

Supportive Services for Pretrial Clients

DATE: May 4, 2022

PRESENTERS: Dr. Kelvin L. Banks, Senior Manager, Center for Effective Public Policy

INFO: 2022 Annual TAPS Conference: Leading Effective Pretrial Solutions

APPR ADVANCING PRETRIAL POLICY & RESEARCH

Managed by

C ≡ P P

**Center for
Effective
Public Policy**

Supported by



APPR

ADVANCING PRETRIAL
POLICY & RESEARCH

PRETRIAL JUSTICE

ABOUT THE PSA

IMPLEMENTATION

ABOUT APPR

APPR COMMUNITY

LOG IN

SIGN UP

Advancing
Pretrial Justice

FAIR, JUST, EFFECTIVE PRETRIAL PRACTICES

Understand Pretrial
Justice

LEARN MORE

Stories on Pretrial
Improvements

READ THE STORIES

About the Public Safety
Assessment

HOW IT WORKS

Fair, just, effective pretrial practices honor the
presumption of pretrial release and promote equity.

↓

Help

APPR Resources

- APPR website: advancingpretrial.org
 - Research summaries, legal analyses, pretrial glossary
 - Training announcements: Community Engagement, and Pretrial Office Hour
- APPR Community: community.advancingpretrial.org
 - Peer community
- APPR Learning Sites
 - Technical assistance opportunity
 - Search “Learning Sites” on advancingpretrial.org

Quote

“The sole meaning of life is to serve humanity.”

— **Leo Tolstoy**

Workshop Goal

To encourage local system stakeholders to be *intentional* about identifying and addressing their client's needs, including but not limited to leveraging existing community-based organizations!

Workshop Overview

- ✓ Response to the Field
- ✓ Limited Research for Pretrial Supervision
- ✓ Pretrial Practices compared to Case Management Practices
- ✓ Topics Covered:
 - ✓ Legal and Evidence-Based Principles
 - ✓ Gathering Information about Needs
 - ✓ Best Practices for Referring to Services

Legal and Evidence-Based Principles

Dr. Kelvin L. Banks

What is Pretrial Supervision?

Using the
least restrictive interventions needed
to promote court appearance and
community safety



Promoting **Success** rather than Managing Failure

Principles of Pretrial Supervision: Release Conditions + Supportive Services

1



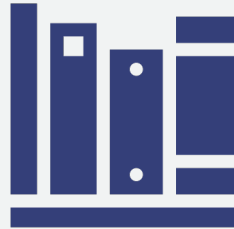
Law

2



Data

3



Best
Practices

4



Research

+++++++



5



Supportive
Services

Law: Pretrial Release Conditions

- For the vast majority of people who are legally entitled to pretrial release, how should a judge set conditions?

Remember: Most people will succeed on pretrial release without any conditions other than a promise to return to court and stay out of legal trouble.

Law: Pretrial Release Conditions

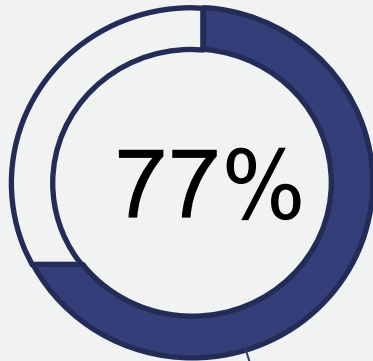
If any conditions are imposed, they must be the **least restrictive necessary** to provide reasonable assurance of court appearance and public safety.

U.S. v. Salerno, 281 U.S. 739 (1987)

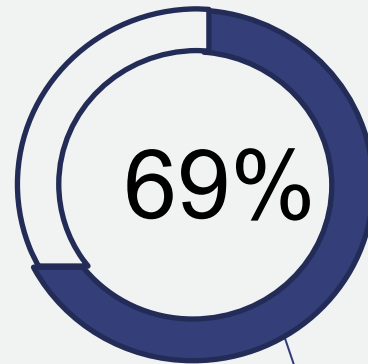
Conditions must be **individualized**.

