrals and monitoring school attendance.

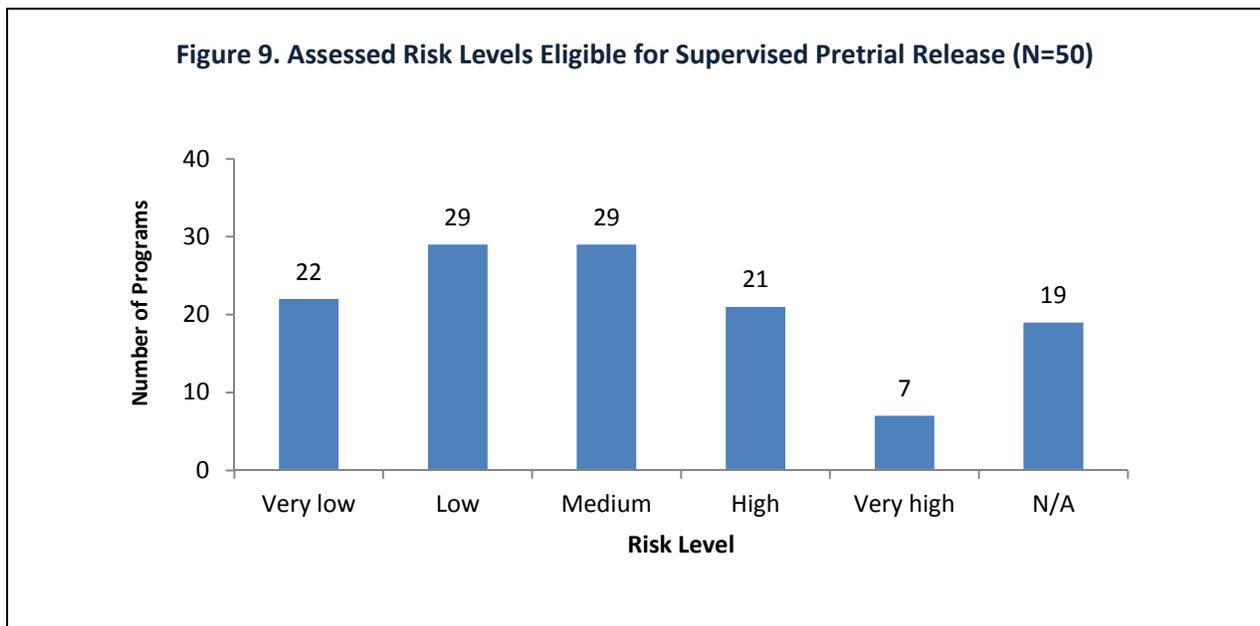


Use of Risk Assessment in Supervision

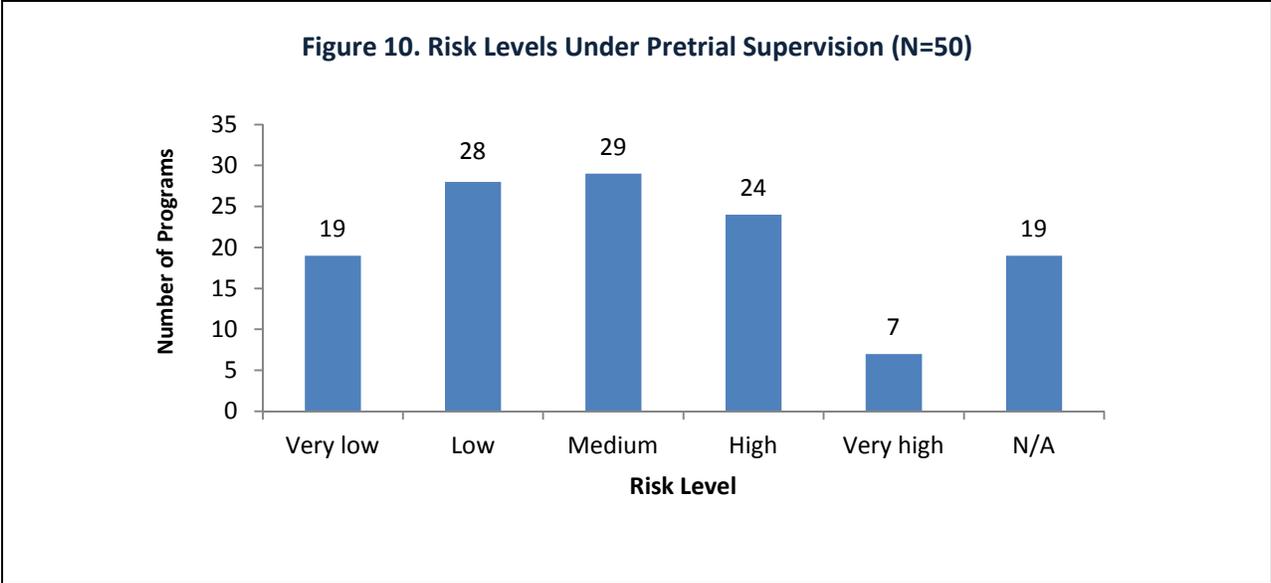
Few (8 of 50) respondents said that their program uses a separate risk assessment instrument to determine the appropriate level of pretrial supervision. Three of these eight reported using a validated instrument.

