



# Measuring Pretrial Success: Two Scenarios for Agencies and Courts

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## Introduction

The number of people held in pretrial detention increased by more than 400% between 1970 and 2015.<sup>1</sup> Yet research indicates that detaining individuals in jail while awaiting trial does not improve pretrial outcomes, such as lowering rates of rearrest or failure to appear in court,<sup>2</sup> and instead significantly increases the probability of conviction while reducing employment outcomes.<sup>3</sup> Additionally, pretrial supervision can be burdensome and expensive for both clients and government agencies, as clients face costs associated with monitoring, such as traveling for regular drug tests, and agencies must pay for new monitoring technology and hire additional staff to manage growing caseloads.

Many jurisdictions are reforming their pretrial systems to right-size their pretrial caseloads, including adopting data-driven approaches to decisions about pretrial release and “step-downs” in the conditions of pretrial release. To effectively implement these data-driven approaches, pretrial agencies and courts need to understand if their pretrial clients are successfully showing up to court appearances and remaining free of violations while awaiting trial. These measures of pretrial success are commonly captured with two metrics: **appearance rates** and **public safety rates**.

With an understanding of pretrial client success rooted in data, pretrial staff and judges can better make the case for **pretrial release instead of detention** and can use **less restrictive pretrial supervision conditions**. This can benefit clients, who will face fewer financial and time burdens as they seek to remain compliant with supervision conditions, and pretrial staff, who may have more manageable caseloads, all while potentially resulting in public cost savings.

Through the Harvard Kennedy School Government Performance Lab’s (GPL) [work with six pretrial agencies](#), pretrial staff often tell us that despite the potential benefits of measuring pretrial success rates, they face **significant challenges** collecting data to measure pretrial success due to **limited data collection tools and staff capacity**. The Pretrial Justice Initiative (PJI) has also identified challenges related to measuring pretrial success. In a 2019 survey by PJI, the majority of responding jurisdictions did not know their court appearance rate, either because the rates were unknown or the respondents were unsure if the data was collected.<sup>5</sup>

Many pretrial agencies establish success metrics using guidance from a report by the U.S. Department of Justice National Institute of Corrections called [Measuring What Matters](#).<sup>4</sup> In the report, these metrics are defined as:

- **Appearance rate:** The percentage of released defendants who make all scheduled court appearances pending case disposition.
- **Public safety rate:** The percentage of released defendants who are not charged with a new criminal offense pending case disposition.

In this brief, the GPL answers common questions from judges and pretrial staff, such as:

- How do I start collecting data to measure pretrial outcomes, such as appearance rates and public safety rates?
- How can I work within my existing case management system to regularly track violations?
- What considerations should I keep in mind when working with external data sets, such as those from the sheriff’s office?

As pretrial agencies work to better measure the success of pretrial clients, consider the following takeaways from the GPL's pretrial technical assistance:

- 1. Start collecting data to establish estimates rather than waiting to create the perfect measurements.** Even with incomplete data sets, pretrial staff can begin generating estimates based on available data. For example, if agencies have a record of which pretrial supervision cases were closed successfully or a record of individuals who have had any rearrests, they can create estimates of metrics like public safety rates as a starting point. These estimates can immediately inform the agency's work and judges' decision-making as staff members make ongoing improvements to the data system.
- 2. Standardize how front-line staff define violations and enter data.** Inconsistencies in how staff define violations and enter data into a case management system can create significant challenges in quickly and accurately measuring pretrial success rates. First, agencies should align on which types of violations actually relate to pretrial outcomes in order to develop shared definitions and ensure they are capturing the most relevant information. Then, agencies should ensure officers enter data consistently. For example, one officer may only enter a violation if it was reported to the court, and another officer may track every violation even if it is handled internally via a warning. This can result in over- or under-reporting of violations since officers are using vastly different protocols for when they should enter violation data.
- 3. Establish protocols that track client success in real time.** As pretrial caseloads shift constantly, judges and pretrial staff need to have the ability to review pretrial success rates at a high frequency to identify trends and shape decision-making. By collecting data on violations as they happen, pretrial agencies are better positioned to share frequent, accurate data with judges.<sup>6</sup>

## Two Scenarios for Measuring Pretrial Success

Many pretrial agencies have an internal case management system in which they track outcomes for people under their supervision. Some pretrial agencies also have access to additional data sets with information on pretrial client interactions with the justice system, such as from the sheriff's office or court case management system. **Promising approaches to measuring pretrial success differ between agencies that have access to additional data sets and those that do not.**

**Agencies that have access to external data sets** can more comprehensively measure pretrial success rates in a way that places less burden on staff. In this scenario, pretrial staff can pull information on the same client across multiple systems, providing higher-quality data on instances of court appearances and rearrests and requiring less time for manual tracking.

**However, many agencies only have access to their own case management system.** In this scenario, there are still ways to ensure agencies can track pretrial client success, including officers tracking violations in a violations-specific part of the case management system, officers tracking violations more generally in the case management system, and officers selecting whether the pretrial client was successful or not when closing the case file. For both scenarios, the GPL has identified approaches that pretrial agencies can take to continuously measure pretrial success. The following tables provide details for each scenario.

