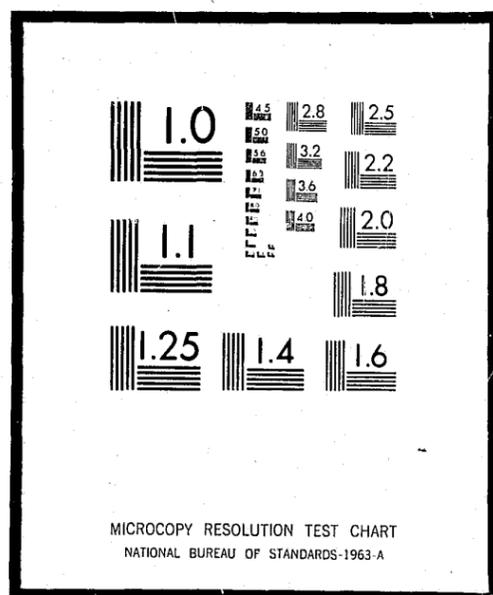


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FINAL REPORT  
AN EVALUATION OF  
MONROE COUNTY  
PRE-TRIAL RELEASE, INC.

NBO 72-101

November 15, 1972

Submitted To:

Monroe County Bar Association Pre-Trial Release  
Program, Inc.  
Rochester, New York

STOCHASTIC SYSTEMS RESEARCH CORPORATION  
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Rochester, New York 14614

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The wholehearted cooperation of many individuals throughout all elements of the Monroe County criminal justice community is gratefully recognized. Special thanks are due to the Pre-Trial Release staff, the City and County Criminal Court Judges, the City Court Clerk (Criminal Branch), and the Monroe County Sheriff's Office.

SUMMARY

## SUMMARY

### Organizational Factors

This study recommends that the County of Monroe assume the financial support of Pre-Trial Release, Inc., as a recognized agency within the County criminal justice community. If it appears that the Pre-Trial Release organization cannot be supported as a stand-alone agency, the consultants recommend that the PTR function and all personnel reside under the overall control of the Monroe County Probation Department or the Public Defender.

The consultants believe that the Pre-Trial Release project should expand in scope and eventually serve as a formally-recognized Bail Agency. This agency would increase its assistance to the courts in formulating meaningful pre-trial conditions of release.

### Critical Operational Changes

It is strongly recommended that Pre-Trial Release place increased emphasis upon prior criminal record in its recommending of defendants.

Also, PTR should include in its point structure a section to cover prior bench warrants issued against the arrestee.

Since ninety-three percent of the information given by defendants is accurately verified (residence, education, family situation), it is recommended that less time be spent in the verification process and this surplus time directed toward increased search of prior record and bench warrant information.

A "start-up" contact procedure should be implemented. This would require the releasee to contact PTR, via phone, within 24 hours of release. During this contact the defendant's responsibilities and the importance of his court reappearance would be discussed. It is believed that this start-up procedure will increase the court reappearance rates of the project's releasees.

Since Monday and Saturday mornings and days after holidays usually result in a high volume of City Court arraignments, it is recommended that Pre-Trial Release, Inc. create a base of volunteer interviewers and implement a procedure for scheduling their services on high-volume days. These interviews would support project investigators and enable these investigators to conduct a more in-depth search of the defendant's background.

This evaluation will primarily center around the consultants' findings and recommendations concerning program operation, with only minor attention given to a review of the program's history.

#### I. SCOPE OF THE EVALUATION

The Monroe County Pre-Trial Release Program is nearing the point at which Safe Streets Act funding will cease. This final report, along with the previously submitted Cost-Benefit Analysis, represents the complete evaluation of the Pre-Trial Release program. The results of the cost-benefit analysis have shown that the program is currently generating a net savings to the community of \$150,000 per year. This conservative figure is realized largely through a reduction of jail costs and to a minor extent through decreasing the number of persons on public assistance. For the PTR program to break even, that is, to have its costs exactly equal its dollar benefits, only one defendant need be recommended and approved per day. If this program is to become a permanent part of the Monroe County criminal justice community, then the locality will eventually have to assume the burden of support. The objective of this study is to equip the decision-maker with documented facts about PTR operations, its impact upon the community, and recommendations which the consultants believe will encourage continuance of the program and enable it to operate more effectively. Literature search was also conducted into the operations of similar projects in six other cities with medium-to-large population bases.

## II. BACKGROUND

### A. Program Objectives

The primary objective of the Monroe County Pre-Trial Release program is to provide, to a qualified defendant, release on his own recognizance in lieu of money bail or pre-trial detention.

A secondary objective is to serve in a modest way as a social agency, by referring defendants to supportive agencies in the community such as Rochester Jobs, Inc., and local settlement houses.

Although not a stated objective, another direct benefit of the program is one of economics. PTR permits many people to be released without being forced to part with meager assets in order to guarantee reappearances in court. For that group of arrestees which cannot meet bail or bond, pre-trial detention may cause loss of employment or strained family conditions. SSR found that four percent of a sample of defendants recommended and approved for the PTR program had begun some sort of employment within only one week prior to arrest. It is reasonable to assume that if held in jail prior to trial, many of these defendants would have lost their newly-found jobs, even though the defendants had not yet been judged either guilty or not guilty.

An additional by-product generated by the Pre-Trial Release program is the relief of pressure upon a jail facility presently operating at full capacity.

### B. Release on Recognizance

The theory of release on recognizance centers around the hypothesis that a defendant with significantly strong "roots" or ties in the community will reappear at an adjourned court date on his own good faith, and that this mechanism is as good an indicator, if not better, than the posting of money bail. The Monroe County program measures these ties to the community by: (1) the length of time the defendant has resided in Monroe County, (2) his interaction with his immediate family, (3) his employment status, (4) his schooling, and (5) his prior criminal record.

### C. Program Development

The recognized need and subsequent birth of a formal release-on-recognizance (ROR) project in Monroe County was recommended in 1969 by the County-appointed Wilcox Committee. In December of that same year, the Junior League launched a six-month pilot ROR program. Their final recommendations called for a permanent, on-going pre-trial release program. The Monroe County Bar Association responded to these findings by launching an incorporated entity to administer release-on-recognizance. The evaluation of the present operation of this entity is the subject of this report.

III. CASE AND PROCEDURAL DESCRIPTION

A. General Case Processing

Initial contact between defendant and Pre-Trial Release occurs in the Monroe County Jail and the City Lock-up. Detained arrestees are interviewed by PTR starting at 6:30 a.m., six days per week. Information given by the defendant is entered onto an Interview Sheet (refer to Figure 1). This document is a transcript of data on the arrestee's personal, employment, and educational background, and on sources given by the defendant for verification of the data. Upon completion of interviews in City Court the PTR representative secures a copy of the daily court docket and returns to the Pre-Trial Release office. Here he attempts, via telephone, to contact the verification source given by the defendant. The availability of this source of reference plays a critical role in determining the outcome of the PTR recommendation. It is the information given by this verifying source that will be cross-checked against the defendant-given data. Both the interview and verification data are tallied, based upon a weighted point structure to determine the criteria for recommendation of this defendant to the judge (refer to Figure 7). Five or more verified points qualifies

MONROE COUNTY BAR ASSOCIATION  
PRE-TRIAL RELEASE PROGRAM, INC.  
INTERVIEW

Date \_\_\_\_\_

RA    RNA    NR

**PERSONAL:**

Name \_\_\_\_\_ Age \_\_\_\_\_ DOB \_\_\_\_\_

Place of Birth \_\_\_\_\_ ( W B PR )    MALE    FEMALE

Charge \_\_\_\_\_ Date Arrested \_\_\_\_\_ Co-Def \_\_\_\_\_

Probation or Parole ? \_\_\_\_\_ Name of Officer \_\_\_\_\_

Bail \_\_\_\_\_ Attorney \_\_\_\_\_ Judge \_\_\_\_\_

Address \_\_\_\_\_ How Long ? \_\_\_\_\_ Y  
N

With Whom \_\_\_\_\_ Phone \_\_\_\_\_ Y  
N

Previous Address \_\_\_\_\_ How Long? \_\_\_\_\_ Y  
N

Single:    Married:    Separated:    Widowed:    Divorced:    Y  
N

Spouse's Name \_\_\_\_\_ Address \_\_\_\_\_ Y  
N

No. Children \_\_\_\_\_ Support? \_\_\_\_\_ Y  
N

Total years in Rochester or Monroe County \_\_\_\_\_ Y  
N

**EMPLOYMENT:**

Employer \_\_\_\_\_ How Long ? \_\_\_\_\_ Y  
N

As \_\_\_\_\_ How Much \_\_\_\_\_ Y  
N

Previous Employer \_\_\_\_\_ When \_\_\_\_\_ Y  
N

**EDUCATION:**

School Name \_\_\_\_\_ Grade \_\_\_\_\_ Y  
N

**VERIFICATION:**

Name \_\_\_\_\_ Relationship \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

**RECORD:**

WHAT	WHERE	WHEN	DISPOSITION
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**COURT DATE:**

\_\_\_\_\_

Figure 1. The Interview Sheet.

the detained arrestee for recommendation for ROR. Recommendation is not given if the defendant falls into one or more of the following categories:

- (1) less than five verified points
- (2) verification source not locatable
- (3) defendant recommended by Pre-Trial Release twice before.

