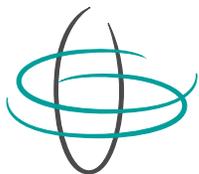

GLOSSARY

Glossary of Pretrial, Racial Equity, and Community Engagement Terms

About APPR

Advancing Pretrial Policy and Research (APPR) is dedicated to achieving fair, just, effective pretrial practices, every day, throughout the nation. It works with justice professionals and community members to improve pretrial justice systems in ways that prioritize community well-being and safety, racial justice, fairness, and the effective use of public resources. APPR is a project of the National Partnership for Pretrial Justice, with support from Arnold Ventures.



The Center
for Effective Public Policy

Helping Justice Systems Discover Solutions

The **Center for Effective Public Policy** (cepp.com) leads all implementation and technical assistance activities for APPR.

Introduction

There is tremendous interest nationally in the field of pretrial justice. Justice system¹ stakeholders are eager to ensure that their pretrial policies align with constitutional law, state statutes, and case law; researchers endeavor to identify strategies that are sound and evidence-based; advocates seek to protect people’s due process rights—ensuring that all people are treated equally, regardless of their race, ethnicity, wealth, or gender—while others seek to protect known and potential victims from harm; and community members take strides to become essential partners in advancing system change. As such, academic papers, roundtable discussions, policy debates, newspaper editorials, and community meetings focusing on matters of pretrial justice, racial equity, and community engagement are increasingly common. These conversations can be challenging. At the heart of pretrial justice is an essential balance: due process and defendant rights; victim rights and community well-being and public safety. Finding balance, particularly between competing interests, requires frank and honest dialogue. Confounding these discussions is the fact that the field of pretrial justice is replete with language that is confusing; words and terms used in one setting can have an entirely different meaning in another. Language also plays a crucial role in discussions of racism and racial equity and disparity. Consistency in the use of language is of critical importance when working to address and reduce inequality and to increase community engagement.

Advancing Pretrial Policy and Research (APPR) is a project sponsored by Arnold Ventures. APPR offers this glossary of pretrial, racial equity, and community engagement terms to bring clarity to important conversations about how best to achieve APPR’s vision of fair, just, and effective pretrial practices, every day, throughout the nation.

1 In acknowledgment that the current system of justice does not deliver true justice for all, some people substitute references to the “justice system” with alternative language, such as the “criminal legal system.” APPR works toward a system of justice that is fair and equitable, and one that produces positive outcomes for the well-being of the community as well as the integrity of the overall system. We continue to use the term “justice system” to represent the aspiration of our work and the potential for the system to deliver true justice for all.

Methodology

This glossary represents a compilation of definitions that are aligned with APPR's principles and values. In preparing this glossary, APPR identified a list of commonly used terms related to pretrial, racial justice, and community engagement, and researched existing definitions for these terms. APPR did not attempt to duplicate the important efforts of scholars and organizations committed to racial equity who previously undertook extensive and important work to define these terms. Rather, APPR chose to amplify, share, and appropriately attribute their work with APPR's audience.

*For the purposes of this document, APPR has used the term **Black, Indigenous, and People of Color (BIPOC)**. The use of the term **BIPOC** is meant to center the reality that **Black, Brown, and Indigenous** people disproportionately bear the many impacts of structural racism, oppression, and injustice, particularly in the justice system.*

Feedback

This glossary is a living document; your reactions and suggestions will help APPR make this the most effective resource possible. If you have questions or recommendations, please do not hesitate to [contact APPR](#).

A

Actuarial Assessment: A statistical method for estimating the likelihood that a future event—such as failure to appear in court or a new arrest—will occur. Actuarial assessments are typically developed by analyzing historical data to identify factors that are highly correlated with the specified future events. See also [ASSESSMENT FACTOR](#); [PRETRIAL ASSESSMENT](#); [PUBLIC SAFETY ASSESSMENT](#).

Appearance Bond: See [BOND](#).

Arraignment: A court appearance at which a person is formally charged with a crime and is asked to enter a plea (e.g., guilty, not guilty, no contest). Although an arraignment is sometimes referred to as the person’s “first appearance” or “initial appearance” before a judicial officer, that is not necessarily the case. For instance, a judicial officer may make a release decision prior to arraignment.

Arrest: An arrest can be custodial or noncustodial. A custodial arrest deprives someone of their freedom of movement using legal authority. A noncustodial arrest is often made in the form of a citation or summons. See also [CITATION](#); [CUSTODIAL ARREST](#); [NONCUSTODIAL ARREST](#); [SUMMONS](#).

Arrest Warrant: A judicial officer’s order to law enforcement to arrest a person and bring them into custody, issued after police have demonstrated probable cause that the person committed a crime or after a grand jury has issued an indictment. This is distinct from a bench warrant, which is issued when a person has violated court rules or procedures. See also [BENCH WARRANT](#).

Assessment Factor: In the context of a pretrial assessment, a piece of information about people that has been shown to be correlated with an increased likelihood of failure to appear or arrest during the pretrial period, and that therefore is used to score the assessment. Factors are identified through the analysis of large data sets, typically involving tens or hundreds of thousands of people. While such factors have statistical validity on a large scale, the presence or absence of a particular factor or factors should never be the sole or main determinant of the release decision in any individual case. See also [ACTUARIAL ASSESSMENT](#); [PRETRIAL ASSESSMENT](#); [PROFESSIONAL JUDGMENT](#); [PUBLIC SAFETY ASSESSMENT](#).

B

Bail: The process of pretrial release. Some state statutes conflate “bail” and the use of money as a condition of release, but the history of bail and the U.S. legal tradition have made it clear that bail is the process of pretrial release—just as “no bail” or “ineligible for bail” refers to people who may be detained pretrial. For the sake of clarity, APPR uses “pretrial release” to mean release pretrial and, when referring to the requirement that a person post money in order to be released from jail pretrial, APPR uses the term “financial condition of release.” See also [CONDITIONS OF RELEASE](#); [PRETRIAL RELEASE](#); [RELEASE DECISION](#).

Bail Agent: See [BAIL BOND AGENT](#).

Bail Bond: See [BOND](#).

Bail Bond Agent: In cases of a surety bond, a person—typically licensed by the state and working for an insurance company—who guarantees the future court appearances of a person accused of a crime by promising to pay a certain amount of money (namely, the financial obligation ordered by a judicial officer) if the person fails to appear. Bail bond agents charge people a nonrefundable fee for their services, typically 10–15 percent of the financial obligation. Also called *bail agent*; *bail bondsman*; *bail company*; *commercial surety*; *compensated surety*.

Bail Bondsman: See [BAIL BOND AGENT](#).

Bail Commissioner: An official appointed by the court whose responsibilities may include presiding over first appearance hearings for persons charged with a crime for the purposes of deciding the conditions of a person’s release. Also called *court commissioner*; *magistrate*.

