



CHILDREN IN PRETRIAL DETENTION:

PROMOTING STRONGER
INTERNATIONAL TIME LIMITS

FACT SHEET No. 4

Interagency task force to eliminate unnecessary delays

The interagency task force unites the agencies and actors responsible for case processing in the child justice system around the goal of reducing unnecessary delays for children awaiting trial in detention.

Creating the Task Force:

The court, prosecutors, public defenders, probation, pretrial services, auxiliary services (such as evidence labs), and civil society should assign representatives who have the authority to make decisions and implement any agreed upon changes, to the Task Force.

Every Day in Detention Counts:

The most important goal of the Task Force is to forge an agreement on the need to reduce the duration of pretrial detention. All members should have a clear understanding of the negative impacts of detention on children and commit to seeking to reduce the number of days children spend in pretrial detention. In jurisdictions that have strict time limits, the Task Force can serve to compel agencies and actors to adhere to those mandated time limits. In jurisdictions in which time limits are not mandated or which are complying with the legal limits, the Task Force has an important role as an advocate to limit pretrial detention periods.

Collecting Case Processing Data:

The second goal of the Task Force is to identify unnecessary delays in the legal process that prolong pretrial detention. To do this, the Task Force will need to collect data, including:

1. Determining the average and median length of child pretrial detention. Whenever possible, this data should be disaggregated by crime, type of case resolution mechanisms utilized, gender, race, ethnicity, and judicial district.
2. Case process mapping, where the Task Force collects data on each step in the legal process and determines the average length that each step or phase takes in order to identify specific stages where excessive delays cause the time in pretrial detention to become excessive.

Collecting this data establishes a base line and will be critical in identifying where unnecessary delays are taking place. Once armed with this information, the Task Force should discuss what specific steps or processes underlie the data they have collected. This will help to determine the strategy the Task Force should implement.

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Possible Task Force Interventions:

- 1. Automatic scheduling:** Courts, prosecutors, and public defenders could agree to setting automatic dates for specific hearings or procedural milestones. For example, the initial detention, arraignment, or bail hearings could be automatically scheduled for within one day of arrest; pretrial conferences for parties to seek negotiated settlements could be automatically scheduled for five days after arrest; and the date for intermediate hearings could be automatically set to appropriate timeframes.
- 2. Daily or weekly pretrial detention population report:** Distributed to all Task Force members and officials in the corresponding agencies, the Pretrial Detention Population Report lists each child in pretrial detention ranked by the length of time and the current status of the pending case. The Report helps all parties to prioritize resources, focus on the longest cases, and prevent cases from falling through procedural cracks.
- 3. Assign a case expeditor:** Each judicial district or courthouse assigns a specific Case Expediter. First, the Case Expediter would be responsible for the Pretrial Detention Population Report. Second, the Case Expediter would monitor individual cases, determine if cases are being delayed at specific stages of the process, and raise case processing issues in specific cases with relevant officials and agencies.
- 4. Identify causes of backlogs and redirect resources:** Using the data collected, identify specific chokepoints, issues that cause backlogs, and redirect resources to troubled spots in the process. For example, evidence labs that hold cases for too long, prosecutors' offices that wait to file cases or complete investigations, public defenders who, as policy, file for extensions whether necessary or not, or clerical issues such as counting business days rather than actual days. Once identified, the Task Force should seek to create interagency agreements, such as:
 - » Obtain agreements to limit unnecessary postponements.
 - » Set clear policies and systems to notify parties.
 - » Set standards for timeliness of psychological evaluations, pretrial service risk assessments, and other support agency protocols that may cause delays in the process.
 - » Schedule negotiation meetings at the initial hearing so parties can begin seeking a resolution through an alternative mechanism immediately.
 - » Identifying populations at high risk of extended periods of pretrial detention, such as children with language barriers, parents who cannot appear at court due to economic or distance issues, or children without immigration status.

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