The weighted point structure, as mentioned previously, attempts to measure the defendant's ties to the community. The roots in the community are measured by (1) residence, (2) family situation, (3) employment, (4) schooling, and (5) prior criminal record.

Pre-Trial Release makes recommendations directly to the judge at arraignment. The judge may approve or disapprove the defendant for release. It will be seen in subsequent sections of this report that the decision is influenced by many factors, including how credible the judge perceives the PTR program to be, and whether the judge or prosecutors have access to information not known to the PTR investigator.

PTR requires the recommended and judge-approved defendant to maintain weekly contact with the Pre-Trial Release office. This office will also send a written reminder of court appearance date to the releasee one week prior to court reappearance (see Appendix). The following block diagram depicts the flow of events from the point of arrest to the point of defendant reappearance in court (Figure 2).

DETAILED CITY COURT PROCEDURAL FLOW

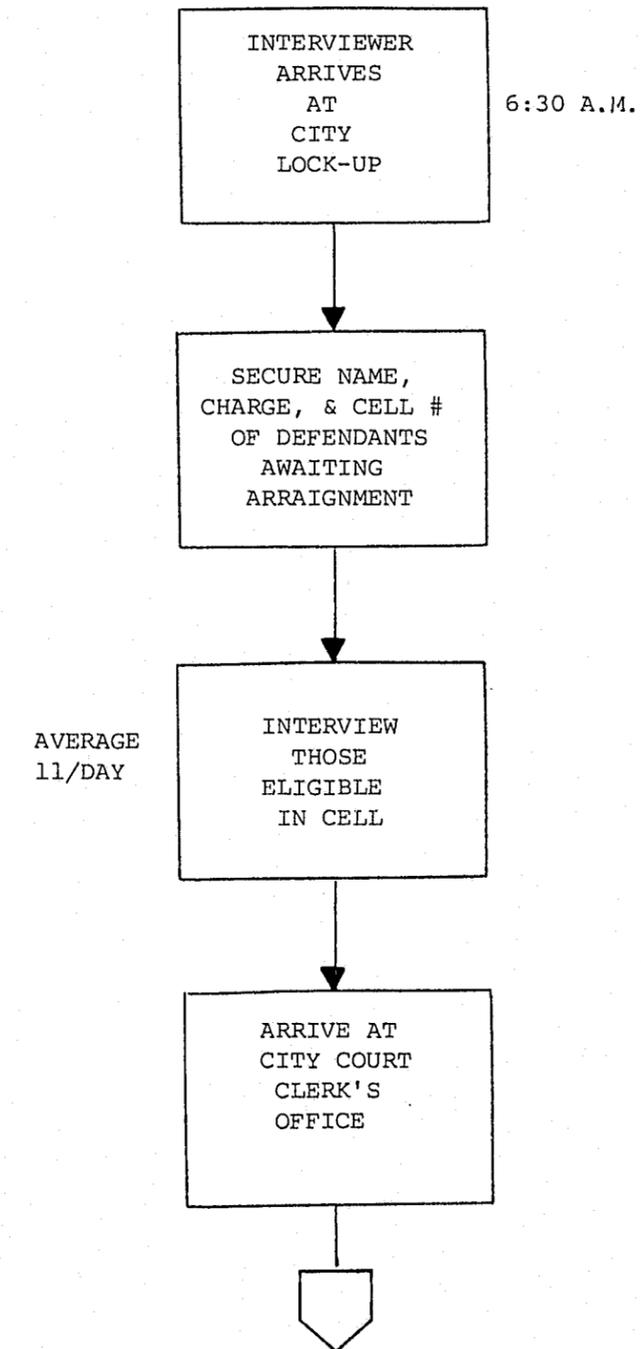
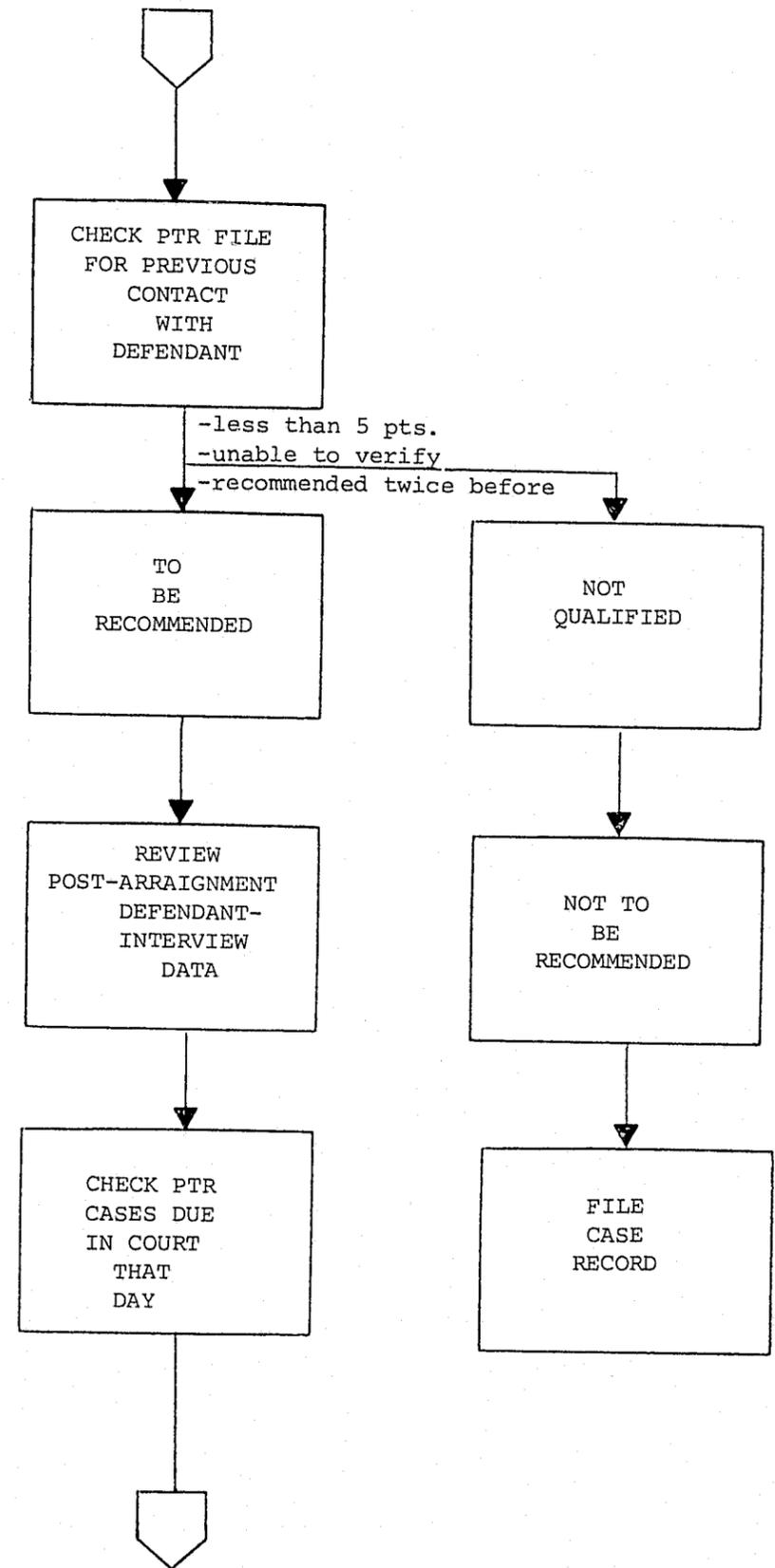
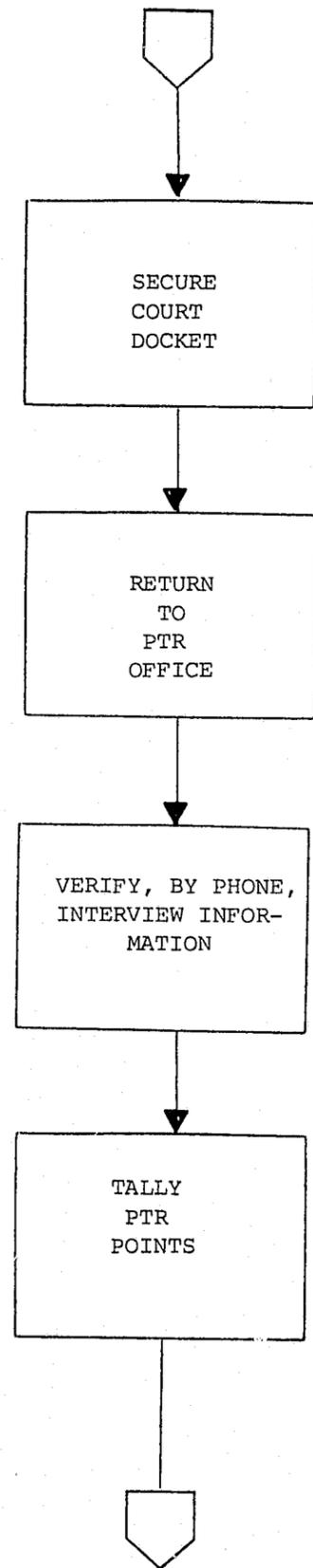
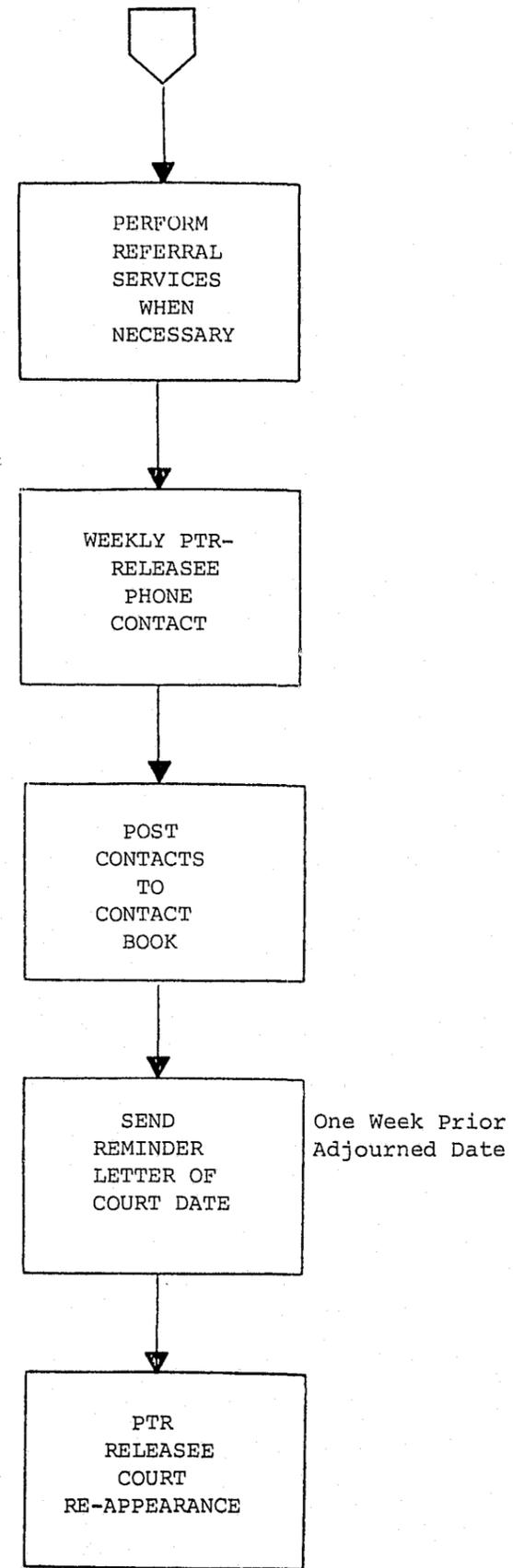
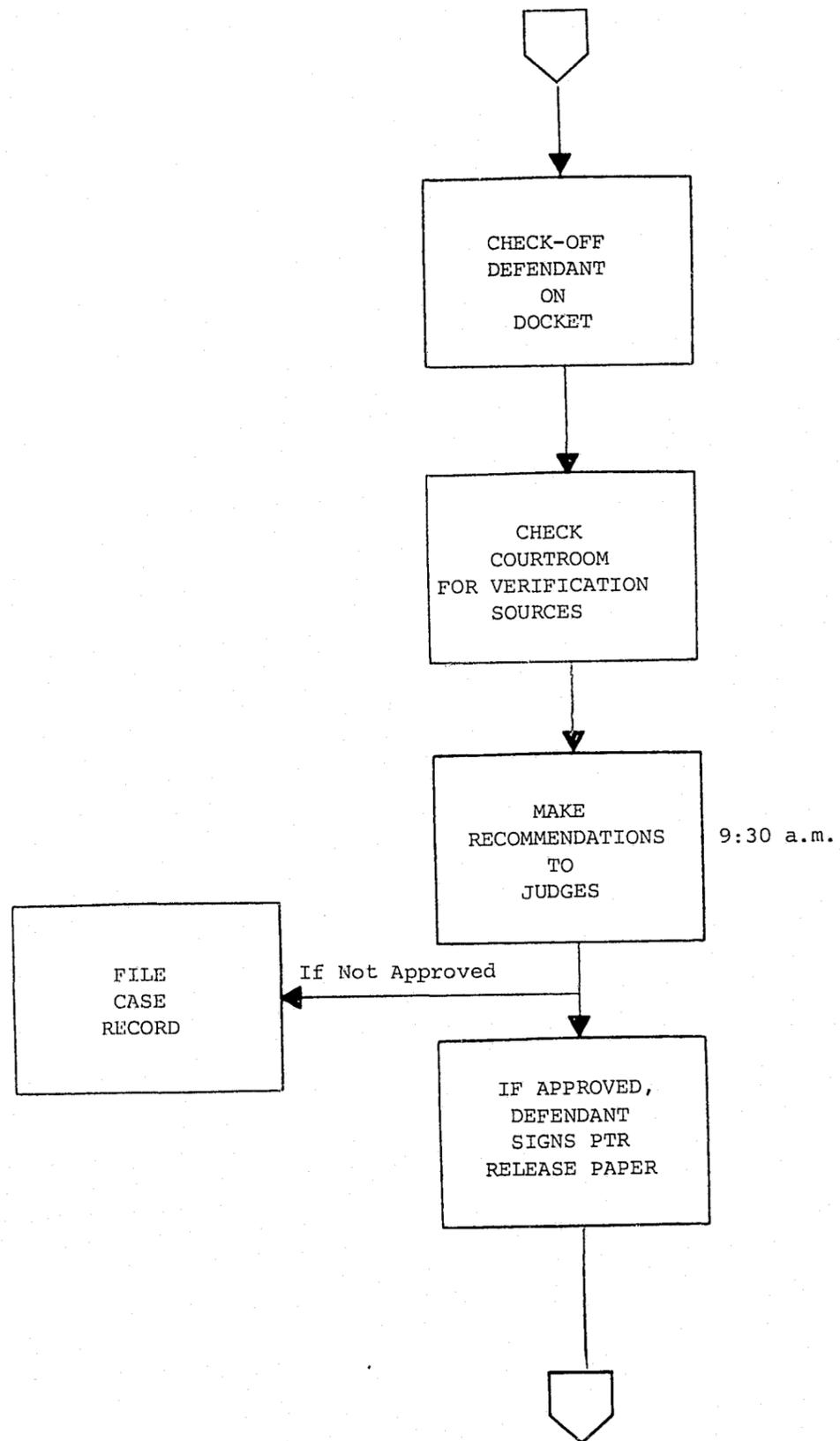


