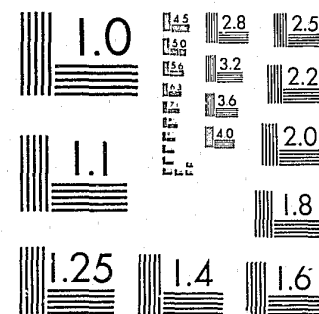


National Criminal Justice Reference Service

**ncjrs**

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART  
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

Date Filmed

4/9/81

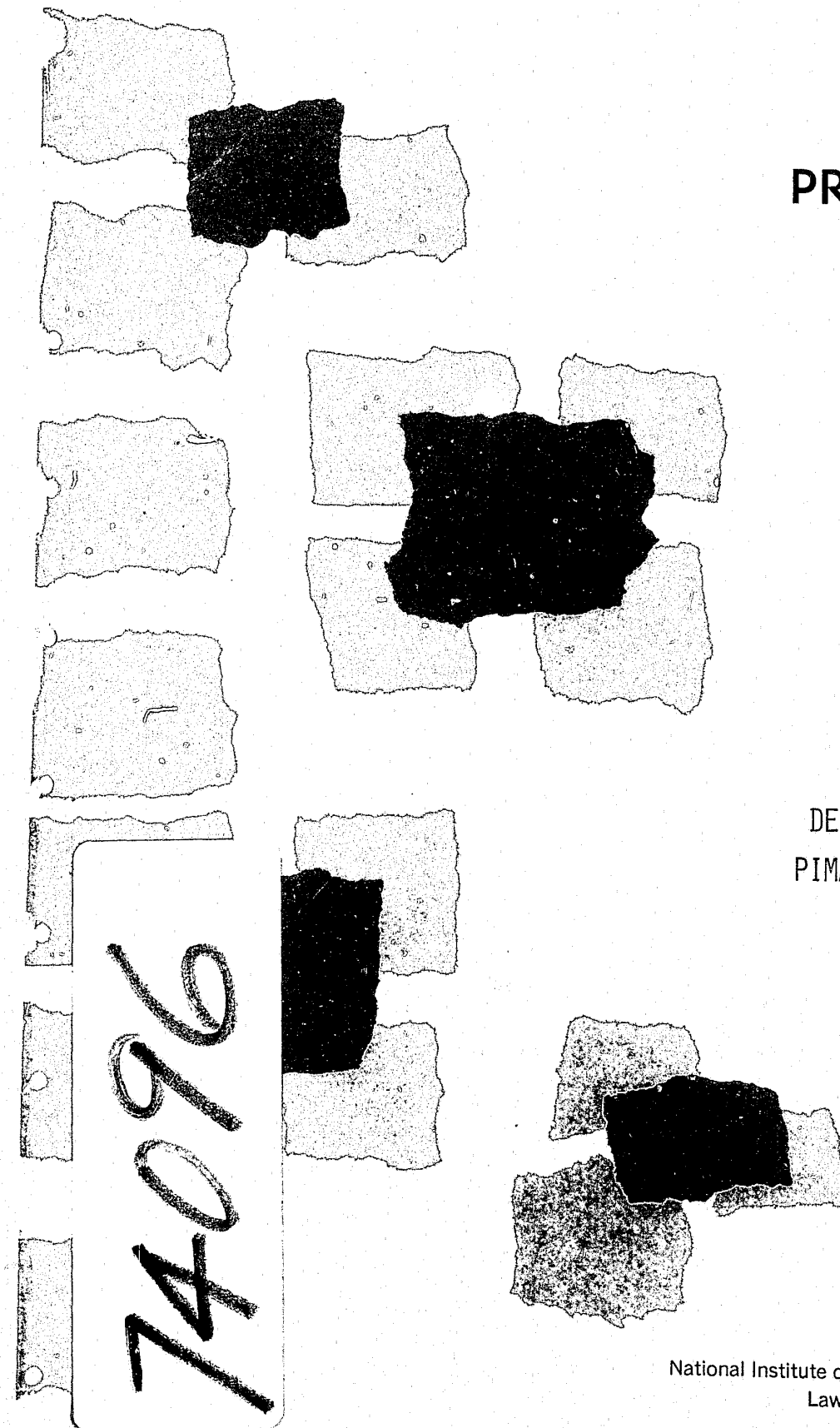
THE LAZAR INSTITUTE  
Washington, D.C.

## PRETRIAL RELEASE:

AN EVALUATION OF DEFENDANT  
OUTCOMES AND PROGRAM IMPACT

DELIVERY SYSTEM ANALYSIS OF  
PIMA COUNTY (TUCSON) ARIZONA

Supported by a Grant from the  
National Institute of Law Enforcement and Criminal Justice  
Law Enforcement Assistance Administration



x  
DELIVERY SYSTEM ANALYSIS OF  
PIMA COUNTY (TUCSON) ARIZONA

Working Paper No. 6

by  
Kristina Peterson

Prepared under Grant Number 77NI-99-0050  
from the National Institute of Law Enforcement  
and Criminal Justice, Law Enforcement Assistance  
Administration, U.S. Department of Justice.  
Points of view or opinions stated in this document  
are those of the author and do not necessarily  
represent the official position or policies of  
the U.S. Department of Justice.

March 1979  
(Information Collected in October 1978)

The Lazar Institute  
1800 M Street, N.W.  
Washington, D.C. 20036  
(202) 785-4320

NCJRS  
DEC 17 1980  
ACQUISITIONS

TABLE OF CONTENTS

INTRODUCTORY NOTE .....	i
HIGHLIGHTS .....	ii
PROGRAM INDICATORS SUMMARY .....	iv
I. PROGRAM SETTING .....	1
A. The Jurisdiction Served .....	1
1. Population and Geography .....	1
2. Economy .....	2
3. Government .....	4
4. Crime Trends .....	6
a. Offenses Known .....	6
b. Criminal Arrests .....	10
c. Demographic Characteristics of Arrestees .....	12
B. The Local Criminal Justice System .....	15
1. Judicial Authority .....	15
2. Criminal Procedure .....	18
3. Law Enforcement Agencies .....	24
4. County Attorney .....	27
5. Public Defender .....	29
6. Bonding Agents .....	30
7. Detention Facilities .....	31
II. NATURE OF THE PRETRIAL RELEASE PROGRAM .....	35
A. History .....	35
B. Goals and Objectives .....	36
C. Organization .....	38
D. Resources .....	40
1. Budget .....	40
2. Defendant Tracking System .....	40
3. Staff .....	43
4. Facilities .....	46
E. Scope of Operations .....	46
1. Eligibility .....	46
2. Volume of Services .....	46
3. Days and Hours of Operation .....	48
III. PROGRAM PROCEDURES .....	49
A. Interview .....	49
B. Verification .....	50
C. Recommendation .....	51
D. Follow-up .....	53
E. Supervised Release .....	53
F. Supervised Release Procedures .....	54

IV. PROGRAM IMPACT .....	57
A. Impact on Release System .....	57
1. Rates of Release .....	57
2. Types of Release .....	57
3. Speed of Operations .....	61
B. Impact of Recommendation .....	64
C. Impact of Verification .....	68
D. Program Acceptance .....	69
E. Impact on Defendant Outcomes .....	71
1. Failure to Appear .....	71
2. Pretrial Criminality .....	76
V. CONCLUSIONS .....	79
Appendix A .....	A-1
Appendix B .....	B-1

#### LIST OF TABLES

Number	Title	Page
1	Employment by Industry, Pima County, 1977	3
2	Labor Force and Unemployment, Pima County, 1966-1977	4
3	Comparative Crime Statistics (per 100,000 population), 1975	7
4	Criminal Offenses Known, Pima County, 1975-1977 (U.C.R. Part I. Offenses)	8
5	Adult Criminal Arrests, Pima County, 1972-1976 (U.C.R. Part I. Offenses)	11
6	Sex of Adult Arrestees, by Type of Offense, 1976 (Pima County Sheriff's Department and Tucson Police Department arrestees only)	13
7	Race of Adult Arrestees, 1972-1976 (Pima County Sheriff's Department and Tucson Police Department arrestees only)	14
8	Judicial Evaluation Poll, Pima County Bar Association, October 1978	17
9	Criminal Defendants Filed Upon, 1972-1977, Pima County Superior Court	23
10	Criminal Terminations, 1976, Pima County Superior Court	24
11	Nonfederal Booking Distribution by Law Enforcement Agency, 1976	26
12	Jail Bookings and Average Daily Population, Pima County Jail, 1977	34
13	Analysis of Personnel Expenditures, Fiscal Year 1977-1978	41
14	Budgetary Allocations, Fiscal Year 1977-1978	42
15	Staff Composition, Correctional Volunteer Center, 1976-1977	43
16	Staff Salaries, Correctional Volunteer Center, 1977	44

17	Staff Characteristics, Correctional Volunteer Center, 1977	45
18	Release Rates, O.R. Program, 1975-1978	58
19	Supervised Release Rates, 1974-1978	59
20	Length of Stay of Presentence Inmate Population, April 16-22, 1976 (by percent)	63
21	Count of Acceptance of C.V.C. Recommendations, 1975-1978	65
22	Court Acceptance of Supervised Release Recommendations, 1974-1978	66
23	C.V.C. Tracking of Failures to Appear, by Recommendation and Type of Release, June-December 1975	73
24	C.V.C. Tracking of Pretrial Offense Rates, by Recommendation and Type of Release, June-December 1975	76

# LIST OF FIGURES

		<u>Page</u>
1	Pima County Crime Trends, 1970-1975 .....	5
2	Defendant Flow Through the Pima County Criminal Justice System .....	25
3	Organization of the Correctional Volunteer Center.....	39

## INTRODUCTORY NOTE

The pretrial release evaluation conducted by The Lazar Institute included detailed assessments of release practices in twelve jurisdictions. These practices are described in individual working papers, discussing the pretrial release "delivery systems" in the areas. Each paper considers the way that release decisions are made, including (where applicable) the role of pretrial release programs in those decisions and the programs' interactions with other parts of the criminal justice system. Also discussed is program impact, as reflected in existing analyses provided by the jurisdictions and in interviews with local criminal justice system officials by Lazar staff.

Analysis of the impact of actual releases was also conducted, by studying the outcomes of sampled defendants processed in each jurisdiction. Such outcomes include type of release (if any), court appearance performance and the extent and type of criminality during the pretrial period. The findings of these "outcomes" analyses, which entailed the on-site collection of data for individual defendants, are presented in the three-volume final report of the evaluation:

- *Release Practices and Outcomes: A Cross-Sectional Analysis of Eight Jurisdictions* analyzes the ways that defendants secure release pending trial as well as the extent and correlates of pretrial criminality and failure-to-appear.
- *The Impact of Pretrial Release Programs: An Experimental Analysis of Four Jurisdictions* examines the extent to which program activities result in different release outcomes or changed defendant behavior during the pretrial period.
- *Pretrial Release Without Formal Programs* considers the nature of release decision-making in selected jurisdictions that lack pretrial release programs, because such programs either were never established or lost their funding.

Each volume also includes relevant findings from the various delivery system working papers and a discussion of the methodology used to complete that part of the study.

## HIGHLIGHTS

### Background

The Correctional Volunteer Center (C.V.C.) was originated in 1972 with funds provided by LEAA. The following year, Arizona State law revisions extended the potential of own recognizance release. All defendants charged with non-capital offenses were given the right to be considered for non-financial release. As an immediate result, the C.V.C. became a permanent aspect of the Pima County criminal justice system.

During most of its history, the C.V.C. has served only felony defendants. A two-year effort to provide services for misdemeanor defendants faltered when the county refused to provide financial support. Nevertheless, the felony program enjoys wide support in the community.

One of the most notable aspects of the C.V.C. is its management information system. Specially designated staff maintain thorough and detailed records of all felony defendants with the use of an exemplary defendant tracking system. A strong data base thus exists for program evaluation and monitoring.

### Program Procedures

C.V.C. investigations occur at the County Jail immediately following booking. They are conducted by trained volunteers and include questions regarding any drug, alcohol, health, or financial problems the defendants may have. During the interview, the defendant is also asked to supply at least two references to verify the information. Verification is performed at the C.V.C. offices, primarily by the regular paid staff members. Criminal records are obtained, and the County Attorney is occasionally contacted for a release recommendation.

Recommendations are made on the basis of all the information gathered as well as the extent to which the information is verified. No point system is used to arrive at a recommendation. The C.V.C. may make specific recommendations for release or non-release or may simply issue a neutral recommendation. The last may occur if the defendant is on probation or parole, if the charge is first degree murder or parole/probation violation, or if the verification procedure produced discrepancies in the information.

At the present time, very little contact is maintained with defendants released on own recognizance. Neither the Court nor the program requires the defendants to maintain such contact. However, the program does monitor the extent to which defendants fulfill any other conditions the Court may have imposed for their release.

Supervised release investigations may begin at the request of the defendant or any criminal justice official following the Initial

Appearance. The Supervised Release staff re-interviews the defendant, re-checks the criminal record, and contacts both the Public Defender (or private attorney) and the County Attorney for suggestions.

If the defendant is willing to participate in a community intervention program, the C.V.C. Investigator obtains a letter of acceptance from the appropriate agency and includes this with an overall summary and recommendation to the Court. Those released under supervision are closely monitored by the C.V.C.

#### Scope of Operations

The C.V.C. may consider only felony defendants for investigation. The coverage of this category of defendants is virtually complete and only two percent of the felony cases (viz., those originating from Direct Grand Jury indictments) are not investigated. The O.R. program operates seven days a week, 24 hours-a-day. Supervised Release investigations occur five days a week during regular office hours (8 a.m. to 5:00 p.m.).

#### Release Rates

Total release rates during the period June 1975 through August 1978 remained virtually unchanged. For all forms of non-financial release, the rate during this period was 51.5 percent of the total defendants booked. The total number of defendants granted supervised release between November 1974 and August 1978 was 598, or 37% of the total cases investigated.

#### Failure to Appear and Pretrial Criminality Rates

The total failure to appear rate for those defendants released on their own recognizance was very close to the rate for those released on bond. In the last half of 1975, for example, these rates were 15.1 and 14.9 percent, respectively. The FTA rate for those granted supervised release was slightly lower. In the last half of 1976, for example, the rate was 13.4 percent. The rearrest rates for those defendants on O.R. and bond were also similar. During the last half of 1975, the rates were 9.3 and 9.0 percent, respectively.

### PROGRAM INDICATORS SUMMARY

#### Impact on Release Rates (Calendar Year 1977)

Percentage of felony arrestees released on O.R.: 48.3%

Percentage of all interviewees released on O.R.: 49.4%

Percentage granted Supervised Release: 81.5% of those recommended; 27% of cases investigated

#### Failure to Appear

Regular O.R. (Last Half of Calendar Year 1975):

F.T.A. rate for those released on O.R.: 15.1%

F.T.A. rate for those released on bond: 14.9%

Supervised Release (Last Half of Calendar Year 1976):

F.T.A. rate of those interviewed by O.R. program (violation of conditions): 13.4%

F.T.A. rate (minus those subsequently produced for Court) of program interviewees: 10.3%

#### Pretrial Criminality (Last Half of Calendar Year 1975)

Rearrest rate of those on O.R.: 9.3%

Rearrest rate of those on bond: 9.0%

#### Speed of Operations

Time between arrest and interview: less than one hour

Time between interview and release: less than 24 hours; average 5-6 hours

Supervised release, average pretrial detention: 39 days

#### Eligibility

All felony defendants are eligible for program services. Those charged with capital offenses or for felony offenses while on pretrial release for another felony offense may not be recommended for O.R. Direct Grand Jury indictments cause approximately 2 percent of all felony defendants to be missed by program.

Scope of Interviewing

Percentage of eligible arrestees interviewed: 98% (CY 1977)

Descriptive Information (CY 1977)

Number of interviews: 4,197

Number of Supervised Release investigations: 471

Number of program-recommended O.R. releases: 1,254

Permanent staff positions: 15

Number of volunteers: 60

Budget: \$171,500

## I. PROGRAM SETTING

A. Jurisdiction Served1. Population and Geography

Pima County consists of 9,240 square miles in the southern Arizona desert. Ninety-five percent of its 450,000 inhabitants are concentrated in the metropolitan area of Tucson, which is also the county seat. Other incorporated towns within the metropolitan area are South Tucson and Oro Valley, each with a population of approximately 5,000.

Only 13 percent of the county's land is subject to property taxation. The remaining 87 percent consists of Indian reservations, national forests, national monuments and other Federal and State land. Nevertheless, 42 percent of the county's revenue is derived from property taxation.

A number of uniquely combined factors in Pima County can be expected to affect its crime rate profile. For example, Arizona's population growth rate in the past several years has been the highest in the nation, totaling over 40 percent between 1965 and 1975. Similarly, Pima County's population increased by 44 percent during this period. Despite its reputation as a retirement state, the median age of the population in both Arizona and Pima County is 27 years—two years less than the national median. Thus, there is a large group of persons in the "crime prone" years.

In addition to its residents, a review of Pima County population statistics should take into account the large number of out-of-state tourists, as well as migrant workers and other transients. The Arizona State Justice Planning Agency estimates that if all the non-residents were included in population counts, crime rates in the county would be significantly reduced.

Pima County's physical location also makes it particularly vulnerable to narcotics law violations. Tucson, until very recently, was the first

stop for many illegal drugs entering the United States. As a result, a great number of property crimes are said to occur in the county to finance drug purchases.

The population of Pima County is ethnically and religiously mixed. Caucasians represent 72 percent of the population; Mexican-Americans, 24 percent; Blacks, 2 percent; Indians, 1 percent; and Orientals, 1 percent. Similarly, 48 percent of the population is Protestant, 36 percent Catholic, 3 percent Jewish, 2 percent Mormon, and 9 percent state that they have no religious affiliation.

## 2. Economy

The Pima County economy is largely dependent on government and the four "c's": copper, cotton, cattle and climate. The county leads the nation in copper production; its irrigated cotton acreage is one half of its total agricultural acreage; and tourists provide a large source of revenue. The employment distribution by industry is given in Table 1. The largest employer is the government, with 25 percent of the labor force.

The median household income in 1977 has been estimated as \$13,886. Although this amount is low by national standards, it is at least 80 percent higher than the 1970 estimate. The per capita income for 1977 was \$6,287. Forty-five percent of the households in 1977 had incomes of at least \$15,000. But as many as 14 percent had incomes less than \$5,000. The actual income distribution is as follows:

- less than \$5,000, 14%;
- \$5,000-9,999, 20%;
- \$10,000-14,999, 21%;
- \$15,000-19,999, 15%;
- \$20,000-24,999, 11% and
- \$25,000 or more, 19%.

