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ACQUISITIONS

FOLLOW-UP EVALUATION REPORT
DELAWARE COUNTY BAIL AGENCY
(SE-75-C-6A-7-701)

Submitted by Robert A. Wilson, Ph. D. November 1, 1976



I. EXECUTIVE SUMMARY

<u>Purpose.</u>

This report summarizes the findings of the evaluation of the Delaware County Bail Agency, performed by Dr. Robert A. Wilson, of the University of Delaware, between December, 1975 and September, 1976.

Focus.

The primary focus is (a) the newly developed release criteria which will be used to estimate risk of flight and to make recommendations to the Courts regarding bail, (b) the verification proceedures used by the Bail Agency in processing information on the defiendants, c) on the administration of the program Detailed information will be found in the full report which follows.

Goals and Objectives.

The major functions of the agency are to interview defendants regarding eligibilty for bail, to verify the information relative to bail potential and bail risk, to present recommendations to the Courts, and to communicate with released defendants regarding scheduled court appearances. In general, the agency is <u>effective</u> in performing all of these functions. Moreover, the agency has improved its level of performance during the period of evaluation. In the following report detailed commendations are made as to alternative ways in which the efficiency of the program can be improved significantly.

Major Findings and Recommendations.

In the previous report, a new set of criteria for recommending bail were discussed. A new point system was developed and recommended. This system has now been simplified and improved in its mathematical efficiency. It is recommended that the new point system be implemented immediately.

Several procedures employed to verify information supplied by defendants must be carried out prior to formulating a bail recommendation. The most important data are the arrest records and prior court appearance records. (Court appearance records include failure-to-appear and fugitive history files). It is recommended that the Bail Agency establish and administer a failure-to-appear and fugitive history file which encompasses all jurisdictions and all levels of judiciary within Delaware County. It is also recommended that a central arrest registary be established within the county, for the use of police, courts, and corrections.

Presently, the scope of pretrial services offered by Delaware County is limited to the administration of money bail, 10% cash bail, and Release on Recognizance. The Courts are severely limited in the alternatives to incarceration which may be provided particuarly for defendants who have a history of alchoholism, drug addiction, and remediable employment problems. It is recommended that a comprehensive pretrial service program be developed. Incorporated in

this program should be a conditional release concept, whereby defendants downs and something.

requiring the rehabilitative services specified above could be placed in treatment programs during the pretrial period, under supervision of the Bail Agency. The fundamental tasks of the agency should be to screen pretrial detainees, both in initial interviews and at the County Prison, for eligibility for conditional release. In this manner, many defendants could be diverted from a potentially costly and dehabilitating lifelong series of encounters with the criminal justice system.

Goals and Objectives.

The objectives of the Bail Agency are stated in the Grant application:

The goal of the Bail Agency is to ensure every defendant's right
to a fair and equitible bail, while ensuring that defendant's presence
in court. As this goal is atained, various benefits to the county's
criminal justice system are expected. These include the reduction
of the use of money bail, the reduction of the rule of the bail bondsmen
and the reduction of the county's jail population. It is important
to remember, however, that these are benefits connected with the
acheivements of the Bail Agency's goals and not the goal itself.
We make this differentiation so that the program does not begin to
address the potential benefits while ignoring its true goal.

Presently the Staff is interviewing all felony defendants (about 500 per month) arrested in Delaware County. After the finterview, pertinent information, especially information on prior criminal history is verified and a recommendation is made to the courts megarding the appropriate bail. If the defendant is released on this own recognizance or 10% cash bail, the Bail Agency continues to follow the defendant through the judicial process, sending remainder cards and placing phone calls in order that the defendant appears at hearings when scheduled. In addition, the Bail Agency is active in the review of the cases of defendants who have been detained in the county prison. Following review, when appropriate, recommendations are made for bail reduction or ROR. This typically occurrs when more information has been received on the defendant, allowing a more definitive statement as to bail risk.

III. EVALUATION ACTIVITIES

The evaluation plan specifies that a new set of criteria for release on recognizance will be developed. This technique is based upon a statistical profile (regression analysis) based on a sample of 564 defendants over a 6 month time period during 1974 and 1975.

As the result of this analysis, bail release criteria were developed, whereby an assessment of the probability of risk of flight may be made for the individual defendant. The new criteria are developed in the form of a point system which is employed to gauge risk of failure to appear in court. Extensive analysis of the point system and recommended forms may be found in the appendix to this report. If this new point system is properly applied, it should result in the reduction of failures to appear by about one third. (see previous report)

Between November 1, 1975 and September 30, 1976 the following evaluation task were completed:

- a) Redesigned interview forms employed to collect information on all defendants interviewed by bail program personnel.

 Several new items were incorporated into the form which will make it possible to assess bail risk more efficiently.
- b) Collected data on a sample of 564 defendants for the purpose of designing new bail risk criteria and new point system.
- c) Collected follow-up data on same defendants listed in (b) above.

