STARTER KIT FOR FORMING A STATE WIDE PRETRIAL SERVICES ASSOCIATION

NATIONAL ASSOCIATION OF PRETRIAL SERVICES AGENCIES

MAY 2011
Introduction

During the past few years, the National Association of Pretrial Services Agencies (NAPSA) has worked with pretrial professionals who have expressed an interest in forming statewide associations. Given that NAPSA now has eleven established statewide pretrial service professional associations affiliated with the organization, the Board of Directors decided to develop this document as a means to share information provided by these established affiliate organizations to help others in establishing their own state associations. This document is meant to provide the knowledge gained from those who have been down the road of establishing such organizations. Many of the early Affiliates relied on NAPSA information and guidance when planning the development of their state associations. Affiliates used NAPSA’s mission statement and By-laws as templates for developing their initial documents to formalize their associations. In April, 2010, the Pretrial Justice Institute (PJI) and NAPSA held a summit meeting for existing Affiliates to learn about current challenges that these associations face concerning legislative issues and found that many shared a common thread of similar obstacles. The group conveyed that they look for guidance to strengthen their organizations and to ensure they have the necessary basic components in place to grow and sustain state associations.

The existing group of Affiliates consist of a broad range organizations, from small “committee” size to large 400 plus member associations. The founding affiliate associations — New York Association of Pretrial Services Agencies (NYAPSA), Ohio Association of Pretrial Services Agencies (OAPSA), Minnesota Association of Pretrial Services Agencies (MAPSA) and California Association of Pretrial Services (CAPS) formed their organizations decades ago (70’s and 80’s) but have experienced difficulty in sustaining their organizations over the long term due to competing interests or difficult financial climate of the times. However, a dedicated core groups of professionals in each of these associations recognized the need and value to re-establish their organizations and their hard work paid off. Today, these associations are functioning at a level where they meet regularly to address the needs of their memberships.
They are well respected at the state level and involved in legislative issues that affect pretrial services.

Some of the more successful associations have had their own challenges but have thrived. As an example, the Association of Pretrial Professionals of Florida (APPF) changed their association’s name from “Florida Association of Pretrial Service Agencies” to their present name. Initial meetings of APPF produced a mission statement, standards, goals, and Articles of Incorporation. Of late, APPF has worked well, statewide, combating legislation that would be detrimental to pretrial service agencies. In 1995, Virginia Community Criminal Justice Association (VCCJA) transitioned from a “Director’s only” association with a membership of approximately 22 people to an all inclusive association to allow all criminal justice professionals who valued their mission to become members and has since grown into a 400-plus membership organization, including a very active legislative committee focusing on funding needs and legislative challenges. The establishment of North Carolina Pretrial Services Association (NCPSA) in 1996, initially, was the work of one man, Chuck Johnson, who later became the first president of the Association. They have been meeting quarterly since, working collectively to address the needs of pretrial service professionals. These are just a few examples of the associations that have met challenges and grown into vibrant organizations which represent their membership well and promote pretrial services in their states.

This publication takes the wisdom and the knowledge of the established organizations and provides groups wanting to form state associations with a road map for developing, implementing, growing, and sustaining such organizations.
Section I
Forming and Structuring Your Non-Profit Association

Establishing a planning committee:

In the summit meeting, questions were posed to the Affiliates:

- How did they go about establishing their associations?
- What words of wisdom would you give to those wanting to establish associations?

The overwhelming response was to start with a diverse planning group/committee of interested parties. What do we mean by diverse? Include a broad base of programs (both diversion and release), federal pretrial professionals, as well as people with power and influence (defense attorneys, prosecutors or Judges) to participate in the planning process. Having a planning work group consisting of members with diverse backgrounds, the very nature of such an organizational structure and the relationships creates a planning environment that forces the group to learn a variety of approaches and makes everyone think outside the traditional “boxes”.

When putting together your planning group or committee, you will need to identify natural leaders of the group. People in your state that have worked at various levels to advance the profession - these people will likely be the first officers or board members. You will need members that broadly represent your constituency. Considering geographical representation (state coverage, urban, suburban, rural), identify people who have immediate recognition and creditability, someone who can garner immediate support and a following. Try to include as broad a representation as possible to reach the targeted constituents and to assure them that they are represented in the decision-making. An important step that helped OAPSA take their planning process to the next level was to involve individual agency staff. This allowed more helping hands for tasks and began the development of working relationships, networking, and pretrial camaraderie among the agencies. Advice from established Affiliates is to start out with focused goals that include developing the infrastructure of the organization by building
membership and planning/delivering a professional development event. Include federal pretrial staff to diversify your planning and membership potential.

**Guidelines for Successful Planning**

1. **What is the common purpose?** Ask the planning committee to articulate the purpose of such an organization. Areas of focus such as pretrial professionals working together to gain a sense of autonomy, common goals/interests, industry crisis responsiveness- bail bondsmen/budget deficits, advancing the profession through certification/accreditation are just some of the possibilities. Work to establish a mission, set goals, and articulate them in writing.

2. **What is an association?** A group of people finding strength in numbers, founded on such principles as democracy, volunteerism, and common interests. Goals include supporting membership and advancing a specific agenda.

3. **Make planning a process not an event:** Any organization continually needs to monitor its goals and mission to be sure that it is effective in fulfilling its purpose. At the formation stage of an organization, it is even more important to follow this sage advice. Identifying what needs of potential members are currently unmet and could be met by the association and deciding what the association will offer to the membership are critical to developing a responsive and successful organization.

4. **Identifying potential membership:** Refer to Membership worksheet (Appendix 1)
   - Information gathering/study the market
   - Is there a similar association/group?
   - What other groups/organizations are serving your constituency?
   - Request membership information from similar groups
   - What services are these groups offering and how satisfied are their members?
   - Who are potential members?
• Are they easily identifiable? Reachable?
• How would you reach out to these potential members? Phone, email?
• How would you advertise your association?
• Researching and networking opportunities?
• Survey potential membership, what they are looking for, what needs are not being met?

The initial planning phase should focus on developing the association’s infrastructure. Looking to develop some level of financial stability, identifying the immediate needs of membership, and developing the capacity to plan and deliver. For example, many existing associations all started with addressing a basic need of their membership: professional development, so the focus became how they could deliver quality training and workshops/conferences to their membership.

**Incorporate vs. Unincorporated Associations**

Even though there are several different forms of entities used by nonprofits, the most common form is the corporation. We encourage your organization to consult with legal counsel with regard to the implications in your state or locality when making such an important decision. We present the following discussion for the educational purposes and is not intended as legal advice

**Incorporation:** when one or more person is pursuing a common goal, files Articles of Incorporation, sometimes called a Corporate Charter, with the state; electing people to manage the business and affairs of the corporation.

**Benefits/ Distinctions of Incorporation:**

• Creates a separate legal entity, may protect those who work for the association from personal liability. It is unquestionably its own “entity” distinct from its members, directors, and officers
• Operates under a clearly defined set of rules of governance and law, often dictated by the state where the incorporation took place.

• Operates under the management of executive board or committee who are responsible for the maintenance of minutes and other association records

• As a nonprofit organization, may have tax exempt status as granted by the IRS and/or a state governing body

• Ability to engage in fund-raising activities

**Unincorporated:** when two or more people join together to accomplish a purpose and there is no written agreement defining what they are doing or how they expect to do it.

**Benefits/Distinctions:**

• Two essential elements: voluntary joining and joining to serve a common or agreed upon purpose or objective

• States have varying definitions and regulations of such organizations, so please contact legal counsel or state governing bodies for assistance and direction on making such a decision.

• Some pretrial associations, as CAPS (California Association of Pretrial Services), choose not to incorporate because of the expense and the paperwork associated with becoming incorporated. ¹

• Incorporation can be expensive and time consuming when the organization does not have the revenue to support such a process

• The organization may still be able to get tax-exemption status

¹ Runquist,L (2005) The ABC’s of Non-Profits:3-7
<table>
<thead>
<tr>
<th>List of Items</th>
<th>Incorporated Association</th>
<th>Unincorporated Association</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governing filing required to form</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Documents required for formation</td>
<td>Articles of Incorporation, By-laws</td>
<td>None needed; articles of association and/or bylaws recommended</td>
</tr>
<tr>
<td>Easy to amend organizational documents</td>
<td>Yes</td>
<td>Generally yes; depends on what is provided in documents or by practice</td>
</tr>
<tr>
<td>Governance structure is statutorily defined</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Governance structure can be varied at will</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Formalities required (meetings, minutes, etc.)</td>
<td>Yes</td>
<td>No, but recommended</td>
</tr>
<tr>
<td>Tax exemption status can be established</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Entity is separate from members, directors, officers, etc.</td>
<td>Yes</td>
<td>Depends on state law</td>
</tr>
<tr>
<td>Members required</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Management responsibility (making policy decisions)</td>
<td>Officers</td>
<td>Determined by organization</td>
</tr>
<tr>
<td>Directors/Officers may have liability for acts</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Liability may be waived</td>
<td>Depends on state law</td>
<td>Depends on state law</td>
</tr>
<tr>
<td>Directors/Officers serve indefinite terms</td>
<td>No</td>
<td>Depends on structure of the entity</td>
</tr>
<tr>
<td>Responsible for operations (implementing policy decisions)</td>
<td>Officers /Directors</td>
<td>Determined by organization</td>
</tr>
<tr>
<td>Attorney General has jurisdiction</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Law is well established</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
Steps to take if you plan to Incorporate

Articles of Incorporation

- Articles must include: Name of corporation; Purpose clause; name and address for agent for service of process; if charitable, provisions dedicating assets to charitable purpose; if charitable, provisions requiring distribution of assets to other exempt organizations upon dissolution; any other provisions required by state law.  

- Signature usually of the incorporator only (check state law)

- File with designated state agency – requires filing fee

Governing Structure

Setting up Bylaws which include:

- Selection process for Board of Directors (members include President, Vice President, Treasurer, Secretary, may also include past president and at-large directors), how and when Directors are chosen, terms they serve, removal process, duties and responsibilities of directors

- How members are chosen and removed, membership rights and privileges, provisions for meetings

- Committee structure- descriptions

- Other provisions – indemnification provisions, how by-laws are amended, dissolution provisions

Refer to Appendix 2 and 3 NAPSA By-laws and CAPS Standards

---

2 Runquist, L (2005) The ABC’s of Non-Profits: 3-7
Strategic Planning determines where an organization is going over a pre-determined period of time (in the next 1 to 5 years), how it is going to get there, and how it’ll know if it got there. It is critical for a new and established organizations to incorporate this process as an ongoing part of doing business.

Having a strategic plan helps clarify the organization’s mission, goals and actions. It ensures that leadership and the organization have a shared vision. The process itself is important to a new organization as it sets the direction for the association and members can point to its progress in attaining goals. The planning process itself is more often more important than the plan itself in the fact that it forces the Board of Directors to bring together diverse ideas and approaches to produce the plan. The established associations advised to keep it simple, start with deciding who is going to participate. Again as was advised in the initial planning phase, look at natural leaders in pretrial services in your state. Also, consider those outside of this group who can provide valuable input.

Typically, strategic planning focuses on the mission (vision/values), developing goals to work toward the mission, launching strategies to achieve the goals, and action planning (who will do what and by when)

**Benefits of strategic planning**

- Clearly defines the purpose of the organization, establishes realistic goals and objectives consistent with the mission in a defined timeframe
- Ability to communicate goals and objectives to the organization’s membership
- Establish key priorities and target resources
- Provides a base from which progress can be measured
- Provides opportunity to build consensus on organizational vision and goals
Refer to Appendix 4-PPSA Strategic Plan

The following is an example of the process that NAPSA used to create and update its strategic plan. Excerpt from NAPSA President Peter Kiers letter dated August 3, 2010 to membership:

“The association has traditionally held a yearly Conference and Training Institute that has been well attended and has brought together practitioners in our field and experts to share information. In 2005, the NAPSA, realizing that it was time to expand, applied to NIC for a technical assistance grant to bring together practitioners in our field to discuss where and how the Association and the pretrial field should be headed and the issues that were of importance. The result was a Road Map that identified important elements such as individual certification for practitioners, program accreditation and outreach to public and local officials were considered priorities. As a result of that meeting, we initiated our Certification Program, reached out to programs with assistance, and worked with agencies such as the National Institute of Corrections to assist in planning training for pretrial managers.

In 2007, the Board came together for a strategic planning session. It was time for the Association to take a major step to expand with respect to outreach and delivery of services. Working from our Road Map, we committed ourselves to implement an ongoing education and advocacy program; design and deliver expanded education and training; write and launch the program accreditation process; prepare a long-term funding plan; staff NAPSA with a full-time service director and support. As a result, we have contracted for a full-time service director services and accounting services, partnered with PJI to apply for grants to fund technical assistance; formed a committee that has begun the process of accreditation; and have started a legislative committee to assist programs deal with issues that affect pretrial programming in jurisdictions.

In January 2011, the NAPSA Board again had a strategic planning session to review what had been accomplished and fine tune and expand our plan for the next 3 years. It is an exciting time for us, and I will certainly keep all members apprised as to the result of the result of our meeting.” Refer to Appendix 5 – NAPSA Strategic Plan
Mission statement: a mission statement should be the guiding principle in the development and implementation of your initiative. Refer to Appendix 6- Mission Statement worksheet

To develop a mission statement, ask

- What is the purpose of the organization?
- What are the “target” populations to be impacted?
- How will it be accomplished?
- What are the expected outcomes?
- How will success be defined?

Some General Guidelines for Mission Statements:

- Should address major goals/accomplishments of the organization
- Should reflect professional and ethical standards of the organization
- Should be broad in focus, but provide direction
- Should be concise
- Should be realistic and attainable
- Should be understandable to those outside of your organization

Goals/Objectives: identifying specific goals that derived from the “overarching goal” (the mission statement) is the next step. Goals are individual components which relate directly to the mission statement and can be viewed as the road map to accomplish the mission of the association. Objectives are closely related to and similar to goals but more concrete and measurable.
Some General Guidelines for Goals and Objectives:

- Goals should be “SMART”: Specific, Measurable, Achievable, Realistic, and Time-bound
- Objectives that are well defined and concrete help determine if you are accomplishing the goals
- Give enough detail that the activities outlined in the objectives can be understood by interested outsiders

Assessing Resources: While looking for the obvious financial resources, start-up Associations should be sure to inventory other key assets like the volunteer base and skills that this population possesses; community, state and national resources; access to influential people who may be able to assist. Gain a realistic understanding of assets you have in hand.

Some General Guidelines for Assessing Resources:

- Compile separate list of cash and equipment resources
- Think broadly about these resources, this exercise will help you identify strategies
- Engage /include the membership of your local County, State and Federal bar associations
- Engage and include Public defenders/Prosecutors/District Attorney’s office

Identifying Strategies: these are practical ideas about how to make the best use of resources to achieve the goals.

Some General Guidelines for Identifying Strategies:

A common tool organizations use to identifying strategies called a SWOT analysis:
**Strengths:** positive assets within the organization, this could be either human capital, material assets or relationships

**Weaknesses:** negative assets within the organization, this could be lack of human capital, material assets or relationships

**Opportunities:** positive elements outside of the organization, this could be funding possibilities, demand for services, or relationships

**Threats:** negative elements outside of the organization, this could be competing interests, reduced funding opportunities, or relationships

Such an analysis provides accurate identification of the forces at work on your organization as well as the resources you have to meet those forces. It allows your association to create approaches which maximize the positive and minimize or mitigate the negative elements. Conduct brainstorming exercises to strategize how to maximize your opportunities with your available resources.

---

**Section III**

**Operating your Association**

**Developing a Budget:** developing a budget is a process of estimating how much money you will need to carry out the goals and objectives of your Association and how much money you expect to collect from membership drives, fundraising events, grant opportunities, etc. Simply stated, a budget is your estimated income and expenses using your strategic plan as a guide. The intent of the budgeting process is to ensure that your association starts and remains financially stable and that you have adequate funding to accomplish your goals. Financial experts recommend a full accounting software system regardless of the size of the association. The actual software chosen should be based on
experience of the people running the organization; their basic or expert understanding of accounting and finance. The software charts accounts and types of revenue streams. Decisions around policies for fixed assets, procurement, possibility of association handling federal money, will all need to be decided before the actual workings of the accounting can be determined. Each of these policies has certain decisions that will largely drive how and what type of accounting “tracking” is needed. Tip - contact a CPA or Accounting firm that can advise at every step from determining what type of IRS Federal Tax ID to apply for purposes of sending invoices out. There are reference books out there, but since the startup period is such an important time, it is strongly recommended to rely on the advice of a CPA or accounting firm.

1. **Strategies for managing finances**: what financial strategies an organization employs depend on the comfort level of the people running the organization and its level of invoices, cash flow, etc. The decision is organization-specific and the level is different for every organization. There is no hard, fast rule.

2. **Understanding Risk Management and Insurance Requirements**: whether your association chooses to incorporate or not, risk management strategies need to be developed to minimize the risk of a lawsuit against your association or its people. Potential legal problems may involve contract disputes (hiring contractors, purchasing equipment, renting commercial space). If one party fails to uphold their end of the contract and there is a breaching of the contract, legal action could be taken. Board Members have a legal obligation to act carefully and in the best interest of the Association. Board Members must act with reasonable care and good faith in doing their work and must avoid conflicts of interest, in particular, situations where they stand to gain personally or at the expense of the association. Managing risks starts with focusing on prevention by using solid management practices to operate the association including adopting and communicating clear policies and obtaining appropriate insurance such as Directors and Officers Insurance. It is advised that the organization seek professional counsel when making such decisions about risk management. Most states have regulations that should be consulted through the Office of the state’s Attorney General or other regulatory entity. It is important that organizations create policies in line with state and federal requirements.  

---

3 Pakroo, Peri (2009) Starting and Building a Non-Profit
- A Practical Guide, 3rd Ed.: 129-139
3. **Recruiting Membership:** make sure that there is access such as a website, promote professional development, hold one day regional workshops or, if finances allow, host a multiple day conference and offer scholarships to line staff. Conduct membership drives, offer low and sliding scale dues for different levels of membership (management, line staff, student). NAPSA membership levels include individual, management, student, retiree, and Special Class (this type of membership can be held by any person, association or business that supports and/or subscribes to the purposes and goals of the Association.)