Criminogenic factors are defined as risk factors linked to criminal offending which can be changed. 14 jurisdictions reported using an instrument to assess criminogenic needs among supervised defendants—nine complete this during the initial pretrial assessment, five perform this assessment at supervision intake.

Respondents were asked which assessed risk levels were eligible for supervised release. Results are displayed in Figure 9. Respondents in the N/A category are those that provide supervision services but do not use a risk assessment instrument to guide supervision level.



To determine if practice is consistent with release guidelines and program design, respondents were asked to estimate which assessed risk levels were currently under supervision. Twenty-eight respondents indicated that they are supervising “low” or “very low” risk defendants. Results are summarized in Figure 10.



When asked if supervision resources are prioritized so that individuals with higher assessed risk receive more intense supervision, half of respondents reported that this is the case.

Table 22. Supervision Resources Prioritized by Risk Level

	Respondents (N=40)
Yes	25 (50%)
No	7 (14%)
N/A – No risk assessment is used	18 (36%)

Response to Non-Compliance

When asked if there are programmatic policies and procedures guiding responses to non-compliance with release conditions, 42 of 50 programs (84 percent) responded that these are in place. 30 respondents reported that their approach to non-compliant behavior is based on a system of graduated responses dependent on severity. When asked if the courts in their jurisdictions utilize “warrant letters” for defendants who fail to appear before issuing bench warrants, the majority (71 percent) of respondents stated that they do not.

Court Date Reminders

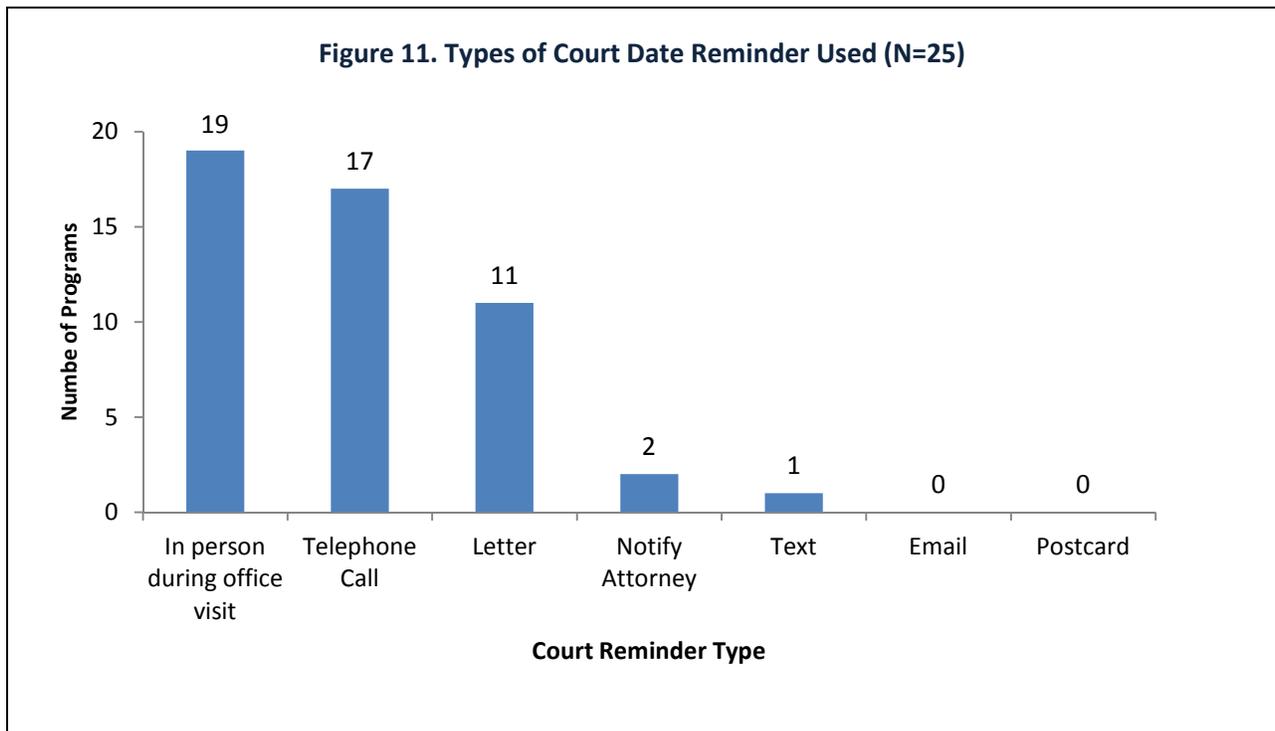
Respondents were asked to estimate the percentage of released defendants that are sent court date reminder notices. Results are shown in Table 23. It should be noted that while 25 participants responded to specific questions about the extent and type of court date reminders used, a greater number indicated that they notify defendants of court dates in response to an earlier question—as illustrated in Figure 8. This is likely due to the wording of the survey, which asks about notifying defendants generally in the earlier item and about sending notices specifically in the latter.