- d) Code punch, verify, and analyzed data through the use of multiple
 regression programs, and factor analysis programs at the University
 of Delaware Computer Center.
- * e) Prepared interim report (copy attached).
 - f) Designed new forms for computing bail risk. This entails the use of six factors which may be easily verified, weighted, and employed in making recommendations regarding bail to the courts.
 - administrators regarding data base which should be assembled through the use of court computer system. As these elements are added to the monthly data base, a set of operational statistics which portray the inputs and outputs of the bail program may be obtained from the court's computer system.
 - h) Interviewed Bail Agency personnel, court administrators, and selected persons from outside agencies regarding this evaluation (as specified in evaluation plan).
 - i) Prepared follow up evaluation report (October T., 1976)

Data Employed in Evaluation

The most important data source consists of case records maintained by the Delaware County Bail Agency. These records are combined with fugitive information to create the longitudnal data base used to evaluate the bail criteria. Most records appear complete, however verified information on some defendant characteristics such as length

of residence and criminal history often appears limited. While arrest data and FTA history files are usable for the purpose of developing a new point system, they appear less useful for day-to-day operations of the bail program. Accessibilty is limited because there is no central location where arrest records for all the juriscictions of the county are stored. At this writing it is impossible to incorporate this data base into the new point system procedure. The next best alternative is to use a bail history file which includes failures-to-appear and fugitive history. The Delaware County Banil Agency is now assuming responibility for the development of such a file which should be invaluable in making recommendations om bail.

The monthly report issued as a by-product the count's computer system does not appear to reflect accurately on the activity carried out by the Bail Agency. For example, the Computer has no indication of the number of persons interviewed as compared to the number of persons arrested; nor is there an indication of whether bail was recommended, or what type of bail; nor is there an indication of failure-to-appear or fugitive status. While some of this information is available for the Court of Common Pleas it is nonexistent at the district justice level. Recommendations made in the insterim reports included the incorporation of these data elements for all persons arrested in Delaware County, for an extension of data collection efforts through the district justice level, and for the analysis of these data on a monthly basis.

Scope and Limitation of Evaluation

This evaluation consists of three fundamental components:

- A monitoring in an analysis of statistical data supplied by the Bail Agency.
- 2) Interviews with Bail Agency staff, other criminal justice personnel (judges, administrators, persons in private agencies), other personnel associated with the criminal justice field.
- 3) Selected special evaluation problems:
 - a) The development of the new point system and accompanying management information system, including computer hardware and software assistance
 - b) Validation of the new point system
 - c) Selected special problems, such as the analysis of the relationship between bail activities and the detention population.

This evaluation, as currently funded, has the capacity to perform most of the above functions reasonably well. Compliance with LEAA regulations can be readily monitored because the project is staffed adequately. At this point the focus of the evaluation is on efficiency an alternative means of meeting goals.

Feed Back to Project

The most concrete result of the evaluation is the new point system and supporting management information which will provide the capacity to make more efficient recommendations through the courts

regarding bail. This technique, initially developed im Philadelphia, has received a great deal of attention throughout the mation as a means of increasing the equity in efficiency of bail programs.

Recommendations were made for changes in the monthily statistical report format and data collection procedures, but as yet computer personnel have been unable to implement these recommendations It appears feasible and probable that the new procedures will appear in Serthcoming statistical reports, however.

The above comprise some of the more concrete by-pmoducts of this evaluation. Another role of the evaluator is to question and raise issues, and to bring into the open many of the uniderlying conflicts which exist in the program. The evaluator serves as am outside person---someone who is not an official functionary of the criminal justice system---with whom some of these issues can be discussed and hopefully resolved. Through regular sessions with the administrator of the Delaware County Bail Agency, the evaluator believes that he has been helpful in discussing and resolving some of the important operational issues.

IV. PROJECT REPORT AND ANALYSIS

Project Results

Between October 1975 and October 1976 the Delawaræ County Bail Agency interviewed and made bail recommendations for am average of 500 defendants per month. (figure 1) Approximately 40% of these receive ROR while the remaining 60% receive cash bail.

The current statistical reports, however, do not show the percentage of the total persons interviewed (presumably the entire felony arrestee population) which actually are released on various types of bail. They show neither the type of bail (ROR and 10% cash bail) recommended nor whether the court followed the recommendation of the agency. Also it is currently impossible to obtain a recommendation rate or a failure-to-appear rate from monthly reports. Based can data collected from the bail agency records, however, it appears that the failureto-appear rate (the percentage of scheduled court appearances missed) is approximately 4 to 6 percent in the Court of Common Pleas. An internal survey of all the district court justices suggests that the average failure-toappear rate at this judicial level is less than 3 percent. Admittingly, these data are based on observations rather than actually statistical data. When the new reporting system begins to operate a more accurate and comprehensive analysis will be produced. At this time Bail Agency records and interview data does not suggest a serious problem with respect to failure-to-appear.

following way: The state of the

- As the program progresses an increasing proportion of all defendants interviewed should be released on either 10% cash bail or ROR.
- 2) As the program becomes more firmly established, the courts should increasingly follow the recommendations made by the bail program.
- 3) As the program progesses the overall FTA rate should remain low or decline further.
- 4) The efficiency of the program should also be monitored through an efficiency ratio, which is the product of the proportion of defendants interviewed who are released on bail multiplied times the appearance rate (the inverse of the FTA rate). This measure will show flow through the system. In other words, efficiency in a Pretrial Services Program should combine the goals of recommending and releasing as many defendants who appear to be good bail risks and having them appear at the scheduled hearing (an increasing appearance rate).

When these indicators of the above are available through monthly statistical reports, efficiency of the bail program can then be readily monitored. It is vital that this type of monthly reporting system be initiated immediately. If it is impossible to achieve this analysis

indices be recorded and tabulated by bail agency personnel ...

