

Magistrate Bail Decision-Making Tools

10 Tips for Development & Implementation

- 1. Conduct a needs & organizational assessment.**

Conduct a needs assessment to see how you are doing and identify what, if anything may need to change. Share this with your team and set outcome metrics (e.g., % reduction in jail bookings of low-level misdemeanors). Conduct an organizational assessment to ensure capacity to implement change. Examine issues like staffing shortages, other priority initiatives underway, etc. These assessments will help you decide whether or not to proceed.
- 2. Form a diverse team.**

If you proceed, your project team should include key justice system actors: district and superior court judges, prosecutors and public defender's office (or defense lawyer if no public defender), law enforcement leaders (police department and sheriff's office), and the magistrates' office. Include others, e.g., county commissioners, clerk's office, members of the public, probation, as helpful.
- 3. Vet the tool.**

Once the team develops a draft tool, solicit broad input from "front line" individuals such as magistrates, law enforcement, and probation officers. This can help avoid blind spots, ensure that the tool is flexible enough to accommodate the full range of cases and circumstances and build support for and begin educating stakeholders about the new tool.
- 4. Beta test the tool.**

Have magistrates complete the tool as a parallel step to their normal decision-making process. This will let you see how the tool operates, check results to ensure they conform to your objectives, and make tweaks to make the tool as user-friendly and efficient as possible. Beta testing also may reveal a need for complementary job aids.
- 5. Decide on procedures for documenting decisions.**

If magistrates will be completing paper or electronic forms, establish a procedure for doing so and for inclusion of forms in the case file for the district court judge at first appearance.
- 6. Formally adopt the tool.**

This can be done in an administrative order or as part of a new bail policy.
- 7. Provide training.**

Train magistrates and develop a plan for training new magistrates. Offer training to law enforcement so that officers know about the tool and how to best communicate relevant facts and circumstances to the magistrate.
- 8. Plan for quality control & coaching.**

Develop a procedure for checking every form in the initial weeks. Taper down to spot checking as appropriate. Set up a system for coaching individuals as needed.
- 9. Assess implementation.**

Reconvene early and at regular intervals to assess implementation and discuss any issues that arise.
- 10. Collect data & assess impact.**

Data collection and impact assessment enables you to determine whether you are meeting your pretrial goals.

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