



National Association for Court Management

Resolution # 2 Year 2017

Supporting Federal Efforts to Promote Pretrial Risk Assessment

WHEREAS, in 2013, the Conference of Chief Justices and Conference of State Court Administrators endorsed a Policy Paper on Evidence-Based Pretrial Release that urged court leaders to promote and adopt evidence-based assessment of risk in setting pretrial release conditions to the greatest degree consistent with assessment of flight risk and threat to public safety and to victims of crimes; and

WHEREAS, according to the United States Bureau of Justice Statistics, an estimated 12 million arrests are made each year, with a large majority of those arrests being for non-violent crimes; and

WHEREAS, pretrial detainees account for more than 60 percent of the inmate population in United States jails; and

WHEREAS, many of those who are incarcerated pretrial do not present a substantial risk of failure to appear or a threat to public safety, but lack the financial means to be released; and

WHEREAS, many of those detained can suffer job loss, home loss, and ruined social relationships, and according to the United States Department of Justice, “receive more severe sentences, are offered less attractive plea bargains and are more likely to become ‘reentry’ clients because of their pretrial detention regardless of charge or criminal history”; and

WHEREAS, detaining many individuals pretrial greatly stresses publicly funded jails and is a large taxpayer burden; and

WHEREAS, according to the Pretrial Justice Institute, only 10 percent of jurisdictions use a validated, empirically developed risk assessment tool; and

WHEREAS, several states have moved to reform the bail system through legislation and by implementing evidence-based pretrial services to lower the number of non-violent offenders being held pretrial; and

WHEREAS, federal legislation, such as the Pretrial Integrity and Safety Act of 2017, has been introduced to provide grant funds to assist states to reform their criminal justice systems by implementing evidence-based alternatives to money bail, including pretrial justice assessments that measure risk of flight and future criminal conduct; and

WHEREAS, under this proposed legislation, state courts, local governments, tribes, non-profits and faithbased organizations would be eligible to apply for the grant funds;

WHEREAS, that the Conference of Chief Justices and Conference of State Court Administrators supported the passage of legislation such as the Pretrial Integrity and Safety Act of 2017, that will result in a more just, equitable and fair treatment of all accused individuals, while protecting public safety and saving taxpayer dollars .

NOW, THEREFORE BE IT RESOLVED, that NACM supports and commends the collaborative efforts of the State Justice Institute, SJI, the National Center for State Courts, NCSC, and the

Pretrial Justice Institute, PJI. NACM lauds SJI's financial commitment coupled with the NCSC and the PJI production and dissemination of assessment and educational tools to help courts implement legal and evidence-based pretrial practices.

On December 5, 2017 the NACM Board approved this resolution.

(Adapted from a Resolution of the Conference of Chief Justices and Conference of State Court Administrators at their 2017 Annual Meeting on August 9, 2017.)