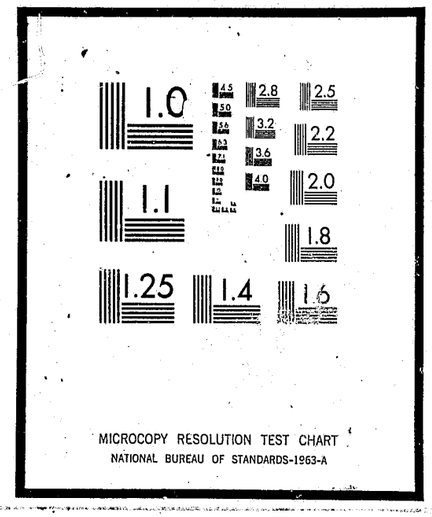

PHASE I EVALUATION OF
PRETRIAL RELEASE PROGRAMS

WORK PRODUCT FOUR

ASSESSMENT OF THE PRESENT STATE OF
KNOWLEDGE CONCERNING PRETRIAL
RELEASE PROGRAMS

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FEBRUARY 1976

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PHASE I EVALUATION OF PRETRIAL RELEASE PROGRAMS

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I

INTRODUCTION

Over the past 15 years the traditional American practice of routinely conditioning the pretrial release of criminal defendants upon the posting of money bail has received a significant challenge through the implementation of pretrial release programs. These programs developed out of a concern for the plight of indigent defendants. With pretrial freedom almost wholly contingent upon a person's ability to raise money, the traditional bail system placed impoverished individuals at an obvious and significant disadvantage. The discriminatory nature of this system was further compounded by the fact that in setting the amount of bail, judges usually relied solely upon the alleged offense involved, with little or no consideration of the defendant's ability to raise money or the degree of risk that would be posed by his release.[1]

The principal operating assumption of pretrial release programs is that judges in setting bail should consider the ties each defendant has to the local community and that, if these ties are substantial, they alone will sufficiently guarantee future court appearances. The belief is that persons who possess significant ties to the local jurisdictions in areas such as employment, residence and family have an intrinsic motivation for remaining in the jurisdiction and can be safely released on their personal promises to appear, at least unless other factors such as an extensive prior criminal history or an aggrevated alleged offense suggest that the defendant poses a high pretrial release risk in terms of possible future crime.

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[1] Daniel J. Freed and Patricia Wald, Bail in the United States: 1964 (Washington, D.C.: U.S. Department of Justice and the Vera Foundation, Inc., 1964), p. 18.

Pretrial release programs are designed to assist the courts in the release of defendants on their personal promises to appear. In pursuit of their objective of facilitating the safe use of nonfinancial releases, certain activities are common to virtually all pretrial release programs. Pretrial release program intervention typically involves interviewing of persons in pretrial detention, verification of the information obtained in these interviews, screening of defendants for pretrial release eligibility, and preparation and submission of pretrial release recommendations to the court. Underlying these activities is an assumption that the background information and recommendations provided by the program will influence the court's use of nonfinancial releases, and thereby promote the release of some persons who would otherwise be detained on money bail. In addition, most programs serve a further function in maintaining contact with defendants released through their intervention, on the assumption that such follow-up will prevent failures to appear which might otherwise occur if the defendant forgets or becomes confused as to when or where he is to appear.

In this paper we present our assessment of the state of knowledge concerning the effectiveness of pretrial release programs in achieving their objective of facilitating the use of nonfinancial releases while at the same time insuring that released defendants appear in court as required and abstain from criminal conduct during the release period. Based upon site visits to 10 pretrial release programs, structured telephone interviews conducted with the directors of over 109 programs, and our assessment of existing literature in the field, we present our findings as to what is known and what is not known concerning the impact of pretrial release programs in six areas:

-- nonfinancial release rates

-- overall pretrial release rates

-- speed with which pretrial releases are obtained

-- lessening the inequality of the bail system on indigents

-- failure to appear and pretrial crime rates

-- economic costs and benefits of pretrial release programs

Two characteristics of pretrial release programs which clearly emerged during this study heavily influence the general tone of this report. Neither of these findings came as any surprise to Phase I staff; both were, in fact, recognized at the outset as imposing serious limitations on what could be accomplished during Phase I. The first characteristic is the diverse nature of pretrial release programs. Although pretrial release programs are unified in the common goal of promoting the safe nonfinancial release of criminal defendants, enormous differences exist in how the programs pursue this objective. Fundamental and significant differences exist in the organizational structure and operating procedures of the programs, and in the roles they assume in the criminal justice system. In an appendix to this report we present a series of tables highlighting the diversity we found in the programs. An obvious evaluation issue is how these differences affect program success, but during the Phase I study we were unable to collect adequate data to make this type of judgment. Hence, although we are able to make some judgments as to program impact generally, we are unable to draw conclusions as to the merits of different organizational and operational procedures.

The second characteristic of the programs which complicates their evaluation is the high degree of integration most have achieved. Most pretrial release programs--and all of the largest ones--are no longer experimental undertakings outside the existing court process but rather are deeply ingrained in that system. Although the fact of institutionalization suggests that the programs have been accepted as important and worthy undertakings, it at the same time makes it exceedingly difficult to isolate the programs' impact from that of the system as a whole. As a consequence, it is difficult to assess what impact an on-going pretrial release program actually has on the rate of nonfinancial releases and the overall rate of pretrial release. Furthermore, since the cost-effectiveness of a pretrial release program is primarily contingent upon its impact on the overall rate of pretrial release, we are unable to reach firm conclusions in this area.

While the diverse nature of pretrial release programs and their heavy integration into the criminal justice system make it difficult to assess the relative effectiveness of different operational procedures and to determine the impact which on-going, institutionalized programs have on pretrial release practices, we believe that the track record of pretrial release programs as instruments for constructive change is good. In this paper, we therefore begin in Section II with a discussion of pretrial release programs as instruments for change. Sections III and IV are then concerned with the impact of pretrial release programs as on-going agencies and the impact which different program procedures have on the attainment of program goals and program cost effectiveness. We do not, however, attempt to draw conclusions as to which procedures work best. This is largely a function of what the program's goals are and of the political environment within which it operates.

II

PRETRIAL RELEASE PROGRAMS AS INSTRUMENTS FOR CHANGE: INITIAL IMPACT

Although serious problems exist in evaluating pretrial release programs as long-term, on-going agencies, these difficulties should not mask the fact that the programs have demonstrated an ability to bring significant changes in bail practices. The original pretrial release program, the Manhattan Bail Project, substantially influenced bail practices in New York City[2] and, as this success became evident, a national bail reform movement emerged with the establishment of similar programs throughout the country. Unified in the common goal of facilitating the nonfinancial release of criminal defendants, these programs collectively have enjoyed remarkable success. Nationally, pretrial release practices have changed considerably over the 15 years that pretrial release programs have been in existence. The almost total reliance placed upon money as the criterion for pretrial release prior to the 1960's has given way in many jurisdictions to the extensive use of nonfinancial releases.

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[2]The impact of the Manhattan Bail Project on the court's use of own recognizance was dramatically demonstrated through the use of a control group experiment during the program's first year. This study showed that judges granted nonfinancial releases in 60 percent of the cases favorably recommended by the program but to less than 15 percent of the control group which was equally qualified for release but for whom the program had withheld its recommendation. This study is reported in Charles Ares, Anne Rankin, and Herbert Sturz, "The Manhattan Bail Project: An Interim Report on the Use of Pretrial Parole," New York University Law Review, Vol. 38 (1963), pp. 67-85.

Over its first two and one-half years of operation, (October 1961 through March 1964), the Manhattan Bail Project had assisted in the nonfinancial release of over 2,000 defendants. D. Freed and P. Wald, supra note 1, p. 62.

The increase which has occurred in the use of nonfinancial releases has been particularly dramatic in several jurisdictions which implemented pretrial release programs in the 1960s. A national study of pretrial release practices by Wayne Thomas showed, for example, that from 1962 to 1971 the rate of nonfinancial release in felony cases increased from none to 56 percent in Washington, D.C.; from three to 47 percent in Des Moines; from five to 45 percent in San Diego; and from none to 33 percent in Philadelphia.[3] Overall, in the 20 cities that Thomas studied, the rate of nonfinancial releases in felony cases increased from less that five percent of the defendant population in 1962 to 23 percent in 1971.[4] In misdemeanor cases the increase was from 10 percent in 1962 to 33 percent in 1971.[5]

Thomas' study also shows that this increase in the use of nonfinancial releases was directly reflected in a decrease in the percentage of criminal defendants detained in custody for the duration of the pretrial period. In felony cases the detention rate in the 20 cities studied decreased from 52 percent in 1962 to 33 percent in 1971.[6] In misdemeanor cases the decrease in the detention rate was not as dramatic, going from 40 percent in 1962 to 28 percent in 1971.[7] Thomas observed, however, that the detention percentage in misdemeanor cases was heavily influenced by the large number of cases which terminated at the defendant's

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[3]Wayne Thomas, "A Decade of Bail Reform " (Unpublished Manuscript in draft form, dated February 1975), pp. 40-41. (Thomas' findings are based on analysis of 400 case samples drawn from each of 20 jurisdictions for the years 1962 and 1971.)

[4]Ibid., p. 39.

[5]Ibid., p. 82

[6]Ibid., p. 37.

[7]Ibid., p. 75.

initial court appearance. He found that very few of the defendants involved in these cases secured pretrial release. Thus, considering only those misdemeanor cases which advanced beyond first appearance, Thomas found that the percentage of detained defendants decreased from 21 percent in 1962 to just 12 percent in 1971.[8]

The extent to which changes did occur in jurisdictions implementing pretrial release programs in the 1960's does not mean, of course, that a jurisdiction starting a program today will achieve similar results. First, the speed with which the bail reform movement spread in the 1960's[9] indicates that dissatisfaction with the traditional bail system was widespread. Clearly, the time was right for bail reform and proponents of pretrial release programs capitalized. Second, over the period from 1962 to 1971 most jurisdictions experienced a large increase in the number of persons arrested for criminal offenses--particularly for offenses involving narcotic and drug laws--and this increased arrest rate in the face of limited jail capacities may have had a significant influence on the changes which did occur. It is thus possible that some changes in pretrial release practices would have occurred even without the rise of pretrial release programs. Third, Thomas' study reflects changes which occurred from a year, 1962, in which nonfinancial release was a little used and little understood method of pretrial release to a year, 1971, when the bail reform movement was in full bloom. By 1971 Thomas found that even in jurisdictions which had never had a pretrial release program, the use of nonfinancial releases was sometimes substantial.[10]

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[8] Ibid., p. 81.

[9] During the years of 1964 and 1965 the number of pretrial release programs increased from six to sixty-one. Lee S. Friedman, "The Evolution of Bail Reform: A Working Paper of the Center for the Study of the City and Its Environment" (New Haven, Conn.: Yale University, Institution for Social and Policy Studies), 1974, p. 44.