Stack v. Boyle, 342 U.S. 1 (1951)

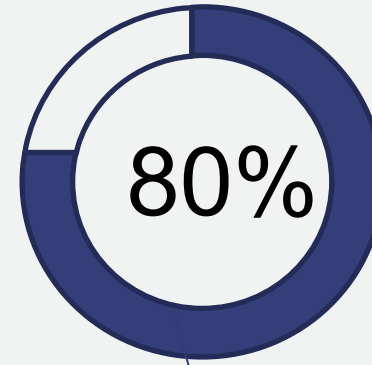
Data: Most People Succeed



Average **court appearance rate** from PSA development studies.*



Average **arrest-free rate** from PSA development studies.*



Average **pretrial success rate** from national studies.**

*Based on PSA validation and development studies

**Based on national studies

Best Practices



Effective supervision
strategies promote pretrial
success!

Effective Supervision

Effective supervision practices include:



Research: Strategies for Success



Empirical research helps us understand **what works** to achieve court appearance and no new arrest.

Research: Risk Principle

The risk principle tells us that we should provide **fewer pretrial resources or none** to those who are assessed as more likely to succeed—and provide **more resources** to people who are less likely to succeed.

Research on Release Conditions

Release Condition	Research Findings
Court Date Notification	Much Support on court appearance
Pretrial Monitoring	Some Support on court appearance No Support on remaining arrest free
Alcohol or Drug Testing	No Support on court appearance No Support on remaining arrest free
Electronic Monitoring	Almost No Support
Financial Condition	No Support on court appearance No Support on remaining arrest free

Discussion Question?

- Does your system provide court date notifications?
- If so, what type (i.e., email, text message, phone calls)?

Research on Release Conditions

Release Condition	Research Findings
Court Date Notification	Much Support on court appearance
Pretrial Monitoring	Some Support on court appearance No Support on remaining arrest free
Alcohol or Drug Testing	No Support on court appearance No Support on remaining arrest free
Electronic Monitoring	Almost No Support
Financial Condition	No Support on court appearance No Support on remaining arrest free

Discussion Question?

- Does your agency provide pretrial monitoring for all release types?
- Do you require people to appear in-person or virtual for office visits?

Research on Release Conditions

Release Condition	Research Findings
Court Date Notification	Much Support on court appearance
Pretrial Monitoring	Some Support on court appearance No Support on remaining arrest free
Alcohol or Drug Testing	No Support on court appearance No Support on remaining arrest free
Electronic Monitoring	Almost No Support
Financial Condition	No Support on court appearance No Support on remaining arrest free

Discussion Question?

- Does every person on pretrial monitoring receive a drug test?

Research on Release Conditions

Release Condition	Research Findings
Court Date Notification	Much Support on court appearance
Pretrial Monitoring	Some Support on court appearance No Support on remaining arrest free
Alcohol or Drug Testing	No Support on court appearance No Support on remaining arrest free
Electronic Monitoring	Almost No Support
Financial Condition	No Support on court appearance No Support on remaining arrest free

Discussion Question?

- Has there been an increase in your jurisdiction in the use of electronic monitoring over the last few years?
- How is non-compliance addressed?

Research Summaries



Court Date Notifications Systems



Pretrial Monitoring



Pretrial Drug Testing



Electronic Monitoring

[Pretrial Research Summaries | Advancing Pretrial Policy & Research \(APPR\)](#)

More Research is Needed

Many common pretrial release conditions and practices—including no-contact orders, curfews, driving interlock devices, and pretrial services' responses to compliance and noncompliance with court-ordered conditions—lack empirical grounding.

What are Supportive Services?

- Services provided to help clients enhance their way of living and achieve self-sufficiency.

Adapted and retrieved from: <https://www.lawinsider.com/dictionary/supportive-services>