TABLE 1.  
EMPLOYMENT BY INDUSTRY, PIMA COUNTY, 1977

Industry	Numbers Employed	Percent of Labor Force
Manufacturing	13,000	7.5%
Mining	5,800	3.4
Construction	10,200	5.9
Transportation	7,800	4.5
Trade	35,900	20.8
Finance	6,900	4.0
Services	31,000	17.9
Government	43,300	25.0
Other	18,900	11.0
TOTAL	172,800	100.0%
Source: Valley National Bank of Arizona, Tucson Trends 1978		



Unemployment rates have generally followed the national trend in recent years, reaching a high in 1975 of 7.1 percent of the labor force. The rates for the period 1966 to 1977 are given in Table 2 below.

TABLE 2.  
LABOR FORCE AND UNEMPLOYMENT, PIMA COUNTY, 1966-1977

Year	Total Civilian Labor Force	Percent Unemployed
1966	105,200	4.1%
1967	107,100	4.1
1968	111,500	3.7
1969	119,700	3.0
1970	126,400	3.6
1971	140,600	3.8
1972	154,500	3.4
1973	165,100	3.8
1974	169,800	5.2
1975	176,600	7.1
1976	177,100	5.6
1977	182,100	5.6

Source: Valley National Bank of Arizona, Tucson Trends 1978.

### 3. Government

Pima County's government is an administrative arm of the State. Its powers and duties are limited to only those specifically authorized by the State Constitution and the legislature. It has no reserved powers. City and town governments are intended to provide supplemental services to local areas and may enact additional laws according to local needs and desires. They therefore have a great deal more freedom in defining responsibilities and carrying out their tasks than does the county government.

The primary administrative body for the county is the Board of Supervisors. It is an elected board of five members whose duties are specified by the State. The Board adopts the rules and regulations for the general operation of county government, including the review and approval of all county budgets, the setting of county property tax, the appointment of various department heads, and the creation of offices, boards and commissions as needed.

Other elected officials in county government include the Sheriff, County Attorney, Assessor, Treasurer, School Superintendent, Clerk of the Superior Court, and the County Recorder. The County Manager, who directs the administration and operation of the county government, is appointed by the Board of Supervisors and serves at their discretion.

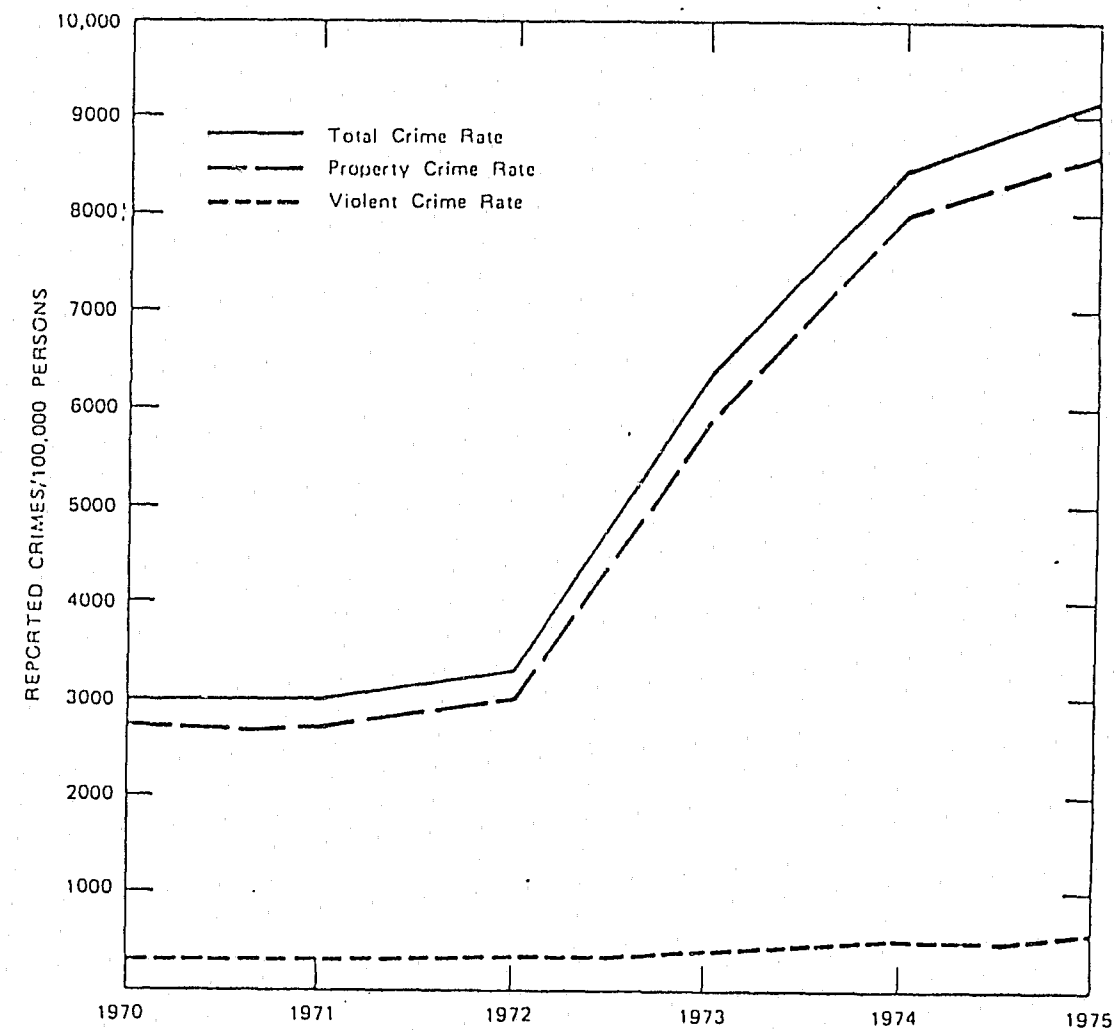
The City of Tucson's charter calls for a council-manager form of government. The mayor and the six council members are elected officials with four year terms of office. As the chief executives in the city, the Mayor and Council appoint the City Manager, City Clerk, City Attorney, Post Auditor, and City Magistrates, all of whom are directly responsible to the council. Boards and Commissions are also appointed by the council. Most appointive positions are for a two year term of office.

### 4. Crime Trends

#### a. Offenses Known

Arizona has one of the highest crime rates in the nation (see Table 3). Reported crime increased dramatically from 1972 through 1974, though it appears to have levelled off in the past three years. Figure 1 reflects the trends for total, property, and violent crimes reported between 1970 and 1975. The rural areas of Pima County are particularly noted for their high rates of violent crimes. In 1975, violent index crimes in these areas had a rate of 699 per 100,000 population. Pima County as a whole had the

FIGURE 1.  
PIMA COUNTY CRIME TRENDS



Source: Pima County Victim-Witness Advocate Program,  
Final Report January 1977, p. 8.

TABLE 3  
COMPARATIVE CRIME STATISTICS  
(Per 100,000 Persons)

Area	Total Crimes	Property Crimes	Violent Crimes
Pima County	9,224.7	8,629.8	594.9
Arizona	8,341.5	7,793.7	547.8
Mountain States	6,349.5	5,927.3	422.2
United States	5,281.7	4,800.2	481.5
Source: Federal Bureau of Investigation, Crime in the United States-1975.			

State's highest rates of forcible rape and burglary. Total and per capita known offenses in Pima County for the period 1975-1977 are given in Table 4. The figures refer only to those arrests made by either the Pima County Sheriff's Department or the Tucson Police Department. However, these two agencies combined account for approximately 90% of all arrests in Pima County.

The high rates of reported rape may be the result of factors other than simply the greater incidence of this offense. Although rape often goes unreported in most areas of the country, the Pima County law enforcement agencies (e.g., the Victim-Witness program) and citizen's groups (e.g., Tucson Women Against Rape) have been actively working with rape victims. It has been suggested by these groups that this activity produces an atmosphere of greater willingness to report the crime.

The high rates of burglary, on the other hand, have been explained by Pima County's proximity to the Mexican border. The border is shared with Pima County for 120 miles and it is estimated that 4,000 persons in

Table 4. Criminal Offenses Known, Pima County, 1975-1977, U.C.R. Part I  
Offenses (adults only)

Offenses	1975	1976	1977	% Change (1975-1977)
<u>No. of Offenses:</u>				
<u>Violent Crimes</u>	2,670	1,991	2,185	-18.2%
Homicide	36	40	48	+33.3
Rape	197	197	176	-10.7
Robbery	890	682	706	-20.7
Assault	1,547	1,072	1,255	-18.9
<u>Property Crimes</u>	38,606	38,633	39,464	+2.2
Burglary	13,700	13,212	14,134	+3.2
Larceny	22,491	23,147	22,942	+2.0
Auto Theft	2,415	2,274	2,388	-0.0
<u>Per Capita<sup>a</sup></u>				
<u>Violent Crimes</u>	616.2	443.3	470.1	-23.7
Homicide	9.3	8.9	10.3	+24.1
Rape	45.5	43.9	37.9	-16.7
Robbery	205.4	151.9	151.9	-26.0
Assault	357.0	238.7	270.0	-24.4
<u>Property Crimes</u>	8,910.1	8,601.3	8,490.2	-4.7
Burglary	3,161.8	2,941.9	3,040.2	-3.8
Larceny	5,190.6	5,154.1	4,934.8	-4.9
Auto Theft	557.7	505.3	513.7	-7.9
a. rates are per 100,000 population Source: U.C.R. Section of the Department of Public Safety.				

the Tucson area are addicted to the Mexican heroin that finds its way easily into the county. Addicts supporting their habit are believed to contribute to the county's high burglary rate. In particular, officials have pointed out the connections among large police confiscations of heroin, immediately higher prices of the drug, and subsequent higher incidences of reported burglary.

Nevertheless, both absolute and per capita rates of violent crime have decreased since 1975. Total reported violent crime decreased from 2,670 to 2,185 between 1975 and 1977, or 18.2 percent. Per capita violent crime decreased by 23.7 percent (616.2 in 1975 to 470.1 in 1977).

Pima County also has among the highest rates of property crime in Arizona or the United States. The Tucson rate per 100,000 population was 9,151 in 1975. In that same year, the rate for all U.S. cities (over 250,000 population) was only 7,044. Similarly, the rural areas of Pima County had a property crime rate of 682.0 in 1975 compared to total U.S. rural crime rate of only 183.0. The value of property stolen (larceny offenses only) amounted to a total of over three million dollars in 1977.

The absolute numbers of reported property crimes continued to rise between 1975 and 1977 while the per capita rate actually decreased. As Table 4 shows, the incidence of burglary rose the most during this period (from 13,700 to 14,134, or 3.2 percent). Total property crime increased by only 2.2 percent (from 38,606 to 39,464). As a rate per 100,000 population, however, total property crime decreased by 4.7 percent (from 8,910.1 to 8,490.2). The largest per capita decrease was for auto thefts. From 1975 to 1977, the rates of this crime decreased by 7.9 percent (from 557.7 to 513.7 per 100,000 population).

b. Criminal Arrests

Table 5 contains the arrest information for Pima County. Both absolute and per capita arrests for the seven Index Crimes (adults only) increased dramatically from 1973 to 1976. Arrests of adults for violent crimes increased by 23.2 percent (from 777 to 957). As a rate per 100,000 population, however, they increased by only 9.9 percent (193.9 to 213.1 per 100,000 population).

The numbers of reported arrests for property crimes are difficult to compare across time. Apparently, there was a major change in law enforcement procedures which caused a dramatic increase in arrests for larceny between 1974 and 1975. The total increase in arrests for this offense was 202.6 percent (802 in 1973 to 2,427 in 1976). Similar dramatic increases do not occur with burglary and auto theft statistics, however. Arrests for these two crimes increased during the period by 42.4 and 21.3 percent, respectively.

Nevertheless, when the arrests for all crimes in Pima County are taken into account, the total number actually decreased between 1973 and 1976 by 9.1 percent (from 12,121 to 11,020). Thus while Index Crimes rose, arrests for the lesser and more voluminous crimes decreased.

Trends in arrests per capita are similar to those for absolute numbers of arrests. Violent crime rates increased by 9.9 percent between 1973 and 1976, mostly because of the increase in arrests for rape and assault. Arrests for property crimes increased by 101.3 percent, although this may again be largely accounted for by the more rigorous enforcement procedures for larceny offenses.

TABLE 5.  
ADULT CRIMINAL ARRESTS, PIMA COUNTY, 1972-1975, SELECTED CRIMES

Offense	1973	1974	1975	1976	% Change (1973-1976)
<u>Violent Crimes</u>	777	893	899	957	+ 23.2%
Homicide	37	40	37	40	+ 8.1
Rape	73	77	84	116	+ 58.9
Robbery	256	270	221	222	- 13.3
Assault	411	506	557	579	+ 40.9
<u>Property Crimes</u>	1,506	1,990	3,502	3,398	+125.6
Burglary	554	721	733	789	+ 42.4
Larceny	802	1,126	2,611	2,427	+202.6
Auto Theft	150	143	158	182	+ 21.3
TOTAL <sup>a</sup>	12,121	10,340	11,299	11,020	- 9.1
<u>Per Capita<sup>b</sup></u>					
<u>Violent Crimes</u>	193.9	210.0	207.5	213.1	+ 9.9
Homicide	9.2	9.4	8.5	8.9	- 3.3
Rape	18.2	18.1	19.4	25.8	+ 41.8
Robbery	63.9	63.5	51.0	49.4	- 22.7
Assault	102.6	119.0	128.5	128.9	+ 25.6
<u>Property Crimes</u>	375.8	468.0	808.2	756.6	+101.3
Burglary	138.2	169.6	169.2	175.7	+ 27.1
Larceny	200.1	264.8	602.6	540.4	+170.1
Auto Theft	37.4	33.6	36.5	40.5	+ 8.3
TOTAL <sup>a</sup>	3,024.4	2,431.8	2,607.5	2,453.8	- 18.9%
<sup>a</sup> includes all adult arrests, not simply those listed here					
<sup>b</sup> rates are per 100,000 population					
Source: Pima County Sheriff's Department, <u>Annual Statistical Reports</u>					

When the lesser crimes are taken into account, the total per capita arrest rate, like the absolute numbers, actually decreases by 18.9 percent (from 3,024.4 in 1973 to 2,453.8 in 1976).

c. Demographic Characteristics of Arrestees

Tables 6 and 7 summarize the available demographic profiles of persons arrested in Pima County. Females account for about 8 percent of all arrests for crimes of violence and about 18 percent of all arrests for Index property crime. Females are more likely to be arrested for larceny crimes than any other category of offense. Of the total arrests (Index and non-Index), males represented 87.6 percent (9,651 of 11,020) of the total arrestee population.

In the statistics for racial characteristics given in Table 7, Mexican-Americans are included in the "White" category. The proportions of each of the groups listed here approximates their relative proportions in the entire Pima County population. However, although Blacks comprise only 2 percent of the population, they account for over 10 percent of the arrestee population. Indians, who comprise 1 percent of the population, account for almost 4 percent of the arrestee group. The Sheriff's Department Annual Report notes that the significant decrease in Indian arrests coincides with the decriminalization of public intoxication in 1974.

TABLE 6.  
SEX OF ADULT ARRESTEES, BY TYPE OF OFFENSE, 1976  
(Pima County Sheriff's Department and Tucson Police Department Arrestees Only)

OFFENSE	MALES		FEMALES		TOTAL
	#	%	#	%	#
<u>Violent Crimes</u>	851	92.3%	71	7.7%	922
Homicide	36	90.0	4	10.0	40
Rape	111	95.7	5	4.3	116
Robbery	195	89.0	24	11.0	219
Assault	509	93.1	38	6.9	547
<u>Property Crimes</u>	1,578	81.7	353	18.3	1,931
Burglary	671	92.2	57	7.8	728
Larceny	745	72.4	284	27.6	1,029
Auto Theft	162	93.1	12	6.9	174
Subtotal	2,429	85.1%	424	14.9%	2,853
TOTAL <sup>a</sup>	9,651	87.6%	1,369	12.4%	11,020
<sup>a</sup> including non-Index Crimes					
Source: Pima County Sheriff's Department, <u>Annual Statistical Report, 1976</u>					

TABLE 7.  
RACE OF ADULT ARRESTEES, 1972-1976  
(Pima County Sheriff's Department and Tucson Police Department Arrestees Only)

RACE	1972		1974		1976	
	#	%	#	%	#	%
White	8,559	75.8%	9,135	83.3%	9,405	85.3%
Black	1,066	9.4	1,199	10.9	1,171	10.6
Indian	1,326	11.7	561	5.1	422	3.8
Oriental	14	0.1	6	0.1	19	0.2
Other	326	2.8	62	0.6	3	0.0
TOTAL	11,291	100.0%	10,963	100.0%	11,020	100.0%
Source: Pima County Sheriff's Department, <u>Annual Statistical Report, 1976</u>						

## B. Local Criminal Justice System

### 1. Judicial Authority

The Pima County Court system is established by the Arizona State Constitution. The county is required to have City Courts, Justice of the Peace Courts, and a Superior Court to handle criminal adult proceedings. The State courts of lowest jurisdiction are the Justice of the Peace Courts and the City Courts.

Each incorporated city or town in Arizona is required to have a City Court, also known as a Police, Mayor, or Magistrate Court. It is not a court of record, and transcripts of trials are not made. City Courts have jurisdiction over all cases involving city ordinances as well as concurrent jurisdiction with Justice of the Peace Courts over some violations of State laws committed within the city limits. Thus, it may hear misdemeanor cases involving traffic offenses, driving while intoxicated, petty theft, shoplifting, carrying concealed weapons, simple assault, and some minor narcotic offenses. The maximum penalty the court may impose is confinement in jail for six months or a \$300 fine. City Magistrates are appointed by the mayor and council. The City Court of Tucson currently has four City Magistrates, one of whom is the Chief Magistrate; South Tucson and Oro Valley each have one City Court.

Justice of the Peace Courts (or Justice Courts) preside over cases committed within the county involving petty theft, assault and battery, breaches of the peace, property damage, misdemeanors and criminal offenses not punishable by fines exceeding \$300 or six month imprisonment in the county jail. They are also the courts of initial jurisdiction over the more serious felony cases. Their function in these more serious cases is to conduct preliminary hearings to determine whether there exists suf-

ficient cause to try the defendant on the felony charge in the Superior Court. Like the City Court, the Justice Courts are not courts of record. In addition, Justice Court decisions may be appealed in the Superior Court.