4. **Fund raising Strategies:** OAPSA had a very innovative idea to approach a retiring Judge to donate leftover campaign funds to their organization. The Virginia Association (VCCJA) secured sponsorship from their state funding agency to support the Association’s annual training conference in the past. However, due to recent state budget deficits, funding was not available, so sponsorship is now being requested from companies whose products are purchased by a significant number of pretrial service or community corrections agencies.

5. **Marketing and communication strategies:** taking from the American and Probation and Parole experience with “branding” their Association, we as pretrial professionals should ask why we should concern ourselves with a technique that we associate with the marketing of goods and services. As the pretrial profession faces greater challenges from for profit industry that includes fending off legislation intended to reduce or eliminate our services, we need to find ways to effectively communicate who we are and what we do. “Branding” is the discipline of developing and maintaining a strategic, distinctive, and memorable identity. It is a mandate for being heard, understood, and for forming lasting impressions. Branding involves developing a “positioning statement “or summary statement which communicates who we are, what we do, and why it is important. For these reasons, it is important for new and existing organizations to take time to develop such marketing strategies. Don’t forget to look at existing affiliate/state associations’ strategies.

**Website-** each association should at least have a website with basic information about your association to include information about your mission, contact info, membership information, what services you offer to members and committee information.
Benefits that websites offer:

- It is a permanent place to post your association information that members and stakeholders can refer to.
- Allows you to communicate updated, in-depth information instantly to people interested in your work.
- Allows you to promote the work of association to members and stakeholders without printing costs.
- Allows for instant posting of time sensitive information, legislative updates, professional development events.
- Automated ability for members to pay dues.
- Training information.
- Links to other relevant Associations, Conferences, or training opportunities.

Printed materials: brochures and newsletters are other ways to get your information out about the association and is a way of preserving the historical perspective of the association.

When using printed materials, consider the following:

- Staff resources: make sure you have committed individuals or a dedicated committee responsible for printed materials that are published on a regular cycle - i.e., newsletter content should be updated and current.
- Costs: printing materials can be costly particularly if you print regularly.
- Type of content: keep it fresh, make sure content has appropriate shelf life.
- Timing of subject matter: if you are reporting on time sensitive events, make sure printing/distribution schedule coincides with event dates.

6. Identify key data elements that support the mission/vision statements: If you are organizing a state association where member agencies collect data differently (not a
statewide data collection system) make sure that your definitions of data elements are clear and consistent – remember, measure apples to apples and oranges to oranges. The data is important. It helps you “tell the story” about what you do, how you do it, and the results. There are a number of excellent documents on the NAPSA and PJI websites which contain both data elements and information as to how to use such elements to measure outcomes for pretrial services.

SECTION IV
CONFERENCE PLANNING

Feedback from existing Affiliates consistently points out that a defining moment for a newly organized association is the first significant “member benefit”. This benefit is the training and networking opportunities that a statewide conference offers. We agree that successful conferences/training events require attention to detail that may be best accomplished through establishing a Conference Committee.

The following outlines tasks and responsibilities are associated with planning a successful conference:

Board of Directors: The primary responsibility that lies with this group is the fiduciary responsibilities associated with putting on a conference or training event. The Board should be responsible for identifying the date the event is to be held, developing a budget, signing contracts that financially obligate the association, and receiving periodic progress updates from the Conference committee

Conference Committee Chair: this person or persons facilitates the conference planning process, develops specific workgroups, ensures follow through and commitment of each of the workgroups, maintains conference “history” that may include the number of attendees, hotel room nights booked, attendee surveys, and communicates with the Association’s Board of Directors

Work groups to consider:
• **Venue selection:** this group researches locations and hotels acquiring pricing, amenities, and develops an overview of properties identified for conference chair.

• **Workshop content:** identifies topics and potential presenters. May include soliciting membership for ideas, developing a conference theme, workshop tracks, developing presenter bios, identifying A/V needs, preparing conference agenda, and managing presenter needs (transportation, lodging, invoice submission, etc.)

• **Registration:** handles payments, sends out confirmations, prepares participant list, prepares name tags for participants, presenters, and vendors

• **Food and Event:** reviews food and beverage menus, brainstorms event ideas, meets with hotel food/beverage and event staff, determines date/time for events, establishes hospitality suite, negotiates and coordinates food and beverage contract for committee approval, monitors food order and consumption, close-out and reconcile food/beverage bill

• **Vendors:** identify potential vendors, assist with registration process, coordinate equipment needs, point of contact for vendors

• **Audio/Visual:** identify equipment needs, set-up rooms, test equipment

**SECTION V**

**Legislative Affairs Strategies**

The modern pretrial release system, with assistance from pretrial service agencies, balances community safety, the administration of justice, and managing jail populations. However, emerging issues and challenges that we are seeing in our local criminal justice systems are threatening this balanced approach. In response to the increased legislative activities (threats and opportunities), NAPSA established the Legislative Committee to: “support the goals and principals of pretrial justice; provide guidance and support to association members and affiliate organizations; assist with legislative technical, educational, research material and data.” Additionally, the Legislative Committee provides qualified representatives to advocate for pretrial justice at legislative functions. Pretrial professionals and local legislative affairs experts need to join together to gain an understanding of the legislative issues and challenges that effect pretrial operations at the state and local level. This legislative process has turned
into a yearlong initiative, breaking down into three distinctive phases: pre-session, in-session, and post-session strategies. The following information contains successful strategies and examples that Affiliates have employed to combat current challenges.

Develop a committee within the organization specifically tasked with focusing on the legislative agenda: identify members within the Association that are interested in working on legislative issues and an agenda for the organization. Develop a plan of action around the strategies listed in this document.

**Legislative Strategies:**

**Identify and educate your legislative committee members:** determine who are the members of the committees in your legislature (in both chambers such as the House and Senate) and where pretrial related legislation is likely to be introduced. Identify members of your Association who have established relationships with these identified legislators or members and who are their constituents. Learn who these legislators are, their profession/occupation, and the legislation they have introduced and/or supported in past sessions. What other legislative committees do they serve on? Are they members of Associations that support bail bonding and other such organizations? Share information about Pretrial Services. Refer to Appendix 7- DCJS Pretrial Services Act Report. Refer to Appendix 8- APPF brochure. Refer to Appendix 9- PPSA brochure

**Pre-session Strategies:**

**Identify and educate community partners who have a vested interest in PTS.** Who are the stakeholders who have a vested interest in community safety such as law enforcement, prosecuting attorneys, probation, and specialty courts? Look to those concerned with the administration of justice such as state and local governments, state associations concerned with local and state regulation and fiscal obligations such as the National Association of Counties, Criminal Justice Coordinating Councils, defense attorneys, Judges, and victim/witness services. Those interested in managing jail populations such as local/state government, jail administrators, and sheriffs. Look for those who may be unlikely stakeholders and try to engage them in the process. Consider holding a legislative affairs meeting so stakeholders can receive consistent and factual information and have an opportunity to network. OAPSA’s relationship with the Ohio Supreme Court was not developed because of statutory requirements but has been cultivated over the years by the
Prepare “one-pager” information sheet about pretrial service activities from the previous completed fiscal year, include performance measures, cost/benefit analysis: Affiliate Associations have found that a concise, consistent message is powerful. The one page summary is a tool you should have in hand when you meet with legislators, their aides, and stakeholders. This document summarizes “what you do,” “how you do it” and “how effective you were in doing it.” The document contains definitions of the services you provide, supporting data collected from the previous year end statements, cost effectiveness and evidence based practices. Refer to Appendix 10- APPF one pager

Use of position papers: PJL’s position paper “The Truth about Commercial Bail Bonding in America” available on the NAPSA website is a example of the power of these publications. This paper provides factual information that strengthens the base of Pretrial Agencies nationwide. These publications are effective tools in providing education.

Determine what your priorities are for the upcoming session: a review of the previous legislative year can help determining what your priorities will be for the upcoming year. Depending on the climate, it may be the year to make funding pretrial services a priority; introducing legislation that can be termed as proactive, rather than waiting and having to respond with reactive strategies.

Make direct contact, preferably meet with your legislators face to face before they head to the session: Take every opportunity to raise their awareness of what is happening with pretrial services. Assign association members to meet one on one with their state legislators when they are in their home office and not in session. Give Legislators an overview of what is going on with pretrial services (micro view), locally, then expand to the statewide overview (macro view). Let them know what the priorities are and ask for their support. Offer to be available during session to respond to any questions they may have regarding legislation associated with your priorities and/or services Follow up periodically with the legislator or their aides (staff) during the session.
Meet with legislative staff members (staff to House Appropriations/Senate/Department of Planning and Budget): like legislators, legislative staff meetings can be more productive in the “off season”. Staff provide research into legislation and feedback to the legislators, particularly, when a fiscal impact may be involved. These are the folks who want to know the cost to place a defendant under pretrial supervision vs. the cost to house that individual in jail until trial. Another important statistic for this group is the number of “unsentenced awaiting trial in your jails.” If trends reflect a decrease in this population since the addition of pretrial services, this cost savings can be directly attributed to the effectiveness of pretrial services.

Work with national organizations to discuss strategies and understand national trends/outcomes: develop relationships with the staff at PJI or members of the NAPSA legislative committee. Assign a member from your Association to be a member of the NAPSA legislative committee. As we continue to move toward evidence based practices, we will be compiling data and decision making will be driven by research. There is a wealth of information available, no need to go it alone or re-create the wheel.

In-Session Strategies

Track legislation, prioritize interest level, and identify patrons: once the Legislative session starts, the pace quickens. Thousands of bills may be introduced, and dozens of bills may be in committees at any given time. Due diligence is needed. Developing access to the legislative bill tracking system in your state is a key first step. Become familiar with how it works. Some of the affiliates assign an Association member to track key legislation and pass this on to Association members in the form of a “bill tracking spreadsheet”. Refer to Appendix 11

Identify key legislators, maintain constant contact (face to face, aides, emails, position papers) with key legislators: Because legislative dockets can be revised due to availability of committee members, a need for more information, or they (legislators) just plain ran out of time for the day; it is key to maintain contact ideally with key legislators. However, due to
out of time for the day, it is key to maintain contact with key legislators. However, due to their hectic schedules and being inundated with visitors, realistically, you will mostly likely be keeping in close contact with the legislator’s aide/staff. Contact information should include when the bill is scheduled to be heard, if the legislator has shifted or is backing off his position on the bill, and can you get some face time with the legislator. **Tip:** know the route your legislator takes from his/her office to Capitol, you can usually get some quick face to face time by walking to meetings with them.

**Identify key champions to speak on behalf of position (organizations representing local and state government, Sheriffs, Prosecutors, Judges, national organizations, etc.):** people other than the individuals who will directly benefit or be impacted by the legislation give valuable weight to your position and provide the legislators with an understanding of the universal impact

**Understand the fiscal impact of the legislation (fiscal impact studies)**

**Be selective/mindful in your communication with association members or stakeholders:** Affiliate Associations have shared that their main communication during all three phases of strategies is email. We needed to be mindful that this form of communication has “legs” and can easily end up in the hands of groups that work in opposition of pretrial services. Emails for the most part are subject to FOIA (Freedom of Information Act) requests. It is important that critical legislative strategies be shared in more discreet fashion other than email and we must maintain professionalism in our correspondence directed to our membership.

**Post Session Strategies:**

**Hold a debriefing meeting with Association members to determine what went well and what didn’t while the session events are fresh in your mind.** Hold a meeting with legislative committee members including the leadership of the Association to go over the accomplishments, successes, challenges, barriers or issues of the session.
Thank the legislators and stakeholders who helped the “cause”: if, in route to your success, you gained champions who support the work of pretrial services and helped us gain that success, be sure to write them a note of thanks for their support and that you look forward to continuing your working relationship.

Begin planning for next session- No sooner that you wrap up one session, you begin planning for the next session. Legislation not favorable to pretrial services can always be reintroduced. Legislation that was successful (or unsuccessful) in other states that is not favorable to pretrial services can be introduced. Be aware! Be prepared!

Section VI

Sustaining your Organization

Succession Planning: In order to maintain the lifeline of the association, the leadership of the association must cultivate a climate where younger, inexperienced members who want to contribute are encouraged to do so. If you do this, you are developing the association’s future leaders. Develop a mentoring environment. Place younger, potential leaders with skilled leaders on the Association’s various committees and make it a learning experience. Rotate your Board Members and have term limits. Encourage younger members to run for Board positions. Create a dedicated board position specifically to be filled by a line-staff member. Encourage line and mid-management staff to participate in Association strategic planning opportunities.
**Association Standards**- CAPS (California) developed Association Standards because they wanted to have more of an impact on the state level and they wanted to contribute more to the field than just a conference each year. CAPS began the process by reviewing standards that already existed. NAPSA, NYAPSA, and the ABA all have pretrial release standards. They asked for input from the agencies within the state to gain an understanding of the diversity and issues. CAPS decided early on that they would develop standards that were practical; a useful tool when facing issues or wanting to establish an agency. The CAPS Board “appointed itself to the standards committee and added two or three other members to get a good representation statewide, and get input from line-staff. Our Board meetings turned into two day meetings, the first day was the Board meeting and the second day was the standards meeting. We worked on an outline we wanted for the standards and assigned a section to each member to write. Each meeting we would go over what was written, revise it and ask the person to come back with the revisions and any added information the committee felt was needed; this was a two year process. The working documents were presented at conferences for feedback. When we felt we had all the sections written, we sent the document out to Barry Mahoney, Alan Henry, Carol Oeller and Bruce Beaudin for comment and feedback. Once we got their comments back and incorporated them into the document and finalized the document we brought it back to the members and the Board voted to accept the standards. The writing of the standards would not have been successful if it hadn’t been for the very hard working board, willing to devote their time and the agencies who supported them and us.” These words of Susan Bookman, former President and founding member of CAPS, tell the tale of the work involved in writing standards. New associations have the advantage of using well established Standards through the NAPSA website.

**Certification and Accreditation**- NAPSA Certification Program is designed to advance the overall knowledge level of individual practitioners in the pretrial field, and to help ensure that they are aware of the most current information and best practices. Further, it promotes the capabilities of pretrial professionals, both within the program and to the general public, by demonstrating their adherence to the NAPSA Code of Ethics, and enhancing their public image thereby aiding in the recruitment and formation of new and talented staff. Achieving Certified Pretrial Services Professional status involves qualifying in occupational experience and education, and passing an examination (which deals with general legal and court issues and practices, and issues specific to the individual’s pretrial area). Persons obtaining Level One Certification demonstrate a basic understanding of the Pretrial movement and the history
upon which it is based.

NAPSA will also embark on developing an accreditation process in 2011 as identified in the NAPSA strategic plan. APPF is a leader in this process recognizing several years ago the value of accrediting pretrial service programs. **Jeff Kilpatrick, APPF President, explains the need for accreditation and how they were successful with implementation:** “APPF recognized the need to raise the bar throughout the state. There was a perception that pretrial was unregulated and pretty much did whatever they wanted to do. The primary purpose of pursuing accreditation was to increase the level of professionalism in the County pretrial programs. There were a number of programs in Florida that had very limited requirements. APPF also recognized that those jurisdictions wanting to start a pretrial program had no standards and therefore no starting place.

Another important reason for pursuing accreditation was there were a number of jurisdictions that wanted to be given release authority in an effort to reduce the jail populations. Accreditation would ensure the individual agencies were following best practices and would ensure some uniformity in this area. Supervising a program that has release authority carries with it huge responsibilities, and therefore, much liability. Programs that are accredited adhere to current best practices. They constantly have their policies and procedures reviewed to ensure that they are making the necessary changes to their program to ensure they are using the current best practices. With the implementation of the individual Certified Pretrial Services Practitioner (CPSP) it only made sense to have agencies accredited. Requiring staff to be CPSP and the agency accredited would certainly go along ways towards improving the overall professionalism of each individual pretrial program. APPF partnered with Florida Corrections Accreditation Commission (FCAC) to establish the pretrial accreditation program. The ability of selling the importance of pretrial and what pretrial does to the FCAC Executive Board of Directors was a tough hurdle that had to be overcome. When this proposal was submitted to the FCAC Executive Board of Directors, there were several sheriffs on that board that recognized the importance of pretrial and were willing to entertain the idea of incorporating pretrial into their existing accreditation process. FCAC accredits many of the jails in Florida and they were willing to take on pretrial accreditation. The process took about 3
years from conception until the standards were fully developed and programs were able to become accredited. This project was a huge undertaking, it took many hours to develop and it took a huge commitment on the part of FCAC and those of us involved with writing the standards for APPF. FCAC had to change its by-laws with the addition of pretrial accreditation. Once FCAC agreed to take on pretrial accreditation, the whole accreditation idea and process had to be sold to the pretrial program managers/directors throughout the state. Many were hesitant to take on the added burden and associated costs. The importance of accreditation was explained to them in many forums by many different people. Pretrial managers/directors recognized the importance and value of accreditation.”

**NAPSA Code of Ethics**- In 2006, NAPSA developed a Code of Ethics. These are written guidelines issued by NAPSA for pretrial service professionals to help them conduct their actions in accordance with the NAPSA’s primary values and ethical standards. Refer to Appendix 12

**Mentoring Program**- Some of the existing Affiliates are willing to establish a Mentoring Program to provide a mechanism for pretrial professionals wanting to start a state association to get necessary information and support and to develop a network of technical assistance resources. Contact an existing Affiliate Association near you.

**Words of Wisdom from our current Affiliate Associations:**

“Talk to other criminal justice associations in your state and find out what has worked for them and how they keep it going. Keep the membership dues cheap and conference registration as cheap as possible, especially the first few years”- MAPSA

“In unity, there is strength”- NYAPSA

“Find some diehards, organize, expand, look for support in unlikely places, put on the best training you can, negotiate your way to the table, and then perform from there. Educate/advocate/partner...grow”- OAPSA

“Would encourage all states that do not have a statewide pretrial association to start the process of forming an Association immediately. Not only will your programs enjoy the support and camaraderie of other programs, you can easily gather and share information and
procedures that will greatly assist all programs in your state. - NCPSA

“There is strength in numbers. Having a statewide organization allows us to borrow best practices and procedures form others in the state. Whenever a county starts up a new program (i.e., mental health court, EM/GPS) they don’t need to reinvent the wheel, they can see what is working other counties and “borrow” the material to assist in developing a program for their own locality.”- APPF

Start meeting informally, familiarize yourselves about what is happening in your state, what the various pretrial services (release and diversion) agencies are doing and what issues they are facing.”- CAPS

CONCLUSION:
Starting a State Association for pretrial services is not an easy task as we have learned in this manual but there can be no doubt of its importance to the field and the practitioners of your locality. This “Starter Kit” offers you insights into the best and the most practical ways of forming, sustaining, and growing such organizations. Best of all, you know that you are not alone and that help is just a call, click, or email away.

