



# Yamhill County

## Pretrial Justice Agency Policy

A Collaborative Effort to Enhance Pretrial Justice

The following agency policy, protocol and procedures are based on legal precedence regarding the presumption of innocence and right to bail, conform with all Oregon statutes and constitution, and are guided by evidence-based principles.

### **Mission:**

Promote pretrial justice for defendants and minimize harm to the community.

### **Strategic Goals:**

1. Maximize the number of defendants who may reasonably and safely be released into the community pretrial.
2. Ensure court appearance of defendants released into the community.
3. Promote community safety by encouraging arrest-free behavior of released defendants.

Our work is guided by the following values:

### **Reliability and Objectivity**

A pretrial services agency should assemble accurate, reliable and objective information relevant to the court's determination concerning pretrial release or detention. This information should be provided to the court and parties in a timely manner.

### **Impartiality, Fairness and Equality**

In order to produce fair, impartial and consistent pretrial release decisions for all accused persons, Judicial Officers should give consideration to the factors required by law and an individual's supervision risks in an effort to ensure community safety and court appearance, through the use of non-financial bonds when appropriate.

### **Parsimony**

Use the least restrictive release conditions necessary to assure appearance in court and that are consistent with an individual's risk for pretrial misconduct.

### **Discrimination**

Racial and economic status should not be a barrier to release.

**Victim and Community Centeredness:**

If you are a victim of crime, you have legal rights guaranteed by both the Oregon Constitution and Oregon Revised Statutes. Your right to justice includes the right to:

- A meaningful role in the criminal or juvenile justice process
- Be treated with dignity and respect
- Fair and impartial treatment
- Reasonable protection from the offender

**Our work is also guided by the following research findings:**

- Most pretrial defendants present low to moderate risk for failure to appear in court and criminal behavior while released
- Over-monitoring or keeping low risk defendants in jail may actually increase their risk
- Court reminder systems are effective in increasing appearance in court
- No, low or moderate level conditions are effective in assuring appearance in court
- Individuals held in jail are more likely to receive incarceration sentences
- Money bail does not assure appearance in court

**The components of Yamhill County's pretrial program include the following:**

- Assessment of risk, community stability and other factors as determined by Oregon statute
- Communication of information and written report of release recommendations to the Court
- Monitoring of any pretrial release conditions imposed by the court
- Accountability through swift and certain responses to pretrial misconduct and reinforcement of compliant behavior
- Review of those held in jail pretrial on a regular basis
- Notification of court dates for those on pretrial release
- Measure performance and make improvements accordingly

**Essential elements of a pretrial program:**

1. Dedicated pretrial agency
2. Operationalized Mission
3. Universal screening (all people, no exceptions, if bail able by law)
4. Validated Assessment instruments
5. Sequential bail review
6. Risk based supervision
7. Performance measurement and feedback

## **Measurement:**

Measure performance regarding the following outcomes and provide feedback to key criminal justice stakeholders:

- **Appearance Rate:** the percentage of supervised defendants who make all scheduled court appearances.
- **Safety Rate:** the percentage of released defendants who are not arrested with a new offense during the pretrial stage.
- **Concurrence Rate:** the ratio of defendants whose supervision level or detention status corresponds with their assessed risk of pretrial misconduct.
- **Success Rate:** the percentage of released defendants who
  - are not revoked for technical violations of the conditions of their release
  - appear for all scheduled court appearances, and
  - are not arrested with a new offense during pretrial supervision
- **Pretrial Detainee Length of Stay:** the average length of stay in jail for pretrial detainees who are eligible by statute for pretrial release.
- **Number of Defendants Released by Release Type:** the number of release types ordered during a specific time frame.
- **Caseload Ratio:** the number of supervised defendants divided by the number of case managers
- **Time on Pretrial Supervision:** time between the pretrial agency's assumption of supervision and the end of the program supervision.
- **Pretrial Detention Ratio:** proportion of pretrial defendants who are detained throughout pretrial case processing.

## **General Statement of Pretrial Services Officer Job Duties:**

The Pretrial Services Officer (PSO) works directly under the supervision of Community Justice assisting the Court in all pretrial matters. The PSO investigates and provides information to the Court to assist with pretrial release decisions as well as provide supervision and services as ordered by the Court.

