NATIONAL ASSOCIATION OF PRETRIAL SERVICES AGENCIES
COVID-19 POLICY RESPONSE SURVEY

June 19, 2020
AGENDA

- Introduction
- Survey Statistics
- Results
- Next Steps
- Discussion
Survey Purpose

• Systematically collect information about how jurisdictions have responded to COVID-19
• Foster dialogue with NAPSA and pretrial services agencies about sustaining new policies
• Use findings to guide our thinking and future work

Participants

• Directors of Pretrial Services across the United States

AV-NAPSA Collaboration

• Director of NAPSA, Jim Sawyer, led the coordination to disseminate survey & presented to PRAB
• AV assisted with survey development, data collection, and compilation
• AV provided a $750.00 gift to NAPSA as a participation incentive
SURVEY STATISTICS

ACTIVE: APRIL 16 2020 – JUNE 1 2020

STATES COVERED: 40 & D.C.

RESPONDENTS: 197

[Map of the United States showing states covered in the survey: CA, AZ, NV, WA, TX, CO, UT, OR, ID, MT, ND, SD, NE, KS, OK, WY, MN, WI, MI, IA, IL, NY, PA, NJ, VT, MA, MD, DE, IN, OH, VA, NC, KY, TN, GA, AL, FL, MS, LA, AR, MO, SC, WV, NH, MA, RI, NM, HI, CT, DE, MD, IN, OH, VA, NC, KY, TN, GA, AL, FL, MS, LA, AR, MO, SC, WV, NH, MA, RI, NM, HI, CT]
CHANGES TO POLICY & PRACTICE

Most jurisdictions **increased**:
• Use of video conferencing for court hearings
• Pretrial release
• Release on personal recognizance for non-violent crimes
• Cite & release

Most jurisdictions **decreased**:
• Custodial arrests
• Bail amounts
• Court hearing frequency
• Supervision fee collection frequency & amount
• Revocations for pretrial supervision for some or all condition violations
• Addressing technical violations

Most jurisdictions **did not change**:
• Diversion
• Case dismissal
• Fines & fees amounts
WHAT POLICIES AND PRACTICES HAVE INCREASED?

- Increased pre-arraignment/pre-first appearance releases: 47.75%
- Increased use of personal recognizance/ROR for non-violent cases: 67.98%
- Increased releases from jail for persons awaiting trial (pretrial period): 81.46%
- Increased use of video conference for court hearings: 90.45%
- Increased use of summons: 48.31%
- Increased case dismissals: 17.42%
- Increased releases from jail for persons already sentenced: 48.31%
- Increased cite and release: 65.17%
- Increased diversion: 16.29%
- Increased use of citations: 16.29%
- Increased case dismissals: 17.42%
- Increased pre-arraignment/pre-first appearance releases: 47.75%
WHAT POLICIES AND PRACTICES HAVE BEEN REDUCED?

- Reduced fine/fee amounts: 11.73%
- Reduced total number of criminal complaints filings: 53.70%
- Reduced bail amounts: 59.88%
- Reduced custodial arrests: 84.57%
• **Supervision fees are not charged by most jurisdictions**, regardless of COVID-19
Nearly 50% of jurisdictions surveyed that are collecting supervision fees have maintained the fee amount.
WHAT POLICIES & PRACTICES HAVE BEEN POSTPONED/DELAYED?

Postponed/Delayed collection of fines/fees: 46.55%
Postponed/Delayed court hearings: 98.28%
WHAT POLICIES & PRACTICES HAVE BEEN SUSPENDED?

- Suspended revocations for technical violations: 69.34%
- Suspended issuing/executing of warrants for failure to appear: 56.20%
- Suspended issuing/executing of warrants for failure to pay fines & fees: 52.55%
- Suspended or reduced criminal filings for specific charges (e.g., non-violent, low level misdemeanors): 48.91%
HAVE THERE BEEN CHANGES TO REVOKING PRETRIAL SUPERVISION & REQUESTING REVOCATION FROM THE COURT?

- Nearly half of jurisdictions surveyed (49%) have reduced or temporarily suspended revoking or requesting revocation from the court for certain or all condition violations.
• **Over half of jurisdictions surveyed (53%)** have temporarily reduced or suspended addressing technical violations for certain or all condition violations.
Most jurisdictions increased:
- Telephone check-ins
- Electronic monitoring
- Virtual reporting (through email, texting, video conferencing, & phone)

Most jurisdictions temporarily suspended:
- In-person office check-ins
- In-person field check-ins (where applicable)
- Drug & alcohol monitoring & testing
TELEPHONE CONTACTS & CHECK-INS HAVE BEEN:

- Maintained: 22.50%
- Increased: 72.50%
- Reduced: 2.50%
- Temporarily suspended: 0.63%
- Practice not available: 1.88%

IN-PERSON OFFICE CONTACTS & OFFICE CHECK-INS HAVE BEEN:

- Maintained: 1.85%
- Increased: 14.20%
- Reduced: 78.40%
- Temporarily suspended: 5.56%
- Practice not available: 0.63%
IN THE FIELD OR DEFENDANT HOME CONTACT & CHECK-INS HAVE BEEN:

- **Over half of jurisdictions surveyed (57%)** do not use in the field or home check-ins, regardless of COVID-19
- **39% of jurisdictions surveyed** reduced or temporarily suspended defendant home contact & check-ins

![Bar chart showing the distribution of responses to the use of in the field or home check-ins.](chart.png)

- **Maintained**: 3.11%
- **Increased**: 0.62%
- **Reduced**: 13.04%
- **Temporarily suspended**: 25.47%
- **Practice not available**: 57.76%
DRUG & ALCOHOL MONITORING (I.E. TRANSDERMAL OR PORTABLE TESTING) HAS BEEN:

- Maintained: 18.24%
- Increased: 9.43%
- Reduced: 13.84%
- Temporarily suspended: 32.08%
- Practice not available: 26.42%

Almost half of jurisdictions have reduced or temporarily suspended drug & alcohol monitoring.