Pima County has five precinct boundaries of Justice Courts. Four of the courts are located in Tucson and one in Ajo. Justices of the Peace are elected to four year terms of office. There are no legal requirements as to their education or training, although they must preside in the precinct from which they are elected.

The Superior Court has original jurisdiction over felony cases and some misdemeanor cases. Pima County has 15 Superior Court divisions. Included in this total are the Juvenile Court and the Court of Conciliation.

Judges of the Superior Court are initially appointed by the Governor under the State's Merit Selection System. Three or more persons are recommended for each vacancy by a non-partisan commission composed of both lawyers and laymen and the Chief Justice of the Superior Court. Judges must be attorneys with at least five years of legal practice. The Governor appoints one from among those recommended. At the next regularly scheduled election, all newly appointed judges must be placed on a ballot asking the voters simply to specify whether the judge should be retained or not. Vacancies created by the voters' rejection of a judge will be filled through the appointment system. Superior Court Judges serve four year terms of office, during which time they may not hold any other public office or practice law in any court.

For the November 1978 elections, the Pima County Bar Association conducted a judicial evaluation poll among attorneys practicing in the county. The results of their evaluations are reported in Table 8 below. The original questionnaire allowed five responses to each of the first

TABLE 8.  
JUDICIAL EVALUATION POLL, PIMA COUNTY BAR ASSOCIATION, OCTOBER 1978

Evaluative Criteria	Average Percent			
	Good to Excellent	Poor to Very Poor	Yes	No
Attentiveness to testimony of witnesses and arguments of counsel	75.4%	6.9%		
Fairness toward all litigants	70.6	10.4		
Knowledge and application of rules of evidence and substantive law	59.5	13.8		
Knowledge and application of rules of procedure	63.3	10.9		
Does the judge have sufficient integrity to carry out the duties of judicial office?			96.0%	4.0%
Should this judge be retained?			84.4	15.6
Note: Number of respondents = 160				
Source: <u>Tucson Daily Star</u> , October 1978				

four questions listed in the Table (excellent, good, satisfactory, poor and very poor). Our Table collapses the positive and negative evaluative comments and omits the intermediate one. Percentages for "satisfactory evaluation" may thus be computed by simply subtracting the sum of the positive and negative percentages.

The Superior Court judges were rated the best by the Bar Association with respect to their "attentiveness to testimony of witnesses and arguments of council." The worst ratings, individually and collectively,

were for the question of "knowledge and application of rules of evidence and substantive law." Positive ratings for "fairness toward all litigants" ranged from 47 to 86 percent (averaging 70.6 percent for all judges in the county). Nevertheless, no judge received less than a 92 percent positive rating for the question regarding integrity to carry out the duties of judicial office. And only two judges received less than a 70 percent positive rating concerning whether or not they should be retained in office.

The Superior Court employs Court Commissioners to conduct Initial Appearances and to hear motions concerning both civil and criminal cases. There are three regular Court Commissioners who conduct the Initial Appearances on a rotating monthly basis during the work week. During the weekends and holidays, three Special Court Commissioners conduct Initial Appearances. Only the regular Court Commissioners may hear motions.

## 2. Criminal Procedure

The commencement of criminal proceedings in Pima County may be by arrest, summons, or warrant. Arrests must be followed by the filing of a complaint in a non-record court. Summons and warrants are the result of an indictment by the Grand Jury or a filing of information by the County Attorney. Both of these procedures begin in the Superior Court, although they may apply to either felony or misdemeanor offenses. A felony proceeding may be prosecuted only by indictment or information, whereas misdemeanor proceedings may begin with any of these three filings. The law states an explicit preference for summons rather than warrants if the defendant "is not in custody and the offense charged is bailable as a matter of right, and there is reason to believe that the defendant will respond to it" (Rule 3.1(a), Arizona Rules of Criminal Procedure).

Following arrest, booking takes place in the County Jail. The only exception to this is with minor offenses, for which law enforcement officers may use a field release procedure. This practice is restricted to misdemeanor offenses and is mostly used by the Tucson police. Such citation releases are made upon the defendant's written promise to appear in the City Court for arraignment.

Arizona State law provides that all eligible felony defendants be interviewed by a Correctional Volunteer Center (C.V.C.) Investigator, the county's pretrial release program representative. Investigators interview the defendants immediately after booking, verify the information gathered and prepare a release recommendation for the Court.

Misdemeanor defendants (i.e., those not charged with traffic offenses involving death) have bail set according to a predetermined bail schedule. During misdemeanor arraignment, the magistrate has the option of releasing the defendant on O.R. or bond. Currently, O.R. decisions are made without the aid of a C.V.C recommendation.

Within 24 hours of arrest, a defendant must be brought before a magistrate for the Initial Appearance. At this appearance, the defendant is informed of the charges pending, a determination is made of financial need for a public defense attorney, and the initial conditions for release are determined. Initial Appearances are held seven days a week by Court Commissioners. During the week they are held at the courthouse at a regularly scheduled time. During weekends and holidays, they are held at the Pima County Jail. Those present at the Initial Appearance include the County Attorney, the Public Defender, representatives of the C.V.C., the defendant, and other interested parties.

Felony defendants are told of their right to a preliminary hearing



during this Initial Appearance. Felony defendants charged by indictment and defendants charged with misdemeanors are also arraigned during the Initial Appearance if counsel is present or waived by the defendant.

In determining the conditions for release, the Court takes into account recommendations from the C.V.C., the County Attorney, and the Public Defender. At minimum, all defendants charged with non-capital offenses have the right to release on bail. Those persons charged with felony offenses while on pretrial release for another felony offense may be denied release. The forms of release available include:

- Own Recognizance;
- Conditional Release;
- Supervised Release;
- Third Party Custody;
- Appearance Bond (including surety bond); and
- Secured Appearance Bond (secured by deposit with the clerk of security equal to the full amount of the bond).

The law states that the sole purpose of bail should be for securing the defendant's appearance in court; it may not be so excessive as to prevent the defendant from being admitted to bail for the purpose of punishment. Factors to be considered in setting bail include:

- nature and gravity of the offense charged;
- the character and reputation of the accused;
- previous criminal record;
- the measure of punishment which may be inflicted; and
- the ability of the accused to give bail.

Persons may be released before trial and after conviction, pending sentencing.

Regardless of the type of release granted, defendants are placed under the following conditions:

- appearance at all subsequent court hearings and trials;
- refraining from committing any criminal offense;
- remaining in the State, unless granted a leave by the Court; and
- if released after judgement and sentence, the defendant must diligently prosecute his appeal.

Additional conditions may include one or more of the following:

- restrictions on travel, associations, or place of residence during the period of release;
- return to custody after specified hours; and
- any other condition which the court deems reasonably necessary.

Any person who remains in custody following the Initial Appearance may have the conditions of release reviewed. Typically, this occurs during the next regularly scheduled stage of the criminal process and requires special motions by the defense attorney. At the present time there are no formal procedures for the automatic review of release conditions.

The determination of probable cause may take place in either the Grand Jury or a Preliminary Hearing. Over 90 percent of all criminal prosecutions proceed through the Grand Jury. The choice as to which avenue to follow lies entirely with the County Attorney, who is not precluded from pursuing both methods if the first employed is unsuccessful. Grand Juries may also make recommendations as to bond. If probable cause for prosecution is determined during either the Grand Jury hearing or the Preliminary Hearing, an Arraignment date is set. Preliminary Hearings

must take place not later than six days following the Initial Appearance if the defendant is in custody and not later than 20 days if the defendant has been released.

Felony defendants must be arraigned within 10 days following the filing of an indictment, information or complaint. During the Arraignment, the defendant is told of the charges placed against him and asked for a plea (guilty, not guilty or no contest). The Court must also ascertain at this time if the defendant wishes to have a jury trial, and the trial date is set. Trial dates are generally set earlier for those defendants who remain in custody following Arraignment.

As an indication of defendant attrition during the criminal justice process, the County Attorney's Office reviewed the numbers of defendants involved in each stage of the criminal justice process for 1976. Following Initial Appearance, 220 felony cases were taken directly to Arraignment. Of the remaining 3,445 felony cases, the County Attorney screened and dismissed 1,282 cases (37 percent), 2,000 (58 percent) were sent to the Grand Jury and 163 (5 percent) to Preliminary Hearing. Significantly, direct Grand Jury actions accounted for 93 percent of the total 2,309 cases arraigned.

The number of criminal cases filed upon during the period 1972-1977 in the Superior Court is given in Table 9 below. Table 10 gives the number and percent of case terminations for 1976.

TABLE 9.

CRIMINAL DEFENDANTS FILED UPON, 1972-1977

TYPE OF CASE	1972	1973	1974	1975	1976	1977
Felonies	1,927	2,019	2,013	2,067	2,248	2,266
Misdemeanors	97	111	71	54	33	20
City and Justice Court Appeals	420	506	544	623	533	677
Miscellaneous Petitions & Hearings	9	5	38	31	70	25
TOTAL	2,453	2,641	2,666	2,775	2,884	2,988

Source: Pima County Superior Court, Annual Report, 1976.

TABLE 10.  
CRIMINAL TERMINATIONS, 1976

TERMINATIONS OF DEFENDANTS	PLEA OF GUILTY	DIS-MISSED	TRIALS		TOTAL	PER-CENT
			COURT	JURY		
Felonies	1,243	562	36	238	2,079	76%
Misdemeanors	32	20	-	2	54	2%
City & Justice Court Appeals	31	180	320	9	540	20%
Miscellaneous Petitions & Hearings	-	21	36	-	57	2%
TOTAL	1,306	783	392	249	2,730	100%
Percent of Total	48%	29%	14%	9%	100%	-
			23%			
Source: Pima County Superior Court, <u>Annual Report</u> , 1976.						

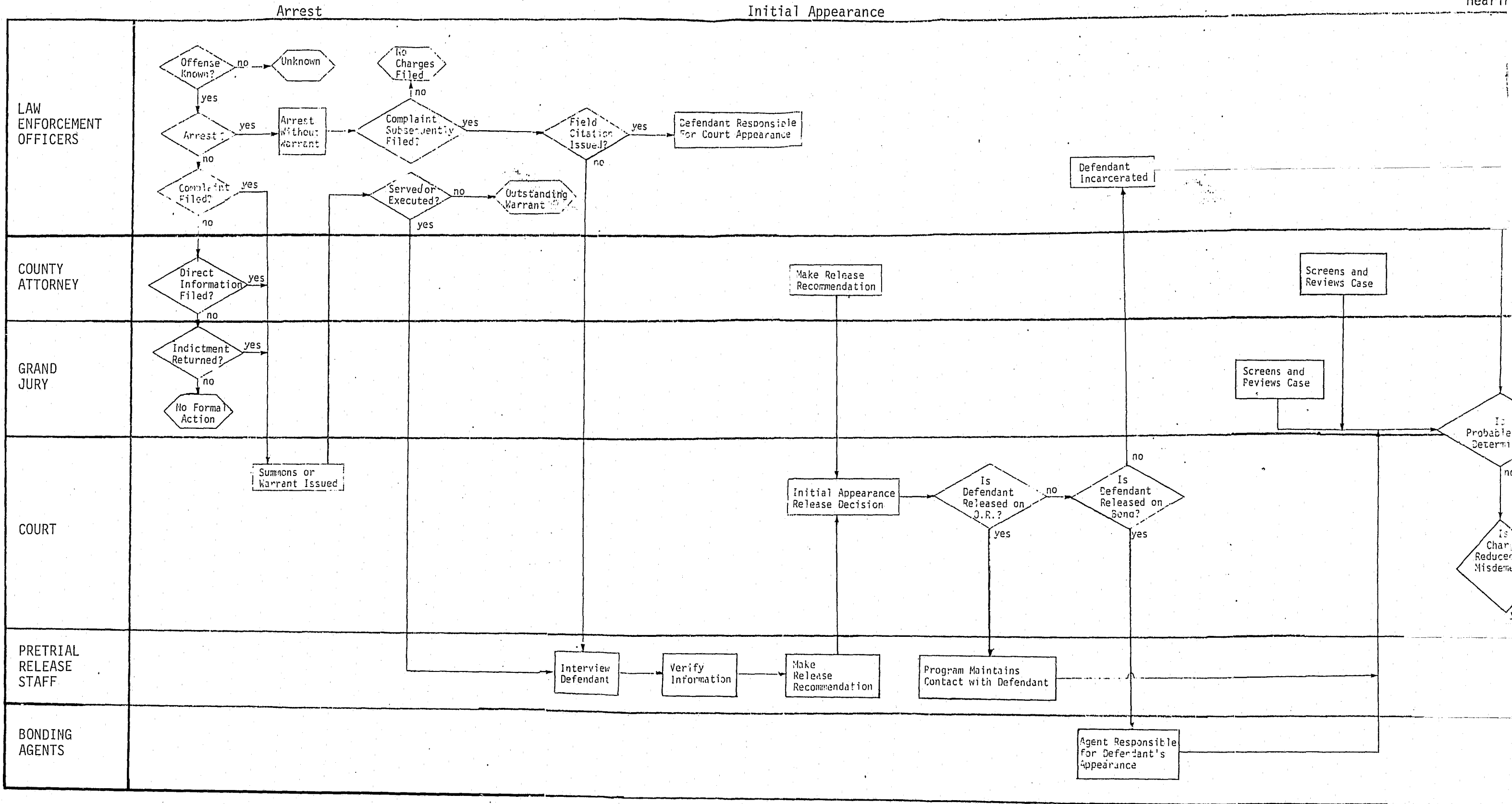
A summary of the defendant flow through the Pima County criminal justice system is given in Figure 2. A more detailed description of each of the major participants in the criminal justice system follows.

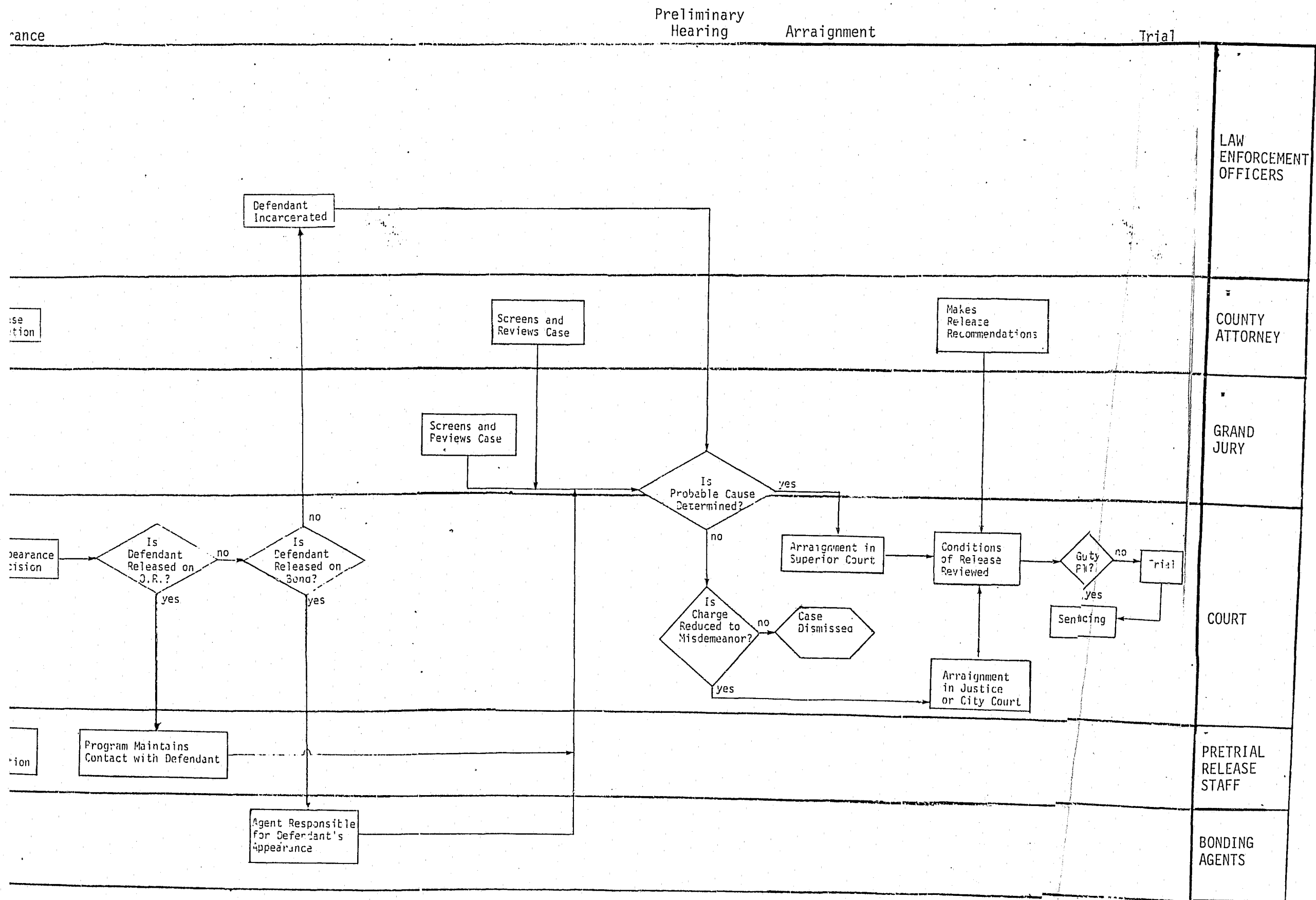
### 3. Law Enforcement Agencies

Arrests in Pima County may be made by Federal, State, county and local law enforcement officers. The County Sheriff is an elected official responsible for the vast unincorporated areas in the county. He is also responsible for coordinating law enforcement efforts with those of cities

FIGURE 2  
FELONY DEFENDANT FLOW THROUGH THE PIMA COUNTY CRIMINAL JUSTICE SYSTEM

Prelimi  
Heari





and towns located within the county. The Sheriff serves a four year term of office and has a staff of approximately 500 persons.

Although the Sheriff's geographical jurisdiction is considerable, municipal law enforcement agencies contribute the largest number of total bookings. Most of these municipal arrests are made by the Tucson Police Department. The Tucson police and the County Sheriff together contribute about 90 percent of the non-Federal prisoner population. Table 11 shows the booking distribution for 1976.