Special thanks goes to Katie Green for authoring this manual and her leadership as NAPSA’s Affiliate Director of the Board. This manual was her project and her dream.

Thanks also goes to all the existing state associations whose members took the time to share their successes and their mistakes so that you, the reader, can benefit.
Appendix 1-Planning Process  Worksheet- Identifying potential membership
Appendix 2- NAPSA By-laws
Appendix 3-CAPS Standards
Appendix 4- PPSA Strategic Plan
Appendix 5- NAPSA Strategic Plan
Appendix 6 -Mission Statement Worksheet
Appendix 7- DCJS Pretrial Services Act Report
Appendix 8-APPF Brochure
Appendix 9- PPSA Brochure
Appendix 10- APPF one pager
Appendix 11- bill tracking form
Appendix 12- NAPSA Code of Ethics
Planning Process Worksheet- Identifying your membership

After you determine the purpose of your organization, identified what needs of potential membership are unmet that could be met by the association, you are ready to begin identifying potential members. The planning committee needs to work together through the following process and gather the information related to the following questions:

First study the market, are there organizations that are currently serving pretrial professionals?

Is there competition? Request membership information from these organizations

What services are these groups/organizations offering and how satisfied are their members?

Who are potential members- are they easily identifiable? Accessible?

How would you reach out to these potential members- Surveys, phone calls, emails, etc?

How would you advertise/promote your association?
APPENDIX 2- NAPSA BY-LAWS
ARTICLE I

NAME, OFFICES, AND REGISTERED AGENT

SECTION 1. Name

The name of this corporation is the National Association of Pretrial Services Agencies, which was incorporated in the District of Columbia, Nonprofit Act, Title 29 S.C. #1001, et seq., on August 8, 1974, and shall be referred to hereinafter as “the Association.”

SECTION 2. Offices

The post office address and location of the principal office of the Association shall be designated by the Board of Directors. The Board of Directors may from time to time establish other offices of the Association wherever it deems expedient. However, it shall continuously maintain in the District of Columbia a registered office and registered agent, or both, having an office identical with such registered office. The registered office of the registered agent, or both, may be changed by the President of the Association, who shall file the required statement of change of registered office or registered agent with the D.C. Treasurer, Department of Consumer Regulatory Affairs, Business Regulation Administration, Corporation Division, P.O. Box 92300, Washington, D.C. 20090.

For convenience in handling the financial aspects of the Association, the banking office of the Association shall be designated by the Treasurer as set forth in Article VI, Section 4.

SECTION 3. Registered Agent

The name of the registered agent of the Association is John Bellassai, and the post office address of such registered agent is 4007 Garrison Street, N.W., Washington, D.C. 20016.
ARTICLE II
RECORDS AND ACCOUNTING

SECTION 1. Records

The following records must be kept at the principal office of the Association: correct books of all the business and transactions of the Association, a copy of the Articles of Incorporation and this code of Bylaws, and the list of all members of the Association, alphabetically arranged, showing each member’s mailing address, which shall be open for inspection to members during business hours.

SECTION 2. Accounting

The accounting year of the association shall begin on July 1 and end on June 30. The general accounting method of the Association is the accrual method of accounting.

ARTICLE III
MEMBERSHIP

SECTION 1. Membership

The Association shall have six classes of members.

Student. A student shall be described as anyone currently registered full-time as a student of criminal justice, law, or other discipline related to a career in pretrial release or diversion programs, but not yet employed in the field. Students are not permitted to hold office or vote. Photocopy of full-time student ID must accompany application.

Individual. An individual who subscribes to the purposes and goals of the Association shall be eligible for an individual Membership. An individual member in good standing who has paid the annual dues shall be entitled to vote, hold office, and serve on special or standing committees of the Association. This class of membership is not open to financial sponsors or vendors.
Associate. An individual, group or organization, which subscribes to the purposes and goals of the Association, shall be eligible for an Associate membership. An Associate member in good standing who has paid the annual dues shall be entitled to serve on special or standing committees of the Association, but shall not be able to vote or hold office in the Association.

Affiliate. A State or regional organization that subscribes to the purposes and goals of the Association shall be eligible for an Affiliate membership. An Affiliate organization in good standing has complied with the Terms of Affiliation, and has paid the chapter affiliation fee and the annual dues. Affiliate organizations will have representation in the Association as set forth in article V, Section 8 of these bylaws. The State/regional organization will not have voting rights. Affiliate members of the Association who are also members of an Affiliated organization are eligible to vote for the Affiliate Director of the Association and their Regional Director.

Retiree. A retiree shall be defined as anyone who has retired from a position involving pretrial release or diversion work, or any related criminal justice profession. Retirees are permitted to vote and may hold office in the Association.

Corporate. A Corporate membership shall be held by any person, association or business that supports and/or subscribes to the purposes and goals of the Association. These members shall be entitled to serve on special, standing or advisory committees of the Association, and shall be entitled to special benefits as determined by the Board of Directors. Corporate members shall not be able to vote or hold office in the Association.

SECTION 2. Membership Dues

In order to obtain and continue membership in the Association, each class of members shall pay the established sum in the Association every year as dues. An Affiliate Organization (Affiliate) shall pay a one-time affiliation fee. This one-time affiliation fee shall apply for one year from the date payment is received. Thereafter each affiliate shall be required to pay annual renewal dues. Any affiliate missing their renewal deadline will be subject to the re-affiliation process. Members of an Affiliate organization, upon showing proof of membership, shall be entitled to pay annual dues to the National Association at a rate per year, set by the Board of Directors, entitling them to an Associate membership in the National Association.

SECTION 3. Membership Confirmation

Each member, and each Affiliate Organization of the Association shall be
entitled to a membership confirmation stating that they are a member and other such information as may be required. The form of such confirmation shall be approved by the Board of Directors. The membership confirmation shall clearly indicate the class to which it applies. New membership confirmation shall be issued every year to every member.

Programs or organizations that pay dues on behalf of Individual program Supervisors/Administrators or line staff may change the designee by written notice. Such written notice must be received by the Treasurer no later than the close of business, ten (10) business days preceding an annual Business meeting in order for the designee(s) to be members in good standing. The Organization may change the designee by following the procedure outlined above, but this written notice of change must also indicate which member is being replaced.

Affiliate organizations in good standing must provide to the Secretary of the Association at the time of annual renewal a list of all members in good standing. Additional members in good standing must be provided no later than ten (10) business days preceding an annual Business meeting.

SECTION 4. Member In Good Standing

A member is a member in good standing if he/she has paid an annual membership fee and otherwise follows the process for memberships outlined above. In order to participate in an annual business meeting if otherwise eligible, membership must be current as of the Annual business meeting.

All memberships must be renewed annually. Persons must also be members in good standing in order to participate in the annual business meeting, and in any business conducted by the Association after the annual meeting but only until the end of the membership year. The Treasurer shall forward to the Secretary a list of all members in good standing prior to any event where membership in the Association is prerequisite for participation in that event.

ARTICLE IV

MEETING OF MEMBERS

SECTION 1. Place and Notice of Meetings

Meetings of the members of the Association shall be at such a time and place, either within or without the District of Columbia, as may be provided by resolution of the Board of Directors or in the notice of the meeting. Written notice stating the place, day and hour of any meeting of members, and, in the case of special meetings or when otherwise required by law, the purpose for
which such meeting is called, shall be delivered or mailed by the Secretary or by the Officers or persons calling the meeting, to each member of record in good standing at his/her mailing address at least ten (10) business days before the date of such meeting.

SECTION 2. Annual Business Meeting

The Annual Business Meeting will be held in conjunction with the annual conference and training institute. Election of officers and directors and voting on all other matters undertaken at this meeting will be accomplished following the Annual business meeting. If an Annual business meeting has not been called and/or held for any reason, such meeting may be held at a special meeting called for that purpose, at any time during the calendar year.

SECTION 3. Special Meetings

Special meetings of the membership may be called by the President, the Secretary, a majority of the Board of Directors, or by written request signed by at least one-tenth of the voting members of the Association.

ARTICLE V

BOARD OF DIRECTORS AND OFFICERS

SECTION 1. Structure and Powers of Authority

The business and affairs of the Association shall be managed by a Board of Directors who shall be Individual members in good standing of the Association. All policy making powers of the Association shall be vested in the Board of Directors, including adoption of resolutions, contracting for support services of the Association, subject to recall by the membership. The Board of Directors shall consist of four officers (President, Vice-President, Secretary, and Treasurer), four Regional Directors (West, Central, Northeast and Southeast), two At-large directors and one Affiliate Director.

SECTION 2. Absence of Directors

Any officer or Director absent from two (2) consecutive meetings of the Board of Directors without having been excused by the President shall be deemed to have resigned. The President, after consultation with other members of the
Board, may then elect to fill the vacancy as provided for in Article V, Section 3 of these Bylaws.

SECTION 3.

Removal

Any Officer/Director may be removed for cause, that is, failure to perform one’s duties. Failure to perform one’s duties shall be deemed to have occurred by the considered opinion of a majority of the Board of Directors of the Association voting in person or by telephone (to be confirmed in writing) during the course of a duly-convened Board of Director’s meeting. The finding of failure to perform one’s duties shall be grounds to remove a member of the Board of Directors. Failure of a Board member to attend meetings without having provided prior notice of his/her inability to attend and reason(s) therefore could be considered by the board as “failure to perform one’s duties.” Written notification of the Board’s intention to consider expelling a board member for supposed failure to perform his/her duties shall be provided to such Board member in advance of the board meeting at which such action is contemplated. Such board member shall be allowed the opportunity to attend and respond before any action is voted. Notwithstanding the above, the membership may, by two-thirds vote, recall a member of the Board of Directors for failure to perform his/her duties as defined.

SECTION 4.

Vacancies

A vacancy caused by the death, resignation, or disqualification of an Officer (except President) or Director shall be filled by an appointment made by the President and confirmed by a two-thirds vote of the remaining members of the board. If the office of the President becomes vacant, the Vice-President shall become President. All vacancies filled by the above procedure are valid until the next annual business meeting when the office is up for election.

SECTION 5.

Compensation

Board members may be reimbursed for expenses related to Board meetings, up to a cap set annually by a vote of the Board of Directors.

SECTION 6.

Qualifications, Number and Terms of Officers
Officers of the Association shall be President, Vice-President, Secretary and Treasurer. To be elected as an officer or director, a person must be a member in good standing of the Association for the preceding two years prior to the election. No officer may be elected to more than two consecutive terms in the same office, except that an officer appointed to fill a vacancy shall be eligible for election to that office for two consecutive terms.

SECTION 7. Duties of Directors (At-large/Affiliate/Regional)

It shall be the primary duty of each Director to further the purposes and objectives of the Association in his or her region, as well as nationally. In this regard, each Director shall:

- Work to develop and maintain new State/regional Associations;
- Serve as liaison between the membership and the Board of the Association;
- Assist membership in furthering the growth and development of the Association’s standards and goals;
- Assist membership with securing technical assistance as needed;
- Assist with the further growth and development of the profession by initiating and developing new programs.

SECTION 8. Election of Officers and Directors

The election of all officers and directors will be accomplished following the annual business meeting. Nominations will close at the end of said meeting. Candidates may announce their intent to run for office through the NAPSA NEWS, NAPSA webpage, by word of mouth, or by individual correspondence to the membership, but they must be present, formally nominated and seconded at the Annual Business Meeting in order to appear on the ballot. Any member eligible to run for office must be an Individual-class member in good standing.

Ballots will be provided to all voting members fifteen (15) business days after the Annual Business Meeting. All ballots will identify the names of the candidates for each respective office. Space will also be provided for write-in candidates for each officer or director position subject to election. Regional Director nominees will only appear on ballots sent to members in the respective region.

All Affiliate Organizations shall collectively elect a member of an affiliated state/regional association to the Board as a voting member for a two-year term. The Affiliate board member shall be elected in even-numbered years by plurality of vote from members in good standing of the Association and state/regional affiliates. This person shall have as a major responsibility the duty of representing the interests of state/regional affiliate organizations to the Board.
Two At-large Directors shall be elected by plurality vote of all voting members for a two-year term.

Ballots must be received within 30 business days of the Annual business meeting. The Board of Directors shall announce instructions for the specific type of ballot issuance and return annually. Each member in good standing may vote only once. The Association shall retain all received ballots for one year. Ballots received after the deadline or not meeting the criteria will be deemed ineligible and the member notified. Results will be published to members within 10 business days of the end of the voting period.

SECTION 9. Assumption of Office

Newly elected members of the Board of Directors shall take their seats as of January 1, following their election. The President of the Association shall invite the newly elected members of the Board to attend the Winter Board meeting.

SECTION 10. Meetings of the Board of Directors

A majority of the Board of Directors shall be a quorum for the transaction of business, except the filling of vacancies, and the act of the majority of the Board present at a meeting at which quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law, the Articles of Incorporation or the Bylaws. All Officers or Directors shall be present at duly called meetings of the Board of Directors, or be excused by the President. An officer or director shall be deemed to be present at a meeting for the purpose of constituting a quorum and transacting business if, at the time of such meeting, he/she participates by telephone in the transaction of the business thereof and if such officer or director shall subsequently approve and sign minutes of such meeting. All members in good standing of the Association may attend meetings of the Board of Directors as non-voting participants. Notice of the date, time and location of Board meetings will be provided to members.

ARTICLE VI

POWERS AND DUTIES OF OFFICERS

SECTION 1. President

The President shall conduct all meetings of the Association, appoint all
committees, represent the Association in all matters pertaining to the Association, exercise all powers and perform all duties usually incident to the office. He/she may, with the approval of the Board of Directors, cause applications to go out to government and private agencies for funds or grants to carry out programs consistent with the goals of the Association. The President of the Association, may at anytime during his/her term of office, invite his/her immediate predecessor, the outgoing President, to attend all functions of the Board of Directors, such invitation to extend for one year or until the following year’s election, whichever shall first occur.

SECTION 2. Vice-President

The Vice-President shall perform all the duties and have the powers of the President in the absence of the latter. He/she may have other duties delegated to him/her by the President of the Board.

SECTION 3. Secretary

The Secretary shall keep a record of all meetings; ascertain the presence of a quorum at any meeting; send out official notices of the Board, Annual and special meetings and other functions; distribute to each member of the Association, within a reasonable time after their occurrence, summaries of the minutes of the Association meetings to the extent practicable; and conduct correspondence in the name of the Association. He/she shall tabulate all ballots cast for candidates for office and for issues presented to the membership, and shall report results of these activities as outlined in Article V, Section 4. He/she shall make a report at each meeting of the activities of the Association unless such report shall be waived.
SECTION 4. Treasurer

The Treasurer shall be responsible for and assure that the accounts of the Association are kept in an accurate and true manner. He/she shall be responsible for the oversight of the financial responsibilities of the Association. He/she shall submit a treasurer’s report at each meeting and shall report at each Annual business meeting on the fiscal business of the Association for the prior year. The funds of the Association shall be subject to withdrawal upon his/her signature or upon the signature of any other Officer of the Association. The Treasurer’s accounts and annual reports shall be subject to an annual audit. The designated bank and/or accounting services for the Association are subject to approval by the Board.

ARTICLE VII

COMMITTEES

SECTION 1. Committees

The chairs of standing and special committees will be appointed annually by and serve at the pleasure of the President of the Association. Members of each and every special or standing committee of the Association shall be composed of Individual, Affiliate, Associate, or Corporate class members in good standing.

In addition to such other committees as the President may establish, there shall be the following Standing Committees:

- Finance Committee
- Membership Committee
- Communications/Technology Committee
- Conference Committee
- Diversion Committee
- Vendor Committee
- Education Committee
- Legislative Committee

SECTION 2. Finance Committee

The Finance Committee shall consist of not less than three (3) persons, and shall be chaired by the Treasurer. At least two (2) members of this Committee shall be members of the Board of Directors approved by the Board to sit on this committee. This committee shall explore funding options including grants and other revenue generating projects, and shall make recommendations to the
Board on fiscal matters.

**SECTION 3. Membership Committee**

The Membership Committee shall consist of not less than three (3) persons, at least one of whom shall be a member of the Board of Directors. The committee shall be responsible for recruitment and retention of Association members, and for planning the utilization of Association members in the programs and activities of the Association.

**SECTION 4. Communications/Technology Committee**

The Communications Committee shall consist of not less than three (3) persons, at least one of whom shall be a member of the Board of Directors. The Committee shall be responsible for the development and appropriate dissemination of NAPSA news, any educational and promotional information about the Association, and about pretrial services in general. The Committee shall be responsible for the management and policy control of the NAPSA web site on the Internet. The Committee will, at the request of the President or the board of Directsors, conduct studies on technological applications that my be relevant to pretrial services and produce reports or presentations regarding their findings. The Committee shall advise the Board when the purchase or implementation of technological product for NAPSA is under consideration.

**SECTION 5. Conference Committee**

The Conference Committee shall consist of not less than three (3) persons at least one of whom shall be a member of the Board of Directors and one of whom shall be the Local Host Coordinator. The Committee shall be responsible for soliciting, receiving and considering proposals for future conference sites. The Committee shall examine all proposals received, and make recommendations to the Board concerning proposed sites in accordance with the Board approved document titled “Roles and Responsibilities.” The Committee shall suggest annual themes, workshop topics, and possible speakers for Board review and approval. The Committee shall also assist with planning and implementing the conference event as well as providing general oversight of the conference.

**SECTION 6. Diversion Committee**

The Diversion Committee shall consist of not less than three (3) persons at least one of whom shall be a member of the Board of Directors. The Committee shall be responsible for promoting Pretrial Diversion, updating Pretrial Diversion Standards as necessary and serving as a resource to the Association concerning Pretrial Diversion related issues.
Vendor Committee

SECTION 7.

The Vendor Committee shall consist of not less than three (3) persons, at least one of whom shall be a member of the Board of Directors. The committee shall be responsible for the cultivation and recruitment of new vendors as well as retention of existing vendors. The Committee may also be tasked with reviewing applications from potential vendors who wish to exhibit their product or service at the Annual Conference to ensure their compliance and support for the purpose, goals and standards of the Association.

Education Committee

SECTION 8.