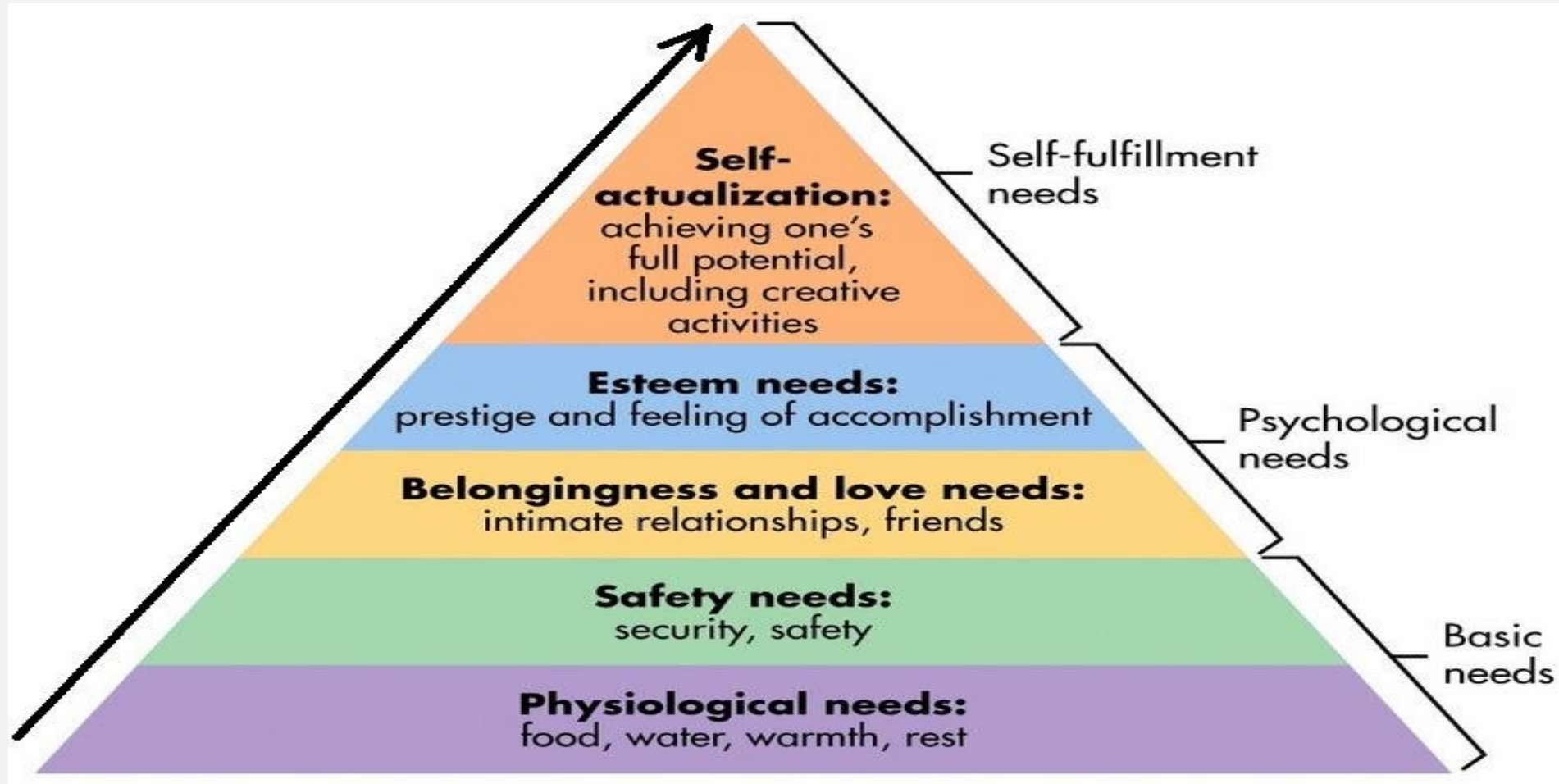
Discussion Question?

- How do Supportive Services differ from conditions of release?