Detention Population

The Bail Agency receives a daily census of persons detained at the Delaware County prison on pretrial status. This list is examined for persons who might be potentially eligible for pretrial release. Appropriate actions are taken at bail reduction hearings when warranted. The data on individual defendants, however, is often nost assembled in a way which allows an easy screening for potential bail eligibility. It is recommended that The Bail Agency secure additional profile information on detainees. These data should focus particularly on parole and probation detainers and on other information which might allow additional defendants to be released on bail.

Over the past three years the Delaware County Prison population has maintained a daily average of approximately 375. Some prisoners from other jurisdictions (i.e. federal) are lodged at the Delaware County Prison. Over the last five years the number of persons arrested in Delaware County has increased annually by a factor of more than three, but overcrowding at the prison does not appear to be a serious problem.

With an average of 500 persons being released on bail per month,

making the assumption that half of these would have beem detained for an average of ten days, at the Delaware County Prison, in the days absence of the Bail Program the prison population on am average day would be increased by about 100. If real prison costs are approximately \$30.00 per day, then the additional 100 defendants would cost approximately \$3,000.00 daily or \$90,000.00 per month or over a million dollars annually. Also, if the Delware County Bail Pragram were not operational this would necessitate the building of a new prison, the cost of which would be approximately \$30,000.00 per detainee.

Of course, the cost of maintaining and operating the prison would also be substantial. In sum, from a cost benefit stand point the bail program appears to be saving the Delaware County taxpayers over 1 million dollars per year, when compared to possible imcarceration costs, which would be incurred in the absence of the program.

Administrative Structure of the Project

The Delaware County Bail Agency is administered by the Clerk of Quarter Sessions of the Court of Common Pleas of Delaware County. The director of the program reports to the clerk and to the chief judge. This administrative structure appears to be adequate. No changes are recommended.

Within the structure of the Bail Agency, interviewers generally conduct the interviews with the defendants and verify the information

provided. It is recommended that a separate verification unit be considered. After the interview is conducted, a defendants file would be turned over to this unit for verification of information on residence, criminal history, employment, and other information which is vital in assessing the bail decision. In the event that it is not feasible for a verification unit to undertake this process, it is recommended that a sample of cases be examined monthly for quality controll of information which should be verified in making the mecommendation for bail.

Operation and Management of the Project

In general, administrators and other personnel appear to be operating the project efficiently. It is recommended that when the new point system comes into operation an intensive training period be instituted and the careful controlls on procedures be maintained.

The personnel of the project should also become more active in communicating with other agencies in the pretrial services field. Membership in the National Organization of Pretrial Administrators would be helpful in increasing the level of professionalism within the agency.

The Evaluation Process

It is recommended that the evaluation continue, with primary emphasis being upon the development of adequate operational statistics

and on continuing the development of the point system recommended in this report. Information used to assess bail risk should be collected on an anual sample; weightings and methods used to make recommendations should be re-examined and retire annually through the project evaluation.

Planning of the Project

Planning of the project generally appears adequate, however, goals relating to project efficiency, as specified in the previous section should be adopted. Again, it should be stressed that an increasing proportion of defendants should be released on bail while at the same time maintaining or decreasing the failure—to-appear rate.

It is also recommended that the overall approach of the Delaware County Bail Agency be expanded to a Unified Pretrial Services Program which has the capacity to implement conditional release and other alternatives to traditional bail. In sum, the basic approach appears sound and should be expanded.

Level and Timing of Funding

It is recommended that the project be continued at approximately the same level of funding, allowing for normal increases in salaries which have been established by the county. For the long term, however, it is recommended that a salary study be conducted, whereby the appropriate

levels of salary be examined for various positions within the project.

Alocation of Project Activity

Additional efforts should be made on verification of data employed in making bail decisions. When the fugitive history file is developed, the project should examine the need for additional verification sources at that time. Additional efforts should also be made in preparation and analysis of monthly data as specified in the previous section.

External Events

The development of the Delaware County Bail Agency should be interrated into a long term plan in pretrial area for Belaware County. Presently, the planning is based primarily on year-to-year funding through the Governors Justice Commission. An overall plan which specifies the development of the Bail Agency and its relationship to other criminal justice agencies should be issued having a time frame of at least five years into the future.

Project Impact

The Delaware County Bail Agency has fulfilled its basic purposes: to enable many defendants to enjoy pretrial freedom rather than being penalized solely for being poor and to insure that the vast majority of defendants appear at scheduled hearings through the verification

process. The data presented here verify that these objectives have been achieved. It is suggested, however, that the program can be made more efficient, particularly if these objectives are made clear throughout the criminal justice system.

Impact on the Criminal Justice System

The Delaware County Bail Agency has had a beneficial impact on the overall criminal justice system in Delaware County. The evidence reviewed here indicates that the program is superior im every way to the old system of private bail bondsmen which proceeded it. ROR and 10% cash bail are but one of the many alternatives; to incarceration. It is recommended that other alternatives, such as conditional release be implemented. Generally, the argument is made that its both less expensive and more humane to employ these methods than other alternatives.

Alternatives to Current Resource Alocation

Analysis of literature on alternatives incarceration suggest no other program which will lead to more efficiency. The evaluator has carefully studied other pretrial projects throughout the country; in no instance does it appear that other basic methods of pretrial release would be efficient than those employed in Delaware County.