Figure 2. Procedural Flow, City Court.





B. Decision Points and Outcomes

Figure 3 shows the results of a statistical analysis of the outcomes at the various decision points of the PTR system, as described in the previous section. The period analyzed was from 1 October 1971 to 31 September 1972.

The major findings of this analysis are as follows:

1. 52% of the population of arrestees interviewed are recommended for ROR.
2. 62% of those recommended are approved by the judge.
3. For persons released, those who maintained contact with the PTR program had a significantly higher court re-appearance rate than those not making weekly contact.
4. 7%\* of those defendants released did not appear on their court date. (A mutually exclusive analysis was performed utilizing the PTR "Contact Book" cross-referenced to the City Court criminal records. This test yielded a 10% non-appearance rate for those making contact, and a 14.5% non-appearance rate for those who were released and did not maintain contact.)

\*Derived from a sample analysis of 200 recommended and released defendants, as measured by bench warrant rates. Data acquired from Pre-Trial Release "Contact Book".

MONROE COUNTY  
PRE-TRIAL RELEASE  
CASE FLOW

(All Figures in Average-Monthly Terms)

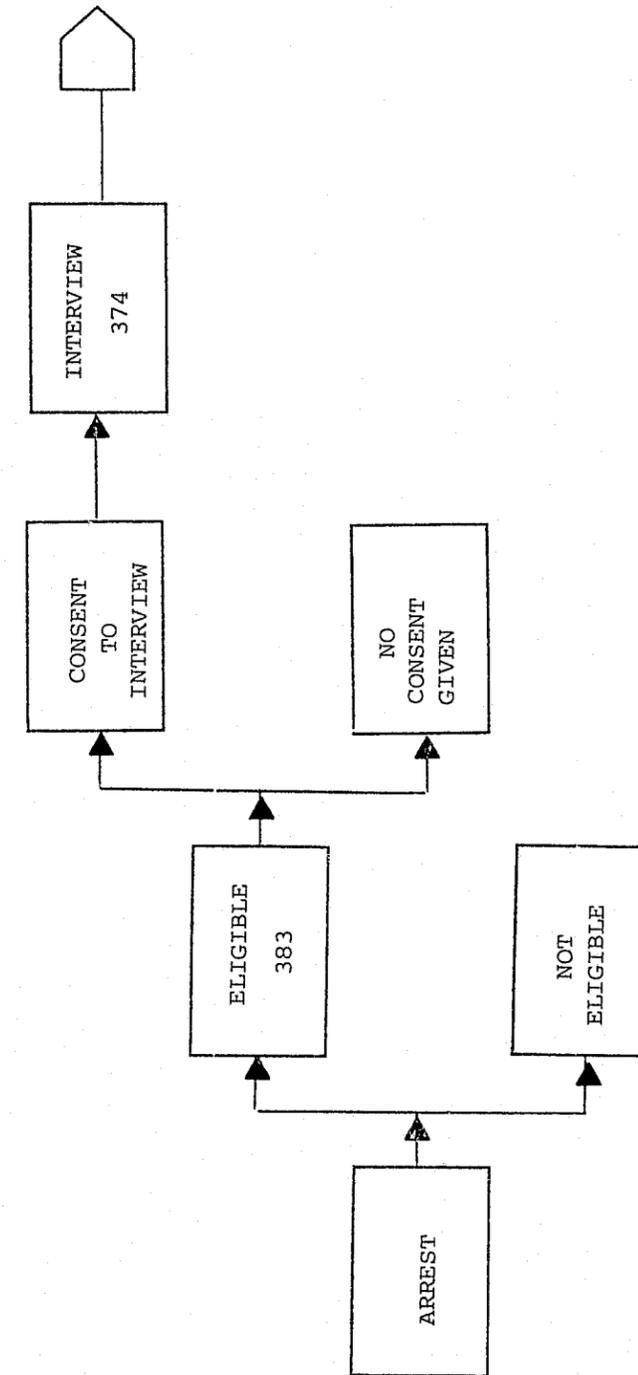
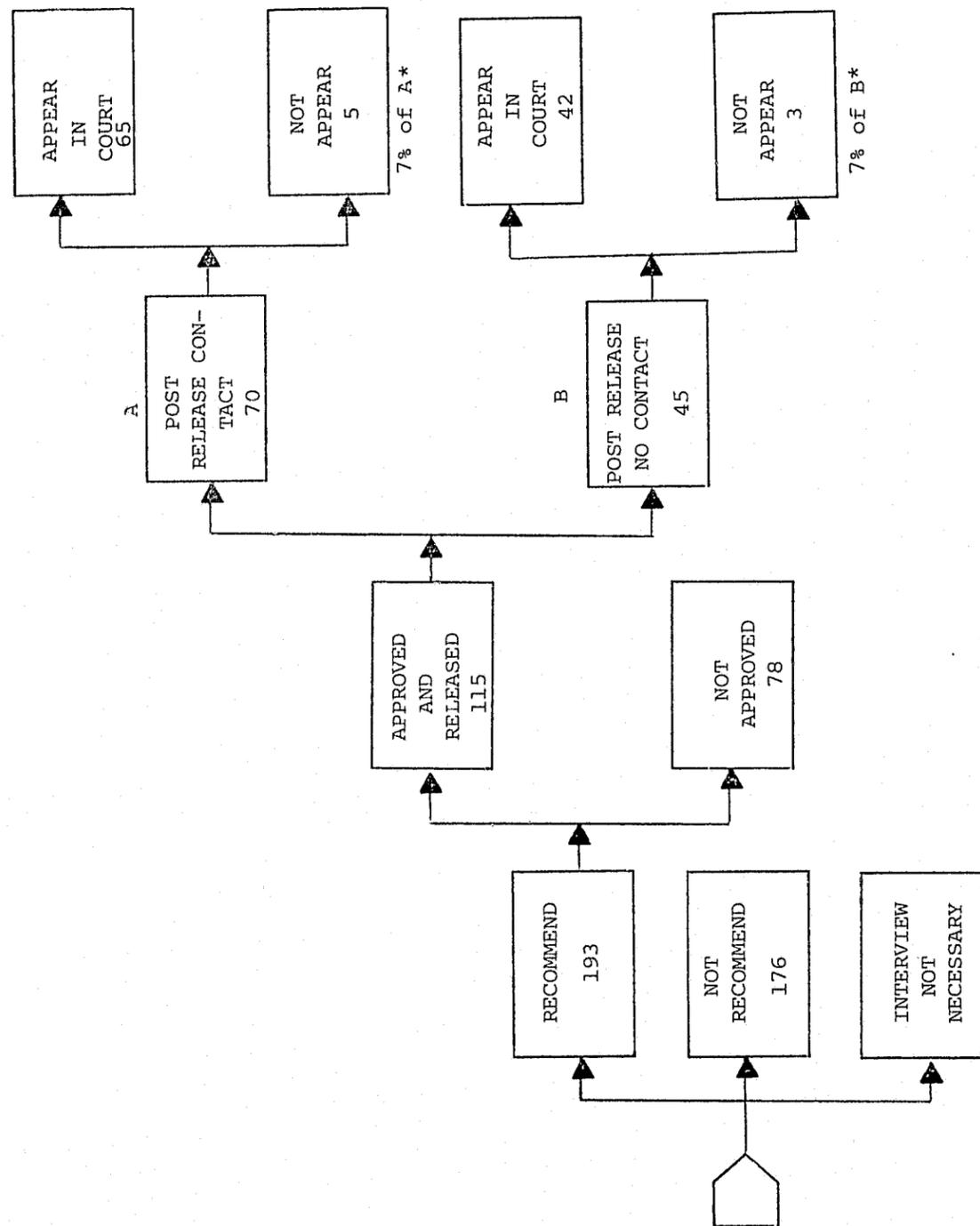


Figure 3. PTR Case Flow.



\*Derived from a sample of 200 PTR cases and PTR record of Bench Warrants issued.

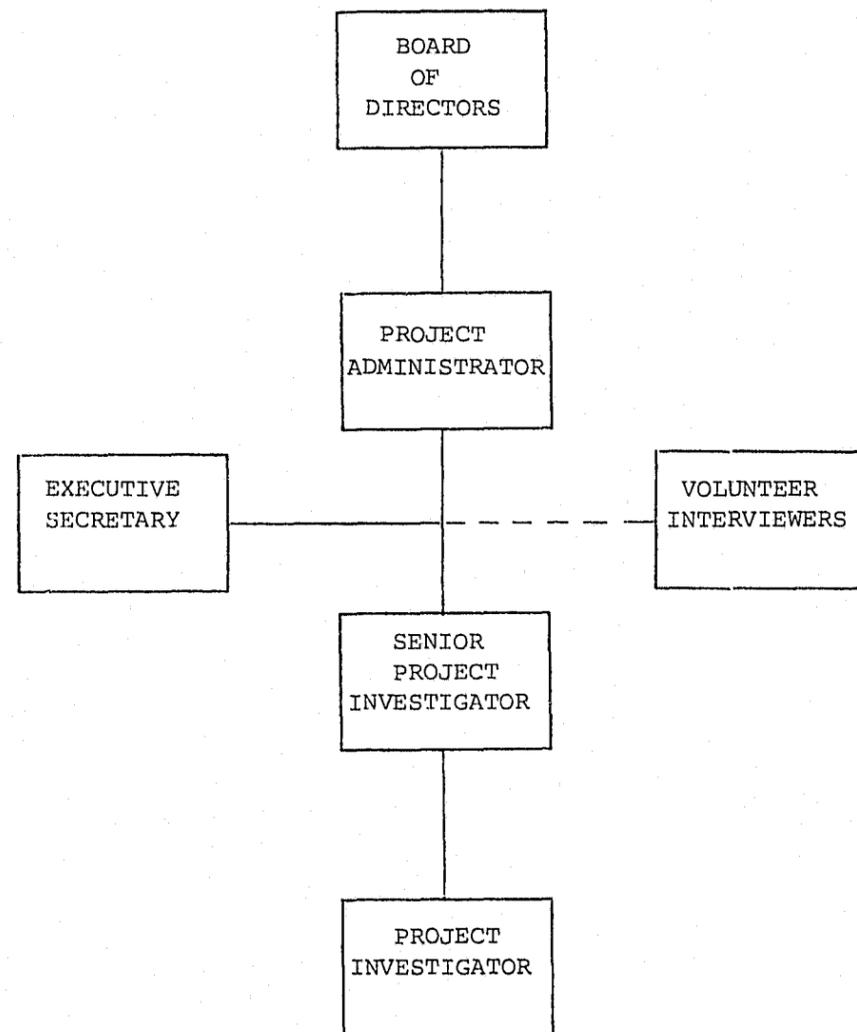
#### IV. ORGANIZATIONAL ANALYSIS

The formal Pre-Trial Release organization is composed of a Board of Directors, a Project Administrator, a Senior Project Investigator, a Project Investigator, an Executive Secretary and a varying number of volunteer interviewers (see Figure 4.).