Bail Company: See [BAIL BOND AGENT](#).

Bail Decision: See [RELEASE DECISION](#).

Bail Forfeiture: See [BOND FORFEITURE](#).

Bail Fund: A charitable organization that uses funds to post financial bonds on behalf of people with little economic means, thereby securing their release from jail. When a judicial officer has not ordered forfeiture of a bond’s financial conditions, the money used to post the bond is returned to the bail fund and can be reused for other people. There are more than 60 bail funds operating in the U.S as of 2019.

Bail Schedule: See [BOND SCHEDULE](#).

Bench Warrant: A document issued by a judicial officer (i.e., “the bench”) to law enforcement that authorizes taking a person into custody,

typically because they have violated court rules or procedures. In the pretrial phase of a case, a bench warrant is often issued when a person who has been accused of a crime fails to appear at a scheduled court appearance. See also [CAPIAS](#).

Bias: A “natural inclination for or against an idea, object, group, or individual. It is often learned and is highly dependent on variables like a person’s socioeconomic status, race, ethnicity, educational background, etc.” *Source:* [Psychology Today](#)

► **Explicit Bias:** The “attitudes and beliefs we have about a person or group on a conscious level. Much of the time, these biases and their expression arise as the direct result of a perceived threat.” *Source:* [Perception Institute](#)

► **Implicit Bias:** The “attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual’s awareness or intentional control. Residing deep in the subconscious, these biases are different from known biases that individuals may choose to conceal...The implicit associations we hold do not necessarily align with our declared beliefs or even reflect stances we would explicitly endorse.” *Source:* [Kirwan Institute for the Study of Race and Ethnicity](#)

Bond: A contract between a person accused of a crime and the court that includes certain conditions of pretrial release that the person promises to uphold. A bond may include financial conditions (e.g., payment of cash or property) and/or nonfinancial conditions (e.g., a promise to appear back in court and remain law-abiding, no contact with witnesses). See also [CONDITIONS OF RELEASE](#).

Bond Forfeiture: A procedure in which a judicial officer orders that the financial obligation of a bond be retained by or paid to the court. This may occur only when a person fails to make a required court appearance pretrial; it almost never occurs when a person is charged with a new crime while on pretrial release.

Bond Schedule: A written list of the amounts of money to be used in setting financial conditions of pretrial release, typically based on the offense. The use of bond schedules has been rejected by the American Bar Association’s Criminal Justice Standards on Pretrial Release (Standard 10-5.3(e)), and courts are increasingly requiring individualized determinations of release conditions (including financial conditions of release) and therefore rejecting reliance on bond schedules—at least without serious consideration of other factors. Also called *bail schedule*.

Book and Release: The process of immediately releasing a person after booking, by someone with delegated release authority (usually jail or pretrial services staff). Common in jurisdictions across the country, this release decision is made based on a bond schedule, the charged offense, and/or the results of a pretrial assessment. When released, the person is issued a citation or order in for a later court appearance. See also [BOOKING](#); [DELEGATED RELEASE AUTHORITY](#).

Booking: After a person is arrested and taken into custody, the recording—formerly in a book, hence the term “booking,” and now most often on a computer—of an arrested person’s name, personal information (usually including photographs, fingerprints, and other biometrics), and reason for arrest.

C

Capias: An order issued by a judicial officer for a person’s arrest and appearance before the court. A *capias* is often issued when a person accused of a crime fails to appear at a scheduled court appearance. See also [BENCH WARRANT](#).

Cash Bail: See *cash condition* under [CONDITIONS OF RELEASE](#).

Cash Bond: See *cash condition* under [CONDITIONS OF RELEASE](#).

Citation: A type of summons charging someone with committing a crime (most typically, a nonviolent misdemeanor) and requiring the person to appear in court on a particular date to answer the charges. Citations are typically issued in lieu of a custodial arrest, but they may also be issued after someone is booked and released. Also called *citation in lieu of arrest*; *cite and release*. See also [SUMMONS](#).

Citation in Lieu of Arrest: See [CITATION](#).

Cite and Release: See [CITATION](#).

Collateral Bail: See *property condition* under [CONDITIONS OF RELEASE](#).

Collateral Bond: See *property condition* under [CONDITIONS OF RELEASE](#).

Color-Blind Justice: See [JUSTICE](#).

Commercial Bail Bondsman: See [BAIL BOND AGENT](#).

Commercial Surety: See [BAIL BOND AGENT](#).

Commercial Surety Bond: See *surety condition* under [CONDITIONS OF RELEASE](#).

Community Engagement: The process by which people’s values, concerns, and needs are incorporated into decisions on public issues. It usually includes a combination of: 1) listening to diverse perspectives within a community; 2) collaboration between public leaders and community members, as well as among community members themselves, to review information, share opinions about important issues, and identify solutions together; and 3) actual participation by community members in important policy decisions. Engagement is often initiated by public institutions or community-serving organizations and is most authentic when it is multidirectional and mutually beneficial.

Source: [Public Agenda](#)

Community Well-Being and Safety: A term used as an alternative to “public safety.” This term recognizes the structural conditions and policies that have historically favored certain groups of people over others and acknowledges the disproportionate impact the justice system has had on communities of color in the name of public safety. Community well-being reimagines traditional notions of safety beyond crime reduction to include a focus on physical and mental health, safe housing and schools, employment opportunities, the presence of community spaces for recreation and congregation, and other key indicators of successful, thriving communities.

Compensated Surety: See [BAIL BOND AGENT](#).

Computerized Criminal History (CCH): Refers to the system of automated criminal history record repositories maintained by each state.

Conditions of Release: Conditions that may be imposed on a person released pretrial to reasonably ensure the person returns to court, stays away from specified people or places, and remains law-abiding while the case is pending. Conditions are imposed by a judicial officer and may be financial, nonfinancial, or both.

■ **Financial conditions:** Financial conditions of release can take many forms:

- **Cash Condition:** An order for a cash condition requires that the person accused of a crime, or someone on behalf of the person (e.g., a relative or friend), pay a certain amount of money in full to the court prior to that person’s pretrial release from jail. Bonds with cash conditions are not financed through a bail agent. If the person makes all scheduled court appearances, the money is returned. If the person fails to appear, the money may be forfeited. Also called *cash bond*.
- **Deposit Condition:** An order for a deposit condition requires that a person pay the court a percentage of the bond amount set by the judicial officer prior to that person’s pretrial release from jail. That percentage is returned to the person, often minus an administrative fee, if they make all their court appearances. If they fail to appear in court, they are liable to pay the full amount of the bond. Also called *deposit bond*; *deposit-to-the-court financial condition*.
- **Property Condition:** An order for a property condition allows a person to give the court a security interest in property equal to the amount of the bond set by the judicial officer prior to that person’s pretrial release from jail. If the person does not appear in court, the property may be forfeited. Also called *collateral bond*; *property bond*.