Comparative Results

Generally, the Delaware County Bail Agency reveals: a recommendation

rate and failure-to-appear rate which compares very faworablly to other jurisdictions (about 40% FTA rate and about 50% recommendations for ROR). Through

the use of a unified pretrial services concept, the agency can become even more useful to the community. Efforts should be by pretrial service administrators to explain the program to the Community and to work with other agencies in the criminal justice area in order to utilize the resources which the program offers.

Other Results

The use of the new point system should lead to great gains in efficiency. The analysis and evaluation of this system should be persued extensively.

Cost Analysis

Based on the average detention cost \$30.00 per day (which is considered to be a realistic estimate) and assuming further that the 6,000 defendants released annually would spend a week each in jail, in the absense of the bail program, detention costs alone would sore well over 1 million dollars per year, in addition to the budget. This estimate, of course, does not take into account time other cost of the criminal justice system let alone the human costs, such as lost wages, lost taxes, welfare cost, the cost of human suffering

and other social costs such as divorce and mental illness which are linked to incarceration. In sum, without the Delaware County Bail Agency, new detention facilities would be required, the current cost of which is estimated at about \$30,000 per detainee.

V. FINDINGS AND RECOMMENDATIONS

Generally, the initial objectives of the program Mave been achieved.

- a) To interview defendants regarding potential bail.
- b) To verify the information provided.
- c) To evaluate the information relative to bail potential and bail risk.
- d) To present a recommendation to the courts.
- e) To communicate with released defendants regarding scheduled court appearances.

Over the years, the Delaware County Bail Agency has successfully instituted a program which implements this process. However, as recommended previously, the program is now at a point where it can become more <u>efficient</u> in the achievement of these objectives. It is recommended that further refinements be adopted, similar to those stated previously, which deal with the recommendation mate, the failure-to-appear rate and general flow through the system which can be monitored through a managment information system. In other words, in order to become more efficient and effective, management information system must be developed and implemented.

Impact on Problem

The program is having the impact which was specified in the grant proposal. Approximately 5,000 defendants are being released on bail annually, approximately half of whom are released on their

own recognizance. The program is not reducing the prison population, primarily because the persons who are incarcerated are not people who would be eligible for bail. The very fact that the prison population has stabilized, while the arrest rate has increased over three-fold during the time the bail program has operated testifies to the success of the bail program.

Factors Effecting Success

The program is well adiministered and well planned. Relationships with other agencies in the criminal justice field appear to be good.

Now that the program is going through the development stage it should become increasingly effective in performing its designated functions.

Appropriatness and Practicality of Project Objectives

The program objectives, as specified in the grant application for the project need more specification. Also project personnel at all levels need to become aware of the objectives and how these relate to their particular jobs. In this report we have previously addressed the type of objectives which might be implemented through a management information system. It is recommended that numerical sucess objectives be adopted with focus on defendant flow through the system from time of arrest until final disposition. When deversions from the trend are detected corrective steps may be taken when warranted.

Value of the Basic Method

Nationally, Release on Recoznizance and 10% cash bail have been demonstrated to be a viable alternative to incarceration. The Delaware County program is one of the first in the Commonwealth to implement these prisons. Innovations which occur in the future should entail extension of the conditional release concept and other alternatives to incarceration which provide both pretrial release and also rehabilitative efforts for defendants who can benefit from programs of treatment.

In sum, the basic method is sound. Gains in effectiveness in efficiency can be obtained through extensions of the basic concepts and release on recognizance. Possible extensions include more systematic communication efforts with defendants who have been released, development of a

defendants during the pretrial period, and involementation of the management information system which keeps track of defendants at all times during the pretrial period.

Operation of the Project

- a) Is recommended that the new point system be implemented immediately.
- b) As this system is implemented, quality control to assure that the verification procedures are applied in every case.
- c) Presently, interviewers appear to be using the point system as a set of general guidelines. As the new system is implemented, steps should be taken to assure that all interviews apply the new method diligently.
- d) The management information system incorporating the elements suggested previously, (in the previous report), should be implemented immediately. If the courts computer system cannot be employed for this purpose within the next 60 days, that information should be collected manually.
- e) The fugitive history file should be developed and maintained immediately for purposes of verifying information used to make the bail recommendation.
- f) FTA information should be collected at the district court level and the district justice level for all defendants. The FTA rate should be computed on the proportion of missed court

appearances. Failures-to-appear should also be categorized into willful (those deliberately missed court appearances) and unwillful (those missing an appearance because of allegitimate excuse, i.e., hospitalization, incarceration, or lack of communication brought about by a governmental agency rather than a defendant).

- g) The Bail Agency in cooperation with the Delawance County Prison, should develop a <u>bail eligible profile</u> for defendants who are incarcerated who might be eligible for a release if certain conditions, i.e., parole and probation, etc. were met.
- h) A large number of defendants are arrested in Deflaware County who reside in Philadelphia. Presently these defendants are ineligible for release on recognizance because of lack of the necessary information. It is recommended that a cooperative agreement with the Philadelphia bail program be established whereby necessary verification information be exchanged between the Philadelphia Pretrial program and the Delaware County bail programs.
- i) The Bail Agency should investigate the need for more multlingual interviewers or persons who might assist defendants who do not speak English or who cannot read the T.V. screen in the courthouse.
- j) The Bail Agency and the court should investigate the need for a writing area where all defendants could wait prior to court hearings. Because defendants are spread throughout various areas of the courthouse many failures-to-appear result because people are simply not aware that they are needed in a courtroom.