TABLE 11.  
NON-FEDERAL BOOKING DISTRIBUTION BY LAW ENFORCEMENT AGENCY, 1976

CHARGE	PIMA COUNTY SHERIFF'S DEPT. %	TUCSON P.D. %	SOUTH TUCSON P.D. %	ARIZONA DEPT. of PUBLIC SAFETY %	TOTAL
Misdemeanor	17.9%	70.7%	1.4%	9.3%	100.0%
Felony	33.0%	58.7%	2.0%	5.5%	100.0%
TOTAL	23.9%	65.9%	1.8%	7.8%	100.0%
Note: Total misdemeanor bookings = 7,553 Total felony bookings = 4,977 Grand Total 12,535					
Source: Pima County Sheriff's Department, <u>Annual Statistical Report, 1976.</u>					

The Chief of Police is appointed by the City Manager of Tucson with the approval of the Mayor and the Council. He and all the members of the department are hired under the civil service system. There are a

total of about 500 commissioned officers and nearly 200 civilians in the department.

Other municipal police departments include those in the towns of South Tucson, Oro Valley and Marana. Each has an appointed chief of police with relatively small staffs.

Municipal bookings in Pima County decreased by 27 percent between the peak year of 1973 and 1976. Much of this decrease is attributed to the decriminalization of public intoxication in January 1974 and the increased use of field release procedures. For example, the Tucson Police Department's 4.5 percent decrease in bookings from 1975 to 1976 is explained mostly by their numbers of field releases. It is estimated in the Sheriff's Department Annual Report that at least two thirds of the decrease is due to the new practice.

#### 4. County Attorney

The Pima County Attorney is responsible for prosecuting all violations of the State and county criminal laws. As an elected official, the County Attorney serves a four year term of office and is funded by the County Board of Supervisors. The Chief Deputy County Attorney and the various division heads within the Office are appointed by the County Attorney and serve at his discretion. The rest of the 57 member staff are employed under the County Personnel Merit System, and are therefore civil servants.

The four major sections of the County Attorney's Office are the (1) Executive (two attorneys), (2) Criminal Division (32 attorneys), (3) Legal Administrative Division (8 attorneys), and (4) Civil Division (15 attorneys). Each is headed by a Chief Deputy.

The 32 prosecutors in the adult prosecution section of the criminal division are assigned to individual trial teams, each supervised by a trial team leader. These teams include:

- general felony teams (3);
- narcotics;
- sex crimes and crimes against children;
- arson;
- white collar and organized crimes;
- serious offenders bureau (for serious recidivists);
- appellate section; and
- general misdemeanor.

Attorneys assigned to a particular case have the responsibility of representing the County Attorney in any contested matters at the Initial Appearance, including the release determination. Pima County is unique in this regard; the County Attorney's Office is the only one in the State in which its representatives attend Initial Appearances.

At the Initial Appearance, the County Attorney makes the State's bond recommendation. The County Attorney's policy manual states that this recommendation should be based upon the seriousness of the charges, the defendant's ties with the community, the defendant's prior record, the recommendations of the arresting officer and agency, and the recommendation of the pretrial release program (C.V.C.). The Attorney has at his disposal preliminary police reports, the interim complaint, the C.V.C. questionnaire and the defendant's prior record, if applicable.

In practice, it appears that the County Attorney's recommendations are much more restrictive regarding pretrial release than either the program's or the Public Defender's. In part, this is due to the bargain-

ing framework in which these decisions are made at the Initial Appearance. But it is also the result of the more conservative temperament of the County Attorneys. One representative from the Office said that he did not really trust the C.V.C.'s recommendation because they tended to be too liberal in their approach to pretrial release.

The Office policy manual states that there are several circumstances where it is appropriate to request that a defendant be held without bond. These cases include capital offenses and cases where the defendant has committed a new felony offense while on pretrial release for another felony offense. When the County Attorney requests that a defendant be held without bond, an evidentiary hearing must be held following the Initial Appearance. In the interim, the County Attorney asks for a very high bond if the magistrate refuses to hold the defendant without bond prior to the hearing.

At other times during the course of criminal proceedings, a defendant may request that the conditions for release be altered. In such cases, the County Attorney must again present the State's position.

#### 5. Public Defender

It is estimated that approximately 85 percent of all criminal cases (and 70 percent of all felony cases) in Pima County are handled by the Public Defender's Office. The rest are fairly equally divided between private attorneys and court appointed counsel.

The Public Defender is appointed by the County Board of Supervisors and serves at their discretion. His staff of 32 attorneys, including the Chief Deputy Public Defender, is divided into four main sections: felony (with 18 attorneys); misdemeanor (5 attorneys); juvenile (4 attorneys); and appeals (4 attorneys).

A Public Defender is present at all Initial Appearances to make initial contact with the defendants and to make recommendations to the Court regarding release conditions. In general, the Public Defenders will accept the Correctional Volunteer Center's release suggestion since this is virtually all the information they have at the time of the appearance. Prior to the C.V.C.'s existence, the Public Defender had considerably more independent impact on release decisions.

The Public Defender is also present in all those hearings (described previously) in which the County Attorney is present.

#### 6. Bonding Agents

Three bonding companies currently serve the Pima County area. As recently as a year ago, however, there were four companies operating. Professional bondsmen must be residents of Arizona and licensed by the Court through the State Insurance Board. No person with a prior felony conviction or unable to show sufficient financial net worth to satisfy surety obligations may be a licensed bondsman.

Bondsmen typically charge their clients a 10 percent premium on the amount of bail and require the defendant to show collateral for the full amount ordered. Collateral is most frequently in the form of property. Each of the bonding companies claim to write bonds worth \$350,000 to \$500,000 in face value per year.

Bondsmen in the county argue that their clients have a lower failure to appear rate than the group of defendants released on personal

recognizance. One reason for the lower rate, they suggest, is their maintenance of telephone contact with the defendants prior to court appearances. Moreover, almost 75 percent of all defendants who fail to appear for a court date are located by the bondsmen within a week. Contacts are maintained in other cities to aid the bondsmen in locating defendants who leave town. Occasionally, a "bounty hunter" may be employed (for a fee representing 20 percent of the bond amount) to help locate the client who fails to appear.

The court grants bondsmen 15 days to locate a client before an order of bail forfeiture is made. If the defendant is located and returned, the bondsman may request a "show cause order" to prevent the bail forfeiture. One bondsman stated that only half of his failures to appear result in bond forfeitures. All forfeitures are for the total amount of the original bond.

Bondsmen still working in the county say that their yearly income has decreased dramatically in recent years. They are particularly worried about the impending misdemeanor O.R. program and feel that it will further decrease the bonding business. However, the bondsmen's political influence is restricted by their lack of organizational structure. At the present time, there is no formal organization of bonding agents in Pima County (although attempts are being made to form one). The bondsmen state that they participate in very little political or civic affairs in the county.

#### 7. Detention Facilities

Pima County Jail was built in 1965 with facilities to accommodate 250 prisoners. Remodeling in 1975 increased its capacity to 403. At present, it houses approximately 500 inmates per day. These include



prisoners from all parts of the county as well as some Federal prisoners (e.g., those awaiting parole, board hearing, trial or transportation to a Federal prison).

The prisoner intake processing system was centralized in 1976 as a result of the jail remodeling the year before. All unconvicted, non-Federal prisoners are now housed in the remodeled east wing of the Main Detention facility until their initial court appearance. If they remain in custody following the Initial Appearance, they are housed in the resident areas of the Main and Annex Detention facilities. (All felony defendants and all female misdemeanor defendants are housed in the Main facility; all male misdemeanor defendants are housed in the Annex.) Persons sentenced to local detention serve their time in the separate Corrections Center. Approximately 70 percent of the total prisoner population is awaiting trial or sentencing.

The County Sheriff is responsible for the Jail and the care of the prisoners. The county supports various rehabilitation programs within the Jail and facilities include a small library and class room, an infirmary and a recreation yard. One nurse and one doctor are available on call.

Despite these apparent conveniences, it is clear that conditions at the Jail are uncomfortable. Although meals are provided three times a day, most inmates reputedly would prefer to be housed in the nearby Federal Prison (at Florence, Arizona) where food is said to be better and drugs more accessible. Inmates are said to occasionally make decisions regarding their case by taking into account which facility they are likely to be housed in as a result.

Although there was a 8.1 percent decrease in the total number of

bookings into the Sheriff's Detention Facilities from 1975 to 1976, the total mandays spent in the Sheriff's custody increased during this period by 10.1 percent. This disparity has existed throughout the 1970's as total bookings have declined and total mandays has continued to increase. The Sheriff thinks that the reason for this apparent contradiction lies in the fact that more individuals are being remanded to the Sheriff's custody or are being remanded for longer periods of time.

The average daily population at the County Jail facilities has also increased throughout the 1970's. In 1973, for example, the number of inmates per day averaged 320. With the remodeling, the average increased to 430. But in 1977, the Sheriff averaged over 500 prisoners per day. Table 12 gives the total number of bookings and average jail population for 1977.

TABLE 12.

JAIL BOOKINGS AND AVERAGE DAILY POPULATION, PIMA COUNTY JAIL, 1977

TYPE OF INMATE	NUMBER OF ADMISSIONS	AVERAGE DAILY POPULATION
In Transit "Boarders"	1,500	30
Local Sentence	1,500	115
Unsentenced		
Felonies	5,000	350
Misdemeanors	8,000	30
TOTAL	16,000	525
Source: "Pima County Jail Detainee and Central Intake Release Application, Addendum I," p. 1.		

II. NATURE OF THE PRETRIAL RELEASE PROGRAM

A. History

The Correctional Volunteer Center became a permanent aspect of the Pima County criminal justice system in response to the September 1973 revision of the Arizona Rules of Criminal Procedure. Before that time, State statutes did not mandate extensive use of personal recognizance release. The revised statutes, however, provided for the right of all defendants charged with non-capital offenses to be considered for O.R. pending trial or sentencing.

The C.V.C. had actually begun operations in fiscal year 1972-73 as a result of an L.E.A.A. grant prepared by a professor of Public Administration at the University of Arizona. The grant was extended for a second year by L.E.A.A. and has been funded directly by the county since that time. From its inception, the program has been under the administrative jurisdiction of the Superior Court, with direct responsibility to the Presiding Judge.

In the mid 1970's, the C.V.C. was also involved in a number of subsidiary activities. It provided staff (1) to operate the short-lived Tucson misdemeanor release program, (2) to assist in the Courts Building Information Table and Probation Department, and (3) to help represent various community agencies. However, these programs were eventually reduced or discontinued and the C.V.C. began to concentrate its resources on felony pretrial release investigations.

During most of its history, the C.V.C. has served only felony defendants. However, between January 1975 and July 1977 an attempt was made to permanently include misdemeanor defendants in its client pool.

Political circumstances eventually forced the program out of existence, though an attempt is currently being made to reestablish this misdemeanor function. In the autumn of 1978 funds from L.E.A.A. revived the city misdemeanor program and the C.V.C. regained some of its lost scope of responsibility.

One change that has endured is the Supervised Release program. Begun in 1974 with county funding, the C.V.C. has secured and supervised the release of over 500 felony defendants during its four years of operation. After the expansion in staff and budget brought about by the addition of supervised O.R., the C.V.C. continued to grow. Its budget, for example, increased from \$134,000 in fiscal year 1975 to over \$200,000 in fiscal year 1978. Moreover, the C.V.C. staff has more than doubled during this period. Salaried staff positions increased from 6 in fiscal 1975 to 15½ in fiscal 1978. The numbers of volunteers on the staff increased from 40 to 65 during the same period.

#### B. Goals and Objectives

The C.V.C.'s regular O.R. program was originally patterned after the Vera-Manhattan Bail Project to follow the basic principles of the Bail Reform Act of 1966. Its stated objective was "to extend pretrial services to financially indigent defendants who appeared to be reasonable prospects for release without bail."<sup>1</sup>

In its fiscal 1975/1976 Annual Report, the C.V.C. listed its three basic operating assumptions as:

<sup>1</sup>Correctional Volunteer Center, Annual Report June 1, 1975-May 31, 1976, page 8.

- ties to the community produce people for court;
- most people arrested have community ties strong enough to produce them for court when required; and
- utilizing efficient interviewing and verification procedures, a set of recommendations based on the strength of verified community ties is of great value in predicting for the court which defendants will appear if released.

From these assumptions, the C.V.C. derived the following operating objectives:

- to produce factual information for the court regarding the background and community ties of as many criminal defendants as possible;
- to secure the pretrial release of those defendants identified as having substantial ties to the community and subsequently producing them for court in the absence of a new arrest; and
- to decrease the use of pretrial detention as a means to produce people for court by providing a workable alternative through qualitative pretrial decision-making.<sup>3</sup>

In November 1974, these objectives were expanded with the introduction of the Supervised Release Program. Its purpose was to investigate those defendants who remained incarcerated following the Initial Appearance and to attempt to develop programs of supervised release which would reasonable assure a defendant's appearance in court. Since that time, the program has become "a 'clearing-house' for the courts in the coordination of services and programs designed to offer alternatives to pre-trial detention for 'high-risk' defendants."<sup>4</sup>

<sup>2</sup>Ibid., P. 14.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid., p. 47.

Specifically, the goals of the Supervised Release Program were to (1) secure the safe pretrial release of defendants who might be categorized as "high risk" because they do not meet the objective criteria for O.R. and are unable to post bail,<sup>5</sup> and (2) to assist the defendant in being qualified for probation (in the event of conviction) by giving him the opportunity to build on the positive aspects of the pretrial period and by documenting visible progress when it occurs.<sup>6</sup> "Safe" releases, in the program's terminology, refer to the absence of new offenses and the appearance of the defendant at all court appearances.

#### C. Organization

The C.V.C.'s organizational chart is reproduced in Figure 3. The program is directly under the administrative supervision of the Superior Court and its Presiding Judge. The main divisions within the program are: (1) the Pretrial Release Program, (2) the Supervised Release Program, and (3) the data collection staff, who are directly responsible to the Pretrial Release Program Director.

Although some staff members are specifically assigned to either the regular O.R. or the Supervised O.R. duties, many perform both functions. It is because of these dual roles that the Supervised Release Coordinator is placed beneath the regular O.R. Coordinator in the organizational hierarchy.

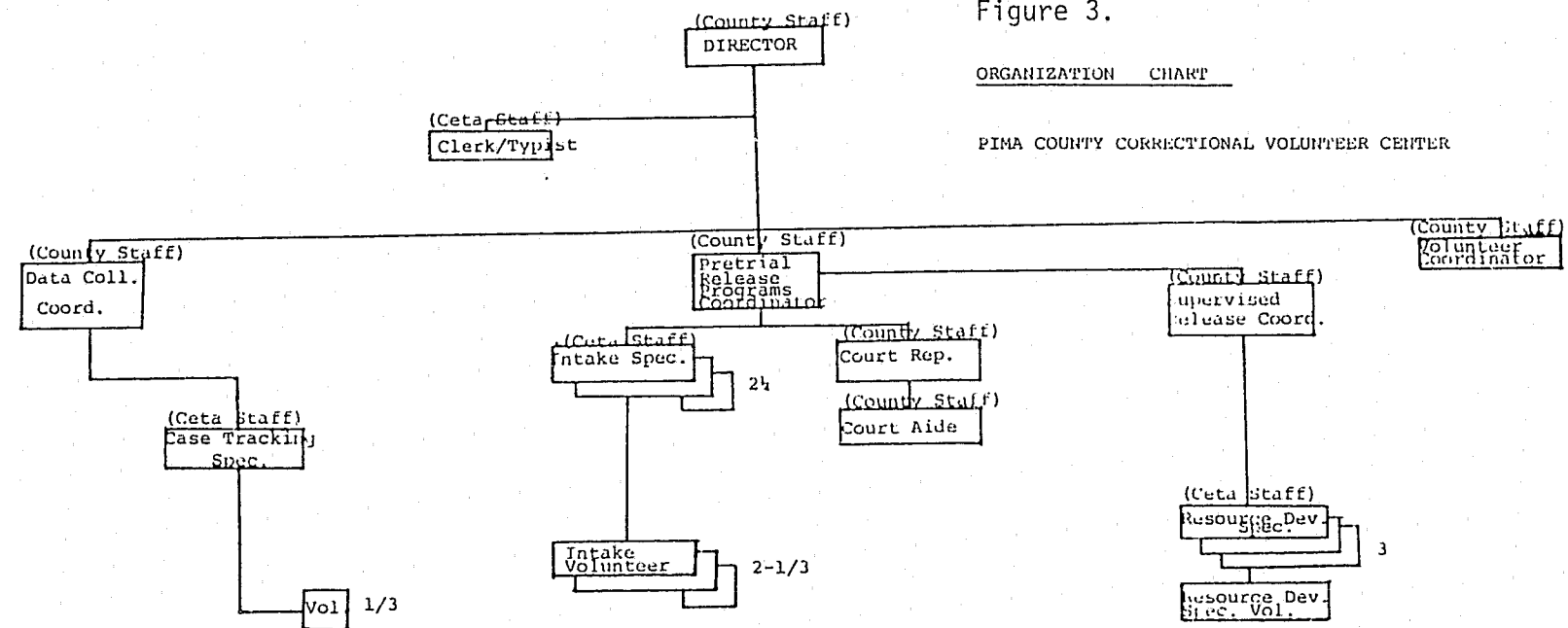
---

<sup>5</sup>Ibid.

<sup>6</sup>Ibid., p. 52-53.

ORGANIZATION CHART

(County Staff)  
Volunteer  
Coordinator



#### D. Resources

##### 1. Budget

The nature of the Center's funding allocations and resources is summarized in Tables 13 and 14. Of the \$171,500 in the fiscal year 1977 budget, approximately \$60,000 was derived from C.E.T.A. funds and \$142,000 from county funds. C.E.T.A funds have contributed approximately one-third of the program's budget since fiscal year 1975. Table 13 gives the total budgetary allocations for the program in fiscal 1977. Table 14 details the way in which the personnel expenditures are allotted.