[10] Wayne Thomas, supra note 3, p. 181.

Hence, in assessing the need for a pretrial release program today consideration must first be given to those changes which have already occurred in bail practices. Pretrial release programs are predicated on an assumption that the traditional bail system, with its reliance upon financial resources, results in the needless detention of many persons who can be safely released without a money bond. In essence, the role of a pretrial release program is to identify these individuals and recommend their release to the court. In a jurisdiction in which nonfinancial releases are now being routinely used, a beginning pretrial release program is not likely to have the impact which programs had in the 1960's. On the other hand, if nonfinancial releases are still seldom utilized in a particular jurisdiction, and if a substantial number of defendants are spending a considerable amount of time in detention before posting surety bonds, the introduction of a new program may significantly increase the release rate and reduce pretrial detention time--and do so in a manner which is not significantly disruptive of basic operating procedures in the jurisdiction.

The desirability of pretrial release programs as instruments for change is enhanced by the ease with which they are implemented. During our Phase I site visits we were impressed with the unobtrusive nature of the programs. In conducting their interviews and presenting release recommendations, the programs do not disrupt the routine processing cases; rather they fit well within the existing system. The programs do not seek the release of all defendants as a matter of right and they do not challenge the use of money bail per se. They do, however, provide a mechanism for releasing a substantial number of qualified defendants without the imposition of money bail. Whether they initiate these changes or whether they are merely the mechanisms through which an existing desire

for change is implemented, the fact is, as Thomas' data show, that substantial changes have occurred in the use of nonfinancial releases after pretrial release programs were implemented. In short, pretrial release programs have demonstrated an ability to produce significant changes in bail practices through decidedly non-radical means.

Quite obviously the success which pretrial release programs have had in promoting the use of nonfinancial release varies greatly from one jurisdistion to another. External factors such as the receptivity of local judges to the use of nonfinancial releases, the degree of overcrowding which does or does not exist in local detention facilities, and the cooperation which the program receives from the court, police, prosecutor's office and defense attorneys can all have an important bearing on whether a program is successful or not. Likewise, the program's own policies governing when and who to interview, the extent to which the interview information must be verified, and the release criteria to impose can influence the number of favorable release recommendations made.[11] However, in light of the changes which have occurred in jurisdictions implementing programs, it appears that the programs are generally correct in a number of the basic assumptions which underlie their intervention. We believe that the programs have fully demonstrated that:

-- The traditional bail system is unduly harsh in its reliance upon financial resources as the sole criterion for pretrial release;

-- Through their interviewing and screening of pretrial detainees, the programs can identify many who qualify for nonfinancial release on the basis of significant ties to the local community; and

[11] In section IV we discuss more fully the impact which program procedures have on the achievement of program goals.

-- The recommendations made by pretrial release programs are given considerable weight by judges in making pretrial release decisions.

In assessing the viability of pretrial release programs as instruments for change, a second area of obvious concern is the performance of defendants while on release. Most of the programs contacted during this Phase I study were able to supply some information on failures to appear by persons released upon their recommendations. Although failure to appear rates computed by the programs themselves must be viewed with caution--given the obvious interest they have in presenting favorable results and in light of the various methods that might be used to compute a nonappearance rate[12]--we believe that the consistently low rates reported by the programs show own recognizance to be a workable alternative to financial bail in terms of insuring appearance in court. Of the 44 programs which provided failure to appear rates in response to our questionnaire survey, 28 (64%) reported a failure to appear rate of five percent or less. Thirty-nine of the 44 programs (89%) indicated a nonappearance rate of less than 10 percent. Although program-supplied data comparing the nonappearance rate of defendants on nonfinancial release with that of defendants on bail are fragmentary, they do suggest that there is no discernable pattern between the rates for the two categories of defendants.[13] The most relevant data in this area are probably those found in Thomas' study since he

[12] A 1973 survey of pretrial release programs by the Office of Economic Opportunity, Office of Planning, Research and Evaluation, disclosed that the 51 pretrial release programs which reported failure to appear rates had used 37 different methods of calculation. See Hank Goldman, Devra Bloom, and Carolyn Worrell, The Pretrial Release Program (Washington, D.C.: Office of Planning, Research and Evaluation of the U.S. Office of Economic Opportunity, July, 1973), pp. 21-22.

[13] Only 13 of the programs we surveyed were able to supply comparison failure to appear rates for defendants released on money bail. Of these 13, seven reported the bail FTA rate to be higher, five showed the rates to be virtually the same and one indicated that the ROR nonappearance rate was higher.

employed a standard definition and method of measurement in computing non-appearance rates. He also found that there was no distinct pattern of lower FTA rates for one particular form of release and that within the same jurisdiction there was generally only a slight variation in the FTA rates of defendants on bail and nonfinancial release.[14] It thus appears that pretrial programs are correct in their further assumption that:

> -- Persons released on own recognizance on the basis of program recommendations perform as well while on pretrial release in terms of making their required court appearances as do defendants on financial bonds.

Another area of concern in assessing the performance of persons released through program intervention is that of pretrial crime. Unfortunately, however, this is an area that has not been addressed in any national study and very few of the programs we contacted could supply information on the rate of rearrests for persons released through their intervention and even fewer had data on the comparison rate for defendants on bail. Comparative data which were supplied by four programs are inconclusive[15] but we have no reason to believe that the rate of rearrests for persons released through program intervention is appreciably different from that of defendants on bail.

Although the data to support the assumption that pretrial release programs can operate without negative consequences in the areas of failure to appear and pretrial crime are not conclusive, the opinions of judges, prosecutors public defenders and local government officials in jurisdictions where programs

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[14] Wayne Thomas, supra note 3, Chpt. 9.

[15] The four programs reporting rearrest rates for defendants on bail and nonfinancial release were split evenly--two showing a higher rearrest rate for defendants in nonfinancial release and two showing bailed defendants having the higher rate.

are now operating offer important further support for the proposition that the programs do not seriously jeopardize the integrity of the criminal justice system or the public safety. During our Phase I site visits, we interviewed various actors in the criminal justice system and not a single person in any of the visited jurisdictions expressed the belief that the program should be discontinued because of the poor performance of persons on release. In view of the fact that this is such an obvious area of concern, we believe that the lack of criticism is rather remarkable.[16] Furthermore, no pretrial release program to our knowledge has ever been discontinued because the performance of defendants while on release was found unsatisfactory.

In concluding that pretrial release programs are effective vehicles for change, we have emphasized the changes which have occurred in jurisdictions implementing programs and the fact that these changes have apparently occurred without negative consequences in the areas of failure to appear and pretrial crime. We believe that this alone is an important measure of success, especially in view of the fact that the changes which have occurred in the use of non-financial release appear to be lasting. Since the development of pretrial

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[16] It is worth noting that most criminal justice officials in jurisdictions where programs are operating have a generally high opinion of the programs. In an earlier study the National Center for State Courts conducted a national survey of the attitudes of judges, county executives, public defenders, district attorneys, police chiefs and sheriffs toward pretrial release programs. The results disclosed that more than 90 percent of the r spondents felt that pretrial release programs either improved the functioning of the criminal justice process in their jurisdictions very significantly (56%) or helped somewhat (36%). Ninety-two percent indicated that they generally favor the operation of such programs. National Center for State Courts, An Evaluation of Policy Related Research on the Effectiveness of Pretrial Release Programs (Denver, Colorado: National Center for State Courts, 1975), p. 60.

release programs in the 1960s we have witnessed an increasing trend in the use of release on recognizance by judicial initiative,[17] often wholly independent of any program intervention, and the use of nonfinancial releases at the police level in the form of citation releases. This suggests that the major impact of a pretrial release program is not simply in the number of releases generated but rather in changing judicial attitudes toward the use of nonfinancial releases. Money bail is no longer the only mechanism for obtaining pretrial release and the use of nonfinancial forms of pretrial release seems assured in the future. Jurisdictions in which their use is still relatively low might be well advised, therefore, to consider implementation of a pretrial release program.

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[17] Thomas' study, supra note 3, revealed that in jurisdictions in which pretrial release programs were operating, the programs were actively involved in only a fraction of the total nonfinancial releases. Frequently judges were found to be granting nonfinancial releases without the program's intervention. We observed this same practice in several of the cities visited during Phase I.

III

PRETRIAL RELEASE PROGRAMS AS LONG-TERM, ON-GOING AGENCIES: CONTINUING IMPACT

While the future use of various forms of nonfinancial release seems assured, the future of pretrial release programs is less clear. Despite the fact that pretrial release programs are now operating in well over 100 jurisdictions,[18] and although many appear to be well integrated into the local criminal justice system, the future long-term existence of the programs is far from assured. It seems obvious that in the life of every pretrial release program a decision will have to be made at the state or local level as to whether the benefits derived from the program make it worthy of continued tax-levy funding. Many of the programs which started in the 1960's did not survive this decision and were terminated when initial grants from foundations ran out and the local jurisdiction was confronted with the burden of program funding.[19] As a result, despite the 15 year history of pretrial release programs, most of the programs today have been in operation for only a relatively short time. Of the programs we surveyed, 35 percent had been in operation for less than two years and over two-thirds of the programs have been started in the last five years (See Table 7, Appendix). Moreover the majority of the new programs are funded primarily by the federal government through LEAA grants. Hence, although pretrial release programs are now enjoying

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[18] During this Phase I study, we identified 134 operational pretrial release programs and completed a phone survey with 109 of them.

[19] In his working paper, "The Evolution of Bail Reform," Lee S. Friedman compared a Vera Foundation list of 89 programs which were started prior to 1969 with the OEO list of programs operating in 1973. He reported that 30 of the 89 programs were no longer operating as of 1973. See Lee S. Friedman, supra note 9, p. 47.

a wave of success, a critical issue concerns their staying power. Do pretrial release programs continue to influence pretrial release practices as long-term, on-going agencies and, if so, is their impact sufficient to justify their continued funding from the tight budgets of financially hard-pressed local jurisdictions after initial LEAA funding runs out?

Clearly decision makers at the local level in the past have not been fully persuaded that pretrial release programs are cost-effective operations--that the benefits derived from the program offset the costs of program operations. If the programs are to be more successful in this argument in the future, they must give greater attention to supporting their assumption that they assist in the release of persons who would otherwise be detained. During this Phase I study we were unsuccessful in collecting suitable data by which to test the extent to which this critical assumption is true.

