

PRETRIAL OVERVIEW

“What drives people to public service is a sense of possibility. If you haven’t sensed that possibility you don’t get started in the same way, you don’t feel you can have an impact.”

Henry Hampton



PRETRIAL GOALS

The goals of Pretrial Services are to:

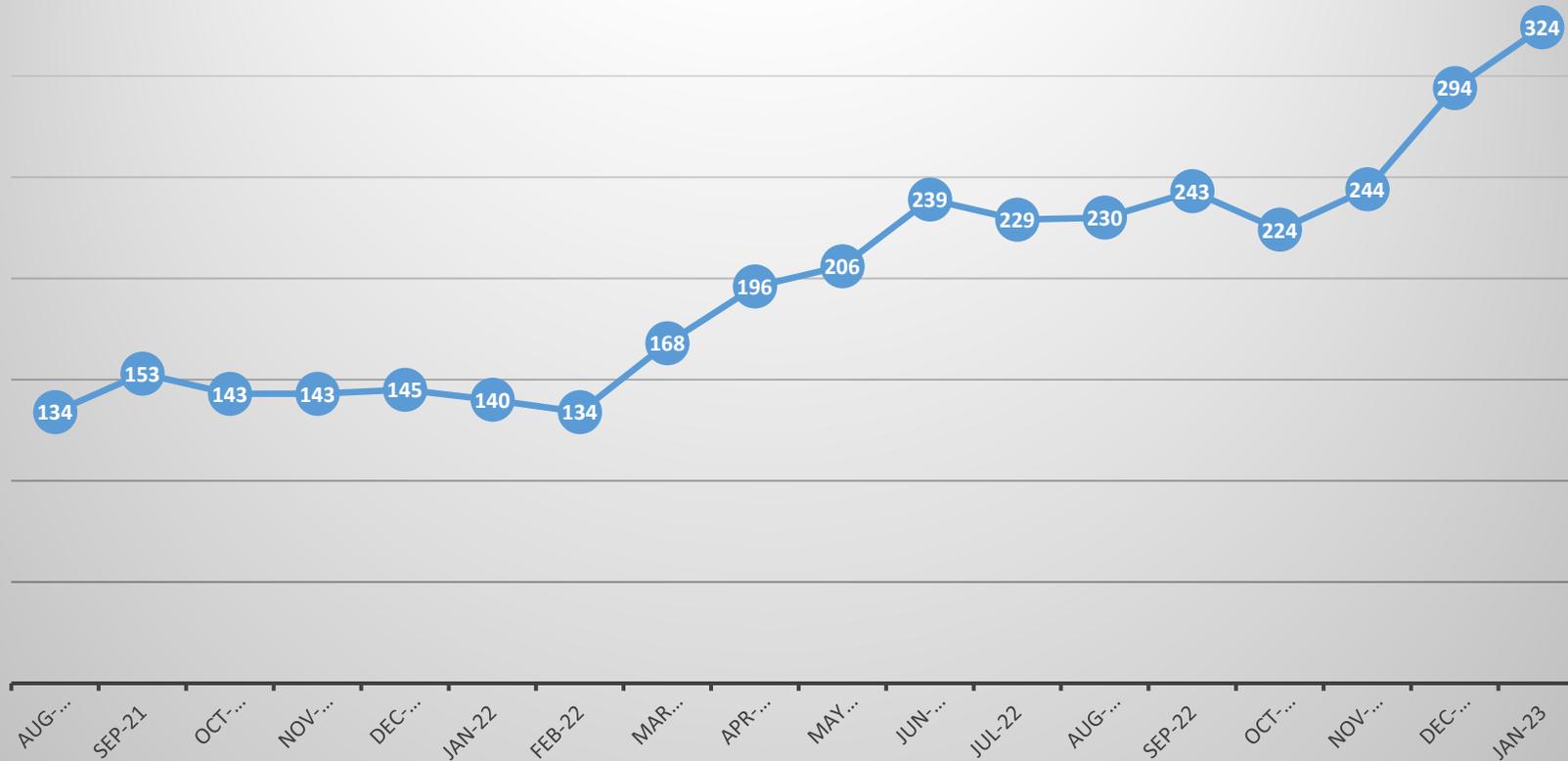
- Refer to applicable community resources
- Ensure court appearances
- Decrease criminal behavior

