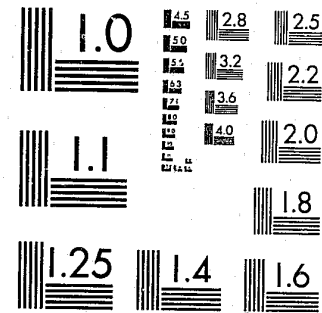


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PRETRIAL RELEASE: A NATIONAL EVALUATION  
OF PRACTICES AND OUTCOMES

VOLUME I  
Release Practices and Outcomes:  
An Analysis of Eight Sites

August 1981

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NATIONAL EVALUATION OF PRETRIAL RELEASE

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## NATIONAL EVALUATION OF PRETRIAL RELEASE

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### INTRODUCTORY NOTE

*Pretrial Release: A National Evaluation of Practices and Outcomes* presents the results of a national study. An *Introduction* provides a brief history of pretrial release practices and describes the overall evaluation. The detailed findings, conclusions and recommendations of the study appear in three volumes:

- *Release Practices and Outcomes: An Analysis of Eight Sites* 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: A Study 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 of these volumes is self-contained and can be read singly or in conjunction with other volumes. The *Introduction* provides background material pertinent to all of them.

A summary of the evaluation is also available. Entitled *Summary and Policy Analysis*, it provides a nontechnical discussion of the key features, findings and recommendations of the overall research effort.

Additionally, fourteen working papers have been prepared. Twelve of the working papers discuss the pretrial release practices in the individual jurisdictions studied; the remaining papers present detailed analyses of defendant outcomes for the two pilot test sites. Important findings from the various working papers have been included in the relevant volumes of the study.

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The Pretrial Services Resource Center provided invaluable information about current developments in the pretrial field, related research in progress and the present status of specific pretrial release programs. Their assistance saved us many hours of effort and greatly facilitated our work. Special thanks go to Ms. Madeleine Crohn, Dr. Donald Pryor, Mr. D. Alan Henry, Ms. Ann Jacobs, Ms. Nancy Waggner, Ms. Audrey Barrett and former Center associate Dr. Michael Kirby for their helpfulness.

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In the jurisdictions without pretrial release programs, we are particularly grateful to Chief Judge Michael Sullivan and Mr. George Mueller, former Director, Bail Evaluation Program, Milwaukee, Wisconsin; and Judge Jose R. Davila, Jr., Richmond General District Court, Richmond,

Virginia. Additionally, special insight about the Kentucky Statewide system was provided by Mr. William Davis, Director, Administrative Office of the Courts, State of Kentucky; Mr. Steven F. Wheeler and Mr. John C. Hendricks, Co-Directors, Pretrial Services Agency, State of Kentucky; and Mr. Lawrence Henderlight, Pretrial Services Officer, Corbin, Ky.

We also appreciate the generous assistance of many other persons, too numerous to list individually, who helped us implement the evaluation successfully and interpret its results accurately. Any errors of fact or judgment that may appear in the study are, of course, solely our responsibility.



## HIGHLIGHTS

### Introduction

This volume of the National Evaluation of Pretrial Release presents the results of an analysis of release practices and outcomes in eight jurisdictions. The sites selected for study were Baltimore City, Maryland; Baltimore County, Maryland; Washington, D.C.; Dade County (Miami), Florida; Jefferson County (Louisville), Kentucky; Pima County (Tucson), Arizona; Santa Cruz County, California; and Santa Clara County (San Jose), California.

The "delivery system" for pretrial release decisions was studied in each jurisdiction. This analysis identified the major steps in the pretrial release process and the most important organizations and individuals involved in that process. The role and specific procedures of the pretrial release program received particular attention during this part of the study, which required extensive on-site collection of information. Interviews were conducted with program staff, judges, prosecuting and defense attorneys, law enforcement officers, bondsmen, and other persons involved with pretrial release matters. Additionally, various publications dealing with release practices in each jurisdiction were reviewed.

The sites studied represent a wide range of pretrial release practices. Collectively, many specific types of release (e.g., own recognizance, money bail, third party custody) were used in these jurisdictions, and a variety of criminal justice officials (e.g., judges, bail commissioners, law enforcement officers) were responsible for release decisions. Also, the specific roles of the pretrial release programs differed across sites. In some jurisdictions, programs interviewed virtually all defendants taken into custody, while in other sites, programs' involvement was more limited.

In addition to the delivery system analysis of each site, a sample of defendants was studied from point of arrest to final case disposition and sentencing. Existing records were used to collect extensive data on the backgrounds of defendants, release decisions, program involvement, case outcomes, court appearances and pretrial arrests. These data were used to analyze the release process as well as the court appearance and pretrial criminality outcomes of defendants released through different mechanisms, such as own recognizance or money bail.

The total sample for the eight sites was 3,488 defendants. Usually, the sample was randomly selected over a one-year period from all arrests except those for minor traffic offenses.

### The Release Process and Outcomes

Eighty-five percent of the defendants in the eight-site sample secured release at some point before trial. Release rates ranged from 73 percent to 92 percent in individual sites.

Viewed in historical perspective, these findings suggest a continuation of a trend toward higher release rates of defendants prior to trial.

An analysis by Wayne Thomas of release rates in 20 cities in 1962 and 1971 found major increases over the time period: release rates for felony defendants increased from 48 percent to 57 percent and for misdemeanor defendants, from 60 percent to 72 percent. Nevertheless, at the end of the period, in 1971, only about half of the cities released as many as 70 percent of the defendants before trial. In contrast, each of the eight sites included in the cross-sectional analysis had a release rate of more than 70 percent between 1976 and 1978; indeed, in all sites except one the release rates exceeded 80 percent.

Despite the increase in release rates, the detention of defendants remains a serious problem in many jurisdictions and often has contributed to jail overcrowding. Many of the defendants detained until trial were jailed for relatively long time periods: one-third of them for more than 30 days and 20 percent for more than 90 days. Additionally, defendants who secured release before trial sometimes did so only after a substantial jail term: about three percent of the released defendants had been jailed for 30 days or more prior to release.

The major reason for the detention of defendants was inability to post bond. Only a very small percentage of defendants were detained outright, with no possibility of release provided to them.

In general as the bond amount increased, so did the percentage of defendants detained until trial. Forty percent of the defendants with bonds of \$5,000-\$9,999 and 65 percent of the persons with bonds of \$10,000 or more were jailed the entire pretrial period, as compared with detention rates of 25 percent for defendants with bonds of \$1,001-\$4,999 and 29 percent for persons with bonds of \$1,000 or less.

Although bond played an important role in the detention of defendants, its impact on release was considerably less: most defendants were released without any conditions involving money. A total of 61 percent of all defendants in the sample were released on "nonfinancial" conditions (i.e., on conditions that did not involve money), and 24 percent of the sampled defendants were released on "financial" conditions.

A wide variety of release mechanisms were used in the sites studied. After arrest there were several ways for a defendant to secure release without appearing before a judge, bail commissioner or other magistrate of the court. First, the arresting officer could make a field release of the defendant. This procedure, a form of "citation release" used for minor charges, is similar to issuing a traffic ticket and does not require taking the defendant into custody. If the person is taken to a police station or jail for booking, stationhouse release (another type of citation release) may be approved at that time, again by law enforcement officials. In Santa Clara County a similar release process operated under the authority of the local pretrial release program.

Additionally, some jurisdictions had bail schedules, listing bail amounts for various charges. Defendants in those sites could secure release at any time by posting the bond amounts shown.

Altogether, more than one-fifth of the sample obtained release prior to an appearance before a court official. Although most of these

defendants were released on nonfinancial conditions, about one-third of them posted bond, based on a bail schedule.

The remaining defendants in the sample usually appeared before a judge, bail commissioner or other magistrate within a few hours. In most of the sites studied, the magistrate received information from the local pretrial release program about the defendants' community ties, criminal history and other pertinent factors.

A variety of release conditions were set by the magistrates in the sites studied. Own recognizance (O.R.) release was initially authorized for 35 percent of the sample. Such release usually required only a defendant's promise to appear for court. Although some jurisdictions attached other conditions to O.R. release, such as a requirement to call the pretrial release program periodically or to reside within the area until trial, defendants were rarely prosecuted for violating those conditions.

Supervised release sometimes entailed the defendant's reporting to a social service agency for treatment (for drug, alcohol or mental health problems) or employment assistance. Often, however, supervision consisted only of more frequent reporting to the pretrial release program than was required for defendants released on their own recognizance.

Under third party custody release, a third party was formally charged with responsibility for the defendant and could, if necessary, return the person to court for reconsideration of release conditions. The third party was usually a relative, social service agency or pretrial release program.

Instead of the nonfinancial release conditions discussed above, magistrates could require the posting or promise of money bond. The least restrictive financial release condition was unsecured bond: in this case the bond amount had to be paid to the court only if the defendant failed to appear. Both deposit bond and full bond required the defendant to raise money before release could be obtained. Under deposit bond a percentage (usually 10 percent) of the bail amount was posted with the court, and most of that "deposit" was returned if the defendant appeared for all court dates. Failure to appear, however, made the person who posted the deposit liable for the full face value of the bond.

Full bond was usually arranged through a surety, or bondsman, who required payment of a nonrefundable fee for this service. Typically, bondsmen's fees were about ten percent of the face value of the bond. Surety bond was used in all sites studied except Louisville; because commercial bonding for profit was declared illegal by statute in the State of Kentucky in 1976, Louisville has no bondsmen.

Most jurisdictions have a formal process for reconsidering the bond amounts of defendants detained because they cannot make bail. At this reconsideration, or "bail review," any type of release may be ordered: nonfinancial release may be set; or the bond may be lowered, remain unchanged or even be raised. For the sample studied, approximately half of all defendants for whom bail was set by a magistrate had their bonds reconsidered. As a result of this reconsideration, about one-half of the defendants were released on nonfinancial conditions.

Any defendant who had a bond set but was not released at bail review could, of course, secure release prior to trial by raising the bond amount or, more commonly, the bondsman's fee. About one-fourth of the defendants whose bonds were reconsidered secured release after posting the revised bond amount, which was usually a lower sum than had been set initially.

Thus, the release process involved a variety of criminal justice officials and provided a number of release options. The process encompassed several stages at which a defendant could secure release, including arrest, booking, initial appearance in court and bail review. This process can be viewed as a sorting mechanism, which at each stage permitted additional defendants to secure release.

The release outcomes of defendants varied along many characteristics. For example, detained defendants were more likely than released persons to have been charged with "Part I" offenses, that is, charges considered the most serious by the F.B.I.: 43 percent of detained defendants were charged with Part I crimes, as compared with 35 percent of the persons released on financial conditions and 27 percent of the individuals released nonfinancially. In addition, detained defendants had an average of 9.5 prior arrests, while persons released on financial conditions averaged 5.2 prior arrests and defendants released on nonfinancial conditions had 2.9 prior arrests.

The community ties of detained and released defendants also varied. Detained defendants were less likely than released defendants to have been living with spouses when arrested and were more likely to have been living alone or with unrelated persons. Detained defendants were also much more likely than released defendants to have been unemployed when arrested: 59 percent of detained defendants were unemployed, as compared with 38 percent of released defendants.

Release outcomes varied along many dimensions besides charge, prior record and community ties. To identify the most important factors associated with release outcomes, multivariate analyses were conducted. Those analyses were based on comparisons of groups of defendants. Two of the comparisons considered the net effect of the release process, through which arrested defendants were either detained or released before trial and, if released, secured release on either nonfinancial or financial conditions.

A third comparison considered the release conditions set by court officials. Because approximately 20 percent of the defendant sample was released before the first court appearance, those defendants were excluded from the analysis of court decisions. Because court officials did not know whether defendants for whom bond was set would be able to post the bond and thus secure release, an analysis of defendants having nonfinancial, as compared with financial, release conditions set by the court differs from an analysis of defendants who secured release on nonfinancial, as compared with financial, conditions. The former analysis provides the greatest insight about the release decision-making processes of judges, bail commissioners and other magistrates, while the latter analysis permits an assessment of the results of those processes.

The three specific comparisons related to the release process were:

- defendants detained until trial, as compared to defendants released before trial;
- defendants released on financial conditions, as compared to defendants released on nonfinancial conditions; and
- defendants for whom magistrates set financial release conditions, as compared to defendants for whom magistrates set nonfinancial release conditions.

The multivariate ("logit") analyses identified the most important variables that affected these release outcomes or decisions and also assessed the accuracy of prediction that could be accomplished with those variables. Several types of variables were considered, including:

- defendant variables, such as demographic characteristics, community ties and criminal history;
- case variables, such as the charge and weight of the evidence; and
- system variables, such as the involvement (if any) of the pre-trial release program in the release process and the source of the last release option for a defendant (e.g., judge, bail commissioner, bond schedule, arresting officer, etc.).

The three analyses differed considerably in their ability to predict the release outcomes or decisions accurately. The analyses of both financial/nonfinancial release outcomes and the setting of financial/nonfinancial release conditions were more successful than the release/detention prediction (or, more precisely, "retrodiction," that is, retrospective attempts at prediction with archival data).

The results of all three analyses were strikingly similar in terms of the variables that were found to have the greatest effect on release outcomes and release decisions. In each analysis, system variables were far more important than defendant or case variables. Program recommendations had an especially strong effect. In particular, a program recommendation of bail release was importantly associated with the detention of defendants, with their release on financial conditions when released, and with their having had financial release conditions set by court magistrates. Program recommendations for deposit bail, conditional release and denial of own recognizance release were also associated with detention or financial release, as was the lack of a release recommendation. Forty-four percent of the defendants for whom bail was recommended were detained until trial, as were 28 percent of the defendants who received no release recommendation after program interview. In comparison, the detention rate for all defendants was 15 percent.

The effect of the lack of a program recommendation on release outcomes deserves special comment, because programs often describe this as a "neutral" action, one that might be taken due to lack of verification or for a similarly "neutral" reason. However, the lack of a recommendation is evidently not perceived by the court as a neutral action; rather,

it is strongly associated with the setting of financial release conditions, and, due to defendants' inability to meet those conditions, with higher-than-average detention rates.

Other variables besides program recommendations that were importantly related to release outcomes and release decisions included charges of crimes against persons, a larger number of arrest charges, involvement with the criminal justice system at the time of arrest (i.e., on probation, parole or pretrial release for another charge) and a record of prior failure to appear. Defendants with these characteristics were more likely to have had financial release conditions set by magistrates and to have secured release, if at all, through financial mechanisms.

#### Failure to Appear

For most defendants in most jurisdictions the legal basis of release decisions is whether the person will appear for court. Consequently, restrictions on release or the imposition of conditions that must be met to secure release can occur only if these are needed to prevent the defendant's flight.

Historically, the posting of money bail was considered necessary to insure that defendants would appear in court. The increased use of alternatives to traditional money bail, such as own recognizance release and deposit bond, raised questions about their impact on defendants' court appearance rates. Thus, the extent to which released defendants appeared for court was an important topic for consideration in the National Evaluation of Pretrial Release.

The overwhelming majority of the defendants studied appeared for court: in the eight-site sample, 87.4 percent of all released defendants appeared for every required court date. Conversely, 12.6 percent of the released defendants missed at least one court appearance.

In many ways this is a remarkable finding, particularly since failure to appear (FTA) was defined quite broadly. In general, if a defendant was required to appear in court on a certain date and did not do so, the absence was considered a failure to appear. Despite this very inclusive definition, seven-eighths of all released defendants made every court appearance required of them.

The overall rate of release was not systematically related to the rate of court appearance across the eight sites. The jurisdiction with the highest release rate also had one of the highest court appearance rates. The site with the lowest release rate had a court appearance rate roughly in the middle of the rate range for all sites.

Nor were there systematic differences in court appearance rates for defendants released on nonfinancial versus financial conditions across the eight sites. The overall court appearance rate for defendants released on nonfinancial conditions was 87.8 percent and for defendants released on financial conditions, 86.4 percent. In some sites rates

were higher for defendants released on nonfinancial conditions; in other sites, for persons released financially.

Many defendants who miss court appearances may have no intention of trying to evade justice. Instead, they have forgotten the court date, have become ill and neglected to notify the court or in some cases have been jailed on another charge.

Twenty-nine percent of the defendants who missed a court appearance returned to court of their own volition within 30 days, and an additional 16 percent returned voluntarily after that time. Approximately one-third of the defendants were returned to court as a result of an arrest, usually for another charge. Moreover, six percent of the defendants who missed court dates were tried in absentia or forfeited bail in lieu of appearance (a type of fine). Consequently, 17 percent of the defendants who failed to appear for court were still at large at the time data were collected for the National Evaluation of Pretrial Release. This is a "fugitive" rate of two percent of all released defendants.

Another aspect of the analysis of court appearance outcomes is the extent to which failure to appear disrupts court processing. Although few failures to appear were "willful," and even fewer were successful attempts to evade justice, a large percentage of missed appearances would have serious cost implications for the criminal justice system. The court appearance rates presented earlier cannot be used to consider this topic; those rates were defendant-based, that is, they reflected the percentages of defendants who missed an appearance. Because defendants may be required to make several appearances and may miss more than one, an appearance-based measure is a better indicator of the court disruption caused by failure to appear.

Altogether, the released defendants in the sample were required to make 8,896 appearances (for all charges associated with the original arrest) and showed up for 8,361, or 94 percent, of them. Thus, only six percent of all court appearances were missed.

The evaluation also compared defendants who appeared for all court dates with persons who missed at least one court date, to determine whether the two groups had very different characteristics. By charge, defendants who failed to appear were more likely than other released defendants to have been charged with Part I crimes. They were also more likely to have been charged with economic crimes and less likely to have been charged with crimes against persons or drug crimes.

In terms of prior record, defendants who missed court appearances had more serious criminal records than persons who reliably showed up for court. Defendants who failed to appear had an average of 5.8 prior arrests and 2.4 prior convictions, as compared with 3.2 prior arrests and 1.3 prior convictions for defendants who always appeared for court.

There were also differences in community ties. Defendants who missed court dates were less likely than other released defendants to have been living with spouses and were more likely to have been living with unrelated persons. They were also more likely to have been unemployed: 49 percent of the defendants who failed to appear were unemployed, as

compared with 37 percent of the released defendants who made all their court appearances. Additionally, defendants who missed court appearances had lived in the local area a shorter time; nevertheless, their average length of local residence was almost 19 years.

As was the case for the release outcomes discussed earlier, court appearance outcomes varied along many dimensions besides charge, prior record and community ties. To identify the most important factors associated with failure to appear, multivariate analyses were conducted, similar in nature to those performed for release outcomes and decisions. However, additional variables were included in the failure to appear analyses, specifically, post-release variables, such as the type of release, type of legal representation, and number of postponements during the case.

When compared with defendants who made all court dates, persons who failed to appear were more likely:

- to have been on both probation and pretrial release for other charges when arrested;
- to have had more prior arrests;
- to have been of Hispanic ethnicity;
- to have had more charges associated with the arrest;
- to have been released on deposit bond;
- to have been represented by a public defender; and
- to have had a larger number of postponements during the trial of the case.

Additionally, defendants who failed to appear were less likely to have been charged with crimes where weapons were involved but were not found in the defendants' possession (as compared with crimes where no weapons were used or, if used, were found in the defendants' possession).

The finding regarding the importance of Hispanic ethnicity deserves special comment. This may reflect a situation described to the evaluation team during the delivery system interviews, namely, the lack of sufficient Spanish-speaking personnel within the criminal justice system to insure an adequate interpreter for Hispanic defendants who speak little English. Thus, it is possible that many Hispanic defendants failed to appear because they had a poor understanding of the court proceedings and requirements.

Interestingly, pretrial release program recommendations, which were very important in the analyses of release outcomes, were not important in the multivariate analysis of court appearance outcomes. Other indicators of program activities were also not significant in the court appearance outcomes analyses.

The analyses did not identify a set of characteristics that could be used to predict with reasonable accuracy the defendants who would



fail to appear. This inability to develop accurate predictors reflects the difficulty of trying to predict an event that is relatively rare and experienced by persons with diverse characteristics. Only a small percentage (12.6 percent) of defendants failed to appear, and those individuals did not have strikingly different characteristics from other defendants.

Although defendants who would fail to appear could not be predicted accurately, defendants who would appear for court could be identified with a high degree of accuracy. Because such a large percentage of defendants did appear for court, a prediction of appearance for all released defendants would necessarily be accurate much of the time. For the eight-site defendant sample a prediction that every released defendant would appear for all court cases would have been correct in 87.4 percent of the cases. In comparison, the multivariate analyses correctly classified 89.5 percent of the released defendants.

#### Pretrial Criminality of Released Defendants

One of the most controversial issues surrounding pretrial release practices concerns the criminality of released defendants and suggested ways of adequately protecting the public from such crimes. Despite widespread concern about release practices and pretrial criminality, most of the laws governing release decisions have not permitted consideration of the possible "dangerousness" of a defendant. Historically, the legal basis of release decisions has been whether the defendant will appear for court, and conditions of release (bail, supervision, etc.) have been constrained to be the least restrictive ones preventing flight.

This situation has been questioned by many persons, and a change which often has been suggested is the legalization of "preventive detention." Such a policy, which exists in the District of Columbia and several States, would permit the detention of dangerous defendants. Opponents of preventive detention, however, note the difficulties of predicting dangerousness and stress the fact that preventive detention may violate certain Constitutional principles regarding the treatment of defendants who have been accused of crimes, but not found guilty of of them.

In the past discussions of pretrial criminality issues were hindered by lack of data. Consequently, an important goal of the National Evaluation of Pretrial Release was to develop data on the extent and types of crimes committed pending trial. The primary measure of "pretrial criminality" was arrests for offenses alleged to have occurred during the pretrial period. Arrests for minor traffic offenses were excluded, as were arrests for failure to appear in the initial case selected for study.

Although arrest data have been used frequently for analyses of crime, these data have serious limitations. For example, victimization studies have shown that more crimes occur than are reflected in arrest data. All crimes are not reported to the police, and even the reported crimes are not always "cleared" by arrest.

An additional drawback of arrest data is that an arrest does not reflect guilt. An arrested person may be found innocent of the offense charged; the initial charges may be reduced to lesser offenses; all charges may be dropped by the prosecutor or dismissed by the court; and so on. To overcome this limitation of arrest data, additional analysis was conducted in which only convictions (i.e., court findings of guilt or guilty pleas) for pretrial arrests were considered as pretrial crimes.

The overall pretrial arrest rate for the eight sites was 16 percent. Rates for individual jurisdictions ranged from 7.5 percent to 22.2 percent.

Defendants released on nonfinancial conditions had a 15.3 percent rearrest rate and persons released on financial conditions, 18.1 percent. As was the case for the court appearance rates discussed earlier, there were no systematic differences in pretrial arrest rates for defendants released on nonfinancial versus financial conditions across the eight sites. In some sites rates were higher for defendants released nonfinancially; in other sites, financially.

Nor were total release rates systematically related to rearrest rates. The sites with the highest rearrest rates had release rates ranging from the lowest of the eight sites to one of the highest.

Most rearrests occurred fairly early in the release period: 16 percent occurred within one week of the original arrest, 45 percent within four weeks, 66 percent within eight weeks, and 80 percent within twelve weeks. As a result, rearrests occurred more quickly than either failure to appear or the disposition of cases of released defendants.

Many defendants were rearrested repeatedly during the pretrial period. About 30 percent of the rearrested defendants were rearrested more than once, some as many as four times. On the average, each rearrested defendant had 1.4 pretrial arrests.

Assessment of the seriousness of pretrial criminality requires consideration of the types of charges for which defendants were rearrested. Thirty-eight percent of all rearrests were for Part I offenses and 62 percent for Part II crimes. In addition, the most common rearrest category was economic crime (31 percent), followed by crimes against persons and public order (20 percent each).

When convictions were considered, rather than arrests, the data showed that 7.8 percent of all released defendants were convicted of a pretrial arrest. Thus, about half of all pretrial arrests resulted in a conviction.

Analysis of the sentences imposed showed that 49 percent of the sentences stemming from pretrial arrests involved incarceration. About half of those incarcerations were for relatively less serious crimes (e.g., crimes against public morality, such as prostitution and drunkenness, and crimes against public order, such as disorderly conduct and driving while intoxicated).

Besides assessing the extent and type of pretrial arrests, the National Evaluation of Pretrial Release compared defendants who were rearrested

with those who were not. Defendants with pretrial arrests were originally charged with more serious crimes than defendants who were not rearrested: 42 percent of the rearrested group was originally charged with a Part I crime, as compared with 27 percent for other defendants. In addition, rearrested defendants had a much higher incidence of economic crimes (40 percent versus 23 percent) as their original charges and a much lower proportion of crimes against public order (19 percent versus 33 percent).

Rearrested defendants also had more extensive prior records than other defendants. They averaged five prior arrests and 2.5 prior convictions, as compared with three and 1.2, respectively, for other defendants.

In terms of community ties, rearrested defendants were less likely than other released defendants to have been living with spouses and more likely to have been living with parents. They were also more likely to have been unemployed: 50 percent of the rearrested defendants were unemployed, as compared with 36 percent of the released defendants who were not rearrested.

Rearrest outcomes varied along many dimensions other than charge, prior record and community ties. To identify the most important characteristics associated with pretrial arrest, multivariate analyses were conducted. These analyses used the same procedures that had been employed for the analyses of court appearance outcomes. The results identified several differences as the most significant ones, when rearrested defendants were compared with persons not rearrested pending trial. Specifically, rearrested defendants were more likely:

- to have had more prior arrests;
- to have been charged originally with an economic crime;
- to have been charged originally with offenses in which the victims were not prior acquaintances (as compared with offenses where the victims were known or there were no victims);
- to have had bail amounts set originally between \$1,001 and \$1,500;
- to have been represented by a public defender;
- to have had more court appearances in the original case;
- to have failed to appear for court for the original charge;
- to have been unemployed; and
- to have been younger at the time of the original arrest.

Additionally, rearrested defendants were less likely to have had their last release option provided by a bail commissioner or to have represented themselves on legal matters at trial.

Pretrial release program recommendations, which had been important in the analyses of release outcomes and unimportant in the court appearance

analyses, were not significant in the rearrest analyses. Nor were other indicators of program activities important in the multivariate analyses of pretrial arrests.

No set of variables was identified that could predict rearrest with reasonable accuracy. The situation is similar to that discussed for failure to appear for court. Because pretrial arrests were relatively rare and were scattered among defendants with diverse characteristics, accurate predictors of rearrests could not be developed. At the same time, accurate predictions about defendants who would not be rearrested could be made with relative ease, because the great majority of defendants were not rearrested pending trial.

### Conclusions

- The eight sites used a variety of pretrial release practices; moreover, the pretrial release programs in those sites used many different methods of identifying and processing arrested defendants.
- The trend toward releasing more defendants pending trial, as documented in a study of the 1962-71 period, continued through the period covered by the present study (roughly 1977).
- The trend toward releasing more defendants on nonfinancial conditions also continued through the time period of the present study.
- Program recommendations were strongly related to release outcomes and release decisions.
- Most released defendants (87 percent) appeared for all court dates. However, two percent of the released defendants studied had not returned to court by the time of the data collection activities (usually at least one year after the initial arrest).
- Most released defendants (84 percent) were not arrested during the pretrial period. However, some defendants were rearrested repeatedly (as many as four times) while awaiting trial on the original charge.
- There were no systematic relationships between release rates and rates of failure to appear or pretrial arrest across sites. Nor were there systematic relationships between rates of nonfinancial release and rates of failure to appear or pretrial arrest.
- No reliable predictors of either failure to appear or pretrial arrest could be identified.
- Speedier trials would have had a more substantial impact on reducing pretrial arrest rates than could have been attained by applying the study's "best" rearrest prediction criteria to all defendants. While use of the best predictors of future criminality would have reduced the pretrial arrest rate for the study sample by 16 percent, trials within 12 weeks of arrest

would have resulted in a 20 percent decrease and trials within eight weeks, a 34 percent decline. Even if trials had been held within four weeks of arrest, however, the pretrial arrest rate would have declined by only slightly more than half. Forty-five percent of the rearrested defendants were rearrested within four weeks. Indeed, one-sixth of all rearrested defendants were rearrested within one week.

#### Recommendations

- Jurisdictions should seek ways to release more defendants pending trial. Available evidence suggests that higher release rates can be achieved without increases in rates of failure to appear or rearrest.
- Programs should revise their release recommendation policies, so that specific recommendations are made for all interviewed defendants. Such action is needed, because the lack of a recommendation does not have the effect of a "neutral" action; rather, it is highly likely to result in the setting of financial release conditions.
- Courts should implement systematic followup procedures to identify fugitives who have not returned to court after a certain period of time (e.g., 90 days).
- There is no need for tougher court responses to all failures to appear, and such actions should not be undertaken. Many defendants who fail to appear do not act as if they are willfully trying to evade justice; indeed, they often return to court of their own volition within a short time.
- Efforts to promote speedier trials should be continued. However, trials will have to occur much more quickly than has commonly been proposed, if pretrial arrests rates are to be reduced substantially.
- Efforts should be undertaken to reduce the extent to which defendants are rearrested repeatedly during the pretrial period.
- Because of the great interest in preventive detention, the experiences of jurisdictions that have authorized preventive detention should be studied. Of particular importance is the extent to which the "dangerousness" provisions have been used and the resulting impact on pretrial arrest and detention rates.

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CHAPTER I. INTRODUCTION

This volume presents the results of an analysis of release practices and outcomes in eight jurisdictions, located around the country. These sites are Baltimore City, Maryland; Baltimore County, Maryland; Washington, D.C.; Dade County (Miami), Florida; Jefferson County (Louisville), Kentucky; Pima County (Tucson), Arizona; Santa Cruz County, California; and Santa Clara County (San Jose), California.

Sites were chosen to reflect geographic dispersion, a wide range of release types and broad eligibility for program participation (especially in terms of criminal charges). Additionally, jurisdictions were required to have enough program clients and other releasees to warrant analysis, and records had to be reasonably complete and accurate. Another key site selection criterion was the willingness of local criminal justice officials to cooperate with the study, both by making records available to the research team and by making themselves accessible for interviews.

Two types of analysis were conducted in each jurisdiction: an analysis of the "delivery system" for pretrial release decisions and an analysis of the outcomes of defendants processed by that system. The defendant outcomes of primary interest were release (or detention) and, for released defendants, the extent of failure to appear and pretrial criminality. Factors (e.g., defendant characteristics, seriousness of the case, program involvement) related to each of these outcomes were identified and compared to assess whether factors related to release decisions and outcomes were also related to subsequent failure to appear or rearrest pending trial.

Chapter II discusses the pretrial release delivery systems of

the eight sites. This includes an assessment of the pretrial release programs, their relationships with other components of the criminal justice system, and the general community and criminal justice settings within which the programs operate and release decisions are made.

Chapter III begins the analysis of defendant outcomes, based on the data collected for a sample of defendants in each jurisdiction. An overview of the approach to the outcomes analysis is presented, including brief discussions of the sample selection and data collection procedures as well as a description of the characteristics of the composite, eight-site sample.

Chapters IV through VI each consider a major aspect of the defendant outcomes analysis. Chapter IV evaluates release outcomes, including the rate, type and correlates of release. The results of three major comparisons are presented:

- defendants detained until trial, as compared to defendants released before trial;
- defendants released on financial conditions, as compared to defendants released on nonfinancial conditions; and
- defendants for whom magistrates set financial release conditions, as compared to defendants for whom magistrates set nonfinancial release conditions.

Chapter V considers the extent to which released defendants failed to appear for court. Additionally, the chapter discusses the characteristics that are associated with failing to appear and the accuracy with which these characteristics might predict failure to appear.

Chapter VI analyzes pretrial criminality, as reflected by arrests during the pretrial period and convictions for those arrests. The extent and type of pretrial criminality are discussed, as well as its timing and correlates. The issue of prediction is also considered.

Chapter VII integrates key findings from the preceding chapters by considering the interrelationships of factors affecting release, failure to appear and pretrial criminality. Of particular interest is the extent to which the factors affecting release are associated with those affecting failure to appear or pretrial criminality. The chapter also presents major conclusions and recommendations, based on the findings discussed in the preceding chapters.

## II. PRETRIAL RELEASE SYSTEMS

### A. Introduction

This chapter discusses the "delivery systems" through which defendants are provided with pretrial release opportunities. An understanding of the pretrial release systems studied is essential for proper interpretation of the defendant outcomes analyses presented in later chapters. An important consideration in that regard is whether "better" outcomes (e.g., lower rates of failure-to-appear or pretrial crime) are associated with certain program or community characteristics that are amenable to change through public policy decisions. If so, implementing such changes might reduce the current levels of dissatisfaction with pretrial release practices and their outcomes.

For the eight sites analyzed in this volume, pretrial release programs are involved in the release process. Consequently, their varied methods of operation are considered in detail. Also discussed are the effects of other criminal justice agents on the release process and the relationships of these groups with pretrial release programs. Such criminal justice agents include judges, prosecuting and defense attorneys, police officers, sheriffs and others who manage jails, and bonding agents. In addition, the nature of the communities is briefly considered, because such factors as recent crime trends may affect the release practices of a jurisdiction.

A detailed delivery system analysis of each jurisdiction is available as a separate working paper. Summaries of these papers are included in Appendix A. Each delivery system analysis required extensive on-site collection of information. Much of this information was acquired through interviews with various individuals involved in the pretrial

release process. These individuals included program directors and staff, judges, bail commissioners, prosecutors, defense attorneys, police officers, jail officials, bonding agents, representatives of social service agencies to which pretrial releasees were referred, local criminal justice planners, government officials. Altogether, approximately 200 persons were interviewed in the eight sites, with the average interview taking 45-60 minutes to complete.

In addition to interviews, the delivery system analysis required collection of specific data on program resources, number of defendants processed, etc. These data were acquired from existing reports published by the program, from information prepared for the study team by the programs or from perusal of agency records. Besides these activities, relevant publications dealing with pretrial release were reviewed. These publications included annual reports of the agencies involved in the release process; operating procedures manuals from the release programs; court rules, laws and major court cases affecting release in the jurisdiction; and research studies of the area's release practices and outcomes.

Information from these various sources was used to prepare delivery system working papers for each site. These papers discuss:

- program setting (the nature of the jurisdiction, crime trends within it, and organization of the local criminal justice system as it applies to pretrial release);
- description of the pretrial release program (history, goals, organization, eligibility criteria, resources, scope of operations);
- discussion of program procedures (interview, verification, recommendation, follow-up after release); and
- program impact, based on information provided by the program or other local sources.



Each delivery system paper was sent to the program director, and sometimes to other local criminal justice officials as well. Any comments were considered during the revision process.

A more detailed description of the methodology for the delivery system analysis appears in Appendix B. That appendix includes the specific topics discussed in interviews with the various criminal justice agents and the detailed information sought concerning program operations.

The cross-jurisdictional analysis of pretrial release delivery systems discussed in this chapter was developed by considering the findings for each of the eight sites from a comparative perspective. Important characteristics shared by different jurisdictions were identified, as were variations across areas and possible reasons for this diversity. Before presenting these results, the next section of the chapter provides a brief description of each area. All data on program impact and defendant outcomes in this chapter were developed through the delivery system analyses and thus are based on information provided locally. Subsequent chapters present the results of analyses of defendant outcomes based on data collected for a sample of defendants processed in each jurisdiction.

#### B. The Areas Studied

Baltimore City has a well-accepted pretrial release program, in continuous operation since 1968. It provides around-the-clock interviewing of approximately 37,500 defendants per year. This is accomplished soon after arrest through decentralized operations, with program staff working in nine districts as well as at the downtown headquarters of the agency.

Interviewers use a point system to rate the information both provided by the defendant and verified through telephone calls to references and checks of official records. Recommendations concerning release are made to bail commissioners, who have the initial release authority in the jurisdiction. Bail review by a District Court judge occurs within 24 hours for defendants who do not secure release as a result of the bail commissioners' decisions. The program also conducts a second screening of defendants at the jail to determine whether additional persons might qualify for release (e.g., by verifying information with references who did not answer the telephone earlier). These program efforts were intensified, starting in 1975, when jail overcrowding in Baltimore became a matter of serious concern.

In Baltimore City, the most common types of release are own recognizance and surety bond. Although deposit bond, third party custody and other release options are available in the jurisdiction, they are not widely used. All defendants released on own recognizance, regardless of whether the program recommended such release, are monitored by the program. At a minimum each defendant must call the program once a week; during the call the defendant is reminded of the next court date. Some defendants receive additional supervision, either "surveillance" (e.g., periodic visits with a program staff member) or referral to a local service program (drugs, alcohol, mental health or employment).

The Baltimore Pre-Trial Release Services Division, part of the Supreme Bench, has an annual budget of approximately \$500,000, which funds 37 staff positions. In addition, the agency has made extensive use of Public Service Employees, provided through the Comprehensive Employment and Training Act (CETA) program, to supplement its staff. In 1977 the agency had 54 such employees.

Although it is the neighboring jurisdiction to Baltimore City, Baltimore County has a much different pretrial release program. Started in 1972, the Baltimore County Pre-Trial Release Division, within the District Court, operates as part of the bail review process. Thus, all defendants interviewed have failed to secure release at their earlier appearance before a bail commissioner. Consequently, the program's operations affect many fewer defendants than in Baltimore City. Less than 20% of the County's arrestees were reported to be interviewed by the program (about 1,800 defendants per year) as compared with more than 80% of the City's arrestees.

As in Baltimore City, the Baltimore County program staff try to verify as much of the information provided by a defendant as possible. However, release recommendations are based on a subjective assessment of the defendants, rather than point scale ratings.

The most common types of release in Baltimore County are own recognition and bail. Many of the defendants (about one-third) released at bail review are referred to programs for services and follow-up during the pretrial period. Drug, alcohol and psychiatric treatment are the most common requirements for defendants granted a conditional release. Defendants released on nonfinancial conditions at bail review must call the program weekly. The program also contacts the referral agencies to determine whether the defendants in fact sought services there.

Partly because of its limited scope of operations, the Baltimore County Pre-Trial Release Division had one of the smallest budgets of any program studied: \$73,000 per year, provided by the State. These funds supported five full-time and two part-time staff members, who ran the program on a five-days-a-week, eight-hours-a-day basis.

Unlike the Baltimore City program, the Baltimore County agency, based in Towson, has not been well accepted locally. In the past, program staff had been criticized for being too oriented toward social work activities. At the time of the present study, the program was being reorganized.

The Baltimore County program is the only one studied which operates exclusively after the defendant's initial appearance before a releasing magistrate. However, other programs studied (including Baltimore City) incorporate a second intervention in the release process, so that defendants still detained after the first interview and recommendation procedures might have their release requirements reconsidered.

The Washington, D.C., Pretrial Services Agency, located within a 60-mile radius of the Baltimore programs, is different from both of them. First established as a small-scale effort in 1963, the Agency has continually expanded its operations, received increased support, and been sanctioned by law. Currently, it interviews all arrestees (except those who post bond from a bail schedule at the police station) coming before all courts in the District of Columbia. Thus, the D.C. program is the only one studied which interviews defendants charged with Federal, as well as local, crimes.

The program operates around the clock, as does the one in Baltimore City, and interviews about 28,500 defendants per year. After attempting to verify information provided by a defendant, Agency staff either develop a release recommendation or decide to make no recommendation for that case. A point system is used for defendants who may be released at the police station through the citation program. Such defendants are interviewed by telephone, and Agency recommendations are given to the police, who make the release decision. All other defendants are interviewed in

person at the "lock-up" by Agency staff, who base their recommendations on both objective and subjective considerations (not point totals) and present those recommendations to judges at arraignment.

A variety of release types are commonly used in Washington, D.C. Besides citation release, these include own recognizance, third party custody, cash (deposit) bond and surety bond. Supervised release, once stressed by the program, has been deemphasized. Although the District of Columbia is one of the few jurisdictions in the country where "preventive detention" has been authorized for "dangerous" defendants, this legislative provision has been little used. Most defendants released on nonfinancial conditions are required by the releasing judges to call the program weekly; the program also mails reminders of each court date to the defendants it monitors. In addition, Agency staff maintain regular contact with third-party custodians to coordinate services and exchange information about condition compliance. Staff also develop compliance reports on all convicted defendants and give them to the probation office for use in preparing presentence reports.

The D.C. program has one of the largest budgets (currently more than one million dollars) in the country. Some of its present funds were provided by LEAA to help develop a computerized data base. This computer system is now being used to facilitate both routine Agency operations and research studies. The program has approximately 50 permanent staff positions and also employs several part-time workers (often law students); it usually receives some volunteer help as well.

The importance of pretrial release practices in the District of Columbia transcends their local impact. Partly because it is the nation's capital, where Congress meets and Federal funding sources are located, many changes in the criminal justice system are adopted in Washington before they become widely used in the rest of the country. For example,

Washington established one the nation's earliest pretrial release programs. It was also the first jurisdiction to have the preventive detention of dangerous defendants authorized within it. Consequently, pretrial release practices and outcomes in Washington, D.C., may affect national as well as local policies.

The fourth East Coast jurisdiction included in the study is Dade County (Miami), Florida. Created in 1971, the Dade County Pretrial Release Program expanded a bail project run during the preceding five years by VISTA volunteers. At first under corrections, the program was moved to the courts in 1973 and back to corrections in 1978. The Dade County program is the only one of the eight that was not both run by the courts and expected to remain under the courts' administrative authority.

The two transfers of the Dade County program partly reflect its lack of local acceptance. This is somewhat surprising, since Dade County has for several years been a nationally recognized leader in its use of pretrial diversion (e.g., early identification and referral of defendants to various social services).

The pretrial release program operates twelve hours a day, seven days a week. It interviews only felony defendants. Indeed, one reason the program was selected for study is that it is one of the few southern programs that processes felony cases; most programs in that region are limited to misdemeanors.

As a result of the program's limited eligibility, it reportedly interviews only about 15% (approximately 9,000 persons per year) of all arrested defendants. About 70% of the felony defendants who do not post bond (as specified by a bond schedule) soon after booking into the jail are interviewed by the program; the remaining 30% are ineligible due to residence or other restrictions or are simply missed because of a shortage

of staff; lack of a Spanish-speaking interviewer or another reason.

After the interview, if a program staff member considers the defendant potentially eligible for an own recognizance release recommendation, the information provided will be verified, if possible, through telephone calls to references and a records check of criminal history. Usually, verification is accomplished for only a small percentage of the interviewed defendants, so that the release decisions of magistrates take place largely with unverified information. The program develops its release recommendations subjectively.

The major types of release in the jurisdiction are bond and own recognizance (OR). The program has had a quite limited impact on OR releases, as shown by its reports that only 12% of the defendants interviewed over a six-month period in 1978 were both recommended for OR release by the program and released on OR by a magistrate. Such "program releasees" are required to call the program each week; they are reminded of their next court date during these calls.

If defendants either fail to call or miss court appearances, the program may initiate field investigations to try to locate them. These field activities were more common in the past than they are now, however, due to recent staff cutbacks. The program declined from a staff of 14 persons in 1976 to 8 individuals in 1978. It has no volunteers or CETA workers to supplement the regular staff.

The decrease in staff stemmed from a budget cut, from \$180,000 to \$104,000 per year, reflecting a decline in the County's overall budget. These funding decreases for the program have compounded its operational problems. Apparently never regarded as an essential and effective component of the local criminal justice system, the program

reduced its services and lost more esteem after the cutbacks.

Jefferson County (Louisville), Kentucky, was selected for study partly because it is the largest urban area within a State that has adopted an unusual approach to pretrial release. In 1976 the Kentucky legislature, at the encouragement of the Governor, abolished commercial bail bonding and established a Statewide system of pretrial services. Each judicial circuit in the State, including those serving rural areas, has a pretrial services program. All local programs are coordinated by a central staff, who also work with the programs to develop Statewide guidelines and procedures.

In principle, all defendants arrested within Kentucky are to receive identical pretrial release processing; in practice, differences remain, because of local peculiarities. Nevertheless, Kentucky's efforts to provide consistent Statewide services to all defendants are both unique and of interest to many other jurisdictions. Consequently, the working paper on the Louisville delivery system also includes a discussion of the Statewide program and a case study of the way pretrial services are provided in a rural area: the 34th Judicial Circuit, comprising Whitley and McCreary Counties (with a combined population of about 40,000 persons) in southeastern Kentucky.

The Louisville program operates around the clock, seven days a week. In 1977 it interviewed about 19,000 defendants, 65% of all persons booked into the County Jail. After verifying the information through telephone calls to references and checks of criminal records, program staff use the Statewide point system to rate defendants. This information is then provided to the magistrates who make release decisions. The most common types of release in Louisville are own recognizance and deposit bond.

All defendants released on own recognizance are monitored by the program. A common release condition is that the defendant call or visit the program once a week. The program also mails reminders of coming court dates to the defendants. When defendants fail to appear, the program tries to contact them and encourages them to return for court.

Funds for pretrial release in Kentucky come from the State budget. The annual allocation for the Louisville area is estimated at \$378,000, which supports 34 permanent employees. Staff turnover has been high, partly because the salary levels set by the State are lower than those for other local positions requiring comparable backgrounds (e.g., jail guards). Although this turnover has caused internal problems for the program, it does not appear to have affected its level of acceptance by other parts of the criminal justice system. The program seems generally considered an improvement over the pretrial practices that existed before its initiation.

The Pima County (Tucson), Arizona, program is also a firmly established part of the local criminal justice system. Although the program was not set up by law, as was the Louisville agency, Arizona statutes require that certain background information on defendants be provided to magistrates making release decisions. In Tucson, the provision of such information is one of the duties of the pretrial release program, run by the Correctional Volunteer Center.

Started in 1972, the Center has interviewed only felony defendants for most of its history. A two-year effort to process misdemeanor defendants ended, due to budgetary problems, shortly before our on-site analysis of the jurisdiction. However, service for misdemeanor defendants was subsequently resumed, as part of a Federally funded program

to reduce jail overcrowding. Thus, the Pima County analysis in this chapter covers only the felony level operations which were in effect at the time of our study, although the Center now handles all arrested defendants.

The program operates seven days a week, 24 hours a day. Consequently, virtually all felony defendants are interviewed soon after booking—a total of about 4,200 persons per year. After verifying the information through telephone calls to references and checks of criminal records, program staff make a subjective overall assessment to develop a release recommendation. The program may recommend release on own recognizance (OR) or third party custody, recommend against OR release or remain neutral and make no recommendation. Magistrates, who make all release decisions, commonly use OR or bond when defendants are released.

The program maintains little contact with released defendants, unless they have been released to the program's custody or required to participate in a drug, alcohol or similar program. In these cases, Center staff maintain either telephone or personal contact with the defendant and, if applicable, the social service program.

Although the Center does not have extensive followup contacts with defendants, it has an unusually well developed tracking system. It includes data on all felony defendants, regardless of whether they were interviewed by the program, and tracks both pretrial rearrests and court appearance performance.

The Center also operates a supervised release component, which permits a reconsideration of release conditions. The defendant is interviewed in more detail, and Center staff members try to determine if release to a community-based program or on other conditions seems feasible.

If the court releases such defendants, they are usually required to report to the Center in person at least three times a week. The center conducts about 500 supervised release investigations each year.

The Correctional Volunteer Center has an annual budget of \$171,500, with approximately one-third provided by CETA and the rest by the County. The Center, as its name suggests, makes extensive use of volunteers. Students receive college credit for working with the Center and are extensively used as interviewers. Volunteers provide about 40% of the Center's total interviewing hours. In 1977 the program used 60 volunteers to supplement its permanent staff of 15 persons.

Another program studied in the west was located in Santa Cruz County, California. Like both Tucson and Miami, Santa Cruz has a large Hispanic population. In the case of Santa Cruz, many of these individuals are migrant workers, employed in the agricultural section of the county, near Watsonville.

An unusual feature of pretrial release in Santa Cruz is that defendants may be released at several points in the criminal justice process, under the authority of various officials. First, the arresting officer may make a field release of a defendant charged with a misdemeanor or infraction of local ordinances. Defendants taken into custody may be released at the jail by the sheriff, who is empowered to release any person charged with a misdemeanor but must obtain a judge's telephone approval for defendants accused of felonies. A defendant may also secure release by posting the bond amount shown on the bail schedule for the offense charged.

Thus, by the time the Santa Cruz County Pretrial Release Program contacts defendants, most of them have had several prior release opportunities. This is partly responsible for the program's small volume of interviews, about 2,000 per year, or roughly one-third of the potentially eligible defendants.

The program operates seven days per week, 10 hours per day. After interviewing a defendant, the information provided is verified through telephone calls to references and checks of criminal records. A subjective assessment of the defendant is made and included in a written court report sent to the arraignment judge. The program may recommend for or against own recognizance, recommend a bail reduction or make no recommendation (commonly done when verification is lacking).

The program mails reminders of the next court date to defendants released on own recognizance at arraignment. Also, it usually calls defendants the day before a court appearance to provide an additional reminder. If a defendant who was recommended for own recognizance by the program fails to appear, program staff will attempt to locate the person. Typically, this is done by calling the defendant or a reference. If located, the defendant is urged to contact the court, which may then vacate the bench warrant issued automatically upon a failure to appear.

The Santa Cruz program operates with an annual budget of \$59,000, provided by the County. There are three permanent staff members and one Public Service Employee.

Although the program, established in 1975, seemed reasonably well accepted at the time of our study, much of its apparent support dissolved when the County experienced budgetary problems. During these

difficulties in 1978, the program at first seemed likely to be disbanded. Morale was understandably low, and the director left. Since that time, the program has been reorganized. After a somewhat shaky period the program recovered and is now functioning at an expanded level of operations, supported in part through LEAA's jail overcrowding program.

The eighth program in our study is located about 25 miles from Santa Cruz. However, the Santa Clara County Pretrial Release Program, headquartered in San Jose, operates very differently from the one in Santa Cruz.

Begun in 1970, the program operates around the clock each day. Program staff, stationed at each of the County's three main booking facilities, interview defendants soon after booking, verify the information provided, and rate the defendants by using a point scale. Persons charged with misdemeanors who have sufficient points may be released by the program, usually acting on its own, at that time. Defendants accused of felonies can be released only by judges.

The program mails a reminder of the first court appearance to all defendants released on own recognizance. This is the only followup conducted, unless a defendant on own recognizance fails to appear for a court date. When this occurs, the court notifies the program, whose staff members try to locate the person and to encourage a return to court.

The program also operates a supervised release component. Defendants who did not secure own recognizance release and have not posted bond may be referred by the court for a supervised release review. Program staff then interview the defendant in more detail than previously, make a subjective assessment of the situation, and report a recommendation to the court. Defendants granted supervised release must call the program each week and are sometimes required to report in person as well.

If defendants in Santa Clara County fail to call, program staff will try to contact them and remind them of their release conditions. Additionally, defendants granted supervised release may be required to participate in drug, alcohol, employment or other programs. Consequently, pretrial release staff maintain contact with these service programs to monitor defendants' compliance with release conditions. This information is reported to the court for possible use in sentencing decisions.

As in Santa Cruz, a defendant may be released by the arresting officer or may post the bail amount shown on the bond schedule before a program interview occurs. This helps explain the fact that the Santa Clara program does not interview all potentially eligible defendants. It interviews about 85% of the eligible defendants in felony cases and 75% in misdemeanors. The program interviews about 14,300 defendants per year and receives about 3,200 annual referrals for supervised release reviews.

The program's yearly budget of about \$425,000, provided by the County, supports a staff of 19 full-time, permanent employees. The program also has four Public Service Employees. An unusual feature of the program is its computerized system, which includes direct access to local criminal history information. One consequence of this is the relative ease with which data on program performance can be obtained.

The Santa Clara County program, unlike its neighbor Santa Cruz, is well accepted and highly regarded by virtually all local criminal justice officials. One result is that the program received the smallest cut (5%) in its budget request of any agency in the County when local services were scaled back in the aftermath of the passage of Proposition Thirteen.



As this brief review of the eight programs studied has shown, there are some regional differences in release practices. For example, the South has few pretrial release programs which extend eligibility to defendants charged with felonies, and California makes more extensive use of field releases by the police than most other States. Nevertheless, programs in close proximity may differ more than those separated by great distances. Baltimore City and Baltimore County in Maryland have vastly different programs, as do Santa Cruz County and Santa Clara County in California. Indeed, the programs in Baltimore City and Santa Clara County share more similarities with each other than with their neighbors. Consequently, location alone cannot explain the diversity in program operations. This diversity and possible reasons for it are considered in greater detail in subsequent sections of this chapter. First, however, the programs' community settings are described.

#### C. Nature of the Communities

Table 2.1 presents selected information about the eight sites. More detailed descriptions of the areas are available in the individual delivery system working papers. As shown in Table 2.1, two jurisdictions (Pima County and Santa Cruz County) have populations of less than one-half million and two areas (Dade County and Santa Clara County), more than one million. The remaining four sites have between one-half million and one million residents. All areas except Baltimore City and Washington, D.C., were experiencing population growth, and even Baltimore City and Washington, D.C., were within growing metropolitan areas.

The economic structures of the jurisdictions varied considerably,

TABLE 2.1  
COMMUNITY CHARACTERISTICS

CHARACTERISTIC	BALTIMORE CITY, MARYLAND	BALTIMORE COUNTY, MARYLAND	WASHINGTON, D.C.	DADE COUNTY, FLORIDA	JEFFERSON COUNTY, KENTUCKY	PIMA COUNTY, ARIZONA	SANTA CRUZ COUNTY, CALIFORNIA	SANTA CLARA COUNTY, CALIFORNIA
Population (estimate)	850,000	700,000	675,000	1,500,000	725,000	450,000	165,000	1,200,000
Population Growth Trend	DOWN	UP	DOWN	UP	UP	UP	UP	UP
Economy	DIVERSIFIED	WHITE COLLAR	GOVERNMENT, SERVICES	SERVICES, TRADE	INDUSTRIAL	GOVERNMENT, SERVICES, TRADE	GOVERNMENT, SERVICES, TRADE	WHITE COLLAR
Unemployment Rate	9%	6%	9%	7%	4%	5.5%	12%	6.5%
Reported Offenses, Index Crimes <sup>a</sup> Four-Year Trend <u>b/</u> Two-Year Trend <u>c/</u>	DOWN DOWN	UP UP	DOWN DOWN	DOWN DOWN	UP DOWN	UP DOWN	UP UP	UP DOWN
Arrests, Index Crimes <sup>a</sup> Four-Year Trend <u>b/</u> Two-Year Trend <u>c/</u>	DOWN UP	DOWN UP	DOWN DOWN	DOWN DOWN	UP DOWN	UP DOWN	UP UP	UP DOWN
Number of Arrests, Index Crimes, 1977 <u>a,d/</u>	21,000	7,000	7,400	16,000	7,600	4,350	1,050	4,550
<sup>a</sup> Index crimes are murder, rape, robbery, aggravated assault, burglary, larceny and auto theft. <sup>b</sup> 1974-77 for all jurisdictions except Pima County and Santa Cruz County, where the 1973-76 period was used. <sup>c</sup> 1976-77 for all jurisdictions except Pima County and Santa Cruz County, where the 1975-76 period was used. <sup>d</sup> 1977 for all jurisdictions except Pima County and Santa Cruz County, where 1976 was used.								
SOURCE: Information reported in delivery system analyses of individual jurisdictions, Working Papers Nos. 1-8.								

ranging from heavily industrial Jefferson County to predominantly suburban Baltimore County. Unemployment rates were relatively high in Baltimore City, Washington, D.C., and Santa Cruz County; unemployment in the other sites was close to or below national rates.

Over a four-year period reported offenses for Index Crimes increased in all jurisdictions except Baltimore City, Washington, D.C., and Dade County. For the most recent two years within the four-year period, three additional areas (Jefferson County, Pima County and Santa Clara County) experienced declines. Arrest trends on the whole paralleled changes in reported offenses; different arrest trends occurred only in Baltimore County for the four-year period and in Baltimore City for the two-year period.

#### D. Program Goals

Table 2.2 indicates the stated goals of the programs studied. Such stated goals may not, of course, accurately reflect the operational goals of a program. As local situations change, programs may change their day-to-day responses to them more quickly than they update written policies. For example, the Baltimore City program has been actively working to reduce jail overcrowding for several years, but this goal does not appear in the program's statements of objectives.

