

MONROE COUNTY PRETRIAL RELEASE PILOT PROJECT PROGRAM

Frequently Asked Questions (FAQ)

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1. What is the Indiana Pretrial Release Pilot Project?

On December 20, 2013, the Indiana Supreme Court created a committee to study evidence-based pre-trial release assessments and to make recommendations to the Court. The Committee recommended the Indiana Supreme Court adopt a new rule to urge Indiana trial courts to use evidence-based risk assessments to inform pretrial release decisions. On September 7, 2016, the Indiana Supreme Court issued an Order adopting Rule 26 of Criminal Procedure. Eleven Indiana counties (including Monroe County) volunteered to serve as pilot sites for the Indiana Pretrial Release Pilot Project in accordance with Indiana Supreme Court Rule 26.

The Monroe County Pretrial Release Pilot Program was started October 3, 2016. The other ten counties in the state taking part in the Pretrial Release pilot project include: Allen, Bartholomew, Grant, Hamilton, Hendricks, Jefferson, Porter, St. Joseph, Starke and Tipton counties.

2. What is the philosophy of Pretrial Release Pilot Projects?

The primary purpose of monetary bail and other conditions of release from pretrial detention are to maximize the likelihood of an accused person's presence at trial while striving for both public safety and protection of the presumption of innocence. The prompt release of arrestees who do not pose a risk to public safety is associated with reduced recidivism and eliminates unnecessary expenses resulting from the overutilization of local jail resources. Pretrial Release Pilot Projects have agreed to make pretrial release decisions that are informed by the risk the arrestee poses to themselves and/or the public, and the arrestee's risk of flight.

Criminal Rule 26 states in part: "If an arrestee does not present a substantial risk of flight or danger to themselves or others, the court should release the arrestee without money bail or surety subject to such restrictions and conditions as determined by the court except when: 1) The arrestee is charged with murder or treason; 2) The arrestee is on pre-trial release not related to the incident that is the basis for the present arrest; 3) The arrestee is on probation, parole or other community supervision."

3. What is the primary purpose of Criminal Rule (CR) 26?

The Rule is intended to improve pretrial practices in Indiana by encouraging trial judges to engage in evidence-based decision making at the pretrial stage.

4. Does CR 26 require trial courts to release arrestees from jail without bail and/or pretrial supervision conditions?

No. The Rule encourages trial courts to use risk assessment results and other relevant information about arrestees to determine if the individual presents a substantial risk of flight or danger to self or others in the community; thereby, informing release decisions and release conditions.

5. What is a pretrial evidence-based risk assessment?

An evidence-based risk assessment is the use of empirical data derived through criminal justice system scientific research that identifies factors about an individual's likelihood to reoffend while on pretrial supervision. The Indiana Office of Court Services (IOCS) has approved the Indiana Risk Assessment System – Pretrial Assessment Tool (IRAS-PAT) for use to assess risk at the pretrial stage pursuant to the Policy adopted by the Board of Directors of the Judicial Conference of Indiana. The IRAS-PAT is designed to be predictive of both an arrestee's failure-to-appear and risk of violating pretrial supervision by committing a new offense.

6. Are statements made by arrestees in the course of the IRAS-PAT assessment admissible in court?

Statements by arrestees made during the administration of the IRAS-PAT are not admissible against the arrestee in any civil or other criminal proceeding with one limited exception detailed in Criminal Rule 26.

7. May the court utilize collateral information to assist with release decision-making?

Yes. Courts are also encouraged to use other relevant and collateral information such as the probable cause affidavit, victim statement(s), domestic violence screeners, substance abuse screeners, mental health screeners and criminal history to assist in making release decisions.

8. Is the court required to eliminate its bond schedule and/or cash bail under this Rule?

No. The court may continue to utilize its bond schedule, including cash bail, when warranted to maximize the likelihood of the arrestee's appearance at trial and for the protection of the public.

9. What does Monroe County's Pretrial Pilot Project provide to arrestees?

The Monroe County Pretrial Release Program staff conducts assessments utilizing the IRAS-PAT on any person who is arrested and booked into jail for a new offense. Based on the results of the assessment and a preliminary criminal history investigation, pretrial probation officer (PO) staff members provide the Court with recommendations regarding any recommended pretrial supervision conditions. Pretrial POs also monitor the supervision of any person placed on a Community Alternative Supervision Program (CASP).

10. What is the target population to be served by this program?

POs will interview and assess any person booked into jail for a new misdemeanor or felony criminal offense who is not already being supervised by the Monroe County Probation Department (note: the program began October 1, 2016; if an offense occurred before that date but was filed with the Court after October 1, that defendant will be included). Excluded from the program are persons who: are on parole; are in jail for an out-of-county "hold"; were arrested on a Writ of Attachment only, without an accompanying new offense charge.

11. Can defendants still bond out of jail?

Yes. The local monetary bond schedule has not changed. Defendants who post a bond sign a **Promise to Appear** upon release from the jail directing them to report to the Monroe County Probation Department at 9:00am the following business day to complete their pretrial assessment. Defendants who cannot post a bond will be assessed by POs in the jail at 8:00am the next business day following their arrest.

12. What questions are being asked during the pretrial interview?

Prior to the interview, defendants are provided with an **Acknowledgment of Rights** advising them of the purpose of the interview and advising them that **pretrial staff will not ask about nor should defendants relate any information about their current charges**. POs will ask questions regarding their current residential situation, employment/school status, military history, mental health/substance use history. The IRAS-PAT will be administered; the tool consists of seven questions to help determine a defendant's risk to reoffend while on pretrial release and their risk of failing to appear for future hearings. After the interview, POs will review any local supervision records, Indiana court records and the NCIC report. POs will also verify any information regarding residence and employment when recommending supervision conditions.

13. What are the conditions of Pretrial Release?

Every defendant interviewed for the program is subject to the general conditions listed on the Pretrial Order. At a minimum every defendant will receive automated phone calls reminding them of upcoming court hearings. Defendants could also be placed on a level of CASP and each level of CASP has its own specific conditions. Defendants will remain on the Pretrial Release Program until their case is disposed or the Court orders them to be discharged.