Table 23. Percentage of Defendants Sent Court Date Reminders

	Respondents (N=51)
75% or more	15 (29%)
50% - 74%	3 (6%)
25% - 49%	2 (4%)
24% or less	5 (10%)
None	26 (51%)

Types of Court Date Reminders

Figure 11 displays the numerous ways that court date reminders are conveyed to defendants. The most common court date reminder is in person during an office visit. Of the 19 participants indicating that they remind defendants during office visits, 14 also indicated use of some other type of notice.



Data and Reporting

The following section details jurisdictions' collection and use of pretrial release data.

Figure 12 displays which performance indicators respondents said they were tracking, as well as those which their programs report on at least an annual basis.

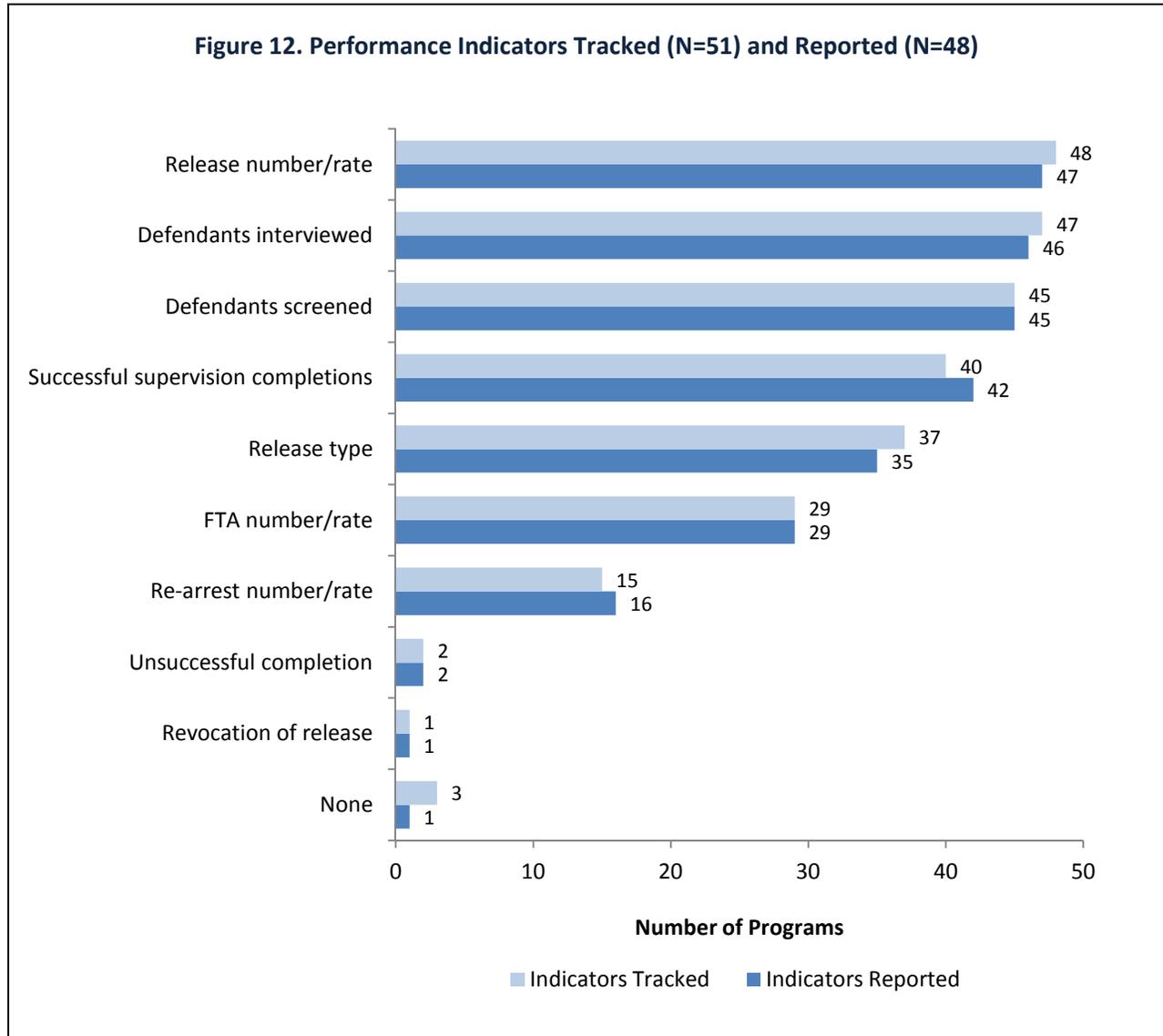
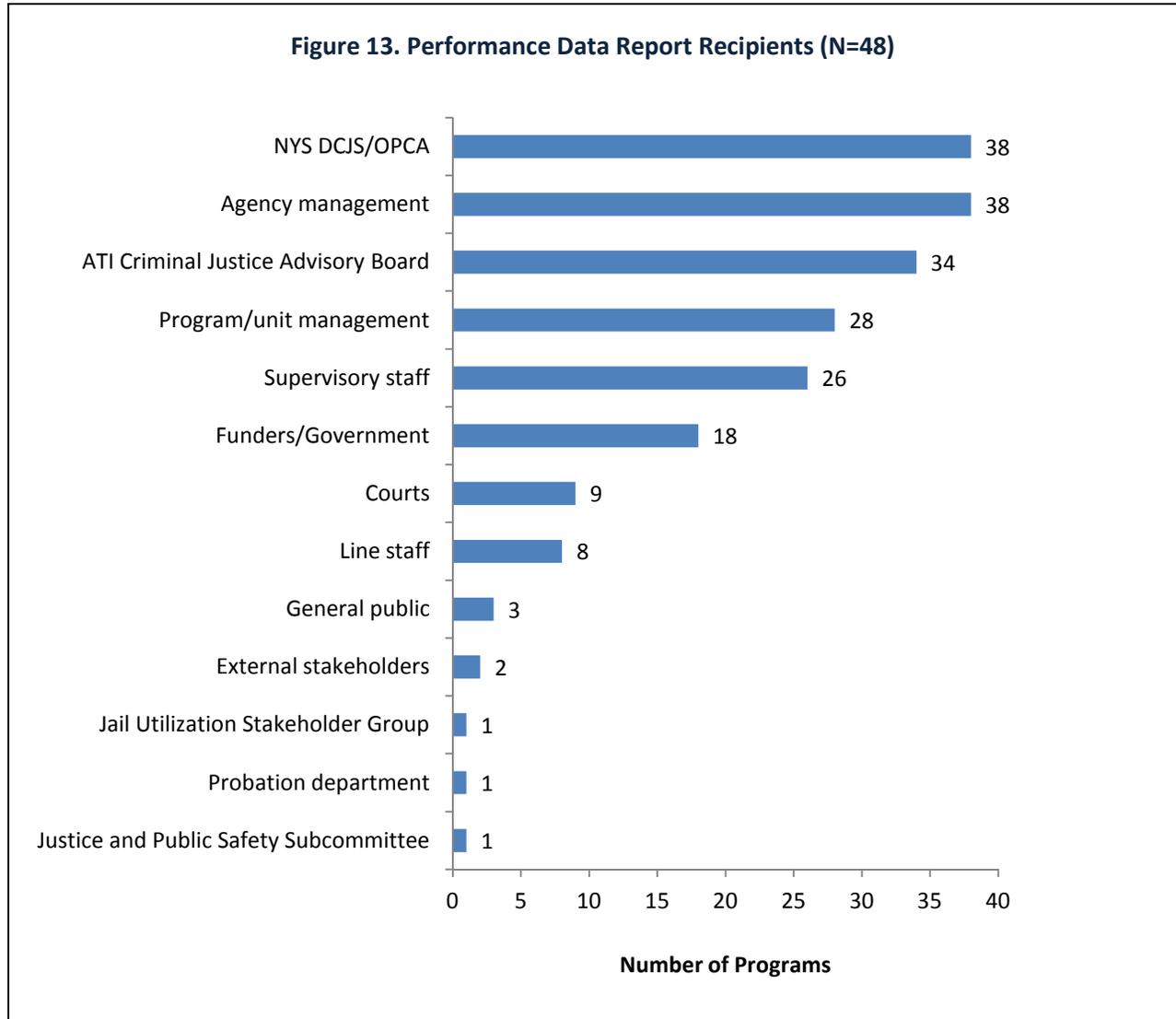