##### 2. Defendant Tracking System

The C.V.C.'s generous budgetary support for research and evaluation has enabled it to devise and implement an unusually efficient and accurate evaluation methodology. Since June 1975, the Center has systematically collected data on all felony defendants in the county regardless of whether they were interviewed by the program. Using the standards of data collection proposed by the National Association of Pretrial Services Agencies (NAPSA), specially assigned staff members record the following information for each defendant:

- name, age, sex and race;
- current charges;
- release information (program recommendation, reason for recommendation, and Court release determination);
- employment, income, veteran status, and drug/alcohol problems;
- dates of arrest, interview, initial appearance, and trial;
- prior record;

TABLE 13.  
BUDGETARY ALLOCATIONS, FISCAL YEAR 1977-78

Items	FY 1977—Budget		FY 1977—Expenditures	
	\$	%	\$	%
Personnel	\$133,000	77.6%	\$133,000	77.6%
Office Space	7,800	4.5	7,800	4.5
Office Supplies	700	0.4	700	0.4
Telephones	4,000	2.3	4,000	2.3
Travel	1,500	0.9	1,500	0.9
Fringe Benefits	20,000	11.7	20,000	11.7
Mailing Costs	500	0.3	500	0.3
Miscellaneous Expenses	4,000	2.3	4,000	2.3
TOTAL	\$171,500	100.0%	\$171,500	100.0%
Source: Horace Cunningham, Correctional Volunteer Center Director				

TABLE 14.  
ANALYSIS OF PERSONNEL EXPENDITURES, FISCAL YEAR 1977-78  
(Salaries Only)

COMPONENT	FY 1977—Budget		FY 1977—Expenditures	
	\$	%	\$	%
Administration (inc. clerical)	\$40,000	30.1%	\$40,000	30.1%
Interviewing & Verification	66,000	49.6	66,000	49.6
Supervision (of release)	27,000	20.3	27,000	20.3
TOTAL	\$133,000	100.0%	\$133,000	100.0%
Source: Horace Cunningham, Correctional Volunteer Center Director				

- court dates and appearance at same (with indications of willful versus non-willful failure to appear);
- subsequent charges, bench warrants, or new offenses; and
- case determination (dismissal, conviction, sentence, presiding judge).

A sample Case Tracking Sheet is provided in Appendix A.

### 3. Staff

The Correctional Volunteer Center currently employs about 75 people, most of whom are volunteers from nearby colleges. Students are able to receive college credit for working with the Center, and are heavily employed as interviewers, investigators and verifiers. Volunteers contribute approximately 40 percent of the total interviewing hours. A total of 60 persons work in this volunteer capacity. Many of those who are now paid members of the staff were recruited and trained through the volunteer program. The growth in staff size is illustrated in Table 15 below.

TABLE 15. STAFF COMPOSITION, CORRECTIONAL VOLUNTEER CENTER

TYPE	NUMBER OF PEOPLE EMPLOYED AS OF:		
	6/30/76	6/30/77	12/31/77
Full-time	9	14	15
Part-time		1 (¼ time)	1 (¼ time)
Volunteers	45	52	60
TOTAL	54	66.25	75.25
Source: Horace Cunningham, C.V.C. Director			

There are 15 full-time paid staff members, whose salaries range from below \$7,000 per year to almost \$20,000 per year. The exact salary distribution is given in Table 16.

Table 16  
STAFF SALARIES, CORRECTIONAL VOLUNTEER CENTER, 1977

TYPE	NUMBER EMPLOYED AT THE FOLLOWING SALARY LEVELS:					
	Below \$7,000	\$7-9,000	\$9-11,000	\$11-14,000	\$14-17,000	\$17-20,000
Administrative					1	1
Clerical	1	1				
Interviewers		6	1			
Supervisory Staff			2	1	1	
Source: Horace Cunningham, C.V.C. Director						

A summary of the staff characteristics is given in Table 17.

Except for the student volunteers, who work only part-time, staff turnover has been relatively small in the period of the program's existence. Only five of the current staff members have been with the Center for less than a year. Twelve of the fifteen staff members are white and half are under the age of 25. There is an even split between male and female staff members and all have had at least some college education.

Prospective volunteers must agree to a criminal record check before they are allowed to train for the program. The training encompasses basic operations of the local criminal justice system as well as several

TABLE 17.  
STAFF CHARACTERISTICS, PIMA COUNTY, 1977

Characteristic	Number	Percent
<u>Race</u>		
White	12	80%
Black	0	0
Other	3	20
<u>Sex</u>		
Female	8	53
Male	7	47
<u>Age</u>		
Under 25 Years	8	53
26-30 Years	4	27
Over 31 Years	3	20
<u>Length of Employment</u>		
1-11 Months	5	33
1-2 Years	5	33
2-3 Years	2	13
3-5 Years	3	20
<u>Education</u>		
College Education (2 or fewer years)	4	27
College Degree	7	47
Advanced Degree	4	27
<u>Previous Criminal Justice System Experience</u>	5	33
<u>Hired Through CETA</u>	7	47
TOTAL Employed	15	100
Source: Horace Cunningham, Correctional Volunteer Center Director		



days of observing program procedures in the jail and courtroom. Throughout their assignment at the Center, the volunteers are closely supervised by the regular program staff.

#### 4. Facilities

The Correctional Volunteer Center operates administratively from a large complex of offices located in a building across the street from the Superior Court. The program appears to have adequate numbers of telephone lines and computer services to facilitate its various functions.

Investigators work at the County Jail near the booking desk. Although there is little privacy for the interviews, investigators report satisfactory cooperation from the jail staff to conduct interviews. Defendants who were not interviewed during the regular hours are contacted in the courtroom immediately before the Initial Appearance.

#### E. Scope of Operations

##### 1. Eligibility

Eligibility for the services of the Correctional Volunteer Center is currently restricted to felony defendants only. A misdemeanor program existed briefly in the mid-1970's, but faltered as a result of unrelated political conflicts within the Tucson city government. Nevertheless, all defendants are guaranteed the right of bail by Arizona law. All felony defendants are guaranteed the right of consideration for O.R. unless they are charged with a capital offense or with a felony offense while on pretrial release for another felony offense.

##### 2. Volume of Services

The Correctional Volunteer Center interviews virtually all felony arrestees in the county. Investigations may be made of defendants

charged with capital offenses even though these persons may not be recommended for O.R. Of the total 4,298 felony bookings in 1977, the staff interviewed 4,197, or approximately 98 percent. The average number of interviews per month is thus about 350.

As the program has matured, the proportion of defendants missed in the interviewing process has decreased. Between June 1975 and December 1976, 7.3 percent of the felony defendants were missed by the staff. Part of the reason why all defendants are not interviewed even now is that the Center is not made aware of all cases resulting from direct Grand Jury indictments. Indictments which result in a summons will not require booking, which is the prime means of determining the Center's case list. In addition, Initial Appearances for those charged by indictment occur during arraignment, rather than at the regularly scheduled appearances attended by C.V.C. staff.

The numbers of defendants on the Supervised Release caseload is necessarily much smaller than that of the regular O.R. program. Only those defendants who are referred to the program by the Court may be investigated. The total number of Supervised Release investigations has been approximately 35 per month, although in recent months the number has risen to as much as 95.

In the period July-December 1976, for example, only 268 cases were referred. Of this total, only 163 were actually interviewed, since many referrals are for purposes other than Supervised Release investigations (i.e., 105 defendants were referred to various counselling programs as a "service delivery" and did not require supervision or investigation). By 1977, the number of such investigations rose to 410, averaging 34 per month (the monthly average for the latter half of 1976 was 27). In the entire

period from July 1976 through August 1978, 1,451 cases were referred to the program and 1,065 cases were actually investigated. Of the total investigated, 31.5 percent or 336 defendants were ultimately released to the custody of the program. The total number released in 1977 was 111, or 40 percent.

Like the regular O.R. program, the number of referrals and the proportion and number of cases released into the Supervised Release custody has increased over the years. In the first eight months of 1978, the number of cases investigated had already surpassed the number for the entire 1977 period, with a monthly average of 41 cases. The total number released into the program's custody was already 163 by the end of August.

### 3. Days and Hours of Operation

The regular O.R. program operates seven days a week, 24 hours a day. The staff is thus able to interview almost all felony defendants soon after booking. The only exceptions are those defendants who are booked within an hour before the time when they must be transported to the Court for Initial Appearance. In these cases, the staff makes an attempt to interview the defendant at the courtroom.

The Supervised Release staff operates only during the regular work week, from 8:30 a.m. until 5:00 p.m. The nature of their referrals makes it unnecessary to expand this scope of operations since there are fewer time constraints in Supervised Release decisions.

## III. PROGRAM PROCEDURES

### A. Interview

Most regular O.R. interviews occur at the County Jail and are conducted by one of the trained volunteers. Investigators explain their purpose to the defendants and inform them that they are not required to answer any of the questions. Questions asked follow three separate schedules devised by the Arizona Supreme Court. (Sample questionnaires may be found in Appendix A.) The first questionnaire includes information on residence and community ties; employment or financial means of support; and previous criminal record, if any. Copies of this first form are given to the County Attorney, Public Defender and Judge at the Initial Appearance.

Interviews generally take about 15 minutes to complete and also include questions to identify any drug, alcohol, health, or mental health problems. Information concerning such health problems are recorded only on a separate interview schedule which is not given to other agencies involved in the case, except the Sheriff and his Jail Drug Staff. At the time of the interview, the Investigator also asks the defendants if they are interested in having the C.V.C. coordinate any type of counseling program.

The third and final part of the interview involves the defendant's financial condition and need for court-appointed counsel. Information concerning monthly income, outstanding loans, savings, and property are used by the Court to determine the amount of bond to be set and the need for Public Defender services.

During the interview, Investigators are taught not to allow the

defendant to talk about the circumstances of the case pending against him, since neither the paid staff nor the volunteers are protected by laws offering confidentiality to the defendant. Defendants are informed of this danger and urged not to discuss the case. The only exception to this general rule is in cases involving violent crimes or sex crimes such as child molesting. In these cases, the defendant is asked if there would be any reasons why a non-conditional release should not be made. If such reasons do exist, the Investigator will contact the County Attorney's Victim-Witness Advocate Program for assistance.

The Victim-Witness Advocate counselor and the C.V.C. Investigator will then work together in formulating a recommendation for release. The counselor never contacts the Court directly with recommendations. Instead, the two staff members jointly complete the Household Complainant Defendant Program form which is presented to the Court at the Initial Appearance. The form contains information about the complainant or the defendant's household and the C.V.C.'s release recommendation. Appendix A contains a sample of the form used for this purpose.

#### B. Verification

During the interview, the defendant is also asked to supply at least two references to verify the information. Defendants are told that the existence of verification will have an impact on the release decision.

Verification is performed at the C.V.C. offices, primarily by the regular paid staff members rather than the volunteers. Virtually all the information is gathered by telephone contacts and attempts are made to obtain more than one source of verification. The County Attorney's Felony Records office and the various law enforcement agencies are used as sources of previous criminal record information. References provided

by the defendant are contacted to verify employment and residence information. Staff members are taught not to give the reference the already obtained information and discrepancies are noted on the verification worksheet.

The C.V.C. staff estimate that approximately 20 minutes per case are consumed during this phase of the program's procedures, although difficulties in contacting references usually make these 20 minutes dispersed over a couple of hours. During the verification stage, the Investigator will occasionally request a release recommendation from the County Attorney's Office.

#### C. Recommendation

The Correctional Volunteer Center makes its recommendations on the basis of all the information it gathers about the defendant as well as the extent to which the information is verified. No point system is used to arrive at a recommendation. Although it may not make suggestions concerning the amount of bail which should be set, any of the following recommendations may be made to the Court:

- Own Recognizance Release;
- Third Party Custody;
- C.V.C. Custody;
- Own Recognizance Release if unverified information can be verified;
- Neutral Recommendation;
- No Own Recognizance because community ties do not offset seriousness of the charge; or
- No Own Recognizance because the defendant is currently out on O.R. with pending felony.

Thus, unlike many pretrial release programs, the C.V.C. takes into account both community ties and current charges in their release consider-

ations. Their operating decision rule concerns whether or not the defendant's community ties offset the seriousness of the current charges. The difficulty in scaling criminal charges was a primary consideration when the Center chose not to develop a point system.

If the defendant's community ties are sufficient to offset the charge, the C.V.C. will often recommend regular own recognizance release. In marginal cases, where it is not certain that these ties do in fact offset the charge, the Investigator will recommend Third Party Release which places the onus of responsibility upon the defendant's parents or other responsible family members.

For those defendants whose community ties are sufficient but who appear to have drug, alcohol, or mental health problems, the Investigator will suggest a form of Supervised Release. The C.V.C. essentially takes third party custody of the defendant in such cases and the Court makes involvement in an appropriate treatment program one of the conditions of release.

In those cases where the program has been unable to verify all the defendant's information, a qualified recommendation for Own Recognizance release is made to the Court.

Several conditions may cause the C.V.C. Investigator to make a Neutral recommendation. These include:

- cases where verification has produced discrepancies in information which cannot be adequately explained;
- cases where the defendant is on probation or parole, verification is incomplete and the parole/probation officer could not be contacted;
- cases where the charge is first degree murder; and
- cases where the charge involves a parole or probation violation.

#### D. Follow-up

At the present time, very little contact is maintained with defendants released on regular Own Recognizance. Neither the Court nor the program requires that such defendants call or visit the program periodically. However, for those defendants released into C.V.C. custody or who are required to participate in an intervention program, the C.V.C. staff requires either telephone or personal contact with both the defendant and the responsible agency. The extent to which the defendant has fulfilled the conditions of release is monitored and the staff is constantly available to discuss any subsequent problems the defendant may be experiencing. The program's administrators believe that this aspect of the operations should be expanded and that its current failure to do so constitutes a serious deficiency in the program.

#### E. Supervised Release

The Correctional Volunteer Center is engaged in three basic types of supervised release. That which is likely to occur earliest in the regular criminal justice proceedings is the "conditional release" made at the Initial Appearance. However, since the introduction of the Supervised Release Program, conditional releases are used infrequently by the Court. When they do occur, they are initiated by the C.V.C.'s regular O.R. staff or by the Court. Such conditional releases are designed for those defendants for whom some immediate problem potentially affecting their likelihood of court appearance has been identified. Any condition may be imposed in addition to the statutorily defined conditions (see Section I.B.2); typically, these would involve participation in some type of rehabilitation program or job counseling service.

The greatest number of supervised releases are those which occur in

the Superior Court some time after Initial Appearance. In these cases, the defendant is investigated by the Supervised Release staff and is responsible to them if release is granted. It is this form of Supervised Release which will be focused upon in all subsequent discussions.

At the suggestion of the Court or request of the defendant, the Supervised Release staff also provide "courtesy supervision" for certain defendants. Unlike the first two, this type of supervision does not constitute a procedural release into the third party custody of the program and does not involve a C.V.C. investigation. The program views these activities as "service delivery" rather than supervision per se and make them available to any pretrial defendant, regardless of the formal release conditions granted by the Court. The C.V.C. acquires one or two such clients per month and at any point in time will have a total of only about 12 such clients.

#### F. Supervised Release Procedures

Supervised Release investigations begin with a referral from the Public Defender, a private attorney, the Court, a family member or friend of the defendant, or a member of the C.V.C. itself. The investigation is used to determine the defendant's suitability for either regular or supervised O.R. release and to ascertain any special needs of the defendant.

Investigators first collect information on the defendant's demographic characteristics and other general information obtained during the regular O.R. interview, the actions taken by the program during the pretrial period, and information concerning the pre-sentencing period and sentencing, if applicable. A record check is conducted and both the Public Defender (or private attorney) and the County Attorney are contacted for suggestions as to suitability for release.

After each of these steps has been taken, the defendant is again interviewed. The first part of the interview is open-ended and does not follow any specified interview schedule. Its purpose is to determine positive points for release (such as specific skills, community contacts or a job awaiting a release) and special needs of the defendant (such as alcohol, drug, employment or mental health problems). Investigators are taught to be especially careful in their interviews and to take as long as necessary to obtain the necessary information and satisfy the informational needs of the defendant.

During the interview, the Investigator also discusses possible programs with the defendant. The conditions of release are fully explained as well as the penalties for release violations. It is also stressed to the defendant that violation of release conditions constitutes one of the greatest determinants of subsequent judicial decisions regarding sentencing or plea bargaining.

If the defendant is willing to participate in a community intervention program, the Investigator obtains letters of acceptance from the appropriate agency and includes this with an overall summary and recommendation to the Court. Copies of these documents are also given to the County Attorney and the Public Defender and serve as the basis for discussion during the release deliberations.

Motions for Supervised Release or other alterations of release conditions are heard four days a week in the Superior Court. A program representative attends these proceedings to answer any questions that may arise. If the Court approves the new release conditions, the defendant must sign a conditions of release agreement and the C.V.C. representative must sign the release order before the release becomes effective. The

core conditions for Supervised Release are:

- appearance in court when required;
- no violation of any city or State laws;
- reporting in person to the Correctional Volunteer Center at least three times weekly or as often as the latter may require;
- maintaining suitable residence and employment throughout the period of pretrial supervision;
- appearance at any meetings and counseling sessions that the C.V.C. feels are beneficial;
- remaining within the territorial limits of Pima County unless given authorization by the supervising agency;
- abstaining from the excessive use of intoxicants or non-prescription drugs;
- abstaining from any anti-social conduct; and
- cooperation and participation in any program established as a condition of release.

The forms used for Supervised Release determinations are provided in Appendix B.

The Court is kept informed of the defendant's compliance with these conditions of release. In addition, at the time of sentencing or parole decisions, the C.V.C. presents information concerning the defendant's reliability to the Pre-Sentence Investigator. Supervision itself typically ends with sentencing. If the program discovers that a client is failing to comply with the release conditions, a Petition for Review of Conditions may be requested (see Appendix B for sample Petition).

#### IV. PROGRAM IMPACT

##### A. Impact on Release System

###### 1. Rates of Release

Total release rates during the period July 1975 through August 1978 varied imperceptibly from month to month. For all forms of non-financial release, the rate during this period was 51.5 percent of the total defendants booked. Thus, a total of 6,337 defendants received some form of non-financial release between July 1975 and August 1978. The months of highest release rates tended to occur during the latter half of this time period, with the highest rate (62.7 percent) occurring in August 1978 and the lowest (46.6 percent) in April 1977.

###### 2. Types of Release

Release rates for regular O.R. and Supervised O.R. are given in Tables 18 and 19. Unfortunately, the available data do not permit us to determine what percentage of those defendants released through the regular O.R. proceedings (i.e., at the Initial Appearance) involved some form of third party custody or alternative forms of conditional and supervised release. The program's data refer to all forms of non-financial release collectively as "O.R." release.

