



PRETRIAL SERVICES AGENCY *for the* DISTRICT OF COLUMBIA
PROMOTING PRETRIAL JUSTICE AND ENHANCING COMMUNITY SAFETY

It's About Results – Not Money

Washington, DC, is considered a model for its administration of pretrial justice. DC implements many of the nationally recommended practices for highly functioning pretrial programs. One key practice is the existence of an independent pretrial entity – the Pretrial Services Agency for the District of Columbia (PSA).

PSA receives national recognition for the quality and breadth of our operations and services and receives a steady stream of visitors from around the globe to learn about what we do and how we do it. After hearing about all that PSA offers, many observers are put off by the scale of our operations and often conclude that, because we are federally funded, our model is not replicable in locally funded jurisdictions. These conclusions may lead to a belief that providing pretrial services is either cost prohibitive or simply not worth the high price tag that accompanies it.

If your jurisdiction wants to establish, improve, or expand its pretrial services program, our message is this: You can do it. Most, if not all, of our functions are scalable and can be replicated to some extent within any fiscal structure. When you take a close look at what we do, you'll see that it's not really about the money, it's about the results.

Our basic theory is this: every defendant should be assessed in a fair and objective manner to determine whether they can safely remain in the community while awaiting trial. When judges determine that defendants can remain in the community, they should be provided with supervision, support, and services to help assure that they return to court and remain arrest-free. These services should be actively monitored and adjusted up or down depending upon each defendant's risk of non-compliance and demonstrated behavior. While PSA provides support and services at the higher end of the spectrum, services can be provided at varying levels across the spectrum, as appropriate, in various jurisdictions. For some states and localities, this may mean that the same services can be provided at a relatively low cost.

Below, we'll walk through our budget and suggestions for tailoring a program to meet your locality's needs and available resources.

PSA'S BUDGET AND ADMINISTRATIVE RESPONSIBILITIES

For context, it's important to understand how PSA's budget is structured. As an independent federal agency, we are responsible for not only our core operational functions, but also many administrative expenses exclusive to independent agencies, such as human capital management, budgeting and accounting, IT and policy development. In addition, we operate a state-of-the-art drug specimen collection program and drug testing laboratory.

Salaries and Expenses

Roughly 80% of our operational budget is allocated to salary costs, which tend to be higher for federal employees working in the Washington, DC, metropolitan area than elsewhere across the nation. To demonstrate this, we can look at PSA's funding levels before we became a federal agency (which occurred in 2000). In FY 1996, PSA operated as a locally funded agency with a budget of \$7 million that supported 118 staff, most of whom were assigned to our core operational functions. As we shifted from local to federal, we were required to assume additional responsibilities, which caused a corresponding increase in our budget.

While we consider our staff to be our greatest resource, we recognize that not all jurisdictions are able to hire a full-time pretrial staff. One suggestion is to consider leveraging existing criminal justice personnel (e.g., probation or parole agents) to stand up your program. Once the program is established, you can consider creating an exclusive staff that services your pretrial population exclusively.

Physical Workspace

The cost of real estate in Washington, DC, is a huge driver of our expenses, meaning that the cost of securing physical workspace for your program may be much less than what we incur in the Nation's Capital. Even if that is not the case, you may want to explore options for co-locating your program within a facility shared by other justice partners, which can reduce your expenses significantly.

Subagency Designation

While we are an independent entity, placing your pretrial program within an existing agency can reduce administrative expenses markedly. Examples that we've seen include placement in sheriff's offices, probation and/or parole agencies, and even in jails. Explore all available options and lean towards what makes sense for your jurisdiction.

Drug Testing

In DC, we drug test as part of the pretrial process because independent risk assessment research concludes that drug testing data is a key part of predicting pretrial non-compliance for our defendants. If research in your locality does not support this conclusion, it is not a necessary part of your programming. If, however, drug testing will be a part of your program, consider partnering with your local health department or contracting out with a local laboratory as a cost savings measure. Elimination of these expenses will allow you to focus resources on delivery of core services, meaning you can do a lot, even with a smaller budget.

CORE SERVICES AND ACTUAL COSTS PER DEFENDANT

Having considered some of the administrative aspects of our agency, let's look at our core operational functions, which include risk assessment, supervision, and behavioral health services for defendants. PSA's average budget for FYs 2017-2021 contained \$40.3 million for these functions.



PSA supervised an average of
9,167 defendants daily



For a daily supervision cost of
\$12.04 per defendant

Our current budget enables us to manage an average of 21,533 cases per year processed in the District's Superior Court and the US District Court for the District of Columbia. Over the last five years, PSA prepared bail reports on 100% of cases heard at initial appearance (bail setting) hearings in both courts and supervised an average of 17,903 defendants in 24,376 cases. On any given day, PSA supervised an average of over 9,167 defendants with conditions ranging from address verification to electronic monitoring.

Our core operational functions cost an annual average of about \$110,400 per day ($\$40.3\text{M}/365 = \$110,400$). When supervising an average of 9,167 defendants per day, our daily supervision cost for each defendant is about \$12.04 per day ($\$110,400/9,167 = \12.04), much less than the average daily cost of pretrial incarceration in nearly every jurisdiction.

While the topline figure of \$40M may seem high, keep in mind that PSA services 100% of all cases filed in both our local and federal courts. If your program is unable to serve the entire population at the outset, consider scaling down and servicing a subset (e.g., felonies only, specific charge types only, etc.). When scaling down, we recommend that you provide the core services of risk assessment and supervision (which can be adjusted according to your available resources).

The body of research on pretrial risk assessment shows that most defendants present on the low to middle range of the risk spectrum, both in terms of risk for rearrest and failure to appear in court. These defendants should require less of your resources, leaving them available for the relatively small portion of the population that requires resource-intensive services, such as substance use disorder treatment, mental health services, and electronic monitoring to mitigate the risk of pretrial non-compliance.

OUTCOMES

PSA's results speak volumes about the effectiveness of our model and are accomplished primarily through delivery of our core services. Over the last five years:

- An average of 93% of DC's pretrial defendants were released pending trial.
- Of those, 88% remained arrest-free, with less than 2% alleged to have committed a violent crime, and 89% made all scheduled court appearances.
- 87% of all defendants completed their supervision period without revocation or a pending request for removal due to non-compliance.



93% of defendants released pending trial



88% of defendants remained arrest-free



89% of defendants made all scheduled court appearances



87% of defendants completed their supervision period without revocation or request for removal

It's these numbers that demonstrate the efficacy of the pretrial system in the District of Columbia. As you consider the development of your program, we invite you to explore our 55-year history as you customize a program that fairly, efficiently and safely meets your locality's needs because, as we like to say, it's about results – not money.

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