It is exceedingly difficult to measure the impact which pretrial release programs have on the detention population. Most programs--and all of the largest and what appear to be the most successful ones in terms of number of nonfinancial releases generated--do not focus their activities solely upon persons who cannot afford bail. Reflecting their judgment that the injustice of making a person buy his release is sufficient to merit program intervention in all cases where the defendant qualifies for release, 65 percent of the programs we surveyed intervene either prior to or at the time of the defendant's first bail hearing (See Table 10, Appendix). Although there are some very good reasons for the programs to take this approach, it does make it difficult to measure the program's impact on the rate of pretrial detention. Surely one of the consequences of early intervention is program involvement in cases where the defendant would be fully capable of securing release even without the program's services. We thus reject the assumption that a one-to-one relationship exists between the number

of non-financial releases granted and jail population reduction.[20]

Once this assumption is rejected, the difficult issue of identifying what proportion of the program's total release population would not have been released but for program intervention arises. We firmly believe that for many classes of criminal defendants--particularly felony defendants for whom the release decision is more complex and often controversial--the information and recommendations supplied by the program are critical to that decision. We also believe that the programs can serve a valuable, on-going function as an overall pretrial release system monitor and as a source for constructive change within that system. At the same time, however, the increased willingness on the part of judges and police in many jurisdictions to use nonfinancial releases on their own initiative in the cases of misdemeanor defendants raises questions regarding the need for program intervention in these cases. If program intervention simply produces results that would be achieved anyway in terms of the release of misdemeanor and minor felony defendants, then it becomes difficult to justify funding. One key question, not definitely answerable by this study, is whether the programs actually provide for the release of persons who would otherwise be detained in sufficient numbers to offset their operating expense.

In questionning the impact of pretrial release programs on pretrial detention, critics tended to focus upon the release criteria the programs employ.

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[20] Most cost-benefit studies which have been conducted by pretrial release programs have assumed that every person released by the program would have otherwise languished in jail for the duration of the pretrial period. By multiplying the number of persons released by the program by the average number of days to disposition in the local jurisdiction these studies attempt to determine the number of detention days "saved" by the program. Multiplying this number by the cost-per-day of maintaining a person in jail, the program arrives at a detention cost savings estimate which often runs into hundreds of thousands of dollars. For the reasons to be expressed in the next several paragraphs, we believe the assumption that all persons released by the program would otherwise remain detained is simply unrealistic.

They questioned whether the community ties criteria used by the programs really do permit them to assist in the release of persons who would otherwise be detained. Such criticism is not new. It has been frequently argued that the criteria used by the programs are heavily middle-class oriented in their emphasis upon employment, residence and family stability, and that the programs thereby discriminate against indigents in much the same manner as the traditional bail system.

A study of the Brooklyn Pretrial Services Agency by Paul F. Lazarsfeld indicated bias against minority defendants in the program's release criteria. While 64 percent of the white defendants qualified for a favorable release recommendation, only 49 percent of the black defendants and 45 percent of the Spanish defendants were similarly qualified.[21] In addition, our own brief study of the Denver Pretrial Release Program indicated that unemployed defendants were substantially under-represented in the favorably recommended population of that program.[22] Although far from conclusive, such findings do suggest that the impact which pretrial release programs have on reducing the pretrial detention population and in lessening the discriminatory nature of the bail system on indigents and minorities may be reduced somewhat because of the release criteria presently being employed. There does appear to be an obvious correlation between indigency and factors such as employment, residence and family stability which the programs are now using as predictors of release reliability.

We are unable and unwilling to conclude from this, however, that the programs have no impact on pretrial detention or in reduction of the inequality of the traditional bail system. The criminal defendant population generally and the persons released through program intervention specifically are not wealthy.

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[21] Paul F. Lazarsfeld, An Evaluation of the Pretrial Services Agency of the Vera Institute of Justice (Brooklyn, N. Y.: Vera Institute of Justice, 1969), p. 40.

[22] A sample of 300 cases from the Denver Pretrial Release Program's files indicated that although 39 percent of the defendants interviewed were unemployed, only 20 percent of persons favorably recommended by the program and 14 percent of the defendants released without bond were unemployed.

Many of them are impoverished individuals who cannot afford the costs of a bail bond or could do so only at great inconvenience to themselves or their families and friends. Without data to provide an accurate breakdown, we can conclude at this time only that the defendants now being released by pretrial release programs include a mixture of persons who could afford bail and many who could not. While a need exists to experiment with different release criteria in order to better address the needs of indigents, we do believe that nonfinancial releases are now providing for the release of many persons who would be detained if forced to rely upon money bail.

A second concern as to the impact on pretrial detention of on-going pretrial release programs is whether the programs are in fact necessary to generating the nonfinancial releases which are now granted. While pretrial release programs may have an important initial influence on release practices in a jurisdiction, we must question whether they continue to influence release decisions as long-term, on-going agencies. Once a pretrial release program has demonstrated that release on nonfinancial conditions is a workable alternative to the use of money bail and educated the judges in its use, is it still necessary for the program to collect background information and present release recommendations?

One of the most significant questions to emerge from this Phase I study concerns the extent to which pretrial release programs have a continuing impact as long-term, on-going agencies. To what extent are bail decisions actually influenced by program intervention? Two observations prompt us to question whether program intervention acutally makes a difference in a significant number of cases. First, information supplied by the programs indicates that the vast majority of the persons released by most programs are charged with misdemeanors or low grade felony offenses. While at one time many of these persons

may have been routinely detained on low and medium bail amounts, it is certainly questionable whether, given the changes which have occurred in judicial attitudes toward the use of nonfinancial releases, such would be the case today. We suspect that, without program intervention, the judges themselves would very likely question the defendants in these cases about their community ties, and in a substantial percentage of these cases would grant a nonfinancial release. Judicial willingness to grant nonfinancial releases without program intervention was first documented in a study of New York City bail practices in 1967 by S. Andrew Schaffer of the Vera Institute of Justice. While the use of own recognizance was substantial in New York at that time, Schaffer found that the Probation Department's pretrial release program was actively involved in only a small percentage of these releases. Specifically, he found that of the 5,358 defendants granted nonfinancial release during the first three months of 1967, only 28.8 percent had been interviewed by the pretrial release program and only 16.9 percent had been favorably recommended for release.[23] In his study of bail practices in 1971, Thomas found a similar pattern in many of the cities he visited and, perhaps even more significantly, found that cities without organized pretrial release programs had rates of nonfinancial release which were comparable to and sometimes higher than cities with such projects.[24]

Secondly, in interviews with pretrial release program directors and judges we found little discernible difference between the pretrial release philosophies of the programs and the judges. Although pretrial release programs may pose a significant initial challenge to bail practices in a

[23] S. Andrew Schaffer, "Bail and Parole Jumping in Manhatten in 1967." New York: Vera Institute of Justice, 1970.

[24] Wayne Thomas, supra note 3, p. 181.

jurisdiction where own recognizance is little used, it appears that, over time, the attitudes of the court and program merge on when nonfinancial release is appropriate. This, we believe, explains in large part why the programs are generally well received in the jurisdictions in which they are operating and why favorable program recommendations have a high rate of acceptance by the judges. There is, in fact, some evidence that the judges are more inclined to the use of nonfinancial releases than many of the programs. We observed that judges not only routinely release defendants on the favorable recommendation of the programs but that in addition they often grant releases to defendants not recommended (usually because the program had only unverified information) and occasionally grant nonfinancial release despite a negative program recommendation. If we can conclude from this that the programs are recommending only the most highly qualified defendants for release on nonfinancial conditions but that the judges are willing to extend nonfinancial releases even further, then it is likely that those persons now recommended by the programs would continue to be released even without program intervention.

The danger in this supposition, however, is that it considers program impact only in terms of the recommendations which are made. This may be a very misleading measure of program impact. As on-going agencies, the impact of pretrial release programs may be much more indirect. It may be that while the recommendation made is not critical, the background information on community ties provided by the program is. Even in those cases in which the judge grants a nonfinancial release without a favorable program recommendation or despite a negative recommendation, the backgound information supplied by the program may have played a critical role in the judge's release decision. We cannot at this time, therefore, discount the possibility that the programs do influence the use of nonfinancial

releases and that this influence goes beyond simply those cases in which the program presents a favorable release recommendation.

Secondly, pretrial release programs may indirectly influence the court's use of nonfinancial releases through their capacity to provide supervision for defendants granted this form of release (See Table 15, Appendix). In maintaining contact with defendants on own recognizance, the programs are filling a role normally assumed, if at all, by bondsmen. Moreover, in a few jurisdictions--notably Philadelphia--pretrial release programs assume the further bondsman function of recapturing persons who flee the court process. Whether or not this follow-up activity is genuinely valuable in reducing failures to appear, the fact that it is provided may increase the use of nonfinancial release by the court.

In short, we are presently unable to assess with any degree of confidence the degree of impact which any program in particular and pretrial release programs in general have on the rate or pretrial detention. And, until we know this, we cannot begin to answer the question as to whether pretrial release programs are or are not cost effective operations. We anticipate, however, that the failure to resolve this issue may spell the end of some pretrial release programs when the local jurisdiction is confronted with assuming the burden of funding a $100,000 or more project that previously has been operating with federal money.

IV

RELATIONSHIP OF PROGRAM ACTIVITIES TO THE ATTAINMENT OF PROGRAM GOALS

In the pursuit of their common objective of facilitating the safe nonfinancial release of criminal defendants, pretrial release programs typically allocate their resources to five functions:

-- interviewing of persons in pretrial detention

-- verification of the information obtained in these interviews

-- screening of defendants for pretrial release eligibility

-- preparation and submission of pretrial release recommendations

-- follow-up procedures with released defendants

While these activities are common to virtually all programs, enormous differences exist in the organizational structures and operating procedures that the various programs employ in performing each of these functions (See Appendix). Although an obvious evaluation issue is how these differences in structure and procedures influence program success, there are serious methodological problems in such interprogram comparisons.

The major problem is the lack of suitable performance data by which to measure and compare program success. Although pretrial release programs do quite consistently maintain data in two important evaluation areas--number of nonfinancial releases granted and failures to appear by persons released through their intervention--neither effectively lends itself to comparative analysis. For example, the number of nonfinancial releases granted is essentially meaningless without further knowledge as to what percentage of the total defendant population this number represents. The percentages of nonfinancial releases being

reported by the programs are generally based not upon the total defendant population but rather upon the number of program interviews conducted or the number of release recommendations made. Since programs differ in the percentages and types of defendants interviewed, such calculations do not provide a suitable basis for comparison. For example, a program with a 50 percent nonfinancial release rate is not necessarily more effective than a program with a 25 percent release rate. It may be that the first program's rate is derived primarily by releasing misdemeanor defendants who in the second jurisdiction are routinely released on police citations. The impact on the rate of pretrial detention--which in terms of cost effectiveness is the critical issue--may be greater in the second program.