PRETRIAL LOCATIONS

- ❑ South Central Judicial District
 - Burleigh & Morton Counties (fulltime)
 - 2 Probation Officers and 3 Case Managers
- ❑ East Central Judicial District
 - Cass County (Wednesday & Friday)
 - 1 Probation Officer and 1 Case Manager
- ❑ North Central Judicial District
 - Ward County (Monday – Wednesday)
 - Mountrail & Burke Counties (Monday – Wednesday)
 - 1 Probation Officer and 1 Case Manager
- ❑ Northeast Judicial District
 - Ramsey County (Fulltime)
 - 2 Case Managers

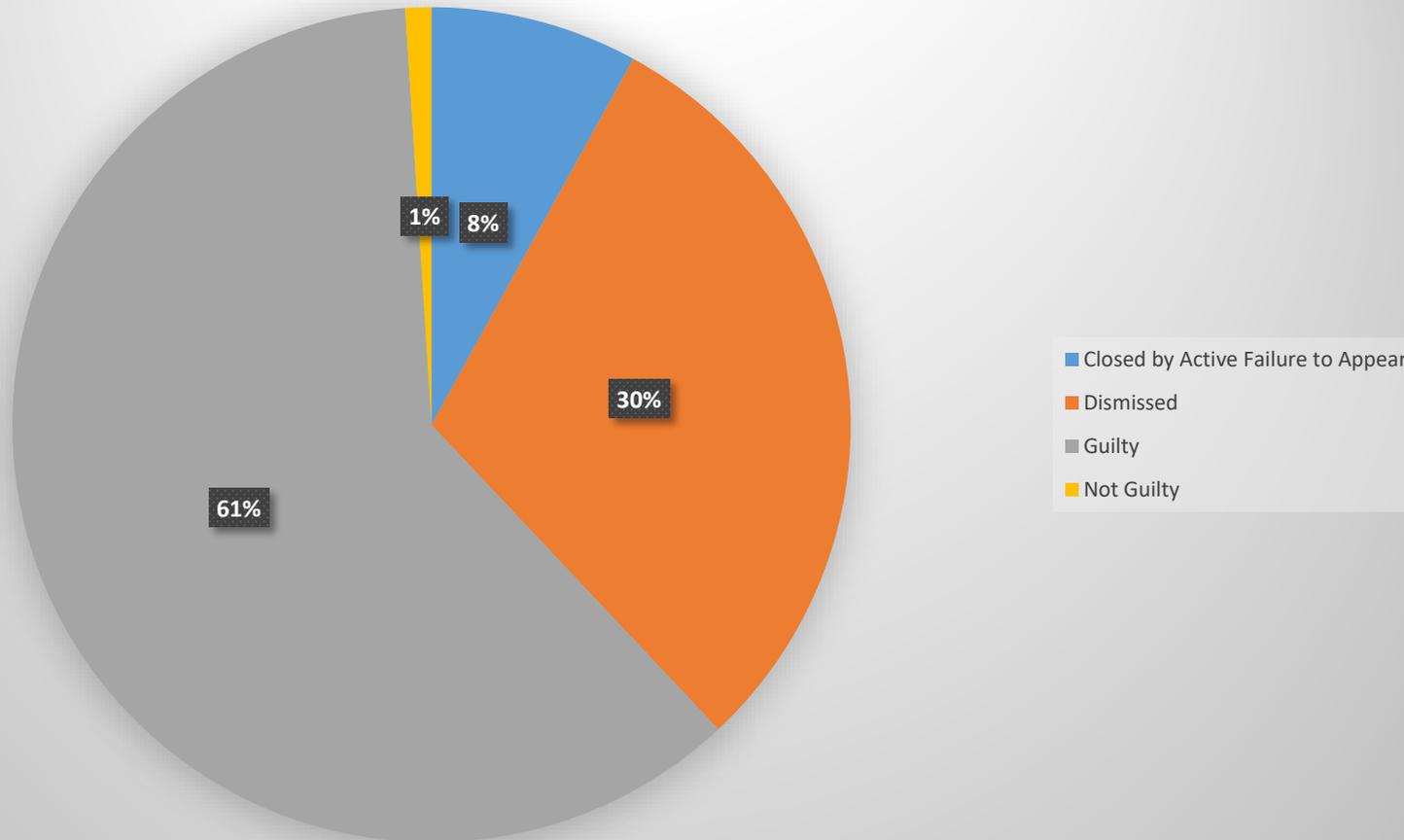
ONE DAY COUNT OF DEFENDANTS IN PRETRIAL STATEWIDE