Figure 13 displays which organizations or entities receive reports of program data and performance indicators.



Note: DCJS/OPCA refers to the New York State Division of Criminal Justice Services Office of Probation and Correctional Alternatives; ATI refers to New York's state-funded Alternative to Incarceration programs.

Pretrial Standards and Local Practices

The following section of the report details a number of general statements about pretrial practices in New York State. Respondents were asked to what extent they agreed with statements regarding pretrial release policy, procedure, and practice. These statements capture key pretrial release standards and best practices.

Table 24. Perceptions of Pretrial Practice (N=51)

	Strongly Agree	Agree	Disagree	Strongly Disagree
It is the practice in your jurisdiction to support the presumption of release on personal recognizance.	14	27	10	-
It is the practice in your jurisdiction to use the least restrictive conditions that will provide reasonable assurance of court appearance.	13	28	10	-
It is the practice in your jurisdiction to reserve financial bail for cases where no condition or combination of conditions will reasonably assure appearance.	4	30	12	5
It is the practice in your jurisdiction to consider the financial means of defendants when setting financial bond amounts.	2	24	19	6
The pretrial release services unit or program has a well-developed organizational structure which can support the critical functions of pretrial release.	25	20	5	1
The pretrial release services unit or program provider has adequate resources to conduct screening interviews on all eligible defendants.	10	28	9	4
The pretrial release services unit or program has adequate resources to provide supervision services. Supervision services are defined here to include monitored or supervised release with a case manager or officer assigned where authorized to provide such services.	12	26	10	3
The pretrial release services unit or program has developed strong collaboration within the criminal justice system.	21	23	7	-
The pretrial release services unit or program has developed strong collaboration within the broader community outside the criminal justice system.	14	27	10	-
The pretrial release services unit or program operates according to written policies and procedures.	20	27	3	1

Open Response

Pretrial release program respondents were allowed to share any comments regarding their program, the state of pretrial release services in New York, and their thoughts on the survey. Responses followed three main themes.

