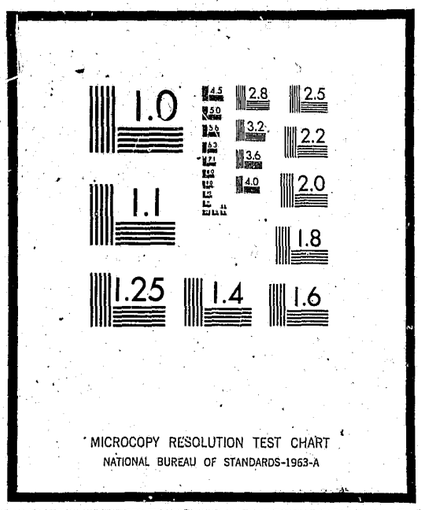

PHASE I EVALUATION OF
PRETRIAL RELEASE PROGRAMS

WORK PRODUCT FIVE

DESIGNS FOR PHASE II NATIONAL
SCOPE RESEARCH ON PRETRIAL
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PHASE I EVALUATION OF PRETRIAL RELEASE PROGRAMS

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TABLE OF CONTENTS

I

DESIGNS FOR PHASE II NATIONAL SCOPE RESEARCH ON PRETRIAL RELEASE PROGRAMS

From an historical perspective, pretrial release programs must be judged as highly successful undertakings. This success is evident in two important respects. First, American pretrial release practices have changed considerably over the 15 years that the programs have been in existence. The almost total reliance placed upon money as the criterion for pretrial release in 1960 and before has given way to the extensive use of nonfinancial release in many jurisdictions. The relationship which exists between this change and the rise of pretrial release programs indicates that the programs have had a major role in this shift to the use of alternatives to money bail. Second, the programs themselves have evolved from small, experimental projects designed to assist indigents in securing release into comprehensive agencies which in several jurisdictions are operating at annual budgets in excess of $100,000.[1]

While such institutionalization of pretrial release programs suggests that they have been accepted as worthy undertakings, this transition has occurred with a surprising paucity of quality research as to the consequences of such a change. As a result, what we can say now about the impact of pretrial release programs is not very much different from what could have been said in 1965. For example, our only firm conclusion in Work Product Four with respect to pretrial release programs was that the programs had demonstrated an ability

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[1]Data collected through the telephone survey of project directors undertaken in conjunction with this Phase I project indicate that 36 projects (out of 104 that provided budget information) have budgets in excess of $100,000 per year. Seven of these have budgets of over $500,000.

to significantly increase the use of nonfinancial releases in jurisdictions where their use had previously been infrequent. By 1965 the Manhattan Bail Project had already shown this to be the case in New York City.

The dilemma posed by pretrial release programs is whether their recognized success in changing judicial attitudes toward the use of nonfinancial releases makes the programs obsolete after a time or whether they continue to influence pretrial release practices as long-term, on-going agencies. The important question today is not whether pretrial release programs are effective vehicles for initial reform, but whether they continue to influence bail practices as long-term operations. We strongly believe that they do and that the programs continue to serve a very important function both in filling the role of an overall system monitor and in providing judges with background information for making pretrial release decisions. Data to support this assumption are not available at this time, however, and we recognize that looking at program impact solely in terms of the recommendations made and accepted by the court casts doubt on the continued importance of pretrial release programs. Nonfinancial pretrial releases in most jurisdictions today are not contingent upon the active involvement of a pretrial release program. During this Phase I study, we observed, for example, that nonfinancial releases are now often granted by police and judges without the intervention of pretrial release programs and that, while the programs may pose a significant initial challenge to bail practices in jurisdictions where the use of nonfinancial releases is low, over time the attitudes of the program and courts tend to merge on the granting of nonfinancial release. Moreover, the fact that judges sometimes grant nonfinancial releases without a favorable program recommendation--or despite a negative recommendation--suggests that in some jurisdictions

judges are, in fact, more inclined to their use than are the programs. In light of these facts, it is of considerable importance to find out whether the programs should be supported as long-term, on-going agencies.

There are, of course, many additional research issues concerned with the organizational structure and operating procedures of the programs. What type of program, with what procedures, produces optimal results for the least amount of money? The experimentation philosophy of pretrial release programs has resulted in a great variety of program structures and procedures, providing a fertile ground for research as to the consequences these differences have on program success. And yet, this type of research remains for the most part nonexistent.

