

RESEARCH-ACTION SITE PROGRESS REPORT

Montgomery County, Alabama



About APPR

Advancing Pretrial Policy and Research seeks to achieve fair, just, and equitable pretrial practices that positively impact people, systems, and the community. APPR's mission is to support and engage pretrial professionals and community members in the meaningful delivery of data-informed pretrial justice. APPR is managed by the Center for Effective Public Policy and supported by Arnold Ventures.



Center for Effective Public Policy

The **Center for Effective Public Policy** (cepp.com) leads APPR's technical assistance, training, resource development, and website management (advancingpretrial.org).

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Forward

Research-Action Sites are counties competitively selected to partner with Advancing Pretrial Policy and Research (APPR) to improve their pretrial systems. Research-Action Sites are APPR's most intensive technical assistance cohort and receive assistance to build capacity for both technical change (e.g., policy, practice, and process) and adaptive change (e.g., cultural shifts, collaborative activities, vision/mission statements).

Led by the Center for Effective Public Policy, each site is guided through a process aimed at building its capacity to use data, research, and collaborative processes to advance pretrial justice. APPR's approach is anchored in its [Roadmap for Pretrial Advancement](#), which includes four implementation strategies and eleven policy strategies that impact each stage of the pretrial process. APPR's national research partner, RTI International (RTI), studies each site's approach to understand its challenges and to propose solutions for creating equitable, just, and effective pretrial policies and practices. Experienced technical assistance advisors work with local stakeholders, including community members and justice-impacted people, to create and deliver a robust strategic plan to achieve the jurisdiction's goals.

The first Research-Action Sites were invited to participate in APPR in March 2019. This meant that when the COVID-19 pandemic began in March 2020, sites were still in the early stages of building collaborative workgroups and establishing their vision and goals for pretrial advancement. The pandemic forced APPR and its local partners to develop novel approaches to the work. In-person technical assistance was no longer possible: most meetings, even those between individual stakeholders, were held remotely, and entire systems—particularly courts, jails, and law enforcement—had to be quickly overhauled to respond to these unprecedented circumstances. While progress and engagement ebbed and flowed, the Research-Action Sites stayed with the project throughout. The cooperation, understanding, and system improvements they have achieved, which are detailed in this report, are a reflection of that commitment.

Montgomery County, Alabama

Montgomery County, Alabama, is among the most important locations of the Civil Rights Movement. Reminders of this rich history—museums, memorials, and commemorative plaques—can be found throughout the city of Montgomery. Today, the movement for equal justice and civil rights continues in part by striving to advance pretrial justice through research-based policies and practices.

Local Interest in Pretrial Justice

Before applying to be a Research-Action Site, Montgomery County initiated a pretrial release program and allocated funds for a drug court and misdemeanor probation. But eligibility criteria were strict, and few people benefited from the programs. Criminal legal system stakeholders acknowledged significant opportunities to improve their pretrial system in their application. They expressed strong interest in implementing the Public Safety Assessment (an actuarial pretrial assessment tool) and addressing racial and ethnic disparities in their system. They also made it a priority to include local social justice nonprofits in the process for the first time.

A Foundation for Change

Advancing Pretrial Policy and Research (APPR) helped Montgomery County build a solid foundation for systemic change with an unprecedented inclusive policy team, which named itself [Pretrial Alliance Montgomery](#) (PAM). Led by Presiding Circuit Judge Johnny Hardwick, the group includes judges, the chief public defender, law enforcement, community corrections, community members, representatives from social service providers, clergy, and social justice nonprofits. Since its kickoff in July 2019, the policy team has evolved into a dynamic collaboration that has attracted a wide range of community members and policymakers.

Pretrial Alliance Montgomery Members	
15th Judicial Circuit (lead agency)	Law Office of Emmett Hampton
Aid to Inmate Mothers	Metropolitan United Methodist Church
Alabama Appleseed Center for Law & Justice	Montgomery Bail Out
Alabama Forward	Montgomery County Community Corrections
Alabama Office of Indigent Defense	Montgomery County District Court
Alabama State Senate	Montgomery County Police Department
Alabama State University	Montgomery County Sheriff's Office
Auburn University Montgomery	Montgomery Pride United
Community Members	Southern Poverty Law Center
Equal Justice Initiative	

APPR laid the foundation for change over several months through actions essential to sustainable and effective systems improvement. First, it facilitated the policy team’s adoption of a shared vision, mission, and values. The policy team mapped its current system from the first contact with law enforcement through case disposition. It studied state and federal laws governing pretrial release and detention and examined the county’s practices. The team reviewed empirical research around pretrial practices and outcomes, and APPR provided local data to inform its deliberations. The system map and local data allowed PAM to collaboratively identify potential policy changes. PAM then formed workgroups related to booking, release, the Public Safety Assessment (PSA), post-release, and community education. The workgroups study possible improvements and then present policy recommendations to PAM for discussion, further inquiry, and approval.