Program Capacity

Several participants commented that due to the scarcity of resources, they do not commit any staff exclusively to pretrial release, but have assigned release investigation and supervision to staff performing other duties. Some participants indicated that they have reduced their pretrial capacity in recent years, either due to ATI program funding cutbacks, or due to other mandated probation functions that they have carried out by directing resources away from pretrial services, which is not a mandated function. One respondent added that while their resources are sufficient to meet current demands, this is tenuous and they do not have the ability to expand should the number of defendants increase.

Pretrial Functions

Several respondents representing probation-based programs reported that they do not make release recommendations to judges. Some reported that their role is confined to providing the judges with risk assessment results, eligibility and other information; they do not make recommendations based on this information. Others reported that their role is restricted to monitoring defendants with release conditions, though they may request release on own recognizance for defendants who have been under supervised release for a long period of time.

Interagency Collaboration

A third theme that emerged in the open-ended responses was related to interagency collaboration and engagement among stakeholders. One representative linked the effectiveness of their pretrial services program to the strong partnership between the probation and sheriff's departments, courts, attorneys and community-based treatment providers. Others indicated that their justice and community stakeholders lack understanding of the purpose of pretrial services and the laws governing pretrial release. One respondent noted that while their internal policies may reflect pretrial legal standards, release decision-making in their jurisdiction provides evidence that others do not follow these standards.

Part II: Survey of Judges

Respondent and Jurisdiction Characteristics

Following is a summary of court types in which survey respondents preside. A list of jurisdictions represented will be included in the appendix.

Table 25. Courts over which Respondents Preside

	Total % (N=156)
Supreme Court	45 (29%)
County Court	48 (31%)
City Court	37 (24%)
NYC Criminal Court	16 (10%)
District Court	10 (6%)

Pretrial Release Services Structure and Management

Over three quarters (79 percent) of judges surveyed stated that pretrial release services are provided in their jurisdiction. As shown in Table 26, judges identified the Probation Department as the provider of pretrial release services in most jurisdictions. Included in the “other” category is Project for Bail and Genesee Justice (under the Sheriff’s Department umbrella). One judge cited both an independent agency and probation department as providers.

Table 26. Pretrial Release Services Provider

	Respondents (N=122)
Probation Department	82 (67%)
Independent Nonprofit Pretrial Services Agency	27 (22%)
Sheriff/Jail	-
Courts (OCA)	2 (2%)
Other	11 (9%)

Pretrial Release Methods

The following section details the estimated number of defendants that were released pretrial in the most recent calendar year for which data was available at the time of the survey, along with the extent various release methods were used.

Pretrial Release Options Used by Court

Judges were asked to estimate, based on the most recent calendar year for which data was available, the percentage of cases in which each of the above release options were used.

Table 27. Estimated Percentage of Cases in Which Release Options Are Used (N=145)

	Not at all	24% or less	25% - 49%	50% - 74%	75% or more
Release on Own Recognizance	15	43	37	36	14
Release on Pretrial Supervision	40	68	22	13	2

Financial Bail Options

Judges were asked to estimate the percentage that each method of release was used in their court during calendar year 2012. The types of bail listed in the following table are authorized by Article 520 .10 of the New York Criminal Procedure Law.

Table 28. Estimated Percentage of Cases in Which Financial Bail Methods Are Used (N=145)

	Not at all	24% or less	25% - 49%	50% - 74%	75% or more
Cash Bail	17	32	28	25	43
Insurance Company Bail Bond	22	42	24	22	35
Secured Surety Bond	86	42	7	3	7
Secured Appearance Bond	118	24	1	-	2
Partially Secured Surety Bond	124	15	4	-	2
Partially Secured Appearance Bond	130	13	1	-	1
Unsecured Surety Bond	124	18	2	1	-
Defendants using a credit card or similar device to post bail	--	34	4	2	1

Note: the survey item asking respondent to estimate the use of credit card payment is worded to prompt a response "if known." Many participants said in the open ended response that they do not know this information; however, "unknown" is not a response option so they chose "Not at all." Because there is no way to distinguish true Not at All responses from Unknown, data in this category has been deleted.