Despite the limitations of stated objectives, they at least indicate goals which are of sufficient program concern to warrant documentation. As shown in Table 2.2, all the programs shared the goals of providing better information to the courts, helping qualified defendants secure release and avoiding failures to appear for court by released defendants. In addition, six of the eight programs stated that helping defendants obtain needed services (drug, alcohol, employment, etc.) was a goal. Five

TABLE 2.2  
STATED PROGRAM GOALS

GOAL	BALTIMORE CITY	BALTIMORE COUNTY	WASHING- TON, D.C.	DADE COUNTY	JEFFER- SON CO.	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Provide Better Information To The Courts	X	X	X	X	X	X	X	X
Help Qualified Defendants Secure Release	X	X	X	X	X	X	X	X
Help Avoid Failures-To-Appeal For Court By Released Defendants	X	X	X	X	X	X	X	X
Help Defendants Obtain Needed Services	X	X	X			X	X	X
Reduce the Jail Population			X	X		X	X	X
Increase the Equity of Release Practices			X	X	X			X
Increase the Level of Cooper- ation Among Criminal Justice Agencies	X		X	X	X			
SOURCE: Information reported in delivery system analyses of individual jurisdictions, Working Papers Nos. 1-8.								

programs expressed the goal of reducing the jail population, and four each sought to increase the equity of release practices and to increase the level of cooperation among criminal justice agencies.

E. Program Scope

Table 2.3 provides summary information on indicators of program scope. As shown, three programs have significant eligibility restrictions: Baltimore County's program interviews only those defendants who do not secure release at their initial appearance before a bail commissioner, while the programs in Dade and Pima Counties are limited to felony charges. Thus, the defendant populations eligible for program interviews in these three jurisdictions are much more limited than in the other areas studied.

All programs have some eligibility limitations. None of the programs studied extends eligibility to juvenile defendants tried in juvenile courts, and all programs except the one in Washington, D.C., exclude Federal charges. Additionally, programs commonly exclude persons who have escaped from custody (fugitives) or who have been arrested for probation or parole violations, capital offenses or traffic charges. Certain restrictions apply only in a few areas. For example, Dade and Santa Clara Counties exclude arrested defendants awaiting trial on other charges, and Jefferson County excludes persons with mental disorders. However, these various exclusions, when combined, do not limit the universe of eligible defendants to the same extent as the restrictions identified in Table 2.3 as significant.

Besides eligibility considerations, program scope reflects the extent to which those defendants who are eligible are in fact interviewed. As shown in Table 2.3, the percentage of eligible defendants interviewed ranges from 36% in Santa Cruz County to 100% in Baltimore County. The high percentage for Baltimore County results from its eligibility definition.

TABLE 2.3  
INDICATORS OF PROGRAM SCOPE

INDICATORS	BALTIMORE CITY, MARYLAND	BALTIMORE COUNTY, MARYLAND	WASHINGTON, D.C.	DADE COUNTY, FLORIDA	JEFFERSON COUNTY, KENTUCKY	PIMA COUNTY, ARIZONA	SANTA CRUZ COUNTY, CALIFORNIA	SANTA CLARA COUNTY, CALIFORNIA
Significant Eligibility Restrictions	NONE	Defendants Not Released at Initial Appearance Only	NONE	Felony Charges Only	NONE	Felony Charges Only	NONE	NONE
Percentage of Eligible Defendants Interviewed	85%	100%	97%	68% <sup>a</sup>	65% <sup>b</sup>	98%	36%	79%
Days and Hours of Operation	7 Days, 24 Hours	5 Days, 8 Hours	7 Days, 24 Hours	7 Days, 12 Hours	7 Days, 24 Hours	7 Days, 24 Hours	7 Days, 10 Hours	7 Days, 24 Hours
Interview Timing: Immediately After Booking	X		X		X	X		X
Before Initial Appearance, But Not Necessarily Immediately After Booking				X			X	
After Initial Appearance	X	X			X	X		X
Number of Interviews Per Year	37,500	1,800	28,500	9,000	19,300	4,200	2,000	14,300
Overall Scope Rating	HIGH	LOW	HIGH	LOW	HIGH	LOW	LOW	HIGH
<sup>a</sup> Percentage shown is based on defendants seen at bond hearings and thus excludes persons who make bond before the hearings; accurate data are not available to make the Dade County percentage comparable to those for the other sites.  <sup>b</sup> Percentage shown is based on all defendants booked at the jail; some of these defendants were not eligible for program consideration. More precise data are unavailable.								
SOURCE: Information reported in delivery system analyses of individual jurisdictions, Working Papers Nos. 1-8.								

Since only defendants who are still detained at the time of program interview are eligible for an interview, the program cannot miss any eligible defendants; those who secure release before the program has an opportunity to contact them are by definition ineligible.

Neither Baltimore City nor Pima County, two programs that also interview a high percentage of eligible defendants, has a bail schedule applicable to program defendants (although Pima County has a bail schedule covering misdemeanor charges, which are excluded from program consideration). Thus, defendants in these jurisdictions cannot be missed due to posting bond prior to interview. This is a possibility in the remaining five areas, although in Louisville the bond schedule covers misdemeanors only. Of these five sites, only Washington, D.C., interviews virtually all the eligible defendants.

Further insight concerning possible reasons for the variation in the percentage of eligible defendants interviewed is provided by consideration of the programs' days and hours of operations. As shown in Table 2.3, only the Baltimore County program operates less than seven days a week; of the remaining programs, only Dade and Santa Cruz Counties function less than 24 hours a day. A consequence of not operating on an around-the-clock basis is that the elapsed time between arrest and interview may be as much as twelve hours in Dade and Santa Cruz Counties and 40 hours in Baltimore County. In the other jurisdictions, defendants are reportedly interviewed within an hour of booking in most cases. With a longer passage of time, more defendants are likely to post bond rather than wait for a program interview and the possibility of nonfinancial release.

Only programs which operate 24 hours a day can, of course, interview defendants immediately after booking. Both Dade and Santa Cruz Counties

interview before the initial appearance, as shown in Table 2.3, while Baltimore County contacts defendants after that stage. Several of the programs which interview defendants immediately after booking also make a second consideration of persons who remain detained after the initial appearance. Baltimore City, Pima County and Santa Clara County have routine procedures for this. In addition, the Jefferson County program is sometimes asked to conduct such "second screenings" of defendants.

The Tucson program shows that operating schedules and interview timing may help overcome the limitations imposed by narrow eligibility definitions. Tucson's Correctional Volunteer Center serves only felony defendants. However, the fact that it operates around the clock allows it to interview 98% of all eligible defendants.

The Washington program illustrates the way in which broad eligibility definitions combined with around-the-clock service and early interview timing can produce the greatest scope of operations. The District of Columbia Pretrial Services Agency interviews most misdemeanor defendants immediately after booking and felony defendants within six to eight hours of booking. It is thus able to contact over 90% of all defendants in the District and fully 97% of all eligible defendants.

When the Tucson case is compared to the Miami program, we again observe the impact of operating schedules and interview timing. Both programs are excluded from serving misdemeanor defendants. But because of its early and around-the-clock operations, the Tucson program is able to interview virtually all of its eligible clients, while the Miami program only interviews about two-thirds. This discrepancy may be explained in part by the fact that the Miami Pretrial Release Program only operates for twelve hours of each day (seven days a week). It is thus unable to interview immediately after booking in every case. Because the jurisdiction has a bail schedule, defendants may post bond before they are contacted by



the program.

These examples illustrate the importance of eligibility requirements, the timing of program operations and the existence of a bail schedule. No one factor may be said to be more important than the others in determining a pretrial release program's scope of operations. Instead, these factors combine to produce a broad range of program capabilities.

Table 2.3 indicates the total number of interviews conducted by each program annually. The volume of interviews ranges from 1,800 for Baltimore County to 37,500 for Baltimore City. These figures on numbers of interviews are not adequate by themselves for grouping programs in terms of their scope of operations, however, because a small jurisdiction would necessarily have a small number of interviews. Consequently, the scope groupings shown in the last line of Table 2.3 are based on several factors. The three programs with significant eligibility restrictions—Baltimore, Dade and Pima Counties—are considered low in scope, because they exclude sizeable portions of the defendant population. Santa Cruz County is also considered a low scope program, because it interviews such a low percentage (36%) of the eligible defendants. The remaining four programs—in Baltimore City, Washington, D.C., Jefferson County and Santa Clara County—are considered high in scope. They have broad eligibility and interview from 65% to 85% of the eligible defendants.

This categorization of programs in terms of high and low scope should be viewed as strictly descriptive. A high scope program is not necessarily more desirable than one with low scope. Indeed, a low scope program may be targeting its efforts on defendants who need them most, while a high scope program may be interviewing many persons who would secure release anyway and thus be incurring costs which may be unnecessary.

To assess the relative merits of high versus low scope operations, therefore, requires the simultaneous consideration of other program characteristics.

#### F. Program Intervention

While scope reflects the percentage and types of defendants selected for program processing, intervention considers the ways those defendants are handled by the program. Specific aspects of intervention include:

- routine followup of released defendants;
- supervision of certain defendants;
- response to failures-to-appear; and
- reporting to the court on compliance with release conditions.

As shown in Table 2.4, five of the programs provide routine followup for all defendants released on own recognizance. Baltimore County and Dade County limit their followup activities almost exclusively to defendants released on own recognizance after a program recommendation for such a release, and Pima County does not conduct routine followup on releasees.

The nature of routine followup varies widely among the seven programs that provide it. Washington, D.C., and Jefferson County require defendants to call the program weekly; both of these programs also mail the defendants reminders of all court dates. Baltimore City, Baltimore County and Dade County receive weekly calls from defendants, but do not mail reminders of court appearances. Neither Santa Cruz County nor Santa Clara County requires periodic contact initiated by defendants. However, Santa Cruz County mails notices of all court dates and calls defendants to remind them of appearances. Santa Clara County provides the fewest routine followup services (except, of course, for Pima County, which provides none): it mails reminders of defendants' first court appearances only.

TABLE 2.4  
INDICATORS OF PROGRAM INTERVENTION

INDICATOR	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	JEFFERSON CO.	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Extent of <u>Routine</u> Followup: All defendants released on own recognizance (OR)	X		X		X		X	X
Only defendants released on OR after program recommendation for OR		X		X <sup>a</sup>				
None						X		
Type of <u>Routine</u> Followup: Monitor weekly calls by defendants	X	X	X	X	X			
Mail reminders of all court dates			X		X		X	
Mail reminders of first court date only								X
Call defendants to remind them of each court date							X	
None						X		
Significant Supervised Release Activities?	YES	YES	YES	NO	NO	YES	NO	YES
Type of Supervised Release Activities: Referral to services	X	X	X					X
Third party custody			X			X		
Surveillance by program	X					X		X
Percentage of Interviewed Defendants Who Are Linked With Service Programs	5%	30%	6%	N.A.	N.A.	10%	N.A.	5%
Number of Defendants Supervised (all types) Per Year	b/	540	1,780	N.A.	N.A.	130	N.A.	600

(CONTINUED)

TABLE 2.4 (CONTINUED)  
INDICATORS OF PROGRAM INTERVENTION

INDICATOR	BALTIMORE CITY	BALTIMORE COUNTY	WASHING- TON, D.C.	DADE COUNTY	JEFFER- SON CO.	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Response to Failure To Appear for: All defendants on OR or supervision	X		X		X			X
Only defendants who were recommended for release by the program		X		X <sup>a</sup>			X	
None						X		
Report On Defendant Compliance With Release Conditions: All guilty defendants on OR or supervision			X					
Only guilty defendants who were recommended for release by the program		X						
Only supervised defendants						X		X
None	X			X	X		X	
Overall Intervention Rating: Routine followup	HIGH	LOW	HIGH	LOW	HIGH	LOW	LOW	LOW
Supervision	HIGH	HIGH	HIGH	LOW	LOW	HIGH	LOW	HIGH
Failure to appear response	HIGH	LOW	HIGH	LOW	HIGH	LOW	LOW	HIGH
Compliance reporting	LOW	HIGH	HIGH	LOW	LOW	HIGH	LOW	HIGH
Aggregate	HIGH	MEDIUM	HIGH	LOW	MEDIUM	MEDIUM	LOW	MEDIUM
<sup>a</sup> Also defendants ordered by the judge to call the program.								
<sup>b</sup> Data not available.								
SOURCE: Information reported in delivery system analyses of individual jurisdictions, Working Papers Nos. 1-8.								

The two programs with the least routine followup, Santa Clara and Pima Counties, have significant supervised release activities, along with Baltimore City, Baltimore County and Washington, D.C. These programs either have a separate component whose sole responsibility is supervision or are heavily involved in developing third party custody arrangements and referring defendants to social services. The three programs without significant supervised release activities will occasionally provide supervision, or assist with service referrals and third party custody, but these activities do not constitute major program components and affect few defendants.

The most common type of supervision is referral to services and monitoring defendants' compliance with referral requirements. Four programs provide such referral: Baltimore City, Baltimore County, Washington, D.C., and Santa Clara County. Two programs, Washington, D.C., and Pima County, facilitate release to custody of a third party, usually a relative or social service agency, responsible for monitoring the defendant's pretrial behavior.

Programs that help link defendants with social service agencies, whether through referral or third party custody, usually maintain contact with those agencies regarding defendant compliance with release conditions. The percentage of defendants who are linked with service programs, in the five areas where this occurs, is about 5% in Baltimore City, Washington, D.C., and Santa Clara County; an estimated 10% in Pima County; and approximately 30% in Baltimore County. Baltimore County's heavy use of service programs stems partly from the nature of the defendants it handles: all have failed to secure release at an earlier appearance before a magistrate. Although many of the defendants for whom services are arranged in the other jurisdictions were not released at an initial appearance, only Baltimore County constrains program activities to such defendants.

Another type of supervision, conducted in three jurisdictions, is direct "surveillance" by the programs themselves. In Santa Clara County

Pima County and Baltimore City, supervised defendants may be required to visit the program periodically, as well as maintain telephone contact with it.

Most programs try to locate defendants who fail to appear for court; only Pima County lacks such activities (on a routine basis). Five programs try to locate all defendants who were released on own recognizance or supervision. Two programs, in Baltimore County and Santa Cruz County, make location attempts only for the defendants they recommended for release. Although location attempts are usually made through telephone calls to the defendants or to the references they named when interviewed, Dade County will sometimes conduct a field search for a defendant. Such field activities used to be more common, both in Dade County and elsewhere (e.g., Washington, D.C., and Baltimore City), but budgetary difficulties have resulted in cutbacks.

Once located, defendants who failed to appear are encouraged to contact the court. They are also reminded of the penalties for failing to do so. For example, failure to appear may be prosecuted as a separate charge (as in Jefferson County, where failure to appear on a felony charge is itself a felony) or the program may recommend that the court rescind own recognizance release (as in Baltimore City).

The last aspect of program intervention shown in Table 2.4 concerns reporting on defendant compliance with release conditions. Four programs make such reports to the court for possible use in sentencing decisions. Although Washington, D.C., prepares reports on all guilty defendants released on own recognizance or supervision, the other three programs have more limited reporting: Baltimore County, for defendants recommended by the program for release, and Pima and Santa Clara Counties, for supervised defendants.

The last part of Table 2.4 provides overall intervention ratings for the eight programs. As with the earlier ratings for program scope, these must be considered descriptive only. A program with high scope may be conducting unneeded activities, while a low scope program may be providing the services most necessary (and desired) in the jurisdiction. Alternatively, a high scope program may meet local needs precisely, while a low scope program may deal with so few defendants that its impact is imperceptible.

As shown in Table 2.4, three programs have a high level of routine followup: Baltimore City, Washington, D.C., and Jefferson County. Each of these programs monitors weekly telephone calls from all defendants released on own recognizance, and two of the programs (Washington, D.C. and Jefferson County) also mail reminders of all court dates. The remaining five programs provide much more limited followup:

- Baltimore County and Dade County monitor weekly telephone calls, but usually only from defendants they recommended for release;
- Santa Cruz and Santa Clara Counties, in contrast, provide follow-up to all released defendants, but do not maintain weekly contact with them; and
- Pima County does not conduct routine followup.

In terms of supervision, the five programs (Baltimore City, Baltimore County, Washington, D.C., Pima County and Santa Clara County) with significant supervised release activities are rated high; the other three, low. For failure-to-appear response, the four programs (Baltimore City, Washington, D.C., Jefferson County and Santa Clara County) with high ratings try to locate all defendants on own recognizance or supervision who miss court appearances. The remaining programs either try to contact only defendants they recommended for release (Baltimore County, Dade County and Santa Cruz) or do not routinely try to locate persons who fail to appear (Pima County). Finally, for compliance reporting, the four programs that

make such reports (Baltimore County, Washington, D.C., Pima County and Santa Clara County) are rated high; the rest, low.

Table 2.4 also provides an aggregate rating, based on consideration of all four intervention factors. These ratings are somewhat arbitrary, except for Washington, D.C., rated high in each of the four areas and high in the aggregate, and Santa Cruz and Dade Counties, rated low on all factors and low overall. The other five programs have four combinations of high and low ratings on the individual factors. All were rated medium, other than Baltimore City, considered high because of high ratings for both routine followup and supervision (it also provides a high level of response to failures to appear). Santa Clara, the only other program with high ratings in three of the four areas, was rated medium overall because of low routine followup.

#### G. Program Role in Release Decisions

Besides a program's goals, scope and intervention, its role in release decisions merits consideration. This role is determined by the nature of the activities conducted, the types of release recommendations made, the manner in which the recommendations are developed and provided to releasing officials, and the impact of the recommendations, as shown in Table 2.5.

All of the programs provide recommendations to the court for use in release decisions. (Although Jefferson County technically provides only "information" on whether defendants are qualified for own recognizance, this information is used in the same way as "recommendations" in other jurisdictions.) In addition, the Santa Clara County program itself releases qualified defendants charged with misdemeanors, and the Washington, D.C., program provides recommendations to the police for use in citation (stationhouse) release decisions.

TABLE 2.5  
PROGRAM ROLE IN RELEASE PROCESS

CHARACTERISTIC	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	JEFFERSON CO.	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Nature of Program Activities:								
Release qualified defendants charged with misdemeanors								X
Provide recommendations to police for use in their citation release decisions			X					
Provide information to court for use in their release decisions	X	X	X	X	X	X	X	X
Types of Recommendations:								
Own recognizance	X	X	X	X	X	X	X	X
Not qualified for own recognizance			X	X	X	X	X	X
Bail	X	X					X	X
Supervision (including third party custody)	X	X	X			X		X
No recommendation ("neutral")			X			X	X	
Citation release			X					
Preventive detention hearing			X					
Recommendation Determined By:								
Point system or "objective" system	X		X		X			X
Subjective assessment		X		X		X	X	
Recommendation Provided:								
Orally	X	X	X	X	X	X		X
In writing		X	X	X		X	X	X
In separate report		X	X			X	X	X
Through interview form				X				
Impact of Recommendation:								
Percentage of interviewed defendants who are both recommended for OR and released on OR	49%	12%	58% <sup>a</sup>	12%	53%	30%	33%	57%
Percentage of interviewed defendants who are released on OR without a program recommendation for OR	7%	b/	5% <sup>c</sup>	b/	5%	9%	8%	b/
<sup>a</sup> Estimate; includes all nonfinancial releases for all courts.								
<sup>b</sup> Data not available.								
<sup>c</sup> Superior Court only; includes all nonfinancial releases.								
SOURCE: Information reported in delivery system analyses of individual jurisdictions, Working Papers Nos. 1-8.								

The types of recommendations made by the programs vary widely. Dade and Jefferson Counties have the most limited range of release recommendations: each of these programs indicates only whether the defendant is judged qualified or not qualified for own recognizance. Washington, D.C., and Pima County also recommend supervision, including third party custody, and sometimes make no recommendations, actions they describe as "neutral". In addition, Washington, D.C., makes two types of recommendations unique among the jurisdictions studied: for citation release and for a preventive detention hearing. Finally, four programs recommend bail in certain instances: Baltimore City, Baltimore County, Santa Clara County, and Santa Cruz County.

Three programs (Baltimore City, Jefferson County and Santa Clara County) use a point system to help develop their recommendations, while four programs rely on subjective assessments. Washington, D.C., uses a point system to develop its citation release recommendations and an objective system without points for all other cases.

Programs making subjective assessments state that they consider the same factors as are commonly included in point systems: residence, employment, criminal record, etc. In addition, Pima County, alone among the programs studied, considers the seriousness of the current charge when developing its release recommendations.

For subjective systems the weighting of the various factors is not indicated as explicitly as for point systems. However, even programs that use point systems report that they sometimes ignore the point totals and make a different recommendation, particularly if a defendant's score is close to the total needed for an own recognizance recommendation. As a result, the distinction between a point system and a subjective one may sometimes become blurred in practice.

All programs try to verify the information upon which recommendations are based by calling references provided by the defendant and checking criminal records. However, the Dade County program is unable to complete much of the verification process before court begins. Consequently, most of the information it gives the court is unverified.

Programs usually provide their recommendations both orally (e.g., through a program representative present during the court's release proceedings) and in writing. However, Baltimore City and Jefferson County (and Washington, D.C., in the case of citation releases) make only oral reports, and Santa Cruz County communicates only in writing. Five of the six programs that make written reports develop separate documents for this purpose; Dade County merely provides the interview form, which includes a section on program recommendations. Reports to the court are given only to the magistrate, except in Washington, D.C., and Pima County, where they are also shared with the prosecution and defense attorneys.

The impact of program recommendations is shown in the last part of Table 2.5. In terms of impact on own recognizance (OR) release, four programs have high percentages of defendants who are both recommended for OR and released on OR. These percentages range from 49% to 58% for the four programs: Baltimore City (49%), Washington, D.C., (58%), Jefferson County (53%) and Santa Clara County (57%). Both Pima and Santa Cruz Counties have about one-third of their interviewed defendants both recommended for, and released on, OR; the comparable rate for Baltimore and Dade Counties is 12%.

Another indicator of program impact is the extent to which defendants who are not recommended for OR are nevertheless released on OR. For the five jurisdictions where these data are available, between 5% and 10% of the defendants interviewed by a program but not given a recommendation

for OR release were in fact released on OR. This indicates that for some defendants programs are somewhat more conservative in their OR release policies than are the magistrates making the release decisions.

#### H. Point Systems

As indicated in the last section, four programs employ point systems in their development of release recommendations: Baltimore City, Jefferson County and Santa Clara County in all cases and Washington, D.C., for citation releases. Table 2.6 summarizes those point systems. As shown, each program awards positive points for residence, family ties and employment or substitutes (e.g., homemaker or student). Each program has also identified other factors for which positive points are awarded, although these factors vary from place to place. Points are deducted in each jurisdiction for prior convictions, and three programs deduct points for other reasons as well. Additionally, the programs commonly exclude certain defendants from eligibility, regardless of their point totals. For example, Baltimore City and Washington, D.C., both require verified area addresses.

As shown in Table 2.6, the number of points needed for an own recognizance recommendation and the point ranges in the jurisdictions are as follows:

- Baltimore City: 6 points needed, range of point system is -10 to +14;
- Washington, D.C.: 4 points needed, range of point system is -12 to +11;
- Jefferson County: 8 points needed, range of point system is -37 to +22; and
- Santa Clara County: 5 points needed, range of point system is -1 to +12.

Jefferson County has an unusually wide point spread: 59, as compared with 24 for the next widest point scale spread. Jefferson County is also the only program that has designed its point awards so that each defendant will



TABLE 2.6  
ANALYSIS OF POINT SYSTEMS

ITEM	POINT RANGE				AS A PERCENTAGE OF TOTAL POINTS NEEDED FOR OR RECOMMENDATION			
	BALTIMORE CITY, MARYLAND	WASHINGTON, D.C. (citations)	JEFFERSON COUNTY, KENTUCKY	SANTA CLARA COUNTY, CALIFORNIA	BALTIMORE CITY, MARYLAND	WASHINGTON, D.C. (citations)	JEFFERSON COUNTY, KENTUCKY	SANTA CLARA COUNTY, CALIFORNIA
<u>Positive Points:</u>								
Residence	0 to 5	0 to 3	1 to 5	0 to 3	0 to 83%	0 to 75%	13% to 63%	0 to 60%
Family Ties	0 to 3	0 to 4	0 to 4	0 to 3	0 to 50%	0 to 100%	0 to 50%	0 to 60%
Employment or Substitutes	0 to 4	0 to 4	0 to 5	0 to 3	0 to 67%	0 to 100%	0 to 63%	0 to 60%
Subtotal, Community Ties	0 to 12	0 to 11	1 to 14	0 to 9	0 to 200%	0 to 275%	13% to 176%	0 to 180%
Other Positive Points (see details below)	0 to 2	0 to 2 <sup>a</sup>	0 to 8	0 to 3	0 to 33%	0 to 50%	0 to 100%	0 to 60%
Subtotal, Positive Points	0 to 14	0 to 11 <sup>a</sup>	1 to 22	0 to 12	0 to 233%	0 to 325%	13% to 276%	0 to 240%
<u>Negative Points:</u>								
Prior Convictions	-4 to 0	-4 to 0	-5 to 0	-1 to 0	-67% to 0	-100% to 0	-63% to 0	-20% to 0
Other Negative Points (see details below)	-6 to 0	-8 to 0	-33 to 0	0	-100% to 0	-200% to 0	-413% to 0	0
Subtotal, Negative Points	-10 to 0	-12 to 0	-38 to 0	-1 to 0	-167% to 0	-300% to 0	-476% to 0	-20% to 0
TOTAL POINT RANGE	-10 to 14	-12 to 11	-37 to 22	-1 to 12	-167% to +233%	-300% to +325%	-463% to +276%	-20% to +240%
Points Needed for OR Recommendation	6	4	8	5	100%	100%	100%	100%

(CONTINUED)

TABLE 2.6 (CONTINUED)  
ANALYSIS OF POINT SYSTEMS

ITEM	POINT RANGE				AS A PERCENTAGE OF TOTAL POINTS NEEDED FOR OR RECOMMENDATION			
	BALTIMORE CITY, MARYLAND	WASHINGTON, D.C. (citations)	JEFFERSON COUNTY, KENTUCKY	SANTA CLARA COUNTY, CALIFORNIA	BALTIMORE CITY, MARYLAND	WASHINGTON, D.C. (citations)	JEFFERSON COUNTY, KENTUCKY	SANTA CLARA COUNTY, CALIFORNIA
<u>Analysis of "Other Positive Points":</u>								
Homeowner	0	0 to 1	0 to 3	0	0	0 to 25%	0 to 38%	0
Telephone	0	0 to 1	0 to 1	0	0	0 to 25%	0 to 13%	0
Health or Age Considerations	0 to 1	0	0	0 to 1	0 to 17%	0	0	0 to 20%
Prior Conviction Record	0	0	0 to 3	0 to 2	0	0	0 to 38%	0 to 40%
Special Responsibilities (e.g., children)	0 to 1	0	0	0	0 to 17%	0	0	0
Someone Expected at Arraignment	0	0	0 to 1	0	0	0	0 to 13%	0
<u>Analysis of "Other Negative Points":</u>								
Prior Failure to Appear	-4 to 0	-1 to 0	-30 to 0	0	-67% to 0	-25% to 0	-375% to 0	0
Drug Use	-2 to 0	-2 to 0	0	0	-33% to 0	-50% to 0	0	0
Prior Violation of Probation or Parole	-4 to 0	0	0	0	-67% to 0	0	0	0
Prior Escape	-4 to 0	0	0	0	-67% to 0	0	0	0
Currently Awaiting Trial	0	-5 to 0	0	0	0	-125% to 0	0	0
Currently on Probation or Parole	0	-5 to 0	0	0	0	-125% to 0	0	0
AWOL Record (Current Military Personnel Only)	0	0	-3 to 0	0	0	0	-38% to 0	0
<sup>a</sup> The 2 points in the "other" category are awarded only if they are needed for the defendant to reach the 4 point total required for an OR recommendation.								
SOURCE: Information reported in delivery system analyses of individual jurisdictions, Working Papers No. 1 (Baltimore City), 3 (Jefferson County), 7 (Santa Clara County), and 8 (Washington, D.C.).								

receive at least one positive point, based on residence. The other programs set their minimum values for each positive point category at zero.

Because each jurisdiction requires a different point total for an own recognizance (O.R.) recommendation, the weights reflected by the same point values may vary, e.g., two points represent half the total needed for an O.R. recommendation in Washington, D.C., but only one-fourth the number necessary in Jefferson County. To facilitate comparisons of the four point systems, therefore, Table 2.6 shows the points for each category as a percentage of the total points needed for an O.R. recommendation. As indicated, maximum positive points range from 233% of the required points in Baltimore City to 325% of the needed points in Louisville. Baltimore City and Washington, D.C., give greater weight to community ties factors (where they reflect maxima of 200% and 275%, respectively, of the points needed for an OR recommendation) than the other two programs. Jefferson County gives an unusually high weight to "other" factors; indeed, it is possible to accumulate all the points needed for an O.R. recommendation on the basis of these items alone.

Negative points range from a maximum of -20% of those needed for an O.R. recommendation in Santa Clara County to a maximum of -476% in Jefferson County. Prior convictions are weighted less heavily than "other" negative factors in all jurisdictions except Santa Clara County. Jefferson County provides unusually heavy weights for prior failure to appear: a total of 35 points, or 375% of the total needed for an O.R. recommendation, can be deducted for this item. Fifteen points are subtracted for a failure to appear (FTA) on a felony charge at any time; ten points for FTA on a misdemeanor charge within the last five years and five points for FTA on a traffic charge within the last two years.

Table 2.6 also indicates the specific items considered under the "other" positive and negative point categories. Both Washington, D.C.,

and Jefferson County award positive points for home ownership and having a telephone. Jefferson County also adds points if the defendant expects someone at arraignment or has no prior convictions. Santa Clara County is the only other jurisdiction to award points for prior record; in that case, points are added if the defendant has either no prior convictions or one misdemeanor conviction. Santa Clara County also increases the defendant's point total because of health or age considerations, as does Baltimore City. Finally, Baltimore City will add points to defendants' scores if they have special responsibilities (e.g., children needing their care). Thus, "other" positive points can be awarded for a variety of reasons in the four jurisdictions. These additions for "other" factors range from a maximum of 33% (Baltimore City) to a maximum of 100% (Jefferson County) of the total points required for an O.R. recommendation.

Several factors are also incorporated into "other" negative points, as shown in Table 2.6. The individual items listed for "other" negative points will not equal the total points shown earlier in Table 2.6 for this category. This situation occurs because of the way that programs group their items for deduction. For example, Baltimore City deducts a maximum of four points for prior FTA, escape or violation of probation or parole; if all of these events occurred, the point deduction maximum is four, not a multiple of four. The "other" negative point factors are listed as they are in Table 2.6 to facilitate comparisons among the four programs, rather than to show the groupings of items used in individual point systems (the detailed point systems for the programs are presented in the working papers describing the pretrial release delivery systems for those jurisdictions).

Table 2.6 shows, as was mentioned earlier, that Jefferson County makes a large deduction (up to 375% of the required point total) for prior failure to appear; Baltimore City and Washington, D.C., also subtract points

for this. Drug use deducts points in two jurisdictions, Baltimore City and Washington, D.C. Other deductions occur in Baltimore City for prior violation of probation or parole or for prior escape; in Washington, D.C., for defendants currently awaiting trial or on probation or parole; and in Jefferson County, for defendants in the military who have been absent without leave (AWOL). Santa Clara County does not deduct any points for "other" factors.

Because of the weights assigned, certain characteristics make it highly unlikely that a defendant will be eligible for an own recognizance release recommendation. For example, in Jefferson County, prior FTA can deduct as many as 30 points from a defendant's total score; this is 375% of the eight-point total needed for own recognizance release eligibility, based on the point system. Indeed, prior FTA in Jefferson County receives the greatest maximum weight of any single factor, positive or negative, in any of the sites studied. The next most heavily weighted items, each comprising as much as 125% of the point total needed for an OR recommendation, are "currently awaiting trial" and "currently on probation or parole" for Washington, D.C., citation cases.

#### I. Resources

Table 2.7 summarizes the financial and staff resources available to the eight programs. As shown, annual expenditures ranged from a low of \$59,420 in Santa Cruz County to a high of \$766,200 in Washington, D.C. Expenditure levels are declining only in Dade County; elsewhere, they are either increasing or not changing.

Funds are now commonly being provided by the county, city or State, although five programs (Baltimore City, Baltimore County, Washington, D.C., Pima County and Santa Clara County) had received LEAA funds in the past. Other Federal agencies had also aided these programs in prior years: the

TABLE 2.7  
PROGRAM RESOURCES

NOTE: Data are for FY 1977 for all programs except Dade, Jefferson and Santa Cruz Counties, where FY 1978 data are shown.

ITEM	BALTIMORE CITY, MARYLAND	BALTIMORE COUNTY, MARYLAND	WASHINGTON, D.C.	DADE COUNTY, FLORIDA	JEFFERSON COUNTY, KENTUCKY	PIMA COUNTY, ARIZONA	SANTA CRUZ COUNTY, CALIFORNIA	SANTA CLARA COUNTY, CALIFORNIA
Annual Expenditures	\$489,330 <sup>a</sup>	\$73,300	\$766,200 <sup>b</sup>	\$104,135	\$377,720	\$171,500 <sup>a</sup>	\$59,420	\$426,040
Budget Trend	LEVEL	UP	UP	DOWN	N.A.	UP	LEVEL	UP
Source of Funds	CITY	STATE	CONGRESS	COUNTY, STATE	STATE	COUNTY	COUNTY	COUNTY
Ever Received LEAA Funds?	YES	YES	YES	NO	NO	YES	NO	YES
Number of Staff:								
Permanent Staff	37	3	46 <sup>c</sup>	8	25	15	3	19
Public Service Employees (CETA workers)	54	0	0	0	0	0	1	4
Volunteers	0	0	5	0	0	60	0	0
Part-Time Staff	0	2	8	0	9	1	0	5
TOTAL STAFF	91	5	59	8	34	76	4	28
<sup>a</sup> From budgeted sums only; excludes CETA support.								
<sup>b</sup> Excludes LEAA grant of \$139,300 for development of computer system.								
<sup>c</sup> Excludes 14 vacant positions.								
SOURCE: Information reported in delivery system analyses of individual jurisdictions, Working Papers Nos. 1-8.								

Office of Economic Opportunity (OEO) had assisted both Baltimore City and Dade County, which had also been aided by the Model Cities Program, funded through the Department of Housing and Urban Development (HUD). Additionally, the Comprehensive Employment and Training Act (CETA) program of the Department of Labor has helped several pretrial release agencies by permitting them to supplement their staffs with Public Service Employees. As shown in Table 2.7, Baltimore City makes extensive use of these employees; they comprise more than half the staff there.

Beside Public Service Employees, pretrial release programs use volunteers and part-time workers (often law students) to increase their staff resources. Pima County relies heavily on student volunteers, who can receive college credit for their work at the program. Approximately one-third of the total Pima County staff time is provided by volunteers.

Table 2.8 presents information about the full-time, permanent staff members of the programs. As shown, all of the staff in Baltimore County and Dade County and about 75% of the staff in Baltimore City and Santa Clara County have worked at their respective programs for at least two years. Only about one-third of the staff in Washington, D.C., Pima County and Santa Cruz County have been employed at their programs that long. (Jefferson County's program was less than two years old at the time it was studied.)

Program staff are relatively well educated. More than half the staff members had college degrees, except in Baltimore City, Dade County and Jefferson County.

Two programs (Baltimore County and Dade County) had a preponderance of staff with prior criminal justice system experience. At most programs between one-fifth and one-third of the staff had such prior experience.

Most programs had a predominantly white staff; only Washington, D.C., and Dade County had a majority of blacks on their staffs. However, all

TABLE 2.8  
CHARACTERISTICS OF PROGRAM STAFF

CHARACTERISTIC	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	JEFFERSON CO.	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Number of Full-Time Permanent Staff (filled positions only)	37	3	46	8	25	15	3	19
Percent Employed By Program At Least Two Years	75%	100%	36%	100%	N.A.	33%	33%	73%
Percent With College Degree	38%	67%	96%	25%	41%	74%	67%	84%
Percent With Prior Criminal Justice System Experience	35%	67%	22%	63%	21%	33%	33%	37%
Percent White	70%	100%	47%	37%	68%	80%	67%	68%
Percent Male	76%	33%	52%	13%	50%	47%	0%	53%
Age: <sup>a</sup>								
Percent Under 25	19%	0%	82%	13%	65%	53%	0%	21%
Percent 26-30	46%	67%	4%	63%	18%	27%	100%	26%
Percent 31-45	22%	0%	13%	25%	15%	20%	0%	53%
Percent Over 45	13%	33%	0%	0%	3%	0%	0%	0%
<sup>a</sup> Percentages may not sum to 100 due to rounding error.								
SOURCE: Information reported in delivery system analyses of individual jurisdictions, Working Papers Nos. 1-8.								



programs except Baltimore County, Pima County and Santa Cruz County employed black staff members. In addition, Hispanics comprised about 20% of the staff in Pima and Santa Clara counties and one-third in Santa Cruz.

Four of the programs (Baltimore City, Washington, D.C., Jefferson County and Santa Clara County) had largely male staffs; the other four were primarily female. Most program staffs are relatively young, with from 47% (Santa Clara) to 100% (Santa Cruz County) of the employees under 30 years of age. Only three programs (Baltimore City, Baltimore County and Jefferson County) had any staff members who were over 45 years old.

#### J. Costs

It is difficult to derive accurate cost estimates for comparative purposes because of many factors, including:

- Some programs do not have to pay for selected items (e.g., office space, certain staff costs) which are included in the budgets of other programs.
- Programs, and other criminal justice agencies, rarely maintain their records so as to facilitate cost estimation and comparison.
- Programs may engage in vastly different activities, which are described with the same labels (e.g., "interviewing" may include extensive verification efforts or virtually none; "supervision" may require considerable staff intervention or very little).
- The cost of living varies greatly around the country; programs in more expensive areas can be expected to cost more than those in other areas.

Although program costs should be offset by any savings they cause, estimates of such savings are quite difficult to acquire. For example, the extent of savings in jail costs depends on whether program activities result in less detention than would otherwise occur. However, because the programs are operating, it is not possible to determine the amount of detention which would occur if they were not. (It was partly in response to such problems that we worked with four jurisdictions to develop the experiments discussed in Volume II. These experiments permit a comparison of defendant outcomes—detention, failure-to-appear, pretrial crime, etc.—with and

without program intervention. Such analysis also permits a more precise estimate of programs' costs and cost-effectiveness than is possible for the eight sites discussed in this volume.)

Despite the limitations of cost analysis for these eight sites, Table 2.9 provides the best estimates possible of program costs per defendant. These estimates are extremely rough ones, because of the many difficulties of determining costs, allocating them to such program activities as conducting interviews or providing supervision, and developing comparable data across sites. While the cost data presented are useful for assessing differences in the order of magnitude of various costs, they should not be used for more precise comparisons (for example, if costs of \$100 and \$10 are indicated, there can be reasonable confidence that the \$100 activity—or program—is substantially more costly than the other, but no such conclusion about cost differences should be drawn for estimates of \$100 and \$95).

As shown in Table 2.9, the cost per interview, based on dividing annual expenditures by annual interviews, ranged from \$11 in Dade County to \$41 in Pima County. For the four programs with supervision data, costs ranged from \$22 per supervised defendant in Baltimore County to \$371 per supervised defendant in Santa Clara County.<sup>1</sup> Such a wide cost range for supervision reflects the vastly different nature of the supervision provided in the various jurisdictions. As discussed earlier, under the section "Program Intervention," Baltimore County primarily refers defendants to local social service agencies, while Santa Clara County also monitors supervised defendants (who must call and/or visit the program periodically) throughout the release period.

Because some programs provide supervision, the cost per interview estimates were adjusted to reflect this. Programs' overhead costs were allocated to interview or supervision functions in the same proportion

TABLE 2.9  
PROGRAM COST ESTIMATES

Item	BALTIMORE CITY, MARYLAND	BALTIMORE COUNTY, MARYLAND	WASHINGTON, D.C.	DADE COUNTY, FLORIDA	JEFFERSON COUNTY, KENTUCKY	PIMA COUNTY, ARIZONA	SANTA CRUZ COUNTY, CALIFORNIA	SANTA CLARA COUNTY, CALIFORNIA
Annual Expenditures <sup>a</sup>	\$489,330	\$ 73,300	\$766,200 <sup>b</sup>	\$104,135	\$377,720	\$171,500	\$ 59,420	\$426,040
Number of Interviews Per Year	37,540	1,830	28,500	9,230	19,300	4,200	1,960	14,300
Cost Per Interview	\$13.03	\$40.05	\$26.88	\$11.28	\$19.57	\$40.83	\$30.32	\$29.79
Estimated Annual Cost of Supervision	c/	\$ 11,700	\$169,040 <sup>d</sup>	N.A.	N.A.	\$38,600	N.A.	\$230,000
Number of Defendants Supervised Per Year	c/	550	1,780	N.A.	N.A.	130	N.A.	620
Cost Per Supervised Defendant	c/	\$22	\$95	N.A.	N.A.	\$297	N.A.	\$371
Cost Per Interview, Adjusted for Supervision	\$13.03 <sup>c</sup>	\$33.66	\$20.95	\$11.28	\$19.57	\$31.64	\$30.32	\$13.71
Estimated Average Salary of Interviewers	\$10,000	\$12,000	\$12,500	\$ 9,200	\$ 8,000	\$ 8,000	\$14,500	\$12,300
Cost Per Interview, Adjusted for Supervision and Staff	\$24.54 <sup>c</sup>	\$33.66	\$21.54	\$11.28	\$19.57	\$42.31	\$36.23	\$16.46
Cost Per Interview Rating	LOW	HIGH	LOW	LOW	LOW	HIGH	HIGH	LOW
Number of Defendants Who Are Both Recommended For OR and Released On OR Per Year	18,395	220	16,515 <sup>e</sup>	1,110	10,230	1,260	650	8,150
Cost Per OR Release Affected By Program (Adjusted For Supervision and Staff)	\$50 <sup>c</sup>	\$335	\$37	\$94	\$40	\$141	\$109	\$29
Cost Per Release Rating	LOW	HIGH	LOW	HIGH	LOW	HIGH	HIGH	LOW
<sup>a</sup> From budgeted sums only; does not include expenditures for Public Service Employees or similar costs budgeted by other organizations (e.g., costs of space needed to conduct interviews at the jail). Data shown are for FY 1977 for all sites except Jefferson County and Santa Cruz County, where FY 1978 was used. <sup>b</sup> Excludes LEAA grant of \$139,300 for development of computer system. <sup>c</sup> The supervision component was in its early stages of development during the time period shown; estimates of the number of supervised defendants and the costs of supervision are not available. <sup>d</sup> Includes costs of routine followup for all defendants. <sup>e</sup> Estimate; includes all nonfinancial releases.								
SOURCE: Information reported in delivery system analyses of individual jurisdictions, Working Papers Nos. 1-8.								

**CONTINUED**

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as the direct costs of those functions (e.g., if supervision costs were one-half of interview costs, overhead costs were allocated one-third to supervision and two-thirds to interviewing). As shown in Table 2.9, the cost per interview, adjusted for supervision, ranged from \$11 in Dade County to \$34 in Baltimore County.

The cost per interview data were also adjusted to reflect the fact that some programs do not pay all their staff expenses from their own budgets. For example, Baltimore City makes extensive use of Public Service Employees, and Pima County relies heavily on volunteers. Since these staff generated opportunity costs (i.e., they could be used elsewhere if they were not employed in pretrial release activities), costs for their services were imputed and added to the programs' budgeted costs. For this purpose, the cost of a Public Service Employee or volunteer was estimated as 80 percent of the average salary of a permanent interviewer. (The average Public Service Employee or volunteer was not considered equivalent to the average interviewer, because of the greater demands that can be placed on permanent staff.)

Additionally, Public Service Employees were assumed to work full-time, while volunteers were estimated by the programs to work an average of about five hours per week each in Pima County and 13 hours per week each in Washington, D.C. Finally, all Public Service Employees and volunteers were assumed to work on interviewing activities, rather than supervision. This assumption was made because supervision at most programs requires greater skill and training than interviewing and thus could be presumed to be conducted primarily by paid permanent staff. Using these assumptions, and retaining the earlier cost adjustment for supervision, costs per interview ranged from \$11 in Dade County to \$42 in Pima County.

An interesting feature of these cost estimates is the way they vary by the number of defendants interviewed annually. This is illustrated in

Figure 2.1. As shown, the costs follow roughly a U-shaped pattern: the three programs (Baltimore County, Santa Cruz and Pima Counties) that interview the fewest defendants have the highest costs per interview; Dade County, with a moderate volume of interviews, has the lowest costs per interview; as the number of interviews becomes quite large, costs per interview increase, but they increase at a slower rate than for the earlier declines (i.e., the slope of a line connecting the low volume programs and Dade County on Figure 2.1 would be steeper than that of a similar line connecting the high volume programs and Dade County).

Figure 2.1 has implications for program planning. In particular, straight-line cost per interview projections should not be made. At low interview levels, the percentage cost increase associated with expanding the number of interviews may be less than the percentage change in interview volume; at high interview levels, these cost increases may be greater.

The last section of Table 2.9 considers program costs as related to own recognizance (OR) releases affected by program activities. This provides a rough measure of the cost of attaining program impact on the release process. For estimating purposes, an OR release was considered "affected by program activities" if the program recommended OR release and the defendant was released on OR. As shown, the costs per OR release affected by the program (retaining the earlier cost adjustments for supervision and staff) ranged from \$29 for Santa Clara County to \$335 for Baltimore County. Figure 2.2 relates these costs to the number of OR releases affected by the program annually. Once again, the programs with the fewest interviews had the highest unit costs. The four low-volume programs had unit costs ranging from \$94 for Dade County to \$335 for Baltimore County. Unit costs for the four high-volume programs ranged from \$29 for Santa Clara County to \$40 for Jefferson County.

FIGURE 2.1  
COST PER INTERVIEW COMPARED WITH ANNUAL NUMBER OF INTERVIEWS

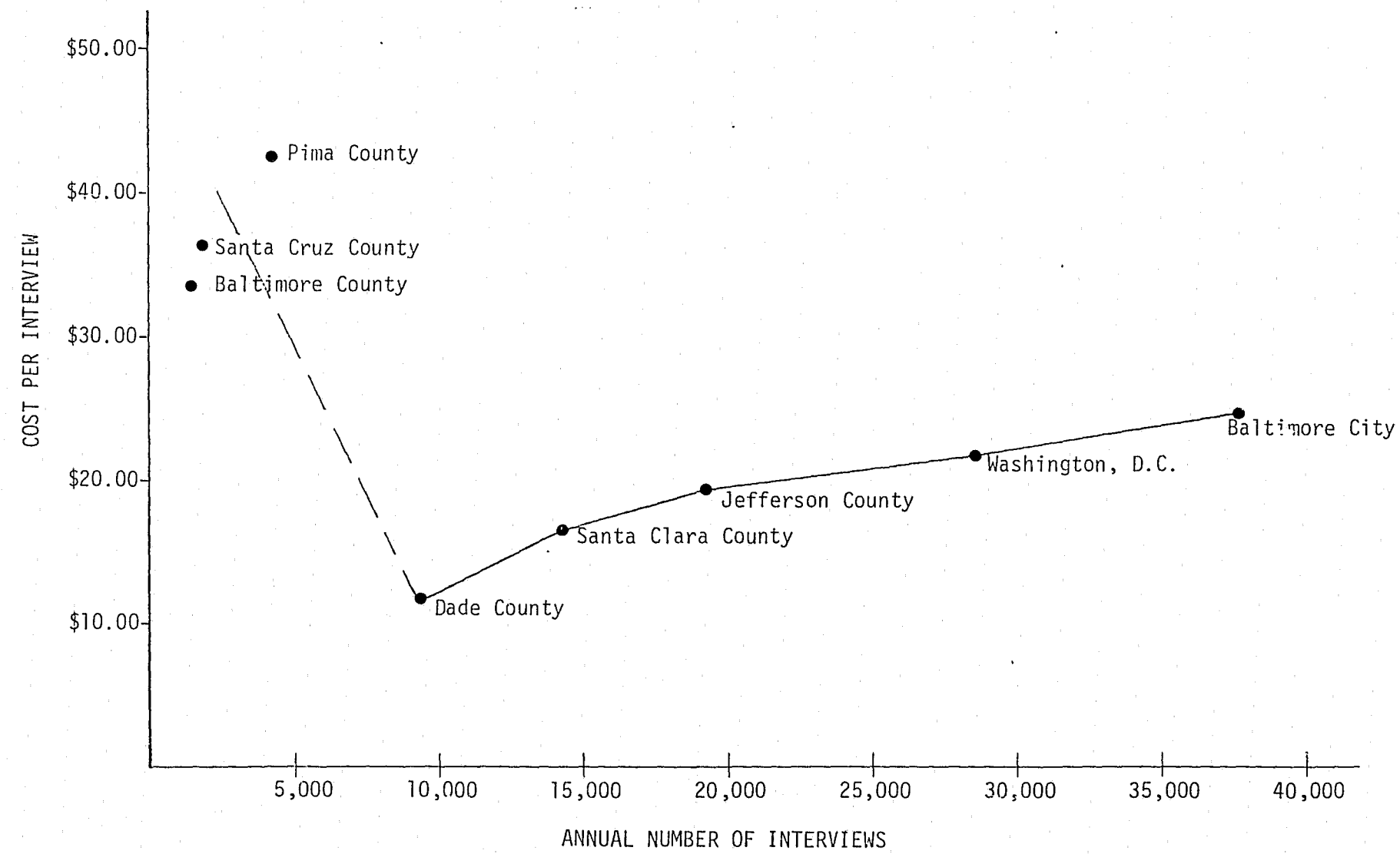
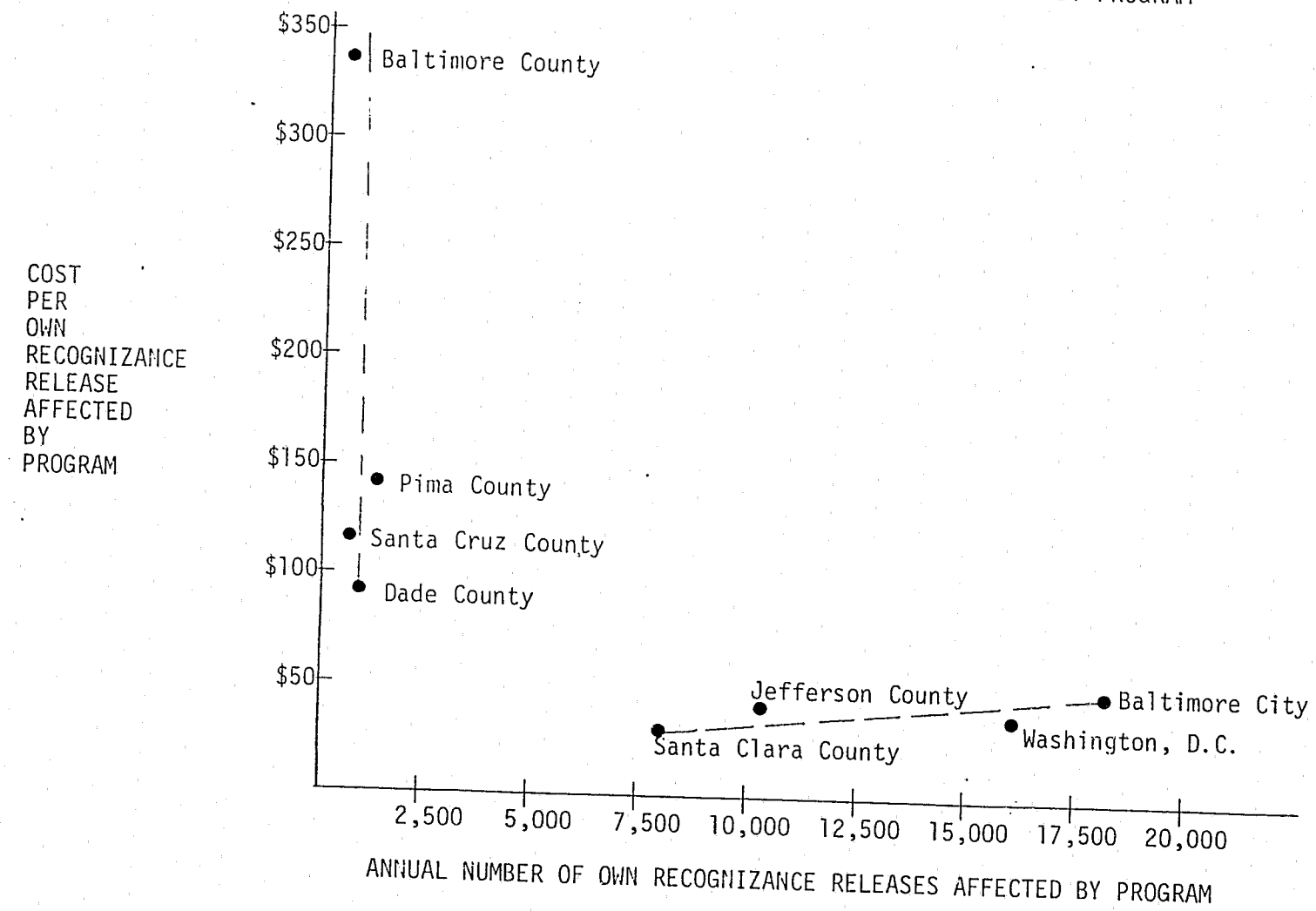


FIGURE 2.2  
COST PER OWN RECOGNIZANCE RELEASE AFFECTED BY PROGRAM  
COMPARED WITH ANNUAL NUMBER OF OWN RECOGNIZANCE RELEASES AFFECTED BY PROGRAM



As shown in Figure 2.2, the per-defendant costs of the low-volume programs vary considerably (from \$94 to \$335). This is not the case with the high-volume programs; their per-defendant costs vary within the narrow range from \$29 to \$40. Additionally, the high-volume programs show gradually increasing unit costs as volume rises. There is no discernible unit cost trend for the low-volume programs.

When compared with Figure 2.1, Figure 2.2 shows the greatest program shift for Dade County, which has low costs per interview, but high costs per OR release affected by the program. Although Dade County interviews a relatively large number of defendants, only 12% of those interviewed are both recommended for and released on own recognizance.

A limitation of the information displayed in Figure 2.2 stems from the measure used to assess program impact. Programs may, of course, affect the release process through mechanisms other than their impact on own recognizance release. For example, the mere provision of information may lead to changed release decisions, even if programs do not make recommendations regarding the type of release.

An additional limitation of the analysis presented is that there is usually no way to know whether OR releases "affected" by a program would have occurred without program intervention. Only Baltimore County operates so as to preclude this possibility, and even there defendants might eventually have secured release by posting bond. Consequently, program costs per release are probably higher than those shown in Figure 2.2. (As mentioned earlier, the experimental analyses discussed in Volume II deal with this issue of program impact on release.)

#### K. Criminal Justice System Characteristics Affecting Release

The activities of pretrial release programs are closely intertwined with the characteristics of the other criminal justice agents within the jurisdiction. Of particular importance are the jail conditions, the nature of the release authorities, the extent to which the prosecuting attorney and the defense attorney become involved in pretrial release deliberations, and the role of professional bondsmen.

Jail overcrowding played an important part in the histories of all eight programs. As shown in Table 2.10, four of the sites studied are currently experiencing jail overcrowding problems, with inmate populations exceeding jail capacity by percentages ranging from 24% in Pima County to 92% in Baltimore County. The four jurisdictions without overcrowded jails at the present time had them in the recent past. Thus, all eight jurisdictions have been under pressure to alleviate jail overcrowding, even though some of the sites have experienced declining arrest rates (see Table 2.1, presented earlier). In five sites (Baltimore City, Washington, D.C., Dade County, Santa Cruz County and Santa Clara County) jail conditions led to court cases, which provided additional pressure to reduce overcrowding.