The Education Committee shall consist of not less than three (3) persons, at least one of whom shall be a member of the Board of Directors. The committee shall be responsible for promoting the Standards approved by the Association, developing training and educational forums, assisting local jurisdictions and Affiliates in training members and staff about proper pretrial practices and philosophies. The committee shall work with the Communications Committee in developing information to disseminate to outside agencies, jurisdictions and organizations. The committee shall oversee and administer any NAPSA Certification and Accreditation programs and procedures that are developed.

Legislative Committee

SECTION 9.

The Legislative Committee shall consist of not less than three (3) persons, at least one of whom shall be a member of the Board of Directors. The Legislative Committee shall: support the goals and principals of pretrial justice; provide guidance and support to association members and affiliate organizations; assist with legislative technical, educational, research material and data. Additionally, the Legislative Committee will provide qualified representatives to advocate for legal and evidenced-based pretrial justice at legislative functions.

SECTION 10. Terms of Office and Committee Procedures

All Committees of the Association shall consist of not less than three (3) persons. NAPSA members wishing to serve on a Committee may notify the committee chair of their desire to serve or the committee chair may actively recruit members to serve on their committee. Unless otherwise determined by the Board of Directors, the members of all committees shall serve from the date of their appointment until the next Annual Business Meeting of the Association.
There is no limit to the number of years an individual may serve on a committee. Any member who is absent from three (3) consecutive committee meetings without notice shall be deemed to be resigned from the committee. Vacancies in membership of committees shall be filled by the chair and the President of the Association with notice given to the Board of Directors. It is the responsibility of the committee chair to keep the President and the Board of Directors informed as to the current membership of each committee.

A majority of the members of each committee shall constitute a quorum and the act of a majority of a quorum present at a meeting shall constitute the act of the committee. Meetings of committees may be called by the chair of the committee, by the Board President, or by any two-(2) members of the committee on five-(5) business days notice.

The chair of any committee can conduct committee business by telephone, fax or mail when necessary. Decisions solicited from committee members in this manner must have follow-up written documentation to serve as a record of decisions. The committee chair shall forward copies of decisions made in this manner to all committee members, the Association President and Board of Directors.

ARTICLE VIII

RESOLUTIONS

SECTION 1. Resolutions

All resolutions may be submitted in writing at any time, or orally at the annual business meeting, for consideration by the Board of Directors at the next duly convened meeting of the Board.
ARTICLE IX

AMENDMENTS TO BYLAWS

SECTION 1. Amendments to Bylaws

The power to make, alter or repeal all or any part of this Code of Bylaws is vested in the Board of Directors. The affirmative vote of a majority of all members of the Board shall be necessary to effect any changes of this Code of Bylaws. However, Individual members of the Association in good standing may collectively amend these Bylaws with a two-thirds vote of the membership in favor of such change.

IN WITNESS WHEREOF, the undersigned certifies that the Code of bylaws was duly adopted on the 25th of June, 1974 and amended most recently on June 12, 2010, by a majority of the Board of directors.

Peter C. Kiers, President
National Association of Pretrial Service Agencies
NOTE: The Articles of Incorporation are available upon request
CALIFORNIA ASSOCIATION OF PRETRIAL SERVICES

RELEASE STANDARDS AND RECOMMENDED PROCEDURES

Approved: February 2007

THE BOARD OF DIRECTORS OF THE CALIFORNIA ASSOCIATION OF PRETRIAL SERVICES
CALIFORNIA ASSOCIATION OF PRETRIAL SERVICES

Board of Directors

Susan Bookman, President
Superior Court of California, County of Alameda

Harold Solomon, Vice President
Los Angeles County Probation Department, Pretrial Services Division

Stephen Rowe, Secretary
Office of Pretrial Services, Santa Clara County

Frank McCormick, Treasurer
Los Angeles County Probation Department, Pretrial Services Division

John Collins, At Large Director
San Bernardino County Sheriff’s Department

Josie R. Jimenez, Southern Regional Director
Superior Court of California, County of Riverside

Carl McGrew, Northern Regional Director
Office of Pretrial Services, Santa Clara County
CAPS PRETRIAL RELEASE STANDARDS COMMITTEE

Diana Cunningham, Chair
Los Angeles County Probation Department, Pretrial Services Division

Susan Bookman
Superior Court of California, County of Alameda

John Collins
San Bernardino County Sheriff’s Department

Kerry Humbert
Office of Pretrial Services, Santa Clara County

Josie R. Jimenez
Superior Court of California, County of Riverside

Lois Lansing
Office of Pretrial Services, Santa Clara County (Ret.)

Jim Marshall
Los Angeles County Probation Department, Pretrial Services Division

Frank McCormick
Los Angeles County Probation Department, Pretrial Services Division

Carl McGrew
Office of Pretrial Services, Santa Clara County

Stephen Rowe
Office of Pretrial Services, Santa Clara County

Harold Solomon
Los Angeles County Probation Department, Pretrial Services Division
FOREWORD

The California Association of Pretrial Services (CAPS) is a membership organization of professionals founded in 1985. Our mission is to promote professional competence; to encourage the exchange of ideas; to sponsor training and education programs for professionals and the public; to support expansion of pretrial services in California; to promote research; and to develop standards.

This is the association’s first effort to develop standards and to recommend program practices and procedures. It grew out of a desire on the part of the CAPS Board of Directors to make a statement as to who we are as professionals and what we stand for. We are establishing guiding principles for our profession and present practical standards that are relevant to the State’s many jurisdictions. They are intended as a benchmark, a tool to measure progress of a pretrial services agency. The Standards also serve as a guideline for districts without pretrial services. They are designed to conform to California’s statutes and criminal justice practices.

The process of developing these Standards included a review of those published by the National Association of Pretrial Services Agencies (NAPSA) in 2004, the American Bar Association (ABA) in 2002, and the State of New York in 2003. The committee made an early decision to draw heavily from these Standards. Wherever relevant, we refer to those standards in the text.

The CAPS Standards Committee, comprised of the Board of Directors and four pretrial practitioners, has met regularly since November 2004. The committee members have extensive knowledge and varied experience within the criminal justice field. The committee is to be commended for the long hours of discussion, the time and money spent on travel to the meetings, and their tireless dedication to this endeavor. Susan Bookman, CAPS President, has contributed greatly to this effort, bringing with her thirty-five years of experience in the field of pretrial services. Frank McCormick, CAPS Treasurer and Western Regional Director of NAPSA, provided valuable insight from both the local and national perspective.

We owe a debt of gratitude to those who have come before us and have shown us the way. We are grateful to Carol Oeller, Director of the Harris County Pretrial Services Agency in Houston, Texas, and D. Alan Henry, former Executive Director of the Pretrial Services Resource Center in Washington, D.C., for their helpful comments and feedback.

Diana Cunningham, Chair
CAPS Release Standards Committee
# TABLE OF CONTENTS

**FOREWORD** .................................................................................................................. iv

**INTRODUCTION** .............................................................................................................. 1

**PART I: STANDARDS GOVERNING THE PRETRIAL PROCESS** .......... 6

- **Standard 1.1** The Pretrial Release Process ................................................................. 6
- **Standard 1.2** Presumption in Favor of Release .............................................................. 6
- **Standard 1.3** Establishment of Pretrial Services Agencies or Programs ......................... 6
- **Standard 1.4** Conditions of Release ............................................................................ 7
- **Standard 1.5** Impartial and Equal Treatment of Defendants ....................................... 7
- **Standard 1.6** Nature of Charge Consideration ............................................................ 7

**PART II: RECOMMENDED PROGRAM PROCEDURES** ...................... 8

- **Standard 2.1** Purposes of Pretrial Services Agencies or Programs ............................... 8
- **Standard 2.2** Screening of Pretrial Defendant and Eligibility for Release .................... 8
- **Standard 2.3** Delegated Release Authority ................................................................. 9
- **Standard 2.4** The Defendant Interview ..................................................................... 9
- **Standard 2.5** Verification of Defendant Information .................................................. 10
- **Standard 2.6** Victim Input ......................................................................................... 11
- **Standard 2.7** Pretrial Services Report ........................................................................ 11
- **Standard 2.8** Monitoring and Supervision .................................................................. 12
- **Standard 2.9** Failures to Appear ................................................................................. 14
- **Standard 2.10** Role of Staff in the Courtroom ............................................................... 15
- **Standard 2.11** Confidentiality ................................................................................... 15
- **Standard 2.12** Subpoena Procedures ....................................................................... 17

**PART III: RECOMMENDED ADMINISTRATIVE PROCEDURES** .......... 19

- **Standard 3.1** Organization and Management of Pretrial Services ............................... 19
  - Agency or Program ........................................................................................................ 19
- **Standard 3.2** Program Objectives ............................................................................. 19
- **Standard 3.3** Resources ............................................................................................ 20
- **Standard 3.4** Information Gathering and Data Collection ........................................... 20
- **Standard 3.5** Quality Assurance ............................................................................... 21
- **Standard 3.6** Job Description and Qualifications ....................................................... 21
- **Standard 3.7** Training and Professional Development ............................................... 21
- **Standard 3.8** Criminal Justice Collaboration ............................................................. 21
- **Standard 3.9** Community and Other Agency Outreach ............................................. 22
- **Standard 3.10** Collateral Services ............................................................................ 22

**APPENDIX I: STATUTORY AUTHORITY** ......................................................... 24

**APPENDIX II: CRIMINAL OFFENDER RECORD INFORMATION (CORI)**.. 27
INTRODUCTION

The movement to reform the bail system began in the 1950’s. It grew out of the civil rights struggles and social equality concerns addressed during the “War on Poverty” in the 1960’s and early 1970’s. More directly, the movement got its push when the first “bail project” developed as a reaction to severe crowding and rioting in the New York City jails. Investigation into the causes of these riots showed that a large proportion of the inmates were in custody solely because they could not afford to post bail. Some had been in custody for a year or more awaiting trial. The investigation findings dramatically demonstrated the inequities of the bail system and how the system unfairly discriminated against people without financial resources.

In New York City, the use of the own recognizance (OR) release process was seen as a way to relieve the inequities of the bail system and to relieve the immediate problems of crowding in the city jails. The assumption was that people with strong ties to the community could safely be released from jail on their own recognizance - a written promise to appear. The Manhattan Bail Project was initiated in 1961 as a three-year experiment with OR release. Students from local law schools interviewed defendants in the jails. They asked questions about the defendant’s current address, length of time in the community, location of family members and education or employment status. The information was verified by calling references, such as family, friends, and employers. A written report was prepared for the court, detailing the results of the investigation. Using an objective point scale, they recommended release for those defendants scoring above an established number of points. These defendants were determined to be reliable for making court appearances. The experiment proved to be very successful; failures to appear were low and the jail population decreased.

This was not an issue that sprung up without serious thought and study. There were books and articles written, and many studies conducted that pointed out problems with the bail system. In 1927, sociology professor Arthur L. Beeley’s study of the bail system in Chicago showed there were serious flaws and corruption in the surety bail system.¹ He was the first to suggest using alternatives to the money bail system. In 1954 Professor Caleb Foote’s seminal study, “Compelling Appearance in Court: Administration of Bail in Philadelphia” shed a spotlight on the inequities and corruption of the surety bail system in Philadelphia.² In his later

articles he suggested that the use of money bail might in fact be unconstitutional.\(^3\) Paul Wice, in his book *Freedom for Sale: A National Study of Pretrial Release* when commenting on the bail system stated, “…blatant economic discrimination inherent in this system seems to clearly contradict the equal protection clause of the 14\(^{th}\) amendment. Our courts have permitted a system of justice which allows one’s freedom to be put up for sale and those defendants unable to pay must suffer the consequences.”\(^4\)

Within a few years the successes of the Manhattan Bail Project generated a great deal of interest across the country. Programs were started in Los Angeles, Chicago, and Des Moines. The concern for equal rights sparked a nationwide movement to reform the bail system. Within months after the 1964 National Conference on Bail Reform and Criminal Justice in Washington D.C., most large metropolitan jurisdictions had started their own “Bail Projects.” In California, programs were started in Oakland and San Francisco. The Ford Foundation and the federal government’s Office of Economic Opportunity (OEO) provided much of the initial funding.

Pretrial services programs in California were some of the first in the nation. Los Angeles started an own recognizance bail project through the Superior Court in 1963. The city of Oakland received a Ford Foundation grant in 1963 and operated a two-year experimental own recognizance program through the probation department. The program in San Francisco was started in 1964 through the local bar association with funding from OEO. By 1971, programs were fully operational in the counties of San Diego, Riverside, Orange, Santa Clara, Santa Barbara, San Francisco, San Mateo, Los Angeles, Santa Cruz and the city of Berkeley.

Currently, pretrial services programs are operated by the courts in Alameda, San Diego, Sacramento, Santa Barbara, Orange, and Riverside counties. The probation department operates programs in Los Angeles, San Mateo, and Santa Cruz counties. A non-profit agency funded by the county operates the pretrial services program in San Francisco. The program in Santa Clara County is a stand-alone county agency. The sheriff’s department operates the programs in San Bernardino and Butte counties. Although they do not operate as separate and distinct programs, some pretrial services functions are performed by probation departments and sheriff’s departments in most California counties.

The need for pretrial services programs because of jail crowding is clear in California. Timely reports are important to the judicial officers making release decisions. The sooner that decision can be made, the less stress there is on jail

---


---

2
crowding. Pretrial services programs have become an integral part of the California criminal justice system providing critically important information and services. The release determination is perhaps the most important decision made at the beginning of a criminal case. Pretrial services programs provide the court with important information in a timely manner in order to protect the rights of the accused and the safety of the community.

Programs in California interview recently arrested defendants in the jails and in the courts. They provide information to judicial officers about the defendant’s ties to the community and reliability for future court appearances. The information is used to determine a defendant’s eligibility and/or suitability for release from jail without posting bail. Pretrial services programs make recommendations for release using an objective risk assessment instrument. Pretrial services programs supervise defendants while they are out of custody on conditional OR release, provide referral services for defendants with substance abuse and mental health problems, and make referrals to community social services programs. Pretrial services programs remind defendants of their upcoming court dates, conduct drug tests and report the results to the court, and recommend electronic monitoring when appropriate. These programs contact defendants who have failed to appear and make every effort to have the defendant’s case reinstated to the court calendar. In some jurisdictions, pretrial services programs have been granted release authority by the local judiciary. In those jurisdictions, the pretrial programs release defendants charged with non-violent misdemeanor and felony offenses.

The right to a reasonable bail and the presumption for release pending trial was upheld in two U.S. Supreme Court cases. In *Stack v. Boyle* 342 U.S. 1 (1951) the court held that the purpose of bail is to assure the presence of the defendant in court and that any bail amount set higher than an amount reasonably calculated to fulfill this purpose is excessive under the Eighth Amendment of the U.S. Constitution. In *U.S. v. Salerno* 481 U.S. 739 (1987) the court upheld a presumption for release. In that opinion Chief Justice William Rehnquist wrote, “In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception”. In a California Supreme Court decision, *Van Atta v. Scott* 166 Cal. Rptr. 149 (1980) the court held that the burden of proof to show why a defendant should not be released is the responsibility of the prosecution.

Statutory authority for pretrial services programs can be found in the California Penal Code. Section 1318 authorizes the courts, with the concurrence of the local board of supervisors, to employ an investigative staff for the purpose of recommending whether or not a defendant should be released on his or her own recognizance. It states that a written report to the court shall include information on the defendant’s ties to the community, outstanding warrants, prior failures to appear, and criminal record. Section 1318 also states that a report shall be prepared in all cases involving a violent felony.
The presumption for release of defendants charged with a misdemeanor offense is enumerated in Section 1270 of the California Penal Code. It states that a defendant charged with a misdemeanor shall be entitled to an own recognizance release unless the court makes a finding on the record in accordance with Section 1275 that an OR release will compromise public safety or will not reasonably assure the appearance of the defendant as required.

In the consideration of setting bail or an own recognizance release, Section 1275 states the judicial officer shall take into consideration the protection of the public, the seriousness of the offense charged, the defendant’s previous record, and the probability of the defendant appearing in court if released. Section 1275 states that public safety shall be the primary consideration.

In the process of development of these Standards, the committee borrowed heavily from standards published by the National Association of Pretrial Services Agencies (NAPSA) and the American Bar Association (ABA). Wherever relevant, we refer to those standards in the text.

The publication in 1978 of NAPSA’s Performance Standards and Goals for Pretrial Release was a major contribution to the emerging field of pretrial services and to the larger criminal justice community. The 1978 Standards articulated clear goals for pretrial release/detention decision-making and provided guidance for pretrial services program personnel, judges and other practitioners in developing fair and effective pretrial processes. They also provide a sound framework for organizing pretrial release programs and for conducting basic operations including gathering information about detained persons, monitoring released defendants’ compliance with release conditions, and responding to violations of conditions.5

The NAPSA Standards, first published in 1978, were revised in 2004. The ABA Standards on Pretrial Release were first published in the mid 1970’s and revised in 2002.

The following Pretrial Services Standards and Recommended Procedures are organized into three parts:

Part I - Standards Governing the Pretrial Process sets out the core values underlying the basic operation of pretrial services programs. In this section the Standards include a statement on the importance of the pretrial release decision, the presumption in favor of release, and release using the least restrictive conditions necessary to insure the defendant will appear for all court proceedings. This section highlights the importance of impartial and equal treatment. All defendants should be interviewed regardless of the nature of the offense charged. This section

---

recommends that every jurisdiction in California should have a fully functional pretrial services program.

Part II - Recommended Program Procedures focuses on basic program operations and roles in the criminal justice system. It recommends that each program use a standardized interview format to collect defendant information. The information should be verified and a written report be provided to the court. The report should contain objective information, an assessment of risk potential for failure to appear or rearrest, and a recommendation for or against release based on an objective, validated risk assessment instrument. When setting conditions for release or supervision, the program should recommend the least restrictive conditions for ensuring the defendant’s appearance in court and the safety of the community. The information gathered should remain confidential and should be used only to determine a defendant’s eligibility and/or suitability to be released from custody. The Standards recommend that a pretrial services representative be present in court during the release decision-making process.