The result is that many significant issues which have plagued pretrial release programs since the mid-1960's remain unanswered. Important issues which remain unresolved include:

- Who is the best suited to operate a pretrial release program--an independent agency outside the existing court structure or an agency within the criminal justice system such as a probation department?

- Should pretrial release programs be staffed by law students and recent college graduates or by professionals, such as probation officers?

- Should the programs interview all pretrial detainees or should they interview selectively? If the latter, what selection criteria should be employed?

- Should the programs attempt to verify information in all cases or use only selective verification? What verification procedures should be used--are papers carried by the defendant sufficient or should independent verification be required?

- Are the community ties criteria employed by the programs the most effective method for determining pretrial release reliability? What consequences do the use of these criteria have on the ability of the program to secure the release of persons who would otherwise be detained and on its ability to lessen the discriminatory nature of the traditional bail system on indigents and minorities? Can a more effective, less discriminatory method of screening be devised?

- Should defendants be evaluated for release eligibility by an objective, quantitative scale or should each defendant be considered individually and subjectively?

- What should a program do in those cases where a defendant does not qualify for a favorable recommendation--withhold its information from the court, present the information but without a recommendation, make a negative recommendation, or recommend a more restrictive form of release such as conditional release?

- How important is follow-up contact with released defendants in minimizing failures to appear? What type of follow-up procedures produce optimal results for the least amount of money?

- What role, if any, should the program assume in protecting the public by guarding against the release of defendants who pose a substantial risk of committing crimes while on release?

Despite the fact that pretrial release programs are now operating in well over 100 jurisdcitions, and although many are well entrenched in the local criminal justice systems, we strongly suspect that difficult times lie ahead for many of these programs. A number of programs have grown into expensive operations--many funded by the federal government--that local governments are not likely to be able to support for any extended period of time. Hence, if the programs of today are to survive, they are very likely going to have to re-examine their procedures in terms of the cost-effectiveness of each type of program activity. Is the program goal to serve all, or nearly all, criminal defendants? Or is there an identifiable target group of defendants within the total arrest population most in need of program intervention? Is full, independent verification necessary in all cases? Is follow-up notification of court dates and/or supervision necessary in all cases? On a broader level, program planners must ask whether or not existing resources of the court and police are capable of performing the tasks of the pretrial release program or if an autonomous project is required to maintain such services. The goal of the national scope research proposals we discuss here is to produce information by which such decisions can be intelligently made.

A. The Comparative Approach

Because no national scope research effort has been directed toward the question of why some pretrial release programs have achieved a high level of success and others have not, we know very little today about what combination of factors make for an effective pretrial release program. The result is that jurisdictions starting new programs generally model their program after what appears to be a successful program in some other jurisdiction. They have no basis for knowing whether, this "model" program is, in fact, procedurally the best example to follow. Furthermore, they give little consideration to environmental factors--such as judicial attitudes toward nonfinancial release, cooperation of law enforcement officials and prosecutors, and state statutes and court rules governing pretrial release--that may influence the success of the "model" program and how these external variables differ in their jurisdiction.

One direction national scope research might take is to address those fundamental and long-standing questions as to what effect differences in the organizational structure and operating procedures of pretrial release programs have on program success, and how the program procedures and political environment combine to make some programs more successful than others. One method for doing this would be to capitalize on the information now available from existing programs. In Phase I we made a start toward this through the use of a comprehensive questionnaire. Our questionnaire was administered in two parts. Part I, which was concerned with program organization, procedures, and environment, was completed by Phase I staff members during structured telephone interviews with pretrial release program directors. Part II, which requested data on program performance, was mailed to the directors for completion following our telephone interviews. Although we gathered a considerable amount of valuable data through this process, our efforts to relate program success to differ-

ences in program procedure and environment met with little success. The first part of the questionnaire produced a wealth of valuable descriptive information about the programs themselves, but the questions involving the program's environment--the amount of cooperation it received from other actors in the criminal justice system--were difficult to quantify. Hence, even if we had been successful in obtaining suitable performance data by which to gauge program success, it would have been extremely difficult to relate the degreee of program success to environmental factors.