One day snapshot of pretrial statewide

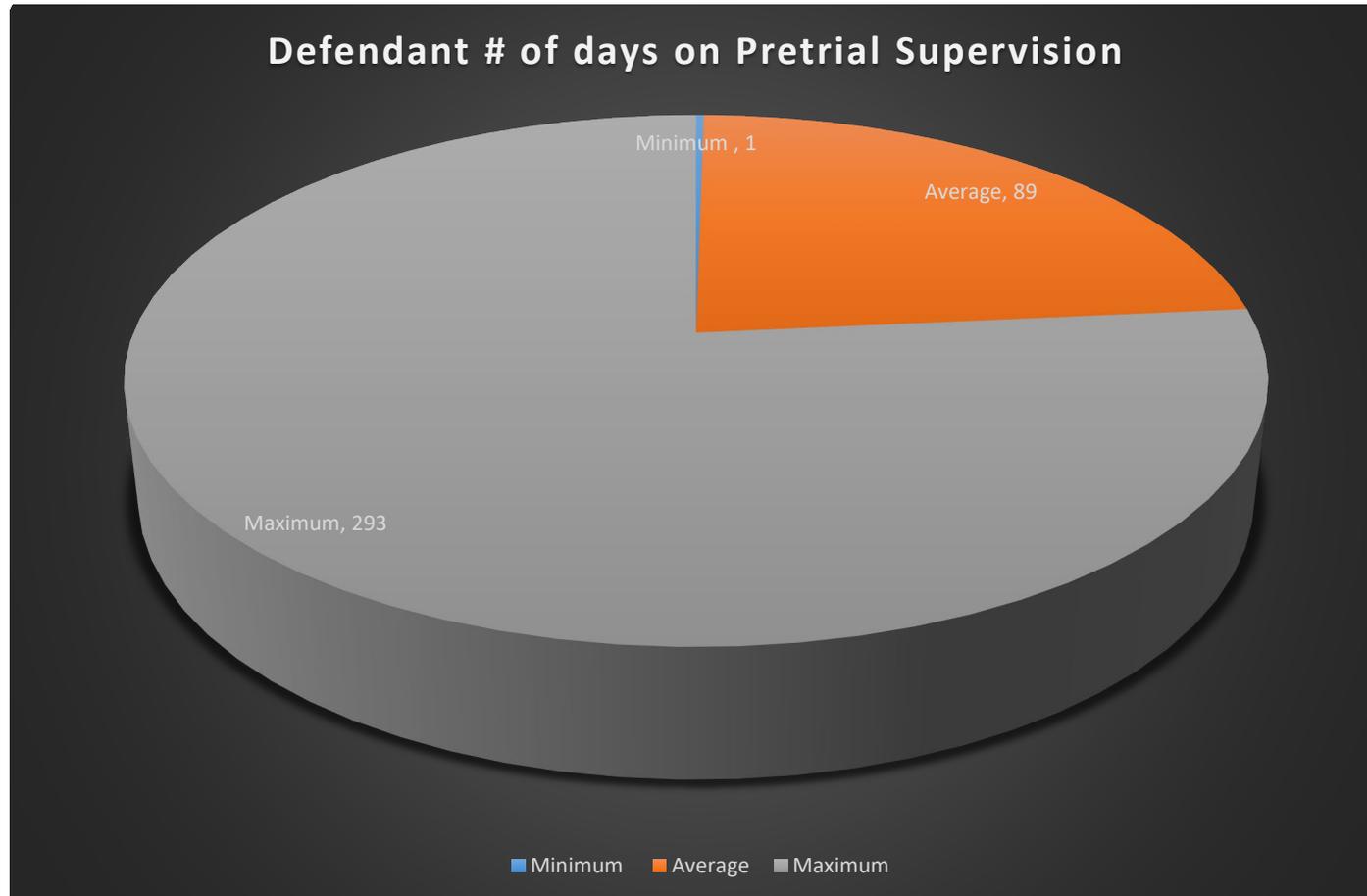


2022 CASE CLOSURE

2022 Pretrial Case Closures

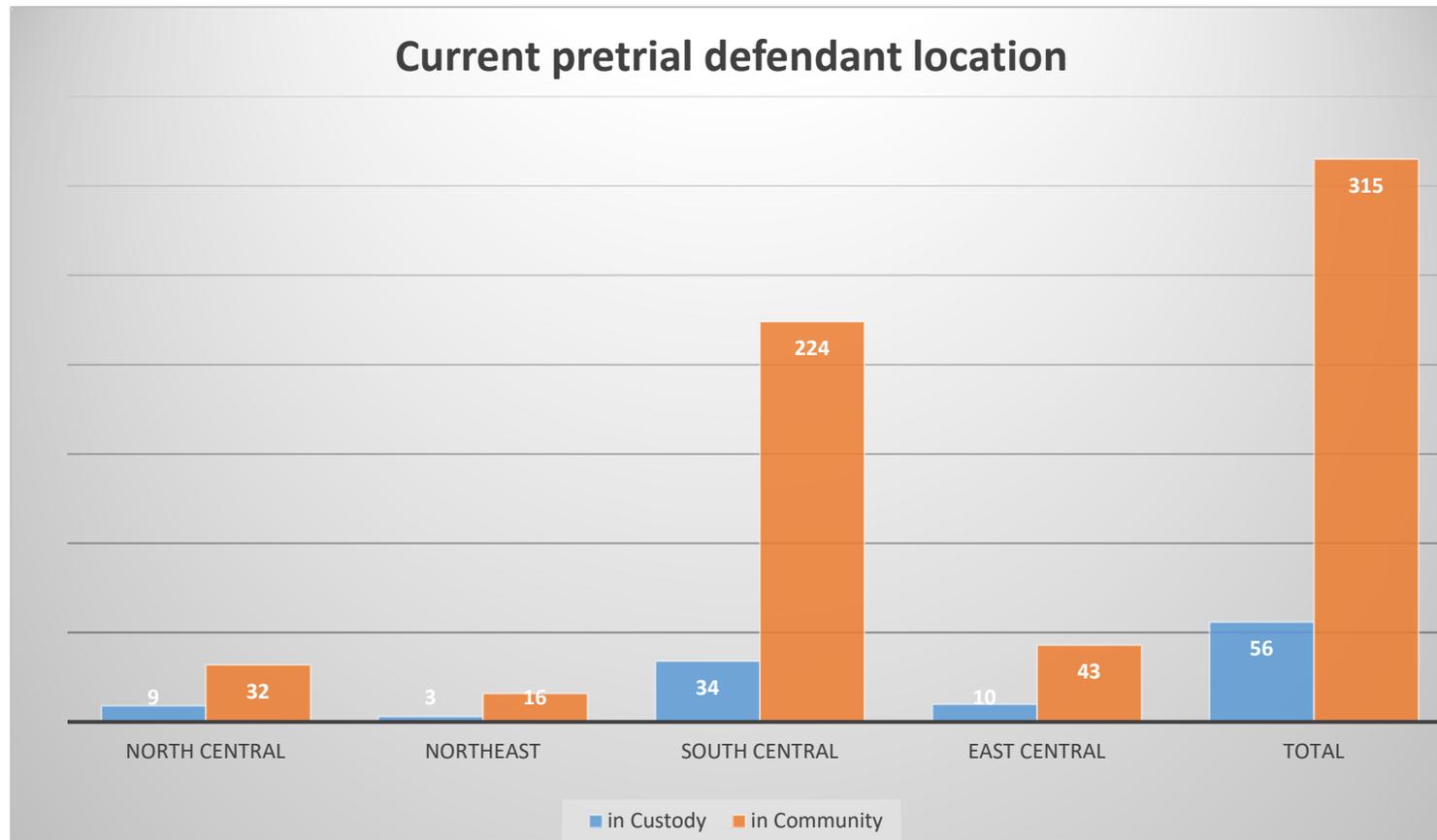


2022 # OF DAYS ON PRETRIAL SUPERVISION



CUSTODY/ COMMUNITY

Pretrial defendants in custody who can't post bond in comparison to those in the community on pretrial supervision. This chart show a daily snapshot of how many pretrial defendants are still in custody that can't post bond.



