

**NATIONAL ASSOCIATION OF
PRETRIAL SERVICES AGENCIES**

**STANDARDS ON
PRETRIAL RELEASE**

Third Edition

APPROVED: OCTOBER 2004

**THE BOARD OF DIRECTORS OF THE
NATIONAL ASSOCIATION OF
PRETRIAL SERVICES AGENCIES**

These Standards have been drafted and adopted by the National Association of Pretrial Services Agencies (NAPSA). Support for work on the Standards has been provided through the Community Corrections Division of the National Institute of Corrections. The contents of the document reflect the views of NAPSA as an association, and do not necessarily reflect the official views or policies of the National Institute of Corrections.

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Approved by

**The Board of Directors of the
National Association of Pretrial Services Agencies**

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Website: www.napsa.org

NATIONAL ASSOCIATION OF PRETRIAL SERVICES AGENCIES

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* * * * *

During preparation of these Standards, Michelle Brown and Leigh Cheney also participated in the work of the Committee. At its initial meetings, the Committee's work was greatly assisted by the efforts of Howard Messing in facilitating committee discussions and by the work of John S. Goldkamp in serving as Interim Reporter and assisting in drafting of what are now Parts I, II, and IV of the black letter Standards.

SPECIAL ACKNOWLEDGEMENT

The NAPSA Release Standards Committee would like to acknowledge, with great appreciation, the role of Board Member and Release Standards Committee Chair Mary Pat Maher.

Upon appointment as Chair in 2002, Mary Pat quickly formed a committee of pretrial professionals to revisit the Release Standards. The members were experienced and knowledgeable, but also passionate, verbose, and more than a little opinionated. Mary Pat's leadership, intelligence, organizational skills, and patience were tested, but she soon had the committee working in a positive team mode.

Mary Pat often likened her role to "herding cats." The Committee Member "cats" listed on the preceding page sincerely thank Mary Pat for her leadership, communication skills, energy, humor, and friendship. These Third Edition NAPSA Pretrial Release Standards are a testament to her persistent dedication.

FOREWORD

Policymakers and practitioners concerned about criminal justice issues have increasingly come to recognize the importance of sound “front-end” decision-making. The actions taken in the initial stages of any criminal case—in particular, the decisions concerning the release or detention of an arrested person—can have an enormous bearing on the outcome of an individual case and, in the aggregate, on the quality and effectiveness of the jurisdiction’s criminal justice processes. The stakes involved are high: they involve considerations of individual liberty, public safety, and the integrity of the judicial process. This Third Edition of NAPSA Release Standards points the way to improved policy and practice in this crucial area.

More than twenty-five years ago, the National Association of Pretrial Services Agencies (NAPSA) undertook the drafting of a pioneering set of Performance Standards and Goals for Pretrial Release. The original NAPSA Release Standards, published in 1978, sought to define realistically achievable goals and sound pretrial release practices, drawing on the experience of practitioners who had been involved in the first two decades of bail reform efforts in the United States beginning with the Manhattan Bail Project in the early 1960s. The 1978 Standards survived the test of time very well. They were influential in shaping system improvement efforts in a number of states and they provided practical guidance in day-to-day operations for pretrial services program administrators and staff for over two decades.

The soundness of the original Standards was emphasized by the work of a NAPSA committee that examined them comprehensively in the 1990s. That committee recognized the need to revise and update the Standards, but decided as an interim measure to have the original Standards re-issued in 1998, with minimal editing, as the Second Edition of NAPSA’s Release Standards.

In 2002, the NAPSA Board of Directors decided that it was time to undertake a fresh re-examination of the original Standards, to take account of emerging issues facing pretrial decision-makers and changes that had taken place in practices, technology, case law, and program capabilities since the original Standards were published. A new Release Standards Committee was formed, with members drawn from pretrial services programs in different areas of the country. The new committee was charged with reviewing the original Standards, proposing a new set of Standards, and drafting commentary to accompany them.

The process of drafting the Standards and the commentary was intensive. The Release Standards Committee held nine meetings over a period of more than two years, reviewed the original and Second Edition NAPSA Standards, and also reviewed the American Bar Association’s Third Edition *Standards on Pretrial Release*, adopted by the ABA in February 2002. The committee made an early decision to draw heavily on the new ABA Standards, especially for portions of the Standards that involve legal proceedings and the conduct of court proceedings, and to follow the basic format of the ABA Standards. For portions of the NAPSA Standards involving the operation of

pretrial services agencies (especially Part III of the new NAPSA Standards), the committee relied principally on its own expertise and on literature in the field—including, as a key reference document for issues to be addressed and policy directions, the 1978 NAPSA Standards.

As the Standards were developed, they were reviewed extensively by committee members. On some issues involving the substance and wording of specific provisions of both the black letter standards and the commentary, there was extensive discussion within the committee. In addition to in-person committee meetings, all of the committee members participated in conference calls and e-mail exchanges focused on specific aspects of the Standards and commentary as they went through successive drafts. A complete draft of the black letter standards was distributed to all of the participants at NAPSA's 2003 annual conference and was the subject of plenary discussion at that conference. Conference participants and other NAPSA members were invited to submit comments and suggestions for revision, and a number of suggestions received from reviewers were incorporated into the final document. The NAPSA Board of Directors was supportive of the committee's work throughout the process, and Board members made a number of constructive suggestions that are reflected in the final version.