A. Project Administrator. Reports to the Board of Directors. Responsible for the interpretation and execution of policies adopted by the Board of Directors; supervises and guides project staff; participates in the interviewing of defendants and the processing of their cases; monitors project performance and effectiveness, works with court and community agencies to secure cooperation with, and acceptance of, the project.

B. Senior Project Investigator. Reports to Project Administrator. Responsible for the interviewing, investigation and processing of defendants' cases; supports Project Administration in the preparation of reports and the follow-up of active cases.

C. Project Investigator. Works under the overall direction of the Project Administrator and general supervision of the Senior Project Investigator. Performs all phases of project including interviewing,



MONROE COUNTY PRE-TRIAL RELEASE PROGRAM, INC.

Figure 4. Organization Chart of PTR, Inc.

investigating and case processing; supports data gathering and reporting efforts. The present Project Investigator's command of Spanish has proven to be very important, not only in the interviewing of certain arrestees, but also in the courtroom at arraignment where the Project Investigator has been called upon to interpret court proceedings to Spanish-speaking defendants.

D. Executive Secretary. Responsible to the Project Administrator. The actual tasks performed within this position extend beyond those of a strictly secretarial nature. It is the consultant's belief that this job position be retitled as "Assistant Investigator and Executive Secretary." Job description should be formally rewritten as: responsible for secretarial support; statistical data collection; telephone contact with releasees; providing counseling; and providing referral of releasees to other community agencies when necessary.

E. Volunteer Interviewers. Responsible for supporting the project investigators by performing defendant interviews.

SSR recommends that Pre-Trial Release, Inc. formally document the job description and specifications of the volunteer interviewer (see Figure 5). The consultants believe that the completion of this requirement will avoid present problems experienced by student volunteers in gaining access to detained arrestees.

The volunteer provides critically-needed interviewing support, especially on days of high-volume arraignment (Saturday morning, Mondays, and

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Recommended Job Description

- Volunteer Interviewers -

Statement of Duties--Under overall supervision of Project Administrator. Responsible for the interviewing and verification of detained arrestees and the supplying of this information to project investigators for release recommendations.

Educational Experience--This position should require at least two years of college, or present enrollment in an accredited college or university in the third or fourth year, or one year's college education and two years of experience related to the social service field.

Figure 5. Recommended Job Description for Volunteer Interviewers

days following holidays). SSR recommends that a base of volunteer assistants be gathered, and since most high volume arraignment days can be predicted ahead of time, a schedule should be implemented to assure the presence of the additional interviewer(s).

F. Board of Directors. Review of the board meetings' minutes indicates that the board's concern is primarily with short-run operational questions rather than issues that effect the long-term existence of the project. The consultants recommend that the board of directors place more emphasis on the establishment of the goals and objectives of the Pre-Trial Release program. The board must also monitor the environment in which the program operates, so as to modify, change or update these objectives to coincide with possible systemic changes of priorities within the criminal justice community. The board should also be responsible for the setting of policy and procedure to attain the stated goals and objectives. Working with the project administrator, efforts must be directed toward the review and reevaluation of the project's action plans. Are they within the framework of established policy, and do they align themselves with the program's goals and objectives?

If the board of directors is to play a useful role within the Pre-Trial Release organization, it must concern itself with those tasks that: (1) measure the impact of the project upon the community, (2) measure the community's understanding and use of the program, (3) provide for the long run continuance of the program entity, and (4) initiate in-depth monitoring of the project's track record.

#### G. Formal Organizational Shifts

If it appears that the Pre-Trial Release organization can no longer secure funding to operate as a stand-alone entity, an alternative organizational configuration must be considered. SSR recommends that if the continuation of the separate PTR project proves financially unfeasible, the function and personnel of Pre-Trial Release reside either under the overall control of the Probation Department or the Public Defender. This would allow for a considerable reduction in the overhead cost burden of the project. The Monroe County Probation Department performs very similar screening and contact functions, while the Public Defender's defendant interview process is eighty-five percent similar to that of Pre-Trial Release.

#### H. The Bail Factor

If it is recognized by Monroe County administrators that PTR should stand alone and operate as a separately-funded agency, PTR's operations should be expanded to encompass participation in making bail recommendations. The consultants believe that the Pre-Trial Release program can expand and eventually serve as a formally-recognized Bail Agency. This agency would increase its assistance to the courts in formulating meaningful pre-trial release conditions: PTR release, bail, and individual parole.

As an interim step to the Bail Agency concept, it is recommended that a Uniform Bail Procedure be implemented by the courts. Theoretically, the amount of bail set on an individual arrestee is a function of (1) type of crime, (2) nature of incident, (3) arrestee's prior criminal posture, and

(4) consideration of the welfare and safety of society if the person were released. However, even after the consideration of these factors, bail amounts still vary over a wide range. Under a Uniform Bail Procedure, each charge would have associated with it a "standard" bail based on historical averages. This standard value would serve as a point of departure for the negotiation among judge, prosecutor, and defense counsel of a just bail, depending on the circumstances of the case. The defendant's accumulation of PTR points would be one factor in this negotiation.

A historical weighted average of bail amounts for various repetitive crimes was taken using the files of the City Bail Office. Results of this analysis are noted in the appendix.

## V. THE INTERVIEW PROCESS

Pre-Trial Release interviews all arrestees held in the Monroe County Jail and City lock-up, except for those persons charged with Public Intoxication and persons who have local, state or federal detainers against them.

### A. The Interview Sheet

Pre-Trial Release interviews an average of 374 defendants per month. The interview centers around the gathering of the following arrestee information: personal data, employment, education; verification sources, and prior criminal record as given by the defendant. The Interview Sheet, as presently designed, captures the truly important information about the arrestee and the consultants believe that no changes to the form are necessary. However, since PTR makes a recommendation to the judge, and the judge uses the information collected by the program to support his interpretations, SSR recommends that all elements of the Interview Sheet be completed by the interviewer.

B. Evaluation of Interview Process

SSR observed a sample of actual interviews in the City lock-up, and recorded its observations on a checklist designed to (1) measure the interviewer's presentation of the program to the defendant, and (2) measure the defendant's comprehension and responsiveness to the interview. An average interview in the City lock-up takes 6.5 minutes.

The results of the observations are as follows:

1. The interviewer's explanation of PTR's purpose and introduction of himself to the arrestee was done well and understood by all those arrestees observed.
2. Once the nature of the program was explained, and it became evident to the arrestee that PTR was attempting to help him, all defendants sampled submitted to the questions of the interviewer.
3. This understanding of the PTR purpose proved critically important to the success of the interview since the arrestee realized that the information given would be used to assist him in securing possible release.
4. All defendants interviewed appeared to comprehend the questions asked and to respond rationally.
5. In many cases, the Pre-Trial Release interviewer is the first contact the defendant has after arrest, booking and incarceration. He answers many of the elementary questions asked by the arrestee concerning the judicial process.

Following the completion of the interview, SSR talked with each defendant to measure the extent to which the arrestee had understood the interviewer's purpose. The arrestee was asked, "Did you understand what Pre-Trial Release was trying to do for you?" Responses to this question were positive. Arrestees appeared to interpret the program very simply as an attempt to get them out of jail. Many defendants appreciated the efforts of the program because they could not meet the dollar amount of bail set.

Communication between the arrestee and the PTR interviewer is not privileged, and the interviewer can be subpoenaed concerning the contents of the interview. To protect the arrestee, the PTR interviewer will stop the arrestee if he begins to discuss the facts of the case. The interviewer does not, however, inform the arrestee specifically that the communication is not privileged. When questioned by SSR, the arrestees did not express any fear that the information they had given PTR would be used against them.

It should also be noted that the PTR interviewer does not tell the arrestee during the interview that if he is accepted for ROR he will be required to sign a release form (see Figure 6) and to maintain weekly contact with the program.

Date Released \_\_\_\_\_

I, \_\_\_\_\_  
understand that my case had been adjourned: and it may be several  
months before my case will be considered.

I agree that if I am released on my own bond through the re-  
commendation of the Pre-Trial Release Program, I will notify the  
Program every \_\_\_\_\_ of my whereabouts. If I fail  
to notify the Program, I understand that my bond will be revoked  
and a warrant issued for my arrest.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

COURT DATE \_\_\_\_\_

9/11/71 - 200

Figure 6. Contact Form.

