

NAPSA Pretrial Standards – Part 4
Pretrial Services Agencies

The Foundation of Effective Pretrial Justice

Pretrial Services Agency Purpose:

- Support judicial officers in making fair, timely, informed bail decisions
- Provide individualized supervision and support options
- Track and report key performance and outcome measures

Core Agency Functions:

- Information Collection: Gather and verify background and criminal history information
- Validated Outcome Assessment: Apply validated tools to gauge likelihood of success
- Informed Recommendations: Provide individualized, least-restrictive release recommendations
- Monitoring & Supervision: Support success and promote court appearance/public safety
- Notification & Reporting: Communicate compliance or concerns to court, defense, and prosecution
- Detention Review: Monitor detained individuals for release eligibility

Organizational Standards:

- Independent governance structure
- Clear mission, policies, and strategic plans
- Dedicated, trained staff
- Reliable management information systems
- Engagement with community stakeholders
- Procedures to measure program performance
- Strategies supporting individuals with special needs
- Clear confidentiality rules protecting individual information
- Workload and caseload ratios to ensure adequate staffing
- Practices supporting staff retention and engagement

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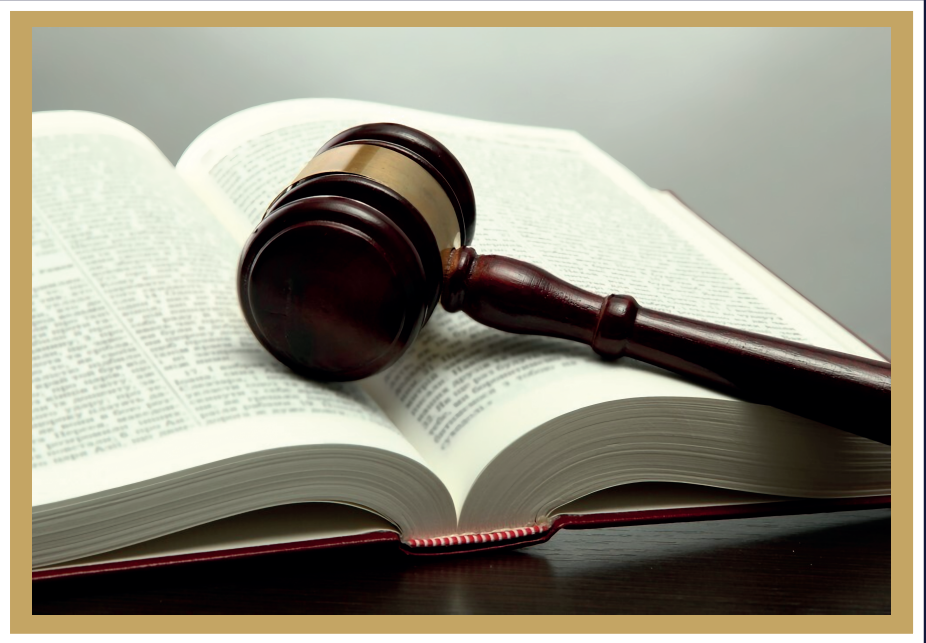
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NAPSA
Pretrial Standards

A SUMMARY GUIDE
TO FAIR, EFFECTIVE, AND
EVIDENCE-BASED
PRETRIAL JUSTICE



Scan here for the full document

NAPSA Pretrial Standards – Part 1
Guiding Principles for Pretrial Decision Making

Maximize Pretrial Release, Court Appearance and Public Safety
Bail decisions should aim to maximize release, court appearance, and public safety.

Individualized Bail Decisions
Bail should be based on each person’s likelihood of future court appearance and arrest-free behavior.

Presumption of Release
Release on one’s own recognizance (ROR) is the presumption for all individuals pending adjudication.

Least Restrictive Conditions
When additional conditions are needed, they should be nonfinancial and the least restrictive necessary.

No Financial Bail
Financial conditions of bail should be prohibited. Pretrial services should not recommend financial conditions of bail.

Limited Use of Detention
Detention is permitted only after a due-process-protected hearing and a finding of clear and convincing evidence of unmanageable risk.

Protection of Rights
Individuals retain the right to counsel, due process, equal protection, and all other constitutional guarantees.

No Discriminatory Outcomes
Bail decisions should not vary based on race, ethnicity, gender or sexual identity, disability, religion, or socioeconomic status.

Victim Rights
Victims should have access to information about pretrial hearings and release conditions related to their safety.

Adequate System Funding
Appropriate funding is essential to ensure timely, fair, and effective pretrial operations.

NAPSA Pretrial Standards – Part 2
Essential Elements of a Pretrial Justice System

Pre-Appearance Release Options
Law enforcement should have alternatives to arrest and options to release appropriate individuals before the initial hearing.

Presumption of Nonfinancial Release
Bail statutes should presume nonfinancial release, exclude financial conditions and allow detention for those posing an unmanageable risk.

No Jurisdiction-Based Restrictions on Release
Jurisdictions should not create barriers to release beyond state law.

Prosecutorial Case Review
An experienced prosecutor should review every case before the first appearance.

Right to Counsel at All Hearings
Individuals should be represented by active, informed counsel at the initial appearance and all subsequent court appearances.

Regular Review of Decisions
Release and detention decisions should be reassessed throughout the pendency of the case.

Dedicated Pretrial Services Agency
Every jurisdiction should maintain a dedicated pretrial services agency.

Validated Assessments
Bail decisions should be informed by validated pretrial assessments.

Individualized Supervision
Any supervision should be tailored to assessed likelihood of success and use the least restrictive means necessary.

Alternatives to In-Person Court Appearances
Courts should distinguish when in-person appearance is necessary and use virtual or remote options when appropriate.

Performance Measurement
Jurisdictions should monitor pretrial outcomes, track trends, and use performance data to improve practices.

NAPSA Pretrial Standards – Part 3
Pretrial Release & Detention Decisions

Release Prior to First Appearance
Guidelines defining criteria should allow early release when appropriate.

Pretrial Investigation
Pretrial agencies should gather and verify background information and apply validated outcome assessments prior to initial appearance.

Prompt Initial Appearance
Individuals should receive a bail determination within 24 hours of arrest.

Probable Cause Requirement
Probable cause should be established before imposing significant restrictions on liberty.

Hierarchy of Release Options
1. Release on recognizance
2. Least restrictive nonfinancial conditions
3. Temporary detention pending a full detention hearing

Right to Counsel
Counsel should be present and able to consult with the individual.

Transparent Hearings
Initial appearances should be in open court, on the record, with timely victim notification.

Clear Written Orders
All conditions of release should be provided in writing, in plain language, with the next court date and location clearly stated.

Strict Detention Standards
Detention should require clear and convincing evidence of unmanageable risk and be stated clearly by the Court in the order.

Accelerated Trial for Detained Individuals
Detention should be time-limited, with expedited review available for both prosecution and defense.

Ongoing Review
Bail status may be modified as circumstances change, with due process.