The major problem with the questionnaire approach, however, was the inability of the programs to supply the type of performance data necessary to evaluate their impact. Although the return rate on the mailed questionnaire was far greater than we had hoped--over 70 percent of the programs responded--we found that most of the programs were unable to supply the type of comprehensive information on overall pretrial release practices in their jurisdiction that is necessary to measure program impact. Thus, although many programs were able to provide information on the number of persons interviewed, the number favorably recommended and the number released on their recommendation, very few programs were able to supply data on the number of persons arrested, the number of persons in detention but not interviewed by the program, the number of persons granted nonfinancial releases without program intervention, the number of persons released on bail and the number of persons detained. Programs, in other words, have records for the most part on their own activities, but little information on how these activities fit into the larger context of case processing and pretrial release in the local courts.[2] Until the programs are able to supply

[2]A 1973 national survey of pretrial release programs by the Office of Economic Opportunity also concluded that the data presently available from the programs is insufficient for adequate evaluation. See Hank Goldman, Devra Bloom and Carolyn Worrell, The Pretrial Release Program (Washington, D. C.: OEO, Office of Planning, Research and Evaluation, 1973).

this type of information, a national questionnaire survey is not likely to add substantially to our knowledge as to what makes programs successful.

An alternative approach, which avoids the problem of inadequate program-supplied data, would be a national study which collects its own data on comparative pretrial release practices in different jurisdictions by drawing a sample of several hundred criminal defendants from court records and tracking these defendants through the criminal process. Much of the information we now have on the impact of pretrial release programs comes from just such a study conducted by Wayne Thomas. If the type of data contained in Thomas' study were combined with a thorough analysis of the local pretrial release programs and the environmental factors within which they operate, we would then have a basis for drawing some conclusions as to the impact of different operational procedures. Also, in order to provide a broader base for comparison, one or two jurisdictions which do not have programs (or in which programs are no longer operating) should be included. While a national study via questionnaires could accommodate 100 or more programs, it would be very difficult to involve more than a dozen programs when independent archival data collection is involved.

Nevertheless, a comprehensive study including independent data collection in approximately a dozen cities would have at least two significant benefits. First, if the study were patterned after Thomas' and included many of the same cities, it would answer some of the important questions left from Thomas' work. Has the use of nonfinancial releases continued to expand since 1971? If so, how has it expanded--through pretrial release program recommendations, because of judicial initiative in using nonfinancial release, through citation releases, through conditional releases? Thomas reported that the expansion in the use of

nonfinancial releases from 1962 to 1971 did not have major adverse consequences on failure to appear rates--is this still true? Secondly, such a study would provide a good description of 12 programs employing a variety of approaches to the pretrial detention problem and how they operate. A jurisdiction considering a new program or re-evaluating an existing one would then have a manual describing in detail several different approaches by which to choose the one which appears to most fully meet its needs. We would estimate that such a study would take approximately 12 to 15 months and cost approximately $300,000.

From such a study, we would learn much about the overall system of pretrial release in 12 jurisdictions and the role of the pretrial release program in these jurisdictions. But such a study would not fully answer the critical questions as to what impact pretrial release programs have as long-term, ongoing agencies, or what types of intervention produce optimal results. The answers to these questions can come only through the use of experimental research designs. The development of sound descriptions of individual programs, using comparable definitions and data formats, could be of great value, however, in providing a context for analyzing the results of true control group experiments in specific jurisdictions.

B. Experimental Research Designs

The principal questions that can be addressed through experimental research designs are (a) Are programs necessary--do they influence pretrial release decisions? and (b) What types of program activities tend to maximize program effectiveness? Experimental research designs are ideally suited for determining the relative effectiveness of alternative program procedures and they offer two distinct advantages over non-experimental research. First, with an experimental design, the investigator is in a position to manipulate

program operations. He may intensify one area of activity while decreasing another. Second, the design permits the researcher to screen out the effects of contaminating factors through randomization procedures. In non-experimental designs, the analyst is never certain that he has managed to control for all of the alternative causes of some measurable outcome.[3]

In addition, because the experimental design permits the investigator an unusual amount of control over his research setting, the analyst can verify untested assumptions about program operations. For example, it is generally assumed by pretrial release programs that evaluating defendants against some standard of community ties is the best method for determining which ones should be released on their own recognizance. As long as the failure-to-appear rate for defendants who are released on this basis is acceptable, the program's procedure for evaluating defendants is assumed to be valid. Yet, this assumption overlooks the possibility that other factors, including alternative program operations such as follow-up contact, actually account for the failure-to-appear rate.