- **Surety Condition:** With a surety condition, an authorized company (usually a bail bond agent) charges the person, prior to that person’s pretrial release from jail, a nonrefundable fee (generally, 10–15 percent of the full bond amount) in exchange for the company promising the court that the person will make all court appearances. If the person misses a court appearance, the company *may* be obligated to pay the court the full amount of the bond and may collect the collateralized property from the person to offset the company’s debt to the court. Also called *commercial bond*; *commercial surety bond*; *surety bond*.
- **Unsecured Condition:** With an unsecured condition, a person pledges to pay an amount of money set by the judicial officer or unsecured property if the person does not appear in court as scheduled. The person does not pay any money or pledge property prior to that person’s pretrial release from jail. If the person does not appear in court, the full monetary amount may be forfeited.
- ▶ **Nonfinancial conditions:** Nonfinancial conditions may include participation in some form of monitoring (e.g., in person, by phone or text, or through electronic monitoring), absolute sobriety, treatment, restrictions on travel, no-contact/protection orders, and court date notifications. See also [COURT DATE NOTIFICATION SYSTEM](#); [MONITORING](#); [NO-CONTACT ORDER](#); [PROTECTION ORDER](#); [RELEASE ON RECOGNIZANCE](#).

Court Commissioner: See [BAIL COMMISSIONER](#).

Court Date Notification System: A system for notifying people released pretrial of their next court date, the consequences of not appearing, any changes to previously scheduled court dates, and missed court dates, with time for them to remedy the situation before a warrant is issued. Notifications can be sent in various ways: through automated, system-generated texts, phone calls, or emails; through individual calls, texts, or emails; or in letters or postcards. Many empirical studies show that court notifications are effective in improving court appearance rates. Also called *court date reminder system*.

Court Date Reminder System: See [COURT DATE NOTIFICATION SYSTEM](#).

Criminal History: A record of a person’s prior interactions with the justice system. Depending on the jurisdiction and/or purpose for which criminal history information is being gathered, this may involve some combination of arrests, convictions, failures to appear, and revocations of community-based release (e.g., pretrial, probation, parole). Also called *criminal record*.

Criminal Record: See [CRIMINAL HISTORY](#).

Crowding: Having more people in a place than the intended—or legally permitted—capacity. The term “overcrowding” is often used to describe a jail or prison that is over capacity.

Custodial Arrest: The legally permitted deprivation of a person’s liberty by law enforcement, accomplished by taking the person to a secured location, such as a jail or police station. An arrest may be made when police have probable cause to believe that a person has committed or is about to commit a crime (or when they need to preserve evidence of a crime), or it may be made pursuant to a warrant issued by a judicial officer.

D

Decision Framework: A framework that outlines the sequence of major pretrial decisions that justice system professionals make about a person accused of a crime and that highlights where and how the Public Safety Assessment (PSA) will be used to help inform those decisions. Each jurisdiction creates its own framework to reflect its pretrial decision points. See also [PUBLIC SAFETY ASSESSMENT](#).

Defendant: A person accused of or charged with (but not convicted of) a crime. Increasingly, the term “defendant” is replaced by more neutral terms, such as “a person accused of a crime,” in an effort to acknowledge that someone’s entire identity is not defined by their involvement with the justice system.

Defense Attorney: A lawyer who represents a person in a criminal case. During the pretrial phase, a defense attorney’s responsibilities include, among others, protecting the rights of a person who has not yet been charged with or convicted of a crime; representing the person at all court appearances, including the first appearance when a release decision is made; reviewing and challenging the State’s evidence of alleged guilt, as well as searching for evidence that might support their client’s innocence; moving to have charges diverted, reduced, or dropped; and filing motions and appeals on behalf of their client.

Delegated Release Authority: The authority given by the court to law enforcement, jail staff, pretrial service officers, or court commissioners/magistrates to release a

person who has been arrested pre- or post-booking and before their first court appearance.

Deposit Bail: See *deposit condition* under [CONDITIONS OF RELEASE](#).

Deposit Bond: See *deposit condition* under [CONDITIONS OF RELEASE](#).

Deposit-to-the-Court Financial Condition: See *deposit condition* under [CONDITIONS OF RELEASE](#).

Detention: The holding of a person on criminal charges in a secure facility (most often, a local jail) before trial because they were denied pretrial release, were granted release but could not meet the financial conditions imposed by the judicial officer, or are required to be held on a detainer in connection with another legal proceeding (e.g., a case at another court, such as in a neighboring jurisdiction, or an Immigration and Customs Enforcement [ICE] case).

Detention Hearing: A proceeding at which a judicial officer decides whether to detain or release a person prior to trial. This may occur at the first appearance, but under many state laws a separate hearing is required if the person is to be denied pretrial release (i.e., detained). The proceeding should protect a person’s due process rights by including, at a minimum: (1) a hearing; (2) representation by counsel; (3) the ability to testify, present evidence, and cross-examine witnesses; (4) on-the-record findings justifying a judicial officer’s decision; and (5) the right to appeal. See also [DUE PROCESS](#).

Disability Disparity: See [DISPARITY](#).

Disparity: Differential treatment or outcomes based on a person’s race or ethnic background, gender, socioeconomic status, or differing abilities. Disparities in the justice system can take many forms, and BIPOC who are also part of traditionally marginalized groups may experience more complex and negative outcomes. See also [DISPROPORTIONALITY](#); [RACISM](#).

- ▶ **Racial and Ethnic Disparity:** Existing in the justice system when “the proportion of a racial/ethnic group within the control of the system is greater than the proportion of such groups in the general population...Illegitimate or unwarranted racial disparity in the criminal justice system results from the dissimilar treatment of similarly situated people based on race.” Racial disparity in the justice system can also be quantified as the “difference in level of system involvement as expressed by a rate, proportion, average or some other quantitative measure (i.e., disproportionality and overrepresentation).” Within the pretrial context, studies have shown that African American and Latinx people are more likely to be arrested and/or detained than white people with similar charges and histories, and African Americans face more stringent conditions of release and are less likely to be released without financial conditions. *Sources:* [The Sentencing Project](#); [The W. Haywood Burns Institute](#)
- ▶ **Unequal Treatment of Women:** The unequal treatment of women in the justice system. Since 1980, the incarceration of women in the United States has increased at twice the rate as it has for men. This increase can be traced to changes in state and national drug policies that mandate prison terms for even relatively low-level offenses, changes in law enforcement practices (particularly policies in disproportionately impacted neighborhoods),

and barriers to reentry that uniquely affect women. *Sources:* [The Sentencing Project](#); [Alexs Kajstura, Prison Policy Initiative](#)