### VI. THE VERIFICATION PROCESS

#### A. Source of Verification

SSR observed a sample of actual verifications. This process  
required telephone calls to the defendant-given source. If contact is not  
established by phone, the investigator will check the courtroom prior to  
arraignment for the possible appearance of the reference source. Failure  
to reach the reference or failure to accumulate five or more points will  
result in not recommending the defendant. The average verification takes  
5.5 minutes.

Samples of one hundred recommended defendants and one hundred  
not-recommended defendants were analyzed to determine if the source of  
verification influenced the outcome of the verification-recommendation process.  
The following chart illustrates the distribution of verification sources for  
the two samples:



even if he has two prior felony convictions (for example, he might receive +3 points for three years in Rochester, +3 points for living with family, +2 points for being steadily employed over the past six months, and -2 points for two previous felony convictions). The importance of the criminal record and its associated point structure is discussed in Section VII of this evaluation.

The following chart, Figure 9, illustrates the fact that the Pre-Trial Release investigators fail to complete all verification categories and usually stop when five points are reached. The area most often left uncompleted is the criminal record. It is recommended that the entire Tabulation Sheet be completed, thus portraying the entire point distribution to the investigator, and eventually to the judge.

C. Point Distribution

SSR took the analysis of the verification categories one step further so as to determine which elements within the point structure support or prohibit recommendation. The point breakdown for the samples of 100 recommended and 100 not-recommended defendants were as follows:

Residence - this category was completed for 100% of the recommended group (100 defendants), and 26% for the not-recommended group. Ninety-three recommended arrestees received a "3" on the point scale along with all 26 of those not-recommended.

The following shows the point distribution for the remainder of the verification categories:

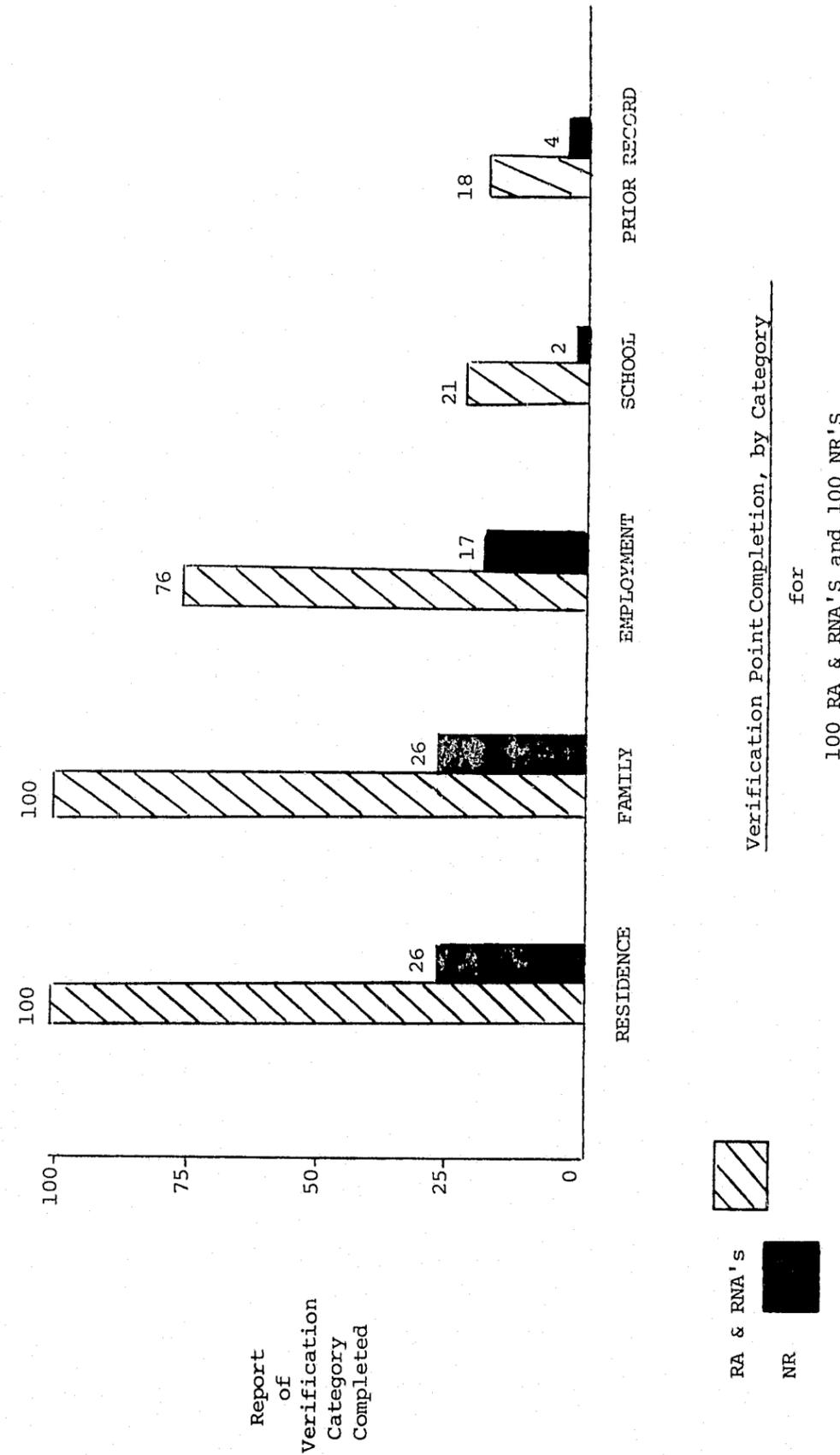


Figure 9. Verification Points, Category Completion

Family - This category was completed for 100% of those recommended and 26% of the time for those not-recommended. Eighty-three of those defendants recommended received three points for ties to immediate family and eighteen not-recommended persons received a three.

Employment - Seventy-six percent of the recommended group received points for employment status, while only seventeen percent of the non-recommended group had this category completed during the verification.

Schooling - Twenty-one percent of the recommended group and two percent of the not-recommendeds received verified points in the schooling category.

Criminal Record - This category was verified in eighteen and four percent of the times respectively for the two sample groups.

The distribution of the points received is shown in table form in Figure 10.

Analysis also points to the fact that information given by the defendant at the time of interview is consistent with that of the verifying source in 93 out of the 100 recommended cases. This supports the consultant's recommendation that more time be spent verifying criminal history information and less effort be spent verifying categories which appear to be truthfully answered by the arrestee.

	Verified Point Distribution	Recommended (100%)	Not Recommended (100%)
<u>Residence</u> -	Completion:	100	26
	Received 3	93	26
	2	4	-
	1	3	-
<u>Family</u> -	Completion:	100	26
	Received 3	83	18
	2	12	3
	1	5	5
<u>Employment</u> -	Completion:	76	17
	Received 3	24	3
	2	8	1
	1	44	13
<u>School</u> -	Completion:	21	2
	Received 3	19	2
	2	1	-
	1	1	-
<u>Criminal Record</u> -	Completion:	18	4
	Received 2	15	2
	1	2	-
	0	-	-
	-1	1	2
	-2	-	-

Figure 10. Verified Point Distribution

"Opposition of D.A." is usually influenced by "prior record" and "type of crime," which are the major reasons for refusing a defendant's release through the program. As illustrated earlier, prior criminal record is the variable least dealt with by Pre-Trial Release, both in in interview and in verification procedures. Yet this factor ranks as the primary variable in the judges' determination (see following).

## VII. THE RECOMMENDATION PROCESS

### A. Motion to Judge

The PTR representative makes his recommendation for the re-lease of a defendant on ROR directly to the judge. If the judge does not accept the recommendation, a sheet is completed which documents the reason(s) for refusal to release. As of the writing of this report, the use of the sheet has been discontinued due to the lack of response in completing it. SSR believes that this document should no longer be used, and recommends increased meeting between Pre-Trial Release and the judges as a meaningful substitute.

A historical sample of fifty completed Appellate Sheets were analyzed in order to determine the major reasons why defendants were not accepted for release through the PTR program. The results were as follows:

<u>Reason For Non-Acceptance</u>	<u>Frequency</u>
Prior Record	14
Type of Crime	15
Opposition of D.A.	14
Risk of Flight	1
Other	3
No Reason Given	7
	50

### B. The Judges

The judge plays a critical role in determining the outcome of the Pre-Trial Release effort. Eight City and County Court judges were interviewed by SSR. During these open-ended interviews, questions were asked to measure the degree of credibility the program had with the judges. The following are the summarized results of these discussions:

1. Overall, the judges believed that PTR served a vital function in the criminal justice community by supplying additional information about the defendant.
2. Six judges believed it was highly probable that a defendant on PTR status would reappear in court on the day assigned.
3. When asked if ROR has a higher socio-psychological benefit than bail/bond, three judges agreed. The other judges had varying opinions centered around the idea that ROR increases the conception that the courts are a "revolving door".
4. "Should PTR stand alone or fall under another functional agency?" Six judges responded that conceptually, PTR should be a stand-alone entity. However, if a shift was necessary, these judges felt that PTR would logically fit under the offices of Probation or the Public Defender.
5. Overall, the judges believed that the interview and verification data was accurate, but incomplete, lacking information on prior criminal record and previous bench warrants.
6. "How much weight do you place on the PTR recommendation?" On a scale (0-100), five of the judges rated PTR recommendation as "fair", 60-79%; two rated it "good", 80-90%; and

one judge rated the recommendation as "poor", less than 60%.