In some jurisdictions jail overcrowding has been exacerbated by the lack of other facilities for persons with problems that prevent them from leading "normal" lives. A jailer in Santa Cruz County estimated that about 30% of the current inmates did not belong in jail, but rather in treatment programs which could deal with their drug or mental health problems. Because existing treatment facilities were not willing or able to take all potential referrals from the criminal justice system, these individuals remained in jail. Such situations occur even though most



TABLE 2.10  
SELECTED CRIMINAL JUSTICE SYSTEM CHARACTERISTICS

ITEM	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	JEFFERSON CO.	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Jail Overcrowding	Currently	Currently	In Past	In Past	In Past	Currently	In Past	Currently
Jail population as percentage of capacity in overcrowded sites <sup>a</sup>	133%	192%	n.a.	n.a.	n.a.	124%	n.a.	136% <sup>b</sup>
Reactions to jail overcrowding:								
Renovate existing jail		X	X	X		X	X	
Build new jail		Under Construction	Completed		Completed		Planned	
Expand pretrial release activities	X	X				X	X	X
House inmates elsewhere		X					X	
Nonfinancial release authorities:								
Judges	X	X	X	X	X	X	X	X
Court commissioners	X	X				X		X
Police officers			X			X	X	X
Sheriff							X	
Program officials								X
Bail schedule:								
Misdemeanors			X	X	X	X	X	X
Felonies			X	X			X	X
Present at release hearings:								
Prosecutor			X	X	X	X	X	
Defense attorney			X	X	X	X	X	
Percentage of defendants represented by public defender or court-appointed attorney	90%	n.a.	90%	65% <sup>c</sup>	50% <sup>c</sup>	85%	85%	75%
Number of bonding agents	15	5	3	100	0	3	3	13
<sup>a</sup> Data are for 1976 for Baltimore City, 1977 for Baltimore County, and 1978 for Pima County and Santa Clara County.								
<sup>b</sup> Main Jail only.								
<sup>c</sup> Felonies only.								
Source: Information reported in delivery system analyses of individual jurisdictions, Working Papers Nos. 1-8.								

jails are geared toward the routine processing of "normal" defendants, rather than the handling of persons with serious physical or psychological problems.

Jurisdictions have responded to jail overcrowding in various ways. A common reaction was to renovate the existing jail or to build a new one. All sites except Baltimore City and Santa Clara County have endorsed such jail capacity expansions.

Additionally, jurisdictions frequently supported increased activities by the pretrial release program.<sup>2</sup> Indeed, the Baltimore County and Santa Cruz County programs were established primarily in response to jail overcrowding. Moreover, jail conditions were an important consideration in both the initiation of the Santa Clara County program and the subsequent addition of a supervised release component to its activities. The development of supervised release in Pima County also coincided with increased concern over jail overcrowding. In Baltimore City the pretrial release program modified its operations in response to jail overcrowding problems: it expanded its staff to provide around-the-clock interviewing of defendants, decentralized its activities so that interviews could be conducted soon after arrest and initiated procedures for a second screening of the jail population to determine whether some detainees might be recommended for release (e.g., by verifying previously unverified information).

Finally, besides efforts to increase jail capacity or to decrease the number of detained defendants, jurisdictions have transferred inmates to other facilities to alleviate overcrowding. In Baltimore County some defendants are detained at police lock-ups located throughout the county rather than in the overcrowded central jail. In Santa Cruz

County in the past certain inmates were housed at the San Francisco County jail at San Bruno, approximately 40 miles away, under a contractual arrangement between the two counties.

All of the responses to jail overcrowding have posed problems for the local jurisdictions. Renovating existing facilities or building new ones are expensive propositions, particularly unattractive at a time when taxpayers in many communities are opposing increased governmental expenditures. Housing defendants elsewhere also presents difficulties. If space is available in a nearby jurisdiction, it will be costly to rent, and defendants' relatives, friends and attorneys will have long distances to travel to see them. Using police lock-ups as detention facilities is also unsatisfactory, since most of these lock-ups were designed as short-term holding cells, not as places for long-term residence. Finally, efforts to detain fewer defendants raise the possibility that persons of increasingly greater risk may be released. Partly because of these difficulties, several jurisdictions have implemented a multiple response to jail overcrowding in an effort to balance the increased costs of adding to jail capacity with the increased risks perceived as a likely outcome of higher release rates.

Another important aspect of the criminal justice system that affects pretrial release is the nature of the release authorities in the various jurisdictions. As shown in Table 2.10, judges make at least some non-financial release decisions in all the sites studied. In Baltimore City, Baltimore County and Santa Clara County, however, the judges' role is primarily to review earlier decisions made by court commissioners who, unlike judges, are not required to be attorneys (except in Santa Clara County). The police make nonfinancial release decisions in four jurisdictions

(Washington, D.C., Pima County, Santa Cruz County and Santa Clara County) by authorizing citation release for defendants charged with relatively minor offenses. The sheriff in Santa Cruz County and the program in Santa Clara County can also release such defendants. Moreover, the police and sheriffs are involved in the financial release process in jurisdictions with bail schedules. Each site except Baltimore City has a bail schedule for at least some charges; defendants who post bail based on these schedules often do so from the police station or jail, soon after booking.

When release hearings are held, both the prosecuting and defense attorneys are usually present in five of the jurisdictions (Washington, D.C., Dade County, Jefferson County, Pima County, and Santa Cruz County). If the defense counsel is a public defender or court-appointed attorney, as is usually the case, such counsel may be designated at the release hearing itself. Only in Washington, D.C., do representatives of the public defender's office attempt to determine the defendants who are likely to be assigned to them at the release hearing and to develop information pertinent to the release decision. Even these efforts begin only shortly before the release hearing and are quite limited in scope (e.g., the attorneys may try to verify unverified information obtained by the pre-trial release program). The public defender's office in Pima County used to engage in such activities as well but now relies almost exclusively on the information developed by the pretrial release program.

One situation in which prosecuting attorneys become especially concerned about release decisions involves arrests of "career criminals" in Jefferson County. Under Kentucky's persistent felon statute, persons convicted of two previous felonies are automatically sentenced to ten

years in prison if they are convicted a third time. For such defendants the prosecuting attorney makes every effort to prevent release by arguing for high money bail. According to local sources, more than 80% of the defendants prosecuted as career criminals in Jefferson County are in fact incarcerated pending trial.

In several jurisdictions, prosecutors will sometimes dismiss cases shortly after the pretrial release program has completed its interview and verification activities. To avoid wasting criminal justice processing efforts on cases which will not be prosecuted, the Santa Clara County prosecutor's office ran a "preprocessing center" in 1975-76. The center, which operated around-the-clock, reviewed the charges and evidence against defendants before booking, so that poor cases would be screened out of the criminal justice system as quickly as possible. Although the center's operations apparently led to a reduced number of bookings, the prosecutor's office decided not to seek additional funding for it.

In our interviews with them, prosecuting and defense attorneys alike frequently commented on the usefulness of the information provided by the pretrial release programs. In general these attorneys were supportive of their respective programs. Predictably, prosecutors were inclined to view the program as biased in favor of more liberal release policies than the prosecutors felt were justified. They often viewed release as a direct threat to their successful prosecution of a case. Many times, they maintained, release of a defendant jeopardized witness cooperation. In addition, prosecutors were more inclined than the defense attorneys to suggest that the court paid more attention to program and defense attorney suggestions than to prosecutors' suggestions regarding release. Most agreed, though, that the court tended to weigh both sides of the argument.

Although not a formal part of the criminal justice system, bonding agents have important roles in the release process in all jurisdictions except Jefferson County. Since commercial bonding for profit is illegal throughout the State of Kentucky, no bondsmen operate in Jefferson County. The number of bonding agents in the other jurisdictions varies from three to one hundred. These bondsmen play an important role in determining whether a defendant with financial release conditions set by the court will be freed or jailed pending trial.

Bondsmen in several jurisdictions commented to us that they were becoming less selective about their clientele, because increased rates of nonfinancial release had considerably diminished their universe of potential clients. Bondsmen blamed both pretrial release programs and liberal judges for this situation. Bondsmen sometimes complained that many defendants released on own recognizance (OR) had the financial means to post bail. Consequently, the bondsmen suggested that the community would be best served by a release policy that concentrated on bonds and supervised releases, rather than OR releases. In their view this would insure that only those defendants who were unable to post bail would require the services of a governmental agency. As a result, program costs could be reduced and taxpayers' money saved.

Two of the States represented by our sample of programs have especially powerful organizations of bonding agents. In both Florida and California these organizations have defeated efforts to pass State legislation that would facilitate the release of defendants without surety bond. Although legislation was passed in California in 1979 that established a 10% deposit bond option, the law as enacted was substantially less broad than the initial proposal. Partly due to the opposition of the bonding lobby, the law was restricted to misdemeanor charges, rather than applied to all

offenses; its implementation was delayed until January 1981; and a five-year limit on the law was set.

There are other features of the criminal justice process which deserve mention. One is the role of the police, who initiate the pretrial period through their arrests of defendants. In four jurisdictions (Washington, D.C., Pima County, Santa Cruz County and Santa Clara County) the police are directly involved in release decisions as well, because of their citation release authority. Moreover, police may participate indirectly in other release decisions by making criminal record information available to the pretrial release program and hence to the court.

In three jurisdictions, persons we interviewed raised the possibility that police officers might "over-charge" defendants (e.g., charge burglary instead of the less serious crime of petty theft). In Santa Cruz County, the prosecutor's screening process was thought to handle this problem adequately, since "excessive" charges would be reduced early in the criminal justice process. In Dade County, over-charging was considered limited to cases involving assaults on police officers. These situations are aggravated there by police perceptions that judges are too lenient with those who assault police officers and that charges are often inappropriately reduced from felonies to misdemeanors.

Santa Clara County tries to avoid police over-charging of defendants by requiring the arresting officer to complete a "bail affidavit." This form describes the circumstances of the arrest in detail, including whether weapons, injuries or drugs were involved in the alleged offense. The officer signs the form and declares under penalty of perjury that all the information provided is correct.

Besides their role in the arrest and release processes, the police are responsible for apprehending defendants who fail to appear for court,

when warrants are issued for the arrest of these individuals. Although most police departments reported that they were too understaffed to allocate much effort to this function, several indicated that they made special efforts to apprehend any defendants whose original arrest involved an assault on a police officer.

Police officers often commented to us that they thought many suspects were released too easily. This opinion was held even of lesser crimes, partly because such crimes often involve substantial police effort.

Another aspect of the criminal justice system that has affected the pretrial release process is court reform. Three of the States studied reorganized their court systems during the 1970's: Maryland in 1971, Florida in 1972 and Kentucky in 1976. Kentucky's court reform occurred very shortly after the Statewide pretrial release system was adopted and this confounds attempts to assess the impact of the changed release procedures alone.

As discussed above, many characteristics of the criminal justice system may affect pretrial release practices within a jurisdiction. These characteristics may also affect the acceptance level of a pretrial release program; a topic considered in the next section.

#### L. Program Integration into the Local Criminal Justice Sytem

The programs studied reflect different degrees of integration into their respective criminal justice systems: some programs are integral parts of those systems, while others function as satellites of them. High integration is shown by such characteristics as strong linkages with other parts of the criminal justice system, high visibility within the system, continued and perhaps increasing local financial support and a generally favorable—and widely expressed—disposition toward the program.

Five programs are considered to have high integration: Baltimore City, Washington, D.C., Jefferson County, Pima County and Santa Clara County. These programs are characterized by high levels of local support, maintained for more than five years in all cases except Jefferson County. There, the current program was authorized by State legislation in 1976. Additionally, these programs have high visibility and many linkages with other criminal justice system components. On the whole, the criminal justice system officials we interviewed in the programs' respective jurisdictions expressed high regard for the programs' operations.

The three programs with low integration—Baltimore County, Dade County and Santa Cruz County—have not received significant local support. Moreover, each of these programs was either being reorganized at the time it was studied (Baltimore County, Dade County) or was reorganized shortly thereafter (Santa Cruz County). These programs also had relatively low visibility and few strong linkages with other criminal justice system components. Interview responses from criminal justice system officials suggested that the programs were "tolerated," rather than "endorsed."

Table 2.11 summarizes several major indicators for the eight jurisdictions and programs studied. As shown, these indicators do not explain the observed differences in integration. For example, reported offenses for Index Crimes increased over a four-year period in two of the low program integration sites and in three of the high program integration jurisdictions. Arrests were down in two low integration and two high integration sites and up in all other locations. Thus, crime trends are not systematically correlated with high or low program integration.

All of the low integration programs had low ratings for their scope of operations. Although Pima County also had low scope, it had attempted

TABLE 2.11  
PROGRAM INTEGRATION, AS RELATED TO SELECTED  
COMMUNITY AND PROGRAM CHARACTERISTICS

CHARACTERISTICS	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	JEFFERSON CO.	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Program Integration	High	Low	High	Low	High	High	Low	High
Index Crimes, Four-Year Trend: <sup>a</sup> Reported Offenses	Down	Up	Down	Down	Up	Up	Up	Up
Arrests	Down	Down	Down	Down	Up	Up	Up	Up
Program Scope Rating	High	Low	High	Low	High	Low	Low	High
Program Intervention Rating (Aggregate)	High	Medium	High	Low	Medium	Medium	Low	Medium
Program Recommendation Impact	High	Low	High	Low	High	Medium	Medium	High
Basis of Recommendations	Point System	Subjective Assessment	Objective System	Subjective Assessment	Point System	Subjective Assessment	Subjective Assessment	Point System
Cost Per Interview Rating	Low	High	Low	Low	Low	High	High	Low
Cost Per OR Releasing Rating	Low	High	Low	High	Low	High	High	Low
Jail Overcrowding	Currently	Currently	In Past	In Past	In Past	Currently	In Past	Currently
<sup>a</sup> 1974-77 for all jurisdictions except Pima County and Santa Cruz County, where the 1973-76 period was used.								

to broaden its operations in the past (and after the time period of our study was successful in doing so once again).

In terms of program intervention, the low integration programs had low or medium ratings. But such ratings were not always associated with low integration. Jefferson County, Pima County and Santa Clara County each had medium intervention but high integration.

Only two programs received low ratings for program recommendation impact (based on the percentage of interviewed defendants who are both recommended for OR and released on OR, as shown in Table 2.5); both were low integration programs. The third low integration program received a medium rating for program recommendation impact. Four out of five high integration programs also had high ratings for this impact measure.

All three of the low integration programs based their recommendations on subjective assessments, rather than point systems. However, Pima County also used subjective assessments but had high integration.

Two of the three low integration programs had high costs per interview; however, the third program had the lowest costs of the eight sites. When program costs are considered in terms of the OR releases affected by the program (as discussed earlier, in Section J), the three low integration programs have either high or medium costs. Both of the programs with low costs have high integration. However, two programs with medium costs and one with high costs also have high integration.

Although two of the low integration sites are not currently experiencing jail overcrowding, the third has the worst overcrowding of any site studied. Thus, this factor, too, fails to explain differences in program integration satisfactorily. Such explanations must be based on combinations of the above factors as well as such additional considerations

as the local political climate and program impact on rates of release, failure to appear and pretrial criminality.

The programs studied usually possessed impact data, based on the defendants they interviewed and/or recommended for release. These data are reported in the individual working papers describing the pre-trial release system of each site. However, the data are rarely comparable across sites<sup>3</sup> and are often incomplete or inaccurate within a site (e.g., failure-to-appear rates may be available for defendants released on own recognizance but not for persons released on bond).

To overcome these limitations, we collected extensive data, using comparable definitions of outcomes, on a sample of defendants in each site. The results of the analyses of these data are presented in the following chapters.



FOOTNOTES

Chapter II

<sup>1</sup>Susan Weisberg conducted an extensive cost analysis of pretrial release programs. Based on 1974 data, she estimated supervision costs at \$180 per defendant for "low" supervision and \$360 per defendant for "high" supervision. See Susan Weisberg, Cost Analysis of Correctional Standards: Pretrial Programs (Washington, D.C.: U.S. Government Printing Office, LEAA, 1978), pp. 82-85.

<sup>2</sup>There is also some evidence that release decisions made on a daily basis may reflect the current jail population. An analysis of release in Washington, D.C., found a strong correlation between jail overcrowding and release rates: the greater the jail population, the lower the likelihood that financial release conditions would be set. See Jeffrey A. Roth and Paul B. Wice, Pretrial Release and Misconduct in the District of Columbia, PROMIS Research Project, Publication 16 (Washington, D.C.: Institute for Law and Social Research, draft dated November 1978), p. III-20.

<sup>3</sup>A 1973 survey found that 51 pretrial release programs were using 37 different methods of calculating failure-to-appear. See Hank Goldman, Devra Bloom and Carolyn Worrell, The Pre-Trial Release Program: Working Papers (Washington, D.C.: Office of Economic Opportunity, July 1973), pp. 21-22.

III. INTRODUCTION TO OUTCOMES ANALYSES

A. Background

Three broad issues of the evaluation concern the outcomes of defendants. These issues consider:

- the extent, types and correlates of release;
- failure-to-appear rates; and
- pretrial criminality.

To address these issues, we selected a sample of cases for detailed study from each of the eight jurisdictions. In general the sample was randomly selected from all arrests over a one-year period, with traffic charges other than driving while intoxicated excluded.

In two sites (Dade County and Santa Clara County), lack of records for a one-year period required analysis of a shorter time span. Moreover, in these same two sites the sample was not selected from all arrested defendants: in Dade County, the sample consisted of felony defendants only, and in Santa Clara County defendants released through field citations by the police were excluded. Despite the sampling limitations in Dade and Santa Clara Counties, there were compelling reasons for including them in the study. Dade County is one of the few jurisdictions in the south where the pretrial release program handles felony defendants (and, indeed, it handles felony defendants exclusively), and the Santa Clara County program is one of the few in the country that can itself release certain defendants.

Additionally, the sample for Jefferson County was selected only from defendants arrested within the Louisville city limits. Although the

pretrial release program serves the entire county, acquisition of arrest records from the suburban areas would have been inordinately time-consuming. Since the bulk of the arrests in Jefferson County occur within Louisville, the sample was limited to that area.

The size of the sample in each site was determined by the expected number of defendants who would have failed to appear for court or been arrested during the pretrial period. These estimates were based on data and approximations provided by the local jurisdictions and were sometimes inaccurate. Nevertheless, the sample in each site turned out to contain cases of both failure to appear and pretrial rearrest. Appendix A includes brief summaries of the release, failure to appear and pretrial crime outcomes for each site. Additionally, Appendix B provides a more detailed discussion of the sampling approach used in each site.

To analyze the eight sites in the aggregate, we weighted the data for each site to reflect the probability of selecting defendants from that site for study. This weighting was based on the total universe of arrested defendants used to select the individual site samples. Table 3.1 shows the sample size in each jurisdiction, the size of the universe from which the sample was selected, and the weighted sample size for the area.

Unless otherwise stated, all analyses in this report are based on weighted data. Calculations are rounded, where appropriate, to the nearest whole number. Because each number is rounded individually, rows and columns in the various tables will sometimes not add up to the precise total shown.

Because of the sampling approach used, the sample for each site should reflect the local situation regarding the characteristics of the

TABLE 3.1  
SAMPLE SIZE AND UNIVERSE BY SITE

JURISDICTION	SAMPLE SIZE (Unweighted)	SIZE OF UNIVERSE <sup>a</sup>	WEIGHTED SAMPLE SIZE
Baltimore City, Maryland	556	37,391	811
Baltimore County, Maryland	419	18,528	402
Washington, D.C.	442	30,000	651
Dade County, Florida	427	9,860 <sup>b</sup>	214
Louisville, Kentucky	435	19,200	416
Pima County, Arizona	409	16,534	359
Santa Cruz County, California	430	8,605	187
Santa Clara County, California	370	19,389 <sup>c</sup>	448
TOTAL	3,488	159,507	3,488
<sup>a</sup> All samples were drawn from one year's arrests excepting those in Dade County and Santa Clara County, which were from six months of arrests.			
<sup>b</sup> Felonies only.			
<sup>c</sup> Excludes defendants released on field citations by the arresting police officers.			

arrested defendants, the types of charges that are most prevalent in the jurisdiction, the release outcomes in the area, and the failure to appear and pretrial criminality experiences of released defendants. Since the jurisdictions vary considerably, as discussed in the preceding chapter, the samples also differ. For example, defendants are not prosecuted for public intoxication in Washington, D.C., but more than one-fourth of all arrests in Louisville are for drunkenness. Similarly, local residents arrested in Baltimore City had lived there more than 23 years on the average, as compared with 13 years for local residents arrested in Santa Cruz County, an area which attracts a large transient population. Consequently, analyses of aggregate data sometimes mask significant differences across sites. When they are important, such differences are discussed in the analyses presented in subsequent chapters.

#### B. Description of the Sample

To describe the sample, we selected nineteen variables which consider defendants' community ties, criminality and background characteristics. Table 3.2 shows the extent to which these data were available, both overall and for individual sites. As indicated, data were acquired for more than half the sampled defendants in each site for local residence, employment status, most serious arrest charge, criminal justice system status when arrested, age, ethnicity and sex. Of the variables shown, information was least complete for public assistance status and education level, where only three sites had data on more than half the sampled defendants.

##### 1. Community Ties

Community ties are considered in terms of residence (3 variables), family ties (4 variables), and employment-related indicators (3 variables).

TABLE 3.2  
PERCENTAGE OF CASES WHERE DATA ARE AVAILABLE FOR INDICATED ITEMS  
(n = 3,488)

ITEM	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	LOUISVILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
<u>Community Ties:</u>									
Local Residence	95%	98%	95%	97%	97%	91%	91%	90%	100%
Years of Local Residence (for local residents only)	75%	99%	18%	76%	51%	79%	61%	75%	93%
Months at Present Address	63%	95%	15%	71%	40%	69%	48%	24%	67%
Marital Status	73%	99%	22%	80%	54%	72%	56%	48%	97%
Family Support	65%	98%	20%	60%	43%	71%	57%	30%	77%
Number of Dependents	a/								
Living Arrangement	69%	97%	22%	74%	52%	72%	51%	44%	86%
Employment Status	91%	99%	92%	90%	95%	95%	66%	82%	99%
Occupation of Employed Defendants	97%	100%	93%	80%	100%	100%	86%	91%	100%
Last Occupation of Unemployed Defendants	60%	84%	43%	50%	22%	54%	11%	91%	78%
Public Assistance Status	47%	93%	8%	27%	23%	67%	7%	47%	50%

(CONTINUED)

TABLE 3.2 (CONTINUED)  
PERCENTAGE OF CASES WHERE DATA ARE AVAILABLE FOR INDICATED ITEMS  
(n = 3,488)

	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHING- TON, D.C.	DADE COUNTY	LOUIS- VILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
<u>Criminality:</u>									
Most Serious Current Charge	100%	100%	100%	100%	100%	100%	100%	100%	100%
Criminal Justice System Status When Arrested	89%	96%	99%	58%	100%	96%	91%	96%	100%
Number of Prior Arrests	a/								
Number of Prior Convictions	a/								
Age at First Adult Arrest	63%	70%	85%	43%	62%	69%	61%	47%	60%
<u>Background Characteristics:</u>									
Age At Arrest	100%	100%	100%	100%	100%	100%	98%	98%	100%
Ethnicity	93%	100%	99%	72%	100%	99%	89%	95%	100%
Sex	99%	100%	100%	100%	100%	99%	99%	99%	100%
Education	42%	93%	15%	70%	1%	0%	8%	67%	9%
a/ Missing data were coded as zeros; consequently, cases with missing data cannot be distinguished from cases having a value of zero. Information on the number of dependents was often not available. However, data on the number of prior arrests and number of prior convictions were ascertained for virtually all defendants (i.e., for more than 95% of the cases in the sample).									

Table 3.3 summarizes the sample characteristics for the residence variables. As shown, 95% of the sample were local residents, who had lived in the area an average of 20 years and at their present address for more than five years. The shortest periods of local residence occurred in the three western jurisdictions and Dade County.

Table 3.4 presents the family ties characteristics of the sample. More than half the defendants studied had never been married, and more than half the remaining defendants were separated, divorced or widow(er)ed. The highest proportions of married defendants occurred in Louisville and Santa Clara County (27.2% and 29.4%, respectively), and the lowest in Washington, D.C., and Pima County (16.7% each). As suggested by their marital status, few of the defendants (slightly more than one-third of the sample) were responsible for family support. Only about 20% of the defendants had one or more dependents in the area. About one-third of the sample lived with a parent or guardian, 22% with a spouse, 32% with another relative or an unrelated person and 13% alone.

Table 3.5 summarizes employment-related indicators. More than 40% of the defendants were unemployed at the time of arrest. The percentage unemployed ranged from about one-third in Baltimore County and the two California sites to almost one-half the sample in Baltimore City.

For employed defendants the most common occupational category was craftsperson or operative, followed by laborer. In every site except Washington, D.C., these categories accounted for more than half the occupations of the employed defendants; Washington, D.C., had a disproportionately large number of service workers. Santa Clara County had the highest percentage of employed defendants with professional, technical or managerial occupations (18.5%), while Washington, D.C., had the lowest (4.1%). For unemployed defendants, their last occupation had most often been laborer

TABLE 3.3  
RESIDENCE CHARACTERISTICS  
(n = 3,488)

CHARACTERISTIC	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	LOUISVILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Local Residence: <sup>a</sup>									
Defendant is local resident	95.2%	98.3%	96.4%	97.7%	87.9%	96.0%	87.6%	87.2%	96.2%
Defendant is not local resident	4.8%	1.7%	3.6%	2.3%	12.1%	4.0%	12.4%	12.8%	3.8%
TOTAL (= 100%) <sup>b</sup>	(3,331)	(792)	(382)	(632)	(207)	(379)	(325)	(167)	(448)
Years of Local Residence: <sup>a,c</sup>									
Mean number of years	20.1	23.4	d	21.3	17.3	22.7	15.1	12.8	14.8
One	4.0%	1.1%	0.9%	2.2%	3.2%	3.3%	12.1%	10.6%	7.7%
Two	2.8%	0.9%	1.6%	3.2%	3.2%	3.0%	5.0%	4.3%	4.3%
Three	2.7%	1.1%	0.9%	2.5%	1.6%	1.3%	3.5%	5.1%	6.7%
Four or five	5.0%	3.8%	1.8%	3.5%	5.3%	3.0%	8.0%	9.0%	8.6%
Six through ten	8.3%	3.6%	4.5%	5.7%	16.6%	5.6%	13.1%	21.2%	15.6%
Eleven through fifteen	6.3%	3.8%	8.5%	5.0%	9.1%	5.0%	8.5%	14.5%	9.2%
Sixteen through twenty	22.6%	25.6%	26.1%	21.8%	23.5%	22.5%	21.6%	14.9%	19.6%
Twenty-one through thirty	35.1%	40.9%	45.0%	44.2%	31.6%	36.8%	19.6%	15.7%	23.3%
More than thirty	13.2%	19.2%	10.6%	12.0%	5.9%	19.5%	8.5%	4.7%	4.9%
TOTAL (= 100%) <sup>b</sup>	(2,376)	(775)	(66)	(467)	(94)	(289)	(175)	(111)	(401)

(CONTINUED)

TABLE 3.3 (CONTINUED)  
RESIDENCE CHARACTERISTICS  
(n = 3,488)

CHARACTERISTIC	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	LOUISVILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Months at Present Address: <sup>a</sup>									
Mean number of months	64.8	73.2	d	73.1	d	52.9	d	d	50.1
1-3 months	17.0%	16.0%		11.5%		16.0%			16.0%
4-6 months	9.9%	6.4%		12.5%		10.0%			13.9%
7-12 months	14.0%	12.6%		12.8%		15.7%			20.5%
13-24 months	10.4%	10.6%		9.9%		11.0%			11.1%
25-60 months	17.6%	18.4%		21.4%		18.6%			14.0%
61-120 months	13.0%	14.1%		11.9%		15.4%			11.5%
121-240 months	12.4%	14.8%		11.2%		13.0%			9.8%
More than 240 months	5.7%	7.0%		8.7%		0.3%			3.3%
TOTAL (= 100%) <sup>b</sup>	(2,184)	(775)	(60)	(459)	(86)	(287)	(172)	(44)	(300)
<sup>a</sup> Significant at the .0000 level. <sup>b</sup> Missing data excluded from total. <sup>c</sup> For local residents only; n = 3,171. <sup>d</sup> Data available for less than half the cases.									



TABLE 3.4  
FAMILY TIES CHARACTERISTICS  
(n = 3,488)

CHARACTERISTIC	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	LOUISVILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
<u>Marital Status:</u> <sup>a</sup>									
Married	21.0%	18.4%	c	16.7%	18.9%	27.2%	16.7%	c	29.4%
Separated, divorced or widow(er)ed	23.5%	26.2%		19.8%	16.2%	25.2%	13.2%		28.2%
Never married	55.5%	55.4%		63.6%	64.9%	47.6	70.0		42.4
TOTAL (= 100%) <sup>b</sup>	(2,548)	(801)	(89)	(521)	(114)	(300)	(199)	(89)	(435)
<u>Type of Family Support:</u> <sup>a</sup>									
Child support and/or alimony	16.2%	20.3%	c	17.7%	c	23.2%	11.2%	c	2.1%
Other family support	20.8%	18.2%		9.8%		24.2%	21.1%		35.8"
None	63.0%	61.5%		72.5%		52.6%	67.7%		62.1%
TOTAL (= 100%) <sup>b</sup>	(2,256)	(792)	(80)	(390)	(92)	(297)	(203)	(55)	(347)
<u>Number of Dependents in Area:</u> <sup>a</sup>									
Mean number of dependents	0.51	0.90	0.08	0.38	0.35	0.86	0.41	0.43	0.29
None (or missing data)	79.3%	63.7%	95.0%	84.2%	87.8%	66.2%	82.6%	88.8%	87.9%
One	7.6%	13.7%	2.6%	6.3%	2.3%	12.6%	6.4%	2.6%	3.6%
Two	5.0%	8.1%	2.0%	3.8%	4.0%	8.0%	3.7%	2.1%	3.8%
Three	3.7%	6.8%	0.1%	2.7%	2.6%	5.5%	4.2%	1.4%	2.2%
Four or five	3.0%	5.4%	0.3%	1.6%	2.1%	5.5%	2.9%	1.2%	1.9%
Six or more	1.4%	2.4%	0.0%	1.3%	1.2%	2.0%	0.2%	4.0%	0.5%
TOTAL (= 100%)	(3,488)	(811)	(402)	(651)	(214)	(416)	(359)	(187)	(449)

(CONTINUED)

TABLE 3.4 (CONTINUED)  
FAMILY TIES CHARACTERISTICS  
(n = 3,488)

	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHING- TON, D.C.	DADE COUNTY	LOUIS- VILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
<u>Living Arrangement:</u> <sup>a</sup>									
Lives with parent or guardian	33.6%	35.9%	<sup>c</sup>	37.1%	36.0%	34.0%	28.4%	<sup>c</sup>	27.4%
Lives with spouse	21.5%	17.6%		18.7%	18.9%	25.3%	18.7%		32.2%
Lives with other relative	15.5%	20.0%		16.0%	12.2%	12.8%	14.4%		11.1%
Lives with unrelated person	16.8%	16.1%		18.1%	14.0%	15.1%	19.2%		16.2%
Lives alone	12.5%	10.5%		10.1%	18.9%	12.8%	19.2%		13.1%
TOTAL (=100%) <sup>b</sup>	(2,418)	(789)	(89)	(480)	(111)	(299)	(182)	(81)	(386)
<sup>a</sup> Significant at the .0000 level. <sup>b</sup> Missing data excluded from total. <sup>c</sup> Data available for less than half the cases.									

TABLE 3.5  
EMPLOYMENT-RELATED INDICATORS  
(n = 3,488)

INDICATOR	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHING- TON, D.C.	DADE COUNTY	LOUIS- VILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
<u>Employment Status:</u> <sup>a</sup>									
Employed fulltime	52.8%	48.2%	58.0%	47.1%	52.6%	56.0%	47.4%	59.8%	62.0%
Unemployed	41.3%	48.4%	32.4%	46.3%	40.0%	38.6%	44.0%	34.8%	33.2%
Fulltime student	4.0%	2.4%	6.3%	5.1%	6.2%	2.2%	6.7%	2.3%	3.0%
Employed and student	1.0%	1.1%	1.2%	1.3%	0.7%	0.7%	1.5%	1.1%	0.6%
Housewife	0.9%	0.0%	2.0%	0.3%	0.5%	2.4%	0.4%	2.0%	1.1%
TOTAL (= 100%) <sup>b</sup>	(3,181)	(799)	(369)	(582)	(202)	(396)	(235)	(153)	(444)
<u>Occupation of Employed Defendants:</u> <sup>a,c</sup>									
Professional, technical, mana- gerial or administrative	9.9%	9.1%	11.1%	4.1%	5.7%	6.9%	8.2%	10.9%	18.5%
Sales or clerical	11.1%	12.7%	11.4%	12.2%	8.6%	8.6%	8.2%	8.2%	12.3%
Craftsperson or operative	35.7%	35.5%	41.5%	33.7%	45.0%	44.0%	40.4%	42.5%	21.0%
Laborer	26.6%	33.0%	15.7%	15.5%	19.6%	29.7%	15.6%	18.1%	39.5%
Farm, service or private house- hold worker or armed forces	16.7%	9.7%	20.2%	34.5%	21.1%	10.8%	27.5%	20.2%	8.6%
TOTAL (= 100%) <sup>b</sup>	(1,625)	(403)	(199)	(218)	(105)	(222)	(96)	(84)	(299)

(CONTINUED)

TABLE 3.5 (CONTINUED)  
EMPLOYMENT-RELATED INDICATORS  
(n = 3,488)

	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHING- TON, D.C.	DADE COUNTY	LOUIS- VILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
<u>Last Occupation of Unemployed Defendants:</u> <sup>a,d</sup>									
Professional, technical, mana- gerial or administrative	3.5%	2.7%	e	0.0%	e	3.5%	e	3.6%	9.5%
Sales or clerical	10.5%	9.9%		16.5%		9.3%		6.3%	10.7%
Craftsperson or operative	23.3%	21.0%		20.9%		25.6%		39.6%	15.9%
Laborer	44.3%	53.1%		28.6		37.2%		28.8%	57.4%
Farm, service or private house- hold worker or armed forces	18.4%	13.3%		34.1%		24.5%		21.6%	6.5%
TOTAL (= 100%) <sup>b</sup>	(787)	(327)	(51)	(134)	(18)	(82)	(11)	(48)	(116)
<u>Public Assistance Status:</u> <sup>a</sup>									
Receiving public assistance	15.7%	18.1%	e	e	e	7.2%	e	e	12.6%
Not receiving public assistance	84.3%	81.9%				92.8%			87.4%
TOTAL (= 100%) <sup>b</sup>	(1,628)	(751)	(33)	(178)	(50)	(279)	(25)	(87)	(225)
<sup>a</sup> Significant at the .0000 level. <sup>b</sup> Missing data excluded from total. <sup>c</sup> For persons employed fulltime when arrested only; n = 1,680. <sup>d</sup> For persons unemployed when arrested only; n = 1,314. <sup>e</sup> Data available for less than half the cases.									

(44.3%), followed by craftsperson or operative (23.3%) and farm, service, private household worker or armed forces (17.1%).

Approximately one-sixth of the defendants or their families were receiving public assistance. Reasonably complete data (i.e., for 50% or more of the cases) were available only for three sites: Baltimore City, where 18.1% of the defendants received public assistance; Louisville, 7.2%; and Santa Clara County, 12.6%.

## 2. Criminality

Criminality is considered in terms of the most serious current charge and four variables concerning prior record. Table 3.6 shows the charge distribution in terms of the Uniform Crime Reports (U.C.R.) classification used by the Federal Bureau of Investigation (FBI). "Part I" crimes are criminal homicide, forcible rape, robbery, aggravated assault, burglary and theft (including motor vehicle theft). Overall, 31% of the sample was charged with Part I offenses. Not surprisingly, the highest percentage of Part I charges occurred in Dade County, where only felony charges were studied. Baltimore County and Washington, D.C., also had relatively high proportions of defendants charged with Part I crimes: 44% and 40%, respectively. The fewest Part I charges (about 22% of the total) occurred in Louisville and the two California sites.

Although the FBI's crime categorization reflects overall crime severity, it provides little insight about specific crime groupings of interest. For example, both Part I and Part II offenses include crimes against both persons and property. To facilitate analysis of these types of crimes, we used a six-part categorization:

- crimes against persons (murder, nonnegligent manslaughter, forcible rape, robbery, aggravated assault, other assaults, arson);

TABLE 3.6  
MOST SERIOUS CURRENT CHARGE (BY CHARGE GROUPS)  
(n = 3,488)

CHARGE <sup>a</sup>	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	LOUISVILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Part I crimes	31.2%	27.3%	44.1%	39.6%	47.2%	22.6%	27.1%	21.6%	22.2%
Part II crimes	68.8%	72.7%	55.9%	60.4%	52.8%	77.4%	72.9%	78.4%	77.8%
Crimes against persons	18.0%	22.2%	19.2%	19.2%	27.2%	21.9%	11.5%	7.9%	9.0%
Economic crimes	26.2%	22.7%	39.3%	29.2%	31.9%	21.9%	24.2%	22.3%	20.5%
Drug crimes	10.5%	10.8%	9.1%	8.4%	27.7%	6.2%	13.2%	11.2%	7.9%
Crimes against public morality	10.4%	7.8%	6.3%	12.0%	2.8%	34.3%	5.1%	6.7%	3.3%
Crimes against public order	29.2%	29.4%	19.9%	26.9%	8.7%	12.9%	36.4%	47.0%	52.3%
Miscellaneous crimes	5.7	7.0%	6.2%	4.3%	1.6%	2.8%	9.5%	4.9%	6.8%
TOTAL (=100%) <sup>b</sup>	(3,483)	(808)	(401)	(651)	(213)	(416)	(359)	(187)	(449)
<sup>a</sup> Significant at the .0000 level. <sup>b</sup> Missing data excluded from total.									

- economic crimes (burglary, larceny, theft, forgery, fraud, embezzlement, stolen property);
- drug crimes (distribution or possession of narcotics or marijuana);
- crimes against public morality (prostitution, sex offenses other than forcible rape or prostitution, gambling, liquor law violations, drunkenness);
- crimes against public order (weapons, driving while intoxicated, disorderly conduct, vagrancy, minor local offenses); and
- miscellaneous crimes (malicious destruction, offenses against family and children, failure to appear, violations of parole, conspiracy, possession of implements of crime, and other crimes).

As shown in Table 3.6, the most common crime category was crimes against public order (29.2%), followed by economic crimes (26.2%), crimes against persons (18.0%), drug crimes (10.5%), crimes against public morality (10.4%), and miscellaneous crimes (5.7%). The two California jurisdictions had disproportionately large numbers of defendants charged with crimes against public order (approximately half the sample in each site). Dade County had relatively high percentages of defendants charged with crimes against persons (27.2%) and with drug crimes (27.7%). Baltimore County had a high percentage of charges for economic crimes (39.3%) and Louisville, for crimes against public morality (34.3%).

Table 3.7 provides more detailed information on the most serious charges faced by the defendants in the sample. Interesting observations concerning this 35-charge distribution include:

- Almost half the defendants sampled in Santa Clara County were arrested for driving while intoxicated (DWI); Santa Cruz County also had a high incidence of DWI arrests (30% of the total), as well as a disproportionately high rate of arrests for minor local offenses (12%, as compared with 2% for the overall sample).
- Approximately one-fourth of the sample was arrested on a single charge in Baltimore County (larceny/theft) and Louisville (drunkenness). Louisville also had twice the incidence of simple assaults that was found in the total sample (16% versus 8%).

TABLE 3.7  
MOST SERIOUS CURRENT CHARGE (BY INDIVIDUAL CHARGES)  
(n = 3,488)

CHARGE <sup>a</sup>	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	LOUISVILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Murder and voluntary manslaughter	0.6%	0.7%	0.1%	0.9%	0.9%	0.0%	1.0%	0.5%	0.5%
Involuntary manslaughter	0.1%	0.0%	0.1%	0.0%	0.2%	0.2%	0.2%	0.2%	0.3%
Forcible rape	0.7%	0.5%	1.2%	0.5%	0.5%	0.5%	0.7%	0.2%	1.4%
Robbery	3.5%	2.9%	4.1%	7.5%	6.8%	1.4%	1.5%	0.9%	1.4%
Aggravated assault	5.2%	6.0%	5.6%	6.3%	10.1%	3.7%	4.6%	1.6%	2.7%
Simple assault	7.8%	12.1%	8.1%	4.1%	8.7%	15.7%	3.4%	4.4%	2.5%
Arson	0.1%	0.0%	0.0%	0.0%	0.0%	0.5%	0.0%	0.0%	0.3%
Subtotal, crimes against persons	(18.0%)	(22.2%)	(19.2%)	(19.2%)	(27.2%)	(21.9%)	(11.5%)	(7.9%)	(9.0%)
Burglary	6.6%	3.4%	6.3%	9.7%	14.8%	4.8%	6.1%	4.7%	7.1%
Larceny or theft (excl. auto)	12.4%	11.7%	24.3%	11.3%	9.6%	11.3%	11.5%	12.3%	7.4%
Auto theft	2.1%	2.0%	2.4%	3.4%	4.2%	0.7%	1.5%	1.2%	1.4%
Forgery or counterfeiting	1.1%	0.5%	1.4%	2.0%	0.9%	0.7%	0.5%	0.0%	2.2%
Fraud	2.2%	3.8%	2.7%	1.1%	1.6%	2.1%	1.5%	2.6%	1.4%
Embezzlement	0.2%	0.0%	0.0%	0.9%	0.0%	0.0%	0.0%	0.0%	0.0%
Stolen property	1.5%	1.3%	2.2%	0.7%	0.7%	2.3%	3.2%	1.6%	1.1%
Subtotal, economic crimes	(26.2%)	(22.7%)	(39.3%)	(29.2%)	(31.9%)	(21.9%)	(24.2%)	(22.3%)	(20.5%)

(CONTINUED)



TABLE 3.7 (CONTINUED)  
MOST SERIOUS CURRENT CHARGE (BY INDIVIDUAL CHARGES)  
(n = 3,488)

CHARGE <sup>a</sup>	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	LOUISVILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Narcotics distribution	1.6%	1.4%	2.1%	0.2%	3.1%	1.2%	2.4%	0.5%	2.7%
Narcotics possession	3.3%	2.9%	1.8%	3.8%	12.2%	1.4%	2.0%	1.9%	4.1%
Marijuana distribution	0.9%	0.2%	1.2%	0.2%	2.1%	1.2%	3.2%	0.7%	0.5%
Marijuana possession	4.7%	6.3%	4.0%	4.1%	10.3%	2.5%	5.6%	8.1%	0.5%
Subtotal, drug crimes	(10.5%)	(10.8%)	(9.1%)	(8.4%)	(27.7%)	(6.2%)	(13.2%)	(11.2%)	(7.9%)
Prostitution or commercial vice	2.8%	1.1%	0.3%	9.5%	0.2%	4.1%	0.7%	0.0%	1.1%
Other sex offenses	0.8%	1.3%	0.4%	0.7%	1.4%	0.5%	0.2%	0.5%	0.8%
Gambling	1.3%	3.6%	1.6%	0.9%	1.2%	0.2%	0.0%	0.0%	0.0%
Liquor law violations	1.8%	1.1%	4.0%	0.7%	0.0%	3.5%	3.2%	4.0%	0.3%
Drunkenness	3.7%	0.7%	0.0%	0.2%	0.0%	26.0%	1.0%	2.3%	1.1%
Subtotal, crimes against public morality	(10.4%)	(7.8%)	(6.3%)	(12.0%)	(2.8%)	(34.3%)	(5.1%)	(6.7%)	(3.3%)
Weapons	3.8%	3.6%	1.9%	6.6%	8.2%	1.8%	4.2%	1.6%	2.5%
Driving while intoxicated	15.7%	4.2%	8.9%	17.6%	0.5%	4.8%	19.8%	30.0%	47.7%
Disorderly conduct	6.8%	17.3%	6.5%	2.7%	0.0%	3.9%	6.4%	3.5%	1.4%
Vagrancy	1.0%	1.4%	1.5%	0.0%	0.0%	1.6%	2.9%	0.2%	0.3%
Minor local offenses	1.9%	2.9%	1.1%	0.0%	0.0%	0.7%	3.2%	11.6%	0.5%
Subtotal, crimes against public order	(29.2%)	(29.4%)	(19.9%)	(26.9%)	(8.7%)	(12.9%)	(36.4%)	(47.0%)	(52.3%)

(CONTINUED)

TABLE 3.7 (CONTINUED)  
MOST SERIOUS CURRENT CHARGE (BY INDIVIDUAL CHARGES)  
(n = 3,488)

CHARGE <sup>a</sup>	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	LOUISVILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Malicious destruction	1.6%	2.9%	2.0%	0.9%	0.0%	1.4%	0.7%	1.6%	1.4%
Offenses against family and children	0.3%	0.2%	0.1%	0.2%	0.2%	0.2%	0.5%	0.0%	1.1%
Failure to appear	0.6%	0.5%	0.0%	2.0%	0.0%	0.0%	0.0%	0.2%	0.3%
Violation of parole	0.4%	1.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%
Conspiracy	0.1%	0.0%	0.0%	0.0%	0.2%	0.2%	0.2%	0.2%	0.0%
Possession of implements of crime	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%	0.0%	0.0%	0.0%
Other	2.7%	1.8%	4.0%	1.1%	1.2%	0.7%	8.1%	2.8%	3.8%
Subtotal, miscellaneous crimes	(5.7%)	(7.0%)	(6.2%)	(4.3%)	(1.6%)	(2.8%)	(9.5%)	(4.9%)	(6.8%)
TOTAL (=100%) <sup>b</sup>	(3,483)	(808)	(401)	(651)	(213)	(416)	(359)	(187)	(449)
<sup>a</sup> Significant at the .0000 level. <sup>b</sup> Missing data excluded from total.									

- Baltimore City experienced a higher rate of arrests for disorderly conduct than the other sites (17%, as compared with 7% for the jurisdiction with the next highest rate, Baltimore County).
- Washington, D.C., had relatively high arrest rates for robbery (7.5% versus 3.5% for the total sample) and prostitution (9.5% versus 2.8% for the total sample).
- Dade County's arrest rates for aggravated assault, burglary and weapons charges were approximately twice those of the total sample. Somewhat surprisingly, for a site where only felony charges were studied, the arrest rate for marijuana possession was also twice that of the total sample.

Besides the current charge, prior record information provides insight about the defendant sample. As shown in Table 3.8, approximately one-fourth of the defendants studied were already involved with the criminal justice system (CJS) at the time of arrest. The most common type of CJS involvement was that the defendants were on probation (10.5% of the total sample), followed by awaiting trial on another charge (6.7%), paroled (3.9%) and other (2.7%).

Washington, D.C., and Santa Clara County had the highest rates of defendant involvement with the CJS (35.3% and 31.4%, respectively), while Louisville and Santa Cruz County had the lowest (15.4% and 13.6%, respectively). Although Louisville had a low overall rate of CJS involvement, it had a disproportionately large percentage of defendants on pretrial release at the time of the arrest studied (11.3% versus 6.7% for the total sample). Of the defendants with CJS involvement in Louisville, almost three-fourths of them were on pretrial release, rather than probation and parole. In the other jurisdictions, defendants with CJS involvement at the time of arrest were more likely to be on probation or parole than on pretrial release.

Washington, D.C., had an especially high incidence of defendants

TABLE 3.8  
PRIOR RECORD  
(n = 3,488)

INDICATOR	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	LOUISVILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
<u>Criminal Justice System Status at Time of Arrest:</u> <sup>a</sup>									
On pretrial release	6.7%	1.9%	6.6%	7.1%	4.9%	11.3%	7.3%	3.9%	12.1%
On probation	10.5%	14.5%	10.7%	11.4%	11.8%	2.6%	7.5%	7.5%	12.4%
On parole	3.9%	4.1%	3.7%	11.4%	0.9%	1.4%	3.8%	2.2%	1.9%
Other CJS involvement (including combinations of above)	2.7%	0.2%	6.1%	5.6%	4.2%	0.0%	1.8%	0.0%	5.0%
No CJS involvement	76.2%	79.3%	72.8%	64.7%	78.1%	84.6%	79.6%	86.4%	68.6%
TOTAL (=100%) <sup>b</sup>	(3,108)	(775)	(395)	(375)	(213)	(398)	(326)	(179)	(446)
<u>Number of Prior Arrests:</u> <sup>c</sup>									
Mean number of arrests	4.4	4.5	3.2	2.3	4.8	8.3	5.1	3.5	4.6
None (or missing data) <sup>d</sup>	39.4%	27.2%	44.1%	54.1%	37.0%	30.8%	39.9%	52.1%	39.5%
One	14.7%	15.5%	15.6%	14.9%	14.3%	15.6%	15.2%	9.8%	13.2%
Two	8.0%	10.1%	8.8%	7.7%	8.2%	6.4%	8.1%	8.1%	5.5%
Three	5.4%	7.9%	3.1%	3.8%	4.2%	6.0%	4.6%	4.2%	6.3%
Four or five	9.3%	12.1%	7.2%	7.9%	8.9%	8.3%	9.3%	8.1%	9.9%
Six through ten	11.9%	15.3%	13.6%	7.2%	13.8%	13.6%	9.5%	8.1%	11.8%
More than ten	11.3%	12.1%	7.6%	4.3%	13.6%	19.3%	13.4%	9.5%	14.0%
TOTAL (=100%)	(3,488)	(811)	(402)	(651)	(214)	(416)	(359)	(187)	(449)

(CONTINUED)

TABLE 3.8 (CONTINUED)  
PRIOR RECORD  
(n = 3,488)

	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHING- TON, D.C.	DADE COUNTY	LOUIS- VILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
<u>Number of Prior Convictions:</u> <sup>c</sup>									
Mean number of convictions	1.85	1.56	1.48	1.11	2.07	2.64	2.65	2.09	2.20
None (or missing data) <sup>d</sup>	53.1%	45.5%	59.7%	64.3%	55.3%	45.1%	54.5%	60.0%	47.4%
One	16.6%	20.3%	13.1%	17.2%	12.9%	17.2%	14.9%	11.6%	17.0%
Two	9.1%	11.5%	8.0%	7.2%	7.7%	10.1%	10.3%	7.9%	7.9%
Three	5.6%	7.4%	6.6%	2.5%	3.7%	7.4%	2.4%	5.8%	7.7%
Four or five	7.0%	9.5%	5.9%	3.6%	10.3%	6.7%	6.8%	5.8%	7.4%
Six through ten	5.3%	4.9%	5.1%	3.4%	6.3%	9.0%	4.6%	4.0%	6.3%
More than ten	3.2%	0.9%	1.7%	1.8%	3.7%	4.6%	6.4%	4.9%	6.3%
TOTAL (=100%)	(3,488)	(811)	(402)	(651)	(214)	(416)	(359)	(187)	(449)
<u>Age at First Adult Arrest:</u> <sup>a</sup>									
Mean number of years of age	23.2	23.8	23.0	e	21.2	25.2	22.3	e	22.3
Under 21	60.6%	57.1%	66.4%		71.6%	53.0%	63.5%		69.1%
22 - 25	15.9%	16.3%	12.8%		12.1%	13.4%	19.7%		9.7%
26 - 29	7.5%	7.2%	7.2%		6.8%	10.7%	5.6%		7.8%
30 - 35	6.7%	8.3%	4.8%		5.3%	7.7%	6.8%		6.0%
Over 35	9.2%	11.1%	8.9%		4.2%	15.1%	4.4%		7.4%
TOTAL (=100%) <sup>b</sup>	(2,175)	(565)	(341)	(278)	(132)	(285)	(218)	(89)	(267)
<sup>a</sup> Significant at the .0000 level.					<sup>c</sup> Significant at the .0001 level.				
<sup>b</sup> Missing data excluded from total.					<sup>d</sup> Data were missing for less than 5% of the defendants.				
					<sup>e</sup> Data available for less than half the cases.				

on parole. Almost three times as many defendants in Washington, D.C., were on parole when arrested than in the total sample (11.4% versus 3.9%).

Table 3.8 also indicates the number of prior arrests and convictions for the sample. The mean number of prior arrests was 4.4 overall and ranged from 2.3 in Washington, D.C., to 8.3 in Louisville. Although 39% of the sample had no prior arrests that we could determine, almost one-fourth of the defendants had more than six previous arrests, and 11% had more than ten.

The mean number of convictions for the sample was less than half the mean number of arrests: 1.85, as compared with 4.4. Louisville and Pima County had the highest mean number of convictions (2.64 and 2.65, respectively), and Washington, D.C., had the lowest (1.11).

Data on age at first adult arrest are available for 63% of the sample. These defendants had a mean age of 23.2 years when first arrested as adults. Defendants had the lowest mean age (21.2 years) in Dade County, the site where only felony charges were sampled, and the highest (25.2 years) in Louisville. Sixty percent of the total defendants for whom these data are available were under 21 years of age when first arrested as adults; in Dade County more than 70% of the sample was under 21 years old at the time of the first adult arrest.

### 3. Background Characteristics

Table 3.9 presents selected background information on the sampled defendants. As shown, defendants averaged 29.5 years of age when arrested for the charge studied. Defendants were youngest in Baltimore County (27.3 years) and oldest in Louisville (32.0 years). Almost half (47.7%) the sample was under 26 years of age when arrested, and more than one-fourth (27.2%) was under 22 years old. Approximately one-fourth (23.0%)

TABLE 3.9  
BACKGROUND CHARACTERISTICS  
(n = 3,488)

CHARACTERISTIC	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHING- TON, D.C.	DADE COUNTY	LOUIS- VILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
<u>Age at Arrest:</u> <sup>a</sup>									
Mean number of years of age	29.5	29.4	27.3	29.9	28.0	32.0	29.3	28.1	30.1
Under 21	27.2%	28.5%	37.4%	22.7%	29.5%	23.4%	28.4%	28.0%	23.3%
22 - 25	20.5%	19.5%	22.7%	21.1%	21.8%	16.8%	21.1%	24.9%	20.3%
26 - 29	15.4%	16.2%	10.9%	17.2%	15.5%	14.7%	14.7%	16.6%	15.6%
30 - 35	13.9%	13.2%	11.6%	17.0%	16.2%	12.4%	11.4%	12.8%	15.3%
Over 35	23.0	22.6%	17.4%	22.0%	17.1%	32.6%	24.4%	17.6%	25.5%
TOTAL (=100%) <sup>b</sup>	(3,474)	(808)	(402)	(649)	(214)	(416)	(353)	(183)	(449)
<u>Ethnicity:</u> <sup>c</sup>									
Black	44.1%	68.1%	27.3%	89.0%	48.7%	37.8%	9.1%	4.4%	12.7%
Hispanic	9.3%	0.7%	0.3%	1.6%	15.5%	0.2%	27.2%	20.4%	29.5%
White	45.6%	30.6%	72.4%	9.4%	35.1%	61.9%	59.1%	73.5%	56.2%
Other	1.0%	0.5%	0.0%	0.0%	0.7%	0.0%	4.7%	1.7%	1.7%
TOTAL (=100%) <sup>b</sup>	(3,243)	(810)	(395)	(470)	(214)	(413)	(319)	(177)	(446)

(CONTINUED)

TABLE 3.9 (CONTINUED)  
BACKGROUND CHARACTERISTICS  
(n = 3,488)

CHARACTERISTIC	ALL SITES	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	LOUISVILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
<u>Sex:</u> <sup>d</sup>									
Male	84.9%	82.8%	85.9%	83.2%	88.3%	84.9%	88.4%	86.3%	85.1%
Female	15.1%	17.2%	14.1%	16.8%	11.7%	15.1%	11.6%	13.7%	14.9%
TOTAL (=100%) <sup>b</sup>	(3,467)	(807)	(400)	(649)	(214)	(412)	(355)	(184)	(446)
<u>Education:</u> <sup>c</sup>									
College graduate	3.0%	1.4%	e	1.6%	e	e	e	8.8%	e
Some college	12.6%	9.6%		10.7%				24.2%	
High school and/or vocational school graduate	27.4%	24.9%		30.6%				32.3%	
Some high school	42.5%	45.9%		45.9%				22.1%	
Less than high school	14.5	18.3		11.1				12.6	
TOTAL (=100%) <sup>b</sup>	(1,467)	(757)	(61)	(452)	(3)	(1)	(29)	(124)	(41)
<sup>a</sup> Significant at the .0001 level. <sup>b</sup> Missing data excluded from total. <sup>c</sup> Significant at the .0000 level. <sup>d</sup> Not significant at the .05 level. <sup>e</sup> Data available for less than half the cases.									



of the sample was over 35 years of age, with Louisville having an especially high percentage (32.6%) of defendants in this age group.