- ▶ **Sexual Orientation and/or Gender Identity Disparity:** The overrepresentation of LGBTQ+ people, especially LGBTQ+ BIPOC in the criminal and juvenile justice systems: “[LGBTQ+] people are frequently targeted by and vulnerable to increased criminalization and abuse by law enforcement.” Transgender, intersex, and non-gender-conforming people are also more likely to experience extreme physical, sexual, and emotional abuse and brutality while in the system. *Sources:* [Movement Advancement Project](#); [UNODC](#)
- ▶ **Socioeconomic Disparity:** The disparity that occurs when “our laws and policies disadvantage or [disproportionately] punish people simply because they are poor” (e.g., through fees, fines, or financial conditions of release). Research widely indicates that “incarceration is associated with a high risk of unemployment, family instability, and other social hazards” that can continue to contribute to a disadvantaged socioeconomic status. Also called *wealth-based discrimination*. *Sources:* [Equal Justice Under Law](#); [Western and Muller](#)
- ▶ **Disability Disparity:** The fact that people with disabilities are more likely to experience victimization, be arrested, be charged with a crime, and serve longer incarceration sentences once convicted than those without disabilities. Justice professionals may lack experience and accurate knowledge about disabilities, leading to misidentification of disability, a heightened risk of false confessions, inaccurate assumptions about competency and credibility, inappropriate placement in institutions, and the unknowing waivers of rights. *Source:* [The Arc](#)

Disproportionality: The measurable predominance of a particular group in the justice system relative to the general population—for example, the percent of Black prisoners in a jurisdiction compared to the percent of Black people in the local population. Disproportionality can also be measured as a comparison to white representation in the justice system—for example, the Black incarceration rate compared to the white incarceration rate. See also [DISPARITY](#). *Source:* Dr. Alexes Harris, University of Washington

Diversion: An alternative to traditional justice system processing. As described in [Diversion 101: What Is Diversion?](#), diversion takes multiple forms and can be initiated by different justice system actors, at different points in the justice process, with differing ultimate outcomes.

- ▶ **Pre-arrest diversion:** In cases where probable cause to arrest exists, law enforcement officers take an alternative course of action to arrest—such as “counsel and release” or referral to a program or service—to address the presumed underlying cause of the alleged illegal behavior (e.g., mental health concern; substance abuse; lack of safe, stable housing, etc.). Pre-arrest diversion results in no arrest or referral for charges.
- ▶ **Pre-charge diversion:** Following a referral for prosecution by law enforcement, which may or may not involve a custodial arrest, prosecutors withhold filing charges and provide an alternative course of action (e.g., stipulate that a person remain law-abiding for a specified period of time, participate in education classes, conduct community service or other types of victim restoration, etc.). Satisfactory completion of pre-charge diversion typically results in charges not being filed with the court.

- ▶ **Post-charge/pre-conviction diversion:** Following the filing of charges by the prosecution, or as part of the plea negotiation process, an agreement may result in one or more specified conditions (e.g., participation in one or more programs or services such as specialty court). Satisfactory completion of diversion at this stage typically results in the dismissal of the charges or reduction in level (felony to misdemeanor or forfeiture) of the charges.

Double Supervision: The use of both a financial condition and monitoring by a pretrial services agency as conditions of release. The National Association of Pretrial Services Agencies Standards on Pretrial Release discourages this practice. Also called *doubling up*.

Doubling Up: See [DOUBLE SUPERVISION](#).

Due Process: A fundamental principle that protects people from arbitrary or unfair federal or state action. This principle is ordered by the Fifth and Fourteenth Amendments of the United States Constitution (and similar state provisions), which state that no person shall be deprived of “life, liberty, or property, without due process of law.” What constitutes due process depends on what action the government is attempting to take and what right(s) will be abridged. While the Supreme Court has never defined exactly what due process is required for pretrial decisions, the elements most commonly cited by other courts and by national standards-setting groups include: (1) a hearing; (2) representation by counsel; (3) the ability to testify, present evidence, and cross-examine witnesses; (4) on-the-record findings justifying a judicial officer’s decision; and (5) the right to appeal. If a hearing might result in a person’s pretrial detention (as opposed to simply establishing conditions of release),

due process is of particular importance, and additional safeguards may be needed or desired, such as a higher evidentiary standard (e.g., “clear and convincing evidence”), consideration of statutorily enumerated factors, and/or a written opinion setting forth the reasons for detention.

E

Electronic Monitoring (EM): An electronic system used to monitor a person’s compliance with geographical conditions of release.

Electronic monitoring devices rely on technology to alert authorities when a person who is being monitored travels outside the permitted radius. (Of note, this technology does not pinpoint the person’s exact location but, rather, alerts the monitoring agency when the permitted travel radius has been exceeded or when the exclusionary zone has been entered.) EM is sometimes imposed as a condition of pretrial release. See also [GPS MONITORING](#).

Equal Protection: The right of people, and classes of people, to receive similar treatment under the law as similarly situated people. This right is guaranteed by the Fourteenth Amendment, which states that “no State shall... deny to any person within its jurisdiction the equal protection of the laws.” In recent years, litigants have challenged the use of financial conditions of release (whether set by bond schedules or a judicial officer in court), arguing, among other things, that they violate equal protection because they result in the systematic detention of people with little economic means while allowing similarly situated people with economic means to go free. Many—though not all—courts that have ruled on these issues have in large part agreed with this line of argument.

Equality: The condition of “ensuring that every individual has an equal opportunity to make the most of their lives and talents. It is also the belief that no one should have poorer life chances because of the way they were born, where they come from, what they believe, or whether they have a disability.” This definition of equality recognizes that “historically certain groups of people with [particular] characteristics such as race, disability, sex and sexual orientation have experienced discrimination.” See also [EQUITY](#).
Source: [Equality and Human Rights Commission](#)

Equity: The “notion of being fair and impartial as an individual engages with an organization or system.” It reflects processes and practices that both acknowledge that we live in a world where everyone has not been afforded the same resources and treatment while also working to remedy this fact. “‘Equity’ is often conflated with the term ‘Equality’ (meaning sameness)” and assumes, incorrectly, that we all have had equal access, treatment, and outcomes. See also [EQUALITY](#).
Source: [Brandeis University](#)

► **Racial Equity:** “The condition that would be achieved if one’s racial identity no longer predicted, in a statistical sense, how one fares...This includes elimination of policies, practices, attitudes and cultural messages that reinforce differential outcomes by race or fail to eliminate them.” *Source:* [Racial Equity Tools](#)

► **Racial Inequity:** “When two or more racial groups are not standing on approximately equal footing.” *Source:* [Ibram X Kendi, How to Be an Antiracist](#)

Ethnic Disparity: See *racial and ethnic disparity* under [DISPARITY](#).

Evidence-Based Practice: In the justice field, the use of approaches that have been demonstrated through research to be effective in improving outcomes (e.g., increasing court appearance and law-abiding behavior) for people who are justice-involved.

