



PRETRIAL DEFINITIONS

The following definitions are used below to study the pretrial process and pretrial outcomes.

Key Terms

- **Pretrial period:** The period of time between the date of a criminal case filing with the courts and the date of case adjudication.
- **Adjudication date:** The date of sentencing, granting of a deferral agreement, acquittal, or dismissal.
- **Adjudicated case:** A case in which all charges have been terminally disposed and the case has resulted in conviction and sentencing, granting of a deferral agreement, acquittal, or dismissal.
- **Case Types**
 - **Circuit Court Criminal cases (PC):** Cases which involve felony level charges, as well as misdemeanor level charges which have been transferred from District court in which a jury trial was requested.
 - **Family Court Criminal Cases (FC):** Cases which involve abuse of a family or household member charges and felony level charges involving offenses against household members.
 - **District Court Criminal Complaint Written cases (CW):** Cases which involve misdemeanor level charges and lower, or offenses punishable by up to one year of incarceration, stemming from an arrest and booking.
- **Circuits**
 - **First Circuit:** City and County of Honolulu (O`ahu)
 - **Second Circuit:** Maui County
 - **Third Circuit:** Hawai`i County
 - **Fifth Circuit:** Kaua`i County
- **Offense Severity Levels**
 - **Class A felony (FA):** Offenses which are punishable by up to 20 years of incarceration (prison), as well as second degree murder, which is punishable by life in prison with the possibility of parole, and first degree murder, which is punishable by life in prison



without the possibility of parole.

- **Class B felony (FB):** Offenses which are punishable by up to 10 years of incarceration (prison).
- **Class C felony (FC):** Offenses which are punishable by up to five years of incarceration (prison).
- **Misdemeanor (MD):** Offenses which are punishable by up to one year of incarceration (jail).
- **Petty misdemeanor (PM):** Offenses which are punishable by up to 30 days of incarceration (jail).
- **Release Statuses**
 - **In custody:** Includes persons in DCR custody, including persons committed without bail, persons with unpaid monetary bail, or persons in DOH custody.
 - **Release on monetary bail:** Includes persons who were assigned monetary bail (financial conditions of pretrial release) and who paid their bail, either through cash or professional surety bond, thereby securing their release from pretrial detention.
 - **Supervised release:** Includes persons who are subject to court ordered supervision by ISC staff, and compliance with court ordered conditions of release.
 - **Release on recognizance:** Includes persons who are released on a written promise to appear for all future court hearings, and who are not subject to financial conditions of pretrial release.
 - **Out of custody:** Includes persons who have a pending bench warrant or are subject to discharge of sureties or bail forfeiture. These individuals are neither in the custody of DCR or DOH or in the community on a form of court approved release (release on monetary bail, supervised release, release on recognizance).

Metrics

- **Process metrics:** Process metrics measure activities or methods within a pretrial system, often through frequencies and/or percentages [1]. They provide stakeholders with an understanding of what has occurred within their pretrial system, such as the movement of individuals



throughout various decision points. Additionally, process metrics can provide insight into why goals for the system are being accomplished or not.

- **Annual arrests:** This metric calculates the frequency of **arrests**, operationalized as a person being arrested and booked for at least one charge on a specific date, in a fiscal year. Arrests are from county and statewide agencies. While many arrests are made by county police departments, some arrests analyzed include those conducted by the Department of Law Enforcement.
- **Annual case filings:** This metric calculates the frequency of **criminal cases filed** with the Hawai'i Judiciary in a fiscal year. This metric includes Circuit Court Criminal (PC), Family Court Criminal (FC), and District Criminal Complaint Written (CW) cases. These cases include many of the cases filed when someone is charged for felony, misdemeanor, or petty misdemeanor offenses. The data is analyzed by the most serious offense level in a case, since many people are charged with more than one offense. Some case types are excluded, which is explained in the notes section below.
- **Release status - first pretrial hearing:** This metric calculates the percentage of defendants who were **released at the conclusion of their first pretrial hearing** by release status type. For those released, their status may include release on recognizance, supervised release, or monetary bail. For defendants in custody, this can refer to those who were in the custody of DCR or the Department of Health (DOH). A defendant can be in custody because they were detained without bail or because bail was unpaid at the conclusion of the first hearing. This measure also includes defendants who were out of custody (pending bench warrant, bail forfeiture, or discharge of sureties) at the conclusion of their first pretrial hearing. This measure is one approach to understand how often people who are detained for a crime are then released while they await trial. Another approach to assessing release status is provided in the change in release status -after three months metric.