Similarly, the figures for the Supervised Release program refer only to those cases investigated following the Initial Appearance. The data reported here groups all forms of conditional and supervised release obtained after the Initial Appearance decision together. It would thus be inappropriate to compare these two tables to determine the exact relative frequencies of regular and supervised O.R. decisions. However, C.V.C. staff members have suggested that very few supervised release

Table 18. Release Rates, O.R. Program, 1975-1978

Month	(a) Total Number Bookings	(b) Total Number Considered		(c) Total O.R. Dispositions		
		#	% of (a)	#	% of (a)	% of (b)
June 1975 - December 1976	6705	6212	92.6%	3306	49.3%	53.2%
<u>1977</u>						
January	359	351	97.8	159	44.3	45.3
February	395	386	97.7	180	45.6	46.6
March	396	395	99.7	180	45.5	45.6
April	363	353	97.2	161	44.4	45.6
May	351	350	99.7	179	51.0	51.1
June	336	332	98.8	178	53.0	53.6
July	347	339	97.7	174	50.1	51.3
August	395	382	96.7	194	49.1	50.8
September	374	364	97.3	184	49.2	50.5
October	262	243	92.4	137	52.1	56.4
November	349	346	99.1	174	49.9	50.3
December	370	356	96.2	174	47.0	48.9
<u>1978</u>						
January	347	334	96.3	161	46.4	48.2
February	309	298	96.4	148	47.9	49.7
March	333	326	97.9	144	43.2	44.2
April	306	299	97.7	170	55.6	56.9
May	299	288	96.3	146	48.8	50.7
June	316	301	95.3	150	47.5	49.8
July	324	309	95.4	170	52.5	55.0
August	314	300	95.5	172	54.8	57.3
June 1975 - April 1978	12,296	11,644	94.7	6,001	48.8%	51.5%

Source: Correctional Volunteer Center monthly reports

TABLE 19.  
SUPERVISED RELEASE RATES, 1974-78

Month	Total Case Referrals <sup>a</sup>	Total Cases Investigated <sup>b</sup>		Cases Rejected by C.V.C.		Total Released to C.V.C.	
		Number	Percent <sup>c</sup>	Number	Percent <sup>d</sup>	Number	Percent <sup>d</sup>
November 74-May 76 1976	546	482	88.3%	131	27.2%	244	50.6%
July-December	268	163	60.8	79	48.5	62	38.0
<u>1977</u>							
January	50	39	43.6	17	43.6	11	28.2
February	46	36	78.3	16	44.4	7	19.4
March	45	37	82.2	21	56.8	9	24.3
April	54	45	83.3	16	35.6	8	17.8
May	49	39	79.6	11	28.2	8	20.5
June	41	37	90.2	15	40.5	9	24.3
July	30	24	80.0	10	41.7	6	25.0
August	35	27	77.1	4	14.8	9	33.3
September	55	39	70.9	10	25.6	14	35.9
October	72	46	63.9	14	30.4	18	39.1
November	60	41	68.3	18	43.9	12	29.3
December	78	61	78.2	20	32.8	18	29.5
<u>1978</u>							
January	90	70	77.8	23	32.8	19	27.5
February	93	70	75.3	22	31.4	14	20.0
March	95	75	78.9	13	17.3	30	40.0
April	69	54	78.3	13	24.1	18	33.3
May	73	59	80.8	19	32.2	22	37.3
June	84	56	66.7	10	17.9	12	21.4
July	66	50	75.8	11	22.0	23	46.0
August	76	58	76.3	12	20.7	25	43.1
November 1974 - August 1978	2,075	1,608	77.5	505	31.4	598	37.2

<sup>a</sup>includes cases under investigation from previous months  
<sup>b</sup>excludes cases not involving investigation per se (i.e., those only in need of service referral) and cases turned over (which involve dismissal, release, or recall of referral while under investigation)  
<sup>c</sup>as a percent of total referrals  
<sup>d</sup>as a percent of total cases investigated

Source: C.V.C. Monthly Reports



investigations result in a non-conditional release and that only a small proportion of release decisions made at the Initial Appearance involve special supervision. We can assume, then, that comparison of these two tables would at least give us a rough indication of the total rates of regular and supervised O.R. release decisions.

In 1977, the C.V.C. interviewed an average of 349 defendants per month for regular O.R. determinations. Of the entire 4,197 defendants considered that year, 49.4 percent (or 2,074) were granted O.R. at the Initial Appearance. Of the total 4,298 defendants booked that year, 48.3 percent received an O.R. release.

The proportions for 1977 are representative of the entire period from June 1975 through August 1978. The 6,001 defendants granted non-financial release during that period represented 48.8 percent of the total defendants booked and 51.5 percent of the total defendants interviewed by the C.V.C.

During the entire period of the Supervised Release program's existence (November 1974-August 1978), 1,608 defendants have been investigated for possible release. Of this total, the program rejected 505, or 31.4 percent, and requested some form of release for the remaining 1,103 defendants. The Court released a total of 598 defendants under C.V.C. supervision during this time. Released defendants thus represented 37.2 percent of the total investigated by the program.

Monthly analysis of program activities and release rates reveals an interesting trend. There existed an apparent hesitancy within the system to refer defendants to the program during the early phases of its existence. The average monthly number of cases investigated by the program between November 1974 and May 1976 was only 25.4. Since that time, the number of

referrals quickly rose with an average of 39 investigations per month during calendar year 1977.

The total number of defendants released into C.V.C. custody, however, shows a very different trend. During the first 19 months of operations, the Court released 244 defendants into C.V.C. custody. This represented over 50 percent of the total cases investigated by the program. Following this initial increase, the proportion of defendants released to the C.V.C. quickly declined to a low of 20 percent in mid-1977. For the year 1977, the Court released 27 percent of all those cases investigated by the supervised release program. This proportion showed signs of regaining its initial level in 1978, when the number released during the first eight months of that year represented 33 percent of the total defendants investigated.

It appears, then, that while gradual institutionalization of the program may have produced a greater number of referrals, it did not result in higher rates of release. Initial enthusiasm was followed by reluctance and then by a renewed tendency to release greater numbers and proportions of defendants. Nevertheless, the proportion of defendants granted supervised release during January-August 1978 was still only 33 percent of the total investigated and significantly less than during the pre-1977 period.

### 3. Speed of Operations

The length of time a person remains in pretrial detention depends upon the time of arrest. Since Initial Appearances occur every day at 1:00 p.m., a defendant could conceivably be released within an hour of booking if the arrest were made before noon. However, if booking occurs after noon, the defendant will have missed that day's transportation to the Court and will remain in custody until the following day (unless bond is posted).



The best available information concerning the amount of time involved in securing various forms of release comes from the Sheriff's Department. A federally funded study of the Pima County Corrections facilities examined the length of stay of inmates using three special samples collected during 1976 (viz., 251 persons booked between April 16 and April 22). It revealed that the following proportions of defendants were released from custody within 24 hours of the time of booking (excluding those booked to serve time):

- 78.9 percent of all those booked;
- 85.0 percent of those charged with misdemeanors; and
- 65.6 percent of those charged with felonies.

Of the total defendants in the sample, 31.4 percent were released on bail and 32.6 percent were released on personal recognizance. Within the presentence group in the sample, 15 percent of those charged with felonies were released on bail and 51 percent on personal recognizance. For the misdemeanants, 39 percent were released on bail and 18 percent on personal recognizance.

Within the presentence group of the sample, those persons released on bail were incarcerated for shorter periods of time than those released on O.R. Seventy percent of the bailed group were detained less than 6 hours. Most of those released on O.R., however, stayed from 6 to 24 hours before being released. The median length of stay for this group was between 12 and 18 hours. Eighty percent of the released presentence felons were detained at least 12 hours; 34 percent were detained for more than 24 hours.

Table 20 summarizes the information provided by the Sheriff's research.

TABLE 20.  
LENGTH OF STAY OF PRESENTENCE INMATE POPULATION, APRIL 16-22, 1976 (by percent)

Type of Release	Number	Numbers of Hours in Pretrial Detention				
		0-6	6-12	12-18	18-24	24+
Bail	55	69%	9%	7%	2%	13%
R.O.R.	57	12%	18%	37%	18%	16%
Charges Dropped	5	0%	0%	0%	60%	40%
Court Ordered Release	29	3%	24%	31%	17%	24%
Total Presentence Group	175	27%	14%	22%	16%	21%
Total Felony Group	64	14%	6%	25%	20%	34%
Total Misdemeanor Group	113	35%	17%	19%	14%	15%
Note: Total number booked on non-Federal charges during this period was 251. All figures refer only to defendants booked on non-Federal charges.						
Source: Pima County Sheriff's Department, <u>Annual Statistical Report and Analysis, 1976.</u>						

### B. Impact of Program Recommendations

The extent to which the Court follows the program's release recommendations indicates the Court's perceptions of the usefulness of the program's recommendations and verification procedures. Data for the regular O.R. program is contained in Table 21.

Analysis of these data indicate that the Court is most likely to agree with those program recommendations for denying own recognizance release. Of the 242 cases in which a recommendation for no release was made, the Court denied release to over 88 percent. On the other hand, the Court did release 11.6 percent of the defendants specifically recommended for no release by the program.

For those cases in which the C.V.C. recommended O.R. , the Court granted such release to 84.3 percent, a slightly smaller percentage than obtained in the negative recommendations. Moreover, these two agreement rates have stayed approximately the same throughout the 1975-1978 period. Unfortunately, data do not exist to allow us to compare these rates for earlier time periods.

Similar data for the Supervised Release program is contained in Table 22. During the entire period of the Supervised Release Program's existence (November 1974-August 1978), the Court has granted supervised release to 84.4 percent of those defendants recommended for such release by the program.

Although the monthly proportion of cases in which the program and the Court agree has fluctuated over the years, the overall agreement rate has been high. For example, during the first two years of operation, the Supervised Release staff recommended 348 defendants for release and the Court granted over 87 percent of these (306 releases). In 1977, the Court

TABLE 21  
COURT ACCEPTANCE OF C.V.C. RECOMMENDATIONS, 1975-1978

Month	Recommended for Release-OR Granted		Qualified, No Verification - Court Released Defendant		Recommended Against Release but Court Granted Release	
	Number	Percent <sup>a</sup>	Number	Percent <sup>b</sup>	Number	Percent <sup>c</sup>
June 75-Dec 76	1,610	83.7%	401	72.4%	129	12.7%
<u>1976</u>						
November	92	98.5	31	75.6	8	16.0
December	110	77.4	27	81.3	7	9.0
<u>1977</u>						
January	86	71.1	28	63.6	5	9.1
February	118	81.4	13	59.1	7	8.9
March	100	90.9	27	75.0	6	7.3
April	91	88.3	24	66.7	7	8.4
May	105	84.7	24	57.1	11	17.2
June	109	85.2	28	62.2	5	9.8
July	113	84.3	12	46.2	5	10.2
August	119	81.0	26	68.4	11	18.3
September	109	87.2	34	77.3	7	10.1
October	81	88.0	22	73.3	6	13.0
November	106	89.1	26	63.4	3	4.5
December	117	90.0	30	60.0	4	5.3
<u>1978</u>						
January	97	88.2%	23	54.8%	10	12.0%
February	95	81.9	15	68.2	9	13.8
March	90	79.0	19	54.0	7	9.2
April	97	88.2	16	56.7	10	14.5
May	91	86.7	17	77.3	4	5.0
June	99	82.5	22	73.3	6	7.4
July	122	87.8	14	73.7	16	17.8
August	123	92.5	18	100.0	8	8.1
May 1975 - April 1978	3,243	84.3	768	67.9	242	11.6

<sup>a</sup> percent of those for whom CVC requested OR

<sup>b</sup> percent of all those who would qualify but cases lacked verification

<sup>c</sup> percent of all those cases in which the CVC specifically recommended against release

Source: Correctional Volunteer Center Reports

TABLE 22  
COURT ACCEPTANCE OF SUPERVISED RELEASE RECOMMENDATIONS, 1974-78

Number	Total Cases Presented for Release	Total Released to C.V.C.	
		Number	Percent <sup>a</sup>
November 1974-May 1976	274	244	89.1%
June-December 1976	74	62	83.8%
<u>1977</u>			
January	13	11	84.6
February	7	6	85.7
March	13	9	69.2
April	13	8	61.5
May	11	8	72.7
June	12	9	75.0
July	6	6	100.0
August	11	9	81.8
September	15	14	93.3
October	20	18	90.0
November	12	12	100.0
December	24	18	75.0
January - December	157	128	81.5%
<u>1978</u>			
January	20	19	95.0%
February	19	14	73.7
March	36	30	83.3
April	24	18	75.0
May	27	22	81.5
June	20	12	60.0
July	25	23	92.0
August	31	25	80.7
January - August	202	163	80.7%
November 1974-August 1978	707	597	84.4%
<sup>a</sup> percent of total cases presented			
Source: Correctional Volunteer Center Monthly Reports			

released a total of 128 defendants out of the 471 cases investigated by the program and the 157 cases recommended for supervised release. Thus the agreement rate for that year was 82 percent. Finally, in the first eight months of 1978, the Court had released 163 defendants from the total of 492 cases investigated and 202 cases recommended for release by the program. Thus the agreement rate for this period was 81 percent.

### C. Impact of Verification

A separate question from the issue of Court acceptance of recommendations is that involving the impact of verification on Court decisions. Table 21 provides a means of comparing release determinations for those cases with verified information with those with unverified information.

For the entire period May 1975 to April 1978, it appears that the existence of verified information had a definite impact upon the Court release decisions. The Court released 84.3 percent of those defendants who the program had determined qualified for release and for whom verified information was obtained. However, during that same period the Court released 768 defendants who were determined by the program to be qualified but for whom information could not be verified. This represented 67.9 percent of such defendants. Although it is clear that the existence of verified information did have an impact on the Court's decisions, it is also true that quite a few defendants were released by the Court in spite of the lack of verified information concerning their likelihood of appearing for court.

### D. Program Acceptance

Comments from various criminal justice officials in Pima County suggest that the program's efforts are not fully appreciated. In particular, prosecuting attorneys feel that the C.V.C. staff and the Court are too liberal in their releasing policies and recommendations. One attorney felt that too much emphasis was placed upon community ties as a releasing criterion. He suggested that much more successful release decisions would be made if the C.V.C. staff were able to take into account the facts of the case and the seriousness of the charge more fully. Despite these reservations, there is widespread agreement that the C.V.C.'s investigations, especially their verification efforts, are a valuable contribution to the criminal justice process.

Court officials and defense attorneys were much more supportive of the C.V.C.'s recommendations. The recommendations were acknowledged as having provided for more rational release decisions and as having indirectly contributed to greater numbers of pretrial releases. The major complaint expressed by the judges was actually addressed to the release options provided by the State legislature. Many felt that third-party releases to family members or friends was the least desirable form of release; although State statutes allow for sanctions to be placed against third-party trustees in the event of a defendant's release violation, such penalties are rarely applied. As a result, third-party releases regress to essentially the same status as a regular O.R. release.

Regardless of these reservations, it is clear that pretrial release itself can have an affect upon, and may be affected by, other decisions regarding a defendant. In the course of our interviews, several people mentioned that the extent to which a released defendant adheres to the

conditions of release has a definite impact on plea bargaining activities and probation decisions.

If the conditions for release are not violated, for example, the County Attorney is said to be more likely to accept the Defense Attorney's plea bargaining proposals. On the other hand, if it appears to the parties involved that plea bargaining is imminent, the Court is more likely to entertain motions for either regular or supervised O.R. release. In addition, if a convicted defendant has complied with the release conditions, the County Attorney is more likely to accept, and the Court is more likely to grant, probation in lieu of incarceration. The program's administrators point out that 82 percent of the defendants on supervised release will receive probation, while only 40 percent of those who remain in pretrial detention are given the same opportunity. Similarly, if supervised release conditions are not violated, the County Attorney is more likely to propose a Diversion program as an option to incarceration.

#### E. Impact on Defendant Outcomes

##### 1. Failure to Appear

The failure to appear rates of felony defendants has been the subject of at least two C.V.C. studies during the past few years. For their fiscal 1975-1976 report, the C.V.C. tracked all defendants prosecuted for felony offenses during the period June-December 1975. A failure to appear was defined as occurring at the point when a bench warrant is issued for the defendant's return. All those cases which were disposed of by reducing the charges to the misdemeanor level were omitted from the analysis. Table 23 is a reproduction of the chart contained in the C.V.C. report. It provides a means of discriminating failure to appear rates on the basis of the program's release recommendation and subsequent case activity.

For example, the failure to appear rate for those felony defendants recommended for O.R. by the program and granted O.R. by the Court was 7.5 percent. For those persons recommended for O.R. but not granted O.R. by the Court and who subsequently were released on bond, the failure to appear rate was 8.8 percent.

Interestingly, the lowest failure to appear rates were for those defendants who received a neutral C.V.C. recommendation, were denied O.R., and were subsequently released on bond. For this group of defendants, the failure to appear rate was only 6.7 percent. In contrast, one of the highest failure to appear rates, 26.5 percent, was for those defendants given a neutral C.V.C. recommendation but granted O.R. by the Court.