These Third Edition Release Standards would not have been possible without the time, energy, and support of many individuals. The NAPSA Board, under the leadership of President Dennis Hunter, provided the necessary resources and support to see this project to fruition. The Board recognized the need for updated release standards and provided a mechanism that enabled the development and publication of these Standards. I am grateful to Dennis Hunter and all the NAPSA board members for their support and assistance.

I would especially like to thank all the Release Standards Committee members for all their hard work on behalf of this committee. The amount of time and resources that each of them spent on this project is hard to measure. However, I hope the tireless dedication and commitment to quality that they displayed throughout this project is apparent when reading this document. In addition, the committee members' willingness to listen to each others' divergent views, to seek common ground, and to participate as team members rather than as individuals added enormous depth and perspective to these Standards. I was personally and professionally enriched as a result of chairing this committee and I feel honored to have had the opportunity to work with such a fine group of pretrial professionals. Additional thanks are extended to the Board of Directors of Project Remand – Ramsey County Pretrial Services and all the committee members' agencies for allowing us the time and flexibility to work on this project. My appreciation is also extended to the NYC Criminal Justice Agency and D.C. Pretrial Services Agency for hosting some of the committee meetings. I would also like to thank Howard Messing for his facilitation of a number of the committee's meetings and John Goldkamp for serving as Interim Reporter and assisting in drafting Parts I, II, and IV of the Standards.

The committee was blessed when Barry Mahoney joined us, in the role of Reporter, in April of 2003. Barry's national expertise in courts and pretrial services, his

work on the American Bar Association's Standards on Speedy Trial and Timely Resolution of Criminal Cases, as well as his considerable organizational and writing skills, provided an invaluable resource to the committee. Barry's immense wisdom and contributions are reflected throughout these Standards. My utmost gratitude goes out to Barry Mahoney for helping me and the committee make NAPSA's dream of Third Edition NAPSA Release Standards a reality.

The American Bar Association deserves special recognition. The outstanding work done on the ABA's Third Edition Pretrial Release Standards provided the basis for many of the new NAPSA Standards, especially in Parts I, II, and IV. In October 2002, NAPSA formally issued a strong endorsement of the ABA's Standards. In doing so, NAPSA particularly noted its support for the ABA Standards' call for every jurisdiction to establish a pretrial services program, their continued emphasis on the need for abolition of compensated sureties, and their formulation of an explicit release decision-making process that reserves detention as an exception to a policy favoring release and restricts the use of financial conditions. The ABA and NAPSA have had a long history of supporting each other's efforts to develop and promote standards that improve decision-making at the front end of the criminal justice system. I would like to thank the ABA for its ongoing support and contributions to these Standards.

Bruce Beaudin's many contributions to these Standards need to be especially recognized. Bruce was a driving force behind NAPSA's First Edition Release Standards and has remained a strong voice for the need for national standards for pretrial release. In addition, Bruce provided valuable review and input for these Third Edition Standards. He reviewed the draft standards and commentary, and a great deal of his feedback was incorporated into the final document. Thank you, Bruce. I assure you, your commitment toward drafting well-reasoned and well-written release standards lives on!

Several NAPSA members reviewed the draft standards after the 2003 annual conference and provided valuable feedback. Specifically, I would like to thank David Bennett, Kevin Francis, Bob Guttentag, Mike Jones, and Anne Gatti for taking the time to read the draft standards and then send me your thoughts and comments.

A special thank you is extended to the National Institute of Corrections (NIC) for the financial support provided in securing Howard Messing as facilitator and Barry Mahoney as the Reporter for the Standards. I would particularly like to thank Phyllis Modley and George Keiser, of the Community Corrections Division, for their assistance in arranging this support from NIC. The financial assistance from NIC came at a critical time and was instrumental in the completion of this project.

Two nonprofit organizations—the Pretrial Services Resource Center (PSRC) and the Justice Management Institute (JMI)—contributed significantly to the work on the Standards. The Resource Center has for many years been a primary source of information and technical assistance concerning pretrial issues, and its publications and library resources were invaluable in the development of the Standards. JMI provided

office space and computer support for Barry Mahoney's work as the Reporter for the Standards, and JMI staff assisted in many of the final production tasks.

Additional thanks go to the following state associations for their financial support: Ohio Association of Pretrial Services Agencies, Minnesota Association of Pretrial Services Agencies, and Virginia Criminal Justice Association. Donations from these associations helped ensure that the committee could complete the final work involved in drafting the standards and commentary.

In May of 2004, the Doubletree Hotel in Dallas, Texas provided complimentary room nights to the Release Standards Committee in conjunction with one of our final meetings. The committee had a very productive meeting in Dallas and we thank the Doubletree for their donation and warm hospitality.

Finally, I would like to thank Tulsa County for providing the initial printing and binding of this document. We appreciate the County's support in finalizing this project.

These Standards are intended to provide direction, guidance, and inspiration to pretrial practitioners in their daily work of providing pretrial services in criminal cases. Just as important, I hope these standards serve as a catalyst for change when criminal justice policymakers ask "How do we fashion a criminal justice system that is just, fair, and sound?" It is my hope that these standards are implemented to the fullest extent. An informed, reasoned, honest, and impartial response at the front end of the criminal justice system will resonate throughout the system and will improve the public's trust and confidence in how we deliver justice in this country.

Mary Pat Maher, *Chair*
NAPSA Release Standards Committee

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