Excessive Bail: According to the Supreme Court, financial conditions of release that are “set at a figure higher than an amount reasonably calculated to fulfill” a legitimate government purpose (i.e., ensuring that a person appears in court and remains law-abiding; *Stack v. Boyle*, 342 U.S. 1, 5 (1951)). The Eighth Amendment states that “excessive bail shall not be required,” and many state constitutions and laws contain similar language. For many decades, appellate courts have denied virtually all claims of excessive bail made by people held in jail because they could not afford to post the amount of their financial condition of release, so long as the lower court did not state on the record that the amount was *intended* to detain the person. (This is the so-called “excessive bail loophole.” See [Changing Bail Laws: Moving from Charge to “Risk:” Guidance for Jurisdictions Seeking to Change Pretrial Release and Detention Laws.](#)) However, in recent years, appellate courts have begun to limit—in some cases, quite significantly—the situations in which financial conditions of release can ever be set at levels that result in people being detained, whether intentional or not. Furthermore, it is likely that excessive bail also applies to nonfinancial release conditions, indicating that these conditions also cannot be beyond that which is reasonably calculated to fulfill a government’s legitimate pretrial purposes.

Excessive Bail Loophole: See [EXCESSIVE BAIL.](#)

Explicit Bias: See [BIAS.](#)

F

Failure to Appear (FTA): A person’s absence from a scheduled court hearing. As a result of a person failing to appear in court pretrial, a judicial officer may issue a bench warrant, revoke a bond, or change the conditions of release. While some FTAs may be willful, others are the result of forgetfulness, personal challenges (e.g., a lack of transportation or child care), or confusion within the legal system (e.g., a person is held in jail and not transported to court for their hearing). For purposes of scoring the Public Safety Assessment, a failure to appear must be for a pre-disposition court appearance for a traffic or criminal offense that carries a potential penalty of incarceration (jail or prison) for which the court took an action, such as issuing a bench warrant or *capias*.

First Appearance: A person’s first appearance before a judicial officer in a criminal proceeding. A release decision is typically made during this hearing. Often (but not always), the first appearance is combined with the arraignment. Best practices are for first appearances to occur as soon as possible following arrest; however, these practices vary across states. Many jurisdictions require first appearance hearings to be held within 24 or 48 hours of arrest. Also called *initial appearance*; *preliminary appearance*. See also [PRELIMINARY HEARING.](#)

Further Limiting Process: A process that judicial officers use to determine which of those accused of a preventive detention crime will actually be detained pretrial. Often, the limiting process includes a showing that proof is evident or presumption of guilt is great. Both the list of preventive detention crimes and the further limiting process are intended to ensure that pretrial

detention is the “carefully limited exception” (*Salerno*, 481 U.S. 739 at 755 (1987)). See also [DUE PROCESS](#); [PREVENTIVE DETENTION CRIMES](#).

G

Gender Identity Disparity: See *sexual orientation and/or gender disparity* under [DISPARITY](#).

GPS Monitoring: A system that employs GPS technology to continually track a person’s precise location in order to monitor their compliance with geographical conditions of release. GPS monitoring is sometimes imposed as a condition of pretrial release. See also [ELECTRONIC MONITORING](#).

I

Implicit Bias: See [BIAS](#).

Individual Racism: See [RACISM](#).

Initial Appearance: See [FIRST APPEARANCE](#).

Inmate: A term widely used in the corrections field for any person held in jail or prison. Increasingly, the term “inmate” is replaced by terms such as “person who is detained” or “person who is incarcerated,” in an effort to acknowledge that someone’s entire identity is not defined by their involvement in the justice system.

Institutional Racism: See [RACISM](#).

Intersectionality: The “acknowledgement that multiple power dynamics/‘isms’ are operating simultaneously—often in complex and compounding ways—and must be considered together in order to have a more complete understanding of oppression and ways to transform it. There are multiple forms

of privilege and oppression based on race, gender, class, sexuality, age, ability, religion, citizenship or immigration status, and so on...Every person is privileged in some areas and disadvantaged in other areas.” See also [POWER](#); [SYSTEMIC OPPRESSION](#); [WHITE PRIVILEGE](#). Source: [Race Forward](#)

J

Jail: A locally controlled facility designed to hold several different populations in secure custody, including:

- people who are detained (i.e., people who are charged with crimes and are being held pretrial);
- those sentenced to incarceration of fewer than 365 days following a conviction or guilty plea (in some states, those sentenced to more than a year are held in jails; for example, in Pennsylvania and California, people sentenced up to two and five years, respectively, are held in local jails);
- people awaiting adjudication of a violation of their probation or parole conditions;
- people who have been sentenced or revoked to state prison and are awaiting transfer to prison; and
- in some cases, those held on behalf of the United States Immigration and Customs Enforcement (ICE) for possible deportation.

Jails may be run by a local elected sheriff or by a professional jail manager not connected to the sheriff’s department. Connecticut, Delaware, Hawai’i, and Rhode Island do not have locally controlled (jail) facilities and have only state-run (prison) facilities, while Pennsylvania refers to its local jails as “prisons.”

Judicial Officer: A justice, judge, magistrate, bail commissioner, or another officer of the court, as defined locally or in state or federal statutes.

Jurisdiction: Most commonly in the pretrial context, a state, county, or city with legally prescribed boundaries or borders. The term “jurisdiction” may also refer to legal authority, as in, an entity having jurisdiction over a case (e.g., federal district courts have jurisdiction to hear nearly all categories of federal civil and criminal cases).

Justice: The treatment of people with fairness, honoring their human rights, and providing access to equitable opportunities. *Source: Tshaka Barrows, The W. Haywood Burns Institute (February 4, 2020).*

▶ **Color-Blind Justice:** A term for the use of seemingly race-neutral language that reinforces racial difference and legitimizes disparate treatment. *Source: Dr. Nikki Jones, University of California, Berkeley (July 1, 2020).*

▶ **Racial Justice:** The “proactive reinforcement of policies, practices, attitudes and action that produce equitable power, access, opportunities, treatment, impacts and outcomes for all.” Racial justice is more than “anti-racism” or the “absence of discrimination and inequities, but also the presence of deliberate systems to achieve and sustain racial equity.” *Sources: Applied Research Center and Philanthropic Initiative for Racial Equity; The Annie E. Casey Foundation*

▶ **Restorative Justice:** A “theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative processes that allow all willing stakeholders to meet.” *Source: Centre for Justice and Reconciliation*

▶ **Transformative Justice:** A form of justice that focuses not only on repairing damage done at the individual level but also on changing broader social systems to help prevent the occurrence and recurrence of harmful incidents. *Source: Zehr Institute for Restorative Justice*

M

Magistrate: A local judicial officer who has limited jurisdiction and authority. Magistrates may hear all cases or their authority may be limited in some manner, such as to hear only lower-level criminal and some civil cases. Not all magistrates are required to be trained attorneys.