With failures to appear, the initial problems are definitional ones--what is a failure to appear and how is the rate of nonappearance to be measured? Pretrial release programs are far from uniform in defining and computing failures to appear. Some pretrial release programs consider any missed court appearance a failure to appear; others count only those in which the defendant failed to return to court within an allotted period of time. In computing a failure to appear rate some programs consider only the number of persons released and the number who failed to appear; others base their calculations on the number of appearances made and missed by released defendants. The latter method typically yields a lower failure to appear rate since, rather than counting each defendant once, each of the numerous appearances made by the defendant are scored.

Even if standard definitions and methods of measurement are used, further problems frustrate inter-program comparisons of failure to appear rates.

Does the fact that one program achieves a significantly lower failure to appear rate than another mean that the first program employs better screening procedures or is the lower rate the result of better follow-up procedures? It may be that differences in the rate of failure to appear reflects neither. Variables beyond the ability of the program to control--such as the local court's procedure for declaring and recording failures to appear or the policies of the police and court in pursuing and prosecuting persons who fail to appear may account for differences in FTA rates. In short, the number of variables which can influence nonappearances makes it exceedingly difficult to attempt inter-program comparisons in this area.

Moreover, the impact which different operational procedures have on program results may simply not be as important as it might appear. The organization and operating procedures of pretrial release programs are heavily influenced by what local judges and police officials want or will permit and, in turn, the success which pretrial release programs enjoy is largely contingent upon the cooperation they received from the courts and police. The fact that a particular type of program works well in one jurisdiction does not necessarily mean that a similar program would achieve the same results in a second jurisdiction. The fact that a program appears generally unsuccessful does not necessarily indicate that procedurally it is a bad program. The receptivity of the local judges to program intervention may be far more influential in governing program success than are the procedures employed by the program.

In the following discussion we do not, therefore, attempt to describe a "model" or "ideal" pretrial release program. We believe that the activities of pretrial release programs have proven generally successful in generating nonfinancial releases while at the same time reasonably assuring that persons

released appear in court as required. Regardless of the individual differences among the programs, most of the assumptions which underlie their intervention appear generally sound. The one critical assumption which is in doubt concerns their ability to provide for the release of a substantial number of defendants who would otherwise be detained. In discussing the relative merits of different types of program intervention we are, therefore, primarily concerned with how they impact on the rate of pretrial detention. In turn, this means that each area of program activity is discussed in terms of cost effectiveness, which as previously emphasized is largely contingent upon promoting the release of persons who would otherwise be detained.

A. Interviewing

Most pretrial release programs strive to interview defendants as close as possible to the time of their arrest. Nearly two-thirds of the programs we contacted interview pretrial detainees between the time of their arrest and their first court appearance (See Table 10, Appendix). There are significant advantages in such a practice for both the court and for the program. The court receives background information on defendants at the time of the initial bail decision, when such information is most critical, and the program will be able to recommend favorably many more defendants than it would if its intervention were delayed until after this first appearance. Quite consistently pretrial release programs which intervene close to the time of arrest are involved in more non-financial releases than are programs which intervene later. This fact is dramatically demonstrated in the respective release rates of pretrial release programs in Santa Clara County, California and in Dallas, Texas. The Santa Clara County program interviews arrestees within minutes of their booking and in addition

has the authority to release misdemeanor defendants without seeking judicial authorization. As a consequence, the program reported that in 1971, 54.9 percent of the defendants secured release on own recognizance through its intervention.[25] By contrast, with the Dallas program, which in 1971 had an average delay of more than nine days between arrest and release through the program, evaluators found that during one 10-day period the program released only 28 persons out of some 1,199 defendants screened for possible release.[26] The correlation between the speed with which a program operates and the number of releases generated is not a surprising finding. Conditions in American jails being what they are, it is not unexpected to learn that defendants tend to secure release by whatever method is fastest--even surety bail--rather than waiting the time necessary for a nonfinancial release. Included in the exiting defendants are undoubtedly many who would qualify for a program release recommendation.

Aside from increasing the number of persons released through the program, a second advantage of early intervention is a reduction in the amount of time released defendants must spend in detention. Compared to delays of several days--and sometimes a week or more--which exist in programs which do not intervene until after first appearance, most persons released by programs which intervene close to the time of arrest secure release prior to or at their first court appearance. If early intervention is combined with the authority to release defendants without seeking prior judicial approval, the time

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[25] American Justice Institute, "Santa Clara County Pretrial Release Project First-Year Evaluation Report" in Ronald J. Obert et al, Pretrial Release Program in an Urban Area: Final Report, Santa Clara County Pretrial Release Program (1973), p. 53.

[26] Robert L. Bogomolny and William Gaus, "An Evaluation of the Dallas Pretrial Release Project," Southwestern Law Journal, Vol. 26 (1972), pp. 515-521.

[illegible] between arrest and release can be cut dramatically. The Santa Clara Pretrial Release Program, which has such authority in misdemeanor cases, reported that the project reduced the average time from arrest to nonfinancial pretrial release in misdemeanor cases from 74 hours in 1970 to just 2.4 hours in 1971.[27]

In addition to the obvious benefit to defendants who spend less time in detention, there is also some cost savings to the jurisdiction in the early intervention of pretrial release programs. The jail detention population is a function of both the number of defendants committed to jail and the length of their stay. Hence, even if a program does not release persons who would otherwise be detained, the fact that its intervention provides an earlier release than would otherwise be obtained does result in some detention cost-savings. When a program can provide for the release on weekends of persons who would otherwise be held until a Monday bail hearing, these savings can be significant.

However, the major jail cost-saving to be realized through a pretrial release program lies in the release of persons who would otherwise be detained for the duration of their pretrial period. In terms of achieving objectives such as reducing the detention population and lessening the inequality of the bail system for indigents, early intervention is not necessarily the most efficient procedure. The danger exists that with early intervention a program can achieve an impressive record of nonfinancial releases simply by skimming off the best release risks and be failing those persons the bail reform movement was intended to benefit--those persons too poor to post bail. Fundamentally, if pretrial release programs are to be cost effective they must structure their procedures around the existing pretrial release system and carry that system beyond where it would be without program intervention. This means focusing their intervention on

[27] American Justice Institute, supra note 25, p. 53.

persons truly in need of the program's service.

In the timing of its initial interviews and in the selection of persons to be interviewed, the programs are defining their target populations. Proper selection of this target group is critical to program cost effectiveness. If, for example, current release practices provide for the routine use of citation releases for misdemeanor defendants, and if the police do in fact release a large proportion of defendants on citations, then it makes little sense cost-wise to implement a separate pretrial release program to service these defendants. Police citation releases offer the quickest mechanism for pretrial release and are also much less costly to the jurisdiction than a pretrial release program. In fact, in light of the success of police citation releases in some cities, jurisdictions might be well advised to consider such a procedure preferable to a pretrial release program in the cases of misdemeanor defendants.[28]

It is the more serious felony cases, that make the more detailed background information and release eligibility screening of a pretrial release program particularly valuable. It is in these cases that the information supplied by the program would appear to have the greatest impact on custody/release decisions.

[28] In the state of Connecticut, for example, the initial bail decision is made by the police. A study of bail practices in the Sixth Circuit Court of Connecticut (New Haven) indicates that the police in that jurisdiction make extensive use of nonfinancial releases. During a three month period in 1973, 86 percent of the arrest population secured pretrial release and 50 percent were released on nonfinancial conditions. Furthermore, only six percent of the defendants were detained longer than 24 hours. The majority of released defendants were freed either immediately by citation release (17 percent) or within three hours of booking (44 percent). For those defendants released within three hours, citations and promises to appear outnumbered bail bonds three to one. See Malcolm Feeley and John McKingston, The Pretrial Process in the Sixth Circuit: A Quantitative and Legal Analysis (New Haven, Connecticut: Yale University, 1976).

However, even in felony cases, the wisdom of interviewing all defendants immediately after arrest must be considered in light of the jurisdiction's release practices. If, for example, the police practice is to arrest a substantial number of persons on suspicion of felony offenses and then to release them within hours or a day without charging, cost-wise it would not be an efficient procedure to interview all felony arrestees immediately after arrest. The time and money spent interviewing persons who are no longer in the system at the time the program is ready to act in their behalf is not well spent. Cost-wise the program would be more efficient if it delayed its interviewing until after the decision has been made to prosecute. The danger in not doing this is exemplified by the Denver Pretrial Release Program which interviewed 3,425 felony defendants in its first six months of operation but submitted less than 2,000 of these cases to the court. Over half of the persons arrested on felonies during this period had their charges dismissed or reduced to misdemeanors after the program interviewed them.

As we have already noted, however, one of the consequences of delayed interviewing is likely to be a dramatic reduction in the number of persons released through program intervention. There may be some offsetting advantages. First, the program will be less costly if it interviews only those persons who are not capable of securing release without its intervention. Second, if the program finds that few of the persons interviewed qualify for release under its existing criteria, this should spur the program to experiment with its release criteria and possibly adopt alternative release mechanisms such as various forms of conditional release. By focusing upon persons not released by the time of their first court appearance, the programs will be less costly and at the same

time be focusing more directly upon the persons truly in need of their services.

B. Verification

Verification of the information provided by defendants in the initial interviews is an integral part of the activity of most pretrial release programs. Underlying this verification activity is an assumption that a defendant who has an obvious interest in securing pretrial release cannot be trusted to provide totally accurate information during his interview and that, therefore, a program should not make pretrial release recommendations until this information has been independently verified. In order to verify the information supplied by the defendant, most programs attempt to contact an employer, friend or relative of the defendant by telephone (See page 18, Appendix). Primarily because of the heavy, often exclusive reliance placed upon the telephone for verification, pretrial release programs generally have a problem in that many of their cases simply cannot be verified. Sometimes a defendant cannot supply phone numbers for any references and often it is impossible to make contact with a reference even when a phone number is given. An early study of the D..C. Bail Agency by the Department of Justice suggested that as long as programs rely upon the telephone for verifications, the problem of substantial numbers of unverifiable cases will remain:

> "We were unable to find any tabulation by the Bail Agency or the frequency with which it is unable to verify defendants because the reference lacks a phone or because the reference was not at home. In the course of the verification efforts, however, 22% of the defendants in our sample proved verifiable only after a visit, and another 11% required an evening telephone call to complete verification. Thus, it appears that the Bail Agency will always have a substantial number of defendants whom it cannot verify so long as it limits its verification efforts to morning phone calls."[29]

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[29] James S. Reynolds and W. Anthony Fitch, The Bail Reform Act and Pre-Trial Detention (Washington, D.C.: Office of Criminal Justice, U.S. Department of Justice, 1967), pp. 23-24.

In recognition of this verification problem, the D.C. Bail Agency and several other programs now employ some field investigators to assist in contacting references who are not reachable by phone. Other programs will send letters to references who cannot be contacted by telephone, but the majority of the programs--57 percent of the ones we surveyed--still rely exclusively on the telephone.