The advantage of an experimental design is that it permits untested

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[3]It is important to acknowledge, however, that there are limitations on the use of experimental research designs in the case of pretrial release programs. One important factor is the relatively small amount of exposure that a defendant has to the program's services. In contrast, defendants have numerous occasions in which they will be in close contact with many other criminal justice agencies. Hence, despite a program's efforts to affect behavior in a certain way, (e.g., insure his court appearance), there are many other persons and agencies that may exercise an independent influence affecting the defendant's behavior.

The implication of this for evaluation studies is that it is impossible to eliminate completely the effects of these intervening factors. Even with the most highly structured experimental design, there is no way to screen out all of the possible contaminating factors. Because there is generally a considerable lag between the time a program administers its treatment and the time some outcome occurs, there is ample opportunity for a defendant in both experimental and control groups to be affected by a variety of "outside" sources.

assumptions about the impact of program operations to be analyzed in light of systematically gathered data. In this way experimental designs provide a basis for obtaining very specific information about the linkages between program operations and measurable outcomes. The result will be the first understanding of which program activities--e.g., interviewing, verification, screening for release eligibility, submission of release recommendations--actually influence pretrial release decisions and the performance of defendants while on release, and how these activities should be structured to obtain maximum results for the least amount of money.

To produce results useful on a national scale, however, this type of study cannot be limited to a single jurisdiction or program. While program activities are subject to manipulation, environmental factors are not. The fact that one type of program intervention works best in one jurisdiction does not mean that it will work equally well in a second. Follow-up activity with released defendants is an example. Over an experimental period in which a program dispenses with all follow-up activity, it may find that the lack of follow-up procedures had no impact on either the number of releases granted or the rate of nonappearance. At this point, however, there is no basis to conclude that follow-up activity is unnecessary for programs generally. It may be that program follow-up is unnecessary in this jurisdiction because the court's procedures provide fully adequate notification of future court appearances. In a jurisdiction where this is not the case, some type of program follow-up may be critical. If however, experimental research with follow-up procedures in five jurisdictions discloses the same result--i.e., that follow-up has a negligible bearing on pretrial release and failure to appear rates--we then have a more solid basis for reaching a conclusion of general applicability.

Hence, in determining the relative effectiveness of specific program operations it is desirable to conduct similar research projects in several jurisdictions under the control of a national director. This will insure that the research is conducted in a uniform manner and will produce results that will be comparable. If the study is to produce findings of general applicability, the jurisdictions selected for study must be diverse in the types of programs operating, the attitudes of the local courts toward pretrial release, the type of bail statutes or court rules in operation, and the size and composition of the defendant population. A more pragmatic consideration in the selection of programs is the willingness of the programs to participate in this type of study. Since experimental research will greatly complicate a program's operation, will require withholding program services from some defendants, and may conceivably produce a finding that the program is unnecessary, finding jurisdictions willing to participate may be a difficult task. On the other hand, since LEAA is funding many of the programs, it may be able to exert sufficient leverage to gain a program's cooperation. An obvious method would be to agree to continuation of the program's funding for an additional year with the condition that it permit the type of experimental research we are recommending. There are also some significant potential benefits for the programs which participate. The programs will learn what method of operation provides maximum results for the least amount of money, and will have accurate data showing their impact on the rate of pretrial detention. Both will provide strong arguments for the programs when they present themselves to local jurisdictions for funding.

The cost of a national study of this type is difficult to gauge. If the cooperation of existing programs is obtained, the study costs would be

principally for personnel, travel, and computer analysis. A national director at $25,000 a year, an associate director at $20,000, and five research persons to place with the programs at $75,000 would cost $120,000. In order to undertake all of the experiments we believe necessary and to cover all of related fringe and overhead expenses, the study would likely take 18 months and cost between $300,000 and $400,000. If LEAA, in order to gain the cooperation of the programs, must extend grant periods or fund new programs, the cost of the study would increase substantially.