Supportive Services

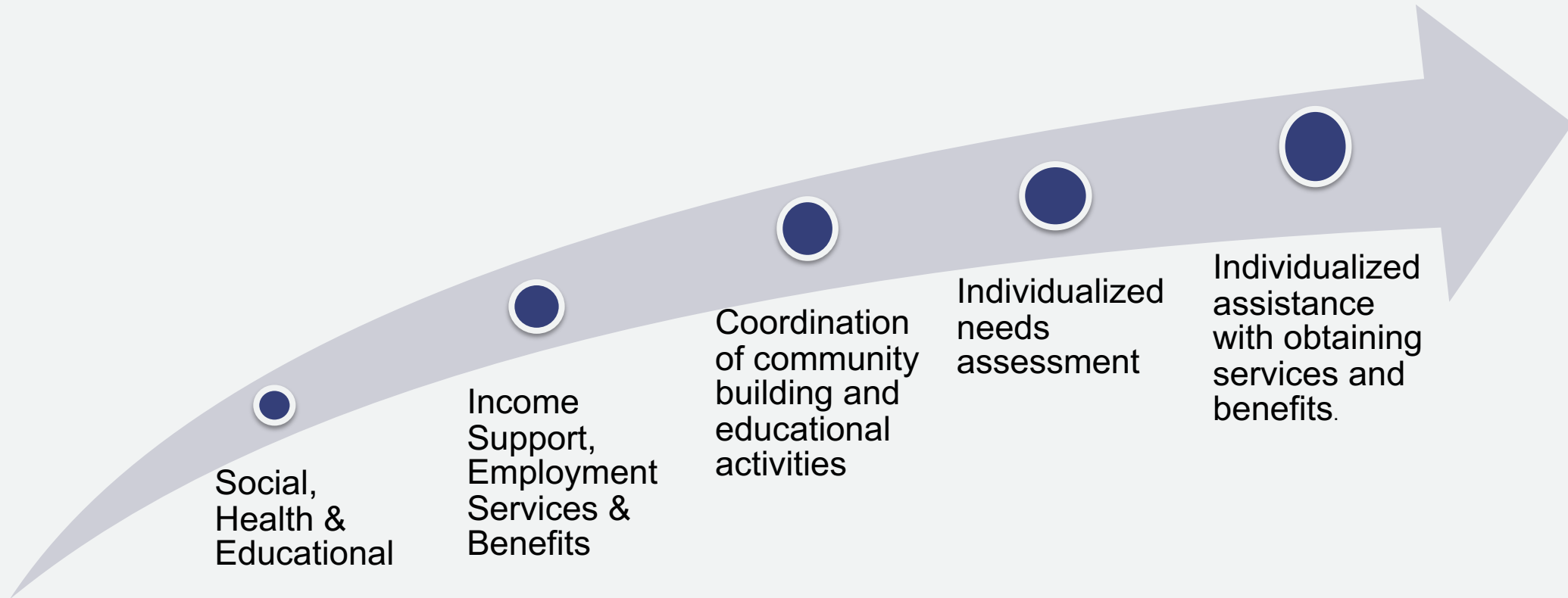
- Address individualized needs
- Are not court ordered
 - Cannot be violated
- Should be coordinated by the primary supervising agency (i.e., Pretrial Services)

Individualized Needs: Maslow's Hierarchy



- Retrieved from: <https://www.simplypsychology.org/maslow.html>

Supportive Services includes:



Adapted and retrieved from: <https://www.lawinsider.com/dictionary/supportive-services>

Gathering Information about Needs

Dr. Kelvin L. Banks

Important Legal Principle



Individualized is a key legal principle, well established in American law, and consistent with best practices.

Important Legal Principle

Release Decision

- Individualized



Supervision – Identifying Needs and Services

- Individualized

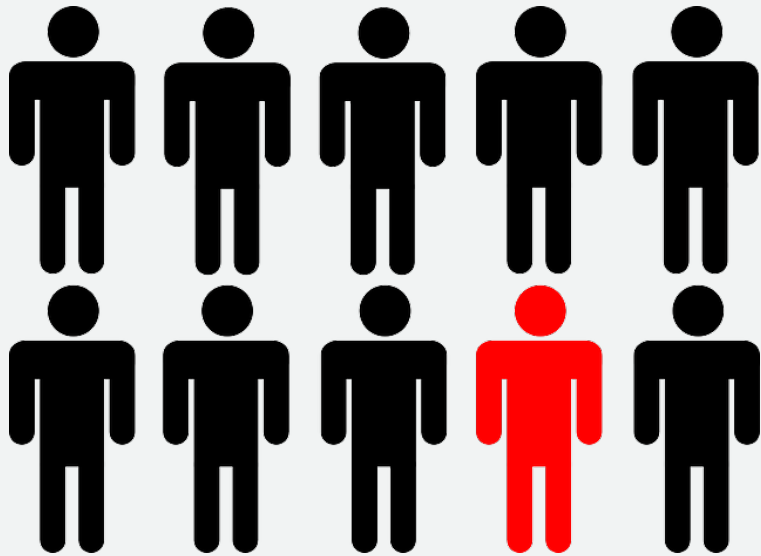


Supervision Goals

- Court Appearance
- No New Arrest



Individualized



Tailored to suit a particular individual

Made individual and distinctive

Complete the Sentence

When you have a tough day in the office and want to
lift your spirits, you_____?

Housing
Substance abuse
Mental health
Childcare
Life skills
Parenting
Food
Employment
Education
Transportation

Common Client Needs

Quote

“Nothing about us without us.”

— James Charlton



Retrieved from :[Procedural Justice - Yale Law School](#)

Discussion Question?

