

# Criminal Justice Reform: A Step-by-Step Guide

## Complaint

The defendant is fingerprinted by law enforcement and a criminal history is collected from various statewide databases. The information allows prosecutors and law enforcement to make a quick and informed decision about whether to authorize a summons or request a warrant from the court.

## Summons Issued

The defendant is not subject to Criminal Justice Reform.

## Warrant Issued

The individual is arrested and transported to county jail. The defendant is subject to Criminal Justice Reform.

## Defendant Released

The defendant is given a date to appear in court.

## Public Safety Assessment

Pretrial services staff prepare a release recommendation to the court based on a Public Safety Assessment (PSA) and other factors. The PSA uses the defendant's prior criminal and court history to assess the likelihood that the defendant will fail to appear in court or commit another crime. There is a recommendation of no release for certain crimes such as murder, and some crimes involving guns or weapons.

## First Appearance Hearing

A first appearance hearing is held within 24 to 48 hours of a defendant being taken to a county jail. At the hearing, the prosecutor's office must make a motion to have the defendant detained. Otherwise, the judge will set conditions of release, considering the pretrial services recommendation along with arguments from the prosecutor and the defense attorney.

## No Motion for Detention Made

After listening to the prosecution and the defense, the judge can either agree with the pretrial services recommendation or issue a statement of reasons for deviating from the recommendation.

## Motion for Detention Made

If a detention motion is filed, a pretrial detention hearing is held within three to five business days. The prosecutor must demonstrate that no condition of release can reasonably assure the public's safety or that the defendant will return to court.

## Defendant Released

The defendant is given a date to appear in court.

## Defendant Released with Conditions

Defendants released with conditions are monitored by the court's pretrial services unit. Conditions of release range from phone calls and visits with a pretrial services officer to electronic monitoring and house arrest.

## Defendant Detained

Defendants who are detained pretrial are subject to speedy trial guidelines and must be indicted within 90 days. There are also limits for the overall time a defendant can be kept in jail while the case is resolved.