Money Bail: See *financial conditions* under [CONDITIONS OF RELEASE](#).

Money Bond: See *financial conditions* under [CONDITIONS OF RELEASE](#).

Monitoring: In the pretrial context, the supervision of a person in the community during the pretrial phase of their criminal case; often a condition of release. The purpose of monitoring is to ensure the person accused of a crime appears in court and remains law-abiding during the pretrial period. Monitoring is usually administered by a pretrial services staff/agency and can take many forms, including:

- phone calls or in-person check-ins to ensure the person has remained in the jurisdiction;
- regular criminal record checks to determine if the person has remained law-abiding while on pretrial release;
- office (or home/community) visits;
- electronic (e.g., GPS) monitoring, if the conditions specify restricted movement; and/or
- referrals to service providers for relevant treatment services.

Also called *supervised release*; *supervision*. See also [PRETRIAL SERVICES](#); [PRETRIAL SERVICES AGENCY](#).

N

New Criminal Arrest (NCA): As used with the Public Safety Assessment (PSA), an arrest for a new offense while on pretrial release. NCA is one of the outcomes estimated by the PSA. NCA was previously known as “New Criminal *Activity*.”

New Violent Criminal Arrest (NVCA): As used with the Public Safety Assessment (PSA), an arrest for a new violent offense while on pretrial release. NVCA is one of the outcomes estimated by the PSA. NVCA was previously known as “New Violent Criminal *Activity*.”

No-Contact Order: An order prohibiting a person from contacting, directly or indirectly, victims, witnesses, or other identified people. Phone calls, letters, communication via social media, and in-person visits to someone’s home, place of work, or school are examples of direct contact. Sending messages through a third person is an example of indirect contact. No-contact orders are issued by a judicial officer at the request of the prosecution or attorneys for co-defendants when a person accused of a crime is thought to be at risk of threatening or harming a victim or witness. The no-contact order usually has an expiration date or expires when a case is dismissed, at sentencing, or upon completion of a sentence. Also called *stay-away order*. See also [PROTECTION ORDER](#); [RESTRAINING ORDER](#).

Non-Custodial Arrest: An arrest in which a person is given a citation, summons, or order to appear in court at a later date but is not taken into police custody. See also [ARREST](#); [CITATION](#); [CUSTODIAL ARREST](#); [SUMMONS](#).

O

Overcrowding: See [CROWDING](#).

P

Parole: The release of a person from jail, prison, or other confinement after they have served a portion of their sentence. People released on parole are supervised and must follow certain conditions. Violation of these conditions could result in a revocation of parole and a return to jail, prison, or other confinement to complete the original sentence, although sometimes parole is continued with or without changes to conditions.

Power: The ability to influence others and impose one’s beliefs. Power “is unequally distributed...in U.S. society; some individuals or groups wield greater power than others, thereby allowing them greater access and control over resources. Wealth, whiteness, citizenship, patriarchy, heterosexism, and education are a few key social mechanisms through which power operates.” Power “can be used malignantly and intentionally, but need not be, and individuals within a culture may benefit from power of which they are unaware.” See also [INTERSECTIONALITY](#); [WHITE PRIVILEGE](#). Sources: [Intergroup Resources](#); [Alberta Civil Liberties Research Centre](#)

Preliminary Appearance: See [FIRST APPEARANCE](#).

Preliminary Hearing: A court hearing to determine if sufficient evidence exists for a person to stand trial for an alleged crime, usually a felony offense. This is distinct from a probable cause hearing, which simply establishes whether law enforcement had a legally sufficient reason to arrest a person. See also [FIRST APPEARANCE](#); [PROBABLE CAUSE](#).

Presumptive Release Conditions: As used with the Public Safety Assessment (PSA) and the Release Conditions Matrix, pretrial release conditions associated with each presumptive level of pretrial release. These conditions are based on local policy and resources and are not prescribed by the PSA or any outside entity. The conditions may include, as an example, mandatory statutory conditions, court reminders, criminal history checks, monitoring, and other case-specific conditions. Also called *recommendations*. See also [PRESUMPTIVE RELEASE LEVEL](#); [RELEASE CONDITIONS MATRIX](#).

Presumptive Release Level: As used with the Public Safety Assessment (PSA) and the Release Conditions Matrix, a level of pretrial release based on a person's scores on two PSA scales: Failure to Appear (FTA) and New Criminal Arrest (NCA). Each level of release has release conditions associated with it; these levels and their associated conditions are a matter of local policy and are not prescribed by the PSA or any outside entity. See also [PRESUMPTIVE RELEASE CONDITIONS](#); [RELEASE CONDITIONS MATRIX](#).

Pretrial: The phase of the justice process that begins when law enforcement has contact with a person or the person is arrested and ends at final disposition of the criminal case (e.g., dismissal of charges or after sentencing).

Pretrial Assessment: An actuarial assessment that estimates people's likelihood of appearing in court for future pretrial hearings and remaining arrest-free while on pretrial release. A pretrial assessment provides judicial officers with additional information to help them make pretrial decisions. The assessment supplements, but does not replace, a judicial officer's discretion and professional judgment. See also [ACTUARIAL ASSESSMENT](#); [ASSESSMENT FACTOR](#); [PROFESSIONAL JUDGMENT](#); [PUBLIC SAFETY ASSESSMENT](#).

Pretrial Detention: See [PREVENTIVE DETENTION](#).

Pretrial Release: Release, rather than detention, pretrial. The U.S. Supreme Court has emphasized the "fundamental nature" of a person's interest in pretrial liberty and has underscored the importance of the country's "traditional right to freedom before conviction." The Supreme Court has been unambiguous in stating that "In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." See also [BAIL](#); [CONDITIONS OF RELEASE](#); [RELEASE DECISION](#). *Sources:* Coffin v. United States, 156 U.S. 432 (1895); Stack v. Boyle, 342 U.S. 1, 5 (1951); United States v. Salerno, 481 U.S. 739 (1987).

Pretrial Services: Functions performed by a pretrial services staff or agency. This may include conducting a pretrial assessment, providing a pretrial report to the court, providing pretrial monitoring services, and/or operating a court date notification system. See also [MONITORING](#); [PRETRIAL SERVICES AGENCY](#).

Pretrial Services Agency: Any organization that offers pretrial services, for example, a court, a probation agency, or an independent agency created to provide such services.

