

Pretrial Services Utilization Survey

Summary of Results

Common Pleas Courts

45 responses out of 244 surveys sent
Variety of jurisdiction sizes from 15,000 to 1.26 million

Pretrial Services

57% of respondents report having a pretrial service department and for those that reported not having a “department” 65% report having someone or another department handling pretrial or bail supervision. What is missing is a person or department handling bail investigation (only 34% of those without a pretrial service department report having anyone doing this).

Most pretrial services are “housed” in the probation department (72%) or the court (22%). The size of pretrial staff varied widely up to a maximum of 15-20 in the probation department. The caseload for the staff was reported as also varied from 3,593 overall cases to “a handful”. A lot of judges answering the survey did not know caseloads on pretrial services. 64% of the staff are receiving training specific to pretrial services.

Pretrial service departments or employees doing pretrial services are making recommendations to the court 83% of the time. 18% of respondents indicate that only a report is done (no recommendation made). Pretrial services are providing a lot of information to the court but the least often provided information is whether the defendant owns real estate, their income level and references.

Screening of Defendants

Universal screening is not occurring in Ohio. Only 34% of respondents reported that all defendants are screened pretrial. Those being screened the least include minor misdemeanants and misdemeanants. Also, 37% reported that not all those charged with felonies are being screened. Public safety hearings are also not utilized regularly. Only 13% of respondents reported routinely holding a public safety hearing to determine if an offender should be detained.

Bail Decision

Respondents reported using a variety of factors in making the initial bail/detain decision. Most respondents use the nature of the offense, prior record, prior failures to appear, Crim.R 46 factors, ORAS pretrial reports, residence stability and mental health or substance abuse history in making their determination. Only 36% of respondents use

a validated risk assessment tool and those not using such a tool look at the nature of the offense, prior record and prior failure to appear in individualizing their bail decisions. The least often used factors in risk assessment are income level and whether or not someone is expected to accompany the defendant to their first hearing. 45% of the risk assessment tools are reportedly validated.

52% of respondents indicated that defendants are treated specially because of their charge (e.g. domestic violence).

66% of respondents indicated that the defendant is interviewed. The interview itself, however, varies widely. Not all interviews are done by the court so respondents did not have a lot of information. How much time was utilized varied by many responded that they were fairly short (20 minutes or less). Many report utilizing the ORAS pretrial questions and some jurisdictions reported having the defendant self-report by filling out a questionnaire. 48% of respondents said that defendants are assessed for mental health and developmental disabilities at the time of booking.

Most pretrial service departments do not have any delegated release authority (only 9 % do) and those that do may only release non-violent, low level offenders based upon criteria issued by the court.

Only 20% of respondents re-review bond decisions after a time period for those that remain in custody initially.

Supervision and Data

86% of respondents reported that pretrial supervision is provided. Supervision seems to be done either by the pretrial service department or by probation about equally. Supervision usually includes stay away orders, drug testing and/or electronic monitoring. The least used method was third party custody to a community organization and day reporting. 67% of respondents report having supervision if a defendant is out on a surety bond.

Defendants are notified of upcoming hearing dates although a lot of respondents indicated that was done simply in open court when the hearing is set. A few indicated notification at the defendant's reporting times or through counsel. Only a couple of respondents indicated that they notify using a telephone call or email. Only 25% of respondents said victims were notified of a defendant's pretrial release.

Not a lot of data is being collected. Only 11% of respondents calculate FTA rates and none collect pretrial crime rates. Comparisons between those released OR and those released on money bond are non-existent as well. Only 4 courts reported calculating release rates.

Municipal Courts

62 responses out of 252 surveys sent

90% of respondents use a bail schedule and for those that do not they utilize the statutory and rule factors and ORAS. 60% of respondents report utilizing an ability to pay assessment.

Pretrial Services

Only 33% of respondents report having a pretrial service department and for those that reported not having a “department” 37% report having someone or another department handling pretrial or bail supervision and 34% of those without a pretrial service department report having anyone doing bail investigation.

Most pretrial services are “housed” in the probation department (60%) or the court (23%). The size of pretrial staff varied widely up to a maximum of 45. The caseload for the staff was reported as also varied from “very few” to “huge”. 60% of pretrial services employees are receiving pretrial-specific training.

Pretrial service departments or employees doing pretrial services are making recommendations to the court 73% of the time. 27% of respondents indicate that only a report is done (no recommendation made). Pretrial services are providing a lot of information to the court but the least often provided information is length of time at a prior address and whether someone is expected to accompany the defendant to the first hearing.

Screening of Defendants

Universal screening is not occurring in Ohio. Only 36% of respondents reported that all defendants are screened pretrial. Those being screened the least include minor misdemeanants and misdemeanants. Public safety hearings are also not utilized regularly. Only 18% of respondents reported routinely holding a public safety hearing to determine if an offender should be detained.

Bail Decision

Respondents reported using a variety of factors in making the initial bail/detain decision. Most respondents use the nature of the offense, prior record, ORAS pretrial reports, LEADS report, and prior FTA history in making their determination. Only 13% of respondents use a validated risk assessment tool and those not using such a tool look at the nature of the offense, prior record and prior failure to appear in individualizing their bail decisions. Some respondents did indicate that jail overcrowding is a factor considered in their determination. Only 18% of the risk assessment tools are reportedly validated.

75% of respondents indicated that defendants are treated specially because of their charge (e.g. domestic violence).

47% of respondents indicated that the defendant is interviewed. The interview itself, however, varies widely. Not all interviews are done by the court so respondents did not have a lot of information. 59% of respondents said that defendants are assessed for mental health and developmental disabilities at the time of booking.

Most pretrial service departments do not have any delegated release authority (only 12 % of respondents did).

Only one-third of respondents re-review bond decisions after a time period for those that remain in custody initially.

Supervision and Data

70% of respondents reported that pretrial supervision is provided. Probation departments do the majority of supervision (53%). Supervision usually includes stay away orders, drug testing and/or electronic monitoring. Many departments reported utilizing SCRAM. The least used method was day reporting. Half of respondents report having supervision if a defendant is out on a surety bond.

Defendants are notified of upcoming hearing dates and utilize telephone, e-mail and personal (at reporting) notification. 51% of respondents said victims were notified of a defendant's pretrial release.

Again, not a lot of data is being collected. Only 7% of respondents calculate FTA rates and only one court reported collecting pretrial crime rates. Comparisons between those released OR and those released on money bond are non-existent as well. Only 2 courts reported calculating release rates.