

Note: Release conditions can be set directly by a law enforcement officer at the point of arrest, or after arrest by a judicial officer or through "delegated release authority" where the courts give permission to someone else to set release conditions based on specified criteria (e.g., bond commissioners ordering people released on recognizance at booking).

Bail Bond
(a release agreement between the person and the court, with conditions)

Note: Release conditions may be informed by an actuarial pretrial assessment, which produces a numerical score. Sites often create an accompanying release conditions matrix/decision framework tool to help make release condition decisions.

Note: Some sites combine several release conditions. Setting least restrictive conditions necessary to achieve the purpose of bail is the legal and evidence-based practice.

Pretrial Release or Detention Outcome



Pretrial Justice System Terminology

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Pretrial
(period of time beginning at arrest and ending at final disposition or when no charges are filed)

Note: Sites sometimes use a short hand of "pretrial" to refer to a "pretrial services agency" that performs assessment and/or monitoring. It is important to be clear about the distinction.

Note: Not all custodial arrests are booked into the jail. Some people are able to meet conditions of release prior to booking (e.g., "bail out").

Non-Custodial Arrest
(initiate criminal case and release on-site, e.g., summons, citation)

Custodial Arrest
(initiate criminal case and bring person to a secondary location for processing)

Purpose of Bail:
Simultaneously balance maximizing release, court appearance, and public safety.

Bail
(a process of conditional release)

No Bail
(a process of potential detention)

Set Release Conditions
(requirements of release in addition to the legally mandated conditions)

Detention Determination
(apply legally defined intentional detention eligibility criteria (i.e., charge-based net and further limiting process))

Non-Financial Conditions
(release conditions that do not include money)

Financial Conditions
(release conditions that include money)

No Bond Set
(no conditions of release, i.e., "held without bail")

Unsecured Financial Conditions
(a type of release that has a financial condition attached but it does not have to be paid upfront to gain release)

Secured Financial Conditions
(a type of release that has a financial condition attached and requires it to be paid upfront to gain release)

Note: Sites sometimes use a shorthand of "bail" when referring to a "secured financial release" condition. It is important to be clear about the distinction.

Release with No Additional Conditions
(e.g., release on recognizance (ROR), personal recognizance (PR), written promise, signature bond)

Monitoring Condition
(sometimes called supervision, usually managed by a pretrial services agency)

Unsecured Condition
(no payment to be released; full amount of the \$ condition is forfeitable for failure to appear; may include a co-signor)

Full Cash Condition
(to be released, person pays full amount of the \$ condition which is forfeitable for failure to appear)

Cash Deposit Condition
(to be released, person pays a percentage of the \$ condition and the full amount is forfeitable for failure to appear)

Surety Condition
(to be released, person pays a non-refundable service fee to a commercial bail bond company that promises to pay the court the full amount of the \$ condition if the person fails to appear)

Property Condition
(to be released, person promises the court property valued at the full \$ condition, or more, which is forfeitable for failure to appear)

Pretrial Release
(release from custody prior to disposition of a person's court case)

Note: An unsecured condition is the only type of financial condition that does not prevent a person's release but still allows the full \$ condition to be forfeitable.

Note: Secured financial release conditions can result in both release (often delayed) and detention (including unintentionally). The use of this release condition often thwarts both the release and the detention decision.

Pretrial Detention
(detention in jail prior to disposition of a person's court case)