Preventive Detention Crimes: A list of criminal offenses, usually in a state’s constitution, statutes/codes, and/or court rules, that make a person accused of a crime eligible for pretrial preventive detention. A judicial officer may consider detaining a person charged with one of these offenses. The person may in fact be detained provided that all other statutory criteria are met and the procedural requirements for detention are followed. Based on a state’s preventive detention criteria, a person not charged with one of these offenses must be released pretrial. The goal of preventive detention criteria, as well as a further limiting process (i.e., procedural protections), is to ensure that pretrial release is the norm and that detention is the “carefully limited exception” (*Salerno*, 481 U.S. 739, 755 (1987)). See also [FURTHER LIMITING PROCESS](#).

Preventive Detention: The pretrial detention of a person accused of a crime on the basis that the person is eligible by law to be detained and a judicial determination has been made that no combination of release conditions can reasonably ensure court appearance or public safety. Many states place significant limitations on which people are eligible for preventive detention. Preventive detention should be ordered only after a detention hearing. Also called *pretrial detention*. See also [FURTHER LIMITING PROCESS](#); [PREVENTIVE DETENTION CRIMES](#).

Prison: A state, federal, or privately run facility for the secure custody of persons sentenced to incarceration, typically for more than one year.

Probable Cause: The legally adequate basis, under the Fourth Amendment, for law enforcement to perform an arrest, search, or seizure of a person or property allegedly involved in a crime. Probable cause for arrest exists when facts and circumstances within law enforcement’s knowledge would lead a reasonable person to believe that the person has committed, is committing, or is about to commit a crime. A judicial officer determines whether probable cause exists before issuing an arrest or search warrant, or, if someone is arrested without a warrant, at a hearing (that may be combined with the first appearance and/or arraignment).

Probation: A sentence imposed by a judicial officer that releases a person convicted of a crime into the community for supervision rather than sending them to jail or prison, or following a limited jail sentence (known as a “split sentence” or “condition time”). Probation is often set as a condition of a suspended sentence of incarceration, which may be imposed if the person fails to comply with their conditions of probation and their probation is revoked. The supervision may be provided by a court-based agency, a separate county or state agency, or the court itself (“bench supervision”). There is typically a list of standard conditions of probation that the person must follow; in addition, the judicial officer or agency may add “special” conditions pertaining, for instance, to the offense of conviction or the needs of the person assigned to probation.

Probation/Parole Hold: The temporary detention of a person who is on probation or parole when the person violates their pretrial conditions or is arrested for a new crime. The person is detained, or held, until the facts in the case have been assessed and the court or probation or paroling authority decides how to respond. See also [REVOCATION](#).

Professional Judgment: The use of one’s experience to make a decision. For example, a bail commissioner may make a release decision based on their history of making such decisions in similar cases instead of or in addition to considering the results of a pretrial assessment. Post-conviction research suggests that a combination of professional judgment and an actuarial assessment may yield the best results. See also [ACTUARIAL ASSESSMENT](#); [ASSESSMENT FACTOR](#); [PRETRIAL ASSESSMENT](#); [PUBLIC SAFETY ASSESSMENT](#).

Property Bond: See *property condition* under [CONDITIONS OF RELEASE](#).

Protection Order: A court order that may include many different provisions, including a no-contact provision, peaceful contact provision (permitting peaceful communication for limited purposes), stay-away provision (requiring the person to stay a certain distance away), move-out provision (requiring the person to move out of the home shared with the victim), firearms provision (requiring the person to surrender their firearms), and counseling provision (requiring the person to attend counseling). See also [NO-CONTACT ORDER](#); [RESTRAINING ORDER](#).

Public Safety Assessment (PSA): An actuarial pretrial assessment that uses data related to nine factors to generate scores that estimate three pretrial outcomes: failure to appear in court pretrial, new criminal arrest while on pretrial release, and new violent criminal arrest while on pretrial release. See also [ACTUARIAL ASSESSMENT](#); [ASSESSMENT FACTOR](#); [PRETRIAL ASSESSMENT](#).

R

Racial Disparity: See *racial and ethnic disparity* under [DISPARITY](#).

Racial Equity: See [EQUITY](#).

Racial Inequity: See [EQUITY](#).

Racial Justice: See [JUSTICE](#).

Racism: The “historically rooted system of power hierarchies based on race—infused in our institutions, policies and culture—that benefit [w]hite people and hurt [BIPOC].” See also [BIAS](#); [DISPARITY](#); [DISPROPORTIONALITY](#); [INTERSECTIONALITY](#); [POWER](#); [SYSTEMIC OPPRESSION](#); [WHITE PRIVILEGE](#).

Source: [Race Forward](#)

- ▶ **Individual Racism:** “The beliefs, attitudes, and actions of individuals that support or perpetuate racism. Individual racism can be deliberate, or the individual may act to perpetuate or support racism without knowing that is what he or she is doing.” *Source:* [Potapchuk, Leiderman, Bivens, and Major](#)
- ▶ **Institutional Racism:** The ways that “institutional policies and practices create different outcomes for different racial groups. The institutional policies may never mention any racial group, but their effect is to create advantages for whites and oppression and disadvantages for people from groups classified as non-white.” *Source:* [Potapchuk, Leiderman, Bivens, and Major](#)
- ▶ **Structural Racism:** The “normalization and legitimization of an array of dynamics—historical, cultural, institutional and interpersonal—that routinely advantage whites while producing cumulative and chronic adverse outcomes for [BIPOC]... Structural racism is more difficult to locate

in a particular institution because it involves the reinforcing effects of multiple institutions and cultural norms, past and present, continually producing new, and re-producing old, forms of racism.” Structural racism is “the most profound and pervasive form of racism—all other forms of racism...emerge from structural racism.” Also called *systemic racism*. Source: [Aspen Institute on Community Change and Applied Research Center at UC Berkeley](#)

Recommendations: See [PRESUMPTIVE RELEASE CONDITIONS](#).

Release Conditions: See [CONDITIONS OF RELEASE](#).

Release Conditions Matrix: As used with the Public Safety Assessment (PSA), an instrument that local policymakers develop to help match pretrial release conditions with a person’s scores on the PSA. The matrix has two sections: 1) a grid, which is a structured tool that matches a person’s scores on two PSA scales—Failure to Appear (FTA) and New Criminal Arrest (NCA)—to presumptive levels of pretrial release; and 2) a table that lists the release conditions associated with each pretrial release level. The matrix, which is a policy document developed at the local or state level, is designed to inform decision making, taking into account a person’s likelihood of pretrial success, the risk principle, local statutes and policies, and available resources. See also [PRESUMPTIVE RELEASE CONDITIONS](#); [PRESUMPTIVE RELEASE LEVEL](#).

Release Decision: The decision by a judicial officer to detain or release a person during the pretrial period, including setting any conditions of release. Conditions of release may be financial or nonfinancial, and could include nothing more than a promise by the person who is accused

to appear back in court and remain law-abiding. The release decision is frequently made at the person’s first court appearance or at a detention hearing, if the judicial officer is considering detaining the person. A release decision may also be made at any subsequent pretrial review hearings, when the judicial officer reviews the initial release decision. See also [CONDITIONS OF RELEASE](#).

