

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/investing-in-pretrial-services-programs-and-the-need-for-cost-benefit-analysis>

Public Facing Advocacy Writing

Editor's note: This was first published last week on the blog of the [Cost-Benefit Knowledge Bank for Criminal Justice \(CBKB\)](#), a project of the Vera Institute of Justice. Michael Jones of the Criminal Justice Planning Unit in Jefferson County, Colorado, also blogged for CBKB last week, writing about the county's [pretrial services program](#).

Vera's Center on Sentencing and Corrections is working with two very different counties to help create pretrial services programs that are rooted in sound, research-based practices. Los Angeles and New Orleans are facing a problem common to counties across the country: too many people occupying expensive jail beds because they cannot post bail or a money bond. These individuals are defendants not convicted of any crime but awaiting their day in court. Not only are the beds they occupy expensive, their presence in the jail, at least in Los Angeles, means fewer beds are available for those already sentenced. While pretrial numbers and bail amounts are hard to come by in both places, the anecdotal evidence indicates that these counties are paying large sums (from \$23 to \$54 per day) to incarcerate defendants who cannot come up with \$200 or \$500 to secure their release. This is public policy that makes no sense from either a justice or a fiscal perspective.

The issue of pretrial justice just received a big boost from Attorney General Eric Holder, who recently hosted a [national symposium](#) on the topic. The symposium honored, in part, the 50th anniversary of Vera's [Manhattan Bail Project](#), the very first effort in the United States to use objective, verified information as the basis for releasing defendants without bail or bond on their own recognizance. That effort was so successful that then-Attorney General Robert Kennedy convened a national conference on bail reform, the other occasion remembered by the recent symposium. That conference helped spur reform in New York and throughout the country in 1964. The Justice Department under General Holder has made pretrial programs a priority, including funding for Vera to create [pretrial services in New Orleans](#).

In California, as county officials contemplate the implementation of Governor Jerry Brown's corrections realignment, many are or will soon be seeking to make room for the arrival of thousands of new inmates at county jails every year. Moving low- and medium-risk defendants into the community while they await court action will likely produce the quickest result for many counties. However, safely releasing incarcerated defendants and ensuring that they show up for scheduled court appearances will be an urgent and difficult task for those counties that lack a meaningful pretrial services program. An effective system of safe pretrial release one that uses a validated risk-assessment instrument and can offer even a few low-intensity options for monitoring and appearance reminders will require an investment of funds upfront. Although from the outside, putting resources into this may seem like a worthwhile investment, for cash-starved counties, it may be hard for local officials to justify funds to start up or enhance a pretrial program.

What is needed in California and elsewhere is the utilization of cost-benefit analysis to assist county leaders as they contemplate creating pretrial services programs. The up-front investment of scarce resources would seem readily offset by jail-bed savings, but an analysis of costs and what has to be in place to realize the savings and the benefits is urgently needed.

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