Programs which attempt to present their recommendations at the defendant's first court appearance have a particularly serious problem with verification because of the limited time available for this activity. The Denver Pretrial Release Program, for example, has been able to verify only about half of its cases in the two hours available each morning prior to court. Despite the lack of verification, however, the Denver program and many others as well will present unverified information to the court at first appearance, although withholding any pretrial release recommendation. Not intrequently the judges will grant nonfinancial releases on the basis of this unverified information. From this, we tentatively conclude that those programs which are still adhering to the practice of presenting only verified cases to judges are unnecessarily limiting their impact. Whether it is verified or not, the information collected by the programs can be valuable to the court in making bail decisions. The fact that judges are willing to grant nonfinancial releases upon unverified program information, the practice of many judges to grant nonfinancial releases without any program intervention whatsoever, as well as the growing use of citation releases by the police, all cast doubt upon the general assumption that it is necessary for the programs to fully verify the information in all cases. If a defendant is charged with a relatively minor offense and does not have a serious prior

criminal record, sufficient verification may be obtained simply by substantiating his name and current residence from papers carried on his person. Defendants charged with more serious criminal conduct may, of course, require more complete verification. In any case, by employing different levels of verification, the program can put its primary efforts where verification is most critical and process defendants involved in less serious cases more quickly. In doing so the programs will enhance their cost effectiveness.

C. Screening for Release Eligibility

Implicit in the operational procedures of all pretrial release programs is the belief that nonfinancial releases should be selectively employed. The programs do not seek the nonfinancial release of all defendants as a matter of right, but rather recommend the release only of those persons who appear qualified. On the assumption that a defendant's pretrial release reliability can be measured on the basis of the extent and stability of his ties to the local community, pretrial release programs screen defendants to determine their local contacts in the areas of employment, residence and family. Underlying this screening is a belief that a defendant with strong ties to the local community has an intrinsic motivation for remaining in the jurisdiction and is thus unlikely to flee. In addition, all programs consider the defendant's prior criminal history and most also consider the pending charges. Both of these factors will have an obvious bearing on the defendant's sentence if he is convicted and the assumption is that the more severe the potential sentence, the more likely the defendant will be to flee. The current charge, in fact, is quite often given an over-riding importance by pretrial release programs. Most programs have criteria which bar them from either conducting an interview or presenting any release

recommendation for defendants charged with certain "excluded" offenses. Nearly half of the programs we surveyed reported that they exclude defendants charged with any crime of violence (See Tables 8 and 9, Appendix).

Conscious of the fact that their future existence is contingent upon maintaining an acceptably low rate of nonappearance, virtually all pretrial release programs have maintained data on the rate of nonappearance by defendants they assisted in gaining release. Hence, of all the potential measures of program effectiveness, the failure to appear rate is the most readily available. In Section II we commented that the consistently low nonappearance rates reported by the programs suggest that the programs are correct in their assumption that the persons released through their intervention will meet their future court obligations at least as well as defendants on money bail. The Manhattan Bail Project reported a nonappearance rate of less than one percent during its first two and one-half years of operation[30] and most of the early programs reported similarly low rates. Although most programs today still report low nonappearance rates, we did observe much more variance between the programs in this area. While 89 percent of the programs had nonappearance rates of less than 10 percent, two programs reported rates of 15 and 16 percent.

It is impossible, however, to know what significance to attach to differences in the rate of appearance from one program to another. Some variation is to be expected simply because the programs are far from uniform in defining failure to appear and computing the failure to appear rate. The lack of agreement among the programs is reflected in the results of the 1973 OEO survey which found that the 51 pretrial release programs which reported FTA rates had

[30] Tim Freed and Pat Wald, supra note 1, p. 62.

used 37 different methods of calculation.[31]

Despite the imperfect nature of the data in this area, two conclusions can be tentatively advanced. First, there does not appear to be any discernible pattern between the performance of defendants on non-financial release and defendants on bail. In his study of bail practices in 20 jurisdictions in 1971, Thomas found that within a single jurisdiction there was generally only a slight variation in the FTA rates of the two groups. In some cities he found that defendants on nonfinancial release had the higher rate of nonappearance, while in others defendants on bail had the higher rate. In either case, however, the differences between the rates were generally slight.[32] Data supplied by pretrial release programs to the 1973 OEO study, as well as that provided for this study, are consistent with Thomas' study in showing no distinct pattern of lower FTA rates for one particular form of release.

Secondly, there does not appear to be any relationship between the number of persons released and the rate of nonappearance. Although Thomas did report that the increase in defendants released over the period from 1962 to 1971 was accompanied by a rise in the nonappearance rate from about 6 percent in 1962 to 9 percent in 1971, he also found that some cities which had had the largest increase in releases over this period maintained very low nonappearance rates. In the data supplied by programs to this study, we found no correlation between the rate of nonfinancial releases and the rate of failure to appear. Programs which have the higher release rates do not generally have nonappearance rates any different from programs much less active in generating releases.

[31] Goldman, Bloom and Worrell, supra note 12, pp. 21-22.

[32] W. Thomas, supra note 3, p. 118.

From this fact one might conclude that many of the programs today could greatly expand the number of defendants released on nonfinancial conditions without jeopardizing the rate of nonappearance. In the past, two programs have, in fact, found this to be the case. As a result of a serious overcrowding in the Santa Clara County jail, the pretrial release program in that jurisdiction was authorized to release all misdemeanants, except public intoxication defendants, during a trial period in 1972. The result was that nearly 90 percent of all misdemeanor defendants were released and the nonappearance rate remained virtually unchanged.[33] Perhaps even more instructive, because it involved expanding the release rate in felony cases, was the experience of the Brooklyn Pretrial Services Agency during a two-week period in 1974. During this period, the program's release rate increased from a norm of 42 percent to 66 percent without adversely affecting the nonappearance rate.[34]

Such inter-program comparisions of release and failure to appear rates are, however, a treacherous undertaking. First, there is the previously mentioned problem of inconsistency among the programs in how these rates are computed. Second, in addition to the proportion of defendants released, there are other factors which may influence failure to appear rates. These include the personal attributes of defendants, the severity of the alleged offense, the procedures employed by the program and the court in notifying defendants as to court dates, the supervision provided during the release period, local court and police practices

[33] Conversation with Ronald J. Obert, Director Santa Clara County Pretrial Release Program, July, 1975.

[34] James W. Thompson, "Pretrial Services Agency Operations Report, April 1 - April 28, 1974" (Brooklyn, New York: Brooklyn Pretrial Services Agency, 1974). The study found that of all scheduled appearances for the expanded release defendants, 8.7 percent ended in initial warrants for failure to appear--a negligible difference from the 8.4 percent FTA rate by defendants released under the prevailing ROR rate of 42 percent.

in apprehending and prosecuting defendants who fail to appear, and the amount of delay that exists between release and case disposition. In short there are a number of factors which may influence the rate of nonappearance aside from the program's selection criteria. To date, however, there has been very little research addressing the question as to what factors influence the nonappearance of criminal defendants. The two most thorough studies--one by Malcom Feeley and John McNaughton, the other by William Landes--suggest that it is difficult to find a positive correlation between any of the variables and likelihood of nonappearance.[35]

What emerges is simply the fact that the vast majority of persons released prior to trial do appear as required. To date, researchers have not been able to clearly isolate any factor or combination of factors which either explains why failures to appear occur or identifies in advance persons who will not appear. The fact that pretrial release programs have demonstrated over the past 15 years that persons who meet their release criteria are acceptable release risks does not prove that less stringent criteria would not be usable predictors of pretrial release reliability. At this time we have no basis for concluding that persons who do not meet existing criteria are in fact bad risks in terms of nonappearance.

A second area of obvious concern in evaluating the performance of defendants on release is that of pretrial crime. It may very well be that it is the risk of pretrial crime, and not the risk of nonappearance, that accounts for the custody status of many detained defendants. If a defendant is charged with a serious or violent crime, or if he has an extensive prior record, judges are

[35] See William M. Landes, "Legal Theory and Reality: Some Evidence on Criminal Procedures," Journal of Legal Studies, Vol. 3 (June 1974), pp. 320-335; Malcolm Feeley and John McNaughton, supra note 28, pp. 20-39.

not likely to grant nonfinancial release no matter how strong the community ties. Concern over possible flight from the jurisdiction may be a factor in the decision to deny such release, but it is fairly obvious that the risk that the defendant might commit additional crimes is also a major factor.

Although defendants believed to be dangerous on the basis of the fragmentary information available to a court at the time of initial arraignment are not likely to be released through a pretrial release program, it is still relevant to inquire about the extent to which the programs are successful in obtaining release for defendants without jeopardizing the public safety. Unfortunately, this is an area in which very little is known. In part, this is because of the difficulty of measuring the extent of pretrial crime committed by released defendants. The most logical measures of pretrial crime are rearrests and convictions, but neither alone is really satisfactory as an indicator.

No cross-jurisdictional studies have attempted to assess the comparative effectiveness of different programs in light of rearrest or conviction rates, and there have been only a few studies in single jurisdictions. Of the 109 programs that we surveyed in the course of this Phase I study, only 18 were able to provide even fragmentary data on rearrests of defendants that they had assisted in gaining release. These programs reported rearrest rates ranging from less than one percent to as high as 16 percent.

D. Release Recommendations

The impact which a pretrial release program will have on bail practices is ultimately contingent upon the use judges make of the information gathered and recommendations presented. While a few projects do have the authority to release some qualified defendants--generally those accused of misdemeanors--without prior judicial approval,[36] most programs are limited to gathering information and presenting recommendations. The release decision is one for judges to make.

Since 1970 the most significant change that has occurred in the operation of pretrial release programs is in the number and types of recommendations made. The Manhatten Bail Project and most of the early programs were focused solely upon identifying defendants qualified for own recognizance and recommending their release to the court. Today the posture of most programs has changed to one in which information on all interviewed defendants is presented to the court. In those cases in which the defendant does not qualify for nonfinancial release under the program's own criteria, the programs either make no recommendation or a negative one. Of the programs which intervene at first appearance, 58 percent will make a recommendation against the use of nonfinancial release when they feel it is warranted (See Table 11, Appendix).

The second significant change which has occurred in the recommendation practices of pretrial release programs involves the use of conditional releases. Started initially in the District of Columbia, the use of conditional releases has grown remarkably over the past few years.

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[36] Of the 109 programs which responded to our survey, 18 reported that they have the authority to release defendants without prior judicial approval (See Table 13, Appendix).

Seventy-two percent of the programs which intervene at first appearance indicated that they now make conditional release recommendations in appropriate cases. Through the use of conditional nonfinancial releases, the programs are seeking to expand the number of defendants released without bail. The assumption is that such a practice will enable the court to safely release additional, higher risk defendants. The type of conditions which are typically imposed on defendants include requirements that he live at a certain address, not associate with certain persons or groups, obtain or maintain a job, enroll in school or a job training program, abide by curfew restrictions, or obtain counseling for alcohol or drug abuse.