Vision

A system that promotes fairness and equity throughout the pretrial justice system, and balances concern for community safety, concern for victims, and meeting the needs of the justice-involved person.

Mission

To ensure the fair administration of pretrial justice, enhance community safety, and reduce the likelihood of failure to appear or pretrial rearrest by developing a continuum of evidence-informed pretrial justice options.

The collaboration and early foundational work created trust between system stakeholders and community groups that was previously lacking. APPR carefully guarded ground rules and took deliberate steps to build trust among the different representatives. As a result, mutual respect, authentic relationships, and commitment to long-term collaboration and improvement are lasting results of those conversations.

“APPR is the first opportunity that Montgomery government, nonprofit, and community leaders have had to work together in an intentional, intensive, and collaborative way to address inequities in our pretrial system. It’s been an invaluable forum to learn together, problem solve, and try new ideas aimed at improving fairness and justice in our city.”

—Micah West, Senior Staff Attorney, Southern Poverty Law Center and PAM member

Working Toward Solutions

After studying their system as a whole and examining current practices, the policy team discussed possible areas for advancement. Recognizing that there is no single solution, system stakeholders, community groups, and community members identified the most significant changes on which to focus their time and resources.



Validation and Implementation of the PSA

Montgomery County sought technical assistance in implementing the PSA “to help lessen the impact of disproportionate rates of arrest and rates of pretrial detention until disposition and to help reduce the frequency of pretrial technical violations.” Today, judges express a strong desire to understand how the PSA can inform pretrial supervision.

APPR’s national research partner, RTI, conducted an historical validation of the PSA. RTI used local data to test how the PSA performs in predicting pretrial outcomes, including how it predicts for race and gender, and it studied whether the tool could be improved based on local data analysis.

However, from the start, data challenges were evident and could not be resolved. As a result, RTI’s validation of the PSA was inconclusive. Based on the inconclusive finding, a recommendation for implementation was withheld. APPR learned that although the data that Montgomery County provided RTI for the validation study was limited, the data in the Alabama Administrative Offices of the Court (AOC) system includes information needed to score and possibly conduct a validation in the future. APPR and RTI are working to formulate recommendations on which data to capture from AOC’s system if the local policy team decides to implement and perform a prospective validation.

Another challenge was local social justice nonprofits’ concern that using the PSA would worsen racial and ethnic disparities and increase detention, especially for people without access to money. In response, PAM formed a PSA workgroup composed of people with different opinions about the tool. APPR facilitated workgroup meetings centered around research and best practices while allowing for deep discussion and space to voice disagreement. The workgroup members initially planned to make a recommendation to the full policy team for or against the PSA. After robust and collegial deliberation, it shifted its focus to work on system policy improvements broader than the PSA. This nuanced result underscores the value of a technical assistance model that supports adaptive change when confronted with complex challenges.

Expanding Pretrial Supervision and Supportive Services

Local data and the system mapping process revealed that Montgomery County uses their limited public resources to supervise people who are very likely to succeed on their own. Currently, a small number of people released on recognizance—people who do not pose a significant risk to community safety—are supervised. At the same time, those who can afford to pay a standard financial bond are released without supervision, regardless of the risk they may pose to the community.

As a result of studying their system and the research on effective pretrial monitoring, PAM is prioritizing pretrial supervision and supportive services for those who need more assistance appearing in court and in remaining law-abiding pretrial rather than for those most likely to succeed.

Childcare and Transportation Assistance

With the help of a local church, the public transit authority, and grant funding from the Southern Poverty Law Center, childcare and bus passes will be offered to facilitate attendance at court hearings. The workgroup is developing a process that public defenders can use to identify those needing these supportive services.

Pretrial Supervision Pilot

During the course of the project, PAM members highlighted the fact that current state laws limited the availability of pretrial supervision to those released on recognizance. That is, anyone who was released after paying a financial bond was ineligible for pretrial supervision. Alabama State Senator Will Barfoot attended a PAM workgroup discussion about pretrial supervision and the research demonstrating the effect of pretrial monitoring. The limited availability of pretrial supervision was discussed.

As a direct result of these meetings, in April 2023, Senator Barfoot sponsored legislation to allow the Alabama Pardons and Parole Department field offices to provide pretrial supervision for people charged with [violent offenses](#). The bill included funding for Montgomery County to be the pilot site for this expansion. The law was signed by the governor in June 2023, and it went into effect in September 2023.

“I can’t thank Dr. Banks [from APPR] enough and the work of this policy team for being that catalyst for change.”