Other high failure to appear (FTA) rates occurred under the following conditions:

Table 23. FTA RATES FOR FELONY ARRESTS, JUNE-DECEMBER 1975

June 1, 1975 thru Dec. 31, 1975

CHART 11

FTB RATES FOR ALL FELONIES

Not Recommended

Recommended

Qualified

GROUP	RELEASES AT INITIAL APPEARANCES 1	2 SUBSEQUENT RELEASES	3 TOTAL RELEASES	4 CASES REDUCED, DISMISSED, DIVERTED	5 CASES GOING TO SUPERIOR COURT W/ REQUIRED APPEARANCES	6 # DEFENDANTS FAILING TO APPEAR	7 FTA RATE
A RECOMMENDED FOR RELEASE 804	Released ROR 530	ROR 30 Bond 40 Dismissed 25	Released ROR 560	305 6	Out on ROR 255	Out on ROR 19	7.45%
	Not Released 102		Released on Bond 40		Out on Bond 34	Out on Bond 3	8.82%
	Cases Dismissed 172		Not Released 7		Total for A 289	Total for A 22	7.51%
B DEFENDANTS QUALIFIED IF INFORMATION VERIFIED 177	Released ROR 106	ROR 7 Bond 19 Dismissed 15	Released ROR 113	61 1	Out on ROR 52	Out on ROR 11	21.15%
	Not Released 41		Released on Bond 19		Out on Bond 18	Out on Bond 2	11.11%
	Cases Dismissed 30		Not Released 0		Total for B 70	Total for B 13	18.57%
C NEUTRAL RECOMMENDATION 338	Released ROR 42	ROR 17 Bond 24 Dismissed 23	Released ROR 59	25 9	Out on ROR 34	Out on ROR 9	26.47%
	Not Released 82		Released on Bond 24		Out on Bond 15	Out on Bond 1	6.66%
	Cases Dismissed 14		Not Released 18		Total for C 49	Total for C 10	20.41%
D INTERVIEWED IN COURT NO RECOMMENDATION 552	Released ROR 242	ROR 43 Bond 58 Dismissed 91	Released ROR 285	121 7	Out on ROR 164	Out on ROR 28	17.07%
	Not Released 267		Released on Bond 58		Out on Bond 51	Out on Bond 7	13.73%
	Cases Dismissed 43		Not Released 75		Total for D 215	Total for D 35	16.28%
E NO INTERVIEW DONE 216	Released ROR 86	ROR 9 Bond 30 Dismissed 34	Released ROR 95	27 3	Out on ROR 68	Out on ROR 12	17.65%
	Not Released 99		Released on Bond 30		Out on Bond 27	Out on Bond 7	25.92%
	Cases Dismissed 31		Not Released 26		Total for E 95	Total for E 19	20.00%
F RECOMMENDED AGAINST RELEASE 439	Released ROR 53	ROR 51 Bond 62 Dismissed 126	Released ROR 104	43 6	Out on ROR 61	Out on ROR 17	27.87%
	Not Released 332		Released on Bond 62		Out on Bond 56	Out on Bond 10	17.86%
	Cases Dismissed 54		Not Released 93		Total for F 117	Total for F 27	23.08%
TOTALS:	2,326	2,326	2,326		835	126	15.09%

Group A - Recommended  
Group B - Defendant Qualified  
Groups C,D,E,F - Not Recommended

1120 Cases to Superior Court  
835 Out ROR and Bond

Source: Pima County Correctional Volunteer Center,  
June 1, 1975 thru Dec. 31, 1975

Overall Offense Rate:  $\uparrow$

- C.V.C. recommendation against release, Court granted O.R. (27.9 percent F.T.A.);
- No C.V.C. interview, Court denied O.R., defendant released on bond (25.9 percent F.T.A.); and
- C.V.C. recommends O.R. if information can be verified, Court grants O.R. (21.2 percent F.T.A.).

The recommendation which was most consistently associated with low F.T.A. rates was that for O.R. release (Group A in chart). Regardless of the subsequent release conditions, this group of defendants had F.T.A. rates of less than 9 percent.

The manner in which these data are presented in Table 23 illuminates another aspect of the quality of C.V.C. recommendations. Excluding those groups of defendants for whom no interview or recommendation was made (Groups D and E in the Table), it is clear that the C.V.C. investigators are using criteria capable of predicting likelihood of court appearance. For example, the defendants in Group A (those recommended for release, with verified information) had lower failure to appear rates than those in Group B (qualified for O.R., but lacking verified information). Both of these two Groups, in turn, had lower failure to appear rates than those in Group F, for whom the C.V.C. recommended specifically against release. These figures alone would seem to substantiate the need for both C.V.C. recommendations and for verified information.

It is also possible from this chart to compare the relative effectiveness of various forms of release for securing the defendant's appearance at court. The C.V.C. found that the total F.T.A. rate for those defendants released on O.R. was 15.1 percent, while the F.T.A. rate for those released on bond was 14.9 percent. They conclude that O.R. is as effective as financial release in producing people for court.

Another aspect of the C.V.C. report examined the first 19 months of the Supervised Release Program. When the defendants released under supervision are compared with those on regular O.R. and on bonded release, F.T.A. rates are again shown to be very similar. The C.V.C. report lists the following F.T.A. rates for November 1974-June 1976:

- O.R. releases only (without supervised program); 14.6 percent;
- O.R. releases plus supervised program, 15.1 percent;
- Supervised release only, 14.8 percent; and
- Bonded defendants, 14.9 percent.

The only other data available on failure to appear rates for those defendants granted supervised or third party custody release is contained in a memo from the C.V.C. to the presiding judge of the Superior Court in 1977. The study covered the last six months of 1976 and suggested that of the 97 people granted supervised, or conditional (or third party custody to C.V.C.) release by the Court, only 13 defendants (or 13.4 percent) failed to appear for a court date. Of the 13, a total of 3 were eventually produced for court, leaving an F.T.A. rate of 10.3 percent.<sup>7</sup>

<sup>7</sup> Memo to Judge Harry Gin from George Corneveaux, C.V.C. Coordinator, April 4, 1977.



**CONTINUED**

**1 OF 2**

## 2. Pretrial Criminality

The C.V.C.'s 1975-1976 report produced a similar tracking pattern of pretrial criminality to the one described above for failure to appear rates. Their findings are reproduced in Table 24. Like the failure to appear analysis, it is possible from these data to make comparative statements about both the type of release and the program's recommendation with respect to offense rates. Pretrial criminality, or offense rate, is defined here as the number of defendants who were arrested for a new crime while on pretrial release for another offense.

The highest pretrial offense rate (14.7 percent) was for that group of defendants who were given a neutral recommendation by the program, but were released on O.R. by the Court. Another very high offense rate (14.3 percent) occurred among those defendants who were recommended against release by the C.V.C., denied release by the Court, and subsequently bonded out. On the other hand, that group with the lowest offense rates consisted of those defendants who were recommended for release by the program, were denied release by the Court, but who subsequently obtained release through bond.

When the various program recommendations are compared, we find that the group with the lowest offense rate (5.7 percent) consisted of defendants whom the program found qualified for release but for whom information was unverified. The next lowest group, Group A, consisted of those with verified information for whom the program recommended O.R. release. In contrast, that group of defendants whom the program specifically recommended against release (Group F) had an overall offense rate of almost 12 percent.

Nevertheless, a comparison of offense rates for financial versus non-financial release conditions shows little difference between the two.

TABLE 24. PRETRIAL CRIMINALITY RATES FOR DEFENDANTS ORIGINALLY ARRESTED ON A FELONY CHARGE DURING THE PERIOD JUNE-DECEMBER 1975.

	GROUP	1 INITIAL APPEARANCES		2 SUBSEQUENT RELEASES		3 TOTAL RELEASES		4 CASES REDUCED, DISMISSED, DIVERTED	5 CASES GOING TO SUPERIOR COURT W/ REQUIRED APPEARANCES		6 # of Defendant Offenses in Pre-trial Status		7 Offense Rate
		Released ROR	Not Released Cases Dismissed	ROR	Bond	Released ROR	Released on Bond Not Released Cases Dismissed		Cut on ROR	Cut on Bond	Total for A	Total for A	
-97- Offense Rates for All Felonies June 1, through December 31, 1975	A RECOMMENDED FOR RELEASE 804	Released ROR	530	ROR	30	Released ROR	560	305	Cut on ROR	255	Out on ROR	21	68.24%
		Not Released Cases Dismissed	102	Bond	40	Released on Bond	40	6	Cut on Bond	34	Out on Bond	1	12.94%
				Dismissed	25	Cases Dismissed	197		Total for A	289	Total for A	22	67.61%
	B DEFENDANTS QUALIFIED IF INFORMATION VERIFIED 177	Released ROR	106	ROR	7	Released ROR	113	61	Cut on ROR	52	Out on ROR	3	65.77%
		Not Released Cases Dismissed	41	Bond	19	Released on Bond	19	1	Cut on Bond	18	Out on Bond	1	65.55%
				Dismissed	15	Cases Dismissed	45		Total for B	70	Total for B	4	65.71%
	C NEUTRAL RECOMMENDATION 138	Released ROR	42	ROR	17	Released ROR	59	25	Cut on ROR	34	Out on ROR	5	14.71%
		Not Released Cases Dismissed	82	Bond	24	Released on Bond	24	9	Cut on Bond	15	Out on Bond	1	65.66%
				Dismissed	23	Cases Dismissed	37		Total for C	49	Total for C	6	12.24%
	D INTERVIEWED IN COURT NO RECOMMENDATION 552	Released ROR	242	ROR	43	Released ROR	285	121	Cut on ROR	164	Out on ROR	21	12.80%
		Not Released Cases Dismissed	267	Bond	58	Released on Bond	58	7	Cut on Bond	51	Out on Bond	5	69.60%
				Dismissed	91	Cases Dismissed	134		Total for D	215	Total for D	26	12.69%
	E NO INTERVIEW DONE 216	Released ROR	86	ROR	9	Released ROR	95	27	Cut on ROR	68	Out on ROR	3	64.41%
		Not Released Cases Dismissed	99	Bond	30	Released on Bond	30	3	Cut on Bond	27	Out on Bond	2	67.40%
				Dismissed	34	Cases Dismissed	65		Total for E	95	Total for E	5	65.26%
	F RECOMMENDED AGAINST RELEASE 439	Released ROR	53	ROR	51	Released ROR	104	43	Cut on ROR	61	Out on ROR	6	69.83%
		Not Released Cases Dismissed	332	Bond	62	Released on Bond	62	6	Cut on Bond	56	Out on Bond	8	14.29%
				Dismissed	126	Cases Dismissed	180		Total for F	117	Total for F	14	11.97%
TOTALS	2,326	2326				2,326		835			77	9.22%	

Group A - Recommended  
Group B - Defendant Qualified  
Groups C,D,E,F - Not Recommended

1120 Cases to Superior Court  
835 Out ROR and Bond

Source: Pima County Correctional Volunteer Center

The group granted O.R. had an offense rate of 9.3 percent, while the group released on bond had an almost 9.0 percent offense rate. For both O.R. and bond releasees, the offense rate was 9.2 percent.

Finally, in their examination of the first 19 months of the Supervised Release Program, the C.V.C. found the following offense rates:

- O.R. releases only, 9.3 percent;
- O.R. plus supervised releases, 9.3 percent;
- Supervised releases only, 6.6 percent; and
- Bond releases, 9.0 percent.

## V. CONCLUSIONS

The Correctional Volunteer Center has demonstrated that non-financial release practices can be as effective in securing defendants for court and in protecting the community from further crimes as financial release practices. It has done so in the most part by concentrating its efforts on felony defendants only. Given its success for this more serious group of defendants, it could be assumed that equal success could be achieved with misdemeanor defendants as well.

The C.V.C. has an unusually efficient staff and data management program. Its recommendations are well received by the Court and defense attorneys and it is clear that all parties in the criminal justice system appreciate its activities. One feature which seems to have been particularly useful in securing community support is the C.V.C.'s extensive employment of volunteer workers to help collect much of the defendant information. Cooperation from the local colleges facilitated the use of this resource by providing for students to receive course credit for their activities at the C.V.C. The volunteers are well-trained and are under direct supervision from the regular staff members. Thus, any problems with inaccuracy are likely to be corrected before a recommendation is developed.

Another feature which seems to place the C.V.C. recommendations in higher esteem by the Court is the fact that the staff takes the defendant's current charge into account and attempts to weigh the seriousness of the charge with the defendant's community ties. That the Court allows the C.V.C. to do this suggests a certain degree of confidence in their subjective assessments. It also allows the recommendation to be placed more realistically as the center of discussion during the release deliberations.

A-1

APPENDIX A. Regular Own Recognizance Release Forms

Release Questionnaire  
Health Questionnaire  
Financial Statement  
Household Complainant Form  
Release Recommendation  
Release Contract  
Case Tracking Sheet

A-2

PRE-TRIAL RELEASE QUESTIONNAIRE

Full name: \_\_\_\_\_ Date \_\_\_\_\_  
Sex \_\_\_\_\_ Race \_\_\_\_\_ Age \_\_\_\_\_ D.O.B. \_\_\_\_\_  
Charge(s): \_\_\_\_\_  
Defense Attorney: \_\_\_\_\_ Phone \_\_\_\_\_  
Social Security Number: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_  
Current Address: \_\_\_\_\_  
For how long? \_\_\_\_\_ With \_\_\_\_\_  
Relationship? \_\_\_\_\_ Phone \_\_\_\_\_  
Previous Address: \_\_\_\_\_  
For how long? \_\_\_\_\_ With \_\_\_\_\_  
Relationship? \_\_\_\_\_  
Time in Tucson? \_\_\_\_\_ Time in Arizona \_\_\_\_\_  
What place have you lived longest in past five (5) years? \_\_\_\_\_  
\_\_\_\_\_  
Where would you go if released? \_\_\_\_\_  
Married? \_\_\_\_\_ Living with spouse? \_\_\_\_\_ Name \_\_\_\_\_  
How many people live with you? \_\_\_\_\_ Relationship \_\_\_\_\_  
How much do you contribute to their support? \_\_\_\_\_  
How many children do you support? \_\_\_\_\_ Ages / / / / /  
Do you have contact with any other relatives? \_\_\_\_\_  
Explain \_\_\_\_\_  
Were you working at the time of your arrest? Yes \_\_\_\_\_ No \_\_\_\_\_  
If not, what was your principal means of support? \_\_\_\_\_  
\_\_\_\_\_  
Employer's name: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone \_\_\_\_\_  
Nature of your job: \_\_\_\_\_  
How long did you work there? \_\_\_\_\_  
If unemployed, what was your last job? \_\_\_\_\_  
Any financial resources: \_\_\_\_\_ How much cash on hand? \_\_\_\_\_  
\_\_\_\_\_  
Any other sources of support? \_\_\_\_\_  
Do you belong to a Union? \_\_\_\_\_ Is your spouse employed? \_\_\_\_\_  
Where: \_\_\_\_\_

Education

Last grade completed? \_\_\_\_\_ Any other training? \_\_\_\_\_

Are you a Veteran? \_\_\_\_\_ Branch of service: \_\_\_\_\_

Dates of Service: From \_\_\_\_\_ To \_\_\_\_\_

Type of Discharge: \_\_\_\_\_ Service # \_\_\_\_\_

Service connected disability \_\_\_\_\_ What %: \_\_\_\_\_

Any severe ailments or disabilities or medical problems? \_\_\_\_\_

Criminal Record

How many times have you been arrested as an adult? \_\_\_\_\_

Charge: \_\_\_\_\_ Disposition: \_\_\_\_\_ Date: \_\_\_\_\_ Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Ever released on bond or ROR before? \_\_\_\_\_ Current? \_\_\_\_\_

Court Date \_\_\_\_\_ Ever fail to appear for court? \_\_\_\_\_

Explain: \_\_\_\_\_

Ever on Probation? \_\_\_\_\_ Now? \_\_\_\_\_ Probation Officer \_\_\_\_\_

Ever on Parole? \_\_\_\_\_ Now? \_\_\_\_\_ Parole Officer \_\_\_\_\_

Ever on Diversion? \_\_\_\_\_ Now? \_\_\_\_\_ Counselor \_\_\_\_\_

Is there any person or organization which might agree to supervise you if you were released? \_\_\_\_\_ Name \_\_\_\_\_

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

Any other matters or circumstances you feel the court should consider in making its decision? \_\_\_\_\_

Is there any other friend, relative, neighbor or any other person we could contact to verify information:

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

\_\_\_\_\_

\_\_\_\_\_

Do you have health insurance? \_\_\_\_\_ Company: \_\_\_\_\_

Have you ever been or are you now a client of any drug, alcohol or mental health program: \_\_\_\_\_ Which programs: \_\_\_\_\_

Counselors: \_\_\_\_\_

Are you now or have you ever used heroin? \_\_\_\_\_ Amount \_\_\_\_\_

For how long? \_\_\_\_\_

Do you use alcohol? \_\_\_\_\_ For how long? \_\_\_\_\_ How much \_\_\_\_\_

Were you drinking prior to arrest? \_\_\_\_\_ Would you like a drug, alcohol, or mental health program structured for you? \_\_\_\_\_

Do you understand information will be verified and checked for facts? \_\_\_\_\_

Have we taken all information from you correctly, or is there something you wish me to change? \_\_\_\_\_

Interviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Any additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## DEFENDANT'S HEALTH SERVICES INFORMATION

NAME: \_\_\_\_\_ D.O.B.: \_\_\_\_\_  
Last First Middle

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

INTERVIEWER: \_\_\_\_\_

The information you give to the following questions will be passed on to the medical staff in the Pima County Jail in order to meet any needs you may have. You do not have to answer this questionnaire if you feel it may harm you in any way.

MEDICAL

Are you currently being treated by a doctor for any medical problem? Yes No

If so: PROBLEM: \_\_\_\_\_

DOCTOR(S): \_\_\_\_\_ HIS LOCATION: \_\_\_\_\_

Are you currently taking prescription medication? Yes No

If so: NAME: \_\_\_\_\_

HOW OFTEN: \_\_\_\_\_

LAST DOSAGE: \_\_\_\_\_ DOSAGE LEVEL: \_\_\_\_\_

Where is your medication now? \_\_\_\_\_

DRUGS Were you drinking prior to your arrest? yes no If yes what? \_\_\_\_\_

Have you ever had occasion to use or are you currently using:

Alcohol Amphetamines Barbituates Heroin/Opiates Methadone Tranquillizer

DATE &amp; TIME LAST USED: \_\_\_\_\_ AMOUNT USED: \_\_\_\_\_

FREQUENCY USED: \_\_\_\_\_ PRIOR USE: \_\_\_\_\_

Have you recently ingested any hallucinogens? Yes No

If so: WHAT KIND: \_\_\_\_\_ WHEN TAKEN: \_\_\_\_\_

MENTAL HEALTH

Are you seeing a counselor for any personal problems? Yes No

If so: COUNSELOR: \_\_\_\_\_ AGENCY: \_\_\_\_\_

Have you ever or are you currently being treated for any type of mental health problem? Yes No

If so: COUNSELOR: \_\_\_\_\_ DOCTOR: \_\_\_\_\_

AGENCY: \_\_\_\_\_

Ever hospitalized for mental health problems? Yes No

If so: WHERE: \_\_\_\_\_ WHEN: \_\_\_\_\_

Have you ever contemplated suicide? Yes No (If yes, explain under comments)

Would you be interested in having the Correctional Volunteer Center coordinate any type of counseling program? Yes No If so, what type do you think would meet your personal needs the most? \_\_\_\_\_

ADDITIONAL INTERVIEWER COMMENTS: \_\_\_\_\_

\_\_\_\_\_ COURT

PIMA COUNTY, ARIZONA

(PRECINCT NO. \_\_\_\_\_)

STATE OF ARIZONA, )

Plaintiff, )

v. )

NO. \_\_\_\_\_

DEFENDANT'S FINANCIAL STATEMENT AND  
REQUEST FOR APPOINTMENT OF COUNSEL

Defendant(s). )

INSTRUCTIONS FOR THE DEFENDANT: The magistrate needs to know about your financial situation in determining whether to require you to post bond and, if so, the amount of bond. He must also determine whether or not you are entitled to have a lawyer appointed to represent you. Use care in answering the questions, for you could be subjected to punishment for contempt of court or to prosecution for perjury if you knowingly give false or misleading information.