By ethnicity the sample was 46% white, 44% black, 9% Hispanic and 1% other (American Indian or Oriental). The samples were predominantly white in Santa Cruz County (73.5%), Baltimore County (72.4%), Louisville (61.9%), Pima County (59.1%) and Santa Clara County (56.2%) and primarily black in Washington, D.C. (89.0%) and Baltimore City (68.1%). Dade County had more black than white defendants (48.7% versus 35.1%) and also had a relatively large group of Hispanics (15.5% of the sample). Other sites with relatively high Hispanic representation in the sample were Santa Clara County (29.5%), Pima County (27.2%) and Santa Cruz County (20.4%).

The sample was 85% male and 15% female. There were no statistically significant differences by sex across the eight sites.

Education data are available for 42% of the total sample and are reasonably complete for three sites (Baltimore City, Washington, D.C., and Santa Cruz County). Less than half (43.0%) the defendants graduated from high school or vocational school; 43% dropped out of high school; and 15% never attended high school. For the three sites with reasonably complete data, the highest education level occurred in Santa Cruz County, where one-third of the defendants had attended college. The least educated defendants were in Baltimore City: almost two-thirds of them had received less than a high school education.

### C. Overview of Outcomes Analyses

The next three chapters present the analyses of defendant outcomes for the eight-site sample. Chapter IV considers release outcomes, including rates of release and detention, the most common types of release secured (e.g., own recognizance, money bail), the correlates of release,

and the extent to which release outcomes can be predicted.

Chapters V and VI analyze failure to appear and pretrial criminality, respectively for released defendants. This includes analysis of the incidence and correlates of failure to appear and pretrial criminality, identification of the most important factors associated with each, and consideration of the accuracy with which either failure to appear or pretrial criminality might be predicted at the time of release.

Technically, the findings and conclusions of these analyses can only be considered representative of the defendant universes from which the samples were selected. Thus, the findings reflect the situations in eight jurisdictions for roughly the 1976-77 time period. It was not possible to sample from a national universe of defendants (or even from a national universe of pretrial release programs), so that the findings would directly represent those for the nation as a whole. However, the fact that many of the same patterns appear in the various sites studied, despite the differences among those sites and among the characteristics of defendants arrested within them, suggests that the findings may be broadly applicable to other jurisdictions as well.

## CHAPTER IV. THE RELEASE PROCESS AND OUTCOMES

### A. Overview of Release Process

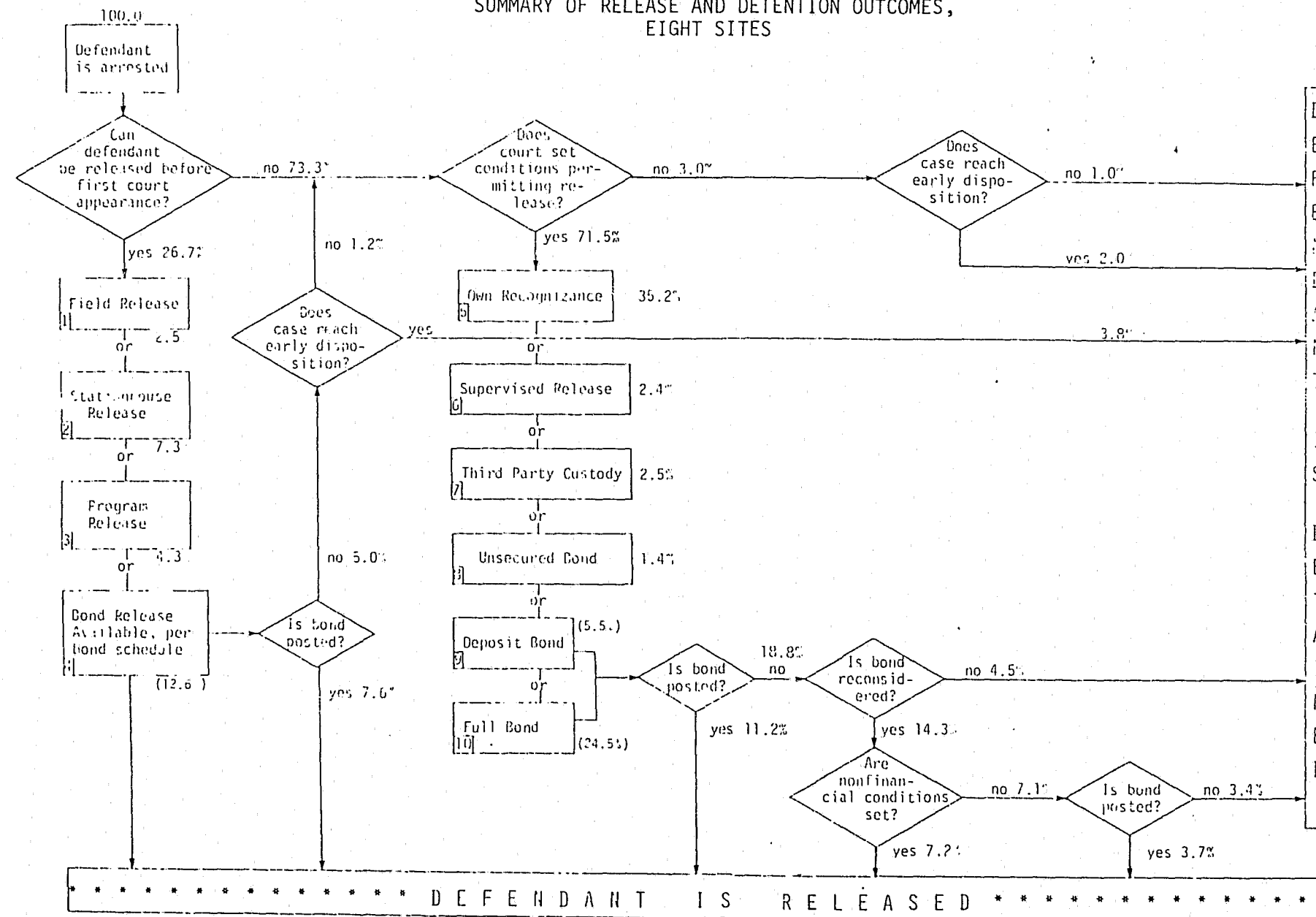
The eight sites considered in this volume use a variety of release alternatives; as shown in Figure 4.1. After arrest, there are several ways that a defendant can secure release without appearing before a court magistrate. First, the arresting officer may make a field release of the defendant. This procedure, used for minor charges, is similar to issuing a traffic ticket and does not require taking the defendant into custody. If the person is taken to a police station or jail for booking, station-house release may be authorized, again by law enforcement officials. In Santa Clara County a similar release process operates under the authority of the local pretrial release program.

Additionally, some jurisdictions have bail schedules, which prescribe bail amounts for various charges. Defendants arrested on such charges can secure release at any time by posting the bonds indicated.

Defendants who are not released through one of these mechanisms will usually appear before a magistrate within a few hours. At that time the magistrate will either set conditions that could permit the defendant's release or, in unusual cases, order the person detained until trial. In most of the sites studied, the magistrate receives information about most defendants from the local pretrial release program and considers these data when making release decisions. (Almost 70% of the defendants in the sample were interviewed, and recommendations were made for about two-thirds of those interviewed.)

A variety of conditions can be set which permit a defendant's release. Own recognizance (O.R.) release usually requires only a promise by the defendant to appear for court. Some jurisdictions attach other conditions

FIGURE 4.1  
SUMMARY OF RELEASE AND DETENTION OUTCOMES,  
EIGHT SITES



to O.R. release, such as a requirement to call the program periodically or to reside within the area until trial, but defendants are rarely prosecuted for violations of these conditions.

Supervised release sometimes entails the defendant's reporting to a social service agency for treatment (for drug, alcohol or mental health problems) or employment assistance. Often, however, supervision consists only of more frequent reporting to the pretrial release program than is required for defendants on own recognizance release.

Under third party custody release, a third party is formally charged with responsibility for the defendant and can, if necessary, return the defendant to court for reconsideration of release conditions. The third party may be a social service agency, relative, friend or pretrial release program.

Instead of these nonfinancial release conditions, magistrates may require the posting or promise of money bond. The least restrictive financial condition is unsecured bond; in this case the bond amount must be paid to the court only if the defendant fails to appear. Both deposit bond and full bond require the defendant to raise money before release can be obtained. Under deposit bond a percentage (usually around 10%) of the bail amount is posted with the court, and most of that "deposit" is returned if the defendant appears for court. Failure to appear, however, makes the defendant (or other person who posted the bond) liable for its face value. Full bond is usually arranged through a surety (bondsman), who requires payment of a nonrefundable fee (commonly about 10% of the bond amount) for this service.

Jurisdictions usually have a formal process for reconsidering the bond amounts of defendants who are detained because they cannot make bail.

At this reconsideration ("bail review") any type of release may be ordered: nonfinancial release conditions may be set, or the bond may be lowered, remain unchanged, or even be raised. A defendant not released at bail review may, of course, secure release prior to trial by raising the bond amount (or, more commonly, the bondsman's fee).

Table 4.1 shows the number of defendants in the study sample who received the various types of release. Table 4.1 incorporates the final release type for defendants who had their initial release conditions changed at bail review. As indicated, the most common release outcomes were own recognizance (42% of the sample) and full bond (almost 20% of the sample). In addition, about 15% of the sample was detained until trial. Of those detained, 80% could not make their bonds, and 20% were either ordered detained until trial or never had a release option determined, because of early adjudication of the case.

Table 4.2 shows the types of release included in the sample for the individual sites studied. As shown, only own recognizance and full bond were included for all sites.

As illustrated in Figure 4.1, the release process involves a variety of criminal justice system officials and provides a number of release options. The process also encompasses several stages at which a defendant may secure release, including arrest, booking, initial appearance before a magistrate and bail review. This process can be viewed as a sorting mechanism, which at each stage permits additional defendants to secure release. The net result of the process is to separate defendants into two groups: released and detained. The next section of this chapter considers the differences between those two groups in detail.

Although the comparison of released and detained defendants provides

TABLE 4.1  
RELEASE OUTCOMES FOR STUDY SAMPLE  
(n=3469)

Release Outcomes	Defendants	
	Number	Percent
Field release or stationhouse release	336	9.7%
Program release	149	4.3%
Bond release, per bond schedule, prior to appearance before magistrate (full bond)	264	7.6%
Own recognizance	1,449	41.8%
Supervised release or third party custody	197	5.7%
Deposit bond	168	4.8%
Full bond or unsecured bond, after appearance before magistrate	395	11.4%
Subtotal, released defendants	(2,958)	(85.3%)
Bond not made	405	11.7%
Detained (either ordered detained or release option never determined)	106	3.1%
Subtotal, detained defendants	(511)	(14.7%)
TOTAL sample	3,469 <sup>a</sup>	100.0%

<sup>a</sup>Precise release outcome was unavailable for 19 defendants.

TABLE 4.2  
RELEASE TYPES IN THE STUDY SAMPLE, BY SITE

Release Type	BALTIMORE CITY	BALTIMORE COUNTY	WASHING- TON, D.C.	DADE COUNTY	LOUIS- VILLE	PIMA COUNTY	SANTA CRUZ	SANTA CLARA
Field release						X	X	<u>a/</u>
Stationhouse release			X				X	
Program release								X
Bond release, per bond schedule, prior to appearance before magistrate			X	X	X	X	X	X
Own recognizance	X	X	X	X	X	X	X	X
Supervised release	X	X	X		X	X		X
Third party custody			X	X				
Unsecured bond		X	X		X	X		
Deposit bond	X		X		X			
Full bond	X	X	X	X	X	X	X	X

<sup>a</sup>Although field release is used in Santa Clara, these cases were excluded from the study sample.

much insight about the release process, it is important to remember that a released defendant may have been jailed for a longer period of time than a detained defendant. This can occur because some cases are adjudicated at the initial appearance (e.g., a defendant charged with disorderly conduct may plead guilty and pay a fine), so that a person who was technically detained until trial may have been jailed only a few hours. On the other hand, a defendant who was released only after relatives raised the required bond amount might have been detained for several weeks, or even months, before the funds were obtained. Thus, the length of time detained is an important consideration in the analyses presented in subsequent sections.

After the analysis of released versus detained defendants, the chapter compares defendants released on nonfinancial conditions with those released through financial means. Finally, the chapter assesses magistrates' release decisions by comparing the defendants for whom nonfinancial release conditions were set with those for whom financial conditions were imposed. This analysis includes only the defendants whose release conditions were determined by a magistrate, not the defendants who secured release through another means (e.g., field release by a police officer).

The analyses of the setting of nonfinancial versus financial release conditions and the securing of nonfinancial versus financial release are both important. The former provides insight concerning the magistrates' decision-making processes; the latter analysis cannot address this issue, because magistrates do not know the eventual release outcomes of their decisions involving financial release conditions. The latter analysis is important, because of the assessments in subsequent chapters of defendant behavior during the pretrial period. Of particular interest in these

assessments is whether the failure to appear and pretrial criminality experiences of released defendants differ according to the conditions (nonfinancial or financial) attached to the release or are related to the factors most likely to lead to these differing types of release.

## B. Analysis of Release and Detention

### 1. Release Rates

The overwhelming majority of defendants in the sample gained release pending trial. Of the 3,459 persons for whom release information was available, 85.3% (2,958) were released. The majority of those not released were defendants who had not made their bails. While only 3.1% (106) of the defendants were detained outright, 11.7% (405) were allowed bail but did not gain release. Those who did not make their bails comprised 79.3% of those not released.

Release rates ranged from 73% to 92% in individual sites, as shown in Table 4.3. In all sites except one (Louisville), inability to post bond was the major reason for detention. The relatively high percentage of defendants detained outright in Louisville was due primarily to persons arrested for public drunkenness, whose cases were often settled at their initial court appearances.

### 2. Length of Detention

One-in-seven of the defendants in the sample were detained until trial. Approximately one-third of these persons were detained one day or less, as shown in Table 4.4. For the other defendants, detention was, on the average, relatively lengthy. The mean length of detention from arrest to trial disposition for defendants never given any release option (i.e., detained outright) was 42 days. For persons who did not post

TABLE 4.3  
RELEASE RATES BY SITE (UNWEIGHTED DATA)\*  
(n=3,436)

Site and Sample Size**	Released		Detained Until Trial					
			Total Detained		Detained Outright		Bail Not Made	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Baltimore City (n=550)	477	86.7%	73	13.3%	7	1.3%	66	12.0%
Baltimore County (n=416)	383	92.1%	33	7.9%	2	0.5%	31	7.5%
Washington, D.C. (n=442)	388	87.8%	54	12.2%	6	1.4%	48	10.9%
Dade County (n=426)	358	84.0%	68	16.0%	18	4.2%	50	11.7%
Louisville (n=432)	346	80.1%	86	19.9%	64	14.8%	22	5.1%
Pima County (n=405)	294	72.6%	111	27.4%	7	1.7%	104	25.7%
Santa Cruz County (n=428)	385	90.0%	43	10.0%	3	0.7%	40	9.3%
Santa Clara County (n=337)	288	85.5%	49	14.5%	5	1.5%	44	13.1%
*Differences are statistically significant at the 0.0000 level.								
**Sample size includes only defendants for whom a release categorization could be made.								



TABLE 4.4  
LENGTH OF DETENTION

Number of Days	Defendants Not Released		Defendants Released	
	Number	Percent	Number	Percent
One or less	172	33%	2,666	89.6%
2 - 7	53	10%	122	4.1%
8 - 29	116	23%	108	3.6%
30 - 90	74	14%	47	1.6%
More than 90	97	20%	34	1.1%
TOTAL	512	100%	2,977	100.0%

their bails the overall average was about 50 days. Defendants detained because they could not make bail were jailed an average of 43 days when the amount was not reconsidered, and 69 days when the amount was reconsidered but failed to result in release. Thus, failure to gain release often meant a fairly lengthy period of pretrial custody.

Table 4.4 also indicates the length of detention for defendants who eventually secured release prior to trial. As shown, some of these defendants were released only after a substantial jail term: about 3% of the released defendants had been jailed for 30 days or more before release. On the average the number of days from arrest to release for defendants released on full or deposit bond was about four and one-half days.

### 3. Defendant Characteristics Related to Release or Detention

#### a. Demographic Characteristics

Sex and race were frequently related to detention. Members of ethnic minority groups (especially blacks) and males were detained more often than whites and females. While about 14% of the whites were detained, about 16% of minority defendants were detained. Hence, the influence of ethnicity, while statistically significant, is not large. Sex, on the other hand was highly influential, with only two-thirds the proportion of women as men detained. Finally, those detained tended to be slightly older at arrest than those released (see Table 4.5).

#### b. Background Characteristics

Community ties such as marital status, family support responsibilities, residence, employment and the like were heavily associated with the release or detention of defendants. In general, strong community ties and release went hand-in-hand. Specifically, persons who were married were half as

TABLE 4.5  
DEMOGRAPHIC CHARACTERISTICS RELATED TO RELEASE\*

Characteristic	Released		Detained		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Ethnicity (n=3,224)</u>						
White	1,263	86.0%	206	14.0%	1,469	100.0%
Black	1,190	83.7%	232	16.3%	1,422	100.0%
Hispanic	260	86.1%	42	13.9%	302	100.0%
Other	25	78.1%	7	21.9%	32	100.0%
<u>Sex (n=3,448)</u>						
Male	2,472	84.5%	453	15.5%	2,925	100.0%
Female	470	89.8%	54	10.2%	523	100.0%
<u>Age at Arrest (n=3,455)</u>						
	Number	Mean	Number	Mean	Number	Mean
	2,946	29.3	508	30.7	3,455	29.5

\*Tables contain only variables with differences that are statistically significant at the .05 level.

likely to be detained as others (see Table 4.6); less than one-in-twelve of those who were married were detained, but one-in-six of those with other marital statuses were detained. While those supporting families—either in the traditional manner or through alimony and child support—were detained ten percent of the time or less, persons who did not support any family were detained almost twenty percent of the time. Similarly, persons who lived with spouses were least often detained, while those with other living arrangements were detained far more often. The proportion of those living alone who were detained was two-and-one-half times that of those living with a spouse. Those with fewer dependents in the area were also more likely to be detained.

Underscoring the great impact of community ties upon release or detention is the finding that over one-third of the defendants who were not local residents were detained, as compared to about one-eighth of local residents. Detained defendants had also lived at their present addresses a shorter time than had released defendants.

While over ninety percent of those who were employed or were full-time students, or both employed and students, were released, persons who were unemployed or were housewives were released about eighty percent of the time. Among those who were employed, persons employed as laborers, farm workers, and those in the armed forces (probably being held for military processing) were far more likely to be detained than others. Also, those on public assistance were more likely to be detained than those not receiving such assistance.

#### c. Criminal History

Detained defendants tended to have far worse prior records than released defendants. On the average, detained defendants had roughly

TABLE 4.6  
BACKGROUND CHARACTERISTICS RELATED TO RELEASE

Characteristic	Released		Detained		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Marital Status (n=2,534)</u>						
Single/Widowed	1,212	83.6%	237	16.4%	1,450	100.0%
Separated/Divorced	461	84.2%	87	15.8%	549	100.0%
Married	493	92.1%	42	7.9%	535	100.0%
<u>Support of Family (n=2,242)</u>						
None	1,173	82.2%	254	17.8%	1,427	100.0%
Alimony and/or Child Support	325	89.5%	38	10.5%	363	100.0%
Supports and Lives With	415	91.9%	36	8.1%	452	100.0%
<u>Living Arrangement (n=2,404)</u>						
Alone	241	80.1%	60	19.9%	301	100.0%
Unrelated Person	339	83.6%	67	16.4%	406	100.0%
Relative	316	85.0%	56	15.0%	372	100.0%
Parent/Guardian	691	85.4%	118	14.6%	809	100.0%
Spouse	476	92.0%	41	8.0%	517	100.0%
<u>Local Residence (n=3,315)</u>						
No	104	64.6%	57	35.4%	161	100.0%
Yes	2,740	86.9%	414	13.1%	3,154	100.0%
<u>Employment Status at Arrest (n=3,168)</u>						
Unemployed, part-time job	1,213	81.4%	278	18.6%	1,491	100.0%
Full-time job	1,515	90.3%	162	9.7%	1,677	100.0%
<u>Public Assistance (n=1,619)</u>						
Yes	211	83.7%	41	16.3%	202	100.0%
No	1,206	88.2%	161	11.8%	1,368	100.0%
Characteristic	Number	Mean	Number	Mean	Number	Mean
Number of Relatives in Area	2,958	0.3	510	0.2	3,469	0.3%
Number of Dependents	2,952	0.6	510	0.3	3,463	0.5%
Months at Present Address	1,886	65.9	284	56.7	2,171	64.7%

three times the prior arrests and convictions of those released (see Table 4.7); and among those defendants who had a prior record, more of those who were detained had FBI Part I charges as their most frequent prior arrest charges. Aside from liquor law violators and chronic alcoholism arrestees, detained defendants had disproportionately frequent prior arrests for robbery, aggravated assault, narcotics possession, larceny/theft, and burglary. In addition, twice as many (proportionately) of those detained had failed to appear in previous trials as among those released.

More of the detained defendants were already involved with the criminal justice system (CJS) at the time of arrest. While almost 80% of those who were released were not involved with the CJS, only about 60% of the detained were similarly situated. Persons on parole, probation, pretrial release, or some combination of these were especially likely to be detained than persons not involved with the criminal justice system. Overall, about 24% of the defendants who were involved with the CJS at the time of arrest were detained.

#### 4. Case Characteristics Related to Release or Detention

Detained defendants tended to have far more serious current cases than those released (see Table 4.8). While 42.8% of those detained were arrested for Part I charges, only 29.2% of those released were arrested for these charges. Table 4.8 shows that defendants arrested for miscellaneous, morality, personal and economic crimes were most likely to be detained. Those arrested for drug-related and public order crimes, on the other hand, were least likely to be detained. The specific charges which were most likely to result in detention were, in order of likelihood: murder, drunkenness, violation of probation/parole, robbery, vagrancy, failure to appear, auto theft and forcible rape. Persons arrested for a major charge of gambling, marijuana possession, embezzlement, involuntary

TABLE 4.7  
CRIMINAL HISTORY CHARACTERISTICS RELATED TO RELEASE

Characteristic	Released		Detained		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Most Serious Past Charge (n=1,272)</u>						
Part I	335	73.6%	120	26.4%	456	100.0%
Part II	659	80.7%	157	19.3%	816	100.0%
Liquor law violations	12	40.5%	18	59.5%	30	100.0%
Drunkenness	32	51.1%	31	48.9%	63	100.0%
Robbery	50	69.5%	22	30.5%	72	100.0%
Aggravated Assault	36	70.9%	15	29.1%	51	100.0%
Narcotics Possession	38	71.7%	15	28.3%	53	100.0%
Larceny/Theft	119	74.8%	40	25.2%	160	100.0%
Burglary	108	74.9%	36	25.1%	144	100.0%
<u>Previous Failure to Appear (n=2,182)</u>						
Yes	296	70.2%	126	29.8%	421	100.0%
No	1,523	86.5%	237	13.5%	1,760	100.0%
<u>Criminal Justice System Status at Arrest (n=3,099)</u>						
Parole and Pretrial Release	4	35.3%	6	64.7%	10	100.0%
Pretrial Release and Probation	10	46.2%	12	53.8%	22	100.0%
Active Warrant	32	61.5%	20	38.5%	52	100.0%
Parole	88	72.4%	34	27.6%	122	100.0%
Pretrial Release	162	78.9%	43	21.1%	206	100.0%
Probation	259	79.9%	65	20.1%	325	100.0%
No Involvement	2,072	88.0%	283	12.0%	2,355	100.0%
Characteristic	Number	Mean	Number	Mean	Number	Mean
Number of Prior Arrests	2,958	3.6	510	9.5	3,469	4.4
Number of Prior Convictions	2,958	1.5	510	4.0	3,469	1.9

TABLE 4.8  
CASE CHARACTERISTICS RELATED TO RELEASE

Characteristic	Released		Detained		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Most Serious Current Charge</u>						
FBI Designation (n=3,464)						
Part I	862	79.8%	218	20.2%	1,081	100.0%
Part II	2,092	87.8%	292	12.2%	2,384	100.0%
Charge Categories (n=3,464)						
Morality	271	75.3%	89	24.7%	360	100.0%
Miscellaneous	151	76.7%	46	23.3%	197	100.0%
Persons	512	82.3%	110	17.7%	622	100.0%
Economic	758	83.6%	149	16.4%	906	100.0%
Public Order	917	90.5%	96	9.5%	1,013	100.0%
Drug-Related	346	94.5%	20	5.5%	366	100.0%
Specific Charges						
Murder	9	41.1%	12	58.9%	21	100.0%
Drunkenness	61	47.6%	67	52.4%	128	100.0%
Parole/Probation Violation	9	59.4%	6	40.6%	14	100.0%
Robbery	75	62.3%	45	37.7%	120	100.0%
Vagrancy	23	62.7%	14	37.3%	37	100.0%
FTA	12	63.1%	7	36.9%	19	100.0%
Auto Theft	50	68.5%	23	31.5%	73	100.0%
Rape	17	70.3%	7	29.7%	24	100.0%
<u>Relation of Victim to Defendant (n=2,791)</u>						
Multiple Victims	73	76.3%	23	23.7%	95	100.0%
No Acquaintance	178	83.3%	35	16.7%	213	100.0%
Commercial	329	85.8%	55	14.2%	384	100.0%
No Victim	1,356	87.9%	186	12.1%	1,542	100.0%
Prior Acquaintance	255	88.5%	33	11.5%	288	100.0%

(continued)

TABLE 4.8 (continued)

Characteristic	Released		Detained		Total	
	Number	Percent	Number	Percent	Number	Percent
Immediate Family	89	89.0%	11	11.0%	100	100.0%
Police Officer	95	90.2%	10	9.8%	105	100.0%
Non-Commercial	57	90.7%	6	9.3%	63	100.0%
Weapons or Apparatus Used (n=2,910)						
Both Weapons and Apparatus Found	3	72.9%	1	27.1%	4	100.0%
Weapons Used, Not Found	86	73.4%	31	26.6%	117	100.0%
Weapons Used, Found	194	83.9%	37	16.1%	231	100.0%
Neither Used	2,115	87.3%	307	12.7%	2,421	100.0%
Apparatus, Found	103	88.9%	13	11.1%	116	100.0%
Apparatus, Not Found	17	89.9%	2	10.1%	19	100.0%
Characteristic	Number	Mean	Number	Mean	Number	Mean
Number of Arrest Charges (n=3,464)	2,954	1.42	510	1.57	3,464	1.47

manslaughter or arson were virtually never detained.

Aside from the charges, certain other case characteristics increased the likelihood of detention. For example, detained defendants had more arrest charges. Also, the relation of the defendant to the victim and use of a weapon or apparatus in the crime were important. In particular, crimes involving multiple victims, crimes where weapons and apparatus were both used and found in the defendant's possession, and crimes where weapons were used but not found in the defendant's possession led relatively more often to detention.

#### 5. CJS Activities Related to Release or Detention

Although not being interviewed by the pretrial release programs did not lead to a higher likelihood of detention, other program activities did have an effect upon whether defendants were released. About one-in-eight of the defendants interviewed immediately after arrest was eventually detained, while about one-in-three of those interviewed only after an initial bail hearing was not released (see Table 4.9). This is at least partly due to the fact that defendants held after an initial bail hearing are likely to be considered worse release risks than the average person arrested. Consequently, higher bail amounts and detention rates might be expected for these persons.

Whether and how the programs' interview information was verified also affected release outcomes. When no verification could be done or when only files could be checked (usually applicable to prior record information), the defendant was less likely to be released. But when both telephone and file verification (by far the most common method, used in 72.4% of the cases) could be employed, interviewed defendants were released 91% of the time. Among those interviewed, about twice as many references were

**CONTINUED**

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TABLE 4.9  
CRIMINAL JUSTICE SYSTEM ACTIVITIES RELATED TO RELEASE

Item	Released		Detained		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Time of Program Inter-view (n=2,375)</u>						
After First Bail Hearing	106	68.9%	48	31.1%	154	100.0%
Immediately After Arrest	1,930	86.9%	291	13.1%	2,221	100.0%
<u>Mode of Information Verification (n=2,367)</u>						
Only Checked Files	357	70.2%	152	29.8%	509	100.0%
No Verification	70	71.4%	28	28.6%	99	100.0%
Files and Telephone	1,559	91.0%	155	9.0%	1,714	100.0%
Other	41	87.2%	4	12.8%	46	100.0%
<u>Program Recommendation (n=2,066)</u>						
Do Not Release on OR	13	46.7%	15	53.3%	29	100.0%
Bail Bond	52	56.4%	41	43.6%	93	100.0%
Conditional Release	15	62.5%	9	37.5%	24	100.0%
No Recommendation	430	73.2%	158	26.8%	588	100.0%
Deposit Bail	8	84.4%	1	15.6%	9	100.0%
Own Recognizance	1,085	97.2%	31	2.8%	1,116	100.0%
Supervised Release	37	98.9%	1	1.1%	38	100.0%
Stationhouse Release	166	100.0%	0	0.0	166	100.0%
Unsecured Bond	3	100.0%	0	0.0	3	100.0%
Characteristic	Number	Mean	Number	Mean	Number	Mean
Number of References Checked (n=3,469)	2,958	0.66	510	0.38	3,469	0.62

checked for those released as for those detained. Overall, the indication seems to be that those both interviewed and detained had fewer favorable references to give interviewers for verification. The result was that negative or neutral program recommendations were more frequently made, and these more often led to detention.

Overall, a "do not release on ROR" recommendation was associated with a 53.3% likelihood of detention. A recommendation in favor of a bail bond resulted, due to inability to pay, in a 43.6% likelihood of detention. A recommendation that non-financial release with added conditions be granted yielded a 37.5% likelihood of detention. And a neutral (do not recommend) position by the program yielded a 26.8% likelihood. These figures should be compared to an overall 12.4% detention rate for defendants interviewed by programs.

#### 6. Relative Importance of Related Variables

##### a. Bivariate Relationships

The preceding discussion reveals many factors which are related to whether a defendant is detained. Among the demographic characteristics, an ethnicity other than white or Hispanic and male sex are associated with an increased likelihood of detention. In terms of community ties measures, not being married and not living with and supporting a family (i.e., being single with a resulting living arrangement) seem to be indicators of more frequent detention. Similarly, unemployment and the receipt of public assistance, out-of-area residence and greater residential transience are associated with more detention.

These factors may be directly involved in more detention, as when they portend less ability to meet financial or custodial release conditions

or result in an unfavorable program recommendation due to weakness of community ties. The racial and sexual differences could also illustrate inequitable biases in the release process.

However, rather than a direct effect on detention, these factors may simply be strongly associated with other factors (such as criminal history indicators) that are the real explanation for the differences in detention. As discussed earlier, detained persons had more prior arrests and convictions, more prior failures to appear, and more serious prior charges than those released. Further, they were more often involved with the criminal justice system upon arrest and were arrested for more serious offenses than those released. Such charges as murder, drunkenness, parole/probation violations, robbery, vagrancy, and others—as shown in Table 4.8—led to a disproportionate incidence of detention until trial. Some indicators of case seriousness, such as the use of a weapon and the relationship of the victim to the defendant, also seem related to whether a defendant will be released.

Release programs also seemed to have a major impact upon release outcomes. This relation is almost surely derived from program evaluation of most of the previously discussed characteristics. This is summarized for the court in the program's recommendation, which Table 4.9 shows is related to release. Specifically, a negative recommendation on OR release frequently leads to detention. In addition, though, the extent to which interview information can be verified as well as the timing of the program's intervention (later intervention is often to try to help defendants unable to gain speedy releases) have a relation to the incidence of release or detention.

To determine the most important factors affecting release (or,

conversely, detention), additional analyses were conducted. First, bivariate correlational analyses were performed to identify the variables having the greatest statistical significance. Table 4.10 presents the results of this analysis. While all the variables shown are highly significant, the strongest relationships with release are for local residence, employment, no involvement with the CJS, successful information verification, and a program OR recommendation. On the other hand, not supporting a family, being unemployed, having previously failed to appear (and, as a result, receiving other than a non-financial program release recommendation), and having more than an average number of prior arrests and convictions are most strongly related to detention. A first look at factors which are most highly related to explaining release and detention reveals, then, that a defendant's rating by the program's interviewer on the basis of community ties and prior record has a great influence upon ultimate release or detention.

#### b. Discriminant Analysis

The next step in the analysis was to assess the strength of the factors listed in Table 4.10 in explaining whether a defendant was released. This required multivariate analysis. Because most of the independent variables are dummy-coded categories and the dependent variables are all dichotomies (for example, defendants either did or did not gain release), discriminant analysis was used as an exploratory intermediate tool in the effort to locate the most highly related independent factors. We employed both a stepwise procedure—which begins by selecting the single best discriminating variable, followed by the second-best, third, and so on—and a direct method, which considers all entered variables' explanatory power as a unit. The stepwise procedure yielded a list of the best variables for discriminating



TABLE 4.10  
RELEASE/DETENTION CORRELATIONS\*

VARIABLE	COEFFICIENT	SIGNIFICANCE	NUMBER**
Ethnicity-American Indian	-.0543	.001	3,224
Married, Living With Spouse	.0967	.001	2,534
Never Married	-.0549	.003	2,534
Traditional Family Support	.0936	.001	2,245
Does Not Support Family	-.1174	.001	2,245
Lives With Spouse	.0935	.001	2,404
Lives Alone	-.0620	.001	2,404
Is A Local Resident	.1365	.001	3,315
Is Employed	.1297	.001	3,168
Is Unemployed	-.1432	.001	3,168
Occupation-Manager/Administrator	.0705	.002	1,624
Occupation-Laborer	-.0891	.001	1,624
Previously Failed to Appear	-.1582	.001	3,470
Not Involved With CJS at Arrest	.1486	.001	3,091
On Pretrial Release at Arrest	-.0459	.005	3,091
On Probation at Arrest	-.0491	.003	3,091
On Parole at Arrest	-.0716	.001	3,091
On PTR and Probation at Arrest	-.0909	.001	3,091
Arrested on Outstanding Warrant	-.0594	.001	3,091
On PTR and Warrant at Arrest	-.0452	.006	3,091
On PTR and Parole at Arrest	-.0795	.001	3,091
Source of Release is Program Acting Alone	.0914	.001	3,470
Source of Release is Bail Commissioner	.0979	.001	3,470
Source of Release is Arresting Officer	.0671	.001	3,470
Source of Release is Preset Bail	-.1988	.001	3,488
Source of Release is Sheriff's Department	.1165	.001	3,470
Defendant Was Caught in the Act	.0783	.001	3,470
Number of Charges at Arrest	-.0617	.001	3,470

(continued)

TABLE 4.10 (continued)

VARIABLE	COEFFICIENT	SIGNIFICANCE	NUMBER**
Number of Prior Arrests	-.2281	.001	3,470
Number of Prior Convictions	-.1930	.001	3,470
Number of Prior FTA's	-.1172	.001	3,470
Number of Dependents	.0748	.001	3,482
Major Arrest Charge-Drug Related	.0888	.001	3,483
Major Arrest Charge-Morality	-.0960	.001	3,483
Major Arrest Charge-Public Order	.0943	.001	3,483
Major Arrest Charge-Miscellaneous	-.0587	.001	3,483
Program Recommendation-Bail	-.2069	.001	2,077
Program Recommendation-ROR	.3146	.001	2,077
Program Recommendation-Conditional Release	-.0822	.001	2,077
Program Recommendation-Supervised Release	.0462	.018	2,077
Program Recommendation-Do Not Release on OR	-.1477	.001	2,077
Program Recommendation-No Recommendation	-.2760	.001	2,077
Time of Interview-Immediately After Arrest	.0607	.001	3,488
Time of Interview-After First Bail Hearing	-.1015	.001	3,488
Information Verified by Files Only	-.2301	.001	2,380
Information Verified by Files and Telephone	.2469	.001	2,380
Information Not Verified	-.0847	.001	2,380
Weapons Used, Not Found	-.0768	.001	2,929
Multiple Victims of Crime	-.0615	.001	2,807

\*Based on Pearson correlational analysis of dummy-coded and continuous variables related to release/detention outcome.

\*\*For entire variable, rather than the dummy-coded subvariable shown. For example, n=3,224 for all ethnicity categories, not for American Indian alone.

between released and detained defendants. The best of these variables are listed in Table 4.11.

The overall (canonical) correlation of .58 indicates that all of the 42 variables entered in this analysis accounted for about one-third (.58 squared) of the variance in the released/detained outcome, most of which was accounted for by the variables shown in Table 4.11. What is striking in these results is the extent to which system measures, especially of program recommendation activities, show up as related to whether defendants gain release. Factors which normally enter into the program's recommendation, community ties and prior record items, do not appear among the most significant factors, but leave the analysis due to their stronger association with the recommendation than with the release outcome. Sex and ethnicity, two inequitable determinants of release, do not appear in and of themselves to be important determinants of release and detention in the presence of program intervention.

#### c. Prediction (Logit) Analysis

The ultimate goal in performing these preliminary analyses, which help explain the pattern of relationships leading to release or detention, is to determine to what extent these outcomes can be predicted with available information. Attempting to predict identifies the pieces of information that best determine outcomes and how well they do so. Further, prediction analyses indicate not only areas of possible association among variables, but also the extent to which, with specific pieces of information, one can correctly identify defendants' outcomes. Hence, the degree of success in prediction (or, more correctly, retrodiction—that is, retrospective attempts at prediction with archival data) is an indication of the likely impact of the variables considered upon the outcomes studied.

TABLE 4.11  
STEPWISE DISCRIMINANT ANALYSIS RESULTS  
FOR RELEASED/DETAINED OUTCOME

VARIABLE	F TO ENTER OR REMOVE	WILKS' LAMBDA	SIGNIFICANCE OF CHANGE IN RAO'S V	UNSTANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS
Program recommended OR	55.2	.81	0.000	0.24
On parole and PTR at arrest	37.4	.77	0.000	-5.47
Source of release was bond schedule	20.3	.75	0.000	-1.42
On parole at arrest	18.5	.73	0.000	-1.81
Program recommended conditional release	16.8	.72	0.000	-5.49
Program recommended bail release	10.6	.71	0.000	-1.64
Charge is miscellaneous	8.9	.70	0.000	-0.59
Source of release is bail commissioner	5.7	.69	0.000	-0.19
Defendant caught in act	5.7	.69	0.000	-0.30
Defendant is local resident	3.1	.68	0.000	-0.58
Program did not verify information	3.3	.68	0.000	-0.29
Defendant occupation of laborer	2.6	.68	0.000	-0.18
Arrested on outstanding warrant	2.7	.68	0.000	-1.06
Program recommendation—do not release on OR	2.3	.67	0.000	-1.64
Program recommendation not made	3.8	.67	0.000	-0.89
Defendant interviewed after first bail hearing	1.5	.67	0.000	-0.20
Number of charges at arrest	1.3	.67	0.000	-0.10
Multiple victims	1.0	.67	0.000	-0.23

To perform prediction calculations, we used logistic regression analysis. This technique produces information on the extent to which the probability of the analyzed outcome (e.g., detention) is accounted for by the data for the independent variables considered in the analysis. A logit Measure of Multiple Association, analogous to the multiple correlation coefficient ( $R^2$ ) of multiple regression analysis, indicates the percent of total variation explained by the logit model. Also, a breakdown of true and false positives and negatives serves as a guide to the areas in which prediction is more or less successful for each outcome (dependent variable). This provides an indication of the gain to be made in using the logistic equation as compared to, say, the flip of a coin.

One caution should be noted before proceeding to actual results: as in all statistical analyses, the number of cases and variables involved affects the degree of success. This is because increases in the numbers of either reduce the homogeneity of the data set. Increased variation reduces the ability of the equation to explain the pattern of relationships. Thus, the reader should be careful to note the number of cases involved when a high level of predictive accuracy is cited in the following analyses. In general, analyses containing more cases and variables will be less successful. When there are few of each of these and a small Measure of Multiple Association, the prediction is clearly unsuccessful.

In all analyses we have utilized only cases with complete information for all variables included in the model. We follow convention here, although this reduces the number of cases. In general, we used only variables with more than 2,000 cases. While some variables of potentially great use may have been eliminated because of this, we believe the increase in applicability of the resulting prediction is heightened,

because it is tested on the broadest possible base of cases and variation and uses variables where information is regularly available for most defendants. This increases the utility of the findings at the program and policy level.

In performing these logit analyses, we separated categories of variables to test their independent predictive power. Categories included defendant, case and system variables. (For later analyses of failure to appear and pretrial criminality we also included post-release independent variables.) Combining these categories afterward indicated the extent to which there is interaction among them. The "total model" reported is the entire battery of best predictor items for each outcome.

Results were also tested and refined for individual sites' data sets. Again, data availability in individual sites, along with weighting of site sample data, affected the relative contributions of each site to the analyses (indicated with site "n's" in the reported results) and, to some extent, the success of site-by-site predictions. These are reported, along with the percentage of cases (after weighting) entered in each site's analysis. Hence, a site with high true positive and negative classifications and a large proportion of cases involved is one where the prediction applies broadly and very successfully. One with a high proportion of correct predictions but a low number of cases is one where a useful prediction can be made but, due to data availability limitations, the scope of applicability is limited, though it could increase if more complete data became available for predictive factors.

Table 4.12 presents the prediction results for the release/detention outcome. Overall, the variables account for about 20 percent of the defendants' probabilities of release/detention, as shown by the Measure of Multiple Association, with a total of 1,189 defendants included (about

TABLE 4.12  
RELEASED-DETAINED PREDICTION RESULTS  
MODEL 1: ALL RELATED VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>SYSTEM VARIABLES</u>			
Program recommended bail	-2.5677	-2.4110	0.0160
Program recommended OR	0.0095	0.0092	0.9283
Program recommended against OR release	-3.2975	-2.7291	0.0063
Program made no recommendation	-2.1729	-2.1522	0.0316
Source of release is bail commissioner	-0.7551	2.5601	0.0105
Source of release is bail schedule	-0.3069	-0.8888	0.3735
None of information was verified	-0.6615	-1.0432	0.2983
Interviewed after first bail hearing	-1.0688	-2.1014	0.0357
Interviewed by program	1.6664	1.6324	0.1031
<u>CASE VARIABLES</u>			
Multiple victims of offense	-0.6889	-1.2731	0.2041
Miscellaneous offense is major charge	-0.8875	-1.9639	0.0500
Caught in act or at scene of crime	-0.4869	-1.6734	0.0949
Number of arrest charges	-0.1240	-1.0411	0.2983
<u>DEFENDANT VARIABLES</u>			
Defendant is local resident	0.1666	0.3331	0.7414
Defendant is employed as laborer	-0.8570	-3.4063	0.0007
Defendant was on parole for another charge when arrested	-1.5635	-2.5806	0.0099
Defendant had an outstanding warrant for another charge when arrested	-1.1981	-1.4298	0.1527
Measure of Multiple Association: 19.9%			
Chi-Squared for No Effect is 124.6 with 17 d.f.			
Number of Cases is 1,189			

(continued)

TABLE 4.12 (continued)

Classification of Results*				
Actual: -	Released	Detained	Detained	Released
Predicted:	Detained	Detained	Released	Released
Percents:	0.1%	0.9%	6.5%	92.5%
*In this analysis "released" was considered a "positive" outcome; "detained," a "negative" one.				

one-third of those studied). The predictive equation works quite well at classifying outcomes, as shown by the fact that 93.4 percent of the defendants' predicted outcomes were the same as their actual outcomes. The equation works much better for release than for detention, which is a relatively rare phenomenon, affecting 7.4 percent of the cases in the analysis. What this indicates, given the actual detention rate of 14.7 percent for all defendants studied, is the paucity of data, especially for the measures used in these analyses, for detained defendants. Much of this can be traced to the lower frequency of program intervention for these defendants, with resultant lessening of information assembled.

The resulting predictions are not notably successful. A prediction that every defendant will be released, based upon knowledge that this is true 85 percent of the time, will be almost as successful. For those detained, the prediction equation was correct 13 percent of the time; for those released, 100 percent of the time.

As Table 4.13 indicates, system factors contribute most of the predictive power, far more than case and defendant variables. With a simple knowledge of only defendant and case information, albeit the best predictors (see Table 4.14), virtually none (7.4 percent) of the actual probabilities of release/detention can be predicted. With system variables we can do twice as well (15.2 percent), but predictions are still not very accurate.

Because defendant and case factors plus system factors seem to account for a "total" of 22.6 percent, rather than the actual total of 19.9 percent of the probabilities, we can infer that there is some interaction among them. One interesting effect of the interaction of case/

TABLE 4.13  
RELEASED/DETAINED PREDICTION RESULTS  
MODEL 2: SYSTEM VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
Program recommended bail	-2.8321	-2.7570	.0058
Program recommended OR	0.1757	0.1771	.8572
Program recommended against OR release	-3.7482	-3.2106	.0014
Program made no recommendation	-2.4918	-2.5677	.0102
Source of release was bail commissioner	0.7419	2.6487	.0081
Source of release was bail schedule	-0.3034	-0.9121	.3628
None of information was verified	-0.6261	-1.0358	.2983
Interviewed after first bail hearing	-1.1347	-2.3286	.0198
Interviewed by program	1.1820	1.8616	.0629

Measure of Multiple Association: 15.2%				
Chi-Squared for No Effect is 95.53 with 9 d.f.				
Number of Cases is 1,189				

Classification of Results*				
Actual:	Released	Detained	Detained	Released
Predicted:	Detained	Detained	Released	Released
Percents:	0.2%	0.2%	7.2%	92.4%

*In this analysis "released" was considered a "positive" outcome; "detained," a "negative" one.				
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TABLE 4.14  
RELEASED/DETAINED PREDICTION RESULTS  
MODEL 3: CASE AND DEFENDANT VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>CASE VARIABLES</u>			
Multiple victims of offense	-0.4990	-0.9660	0.332
Miscellaneous offense is major charge	-0.7510	-1.8250	0.067
Caught in act or at scene of crime	-0.3450	-1.2845	0.197
Number of arrest charges	-0.2600	-2.2857	0.022
<u>DEFENDANT VARIABLES</u>			
Defendant is local resident	0.9520	2.0548	0.040
Defendant is employed as laborer	-0.9270	-3.9771	0.000
Defendant was on parole for another charge when arrested	-1.8330	-3.4462	0.000
Defendant had outstanding warrant for another charge when arrested	-2.0216	-2.5693	0.010
Measure of Multiple Association: 7.4%			
Chi-Squared for No Effect is 46.4 with 8 d.f.			
Number of Cases is 1,189			
<u>Classification of Results*</u>			
Actual:	Released	Detained	Detained
Predicted:	Detained	Detained	Released
Percents:	0.1%	0.1%	7.3%
			92.5%
*In this analysis "released" was considered a "positive" outcome; "detained," a "negative" one.			

defendant and system variables is that when the effect of the former is removed, the sign of the coefficient for release set by a bail commissioner changes from negative to positive. This indicates that in and of themselves bail commissioner hearings contribute to release. However, the case and defendant factors associated with detention overcome this relationship and create an apparent propensity to detain.

Looking at the effect of system variables upon defendant/case factors, the significance of the number of arrest charges and an outstanding warrant in relation to detention, and of local residence in relation to release, indicates that independent of system impact there is some slight effect of case and defendant characteristics upon ultimate release or detention.

In summary, accurate predictions of the likelihood of detention could not be made. Nevertheless, to the extent that predictions could be made, some variables were more important than others. The better predictors, in the total model, are program recommendations of (1) bail, (2) no OR release and (3) no recommendation. These, plus first interview held after bail hearing and release decision made by bail commissioner, are the significant system factors; all point (negative coefficient signs) to a likelihood of detention. If the offense was classified as miscellaneous (vandalism, family/child offenses, suspicion, FTA, probation/parole violation, conspiracy, possession of apparatus, minor local offenses), if the defendant was employed as a laborer—a very frequent occupation among defendants in and out of jail, because of its unskilled, transient nature—or if the person was on parole when arrested, detention was most likely to occur.

#### d. Site-by-Site Variations

In addition to overall analysis of the eight sites, analyses of individual sites were also conducted. Table 4.15 summarizes the results.

TABLE 4.15  
RELEASED-DETAINED PREDICTION RESULTS BY SITE

Site	Number of Cases (Weighted)	Percentage of Site's Cases Included in Analysis	Measure of Multiple Association	Classification of Results				Best Battery
				False Negatives	True Negatives	False Positives	True Positives	
Baltimore City	360	44%	28.9%	0.3%	0.8%	5.8%	93.1%	System
Baltimore County	184	46%	96.1%	0.5%	4.9%	0.0%	94.6%	System
Washington, D.C.	53	8%	100.0%	0.0%	5.7%	0.0%	94.3%	System
Dade County	87	41%	33.1%	2.3%	4.6%	6.9%	86.2%	Case/Defendant
Louisville	183	44%	34.5%	2.7%	4.4%	8.7%	84.2%	System
Pima County	32	9%	N.A.	0.0%	0.0%	0.0%	100.0%	N.A.
Santa Cruz County	73	39%	64.2%	0.0%	9.6%	4.1%	86.3%	System
Santa Clara County	217	52%	45.0%	0.0%	0.9%	2.8%	96.3%	No Major Differences
TOTAL, 8 SITES	1,189	34%	19.9%	0.1%	0.9%	6.5%	92.5%	System

As shown, Pima County and Washington, D.C., played virtually no role in this stage of the analysis, due to the requirement that data be available for all variables included in the analysis.

The higher site-by-site Measures of Multiple Association reflect the use of different variables in each site after those exhibiting multi-collinearity were eliminated. While the actual independent variables which best predict release or detention are highly individual as to site, the pattern of best predictors is clear. In the majority of the sites system factors have more of an effect on release than others, that is, system action resulting from or in the absence of specific defendant and case information is the best source of prediction regarding ultimate release or detention.

In Washington, D.C., the apparently perfect prediction should be discounted, due to the very small proportion of cases. There is enormous interaction between system and defendant/case variables, which separately score only 33.6% and 19.3%, but together score 100%.

In the next best site, Baltimore County, a much higher proportion of the cases was included in the analysis. There, program recommendation of bail (in this post-hearing-interview site) almost always led to continued detention.

Table 4.16 shows results from Baltimore City, which contributed the largest share of cases (30%) to the overall analysis.

#### 7. Relationship of Release Outcomes to Case Dispositions and Sentences

Past studies have considered the impact of release outcomes on subsequent case disposition and sentencing, specifically, whether the fact of detention alone has an adverse effect on the outcomes of later criminal

TABLE 4.16  
BALTIMORE CITY RELEASED-DETAINED PREDICTION RESULTS  
MODEL 1: ALL RELATED VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>System Variables</u>			
No verification of information	-0.6920	-0.7160	0.478
Interviewed by program after first bail hearing	13.0360	0.0423	0.968
Program recommended bail release	0.7450	0.5350	0.589
Program recommended OR release	2.4940	2.4690	0.014
Program made no release recommendation	0.1260	0.1440	0.888
Release option given by bail commissioner	0.6540	1.0590	0.289
<u>Case Variables</u>			
Multiple victims of offense	1.1490	0.0460	0.960
Miscellaneous offense is major charge	-0.6620	-0.7210	0.472
Caught in act or at scene of crime	-2.6050	-2.4400	0.015
Number of arrest charges	0.1750	0.4770	0.631
<u>Defendant Variables</u>			
Defendant is employed as laborer	-0.4630	-0.9480	0.342
Defendant was on parole for another charge when arrested	-1.7430	-1.5920	0.112
Measure of Multiple Association: 28.9%			
Chi-Squared for No Effect is 51.0 with 12 d.f.			
Number of Cases is 360			
Classification of Results*			
Actual:	Released	Detained	Detained
Predicted:	Detained	Detained	Released
Percents:	0.3%	0.8%	5.8%
			Released
			93.1%
*In this analysis "released" was considered a "positive" outcome; "detained," a "negative" one.			



justice processing stages. Findings have been mixed, as the following examples illustrate:

- Rankin's 1964 study of a group of New York City defendants found that detention was associated with harsher case dispositions and sentences, after controlling for the effects of prior record, bail amount, and type of counsel.<sup>1/</sup>
- A 1972 analysis by Single of indigent defendants in New York City also concluded that detention was associated with a greater likelihood of conviction and incarceration, after controlling for several other factors that might affect both detention decisions and subsequent case outcomes (such factors as charge seriousness, weight of the evidence, prior record and family ties were considered).<sup>2/</sup>
- A re-analysis of Single's data, published by Landes in 1974, concluded that the apparent relationship between detention and harsher subsequent outcomes was in fact spurious, because both detention and case outcomes were related to antecedent variables.<sup>3/</sup>
- A study of defendants arrested in Philadelphia in 1975 concluded that there was no relationship between detention and the likelihood of conviction, but that there was a relationship between detention and harsher sentencing outcomes.<sup>4/</sup>

Thus, the findings from past studies are inconclusive about the effect of detention alone on subsequent case outcomes and sentences. Most studies that have considered this topic have noted that detained defendants are both more likely to be found guilty and more likely to be sentenced to prison terms. However, it is not clear whether these outcomes reflect harsher treatment of defendants because they were detained pretrial or, alternatively, reflect only the fact that certain defendants are more likely—due perhaps to the characteristics of their cases—to be detained, to be found guilty and to be incarcerated when sentenced.

Although the issue of the relationship between detention and subsequent case outcomes was not one addressed in the National Evaluation of Pretrial Release, the topic is one that deserves further study. For this reason the following data comparing disposition and sentencing outcomes for released versus detained defendants are presented. Because of

the scope limitations of the study, no statistical controls were exercised for such potentially influential factors as charge seriousness, strength of the case against the defendant, prior record, and so on.

Table 4.17 shows that detained defendants were more likely than released defendants to be convicted: 68.2% of detained defendants were convicted of the most serious charge associated with their arrests, as compared with 54.9% of released defendants. Moreover, if convicted, detained defendants were much more likely to receive incarceration sentences: almost three-fourths of all detained defendants who were convicted were incarcerated, as compared with less than one-fourth of released (convicted) defendants. Finally, when the length of the sentence is considered (including all sentences, both non-incarceration and incarceration), detained defendants received sentences that were more than twice as long as released persons (26.7 months versus 11.5 months).

As stated earlier, these findings by themselves are inconclusive, because of the lack of statistical controls. However, the large differences between the subsequent outcomes of released and detained defendants—especially the great difference in incarceration rates—suggests that additional analysis of this topic is warranted. If detention itself does in fact adversely affect subsequent case dispositions and sentences, the implications for the nation's pretrial release processes—and the American system of justice—are serious ones, given that most defendants are detained because of inability to post bond.

#### C. Analysis of Financial and Nonfinancial Release Outcomes

The preceding discussion dealt with factors related to release and detention. This section considers differences among defendants released nonfinancially and persons released under financial conditions.

TABLE 4.17  
CONVICTION RATES, INCARCERATION RATES AND SENTENCE LENGTHS  
FOR RELEASED AND DETAINED DEFENDANTS

Item	Released Defendants		Detained Defendants		Total Defendants	
	(n=2,860)		(n=510)		(n=3,370)	
	Number	Percent	Number	Percent	Number	Percent
Convicted of Most Serious Arrest Charge	1,570	54.9%	348	68.2%	1,918	56.9%
Incarcerated for Most Serious Arrest Charge	343	21.8% <sup>a</sup>	258	74.1% <sup>a</sup>	602	31.4% <sup>a</sup>
Length of Sentence for Most Serious Charge <sup>b</sup>	1,570	11.5 mo.	348	26.7 mo.	1,918	14.1 mo.