Release on Own Recognizance: See [RELEASE ON RECOGNIZANCE](#).

Release on Personal Recognizance: See [RELEASE ON RECOGNIZANCE](#).

Release on Recognizance (ROR): A form of pretrial release ordered by a judicial officer that allows a person to be released from custody on the basis of a promise to make future court appearances and remain law-abiding during the pretrial period. Sometimes the promise to return to court is referred to as an appearance bond, personal recognizance bond (PR bond), or own recognizance bond (OR bond). Also called *release on own recognizance*; *release on personal recognizance*.

Restorative Justice: See [JUSTICE](#).

Restraining Order: A temporary court order directing a person to take an action or not take an action (e.g., to not contact another person, enter the family home, or take a child out of the country). Restraining orders are often issued when spousal abuse, stalking, or other immediate harm is feared. With a restraining order (unlike with a no-contact order), a dispute or crime does not have to take place first; the restraining order can simply be used as a preventive and protective action. Also called *temporary restraining order*. See also [NO-CONTACT ORDER](#); [PROTECTION ORDER](#).

Revocation: The rescindment of a grant of pretrial release, probation, or parole of a person who has violated their release conditions. This often (although not always) results in detention or incarceration.

Right to Counsel: The right of a person charged with a crime to have a lawyer assist in their defense, even if they cannot afford to hire one. The Sixth Amendment guarantees this right for federal prosecutions; the U. S. Supreme Court case of *Gideon v Wainwright*, 372 U.S. 335 (1963), extended this right to state prosecutions.

Risk: In pretrial decision making, the chances that a person will fail to appear in court or be arrested during the pretrial period. Research demonstrates that people on pretrial release succeed the vast majority of time. For this reason, APPR generally speaks of the likelihood of someone’s success on pretrial release and not about their pretrial risk of failure.

Risk Assessment: See PRETRIAL ASSESSMENT.

Risk Principle: The principle that people who are justice-involved should receive interventions (e.g., supervision or services) in proportion to their likelihood of success or failure. In other words, people who are at a higher likelihood of failure (or “higher risk”) should have more such resources devoted to them than people who are at a lower likelihood of failure. Research has shown that following the risk principle yields better outcomes for people of all risk levels.

S

Secured Bail: See *cash condition* under CONDITIONS OF RELEASE.

Secured Bond: See *cash condition* under CONDITIONS OF RELEASE.

Sexual Orientation Disparity: See *sexual orientation and/or gender disparity* under DISPARITY.

Signature Condition: See *unsecured condition* under CONDITIONS OF RELEASE.

Socioeconomic Disparity: See DISPARITY.

Split Sentence: See PROBATION.

Stay-Away Order: See NO-CONTACT ORDER.

Structural Racism: See RACISM.

Summons: An official notice informing someone of their required appearance in court. In the civil context, summonses are used, for instance, to call someone to jury service or to respond to a lawsuit in which they are named as a defendant. In criminal cases, the most common type of summons is a citation requiring a person to appear in court because they are accused of committing a crime. See also CITATION.

Supervised Release: See MONITORING.

Supervision: See MONITORING.

Surety: A person or company that is primarily liable for another person’s obligation. In the pretrial field, the surety is typically a bail bond agent who posts a surety bond (i.e., an amount of money) that is supposed to be forfeited to the court if the person accused of a crime is not present for their pretrial court appearance. Although it is less common, family members

or friends can also act as sureties in many jurisdictions, using their own money or property as collateral. See also *surety condition* under [CONDITIONS OF RELEASE](#).

Surety Bond: See *surety condition* under [CONDITIONS OF RELEASE](#).

Surety Condition: See [CONDITIONS OF RELEASE](#).

Systemic Oppression: A system that is not designed for equity but for the “systematic subjugation of one social group for the social, economic, and political benefit of the more powerful social group.” This oppression exists when “the oppressor group has the power to define reality for themselves and others, the target groups...internalize the negative messages about them and end up cooperating with the oppressors...and members of both the oppressor and target groups are socialized to play their roles as normal and correct.” See also [EQUITY](#); [INTERSECTIONALITY](#); [POWER](#). *Source:* [Dismantling Racism Works](#)

Systemic Racism: See *structural racism* under [RACISM](#).

T

Technical Compliance: Compliance with the conditions of pretrial release, probation, or parole. See also [TECHNICAL VIOLATION](#).

Technical Violation: A violation of one’s conditions of pretrial release, probation, or parole. Technical conditions are requirements that, if violated, constitute rule-breaking rather than illegal behavior. Commission of a new crime

is also considered a violation of one’s conditions, but it is not referred to as a “technical” violation. See also [TECHNICAL COMPLIANCE](#).

Temporary Restraining Order (TRO): See [RESTRAINING ORDER](#).

Transformative Justice: See [JUSTICE](#).

U

Unequal Treatment of Women: See [DISPARITY](#).

Unsecured Condition: See [CONDITIONS OF RELEASE](#).

V

Violent Offense: For the purposes of the Public Safety Assessment (PSA), an offense in which a person causes or attempts to cause physical injury through use of force or violence against another person. The most common violent offenses include murder, homicide, manslaughter, kidnapping, abduction, robbery, carjacking, arson, assault involving physical injury (including domestic assault), and person-to-person sex offenses (such as sexual assault or sexual abuse). A charge of attempt (such as attempted murder or attempted robbery), being an accessory before the fact, being party to a crime, solicitation, or conspiracy to commit any of these offenses is also considered a violent offense. State laws often have different definitions of “violent offense” that are used for other purposes (e.g., sentencing enhancements). These definitions may include more or different charges than does the PSA. Each jurisdiction that uses the PSA must develop its own list of PSA violent offenses.

W

Warrant: A court order authorizing or directing someone to take an action, such as make an arrest, search a location, or seize property. See also [ARREST WARRANT](#); [BENCH WARRANT](#).

Wealth-Based Discrimination: See *socioeconomic disparity* under [DISPARITY](#).

White Advantage: See [WHITE PRIVILEGE](#).

White Privilege: The “unquestioned and unearned set of advantages, entitlements, benefits and choices bestowed on people solely because they are white.” Furthermore, structural white privilege is the “accumulated and interrelated advantages and disadvantages of white privilege that are reflected in racial/ethnic inequities in life-expectancy and other health outcomes, income and wealth and other outcomes, in part through different access to opportunities and resources. These differences are maintained in part by denying that these advantages and disadvantages exist at the structural, institutional, cultural, interpersonal and individual levels and by refusing to redress them or eliminate the systems, policies, practices, cultural norms and other behaviors and assumptions that maintain them.” Also called *white advantage*. See also [INTERSECTIONALITY](#); [POWER](#). *Source:* [Racial Equity Tools](#)

