

# WHAT IS A Meaningful First Appearance?

A first appearance hearing\* is the first time a person appears before a judge after being arrested. Decisions made here influence how the person's case will progress, starting with whether to release them pending the resolution of the case or to hold them until a later detention hearing. The person's liberty, community safety and well-being, fairness, and the efficiency of court and jail resources are at stake. These hearings must meet constitutional requirements and other fundamental legal principles and should adhere to best practices established by leading national groups, such as the [ABA](#), [NIC](#), and [NAPSA](#).

**Meaningful and effective first appearance hearings have the following features:**

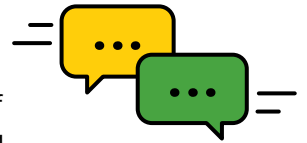
## Timeliness

- The person is seen within 24 hours—48 hours at most—of arrest



## Advisement

- The person is advised of their rights and informed of the charges they are facing



## Representation

- The person is represented by defense counsel to advocate for and protect their rights



## Individualization

- If release conditions are set, they are individualized to the person



## Presumption of Release

- The person is released unless:
- they are eligible for detention, *and*
  - the prosecution requests a detention hearing, *and*
  - the judge finds that such a hearing is necessary



## Least-Restrictive Conditions

- Release conditions are the minimum needed to reasonably assure the person remains law-abiding and appears in court
- Release conditions should never result in the person's detention



## Transparency

- The judge makes all findings and decisions on the record



\*First appearance may also be called initial appearance, advisement, arraignment, bond hearing, or something else depending on the jurisdiction.

# CHECKLIST FOR A Meaningful First Appearance

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**Key stakeholders can take the following actions to ensure a meaningful first appearance hearing:**

## Before the hearing...

### Pretrial Services

- Prepares a report that has information relevant to the judge's decision, including:
  - Charges
  - Arrest details
  - Assessment scores and associated release conditions
- Sends the report to the judge, prosecutor, and defense attorney

### Defense Counsel

- Reviews the pretrial assessment report
- Meets with the person who was arrested to gather information relevant to pretrial release

### Prosecutor

- Decides whether to file charges and, if yes, which charges to file
- Obtains input from the victim(s), if required or otherwise relevant to the charges
- Reviews the pretrial assessment report

### Judge

- Reviews the pretrial assessment report

## During the hearing...

### Defense Counsel

- Zealously represents their client and the client's best interests
- Requests individualized, least-restrictive conditions of release

### Prosecutor

- Seeks justice and represents the State
- Requests individualized, least-restrictive conditions of release; or requests a detention hearing if legal threshold is met

### Judge

- Advises the person of their rights and charges
- Makes a determination of probable cause, if required and one has not yet been made
- Orders release on reasonable, individualized, least-restrictive conditions; or under carefully limited circumstances, if eligible and if all legal requirements are met, orders the person held pending a separate detention hearing
- Makes findings of fact and legal determinations on the record
- Refers the person to other programs or specialty courts, and orders additional proceedings, if relevant

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