<sup>a</sup>As a percentage of convicted defendants.

<sup>b</sup>Includes all sentences (i.e., both non-incarceration and incarceration sentences).

As Figure 4.1 showed, financial and nonfinancial releases can take many forms. Nonfinancial releases, which are more numerous, include:

- field release;
- stationhouse release;
- program release;
- own recognizance (OR);
- supervised release; and
- third party custody.

The first three occur quite soon after arrest and are usually reserved for minor charges. The last three, particularly OR release, often follow program screening.

Financial releases include:

- bond schedule release;
- surety bond;
- deposit bond; and
- unsecured bond.

Surety (and, to a lesser extent, deposit) bond may lead to detention until trial, due to the defendants' inability to pay the required amounts. Table 4.18 shows that mean bail amounts were usually higher for defendants who did not make bail than for persons who did.

#### 1. Release Rates

Over half (61.4%) of all defendants studied were released on one of the nonfinancial forms of release: 44% of all defendants had financial terms of release available to them at some point in the criminal justice system processing. However, only about half of these defendants (23.8%) actually were released on such conditions prior to trial. Another 7.2% gained release only after their release options were changed to nonfinancial types of release.

TABLE 4.18  
MEAN AND MEDIAN BOND<sup>a</sup> AMOUNTS<sup>b</sup> (BY SITE)

Site	Bail Made			Bail Not Made			Total		Probability <sup>c</sup>
	Mean Amount Category	Median Amount Category	Number of Defendants	Mean Amount Category	Median Amount Category	Number of Defendants	Mean Amount Category	Number of Defendants	
Baltimore City	3.03	2	94	3.70	2	66	3.31	160	.0330
Baltimore County	3.29	2	65	5.87	7	31	4.12	96	.0868
Washington, D.C.	3.36	3	59	5.59	6	46	4.34	105	.0009
Dade County	5.15	5	195	5.08	5	49	5.14	244	.0086
Louisville	2.76	2	188	3.73	2	22	2.86	210	.0000
Pima County	2.71	1	77	2.37	1	102	2.52	179	.0581
Santa Cruz Co.	3.18	3	60	4.34	3	38	3.83	98	.0004
Santa Clara Co.	3.76	2	108	3.67	3	36	3.74	144	.0100
Total (weighted)	3.44	3	846	4.01	3	390	3.63	1,236	.0000
<sup>a</sup> For defendants with surety and deposit bail release options. <sup>b</sup> Amount Categories: 1 = Under \$250, 2 = \$251 to \$500, 3 = \$501 to \$1,000, 4 = \$1,001 to \$1,500, 5 = \$1,501 to \$2,000, 6 = \$2,001 to \$2,999, 7 = \$3,000 to \$4,999, 8 = \$5,000 to \$9,999, 9 = \$10,000 or more. <sup>c</sup> Based on Chi-Square test.									

The extent of nonfinancial, as compared to financial, release varied widely across sites, as shown in Table 4.19. The highest nonfinancial release rates occurred in Washington, D.C., and Santa Cruz County; the lowest, in Louisville, where extensive use is made of deposit bond.

2. Defendant Characteristics Related to Financial or Nonfinancial Release

a. Demographic Characteristics

Of the demographic characteristics studied, only ethnicity was significantly related to different types of release. Hispanics and whites were more likely to be released financially than blacks (see Table 4.20).

b. Background Characteristics

Community ties characteristics were of great importance in affecting defendants' forms of release, as shown in Table 4.21. Separated or divorced persons were more likely than others to be given financial release. Persons who were not local residents were almost twice as likely to be released financially as local residents (this was also true for the few non-citizens in the sample). Also, those given financial releases had fewer relatives in the area and shorter periods of residence at their present addresses. Employment, a partial measure of ability to pay, did not affect release types, with 28% of the unemployed and 27% of the employed defendants given a bail release.

c. Criminal History

While the overall distribution of previous charges does not differ significantly for those given each type of release, certain charges, especially aggravated assault, liquor law violations and stolen property offenses were more often on the records of those with financial releases, as shown in Table 4.22. More importantly, those who had failed to appear in the past were twice as likely as others to be given a bail release.

TABLE 4.19  
TYPES OF RELEASE BY SITE

Site	Nonfinancial	Financial
Baltimore City	79.6%	20.4%
Baltimore County	76.9%	23.1%
Washington, D.C.	84.6%	15.4%
Dade County*	55.0%	45.0%
Louisville	44.0%	56.0%
Pima County	82.1%	17.9%
Santa Cruz County	84.5%	15.5%
Santa Clara County**	65.3%	34.7%

\*Sample was limited to felony arrests, as is release program. Mix of release types shown may overstate total use of financial releases.  
 \*\*Figures understate use of nonfinancial release in Santa Clara, because sample did not include citation releases.

TABLE 4.20  
DEMOGRAPHIC CHARACTERISTICS RELATED TO  
FINANCIAL OR NONFINANCIAL RELEASE

Characteristic	Financial		Nonfinancial		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Ethnicity (n=2,739)</u>						
Hispanic	92	35.5%	168	64.5%	260	100.0%
White	372	29.4%	891	70.6%	1,263	100.0%
Black	304	25.6%	886	74.4%	1,190	100.0%
Other	5	20.0%	20	80.0%	25	100.0%

TABLE 4.21  
BACKGROUND CHARACTERISTICS RELATED TO  
FINANCIAL OR NONFINANCIAL RELEASE

Characteristic	Financial		Nonfinancial		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Marital Status (n=2,167)</u>						
Separated/Divorced	139	30.2%	323	69.8%	461	100.0%
Married	130	26.4%	363	73.6%	493	100.0%
Single/Widow(er)ed	292	24.1%	921	75.9%	1,212	100.0%
<u>Local Residence (n=2,844)</u>						
No	49	47.0%	55	53.0%	104	100.0%
Yes	728	26.6%	2,013	73.4%	2,740	100.0%
<u>Citizenship (n=2,801)</u>						
U.S./Legal Alien	749	27.3%	1,992	72.7%	2,741	100.0%
Foreign/Illegal Alien	33	55.0%	27	45.0%	60	100.0%
Characteristic	Number	Mean	Number	Mean	Number	Mean
Number of Relatives in Area (n=2,958)	827	0.1	2,131	0.4	2,958	0.3
Months at Present Address (n=1,886)	425	57.8	1,461	68.2	1,886	65.9

TABLE 4.22  
CRIMINAL HISTORY CHARACTERISTICS RELATED TO  
FINANCIAL OR NONFINANCIAL RELEASE

Characteristic	Financial		Nonfinancial		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Most Serious Past Charge</u> (n=994)						
Part I	133	39.6%	203	60.4%	335	100.0%
Part II.	238	36.2%	420	63.8%	659	100.0%
Liquor law violations	9	70.1%	4	29.9%	12	100.0%
Stolen Property	7	63.7%	4	36.3%	11	100.0%
Aggravated Assault	18	50.0%	18	50.0%	36	100.0%
<u>Previous Failures to Appear</u> (n=1,819)						
Yes	162	54.9%	133	45.1%	296	100.0%
No	414	27.2%	1,109	72.8%	1,523	100.0%
<u>CJS Status at Arrest</u> (n=2,628)						
On PTR	81	50.0%	81	50.0%	162	100.0
Warrant	15	46.6%	17	53.2%	32	100.0%
Parole	39	42.4%	53	57.6%	92	100.0%
Probation	98	36.4%	171	63.6%	269	100.0%
No Involvement	533	25.7%	1,540	74.3%	2,072	100.0%
Characteristic	Number	Mean	Number	Mean	Number	Mean
Age at First Arrest (n=1,798)	569	22.5	1,229	23.6	1,798	23.2
Number of Prior Arrests (n=2,958)	827	5.2	2,131	2.9	2,958	3.6
Number of Prior Con- victions (n=2,958)	827	2.0	2,131	1.3	2,958	1.5
Number of Prior FTA's (n=2,958)	827	0.4	2,131	0.1	2,958	0.2

Similarly, those given bail releases had twice as many prior arrests and convictions as those given nonfinancial releases. Also, defendants on pretrial release, probation, parole, or arrested on a warrant were far less likely to be released nonfinancially than uninvolved arrestees. Finally, defendants released on financial conditions were younger than other released persons.

### 3. Case Characteristics Related to Financial or Nonfinancial Release

The seriousness of the case against the defendant has a notable influence upon the manner in which freedom from jail is achieved. Not surprisingly, those with more serious cases are also more likely to have to pay for their releases (see Table 4.23). Where there are many witnesses involved, for and against the defendant, including police officers; when the defendant was not picked up in the act but only after an investigation; where there were clearly victims of the offense; and, most importantly, when a weapon (or apparatus) was used, financial release was more likely. Thus, the weight of the evidence in the case seems to play a major role in release type.

Also of apparently great importance was the defendant's current charge seriousness, perhaps related to the other case seriousness factors discussed earlier. Serious (Part I) charges, especially crimes against persons, were likely to result in the posting of a bond. Among the more numerous offenses robbery, aggravated assault, narcotics distribution and drunkenness were unusually frequent sources of bond releases.

### 4. Criminal Justice System Activities Related to Financial or Nonfinancial Release

Program involvement was quite important in relation to the type of release (see Table 4.24). Defendants not interviewed were almost twice as likely to be released financially. When interview information could

TABLE 4.23  
CASE CHARACTERISTICS RELATED TO  
FINANCIAL OR NONFINANCIAL RELEASE

Characteristic	Financial		Nonfinancial		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Police Officer a Witness</u> (n=2,087)						
Yes, not only witness	197	37.9%	322	62.1%	519	100.0%
No	128	35.6%	232	64.4%	361	100.0%
Yes, only witness	321	26.6%	886	73.4%	1,207	100.0%
<u>Weapons or Apparatus</u> <u>Used (n=2,519)</u>						
One or both	167	41.3%	237	58.7%	404	100.0%
Neither	571	27.0%	1,544	73.0%	2,115	100.0%
<u>Caught in Act or at Scene</u> (n=2,405)						
No	215	36.9%	367	63.1%	582	100.0%
Yes	496	27.2%	1,327	72.8%	1,823	100.0%
<u>Relation of Victim to</u> <u>Defendant (n=2,432)</u>						
Multiple victims	33	45.2%	40	54.8%	73	100.0%
No acquaintance	70	39.5%	107	60.5%	178	100.0%
Prior acquaintance	94	37.0%	161	63.0%	255	100.0%
Immediate family	33	36.9%	56	63.1%	89	100.0%
Police officer	26	27.7%	68	72.3%	95	100.0%
Commercial	87	26.4%	242	73.6%	329	100.0%
No Victim	351	25.9%	1,005	74.1%	1,356	100.0%
Non-Commercial	12	20.6%	45	79.4%	57	100.0%
<u>Current Charge (n=2,954)</u>						
Part I	288	33.4%	574	66.6%	862	100.0%
Part II	537	25.7%	1,555	74.3%	2,092	100.0%
<u>Charge Categories</u>						
Persons	194	37.9%	318	62.1%	512	100.0%
Miscellaneous	48	32.1%	103	67.9%	151	100.0%
Morality	83	30.7%	188	69.3%	271	100.0%
Drug-related	99	28.7%	246	71.3%	346	100.0%
Economic	206	27.1%	552	72.9%	758	100.0%
Public Order	194	21.2%	723	78.8%	917	100.0%
<u>Specific Charges</u>						
Family/Child	7	64.4%	4	35.6%	11	100.0%
Failure to Appear	8	63.8%	4	36.2%	12	100.0%
Drunkenness	32	53.0%	29	47.0%	61	100.0%
Robbery	39	51.6%	36	48.4%	75	100.0%
Aggravated Assault	66	42.0%	91	58.0%	157	100.0%
Narcotics Distribution	20	40.2%	30	59.8%	50	100.0%
Marijuana Distribution	12	38.3%	19	61.7%	31	100.0%

(continued)

TABLE 4.23 (CONTINUED)  
CASE CHARACTERISTICS RELATED TO  
FINANCIAL OR NONFINANCIAL RELEASE

Characteristic	Number	Mean	Number	Mean	Number	Mean
Number of Arrest Charges (n=2,954)	825	1.64	2,129	1.34	2,954	1.42
Number of Witnesses for the Defense (n=2,958)	827	0.2	2,131	0.0	2,958	0.1
Number of Witnesses Against Defendant (n=2,958)	827	1.8	2,131	1.1	2,958	1.3

TABLE 4.24  
CRIMINAL JUSTICE SYSTEM ACTIVITIES RELATED TO  
FINANCIAL OR NONFINANCIAL RELEASE

Item	Financial		Nonfinancial		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Program Interview (n=2,949)</u>						
No	361	39.7%	549	60.3%	910	100.0%
Yes	462	22.7%	1,578	77.3%	2,039	100.0%
<u>Mode of Information Verification (n=2,026)</u>						
No verification	34	48.2%	36	51.8%	70	100.0%
Only checked files	164	46.0%	193	54.0%	357	100.0%
Files and Telephone	253	16.2%	1,306	83.8%	1,559	100.0%
Other	9	22.0%	32	78.0%	41	100.0%
<u>Program Recommendation (n=1,811)</u>						
Unsecured bond	3	100.0%	0	0.0%	3	100.0%
Bail bond	38	71.6%	15	28.4%	52	100.0%
No recommendation	244	56.8%	186	43.2%	430	100.0%
Conditional release	8	53.3%	7	46.7%	15	100.0%
Do not release on OR	3	24.9%	10	75.1%	13	100.0%
Own recognizance	63	5.8%	1,022	94.2%	1,085	100.0%
Supervised release	1	3.9%	36	96.1%	37	100.0%
Stationhouse release	1	0.9%	165	99.1%	166	100.0%
<u>Source of Pretrial Release (n=2,950)</u>						
Bail schedule	276	94.8%	15	5.2%	291	100.0%
Judge	363	30.5%	826	69.5%	1,189	100.0%
Bail commissioner	185	19.4%	768	80.6%	953	100.0%
Program acting on its own	1	0.7%	159	99.3%	160	100.0%
Sheriff's Department	0	0.0%	253	100.0%	253	100.0%
Arresting Officer	0	0.0%	88	100.0%	88	100.0%
Other	0	0.0%	14	100.0%	14	100.0%

not be verified through telephone contact with references plus access to rap sheet files, the defendant was far more likely to be released on bail.

Program recommendation, or no recommendation, is also associated with financial release. When ROR is recommended, as it was for six of every ten interviewed and released defendants, a nonfinancial release almost always occurs. Also, because of their role in reviewing release conditions of those detained and deciding releases in the absence of a program interview, judges were the officials most responsible for financial releases.

The preceding discussion presents a fairly cohesive picture of the defendant likely to be released financially. He (85% of financial releasees are male) has relatively weak local ties. His prior record is more lengthy than those of nonfinancial releasees, and he has shown a much greater propensity for failing to appear. At arrest he is more likely already to be involved with the criminal justice system.

His case is characterized by a substantially weightier body of evidence against him, and his charge is often more serious. He is likely to have been interviewed by the pretrial release program. However, the program is likely, because of unsatisfactory interview information and unsatisfactory reference verification, to withhold an OR release recommendation. At that point the releasing magistrate, whether because of the weakness of the interview information or because of the seriousness of the case and charge, is likely to offer a financial release option.

#### 5. Relative Importance of Related Variables

##### a. Discriminant Analysis

Examination of the discriminant analysis and canonical correlation results yielded 43 independent variables related to financial/nonfinancial release. The squared canonical correlation of 47.6% indicates that these



43 variables do a fairly good job of discriminating among these two groups of released defendants.

When these variables were entered into a stepwise discriminant analysis, Z5 emerged as most related to this outcome measure. These are listed in Table 4.25

By far, the largest contributor to statistical significance in the discrimination among the two groups of defendants is a program recommendation for OR release. Predictably, availability of a bail schedule release is highly related to financial release. A previous failure to appear is very strongly associated with a financial release as well.

In summary, this is a fairly good battery of explanatory variables. The most statistically significant factors are program recommendation, source of release, previous failures to appear, number of witnesses in the case, type of current charge, verification of interview information, number of charges at arrest, criminal justice system status at time of arrest, and local residence.

#### b. Prediction (Logit) Analysis

The final step in the analysis of release types is to determine how well financial versus nonfinancial release can be predicted. Table 4.26 presents the results of the logit analysis of this topic. As shown, only 12.5% of the cases were misclassified in the analysis. These included 26.9% of the financial releasees and 7.4% of the nonfinancial releasees. Most of the variables differentiate significantly among the probabilities associated with each release type. These are also usually associated with large coefficients.

These results show that the program's recommendations and related activities, along with the defendant's source of release, are very much related to the probability of securing financial versus nonfinancial

TABLE 4.25  
STEPWISE DISCRIMINANT ANALYSIS RESULTS  
FOR FINANCIAL/NONFINANCIAL RELEASE

Variable	F TO ENTER OR REMOVE	WILKS' LAMBDA	SIGNIFICANCE OF CHANGE IN RAO'S V	UNSTANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS
Program recommended OR release	519.98	.69	0.000	0.07
Source of release was bond schedule	57.99	.66	0.000	-0.39
Previous failure to appear	62.85	.63	0.000	-0.66
Number of witnesses against	50.34	.60	0.000	-0.08
Program recommended supervised release	39.68	.58	0.000	0.14
Current charge is person crime	20.32	.57	0.000	-0.21
Information verified only from files	19.68	.56	0.000	0.43
Number of charges at arrest	11.67	.56	0.000	-0.13
On PTR when arrested	6.65	.56	0.001	-0.38
Current charge is public order crime	5.96	.55	0.001	0.24
Number of witnesses for	5.85	.55	0.001	-0.08
Defendant is local resident	4.45	.55	0.004	0.42
Program recommended bail release	4.74	.55	0.003	-1.86
Program recommended unsecured bond	4.36	.54	0.004	-2.89
Program made no recommendation	7.99	.54	0.000	-1.53
Program recommended deposit bail	12.76	.53	0.000	-1.77
Judge is source of release	3.72	.53	0.008	-0.39
On probation when arrested	2.29	.53	0.037	-0.17
On parole when arrested	2.37	.53	0.033	-0.28
Victim no prior acquaintance	1.68	.53	0.073	0.14
Defendant is divorced	1.49	.53	0.091	-0.14
None of information verified	1.56	.53	0.083	0.28
Program recommended conditional release	1.43	.53	0.097	-1.23
No weapon used	1.10	.53	0.146	0.07
Source of release is bail commissioner	1.62	.53	0.074	-0.26

TABLE 4.26  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE  
MODEL 1: ALL RELATED VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>System Variables</u>			
Program recommended bail release	-4.32	-4.19	0.0000
Program recommended OR release	1.06	1.08	0.2801
Program recommended deposit bail	-4.16	-3.03	0.0027
Program recommended unsecured bond	-15.57	-0.08	0.9362
Program recommended conditional release	-4.28	-2.77	0.0056
Program recommended supervised release	0.05	0.04	0.9681
Program made no recommendation	-4.01	-4.16	0.0000
Source of release is judge	-3.48	-3.67	0.0002
Source of release is bail commissioner	-2.98	-3.14	0.0019
Source of release is bond schedule	-7.49	-6.96	0.0000
Information verified only with files	0.64	2.69	0.0072
None of information verified	0.02	0.04	0.9681
Defendant interviewed	3.76	3.79	0.0001
<u>Defendant Variables</u>			
Previous failure to appear	-1.12	-4.93	0.0000
On PTR when arrested	-0.49	-1.41	0.1585
On probation when arrested	-0.53	-2.06	0.0394
On parole when arrested	-0.47	-0.86	0.3898
Local resident	0.53	1.16	0.2460
Divorced	-0.70	-2.28	0.0226
<u>Case Variables</u>			
Major charge is crime against person	-0.62	-2.63	0.0085
Major charge is public order crime	0.73	3.10	0.0019
Number of arrest charges	-0.26	-2.56	0.0105
Number of witnesses against	-0.21	-3.62	0.0003
Number of witnesses for	-0.30	-1.67	0.0949
No relation to victim	0.34	1.04	0.2983
No weapon used	0.05	0.20	0.8415
Measure of Multiple Association: 50.4% Chi Squared for No Effect is 869.82 with 27 d.f. Number of cases is 1,511			
Classification of Results*			
Actual:	Nonfinancial	Financial	Financial
Predicted:	Financial	Financial	Nonfinancial
Percents:	5.5%	19.0%	7.0%
			Nonfinancial
			68.5%
*In this analysis "nonfinancial release" was considered a "positive" outcome; "financial release," a "negative" one.			

release. Only one background item, marital status, is so related. However, two other "defendant" variables—previous failure to appear and criminal justice system status at time of arrest—also influence the type of release. The seriousness of the charge and case, as indicated by the severity and number of charges as well as the number of witnesses, also exhibit strong influences on release type.

A profile of the defendant most likely to be released on financial conditions can be constructed from this information. Sometimes already involved with the criminal justice system when he goes to court, he has either a financial or no recommendation from the program, due to a slight extent to his weaker local ties. The releasing magistrate also often faces a defendant arrested for a serious charge or with several charges and with a case where the weight of the evidence against the defendant is heavy. On the other hand, defendants who have a greater likelihood of nonfinancial release are persons who have been interviewed by the pre-trial release program and who have been charged with public order offenses (such as driving while intoxicated, disorderly conduct or vagrancy).

A major question is whether system variables or case variables, especially the charge and number of charges, play the greater role in determining release type. The answer is that system variables far outweigh all others and that case variables are least important of all. Tables 4.27—4.29 show this. Note that system variables alone yield a 43.4% predictive accuracy (as reflected in the measure of multiple association), as compared with 10.3% for defendant variables and 5.5% for case variables, which are primarily related to the charge.

There is some slight interaction of case and system factors. When these are placed in a single model, they yield a 48.1% prediction level, as compared to that for a system-plus-defendant model of 45.6%. Overall,

TABLE 4.27  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE  
MODEL 2: CASE VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY	
Major charge is crime against person	-0.202	-1.23	0.2187	
Major charge is public order crime	0.318	2.14	0.0324	
Number of arrest charges	-0.315	-4.18	0.0000	
Number of witnesses against	-0.173	-3.94	0.0000	
Number of witnesses for	-0.093	-1.06	0.2891	
No relation to victim	-0.154	-0.69	0.4902	
No weapon used	0.241	1.39	0.1645	
Measure of Multiple Association: 5.5% Chi Squared for No Effect is 95.27 with 8 d.f. Number of Cases is 1,511				
Classification of Results*				
Actual:	Nonfinancial	Financial	Financial	Nonfinancial
Predicted:	Financial	Financial	Nonfinancial	Nonfinancial
Percents:	2.2%	2.2%	23.8%	71.8%
*In this analysis "nonfinancial release" was considered a "positive" outcome; "financial release," a "negative" one.				

TABLE 4.28  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE  
MODEL 3: DEFENDANT VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY	
Previous failure to appear	-1.61	-9.45	0.0000	
On PTR when arrested	-1.17	-4.69	0.0000	
On probation when arrested	-0.82	-4.47	0.0000	
On parole when arrested	-0.96	-2.56	0.0105	
Local resident	1.48	4.35	0.0000	
Divorced	-0.75	-3.70	0.0002	
Measure of Multiple Association: 10.3% Chi Squared for No Effect is 178.39 with 7 d.f. Number of Cases is 1,511				
Classification of Results*				
Actual:	Nonfinancial	Financial	Financial	Nonfinancial
Predicted:	Financial	Financial	Nonfinancial	Nonfinancial
Percents:	5.2%	8.3%	17.7%	68.8%
*In this analysis "nonfinancial release" was considered a "positive" outcome; "financial release," a "negative" one.				

TABLE 4.29  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE  
MODEL 4: SYSTEM VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
Program recommended bail release	-4.02	-4.21	0.0000
Program recommended OR release	0.46	0.52	0.6031
Program recommended deposit bail	-3.90	-3.11	0.0019
Program recommended unsecured bond	-13.91	-0.12	0.9920
Program recommended conditional release	-3.95	-2.69	0.0072
Program recommended supervised release	0.63	0.47	0.0000
Program made no recommendation	-3.58	-4.06	0.0000
Source of release is judge	-3.54	-4.81	0.0000
Source of release is bail commissioner	-2.76	-3.73	0.0002
Source of release is bond schedule	-6.96	-7.85	0.0000
Information verified only with files	0.66	3.07	0.0019
None of information verified	-0.22	-0.46	0.6455
Defendant interviewed	2.79	3.10	0.0019

Measure of Multiple Association: 43.4%  
Chi Squared for No Effect is 749.16 with 14 d.f.  
Number of cases is 1,501

Classification of Results\*

Actual:	Nonfinancial	Financial	Financial	Nonfinancial
Predicted:	Financial	Financial	Nonfinancial	Nonfinancial
Percents:	9.9%	20.5%	5.7%	64.0%

\*In this analysis "nonfinancial release" was considered a "positive" outcome; "financial" release, a "negative" one.

however, most of the prediction that can be accomplished is due to system measures, particularly program activities and the interview responses that lead to them.

Note that with case variables alone, only 8.5% of the financial releases were predicted correctly, that is, almost nine of every ten were misclassified. Results were far better for nonfinancial releases.

Of the case-related items, standing alone, the most important are number of charges and witnesses, as well as the charge. However, the coefficients are not very large.

The defendant variables model was somewhat more successful. However, only one-third of the financial releasees were correctly classified.

It is noteworthy that when defendant variables are considered alone, they are all quite significantly related to the release outcome. Of particular importance are previous failure to appear and involvement with the criminal justice system at arrest, which are associated with financial release; and local residence, which is associated with nonfinancial release.

However, as stated earlier, by far the most critical items affecting the type of release are those measuring the criminal justice system's reaction to the defendant and case. Table 4.29 shows the impact of these variables. With system variables alone 78.2% of the financial releases and 85.4% of the nonfinancial releases were predicted accurately. These variables also account for 43.4% of the precise predictions of defendants' probability scores. Hence, they are 86% as effective as the total predictor battery used in Model 1.

By themselves, program recommendations of bail, deposit bail, conditional release, and no recommendation as well as release either by a judge or a bail commissioner or through the availability of a bond schedule are all highly related to financial release. (Note that an unsecured bond

recommendation is an unreliable predictor, as it is very insignificant statistically.) On the other hand, being interviewed by the program, in and of itself, yields a good relative likelihood of a nonfinancial release.

#### c. Site-by-Site Variations

A few of the sites varied considerably from the aggregate in the ability of these variables to predict the type of release. In Pima County, an extremely low proportion of the probabilities, 18.4%, (see Table 4.30) were predicted accurately by the equation. The reason for this, and for the importance of the defendant and case batteries there, is that only two of the twelve system variables were present in the analysis, with the others eliminated because of multicollinearity problems. In Baltimore County an unusually high measure of multiple association was found, but a mere 10.9% of that site's cases were included in the analysis.

A more interesting result was found in Santa Clara County, where with 52% of the cases, 82.7% of the exact probabilities were correctly predicted by these variables. In Santa Clara County, only 10.5% of the financial releases and 1.9% of the nonfinancial releases were misclassified. Table 4.31 shows the results of the analysis for the total variable set. A comparison with Table 4.32 shows that 97% of the predictive accuracy was due to system variables.

Only a few of the variables in the total model (Table 4.31) were statistically significant. These were no weapon used, and (borderline significance for) information verification, public order charge and a program recommendation of bail.

#### D. Analysis of Type of Release Decision

The preceding sections of this chapter have discussed actual release outcomes: release versus detention and financial versus nonfinancial

TABLE 4.30  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE, BY SITE

Site	Number of Cases (Weighted)	Percentage of Site's Cases Included in Analysis	Measure of Multiple Association	Classification of Results				Best Battery
				False Negatives	True Negatives	False Positives	True Positives	
Baltimore City	614	75.7%	53.8%	4.6%	13.7%	5.4%	76.4%	System
Baltimore County	44	10.9%	71.4%	2.3%	47.7%	4.5%	45.5%	Case/Defendant
Washington, D.C.	106	16.3%	58.7%	0.9%	1.9%	4.7%	92.5%	System
Dade County	79	36.9%	50.2%	5.1%	26.6%	10.1%	58.2%	System
Louisville	252	60.6%	44.5%	4.0%	34.5%	10.3%	51.2%	System
Pima County	44	12.3%	18.4%	4.5%	9.1%	15.9%	70.5%	Case/Defendant
Santa Cruz County	71	40.0%	59.5%	2.8%	18.3%	7.0%	71.8%	System
Santa Clara County	291	52.0%	82.7%	1.4%	23.0%	2.7%	72.9%	System
TOTAL, 8 SITES	1,511	51.4%	50.4%	5.5%	19.0%	7.0%	68.5%	System

TABLE 4.31  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE, SANTA CLARA COUNTY  
MODEL 1: ALL RELATED VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY	
<u>System Variables</u>				
Program recommended bail release	-2.91	-1.74	0.0819	
Program recommended OR release	0.98	0.76	0.4473	
Program made no recommendation	-0.28	-0.31	0.7114	
Source of release is judge	-12.95	-0.11	0.8493	
Source of release is bail schedule	-20.10	-0.17	0.8650	
Information verified only from files	2.02	1.85	0.0643	
<u>Defendant Variables</u>				
Defendant previously failed to appear	0.64	0.35	0.7263	
On PTR when arrested	-0.58	-0.51	0.6101	
On probation when arrested	-0.65	-0.54	0.5892	
Divorced	0.59	0.46	0.6455	
<u>Case Variables</u>				
Charge is for public order offense	-1.67	-1.76	0.0784	
Number of arrest charges	-0.52	-0.74	0.4593	
Number of witnesses against	0.27	0.55	0.5823	
No acquaintance of victim	1.38	1.06	0.2891	
No weapon used	2.65	2.09	0.0366	
Measure of Multiple Association: 82.7%				
Chi Squared for No Effect is 274.82 with 15 d.f.				
Number of Cases is 291				
Classification of Results*				
Actual:	Nonfinancial	Financial	Financial	Nonfinancial
Predicted:	Financial	Financial	Nonfinancial	Nonfinancial
Percents:	1.4%	23.0%	2.7%	72.9%
*In this analysis "nonfinancial release" was considered a "positive" outcome; "financial" release, a "negative" one.				

TABLE 4.32  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE, SANTA CLARA COUNTY  
MODEL 2: SYSTEM VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
Program recommended bail release	-3.19	-1.89	0.0588
Program recommended OR release	0.45	0.41	0.6818
Program recommended supervised release	14.42	0.05	0.5961
Program made no recommendation	-0.88	-1.07	0.2846
Source of release is judge	-12.67	-0.10	0.8887
Source of release is bail schedule	-18.85	-0.15	0.8808
Information verified only from files	1.65	1.67	0.0949

Measure of Multiple Association: 80.1%				
Chi Squared for No Effect is 274.37 with 7 d.f.				
Number of Cases is 291				

Classification of Results*				
Actual:	Nonfinancial	Financial	Financial	Nonfinancial
Predicted:	Financial	Financial	Nonfinancial	Nonfinancial
Percents:	1.0%	23.0%	2.7%	73.2%

*In this analysis "nonfinancial release" was considered a "positive" outcome; "financial release," a "negative" one.	
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release. This section considers the correlates and predictors of the type of release set by a magistrate, regardless of whether it resulted in release.

Conceptually, this analysis requires that the study sample include only those defendants who appeared before a magistrate to have release conditions set. Thus, defendants who gained release without such a hearing are excluded. Such defendants received field (citation), stationhouse, direct program or bail schedule releases. (Whenever a defendant who could have secured release through a bail schedule appeared before a magistrate, the person was included in the analysis.)

#### 1. Release Rates

As Figure 4.1 showed, 71.5% of the defendants studied had their release options set by a judicial decision. This figure is composed of 66% nonfinancial, and 31% financial decisions, with the remaining 3% detained with no release option following a hearing. In terms of actual release outcomes, two-thirds of the defendants with a financial release option set by a magistrate do not post the funds prior to a reconsideration of the amount at a new hearing. Twenty-five percent of all defendants with a financial condition set at a hearing do not gain release, and another 23% are released only after their bonds are changed to nonfinancial conditions.

#### 2. Defendant Characteristics Related to Financial and Nonfinancial Release Decisions

##### a. Demographic Characteristics

As Table 4.33 shows, only the sex of the defendant, among demographic characteristics, is related to the type of release decision granted a defendant. Female defendants were less likely than males to receive a financial release decision.

TABLE 4.33  
DEMOGRAPHIC CHARACTERISTICS RELATED TO  
RELEASE DECISION

Characteristic	Financial		Nonfinancial		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Sex (n=2,472)</u>						
Male	729	34.8%	1,363	65.2%	2,093	100.0%
Female	108	28.5%	271	71.5%	379	100.0%



b. Background Characteristics

A number of background (i.e., community ties) factors are related to the type of release decision. As shown in Table 4.34, these include the defendant's marital status, living arrangement, residency, and employment. Persons who are divorced or separated, living with an unrelated person or alone, and unemployed are somewhat more likely to be given a financial release option. Defendants who are not local residents, important for an OR release recommendation by many programs, are twice as likely as others to get a financial release option.

c. Criminal History

Several criminal history measures, also employed by release agencies in reaching recommendations, are associated with the release decision (see Table 4.35). These include prior failures to appear, criminal justice system status at time of arrest, number and type of prior arrests and convictions, and age at first adult arrest. Defendants with more prior arrests and convictions, especially for Part I charges, persons who have failed to appear in the past, and defendants already involved with the criminal justice system when arrested were most likely to be granted a financial release option. Persons with a previous failure to appear had twice the chance of other defendants of receiving a financial release option. Defendants not involved with the criminal justice system when arrested were about half as likely as others to be given a financial release option.

3. Case Characteristics Related to Release Decision

Case characteristics also vary by the type of release decision, as shown in Table 4.36. The current charge seriousness seems especially important, with a far larger proportion of those arrested for a Part I charge or a crime against a person receiving a financial release decision. The Part I charges of murder, rape, robbery, aggravated assault, and auto

TABLE 4.34  
BACKGROUND CHARACTERISTICS RELATED TO  
RELEASE DECISION

Characteristic	Financial		Nonfinancial		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Marital Status (n=1,947)</u>						
Divorced/Separated	159	37.3%	264	62.7%	421	100.0%
Single/Widow(er)ed	385	34.0%	748	66.0%	1,134	100.0%
Married	110	28.0%	283	72.0%	393	100.0%
<u>Living Arrangement (n=1,894)</u>						
Alone	88	38.2%	142	61.8%	230	100.0%
Unrelated Person	123	37.7%	203	62.3%	326	100.0%
Parent/Guardian	218	32.9%	444	67.1%	662	100.0%
Relative	95	31.7%	204	68.3%	298	100.0%
Spouse	101	26.7%	277	73.3%	377	100.0%
<u>Employment Status (n=2,354)</u>						
No employment/part-time employment	419	36.2%	737	63.8%	1,156	100.0%
Full-time employment	367	30.7%	831	69.3%	1,198	100.0%
<u>Local Residence (n=2,402)</u>						
No	67	62.3%	40	37.7%	107	100.0%
Yes	721	31.4%	1,575	68.6%	2,295	100.0%

TABLE 4.35  
PRIOR RECORD CHARACTERISTICS RELATED TO  
RELEASE DECISION

Characteristic	Financial		Nonfinancial		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Most Frequent Charge in Prior Record (n=984)</u>						
Part I	188	43.2%	247	56.8%	435	100.0%
Part II	174	31.7%	375	68.3%	549	100.0%
<u>Previous Failure to Appear (n=1,701)</u>						
Yes	208	63.9%	117	36.1%	325	100.0%
No	424	30.8%	952	69.2%	1,376	100.0%
<u>CJS Status at Arrest (n=2,285)</u>						
On parole	66	56.4%	51	43.6%	117	100.0%
Warrant	18	54.5%	15	45.5%	33	100.0%
On pretrial release	74	51.6%	70	48.4%	144	100.0%
On probation	128	45.2%	155	54.8%	283	100.0%
No involvement	498	29.1%	1,213	70.9%	1,711	100.0%
Characteristic	Number	Mean	Number	Mean	Number	Mean
Age at First Adult Arrest (n=1,712)	640	22.2	1,071	23.4	1,712	23.0
Number of Prior Arrests (n=2,484)	840	6.3	1,644	3.3	2,484	4.3
Number of Prior Convictions (n=2,484)	840	2.4	1,644	1.4	2,484	1.8

TABLE 4.36  
CASE CHARACTERISTICS RELATED TO  
RELEASE DECISION

Characteristic	Financial		Nonfinancial		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Weapon or Apparatus Used (n=2,122)</u>						
One or both	196	48.2%	211	51.8%	407	100.0%
Neither	537	31.3%	1,178	68.7%	1,715	100.0%
<u>Caught in Act or at Scene (n=2,062)</u>						
No	255	41.8%	355	58.2%	610	100.0%
Yes	460	31.7%	992	68.3%	1,452	100.0%
<u>Relation to Victim (n=2,053)</u>						
Multiple victims	49	55.6%	39	44.4%	89	100.0%
No acquaintance	80	44.0%	102	56.0%	182	100.0%
Prior acquaintance	112	41.5%	157	58.5%	269	100.0%
Immediate family	38	40.8%	55	59.2%	93	100.0%
Commercial	110	33.4%	219	66.6%	329	100.0%
Police officer	27	28.8%	66	71.2%	93	100.0%
No victim	270	28.7%	672	71.3%	942	100.0%
Non-commercial	15	25.8%	42	74.2%	56	100.0%
<u>Most Serious Charge (n=2,479)</u>						
Part I	384	42.9%	512	57.1%	896	100.0%
Part II	453	28.6%	1,130	71.4%	1,583	100.0%
<u>Categories</u>						
Persons	245	44.9%	300	55.1%	546	100.0%
Miscellaneous	62	41.2%	89	58.8%	151	100.0%
Morality	80	34.9%	150	65.1%	230	100.0%
Economic	251	34.3%	481	65.7%	733	100.0%
Public order	136	24.7%	414	75.3%	550	100.0%
Drug-related	63	23.1%	208	76.9%	271	100.0%
<u>Specific Charges</u>						
Violation of parole/probation	13	91.4%	1	8.6%	14	100.0%
Failure to appear	14	75.6%	4	24.4%	18	100.0%
Murder	10	71.8%	4	28.2%	13	100.0%
Robbery	73	67.3%	36	32.7%	109	100.0%
Drunkenness	39	62.4%	24	37.6%	63	100.0%
Vagrancy	13	50.0%	13	50.0%	26	100.0%
Rape	10	48.3%	11	51.7%	21	100.0%
Auto theft	26	45.5%	31	54.5%	57	100.0%
Aggravated Assault	73	44.9%	89	55.1%	162	100.0%
Characteristic	Number	Mean	Number	Mean	Number	Mean
Number of charges at arrest (n=2,479)	837	1.74	1,642	1.40	2,479	1.51
Number of witnesses against defendant (n=2,484)	840	2.00	1,644	1.30	2,484	1.50
Number of witnesses for defendant (n=2,484)	839	0.23	1,644	0.05	2,484	0.11

theft accounted for 23% of the financial release decisions, though they accounted for less than 15% of the arrests.

The weight of the evidence in the case against the defendant also contributed heavily to the release decision. Multiple victims, the defendant's having been caught after an investigation, the use of a weapon or apparatus, and the presence of a large number of witnesses all indicated that a financial release option was especially likely.

#### 4. Criminal Justice System Activities Related to Release Decision

Several criminal justice system factors were very important to the release decision (see Table 4.37). When the program was unable to verify the interview information adequately, when it interviewed only after the first bail hearing, or when it did not interview at all, the defendant was much more likely to be given a financial release option. Almost any recommendation other than for OR led quite frequently to a financial release decision. When the defendant's original source of a release option was a bond schedule (later subjected to court review) and when a judge, rather than a bail commissioner, was the decisionmaker, a financial decision was also more likely to result.

#### 5. Relative Importance of Related Factors

##### a. Discriminant Analysis

Following bivariate correlation analysis, a reduced number of dummy-coded and continuous variables was entered into a stepwise discriminant analysis. About two dozen of the 41 variables used produced the bulk of the discriminatory power. These are listed in Table 4.38. The analysis yielded a canonical correlation coefficient of 0.677, which showed that these variables successfully discriminated groups.

As Table 4.38 shows, program OR recommendation was enormously significant in affecting the distribution of release decisions. Also of

TABLE 4.37  
CRIMINAL JUSTICE SYSTEM ACTIVITIES  
RELATED TO RELEASE DECISION

Item	Financial		Nonfinancial		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Program Interview</u> (n=2,479)						
No	226	37.2%	381	62.8%	607	100.0%
Yes	610	32.6%	1,262	67.4%	1,872	100.0%
<u>Time of Interview</u> (n=1,879)						
After first hearing/ other	57	41.6%	80	58.4%	137	100.0%
Immediately after arrest	554	31.8%	1,188	68.2%	1,742	100.0%
<u>Verification of Informa- tion (n=1,867)</u>						
Files only	220	53.4%	192	46.6%	412	100.0%
None	39	51.4%	36	48.6%	75	100.0%
Phone and files	343	25.7%	992	74.3%	1,335	100.0%
Other	13	28.3%	33	71.7%	46	100.0%
<u>Program Recommendation</u> (n=1,631)						
Unsecured bond	3	100.0%	0	0.0%	3	100.0%
Surety bail	72	84.3%	13	15.7%	86	100.0%
Deposit bail	6	68.3%	3	31.2%	9	100.0%
No recommendation	322	63.6%	185	36.4%	507	100.0%
Conditional release	14	62.2%	8	37.8%	22	100.0%
Stationhouse release	1	50.0%	1	50.0%	2	100.0%
Do not release on OR	7	40.2%	10	59.8%	17	100.0%
Own recognizance	77	8.1%	869	91.9%	946	100.0%
Supervised release	2	5.0%	36	95.0%	38	100.0%
<u>Source of Release</u> (n=2,474)						
Bond schedule	25	65.3%	13	34.7%	38	100.0%
Judge	531	39.1%	826	60.9%	1,357	100.0%
Bail commissioner	280	26.7%	768	73.3%	1,048	100.0%
Other	2	6.9%	27	93.1%	29	100.0%

TABLE 4.38  
STEPWISE DISCRIMINANT ANALYSIS RESULTS  
FOR RELEASE DECISION

Variable	F TO ENTER OR REMOVE	WILKS' LAMBDA	SIGNIFICANCE OF CHANGE IN RAO'S V	UNSTANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS
Program recommended OR	617.39	.666	0.000	0.004
Program recommended supervised release	63.51	.633	0.000	-1.805
Number of charges	43.06	.612	0.000	-0.129
Previous FTA	43.46	.591	0.000	-0.598
Program recommended bail	14.39	.584	0.000	-0.004
Charge is crime against person	13.13	.578	0.000	-0.195
Information verified only from files	8.78	.574	0.000	0.322
Number of witnesses against	9.11	.570	0.000	-0.061
Source of release is bond schedule	5.66	.567	0.002	-1.304
Local resident	4.13	.565	0.007	0.424
On parole when arrested	4.58	.563	0.004	-0.536
On PTR when arrested	3.75	.561	0.010	-0.286
Program recommended unsecured bond	2.42	.560	0.037	-2.570
Program made no recommendation	3.78	.558	0.009	-1.590
Program recommended conditional release	7.15	.555	0.000	-2.360
Program recommended deposit bail	13.32	.549	0.000	-1.805
Charge is public order crime	2.48	.548	0.032	0.221
On PTR and probation when arrested	1.62	.547	0.084	-0.503
On outstanding warrant when arrested	1.54	.547	0.091	-0.597
Charge is drug-related crime	1.18	.546	0.138	0.196
No victim of crime	1.24	.545	0.129	-0.104
Source of release is bail commissioner	1.62	.542	0.079	-0.342
Lives with spouse	1.12	.542	0.145	0.238

great distributional significance were a recommendation for supervised release, the number of charges against the defendant and whether the person previously failed to appear. The unstandardized discriminant function coefficients suggest that the program recommendation variables are the strongest separators of the two groups.

b. Prediction (Logit) Analysis

The logit analysis results, shown in Table 4.39, indicate that a reasonably successful prediction of the likely release option set at a hearing can be made. Using all related variables, 39.7% of the exact defendant probabilities were predicted correctly. Only 16.1% of all cases were misclassified. Also, 13% of the nonfinancial release decisions and 23% of the financial decisions were classified incorrectly.

As suggested by the preliminary discriminant analyses presented earlier, program recommendations are very important predictors of the actual release decisions. A program recommendation of bail, deposit bond, or the lack of a recommendation are strong indicators of a likelihood that the decision will be for a financial form of release option (Conditional release is also related to a financial release option, though the level of statistical significance does not reach the conventional cutoff point of .05). ROR or supervised release recommendations are related to nonfinancial release decisions for the sample, but are not statistically significant.

Connected with these variables are the interview and its criteria. An interview, in and of itself, is more likely to be associated with a nonfinancial than a financial release decision. If verified information shows the defendant is a local resident, (lives with a spouse, not significant), and has not failed to appear in the past, this points toward a nonfinancial program recommendation, release decision, and release

TABLE 4.39  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE DECISION  
MODEL 1: ALL RELATED VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>System Variables</u>			
Information verified only from files	0.481	2.311	0.021
Program recommended bail release	-3.006	-3.597	0.000
Program recommended ROR release	1.108	1.438	0.151
Program recommended deposit bond release	-2.576	-2.217	0.030
Program recommended unsecured bond release	-13.063	-0.080	0.936
Program recommended conditional release	-1.977	-1.627	0.105
Program recommended supervised release	1.282	1.214	0.226
Program made no release recommendation	-1.966	-2.606	0.009
Release option given by bail commissioner	0.076	0.459	0.645
Release option available per bond schedule	-1.431	-1.859	0.057
Interview by program took place	1.527	1.907	0.057
<u>Case Variables</u>			
No victim of offense	0.603	2.357	0.019
Crime against person is major charge	-0.545	-2.488	0.012
Drug-related offense is major charge	0.209	0.658	0.515
Morality offense is major charge	0.602	2.357	0.019
Number of arrest charges	-0.350	-3.706	0.000
Number of witnesses against	-0.106	-1.851	0.066
<u>Defendant Variables</u>			
Defendant lives with spouse	0.077	0.374	0.719
Defendant is local resident	0.899	2.242	0.026
On PTR when arrested	-0.800	-2.326	0.020
On parole when arrested	-1.137	-2.630	0.009
On PTR and probation when arrested	-1.421	-1.428	0.156
Warrant outstanding for another charge when arrested	-0.372	-0.421	0.674
Failed to appear in past	-1.273	-5.940	0.000
Measure of Multiple Association: 39.7% Chi-Squared for No Effect is 1020.6 with 25 d.f. Number of Cases is 1239			
Classification of Results*			
Actual:	Nonfinancial	Financial	Financial
Predicted:	Financial	Financial	Nonfinancial
Percents:	7.1%	24.4%	9.0%
			59.4%
*In this analysis "nonfinancial release decision" was considered a "positive" outcome; "financial release decision," a "negative" one.			

outcome. If the defendant is currently involved with the criminal justice system and/or has failed to appear in the past, the person is likely to get a financial release option.

Variables associated with the case against the defendant are also significant predictors of the release decision. When there are several current arrest charges and witnesses against the defendant, the person is likely to get a financial release option. This is also true if the charge is for a crime against a person. On the other hand, when there was no victim, or when the charge was either drug-related (not statistically significant) or a "morality" offense (e.g., gambling, prostitution, liquor law violations), a nonfinancial release option was most probable.

Finally, when the release source is a bail commissioner, rather than a judge, there is a slightly greater (though not statistically significant) chance of nonfinancial release. If the original option came from a bail schedule, the chances are it will remain financial when considered by a magistrate.

An important related question is the extent to which each of the major variable categories contributes to the overall predictive accuracy. When we separately analyzed each of those categories—system, defendant and case variables—we found that system factors were most important by far, followed by defendant and then case variables. The results for these models are presented in Tables 4.40-4.42. The system factors alone contribute, disregarding possible interaction effects, 33.2% of the total 39.7% prediction of the exact release decision probabilities. Defendant variables alone accounted for 11.4%; and case variables, 6.1%. The fact that the total of 33.2% and 11.4% and 6.1% far exceeds 39.7% indicates that there is interaction among these variables. This interaction will be explored after the individual batteries of predictors have been considered.

TABLE 4.40  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL  
RELEASE DECISION  
MODEL 2: SYSTEM VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
Program recommended bail release	-2.73	-3.78	.0001
Program recommended OR release	1.79	2.77	.0056
Program recommended deposit bail release	-2.07	-1.99	.0466
Program recommended unsecured bond release	-11.68	-0.07	.9442
Program recommended conditional release	-1.26	-11.77	.0000
Program recommended supervised release	2.04	2.11	.0349
Program made no recommendation	-1.45	-2.30	.0214
Information verified only from files	0.52	2.67	.0076
Source of release is bail commissioner	0.35	2.27	.0232
Source of release is bond schedule	-1.53	-2.06	.0394
Defendant was interviewed	0.74	1.09	.2757
Measure of Multiple Association: 33.2%			
Chi Squared for No Effect is 1131.09 with 12 d.f.			
Number of Cases is 1,333			
Classification of Results*			
Actual:	Nonfinancial	Financial	Nonfinancial
Predicted:	Financial	Financial	Nonfinancial
Percents:	13.6%	27.6%	53.3%
*In this analysis "nonfinancial release decision" was considered a "positive" outcome; "financial release decision," a "negative" one.			

TABLE 4.41  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE DECISION  
MODEL 3: DEFENDANT VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
Defendant lives with spouse	0.357	2.191	0.028
Defendant is a local resident	1.836	5.252	0.000
Defendant was on PTR for another charge when arrested	-0.903	- 3.323	0.000
Defendant was on parole for another charge when arrested	-1.391	- 4.350	0.000
Defendant was on PTR and probation when arrested	-1.744	- 2.441	0.082
Defendant had an outstanding warrant for another charge when arrested	-2.126	- 2.556	0.033
Defendant had failed to appear in past	-1.775	-10.338	0.000
Measure of Multiple Association is 11.4%			
Chi-Squared for No Effect is 1500.4 with 8 d.f.			
Number of Cases is 1,333			
Classification of Results*			
Actual:	Nonfinancial	Financial	Financial
Predicted:	Financial	Financial	Nonfinancial
Percents:	6.8%	14.2%	19.0%
			60.1%
*In this analysis "nonfinancial release decision" was considered a "positive" outcome; "financial release decision" was considered a "negative" outcome.			

TABLE 4.42  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE DECISION  
MODEL 4: CASE VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY	
No victim of offense	- 0.082	-0.454	0.653	
Crime against a person is major charge	- 0.088	-0.547	0.582	
Drug-related offense is major charge	0.465	1.932	0.053	
Morality offense is major charge	0.377	1.959	0.050	
Number of arrest charges	0.398	-5.797	0.000	
Number of witnesses against defendant	- 0.173	-4.133	0.000	
Measure of Multiple Association: 6.1%				
Chi-Squared for No Effect is 1591.2 with 7 d.f.				
Number of Cases is 1,333				
Classification of Results*				
Actual:	Nonfinancial	Financial	Financial	Nonfinancial
Predicted:	Financial	Financial	Nonfinancial	Nonfinancial
Percents:	4.1%	6.9%	26.3%	62.7%
*In this analysis "nonfinancial release decision" was considered a "positive" outcome; "financial release decision," a "negative" one.				

Table 4.40 shows that in terms of strength the program recommendation (excluding one for unsecured bond, which probably occurs too infrequently to affect the release decision significantly) is the single most important determinant of the type of release decision. If the program favors a non-financial release, the defendant is likely to get one. If it makes no recommendation or favors financial conditions, these will be set. Other system measures are important, but to a far lesser degree.

Table 4.41 shows that current involvement with the criminal justice system and/or a prior failure to appear can lead to the setting of a financial release condition. Local residence is a good indicator of a nonfinancial release, as is a living arrangement with a spouse. Used alone, these variables would correctly classify three out of every four defendants. However, more than half (57.2%) of the defendants given financial release conditions would be misclassified (19.0% out of a total of 33.2%).

Table 4.42 shows that case characteristics alone are very poor predictors of release hearing decisions. Again, the nonfinancial release decisions are correctly classified most of the time. This is not surprising, because they outnumber financial release decisions by a two-to-one margin. However, case factors that are related to financial release decisions (when unaffected by other factors)—no victim of the offense, the number of witnesses against the defendant, and a serious personal crime charge—misclassify 79.2% of the defendants who received financial release options.

There is little interaction among case and defendant variables. Table 4.43 shows that the derived measure of multiple association when these are used together is very close to their combined measures when used separately—16.2%, as compared to the total of 11.4% and 6.1%. There is also little interaction among case and system variables. Table 4.44 shows that the measure of multiple association from combining these drops



TABLE 4.43  
PREDICTION RESULTS FOR FINANCIAL/NONFINANCIAL RELEASE DECISION  
MODEL 4: CASE AND DEFENDANT VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>CASE VARIABLES</u>			
No victim of offense	- 0.165	-0.838	0.412
Crime against a person is major charge	- 0.240	-1.376	0.170
Drug-related offense is major charge	0.420	1.614	0.107
Morality offense is major charge	0.321	1.522	0.128
Number of arrest charges	0.396	-5.471	0.000
Number of witnesses against defendant	- 0.154	-3.397	0.000
<u>DEFENDANT VARIABLES</u>			
Defendant lives with spouse	0.348	2.051	0.046
Defendant is a local resident	1.912	5.269	0.000
Defendant was on PTR for another charge when arrested	- 0.942	-3.365	0.000
Defendant was on parole for another charge when arrested	- 1.215	-3.581	0.000
Defendant was on PTR and probation when arrested	- 1.183	-1.459	0.148
Defendant had an outstanding warrant for another charge when arrested	- 1.843	-2.170	0.030
Defendant had failed to appear in past	- 1.776	-10.053	0.000
Measure of Multiple Association: 16.2%			
Chi-Squared for No Effect is 1418.9 with 14 d.f.			
Number of Cases is 1,333			
<u>Classification of Results*</u>			
Actual:	Nonfinancial	Financial	Financial
Predicted:	Financial	Financial	Nonfinancial
Percents:	7.2%	15.2%	18.0%
			59.6%
*In this analysis "nonfinancial release decision" was considered a "positive" outcome; "financial release decision," a "negative" one.			

TABLE 4.44  
PREDICTION RESULTS FOR  
FINANCIAL/NONFINANCIAL RELEASE DECISION  
MODEL 5: SYSTEM AND CASE VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>System Variables</u>			
Information verified only from files	0.535	2.673	0.007
Program recommended bail release	-2.574	-3.468	0.000
Program recommended OR release	1.818	2.725	0.006
Program recommended deposit bond release	-1.942	-1.795	0.073
Program recommended unsecured bond release	-12.043	-7.331	0.000
Program recommended conditional release	-1.104	-0.987	0.322
Program recommended supervised release	1.973	1.996	0.045
Program made no release recommendation	-1.512	-2.323	0.020
Release option given by bail commissioner	0.188	1.191	0.234
Release option available per bond schedule	-1.499	-1.963	0.050
Interview by program took place	0.835	1.206	0.230
<u>Case Variables</u>			
No victim of offense	-0.375	-1.616	0.107
Crime against person is major charge	-0.508	-2.394	0.016
Drug-related offense is major charge	0.287	0.915	0.362
Morality offense is major charge	0.653	2.690	0.007
Number of arrest charges	-0.351	-3.822	0.000
Number of witnesses against defendant	-0.112	-2.077	0.038
Measure of Multiple Association: 36.5%			
Chi-Squared for No Effect is 1075.4 with 18 d.f.			
Number of Cases is 1,333			
<u>Classification of Results*</u>			
Actual:	Nonfinancial	Financial	Financial
Predicted:	Financial	Financial	Nonfinancial
Percents:	9.4%	25.8%	7.4%
			57.5%
*In this analysis "nonfinancial release decision" was considered a "positive" outcome; "financial release decision," a "negative" one.			



very little from their separate totals—from 39.3% to 36.5%.