Part III - Recommended Administrative Procedures deals with organizational and administrative procedures. It states that programs should develop policies and procedures to establish effective working relationships with the courts and other criminal justice agencies. This section recommends the development of program goals and objectives consistent with the recommended general principles as set forth in Part I. Programs should design a management information system to monitor program effectiveness relative to the established goals and objectives. Programs should incorporate a quality assurance component to ensure staff productivity and the quality of the services provided. A program should also establish policies to ensure effective staff recruitment, training, and performance evaluations. Finally, this section recommends that programs should become involved in educating other criminal justice agencies and the public regarding their policies and procedures.
PART I

STANDARDS GOVERNING THE PRETRIAL PROCESS

Standard 1.1 The Pretrial Release Process

The purposes of the pretrial release decision include ensuring due process to those accused of crime, maintaining the integrity of the judicial process by encouraging the defendant’s appearance for trial, minimizing the unnecessary use of secure detention, and protecting victims, witnesses and the community from threat, danger or interference. The judge or judicial officer decides whether to release a defendant on personal recognizance or unsecured appearance bond, release a defendant on a condition or combination of conditions, or temporarily detain a defendant. Legal precedents favor the release of defendants pending adjudication of charges. Deprivation of liberty pending trial is harsh and oppressive, subjects defendants to economic and psychological hardship, interferes with their ability to defend themselves, and, in many instances, deprives their families of support.

Related Standards
NAPSA (2004), Standard 1.1
ABA Standards on Pretrial Release (2002), Standard 10-1.1

Standard 1.2 Presumption in Favor of Release

In making the pretrial release decision, a presumption in favor of release on a simple promise to appear (i.e., release on own recognizance) should apply to all persons arrested and charged with a crime. When release on own recognizance is deemed inappropriate, the judicial officer should assign the least restrictive conditions of release that will provide reasonable assurance that the defendant will appear for court proceedings and will protect the safety of the community, victims, and witnesses pending trial. Although in some cases confinement is acceptable, it must be the carefully limited exception.

Related Standards
NAPSA (2004), Standard 1.2
ABA Standards on Pretrial Release (2002), Standard 10-1.2

Standard 1.3 Establishment of Pretrial Services Agencies or Programs

Every jurisdiction in the state of California should have the services of a pretrial agency or program to help ensure equal, timely, and just administration of the laws governing pretrial release. The pretrial services agency or program should provide information to assist the court in making release/detention decisions, provide monitoring and supervisory services in cases involving released defendants, and perform other functions as set forth in these Standards.
Related Standards
NAPSA (2004), Standard 1.3
ABA Standards on Pretrial Release (2002), Standard 10-1.1; 4.2(b)

Standard 1.4  Conditions of Release

Consistent with these Standards, each agency or program should adopt procedures designed to promote the release of defendants on personal recognizance. Additional conditions should be imposed only when the facts of the individual case demonstrate that such conditions are necessary to provide reasonable assurance that the defendant will appear at court proceedings and/or that such conditions are needed in order to protect the community, victims, witnesses, or any other person.

Pretrial services agencies or programs making recommendations for release should base these recommendations on an established validated risk assessment instrument and recommend the least restrictive conditions necessary to ensure the defendant’s appearance in court without jeopardizing public safety.

Standard 1.5  Impartial and Equal Treatment of Defendants

There should be impartial and equal treatment of all defendants. Those accused of crimes should be afforded due process and equal access to the opportunity for pretrial release. Pretrial practitioners should actively guard against and repudiate any act of discrimination or bias based on race, gender, age, religion, national original, language, appearance, or sexual orientation.

Financial bail should be an option only when no other conditions will ensure appearance. Setting a high financial bail should not be used solely for the purpose of detaining a defendant. If a defendant is thought to be a danger to the community or to individuals, that defendant is entitled to a fair and open hearing to determine eligibility or suitability for release.

Standard 1.6  Nature of Charge Consideration

There should be no discrimination as to charge except in a capital case or non-bailable offense. Although the charge itself may be a predicate to pretrial detention proceedings, the pretrial practitioner should exercise care not to give inordinate weight to the nature of the present charge in evaluating factors for the pretrial release decision.

Related Standards
NAPSA (2004), Standard 1.6
ABA Standards on Pretrial Release (2002), Standard 10-1.7
PART II

RECOMMENDED PROGRAM PROCEDURES

Standard 2.1 Purposes of Pretrial Services Agencies and Programs

Pretrial services agencies and programs perform functions that are critical to the effective operation of local criminal justice systems by assisting the court in making prompt, fair, and effective release/detention decisions, and by monitoring and supervising released defendants to minimize risks of nonappearance at court proceedings and risks to the public safety and to individual persons. In doing so, the agency or program also contributes to the fair and efficient use of detention facilities. In pursuit of these purposes, the agency or program collects and presents information needed for the court’s release/detention decision prior to first appearance, makes assessments of risks posed by the defendant, develops strategies that may be used for supervision of released defendants, makes recommendations to the court concerning release options and/or conditions in individual cases, and provides monitoring and supervision of released defendants in accordance with conditions set by the court. When defendants are held in detention after first appearance, the agency or program periodically reviews their status to determine possible eligibility for conditional release and provides relevant information to the court. When released defendants fail to comply with conditions set by the court, the pretrial services agency or program takes prompt action to respond, including notifying the court of the nature of the noncompliance.

Related Standards

NAPSA (2004), Standard 3.1
ABA Standards on Pretrial Release (2002), Standard 10-1.10

Standard 2.2 Screening of the Pretrial Defendant and Eligibility for Release

(a) Initial eligibility screening should be conducted at booking or at the earliest point thereafter.

(b) Defendants charged with offenses enumerated in Penal Code Sections 1319(A) and 1319.5 are ineligible for pre-arraignment own recognizance release. (See Appendix I) Those defendants excluded under these sections are not precluded from consideration for release at a later point in the judicial proceedings.

(c) Those in-custody defendants over whom the court has no jurisdiction (e.g. fugitive holds, Immigration and Customs Enforcement holds, parole holds, out of county formal probation holds and felony warrants) will be eliminated from further consideration for own recognizance release.
(d) All defendants remaining eligible for release consideration should not be excluded from the release process merely due to factors such as the instant charge or prior criminal history.

(e) A defendant should not be automatically eliminated from consideration for own recognizance release based simply upon the fact that another criminal case is pending. Each defendant will be considered in the screening process, independent of the instant charge.

Standard 2.3 Delegated Release Authority

The authority to release a defendant who has been arrested and charged with a crime resides with the court. The court should not delegate this authority to a pretrial services agency, program, or officer without specific guidelines, consistent with the laws and rules concerning judicial authority in the jurisdiction that govern the exercise of delegated authority. Pretrial programs with delegated release authority should have detailed specific guidelines for making the release decision provided or approved by the court.

Related Standard
NAPSA (2004), Standard 1.4; 1.9

Standard 2.4 The Defendant Interview

(a) An eligible defendant should be interviewed through a standard interview format. Each agency or program’s format should utilize an established, validated risk assessment instrument that correlates to the agency or program’s release criteria.

(b) The interview of the defendant should not include any direct questions concerning the alleged instant offense.

(c) The introduction to the interview, the content of the interview and the manner in which the information obtained in the interview is to be used should be consistent with the Confidentiality Provisions as set forth in Part II, Standard 2.10 of these Standards.

Related Standards
NAPSA (2004), Standard 1.3
ABA Standards on Pretrial Release (2002), Standard 10-4.2
Standard 2.5 Verification of Defendant Information

(a) The pretrial agency or program staff should inform the defendant that the interviewer will seek to verify the information obtained during the interview. The interviewer should ask the defendant to provide the names, relationships and telephone numbers of reliable verification sources. At a minimum, agency or program staff shall seek to verify the following information:

(i) residence;
(ii) length of time in the community;
(iii) family ties;
(iv) employment or education;
(v) prior performance in any pretrial program; and
(vi) prior criminal history.

(b) Agency or program staff should seek to verify any other information directly affecting the program’s assessment of the defendant’s risk potential. Verification may be achieved through interviews with third party contacts (e.g., relatives or friends), and need not require direct contact with employers, schools or other primary sources. Agency or program staff should respect the defendant’s wishes not to contact certain potential verification sources (e.g., employers and schools).

(c) Agency or program staff should continue to seek verification in those instances where release is not secured due to the absence of verification. Inability to verify information should not necessarily result in a negative eligibility determination.

(d) Agencies or programs should establish policies and procedures governing the reporting of unverified information to the court. Pretrial release policies and procedures regarding unverified information may vary. Common practices include:

(i) utilizing a separate category, such as “qualified (based on interview information), not verified”;
(ii) finding the defendant eligible for release based on interview information while requiring the defendant to provide proof of address to the agency or program within 24 hours;
(iii) continuing verification efforts, if the defendant is detained, and reporting immediately to the court once the information is verified; and
(iv) developing separate statistical categories for defendants released without verified information.
Related Standards
NAPSA (2004), Standard 1.3
ABA Standards on Pretrial Release (2002), Standard 10-4.2

Standard 2.6 Victim Input

In cases of domestic violence, those pretrial agencies or programs that include “victim input” should follow a standardized interview format. At a minimum, information should be obtained regarding the relationship between the victim and the defendant and any substance abuse issues. The victim should be advised that the information provided might be shared with other criminal justice and social service agencies. In addition, referrals should be provided to social service and other governmental agencies that provide victim assistance.

Standard 2.7 Pretrial Services Report

(a) The pretrial services agency or program should compile reliable and objective information relevant to the court’s determination concerning pretrial release or detention. The report should include information obtained through the interview of the defendant and other information obtained through its investigation. A written report should be prepared that organizes the information, presents an assessment of risk posed by the defendant and recommends ways of responding to the risk and identifying appropriate release options. (A verbal report may be provided upon the request of the judicial officer.) The information gathered in the pretrial services investigation should be demonstrably related to the purposes of the pretrial release decision and should include factors shown to be related to the risk of nonappearance or of potential threat to the safety of any person or the community and to the selection of appropriate release conditions. The report may include information regarding factors such as:

(i) the defendant’s community and family ties (including length of state and local residency), employment status and history, financial resources, physical and mental conditions, substance abuse history, criminal history, including bench warrants, failures to appear and any pending cases;

(ii) the defendant’s status relative to probation, parole, or other release pending trial, sentencing, appeal, or completion of sentence for an offense;

(iii) the availability of persons who could verify information and who may assist the defendant in attending court at the proper time;

(iv) other information relevant to successful supervision in the community;
(v) any facts justifying a concern that the defendant will violate conditions of release;

(vi) the nature and circumstances of the offense when relevant to determining release conditions; and

(vii) the appropriateness of conditional release and various supervision options, including participation in available medical, drug, mental health or other treatment, diversion or alternative adjudication release options.

(b) The pretrial services report should link assessments of failure to appear risk potential and public safety to appropriate release options responsive to the specific risks and identified supervision needs. The recommendations should be supported by objective, consistently applied criteria set forth in agency or program policies developed in consultation with the judiciary. The conditional release options and treatment program information should be provided to the defendant prior to release.

(c) Pretrial services agencies or programs making recommendations for release and conditions of release should base these recommendations on an objective, verifiable risk assessment instrument.

**Related Standards**

NAPSA (2004), Standard 3.4
ABA Standards on Pretrial Release (2002), Standard 4.2(g) and (h)

**Standard 2.8 Monitoring and Supervision**

(a) If a defendant is not qualified for release on own recognizance, imposition of conditions of release should be considered. Any pretrial services agency or program that provides supervised release services should recommend the least restrictive release conditions necessary to assure the defendant’s appearance in court, to protect the safety of the community, and to safeguard the integrity of the judicial process. These may include:

(i) directing the defendant to report to a pretrial services agency or program for supervision;

(ii) releasing the defendant into the custody or care of some other qualified organization or person responsible for supervising the defendant and assisting the defendant in making all court appearances;

(iii) imposing reasonable restrictions on the activities, movements, associations, and residences of the defendant, or other conditions
necessary to ensure future court appearance, prevent recidivism and protect the community or any person during the pretrial period;

(iv) prohibiting the defendant from possessing any dangerous weapons and ordering the defendant to immediately surrender all firearms and other dangerous weapons as designated by the court;

(v) prohibiting the defendant from engaging in certain described activities relevant to the risks of non-appearance or criminal activity, including use of intoxicating liquors or certain drugs;

(vi) requiring the defendant to be evaluated for substance abuse treatment, drug testing, eligibility screening for drug court, drug treatment or mental health programs. Defendants may be required to participate in appropriate treatment programs;

(vii) imposing any other reasonable restriction designed to ensure the defendant’s appearance, to protect the safety of the community and to prevent intimidation of witnesses or interference with the orderly administration of justice; and

(viii) imposing financial conditions only when no other conditions of release will provide reasonable assurance that the defendant will appear in court.

(b) Pretrial Services agencies and programs should establish appropriate policies and procedures to facilitate the effective supervision of defendants who are released prior to trial under conditions set by the court. The agency or program should:

(i) monitor the defendant’s compliance with court ordered release conditions;

(ii) inform the court promptly of all apparent violations of release conditions and of any subsequent arrest;

(iii) recommend modifications of release conditions as appropriate, consistent with agency or program policy;

(iv) maintain a record of the defendant’s compliance with conditions of release;

(v) assist defendants in securing employment and in obtaining any drug or mental health treatment, medical, legal or other social services that would promote successful compliance with conditions of release;

(vi) notify released defendants of their court dates; and
(vii) facilitate the return to court of defendants who fail to appear for their scheduled court dates.

(c) In cases in which the court’s release order has been modified, the pretrial services agency or program should promptly notify the defendant of any such modifications and the reason(s) for the modification. A record should be kept of all modifications.

(d) The pretrial services agency or program should assist other jurisdictions by providing courtesy supervision for released defendants who reside in its jurisdiction.

(e) A proceeding for revocation of a release order may be initiated by a judicial officer, the prosecutor, or a representative of the pretrial services agency or program. A judicial officer may issue a warrant for the arrest of a person charged with violating a release condition. Once apprehended, the person should be brought before a judicial officer for review of the alleged violation. Modified conditions should only be imposed after a hearing and determination of just cause.

(f) When released defendants fail to comply with conditions set by the court, the pretrial services agency or program should take prompt action to render assistance to the defendant to assure compliance. Depending on individual circumstances, modification of conditions may be warranted and approved by the court.

(g) A record of the defendant’s compliance history should be maintained by the pretrial services agency or program. Information relevant to the defendant's progress as it relates to program attendance or completion should be contained in written reports. Reports of this nature are confidential and should only be shared in accordance with these Standards.

Related Standards
NAPSA (2004), Standard 3.5
ABA Standards on Pretrial Release (2002), Standard 10-1.10

Standard 2.9 Failures to Appear

A person who has been released on OR and who has failed to appear in court could be subject to a warrant of arrest, modification of release conditions, revocation of release, or an order of detention. In considering what actions to recommend, the pretrial services agency or program should take into account the seriousness of the violation, whether it appears to have been willful, or caused an increased risk to public safety.

Upon notification of a failure to appear, the pretrial services agency or program should notify the defendant that a bench warrant is either pending or has been issued. The pretrial services agency or program should advise the defendant that he or she is responsible for contacting the court to resolve the matter.
Standard 2.10 Role of Staff in the Courtroom

Pretrial services agencies or programs should provide staff representatives in court to answer questions concerning the pretrial services investigation report, to explain conditions of release and sanctions for non-compliance to the defendant, and to facilitate the speedy release of defendants.

Standard 2.11 Confidentiality

(a) Each pretrial services agency or program should develop written guidelines setting agency policy concerning the collection and distribution of information obtained during the pretrial services process. The guidelines should provide for confidentiality of information obtained during the course of the pretrial investigation and during post-release monitoring and supervision of the defendant.

(b) Subject to applicable limitation on disclosure of information, the policy guidelines should provide for disclosure as follows:

(i) The pretrial agency or program should maintain confidentiality of pretrial program records.

(ii) Information obtained during the course of the pretrial release investigation and during post-release supervision should remain confidential and should not be disclosed unless authorized by these Standards and California State/Federal laws that regulate the release of medical information (e.g. HIPAA - Health Insurance Portability and Accountability Act). Any disclosure of pretrial services information should be limited to the minimum information necessary to carry out the purpose of such disclosure.

(iii) At the time of the initial interview, a defendant should be clearly advised of the potential uses of the information offered so that he or she may make a voluntary decision whether to participate in the pretrial release interview.

(iv) The pretrial agency or program’s reports used to determine eligibility/suitability for release should be made available to the court and, upon request, to the prosecutor and the defense counsel in the instant criminal action. Reports related to defendant compliance issues should be made available to the court, the prosecutor and the defense counsel.

(d) The program may disclose information under the following circumstances:

(i) to the court for the purposes of setting conditions of release, providing notification of court appearances, or notifying the court of violations
of conditions of release, including orders of protection and failures to appear;

(ii) to other service programs to which the defendant has been referred by the court or the pretrial agency or program, or to another pretrial program, provided the defendant consents to disclosure;

(iii) to law enforcement authorities, upon reasonable cause to believe that such information is necessary to assist in apprehending an individual for whom a warrant has been issued for failure to appear or for the commission of a crime while on own recognizance release;

(iv) to a probation department for use in any court ordered investigation such as a pre-sentence report or to assist in the supervision of a pretrial defendant who is subsequently convicted and placed on probation; and

(v) to individuals or agencies designated by the defendant, upon specific written authorization of the defendant.

(e) In cases in which pretrial agency or program staff has specific information leading to a good faith belief that the defendant intends to harm law enforcement authorities, particular individuals (e.g. victims), or the community at large, the agency or program should inform the court of the nature of the potential harm. The agency or program should disclose only such information as is necessary to fully advise the court of the nature and source of potential harm, and to assist in locating the defendant.

(f) All contracts and written communications between the pretrial agency or program and individuals or organizations agreeing to provide supportive services for the custody or care of pretrial defendants must contain a nondisclosure clause. No person or public or private agency receiving information from a pretrial program may re-disclose such information, except as is necessary to accomplish the purpose for which such information was disclosed by the pretrial program.

(g) Information contained in pretrial program files may be made available for research purposes to qualified personnel pursuant to a written research agreement which states the terms and conditions of each information transfer. Such an agreement should, at a minimum, address the following matters:

(i) the purpose of the research;

(ii) the characteristics of the cases for which information is sought;

(iii) the manner in which cases will be selected;
(iv) the specific pieces of information on each case that will be extracted from the files of the pretrial agency or program;

(v) the estimated length of time during which the researcher will maintain the information in a manner that permits the personal identification of a case;

(vi) the specific plan for removing personal identifiers from the research database after the designated time period expires; and

(vii) the procedures to be used by the researcher to protect the security and confidentiality of all personally identifiable research data.