NDSU STUDY- FINDINGS

- ❑ Pretrial supervision clients have a lower percentage of rearrests and failures to appear
- ❑ The risk assessment tool Ohio Risk Assessment Score (ORAS) used by pretrial services is a valid predictor of both rearrests and failures to appear. This assessment was validated with ND defendants.
- ❑ Defendants in Pretrial services had quicker access to indigent defense
- ❑ Pretrial Services provides community safety and accountability, along with a reduction in the number of days spent in jail before trial
- ❑ Overall findings suggest that pretrial supervision in North Dakota is a success

Our mission is to enhance public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance public safety, to reduce the risk of future criminal

SELECTION

public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance



PRETRIAL SELECTION

- ❑ Pretrial services will provide services to the courts and defendants based upon the day(s) of the week and eligibility criteria.
- ❑ Pretrial defendants will have counsel at the initial appearance
- ❑ Availability of pretrial services may change based on pretrial officer caseload volume
 - Caseload will be managed by adding or subtracting days pretrial services would be available

ELIGIBILITY

- ❑ Only defendants in custody are eligible for Pretrial Services
- ❑ Defendant may not be on supervised parole or probation. If a defendant is identified as being on supervision from another jurisdiction, every effort will be made to notify that jurisdiction through appropriate channels.
- ❑ Defendant must be a North Dakota resident with an address in a pretrial judicial district. Defendants may transfer between pretrial districts using Parole and Probation intrastate transfer procedure



ELIGIBILITY-Continued

- Defendant must reconcile warrants or holds from other jurisdictions prior to becoming eligible, and will only be eligible for supervision based on the offense in the program district
- Only district court defendants will be allowed to participate
- Only new cases will be eligible, actions on old cases are not eligible
- The charge offense must be a Class A misdemeanor or greater

Our mission is to enhance public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance public safety, to reduce the risk of future criminal

PRE-COURT

public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance

PREPARATION

- ❑ Obtain booking information
- ❑ Identify eligible defendants
 - Notify public defenders office of pretrial eligible defendants as soon as possible
 - Use booking information, Docstars, Odyssey and other databases to determine eligibility



RISK ASSESSMENT

□ Pretrial Days

- Identify eligible defendants
- Complete Ohio Risk Assessment Score (ORAS) and verify
 - Will be done as a face-to-face contact in the jail
 - Questions will be asked by booking officers and forwarded to pretrial officers in some locations to assist with scoring
 - Any officer scoring an ORAS will be trained in its use
- Use to compile Pretrial Report





PRETRIAL REPORT

- ❑ Compile pretrial report
 - Use ORAS score sheet Include verification
 - Use booking information
 - Independent verification (addresses, employment etc...)
 - Use criminal justice data bases
 - Short narrative if necessary
 - Have report filed in ODYSSEY/Distribute to court, prosecutor and defense

Our mission is to enhance public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance public safety, to reduce the risk of future criminal

COURT

public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance



INITIAL APPEARANCE

- ❑ Pretrial Officers should be present
- ❑ Defense counsel will be available for defendants identified as pretrial who are indigent
- ❑ Officer may be asked to clarify the contents of the Pretrial Report
- ❑ Decision will be made by the court to detain or release



FINANCIAL BOND

- ❑ Pretrial services will not recommend a financial bond, that will be left to judicial discretion



DETAIN

- Pretrial Officer will track bond and release status
 - Sign up for Vinelink notifications

- Pretrial Officer will monitor case for bond reduction, posting of bond or any other status change

- If defendant is to be released every effort will be made by Pretrial Officers to make contact prior to physical release and follow “release” procedure