## **Specific Pretrial Services Officer job duties are as follows:**

- Interviews incarcerated defendants to gather personal and criminal information for use in making release decisions or to make recommendations to the court.
- Conducts pretrial risk assessments to determine offender's risk to fail to appear and risk of pretrial misconduct.
- Utilizes "Pretrial Release Risk Matrix" to guide release recommendations and suggested pretrial supervision level made to court.

- Verifies information received from the defendant by accessing secure local and national computer databases and by contacting and interviewing the defendant's employers, family, friends, neighbors, and others.
- Facilitates third party release by investigating and evaluating suitability of referral.
- Reviews Probable Cause Affidavits and analyzes and evaluates all information received to determine degree of security risk.
- Makes release decisions (which can include determining the conditions of release or setting bail or security) within the delegated scope of authority or makes recommendations to the Judge regarding release.
- Writes and submits pretrial release recommendation reports to the Court providing and documenting release recommendations.
- Prepares individually tailored release plans and release agreements consistent with conditions of release.
- Serves as a resource to the judge in criminal hearings, arraignments, release hearings, and pretrial conferences. Testifies in support of the investigation and release recommendation, plan, or agreement.
- Establishes monitoring criteria. Monitors defendants on release status for compliance with release plans or agreements. Requires defendants to submit to alcohol or drug testing. Verifies that the defendant has met all court-imposed conditions.
- Investigates information received regarding potential violations of release agreements. Notifies Court or District Attorney's office of any verified violation(s) of release agreements and makes recommendations regarding revocation of release.
- Testifies in court to explain revocation of release for noncompliance.
- Responds to inquiries from Judges, Oregon Judicial Department (OJD) staff at all levels, other public or private sector agencies, District Attorney, defense attorneys, victims, victims' family members, defendants' family members, and members of the public regarding the release or non-release of defendants or policies and procedures of release decision making.

### **Explanation of Pretrial Policy Documents:**

#### **Yamhill County Pretrial Justice Program Flowchart:**

Provides a visual representation of the current and future Yamhill County Pretrial Justice Program. Flowchart narration and procedural document also available.

#### **Pretrial Services Release Recommendation Report:**

The release recommendation report provides the Court with a written release recommendation from the Pretrial Services Officer (PSO) with respect to pending crime severity, risk level and other considerations such as current employment status and potential 3<sup>rd</sup> party release options. The report also contains additional information about the defendant such as local support systems, familial issues, addiction/special needs considerations, financial, and other historical information. Should release be recommended, the PSO also makes suggestions on appropriate supervision condition imposition.

## **Jail Release Guidelines:**

Per the legal authority of Presiding Judge John Collins, this document provides release authority and guidelines for Sheriff's Office Jail Deputy Staff to determine which pretrial defendants should remain incarcerated or be booked and released immediately. The guidelines are based on both the severity of the new pending criminal charge as well as the PSC risk score level. Special conditions of release as well as special circumstances are also addressed in this document.

## **Pretrial Master Matrix:**

The Pretrial Master Matrix is a second guideline for the Pretrial Justice Program and judicial branch to use when considering jail release. This document is also based on the severity of the new pending criminal charge as well as the PSC risk score level. The two added elements are appropriate level of pretrial supervision to impose and money bail amounts per statute.

## **Public Safety Checklist (PSC):**

The Public Safety Checklist is an actuarial risk assessment tool that uses offender characteristics to predict recidivism. Via interface with several information systems, the PSC automatically runs the following risk factors for each person and the interplay between these factors. The PSC then computes a person's level of risk for future crime and what percentage of offenders have a lower risk of future crime.

- 1) Age
- 2) Gender
- 3) Age of first arrest
- 4) Severity of current crime
- 5) Number of prior arrests for a person, property or other (statutory) type of crime
- 6) Was this person arrested for a person, property or other type of crime in the last five years
- 7) Previous sentence type (probation or incarceration)

## **Virginia Pretrial Risk Assessment Instrument (VPRAI):**

An actuarial assessment tool designed to measure risk of failure to appear in court and pretrial misconduct. This assessment is used only when a State ID Number for which to access a PSC score is not available or there is out-of-state criminal history, in which case both the VPRAI and PSC are completed and the highest scoring tool used.

## **Pretrial Violation Response Grid:**

This document provides the Pretrial Release Officer(s) with guidance as to the appropriate violation response based on the severity of the violation as well as risk level of the defendant.