—Judge Tiffany McCord

Additionally, Project Champion Judge Hardwick identified staff from several local departments to provide pretrial supervision for people with charges not included in the recent legislation. With expanded pretrial supervision at both the county and state levels, more comprehensive services can be offered to those who need the most support and monitoring to succeed pretrial. These expanded services could be developed into a model of pretrial supervision that could be replicated in other counties in the state.

Advancing Racial Equity

APPR invited the W. Haywood Burns Institute (BI), an APPR project partner, to conduct a racial and ethnic disparities study for Montgomery County. BI's analysis confirmed that Black people are disproportionately represented in jail bookings: they are three times more likely than white people to be booked into jail and given a higher financial bond. Public order offenses made up the bulk of the bookings, and Black individuals unable to post bond stay in jail for an average of 19 days.

BI's report has been one of the key drivers for expanding pretrial release options, including efforts to implement administrative orders pertaining to pretrial release and court appearance and the use of citations instead of custodial arrest. The policy team is also conducting a study on the economic impact of pretrial detention and a survey on detention's social and well-being effects. These actions may result in additional policy changes.

Administrative Orders: Pretrial Detention and Court Appearance

Among PAM's most significant policy efforts are administrative orders related to pretrial detention and court appearance. Data show that many people detained until an initial appearance are charged with low-level nonviolent and traffic-related offenses and cannot afford to post a secured financial bond. In addition, judges, prosecutors, and public defenders are burdened with a high volume of cases and less time to devote to more serious and violent charges.

First Administrative Order for Pretrial Detention and Court Appearance

A working group spent two years gathering information, reviewing administrative orders, and speaking to judges, prosecutors, and public defenders in Alabama, the southern U.S., and Ohio. In September 2022, Judge Hardwick signed an administrative order to allow for the safe, efficient release of people charged with nonviolent crimes on a personal recognizance bond. The order also allowed judges to respond to missed court appearances for traffic and nonviolent misdemeanors without issuing a warrant for a custodial arrest.

Shortly after the order was signed and before it went into effect, the Montgomery County district attorney, sheriff, and police chief sent a letter to the Alabama Supreme Court opposing it. Although not a formal legal filing, the court stayed the order.

Second and Third Administrative Orders for Pretrial Release and Missed Court Appearances

Undeterred, the policy team went back to work. This time, it developed two separate orders: one regarding pretrial release and another about responding to missed court appearances. It revised the pretrial release order in three ways to address concerns raised by law enforcement stakeholders. First, the new order clarified that magistrates retain discretion to set a secured financial bond. That means that if law enforcement or the district attorney has concerns about a person, they can request a secured financial bond, and the magistrate will make the final decision. Second, the order requires using unsecured bonds instead of release on recognizance so magistrates can set a monetary bond amount according to the standard bond schedule. Finally, the order significantly expanded the list of charges not eligible for release on an unsecured bond in direct response to concerns from the district attorney and local law enforcement.

The order related to missed court appearances gave discretion to judges to use noncustodial approaches when people miss their court date. If a person misses their first appearance for a traffic case or a nonviolent misdemeanor, the court would issue a “Notice to Show Cause” and could not suspend a person’s driver’s license. For felonies and violent misdemeanors, the court may issue an arrest warrant, but judges would have the discretion to take another action and to recall the warrant.

In June 2023, Judge Hardwick shared the proposed new orders with Montgomery County circuit court judges, district judges, the district attorney, law enforcement, and the Alabama AOC, who liaised with the Alabama Supreme Court and requested their input. Even though they were unsigned draft orders, the state supreme court did not provide feedback and issued another stay of the unsigned orders. To clarify the new orders’ intent, Judge Hardwick sent a response letter to the justices, further explaining the differences in the past and current orders, the legal grounding for the orders, and the due-diligent efforts to ensure the orders are aligned with established law. As of the writing of this report, Judge Hardwick had not yet received a response from the Supreme Court.

APPR and PAM will continue to try to resolve these challenges and implement the new orders.

Improving Court Appearances

As a result of reviewing the empirical research and learning about best practices recommended by the National Institute of Corrections, the National Association of Pretrial Services Agencies, and the American Bar Association, PAM prioritized improving court appearance rates.

When Montgomery County started as a Research-Action Site, its court notification process was provided by the AOC and was limited to a mailed letter after the first appearance hearing. The court clerk reported that many, if not most, letters were returned to the court as undeliverable. In consultation with the AOC, the court notification process is now improved. People are now asked for their email address and cell phone number, and, in addition to the letter, they can receive a text and/or email with information about their next court date. The Post-Release Workgroup created a short “frequently asked questions” handout to explain to people why they were being asked for their personal contact information.

Under the system provided by the AOC, the court notices are sent only after a first appearance (and not for every pretrial court hearing). As such, the workgroup is seeking to expand the system by contracting with a private vendor to provide text and phone reminders. The Office of Indigent Defense is managing the bidding and contracting process.