Overall Cost of the Project

The overall cost of the project appear reasonable considering the scope of projects operations. The requested budget for next year is approximately \$175,000, this appears to be adequate.

Continuation of the Project

It is recommended that the project be continued into the future

Evaluation of the Project

It is recommended that the evaluation of the project be continued with the particular emphasis on updating and monitoring the release criteria which were developed through this evaluation. It is further recommended that the management information system recommended earlier in this report be implemented during the next year. Evaluation of the project should also entail a careful monitoring of monthly data.

Implications for Governor's Justice Commission Policy

The Delaware County Bail Project provides a demonstration as to how the modern bail rogram may be conducted in a suburban area or rural area. It is recommended that the organization and administration of this program be carefully studied and employed as a prototype for moderate size county. The new point system, which is a by-product of the evaluation of this project, as well as the Philadelphia program, is one of the most important elements which are required for success in a bail program. It is recommended that this procedure serve as a model of other bail programs developed in the Commonwealth of

Pennsylvania and elsewhere. It is also recommended that the Governor's Justice Commission, in formulating policy and recommending new laws carefully consider the results of this project.

Attachment A.

INTERVIEWING AND VERIFICATION PROCEDURESS

Introduction.

The evaluation of the Delaware County Bail Agency required an examination of the verification procedures currently in use.

The Delaware County Bail Agency interviews all those who have been arrested in the county. This is done prior to the arrestree's appearance before a District Magistrate. The appearance is for the purpose of setting bail. The interview is concerned with background information about the defendant that will assist the District Magistrate in ascertaining the proper bail for the case. For this reason the information must be accurate and credible. However, much of the information comes inmittially from the defendant, who may distort it in an attempt to achieve melease on bail. Also, the defendant may not be able to supply all of the information that is relevant, e.g. whether or not the defendant can return to his or her job if released. Both credibility and missing information is supplied through the verification process. Verification amounts to the corroboration of the information obtained from the defendant by others. Notations on the interview form show the District Magistrate what information has been verified and by whom, or why it could not be.

The examination of the verification process was achieved in four ways: by discussing it with the program director and two interviewers, by going through some completed interviews with the interviewer that had conducted them, by independently examining a group of completed interviews, and finally by observing several actual contacts which defendants.

Findings.

The programs staff appeared to be generally well infformed about the

were willing to spend the time necessary to accomplish it.

The specific findings are divided into the chronological part of the process to which they apply -- during the interviewing phase, during the verification phase, and during the presentation of information phase:

The Interviewing Phase.

Several potential problems surfaced in taking the initial interview that could affect verification: some of the abbreviations used on the form were unfamiliar to the interviewers. For example, under the question are you married two of the possible answers are "n" (meaning no) and "c" (meaning yes, married in a civil ceremony as opposed to in common law). These are mutually exclusive. Yet in the interview in question the interviewer circled both "n" and "c". Such unfamiliarity creates difficulty in later attempting to verify the information that has been given.

Also, the interview and verification stages seem to be viewed as stally district operations. Neither of the interviewers spoken with felt that they would reinterview the defendant if the information originally stained seemed confusing. Since in at least one of the interview locations there is a telephone immediately available, it would seem that the defendant would remain in the room while the verification was completed. This would give the interviewer an opportunity to get the most correct information was liable and not to leave the defendant suspected of having lied where contradictory information was obtained from a reference.

With these exceptions, the interviews appeared to be complete and "Itable for verification purposes.

Recommendations.

- The abbreviations in use on the interview form should be more carefully
 explained to all interviewers
- Wherever possible the verification should be conducted with the defendant immediately available. Where this is not feasible, then it is recommended that apparent inconsistencies not be resolved until again speaking with the defendant.

The Verification Phase.

Use of identification cards.

Interviewers stated that they accepted identification cards as means of verification. Since most identification cards have at least a year of life before expiration, if they expire at all, and since they are frequently issued with incorrect information on them, such reliances are probably misplaced. The only possible exception might be recent pay stubs, but even these only indicate the defendant was employed as of the date of the stub. They cannot indicate if the defendant is still employed.

At best, ID cards should be considered a secondary source of information, particularly useful in locating individuals who can be contacted by telephone, and should not routinely be accepted as complete verification.

Family and friends as references.

The general procedure, as explained, was to attempt to complete all verification with a single individual, usually a family member. This places too much reliance on one individual, especially when that individual has strong reason to lie or fabricate information to advance the defendant's release. Family members are frequently not fully aware of the defendant's employment status. Even if they

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know where the defendant works, they certainly are unable to answer the question concerning whether or not the defendant will be able to continue his or her employment if released following the arrest. Only the employer can answer this question. Family members, however, are the individuals best able to give verification of matters pertaining to residence and time in the area. It may also be noted that a phone call seeking verification information serves to alert the family of the defendant's arrest. This will make it possible for them to begin to raise funds in the event that a money bail is set. In cases where release on recognizance is not granted, such a system will obviously help to speed up the bail release. Finally, the verification call may also be used to tell the family that the defendant will have future hearings to attend. This may enlist the family's assistance in seeing the defendant appears as required.

The employer as a reference.