Representation at Initial Appearance

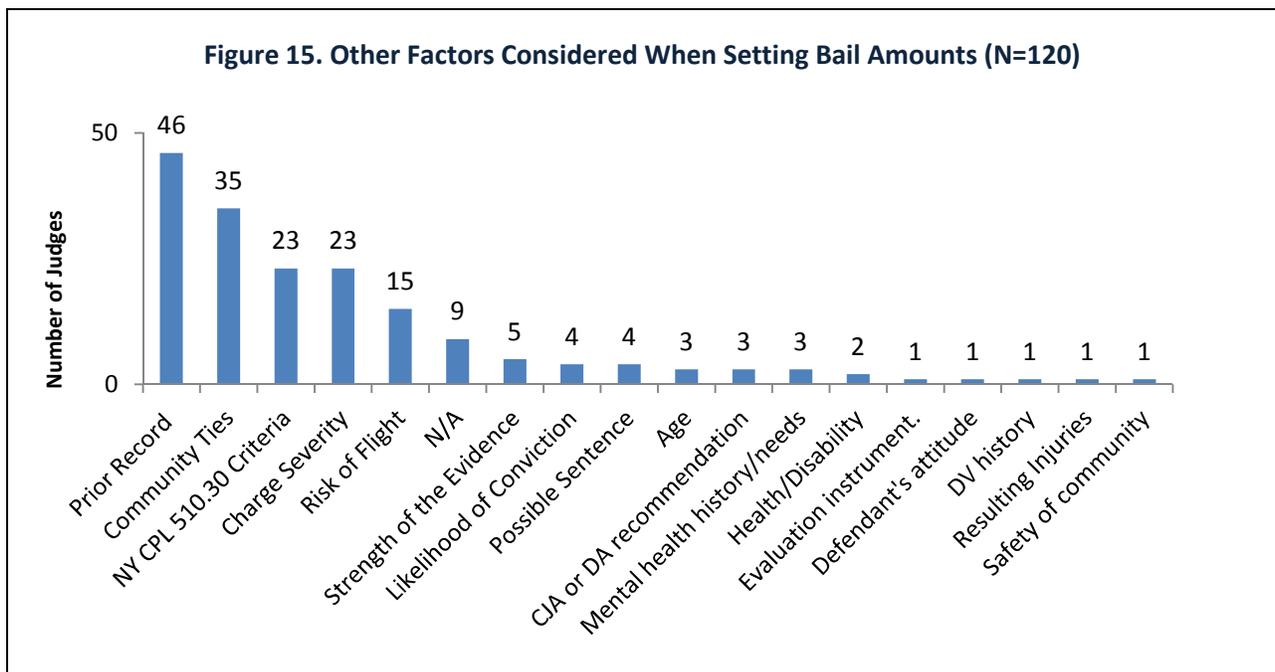
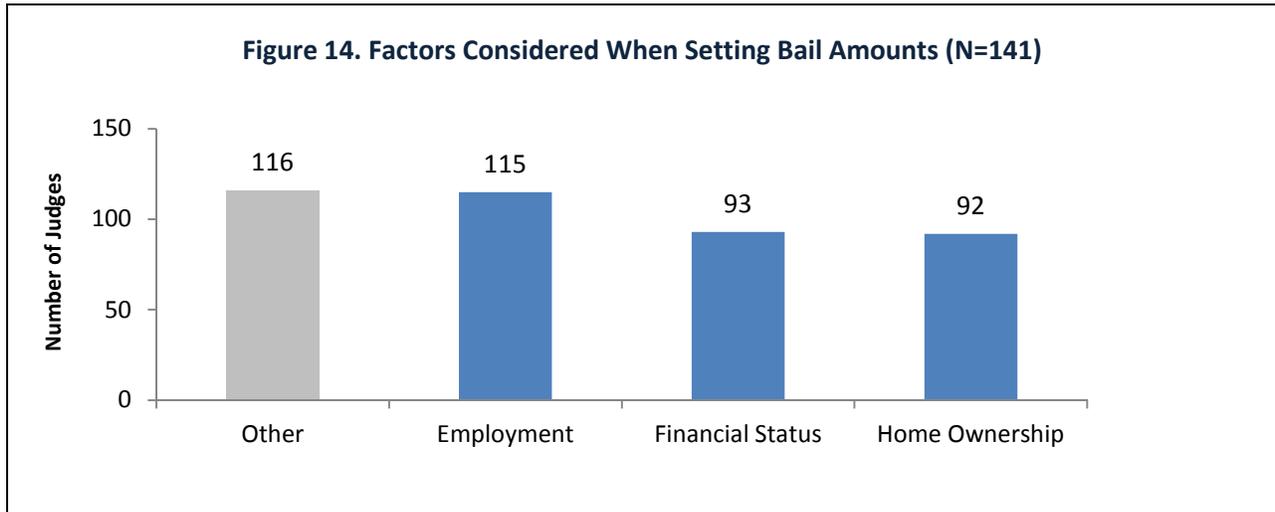
The table below summarizes respondents' estimates of the percentage of cases in which a district attorney or defense counsel is present at the initial appearance in court.

Table 29. Legal Representation at Initial Appearance (N=141)

	None at all	24% or less	25% - 49%	50% - 74%	75% or more
District Attorney	6	5	2	8	120
Defense Counsel	7	7	4	16	107

Bail Considerations

Survey participants were asked what they considered in setting financial bail amounts. Responses are summarized in the Figure 14 below. Respondents were asked to write in other criteria used. Further analysis of “other” responses is below in Figure 15.



