



Travis County Pretrial Services

a Division of the Adult Probation Department

FY12 Pretrial Legal and Evidence Based Practices Fact Sheet

Pretrial Legal and Evidence Based Practices

Travis County Pretrial Services is continually reviewing and revising their policies, practices and procedures to ensure that they are consistent with the most current Pretrial Legal and Evidence Based Practices.

Pretrial Legal and Evidence Based Practices (Pretrial LEBP) is defined as “interventions and practices that are consistent with the legal and constitutional rights afforded to accused persons awaiting trial and methods research have proven

Pretrial Legal and Evidence Based Practices applies the “best practices” model to the pretrial stage of the criminal justice system by seeking to minimize unnecessary pretrial detention through assuring court appearance, community safety and the rights of the accused.

to be effective in reducing unnecessary detention while assuring court appearance and the safety of the community during the pretrial stage.”¹

Having its roots in the medical community, the evidence based practices movement seeks to ensure that the focus is on using procedures that have been proven by research to be successful in order to accomplish goals. For a Pretrial Services agency, this involves ensuring that the methods used in the Pretrial process (making recommendations to the Court concerning Personal Bond and providing supervision to defendants free on bond) are proven by research to be effective at reducing the risk of pretrial failure (re-arrest and failure to appear in court) while also assuring the safety of the community and respecting the constitutional rights of the defendant.

Pretrial Services is taking a strategic approach to the process of implementing Pretrial LEBP in Travis County, employing a Committee model that was successful in guiding a similar process at

the Travis County Adult Probation Department, of which Pretrial Services is a division.

Pretrial Services has formed a Core Planning Committee, consisting of a vertical slice of the department, representing all units, and staff of varying tenures. This Core Committee is chaired by the Pretrial Division Director, Irma Guerrero, and is co-chaired by a Pretrial Manager, Ron Morgan.

The Committee is charged with guiding the implementation process and works closely with the Director and Assistant Director of Adult Probation & Pretrial Services, as well as the judiciary and various stakeholders in the Travis County Criminal Justice System to accomplish this goal.

There are also several subcommittees working on various issues in support of the LEBP implementation process. Pretrial Services staff serve on these subcommittees, and work to develop proposals for procedural changes and plans for implementing those proposals.

Accomplishments to Date

- Pretrial Services has hosted a number of training events for staff and other stakeholders to educate them on Pretrial LEBP.
- Pretrial Services obtained funding support from the National Institute of Corrections (NIC) to host a site-visit by Dr. Marie VanNostrand, of Luminocity, Inc., which resulted in an assessment of our agency in comparison to the tenets of Pretrial LEBP, and which included a strategic planning session to launch the LEBP implementation process.
- Pretrial Services expanded the number of defendants eligible for consideration for Personal Bond by removing bond-amount related restrictions on eligibility for interview (2/2009).
- Pretrial Services interviews defendants with detainers from Immigration and Customs Enforcement (ICE) so that if the detainer is withdrawn, eligible defendants can be considered for Personal Bond (2/2008).

¹ Marie VanNostrand, PhD. “Legal and Evidence Based Practice: Application of Legal Principles, Laws and Research to the Field of Pretrial Services” (National Institute of Corrections and the Crime and Justice Institute, April 2007).

- Pretrial Services provided training for all staff on research-based risk assessments by hosting Dr. Ed Latessa, of the University of Cincinnati to present on this subject (7/2009).
- Pretrial Services administered a department-wide survey to assess the agency's readiness for change in order to make the implementation process successful. Staff input was reviewed and issues identified are being addressed in order to make the process of aligning our practices with LEBP as seamless and effective as possible (8/2009).
- Pretrial Services revised the bond interview process to ensure that questions asked of the defendant do not result in the defendant incriminating him/herself (12/2009).
- Assuring Court Appearance: Pretrial Services revised documents to provide defendants with additional means of determining their court dates and remembering their obligations to return to court. (6/2010)
- Mission and Vision Development: Pretrial Services' Core Committee held planning sessions facilitated by the Community Justice Assistance Division of the Texas Department of Criminal Justice (TDCJ-CJAD) which resulted in the creation of a Mission and Vision Statement for the department. (9/2010)
- Assuring Court Appearance: Pretrial Services revised various Spanish Language forms to provide Spanish speaking defendants with additional means of assuring that they are aware of their court dates and their obligations to return to court by revising existing procedures and tapping into outside resources, such as the County's online court docket system. (7/2011)
- Closure of Direct Supervision Files: Pretrial Services obtained an order from the Criminal Court Judges in Travis County allowing certain defendants to be closed out of direct supervision after a period of successful monitoring and when direct supervision is no longer required to assure their court appearance and the safety of the community. (10/2011)
- Risk Assessment: Pretrial Services concluded a pilot of a standardized, objective, research-based risk assessment tool developed in conjunction with Dr. Ed Latessa and the University of Cincinnati (the Ohio Risk Assessment-Pretrial Assessment Tool – ORAS-PAT) and the Ontario Domestic Abuse Risk Assessment (ODARA) instrument in order to prepare to implement these two tools as a part of the pretrial release process. (9/2012)

Ongoing Initiatives

- Risk Assessment: Pretrial Services is in the process of developing strategies to implement the ORAS-PAT and ODARA tools, and implementation of an enhanced bond recommendation process, utilizing the tools, is anticipated to begin in FY13.

Future Initiatives

- Pretrial Services will be modifying departmental procedures in the Case Management Unit in order to maximize efficiencies in the process of supervising defendants so that supervision is more directly correlated to risk.
- Also in the area of Case Management, a uniform method of addressing non-compliance with release conditions will be developed.
- Pretrial Services is also seeking other training opportunities in order to provide professional development to all staff on current research in best practices in the field of Pretrial Services.
- We will be working with our outside referral sources to ensure that they are using Cognitive-Behavioral Treatment Methods.
- So that we can best track the impact of our initiatives, Pretrial Services will be reviewing and revising our outcome and performance measures, staff evaluations, and statistical reporting methods.
- Pretrial Services will continue to seek avenues to expand the services that we provide to defendants.