Two principal issues are raised by conditional releases: First, do they in fact provide for the release of additional higher risk defendants? Second, are they genuinely valuable in reducing the risk posed in the release of defendants? As to the first question, there is some evidence that conditional releases do allow for the release of additional, higher risk defendants. Conditional releases started and have been used most extensively in the District of Columbia. In the District the use of conditional releases did have the desired effect of increasing the number of defendants released without bail. According to the Agency's annual reports, the rate of nonfinancial releases increased from 48 percent of the defendant population in 1969 to 63 percent in 1971. Furthermore, no pretrial release program in the country secures the release of as many felony defendants as does the D. C. Bail Agency. In addition, a comprehensive evaluation of a conditional release program in Des Moines, Iowa--the Polk County Community Corrections Program[37]--indicates

[37]Peter S. Venezia, Pretrial Release With Supportive Services for "High Risk" Defendant (Davis, California: National Council on Crime and Delinquency Research Center, No., 1973).

that conditional releases can facilitate the release of higher risk defendants.

Although the use of conditional releases has had the effect of increasing the number of persons released without bail in the District, it resulted initially in a sharp decrease in the use of simple release on recognizance (ROR). Previously, ROR had been used in better than 40 percent of the cases, after the widespread implementation of conditional releases in 1971 the use of straight ROR dropped to about 10 percent. Hence, one of the immediate consequences of conditional releases in the District of Columbia was a sharp drop in the number of simple ROR's. This suggests that when judges are allowed the option of using the more restrictive conditional releases they will be inclined to do so in preference to the use of ROR. In Des Moines, however this did not occur. According to the program's evaluator, conditional releases were selectively employed and did not reduce the number of defendants granted nonfinancial releases without conditions. The difference in the results in the District and Des Moines may lie in the fact that in the District conditional releases are considered at the defendant's first bail hearing, while in Des Moines defendants are screened for conditional release only after the initial bail decision has been made.

The impact which the imposition of conditions has on the pretrial release performance of defendants is unknown. According to the third year evaluation of the Polk County Community Corrections Program, the "high risk" defendants released to the program had a two percent failure to appear rate and

a 22 percent rearrest rate.[38] Neither rate was appreciably different from that achieved by defendants on other forms of release. Unfortunately, however, we have no way of knowing whether either the FTA or rearrest rates would have been different without the imposition of conditions.

One disturbing note on the use of conditional releases on a wide-scale as employed in the District concerns the number of defendants who violate their conditions. In 1973 the D. C. Bail Agency reported that 2,608 defendants had violated one or more of the conditions imposed on their release.[39] This raises a significant question as to what the program or the court should do when such violations occur. In the District of Columbia, apparently very little is done--of the 2,608 reported violations, sanctions were imposed in only 58 cases.[40]

Whether conditional releases are genuinely valuable in increasing the number of defendants released prior to trial or in influencing the performance of defendants while on release, they have clearly given new purpose to pretrial release programs. The programs are now called upon to recommend the use of conditional releases and sometimes to suggest the type of conditions which should be imposed. Secondly, the program's role in maintaining contact with released defendants has increased importance in that the programs are now involved in supervising defendants to see that the conditions imposed are met.

E. Supervision of Released Defendants

Pretrial release programs generally assume the responsibility of maintaining contact with defendants released through their intervention during the

[38]Peter S. Venezia, supra note 37, p. viii.

[39]D. C. Bail Agency Annual Report for 1973, Appendix L, p. 4.

[40]Ibid.

pretrial period (See Table 15, Appendix). Because of the lack of program experimentation with different levels of follow-up contact, we do not know how valuable such activity actually is in reducing failures to appear. Nor do we know much about the relative merits of different types of follow-up activity. This is an issue that should be addressed by future research. With the development of conditional releases, the amount of program time and money allocated to follow-up has increased significantly, and yet we have no information by which to judge the impact of this activity on the performance of released defendants. It may be that follow-up activity is extremely important and if properly implemented, could allow for the safe release of a considerable number of defendants who are now judged ineligible for non-financial release. On the other hand, it may be that follow-up contact is of little utility. The Hennepin County Court Services Agency assists in the release of approximately 1,000 defendants annually, employs no follow-up procedures and yet, according to director Richard Scherman, has a non-appearance rate of less than one percent.[41]

[41]Conversation with Richard Scherman, Director Hennepin County Pretrial Services, July, 1975.

APPENDIX

RESULTS OF NATIONAL SCOPE SURVEY

Although the Manhattan Bail Project served as a model for many of the early pretrial release programs, the pretrial release movement today is characterized by diversity. Variations in both state and local laws, funding sources, program staffs, and jurisdictional politics have resulted in wide diversification in the programs' operating goals, structures, and procedures. The purpose of this appendix is to highlight some of the more significant differences between programs which have emerged during the evolution of bail reform.

The data used in the survey were obtained through telephone interviews of 109 pretrial release program directors or other senior staff members. The surveyed programs were compiled from information supplied by the National Association of Pretrial Services Agencies, the records of researchers who had done similar previous surveys, and the Law Enforcement Assistance Administration. It should be noted that in spite of careful efforts taken in compiling the list, some pretrial release agencies, particularly those with minimal funding or who operate within the structure of a parent organization, may have been inadvertently omitted. We believe, however, that these data are representative of pretrial release programs generally. The operational definition of a pretrial release program used in the survey was any project or agency which has

as its primary function facilitating the release of defendants prior to trial on a non-financial basis.

In a few cases in which telephone interviews were not feasible, the program directors agreed to complete mailed questionnaires. We received excellent cooperation from program directors and staff in both the telephone interviews and the questionnaires and wish to express our gratitude to these persons, without whose willingness to supply information this review would not have been possible.

The remainder of the appendix is divided into three sections, the first dealing with program funding and organizational structures, the second with program procedures, and the third consisting of a list of all programs included in the survey.

I. PROGRAM FUNDING & ORGANIZATIONAL STRUCTURE

A. Administrative Authority

Table 1 shows the percent of programs surveyed which fell into each category of administrative authority. As indicated by the table, the vast majority of programs were controlled by public (86%) rather than private agencies (14%).

Table 1

Types of Agencies Operating
Pretrial Release Programs

Type of Agency	Distribution	
Part of probation or parole agency	34%	(36)
Court administered	31%	(32)
Other public	17%	(18)
Private	14%	(15)
Part of Public Defender's office	3%	(3)
Part of District Attorney's office	1%	(1)
TOTAL	100%	(105)

Compared to the percentages reported in a similar survey done for the Office of Economic Opportunity in 1973 which revealed that 78% of the programs at that time were publicly controlled, our findings indicate that the number of programs under the control of public agencies has increased over the last few years.

B. Sources of Funding

Tables 2 and 3 show that the most frequent source of project funding is local government. Either municipal, county, or state government was the primary source of funding for 56% of the programs. The second most common source of funding is the federal government, which is the primary source of funding for 41% of the programs. These tables further indicate that private monies are a minor source of program support; none of the projects surveyed reported private sources as their primary resource, and only five indicated private sources as a secondary funding source.

Table 2

Primary Sources of Pretrial Release Program Funding

Funding Source	Distribution	
Municipal government	12%	(13)
County government	35%	(38)
State funds	9%	(10)
LEAA block grants	33%	(36)
LEAA discretionary grants	5%	(5)
Other Federal agencies	3%	(3)
Other	4%	(4)
TOTAL	100%	(109)

Table 3

Secondary Sources of Program Funding

Funding Source	Distribution	
Municipal government	3%	(3)
County governemnt	23%	(25)
State funds	10%	(11)
LEAA block grants	4%	(4)
LEAA discretionary grants	4%	(4)
Other federal agencies	1%	(1)
Private foundations	6%	(5)
Other	1%	(1)
No secondary source reported	46%	(55)
TOTAL	100%	(109)

C. Size of Program Budgets

Budget information was obtained from 104 programs in the survey. Table 4 indicates that the size of the programs' annual budgets range from under $21,000 per year to over $1,000,000. The majority of the programs surveyed, however, had budgets of $150,000 or less (72%), with 5% of the programs having an annual budget of under $40,000.

Table 4

Annual Budgets of Pretrial Release Programs

Size of Budget	Distribution	
Less than $21,000	19%	(20)
$21,000 to $40,000	16%	(17)
$41,000 to $60,000	11%	(11)
$61,000 to $100,000	19%	(20)
$101,000 to $150,000	16%	(17)
$151,000 to $200,000	6%	(6)
$201,000 to $500,000	6%	(6)
$501,000 to $999,000	4%	(4)
$1,000,000 or over	3%	(3)
TOTAL	100%	(104)

Mean Annual Budget: $148,000.

Median Annual Budget: $ 72,000.

D. Size of Program Staff

Tables 5 and 6 show the distribution of full-time and part-time program staff sizes. A few of the programs (5%) are run totally by part-time personnel, while a much greater proportion are run solely by full-time staff (46%). The majority of programs have ten or fewer full-time staff members (76%), while the largest surveyed, the Pretrial Services Agency in New York, had a full-time staff of 120 persons. Only nine programs (8%) make intensive use of volunteer staff.

Table 5

Number of Full-Time Staff

Number of Staff	Distribution	
No full-time staff	5%	(5)
1-2 full-time staff	22%	(24)
3-4 full-time staff	22%	(24)
5-6 full-time staff	13%	(14)
7-8 full-time staff	8%	(9)
9-10 full-time staff	6%	(7)
11-15 full-time staff	6%	(7)
16-20 full-time staff	6%	(7)
More than 21 full-time staff	5%	(5)
TOTAL	100%	(108)

Table 6

Number of Part-Time Staff

Number of Staff	Distribution	
No part-time staff	46%	(50)
1-2 part-time staff	18%	(19)
3-4 part-time staff	6%	(7)
5-6 part-time staff	11%	(12)
7-8 part-time staff	4%	(4)
9-10 part-time staff	3%	(3)
11-15 part-time staff	3%	(3)
16-20 part-time staff	4%	(4)
More than 21 part-time staff	6%	(6)
TOTAL	100%	(108)

E. Program Age and Source of Funding

Although the first pretrial release programs were started in the early 1960's, more than two-thirds of the programs surveyed were five years old or less and 35% had been started in the last two years. While many programs are initiated through the use of federal monies, most such programs are required, after a few years, to seek local support to continue. Our survey reflects this fact, with 61% of the programs started in the last two years receiving federal funds as their primary source of revenue while only 11% of the programs five years or older were federally funded.