Open Response

Judges were asked to share comments regarding their jurisdiction’s pretrial release program, the state of pretrial release services in New York, and their thoughts on the survey. Responses from judges centered on two themes. The first theme involves the strengths judges see in using pretrial release services. Pretrial services is seen as a helpful alternative that can divert a defendant into a specialty court, help identify drug and mental-health treatment options, provide effective monitoring and help ensure that indigent defendants’ social service needs are met. In particular, a number of judges voiced a desire for the expansion and standardization of supervised pretrial release. One judge proposed that there should be a pretrial release statute created that, “lists specific conditions of release, designates a supervising agency, provides for treatment evaluations and alternatives, [and] outlines what happens when a defendant violates pretrial release.”

The other theme that emerged from judges’ responses was the use of financial conditions of release—including cash bail and various types of bonds. Several judges suggested that the bench could benefit from education on the various types of bail set forth by statute, noting that forms other than cash bail and insurance bond are rarely used.

Appendix A: Summary of Focus Groups on New York State Pretrial Release Services Standards

In collaboration with New York Association of Pretrial Service Agencies (NYAPSA), the New York City Criminal Justice Agency (CJA), and the NYS DCJS Office of Probation and Correctional Alternatives (OPCA), the CJJ technical assistance team convened focus groups in three regions of New York State to review and affirm survey findings as well as to seek suggestions for promoting universal implementation of New York State's Pretrial Release Services Standards.

The focus groups were originally planned for early October 2013 but were delayed due to the brief shutdown of the federal government. The sessions were held in Rochester, Albany and New York City on December 3, 4 and 5, 2013, respectively. To maximize attendance at the focus groups, Robert M. Maccarone, Deputy Commissioner and Director of the Office of Probation and Correctional Alternatives circulated announcements about the focus groups to all agencies in the state that provide pretrial release services. The sessions were well attended, with 19 participating in the Rochester group, 18 in Albany and 13 in New York City.

The focus group agenda included an overview of the New York State Pretrial Release Services Standards and a summary of findings from the survey conducted in June 2013. Following presentation and discussion of the survey results, the agenda was to conclude with a small group exercise in which teams would be asked to generate recommendations to promote greater adherence to the state's pretrial standards. In Albany and New York City, the large group discussions about the survey findings, the New York State Pretrial Release Services Standards, and evidence-based practices consumed the bulk of the time. Only the Rochester focus group had sufficient time to move into the small groups.

Focus Group Findings

The topics that generated the most questions and discussion in all three locations hit upon similar themes including staffing, risk assessment, jails and resources. It was noted by several participants in each of the focus groups that staffing in pretrial service agencies seems adequate in relation to their current duties, but there are occasions when they feel stretched (e.g., when local law enforcement conducts unannounced sweeps). Likewise, participants in all three focus groups energetically stated that their responses to items 82, 83 and 84 on the survey (shown below) should be narrowly construed as they do not believe that they have adequate resources to fully implement all of requirements contained in the New York State Pretrial Release Services Standards. According to the survey findings, 88 percent agreed that their programs have a well-developed organizational structure that can support the critical functions of pretrial release and 75 percent agreed that they have adequate resources to screen all eligible defendants and to provide supervision services.

To what extent do you agree with the following statements describing the pretrial release policy, procedure, and practice in your county?

	Strongly Agree	Agree	Disagree	Strongly Disagree
82. The pretrial release services unit or program has a well-developed organizational structure which can support the critical functions of pretrial release.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
83. The pretrial release services unit or program provider has adequate resources to conduct screening interviews on all eligible defendants.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
84. The pretrial release services unit or program has adequate resources to provide supervision services. <i>Supervision services are defined here to include monitored or supervised release with a case manager or officer assigned where authorized to provide such services.</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Risk Assessment and Recommendations

Participants made a number of comments about issues related to risk assessment—ranging from the very small amount of time available to conduct interviews and assessments to the fact that in some jurisdictions there is a total lack of privacy for conducting interviews and assessments. Several participants also indicated that they would like New York State to provide more training on how to incorporate risk assessment scores into their supervision plans for those defendants who are assigned to supervision.

Further, there was a lot of confusion about why risk assessment tools need validation and how and when the COMPAS was validated, indicating that more information and training on the general topic of risk assessment would be helpful.

Participants also voiced concerns about case planning for individuals who were assigned to supervision by the courts but who were not recommended for supervision—whether those individuals were assessed and not recommended for release, or were not assessed by pretrial services.

Court Structure

A common concern in all of the groups was the challenge of working with town and village courts. The problems covered a broad variety of issues including the erratic hours of town and village courts; the structural difficulties that make it impractical for a pretrial services agency to conduct an interview or assessment prior to the initial hearing; and the potential for unequal treatment of defendants in town

and village courts since someone arrested just a few miles away under similar circumstances could quickly have their liberty restored through ROR, RUS or bail due to variations in practice across the state.

Jail Population and Pretrial Released Decisions

Participants in all three focus groups mentioned the impact of the jail population on pretrial release decision making. In some jurisdictions, participants indicated that few pretrial defendants are released because their jurisdiction has recently constructed new correctional facilities and they have plenty of bed space to hold defendants until trial. Others emphasized that jail crowding is a significant issue and the pretrial service agencies can end up supervising defendants who were not interviewed or who were deemed inappropriate for pretrial supervision or pretrial release under any conditions. During this part of the discussion, participants generally indicated that more frequent and better communication with other criminal justice agencies is badly needed to address these issues.