DRUG & ALCOHOL TESTING, SUCH AS URINE TESTING OR PRELIMINARY BREATH TESTING (PBT) HAS BEEN:

- Maintained: 6.29%
- Increased: 1.89%
- Reduced: 15.72%
- Temporarily suspended: 60.38%
- Practice not available: 15.72%

Over 75% of jurisdictions have reduced or temporarily suspended drug & alcohol testing.
Please check all that apply in terms of suspending policies or practices.

- Suspended or Reduced criminal filings for specific charges (e.g., non-violent cases, low level misdemeanors, etc.)
- Suspended issuing/executing of warrants for failure to pay fines/fees
- Suspended issuing/executing of warrants for failure to appear
- Suspended revocations for technical violations

COMPLETING RISK ASSESSMENTS FOR RELEASE RECOMMENDATIONS HAS BEEN:

- Maintained: 63.98%
- Increased: 4.35%
- Reduced: 10.56%
- Temporarily suspended: 12.42%
- Practice not available: 8.70%
WHAT FORMS OF VIRTUAL REPORTING ARE AVAILABLE IN YOUR COUNTY?

- Temporarily suspended: 2.05%
- Kiosk: 2.74%
- Other: 26.71%
- Skype, Video conference, FaceTime: 45.21%
- Texting: 56.16%
- Email: 74.66%

HAS YOUR AGENCY INCREASED USE OF VIRTUAL REPORTING OVER OTHER REPORTING FORMS IN RESPONSE TO COVID-19?

- Yes: 75.48%
- No: 21.94%
- Uncertain: 2.58%
EARLY DISCHARGE FROM PRETRIAL SUPERVISION HAS BEEN:

- **8% of jurisdictions surveyed** reported an increase in early discharge from pretrial supervision.
- **Almost half of jurisdictions surveyed (47%)** do not allow for early discharge from pretrial supervision, regardless of COVID-19 pandemic.

![Bar Chart showing the percentage of jurisdictions that maintained, increased, reduced, temporarily suspended, or did not have available practice for early discharge from pretrial supervision.]

<table>
<thead>
<tr>
<th>Status</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintained</td>
<td>36.08%</td>
</tr>
<tr>
<td>Increased</td>
<td>7.59%</td>
</tr>
<tr>
<td>Reduced</td>
<td>3.16%</td>
</tr>
<tr>
<td>Temporarily suspended</td>
<td>6.33%</td>
</tr>
<tr>
<td>Practice not available</td>
<td>46.84%</td>
</tr>
</tbody>
</table>
• NPPJ interview with Jim Sawyer
• Presentation at virtual NAPSA conference: September 2020
• Using results to inform and develop our strategies
• Expand research agenda opportunities on release conditions
• Researchers seeking partnership with NAPSA
  • Continue research with pretrial services agencies (41% of respondents indicated willingness to share data)
QUESTIONS?
APPENDIX I:

OTHER WAYS AGENCIES HAVE RESPONDED TO DEFENDANT NEEDS DURING THE COVID-19 PANDEMIC THAT ARE NOT REFLECTED IN THE PREVIOUS QUESTIONS (OPEN ENDED RESPONSE):

• Referrals for: food, unemployment, peer support groups, mental health resources, COVID-19 testing
• Online classes
• Virtual mental health counselling
• PPE
• Distributed phones for virtual check-ins
APPENDIX II:

OTHER WAYS AGENCIES HAVE RESPONDED TO STAFF NEEDS DURING THE COVID-19 PANDEMIC (OPEN-ENDED RESPONSE):

- Laptops
- PPE
- Testing
- Unemployment (especially for field staff)
- Paid leave (when applicable)
- Flexible work schedules including reduced hours when necessary
- Staggered office use
Substance Use Treatment:

- Almost \( \frac{1}{3} \) of respondents report reducing or temporarily suspending access.
- Where still available, over 75% have virtual or remote participation.

Mental Health Treatment:

- Over \( \frac{1}{3} \) of respondents report reducing or temporarily suspending access.
- Where still available, almost 75% have telehealth services available.
ACCESS TO SUBSTANCE ABUSE DISORDER TREATMENT FOR PRETRIAL DEFENDANTS HAS BEEN:

- Maintained: 58.86%
- Increased: 1.27%
- Reduced: 27.22%
- Temporarily suspended: 5.06%
- Practice not available: 7.59%

ACCESS TO MENTAL HEALTH TREATMENT FOR PRETRIAL SUPERVISION DEFENDANTS HAS BEEN:

- Maintained: 56.79%
- Increased: 1.23%
- Reduced: 30.25%
- Temporarily suspended: 4.32%
- Practice not available: 7.41%