Table 7

Program Age By Source of Funding

Program Age	Primary Source of Funding						Totals	
	Local		Federal		Other			
Less than 2 years	16%	(10)	61%	(27)	25%	(1)	35%	(38)
2 to 5 years	40%	(24)	27%	(12)	25%	(1)	34%	(37)
Over 5 years	45%	(61)	11%	(5)	50%	(2)	31%	(34)
TOTAL	100%	(95)	100%	(44)	100%	(4)	100%	(109)

II. PROGRAM OPERATIONS

A. Eligible Clientele

Each program director was questionned about his project's policy with regard to exclusion of defendants from program eligibility. Most programs surveyed would either not interview or not present recommendations on certain types of defendants. The classes of exclusions fell into two general categories: persons excluded because of the charge against them and persons excluded for reasons other than the nature of the alleged offense.

Most of the programs surveyed excluded persons charged with serious or violent crimes, and many excluded persons arrested on narcotics offenses or public intoxication. Ten of the programs responding were designed to handle solely felony cases and seven to handle only misdemeanors; the remaining programs served both categories of defendant. Table 8 shows the percent of programs surveyed which exclude defendants in various charge categories.

Table 8

Program Charge Exclusions

Type of Charge	Programs Which Exclude These Charges	
Homicide and murder	59%	(63)
Other violent crimes	48%	(51)
Narcotics offenses	22%	(24)
Public intoxication or DWI	20%	(21)
Other	29%	(31)
All misdemeanors excluded	9%	(10)
All felonies excluded	7%	(7)

Most programs also exclude defendants from eligibility on the basis of other factors not necessarily related to the alleged offense, such as a lack of a local address or inability of the program to verify the defendant's background. Like charge exclusions, the basis for these exclusion categories may be either local judicial policy or the program's decision. Table 9 shows the percent of programs surveyed using different types of non-offense related exclusions.

Table 9

Non-Offense Related
Program Exclusions

Type of Exclusion	Programs Which Exclude These Defendants	
Accused held on warrant or detainer from another jurisdiction	67%	(72)
Accused lacks local address	40%	(43)
Project unable to verify information given by the defendant	39%	(39)
Defendant has a record of prior failures to appear in court	35%	(37)
Accused was arrested while on probation, parole, or pretrial release	30%	(32)
Accused has a prior record of crime committed while on pretrial release	24%	(24)
Defendant is addicted to narcotics	19%	(20)
Defendant's prior record is not available	16%	(15)

B. Point of Intervention

Each director was asked to identify the primary point in the pretrial process at which program personnel act to obtain the release of defendants. One of the most consistent findings of previous studies of pretrial release programs is that the program's release rate (relative to the total arrest population) is greatly affected by its speed of operations; in general, the sooner the program intervenes after arrest, the greater the percentage of arrestees that will be released through its efforts. During the course of this survey, a pattern seemed to develop between the type of agency administering the program and the point in the pretrial process at which the program effected releases. The data on point of intervention were cross-tabulated with agency structure and are presented in Table 10. It is interesting to note that it is more likely for probation-run programs to intervene following the defendant's first court appearance

Table 10

Point of Intervention By Organizational Status

Point of Intervention	Probation		Courts		Public		Private		Combined	
Prior to first court appearance	8%	(3)	31%	(10)	28%	(7)	0%	(0)	19%	(20)
At first court appearance	42%	(15)	35%	(11)	44%	(11)	91%	(11)	46%	(48)
After first court appearance	50%	(18)	35%	(11)	28%	(7)	9%	(1)	35%	(37)
TOTALS	100%	(36)	100%	(32)	100%	(25)	100%	(12)	100%	(105)

than at an earlier point (as opposed to court or other publicly-run programs which tend to intervene prior to or at the first court appearance). For all programs combined, the most common point of intervention is at the defendant's first court appearance, and it is least common for programs to intervene prior to the first court appearance.

In addition to a single primary point of intervention, however, many programs will also attempt to release defendants at other stages of the pretrial process, often at the request of the court or defense attorney, and usually at some point after the first bail setting hearing (61% of the programs surveyed reported more than one point of intervention). Or, as many projects report, the program will continue to work with a defendant who has been recommended for release by the project but was denied such release by the court. Frequently the program will re-submit a recommendation based on more complete information or for a more restrictive type of non-financial release. Of the programs surveyed, 95 (86%) noted that release efforts in some cases continued subsequent to the primary point of intervention.

C. Type of Program Recommendation

Just as the structures of programs, their funding, and their points of intervention vary, so do the types of recommendations made. Most programs submit more than one type of release recommendation, and many make recommendations for varying types of non-financial release (usually stratified along levels of defendant supervision) or for specific bail amounts when non-financial release is not advised. Table 11 shows the percent of programs making each type of release recommendation.

Table 11

Types of Program Recommendations Made at First Court Appearance*

Type of Recommendation	Distribution
OR with no conditions or supervision requirements	63%
Conditional release	72%
Supervised release	41%
Release to a third party	49%
Denial of OR	58%
Specific bail amounts	40%
Deposit bail (10% bail)	26%

*First court appearance was chosen as the intervention point to examine since it is the most frequent point of intervention. Of the 66 programs which do intervene at this point, 60 present some type of recommendation while 6 present information only.

D. Release of Defendants Prior to First Court Appearance

In surveying pretrial release programs, we were concerned with the overall system of release in their jurisdictions and with the activities of other components of the criminal justice system whose efforts resulted in pretrial release. Therefore, each program director was questionned about alternative methods of non-financial release that might be used in their respective jurisdictions, and whether or not the pretrial release project provided any assistance in establishing or maintaining those alternatives.

Fifty-two (49%) of the directors noted that some form of field citation is used in their jurisdiction for offenses other than traffic, housing, or health code violations. This represents a substantial increase in the use of field citations over the 29% figure reported in the 1973 OEO survey. Table 12 shows the percent of jurisdictions using field citations for given offense categories. It can be seen that the use of field citations is limited almost exclusively to misdemeanor offenses. An obvious question which arises from the increase in the use of field citations is whether or not the pretrial release programs have had any direct involvement in promoting the use of this type of release. Since 88% of the directors reporting the use of field citations in their jurisdictions stated that their program had not been involved in the initiation of citations or with assisting in the use of citations, it would appear that release program influence in this area has been indirect.

Table 12

Percent of Jurisdictions Which Use Field Citations for Given Offense Categories

Offense Category	Jurisdictions Using Citation Releases	
Minor misdemeanors	56%	(29)
All misdemeanors except assault	8%	(4)
All misdemeanors	33%	(17)
All misdemeanors and minor felonies	4%	(2)
TOTAL	100%	(52)

A second type of non-financial release used prior to the first court appearance in many parts of the country is known as "stationhouse release." This occurs following the arrest and booking, but prior to bail setting by a judicial officer. Fifty-six directors (51%) reported that stationhouse release is in use in their jurisdictions, but under a wide variety of conditions and implementation strategies. It should also be noted that most jurisdictions employ a bail schedule which allows quick release of many classes of arrestees, but since the bail schedule constitutes the use of traditional money bail, it is not considered in this survey. Table 13 shows the number of jurisdictions which use some form of stationhouse release and the range of approaches taken. As indicated by the table, the most frequent form of stationhouse release is through the efforts of pretrial release program personnel or law enforcement officials.

Table 13

Forms of Stationhouse Citation Releases

Approach	Jurisdictions	
Law enforcement officials release arrestees on their own authority	39%	(22)
Pretrial release programs release arrestees on their own authority	32%	(18)
Pretrial release programs release arrestees on approval of court representative (e.g., duty judge)	13%	(7)
Pretrial release programs make recommendations to law enforcement	9%	(5)
Court-appointed official makes release decision	7%	(4)
TOTAL	100%	(56)

E. Verification Procedures

Almost all of the programs surveyed seek to verify the information given by the defendant during the OR interview. Over half of the programs (57%) rely totally on telephone verification, although a number of programs (43%) now use "street verification" (in which program staff travel to the defendant's area of residence to verify community ties in person--used principally in cases where the defendant does not have a telephone), verbal verifications with family members who appear in court, or verification through the mail.

F. Defendant Evaluations

Pretrial release program recommendations are generally made on the basis of factors such as the defendant's ties to the community, the nature of the alleged offense, and the defendant's prior record. Once the program has obtained background information from the defendant, the information must be compiled into an index of the defendant's probable reliability while on pretrial release. Although the Manhattan Bail Project used an objective point scale for this compilation (i.e., assigning point values to the different indices of community ties, etc.), many programs are now using subjective or combined subjective and objective evaluations. Of the 60 programs that provided information on the type of defendant evaluation used, 27% (16) used totally objective evaluations, while 37% (22) used totally subjective evaluations. The remaining programs used a combination of subjective and objective techniques, which most often means a subjective evaluation with a point scale serving as a guide.

6. Post-Release Program Procedures

After the program has obtained the release of a defendant, additional services and/or supervision may be provided. For example, many programs regularly notify defendants of upcoming court appearances and/or require that defendants check in with the program periodically. As indicated in Table 14, about two-thirds of the projects require the defendant to contact the program during the release period. Of those that do require this, 27% demand a single check-in with the program within twenty-four hours of release, while 40% require regular check-ins during the entire pretrial period. Finally, the vast majority of programs (78%) provide defendants with notification of future court appearances.

Table 14

Program Check-in Procedures

Type of Contact Required	Distribution	
Single check-in within 24 hours of release	27%	(29)
Check-in at regular intervals throughout release period	40%	(42)
No post-release contact required	33%	(35)
TOTALS	100%	(106)

In addition to notification of defendants and the requirement of periodic check-ins, most pretrial release programs surveyed take some action in the event of a failure to appear. Eighty-one percent of the directors noted that their program staff generally attempt to persuade individuals who have missed their court date to report voluntarily to the court, and 64% of the directors stated that in cases where such persuasion fails, the programs provide information to law enforcement personnel to aid in the forcible return of the defendant. Finally, 26 of the programs (24%) stated that program staff have the power to arrest fugitives themselves, although only 15 of the 24 programs actually exercise this authority (see Table 15).