7. Factors considered important by the judges for considering a defendant for release were similar to those used by PTR.
8. The factor considered most important to the judges was prior criminal record.
9. Five judges believed that all defendants, regardless of charge (excluding Public Intoxication and detainers), should be interviewed.
10. Overall, the judges possess a more conservative philosophy of releasing defendants than that held by Pre-Trial Release. Responsibility for welfare of society was the major reason enunciated by the judges for this difference.
11. Three judges believed that no attempts should be made to raise the "recommended and approved" rate. The others felt that the rate could be raised by increasing the emphasis on the criminal record.
12. Five of the eight judges believed that PTR's information should also be used in bail setting.
13. Two of the eight stated that they could perform the PTR function without the PTR organization.

In summary, the judges consider the Pre-Trial Release function important. The value placed upon prior criminal record and previous bench warrants differs between the judges and the Pre-Trial Release program.

It is strongly recommended that PTR attempt to secure more information on the defendant's criminal record, re-weight its point value, and add to the point structure an area for previous bench warrants.

#### VIII. CLIENT ANALYSIS AND POPULATION OUTCOME MATRIX

##### A. Release and Contact

Upon acceptance by a judge, the defendant is required to make weekly contact with the Pre-Trial Release office. A written reminder to the releasee is also sent one week prior to reappearance date. The PTR Interview Sheet and court criminal records were utilized to determine the amount of time from "date of recommendation and acceptance" to "date of final disposition". Based upon this sample, the defendant spends an average of 3.72 months on PTR status.

The following table and Figure 11 present a twelve-month historical summary of the results of the three major PTR activities:

Month	Total Interviews	Total Recommended	Total Recommended & Approved
1971 Oct.	253	141	84
Nov.	254	150	117
Dec.	267	158	107
1972 Jan.	365	177	102
Feb.	283	137	76
Mar.	354	202	107
Apr.	334	161	107
May	416	213	129
June	427	231	156
July	381	183	104
Aug.	388	226	144
Sept.	424	209	112
TOTAL	<u>4,146</u>	<u>2,188</u>	<u>1,345</u>

A random sample of one hundred releasees was taken and referenced in the Pre-Trial Release "Contact Book." Sixty-one percent of the same made continuous contact with the program office. It is recommended that upon release of a defendant, the Pre-Trial Release office institute a "start-up" procedure, requiring the defendant to contact PTR within 24 hours of release. During this contact, PTR should outline the defendant's responsibilities while paroled to the program. The introduction of this procedure should have a significant effect upon raising the PTR contact rate.

Samples of one hundred releasees with contact, and one hundred releasees with no contact, were cross-referenced to criminal court records to determine whether there exists an appreciable difference in court non-appearance rates between the two groups. The criterion for measurement was the issuance of a bench warrant while the defendant was paroled to PTR. Ten percent of the "with-contact" group did not appear, while 14.5 percent of those "without contact" did not appear.

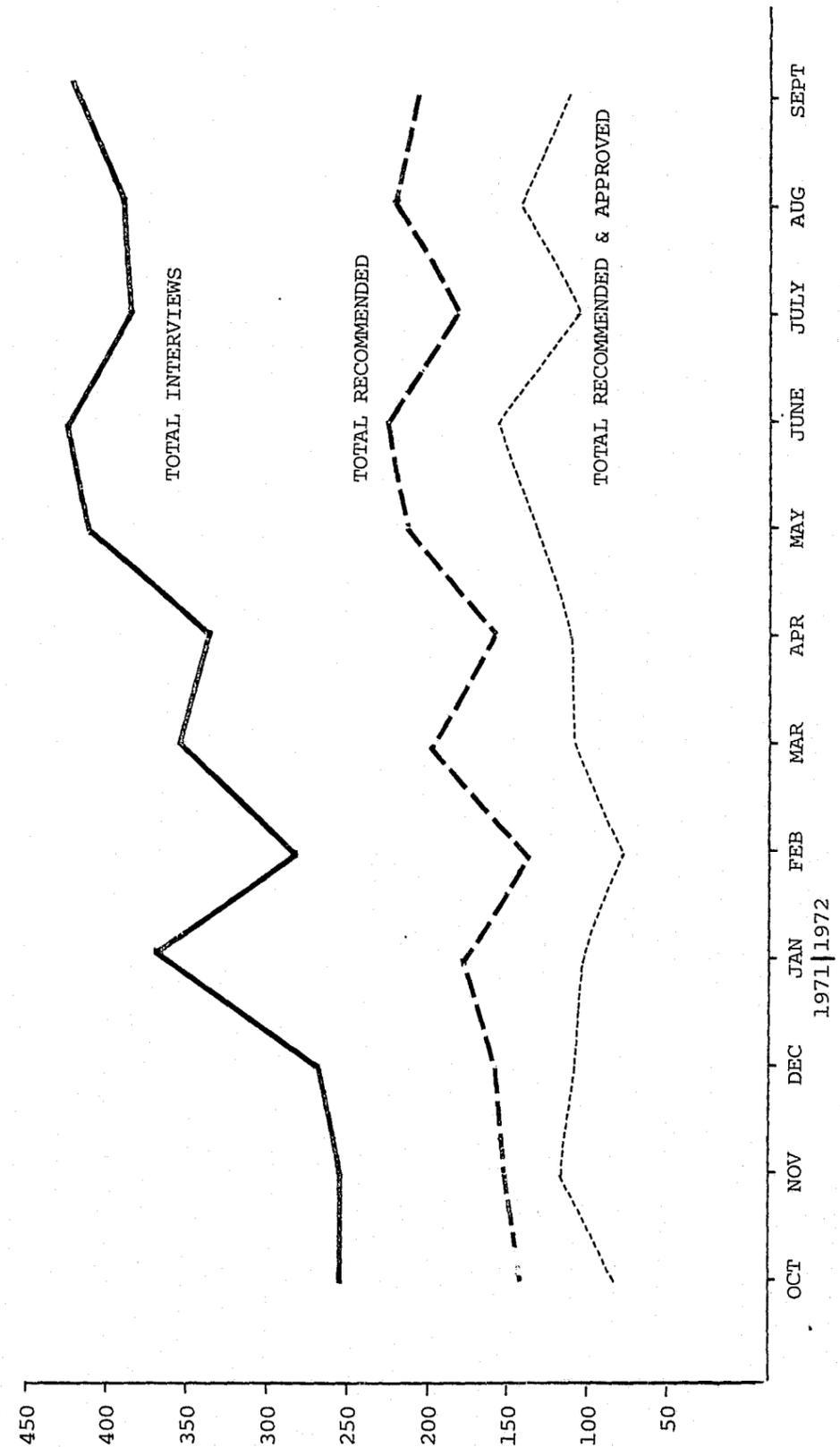


Figure 11. Pre-Trial Release Caseload.

1 OCTOBER 1971 TO 30 SEPTEMBER 1972

## B. Community Agency Referrals

Pre-Trial Release, Inc. refers many of its clients to a number of community agencies. SSR attempted to measure the effectiveness of this referral service; however, historical statistics on the extent of this contact were not available. SSR believes that the accumulation of these statistics is vital, and as a result of its recommendation, data on referrals is now being kept. The following is a list of referral agencies interfacing with Pre-Trial Release:

ABC-Alcoholic Rehabilitation	Lewis Street Settlement
Baden Street Settlement	Montgomery Settlement
Bail Fund	N.Y.S. Employment--Job Bank
Catholic Family Center	Public Defender
City County Youth Project	Rochester Business Opportunities Corp.
Genesee Co-op	Rochester Jobs, Inc.
Lawyer Reference	Singer-Graflex, Training Division

## C. Court Appearance and Recidivism

Where data was available, SSR attempted to test whether there existed significant differences in court appearance rates, rearrest rates, reintegration rates\*, and case dispositions for (1) recommended and approved (with contact), (2) recommended and approved (without contact), (3) recommended and not approved but out on parole or bail, (4) not recommended but out on parole or bail. Lack of data prohibited the separation of the third and fourth categories into distinct groups for parole and bail, and prohibited the gathering of a representative sample of those persons not interviewed but paroled or released on bail.

\*The level attained in re-entry into society, measured by such factors as enrollment in training program or employment, stable residence, increased schooling, and initiating action or continuance of rehabilitation counseling.