It may not be necessary, however, to fully staff a national research study nor to "buy" the participation of programs. The following research issues--which represent those we feel are most critical--might be developed into individual research proposals and submitted to every pretrial release program as a packet. The programs would then be given the option of selecting which, if any, of the research designs are of particular interest to them. Programs wishing to participate would conduct their own research under the direction of a national study director who would be charged with the task of seeing that the various studies are undertaken in a uniform manner.

II

RESEARCH ISSUES

A. Program Impact on Release Rates

In the past, evaluation research on pretrial release programs has focused primarily on measurement of outcomes thought to be the result of program activities, such as release rates, failure to appear rates, and so forth. If a defendant is recommended for release by the program and he is, in fact, released, his release is attributed to the intervention of the program. If this assumption is correct, then without program intervention, that defendant would not be released--at least not on a nonfinancial form of release.

The purpose of this study would be to test the validity of that assumption by withholding program services from a randomly selected group of defendants, and comparing their pretrial custody/release status to that of defendants serviced by the program. Such a study could be done with as few as 200 defendants in the control (non-serviced) group. However, since it would be of further interest to know for which group of defendants program intervention is most critical, it would be important to insure that there was a sufficient representation of defendants, by both income level and type of offense charged to allow comparisons between serviced and non-serviced defendants within subgroups along these dimensions.

The best way to insure equal representation of different types of defendants is through stratification. Under this procedure, defendants would not be selected randomly for the experiment, but rather, equal numbers of defendants would be randomly chosen for service or non-service conditions from each income-offense group. If two levels of income were used in the study (based

on an employed-unemployed dichotomy) and four levels of charge severity were used, the study would have eight income-offense groups; multiplied by two treatments, this yields a total of 16 cells in the overall design. If fifty defendants were desired in each cell, 800 defendants would be required, 400 in the serviced group and 400 in the non-serviced group.

Each defendant's pretrial custody/release disposition would be recorded, and comparisons made between the cells on the proportion of defendants within cells released on nonfinancial conditions, the average bail amount for defendants on whom bail was set, the proportion of persons detained, and the average lengths of their detention. Defendants in the control group would be interviewed so that the program could determine what its recommendation would be; however, no form would be forwarded to the court. From such a study conducted in several jurisdictions, data would be generated to address several important questions:

1. What impact on release rates do programs as a group have?

2. Does program intervention produce a greater or lesser impact when statutes are liberal and/or the judiciary strongly believes in nonfinancial release? For which groups of defendants is program impact greatest in the different types of jurisdictions?

3. What is the relationship between the level of funding and degree of impact? If it is not a strong one, why not?

4. What is the relationship between the scope of the program's interview coverage and its impact on different offense groups? Do programs which interview and recommend serious offenders have an impact on release determinations for that group of defendants, or is the time to service these defendants largely wasted effort? Is the cost-effectiveness of interviews of serious offenders greater in jurisdictions characterized by liberal statutes and judiciary than in others?

5. What is the relationship between the timing of program intervention and its impact on release rates? Do programs which intervene after defendants have had an opportunity to post bail have any less impact on the proportion of defendants detained than programs which intervene early in the process?

6. If programs are found that have minimal impact on indigent defendants, can elements of the programs' selection criteria be identified which would explain why this is the case?

7. Did defendants in the control group who would have received a recommendation for supervised or conditional release remain in detention more often than those in the experimental (serviced) group? If not, which defendants were most likely to be detained and what were the reasons for their ineligibility for a conditional release recommendation? Does conditional release have greater impact in some types of jurisdictions than others? Is the high cost of conditional release justified by the savings in detention time?

8. For those programs involved in citation releases, what was the impact of withholding services on defendants who would have received a recommendation for citation release at the stationhouse? Were these defendants released anyway on citation? Did they post bond at the stationhouse? Were they released on recognizance by a judge? How much extra time was spent in detention by this group of defendants?

Until such a study is undertaken, the most basic issues in the area of pretrial release will remain in doubt, including whether programs are still necessary, the environmental conditions under which they are most effective, the groups of defendants deriving the greatest benefit from their intervention, and the methods of operation which are most cost-effective in different types of jurisdictions. While it is reasonable to assume on the basis of data such as those which appear in Thomas' study that pretrial release programs as a group have had an influence on the proportion of defendants released prior to trial by influencing judicial attitudes on pretrial release, this does not necessarily mean that they are currently essential to maintaining high release rates or that they are using the most effective or efficient methods to achieve

their ends. After a decade and a half of bail reform, funding agencies and other policy makers need to take a close look at the current effectiveness of pretrial release programs in achieving their most basic goal--securing release for defendants who would otherwise remain in detention before trial.