- Defendants with holds in other jurisdictions will be included in this process

RELEASE

- Pretrial Officer will make contact with defendant prior to his/her release
- Pretrial Officer will determine supervision level based on ORAS and level of present offense (MATRIX)
- Pretrial Officer will schedule next meeting and verify contact information, to include address, physical address, phone number, email address and collateral contacts
- Pretrial Officer will enter defendant information into DOCSTARS

COLLATERAL CONTACTS

- ❑ When possible pretrial services will obtain the contact information from the following
 - Spouse
 - Parent(s)
 - Adult children
 - Employer

Our mission is to enhance public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance public safety, to reduce the risk of future criminal

PRETRIAL SUPERVISION

public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance

DISCLAIMER

- ❑ None of the supervision level conditions are meant to replace or supersede any statutorily required conditions of release
- ❑ Defendants will be expected to be available to their pretrial officer, and keep them informed as to any significant changes in their life, above and beyond supervision level conditions
- ❑ Pretrial conditions are different from statutorily imposed release conditions and will be treated as such. All violations of release conditions will be reported to the court

THREE SUPERVISION LEVELS

- ❑ MAXIMUM-Red on Release Matrix
- ❑ MEDIUM-Yellow on Release Matrix
- ❑ MINIMUM-Green on Release Matrix



RELEASE MATRIX (MODEL 4)

RISK LEVEL	NON-VIOLENT MISDEMEANOR	NON-VIOLENT FELONY	VIOLENT MISDEMEANOR *Including 2 nd or subsequent DUI *DV related *Violation of protection orders	VIOLENT FELONY
LOW	Release w/ MINIMUM supervision	Release w/ MINIMUM supervision	Release w/ MEDIUM supervision	Release w/ MAXIMUM supervision *additional conditions may be recommended
MODERATE	Release w/ MINIMUM supervision	Release w/ MEDIUM supervision	Release w/ MEDIUM supervision	Release not recommended If Released –Maximum Supervision
HIGH	Release w/ MEDIUM supervision	Release w/ MEDIUM supervision	Release w/ MAXIMUM supervision *additional conditions may be recommended	Release not recommended If Released –Maximum Supervision

MAXIMUM SUPERVISION LEVEL

- ❑ Twice a month face to face contact and two additional contacts with pretrial officers
- ❑ Court reminder calls/texts/emails
- ❑ Monthly background check in ODYSSEY
- ❑ Drug/Alcohol testing if appropriate (If a 24/7 case it is a bond condition, if the offense is deemed alcohol or drug related it will be required by pretrial services)

MAXIMUM SUPERVISION LEVEL

Continued

- Referral to services will be monitored
- Monitor contact restrictions with any victims if court ordered
- Recommend electronic monitoring if appropriate, to ensure compliance with another condition (no more than 8-10%)
- Consider referral to FTR

MEDIUM SUPERVISION LEVEL

- Monthly face to face contact and phone call with Pretrial Officers (Contact Standard)
- Court reminder call/texts/emails
- Monthly background check in ODYSSEY
- Refer to appropriate services

MEDIUM SUPERVISION LEVEL

Continued

- Monitor contact restrictions with any victims if court ordered
- Consider referral to FTR

MINIMUM SUPERVISION LEVEL

- Court reminder call/texts/email
- Monthly background check in ODYSSEY
- Monthly contact with pretrial officer (Contact Standard)
- Referral to appropriate services
- Consider referral to FTR

FACE TO FACE CONTACTS

- ❑ Whenever possible face to face contacts will be made as “in person” contacts, however there are circumstances that the use of technology (Skype, FaceTime Etc...) will qualify as a face-to-face contact
 - Compliance-at pretrial officers discretion (incentivized, type of face to face determined by compliance factors)
 - Geographical/Transportation barriers
 - Weather

Our mission is to enhance public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance public safety, to reduce the risk of future criminal

VIOLATIONS

public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance

VIOLATIONS OF PRETRIAL CONDITIONS

MINOR

- Non-violent misdemeanor arrest
- Non-compliance with contact standard with verifiable acceptable reason
- Failed drug or alcohol control measures

