



## **PRETRIAL SERVICES AGENCY FOR THE DISTRICT OF COLUMBIA**

*A federal agency dedicated to promoting pretrial justice and enhancing community safety in the District of Columbia*

### **It's About Results, Not Money**

Clifford T. Keenan, Director

Washington, DC, is considered a model for its overall administration of pretrial justice, not just because of its statutory framework, but also due to the agency that supports the courts in this process – the Pretrial Services Agency for the District of Columbia (PSA). PSA has received national recognition for the quality and breadth of its programs and services, and receives a steady stream of visitors from around the globe to learn about what PSA does and how we do it. Yet along with this interest, when hearing about all that PSA offers, many may think, “Sure – you’re DC. You’re Federal, you’re so big, you have so many resources, you have so many staff. We can’t do that.” If you want to establish, improve or expand your pretrial services program to more effectively administer pretrial justice, my message is this: Don’t be discouraged. If you look at how PSA’s budget compares to those of other pretrial agencies, you would see that much of what we do to administer true pretrial justice is possible for smaller agencies, and it is not about the money.

PSA’s outcomes speak volumes about what is possible under a high functioning and well-funded pretrial system. Over the last five years, an average 88% of DC’s pretrial defendants were released pending trial—of those, 89% remained arrest-free (and of those re-arrested, less than 1% were charged with a violent crime) and 88% made all scheduled court appearances. PSA supervised just over 70% of those who were released and, annually, 78% under pretrial supervision completed all supervision requirements. Partly because of these successes, the city’s jail operates at below 60% of its rated capacity with only about 12% of its population being pretrial detainees.

PSA is fortunate to have the resources to deliver the additional programs and services that exemplify best practices in pretrial justice. However, your jurisdiction does not have to do it all – a lot that can be accomplished by delivering just the core essential services the courts need to appropriately release more people, and this can be done at relatively low cost.

It is useful to understand what comprises PSA’s funding. As an independent Federal agency, our budget includes administrative support functions that would not be needed for pretrial programs housed within another agency (e.g., probation department). These functions include human capital services, finance

and administration, IT and strategic development. PSA's budget also includes a robust drug specimen collection program and drug testing laboratory, also not a part of a typical pretrial services agency's budget. If your costs are derived primarily from delivery of core services, you can do a lot, even with a smaller budget.

Here are some details to get a better picture. If you exclude our administrative support and drug specimen collection and testing functions, PSA's FY 2014 budget contains \$29.4 million for its core pretrial operations, which includes risk assessment, supervision and integration of treatment into supervision. Of this amount, roughly 80% is allocated to salary costs. While this percentage might be similar in other jurisdictions, their cost likely is less than that for Federal employees working in the District of Columbia. All of this goes to help manage the nearly 21,000 cases a year processed in the District's Superior Court and the U.S. District Court for the District of Columbia. In FY 2013, PSA prepared bail reports on 99% of cases heard at Superior Court and District Court initial appearance (bail setting) hearings and supervised throughout the year just over 14,000 defendants in 18,000 cases. On any given day, PSA supervises over 4,500 defendants with conditions ranging from address verification to electronically-monitored curfews and stay-away orders.

In breaking this down further, PSA's core pretrial functions costs about \$81,000 per day over the course of a year ( $365 \times 81,000 = 29,565,000$ ). The supervision cost for each defendant is about \$18 per day ( $81,000 / 4500 = 18$ ). How much does it cost to keep a person in jail for a day in your jurisdiction?

To offer an additional comparison for non-Federal agencies, we can look at PSA's funding levels before we became a Federal agency (which occurred in 2000). In FY 1996 – a typical funding year for PSA as a locally-funded agency, our budget was \$7 million to support 118 staff, mostly in our core operational functions. Our FY 1999 budget of \$21.1 million was a mix of local and Federal funding for 279 staff and enhanced supporting functions. Of that amount, only \$11.1 million were local funds. Our budget has grown since becoming Federal in order to provide the enhanced programs and services that have become our hallmark.

Perhaps the best reason that any jurisdiction should provide the necessary funding for an effective pretrial services function is that anything less actually costs more. The developing body of research on pretrial risk assessment shows that most defendants present a low to moderate risk of pretrial failure; and that it is only the moderate- to high-risk defendants who need supervision that would be resource intensive.

Certainly, there are defendants that need close supervision, but most do not require resource intensive conditions, such as substance use disorder treatment, mental health services, and electronic surveillance to control risk of pretrial failure. An average 25% of defendants in Washington, DC, are released on personal recognizance with no additional court-ordered conditions. Only 10% of defendants on pretrial supervision are on higher-level supervision (which includes electronic surveillance and home confinement), while 25% receive substance use disorder treatment and/or mental health services. Almost two-thirds of supervised defendants are ordered to comply with conditions—such as drug testing, weekly telephone or in-person reporting, and stay-away orders—that require more moderate resources to manage. Following the evidence-based principle of matching supervision and services to individual risk levels makes sense not only in ensuring fairness and defendant accountability, but also in controlling and managing costs.

The topic of budget was raised at a recent site visit from justice executives from Cook County, Illinois. In response to the suggestion that what happens in DC is possible primarily because of the size of PSA's budget, D.C. Superior Court Senior Associate Judge Truman Morrison said, "You don't need a huge budget to run a fair, efficient, safe pretrial system. What we do here is possible where you work." I suggest the same can be said for many other jurisdictions as well.

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