B. Comparative Effectivess of Alternative Program Procedures

1. Notification Procedures

After a defendant is released from custody, he may be scheduled to appear in court several times before his case reaches final disposition. The time span between each hearing varies considerably depending on several factors, including court rules regulating the flow of cases. A basic problem confronting a pretrial release program is what can be done during each time period to insure the defendant's appearance. Many programs have invested a considerable portion of their resources in attempts to notify the defendant of his next appearance as a means of increasing the likelihood that he will appear. Yet, despite the long standing reliance on notification activities as a means of reducing the failure-to-appear rate, their relative effectiveness remains unknown.

Several questions about the impact of notification procedures need to be addressed in order to determine how pretrial release programs and other criminal justice agencies might use certain notification techniques in the most effective and efficient manner. They include, among others, the following set of issues: Is notification necessary? If notification is necessary, what alternative methods of notification are the most effective? Is one criminal justice agency--e.g., a pretrial release program, the court, or a defender agency--a more effective source of court notices than other sources? Does the nature and timing of information conveyed by the court notices affect the failure-to-appear rate?

In order to answer these questions, it is necessary to consider the interrelated effects of three variable components: (1) the communication used to notify the defendant; (2) the source of the notice; and (3) the nature of the information conveyed in the notice. The exact procedure for determining these effects first involves the random selection of a group of defendants from the total release population, including those out on bail. The defendants included in the sample would be assigned randomly to different treatment groups. Each group would receive a particular combination of the three components. The reason for introducing variation in the source and the nature of the information in the notice is because of conflicting theories about why notification may affect the failure-to-appear rate.

One possible explanation is that notification minimizes missed court appearances because it alerts defendants who would otherwise forget to appear. If this is the case, then perhaps the greater the frequency of the notifications, and the more personal the method for communicating the notices, the lower the FTA rates. An alternative explanation is that notification increases the probability that a defendant will appear because he is informed that an authoritative institution expects him to appear and that penalties will be imposed for his non-appearance. Assuming that this is true, one would expect to find the source of notification to make a difference in the FTA rate. Finally, notification may affect FTA likelihood because it reduces the defendant's confusion about where and when he is supposed to appear in court. Here one would expect attempts to communicate clear and concise instructions to be more effective than simply brief reminders of the court dates.

In order to assure validity in the findings, it is necessary to assign at least 100 defendants to each treatment group. This means that

attempts to consider the effects of all possible combinations of the three components will greatly increase the necessary sample size. Assuming that at least ten different groups will be analyzed, including one group that receives absolutely no formal notification, then it will be necessary to have a sample size of 1000.

2. The Relative Effectiveness of Selection Criteria Compared to Notification Procedures.

A basic assumption underlying pretrial release is that an examination of a defendant's background is necessary in order to determine which defendants are qualified for release. Pretrial release programs embody this assumption in their emphasis on pretrial screening during interviewing sessions and subsequent verification activities. Despite the long-standing nature of this assumption, it has yet to be tested. In fact, some existing research indicates that attributes of defendants commonly associated with the criteria for making release decisions are unrelated to failure to appear (FTA) likelihood. These findings raise the question of whether there are other factors that are more important in affecting a defendant's decision either to appear or not to appear in court. One such factor that is likely to influence an individual defendant's decision is the manner in which the court, the pretrial release programs, and other agencies notify him of his pending court hearings. Hence, a prime area for evaluation research is a comparison of pretrial screening with notification activities.

This issue can be addressed through experimental research in the following manner. First, a sample of 1000 defendants would be drawn from the total arrest population. In order to isolate the effects of pretrial screening in the clearest manner possible, all of the defendants in the sample would be evaluated according to the same numerical scale. After applying the Vera

release scale, the sample would be divided into three groups as follows: (1) defendants who score five or more points; (2) defendants who score three to four points; and (3) defendants who score less than three points.