The interviewers spoken with, as well as the interviews that were examined, indicate that the employer is largely ignored as a verifier (unless there is some question as to the defendant's financial ability to pay for retained counsel). In one instance the reason for not contacting the employer was explained as requiring too much time; in the other instance the consideration that the defendant may lose his or her job if the employer finds out that he or she has been arrested was mentioned. The defendant should be asked whether or not the employer can be contacted as a part of the interview. If the defendant says that the employer may not be, then the reason should be noted, e.g., "If my boss finds out, I'll be fired." However, if the defendant agrees to such a telephone call, then it should always be made. Only in this way can the ball setting Magistrate be assured that the defendant will have a place to work if released. Judicial

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officers in the past have indicated an inordinate amount of interest in employment; if for no other reason, this factor makes it worth verifying.

Verification of prior court contact.

The problems of distance and lack of any centralized police record keeping function in Delaware County appear to create a great many problems in verifying this area of the interview. Unterviewers seemingly have little, or no, way of knowing whether the defendant has a prior arrest history (even in other jurisdictions within the county), the disposition of such arrests, the existence of pending probation and parole cases (and whether these involve detainers), whether the defendant is a fugitive from an other jurisdiction, and whether the defendant has appeared at prior court hearings. Such informathion, if available at all, has to come from the Ball Agency's own files. Access requires a call to the main office in Media. This system is commersome at best and, apparently at night, unavailable.

Verification tools and techniques.

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Each of the interviewers appears to have developed a rather complete set of techniques and standards for verification. All were familiar with the use of the telephone cross directory and the other telephone listing services in order to locate references. None, however, had ever thought of utilizing the telephone company to call unlisted numbers. It is strongly recommended that procedures be worked out with the appropriate officials of the local telephone company, where an operator in the non-published number section will telephone the unlisted number and ask to have the individual at that number call the Bail Agency.

When information cannot be verified, interviewers should be directed to refer to information collected in prior limiterviews, where available, in order to complete verification in the new case. Information may often be developed from a source listed on a previous interview. The defendant, at the time of the newesti interview, may have forgotten to name a relative that had been previously listed as a contact.

Finally, one of the operational disadvantages off the program is the great number of jurisdictions from which it must operate. . This means much travel throughout the country in goiling from one location to another. However, there appears to be no attempt made to use these mobile interviewers to perform either notification scervices (especially where a letter has been returned marked undeliverable, or verification - of information not obtainable by telephone. The resultionale for not doing this given by one of the interviewers was the potential danger Nevertheless, several jurisdictions have successfully used individuals with backgrounds like the interviewers at the Bail Agency to perform such functions with no danger to the individuals involved. In both Washington, D.C. and New York Citty, the response has been overwhelmingly productive. In fact, the biggest problems faced by both of these jurisdictions was a lack of adjequate transportation in attempting to carry out these functions. For this reason the Delaware County Bail Agency could fit such activities into the current scheduling with little or no loss in efficiency in Etts regular duties, while achieving a concomitant gain in the two areas mentioned. Safety. can be maintained by making each of the interviewers explicitly aware of their right to avoid such activities where they feel from the appearance of the neighborhood, individuals at the location, or any other reason, that such activity may be potentially harmful.

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Recommendations.

- The different items covered above are quite complex and on the whole adequately performed.
- One potentially useful devise is a concept of "best verifier". A best verifier is the individual or agency representative who is the only one who can answer, or verify, the information sought. Examples of best verifiers are landlords (or the family member or friend renting the dwelling where the defendant resides) in matters of residence, the employer in matters of employment, the family in the question of two long the defendant has been in the area-and how often the defendant has contact with them, and certain criminal justice system professionals in the area of probation and parole. Best verifiers can answer questions like: Can the defendant return there to live? 'Can the defendant maintain his or her employment? How long has the defendant lived in the area? What is the defendant's adjustment to probation (parole) and will a detainer be lodged? Best verifiers are so necessary to the verification process that if for any reason they cannot be contacted, or a substitute verifier is used, then the failure to contact the best verifier should be mentioned and explained. Thus, "Employment verified by mother. The defendant did not want the employer contacted, as he feared he would lose his job". Such remarks fully explain the situation without prejudicing the defendant and providing the maximum possible information to the judicial officer.

Presentation of verification.

Information obtained during the verification process is routinely placed on the interview form.

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The only problem appears to be the differences in the manner in which this is accomplished: one interviewer stated that the put all verification information in the comment section. This probably its not the best way to present the information, since it tends to separate it from the point being verified. The information, therefore, loses lists impact.

Moreover, the comment section is extremely small and fillling it with verification data would preclude the entering of information that more properly belongs there.

Recommendations.

- Regardless of the method that is ultimately selected, list is strongly
 recommended that verification information be placed wiith the item being verified, and that some rules of consistency be established.
- Verification should include not only a statement showling what information was verified, but also who verified it, when it was verified, and in instances where verification was not complete (sauch as a family member stating the defendant's place of employment), at ffollow-up statement showing what remains unknown.
- The interviewers said that they usually made no notations indicating attempts to verify where such attempts were unsuccessfull. In some ways the fact that a telephone has been disconnected is as informative as a successful verification. Also, instances in which a given phone number is busy over a long period of time should prompt a call to the telephone company to have the circuit checked, since a busy signal may indicate that the line has been disconnected, but no recording has been placed to intercept that number.

In more difficult cases, policy should also direct that additional pages be added to the interview form containing the neacessary information. A notation on the interview form itself of "see attached page" gives the necessary continuity. Only one of the interviewers mentioned having done this, but only "once or twice".