Table 15

Type of Program Action Taken After Defendant Fails to Appear in Court

Type of Action	Distribution	
Program attempts to secure voluntary return of defendant	81%	(87)
Program provides information to police to aid in the apprehension of the defendant	64%	(66)
Program has power of arrest	24%	(26)
Program takes no action following failure to appear	18%	(20)

III. PRETRIAL RELEASE PROGRAMS SURVEYED

The following pretrial release programs were included in the Phase I Survey:

Arizona:

Phoenix Human Relations Commission
322 West Washington Street
Phoenix Arizona

Pima County Pretrial Release
199 North Stone Avenue, Suite 510
Tucson, Arizona 85701

California:

Berkeley OR Project
2400 Bancroft Way
Berkeley, California 94704

Probation or Parole
Solano County Pretrial Release Program
600 Union Avenue
Fairfield, California 94533

Own Recognizance Division of the
Los Angeles Superior Courts
417 South Hill Street, Suite 1275
Los Angeles, California

Sons of Watts OR Assistance and
Rehabilitation Program
106 West 111th Street
Los Angeles, California 90061

Pretrial Release Project of Alameda County
400 Broadway
Oakland, California 94607

San Mateo County OR Project
234 Marshall Street, Suite 8
Redwood City, California 94063

OR Bail Unit of San Diego Probation Department
San Diego County Court House
220 West Broadway
San Diego, California

California continued:

San Francisco Bail Project
850 Bryant Street
Room 304, Hall of Justice
San Francisco, California 94103

Santa Clara County Pretrial Release
Program
675 North 1st Street
San Jose, California

Detention Release Program
700 Civic Center Drive, West
Room 202
Santa Anna, California

Santa Cruz County Pretrial Release
701 Ocean Street
Santa Cruz, California 95060

Colorado:

El Paso County Courts OR
El Paso County Judicial Building
Colorado Springs, Colorado 80903

Denver Pretrial Release Program
1139 Delaware Street
Denver, Colorado 80204

Metamorphosis
Box 466
Fort Collins, Colorado 80522

Connecticut:

Police Project
266 Pearl Street
Hartford, Connecticut 06105

Superior Court Bail Project
266 Pearl Street
Hartford, Connecticut 06105

Connecticut Bail Commission
770 Chapel Street
New Haven, Connecticut 06501

Connecticut continued:

Redirection Center
New Haven Corrections Center
245 Whalley Avenue
New Haven, Connecticut 06511

Delaware:

Pretrial Release Programs
Division of Adult Corrections,
State of Delaware
800 West Street
Wilmington, Delaware 19801

District of Columbia:

D. C. Bail Agency
601 Indiana Avenue, N. W.
Washington, D. C. 20004

Florida:

Circuit Court OR
Pinellas County Courthouse, Room 495
315 Haven Street
Clearwater, Florida 33516

Pretrial Intervention Unit
P. O. Box 1072
Gainesville, Florida 32601

Florida Parole and Probation Commission
Suite M-106 Duval County Courthouse
Jacksonville, Florida 32202

Dade County Pretrial Release Program
Dade County Metropolitan Justice Building, Room 430
1351 North West 12th Street
Miami, Florida 33125

Florida Parole and Probation Commission
P. O. Box 391
Orlando, Florida 32802

Georgia:

Pretrial Release Program
1135 Jefferson Street, N. W.
Atlanta, Georgia 30318

Cobb County Court Pretrial Service
Agency
P. O. Box 649
Marietta, Georgia 30060

Illinois:

Circuit Court of Cook County, Illinois
Municipal District and Criminal Division
Room 2600, Chicago Civic Center
Chicago, Illinois 60602

Cook County Special Bail Project, Inc.
22 East VanBuren
Chicago, Illinois 60605

Indiana:

Bail Bond Project
Civic Center Complex, Room 210
Evansville, Indiana 47708

Allen County Superior Court Services
Room B-12, City County Building
1 Main Street
Fort Wayne, Indiana 46802

Marion County Pretrial Services
908 La Rosa Building
Indianapolis, Indiana 46204

Iowa:

Pre-Trial Release Program
Scott County Jail
428 Ripley
Davenport, Iowa 52801

Department of Court Services - 5th Judicial System
1546 6th Avenue
Des Moines, Iowa 50314

Kentucky:

Urban County Government Court Services
Class I, Detention and Rehabilitation Center
117 Barr Street
Lexington, Kentucky 40507

Jefferson County Pretrial Release Program
200 South 5th Street, Room 500
Louisville, Kentucky 40202

Louisiana:

Bail Bond Project, 19th Judicial District Court
Room 301 Courthouse Building
Baton Rouge, Louisiana 70801

24th Judicial District
PIR of Prisoners Program
Room 610, Jefferson Parish Courthouse
Gretna, Louisiana 70053

Lafayette Pretrial Release Program
1417 St. John's Street
Lafayette, Louisiana 70501

District Attorney's Division and ROR Programs
2700 Tulane Avenue
New Orleans, Louisiana 70119

Maryland:

Pretrial Release Division
Supreme Bench of Baltimore City
Equitable Building
Baltimore, Maryland 21202

Pretrial Release Program
Baltimore County Courthouse
Towson, Maryland

Massachusetts:

Suffolk County Courthouse
215 Charles Street
Boston, Massachusetts 02114

Michigan:

Washtenaw County PTR Program
Room 2, County Building
Ann Arbor, Michigan

Recorder's Court ROR
1441 St. Antoine
Detroit, Michigan 48226

Wayne County Circuit Court Pretrial Release Program
Cadilla Towers Building - 36th Floor
Detroit, Michigan 48226

Pretrial Release Program
Probation Department
919 Beach Street
Flint, Michigan 48502

61st District Court Probation Program - ROR
Hall of Justice
333 Monroe, N. W.
Grand Rapids, Michigan

Personal Recognizance Program
2414 Lake Street
Kalamazoo, Michigan 49001

Minnesota:

Duluth Commission Corrections Project
17 North 4th Avenue West
Duluth, Minnesota 55802

Missouri:

Intake Service Center
St. Louis County Department
of Welfare and Corrections
7900 Forsyth Avenue
Clayton, Missouri 63105

State Parole Office
State Office Building, Room 567
615 East 13th Street
Kansas City, Missouri 64106

Pretrial Release
Room 220 Municipal Courts Building
1320 Market Street
St. Louis, Missouri 63103

Nebraska:

Lincoln Bar Association PTR Program
Public Defenders Office
County City Building
Lincoln, Nebraska 68508

Omaha PTR Project
16th and Howard
Omaha, Nebraska 68102

New Jersey:

Camden County PTR
Camden County Probation Department
327 Market Street
Camden, New Jersey 08102

Essex County Bail Program
East Orange, New Jersey

Union County Probation Department
Bond Project Unit
Courthouse
Elizabeth, New Jersey 07207

Bail Program
Room 501
595 Newark Avenue
Jersey City, New Jersey 07306

Newark Municipal Court Bail Project
920 Broad Street
Newark, New Jersey 07102

Coordinate Bail Unit
Passaic County Probation Department
Courthouse Annex
Patterson, New Jersey 07505

New Mexico:

Release on Recognizance Project
Municipal Court Probation
400 Elm N. E.
Albuquerque, New Mexico

New York:

Prisoner Release Program Inc.
74 Niagara Street
Buffalo, New York 14202

Probation Department ROR Unit
H. Lee Dennison Building
Hauppauge, New York 11787

Probation Department
Tompkins County Courthouse
Ithaca, New York 14850

Nassau County Probation Department
County Courthouse
202 Old Country Road
Mineola, New York 11501

Pretrial Services Agency
242 Madison Avenue
New York, New York 10017

Release On Own Recognizance
Office of Probation
80 Lafayette Street
New York, New York 10013

Clinton County Bail Project
Clinton County Courthouse
Plattsburg, New York 12901

Probation Department
Courthouse
10 Market Street
Poughkeepsie, New York 12601

Monroe County Pretrial Services Corp.
65 Broad Street, Room 200
Rochester, New York 14614

Ondonago County Pretrial Release Program
County Probation Department
County Office Building
Syracuse, New York 13202

Oneida County Comprehensive Pretrial
Intervention Service
County Courthouse
Utica, New York

North Carolina:

Pretrial Release Program
Court Arcade Building
Charlotte, North Carolina 28202

Cumberland County PTR Program
121 Franklin Street
Fayetteville, North Carolina

Ohio:

Summit County Pretrial Release Program
299 South Broadway Street
Akron, Ohio 44308

Stark County Pretrial Release Project
The Harvard Building
203 Market Avenue South, Room 212
Canton, Ohio 44702

Greater Cincinnati Bail Project
222 Central Parkway
Cincinnati, Ohio

Pretrial Supervised Release
2108 Payne Avenue, Room 307
Cleveland, Ohio 44114

Pretrial Release Program
100 South First Street
Columbus, Ohio

Pretrial Release Bureau, Inc.
333 West First Street, Suite 444
Dayton, Ohio 45402

Pretrial Release Program
1 Stranahan Square, Room 449
Toledo, Ohio 43604

Oklahoma:

New Day Pretrial Release Project
Enterprise Building, Room 308
502 South Boston
Tulsa, Oklahoma

Oregon:

Washington County Pretrial Release
Washington County Courthouse, Room 200
Hillsboro, Oregon 97123

Mid Columbus Community Corrections Office
119 East 2nd Street, Room 208
The Dalles, Oregon 97058

Pennsylvania:

Erie County Bail Bond Assistance Program
Box 264
Gannon College
Erie, Pennsylvania 16501

Delaware County Court Bail Program
Delaware County Courthouse
Media, Pennsylvania 19063

Pretrial Service Division
Philadelphia Common Pleas and Municipal Court
219 North Broad Street
Philadelphia, Pennsylvania 19107

Bail Agency of the Court of Common Pleas
Jones Annex
305 Ross Street
Pittsburgh, Pennsylvania 15219

Community Release Agency, Inc.
Pretrial Supervised Release
400 Manor Building
546 Forbes Avenue
Pittsburgh, Pennsylvania 15219

Chester County Nominal Bail Program
F and M Building
High and Market Streets
West Chester, Pennsylvania 19380

Tennessee:

Knox County PTR Program
414 Main Street
Knoxville, Tennessee 37902

Memphis-Shelby County PTR Program
140 Adams, Room 9B
Memphis, Tennessee 38103

Pretrial Release Program
Metro Courthouse, Room 12
Nashville, Tennessee 37201

Texas:

Pretrial Release Office
Dallas County Courthouse, Room 612
Dallas, Texas 75202

Adult Probation Department
300 East San Antonio Street, Caples Building
El Paso, Texas 79901

Harris County PTR Agency
807 Criminal Court Building
301 San Jacinto Street
Houston, Texas 77001

Personal Bond Program
Legal Aid Office
203 West Nueva
San Antonio, Texas 78207

Utah:

Salt Lake County Department of Court Services
Pretrial Release Division
431 South 300 East, Room 507
Salt Lake City, Utah 84111

Salt Lake County Department of Court Services
Pretrial Services Division
1441 East 7 South
Salt Lake City, Utah 84111

Washington:

Pretrial Release Project
King County Courthouse, Room W 1065
516 Third Avenue
Seattle, Washington 98104

Pretrial Release Unit
Municipal Probation Service
Coliseum Building, Room 919
811 First Avenue
Seattle, Washington

Pretrial Release Program
[illegible]
Yakima, Washington 98901

West Virginia:

Free Bond Program
Courthouse
Charleston, West Virginia

Probation Department
Cabel County Courthouse, Room 214
Huntington, West Virginia 25701

Wisconsin:

Legal Services of Dane County
124 South Pickney Street
Madison, Wisconsin 53703

Offender Evaluation Program
Safety Building, Room 307
821 West State Street
Milwaukee, Wisconsin

END