There is considerable interaction among system and defendant characteristics. Separate models produce measures of multiple association that total 44.6%. A combined model produces only 36.7%, as shown in Table 4.45. Two features of this should be noted. First, these two groups of variables comprise most of the predictive power of the release decision. Second, the interaction observed when defendant and system factors are combined in the analysis seems reasonable.

When the statistical significance of the defendant variables and system variables in the combined model is compared to that in the individual models, an interesting observation can be made. Sizeable declines in statistical significance occur for many measures. No longer significant are a program's OR and supervised release recommendations, release by a bail commissioner, living with spouse, or outstanding warrant. On the other hand, a large increase occurs in the significance and strength of the program interview, from a probability of .28 (not significant) to a probability of .08 (of borderline significance). Additionally, its coefficient almost doubles. These findings show that many of the factors considered in the program's recommendation and the recommendation itself, while still important in the combined model, are no longer as important as in the individual models; moreover, the simple fact of program interview gains in importance. Not even the identity of the person making the release decision was as important as the program's activities.

#### c. Site-by-Site Variations

Table 4.46 shows substantial differences in the ability of these variables to predict release decisions from site to site. Accompanying these variations are wide differences in the proportion of the sites' cases included in the analysis. In most of the sites, substantial problems

TABLE 4.45  
PREDICTION RESULTS FOR  
FINANCIAL/NONFINANCIAL RELEASE DECISION  
MODEL 6: SYSTEM AND DEFENDANT VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY	
<u>System Variables</u>				
Information verified only from files	0.461	2.292	0.022	
Program recommended bail release	-3.145	-3.934	0.000	
Program recommended OR release	1.108	1.516	0.131	
Program recommended deposit bond release	-2.720	-2.468	0.013	
Program recommended unsecured bond release	-12.628	-0.076	0.447	
Program recommended conditional release	-2.050	-1.806	0.072	
Program recommended supervised release	1.376	1.343	0.180	
Program made no recommendation	-1.895	-2.649	0.008	
Release option given by bail commissioner	0.245	1.533	0.126	
Release option available per bond schedule	-1.517	-2.024	0.043	
Interview by program took place	1.352	1.783	0.075	
<u>Defendant Variables</u>				
Defendant lives with spouse	0.090	0.457	0.652	
Defendant is local resident	0.806	2.054	0.040	
Defendant was on PTR for another charge when arrested	-0.676	-2.013	0.044	
Defendant on parole for another charge when arrested	-1.275	-3.176	0.001	
Defendant on PTR and probation when arrested	-1.848	-1.966	0.050	
Defendant had outstanding warrant for another charge when arrested	-0.439	-0.515	0.610	
Defendant failed to appear in past	-1.264	-6.009	0.000	
Measure of Multiple Association: 36.7%				
Chi-Squared for No Effect is 1071.3 with 19 d.f.				
Number of Cases is 1,333				
Classification of Results*				
Actual:	Nonfinancial	Financial	Financial	Nonfinancial
Predicted:	Financial	Financial	Nonfinancial	Nonfinancial
Percents:	9.4%	23.9%	9.3%	57.5%
*In this analysis "nonfinancial release decision" was considered a "positive" outcome; "financial release decision," a "negative" one.				

TABLE 4.46  
PREDICTION RESULTS FOR RELEASE DECISION, BY SITE

Site	Number of Cases (Weighted)	Percentage of Site's Cases Included in Analysis	Measure of Multiple Association	Classification of Results				Best Battery
				False Negatives	True Negatives	False Positives	True Positives	
Baltimore City	687	84.7%	47.6%	6.6%	21.7%	5.7%	66.1%	System
Baltimore County	69	17.2%	52.3%	4.3%	66.7%	7.2%	21.7%	System
Washington, D.C.	85	13.1%	79.1%	0.0%	9.4%	2.4%	88.2%	Case/Defendant
Dade County	74	34.6%	43.5%	10.8%	37.8%	9.5%	41.9%	Neither
Louisville	253	60.8%	44.2%	5.1%	38.3%	9.9%	46.1 %	System
Pima County	47	13.1%	69.3%	0.0%	14.9%	4.3%	80.9%	Case/Defendant
Santa Cruz County	23	12.3%	82.9%	4.3%	39.1%	4.3%	52.2%	Case/Defendant
Santa Clara County	95	22.6%	79.8%	1.1%	14.7%	3.2%	81.1%	System
TOTAL, 8 SITES	1,333	53.9%	39.7%	7.1%	24.4%	9.0%	59.4%	System

with missing data lowered the reliability of predictions. In Baltimore City and Louisville, on the other hand, the results are based on substantial proportions of the cases. The Louisville results for all variables and system variables only are shown in Tables 4.47 and 4.48, respectively. In the former, defendant variables make an impressive showing. However, when they are used alone, they do far less well in predicting the release decision than the three system variables by themselves. These three variables, all program activity measures, account for virtually all of the predictive accuracy in Louisville.

E. Conclusions

This chapter has shown that many characteristics of defendants, their cases and criminal justice system intervention are related to release outcomes and decisions. These findings are summarized in Table 4.49. Additionally, Table 4.50 presents the best predictors of release outcomes and decisions, identified through multivariate (logit) analyses that considered interrelationships among variables.

In general, release or detention, an outcome depending upon the actions of several unrelated actors, could be predicted only weakly. Predictions were more successful for nonfinancial/financial release outcomes and for nonfinancial/financial release decisions.

In every outcome analysis where the relative impact of system, defendant, and case variables were considered, system factors were always much stronger predictors than the others. Program activities in particular—especially the interview and recommendation—are the most useful predictors of a defendant's release type. Also, interview items such as marital status, local residence, employment, length of residence at present

TABLE 4.47  
PREDICTION RESULTS FOR  
FINANCIAL/NONFINANCIAL RELEASE DECISION, LOUISVILLE  
MODEL 1: ALL RELATED VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY	
<u>System Variables</u>				
Program recommended OR release	4.310	3.930	0.0000	
Program made no recommendation	1.300	1.120	0.2670	
Information verified only from files	-0.146	-0.188	0.8493	
<u>Case Variables</u>				
Crime against person is major charge	0.004	0.009	0.9283	
Drug-related offense is major charge	-0.409	-0.566	0.5687	
Public order offense is major charge	0.141	0.224	0.8259	
No relation to victim	0.050	0.096	0.9203	
Number of arrest charges	-0.175	-0.818	0.4122	
Number of witnesses against	-0.151	-0.933	0.3524	
<u>Defendant Variables</u>				
Previous failure to appear	1.180	-2.450	0.0143	
Local resident	11.600	0.065	0.9442	
On PTR at arrest	-1.230	-1.980	0.0477	
On parole at arrest	-1.910	-1.340	0.1802	
Lives with spouse	-0.417	-0.944	0.3472	
Measure of Multiple Association: 44.2%				
Chi-Squared for No Effect is 155.01 with 14 d.f.				
Number of Cases is 253				
Classification of Results*				
Actual:	Nonfinancial	Financial	Financial	Nonfinancial
Predicted:	Financial	Financial	Nonfinancial	Nonfinancial
Percents:	5.1%	38.3%	9.9%	46.6%
*In this analysis "nonfinancial release decision" was considered a "positive" outcome; "financial release decision," a "negative" one.				

TABLE 4.48  
PREDICTION RESULTS FOR  
FINANCIAL/NONFINANCIAL RELEASE DECISION, LOUISVILLE  
MODEL 2: SYSTEM VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY	
Program recommended OR release	4.160	3.950	0.0000	
Program made no recommendation	0.611	0.551	0.5823	
Information verified only from files	0.105	0.143	0.8887	
Measure of Multiple Association: 39.1%				
Chi-Squared for No Effect is 136.82 with 3 d.f.				
Number of Cases is 253				
Classification of Results*				
Actual:	Nonfinancial	Financial	Financial	Nonfinancial
Predicted:	Financial	Financial	Nonfinancial	Nonfinancial
Percents:	4.3%	37.2%	11.1%	47.4%
*In this analysis "nonfinancial release decision" was considered a "positive" outcome; "financial release decision," a "negative" one.				

TABLE 4.49  
FACTORS RELATED TO RELEASE OUTCOMES  
AND RELEASE DECISIONS

FACTOR	RELEASE/ DETENTION	FINANCIAL/ NONFINANCIAL RELEASE	RELEASE DECISION
<u>Demographic</u>			
Ethnicity	X	X	
Sex	X		X
<u>Background</u>			
Marital Status	X	X	X
Family Support	X		
Living Arrangement	X		X
Local Residence	X	X	
Employment	X		X
Public Assistance	X		
Number of Relatives in Area	X	X	
Number of Dependents	X		
Months at Present Address	X	X	
Citizenship		X	
<u>Criminal History</u>			
Status at Time of Arrest	X	X	X
Number of Prior Arrests	X	X	X
Number of Prior Convictions	X	X	X
Most Serious Past Charge	X	X	X
Previous Failure to Appear	X	X	X
Age at First Arrest		X	X
<u>Case Characteristics</u>			
Most Serious Charge	X	X	X
Number of Arrest Charges	X	X	X
Weapon Use	X	X	X
Relation to Victim	X	X	X
Police Officer a Witness		X	
Caught in Act		X	X
Number of Witnesses For		X	X
Number of Witnesses Against		X	X
<u>System Variables</u>			
Time of Interview	X		X
Mode of Verification	X	X	X
Program Recommendation	X	X	X
Program Interview		X	X
Source of Release		X	X

TABLE 4.50  
PREDICTION RESULTS

ITEM	RELEASE/ DETENTION	FINANCIAL/ NONFINANCIAL RELEASE	RELEASE DECISION
<u>System Variables</u>			
Program Recommendation	X	X	X
Source of Release	X	X	X
Information Verification	X	X	X
Program Interview	X		X
<u>Case Variables</u>			
Relation to Victim	X	X	X
Charge	X	X	X
Caught in Act	X		
Number of Charges	X	X	X
Weapon Use		X	
Number of Witnesses Against		X	X
Number of Witnesses For		X	
<u>Defendant Variables</u>			
Local Residence	X	X	X
Employment	X		
Arrest Status	X	X	X
Marital Status		X	
Prior Failure to Appear		X	X
Living Arrangement			X

address, criminal justice system status at time of arrest, number of prior arrests, number of prior convictions, and previous failure to appear also contribute to the release outcome through the interview and recommendation. That is, it appears that the program's role in the release process has become so routinized in many places that its recommendation often determines the release type.

The court has a relatively passive role in many release decisions. In less than one-third of the cases, the court decides a bail amount; however, setting bail is often tantamount to a detention order. This may be fostered by economic means' determinations, which are frequently conducted at probable cause/release hearings to determine whether the defendant needs appointed counsel. The result is knowledge by the court of the defendant's ability to make bail and a consequent ability to use bail-setting to detain the person.

In performing these various analyses, we have taken a somewhat different approach than have other researchers. We have not, for example, attempted to find explanations for bail amounts. Rather, we have taken an evaluative approach, attempting to determine whether and which components and antecedents of release decisions are related to the later success or failure of the release in terms of the defendant's refraining from failure to appear and pretrial arrest (topics considered in the following chapters).

Studies such as those conducted by Landes<sup>5</sup> attempt to determine whether factors that affect bail amounts are surrogates for preventing bail crime and failure to appear. The great frequency with which non-financial releases—primarily simple releases on OR—are used today, relative to the use of financial methods, indicates that unless most release violations are committed by those released on bail (a finding

our data do not support), analysis including all major forms of release and their relation to release performance is needed. Only when the major factors affecting release and types of release are identified can we determine whether factors associated with release decision outcomes are reasonably connected to failure to appear and pretrial arrest outcomes. A major hypothesis underlying this approach is that activities of the pretrial release system can affect, through the propriety of its decisions, the level of violations of release conditions.

A recent study by John Goldkamp<sup>6</sup> of defendants in Philadelphia offers useful insights about the release process. Although release condition violations are not examined, each release option is analyzed to develop an explanation for its use.

Goldkamp found that OR releases were largely accounted for by charge seriousness for the current arrest and prior criminal record. The more serious the charge, the less likely was OR release. Community ties factors were also associated with OR release, but only weakly.

Goldkamp also found that the amount of cash bail (deposit bond) was explained by the charge—in this case, the presence of a weapons charge—and the number of charges and prior arrests. In short, factors that detracted from the likelihood of OR release contributed to the serverity of the bail option as well as the use of that option.

Our findings do not agree completely with Goldkamp's 1975 study of Philadelphia. We did not find charge severity or type to be the best predictors of release type among the eight sites studied. However, these variables were included in the set of best predictors for all three of the release analyses we conducted. Furthermore, an examination of Goldkamp's multiple regression analyses indicates that most of the independent variables he used were also significant in our findings.

Most of the factors we identified as related to release or detention are the same as those Goldkamp found. Again, however, our findings differ as to the relative importance of these factors. Although we found (as did Goldkamp) that charge seriousness, CJS status at time of arrest and prior arrests are good predictors of detention, we also found that program recommendation far outweighed these in impact.

We have emphasized the role of the program in release decisions—a role which is intervening between the defendant and case characteristics on one hand and the actual release decision on the other hand—because the criminal justice process does not end with release or detention. In the following chapters we explore whether the factors used by programs and the court in making release decisions bear a logical relationship to the presence or absence of release condition violations (i.e., failure to appear or pretrial arrest). Thus, we will be particularly interested in whether the type of release given a defendant is associated with the degree of release violation risk or whether it is likely that varying the stringency of release conditions matters little, except for defendants never released.

The following chapters, which consider release violations, exclude detained defendants. Such defendants do not have the opportunity, for the most part, to fail to appear or be rearrested prior to trial. Because they are incarcerated, we cannot know what they would have done if released. Thus, we can only examine the outcomes of released defendants and identify factors that might permit release decisions to be made so as to reduce the incidence of failure to appear or pretrial arrest.

FOOTNOTES

Chapter IV

<sup>1</sup>Anne Rankin, "Pretrial Detention and Ultimate Freedom: A Statistical Study," New York University Law Review, Volume 39 (1964), pp. 631-655.

<sup>2</sup>Eric W. Single, "The Unconstitutional Administration of Bail: Bellamy v. The Judges of New York City," Criminal Law Bulletin, Volume 8.

<sup>3</sup>William M. Landes, "Legality and Reality: Some Evidence on Criminal Procedure," Journal of Legal Studies, Volume III (1974), pp. 287-337.

<sup>4</sup>John S. Goldkamp, Two Classes of Accused: A Study of Bail and Detention in American Justice (Cambridge, Mass.: Ballinger Publishing Company, 1979).

<sup>5</sup>Landes, op. cit.

<sup>6</sup>Goldkamp, op. cit.

CHAPTER V. FAILURE TO APPEAR (FTA)

A. Introduction

The extent to which released defendants appear when scheduled for trial has long been used as a measure of release system performance. The more defendants miss appearances, the less successful the release practices are deemed. The connection between release and appearance is an old one, going back to the origins of the American system of criminal justice in the English common law. Then, as now, release and its attendant conditions depended upon the perceived likelihood—a kind of prediction—that the defendant would flee if released. The stronger the suspicion that flight would result, the more stringent the burden of release upon the defendant. Today, persons believed to be poor risks can be assigned many forms of release—among them surety bail, supervised release, third party custody release, and others—that impose payment or reporting requirements designed to prevent flight.

The prevention of flight as a policy is also rooted in the goal of fostering obedience to law and legal rulings. Aside from causing simple operational disruption of court functioning, numerous failures to appear, like other forms of defiance of court rulings, serve to demean the legitimacy and, ultimately, the authority of the legal system, for it has long been held that an unenforced law is in fact no law at all.

A release policy that is aimed at reducing the incidence of failures to appear would employ factors related to its likelihood in reaching release decisions and would also react to incidents of such violations in a manner designed to deter violations among the general defendant population (and, certainly, for the specific violator as well). Hence,

this chapter explores the incidence and correlates of failure to appear and, more importantly, attempts to determine the extent to which the prevention of this outcome inheres in the process of granting releases. We are, unfortunately, unable to study this for detained defendants. Thus, the analysis is limited to persons released prior to trial disposition.

#### B. Incidence of Failure to Appear

The defendant-based appearance rate (that is, the proportion of defendants who did not miss an appearance) for the sample was 87.4%. Conversely, 12.6% of all released defendants missed at least one appearance. In many ways this is a remarkable finding, particularly since failure to appear was defined quite broadly. In general, if a defendant was required to appear in court on a certain date and did not do so, the absence was considered a failure to appear.<sup>1</sup> Despite this very inclusive definition, seven-eighths of all released defendants made every court appearance demanded of them.

Another way of assessing court appearance performance is with an appearance-based FTA rate, which indicates the proportion of appearances that were missed due to failures to appear. Altogether, the released defendants in the sample were required to make 8,896 appearances (for all charges associated with the original arrest) and showed up for 8,361, or 94 percent, of them. Thus, only six percent of all court appearances were missed.

The rates of failure to appear varied from site to site, as reported in Table 5.1. Defendant-based rates varied from a low of 6 percent to a high of 21 percent. Similarly, appearance-based rates (for the most serious charge) ranged from two percent to 11 percent. Usually, the appearance-based rate is about one-half the size of the defendant-based rate.

TABLE 5.1  
INCIDENCE OF FAILURE TO APPEAR, BY SITE

SITE	NUMBER OF RELEASED DEFENDANTS	DEFENDANT-BASED FTA RATE	APPEARANCE-BASED FTA RATE
Baltimore City	704	5.7%	2.4%
Baltimore County	369	9.6%	5.4%
Washington, D.C.	571	13.7%	6.3%
Dade County	179	18.4%	6.7%
Louisville	334	17.1%	6.7%
Pima County	261	13.6%	6.6%
Santa Cruz County	168	20.5%	11.2%
Santa Clara County	388	16.1%	3.3%



The overall rate of release was not systematically related to the FTA rate across sites. The jurisdiction with the highest release rate (Baltimore County) had one of the lowest FTA rates. The site with the lowest release rate (Pima County) had an FTA rate roughly in the middle of the range for all sites.

Nor were there systematic differences in FTA rates for defendants released on nonfinancial versus financial conditions across the eight sites. As shown in Table 5.2, the overall FTA rate for defendants released on nonfinancial conditions was 12.2% and for defendants released on financial conditions, 13.6%. In some sites rates were higher for defendants released on nonfinancial conditions; in other sites, for persons released financially.

For the combined eight-site sample, Table 5.3 indicates FTA rates by specific types of release. As shown, the highest FTA rates were found for defendants released on deposit bond, citation (field) release, or station-house release, closely followed by persons released to third party custody. The lowest FTA rate occurred for defendants on own recognizance release, with the rate for defendants who posted full bond only slightly higher.

#### C. Consequences of Failure to Appear

The 374 defendants who failed to appear missed 525 appearances, or 1.4 each. Many of the defendants who failed to appear (29% of them) returned to court of their own volition within 30 days. Another 16% returned of their own volition after 30 days. One-third (32%) were returned to court after being arrested, usually for another charge. Six percent of the defendants were tried in absentia or forfeited bail as a fine in lieu of appearance. Finally, 17% of the defendants who failed to appear were fugitives who had not returned to court at the time of our data collection activities (usually at least one year after the arrest studied). As a

TABLE 5.2  
FAILURE TO APPEAR (FTA) RATES BY SITE AND BY RELEASE CONDITIONS

SITE	TOTAL	FOR DEFENDANTS RELEASED ON NONFINANCIAL CONDITIONS	FOR DEFENDANTS RELEASED ON FINANCIAL CONDITIONS
Baltimore City (n=704)	5.7%	5.0%	8.3%
Baltimore County (n=369)	9.6%	10.7%	6.0%
Washington, D.C. (n=571)	13.7%	14.9%	6.7%
Dade County (n=179)	18.4%	22.1%	15.4%
Louisville (n=334)	17.1%	13.2%	20.1%
Pima County (n=261)	13.6%	14.8%	10.3%
Santa Cruz County (n=168)	20.5%	21.9%	13.1%
Santa Clara County (n=388)	16.1%	14.1%	20.0%
TOTAL, 8 sites (n=2,977)	12.6%	12.2%	13.6%

TABLE 5.3  
FAILURE TO APPEAR RATES BY TYPE OF RELEASE

TYPE OF RELEASE	NUMBER OF DEFENDANTS	FAILURE TO APPEAR	
		NUMBER	PERCENT
Own recognizance	1,648	168	10.2%
Full bond <sup>a</sup>	659	79	12.0%
Deposit bond	168	34	20.2%
Citation (field) release	281	57	20.2%
Stationhouse release	55	11	20.0%
Third party custody <sup>b</sup>	148	25	16.7%
TOTAL	2,959	374	12.6%
<sup>a</sup> Includes unsecured bond.			
<sup>b</sup> Includes supervised release.			

percentage of all released defendants, this is a fugitive rate of about 2%.

Responses to failures to appear usually involved the issuance of a bench warrant. This was true for 86% of first FTA occurrences. In almost half of these cases, 42.7%, the original release conditions were also changed. In 30.4% of the financial release FTA cases bonds were ordered forfeited, although we do not know if the forfeiture orders were enforced. In 12.7% of the cases, nothing was done. Bail was set (or increased) in many of the FTA cases, with 205 bails set after the FTA. Only 5.4% (19) of the failures to appear were prosecuted. However, of these, 79% led to convictions.

Reasons for the failures to appear were usually not recorded in the records used as data sources. However, of the 374 defendants who failed to appear, there was a recorded court error in ten of their cases; in four, the defendant was ill; in five, there were conflicting appearances scheduled; and in seventeen, the defendant was unavailable due to incarceration.

#### D. Defendant Characteristics Related to FTA

##### 1. Demographic Characteristics

Neither sex nor race is significantly related to failure to appear. Age, however, long found to be related to criminal behavior in general, is related, with defendants who failed to appear younger than persons who did not (see Table 5.4).

##### 2. Background Characteristics

Many background factors are related to whether a defendant fails to appear, as shown in Table 5.5. Persons who are unmarried, have no family to support, are not local residents, and are not employed are most likely to fail to appear. These factors are also commonly included in program

TABLE 5.4  
DEMOGRAPHIC CHARACTERISTICS RELATED TO FAILURE TO APPEAR

CHARACTERISTIC	FAILED TO APPEAR		DID NOT FAIL TO APPEAR		TOTAL	
	Number	Mean	Number	Mean	Number	Mean
Age at Arrest	372	28.0	2,574	29.5	2,946	29.3

TABLE 5.5  
BACKGROUND CHARACTERISTICS RELATED TO FAILURE TO APPEAR

CHARACTERISTIC	FAILED TO APPEAR		DID NOT FAIL TO APPEAR		TOTAL	
	Number	Percent	Number	Percent	Number	Percent
MARITAL STATUS (n=2,167)						
Divorced	26	14.8%	147	85.2%	172	100%
Single	169	14.3%	1,011	85.7%	1,180	100%
Widow(er)ed	4	13.4%	28	86.6%	32	100%
Separated	29	10.1%	260	89.9%	289	100%
Married	42	8.5%	451	91.5%	493	100%
FAMILY SUPPORT (n=1,913)						
None	153	13.1%	1,019	86.9%	1,173	100%
Child Support and/or Alimony	40	12.3%	285	87.7%	325	100%
Traditional	30	7.3%	385	92.7%	415	100%
LIVING ARRANGEMENT (n=2,063)						
Unrelated Person	55	16.1%	285	83.9%	339	100%
Relative	42	13.4%	273	86.6%	316	100%
Parent/Guardian	83	12.0%	609	88.0%	690	100%
Alone	28	11.5%	214	88.5%	241	100%
Spouse	35	7.4%	440	92.6%	476	100%
LOCAL RESIDENCE (n=2,844)						
No	28	26.8%	76	73.2%	104	100%
Yes	329	12.0%	2,411	88.0%	2,740	100%
EMPLOYMENT (n=2,728)						
No	168	16.0%	880	84.0%	1,048	100%
Part-Time	19	11.4%	147	88.6%	166	100%
Full-Time	159	10.5%	1,356	89.5%	1,515	100%
Farmworkers	24.0%					
Service workers	14.6%					
Average With Known Occupations	10.6%					
Number of Dependents in Area (n=2,952)	371	0.34	2,581	0.59	2,952	0.56
Years of Local Residence (n=2,044)	244	18.8	1,800	20.4	2,044	20.2
Months at Current Job (n=1,046)	101	29.1	945	43.0	1,046	41.7

interviews, which are the basis for program recommendations, which the last chapter demonstrated were strongly related to release outcomes.

### 3. Criminal History

Table 5.6 shows the impact of prior criminal activity on the likelihood of failure to appear. Prior convictions, a factor in programs' point scale evaluations, are significant, as are previous failures to appear, the nature of past charges (with economic crimes especially important) and the defendant's criminal justice system status at time of arrest. Persons who have failed to appear in the past and who are already involved with the criminal justice system at arrest are almost twice as likely to fail to appear in a new case.

#### E. Case Characteristics Related to Failure to Appear

As shown in Table 5.7, there are no strong relationships between charge seriousness and likelihood of failing to appear, although defendants charged with FBI Part I crimes have somewhat higher failure to appear rates than other defendants (14.8%, as compared to 11.8%). The weight of the evidence in the case is related to the incidence of FTA. When the case is a relatively simple and minor one, where the arresting police officer is the only witness, and when there is no clear victim or the victim is a member of the defendant's immediate family, the incidence of FTA is low. Quite high rates, however, attend cases where there were multiple or commercial victims.

#### F. Criminal Justice System Factors Related to Failure to Appear

Program recommendations, timing of program interview, and source of release are all associated with differing FTA rates. A program recommendation against release on OR, for stationhouse release or no recommendation

TABLE 5.6  
CRIMINAL HISTORY CHARACTERISTICS RELATED TO FAILURE TO APPEAR

CHARACTERISTIC	FAILED TO APPEAR		DID NOT FAIL TO APPEAR		TOTAL	
	Number	Percent	Number	Percent	Number	Percent
PREVIOUS FTA (n=1,819)						
Yes	64	21.6%	232	78.4%	296	100.0%
No	185	12.2%	1,338	87.8%	1,523	100.0%
CRIMINAL JUSTICE SYSTEM STATUS AT ARREST (n=2,628)						
On PTR	34	21.1%	128	78.9%	162	100.0%
Outstanding Warrant	6	18.2%	27	81.8%	33	100.0%
On Probation	48	17.9%	220	82.1%	268	100.0%
On Parole	16	17.4%	77	82.6%	92	100.0%
No Involvement	234	11.3%	1,838	88.7%	2,072	100.0%
	Number	Mean	Number	Mean	Number	Mean
NUMBER OF PRIOR ARRESTS (n=2,958)	374	5.8	2,584	3.2	2,958	3.6
NUMBER OF PRIOR CON- VICTIONS (n=2,958)	374	2.4	2,584	1.3	2,958	1.5
NUMBER OF PREVIOUS FAILURES TO APPEAR (n=2,958)	372	0.36	2,584	0.15	2,958	0.17
MOST FREQUENT CHARGE IN RECORD (FOR DEFENDANTS WITH THREE OR MORE PRIOR ARRESTS)						
Average FTA Rate	17.1%					
Fraud	43.9%					
Narcotics Possession	27.6%					
Prostitution	25.0%					
Robbery	24.7%					
Larceny/Theft	22.8%					
Burglary	19.9%					

TABLE 5.7  
CASE CHARACTERISTICS RELATED TO FAILURE TO APPEAR

CHARACTERISTIC	FAILED TO APPEAR		DID NOT FAIL TO APPEAR		TOTAL	
	Number	Percent	Number	Percent	Number	Percent
MOST SERIOUS CURRENT CHARGE (n=2,954)						
FBI DESIGNATION						
Part I	127	14.8%	735	85.2%	862	100.0%
Part II	246	11.8%	1,845	88.2%	2,092	100.0%
CHARGE CLASSIFICATION						
Economic	134	17.7%	623	82.3%	758	100.0%
Morality	39	14.2%	232	85.8%	271	100.0%
Public Order	106	11.6%	810	88.4%	917	100.0%
Persons	52	10.1%	460	89.9%	512	100.0%
Miscellaneous	15	10.0%	136	90.0%	151	100.0%
Drug-Related	28	8.0%	318	92.0%	346	100.0%
SPECIFIC CHARGES (Overall, 12.6%)						
Rape		28.9%				
Prostitution		27.9%				
Fraud		20.9%				
Forgery		20.8%				
Larceny/Theft		18.1%				
Auto Theft		17.8%				
Burglary		17.2%				
POLICEMAN A WITNESS (n=2,087)						
Yes, Not Only Witness	76	14.7%	443	85.3%	519	100.0%
No	52	14.4%	309	85.6%	361	100.0%
Yes, Only Witness	126	10.5%	1,081	89.5%	1,207	100.0%
RELATION TO VICTIM (n=2,432)						
Multiple Victims	17	22.7%	56	77.3%	73	100.0%
Commercial	51	15.4%	278	84.6%	329	100.0%
No Acquaintance	24	13.6%	153	86.4%	178	100.0%
Prior Acquaintance	32	12.6%	223	87.4%	255	100.0%
No Victim	162	11.9%	1,195	88.1%	1,356	100.0%
Police Officer	11	11.3%	84	88.7%	95	100.0%
Non-Commercial	3	5.2%	54	94.8%	57	100.0%
Immediate Family	4	4.0%	86	96.0%	89	100.0%

is associated with a higher than average rate of FTA. Program interview of the defendant other than immediately after arrest yields higher FTA rates—probably because post-arraignment interviews serve to release some defendants held with high bails who are poorer risks. Also, release other than by a bail commissioner (or the program on its own, used only in Santa Clara County) is likely to produce a higher than average rate of failure to appear (see Table 5.8).

#### G. Summary of Pre-Release Factors Related to Failure to Appear

The factors known prior to release that contributed to higher or lower FTA rates were largely the factors used by programs in interviewing and evaluating defendants. Community ties and prior record are often related to FTA, as is the programs' interview timing and recommendation. When these are unfavorable, the defendant is more likely to fail to appear. Failure to appear is also more likely to occur when the weight of the evidence is heavy.

#### H. Post-Release Factors Related to Failure to Appear

There is a significant difference in court appearance performance for different types of releases. Stationhouse, citation, deposit bond, third party custody and supervised releasees fail to appear more often than persons released on bail or OR (see Table 5.9). When employed defendants kept their jobs, they were much less likely to fail to appear.

Program followup activities also affected the likelihood of failing to appear. General program responsibility, involving brief telephone call-ins at regular intervals, seems to have best impressed upon defendants the date of and need to attend scheduled court appearances. This was aided when the reminder was accompanied by monitoring the defendant's compliance with such release conditions as calling in and reporting

TABLE 5.8  
CRIMINAL JUSTICE SYSTEM FACTORS RELATED TO FAILURE TO APPEAR

ITEM	FAILED TO APPEAR		DID NOT FAIL TO APPEAR		TOTAL	
	Number	Percent	Number	Percent	Number	Percent
PROGRAM RECOMMENDATION (n=1,811)						
Do Not Release on OR	6	45.8%	7	54.2%	13	100.0%
Stationhouse Release	35	21.2%	131	78.8%	166	100.0%
No Recommendation						
Made	71	16.5%	359	83.5%	430	100.0%
Bail	8	14.3%	45	85.7%	52	100.0%
Supervised Release	4	9.9%	34	90.1%	37	100.0%
OR	90	8.3%	995	91.7%	1,085	100.0%
Conditional Release	0	0.0%	15	100.0%	15	100.0%
Deposit Bail	0	0.0%	8	100.0%	8	100.0%
Unsecured Bond	0	0.0%	3	100.0%	3	100.0%
TIME OF INTERVIEW (n=2,046)						
At Subsequent or Pre- vious Arrest	5	45.5%	6	54.5%	11	100.0%
After First Bail Hearing	14	13.2%	92	86.8%	106	100.0%
Immediately After Arrest	228	11.8%	1,702	88.2%	1,930	100.0%
SOURCE OF RELEASE (n=2,950)						
Arresting Officer	23	25.6%	66	74.4%	88	100.0%
Sheriff	47	18.4%	206	81.6%	253	100.0%
Pre-set Bail	45	15.4%	247	84.6%	291	100.0%
Judge	176	14.8%	1,012	85.2%	1,189	100.0%
Program On Own	16	10.0%	144	90.0%	160	100.0%
Bail Commissioner	68	7.1%	886	92.9%	953	100.0%
Other	0	0.0%	14	100.0%	14	100.0%

TABLE 5.9  
POST-RELEASE FACTORS RELATED TO FAILURE TO APPEAR

ITEM	FAILED TO APPEAR		DID NOT FAIL TO APPEAR		TOTAL	
	Number	Percent	Number	Percent	Number	Percent
TYPE OF RELEASE (n=2,959)						
Deposit Bond	34	20.2%	134	79.8%	168	100.0%
Citation Release	57	20.2%	224	79.8%	281	100.0%
Stationhouse Release	11	20.0%	44	80.0%	55	100.0%
Third Party Custody, Super- vised Release	25	16.7%	123	83.3%	148	100.0%
Bail	79	12.0%	580	88.0%	659	100.0%
OR	168	10.2%	1,480	89.8%	1,648	100.0%
EMPLOYMENT DURING PRETRIAL PERIOD (n=685)						
Lost Job	39	13.9%	240	86.1%	279	100.0%
Kept Job	16	3.9%	391	96.1%	407	100.0%
PROGRAM RESPONSIBILITY FOR ASSURING APPEARANCES (n=2,923)						
Particular Person	8	15.5%	41	84.5%	49	100.0%
None	263	14.9%	1,501	85.1%	1,763	100.0%
General Program	101	9.1%	1,010	90.9%	1,111	100.0%
AVERAGE LENGTH OF PROGRAM CONTACT WITH DEFENDANT (n=1,063)						
16-30 minutes	36	17.5%	170	82.5%	206	100.0%
31-60 minutes	18	12.6%	128	87.4%	147	100.0%
15 minutes or less	44	6.2%	666	93.8%	711	100.0%
MODE OF CONTACT (n=1,058)						
In Person, Not at Office	1	20.9%	5	79.1%	6	100.0%
Mail	50	14.6%	290	85.4%	339	100.0%
Telephone	46	6.8%	620	93.2%	665	100.0%
Phone and Office	2	6.1%	38	93.9%	41	100.0%
In Person at Office Only	0	0.0	7	100.0%	7	100.0%

(continued)

**CONTINUED**

**3 OF 6**

TABLE 5.9 (continued)  
POST-RELEASE FACTORS RELATED TO FAILURE TO APPEAR

ITEM	FAILED TO APPEAR		DID NOT FAIL TO APPEAR		TOTAL	
	Number	Percent	Number	Percent	Number	Percent
TYPE OF SERVICES PROVIDED BY PROGRAM (n=1,196)						
Reminded of Court Appearances Only	69	14.0%	423	86.0%	492	100.0%
Broad Range of Services (including counseling, monitoring compliance, referral)	22	10.8%	181	89.2%	203	100.0%
Reminded of Dates and Monitored Compliance With Conditions	26	5.2%	474	94.8%	500	100.0%
DEFENDANT COMPLIANCE WITH REPORTING AND OTHER RELEASE CONDITIONS (n=1,188)						
No	86	48.9%	90	51.1%	176	100.0%
Yes	28	2.8%	984	97.2%	1,012	100.0%
TYPE OF LEGAL REPRESENTATION (n=2,345)						
Public Defender	97	18.5%	425	81.5%	521	100.0%
Court Appointed	45	12.9%	305	87.1%	350	100.0%
Attorney Status Unknown	45	12.4%	320	87.6%	365	100.0%
Self-Represented	47	10.6%	400	89.4%	448	100.0%
Private	56	8.5%	604	91.5%	661	100.0%
	Number	Mean	Number	Mean	Number	Mean
NUMBER OF REQUIRED APPEARANCES, MAJOR CHARGE (n=2,958)	374	2.5	2,584	1.9	2,958	1.9
NUMBER OF UNRELATED POSTPONEMENTS, MAJOR CHARGE (n=2,955)	373	1.4	2,582	0.8	2,955	0.8
DAYS FROM ARREST TO RELEASE (n=1,072)	160	24.7	912	12.0	1,072	13.9

(continued)

TABLE 5.9 (continued)  
POST-RELEASE FACTORS RELATED TO FAILURE TO APPEAR

ITEM	FAILED TO APPEAR		DID NOT FAIL TO APPEAR		TOTAL	
	Number	Mean	Number	Mean	Number	Mean
DAYS FROM RELEASE TO FIRST APPEARANCE ON MAJOR CHARGE (n=2,670)	322	20.9	2,347	24.3	2,670	23.9
DAYS FROM RELEASE TO FINAL DISPOSITION, MAJOR CHARGE (n=2,776)	292	147.0	2,483	76.1	2,776	83.6
DAYS FROM RELEASE TO EITHER FTA OR, FOR DEFENDANTS WITHOUT FTA, CASE DISPOSITION (n=2,796)	354	56.9	2,442	77.7	2,796	75.1



to mandated referral services (such as alcohol, drug, or employment). It is not surprising that defendants who did not comply with such conditions were seventeen times as likely to fail to appear as defendants who complied.

The defendant's type of legal representation was also highly associated with likelihood of failing to appear. This is perhaps to be expected, because persons for whom counsel is appointed by the court are usually defendants with weaker community ties, including employment. Thus, persons with public defenders were far more likely to fail to appear than others. Defendants with strong community ties who could afford a private attorney were much less likely than others to fail to appear.

When trials are lengthy (perhaps reflecting the seriousness of the case), as indicated by many appearances and postponements, defendants are more likely to fail to appear. Additionally, defendants who have waited a long period to gain release are more likely to fail to appear than others, even though their first appearances after release occur sooner than for those not detained for a long period. Also, most failures to appear occur within 60 days. Finally, the time from release to case disposition was almost twice as long for persons who failed to appear as for other defendants, although this may simply reflect the delay in court processing caused by the failure to appear itself.

#### I. Relative Importance of Related Factors

##### 1. Bivariate Relationships

The preceding discussion indicates that several dozen independent items are related to failure to appear. Table 5.10 presents correlation coefficients obtained for all of the major pre-release items. As indicated,

TABLE 5.10  
FAILURE TO APPEAR CORRELATIONS (PRE-RELEASE FACTORS)\*

DESCRIPTION	COEFFICIENT	NUMBER OF CASES**	PROBABILITY
SYSTEM VARIABLES			
Interviewed by program at subsequent arrest	0.0536	2977	0.002
Program recommended ROR release	-0.1301	1821	0.001
Program recommended citation release	0.0924	1821	0.001
Program recommended denial of OR release	0.0907	1821	0.001
Program made no release recommendation	0.0795	1821	0.001
Release option given by judge	0.0546	2977	0.001
Release option given by bail commissioner	-0.1140	2977	0.001
Release option given by police officer	0.0673	2977	0.001
CASE VARIABLES			
Victim member of defendant's immediate family	-0.0500	2448	0.007
Multiple victims of offense	0.0543	2448	0.004
Economic offense is major charge	0.0894	2972	0.001
Drug-related offense is major charge	-0.0509	2972	0.003
Number of arrest charges	0.0577	2977	0.001
DEFENDANT VARIABLES			
Hispanic ethnicity	0.0483	2756	0.006
Married and living with spouse	-0.0670	2181	0.001
Never married	0.0646	2181	0.001
Defendant supports nuclear family	-0.0740	1929	0.001
Defendant does not support a family	0.0534	1929	0.009
Defendant lives with spouse	-0.0749	2077	0.001
Defendant lives alone	0.0586	2077	0.004
Defendant is a local resident	-0.0838	2860	0.001
Defendant is unemployed	0.0785	2741	0.001
Defendant was on PTR for another charge when arrested	0.0617	2646	0.001
Defendant was on PTR and probation when arrested	0.0592	2646	0.001
Defendant had failed to appear in past	0.0888	2977	0.001
Number of prior failures to appear	0.0984	2977	0.001
Number of prior arrests	0.1273	2977	0.001
Age at first adult arrest	-0.0592	1812	0.006
*Based on Pearson correlational analysis of dummy-coded and continuous variables related to failure to appear.			
**For entire variable, rather than the dummy-coded subvariable shown.			

there are many items that are statistically significant, but few of very strong association.

## 2. Discriminant Analysis

Numerous other analyses were performed in an attempt to identify the best set of independent factors related to failure to appear. Table 5.11 presents the results of a stepwise discriminant analysis that produced the two dozen or so most highly related factors. According to this analysis, which with a total of 42 variables yielded a canonical correlation coefficient of .518, the most highly related factors were number of appearances, number of charges, representation by a public defender, release on deposit bond, being on both pretrial release and probation when arrested, and the number of postponements in the case. All these were associated with a higher likelihood of failing to appear, with arrest status the single strongest indicator.

## 3. Prediction (Logit) Analysis

Logit modeling was conducted to identify the best predictors, how well they predict and the batteries of variables that contributed the most to predictive accuracy. Table 5.12 indicates that the variables included in the analysis correctly classified 99% of the defendants who did not fail to appear and 11.3% of the persons who did. Thus, the prediction of failure to appear was only slightly successful.

Among the defendant variables, CJS status at time of arrest was by far the best predictor of failing to appear. In the case variables category, use of weapons or a drug-related charge (e.g., narcotics distribution or possession, marijuana distribution or possession) were good predictors of failure to appear. Program interview at subsequent arrest also indicated greater likelihood of failure to appear, as did representation

TABLE 5.11  
STEPWISE DISCRIMINANT ANALYSIS RESULTS  
FOR FAILURE TO APPEAR

VARIABLE	F TO ENTER OR REMOVE	WILKS' LAMBDA	SIGNIFICANCE OF CHANGE IN RAO'S V	UNSTANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS
Number of appearances in most serious case	31.19	.950	0.000	-0.182
Number of charges	15.71	.925	0.000	-0.210
Represented by public defender	15.69	.901	0.000	-0.558
Released on deposit bond	12.46	.883	0.000	-0.746
On PTR and probation when arrested	12.96	.864	0.000	-3.239
Hispanic ethnicity	7.05	.853	0.004	-0.633
Number of prior arrests	7.02	.843	0.004	-0.030
Traditional family support	6.98	.833	0.004	0.488
Number of postponements in most serious case	10.21	.784	0.000	-0.194
Interviewed at time of subsequent arrest	6.65	.765	0.003	-1.961
Weapon used, not found in possession	4.05	.760	0.020	0.722
Major charge is for drug-related offense	3.63	.755	0.027	0.599
Previously failed to appear	2.18	.752	0.085	-0.236
Age at arrest	1.24	.751	0.193	0.017
Local resident	1.20	.749	0.199	-0.436
Program recommendation-do not release on OR	1.26	.749	0.187	-0.825
Type of lawyer is private	1.19	.745	0.199	-0.253
Police officer is only witness	1.03	.743	0.231	-0.162
Lives with unrelated person	1.06	.742	0.224	-0.260
Program recommended station-house release	1.17	.739	0.199	-0.525

TABLE 5.12  
FAILURE TO APPEAR PREDICTION RESULTS  
MODEL 1: ALL RELATED VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>DEFENDANT VARIABLES</u>			
Defendant was on PTR and probation when arrested	2.990	2.26	0.0238
Defendant is of Hispanic ethnicity	0.856	2.62	0.0088
Defendant supports nuclear family	-0.654	-1.88	0.0601
Defendant had failed to appear in past	0.143	0.40	0.6818
Defendant is local resident	-0.169	-0.32	0.7490
Defendant lives alone	0.555	1.81	0.0719
Age at this arrest	-0.013	-0.90	0.3735
Number of prior arrests	0.051	2.98	0.0027
<u>CASE VARIABLES</u>			
Weapon involved but not found in possession	-2.100	-1.98	0.0477
Drug-related offense is major charge	-0.776	-1.84	0.0658
Police officer is only witness	0.388	1.50	0.1336
Number of arrest charges	0.337	3.03	0.0006
<u>SYSTEM VARIABLES</u>			
Interviewed by program at subsequent arrest	1.010	0.59	0.5552
Release option available per bond schedule	-0.127	-0.28	0.2005
<u>POST-RELEASE VARIABLES</u>			
Represented by private attorney	0.480	1.38	0.1645
Represented by public defender	1.090	3.20	0.0014
Released on deposit bond	1.470	3.44	0.0006
Number of court appearances for major charge	0.091	1.73	0.0836
Number of postponements in trial of major charge	0.232	3.37	0.0006
Measure of Multiple Association: 19.7%			
Chi-Squared for No Effect is 123.5 with 19 d.f.			
Number of Cases is 928*			

(Continued)

TABLE 5.12 (continued)  
FAILURE TO APPEAR PREDICTION RESULTS  
MODEL 1: ALL RELATED VARIABLES

CLASSIFICATION OF RESULTS**				
Actual:	FTA	No FTA	No FTA	FTA
Predicted:	No FTA	No FTA	FTA	FTA
Percents:	9.4%	88.3%	1.1%	1.2%
*By site the number of cases (weighted) and percentage of each site's total cases included in the analysis was as follows:				
	Baltimore City	428	52.8%	
	Baltimore County	42	10.4%	
	Washington, D.C.	NONE		
	Dade County	56	26.2%	
	Louisville	128	30.8%	
	Pima County	NONE		
	Santa Cruz County	32	17.1%	
	Santa Clara County	218	51.8%	
**In this analysis "FTA" was considered a "positive" outcome; "no FTA," a "negative" one.				

by a public defender or release on deposit bond. Other statistically significant predictors included ethnicity, number of prior arrests, number of arrest charges and number of postponements in the case.

The finding regarding Hispanic ethnicity deserves special comment. This may reflect a situation described to us during the delivery system interviews, namely, the lack of sufficient Spanish-speaking personnel within the criminal justice system to insure an adequate interpreter for Hispanic defendants who speak limited English. Thus, it is possible that many of the Hispanic defendants who failed to appear did so because they had a poor understanding of the court proceedings and requirements.

Table 5.13 presents the prediction results for post-release variables considered by themselves and Table 5.14, for pre-release variables alone. As indicated, the predictive power that was found is split about equally between pre- and post-release variables.

By themselves the post-release variables yield a measure of multiple association of 11.8%. All pre-release variables yield a measure of multiple association of 11.2%. The exclusion of system factors (see Table 5.15) lowers the measure of multiple association only to 10.7%. Thus, the major factors affecting the incidence of failure to appear are defendant and case variables, and post-release factors.

Overall, the predictive accuracy is too low to try to develop a profile of the defendant who is likely to fail to appear; less than one-third of the persons who actually failed to appear were so classified by the logit model. The relative scarcity of failure to appear makes it relatively easy to predict release success in terms of complying with orders to appear, however. The logit model correctly classified 99% of the defendants who did not fail to appear (who comprised 87.4% of all released defendants).

TABLE 5.13  
FAILURE TO APPEAR PREDICTION RESULTS  
MODEL 2: POST-RELEASE VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
Represented by private attorney	0.469	1.42	0.1556
Represented by public defender	1.194	3.71	0.0002
Released on deposit bond	1.537	4.15	0.0000
Number of appearances in trial	0.097	2.16	0.0308
Number of appearance postponements	0.238	3.78	0.0001
Measure of Multiple Association: 11.8%			
Chi-Squared for No Effect is 73.98 with 5 d.f.			
Number of Cases is 928			
CLASSIFICATION OF RESULTS*			
Actual: FTA	No FTA	No FTA	FTA
Predicted: No FTA	No FTA	FTA	FTA
Percents: 10.6%	88.8%	0.7%	0.1%
* In this analysis "FTA" was considered a "positive" outcome; "no FTA," a "negative" one.			

TABLE 5.14  
FAILURE TO APPEAR PREDICTION RESULTS  
MODEL 3: ALL PRE-RELEASE VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>CASE VARIABLES</u>			
Weapon used, not found in possession	-1.960	-1.88	0.0601
Major charge is drug-related offense	-0.618	-1.52	0.1285
Police officer only witness	0.079	0.33	0.7414
Number of arrest charges	0.393	3.87	0.0000
<u>DEFENDANT VARIABLES</u>			
On PTR and probation when arrested	2.380	1.88	0.0601
Hispanic ethnicity	0.880	2.93	0.0034
Supports nuclear family	-0.665	-2.01	0.0444
Previously failed to appear	0.494	1.57	0.1164
Local resident	-0.520	-1.02	0.3077
Lives with unrelated person	0.476	1.65	0.0989
Age at arrest	-0.025	-1.81	0.0703
Number of prior arrests	0.538	3.36	0.0006
<u>SYSTEM VARIABLES</u>			
Interviewed at subsequent arrest	1.640	1.36	0.1738
Source of release is bail schedule	0.466	1.16	0.2460
Measure of Multiple Association: 11.2%			
Chi-Squared for No Effect is 69.89 with 15 d.f.			
Number of Cases is 928			
<u>CLASSIFICATION OF RESULTS*</u>			
Actual:	FTA	No FTA	No FTA
Predicted:	No FTA	No FTA	FTA
Percents:	10.0%	89.1%	0.3%
*In this analysis, "FTA" was considered a "positive" outcome; "no FTA," a "negative" one.			

TABLE 5.15  
FAILURE TO APPEAR PREDICTION RESULTS  
MODEL 4: DEFENDANT AND CASE VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>CASE VARIABLES</u>			
Weapon used, not found in possession	-1.880	-1.81	0.0703
Major charge is drug-related offense	0.606	-1.50	0.1336
Police officer is only witness	0.074	0.31	0.7566
Number of arrest charges	0.392	0.39	0.6965
<u>DEFENDANT VARIABLES</u>			
On PTR and probation when arrested	2.320	1.84	0.0658
Hispanic ethnicity	0.934	0.32	0.7490
Supports nuclear family	-0.642	-1.96	0.0500
Previous failure to appear	0.464	1.49	0.1362
Local resident	-0.557	-1.09	0.2757
Lives with unrelated person	0.500	1.75	0.0801
Age at arrest	-0.027	-1.82	0.0688
Number of prior arrests	0.054	3.39	0.0007
Measure of Multiple Association: 10.7%			
Chi-Squared for No Effect is 66.94 with 12 d.f.			
Number of Cases is 928			
<u>CLASSIFICATION OF RESULTS*</u>			
Actual:	FTA	No FTA	No FTA
Predicted:	No FTA	No FTA	FTA
Percents:	10.0%	88.9%	0.5%
*In this analysis "FTA" was considered a "positive" outcome; "no FTA," a "negative" one.			

J. Relation of Predictors of Type of Release and Predictors of Failure to Appear

Table 5.16 shows that some of the factors which predict—albeit weakly—failure to appear also predict the setting of a financial release condition. The presence of many arrest charges, involvement with the criminal justice system and a prior failure to appear all point toward a failure to appear and toward a financial release decision. A previous failure to appear, involvement with the criminal justice system, and many arrest charges were also related to a higher likelihood of detention (in the bivariate analyses).<sup>2</sup>

Hence, to the extent that failure to appear can be predicted, release and release type, based largely on program recommendations, take account of several factors related to the likelihood of failure to appear and impose harsher release options upon defendants more likely to fail to appear. At the same time, several factors that are related to failure to appear are not good predictors of release decisions, and vice versa.

TABLE 5.16  
FINANCIAL RELEASE DECISION AND FAILURE TO APPEAR PREDICTORS

Note: + indicates a direct relationship with the outcome shown in the column heading; - indicates an inverse relationship; and 0 indicates no relationship. Stated differently, + indicates that defendants with the characteristic shown were likely to have financial release conditions set (first column) or were likely to have failed to appear (second column).

ITEM	FINANCIAL RELEASE DECISION	FAILURE TO APPEAR
<u>SYSTEM VARIABLES</u>		
Program recommendation—financial	+	0
Program recommendation—OR	(-)	0
No program recommendation	+	0
Source of release—bond schedule	+	(-)
Source of release—bail commissioner	(-)	0
Information verification	-	0
Program interview	-	0
Time of interview—at subsequent arrest	0	(+)
<u>CASE VARIABLES</u>		
No victim	-	0
Drug charge	(-)	(-)
Personal charge	+	0
Morality charge	-	0
Number of charges	+	+
Number of witnesses against	(+)	0
Weapon used	0	-
Police officer only witness	0	(+)
<u>DEFENDANT VARIABLES</u>		
Local residence	-	(-)
Arrest status—involved with CJS	+	+
Prior FTA	+	(+)
Living arrangement—spouse	(-)	0
Living arrangement—alone	0	(+)
Hispanic ethnicity	0	+
Family support	0	(-)
Age—younger	0	(+)
Number of prior arrests	0	+

( ) = not statistically significant

FOOTNOTES

Chapter V

<sup>1</sup>Appendix B discusses definitional problems regarding failure to appear (FTA) and the way these problems were handled in the present study. Unless otherwise stated, all FTA rates are defendant-based, rather than appearance-based, rates.

<sup>2</sup>Recall that most detainees had a financial release option available to them.

CHAPTER VI. PRETRIAL CRIMINALITY

A. Introduction

One of the most controversial issues surrounding pretrial release practices concerns the criminality of released defendants and suggested ways of adequately protecting the public from such crimes. Chief Justice Warren Burger is among the persons who have proposed that a defendant's possible threat to the community not be overlooked in setting bail.<sup>1</sup> Moreover, a public opinion survey conducted in 1978 found that 37 percent of the respondents thought it was a "serious problem which occurs often" for courts to grant bail to persons previously convicted of a serious crime. This belief was shared by persons of different ethnicity, income and self-described classifications of liberal, moderate and conservative.<sup>2</sup>

Despite widespread concern about release practices and pretrial criminality, most of the laws governing release decisions have not permitted consideration of the possible "dangerousness" of a defendant. Historically, the legal basis of release decisions has been whether the defendant will appear for court, and conditions of release (bail, supervision, etc.) have been constrained to be the least restrictive ones preventing flight. Thus, a defendant who poses a poor risk of appearing for trial can have a variety of conditions imposed to increase the likelihood of appearing, but a defendant who poses a poor risk of being crime-free during the pretrial period cannot legally be subject to similar limitations designed to reduce the probability of crime.

This situation has been questioned by many persons, and a change which often has been suggested is the legalization of "preventive detention." Such a policy, which exists in the District of Columbia and several States, would permit the detention of dangerous defendants.

Opponents of preventive detention, however, note the difficulties of predicting dangerousness and stress the fact that preventive detention may violate certain Constitutional principles regarding the treatment of defendants who have been accused of crimes, but not found guilty of them.<sup>3</sup>

The sharpness of the disagreement over policies concerning pretrial criminality is illustrated by the 1974 findings of a national survey of criminal justice policy-makers who were asked to rate sixteen possible goals for pretrial release. The goal, "helping to ensure that individuals who might be dangerous to the community are not granted pretrial release," was ranked second in importance by police chiefs, fifth by sheriffs, sixth by judges and eighth by county executives and district attorneys. In contrast, public defenders and program directors ranked this goal fourteenth, or third from last.<sup>4</sup>

In the past discussions of pretrial criminality issues were hindered by lack of data. For example, a 1975 survey of 115 pretrial release programs found only 19 projects that maintained data on the rearrest rate for defendants released on nonfinancial conditions; even fewer programs (four) had information on the rearrests of bailed defendants.<sup>5</sup>

The fact that so few programs have data on pretrial criminality is partly due to the difficulty of obtaining adequate information about it. Arrest data may be protected by a variety of confidentiality provisions, making access legally difficult; police agencies may be reluctant to cooperate with the program, thus making access hard as a practical matter; and the records themselves may be incomplete, poorly organized or otherwise difficult and time-consuming to use.

Because of the lack of information on pretrial criminality and the widespread interest in the topic, an important goal of the National

Evaluation of Pretrial Release was to develop data on the extent and types of crimes committed pending trial. The primary measure of "pretrial criminality" was arrests during the pretrial period for offenses alleged to have occurred during the pretrial period. Arrests for minor traffic offenses were excluded, as were arrests for failure to appear in the initial case selected for study. Pretrial arrests that occurred outside the eight sites were included, whenever these could be identified (e.g., by checking arrest records on a Statewide basis or for neighboring jurisdictions of other States, such as the Indiana area bordering Louisville, Kentucky).