Finally, all the district judges in Montgomery County have agreed to collaborate with ideas42, a nonprofit that helps courts make their communications clear and actionable so they contribute to improved pretrial outcomes. They will review court communications, such as notice-to-appear forms, orders setting pretrial release conditions, court reminder messages, and others, and discuss improvements to ensure the information people receive is clear, motivating, and effective.

Citations Instead of Jail

Another reform developed by the Law Enforcement Workgroup and approved by PAM is focused on issuing citations instead of making custodial arrests for certain misdemeanor charges. Using proposed criteria, the workgroup asked RTI to analyze the jail data for the frequency and characteristics of charges booked into jail that would be eligible for a citation. Upon seeing the potential impact of such a policy, the workgroup (which included Judge Hardwick, the sheriff, a deputy police chief, and a nonprofit representative) finalized a list of eligible offenses and discussed implementation. However, it learned that their ability to implement the proposal was constrained by the Alabama Rules of Criminal Procedure and the Code of Alabama. Due to these limitations, an independent group comprised of the Circuit Court Clerk's Office, sheriff, and police department will meet to discuss the use of citations.

“APPR has made space for overdue conversations among local stakeholders, including law enforcement and the courts, professional advocates, and community-based organizations who work with residents who are disproportionately harmed by violence and overcriminalization. The investment in data analysis and technical support has given us a new sense of ownership of our own system and made it possible for us to have nuanced, difficult conversations that are informed by evidence.”

—Leah Nelson, Research Director, Alabama Appleseed

Building Data Sustainability

Data quality issues continue to be an obstacle to PSA validation. Like most jurisdictions, the Montgomery County Jail and Alabama AOC data systems operate independently and do not communicate with one another. Data from each system must be restructured significantly in order to link them and draw insights relevant to pretrial, and local stakeholders lack capacity to replicate RTI's data preparation. For example, because there is no common identifier between data systems, a great deal of criminal history appears unaccounted for, which compromises the tracking of new criminal arrests.

Despite these challenges, APPR and PAM are creating a list of performance measures, determining where that data can be found, and coordinating a way to obtain the data. To assist Montgomery County's efforts to use data to inform their decisions about policy changes, RTI created a new data dashboard using county jail data so local stakeholders can continuously monitor the jail population. The Montgomery County IT manager and the jail director are interested in taking over responsibility for the dashboard so that it can continue to inform local decisions. This will be dependent on approval from the local sheriff.

Public Education

Communications technical assistance is a unique contribution provided by APPR. Criminal legal system consultants rarely bring this expertise to local stakeholders, yet reforms can be undermined by negative media coverage and the disparaging statements of system stakeholders and policymakers. While no amount of assistance can prevent an adverse incident, with APPR's support, Research-Action Sites are better prepared to manage media inquiries and public pushback to effective, equitable, and legal pretrial reforms.

In Montgomery County, APPR has provided training on effective messaging and facilitated monthly meetings of a communications workgroup. Workgroup members are volunteers, and they support PAM's public education and engagement goals. The workgroup created a public website, pretrialmontgomery.org, and is active on [Facebook](https://www.facebook.com/pretrialmontgomery). It has held press conferences, and Judge Hardwick has conducted several interviews with local media. Recently, PAM hosted two Community Listening Sessions to hear the public's ideas, concerns, and perceptions about their pretrial system. A report consolidating community feedback was prepared and will be shared publicly.

“The work with Pretrial Alliance Montgomery has provided an opportunity for me to sit at the proverbial table with certain community stakeholders and reason together and find commonality amid our perceived differences. There is a greater understanding and respect for the work each person does and the contributions they bring to the Alliance.”

—Judge Pamela Higgins, Fifteenth Judicial Circuit



Montgomery County's Roadmap for Pretrial Advancement

APPR's [Roadmap for Pretrial Advancement](#) is comprised of two parts: implementation activities that underpin sustainable change and policies and practices to advance effective system improvement. The following illustrates Montgomery County's progress in achieving its roadmap activities.

Implementation



Convene an inclusive policy team
➔ **Achieving**



Increase public understanding
➔ **Achieving**



Continuously educate
➔ **Achieving**



Evaluate pretrial performance measures
➔ **Working Toward**

Policies and Practices



Use citations/summonses
➔ **Achieving**



Use a validated pretrial assessment
➔ **Working Toward**



Create diversion options
➔ **Future Opportunity**



Use least restrictive conditions
➔ **Working Toward**



Authorize release before first appearance
➔ **Achieving**



Offer supportive pretrial services
➔ **Achieving**



Conduct meaningful first appearance hearings
➔ **Future Opportunity**



Respond to behaviors appropriately
➔ **Working Toward**



Limit pretrial detention
➔ **Achieving**



Process cases swiftly
➔ **Future Opportunity**



Create a jail population review team
➔ **Future Opportunity**