The separation of the defendants according to their level on the point scale is intended to reflect the basic assumption about the necessity of screening defendants prior to their release. If the assumption is true, then one can expect the failure to appear rate to be progressively higher as the defendants become less qualified, i.e., score fewer points. The main objective of the proposed research, however, is to determine if other factors block out the alleged effects of different qualification scores.

Defendants in each of the three qualification categories would be assigned randomly to different treatment groups. The treatment consists of significantly different types of notification procedures. One treatment is a heavy dosage of information and instruction about pending court appearances. At the time of release, the representative of the court would provide the defendant with a card that includes the date, location, and purpose of the next court appearance. In addition, the penalty for non-appearance would be clearly indicated on the card. Finally, the card would include a telephone number that the defendant can call if any problems arise in meeting the scheduled court appearance. Between each of the court appearances, the pretrial release program would contact all of its releasees by phone. The purpose of the phone call would be to determine if the defendant understands where and when he must next appear.

The second treatment consists initially of verbal instructions by a representative of the court at the time of release. Here the defendant would simply be told of the date and place of his next court appearance. During the time span between the court appearances, the defendant would be contacted by telephone and simply reminded of his next court date.

It is reasonable to believe that the method of notification and the defendant's qualifications are related in certain key ways. For example, if the post-release notification consists of telephone calls, it is reasonable to suppose that the defendants who score the most points because they are employed and have permanent residences are more likely to have access to a telephone than those defendants who score the fewest number of points. In order to take this possible relationship into account, it is necessary to control for the defendant's accessibility to a telephone. Hence, after defendants are placed in one of the three qualification categories, they are subdivided into groups according to whether they either have or do not have access to a telephone. Finally the defendants in each of the possible telephone categories are assigned randomly to receive one of the two types of treatments. This means that there is a total of twelve groups of defendants whose FTA rates can be compared.

If it is true that pretrial screening is a necessary activity to perform in order to maintain low FTA rates, than the FTA rates for the defendants who score five or more points, and receive the minimum amount of notification, will be lower than those defendants who score fewer points but receive the extensive notification treatment. However, if the FTA rates are similar, this suggests that pretrial screening is of questionable utility for predicting likelihood of non-appearance. Instead, it would indicate that notification procedures are more effective in reducing the FTA rate than the pretrial screening

criteria. Moreover, if it is found that the failure to appear rate is lower for the defendants receiving the more extensive notification treatment across all three qualification categories, notification would appear to have an impact beyond that achieved by the point system.

There is no reason why the method of notification must be by telephone call. The research format would be the same if the analysts decided to use some other method such as mailed notices. Hence, the treatment associated with the telephone method should be regarded as purely illustrative of how the basic research question might be addressed.

3. Check-in Procedures

Numerous pretrial release programs require defendants to check in with the program office at different points during the pretrial period. A common procedure is to require defendants to call in or drop by the program's office within 24 hours of release. During the check-in, the program staff seeks to determine if the defendant is aware of the time and location of his next court appearance. If the defendant is confused about his next appearance, the staff uses the check-in session to clarify the situation for him.

Although the check-in procedure is intended to reduce the nonappearance rate by informing the defendant about his pending court hearings, no evidence has been produced that demonstrates that the procedure is either necessary or effective. The fact that many defendants who do check in appear to be relatively well-informed and generally meet their court appearances suggests that the procedure may, in fact, be unnecessary for a large proportion of defendants. Moreover, it is very possible that the defendants who could benefit from the information conveyed at the check-in session are precisely the ones who fail to check in. For these reasons, it is important to obtain systematic evidence on the impact of alternative check-in procedures.

Evidence has been produced in Lazarsfeld's evaluation of the Pretrial Services Agency in New York that defendants who check in are more likely to appear in court than defendants who fail to make this check in. This difference could be due to self-selection--defendants who are conscientious may both check in with the agency and appear in court--or it could be due to beneficial effects of the check-in procedure, or to both factors. To determine whether check-in itself exerts an effect on the appearance rate, it is necessary to conduct an experiment in which the appearance rates of a randomly-selected group of defendants who are not required to check in are compared to a randomly-selected group of defendants who are told to check in. A significant difference between the two groups in appearance rates would indicate that the check-in process does have an impact on the appearance rate.