(h) All research agreements concerning access to information in the files of any pretrial agency or program should assure that the identity of any defendant is not revealed in research publications, reports or any other materials distributed to anyone who is not a member of the research team.

(i) The research agreement should describe the procedure to be used by the researchers to protect the security and confidentiality of all personally identifiable research.

Related Standards
NAPSA (2004), Standard 3.8
ABA Standards on Pretrial Release (2002), Standard 10-4.2 (b)

Standard 2.12 Subpoena Procedures

(a) Pretrial agency or program staff and their files should not be subject to subpoena for purposes of providing defendant information gathered during the agency or program’s investigation or post-release monitoring of the defendant. No information obtained by pretrial services should be used to determine guilt or innocence in the instant case and should not to be used in any other criminal or civil investigation except in those instances set forth in these Standards. A request for information concerning the role of the pretrial services agency or program and their policies and procedures during the interview or supervision of a defendant is appropriate to provide under subpoena. This issue should be specifically covered by written agency or program policy.

(b) If a subpoena is received for information that is considered confidential under agency or program policy, efforts should be made to have the subpoena withdrawn or quashed. This may be as simple as explaining policy to the issuing agency or as complex as making a formal request of a judicial officer to review the policy and information for the appropriateness of the subpoena. Those agencies or programs that have legal representation (county counsel, city attorney, etc.) may find it beneficial to ask for assistance from those entities.
(c) A subpoena is a legal order to produce information or documents and cannot be ignored. If a judge, after review of the policy or documents, orders the pretrial agency to honor the subpoena, the information must be provided. The reasons for providing defendant information under subpoena should be documented in the defendant/supervision files.
PART III

ADMINISTRATIVE PROCEDURES

Standard 3.1    Organization and Management of Pretrial Services Agency or Program

(a) The pretrial services agency or program should have an administrative structure that will provide guidance and support for the achievement of agency or program goals. This framework should facilitate effective interaction with the court and other criminal justice agencies, while ensuring substantial independence in the performance of its core functions.

(b) The pretrial services agency or program should have policies and procedures that enable it to function as an effective partner in the criminal justice system. More specifically, the agency or program should:

(i) develop and update written policies and procedures relative to the performance of key functions;

(ii) develop and update strategic plans designed to accomplish established policies and procedures; and

(iii) establish specific goals for effectively assisting in the pretrial release decision-making process and the supervision of pretrial defendants.

Related Standard
NAPSA (2004), Standard 3.7

Standard 3.2    Program Objectives

Every pretrial services agency or program should establish program objectives consistent with the following guidelines:

(i) maximize the use of non-financial alternatives to pretrial incarceration, by promoting the use of citation release, own recognizance release, release with conditions, release with supervision and release to halfway houses or residential treatment centers;

(ii) maximize appearance rates;

(iii) minimize the unnecessary use of detention;

(iv) provide services and supervisory resources for defendants released with conditions;
(v) facilitate the release decision by providing information in a timely manner;

(vi) develop a broad range of practical and enforceable conditions of release suitable for defendants whose risks and needs vary widely so that the presumption for release can be realized in practice; and

(vii) provide support, make referrals and encourage participation in appropriate treatment programs.

Standard 3.3 Resources

The pretrial services agency or program should have policies and procedures that enable it to effectively manage and account for its financial resources and budgetary requirements. More specifically, the agency or program should:

(i) develop strategic plans aimed at identifying resources essential to achieving the agency’s mission; and

(ii) maintain financial systems that enable the program to manage its resources, account for expenditures and receipts, stay within budget, and support requests for funding of future operations.

Standard 3.4 Information Gathering and Data Collection

The pretrial agency or program should:

(i) develop and maintain an information management system to monitor the effectiveness of its program’s operations relative to these Standards, and adherence to or compliance with these Standards;

(ii) promote research;

(iii) conduct periodic reviews to assess the need for modifications with regard to pretrial program practices;

(iv) collect statistical data to determine failure to appear rates and other critical success factors; and

(v) develop and maintain an automated data system to support defendant identification, risk assessment, determination of appropriate release conditions, compliance monitoring, detention review functions, and other data collection essential for the effective management and operation of the pretrial release agency or program.
Standard 3.5 Quality Assurance

The pretrial agency or program should incorporate a comprehensive quality assurance component to ensure that both new and established procedures are being followed. Quality reviews should be conducted to affirm that compliance is consistently achieved. Accountability is essential to the achievement of measurable performance objectives in terms of staff productivity and the quality of the work product.

Standard 3.6 Job Description and Qualifications

The pretrial services agency or program should develop its own policies and procedures for staff recruitment, selection, compensation, management, training and career advancement.

All investigative staff should conduct defendant reviews, and gather information to prepare reports or assessments for the court. This process includes access and interpretation of criminal records, contacts with personal references and interested agencies, and a validated risk assessment instrument. Investigative staff should provide recommendations to the court as to the suitability of conditional or unconditional release from custody.

Standard 3.7 Training and Professional Development

(a) The pretrial services agency or program should ensure that employees are sufficiently trained to perform the duties and responsibilities of the program. Training should include timely orientation of all program staff regarding these Standards and specific operational requirements; and should ensure that all employees perform their duties consistent with the provisions of these Standards, state laws and other regulations.

(b) The pretrial agency or program should:

   (i) encourage staff to participate in available certification processes for pretrial services practitioners; and

   (ii) provide staff with periodic performance evaluations to acknowledge the accomplishments and address the deficiencies of employees.

Standard 3.8 Criminal Justice Collaboration

The pretrial services agency or program should:

   (i) develop, in collaboration with the court, other criminal justice entities, and community service groups, appropriate policies for the delivery
and management of services to minimize the potential risk to public safety; and

(ii) develop procedures to measure both the pretrial services agency’s performance relative to their established program goals and these Standards.

Standard 3.9 Community and Other Agency Outreach

The pretrial agency or program should:

(i) establish an effective outreach program to build support and awareness for their services;

(ii) prepare and distribute materials to inform the public and other affected agencies of the policies, procedures and achievements of the pretrial release agency or program;

(iii) provide copies of an annual report on program operations to both criminal justice officials and the public;

(iv) initiate training to educate other members of the criminal justice system regarding the policies and practices of the pretrial release program; and

(v) meet regularly with community representatives to discuss program practices and issues.

Standard 3.10 Collateral Services

(a) Pretrial services agencies and programs should provide supportive services to criminal justice partners. Collateral services can function through various programs to assist the court and other law enforcement agencies in the administration of justice. These collaborative efforts emphasize the relevance of the pretrial services role within the criminal justice community and serves to support the individual agency or program’s main mission.

Examples of these services include:

(i) criminal history records research for grants and statistical purposes;

(ii) electronic monitoring assessments;

(iii) criminal history record interpretation for special programs within the court, such as “drug court,” “early disposition,” “protective order investigation” and “civil name change”; and
(iv) training of other agencies on pretrial related functions.

(b) Pretrial services agencies should develop procedures relative to the criteria of the specific criminal record search.
APPENDIX I

STATUTORY AUTHORITY

Various sections of the California Penal Code authorize judges or magistrates of the criminal courts to release defendants on their own recognizance while their case is pending. Additionally, numerous court decisions have established guidelines and limitations in setting of specific release conditions for those defendants released under the supervision of the Pretrial Services Agency or Program.

The following are the relevant California Penal Code sections:

Penal Code Section 1269c notes circumstances where bail may be set higher or lower than what is listed in the local bail schedule, or the court “…may authorize the defendant’s release on his or her own recognizance.”

Penal Code Section 1270 states that a defendant is entitled to a possible release on own recognizance:

“Any person who has been arrested for, or charged with, an offense other than a capital offense may be released on his or her own recognizance by a court or magistrate who could release a defendant from custody . . . . A defendant . . . shall be entitled to an own recognizance release unless the court makes a finding on the record, in accordance with Section 1275, that an own recognizance release will compromise public safety or will not reasonably assure the appearance of the defendant as required. Public safety shall be the primary consideration . . . .”

Penal Code Section 1318 generally notes the contents of an order authorizing the defendant to be released from custody on his or her own recognizance. The defendant shall not be released from custody on own recognizance until the defendant files with the clerk of the court or other person authorized to accept bail a signed release order agreement that includes the following:

(i) the defendant’s promise to appear at all times and places as ordered by the court or magistrate before whom the charge is subsequently pending;

(ii) the defendant’s promise to obey all reasonable conditions imposed by the court or magistrate;

(iii) the defendant’s promise not to depart this state without leave of the court;

(iv) an agreement by the defendant to waive extradition if the defendant fails to appear as required and is apprehended outside the State of California; and
(v) the acknowledgement of the defendant that he or she has been informed of the consequences and penalties applicable to violation of the conditions of release.

Penal Code section 1318.1 provides the statutory authorization to create a Pretrial Services Agency or Program. Specifically, “A court, with the concurrence of the board of supervisors, may employ an investigative staff for the purpose of recommending whether a defendant should be released on his or her own recognizance.”

What criteria may the court consider in deciding whether or not to release a defendant on his/her own recognizance? This issue was decided in a landmark State Supreme Court decision in Van Atta v. Scott (1980 166 Cal Rptr 149, 613 P2d 210). The court held that: (1) the prosecution must bear the burden of producing evidence of a defendant’s record of nonappearance at prior court hearing and of the severity of the sentence the defendant faces; (2) the defendant must bear the burden of producing evidence of community ties; and (3) the prosecution must bear the burden of proof concerning the defendant’s likelihood of appearing at future court proceedings.

The California Penal Code limits the pre-arraignment release of some defendants on own recognizance until a hearing is held in open court with the District Attorney present. Section 1319 prohibits the release of individuals charged with a violent felony, as delineated in Section 667.5. In addition, defendants who are on formal probation or parole at the time of booking, or who have failed to appear on three or more occasions in the past three years, are prohibited from pre-arraignment release pursuant to Penal Code Section 1319.5.

The release of defendants under supervision with conditions, often termed “conditional release” or “supervised own recognizance,” is a concept that has been used by several Pretrial Services Agencies in California. Although the goal of using specified conditions is generally to reduce the incidence of failure to appear or arrest, the use of urine testing and warrantless searches was challenged in 1995. The California Supreme Court decided unanimously in the case of In re York, S032327 that conditions such as urine testing or search and seizure do not violate the defendant’s presumption of innocence. According to the Court, conditions such as urine testing and warrantless searches were “reasonable” conditions.

The court further noted that, while such conditions may have little to do with a defendant appearing for future court hearings, the conditions “...do relate to the prevention and detection of further crime and thus to the safety of the public,” While the Court of Appeal found that specialized conditions were warranted if “a magistrate or trial court makes an individualized determination that an arrestee will probably use and/or possess drugs while released pending trial, then a pertinent search or drug testing condition should be found reasonable,” the State Supreme
Court did not elaborate on that issue. The only guidance offered by the Justices to lower courts was in a footnote: “...nothing in this opinion should be construed as providing approval of random drug testing and warrantless search and seizure conditions in all cases wherein the defendant requests OR release . . . the reasonableness of a condition necessarily depends upon the relationship of the condition to the crime or crimes with which the defendant is charged and to the defendant's background, including his or her prior criminal conduct.”
APPENDIX II

CRIMINAL OFFENDER RECORD INFORMATION (CORI)

Pretrial Services Agencies or Programs are defined as “Criminal Justice Agencies” pursuant to Penal Code Section 13101 and Code of Federal Regulations (28 CFR Part 20, especially 20.3,) and therefore, often have access to local, state (Criminal Identification and Information), federal (National Crime Information Center) and/or interstate (National Law Enforcement Telecommunication System) and the Department of Motor Vehicle computer systems. Whether criminal history is viewed on a screen or printed out and attached to an eventual court report, laws, policies and procedures exist, on the State and Federal level, on how that information is to be used and disseminated. Computerized criminal history information is often referred to in statutes as Criminal Offender Record Information or CORI.

Statutes that control the use and sanctions for the misuse of CORI include:

(i) Penal Code Section 13100 provides the authority to establish regulations for the use of CORI and defines what is “criminal offender record information.”

(ii) Penal Code Section 13300 describes who may have access, and under what conditions, to criminal offender record information.

(iii) Penal Code Sections 13301-13304 establish penalties for misuse of criminal history information.

(iv) Penal Code Section 502 sets forth computer-related crimes and their penalties.

The California Department of Justice, California Law Enforcement Telecommunications System’s (CLETS) Policies, Practices, Procedures, (and Statutes) provide agency personnel with guidance in these areas. Some of the basic policies include that personnel accessing various databases be trained on the proper access and interpretation of the data received, and its proper distribution and ultimate disposal. Two basic principles that guide the access of any criminal history are that the access is being done on a “right to know” and a “need to know” basis. Specifically, the “right to know” is the right to obtain CORI pursuant to court order, statute, or decisional law. Employees of pretrial services agencies have the “right to know” to carry out their official duties. “Need to know” is the necessity to

---

obtain CORI in order to execute official responsibilities. In simple terms, an employee is authorized to access the CORI only on an individual for which an official function is being conducted, i.e. investigation for own recognizance release agency functions. The principles of “need to know” and “right to know” are to be extended when CORI is released from Pretrial Services Agencies to outside criminal justice agencies or individuals.
Pennsylvania Pretrial Services Association

Strategic Plan

Developed by PPSA Executive Committee

Period: 2010 – 2015

Index

A. Mission
B. Purpose
C. Approach
D. Goals and Objectives
A. Mission

The Pennsylvania Pretrial Services Association has been organized to educate practitioners and the general public about pretrial services, to promote and disseminate research and act as a forum for new ideas in pretrial services, to provide technical assistance in establishing new Pretrial Services Agencies, and overall, to promote the establishment of professional pretrial services throughout the Commonwealth of Pennsylvania, all of which benefit defendants, victims, witnesses, other criminal justice agencies, and the general public.

B. Purpose

The Pennsylvania Pretrial Services Association (PPSA) was established and incorporated under the Pennsylvania Nonprofit Corporation Law of 1988. PPSA operates within the geographical boundaries of the Commonwealth of Pennsylvania, and is officially recognized as a National Association of Pretrial Services Agencies (NAPSA) affiliate organization. A Board of Directors manages the business affairs of PPSA. All policy-making powers of the Association are vested in the Board of Directors. The Board of Directors consists of four officers (President, Vice-President, Secretary, Treasurer), three Regional Directors (Western, Central, Eastern), eight At-Large Directors, and a Past-President. PPSA is governed by official corporate bylaws and all board proceedings adhere to the Rules of Parliamentary procedure in Robert’s Rules of Order Newly Revised.

The purpose of this Strategic Plan is to set forth an outline of priorities and goals to carry out the specific objectives identified in the Mission Statement for this corporation.

These specific objectives are:

1). Educate practitioners and the public about Pretrial services
2). Promote and disseminate research about Pretrial Services
3). Act as a forum for new ideas in Pretrial Services
4). Provide technical assistance in establishing new Pretrial Service agencies
5). Promote the establishment of Pretrial Service agencies statewide

C. Approach

Because of the voluntary status of PPSA members, board of directors, and officers, the amount of physical work and commitment to addressing key issues, is by nature very limited. With this in mind, a series of S.M.A.R.T. goals will be developed to address specific goals in carrying out the objectives for the organization.
S.M.A.R.T. Goals are:  
Specific  
Measurable  
Achievable  
Realistic  
Timely

Taking this approach, three working committees will be formed by the board of Directors to identify the issues that are most important in carrying out the mission of the organization. These committees are as follows:

**Financial Committee**  
Responsible for:  
Fund raising to support all efforts  
Securing grants for projects  
Expenditure recommendations  
Membership list  
PTS program list

**Training Committee**  
Responsible for:  
Annual training planning  
Regional training planning  
Detail training support

**Advocacy Committee**  
Responsible for:  
Political lobby  
Presentations  
Position response  
Web development  
Technical assistance

**D. Goals and Objectives**

The following is a preliminary list of suggested SMART goals and objectives to be considered and prioritized by the Board of Directors. If adopted as a priority, these will be assigned to the appropriate Committee to build an action plan to address it. These goals will be divided into Short Term (1 to 3 years) and long Term (3 to 5 years).

**Short Term (1-3 years)**

1) Increase membership from existing Pennsylvania pretrial programs (special focus on Philadelphia).  
2) Promote the creation and expansion of additional Pennsylvania pretrial programs.  
3) Develop an ongoing Legislative Affairs educational effort to promote support of pretrial programs and discourage anti-pretrial legislation.  
4) Maintain ongoing statewide educational effort that includes two 1-day workshops per year and the annual PPSA Forum.
5) Maintain and strengthen relationships and maximize resources available from PJI and NAPSA; foster relationships and information sharing with neighboring states’ pretrial associations (i.e., Ohio, NY, etc.,) PA probation and parole associations and Federal Pretrial.

6) Upgrade PPSA website and informational materials.

7) Strengthen PPSA’s balance sheet to provide funding for activities described herein.

8) Engage the Federal PTS offices in participating with our organization.

9) Engage the Adult Probation Offices in PA who do PT supervision.

10) Devise a fund raising strategy to provide funds to support our goals.

11) Develop a power point for presentations to other professional groups, which advocates PTS.

**Long Term (3-5 years)**

1) Develop uniform data collection standards for all PPSA member pretrial agencies with an annual summary report.

2) Develop minimum pretrial program standards and staff qualification/educational standards (NAPSA CCPSP??) for all PPSA member pretrial agencies – i.e., accreditation process??

3) Develop an ongoing annual education program for new PA MDJ’s, also available to all PA Judicial Districts by request.
Strategic Planning Report

For

The National Association of Pretrial Service Agencies (NAPSA)

March 27, 2008
Fahy G. Mullaney, Consultant
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.  Introduction</td>
<td>1</td>
</tr>
<tr>
<td>II. NAPSA’s Mission</td>
<td>1</td>
</tr>
<tr>
<td>III. The Major Initiatives for 2008-2012</td>
<td>1</td>
</tr>
<tr>
<td>IV. The Action Goals for Each Major Initiative</td>
<td>2</td>
</tr>
<tr>
<td>V.  Immediate Next Steps</td>
<td>4</td>
</tr>
<tr>
<td>VI. The Division of Work (Board, Staff, Other)</td>
<td>5</td>
</tr>
<tr>
<td>VII. Proposed Elements in Contract for a Grant Writer</td>
<td>6</td>
</tr>
<tr>
<td>VIII. Differentiation of NAPSA’s and PJI’s Roles</td>
<td>6</td>
</tr>
<tr>
<td>IX. Prouds and Sorries</td>
<td>6</td>
</tr>
<tr>
<td>X.  Consultant’s Observations and Recommendations</td>
<td>7</td>
</tr>
</tbody>
</table>
I. Introduction

The Board of Directors of NAPSA engaged in a one-day strategic planning session on March 27, 2008. The products of that session follow below.