- What current practices do you use that give your clients a voice when asking about their needs?

Examples

Substance Abuse

☐ ☐ History of drug or alcohol use: _____ History of Treatment: _____

Describe current and past use: _____

Medical/Psychiatric

☐ ☐ Mental Health Issues: _____ Current Psychiatric Medication: _____

Mental Health Comments: _____

Examples

What can Pretrial do to assist you with getting to court?					
What can Pretrial do to assist you with remaining arrest-free?					
Assistance Provided					
Addiction Services		Food Assistance		Mental Health	
Employment		Housing		Parenting/Kids	
Finance Assistance		Medical Programs		Transportation	
Phone/Communication					

Effective Strategies – Relationships

- Case management is a dynamic process that requires active and ongoing engagement between clients and supervision officers



Effective Strategies - Make the Contact Count



How time with clients is used is critically important



Time can be used primarily to monitor compliance with conditions **or** increase client's motivation to work on their needs

Effective Strategies – Asking Questions

What you ask is just as important as **how** you ask

- Mr. Smith, you have court on June 2nd at 1:00 PM. You will remember to be there, right?

OR?

From Needs to Supportive Services

- Be specific
- Provide next steps
 - When
 - Where
 - What
- Follow-up



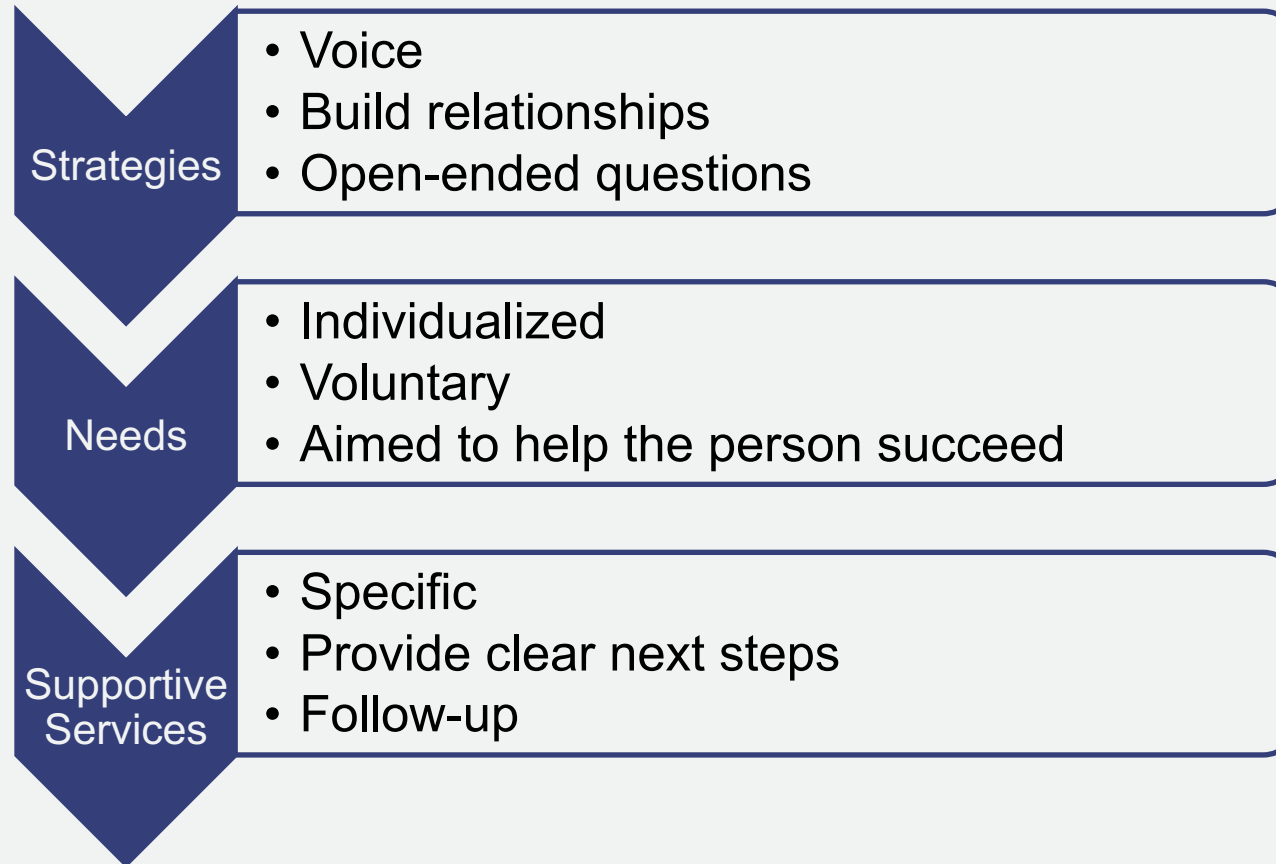
A word cloud of supportive services. The word 'childcare' is written vertically in green on the left. To its right, the words 'food', 'employment', 'housing', 'transportation', and 'substance abuse' are arranged in a cluster. 'food' is red, 'employment' is yellow, 'housing' is blue, 'transportation' is pink, and 'substance abuse' is purple.