Future Developments And Recommendations.

Distance.

The most serious problems faced by the Bail Program are the great distances that staff personnel have to cover, the lack of predictability in terms of when they have to be at coertain locations, and the difficulties inherent in dealing with the many different police jurisdictions. The Program desserves excellent marks for coping with such difficulties. It is understood that the project is attempting to develop a centralized amraignment system for the county. The advantages of this step ffor the program would be immense. At the same time it would create an impetus to the entire jurisdiction -- Courts, Sheriff, District Attorney and other elements of the criminal justice system -- to dievelop centralized record keeping.

Centralized record keeping.

The Delaware County Bail Program also deserves coredit for apparently being one of the few bodies in the criminæl justice system to have a centralized record system. The centralized arraignment system mentioned above would be a good way to begin to maintain centralized police files from which each of the elements of the criminal justice system could then build their own separate

data systems. The inherent coordination would immeæsurably improve the quality and availability of information which the program could obtain for items having to do with prior court contact. In this way, the judge or District Magistmate could be supplied with accurate, up-to-date records as to prior convictions, current probations or parole, and information about: the defendant's adjustment to programs. The staff of the bail program deserve praise for attempting to remedy these deficiencies.

Verifiers manual.

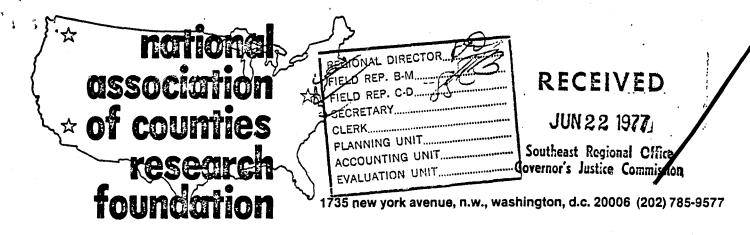
Some of the problems noted above resulted from finconsistency flowing from the absence of established procedures. Many problems could be resolved by the development of a verifier simanual. Currently, the major source of procedural information is on-the job training and word of mouth. Because of the distance problems discussed above, it appears that interviewers have been permitted to each develop their own system — a system not necessarily in concert with that of other interviewers. The manual would not have to be of great length, but should cover some of the points mentioned above.

Procedures concerning bench warrants.

Obviously one of the most fundamental measures of the performance of a bail program has to do with the number of individuals who fail to appear for scheduled court appearances. The program, largely because of funding limitations, does not have the staff to systematically deal with each warrant issued. At the current time, knowever, the program appears to receive little, if any, information pertaining

to those who have failed to appear. The staff involved with receiving telephone check-in calls could possibly be utilized the contact those defendants who have failed to appear and who have a bench warrant to encourage them to turn themselves in. Surrender rattes in excess of 30% are common with units using only the telephone. In order to be effective, the bail program would have to make arrangements to turn such people over to the court for expeditious processing, having the case set for a new date. Experience has shown that: the less delay in performing such administrative functions, the more likely it is that individuals would be willing to turn themselves in voluntarily. In the same vein, the interviewers mentioned that they currently have no contact with individuals who either turn themselves in or are brought back in with an outstanding warrant. Demending on the volume, it may be possible to interview such individuals as: to the reason for their failure to appear and to provide verification of excuses given. Examples of non-willful reasons would be verified hosepitalization (by calling the hospital) and incarceration in another jurisdiction (by verifying that incarceration with the appropriate correctional facilities).

FACTOR NAME		POINTS	
I. Phone	• • • • • • • • •		
II. Residence Length (choose or	ue):		
	up thru 6 mos		
	7 mos. up thru 1 y		
	13 mos. up thru 5 longer than 5 yrs.		
III. Lives with spouse			
IV. Length of employment (choos	se one):		•
	unemployed		
	up thru 1 yr.		
•	13 mos. up thru 5 more than 5 yrs.		
V. Amount of Loan Payment (cho	ose one):		•
(none or unknown	615	
	up thru \$200		
•• •	greater than \$200	· · · · · · · · · · · · · · · · · · ·	
VI. FTA-past 6 mos		250	
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Dr. Robert A. Wilson,		. (
Evaluator for Delaware County B	ail Agency	500 cut-0	1 level
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MEMORANDUM

TO: Criminal Justice Planning Directors

FROM: Nancy Levinson, Corrections Specialist, NACORF Criminal Justice Program

RE: Countercyclical (Antirecession) Program

DATE: June 16, 1977

What It Is

This is a temporary program which will provide around \$2.25 billion for fiscal '78. The money is payable quarterly with payments varying from one calender quarter to the next as unemployment rates change. One-third of the funds will be allocated to the states and two-thirds to local governments. Local governments will be receiving their allocations sometime in early July. The amount appropriated for the July payment will be either \$515 or \$545 million.

Uses

Antirecession funds must be used to maintain basic services and are <u>not</u> to be used to maintain construction or to acquire supplies and equipment unless necessary to continue to provide basic services. Construction is limited to structural repairs and renovations.

