

# PERFORMANCE AUDIT

Work in progress: Audit description

## Expanding Use of Pretrial Services

Pretrial services offer an alternative to incarceration for people who have been arrested for criminal offenses and cannot afford to pay bail to await trial outside jail. Examples of pretrial services jurisdictions may offer include drug and alcohol testing, electronic home monitoring and transportation to attend a hearing. Some jurisdictions offer these services free of charge, while others charge defendants a fee.

Our 2019 performance audit found that pretrial services can be comparable to bail in maintaining public safety and could save taxpayers between \$6 million and \$12 million a year. Other studies have found that such services can help address disparities in pretrial releases for low-income defendants and those in racial and ethnic groups at greater risk of pretrial detention.

Recent initiatives show there is strong interest in expanding pretrial services in Washington. A 2019 judicial task force made recommendations to increase their use statewide. In 2023, the Legislature allocated about \$1.5 million to the Administrative Office of the Courts to pilot the use of such services in local jurisdictions.

However, only some courts offer these services as an alternative to incarceration. Barriers preventing their use include inadequate funding or staffing, prosecutorial or judicial discretion, and concerns about potential liability. The limited availability and inconsistent application of pretrial services across Washington's decentralized court system can affect outcomes for defendants.

### Preliminary scope and objectives

This audit will evaluate a selection of Washington jurisdictions to assess multiple aspects of pretrial services. The audit seeks to answer the following questions:

1. To what extent have jurisdictions used pretrial services for defendants awaiting trial?
2. How do the characteristics of defendants that jurisdictions released through pretrial compare to the pretrial population?
3. What barriers do jurisdictions face in using pretrial services?
4. What actions could jurisdictions take to increase use of pretrial services?
5. How has the Administrative Office of the Courts used the funding it received from the Legislature to pilot expansion of pretrial services in local jurisdictions?



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