Communication with Courts

According to focus group participants, poor communication between the courts and pretrial services agencies results in pretrial services agencies not knowing who is supposed to be coming to their offices to report for supervision. Consequently, the agencies may not know who has failed to report for supervision or what special conditions a defendant may have in addition to being required to report for supervision. Since the agencies do not know that a particular defendant has been ordered to report for supervision, they cannot notify the court if that defendant fails to report.

Confidentiality

Finally, one of the focus groups raised the question whether there should be a state law to protect the confidentiality of the pretrial interview and whether such a statute would improve the quality of the interview.

Small Group Activity

The suggestions from the small group activity in Rochester follow:

Small Group Assignment: *Identify the steps that pretrial service agencies; county, town or village courts; OPCA; the Office of Court Administration; NYAPSA; or other criminal justice leaders could take to pursue full implementation of NYS pretrial release services standards.*

Step	Lead Responsibility	Supporting Responsibility	Additional Notes
Educate and train judges (including town/village courts) on pretrial release services standards. Mandate attendance.	Pretrial Service Agency or Probation Department, OCA	Appropriate agency	
Educate and train law enforcement agencies on pretrial release services	Pretrial Service Agency or Probation Department, Law	Appropriate agency	

Step	Lead Responsibility	Supporting Responsibility	Additional Notes
standards. Mandate attendance.	Enforcement Agencies		
Educate and train District Attorneys on pretrial release services standards. Mandate attendance.	Pretrial Service Agency or Probation Department, District Attorney	Appropriate agency	
Make the same training available to Public Defenders.	Pretrial Service Agency or Probation Department		
Educate our employees; give them OPCA standards; have ongoing discussions and training; support NAPSA certification; support NYAPSA and NAPSA conference attendance	Directors		What are we doing? How are we doing? Why are we doing it? Are we doing it right? Need help from OPCA to know.
Ask OCA to adopt a directive requiring judicial compliance with OPCA standards	OPCA & OCA	NYAPSA	
Keep pushing standardized practices throughout the state	Collaboration of OPCA & NYAPSA	Attorneys Pretrial practitioners	
Develop culture within Probation Departments to give more credibility/support to Pretrial programs	OPCA	NYAPSA, POA, Probation directors	
Individual program assessments to compare adherence to standards	NYAPSA, OPCA	Directors	
Hold Judiciary accountable for types of release decisions	OCA, Chief Judge	Supervising Judges, Program directors	

Appendix B: Jurisdictions Represented in the Surveys

Survey of Probation and Pretrial Service Agency Directors

Participants in the probation and pretrial survey represented the following jurisdictions:

Albany County	Niagara County
Allegany County	Oneida County
Broome County	Onondaga County
Cattaraugus County	Ontario County
Cayuga County	Orange County
Chautauqua County	Orleans County
Chemung County	Oswego County
Chenango County	Otsego County
Clinton County	Putnam County
Columbia County	Rensselaer County
Cortland County	Rockland County
Delaware County	Saratoga County
Dutchess County	Schenectady County
Erie County	Schoharie County
Essex County	Schuyler County
Franklin County	Seneca County
Fulton County	St. Lawrence County
Genesee County	Suffolk County
Greene County	Sullivan County
Hamilton County	Tioga County
Herkimer County	Tompkins County
Jefferson County	Ulster County
Lewis County	Warren County
Livingston County	Washington County
Madison County	Wayne County
Monroe County	Wayne County
Montgomery County	Westchester County
Nassau County	Wyoming County
New York City (five counties)	Yates County

Survey of Judges

Participants in the judicial survey represented the following jurisdictions by court type:

City Courts

Albany
Auburn
Beacon
Buffalo
Buffalo
Dunkirk
Elmira
Fulton
Gloversville
Hornell
Ithaca
Jamestown
Kingston
Lockport
Mechanicville
Middletown
Newburgh
Niagara Falls
Norwich
Oneonta
Plattsburgh
Rochester
Rye City
Syracuse
Watertown
White Plains
Yonkers

NYC Criminal Courts

Bronx County
Kings County
Queens County
New York County
Richmond County
Kings County

County Courts

Albany
Allegany
Cattaraugus
Cayuga
Chautauqua
Chemung
Chenango
Columbia
Cortland
Dutchess
Erie
Franklin
Genesee
Hamilton
Herkimer
Jefferson
Livingston
Madison
Monroe
Nassau
Niagara
Onondaga
Ontario
Oswego
Otsego
Putnam
Saratoga
Schuyler
Seneca
St. Lawrence
Steuben
Suffolk
Tompkins
Ulster
Warren
Westchester

Supreme Courts

Albany County
Bronx County
Cayuga County
Dutchess County
Erie County
Greene County
Jefferson County
Kings County
Lewis County
Monroe County
Nassau County
Oneida County
Onondaga County
Orange County
Putnam County
Queens County
Rensselaer County
Richmond County
Rockland County
Saratoga County
Seneca County
Ulster County
Westchester County

District Courts

Nassau County
Suffolk County