childcare food employment
housing
transportation
substance abuse

Matching Needs to Specific Services

Agency	Service
Changed choices	Transitional housing for females
Dove's Nest	Life skills training
Grace-mar	GED assistance, industry-specific skills training

Putting it Together



Learn from Others

Supportive Services



Jessica Ireland ·  · 28d

● Enhancing Pretrial Justice

Does your jurisdiction offer any innovative pretrial programs designed to support people on pretrial release and help them succeed? Feel free to share.

[APPR Community \(advancingpretrial.org\)](https://advancingpretrial.org)

Best Practices for Referring to Services

Dr. Kelvin L. Banks

Rhetorical and Socratic Question

- What supportive services does your jurisdiction currently offer?

Inventory of Pretrial Services

- The pretrial services inventory lists the existing and future services, activities, and interventions that one or more agencies in your jurisdiction provide or will provide to released people.
- Reference: <https://advancingpretrial.org/appr/appr-resources/pretrial-services-inventory/>

Importance of an Inventory

- Increase stakeholder's awareness of the options.
- Increase understanding how these options will be the same or different after pretrial improvements.
- Identify which agency provide each service.
- Indicate gaps in services for future consideration.

The Warm Handoff: Referrals & Collaborations



Effective Referrals and Collaborations

- At the point of the referral, there is both an opportunity to address a client's unmet need and a potential danger of losing the client.

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

Effective Referrals and Collaborations

- Collaboration is crucial in preventing clients from “falling through the cracks” among independent and autonomous agencies.

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

Effective Referrals and Collaborations

- Supportive services should be implemented using the community-collaborative model.
 - Community Collaboration means a process by which clients and/or families receiving services, other community members, agencies, organizations, and businesses work together to share information and resources in order to fulfill a shared vision and goals.
- Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/> and <https://www.lawinsider.com/dictionary/community-collaboration>

Collaboration: The Cornerstone of Effective Referrals

- The biggest benefit of collaboration among agencies is the improved well-being of clients and therefore of the community.
- One study found that a client's well-being is dependent on how they perceive the quality of their community and the services they receive.

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

Potential Supportive Services Collaborators

- Adult basic education programs and general equivalency diploma (GED) programs
- Alternative education programs
- Childcare services
- Evening adult education programs
- Family services
- Health and disability organizations
- Homeless shelters
- Housing authorities
- Literacy program
- Mental health agencies
- Self-help meeting
- Shelters for survivors of domestic violence
- Social service organizations
- Substance use treatment agencies
- Transportation agencies
- Workforce Development Centers

Primary Point of Contact for Referrals

- Establishing a primary point of contact (PPOC) for referrals can prevent fragmentation of services for clients.
- Establishing a PPOC could help to strengthen linkages and communication among various agencies providing different services.
- The PPOC can gather information about client's needs and accompany them throughout the referral process.

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

Elements of Effective Referrals

- In general, an authentically connected referral network is composed of a set of defined relationships formed as clients' needs dictate, using sound principles of case management and building in flexibility and adaptability to meet the needs of individual clients.

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

Elements of Effective Referrals

- Mechanism for information dissemination
- Focus on communitywide outcomes
- Vision-driven service provision
- Provider credibility and consistency

Adapted and retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK64299/>

Questions?



Dr. Kelvin L. Banks

Senior Manager

Center for Effective Public Policy

Email: Kbanks@cepp.com

Thank you for your time!

Don't forget to register with APPR to receive advance notice of trainings and new resources!

Join the APPR Community to connect with pretrial practitioners from around the country!