I. FINANCIAL STATEMENT.

1. What is your monthly income? \_\_\_\_\_
2. Do you own a home? \_\_\_\_\_. If so, give its value \_\_\_\_\_
3. Do you have any savings? \_\_\_\_\_. If so, how much? \_\_\_\_\_
4. Do you have any outstanding loans? \_\_\_\_\_. If so, how much? \_\_\_\_\_
5. Do you have any other property which is not needed by your family for day-to-day living which you could use to pay for an attorney? \_\_\_\_\_  
Describe \_\_\_\_\_  
Value (Approximately) \_\_\_\_\_

II. REQUEST FOR A LAWYER.

1. Do you want the court to appoint a lawyer to represent you in this case?

/ / YES / / NO

If yes, answer the following:

- a. Are you able to obtain the services of a lawyer without incurring substantial hardship to yourself or your family:

/ / YES / / NO

- b. If the answer to a. is "no" state your reason \_\_\_\_\_

- c. Approximately how much can you afford to contribute to the cost of a lawyer to represent you in this case? \_\_\_\_\_

Under the penalties of perjury, I declare that I have examined the above statements made by me and to the best of my knowledge and belief each and all are true and correct.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_ 19 \_\_\_\_\_

Defendant \_\_\_\_\_ Interview Date \_\_\_\_\_  
Sex \_\_\_\_\_ Race \_\_\_\_\_ DOB \_\_\_\_\_ SS# \_\_\_\_\_  
Criminal Charge (s) \_\_\_\_\_  
Household Related Situation? Yes \_\_\_\_\_ No \_\_\_\_\_ Maybe \_\_\_\_\_  
(VWA) Household Member Involved \_\_\_\_\_ Relationship \_\_\_\_\_  
(VWA) Household Member Contacted \_\_\_\_\_ Relationship \_\_\_\_\_  
\_\_\_\_\_  
Permanent Residence Where Court Could Reach Defendant \_\_\_\_\_  
\_\_\_\_\_ Telephone No. \_\_\_\_\_  
How Long Lived at This Address \_\_\_\_\_ How Long In Tucson \_\_\_\_\_  
Previous Residence \_\_\_\_\_ How Long \_\_\_\_\_  
(VWA) Household Member Information \_\_\_\_\_  
\_\_\_\_\_  
Married? Yes \_\_\_\_\_ No \_\_\_\_\_ Name \_\_\_\_\_  
Consensual Relationship? Yes \_\_\_\_\_ No \_\_\_\_\_ Name \_\_\_\_\_  
Living with Spouse? Yes \_\_\_\_\_ No \_\_\_\_\_  
Name, Age, and Relationship of Other Household Members \_\_\_\_\_  
\_\_\_\_\_  
(VWA) Household Member Information \_\_\_\_\_  
\_\_\_\_\_  
Presently Employed? Yes \_\_\_\_\_ No \_\_\_\_\_ By \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Immediate Supervisor \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Job Title \_\_\_\_\_ How Long \_\_\_\_\_  
(VWA) Household Member Information \_\_\_\_\_  
\_\_\_\_\_  
(PTR) Other Address to Which Defendant Can Reside if Released \_\_\_\_\_  
or \_\_\_\_\_  
(VWA) \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Name \_\_\_\_\_ Relationship \_\_\_\_\_  
(VWA) Household Member Information \_\_\_\_\_  
\_\_\_\_\_  
PTR Worker \_\_\_\_\_ VWA Worker \_\_\_\_\_  
PTR Program's Court Recommendation \_\_\_\_\_  
Judge's Court Disposition \_\_\_\_\_



A-9

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA, )  
 )  
 PLAINTIFF, ) NO. \_\_\_\_\_  
 )  
 vs. ) RELEASE CONTRACT  
 )  
 ) CORRECTIONAL VOLUNTEER CENTER  
 )  
 DEFENDANT(S). )  
 )

I, \_\_\_\_\_, HAVING READ THE  
ORDER OF THE COURT OF THIS DATE RELEASING ME FROM CUSTODY TO THE  
PIMA COUNTY CORRECTIONAL VOLUNTEER CENTER, HEREBY AGREE TO THE  
FOLLOWING CONDITIONS OF RELEASE ESTABLISHED BY THE PIMA COUNTY  
CORRECTIONAL VOLUNTEER CENTER.

- (1) I WILL APPEAR IN COURT WHEN REQUIRED.
- (2) I WILL NOT VIOLATE ANY LAWS OF THE  
STATE OF ARIZONA OR ANY ORDINANCE OF  
ANY CITY OF SAID STATE.
- (3) I WILL NOT VIOLATE THE LAWS OF ANY  
STATE OF THE UNITED STATES.
- (4) I WILL MAKE A REPORT IN PERSON TO THE  
PERSONNEL OF THE PIMA COUNTY CORRECTIONAL  
VOLUNTEER CENTER AT LEAST THREE TIMES  
WEEKLY OR AS OFTEN AS THE LATTER MAY  
REQUIRE.
- (5) I WILL MAINTAIN SUITABLE RESIDENCE AND  
EMPLOYMENT THROUGHOUT THE PERIOD OF THE  
TIME UNDER THE PROJECT'S SUPERVISION  
AND SHALL NOT CHANGE EITHER RESIDENCE  
OR EMPLOYMENT WITHOUT PRIOR APPROVAL  
FROM THE SUPERVISING AUTHORITY.
- (6) I WILL APPEAR FOR ANY MEETINGS AND  
COUNSELING SESSIONS THAT THE PROJECT  
FEELS ARE TO MY BENEFIT.
- (7) I WILL NOT LEAVE THE TERRITORIAL LIMITS  
OF PIMA COUNTY, ARIZONA, WITHOUT WRITTEN  
CONSENT OF THE SUPERVISING AUTHORITY.
- (8) I WILL ABSTAIN FROM THE EXCESSIVE USE  
OF INTOXICANTS, OR ANY USE OF DRUGS  
UNLESS PRESCRIBED FOR ME BY MY DOCTOR,  
AND I AGREE TO SUBMIT TO TOXICOLOGY  
TESTING UPON THE REQUEST OF MY COUNSELOR.
- (9) I WILL NOT ENGAGE IN ANY ANTI-SOCIAL  
CONDUCT WHICH WOULD FURNISH GOOD CAUSE  
TO THE COURT TO BELIEVE THAT THE RELEASE  
ORDER SHOULD BE REVOKED IN THE PUBLIC  
INTEREST.

A-10

RELEASE CONTRACT  
PAGE 2

- (10) I WILL ACTIVELY COOPERATE AND  
PARTICIPATE IN ANY PROGRAM  
ESTABLISHED FOR ME BY THE PIMA  
COUNTY CORRECTIONAL VOLUNTEER  
CENTER.

SPECIAL CONDITIONS, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I HAVE CAREFULLY READ AND DO CLEARLY UNDERSTAND THE  
PROVISIONS OF MY RELEASE AND DO HEREBY AGREE TO ABIDE BY AND ACCEPT  
THE SAID TERMS AND CONDITIONS. I FURTHER UNDERSTAND THAT ANY  
VIOLATION OF THE ABOVE CONDITIONS IS A VIOLATION OF MY RELEASE.  
A LETTER SO STATING WILL BE SENT TO THE COURT AND A WARRANT MAY BE  
ISSUED FOR MY ARREST. I ALSO UNDERSTAND THAT MY PRE-TRIAL RELEASE  
MAY BE SUBSEQUENTLY REVOKED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
CLIENT

\_\_\_\_\_  
DEFENSE ATTORNEY



B-1

APPENDIX B. Supervised Release Forms

Face Sheet Information  
Referral Form  
Conditions of Release Order  
Client Progress Report  
Petition for Review of Conditions

B-2

FACE SHEET INFORMATION FOR SUPERVISED-CONDITIONAL ROR

NAME: \_\_\_\_\_ Date \_\_\_\_\_ Case No. \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address during release: \_\_\_\_\_ Telephone during release: \_\_\_\_\_  
Offense(s): \_\_\_\_\_  
Project Rec.: ROR( ) Neutral( ) No ROR( )  
Initial Appearance: \_\_\_\_\_  
Reason: \_\_\_\_\_  
JP Ct.: \_\_\_\_\_  
Action: Bond( ) ROR( )  
Preliminary Hearing Date: \_\_\_\_\_  
Education: \_\_\_\_\_  
Marital Status: \_\_\_\_\_  
Veteran: Yes ( ) No ( ) Dates of Service: \_\_\_\_\_  
SS#: \_\_\_\_\_  
Service #: \_\_\_\_\_  
CIS Check: \_\_\_\_\_  
Arresting Agency: \_\_\_\_\_  
Grand Jury Action: \_\_\_\_\_  
Defense Counsel: \_\_\_\_\_  
State's Attorney: \_\_\_\_\_  
Disposition: Pleas: \_\_\_\_\_  
Convicted: ( )  
Dismissed: ( )  
Date of Arrest: \_\_\_\_\_ Date of Referral: \_\_\_\_\_ Source? \_\_\_\_\_  
FBI No.: \_\_\_\_\_

ACTION BY PROJECT: Pre-Trial  
List all contacts in CJS: \_\_\_\_\_  
Trial Dates: \_\_\_\_\_  
Names: (PD)  
(CA)  
(PO)  
Comments - Input: \_\_\_\_\_

List all contacts with non-system agencies:  
Agency Service: \_\_\_\_\_ Comments: (Contracts) \_\_\_\_\_

\*Note: All contracts w/ agencies for clients must be on paper.

Supervised ROR: ( ) If not, reason for reject: \_\_\_\_\_  
Motion filed by defense counsel? ( ) Sup. Ct. Division: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
Disposition of Motion: ROR( ) Rejected ( ) Reason for reject: \_\_\_\_\_

ACTION BY PROJECT: Pre-Sentence  
List all contacts in CJS: \_\_\_\_\_  
PSI Name: \_\_\_\_\_  
Sentencing Dates: \_\_\_\_\_  
Names: (PD)  
(CA)  
(PO)  
(PSI)  
Comments - Input: \_\_\_\_\_

List all contacts with non-system agencies:  
Agency Service: \_\_\_\_\_ Comments: (Contracts) \_\_\_\_\_

FTA? \_\_\_\_\_ (W/NW) Re-arrested? \_\_\_\_\_ CRMP Client? \_\_\_\_\_

PSI Recommendation: \_\_\_\_\_  
Sentence: \_\_\_\_\_  
Assigned Volunteer: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

B-3

DATE REFERRAL MADE \_\_\_\_\_

TRAAC  
REFERRAL FORM

REFERRING AGENCY \_\_\_\_\_

PERSON MAKING REFERRAL \_\_\_\_\_ CASE NO. \_\_\_\_\_

SUBJECT \_\_\_\_\_ PHONE NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_ AGE \_\_\_\_\_ D.O.B. \_\_\_\_\_

SENTENCING DATE \_\_\_\_\_ IN JAIL: YES \_\_\_\_\_ NO \_\_\_\_\_

INSTANT OFFENSE \_\_\_\_\_

MARITAL STATUS \_\_\_\_\_ ETHNICITY \_\_\_\_\_

EMPLOYMENT/STUDENT STATUS \_\_\_\_\_

CLIENT SIGNED GENERAL RELEASE OF INFORMATION: YES \_\_\_\_\_ NO \_\_\_\_\_ (ENCLOSE COPY)

POSSIBLE SENTENCE \_\_\_\_\_

SOCIAL HISTORY (CURRENT LEGAL STATUS, CLIENTS ATTITUDE TOWARD ARREST, VICTIMS ATTITUDE,  
RELEVANT PAST ARRESTS, COURT CLINIC EVALUATION RESULTS) \_\_\_\_\_

REASON FOR REFERRAL (EVALUATION, PRE-SENTENCE, PRE-TRIAL, REFERRAL FOR TREATMENT, OTHER)

SCHEDULED APPOINTMENT TIME \_\_\_\_\_

B-4

IN THE SUPERIOR/JUSTICE COURT  
STATE OF ARIZONA - COUNTY OF PIMA

STATE OF ARIZONA )

vs. )

Defendant) )

NO. \_\_\_\_\_

CONDITIONS OF RELEASE/ORDER

IT IS HEREBY ORDERED that the defendant be:

☐ Released from custody by the Sheriff;

☐ Detained in custody by the Sheriff pursuant to or until the Conditions of Release are satisfied;

and defendant shall comply with the standard conditions and all other conditions checked below:

## STANDARD CONDITIONS OF RELEASE

- If released, the defendant shall appear for ☐ Preliminary Hearing ☐ Trial Arraignment ☐ at ☐ Justice Court No. ☐ Superior Court Div. at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, and during the pendency of this case:
- (1) Appear to answer and submit himself to all further orders and processes of the court having jurisdiction of the case;
  - (2) Refrain from committing any criminal offense;
  - (3) Not depart the state without leave of court;
  - (4) If released during an appeal, prosecute his appeal with due diligence;
  - (5) Notify the court in writing immediately of any change of address; and
  - (6) Contact his attorney at least one time each 30 days.

## OTHER CONDITIONS OF RELEASE

- Own Recognizance ☐ The defendant will be released on his own recognizance.
- Appearance Bond ☐ The defendant will execute an appearance bond approved by the court and binding himself to pay the State of Arizona the sum of \$ \_\_\_\_\_ in the event that he fails to comply with its conditions.
- Secured Appearance Bond ☐ The defendant will deposit with the Clerk of the Court security in the sum of \$ \_\_\_\_\_
- No Bond ☐ The defendant is held without bond pursuant to Ariz. Const. art. 2 § 22 and ARS § 13-1571 (1956).
- Restrictions on Travel, Association or Place of Abode and Other Conditions ☒ The defendant will comply with each of the following conditions of release:
- ☐ Not leave Pima County. ☐ Not have any contact with victim(s).
- ☐ Not possess any firearm nor be with anyone who possesses a firearm. ☐ Not drink any alcoholic beverage.
- ☒ The defendant will agree to and abide by all the provisions stipulated and set forth in the Release Contract.
- Third Party Custody ☒ The defendant will be placed in the custody of:
- name: Pima County Correctional Volunteer Center
- address: 45 West Pennington telephone: 702-8751
- who agrees (a) to supervise the defendant in accordance with the conditions of this order, (b) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court having jurisdiction of the case, and (c) to notify the court immediately in the event the defendant violates any condition of his release or disappears.

Signed: \_\_\_\_\_  
Custodian or Proxy

WARNING TO THE DEFENDANT:

You have a right to be present at your trial and a number of other proceedings of which you will be notified. If you do not appear at the time set by the court, a warrant will be issued for your arrest and the proceeding will begin without you.

ACKNOWLEDGEMENT BY DEFENDANT

I understand and agree to comply fully with the standard conditions and all other conditions of my release checked above, and the forfeitures and penalties applicable in the event I violate them.

Defendant: \_\_\_\_\_

Dated: \_\_\_\_\_ Address: \_\_\_\_\_

City & State: \_\_\_\_\_ Telephone: \_\_\_\_\_

JUDGE

--IMPORTANT NOTICE ON OPPOSITE SIDE--

## STATUS

Date	Type	Release

COURT DISPOSITION: \_\_\_\_\_ CHARGES: \_\_\_\_\_

[illegible]

IN THE COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA, )  
Plaintiff, )  
vs. ) CASE NO: \_\_\_\_\_  
 ) PETITION FOR REVIEW OF CONDITIONS  
 )  
Defendant. )

That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the above named  
defendant was released in the above entitled action under the following  
conditions by \_\_\_\_\_:

WHEREFORE, petitioner prays that this Court require the presence of the defendant by summons, warrant for arrest, to appear for hearing to determine if the conditions should be modified or the release revoked.

PIMA COUNTY ATTORNEY

By \_\_\_\_\_

Other ( X ) The defendant will comply with each of the following other conditions of release:

THE DEFENDANT WILL AGREE TO AND ABIDE BY ALL THE PROVISIONS STIPULATED AND SET FORTH IN THE RELEASE CONTRACT DEVELOPED BY THE DEFENDANT IN CONJUNCTION WITH THE PIMA COUNTY CORRECTIONAL VOLUNTEER CENTER. THE DEFENDANT IS TO UNDERSTAND THAT IF HE VIOLATES ANY OF THE CONDITIONS OF THIS RELEASE OR DEPARTS FROM ANY OF THE PROVISIONS STIPULATED IN THE RELEASE CONTRACT, A LETTER SO STATING WILL BE SENT TO THE COURT BY THE CORRECTIONAL VOLUNTEER CENTER AT WHICH TIME A WARRANT MAY BE ISSUED FOR THE DEFENDANT'S IMMEDIATE ARREST.

Secured ( ) The defendant will deposit with the clerk of the court security in the full amount of the appearance bond required above.

Part-Time ( ) The defendant will be released from \_\_\_\_\_ a.m. to \_\_\_\_\_ a.m. on the following days of the week \_\_\_\_\_ on condition that he return to custody during all other times at such place of confinement as the sheriff shall designate.

#### III. Consequences of Violating This Order

If the defendant violates any condition of an appearance bond, the court may order the bond and any security deposited in connection therewith forfeited to the state of Arizona.

In addition, the court may issue a warrant for the defendant's arrest upon learning of his violation of any of the conditions of his release. After a hearing, if the court finds that the defendant has not complied with the conditions of release, it may modify the conditions or revoke his release altogether.

If he was released on a felony charge, and the court finds the proof evident or the presumption great that he committed a felony during the period of release, it shall revoke his release. Such defendant would also be subject to an additional criminal charge, and upon conviction could be punished by imprisonment for not more than five years in the state prison, in addition to the punishment which would otherwise be imposed for the crime committed during the period of release.

Upon finding that the defendant or any other person named in this order has willfully violated its terms, the court may also find him in contempt of court and sentence him to a term of imprisonment, a fine, or both.

#### IV. Acknowledgment by Defendant

I understand the standard conditions and all other conditions of my release checked above, and the forfeitures and penalties applicable in the event I violate them.

I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change the address indicated below.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Address

\_\_\_\_\_  
City and State

\_\_\_\_\_  
Tel. No.

\_\_\_\_\_  
Magistrate

Entered on: \_\_\_\_\_ 19\_\_\_\_  
(month) (day) (year)

(SUPERIOR COURT FORM VI)

Distribution: County Attorney  
Defendant  
Sheriff

# END