- **Bail amount - first pretrial hearing:** This metric calculates the **monetary bail amounts assigned at the conclusion of the first pretrial hearing** in Circuit or Family Court, by providing the median and the percentage of cases within ranges for bail amounts. If a defendant has monetary bail set, they must pay the amount in order to be released while their case is pending trial. For defendants released on bail, the money they post is meant to ensure court appearance and prevent new crimes. Bail amounts are summarized with the median, which represents the value that is in the middle of a distribution. The average is not provided for bail because the data is skewed, which means the average is not representative.
- **Change in release status - after three months:** This metric calculates the percentage of defendants who had their **release status change within three months (90 days) of their first pretrial hearing**. This metric captures the first change in release status. This measure helps understand the dynamic nature of pretrial release, where someone's status can change over time while they await trial. For example, some individuals who have monetary bail set at the conclusion of their first hearing may not post bail until a later date.
- **Outcome metrics:** Outcome metrics measure goals or results within a pretrial system [2]. They provide stakeholders with an understanding of the system's effectiveness at meeting desired objectives. All outcome metrics reported by CJRI are calculated using adjudicated cases. This was done in order to say for certain whether an outcome occurred or not during the pretrial period of a case. As a result, these metrics are calculated using data from an earlier year than the process metrics to ensure that a large enough percentage of cases are adjudicated. It is important that a large sample of cases be adjudicated to calculate these metrics to ensure that statistics are representative of most cases.
 - **Length of the pretrial period:** This metric calculates the **length of the pretrial period** by providing the median and the percentage of cases within ranges for days a case was pending adjudication. The length of time is measured from case filing through the date of adjudication (sentencing, acquittal, granting of a deferred



prosecution agreement, or dismissal). The length of pretrial period is important because cases should be adjudicated efficiently to ensure defendant's rights, resolution for victims and the public, and efficient use of system resources [3].

- **Release ever during the pretrial period:** This metric calculates the percentage of **defendants released to the community** at least once during the pretrial period. Pretrial release must balance due process considerations for those accused of crimes while protecting the public and ensuring court appearance [4]. In other words, pretrial detention is not a punishment, but a tool used by the courts when they determine a defendant is a danger to the community, a threat to witnesses, and/or unlikely to appear at court. Release to the community refers to release on monetary bail, supervised release, or release on recognizance.
- **New charges:** This metric calculates the percentage of defendants **charged with a new offense** during the pretrial period. New charges are operationalized as the filing of a new criminal case with the courts, in which the charges stem from an arrest and booking (rather than a criminal citation). The only charges that are counted are those that have an arrest date and filing date that occurred within the pretrial period of an existing case. The new charges measure is reflective of alleged criminal activity only, not a conviction. This measure helps evaluate new criminal activity among people who are released pretrial, and is used to assess public safety considerations of pretrial decisions.



Endnotes

1. Guide to Pretrial Performance Measures - Advancing Pretrial Policy & Research (APPR). (2025). Advancing Pretrial Policy & Research (APPR). <https://www.advancingpretrial.org/resource/guide-to-pretrial-performance-measures/>
2. APPR, 2025.
3. Van Duizend, R., Steelman, D. C., & Suskin, L. (2011). Model time standards for state courts. National Center for State Courts. <https://www.azcourts.gov/Portals/0/27/Model%20Time%20Standards%20for%20State%20Trial%20Courts%20-%20Court%20Management%20-%20National%20Center%20for%20State%20Courts%202011.pdf>
4. American Bar Association Criminal Justice Standards Committee. (2007). ABA Standards for Criminal Justice, Pretrial Release (Third). American Bar Association. https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/pretrial_release.authcheckdam.pdf