Although arrest data have been used frequently for analyses of crime, these data have serious limitations. For example, victimization studies have shown that more crimes occur than are reflected in arrest data. All crimes are not reported to the police, and even the reported crimes are not always "cleared" by arrest.

An additional drawback of arrest data is that an arrest does not reflect guilt. An arrested person may be found innocent of the offense charged; the initial charges may be reduced to lesser offenses; all charges may be dropped by the prosecutor or dismissed by the court; and so on. To overcome this limitation of arrest data, additional analysis was conducted in which only convictions (i.e., court findings of guilt or guilty pleas) for pretrial arrests were considered as pretrial crimes. However, such analysis may understate actual levels of pretrial criminality. This can occur when plea bargaining practices result in guilty pleas for the original arrest charges, with the rearrest charges not prosecuted.

#### B. Incidence of Pretrial Criminality

Of the 2,977 released defendants in the sample, 476 were rearrested



while awaiting trial on the original charge. Thus, 16 percent, or about one of every six released defendants, were rearrested. Rates for individual sites ranged from 7.5 percent to 22.2 percent, as shown in Table 6.1.

TABLE 6.1  
PRETRIAL ARREST RATES BY SITE AND BY RELEASE CONDITIONS

Site	Total	For Defendants Released on Nonfinancial Conditions	For Defendants Released on Financial Conditions
Baltimore City (n=704)	7.5%	6.8%	10.4%
Baltimore County (n=369)	17.1%	15.1%	24.4%
Washington, D.C. (n=571)	22.2%	22.9%	18.3%
Dade County (n=179)	17.5%	23.8%	12.3%
Louisville (n=334)	21.4%	21.1%	21.6%
Pima County (n=261)	22.1%	22.2%	19.2%
Santa Cruz County (n=168)	9.6%	9.3%	11.5%
Santa Clara County (n=388)	14.6%	11.8%	22.0%
Total, Eight Sites (n=2,977)	16.0%	15.3%	18.1%

Defendants released on nonfinancial conditions had a 15.3 percent rearrest rate and persons released on financial conditions, 18.1 percent. As was the case for the court appearance rates discussed in the last chapter, there were no systematic differences in pretrial arrest rates for defendants released on nonfinancial versus financial conditions across the eight sites. In some sites rates were higher for defendants released nonfinancially; in other sites, financially.

Nor were total release rates systematically related to rearrest rates. The sites with the highest rearrest rates had release rates ranging from the lowest of the eight sites to one of the highest.

When convictions were considered, rather than arrests, the data showed that 7.8 percent of all released defendants were convicted of a pretrial arrest. Thus, about half of all pretrial arrests resulted in a conviction.<sup>6</sup>

Analysis of the sentences imposed showed that 49 percent of the sentences stemming from pretrial arrests involved incarceration. About half of those incarcerations were for relatively less serious crimes (e.g., crimes against public morality, such as prostitution and drunkenness, and crimes against public order, such as disorderly conduct and driving while intoxicated).

#### C. Nature of the Charges

Assessment of the seriousness of pretrial criminality requires consideration of the types of charges for which defendants were rearrested.<sup>7</sup> As Table 6.2 shows, 38 percent of all rearrests were for F.B.I. Part I offenses.<sup>7</sup> This is slightly less than the incidence of such charges at original arrest.

TABLE 6.2  
REARREST AND ORIGINAL CHARGES, BY TYPE OF OFFENSE

Type of Offense	Rearrest Charge		Original Charge	
	Number	Percent	Number	Percent
Part I	182	38%	205	43%
Part II	294	62%	271	57%
TOTAL	476	100%	476	100%
Crimes against Persons	96	20%	87	18%
Economic Crimes	147	31%	194	41%
Drug Crimes	51	11%	36	8%
Crimes against Public Morality	50	11%	48	10%
Crimes against Public Order	94	20%	89	19%
Miscellaneous Crimes	38	8%	22	5%
TOTAL	476	100%	476	100%

In terms of the six-category classification by type of offense,<sup>8</sup> the most common rearrest category was economic crimes (31 percent), followed by crimes against persons and public order (20 percent each). For the six categories the major difference between original and rearrest charges was the smaller percentage of defendants rearrested for economic crimes (31 percent of the rearrest charges, as compared with 41 percent of the original charges for rearrested defendants).

Table 6.3 compares the original and rearrest charges for rearrested defendants. The diagonal of the table shows that more than half of the defendants originally arrested for economic, drug or public morality crimes were rearrested on similar charges. This was less often the case for persons arrested for crimes against public order, crimes against persons, or miscellaneous crimes. For example, for the 87 rearrested defendants who had originally been charged with crimes against persons, only 26 defendants (30 percent) were rearrested for crimes against persons. Nevertheless, a statistical test of the relationship between original and rearrest charges showed that overall there was a fairly strong relationship.<sup>9</sup>

#### D. Time to Rearrest

Table 6.4 shows the cumulative percentage of pretrial arrests that had occurred at different times after the original arrest, as compared with the cumulative percentage of the cases of released defendants that had reached disposition. As indicated, pretrial arrests occur much more quickly than case dispositions: eight weeks after original arrest, 66% of the first pretrial arrests had occurred but only 54% of the case dispositions. Almost one-half of the pretrial arrests occurred within four weeks of the original arrest.

TABLE 6.3  
TYPE OF REARREST CHARGE VERSUS TYPE OF ORIGINAL CHARGE

Note: Columns and rows may not add to totals shown, due to rounding.

Pretrial Arrest Original Charge Category	Crimes Against Persons		Economic Crimes		Drug Crimes		Crimes Against Public Morality		Crimes Against Public Order		Miscellaneous Crimes		TOTAL	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Crimes against persons	26	30%	19	21%	10	11%	4	5%	22	25%	6	7%	87	100%
Economic crimes	43	22%	98	51%	13	7%	4	2%	19	10%	16	8%	194	100%
Drug crimes	2	7%	4	12%	20	56%	2	5%	7	20%	1	1%	36	100%
Crimes against public morality	3	7%	4	9%	1	3%	30	63%	4	9%	5	11%	40	100%
Crimes against public order	15	17%	14	16%	6	6%	7	8%	39	44%	8	9%	89	100%
Miscellaneous crimes	6	29%	8	36%	1	6%	2	10%	3	13%	2	8%	22	100%
TOTAL	96	20%	147	31%	51	11%	50	11%	94	20%	38	8%	476	100%

TABLE 6.4  
CUMULATIVE PERCENTAGE OF RELEASED DEFENDANTS WITH PRETRIAL ARRESTS AND SETTLED CASES, BY ELAPSED TIME AFTER ORIGINAL ARREST

Number of Weeks after Original Arrest	Rearrests (n=470)	Cases Reaching Disposition (n=2,258)
1	16%	8%
4	45%	33%
8	66%	54%
12	80%	70%
More than 12	100%	100%

Table 6.5 indicates the cumulative percentage of first pretrial arrests that had occurred at four, eight and twelve weeks after release, by the pretrial arrest charge. As shown, the more serious Part I charges occurred somewhat later than other charges: at eight weeks after release, 63 percent of the Part I charges had occurred, as compared with 71 percent of the Part II charges.

By charge category, crimes against public morality occurred most quickly after release (81 percent within eight weeks) and crimes against persons most slowly (61 percent within eight weeks). When specific pretrial arrest charges are considered, robbery occurs relatively slowly: only 47 percent of the robbery charges occurred with eight weeks of release. Disorderly conduct charges, on the other hand, occur relatively quickly: 91 percent within eight weeks of release.

These data suggest that speedier trials would have only a limited impact on pretrial arrest rates, unless trials were held much more quickly than the 60- to 90-day periods commonly discussed. By 60 days, two-thirds

TABLE 6.5  
CUMULATIVE PERCENTAGE OF FIRST PRETRIAL ARRESTS BY ELAPSED TIME AFTER RELEASE, BY REARREST CHARGE

Pretrial Arrest Charge	Four Weeks	Eight Weeks	Twelve Weeks
Part I	38%	63%	79%
Part II	52%	71%	83%
TOTAL	46%	67%	81%
Crimes against persons	44%	61%	79%
Economic crimes	38%	67%	81%
Drug crimes	40%	66%	76%
Crimes against public morality	66%	81%	91%
Crimes against public order	55%	73%	83%
Miscellaneous crimes	55%	67%	79%
Specific charges:			
Robbery	31%	47%	58%
Aggravated assault	56%	69%	94%
Burglary	23%	68%	80%
Larceny	44%	65%	82%
Simple assault	49%	69%	90%
Disorderly conduct	78%	91%	96%

of the pretrial arrests had already occurred; and by 90 days, four-fifths. However, the pretrial rearrest rate reductions that could be achieved through speedier trials would be greater for more serious (Part I) crimes and crimes against persons. More than half the first pretrial rearrests for robbery could have been avoided for the defendants studied, if trials had occurred within eight weeks of release. If trials had been held within four weeks, more than two-thirds of the robbery pretrial arrests and more than three-fourths of the burglary pretrial arrests could have been avoided.<sup>10</sup>

Speedier trials would have a greater impact in some sites than others, as shown in Table 6.6. In Washington, D.C., almost one-half the first pretrial arrests occurred more than eight weeks after release. In contrast, only 16 percent of the first pretrial arrests in Santa Cruz County occurred after eight weeks. Indeed, in Santa Cruz County fully 60 percent of the rearrests occurred within two weeks after release.

Table 6.7 shows the time to rearrest by original release type. Pretrial arrests occurred more quickly for defendants released on financial conditions than for persons released nonfinancially. Almost four-fifths of the pretrial arrests by defendants with financial releases occurred within eight weeks, as compared to three-fifths by defendants with nonfinancial releases. The slowest rate of pretrial arrest occurred for defendants on supervised release or third party custody.

#### E. Multiple Rearrests

Many of the defendants with pretrial arrests were rearrested repeatedly during the pretrial period. Thirty percent of the defendants with one pretrial arrest also had a second; 31 percent of the persons with two pretrial arrests also had a third; and 27 percent of the defendants with

TABLE 6.6  
CUMULATIVE PERCENTAGE OF FIRST PRETRIAL ARRESTS  
BY ELAPSED TIME AFTER RELEASE, BY SITE

Site	Four Weeks	Eight Weeks	Twelve Weeks	Pretrial Arrest Rate
Baltimore City (n=640)	68%	81%	94%	7.3%
Baltimore County (n=356)	37%	67%	83%	16.9%
Washington, D.C. (n=539)	33%	52%	72%	22.1%
Dade County (n=166)	56%	81%	97%	19.3%
Louisville (n=307)	54%	82%	93%	23.1%
Pima County (n=245)	41%	65%	76%	22.0%
Santa Cruz County (n=152)	84%	84%	84%	9.9%
Santa Clara County (n=363)	51%	63%	65%	15.7%

TABLE 6.7  
CUMULATIVE PERCENTAGE OF FIRST PRETRIAL ARRESTS  
BY ELAPSED TIME AFTER RELEASE, BY TYPE OF RELEASE

Type of Release	Four Weeks	Eight Weeks	Twelve Weeks	Pretrial Arrest Rate
Own recognizance (n=1,534)	45%	64%	81%	14.7%
Citation (n=305)	40%	60%	65%	14.1%
Supervised release, third party custody (n=142)	29%	44%	63%	28.9%
Subtotal, nonfinancial release (n=1,981)	42%	61%	76%	15.6%
Bail (n=595)	52%	76%	84%	17.5%
Deposit, unsecured bond (n=176)	59%	85%	95%	23.3%
Subtotal, financial release (n=771)	52%	79%	87%	18.8%
TOTAL (n=2,752)	46%	67%	81%	16.4%

three pretrial arrests also had a fourth. On the average each rearrested defendant had 1.4 pretrial arrests.

Table 6.8 shows the charge distribution for the first and subsequent pretrial arrests. As indicated, there were no statistically significant differences in the seriousness of first and subsequent arrests, as measured by the F.B.I.'s Part I and Part II categorization: 42 percent of the subsequent and 38 percent of the first pretrial arrests were for Part I crimes. However, the specific types of charges differed for first versus subsequent rearrests: substantially more of the subsequent rearrests were for economic crimes (38 percent versus 31 percent), and fewer of them were for crimes against public order (10 percent versus 20 percent). Also crimes against persons comprised a smaller proportion of the subsequent rearrests than they had of the first pretrial arrests (17 percent versus 20 percent).

#### F. Consequences of Pretrial Arrest

Table 6.9 shows the reactions of the court, based on court records, to pretrial arrests. The most common type of reaction was related to setting or increasing bail. However, the single most common finding was that no action occurred that was recorded. Only at the third pretrial arrest were there substantial increases in the extent of detention ordered and decreases in the extent to which no court action occurred that was recorded in court files.<sup>11</sup>

TABLE 6.8  
CHARGE DISTRIBUTION OF FIRST AND SUBSEQUENT PRETRIAL ARRESTS<sup>a</sup>

Note: Percentages may not add to totals shown, due to rounding.

Charge	First Pretrial Arrest (n=476)	Subsequent Pretrial Arrests (n=202)	Second Pretrial Arrest (n=145)	Third Pretrial Arrest (n=45)	Fourth Pretrial Arrest (n=12)
Part I	38%	42%	44%	39%	33%
Part II	62%	58%	56%	61%	67%
TOTAL	100%	100%	100%	100%	100%
Crimes against persons	20%	17%	17%	21%	0%
Economic crimes	31%	38%	39%	34%	44%
Drug crimes	11%	13%	11%	19%	23%
Crimes against public morality	11%	11%	13%	7%	8%
Crimes against public order	20%	10%	11%	8%	10%
Miscellaneous crimes	8%	10%	10%	11%	15%
TOTAL	100%	100%	100%	100%	100%

<sup>a</sup>The charge distribution for first versus subsequent pretrial arrests is statistically significant at the .05 level for the six-way categorization shown. Part I/Part II differences are not significant.

TABLE 6.9  
REACTIONS OF THE COURT TO PRETRIAL ARRESTS

Action	First Pretrial Arrest	Second Pretrial Arrest	Third Pretrial Arrest
Detained	6%	3%	11%
Bond increased	18%	29%	41%
Bond set	28%	19%	22%
Other change	10%	10%	10%
No action recorded	38%	39%	16%
TOTAL	100%	100%	100%
Number of cases	397	107	29

G. Defendant Characteristics Related to Pretrial Arrest

1. Demographic Characteristics

As shown in Table 6.10, black and Hispanic defendants were somewhat more likely than white defendants to be rearrested during the pretrial period. About one in every five black/Hispanic defendants was rearrested, as compared to one in every seven of the white defendants.

Younger defendants were also somewhat more likely to be rearrested. The mean age at arrest for rearrested defendants was 26.7 years; for other defendants, 29.8 years.

TABLE 6.10  
DEMOGRAPHIC CHARACTERISTICS RELATED TO PRETRIAL ARREST

Characteristic	Rearrested		Not Rearrested		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Ethnicity (n= 2,737)</u>						
Black	229	19.2%	962	80.8%	1,190	100.0%
Hispanic	48	18.7%	211	81.3%	260	100.0%
White	177	14.0%	1,086	86.0%	1,263	100.0%
Other	0	0.0%	25	100.0%	25	100.0%
	Number	Mean	Number	Mean	Number	Mean
Age at Arrest (n= 2,965)	473	26.7	2,492	29.8	2,965	29.3

2. Background Characteristics

Several differences in background characteristics existed between defendants rearrested and persons not rearrested, as shown in Table 6.11. In general, rearrested defendants had weaker community ties than persons not rearrested.

Rearrested defendants were more often single, separated or divorced, and, as a result, either did not contribute at all to the support of a family or were paying alimony and/or child support. They also—as suggested by their lower age—were more often living with a parent; in addition, they were more often living alone or with a relative than with a roommate or spouse.

Rearrested defendants were almost one-and-one-half times as likely to be unemployed as persons not rearrested. In addition, for employed defendants, rearrested persons had been at their present jobs a shorter time than defendants who were not rearrested. Rearrested defendants were also more often on some form of public assistance.

3. Criminal History

There were sharp differences between the criminal records of rearrested defendants and other defendants, as shown in Table 6.12. Rearrested defendants started to engage in criminal activity earlier in life than persons not rearrested. They had twice as many prior arrests and convictions as other defendants and also had more prior failures to appear. Moreover, defendants who had failed to appear in the past were much more likely to be rearrested than persons who had not failed to appear.

Rearrested defendants were very likely to have been involved with the criminal justice system at the time of the original arrest studied.



TABLE 6.11  
BACKGROUND CHARACTERISTICS RELATED TO PRETRIAL ARREST

Characteristic	Rearrested		Not Rearrested		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Marital Status (n=2,167)</u>						
Single/widow(er)ed	234	19.3%	979	80.7%	1,212	100.0%
Separated/divorced	81	17.6%	380	82.4%	461	100.0%
Married	64	12.9%	429	87.1%	493	100.0%
<u>Family Support (n=1,913)</u>						
Alimony/child support	62	19.1%	262	80.9%	324	100.0%
None	221	18.8%	952	81.2%	1,173	100.0%
Traditional family support	43	10.3%	373	89.7%	415	100.0%
<u>Living Arrangement (n=2,063)</u>						
Parent	140	20.3%	550	79.7%	690	100.0%
Alone	46	19.2%	195	80.8%	241	100.0%
Relative/guardian	57	18.0%	260	82.0%	317	100.0%
Unrelated person	53	15.5%	287	84.5%	339	100.0%
Spouse	62	13.0%	414	87.0%	476	100.0%
<u>Employment (n=2,728)</u>						
None	225	21.5%	822	78.5%	1,048	100.0%
Part-time	24	14.4%	142	85.6%	166	100.0%
Full-time	200	13.2%	1,315	86.8%	1,515	100.0%
<u>Public Assistance (n=1,417)</u>						
Yes	40	19.2%	170	80.8%	211	100.0%
No	164	13.6%	1,042	86.4%	1,206	100.0%
	Number	Mean	Number	Mean	Number	Mean
Number of Relatives in Area (n=2,977)	473	0.6	2,504	0.2	2,977	0.3
Number of Months at Present Job (n=1,048)	140	30.8	907	43.3	1,048	41.6

TABLE 6.12  
CRIMINAL HISTORY CHARACTERISTICS RELATED TO PRETRIAL ARREST

Characteristic	Rearrested		Not Rearrested		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Most Frequent Charge in Record (n=994)</u>						
Part I	110	32.8%	225	67.2%	335	100.0%
Part II	136	20.6%	523	79.4%	659	100.0%
<u>Specific Charges (Average rearrest rate among those previously arrested, 24.7%)</u>						
Prostitution	12	47.0%	14	53.0%	26	100.0%
Narcotics possession	15	39.9%	23	60.1%	38	100.0%
Larceny/theft	42	35.2%	77	64.8%	119	100.0%
Robbery	17	34.2%	33	65.8%	50	100.0%
Weapons	9	32.4%	18	67.6%	27	100.0%
Auto theft	5	31.7%	11	68.3%	16	100.0%
Aggravated assault	11	31.5%	25	68.5%	36	100.0%
Burglary	33	30.6%	75	69.4%	108	100.0%
<u>Previous Failure to Appear (n=1,819)</u>						
Yes	83	28.2%	212	71.8%	296	100.0%
No	272	17.9%	1,251	82.1%	1,523	100.0%
<u>CJS Status at Time of Arrest (n=2,628)</u>						
On parole	39	42.4%	53	57.6%	92	100.0%
On pretrial release	42	26.2%	120	73.8%	162	100.0%
Outstanding warrant	8	24.2%	25	75.8%	33	100.0%
On probation	64	23.8%	205	76.2%	269	100.0%
No involvement	275	13.3%	1,797	86.7%	2,072	100.0%
	Number	Mean	Number	Mean	Number	Mean
Age at First Adult Arrest (n=1,812)	373	21.5	1,439	23.7	1,812	23.2
Number of Prior Arrests (n=2,977)	473	6.2	2,504	3.1	1,977	3.6
Number of Prior Convictions (n=2,977)	473	2.7	2,504	1.2	2,977	1.5
Number of Previous Failures to Appear (n=2,977)	473	0.4	2,504	0.1	2,977	0.2

Overall, 28 percent of the defendants involved with the criminal justice system at the time of the original arrest were rearrested, as compared to 13 percent of the persons not involved. Persons on parole at time of original arrest were especially likely to be rearrested.

Rearrested defendants were also likely to have had more serious prior charges. One-third of the defendants with Part I charges as their most frequent prior charges were rearrested, as compared to one-fifth of the persons with Part II offenses as their most frequent prior charges. Defendants with past charges of prostitution, narcotics possession, larceny/theft, robbery, weapons, auto theft, aggravated assault and burglary were most likely to have been rearrested pending trial.

#### H. Case Characteristics Related to Pretrial Arrest

Table 6.13 shows that the original arrest charges differed for defendants subsequently rearrested, as compared to persons not rearrested. Almost twice the proportion of defendants with Part I offenses had rearrests, when compared to defendants with Part II charges. Especially likely to be associated with rearrest was the charge category of economic offenses. Specific offenses highly related to rearrest included prostitution, forgery/counterfeiting, auto theft, burglary, and larceny/theft.

Several indicators of the weight of the evidence in the pending case were also associated with the likelihood of rearrest. There were more likely to have been multiple, unacquainted, and commercial victims in the pending cases against rearrested defendants. Also, it was less likely for the arresting officer to have been the only witness in the case. In addition, there were more witnesses against the defendant.

#### I. Criminal Justice System Factors Related to Pretrial Arrest

As shown in Table 6.14, persons who were rearrested were more likely to have been interviewed by the pretrial release program than not

TABLE 6.13  
CASE CHARACTERISTICS RELATED TO PRETRIAL ARREST

Characteristic	Rearrested		Not Rearrested		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Charge (n=2,954)</u>						
Part I	198	23.0%	664	77.0%	862	100.0%
Part II	272	13.0%	1,819	87.0%	2,092	100.0%
<u>Charge Categories</u>						
Economic	189	24.9%	569	75.1%	758	100.0%
Morality	48	17.8%	223	82.2%	271	100.0%
Persons	85	16.7%	426	83.3%	512	100.0%
Miscellaneous	22	14.4%	129	85.6%	151	100.0%
Drug-related	36	10.4%	310	89.6%	346	100.0%
Public Order	90	9.9%	826	90.1%	917	100.0%
<u>Specific Charges</u>						
Prostitution	31	35.1%	58	64.9%	89	100.0%
Forgery/counterfeiting	12	33.3%	24	66.7%	36	100.0%
Auto theft	15	29.0%	36	71.0%	50	100.0%
Burglary	50	27.6%	132	72.4%	182	100.0%
Larceny/theft	89	24.1%	279	75.9%	368	100.0%
Multiple Charges (rate = 21.8%)						
<u>Police Officer a Witness (n=2,087)</u>						
Not only witness	105	20.3%	414	79.7%	519	100.0%
No	61	17.0%	299	83.0%	361	100.0%
Only witness	140	11.6%	1,067	88.4%	1,207	100.0%
<u>Relation to Victim (n=2,432)</u>						
Multiple victims	23	31.4%	50	68.6%	73	100.0%
No acquaintance	48	26.9%	130	73.1%	178	100.0%
Commercial	67	20.5%	262	79.5%	329	100.0%
Prior acquaintance	39	15.4%	216	84.6%	255	100.0%
Police officer	12	12.5%	83	87.5%	95	100.0%
Non-commercial	7	12.5%	50	87.5%	57	100.0%
No victim	158	11.6%	1,198	88.4%	1,356	100.0%
Immediate family	8	8.7%	82	91.3%	89	100.0%
<u>Number of Witnesses Against Defendant (n=2,977)</u>						
	Number	Mean	Number	Mean	Number	Mean
	473	1.5	2,504	1.3	2,977	1.3

TABLE 6.14  
CRIMINAL JUSTICE SYSTEM CHARACTERISTICS RELATED TO PRETRIAL ARREST

Characteristic	Rearrested		Not Rearrested		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Source of Release</u> (n=2,950)						
Judge	266	22.4%	923	77.6%	1,189	100.0%
Sheriff	39	15.4%	214	84.6%	253	100.0%
Bail schedule	44	15.1%	248	84.9%	291	100.0%
Arresting officer	11	12.4%	77	87.6%	88	100.0%
Bail commissioner	98	10.3%	855	89.7%	953	100.0%
Program on own	15	9.3%	145	90.7%	160	100.0%
Other	0	0.0%	14	100.0%	14	100.0%
<u>Program Interview</u> (n=2,949)						
Yes	344	16.8%	1,696	83.2%	2,039	100.0%
No	126	13.8%	784	86.2%	910	100.0%
<u>Time of Interview</u> (n=2,046)						
Other than below	5	50.0%	5	50.0%	10	100.0%
Immediately after arrest	323	16.8%	1,606	83.2%	1,930	100.0%
After first bail hearing	16	14.6%	91	85.4%	106	100.0%
<u>Program Recommendation</u> (n=1,811)						
Do not release on OR	5	36.7%	8	63.3%	13	100.0%
Unsecured bond	1	33.3%	2	66.7%	3	100.0%
Conditional release	4	29.9%	10	70.1%	15	100.0%
Bail	12	23.3%	40	76.7%	52	100.0%
Stationhouse release	31	18.6%	135	81.4%	166	100.0%
No recommendation	78	18.1%	352	81.9%	430	100.0%
Own recognizance	153	14.1%	932	85.9%	1,085	100.0%
Supervised release	4	9.9%	34	90.1%	37	100.0%
Deposit bail	0	0.0%	8	100.0%	8	100.0%

interviewed. Program recommendations against release on own recognizance or for conditional release or bail release were more often given to defendants who were in fact rearrested. Program recommendations for stationhouse, own recognizance, supervised or deposit bond release, as well as cases with no recommendations, were associated with lower incidences of rearrest.

Releases by judges were most likely to have been associated with rearrests. Defendants released by the sheriff at the stationhouse or through a bond schedule had about average rates of rearrests. Persons released by the arresting officer in the field, by a bail commissioner, or by the release program acting on its own (used only for misdemeanor defendants in Santa Clara County) were less likely to be rearrested pending trial.

#### J. Summary of Pre-Release Factors Related to Pretrial Arrest

Many of the factors that differentiate, at a bivariate level, between defendants who were rearrested and persons who were not rearrested pre-trial are included in programs' release recommendation criteria. These factors include marital status, living arrangement, employment and criminal history.

In addition, rearrested defendants' pending cases tended to have been more serious than the cases of other defendants. The charges were more often serious and the weight of the evidence was somewhat stronger.

Many of these factors affected program recommendations. Own recognizance release was recommended less often for defendants who were subsequently rearrested than for other defendants. The sources of defendants' releases, sometimes related to defendants' forms of release or reviews of release conditions, were also associated with the likelihood of rearrest.

K. Post-Release Factors Related to Pretrial Arrest

Table 6.15 shows that the type of release given a defendant was not significantly related to the likelihood of rearrest. Specifically, financial and nonfinancial types of release showed only small differences in rates of rearrest.

TABLE 6.15  
TYPE OF RELEASE AND PRETRIAL REARREST

Type of Release	Rearrested		Not Rearrested		Total	
	Number	Percent	Number	Percent	Number	Percent
Type of Release (n=2,958)						
Financial	147	17.8%	679	82.2%	826	100.0%
Nonfinancial	325	15.2%	1,307	84.8%	2,132	100.0%
Total	472	16.0%	2,486	84.0%	2,958	100.0%
Specific release types:						
Custody release 32.7%						
Deposit bond 21.9%						
Surety bail 16.7%						
Own recognizance 14.3%						

Custody and deposit bond releases, each used frequently in one or two sites, had higher than average rates of pretrial rearrest. Overall, however, the type of release was not strongly associated with the likelihood of rearrest.

Many other post-release factors were related to pretrial arrest, as shown in Table 6.16. Most notable is the finding that defendants who failed to appear in their pending cases were almost three times as likely to be rearrested as persons who did not fail to appear.

Defendants who were rearrested had more appearances, postponements and notices to appear in their trials than other defendants. In addition,

TABLE 6.16  
POST-RELEASE FACTORS RELATED TO PRETRIAL ARREST

Factor	Rearrested		Not Rearrested		Total	
	Number	Percent	Number	Percent	Number	Percent
<u>Average Length of Program Contact with Defendant (n=1,063)</u>						
16-30 minutes	51	24.9%	154	75.1%	206	100.0%
15 minutes or less	98	13.8%	613	86.2%	711	100.0%
31-60 minutes	10	6.7%	137	93.3%	147	100.0%
<u>Type of Followup Services Provided by Program (n= 1,196)</u>						
Reminded of dates, counselled, referred to services and monitored compliance with conditions	51	25.1%	151	74.9%	202	100.0%
Reminded of dates, referred to services and monitored compliance with conditions	6	18.6%	25	81.4%	30	100.0%
Reminded of dates	87	17.6%	406	82.4%	492	100.0%
Reminded of dates and monitored compliance with conditions	40	8.6%	426	91.4%	466	100.0%
Other	1	16.7%	5	83.3%	6	100.0%
<u>Defendant Compliance with Release Conditions (n= 1,188)</u>						
No	104	59.3%	72	40.7%	176	100.0%
Yes	73	7.2%	939	92.8%	1,012	100.0%
<u>Type of Legal Representation (n= 2,345)</u>						
Court-appointed attorney	96	27.3%	254	72.7%	350	100.0%
Public defender	119	22.8%	403	77.2%	521	100.0%
Attorney, status unknown	65	17.8%	300	82.2%	365	100.0%
Private attorney	95	14.3%	566	85.7%	661	100.0%
Self-represented	32	7.2%	415	92.8%	448	100.0%
<u>Failure to Appear (n= 2,977)</u>						
Yes	131	27.7%	342	72.3%	473	100.0%
No	246	9.8%	2,258	90.2%	2,504	100.0%
	Number	Mean	Number	Mean	Number	Mean
Number of Appearances in Trial, Most Serious Charge	473	2.4	2,504	1.9	2,977	1.9
Average Number of Notices to Appear for Trial	470	3.1	2,494	2.7	2,964	2.7
Number of Postponements in Trial, Most Serious Ch.	472	1.7	2,502	0.7	2,974	0.8
Number of Days from Release to First Appearance in Trial for Most Serious Charge	404	28.6	2,281	23.3	2,686	24.1
Number of Days from Release to Disposition in Trial for Most Serious Charge	429	138.6	2,359	73.7	2,789	83.7

their number of days from release to first appearance in their trials was greater, on the average, than for other defendants. Not surprisingly, the number of days from release to case disposition was also greater for rearrested defendants than for persons not rearrested, by a factor of almost two.

Defendants represented by court-appointed attorneys and public defenders were more likely to be rearrested than persons represented by themselves (probably in minor cases that reached disposition quickly) or by private attorneys. Specifically, defendants represented by court-appointed attorneys were twice as likely to be rearrested as persons represented by private attorneys.

There were also differences in release program followup activities. Persons whose average post-release contacts with programs were relatively long were least likely to be rearrested. Defendants with very short contacts, such as a weekly call, had rearrest rates that were about average. Defendants with contacts of moderate length, lasting 16-30 minutes each, were most likely to be rearrested.

The types of services provided to released defendants by programs were also associated with the incidence of rearrest. Possibly because of proper identification of the need for supervisory services, defendants given the broadest range of followup contacts (including reminders of appearance dates, counseling, referral to social service agencies, and monitoring of compliance with reporting conditions) were most frequently rearrested. Defendants given only simple reminders of appearance dates also had a higher than average incidence of rearrest. Persons who were both reminded of appearance dates and had their compliance with release conditions monitored by programs were far less likely than other defendants to be rearrested.

#### L. Relative Importance of Related Factors

##### 1. Discriminant Analysis

To isolate the most highly related factors, controlling their inter-relations, a stepwise multiple discriminant analysis was performed. As shown in Table 6.17, this resulted in a reduction of the number of related factors. By far the most highly related independent measures were the defendants' source of pretrial release, type of legal representation, and whether failure to appear occurred; all these are post-release events. The relation of the defendant to the victim was also strongly related to pretrial arrest.

Less strongly related, but still making important contributions, were the current charge, the defendants' criminal justice system status at the time of arrest for the pending charge, employment status, age at current arrest, prior record, bond amount, average number of notices to appear for trial, number of trial appearances, and family support responsibilities. The contribution to the overall discrimination between the groups rearrested versus not rearrested of number of appearance notices, representation by a public defender, number of trial appearances, and support of family were not statistically significant, however.

Overall, a canonical correlation coefficient of .51 was obtained, with 44 entered variables, indicating that these variables explained about 26 percent of the differences in rearrest behavior of the two groups compared. Most of this derives from the variables shown in Table 6.17.

Because of the great number of variables, only 609 cases with complete data were used in the analysis. This number was increased in subsequent analyses, such as the prediction analysis discussed in the following section.

TABLE 6.17  
STEPWISE DISCRIMINANT ANALYSIS RESULTS FOR PRETRIAL ARREST

VARIABLE	F TO ENTER OR REMOVE	WILKS' LAMBDA	SIGNIFICANCE OF CHANGE IN RAO'S V	UNSTANDARDIZED DISCRIMINANT FUNCTION COEFFICIENTS
Source of release is judge	24.70	.96	0.000	0.048
Self-represented at trial	19.77	.89	0.000	0.528
Defendant failed to appear	16.32	.87	0.000	-0.918
Not a prior acquaintance of victim	12.08	.85	0.000	-0.657
Represented by court-appointed attorney	10.26	.84	0.001	-2.400
Source of release is bail commissioner	7.44	.80	0.002	0.828
Charge is economic offense	6.13	.79	0.005	-0.270
On PTR and probation when arrested	5.17	.79	0.010	-2.390
Not employed	4.45	.78	0.016	-0.320
Age at arrest	4.22	.77	0.018	0.016
Represented by private attorney	3.69	.76	0.027	-0.064
Number of prior arrests	4.03	.76	0.020	-0.019
Bail amount between \$1,001 and \$1,500	2.91	.75	0.047	-0.664
Number of notices to appear, major charge	1.91	.75	0.107	-0.162
Represented by public defender	1.87	.75	0.110	0.433
Number of trial appearances, major charge	1.34	.75	0.175	-0.063
Support of nuclear family	1.66	.75	0.130	0.300

## 2. Prediction (Logit) Analysis

Table 6.18 reports the results of a logit analysis of the likelihood of rearrest. This analysis used the 17 most highly related independent variables and controlled for multicollinearity among these items. As shown, the variables included in the analysis correctly classified 97 percent of the defendants who were not rearrested and 16 percent of the persons who were rearrested. Thus, the prediction of rearrest was only slightly successful.

Failure to appear in the pending case and bail of a moderate amount (\$1,000—\$1,500) in the pending case were the strongest of the statistically significant predictors. Other important variables included representation by a public defender, lack of acquaintance with the victim, an economic offense as the charge in the pending ("original arrest") case, a greater number of court appearances in the pending case and a higher than average number of prior arrests. Unemployment, although only of "borderline" statistical significance, was also associated with the likelihood of rearrest.

Several variables were related to a low probability of rearrest. Older defendants, persons released by a bail commissioner and defendants who represented themselves at their trials were less likely than other persons to be arrested.

If these variables had been used to make release decisions about released defendants, the result would have been to reduce the pretrial arrest rate by 16 percent; that is to say, 16 percent of the defendants who actually were rearrested were so identified by the prediction equation. However, the prediction equation also predicted rearrest for defendants who were in fact not rearrested. Indeed, if the prediction equation had been used to make decisions about the released population,

TABLE 6.18  
PRETRIAL ARREST PREDICTION RESULTS  
MODEL 1: ALL RELATED VARIABLES

DESCRIPTION	COEFFICIENT	t VALUE	PROBABILITY
<u>Defendant Variables</u>			
Defendant supports nuclear family	-0.352	-1.310	.1902
Defendant is unemployed	0.354	1.820	.0688
Defendant was on PTR and probation when arrested	0.935	0.909	.3222
Number of prior arrests	0.043	3.040	.0027
Age at this arrest	-3.410	-2.890	.0039
<u>Case Variables</u>			
Victim no prior acquaintance of defendant	0.787	2.790	.0053
Economic offense is major charge	0.445	2.110	.0349
<u>System Variables</u>			
Release option given by judge	0.140	0.577	.5687
Release option given by bail commissioner	-1.060	-3.530	.0005
Bail amount was between \$1,001 and \$1,500	1.270	2.690	.0072
<u>Post-Release Variables</u>			
Represented by private attorney	-0.285	-0.896	.3681
Represented by public defender	0.870	2.800	.0051
Represented by court-appointed attorney	0.523	1.350	.1770
Represented by self	-1.550	3.930	.0000
Number of court appearances for major charge	0.101	2.320	.0203
Number of ways defendant was notified of appearances	0.156	1.270	.2041
Defendant failed to appear in trial	1.090	4.210	.0000
Measure of Multiple Association: 15.4%			
Chi-Squared for No Effect is 164.99 with 17 d.f.			
Number of Cases is 1,167			
Classification of Results*			
Actual:	Rearrested	Not Rearrested	Not Rearrested
Predicted:	Not Rearrested	Not Rearrested	Rearrested
Percents:	14.3%	80.5%	2.3%
			2.8%
*In this analysis, "rearrested" was considered a "positive" outcome; "not rearrested," a "negative" one.			

almost as many "safe" defendants would have been detained as "risky" defendants. As shown in Table 6.18, the analysis predicted rearrest when it did not occur for 2.3 percent of the released defendants, and the analysis predicted rearrest when it did occur for 2.8 percent of the released defendants.

Thus, as stated earlier, the prediction analysis was only slightly successful. This reflects the difficulty of trying to predict an event that is relatively rare and experienced by persons with diverse characteristics. Only a minority (16 percent) of defendants were rearrested pending trial and those individuals did not, on the whole, have strikingly different characteristics from other defendants.

It is highly possible that even the modest reduction estimated for the pretrial arrest rate exceeds the likely reduction that would occur if the prediction approach were used in the future. Typically, prediction techniques derived for one defendant sample over one time period are less effective when applied to other samples or other time periods.<sup>12</sup> Also, some of the variables shown in Table 6.18, while important analytically, are not suitable for use in making release decisions. For example, although younger defendants are more likely to be rearrested, few persons would support a release policy based on age considerations. Besides these limitations, predictions of pretrial arrests are based only on data for released defendants. Hence, there is no way to judge the accuracy of such predictions, if they were to be applied to detained defendants as well.

#### M. Relationship of Predictors of Release Type and Predictors of Pretrial Arrest

Table 6.19 compares the best predictors of pretrial arrest (even though these predictors were, on the whole, not very successful ones)



TABLE 6.19  
FINANCIAL RELEASE DECISION AND PRETRIAL ARREST PREDICTORS

Note: + indicates a direct relationship with the outcome shown in the column heading; - indicates an inverse relationship; and 0 indicates no relationship. Stated differently, + indicates that defendants with the characteristic shown were likely to have had financial release conditions set (first column) or were likely to have been rearrested pending trial (second column).

ITEM	FINANCIAL RELEASE DECISION	PRETRIAL ARREST
<u>SYSTEM VARIABLES</u>		
Program recommendation—financial	+	0
Program recommendation—OR	(-)	0
No program recommendation	+	0
Source of release—bond schedule	+	0
Source of release—bail commissioner	(-)	-
Source of release—judge	0	(+)
Information verification	-	0
Program interview	-	0
Bail amount between \$1,001 and \$1,500	0	+
<u>CASE VARIABLES</u>		
No victim	-	0
Victim not a prior acquaintance	0	+
Drug charge	(-)	0
Personal charge	+	0
Morality charge	-	0
Economic charge	0	+
Number of charges	+	0
Number of witnesses against	(+)	0
<u>DEFENDANT VARIABLES</u>		
Local residence	-	0
Arrest status—involved with CJS	+	(+)
Prior FTA	+	0
Lives with spouse	(-)	0
Family support	0	(-)
Age—younger	0	+
Number of prior arrests	0	+
Unemployed	0	(+)

( ) = not statistically significant

with the best predictors of financial release decisions. As shown, there is little relationship between the two sets of variables. Only involvement with the criminal justice system at the time of the original arrest studied was associated with both rearrest and the setting of financial release conditions, and only release by a bail commissioner was related to both the absence of rearrest and the setting of nonfinancial release conditions. In general, the best predictors of rearrest were not included in the set of the best predictors of release decisions, and vice versa.

#### N. Alternatives for Reducing Pretrial Arrests

Proposed alternatives for reducing pretrial arrests can be assessed with the data from the National Evaluation of Pretrial Release. One widely supported proposal is to hold speedier trials. However, this is unlikely to cause major reductions in pretrial arrest rates unless trials are held much more quickly than the 60- to 90-day periods commonly discussed. Two-thirds of all pretrial arrests occurred within 60 days of the original arrest; indeed, almost one-half the pretrial arrests occurred within 30 days.

However, the pretrial arrest rate reductions that could be achieved through speedier trials would be greater for more serious (Part I) crimes and crimes against persons. For example, more than half the pretrial arrests for robbery could have been avoided if trials had been held within eight weeks of release. If trials had occurred within four weeks, more than two-thirds of the pretrial arrests for robbery and more than three-fourths of the burglary rearrests could have been avoided.

Another possibility for reducing pretrial crime is to reduce the extent of multiple rearrests during the pretrial period. If all rearrested

defendants had been rearrested only once, rather than an average of 1.4 times each, total pretrial arrests would have declined by 29 percent. One proposal for reducing multiple pretrial arrests is to revoke a defendant's release at the time of the first rearrest. This could be implemented (subject to certain procedural limitations, such as a finding of probable cause) by including "no rearrest" as an initial release condition and revoking the release for violation of that condition. Various ways that multiple rearrests might be reduced are now being explored in a research study sponsored by the National Institute of Justice.<sup>13</sup> The impact of such alternatives as improved mechanisms for providing rearrest information to releasing magistrates and harsher court responses to pretrial arrests will be considered.

A third approach that has been recommended for reducing pretrial arrest rates is to permit the preventive detention of defendants who are considered likely to commit crimes during the pretrial release period. Unfortunately, no reliable way of identifying such defendants has yet been developed. Past studies have not been notably successful in their ability to predict pretrial arrests. Nor are the findings from the National Evaluation of Pretrial Release more promising.

The best prediction technique for pretrial arrests developed as part of the National Evaluation of Pretrial Release would, if followed for the sample of released defendants studied, have reduced the pretrial arrest rate by one-sixth. However, to achieve this reduction would have required the detention of almost as many defendants who were not rearrested pretrial as persons who were. Thus, there would have been a substantial (30 percent) increase in detention, with its attendant costs for both the criminal justice system and defendants, but only a modest decline in the pretrial arrest rate.

Moreover, it is highly possible that even the modest reduction estimated for the pretrial arrest rate exceeds the likely reduction that would occur if the prediction approach were used in the future. Typically, prediction techniques derived for one defendant sample over one time period are less effective when applied to other samples or other time periods. Additionally, predictions of pretrial arrests are based only on data for released defendants. Thus, there is no way to judge the accuracy of such predictions, if they were to be applied to detained defendants as well.

It is quite likely that if preventive detention were more widely adopted, the impact would be much less than either the advocates or the opponents of such action anticipate. Pretrial arrest rates are unlikely to be reduced drastically. Also, the extent to which detention might increase is questionable, for several reasons, including: sub rosa preventive detention may exist now, through the setting of high money bail; detention facilities are often overcrowded, which produces reluctance to increase jail populations; detention itself is costly; and most proposed legislation includes procedural safeguards to limit the detention that can occur. Thus, the magnitude of the controversy over preventive detention, and the intensity of the debate about it, may far exceed its potential impact on either pretrial arrest or detention rates.

Additional analysis of the likely effect of preventive detention is an important area for future research. Because several States permit consideration of "dangerousness" when making release decisions, the impact of such legislation could be studied. Of particular interest would be the extent to which the dangerousness provisions were used, the conditions under which they were used, changes in detention and pretrial arrest rates, and judicial opinions about the efficacy and utility of the legislation.

In addition to speedy trials, reduction of multiple rearrests and preventive detention, a variety of policies have been proposed to reduce pretrial criminality. These include:

- imposing consecutive, rather than concurrent, sentences for pretrial crimes, so that no one can commit "two (or more) crimes for the price of one";
- providing supervision during the pretrial period for defendants thought to pose high rearrest risks; and
- changing the court calendaring of cases, so that cases involving defendants considered high rearrest risks would be tried relatively quickly.

In summary, in terms of reducing pretrial arrest rates, the findings of the National Evaluation of Pretrial Release suggest that speedier trials would have a more substantial impact than could be attained by application of rearrest prediction criteria to all defendants. While use of the best predictors of future criminality would have reduced the pretrial arrest rate by 16 percent, trials within 12 weeks of arrest would have resulted in a 20 percent decrease and trials within eight weeks, a 34 percent decline. Even if trials had been held within four weeks of arrest, however, the pretrial arrest rate would have declined by only slightly more than half. Forty-five percent of the rearrested defendants were rearrested within four weeks. Indeed, one-sixth of all rearrested defendants were rearrested within one week.

The findings of the National Evaluation of Pretrial Release and other studies suggest that major reductions in pretrial arrest rates will require several types of actions. No single solution—whether preventive detention, speedier trials, elimination of multiple arrests or another approach—is likely by itself to reduce pretrial arrest rates dramatically.

Moreover, reductions in pretrial arrests may not result in reductions in total arrests. Whether this occurs depends on the dispositions of the original cases and the sentences imposed upon guilty defendants. Only

about one-half of all arrests studied resulted in findings of guilt. Also, many guilty defendants were given suspended sentences, placed on probation or otherwise permitted to remain in the community. The extent to which such persons may continue to engage in criminality is illustrated by the fact that 16 percent of the defendants in the eight-site sample were on probation or parole at the time of the arrest selected for study.

FOOTNOTES

Chapter VI

<sup>1</sup>Warren E. Burger, "Annual Report to the American Bar Association," February 8, 1981.

<sup>2</sup>Yankelovich, Skelly and White, Inc., The Public Image of Courts: A National Survey of the General Public, Judges, Lawyers and Community Leaders, Volume I, May 1978, pp. 184-7.

<sup>3</sup>For more information on preventive detention, see Arthur R. Angel, et al., "Preventive Detention: An Empirical Analysis," Harvard Civil Rights-- Civil Liberties Law Review, Volume 6 (1971), pp. 291-395; Nan C. Bases and William F. McDonald, Preventive Detention in the District of Columbia: The First Ten Months (Washington, D.C.: Georgetown Institute of Criminal Law and Procedure and the Vera Institute of Justice, March 1972); John H. Mitchell, "Bail Reform and the Constitutionality of Pretrial Detention," Virginia Law Review, Volume 55 (1969), pp. 1224-1230; and Laurence H. Tribe, "An Ounce of Detention: Preventive Justice in the World of John Mitchell," Virginia Law Review, Volume 56 (1970), pp. 371-401.

<sup>4</sup>Russell V. Stover and John A. Martin, "Results of a Questionnaire Survey Regarding Pretrial Release and Diversion Programs," in National Center for State Courts, Policymakers' Views Regarding Issues in the Operation and Evaluation of Pretrial Release and Diversion Programs: Findings from a Questionnaire Survey (Denver, Colorado: National Center for State Courts, 1975), p. 25.

<sup>5</sup>Wayne H. Thomas, Jr., et al., National Evaluation Program Phase I Summary Report: Pretrial Release Programs (Washington, D.C.: U.S. Department of Justice, Law Enforcement Assistance Administration, April 1977), p. 83.

<sup>6</sup>This is probably an understatement of the "true" extent of guilt, because only convictions for the pretrial arrest charges were considered. However, both the original and rearrest charges may have been handled jointly in a plea bargain, resulting in dismissal of the rearrest charge and a guilty plea on the original charge.

<sup>7</sup>Recall that Part I offenses are criminal homicide, forcible rape, robbery, aggravated assault, burglary and theft, including auto theft. All other charges are Part II offenses.

<sup>8</sup>Recall that specific charges were classified as follows:

- crimes against persons: murder, nonnegligent manslaughter, forcible rape, robbery, aggravated assault, other assaults, arson;
- economic crimes: burglary, larceny, theft, forgery, fraud, embezzlement, stolen property;
- drug crimes: distribution or possession of narcotics or marijuana;

- crimes against public morality: prostitution, sex offenses other than forcible rape or prostitution, gambling, liquor law violations, drunkenness;
- crimes against public order: weapons, driving while intoxicated, disorderly conduct, vagrancy, minor local offenses; and
- miscellaneous crimes: malicious destruction, offenses against family and children, failure to appear, violations of parole, conspiracy, possession of implements of crime, and other crimes.

<sup>9</sup>McNemar's chi-square was 28.5 with 15 degrees of freedom; this was statistically significant at the .05 level.

<sup>10</sup>Although pretrial arrests could have been avoided, the arrests might, of course, still have occurred. Reduction in the total arrest rate, both pre- and post-trial, would depend on the case disposition and sentence for the original charge.

<sup>11</sup>Court reactions to multiple rearrests are now being studied by Martin D. Sorin, under a grant from the National Institute of Justice (No. 81-IJ-0X-0010), "Judicial Responses to Multiple Pretrial Rearrests."

<sup>12</sup>See Michael R. Gottfredson, "An Empirical Analysis of Pre-Trial Release Decisions," Journal of Criminal Justice, Volume 2 (1974), pp. 287-304, for a discussion of this point.

<sup>13</sup>Martin D. Sorin, "Judicial Responses to Multiple Pretrial Arrests," grant awarded by the National Institute of Justice, U.S. Department of Justice, February 26, 1981.

## CHAPTER VII. RELATIONSHIPS AMONG RELEASE OUTCOMES, COURT APPEARANCE, PRETRIAL ARREST AND PROGRAM ACTIVITIES

Several topics of interest for the National Evaluation of Pretrial Release concern relationships among release outcomes, court appearance, pretrial arrest and program activities. These include:

- whether the factors that had the greatest influence on release decisions also had major effects on court appearance and pretrial arrest;
- the impact of exposure time on reducing release risk, as measured by the likelihood of either failure to appear or rearrest;
- the relationship between outcome measures and the levels of programs' integration into their respective pretrial release systems; and
- the relationship between program recommendations and subsequent outcomes of defendants.

Each of these topics is considered below. Following this, the major conclusions and recommendations from the eight-site cross-sectional analyses discussed in this volume are presented.

### A. Relationships Among Factors Affecting Release, Court Appearance and Pretrial Arrest

By law most release decisions must be based solely on the likelihood that defendants will appear in court, and conditions of release must be the least restrictive ones preventing flight. However, many persons have questioned whether the use of money bond reflects only concerns about court appearance or includes considerations of defendant "dangerousness" as well. If dangerousness is indeed a factor, then the setting of money bond at a level thought to exceed the defendant's means may be an attempt to achieve sub rosa preventive detention.

This issue has been analyzed through comparisons of variables associated with release decisions, court appearance outcomes and pretrial arrests. A

study of indigent defendants in New York City suggested that bail decisions were more closely related to pretrial arrest than court appearance likelihood, and an analysis of persons arrested in Washington, D.C., found that the factors affecting release decisions were sometimes associated with neither court appearance nor pretrial arrest likelihood.<sup>1</sup>

Table 7.1 presents the findings from our multivariate analyses of eight sites. The most important variables associated with (1) the financial versus nonfinancial release decisions of court magistrates, (2) failure to appear for court, and (3) pretrial arrest are shown. Of the 12 most important and statistically significant variables associated with release decisions, only two were also significant in the failure to appear analysis and none was a significant rearrest predictor.

These findings suggest, as did the Washington, D.C. study, that release decisions can be improved for either potential goal of the release system, i.e., reducing the likelihood of failure to appear or minimizing the probability of pretrial arrest. Such improvement could be attained by changing release practices, so that considerations associated with failure to appear or pretrial arrest outcomes were substituted for considerations that are not. However, given the poor predictive power of the failure-to-appear and rearrest analyses, such revisions might result in only rather small improvements.

### B. Effect of Exposure Time

Reducing court delay has often been suggested as a means of reducing failure-to-appear and pretrial arrest rates. Defendants at risk for longer periods of time are expected to have higher rates of failure to appear and pretrial arrest than persons whose cases are settled more quickly. Analysis of the effect of exposure time on failure to appear and rearrest is complicated by the fact that either event may cause court

TABLE 7.1  
PREDICTORS OF FINANCIAL RELEASE DECISION,  
FAILURE TO APPEAR AND PRETRIAL ARREST

Note: + indicates a direct relationship with the outcome shown in the column heading; - indicates an inverse relationship; and 0 indicates no relationship. Stated differently, + indicates that defendants with the characteristic shown were likely to have had financial release conditions set (first column) or were likely to have failed to appear (second column) or were likely to have been rearrested pending trial (third column).

ITEM	FINANCIAL RELEASE DECISION	FAILURE TO APPEAR	PRETRIAL ARREST
<u>SYSTEM VARIABLES</u>			
Program recommendation—financial	+	0	0
Program recommendation—OR	(-)	0	0
No program recommendation	+	0	0
Source of release—bond schedule	+	(-)	0
Source of release—bail commissioner	(-)	0	-
Source of release—judge	0	0	(+)
Information verification	-	0	0
Program interview	-	0	0
Time of interview—at subsequent arrest	0	(+)	0
Bail amount between \$1,001 and \$1,500	0	0	+
<u>CASE VARIABLES</u>			
No victim	-	0	0
Victim not a prior acquaintance	0	0	+
Drug charge	(-)	(-)	0
Personal charge	+	0	0
Morality charge	-	0	0
Economic charge	0	0	+
Number of charges	+	+	0
Number of witnesses against	(+)	0	0
Weapon used	0	-	0
Police officer only witness	0	(+)	0
<u>DEFENDANT VARIABLES</u>			
Local residence	-	(-)	0
Arrest status—involved with CJS	+	+	(+)
Prior FTA	+	(+)	0
Living arrangement—spouse	(-)	0	0
Living arrangement—alone	0	(+)	0
Hispanic ethnicity	0	+	0
Family support	0	(-)	(-)
Age—younger	0	(+)	+
Number of prior arrests	0	+	+
Unemployed	0	0	(+)

() = not statistically significant

TABLE 7.2  
PERCENTAGE OF DEFENDANTS SURVIVING WITHOUT  
FAILURE TO APPEAR OR REARREST, OVER TIME, BY TYPE OF RELEASE

TYPE OF RELEASE	NUMBER OF WEEKS AFTER RELEASE					
	2	4	8	12	16	20
Own Recognizance (n=1,527)	94%	88%	81%	74%	68%	65%
Citation <sup>a</sup> (n=302)	88%	85%	82%	79%	77%	71%
Supervised Release, Third Party Custody (n=137)	94%	87%	76%	69%	68%	62%
Subtotal, Nonfinancial Release (n=1,966)	93%	87%	81%	75%	71%	66%
Bail (n=593)	93%	85%	76%	71%	66%	64%
Deposit Bond, Unsecured Bond (n=170)	91%	82%	67%	62%	62%	54%
Subtotal, Financial Release (n=763)	93%	84%	74%	69%	65%	62%
TOTAL, All Release Types	93%	86%	78%	72%	67%	63%
<sup>a</sup> Includes both field and stationhouse release.						

TABLE 7.3  
PERCENTAGE OF DEFENDANTS SURVIVING WITHOUT  
FAILURE TO APPEAR OR REARREST, OVER TIME, BY SITE

SITE	NUMBER OF WEEKS AFTER RELEASE					
	2	4	8	12	16	20
Baltimore City (n=639)	97%	87%	83%	80%	79%	77%
Baltimore County (n=355)	96%	93%	86%	79%	73%	69%
Washington, D.C. (n=530)	92%	90%	85%	79%	75%	71%
Dade County (n=167)	91%	85%	71%	57%	50%	44%
Louisville (n=300)	91%	82%	68%	60%	60%	57%
Pima County (n=244)	91%	84%	73%	66%	54%	44%
Santa Cruz County (n=151)	85%	77%	73%	73%	73%	66%
Santa Clara County (n=361)	93%	85%	77%	76%	72%	68%
TOTAL, Eight Sites (n=2,747)	93%	86%	78%	72%	67%	63%

delay, as well as result from it. For example, when defendants fail to appear, court proceedings are delayed until the person returns. Additionally, rearrest on a new charge may retard court processing of the original charge.