II. NAPSA’s Mission

The Board reviewed NAPSA’s mission statement as captured in the organization’s Articles of Incorporation. No change was made in the mission statement.

However, NAPSA’s mission mantra which appears at the top of the website was altered to read: "Promoting Pretrial Justice through the Development and Support of Pretrial Services Agencies Nationwide." The original mantra read: “Promoting the Establishment and Development of Pretrial Service Agencies Nationwide.”

The insertion of the words “pretrial justice” reflects NAPSA’s and the profession’s passion for and commitment to “pretrial justice.” The deletion of “establishment” was to eliminate language that suggests that NAPSA is engaged in setting up new pretrial agencies across the country. The addition of the word “support” was to convey the strong supportive role that NAPSA plays with pretrial agencies across the country.

III. The Major Initiatives for 2008-2012

A. Design and implement an ongoing, targeted education and advocacy program.

B. Provide member-initiated, technical assistance services to member agencies and jurisdictions.

C. Design and deliver expanded education and training (in addition to the annual conference) to regional and remote settings via a variety of delivery methods.

D. Write and launch the program accreditation process.

E. Prepare a long-term (3 year minimum) funding plan.

F. Staff NAPSA with a full-time executive director and support person.
IV. The Action Goals for Each Major Initiative

Note: The action goals listed for each Major Initiative are neither seen as exhaustive nor as occurring necessarily in the order listed.

A. Design and implement an ongoing, targeted education and advocacy program.
   1. Select one or more foci for the message.
   2. Establish reciprocal agreements with other agencies, e.g. the Judicial College,
   3. Make application and receive a grant of fifty to eight thousand dollars ($50,000-$80,000) to support the planning team and to develop materials.
   4. Make inroads into at least one media forum.
   5. Build capacity to monitor the media and respond to stories relevant to NAPSA.
   6. Hold a debate with legislators on the topic of pretrial services versus bail bondsmen.
   7. Find a champion for pretrial.
   8. Partner with others to accomplish the goals listed above.
   9. Tailor the work on this initiative in ways that yields more members for NAPSA.

B. Provide member-initiated, technical assistance services to member agencies and jurisdictions.
   1. Establish a committee to explore and develop an action plan for the delivery of this initiative.
   2. Identify partners, e.g. PJI and NIC.
   3. Develop a budget to support this initiative.
   4. Identify potential funding sources.
   5. Build in fee-for-service as a funding stream.
   6. Create a promotion and application request process.
   7. Employ a variety of methods for delivery of services, to include a trained response team, conference call support, etc.

C. Design and deliver expanded education and training (In addition to the annual conference) to regional and remote settings via a variety of delivery methods.
   1. Solicit members to determine the most appropriate topics to be included in the curriculum. Perhaps do this via a survey.
   2. Collaborate with other groups to co-sponsor regional training.
   3. Identify potential funding sources and co-sponsors for this initiative.
   4. Collaborate with other groups to co-sponsor regional training.
   5. Design training modules that are part of a uniform curriculum and that can be available for agencies to use in training.
   6. Involve subject matter experts in the curriculum design and development.
   7. Train a team of trainers within each NAPSA region, perhaps from a pool of persons nominated by the region’s member agencies.
   8. Employ a variety of delivery methods to include, but not be limited to: on-line, on-site training, etc.
   9. Develop and include an evaluation component.
D. Write and launch the program accreditation process.
   1. Establish an accreditation committee.
   2. Design the accreditation process to include application, fees involved, steps and sequence of steps and the appeal steps should accreditation be denied.
   3. Review existing accreditation plans in pretrial (e.g. Florida) and in other disciplines such as health care providers.
   4. Develop the standards (Criteria to include the necessary program elements, etc.)
   5. Prepare a strong marketing plan that explains the purpose and benefits of program accreditation.
   6. Train assessors and accreditation manager(s).
   7. Provide training and technical assistance to agencies so that they can be successful when seeking accreditation. (See Major Initiatives B and C above as the means.)
   8. Launch the accreditation process in pilot sites initially.

E. Prepare a long-term (3 year minimum) funding plan.
   1. Consult with other agencies regarding how they achieved sustainability and stability.
   2. Clarify NAPSA’s macro aims (Sustain growth of pretrial agencies, etc.) as means to inspire and attract donations and grants.
   3. Solicit input from the members so as to garner both their ideas and their investment in NAPSA’s future.
   4. Explore ways to reduce expenses through efficiencies and through shared expenses with partners.
   5. Decide on the location for the NAPSA office and project the costs.
   6. Determine the estimated expenses for each of the Major Initiatives for each of the next three years.
   7. Identify potential, on-going revenue streams, including fee-for-service.
   8. Distinguish potential grantors to launch one of NAPSA's Major Initiatives e.g. SAMSA or a foundation that will make a capacity building grant.
   9. Institute strategies to increase membership and the revenues from membership.
   10. Solicit donations from individuals and businesses with the tax-deductible incentive.
   11. Describe in clear terms how the accounting and money management will be handled within the agency.

F. Staff NAPSA with a full-time executive director and support person.
   The board in this session did not list a set of Action Goals under this heading. However, the steps toward this initiative can be found in the references to hiring a grant-writer. The plan is for this person to generate funds to do capacity building which will allow for the hiring of the full-time person. See sections V, VI and IX for the actions that address this Major Initiative.
### V. Immediate Next Steps

<table>
<thead>
<tr>
<th>What Will Be Done</th>
<th>Responsible Person</th>
<th>Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Send message to PJI’s Tim Murray that NAPSA has made long-term plans and that a representative of the agency will be in touch with more detail later.</td>
<td>Michelle</td>
<td>April 4</td>
</tr>
<tr>
<td>2. Broach the subject with Tim Murray regarding an exploratory meeting between NAPSA and PJI regarding possible collaboration.</td>
<td>Peter</td>
<td>Mid-April</td>
</tr>
<tr>
<td>3. Hold the exploratory meeting between the NAPSA board of directors and representatives of PJI.</td>
<td>Board of Directors</td>
<td>June</td>
</tr>
<tr>
<td>4. Contact friends in the field about possible granting agencies for capacity building funds.</td>
<td>Greg will send email to the Board</td>
<td>June 1</td>
</tr>
<tr>
<td>5. Develop list of possible persons for the grant-writing position.</td>
<td>Greg will send email to the Board</td>
<td>June 1</td>
</tr>
<tr>
<td>6. Write the RFP for grant-writing position (RFP asks applicants to include a proposed work plan for how they will proceed, if selected for employment by NAPSA.)</td>
<td>Holly</td>
<td>June 1</td>
</tr>
<tr>
<td>7. Invite applications, screen applications, conduct interviews with priority candidates, hire the top candidate, and provide orientation to the agency and its funding priorities.</td>
<td>Board of Directors</td>
<td>July</td>
</tr>
<tr>
<td>8. Grant-writer is on staff and begins writing grant applications.</td>
<td>Grant-writer</td>
<td>October</td>
</tr>
</tbody>
</table>
## VI. The Division of Work

*(Assuming a full-time executive director)*

NOTE: A single asterisk (*) indicates the lead person(s) on work areas where more than one person responsible for the work.

A double asterisk (**) indicates an area for potential partnership with PJI.

<table>
<thead>
<tr>
<th>TASK</th>
<th>EXEC.</th>
<th>SERVICE</th>
<th>BOARD</th>
<th>CONTRACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Website</td>
<td>*Oversight</td>
<td>Logistics</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Newsletter **</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant-writing **</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Membership</td>
<td>*Develop</td>
<td>Maintain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board Support</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Supervision (Contract staff, tax reports, acctg.)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conference Coordination</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop and Maintain Partnerships**</td>
<td>*X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oversee Certification</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manage the Archives**</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop Monograph on Diversion</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Writing Diversion Standards</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Major Initiatives A**, B**, and D.</td>
<td>Deliver &amp; Manage</td>
<td>Develop</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major Initiative C (Expanded Education and Training) **</td>
<td>*Deliver &amp; Manage</td>
<td>X</td>
<td>Develop</td>
<td></td>
</tr>
<tr>
<td>Major Initiative E (Long Term Funding Plan)</td>
<td>*X</td>
<td>Acctg.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
VII. Proposed Elements in Contract for a Grant Writer
A. Establish a salary range with a floor and ceiling.
B. Consider contracting for a percentage of funds raised or include other incentives.
C. Use a term contract (limited period) that is renewable.
D. Base the specifics of the contract, in part, on the work plan submitted by the applicant during the application process.

VIII. Differentiation of NAPSA’s and PJI’s Roles
Note: It became useful in the course of this planning to more clearly distinguish between the roles that NAPSA and PJI hold in the pretrial arena. The lists below identify the prominent features in each of the agencies.

<table>
<thead>
<tr>
<th>NAPSA</th>
<th>PJI</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ A member organization (Executives, line staff, experts)</td>
<td>+ Provider of national network</td>
</tr>
<tr>
<td>+ Convener, connector of practitioners</td>
<td>+ Repository for research and knowledge</td>
</tr>
<tr>
<td>+ Keepers of the Profession:</td>
<td>+ Provides services (TA, Trng, info)</td>
</tr>
<tr>
<td>-Certification</td>
<td>-Standards</td>
</tr>
<tr>
<td>-Code of Ethics</td>
<td>-Accreditation</td>
</tr>
<tr>
<td>*Standards for drug testing</td>
<td></td>
</tr>
<tr>
<td>*Certification</td>
<td></td>
</tr>
<tr>
<td>*Code of Ethics</td>
<td></td>
</tr>
<tr>
<td>*Accreditation</td>
<td></td>
</tr>
</tbody>
</table>

IX. Prouds and Sorries
Note: These were elicited from the board members at the start of the planning session and served as grist for the subsequent development of Major Initiatives and Action Goals.

**Prouds**
- That we have board meetings in conjunction with state affiliates.
- The level of skill and intelligence of the membership.
- Our commitment to justice.
- The growth of NAPSA organizationally.
- Our role within the criminal justice system...providing integrity.
- The quality of the conferences we sponsor.
- The growth of the board, its commitment to improvement of NAPSA and its accessibility to the membership.
- The growth of this board in its united, non-territorial and friendly approach.
- The scope of the work and offerings has increased.
- The unique quality of this group...its passion and commitment to this work.
- The “fairness” issue that pretrial brings....the ethic and passion.
**Sorries**

- We don’t have the money to have regional conferences.
- We’ve delayed this long-term planning.
- That we’re not getting more of our message out nationally.
- Wish we could do more to help local jurisdictions move forward.
- That we are becoming an appendage to the bonding industry.
- Can’t do all that we’d like to do.
- The “slow down” in our momentum after each conference.
- That we don’t have the people we need to expand our work and increase our connections.
- How little things have changed in pretrial over the years...and that even we contribute to the status quo.
- That we don’t have the clout of some other national organizations such as the ABA.

**X. Consultant’s Observations and Recommendations**

A. It appears to this consultant that the Board under-rates NAPSA’s power and position on the national scene and especially in relation to the Pretrial Justice Institute. This undervalued self perception within NAPSA leads to unnecessarily heightened anxiety regarding the possible discussion with PJI on matters of mutual interest. NAPSA can negotiate from a position of strength. It has a long history, a record of sponsoring first-rate conferences, and perhaps most importantly, a membership base with which it has credibility.

B. While I appreciate the desire to deliver technical assistance and training services to NAPSA’s members, given the limited resources and the vast need, I recommend that NAPSA not launch this in “stand alone” fashion, but rather find allies and partners for joint efforts in this work.

C. The Achilles heel of, virtually, every not-for-profit agency is consistent, sustainable funding. The most successful agencies, over the long haul, are those that have found ways to succeed in a market economy that is, generating revenue in return for product and/or services. If NAPSA commits to developing a limited package of high quality technical assistance and training offerings, then a fee-for-service approach could be one element in a sustainable revenue stream. I recommend that this be explored not only with regard to technical assistance and training, but also in relation to accreditation, certification, and other such programs.
D. The board is ready to move NAPSA to a new level. It is clear that new strategies must be employed, especially those that will generate additional dollars, if this is to be achieved. Admittedly, there is some risk in investing a portion of NAPSA’s savings in the employment of a grant-writer. But short of taking this limited risk, there seems small likelihood that NAPSA’s traditional revenue sources can support the move to the level of a full-time director and the implementation of the major initiatives as outlined in this strategic plan.

E. There is wisdom in sharing the board’s plans and dreams for NAPSA with the membership as was suggested during day of planning. Margaret Meade once noted: “People are committed to the goals they help establish.” By sharing the hopes and aims expressed in the strategic plan with the membership and inviting their input into what NAPSA should focus on and how it can move to the next level, you gain their emotional investment in the new direction. Their membership dues become more of an “investment” in a shared direction….something they believe in and that they can see will benefit them and those who follow them in this field.

F. The presence of a full-time executive director will greatly enhance progress on the Major Initiatives identified in this report. However, incremental gains can be made on one or more of the Major Initiatives through selective use of board committees, especially committees that draw on the interest and expertise of NAPSA members outside the board. For example, the designing of the accreditation process (Major Initiative D, Action Goals 1-5, page 3) is work that a select committee could accomplish without a full-time executive director. This would arm the agency with a strong case for a grant. You are in a position to say something like the following to the potential funding entity: “We have designed the accreditation process and the design is included in our application. Our request is for funds to (a) create the materials that will support this process, (b) test this design in five, diverse pilot sites, (c) make revisions based on the evaluation of the pilot site experience, and (d) launch the national roll-out that will improve the quality of service in twenty-two (22) pretrial programs in year one.”

The preparation of a long term funding plan (Major Initiative E, page 3) is, arguably, the Major Initiative that should be acted on first. Within that Major Initiative, the first Action Goal (Consult with other agencies regarding how they achieved sustainability and stability.) is a powerful one, and one that board or committee members can complete to good effect.
Mission Statement Worksheet

A mission statement should be the guiding principle guiding principle in the development and implementation of your initiative. Planning Committee members should work together to answer the following questions:

1. What is the purpose of the Association?
2. What are the “target” populations to be impacted?
3. How will it be accomplished?
4. Why are we starting an Association- what are the expected outcomes?
5. How will you define success?

Some general guidelines for Mission Statements:
- Should address major goals/accomplishments of the organization
- Should reflect professional and ethical standards of the organization
- Should be broad in focus, but provide direction
- Should be concise
- Should be realistic and attainable
- Should be understandable to those outside of your organization
FY2009 LOCAL COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

Local community-based probation agencies were created in 1995 by the Comprehensive Community Corrections Act (CCCA, §9.1-173 COV). They were created to provide an alternative to incarceration for persons convicted of certain misdemeanors or non-violent felonies for which sentences would be 12 months or less in a local or regional jail. Local probation programs give courts the option of assuring that these types of offenders are held accountable without resorting to the use of institutional custody. There are now 37 local probation agencies operating in Virginia, serving 128 of 134 localities.

Pretrial services programs were first created in Virginia in 1989, pursuant to authorizing language in the Appropriations Act. In 1995, they were authorized by statute with the passage of the Pretrial Services Act (PSA, §19.2-152.2 COV). Pretrial services programs provide information and investigative services to judicial officers (judges and magistrates) to help them decide whether persons charged with certain offenses and awaiting trial need to be held in jail or can be released to their communities subject to supervision. In the latter case, the programs provide supervision and services to defendants as ordered by judicial officers. There are 30 pretrial services programs in Virginia; they serve 80 of 134 localities.

Local community-based probation and pretrial service caseloads continued to grow during FY2009. With no new community corrections or pretrial services agencies coming online in FY2009, and a decline in the rates of many crimes in Virginia, the continued caseload growth can be attributed to increased use of these services by judges and magistrates, and longer periods of supervision.

Although not required, many local governments provide matching funds or in-kind resources to support these agencies, recognizing, along with members of the judiciary, the important role that pretrial services and local community-based probation play in ensuring public safety. In addition, 26 of the 37 local probation agencies, over 70%, have been collecting supervision/intervention fees to augment their operations. Unfortunately, even with fees, many local agencies still experience difficulty meeting increased workloads and system demands. The average daily caseloads (ADC) of most agencies significantly exceeded the minimum staff-to-offender ratio established by DCJS of 1:40 for pretrial supervision and the case management ratio of 1:60 for local probation supervision. Several local probation agencies continue to carry caseloads that exceed a ratio of 100 offenders on active supervision for each probation officer.¹

Despite the agencies’ best efforts, the persistent strain of excessive caseloads and funding restrictions continue to have a negative impact in some localities. State funding in recent years has not kept pace with cost and caseload increases, and most localities have not been able to step in to bridge the gap. As a result, some agencies have had to reduce staffing, limit drug testing, cut back on needed staff training, and choose other strategies to cope with limited funding in the face of increasing costs. Notwithstanding these pressures, the directors and staff of these local agencies continue to maintain highly professional services and are committed to providing for public safety in their communities.

Pretrial Services

The Pretrial Services Act (PSA) became effective on July 1, 1995. The primary responsibilities of pretrial services agencies are to provide information to magistrates and judges to assist them with bail decisions (to release or detain defendants) and to provide supervision and services to defendants as ordered by a judicial officer. There are now 30 pretrial services agencies in Virginia, providing services in 80 of the 134 localities in the state. Many localities not funded for pretrial services continue to express interest in implementing them. Thirty-six localities are currently mandated² to provide pretrial services. Seven more will be mandated to provide services in 2012. However, without additional state funding for this purpose, and with local budget reductions, it is unlikely these services will be established.

¹ Ratios are based on active cases only. Inactive and monitoring cases, which also consume agency resources, are not included in the calculations of active cases. The minimum ratio is a staffing benchmark set by DCJS for state funding.
² The mandate to provide these services is found in the Code of Virginia under §53.1-82.1 which requires the establishment of local probation and pretrial services for all jail projects approved or pending approval.
While the statewide average daily caseload (ADC) of pretrial services agencies was 1.4% lower in FY2009 compared to FY 2008, the potential for growth exists if more localities receive funding to implement new services, or expand on and improve existing services. As local jail populations grow, supervised pretrial release continues to be an important tool to assist localities in managing their jail populations by assessing risk and providing the judiciary with a viable alternative to jail.

