

12 Key Questions Justice Leaders and the Criminal Justice Community Can Ask to Improve Pretrial Outcomes

In 2020, New York State adopted criminal justice reform legislation that eliminated money bail and pretrial detention for individuals charged with nearly all misdemeanor and non-violent felony crimes.¹ In conjunction with the new legislation, New York's 2020 Pretrial Standards² defines how pretrial services should operate in providing judges with best practice alternatives to money bail or other forms of financial surety to ensure the charged individual's appearance in court. The legislation requires each county to have a certified pretrial services program; as such, the standards are useful in helping existing programs assess and improve their pretrial administration, program delivery, and use of technology and data collection practices. Likewise, counties establishing new pretrial programs can use these standards to inform program development and prioritize policy and practice changes that reflect the essential elements and best practices for fair and equitable pretrial program delivery. Finally, these standards can be a center point to bring jurisdictions in the criminal justice community and its partners together for collaborative strategic planning and resource sharing.

Based on the New York State pretrial standards, 12 key questions that judges, court personnel, county executives and program administrators should ask to improve pretrial outcomes are:³

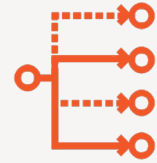
(Click on the [blue links](#) to view relevant pages of the 2020 pretrial standards.)

¹ All pretrial agencies should have a full understanding of the bail law and its provisions.

² New York's Pretrial Standards were developed through collaboration between NYAPSA, OCA, and DCJS.

³ For more information, please review a full copy of the pretrial standards at: <http://www.nyapsa.org/nys-pretrial-release-services-standards.html>

1. Are all individuals in custody **screened** by pretrial services programs to identify those **eligible by law for release**? (Possible exclusions may include ICE detainees, parole violators, individuals arrested while in jail, DATs, etc.)



2. Are all arrested persons held prior to their arraignment **interviewed** to provide the court with information important for deciding the most appropriate, least restrictive, non-monetary release outcome?



3. Is the **pre-arraignment interview** standard for all arrested persons and based on **validated factors** that are predictive of the likelihood of returning to court?



4. Does the local pretrial service program provide a **report to the court** that addresses the individual's risk of flight and provides a **recommendation** for non-monetary, **least restrictive conditions** of release?



5. Are individuals released on recognizance, pretrial supervision, or cash bail **notified of upcoming court appearance dates** by phone calls, text messages, email, or U.S. mail?



6. Is there pretrial services **contact information** (phone number and/or email) that individuals and their families awaiting court can use to ask questions about upcoming court appearances, warrants, or outcomes of previous court appearances?



7. Does the pretrial program attempt to **contact individuals** who miss their court date to encourage their **voluntary return**?



8. Is information on the charged individual regarded as **confidential and protected** to assure full cooperation of the individual, integrity of the court process, and protection of third-party persons who cooperate in the collection and verification of data?



9. Does the pretrial program regularly **collect data** using a computerized system to **generate regular reports**, guide policy and practice changes, and for public information?



10. Is a pretrial program representative a **member** of a county criminal justice task force, advisory committee, council or other interagency group where **pretrial issues** are discussed?



11. Are **trainings and program improvements** underway to promote diversity, equity, and inclusion, such as outreach to community-based organizations with people impacted by the justice system to meaningfully engage and inform the bail reform agenda?



12. Is a pretrial program **representative a member** of a county criminal justice task force, advisory committee, council or other interagency group where pretrial issues are discussed, as well as close examination and conversation around racial and ethnic disparities?