## Scenario 1: Agency only has access to its own case management system

Strengths	Challenges
<ul style="list-style-type: none"> <li>• <b>Control over how actions are defined and coded:</b> Pretrial staff can create their own definitions of what constitutes a violation and how to code it correctly in the case management system. In many situations, a violation is only added once an officer has verified it (e.g., checked in with the client, reviewed the data, etc.), providing a higher degree of accuracy.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Increased staff burden:</b> The agency must rely on pretrial officers to manually enter data on rearrests and missed court appearances in the case management system.</li> <li>• <b>Lower quality data:</b> The manual entry of data can result in errors and incomplete data sets that make it difficult to measure exact pretrial success rates.</li> </ul>

### Measuring Pretrial Success

**There are three ways pretrial officers can collect data within existing case management systems, depending on what the agency's data system allows for.**

- **Approach A:** Officers track violations (e.g., new arrest, missed court appearance) in real time in a violations-specific part of the case management system. This system may allow for drop-down menus and other easy-to-use fields that standardize the tracking of violations.
- **Approach B:** Officers enter violations in the case management system, but there is no dedicated section for violations or any easy-to-use fields related to violations. If this is an agency's only option, the agency should consider standardizing the way this data is collected to ensure it can be pulled into reports. GPL-supported jurisdictions have done this by having officers use a specific code that correlates to a specific violation at the front of a case note, such as "NC EM" for noncompliance with an electronic monitoring condition.
- **Approach C:** Officers write a summary of violations and then choose whether the pretrial client was successful or not during the closing of the case file. This approach can be combined with approach A or approach B, if desired. One limitation of this approach is that agencies can only calculate success rates once an individual's case is closed.

## Approach A: Using Drop-Down Menus

When possible, pretrial agencies should **establish drop-down menus** and other **easy-to-use fields** to **standardize the tracking of violations** in case management systems. For example:



- Missed Court Date
- Missed Check-In
- Missed/Positive Drug Test
- New Misdemeanor Offense
- New Felony Offense
- Exclusion Zone Entry
- Tamper with Device
- Other

It may also be helpful to also **track the response to the violation**. Some resolution examples could be:

**Modification of Conditions:** Supervision conditions changed (e.g., adding in GPS conditions, removing a condition)

**No Action Taken:** Violation handled internally by pretrial officer and not reported to the court

**No Change:** Violation reported to court but no changes were made to status or conditions

**Remanded:** Violation led to removal from supervision

**Warrant:** Violation led to a warrant set against individual



## Approach B: Using Codes

If your system does not allow for drop-down menus to track violations or compliance updates, you can still **use your case notes to standardize this information**. To do this, **create a set of “codes”** that individuals should put **at the front of their case notes** when making compliance updates or marking violations. For example:

Violation Type	Code
Failure to Appear/Missed Court Date	NC FTA
Curfew Violation	NC CUR
Dead Battery	NC BAT
Missed Drug Test	NC UA
Stay Away/Zone Violation	NC ZONE

Violation Type	Code
Substance Use – Positive Test	NC SUB
Tamper with Device	NC TAMP
New Misdemeanor Arrest	NEW MIS
New Felony Arrest	NEW FEL



## Scenario 2: Agency has access to external data sets

### Strengths

- **Reduced staff burden:** Pretrial staff can use these additional datasets to automatically track rearrests and missed court appearances, reducing the need for staff to manually collect this data.
- **Comprehensive data:** Data pulled from existing data systems is often higher quality than data manually entered in real time.

### Challenges

- **Data-sharing agreements:** If an agency does not already have access to other data sets, establishing data-sharing agreements to gain access can be burdensome and time-consuming for staff.
- **Lack of shared definitions:** Agencies may have varying definitions of what qualifies as a re-arrest or a missed court appearance, making it difficult to compare violations across data sets.

### Measuring Pretrial Success

- Before pulling in data from other systems, pretrial staff should speak with data managers at each agency to better understand how violations are coded in each system.
- After pulling data from across all data sets, pretrial staff should filter by a client's pretrial supervision start and end date to track rearrests and court appearances that occurred for the client during that time. For example, pretrial staff can pull data on arrest histories from the sheriff's office to verify if a pretrial client was rearrested while on pretrial supervision.
- These outcomes can then be aggregated to determine the overall appearance rate and public safety rate for all clients released on supervision.
- Agencies should also compare success outcomes from the total pretrial community (e.g., individuals released on cash bail, individuals on own recognizance release, etc.) to those on pretrial supervision to better capture what impact supervision may have had on client outcomes.

## Using Pretrial Success Data to Reduce Burdens on Pretrial Clients and Agency Staff

Once pretrial agencies have regular access to pretrial success metrics like appearance rates and public safety rates, staff and judges can use this information to right-size pretrial supervision and reduce burdens on clients and caseworkers. For example, with access to ongoing client success data, judges can monitor and adjust the intensity of pretrial supervision requirements — such as in-person check-ins, drug tests, and electronic monitoring — through the course of a client’s supervision period. Additionally, this is often the first time that judges can see the impacts of their release decisions and receive regular feedback about what is and is not going according to plan. Establishing this consistent feedback loop between the decisions judges are making and client outcomes can help inform judges’ future pretrial release decisions.