The array of outcomes incorporated into the population matrix (Figure 12) are as follows:

1. Court reappearance--measured by bench warrant rates issued while defendant on PTR status.
2. Recidivism--rearrests following releasee final disposition.
3. Reintegration into society--attempts were made to contact persons in the RA, RNA and NR\* categories to measure this variable. Neither SSR nor PTR personnel were able to contact a representative number of these persons and arrive at any significant conclusions.
4. Case dispositions--not convicted (withdrawn, dismissed, acquitted), convicted (suspended sentence, probation, incarceration).

From the results shown in Figure 12, the following conclusions may be drawn:

1. Those persons recommended and approved who maintained contact had a lower rearrest rate than those with no contact.
2. Overall, both of the recommended-and-approved groups had significantly lower rearrest rates than those recommended and not approved and those not recommended but released on parole or bail.

\*RA--recommended and approved  
RNA--recommended and not approved  
NR--not recommended

POPULATION OUTCOME MATRIX

(Values in Percent)

Population Groups	Appear	Not Appear	Recidivate	Not Recidivate	Not Convicted W D AI	Conviction S P I2	Outstanding or Not Available
Recommended & Approved -with contact- (100)	90%	10%	20%	80%	35%	38%	27%
Recommended & Approved -no contact- (100)	85	15	36	64	33	21	46
Recommended & Not Approved -but paroled or bailed- (50)	84	16	50	50	58	18	24
Not Recommended -but paroled or bailed- (50)	54	46	62	38	48	22	30

<sup>1</sup>Withdrawn, Dismissed, Acquitted.

<sup>2</sup>Suspended, Probation, Incarceration.

Figure 12. Population Outcome Matrix.

3. Those not recommended by Pre-Trial Release did not reappear in court as often as the other two groups.
4. After subtracting those cases still outstanding and those where disposition data was not available, there appears to be no correlation between rate of reappearance in court and resulting case dispositions.

D. Statistical Reporting

SSR recommends the use of a new statistical report for Pre-Trial Release, Inc. (see Appendix). The form designed by the consultants captures the necessary data critically needed for measuring the program's effectiveness. It also allows for an on-going, year-to-date summary. The consultants also believe that the balance of the record-keeping operations are well organized and lend themselves to proper administration of the program.

IX. OTHER PRE-TRIAL RELEASE PROGRAMS

Documentation on several other PTR programs was reviewed:

The Des Moines Pre-Trial Release Project

Philadelphia Pre-Trial Services Division

San Francisco Bail Project

Baltimore Pre-Trial Release Project

Berkeley O.R. Project

District of Columbia Bail Agency

In most cases it is difficult to make direct statistical comparisons between other programs due to differing terminology and statistical methodology. However, a review of available documentation yielded the following significant observations:

1. Half of those programs reviewed were funded by 50-75% LEAA support. Other programs were a mixture of foundation and city-county funding.
2. Of those defendants being interviewed, approximately 40-50% will be recommended for ROR.
3. The Bench Warrant rate varied from a low of 2.2% to a high of 7.4% with an acceptable average of from 5-7%.

4. The percentage of acceptance of recommendation varied from 70-85%.

5. The use of law students in the Philadelphia system appears to be a good source of alternate manpower.

6. The District of Columbia program listed a definite group of charges or circumstances which precluded an individual's being interviewed.

Each program had some aspects which differed from PTR as implemented in Rochester and it is felt that a yearly review of such literature is valuable for ideas and to make general comparisons of statistics.

## X. RECOMMENDATIONS

This section will summarize and list the major and minor recommendations resulting from this evaluation. The major recommendations will center around strategic organizational and policy changes. Minor recommendations will deal with short-term procedural and operational changes.

### A. Major Recommendations

1. If it becomes evident that Pre-Trial Release can no longer operate as a stand-alone entity due to its funding posture, it is recommended that the function and personnel reside either under the overall control of the Probation Department or the Public Defender.

2. Pre-Trial Release should be expanded to encompass making recommendations on bail, and eventually serve as a formally recognized Bail Agency.

3. As an interim step to the Bail Agency, it is recommended that a Uniform Bail Procedure be implemented. Each charge would have an associated bail dollar value. Positive or negative PTR points would act to reduce or increase this amount proportionately. (See Appendix for suggested "standard" bails.)

4. The Board of Directors should play an increased role in the securing of funding, the setting of objectives and operating policy, and monitoring PTR impact on the community.

5. The "Prior Criminal Record" should be given more weight on the PTR point scale. The "-2" category should read "...within the past two years..." A "-3" category should be added to read "One misdemeanor or felony conviction within the past two years plus one misdemeanor or felony conviction or combination prior to the two years." This would account for the long term criminal repeater.

6. A section should be added to the Tabulation Sheet to account for prior bench warrants: one previous bench warrant should receive a -1, two or more would receive a -2.

7. Less emphasis should be placed upon the verification of defendant-given data. Analysis has shown that the defendant is 93% truthful in responding to questions about residence, family situation, employment and schooling. Less effort on verification would free up more time to check a defendant's prior criminal record, the factor proven most reliable and critical to the judges.

B. Minor Recommendations

1. A "start-up" procedure should be initiated. This would require a defendant to contact PTR within 24 hours after release. This contact would outline the releasee's responsibility and note the serious nature of failure to maintain contact or to appear in court.
2. Pre-Trial personnel should complete the entire Interview Sheet, thus capturing the maximum amount of information on the defendant.
3. A new statistical report, shown in the Appendix, should be implemented. This form captures the necessary data critically needed for measuring program effectiveness. It also allows for an on-going year-to-date summary.
4. In general, recordkeeping is well-organized. However, information should be kept on referrals made by PTR to other agencies (defendant name, date, and agency).
5. A formal job description should be defined for volunteer interviewers.
6. Since high-volume arraignment days can be forecast, a base of volunteers for help on these days should be gathered and a formal work schedule implemented. This again would reduce interview and verification time so as to direct increased efforts into criminal history checks.
7. During the verification process, it is recommended that the investigator check his client file prior to verifying the interview information.

This will immediately identify those defendants recommended twice before and reduce the overall verification time.

8. A "Monroe County Bar Association, Pre-Trial Release, Inc." manual should be prepared, describing what PTR does, how it serves, and whom it serves. This would be distributed upon request to clients, and to new attorneys and judges.
9. It is recommended that monthly statistical reports be forwarded to the Administrative Judges in both City and County Court. This would keep them abreast of project effectiveness.
10. Document the specific list of those charges excludable from interview.

APPENDIX

1. Recommended Statistical Report Format
2. Average Bails for Common Offenses
3. Notification of Appearance Form

MONROE COUNTY BAR ASSOCIATION  
PRE-TRIAL RELEASE PROGRAM, INC.  
YEAR 1973

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	CUMULATIVE SUMMARY
1. JAILED													
NOT ELIGIBLE													
2. PERSONS ELIGIBLE FOR INTERVIEW													
ELIGIBLE, NOT AVAILABLE FOR INTERVIEW													
3. PERSONS INTERVIEWED: % OF THOSE ELIGIBLE & AVAILABLE													
4. PERSONS RECOMMENDED													
APPROVED													
% APPROVED OF THOSE RECOMMENDED													
NOT APPROVED													
5. NOT RECOMMENDED													
UNABLE TO VERIFY													
TOO FEW POINTS													
6. RECOMMENDATION NOT NECESSARY													
DISMISSED AND/OR DETAINED													
BAIL													
PLED GUILTY													
7. BENCH WARRANTS													
AS % OF RECOMMENDED & APPROVED													
8. REFERRAL SERVICES													
CONTACT WITH FAMILY													
CONTACT WITH LAWYER													
EMPLOYMENT REFERRAL													
JAIL MINISTRY													
HOSPITAL/CLINIC													
BAIL REDUCED													

AVERAGE CITY COURT BAIL FOR COMMON OFFENSES

1970-72

<u>CHARGE</u>	<u>NO. OF CASES</u>	<u>AVERAGE BAIL</u>
Petit Larceny	279	\$ 48.00
Criminal Poss. Dang. Drug 6°	75	203.00
Assault 2°	17	182.00
Assault 3°	130	61.00
Driving While Intoxicated	107	120.00
Harassment	117	41.00
Burglary 3°	10	225.00
Harassment & Resisting Arrest	13	119.00
Criminal Poss. Dang. Drug 3°	13	669.00
Possession Dangerous Weapon	26	237.00
Assault 3° & Harassment	7	96.00

Monroe County Bar Association,  
Pre-Trial Release Program, Inc.  
Room 513, 65 Broad Street  
Rochester, New York 14614

Dear

According to our records you are due back in \_\_\_\_\_

Court \_\_\_\_\_ on \_\_\_\_\_

Please contact our office, 454-7350, if you have any questions.

Sincerely,

Annadele F. Walter  
Director

AFW:jn

**END**