**PRETRIAL SERVICES AVERAGE DAILY CASELOAD**

Placements on pretrial supervision decreased by 3.3% in FY 2009 compared to FY2008, from 18,523 to 17,903. During FY2009, 28.2% of defendants charged with misdemeanors and 41.2% of those charged with felonies had to meet a condition of a secure bond before being released to pretrial supervision, the same as in FY2008. While combining terms and conditions of bail — specifically, combining secure bond with pretrial supervision — is permitted by statute, the purpose of pretrial services in Virginia is to provide information to judicial officers to encourage the use of pretrial release (supervision) as a term of bail instead of a secured bond. Judicial officers’ continued reliance on secured bond combined with pretrial supervision means that defendants are held responsible to two custodial agents and makes both pretrial officers and bondsmen responsible for assuring defendants’ appearance in court and for assuring public safety. This practice undermines the intent of pretrial services to reduce the need for secure bond and encourage the use of pretrial release supervision as a term of bail.

The greatest growth in pretrial investigations occurred between FY1996 and FY1997 when most of the newly established pretrial services agencies became fully operational. More recently, pretrial investigations have leveled off, decreasing slightly in FY 2009, with 50,254 investigations conducted compared to 50,444 in the previous year. This may be an indication that the agencies’ maximum investigation capacity, given their current level of funding, has been reached.

**PRETRIAL SERVICES INVESTIGATIONS**

Defendants placed on pretrial supervision continue to have excellent success rates. Of the 7,971 misdemeanor placements closed during FY2009, over 87% (6,944) were successful, up slightly from FY2008. About 2.5% of them were closed due to a new arrest, up slightly compared to the previous year. The remaining closures were due to technical violations (3.9%), failure to appear (FTA) for court (3.5%), and other reasons (2.9%). The FTA and technical violations categories decreased slightly from FY2008. Of the 9,205 felony placements closed

---

1 Data are from Pretrial Services Monthly Reports submitted to DCJS.

Page 4
during FY2009, 81.1% (7,468) were successful, higher than in FY2008. About 3.8% of the felony placements were closed due to a new arrest; slightly higher than in FY2008. The remaining closures were due to technical violations (8.5%), FTA (4.1%), and other (2.5%), all reductions from FY2008.

 Prettrial Services Closure Types

**Misdemeanant Placement Closures**

![Misdemeanant Placement Closures Diagram]

**Felony Placement Closures**

![Felony Placement Closures Diagram]

Local Community-Based Probation Supervision

Since the establishment of the CCCA, the number of offenders supervised by local probation agencies has almost tripled. Caseloads have increased approximately 315%, from 5,043 to 21,061. There are now 37 local probation agencies in operation, serving 128 localities. Four more localities are now mandated to provide local probation services; but without state funding for this purpose, the services will not be established.

Community-Based Probation Caseloads

![Community-Based Probation Caseloads Graph]

---

4 Other pretrial services closures not depicted include those closed as returned to sending jurisdictions. The number of these cases is considered to be too low to have any impact on overall closure calculations. Cases reinstated to supervision after a previous closure are backed out of the calculations.

5 The mandate to provide these services is found in the Code of Virginia under §53.1-82.1 which requires the establishment of local probation and pretrial services for all jail projects approved or pending approval.
What can Pretrial Services do for your county?

⇒ Help insure public safety by providing supervision of defendants on court ordered release

⇒ Discourage repeat offense of DUI by providing random alcohol testing

⇒ Saves tax dollars and reduces criminal justice costs by reserving jail beds for the most high risk offenders

⇒ Provide alternatives to incarceration for low risk offenders (eg: GPS)

⇒ Relieve burden on law enforcement through enforcement and monitoring services.

⇒ In short, Pretrial prevents families from going on welfare, resulting in saved tax dollars. Most importantly, Pretrial allows individuals who are presumed innocent access to the liberty we all hold dear

Mission

The APPF’s mission is to provide the maximum level of technical and educational services to those individuals working in the field of pretrial services, specifically in the field of jail diversion, pretrial investigation and community supervision, maintaining the integrity of the judicial process while assuring public safety and maintaining fiscal responsibility to the taxpayers of the State of Florida

Purpose

The purpose of the organization is to join together those persons in the State of Florida who are working in the areas of pretrial release, jail diversion or work release in order to:

* Promote the exchange of information and ideas
* Assure professional competence of Association members through education, research and conferences
* Increase the level of awareness of the practices and goals of pretrial services agencies within the criminal justice system
* Support and promote the legislative presumption of non-monetary release of defendants who are eligible

Benefits of Membership:

Membership includes access to training, education and an opportunity to network with field service staff in the pretrial release and diversion areas. Your membership contribution provides critical support to ensure that APPF can continue to serve as a valuable resource to pretrial programs in Florida.

As an APPF member you may

⇒ Vote in elections
⇒ Run for elected positions
⇒ Serve as a regional representative
⇒ Have an opportunity to volunteer time on one of the many committees
⇒ Network with other pretrial professionals
⇒ Share newest trends, ideas and technology in pretrial services
PRETRIAL JUSTICE INSTITUTE

In 1976, the U.S. Department of Justice funded the establishment of the Pretrial Services Resource Center, in response to a request from The National Association of Pretrial Service Agencies (NAPSA) Board of Directors.

As stated in the Articles of Incorporation, we were founded “…to promote research and development, exchange of ideas and issues, and professional competence in the field of pretrial services, to encourage the establishment of responsible agencies to provide such services, to provide technical assistance to those agencies providing such services, to provide a regular means of communication among such agencies and to develop and implement training materials and techniques for those engaged in delivering such services.”

In 2007, we changed our name to the Pretrial Justice Institute to more accurately reflect our mission to advocate nationwide for fair and effective pretrial practices that eliminate inappropriate detention, optimize diversion from prosecution, and maintain community safety. The Pretrial Justice Institute seeks to accomplish this mission by facilitating research that drives evidence based practices, assisting state and local governments in improving their pretrial policies, and providing technical assistance to elevate local pretrial practice.

For more information about pretrial practices nationally, contact the Pretrial Justice Institute at 202-638-3080 or pji@pretrial.org, or visit our web site at www.pretrial.org

Pennsylvania Pretrial Services Association
Board Members

Beth Rudloff President
Janice Radovick-Dean Vice President
Juanita Ceasar Secretary
Shannon Danley Treasurer
Bonnie Millmore Central Regional Director
Tom McCaffrey Western Regional Director
Scott Rehr Eastern Regional Director
Terrence Bigley At-Large Director
Regina Himes At-Large Director
Nikki Schnovel At-Large Director
Cliff Downward At-Large Director
Maureen McManus Past President
Edward Burnley Director Emeritus
Lillian M.J. Dixon Director Emeritus
Pat Aument Director Emeritus
John Young Director Emeritus

PENNSYLVANIA PRETRIAL SERVICE ASSOCIATION

PROMOTING THE ESTABLISHMENT OF PROFESSIONAL PRETRIAL SERVICES PROGRAMS SINCE 1994

PENNSYLVANIA PRETRIAL SERVICES ASSOCIATION

PPSA
Center for Alternatives in Community Justice
411 S. Burrowes Street
State College PA 16801
814.234.1059
MISSION AND ORGANIZATIONAL VALUES

The Pennsylvania Pretrial Services Association’s mission is to organize and educate practitioners and the general public about pretrial services, to promote and disseminate research and act as a forum for new ideas in pretrial services, to provide technical assistance in establishing new pretrial service agencies and overall, to promote the establishment of professional pretrial services throughout the Commonwealth of Pennsylvania, all of which benefit defendants, victims, witnesses, other criminal justice agencies, and the general public.

Membership

The Association shall have four classes of members.

Professional: An individual who subscribes to the purposes and goals of the Association shall be eligible for a Professional membership. Such a member in good standing who has paid the annual dues shall be entitled to vote, hold office, and serve on special or standing committees of the Association.

Organizational: An agency or organization or program which subscribes to the purposes and goals of the Association shall be eligible for an Organizational membership. An organization shall be entitled to designate in writing to the Secretary, at its discretion, persons currently in its employ to hold the four organizational membership cards of the Association. Each duly designated organizational cardholder shall be entitled to vote, hold office, and serve on special or, standing committees of the Association.

Student/Associate: An individual who subscribes to the purposes and goals of the Association shall be eligible for a Student/Associate membership. A Student/Associate member in good standing who has paid the annual dues shall be entitled to serve on special or standing committees of the Association. Each duly designated Student/Associate cardholder shall be entitled to vote and hold office.

Corporate Partner: An agency or organization that provides a service to, or supports the purposes and goals of the Association shall be eligible for a Corporate Partner membership. Corporate Partners may designate up to four employees who shall receive notices and newsletters from the Association. A Corporate Partner will not be entitled to vote, hold office, or serve on special or, standing committees of the Association.

The Pennsylvania Pretrial Services Association (PPSA) would like to take this opportunity to reach out to our colleagues and communicate how an effective Pretrial Services program can make a difference in your County. Pretrial services programs are a vital part of the criminal justice system and can provide a positive impact by assisting in reducing jail overcrowding, providing information and assessments to the Courts to be used when setting bail, supervising released pretrial status defendants, and identifying special needs of the defendants (drug, alcohol, mental health) and providing appropriate referrals for services.

The Board of Directors of PPSA is dedicated to promoting the establishment of Pretrial Services programs, as well as providing technical support to enhance existing programs. Your support in the form of a membership to PPSA entitles you access to Pretrial Executives to consult with information on pretrial services including the formation or expansion of your Pretrial Services program, reduced registration rates for our annual conference in State College, reduced membership rate to the National Association of Pretrial Services Agencies (NAPSA), a membership certificate and our newsletter.

We would encourage you to become a member of PPSA and support the only professional organization in Pennsylvania dedicated to serving the needs of the Pretrial Services field. If you have any questions or would like additional information, feel free to contact any board member.
Support Pretrial Agencies Ability to Manage Jail Population

Policy Objective
FAC opposes legislation (SB 372 and HB 1379) that limits local pretrial agencies’ ability to effectively supervise pretrial defendants using locally accepted conditions of release. By limiting pretrial services to only indigent defendants, this bill would result in an added expense to the tax payer because more individuals wait in jail specifically because they cannot afford bond.

Pretrial agencies save tax dollars by allowing defendants who cannot afford bond to remain in the community and keep the community ties that encourage law abiding behavior. Without pretrial supervision, tax payers will pay for many defendants to sit in jail – regardless of the risk to public safety.

Key Points
Pretrial agencies are the only release option where the defendant is supervised by an officer of the court. Currently, there are 28 county-funded pretrial programs that supervise defendants through face to face visits, electronic monitoring, or telephone contacts. OPPAGA found pretrial agencies follow national best practices.

Effective pretrial supervision programs are more effective at decreasing the likelihood of reoffending and enhancing public safety. Pretrial agencies provide public safety protection for those who may not be indigent but pose some potential risk to the community, provide opportunity for release of the indigent, and perform risk assessments to help the judiciary determine who is an acceptable risk to release.

Pretrial agencies remain accountable to communities by producing outcome measures. The Office of Program Policy Analysis and Government Accountability (OPPAGA) suggest that these reporting requirements should be reported monthly, not weekly, and that the data collected needs to be streamlined. The success or failure of bond cannot be determined or even compared to pretrial supervision program, because bond agents do not report on the defendant’s failure to appear or re arrest rates.

The Florida Association of Counties SUPPORTS:
- County ability to provide non-monetary pretrial supervision services that ensure the safety and welfare of local communities.
- Streamlining statutory reporting requirements to align the reports with OPPAGA’s statutorily required report and moving the frequency of these reports from weekly to monthly.

Background
Both the U.S. and Florida’s Constitution favor nonmonetary bail for many individuals accused of a crime. There are three forms of pretrial release: 1) Release on one’s own recognizance (no supervision); 2) Release on bail - posing bond with a private bonding agent (bail bond) or a cash bond with the court; or 3) Release to a pretrial supervision programs.

Vote NO on SB 372 & HB 1379
Support Pretrial Agencies Ability to Manage Jail Population

**Fiscal Impact to Counties**

- If 20% of the non-indigent defendants were to remain in jail the average length of stay, the cost for 17 counties would be $10,324,772.
- If 33% of the non-indigent defendants were to remain in jail the average length of stay, the cost for 17 counties would be $17,035,873.
- If 50% of the non-indigent defendants were to remain in jail the average length of stay, the cost for 17 counties would be $25,811,929.

<table>
<thead>
<tr>
<th>County</th>
<th>Percent Indigent Defendants</th>
<th>Percent Non-Indigent Defendants</th>
<th>Fiscal Impact if 20% of non-indigent defendants were to stay in jail for the average length of stay</th>
<th>Fiscal Impact if 33% of non-indigent defendants were to stay in jail for the average length of stay</th>
<th>Fiscal Impact if 50% of non-indigent defendants were to stay in jail for the average length of stay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachua</td>
<td>75%</td>
<td>25%</td>
<td>$209,479</td>
<td>$345,641</td>
<td>$523,698</td>
</tr>
<tr>
<td>Brevard</td>
<td>48%</td>
<td>52%</td>
<td>$695,604</td>
<td>$1,147,747</td>
<td>$1,739,010</td>
</tr>
<tr>
<td>Broward</td>
<td>60%</td>
<td>40%</td>
<td>$2,027,171</td>
<td>$3,344,832</td>
<td>$5,067,927</td>
</tr>
<tr>
<td>Charlotte</td>
<td>71%</td>
<td>29%</td>
<td>$7,490</td>
<td>$12,359</td>
<td>$18,726</td>
</tr>
<tr>
<td>Duval</td>
<td>44%</td>
<td>56%</td>
<td>$3,239,444</td>
<td>$5,345,082</td>
<td>$8,098,609</td>
</tr>
<tr>
<td>Escambia</td>
<td>93%</td>
<td>7%</td>
<td>$80,028</td>
<td>$132,046</td>
<td>$200,070</td>
</tr>
<tr>
<td>Lee</td>
<td>55%</td>
<td>45%</td>
<td>$410,122</td>
<td>$676,701</td>
<td>$1,025,304</td>
</tr>
<tr>
<td>Leon</td>
<td>73%</td>
<td>27%</td>
<td>$566,832</td>
<td>$935,273</td>
<td>$1,417,081</td>
</tr>
<tr>
<td>Miami-Dade</td>
<td>87%</td>
<td>13%</td>
<td>$896,617</td>
<td>$1,479,418</td>
<td>$2,241,543</td>
</tr>
<tr>
<td>Okaloosa</td>
<td>51%</td>
<td>49%</td>
<td>$66,209</td>
<td>$109,244</td>
<td>$165,522</td>
</tr>
<tr>
<td>Orange</td>
<td>86%</td>
<td>14%</td>
<td>$209,663</td>
<td>$345,944</td>
<td>$524,158</td>
</tr>
<tr>
<td>Osceola</td>
<td>77%</td>
<td>23%</td>
<td>$476,452</td>
<td>$786,146</td>
<td>$1,191,130</td>
</tr>
<tr>
<td>Palm Beach</td>
<td>90%</td>
<td>10%</td>
<td>$226,485</td>
<td>$373,700</td>
<td>$566,212</td>
</tr>
<tr>
<td>Sarasota</td>
<td>44%</td>
<td>56%</td>
<td>$425,118</td>
<td>$701,444</td>
<td>$1,062,794</td>
</tr>
<tr>
<td>Seminole</td>
<td>75%</td>
<td>25%</td>
<td>$6,406</td>
<td>$10,570</td>
<td>$16,016</td>
</tr>
<tr>
<td>St. Lucie</td>
<td>82%</td>
<td>18%</td>
<td>$25,872</td>
<td>$42,689</td>
<td>$64,680</td>
</tr>
<tr>
<td>Volusia</td>
<td>75%</td>
<td>25%</td>
<td>$755,780</td>
<td>$1,247,038</td>
<td>$1,889,451</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>72%</strong></td>
<td><strong>28%</strong></td>
<td><strong>$10,324,772</strong></td>
<td><strong>$17,035,873</strong></td>
<td><strong>$25,811,929</strong></td>
</tr>
</tbody>
</table>

**Partners that support Pretrial Agencies**

Florida Sheriffs Association
Florida Association of Prosecuting Attorneys
Florida Public Defenders Association
Association of Pretrial Professionals of Florida
Florida Partners in Crisis

Florida Council on Community Mental Health
Pretrial Justice Institute
National District Attorneys Association
National Association of Pretrial Services Agencies
International Association of Police Chiefs

Vote NO on SB 372 & HB 1379
<table>
<thead>
<tr>
<th>Bill Patron</th>
<th>Subject</th>
<th>Committee/Status</th>
<th>Comp. Bill or similar</th>
<th>Level</th>
<th>VCCJA Position Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Level:
A – VCCJA Legislation – Active watch
B – Of Importance – Active watch
C – General Interest – Inactive watch

Active watch – VCCJA will monitor closely
Inactive watch – VCCJA will monitor occasionally
As a pretrial services professional I will:

- Assist the criminal justice system in its dealings with pretrial defendants to the best of my ability and will conduct myself as a professional at all times;
- Respect the dignity of the individual, be they defendants, victims, or fellow criminal justice professionals;
- Respect the dignity and integrity of the court;
- Respect the presumption of innocence of all defendants, until proven guilty beyond a reasonable doubt, and to uphold the fundamental right of every accused person who has been arrested and is facing prosecution under the U.S. criminal justice system;
- Pledge that the information I provide to the court and the decisions I make are as accurate and objective as possible;
- Treat all people equally regardless of race, national origin, disability, age, gender, sexual orientation or religion;
- Protect the confidentiality of all information obtained, except when necessary to prevent serious, foreseeable, and/or imminent harm to a defendant or other identifiable person(s);
- Avoid impropriety or the appearance of impropriety;
- Avoid any conflicts of interest and will not evaluate, supervise and/or provide services to anyone I have an existing relationship with, nor enter into a personal or business relationship with anyone I evaluate, supervise or provide services to;
- Continue to pursue my own professional development and education to further my expertise in the field;
- Promote the growth of pretrial services, as well as encourage and cooperate with research and development in advancing the field;
- Respect and promote the fundamental principles and professional standards which guide pretrial services and will implement these best practices to the extent I am able;
- Refrain from providing legal advice to any pretrial defendants; and lastly,
- Promise to conduct myself as an individual of good character who will act in good faith in making reliable ethical judgments.