VIOLATIONS OF PRETRIAL CONDITIONS

MODERATE

- Repeated minor violations
- Misdemeanor arrest involving unruly or disorderly behavior
- Non compliance with contact standard without verifiable acceptable reason



VIOLATIONS OF PRETRIAL CONDITIONS

MAJOR

- New felony charge
- New arrest for violent offense as defined by Release Matrix
- Willful non-compliance with contact standards
- Failure to appear for court

Our mission is to enhance public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance public safety, to reduce the risk of future criminal

SANCTIONS AND INCENTIVES

public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance

SANCTION

MINOR VIOLATION

- These violations will be considered opportunities to promote behavior change
- Consequences will be informal and focused on obtaining future compliance
- Dealt with on an administrative level



SANCTION

MODERATE VIOLATION

- These violations are more severe and will be dealt with formally
- Consequences will be focused on obtaining future compliance
- A report will be provided to the court and/or states attorney outlining the violation and sanction for court approval

SANCTION

MAJOR VIOLATION

- ❑ These violations represent a threat to individual or community safety
- ❑ Violations will be reported to the court and/or states attorney, with request for further court action (OTSC, OTA, etc...)

SANCTIONS

Administrative

- Increased drug/alcohol testing
- Increased supervision level
- Verbal disapproval
- Violation report sent to states attorney and /or court

SANCTIONS

Court Imposed

- Additional release conditions
- Revocation of pretrial release

INCENTIVES

Administrative

- Intangibles
- Allow for alternative contacts (FaceTime instead of face to face for example)

INCENTIVES

Court Imposed

- ❑ Credit for successful pretrial supervision given to offset post conviction probation time
- ❑ Credit given for costs of successful drug testing subtracted from fees/fines if statutorily allowed

Our mission is to enhance public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance public safety, to reduce the risk of future criminal

CHANGES IN SUPERVISION LEVEL

public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance

SEQUENTIAL REVIEW

- ❑ Supervision levels are subject to change according to significant events transpiring with the defendant
 - New criminal offense/arrest
 - Non compliance with technical conditions
 - Loss of housing/employment
 - Anything else that changes risk score positively or negatively

REASSESSMENT

- ❑ Defendants ORAS will be reassessed (every 6 months) or upon FTA or new arrest

Our mission is to enhance public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance public safety, to reduce the risk of future criminal

CONCLUSION OF PRETRIAL SERVICES

public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change. Our mission is to enhance

PRETRIAL COMPLETION REPORT

- ❑ Pretrial completion report will include summary of the defendant's performance on pretrial supervision
 - Pretrial officers will use appropriate contact codes in Docstars to enable system to generate a informative report for submission to the court

SUCCESS

- ❑ The case listed below is one of many success stories in pretrial services through the eyes of the PO
 - Female defendant, originally charged with attempted murder, unlawful entry into a vehicle, terrorizing, and child neglect. Was given \$50,000 cash or surety bond. The defendant bonded out after a month and met with me right away. Without talking about details of the case, we discussed the defendant's needs. She needed mental health services due to past trauma; I gave her community resources that specialized in trauma and domestic violence. The Defendant was unemployed and also needed to find different housing. Worked with her to find appropriate housing and jobs that would work with her "allegations". Less than a month later the defendant was engaged in counseling services, parenting classes and attending church. She was having appropriate visits with her children and spending more time with supportive family members. Case was resolved 5 months later, she was still engaged in the previous supports, but also found a new apartment (more bedrooms for her children) and was working at two jobs. The defendant is still on supervision and has been able to get her LPN license back. She is registering to go back to college for her RN. (Her employer is paying for her education). At this time, she is on minimum supervision and doing well with NO violations.

EXECUTIVE BUDGET RECOMENDATIONS

- ❑ Proposed 7 total pretrial positions
 - 1 Lead Probation Officer(PO)
 - 1 PO and 1 Case Manager(CM) in Cass County (move to fulltime)
 - 1 PO and 1 CM new expansion sight
 - 1 Special Investigator (West)
 - 1 PO South Central Judicial District (entire judicial district fulltime/total 9 counties)

CONTACT INFORMATION

Corey P. Schlinger
701-220-1998 Cell
701-328-9818 Office
cschling@nd.gov