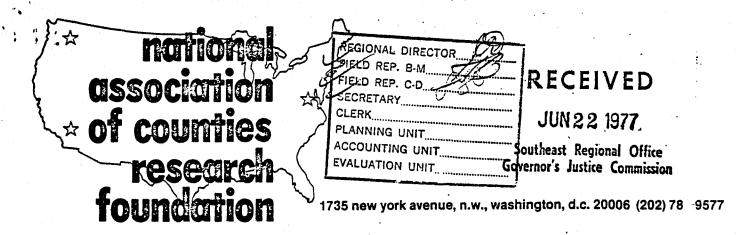
Police and Corrections is a permissible expenditure category and includes law enforcement, crime prevention, traffic safety, vehicle registration and inspection, education and training programs, operating correctional institutions, work release, rehabilitation and juvenile offender programs, judicial salaries and expenses, and maintenance of emergency communication networks. Payments may also be used as a contribution to a

federal or state matching program provided the expenditure complies with the prohibitions and restrictions on the use of funds.

Requirements

Receipient governments must spend or obligate funds within 6 months of receipt.

Governments must use the same anti-discrimination provisions as those in the revenue sharing law. Receipients must also sign an assurance form in order to qualify for funds, and must report to the Office of Revenue Sharing specific decisions on tax rates and decreases in public employment or services within 6 months of the time actions are taken. Information on other requirements can be obtained from the Office of Revenue Sharing.



MEMORANDUM

TO: Criminal Justice Planning Directors

FROM: Nancy Levinson, Corrections Specialist, NACoRF Criminal Justice Program

RE: The Public Works Employment Act of 1977

DATE: June 16, 1977

What It Is

This act is designed to reduce unemployment and brake the downhill slide of recession. Under Title I of the Public Works Act of 1976, \$2 billion has already been expended, and construction of the funded projects has commenced. Under the Public Works Act of 1977 (pub L 95-28) an additional \$4 billion has been authorized and appropriated. All funds must be obligated by September 30, 1977.

Eligibility

The act is administred by the Economic Development Administration (EDA). Factors included in funding allocations (called a planning target) are the dollar value of county applications on file, and the amount of funding that the unit of government received during the first round of Public Works grants. The county government share of the funds would be based on the proportion of county applications on file from each state. For example, counties may have submitted 15% of the total number of Public Works applications. Counties, therefore, would receive 15% of the allocations.

Uses

Projects to construct, reconstruct, renovate, or repair any public facility including jails, courthouses, and public safety buildings qualify for Public Works money. However,

jail construction and renovation require review by the National Clearinghouse on Criminal Justice Planning and Architecture through the regional LEAA office. The procedures are the same as in Round I last year. The LEAA Regional Office should be notified on any changes in Round I applications for construction that will be resubmitted. First priority will be given to applications unfunded from Round I, and since there are about 20,000 such applications on file with EDA, the possibilities of counties receiving enough money for new projects seems unlikely.

Procedures

EDA will mail all notifications of planning targets to eligible jurisdictions by return receipt certified mail. All resubmitted or new applications must be received by the appropriate EDA regional office by midnight of the 28th calendar day from the date indicated on the return receipt. Each applicant, after being notified of its funding level, must adjust its project list to fit that level of funding. This may be done by resubmitting existing applications at the same or new funding level or by submitting new projects. Any questions about allocations should be addressed to your regional EDA office.

Addresses

National Clearinghouse for Criminal Justice Planning and Architecture 505 East Green University of Illinois Urbana, Illinois 61801

Economic Development Administration Regional Offices

Atlanta Regional Office
John E. Corrigan, regional director
600 Arch Street
Philadelphia, Pennsylvania 19106
215/597-4603

Midwest Regional Office

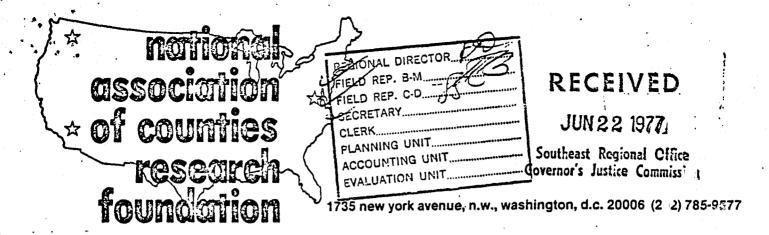
James E. Peterson, regional director
1025 Civic Towers Building
32 West Randolph Street
Chicago, Illinois 60601
312/353-7706

Southeast Regional Office Charles E. Osley, regional director Suite 700 1365 Peachtree Street, NE Atlanta, Georgia 30309 404/526-6401

Southwest Regional Office
Joseph B. Swanner, regional director
Suite 600, American Bank Tower
221 West Sixth Street
Austin, Texas 78701
521/397-5461

Western Regional Office
C. Mark Smith, regional director
Lake Union Building, Suite 500
1700 Westlake Avenue, North
Seattle, Washington 98109
206/442-0596

Rocky Mountain Regional Office
Craig M. Smith, regional director
Suite 505, Title Building
909 17th Street
Denver, Colorado 80202 303/837-4714



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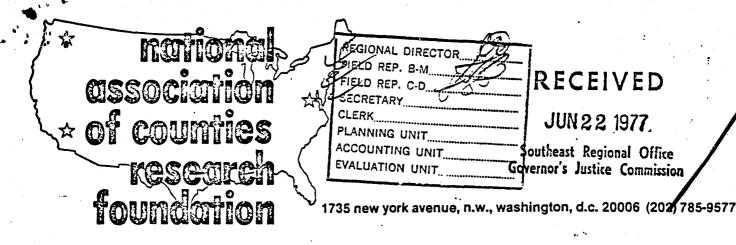
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