If this were found to be the case, the next step would be to experiment with different methods of increasing the proportion of defendants who check in. There appears to be a relationship between the authoritativeness of the source telling the defendant to check in and the check-in rate. In Brooklyn, New York, for example, defendants are normally informed of their check-in obligation by a card which is given to them--usually with little or no explanation--by their attorney or the court bridgeman. During one two-week period, however, the judge who sat in arraignment court took it upon himself to inform defendants of this obligation. The result was a dramatic increase in the proportion of defendants who checked in. If defendants were appointed randomly to one treatment or the other, and if the defendants told by the court to check in with the pretrial release agency did, indeed, check in at a higher rate, the researcher would then want to compare the appearance rates of defendants who checked in within each group. If the appearance rate of the court-ordered defendants who checked in was comparable to the appearance rate of defendants who checked in because they

were informed by their lawyer, pretrial release agency, or other source (which would not necessarily be true, depending on the independent effect of check-in on those marginal defendants who checked in on the court's order but who would not have checked in if informed by another source), a recommendation could be made that pretrial release programs seek ways to increase the proportion of defendants who check in.

The foregoing national scope research proposals may be critical to the continued existence of many programs. They would produce for the first time accurate data depicting the actual impact of these programs on the rate of pretrial detention, would enable local program directors to assess the proper role of pretrial detention, would enable local program directors to assess the proper role and scope of defendant coverage for their programs and would answer questions as to the relative value and cost-effectiveness of different operational procedures. As a result, the programs would be better able to present themselves to local funding sources with reasonable budgets that can be supported by local revenues.

III

FOLLOW-UP STUDY OF LEAA-FUNDED PROGRAMS

Regardless of the type of national scope research--or whether such research is even attempted--a great deal of useful information can be obtained through a simple follow-up study of LEAA funded programs. As allowing the programs to follow their own course will very likely result in the demise of many programs, we consider this a less satisfactory approach than the national experimental research designs. Such a study would produce, however, a wealth of valuable information at very nominal cost and is, therefore, offered as a minimum research requirement to capitalize on the experiences of several years and millions of dollars of LEAA involvement in pretrial release programs.

Approximately 40 percent of all pretrial release programs are currently funded principally with federal money supplied through LEAA grants. Over the next several years as this federal support terminates, large numbers of programs will be seeking to continue their operation with local funding. Some will be successful in obtaining local funding; many, however, will fail. This will produce a unique opportunity to answer some of the most significant questions concerning pretrial release programs, including:

- What happens to bail practices when a pretrial release program is discontinued?
- Are the initial gains made by the programs in the use of non-financial releases lasting or does the percentage of such releases decrease after program termination?
- How does program termination affect the overall rate of pretrial release?
- Does the nonappearance rate of defendants on nonfinancial release increase when there is no pretrial release program?

These questions and others can be answered simply by conducting studies of bail practices during the program's last year and during the first year after

program termination. At this time we simply do not know whether local jurisdictions should or should not accept programs as long-term, on-going agencies. Analyzing the changes which occur after program termination will thus fill a critical gap in our knowledge of the programs. LEAA will be in a considerably better position to assess the wisdom of continuing to fund demonstration programs. If these programs are too costly for local jurisdictions to continue and if the gains made during the demonstration period dissipate once the program terminates, then LEAA should seriously question the value of these programs. On the other hand, if demonstration programs lasting two or three years bring significant, lasting changes in bail practices, then LEAA may well want to commit itself to the establishment of more programs.

Similar studies should also be conducted in those jurisdictions which do pick up the funding of LEAA demonstration programs. In these jurisdictions the researcher, in addition to measuring changes in release practices, will want to consider what changes occurred in the program's organization and operating procedures as a result of the transition to local money. Issues which might be addressed would include:

- Does the program's impact on pretrial release practices increase with the commitment of local funds to its operation?
- What changes occur in program operations and effectiveness as a result of the transition to local funding?
- What factors contribute to an effective transition from federal to local funding?

We strongly urge that a follow-up study such as we are suggesting be undertaken for every program which is now being primarily supported by LEAA money. There are a sufficient number of these programs operating under a variety of conditions and with a diversity of procedures to provide meaningful conclusions of general applicability. In light of the benefits to be derived, the costs of such studies are reasonable. We estimate that each jurisdiction could be studied in a period of approximately two to four months, at a cost of less than $15,000 per jurisdiction.

END