With support from the GPL, pretrial staff in [Harris County, Texas](#), began tracking violations using a standardized case note process. Pretrial staff then analyzed compliance data weekly to determine individuals eligible to receive a step-down. From this analysis, judges received an individualized list of clients in their courtroom who were eligible for reduced supervision requirements. Because judges in the county typically have more than 1,000 individuals on their dockets at any time, reviewing a targeted list of clients allowed them to revisit conditions more efficiently and frequently. From October 2020 to June 2022, the agency successfully adjusted supervision conditions for more than 2,200 clients with no changes in client compliance or rearrest rates during that time.

### The GPL’s Technical Assistance Experience with Measuring Pretrial Success

The GPL is now actively applying its learning from Harris County to other jurisdictions, including the Superior Court of Alameda County (California), Clark County District Court (Washington), Illinois Office of Statewide Pretrial Services, Las Vegas Justice Court (Nevada), and Santa Cruz County Probation Department’s Pretrial Division (California).

One growing component of the GPL’s technical assistance is supporting pretrial agencies in redesigning how they measure pretrial success, allowing for regular tracking of pretrial outcomes to support the agency’s ability to right-size its supervision practices. This support often includes:

1. Aligning pretrial stakeholders, such as agency directors, pretrial officers, and judges, on pretrial success measurement goals, including how they define success and ensuring these definitions match the industry standards established in [Measuring What Matters](#).
2. Assessing existing data sets and understanding the strengths and limitations of how data is currently collected.
3. Assessing the technical capabilities of existing data collection systems.
4. Redesigning how to best standardize and track pretrial success within the existing case management system.
5. Tracking changes in data collection practices to ensure staff are consistently implementing recommended data entry protocols, including the development of training materials for staff.
6. Completing an initial data analysis to produce estimates of appearance rates and public safety rates.

# Redesigning How to Measure Pretrial Success

**Before the GPL's technical assistance, pretrial agencies often face challenges measuring pretrial success, including:**



Limited protocols related to data collection and review processes, placing high burdens on staff



Limited case management systems that result in incomplete data sets and over-reliance on narrative notes



Limited ability to understand if pretrial clients are showing up to court and remaining arrest free

**After the GPL's technical assistance, our goal is to ensure pretrial agencies can:**



Accurately track success of clients on pretrial supervision over time, disaggregating by meaningful subunits (e.g., severity of violation)



Hold frequent conversations with key stakeholders (e.g., judges, pretrial officers) to review success metrics



Use data insights to make the case for pretrial release rather than detention and determine step-downs in pretrial supervision restrictions



## About the Government Performance Lab's Pretrial Technical Assistance

Jurisdictions are seeking support to safely increase the use of pretrial or community supervision, in place of cash bail or pretrial detention, without reproducing the harms of pretrial incarceration. Using its learning from work in Harris County and Illinois, the GPL is actively providing pretrial technical assistance to five jurisdictions. The GPL has focused its technical assistance in the areas of:

- Assessing supervision structures to identify opportunities to right-size the intensity and cost of supervision to clients and governments.
- Creating client connections to voluntary supportive services to address underlying needs outside of the criminal justice system.
- Developing training and tools to expose pretrial system stakeholders to innovative approaches in release and supervision.

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## Notes

1. Léon Digard and Elizabeth Swavola, “Justice Denied,” Vera Institute of Justice, April 2019, <https://www.vera.org/publications/for-the-record-justice-denied-pretrial-detention>.
2. Christopher Lowenkamp, “The Hidden Costs of Pretrial Detention Revisited,” Arnold Ventures, March 21, 2022, <https://craftmediabucket.s3.amazonaws.com/uploads/HiddenCosts.pdf>.
3. Will Dobbie, Jacob Goldin, and Crystal S. Yang, “The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges,” *American Economic Review* 108, no. 2 (February 1, 2018): 201–40, <https://doi.org/10.1257/aer.20161503>.
4. Shaina Vanek et al., “Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field, 2nd Edition,” National Institute of Corrections, 2021, <https://nicic.gov/resources/nic-library/all-library-items/measuring-what-matters-outcome-and-performance-measures-0>.
5. “Scan of Pretrial Practices,” Pretrial Justice Institute, June 29, 2019, <https://www.pretrial.org/files/resources/scanofpretrialpractices.pdf>.
6. For more on developing a standardized system for tracking client compliance in real time, read this project feature: “[Building a Responsive Pretrial Supervision System in Harris County, Texas](#).”

The **Government Performance Lab**, housed at the Taubman Center for State and Local Government at the Harvard Kennedy School, conducts research on how governments can improve the results they achieve for their citizens. An important part of this research model involves providing hands-on technical assistance to state and local governments. Through this involvement, we gain insights into the barriers that governments face and the solutions that can overcome these barriers. By engaging current students and recent graduates in this effort, we are also able to provide experiential learning.

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