A paper by Stevens Clarke *et al.*<sup>2</sup> provides the most detailed analysis to date of the effect of exposure time. In that analysis the interrelationships of failure to appear, pretrial arrest and exposure time were handled by defining court disposition time as the number of days from the defendant's release until (1) the case was disposed of by the court, (2) the defendant failed to appear, or (3) the defendant was rearrested on a new charge, whichever occurred first. This approach was used in the following analysis.

Table 7.2 shows the percentage of defendants who "survived" for different lengths of time without failure to appear or rearrest, by type of release.<sup>3</sup> Figure 7.1 provides a graphic illustration of these data. Overall, during the first eight weeks the likelihood that defendants would appear for court and not be rearrested dropped about 5 percentage points for each two weeks their cases were open; subsequently, the decline for each two-week period was half as much (2.5%).

By type of release, the survival curves are very similar for own recognizance, bail and supervised release/third party custody. For citation release (both field and stationhouse release) the percentages of defendants who survived without FTA and rearrest were usually higher than average. Defendants released on deposit and unsecured bond had lower than average survival rates; however, because most of these defendants were from a single site (Louisville), this may reflect only the lower survival rates experienced by that site in general.

Table 7.3 and Figure 7.2 show the survival rates by site. As

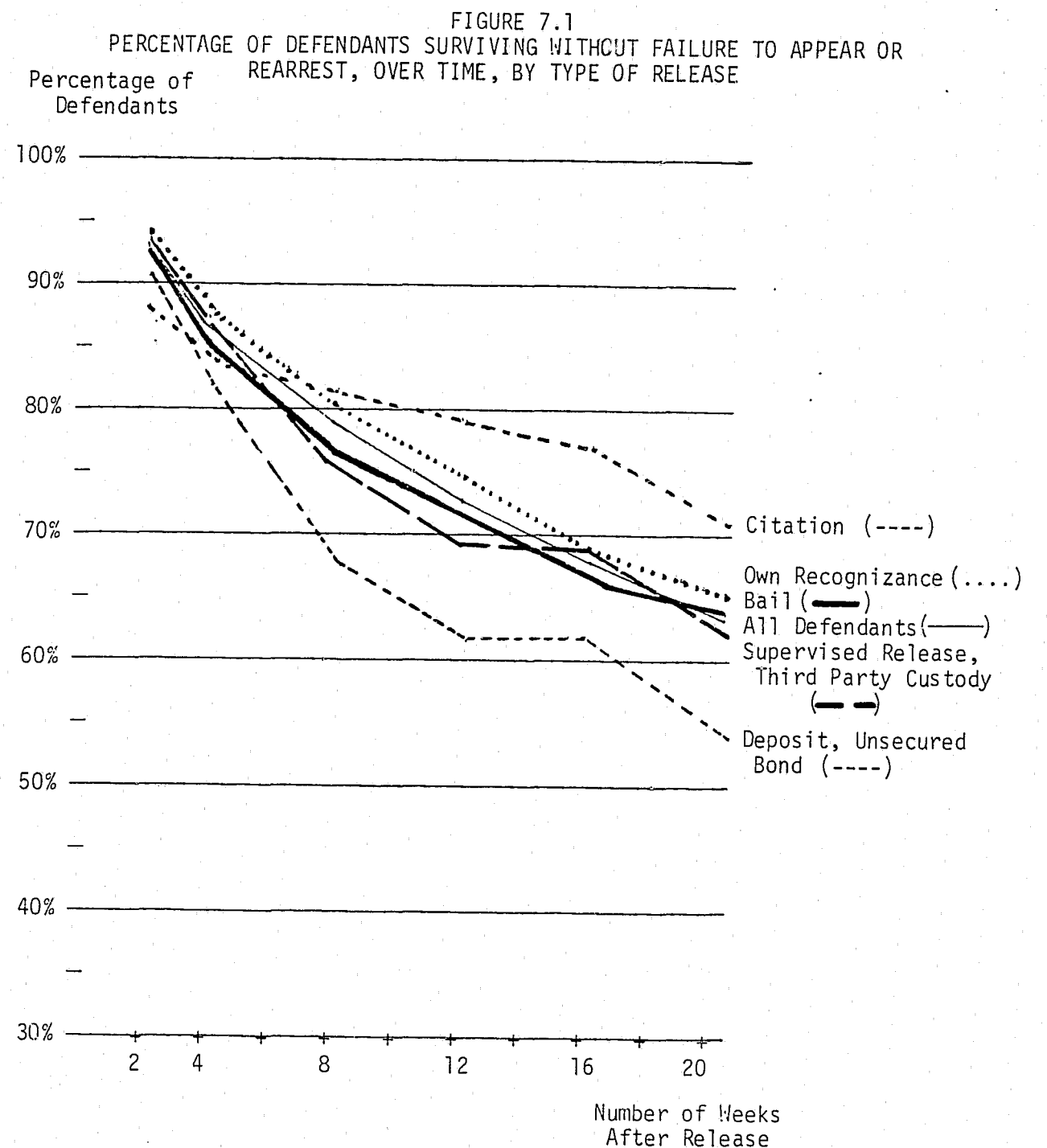
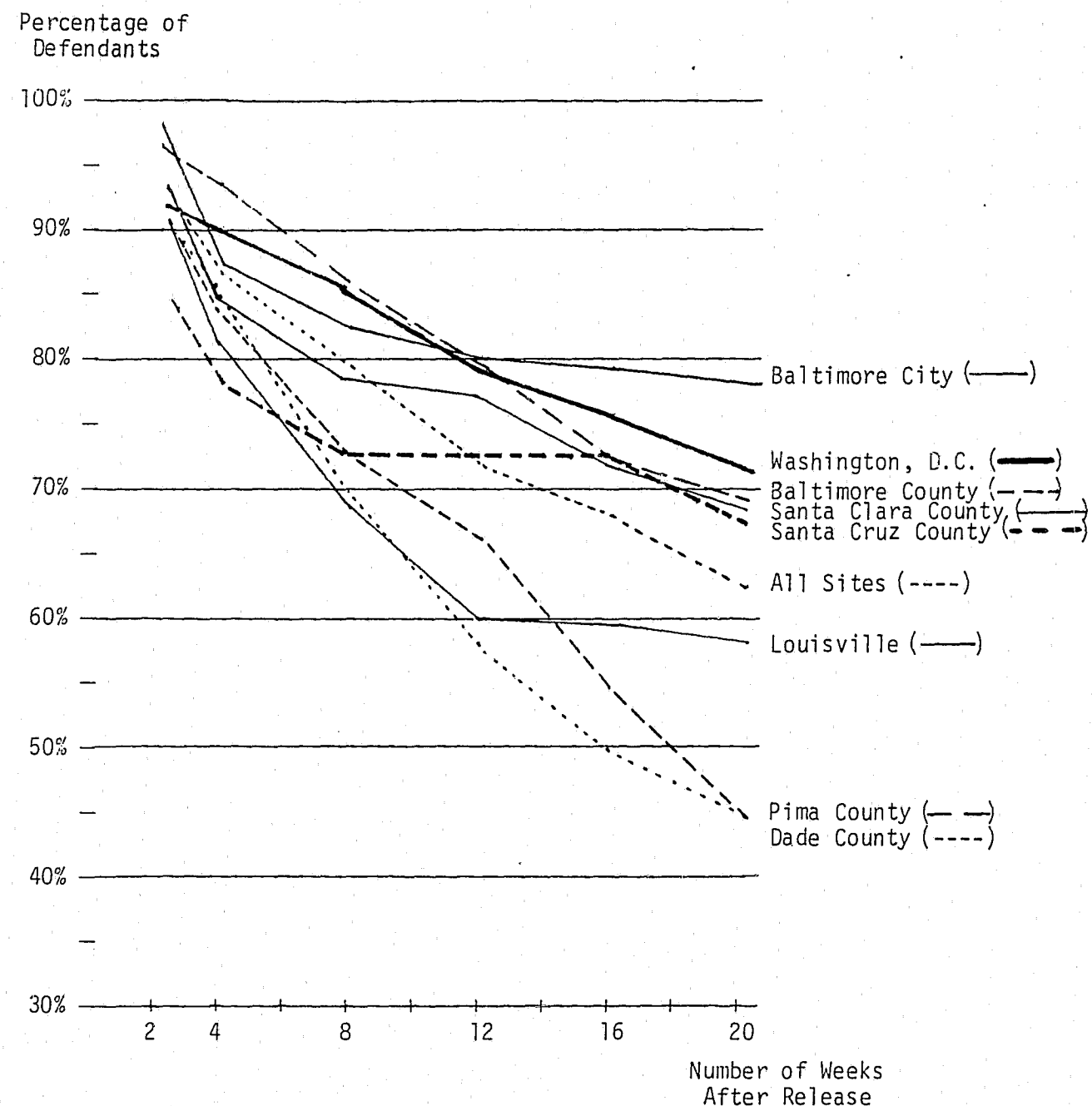




FIGURE 7.2  
PERCENTAGE OF DEFENDANTS SURVIVING WITHOUT FAILURE TO APPEAR OR  
REARREST, OVER TIME, BY SITE



indicated, survival rates were usually higher than average in Baltimore City, Baltimore County and Washington, D.C. They were consistently lower than average in Dade County, Pima County and Louisville. For the two California sites ( Santa Cruz County and Santa Clara County) survival rates were lower than average within the first eight weeks after release and higher than average for later time periods.

#### C. Program Integration into Release System

The delivery system analyses (see Chapter II) indicated that five pretrial release programs were highly integrated into their sites' pre-trial processing mechanisms; these programs were located in Baltimore City; Washington, D.C.; Louisville; Pima County; and Santa Clara County. In contrast, the programs in Baltimore County, Dade County and Santa Cruz County were weakly integrated into the overall pretrial release delivery systems of their jurisdictions.

Table 7.4 summarizes data on defendant outcomes for the high program integration sites, as compared with the low program integration sites. Program impact is measured by considering defendants who were released on own recognizance after receiving a program recommendation of OR release ("Program OR") as compared with other released defendants. As indicated, Program OR releases comprised 41% of all releases in the high program integration sites and only 7% of all releases in the low program integration sites. Failure to appear rates were lower for defendants released on Program OR than for other released defendants in both sets of sites. In each case FTA rates for Program OR releasees were 71% of the FTA rates for all released defendants.

When pretrial arrest rates are compared for Program OR and other releasees, the Program OR releasees had lower rates in the high program



TABLE 7.4  
DEFENDANT OUTCOMES FOR SITES WITH HIGH  
VERSUS LOW LEVELS OF PROGRAM INTEGRATION

Item	High Program Integration Sites <sup>a</sup>	Low Program Integration Sites <sup>b</sup>
Percentage of All Released Defendants Who Were Released on Program OR <sup>c</sup>	41%	7%
Ratio of FTA Rate for Program OR Re- leasees to FTA Rate for All Releasees	0.71	0.71
Ratio of Pretrial Arrest Rate for Program OR Releasees to Pretrial Arrest Rate for All Releasees	0.87	1.65
<sup>a</sup> Baltimore City; Washington, D.C.; Louisville; Pima County; and Santa Clara County.		
<sup>b</sup> Baltimore County, Dade County, and Santa Cruz County.		
<sup>c</sup> Program OR releasees were released on OR after receiving a program recommendation for OR release.		

integration sites and higher rates in the low program integration sites. Program OR releasees in the high program integration sites had pretrial arrest rates that were only 87% as high as those for all released defendants (14.5% versus 16.7%). In the low program integration sites pretrial arrest rates for Program OR releasees were almost two-thirds higher than for all released defendants (24.1% versus 14.6%).

The most striking difference between the high and low program integration sites is the percentage that Program OR releasees comprise of all releasees. This measure of program impact for the high integration sites is almost six times its level for the low integration sites. This suggests that programs with low integration may affect so few defendants, and have so little total impact on the release system, that they have little visibility and few local advocates. Thus, they are not highly integrated into pretrial processing and may be particularly vulnerable to funding cuts, reorganizations and so on.

#### D. Relationship of Program Recommendations to Outcomes

The strong impact of program recommendations on release outcomes was discussed in Chapter IV. Table 7.5 summarizes release outcomes by the various recommendations. As shown, 92% of the defendants who received an own recognizance release recommendation were released on nonfinancial conditions; only 8% were required to post money or detained until trial. Of the defendants who received a bail release recommendation, 40% were released on financial conditions, 44% were detained, and only 16% were released nonfinancially. Thus, the program recommendations were closely related to eventual release outcomes for the sites studied.

Defendants without a recommendation were unlikely to be released nonfinancially, though the lack of a recommendation did not have as adverse

TABLE 7.5  
RELEASE OUTCOMES BY PROGRAM RECOMMENDATION

Program Recommendation	Detained	Financial Release	Nonfinancial Release
Own Recognizance Release (n=1,116)	3%	5%	92%
Other Nonfinancial Release (n=227)	4%	4%	92%
Bail Release (n=94)	44%	40%	16%
Other Financial Release (n=12)	8%	67%	25%
No Recommendation or Recommendation Against Release (n=616)	28%	40%	32%
TOTAL (n=2,065)	12%	18%	70%

an effect as a bail release recommendation. About one-third of the defendants without recommendations were released nonfinancially; this was twice the proportion of nonfinancial releases among defendants with bail recommendations.

Overall, judges and magistrates released slightly more defendants nonfinancially than the programs recommended. Seventy percent of interviewed defendants were released on nonfinancial conditions, but only 65% of interviewed defendants received program recommendations of nonfinancial release. Thus, the programs studied apparently use somewhat more restrictive recommendation criteria than their respective judicial systems use for release decisions.

Table 7.6 summarizes defendant outcomes by program recommendations for the 60% of the sample for which program recommendation information was available. As shown, if the program recommended release, 94% of the defendants secured release, most of them on nonfinancial conditions. If the program recommended against release or did not make a recommendation (i.e., remained "neutral"), only 72% of the defendants were released, most of them on financial conditions. In terms of post-release outcomes, defendants released after program recommendations for release had lower rates of failure to appear and pretrial arrest than defendants released after other program recommendations.

From these data it is not possible to determine whether programs are having a positive effect on the release process by successfully identifying and recommending for release defendants who are better risks (in terms of failure to appear and pretrial arrest) or whether programs simply "cream" the defendant population with their recommendations for release and, as a result, recommend release only for defendants who are

TABLE 7.6  
RELATIONSHIP OF PROGRAM RECOMMENDATIONS TO  
RELEASE OUTCOMES, FAILURE TO APPEAR AND PRETRIAL ARREST  
(n = 2,065)

Outcomes	Program Recommendation	
	For Release (n=1,449)	Against Release or "Neutral" (n=616)
<u>Release Outcome:</u>		
Released, Nonfinancial	86%	32%
Released, Financial	8%	40%
Not Released	6%	28%
TOTAL	100%	100%
Failure to Appear Rate	10.0%	17.4%
Pretrial Arrest Rate	15.0%	18.7%

such good risks that they would have secured release without program intervention. To consider the issue of program impact on the release process, a different study design was needed, one that would compare a group of defendants who were processed by a pretrial release program with an equivalent group of persons not processed by the program. Volume II of this report presents the results of analysis based on such a study design.

#### E. Conclusions

- The eight sites used a variety of pretrial release practices; moreover, the pretrial release programs in those sites used many different methods of identifying and processing arrested defendants.
- Unit costs of program activities were much higher for programs that handled the fewest defendants. Larger programs were able to achieve economies of scale in service delivery.
- The trend toward releasing more defendants pending trial, as documented in a study of the 1962-71 period, continued through the period covered by the present study (roughly 1977).
- The trend toward releasing more defendants on nonfinancial conditions also continued through the time period of the present study.
- Program recommendations were strongly related to release outcomes and release decisions.
- Most released defendants (87%) appeared for all court dates. However, 2 percent of the released defendants studied had not returned to court by the time of the data collection activities (usually at least one year after the initial arrest).
- Most released defendants (84%) were not arrested during the pretrial period. However, some defendants were rearrested repeatedly (as many as four times) while awaiting trial on the original charge.
- There were no systematic relationships between release rates and rates of failure to appear or pretrial arrest across sites. Nor were there systematic relationships between rates of non-financial release and rates of failure to appear or pretrial arrest.
- No reliable predictors of either failure to appear or pretrial arrest could be identified.

- Speedier trials would have had a more substantial impact on reducing pretrial arrest rates than could have been attained by applying the study's "best" rearrest prediction criteria to all defendants. While use of the best predictors of future criminality would have reduced the pretrial arrest rate for the study sample by 16 percent, trials within 12 weeks of arrest would have resulted in a 20 percent decrease and trials within eight weeks, a 34 percent decline. Even if trials had been held within four weeks of arrest, however, the pretrial arrest rate would have declined by only slightly more than half. Forty-five percent of the rearrested defendants were rearrested within four weeks. Indeed, one-sixth of all rearrested defendants were rearrested within one week.

#### F. Recommendations

- Jurisdictions should seek ways to release more defendants pending trial. Available evidence suggests that higher release rates can be achieved without increases in rates of failure to appear or rearrest.
- Pretrial release programs should revise their release recommendation policies and eliminate the practice of making no recommendation in certain cases. Such action is not perceived as neutral by the court but is, rather, highly likely to lead to the setting of financial release conditions.
- Courts should implement systematic followup procedures to identify fugitives who have not returned to court after a certain period of time (e.g., 90 days).
- There is no need for tougher court responses to all failures to appear, and such actions should not be undertaken. Many defendants who fail to appear do not act as if they are willfully trying to evade justice; indeed, they often return to court of their own volition within a short time.
- Efforts to promote speedier trials should be continued. However, trials will have to occur much more quickly than has commonly been proposed, if pretrial arrest rates are to be reduced substantially.
- Efforts should be undertaken to reduce the extent to which defendants are rearrested repeatedly during the pretrial period.
- Because of the great interest in preventive detention, the experiences of jurisdictions that have authorized preventive detention should be studied. Of particular importance is the extent to which the "dangerousness" provisions have been used and the resulting impact on pretrial arrest and detention rates.

#### FOOTNOTES

#### Chapter VII

<sup>1</sup>William M. Landes, "Legality and Reality: Some Evidence on Criminal Procedure," Journal of Legal Studies, Volume III (2), June 1974, pp. 287-337; Jeffrey A. Roth and Paul B. Wice, Pretrial Release and Misconduct in the District of Columbia, PROMIS Research Project, Publication 16 (Washington, D.C.: Institute for Law and Social Research, draft dated November 1978).

<sup>2</sup>Stevens H. Clarke, Jean L. Freeman and Gary G. Koch, "Bail Risk: A Multivariate Analysis," The Journal of Legal Studies, Volume V(2), June 1976, pp. 341-385.

<sup>3</sup>These percentages consist of the survival fractions, as computed by Clarke et al., multiplied by 100%. The survival fraction indicating the chance of surviving from the beginning to the end of the n<sup>th</sup> week was computed as follows:

The numerator was equal to the number who "survived" the entire week and whose cases were not disposed of until a later week, plus half of those whose cases were disposed of without failure to appear or rearrest during the n<sup>th</sup> week. (Half, rather than all, of the latter defendants were counted because their dispositions occurred at various times during the n<sup>th</sup> week and therefore their exposure periods were on the average shorter than n full weeks.) The denominator was equal to the number of defendants who had avoided nonappearance and rearrest, and whose cases were still open, by the end of the (n-1)<sup>th</sup> week, minus half of those whose cases were disposed of without failure to appear or rearrest during the n<sup>th</sup> week. Ibid., p. 359.

Similarly, "the chance of surviving from the date of release until the end of the n<sup>th</sup> week was computed as the chance of surviving until the end of the (n-1)<sup>th</sup> week multiplied by the chance of surviving from then until the end of the n<sup>th</sup> week." Ibid.

PRETRIAL RELEASE: A NATIONAL EVALUATION  
OF PRACTICES AND OUTCOMES

VOLUME I  
Release Practices and Outcomes:  
An Analysis of Eight Sites

—APPENDICES—

August 1981

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- A. Summaries of Delivery System Assessments  
and Defendant Outcomes Analyses
- B. Methodology
- C. Glossary
- D. Bibliography

APPENDIX A  
SUMMARIES OF DELIVERY SYSTEM ASSESSMENTS AND  
DEFENDANT OUTCOMES ANALYSES

NOTE: This appendix provides summary information on the delivery system and defendant outcomes analyses conducted for the eight sites discussed in this volume. The delivery system summaries, reproduced from the more detailed working papers, include selected outcomes data, based on existing analyses provided by the jurisdictions and on interviews with local criminal justice system officials. These outcomes data sometimes differ from those derived through our collection of data on a sample of defendants. This is largely because the two sets of data are based on different definitions and different time periods.

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## BALTIMORE CITY:

### DELIVERY SYSTEM HIGHLIGHTS

#### Background

The Pre-Trial Release Services Division, part of the Supreme Bench of Baltimore City, was established in 1968 to test the usefulness of non-financial release in the area. Originally funded by the Office of Economic Opportunity, and in later years by LEAA and State funds as well, the program is now completely supported by the City of Baltimore. Program expenditures for FY 1977 amounted to \$489,000, which funded a staff of 37 permanent employees. The program also receives the services each year of about 50 temporary Public Service Employees, provided through the local CETA program.

#### Scope of Operations

The program interviews virtually all arrested defendants to assess their appropriateness for non-financial release. In Fiscal Year 1977 the program interviewed 37,543 defendants, an estimated 85% of all arrestees. Defendants not interviewed include those awaiting extradition to another jurisdiction, individuals unable to respond to questioning because of drunkenness or mental disorders and persons who are simply missed by the agency (e.g., because of a shortage of staff on a particular day).

#### Program Procedures

After arrest a defendant in Baltimore is taken to one of nine police districts for booking. Soon after the police processing has been completed, a pretrial investigator will interview the defendant. This is made possible by the program's practice of providing around-the-clock staff coverage of each police district.

The interviewer asks about the defendant's residential situation, family ties, employment history, references, criminal record and similar information indicated on a standard form. This information is verified through telephone calls to the defendant's references and a check of police records. A point system is then used as a guide for developing a release recommendation, although in practice some investigators develop their recommendations first and compute the point scores later.

Once a release recommendation has been developed, the pretrial investigator presents it to the court commissioner, located in the same building. Court commissioners are part of Baltimore's District Court system, which is the entry point for all criminal cases. Charged with responsibility for hearing and deciding pretrial matters, especially those related to release, court commissioners are not required to have any formal legal education (although eight of the 34 current commissioners are attorneys). Commissioners do, however, receive instruction regarding the constitutional, procedural and practical aspects of the pretrial decisions they must make.

Usually, only the court commissioner, pretrial investigator and defendant are present at the bail hearing. The prosecutor, defense attorney, arresting officer and any complaining witness in the case will normally not be present. Often the pretrial investigator and court commissioner will have discussed the defendant's situation, and perhaps have determined the release outcome, before the formal hearing.

If a defendant is not released by the court commissioner, an automatic bail review hearing is held before a District Court judge within 24 hours. When release is granted in Baltimore, at any judicial level, it can take a variety of forms, including own recognizance, conditional release, percentage bail, third party custody or surety bond.

In recent years, court officers have released more defendants on own recognizance than were recommended by the pretrial investigators. For example, during a 35-week period at the end of FY 1976, 85% of the total own recognizance releases had been recommended by the pretrial program, and the remaining 15% (a weekly average of 45 defendants) had been released in the absence of such a program recommendation.

All defendants released on own recognizance are required to call the program on a weekly basis. During these calls program staff remind defendants of their next court dates.

If a defendant fails to call as scheduled, program staff will try to call the individual. If this is unsuccessful, no further action will be taken unless the defendant fails to appear in court. At that time the program's "surveillance team" will try to locate the person, through telephone calls or personal contacts, and return the individual to custody. In addition, the court may issue a bench warrant for the arrest of a non-appearing defendant. In this case, the police may also try to locate the person.

#### Release Rates

At present the Pre-Trial Release Services Division has a release rate of about 49%, calculated as the percentage of interviewed defendants for whom the program recommends own recognizance release and who are in fact released on that basis. This release rate represents a slight increase over the last few years. During the FY 1975-6 period, program release rates were 41-45%.

Although the overall own recognizance release rates for the jurisdiction are higher, because court officers release some defendants on less stringent terms than the program recommends, these rates rarely exceed 60%. In Baltimore there is a significant reliance on surety bonds as the mechanism by which many defendants secure pretrial freedom. In part, this reflects the fact that many criminal justice officials in Baltimore appear to have high regard for the bail bond system, as it functions locally. The use of surety bonds may also reflect the relative conservatism of program staff, court commissioners and judges concerning the merits of own recognizance release and the extent to which it should be applied.

Failure-to-Appear and Pretrial Criminality Rates

The program's failure-to-appear rate is currently 3.5%. This is calculated as the percentage of defendants, released on own recognizance at the program's recommendation, who miss a court appearance. When these data are adjusted to exclude defendants who voluntarily appear at a later date or are located by the program or police, the resulting fugitive rate is less than one-half of one percent.

Pretrial criminality rates are also very low. For example, the rearrest rate for program-recommended releasees was 1.9% for FY 1977.

There are several possible explanations for the low rates of failure-to-appear and pretrial criminality. The program's follow-up procedures may be extraordinarily effective in ensuring court appearances and deterring pretrial crime. Alternatively, the program may be overly conservative in its policies, recommending only defendants who are clearly "good risks" for release and not recommending defendants who might in fact turn out to be equally "safe."

Program staff seem to believe that higher rates of release might lead to increased rates of failure-to-appear and criminality. Such increases, it is feared, would adversely affect the high level of acceptance which the program has achieved within Baltimore's criminal justice system.

Historically, a major goal of the program has been to secure and maintain the cooperation of the rest of the criminal justice system and the community. Its success in achieving this goal is shown in part by the fact that the program has been in continuous operation for ten years. And, although program release rates have not increased substantially in the last few years, other aspects of the program have expanded. For example, the program recently enlarged its role in identifying service needs of defendants and referring them to appropriate programs for assistance. Thus, the Pre-Trial Release Services Division has become a well-established and well-integrated part of criminal justice system operations in Baltimore.

PROGRAM INDICATORS SUMMARY  
BASED ON PROGRAM REPORTS

Note: All data are for FY 1977 unless otherwise indicated. The program's fiscal year is from September 1 through August 31.

Impact on Release Rates<sup>1</sup>

Program-recommended own recognizance release rate: 49%

Percentage of program recommendations for own recognizance release rejected by court: 1%

Rates of own recognizance release, December 1975 to August 1976:

Program-recommended: 40%

Total released by court: 47%

Failure-To-Appear (FTA)<sup>2</sup>

FTA rate for program-recommended releasees: 3.5%

Fugitive rate: 0.5%

Pretrial Criminality<sup>3</sup>

Pretrial criminality rate for program-recommended releasees: 1.9%

Speed of Operations

Time between arrest and interview: One hour (estimate)

Time between interview and release: Four hours (estimate)

Eligibility

Virtually all arrestees are eligible to be interviewed. Program excludes Federal cases, defendants in transit to another jurisdiction and convicted prisoners.

Scope of Interviewing

Percentage of eligible arrestees interviewed: 85% (estimate)

Staff Turnover

Number of terminations as a percentage of total positions: 42%

Descriptive Information

Number of interviews: 37,543

Number of program-recommended releases on own recognizance: 18,499

Budget: \$489,333

Permanent staff positions: 37

Public Service Employee positions: 54



## (Footnotes)

1. The program-recommended own recognizance release rate is defined as the percentage of interviewed defendants for whom the program recommends own recognizance release and who are in fact released on that basis.
2. The failure-to-appear rate is defined as the percentage of defendants, released on own recognizance at the program's recommendation, who miss a court appearance. The fugitive rate is defined as the percentage of defendants, released on own recognizance at the program's recommendation, who have not returned to court (either voluntarily or involuntarily) as of the end of the fiscal year.
3. The pretrial criminality rate is defined as the percentage of defendants, released on own recognizance at the program's recommendation, who were rearrested during the pretrial release period.

## BALTIMORE CITY:

SUMMARY OF DEFENDANT OUTCOMES,  
BASED ON STUDY SAMPLEBackground

Data on a sample of 556 defendants interviewed by the Pretrial Release Division of the Supreme Bench during the period of July 1, 1976—June 30, 1977, was collected by study staff during late 1977 and early 1978. We collected data to learn about rates and correlates of release, release equity, failures to appear and pretrial crime. The sample excluded cases involving most traffic offenses, juvenile defendants and those not booked.

Types of Release

Of the 550 defendants in the sample for whom release data was available, 477 (86%) were released. These included 315 (57%) released on OR with program approval, 66 (12%) given OR release without or against program recommendations ("Special Supervision" cases), and 96 (17%) released on bail. Of the remaining 73 defendants, 66 (12%) failed to post bonds authorized for them and 7 (1%) were detained with no release option.

Defendants who were not released had weaker community ties, were more often unemployed and had more serious prior records than those who were released.

The major differences between defendants released OR and those released on bail were in the more serious past and current criminal justice characteristics of the latter group. Bailed defendants had had more prior arrests and failures to appear and more current involvement with the criminal justice system when arrested. These charges were generally

more serious and more likely to be multiple than those of OR defendants. Also, the evidence in their cases tended to be more conclusive.

Special Supervision defendants (i.e., those released on OR without or against the program's recommendation) had worse prior records and weaker community ties than those given a program OR release. The former had had more prior arrests and failures-to-appear. They also had shorter residencies at their present addresses, more often lived alone and, when interviewed, received lower point scale scores.

#### Failures to Appear

Twenty-seven defendants (5.7%) among those in our sample who were released failed to appear for at least one trial date. On the average, this occurred 32 days after release. Significantly, the rates for each type of release were 3.5% (11) of the program OR releasees, 8.3% (8) of the bail releasees, and 12.1% (8) of those released on Special Supervision.

In general, factors associated with differences in release type were also associated with the incidence of failure to appear. Seriousness of criminal record and strength of community ties were usually inversely related to the FTA rate.

Those who failed to appear had received fewer points for residency, family ties and employment than those who had not failed to appear. They also had had more points deducted for their prior records, which usually included more prior arrests and convictions. In their current cases, those who failed to appear were somewhat more likely to be charged with an FBI Part I (serious) offense.

The trials of those who failed to appear took 120 days to reach disposition as compared to an average of 40 days for those who did not fail to appear. And ten of the twenty-seven failures occurred for

unavoidable reasons.

Court action when defendants failed to appear was fairly tough. Bench warrants were an automatic response and were issued in 26 of the 27 cases. Bonds were ordered forfeited in two cases. Bail was set or increased in 23 cases. Six existing release types were revoked (changed) and twelve defendants were prosecuted for failing to appear, with six convictions resulting.

While 45.5% of the defendants came to their next court appearances of their own volitions, 54.5% came to court after having been arrested.

The overall appearance-based FTA rate was 2.51%.

#### Pretrial Crime

The rate of pretrial rearrest in Baltimore was 7.5% (36) of released defendants. Program OR releasees again performed better than others. The rates by type of release were OR, 5.4% (17); bail, 10.5% (10); and Special Supervision, 13.6% (9). The average rearrest took place 25 days after release. Almost 14% of those rearrested were rearrested more than once.

Persons arrested and convicted of pretrial crimes tended to be already involved with the criminal justice system at the times of their original arrests. Accordingly, they had had more points deducted from their scale scores than others. They also had weaker community ties, with resultant low point scale scores, especially in regard to employment and residence.

In their original trials, they were more often represented by private attorneys. They were less likely than others to be acquainted with the victims and had more witnesses against them than those not

rearrested. In their trials they had more appearances to make.

There was little association between original arrest and rearrest charges. About 11% of those rearrested also failed to appear in their trials.

In 22 of the 36 (first) rearrest cases, bond was either set for the first time (16 cases) or increased (6 cases). In 10 cases no change was made; in 3 supervision was imposed; and in 1 detention was utilized. Of the 5 persons rearrested a second time, bond was increased for 3 and set for 1, while in the other case supervision was imposed.

# BALTIMORE COUNTY: DELIVERY SYSTEM HIGHLIGHTS

## Background

The Baltimore County Pre-Trial Release Division was established in 1972 in response to a major reorganization of the Maryland court system and the new legal requirement to provide defendants with at least two pretrial release hearings. Initially funded by LEAA, the Division is now supported fully by the State budget. At the time of this evaluation, the staff was composed of three full-time Investigators, one Supervisor, and one Director, with no clerical or secretarial support. All offices are currently situated in the Towson District Court building, although plans have been made to expand the staff and decentralize the offices to the other court locations in Baltimore County.

## Program Procedures

Following arrest, a defendant is taken to the nearest police station for booking. The first pretrial release hearing takes place immediately afterwards at the Initial Appearance. The Court Commissioner who presides over this hearing has the authority to release a defendant on personal recognizance or to set bond. Any defendant who is not released on O.R. or is unable to post bond by the time the Pre-Trial Release Division begins its next interviewing procedures, is eligible for a second release hearing.

The Pre-Trial Release Division staff interviews defendants, obtains criminal records and verifies as much of the information as possible. When the presiding judge calls for Bail Review Hearing, the Investigators submit a written recommendation report together with the information they have gathered about the defendant.

Recommendations are based on subjective decisions rather than a point system. They may include a stipulation that the defendant is in a "high-risk" category, i.e., that there exists a somewhat greater risk that the person will fail to appear at court. By Maryland law, the risk of failure to appear constitutes the only condition under which a defendant may be denied personal recognizance release. In Baltimore County, a large percentage (40%) of the defendants are recommended for release on the condition that they participate in one of several intervention programs designed for alcohol, drug or mental health therapy.

The presiding judge may alter the original conditions of release, based on the Investigator's report. In the past few years eighty to ninety percent of the Division's recommendations have been fully accepted by the Court. A defendant may be released by (1) personal recognizance, (2) third party custody, (3) conditional release, (4) "10% bond", or (5) cash or security bond.

The Division maintains weekly contact with those defendants released after Bail Review. Defendants are required to call the Investigators, and constant contact exists between the staff and the various referral programs.

#### Scope of Operations

Since the program only interviews those defendants who are not released at their first pretrial release hearing (the Initial Appearance), the average number of clients per month (approximately 150) represents only 19% of all those persons arrested in Baltimore County. The Division operates only on weekdays between 7:30 a.m. and 3:30 p.m. The length of time that a defendant will be in pretrial detention will therefore vary according to the day and time of arrest.

#### Release Rates

The number and percent of defendants granted some form of pretrial release has steadily increased since the program began in 1972. Of those interviewed by the Division, an average of 11.7% (1972-1977) were granted O.R. release. Together with the Court Commissioners' releases, fully 63% of all defendants receive personal recognizance release. The Division has also tended to recommend lower bond amounts than those initially established by the Commissioners. Of those cases for which the Division recommends a bond, 65% of the Commissioners' recommendations are left unchanged but at least 24% of the original amounts are lowered and only 11% are raised. Of the total interviewed only 1% are refused any form of release.

#### Failure to Appear and Pre-trial Criminality Rates

According to Pre-Trial Release Division reports, the failure to appear rates in Baltimore County are very low by national standards. During the period between May 1972 and December 1977, the total number of defendants in this category represented an average of 1.3% of all those people on pretrial release.

### PROGRAM INDICATORS SUMMARY BASED ON PROGRAM REPORTS

#### Impact on Release Rates (Rates of own recognizance release, May 1972-December 1977)<sup>a</sup>

Commissioner recommended: 60%  
Program recommended: 11.7% (200 of the total PTR recommendations)  
Total: 63.1% (of all arrestees)

#### Failure to Appear (May 1972-December 1977)<sup>b</sup>

Overall rate for all defendants given Bail Review: 1.3%  
Rate for program-recommended releasees: 1.2%

#### Pretrial Criminality<sup>c</sup>

Rate for program-recommended O.R. releases: 5.2% (July-December 1975)  
Overall: 4.2% (average from 1973-1977)

#### Speed of Operations<sup>d</sup>

Time between arrest and Initial Appearance: 3 hours  
Time between Initial Appearance and Program Interview: 1-12 hours  
(if arrested Sunday afternoon through Friday morning); 1-36 hours  
(if arrested Friday afternoon through Sunday morning)  
Time between Interview and release: 1-4 hours

#### Eligibility

All arrestees not released on their own recognizance by the Court Commissioner, including those charged with serious felonies.

#### Scope of Interviewing (1977)

Percentage of eligible arrestees interviewed: 95% (those not making bail before interview, and excluding those already released)  
Percentage of all arrestees interviewed: 17.6% (1,826 clients out of 10,376 total Initial Appearances)

#### Descriptive Information

Number of interviews: 1826 (January - December 1977)  
Number of program-recommended releases on own recognizance: 200 (January - December 1977)

Budget: \$73,000 (1977 approximation)  
Permanent staff positions:  
Administrative Head: 1 (part-time)  
Supervising administrator: 1 (part-time)  
Investigators: 3 (full-time)  
Investigator/secretary: 2 (currently vacant)

Notes

- a. Release rates refer only to those defendants released on personal recognizance. They exclude those released on bond, conditional release, etc.
- b. Failure to Appear is defined as the number of defendants who were interviewed by the program and subsequently failed to appear for court. It is calculated by counting the number of bench warrants served, including those cases where FTA charges were eventually waived.
- c. Pretrial Criminality is the number of defendants who were interviewed by the Division, released and subsequently rearrested for another unrelated crime while awaiting trial. It does not include those defendants rearrested during this period who were released by the Court Commissioner and never reinterviewed by the program. It also excludes those defendants originally released by the Court Commissioner, those persons arrested for crimes related to the initial offense (additional charges) or to those persons arrested following the disposition of the original case.
- d. The amount of time between Initial Appearance depends primarily on the day and time of arrest. Since the program only operates on weekdays from 7:30 a.m. to 3:30 p.m. and interviews only take place in the mornings, those people arrested early Friday afternoon would have the longest waiting period for the interview and Bail Hearing.

BALTIMORE COUNTY: SUMMARY OF DEFENDANT OUTCOMES,  
BASED ON STUDY SAMPLEBACKGROUND

Data on a sample of 419 defendants arrested for non-traffic offenses\* during calendar year 1977 was collected by the evaluation staff during the Fall of 1978. Prior record information was obtained from State of Maryland rap sheets provided by the State Police. The data was collected to determine rates and correlates of release, release equity, failures-to-appear and pretrial crime in Baltimore County.

TYPES OF RELEASE

The Baltimore County program intervenes only in the cases of those defendants who have not obtained pretrial release 48 hours after original release-setting. As a result, it interviews a minority of defendants arrested. Study data show that 15% (63) of the 418 defendants in the sample for whom release data was available were interviewed.

By far the most frequent type of release was non-program own recognizance (OR), which was given to 73% (280) of those released (385). Second most frequent was non-program bail, affecting 12% (46) of those released. Non-program unsecured bond affected 4% (16).

Program releases thus affected only 11% of released defendants in Towson. There were twenty program-fostered bail releases, or 5% of those released; 15 program-fostered OR releases (or 4%) and 9 program-fostered unsecured bonds, or 2%. Thirty-three defendants, or 8% of the sample, were not released pretrial. Of these, almost all (31) were held due to

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\*An exception was D.W.I., which was included.

inability to post their bonds.

Comparing all persons (whether or not program-fostered) receiving OR releases and all persons receiving bail releases indicates major differences among them. Those released on bails had somewhat stronger community ties, but more serious current cases than those given OR. Persons released on bail had more dependants, years of local residence and months at current address. However, they also were more likely to be unemployed and were half as likely to be female. They were far more likely to have been interviewed (28%) than those released on OR (5%), which indicates that many of those eventually released on bail had been detained after arraignment. In their cases, the program checked a larger number of references, probably in an effort to give them every possible consideration.

Those released on bail had more prior failures-to-appear than OR's. And while 40% of the latter were arrested for Part I offenses, this was true of 55% of the former. While 23% of the OR's had multiple charges, 47% of those bailed did. At the times of their arrests, more of those bailed were already actively involved with the criminal justice system, and were especially likely to already be on pretrial release. In their cases, those on bail had twice as many witnesses against them, were three-and-one-half times as likely to have used a weapon and were less likely to have been caught in the act. Fourteen percent had confessed prior to trial. A larger proportion was not acquainted with their victims.

Those who were granted program-fostered bail instead of being released on bail without program intervention had far worse criminal records: they had three times the number of prior convictions; more prior failures-to-appear; were one-and-one-half times as likely to have been arrested for a Part I offense and had had more multiple charges at arrest. While non-program bail defendants took an average of one day to gain release, it took

program bail defendants an average of ten days.

Program unsecured bond defendants had some stronger community ties (e.g., residence and living situation) than those given program OR, but had less employment. More were young and students. All had worse current charges.

Program OR defendants had longer local residence and employment than non-program OR's. However, they had more prior failures-to-appear and more witnesses against them. Further, they were 20% more likely to have a current Part I charge against them and twice as likely to have multiple charges. Instead of taking an average of one day to gain release, program OR's took five days. All of them were originally held due to inability to make their bails, which had a median amount of between three and five thousand dollars.

Comparing kinds of program-fostered releases indicates that the sole factor differentiating program financial and program non-financial releases was the current charge. Program financially released defendants were somewhat more likely to have more serious and multiple charges (program unsecured bond defendants were over 90% likely to have a Part I charge). Program OR defendants were more likely (33% versus 2%) to be given referrals to treatment or supervision.

Those who did not ever gain pretrial release had markedly worse criminal justice histories than those released in some way. They had several times as many prior arrests and convictions; more juvenile records; more previous incarceration; more prior failures-to-appear; more current criminal justice system involvement; more confessions (27% versus 7%); and more witnesses against them. They were more likely to have a Part I charge (71% versus 44%) and multiple charges (55% versus 28%). While

they had longer local residences and more dependants, they also were more than twice as likely to be unemployed. And only one of those detained was a female as compared to 15% of those released.

Three-quarters of these defendants were interviewed by the program as compared to about 10% of those released. While those released took 110 days from arrest to disposition, those not released took 88 days.

#### FAILURES-TO-APPEAR

Almost 10% (9.6% or 37) of the 385 released defendants failed to appear for at least one court date: Differences in the FTA rate by type of release (program bail, 15.5%; non-program OR, 10.8%; program OR, 8.5%; non-program bail, 4.9%; and unsecured bonds, 0%) were not statistically significant.

On the average, failures-to-appear occurred 113 days after release, with an average of another 92 days elapsing until those who failed-to-appear complied with their notices to appear. In all, 5.4% of appearances of those released were missed.

Those who failed-to-appear had more extensive criminal records than those who did not: they were younger at their first arrests and had three-and-one-half times as many prior arrests, and five times as many prior convictions. Eighteen percent of them had failed-to-appear before, as compared to 3% of the others. At arrest, more were already involved with the criminal justice system. Those on probation were especially likely to fail-to-appear. At their trials they were more often represented either by themselves or by public defenders and they tended to have had more postponements at their trials than others.

Forty percent of these defendants returned for trial of their own volitions only after having been apprehended. Twenty-seven percent returned

entirely of their own volitions within 30 days. Eight percent each were either arrested or remained fugitives. Sixteen percent were tried in absentia.

Bench warrants were issued in 70% of the cases; existing releases were revoked in 43%; bail was set in 51%; and one bond was forfeited. No action was taken in 19% of the cases, of which all but one FTA was unavoidable due either to court error, incarceration, or a conflicting appearance in another case.

#### PRETRIAL CRIME

The rate of pretrial arrests for new offenses was almost twice the failure-to-appear rate in Towson. Sixty-six of the released defendants (17.1%) were rearrested a total of ninety-nine times during their period of release. Twenty-nine percent of those rearrests resulted in direct (non-consolidated) convictions (a pre-trial crime rate of 5%). Differences in rates of rearrest for each type of release (non-program bail, 27.1%; program OR, 25.4%; program bail, 24.8%; unsecured bonds, 17.7%; and non-program OR, 14.5%) were not statistically significant. Data concerning impact upon release was available in only about half of the cases of re-arrest. Of those cases, bonds were increased in 37%; no action was taken in another 37%; bail was set in 20%; and treatment was ordered in 6%.

Economic crimes were most likely to be found among the rearrests, comprising 38% of the rearrests. Second most frequent were crimes against persons (24%). Similarly, those rearrested were more likely to have been originally arrested for an economic or personal crime than those who were not rearrested. Twenty-one percent of those who were rearrested also failed-to-appear in their trials. The average (first) rearrest took place 54 days after release.

**CONTINUED**

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Those who were rearrested and convicted of the new charges had much worse prior records than those not rearrested. They had three times as many prior arrests and convictions, and at original arrest were more likely to already be on probation or parole. They accounted for a larger proportion of Part I charges than those not rearrested and were almost twice as likely to have multiple charges against them. Finally, their trials seem to have been more complicated, in that they had been notified of impending appearances in more ways than those not rearrested and had twice as many postponements in their original trials (possibly as a result of being involved in more than one trial). Although the average time to case disposition was 111 days for those not rearrested, it was 151 days for those who were rearrested in Towson.

## DELIVERY SYSTEM HIGHLIGHTS

Background

The District of Columbia Pretrial Services Agency is the successor to one of the earliest experiments in bail reform in the United States. Begun in 1963, the program was sanctioned by legislation in 1966 and has been in continuous operation since that time. The program operates seven days a week, twenty-four hours a day.

By law, the Agency must interview all arrestees in the District of Columbia who are to appear before any of its judicial officers. Eligibility therefore includes both misdemeanor and felony defendants of the various courts. It also includes those persons charged with intoxication or a traffic violation.

An unusual feature of the Pretrial Services Agency is its automated data base. Developed in 1974, this computerized information system is used to facilitate both daily program operations and the implementation of research studies.

Program Procedures

Agency staff conduct interviews throughout the day. Defendants charged with misdemeanors are interviewed by telephone shortly after booking to determine eligibility for "citation" release. Felony defendants, and misdemeanor defendants who do not qualify for citation release, are interviewed in person after they have been transferred to the "lock-up" at the Court Building. Information is collected on the defendant's community ties (address, home ownership, employment, family ties), physical and mental condition (including drug and alcohol problems), and previous criminal record.

Following the interview, Agency staff attempt to verify the information. References provided by the defendant are called, and police and F.B.I. records are checked. Staff members make a subjective assessment of the information and develop a release recommendation. A point system is used only for citation releases.

The Agency may recommend release, recommend a preventive detention hearing, or make no recommendation. Recommendations for release are usually for personal recognizance, conditional release or third party custody.

All defendants granted nonfinancial release must telephone the Agency at least once a week. During these calls the defendant is reminded of the next court date. A written reminder, generated by the Agency's computer system, is also mailed to the defendant. In addition, Agency staff maintain regular contact with third-party custodians to coordinate services and exchange information regarding condition compliance.

Following the conviction of a defendant, but prior to sentencing, the Agency submits a compliance report to the probation officer preparing the pre-sentence report. Before writing these compliance reports, Agency staff collect all available information on the defendant from the program's files and contact relevant persons (e.g., third party custodians) for updates and verification.

#### Release Rates

Over the 1974-77 period, the release rate for personal recognizance and third party custody combined was consistently about 45%. Citation releases declined somewhat during that time, but still accounted for 15% of the total cases papered in 1977. Financial release rates increased slightly, from 20% in 1974 to 22% in 1977. Detention rates were less than 20% throughout the period.

The 1974-77 release rates represent large increases over those that existed prior to the establishment of the Agency. In 1962 most defendants were detained throughout the pretrial period: only 38% of the felony defendants and 51% of the misdemeanor defendants secured release prior to trial. Unfortunately, the extent to which the increases in release rates may have resulted from the Agency's operations rather than other factors cannot be accurately assessed.

#### Failure To Appear and Pretrial Criminality Rates

In 1974, the failure to appear rate for all released felony defendants was 10.6% and for misdemeanor defendants, 11.0%. "Willful" failure to appear rates were substantially lower: 4.1% for felony cases and 3.0% for misdemeanors.

Rearrest rates in 1974 were 13.4% for felony defendants and 6.8% for misdemeanor defendants. When these rates are calculated only for rearrests that resulted in convictions, they fall to 5.1% and 3.0%, respectively.

### PROGRAM INDICATORS SUMMARY BASED ON PROGRAM REPORTS

#### Release Rates (Calendar Year 1977)

Percentage of papered cases (all courts) released on —

Own recognizance:	34%
Third party custody:	12%
Citations:	15%

Percentage of Superior Court defendants —

Recommended for O.R. or third party custody:	40%
Released on O.R. or third party custody:	45%

#### Failure To Appear Rates (Calendar Year 1974)

	<u>Felony</u>	<u>Misdemeanor</u>
Own recognizance:	10.4%	9.1%
Third party custody:	11.6%	18.1%
Cash (deposit) bond:	12.3%	23.2%
Surety bond:	10.2%	10.9%

#### Pretrial Rearrest Rates (Calendar Year 1974)

	<u>Felony</u>	<u>Misdemeanor</u>
Own recognizance:	10.7%	5.7%
Third party custody:	13.8%	14.9%
Cash (deposit) bond:	24.6%	8.7%
Surety bond:	18.2%	6.5%

#### Speed of Operations

Time between arrest and interview: varies from less than one hour for citation cases to as much as six hours for other defendants.

Time between interview and release: varies from less than one hour for citation cases to as much as 12-15 hours for defendants booked in the evening and held until arraignment the following day.

#### Eligibility

All arrestees in the District of Columbia who are to appear before any of its judicial officers are eligible. This includes persons charged with intoxication or traffic violations.

Scope of Interviewing

Percentage of eligible arrestees interviewed: . Virtually all. Only defendants who post bond (according to a bond schedule) at the police station prior to Agency contact are systematically missed.

Descriptive Information

Number of interviews: 28,500 (calendar year 1977)  
 Budget: \$1,017,800 (calendar year 1978)  
 Permanent staff positions: 53 (calendar year 1978)  
 Vacancies: 9 (December 1977)  
 Volunteers: 5 (December 1977)

WASHINGTON, D.C.:

SUMMARY OF DEFENDANT OUTCOMES,  
BASED ON STUDY SAMPLEBACKGROUND

Data on a sample of defendants arrested or cited (for non-traffic charges)<sup>1</sup> during calendar year 1977 was collected by the evaluation staff to answer questions concerning rates of release, equity of release, failures to appear, and pretrial crime. The data was retrospective, with the cases of all of the defendants in the study having been disposed prior to data collection. Data on 442 defendants was gathered.

TYPES OF RELEASE

Most of the defendants were released pretrial. In all, 87.8% (388) of them gained release. The two most frequent types of release were citation, 34.5% (134) of those released, and program ROR, 29.9% (116). An additional 8% (31) of the released defendants obtained OR releases without or against program approval. Of the 108 defendants for whom bail was authorized, 55.6% (60) were released, constituting 15.5% of all releases. Lastly, another 12.1% (47) of those released were placed in the custody of a third party (usually Bonabond). Only six defendants (1.4% of 442) were not offered any form of release. All of them had been arrested for FBI Part I offenses, including two for murder, one for forcible rape and one for burglary.

Current charges were very important determinants of release and release type in Washington. Those not released (detained and bail not

<sup>1</sup>DWI cases were included, however.

not made) had more than twice the incidence (76.4%) of Part I charges of those released (35.3%). In addition, the former had worse prior records in terms of numbers of prior arrests, convictions and FTA's.

Those who did not make their bails had twice the proportion (53%) of bails over \$1,000 of those who made their bails (27%). Again, this seems a function of the charges, with 74% of the charges against those who did not make their bails being for Part I charges as compared to 40% of those who made their bails.

Bail seems to be given instead of OR when the defendant has weak community ties and is involved currently with the criminal justice system. Also, while all of those who got OR'ed had been interviewed, only half of those bailed had been. The use of a citation instead of an arrest and OR release is almost exclusively a function of arrest charge. While 50.4% of those OR'ed through the program came in on a Part I charge, only 15.6% of those cited did. And, while 24.3% of the former were currently involved with the CJS, only 5.7% of the latter were. Community ties were of less importance for those given citations, as they had weaker ties than those OR'ed and averaged a total of only 3.25 points on the citation release point scale. However, those cited had one-tenth the prior convictions of those OR'ed through the program.

Lastly, those placed in third party custody were little different from those given an OR. Here the identities of the releasing officials were probably important.

#### FAILURES-TO-APPEAR

Of the 388 defendants in the sample who were released, 53 (13.7%) failed to appear for at least one court date. The average time to (first) FTA was 70 days from pretrial release. The defendant-based FTA rates

by type of release were: citation, 17.9%; custody, 14.9%; non-program OR, 12.9%; program OR, 12.1%; and bail, 6.7%. These differences were not statistically significant at the .05 level.

There were no significant differences between those who were released and did not FTA and those who did. Only post-release mode of contact by the program showed a borderline difference, with a larger proportion of those who FTA'ed having been contacted by mail than among those who did not FTA where there was a larger proportion contacted by telephone.

After bench warrants had been issued for almost all of these 53 defendants, forty percent of those who failed to appear were arrested. The existing releases of about one-third were revoked and bail was set for almost all of the fifty-three. While one-quarter were prosecuted for their failures-to-appear, only 4% were convicted. Fourteen defendants failed-to-appear a second time (64% were arrested), and five failed a third time. In addition, there were five double FTA's on the same charge and two triple FTA's. While the average time from arrest to case disposition was 128 days for those released and not failing to appear, for those who did FTA that time averaged 201 days, with 17% of these defendants having no disposition recorded, and presumably being fugitives.

On the average, it took 44 days for first FTA's to occur following first appearance. And 126 days elapsed, on the average, until the next appearance took place.

#### PRETRIAL CRIME

Washington, D.C. had a high rate of pretrial arrests. Of the 388 released defendants, 86 (22.2%) were rearrested. The average time to rearrest (first) was 71 days from release. In all, released defendants

were rearrested 117 times. Twenty-two defendants (or 41.5% of the FTA's and 25.6% of those rearrested) both FTA'ed and were rearrested. By type of release, the pretrial arrest rates were: custody, 38.3%; non-program OR, 25.8%; program OR, 23.3%; bail, 18.3%; and citation, 16.4%. These differences were statistically significant. (Using conviction rates as indicators of pretrial crime, the rates for the types of release were: custody, 21.3%; program OR, 12.9%; citation, 9.0%; bail, 6.7%; non-program OR, 6.5%.)

Defendants who were both rearrested and convicted on a rearrest charge had worse past and present criminal records than those not rearrested. More were involved with the criminal justice system at the times of their arrests, especially involving those on parole, and pretrial criminals tended to have many more prior arrests and convictions. There were more FBI Part I charges and more multiple charges among the pretrial criminals, too. While those not rearrested had a Part I proportion of 32.1%, among pretrial criminals the proportion was 45.4%. Among the former, 16.8% had more than one charge at arrest, while among the latter the proportion was 31.4%. Those rearrested had a disproportionately high number of charges of larceny/theft and prostitution at original arrest. They also had a longer exposure time, with their times from release to first appearance averaging ten days above the others'.

At rearrest robbery, larceny/theft, and prostitution were frequent charges, with those three charges accounting for 45.3% of (first) rearrest

charges. Persons originally arrested for "victimless" crimes<sup>2</sup>, economic/property crimes, and "Other" crimes tended to repeat similar crimes, but those originally arrested for crimes against persons did not. (The repeat frequencies were 82.4%, 57.6%, 52.6% and 29.4%, respectively.)

There was no change in the release conditions of 40.5% of those rearrested; while bail was set for 32.1% and conditions were added for 11.9%. Less than 4% were detained. About half (51.2%) of those rearrested were convicted of the new charges against them. While the original case dispositions of those released but not rearrested took an average of 125 days from release, this time was 182 days for those rearrested.

<sup>2</sup>

The categories of charges are:

- Crimes Against Persons: murder, manslaughter, rape, robbery, aggravated assault, simple assault;
- Economic Crimes and Crimes Against Property: burglary, larceny/theft, auto theft, arson, forgery/counterfeiting, fraud, embezzlement, stolen property, vandalism;
- "Victimless" Crimes: prostitution, gambling, liquor laws, drunkenness, marijuana possession;
- Other Crimes

## DADE COUNTY:

### DELIVERY SYSTEM HIGHLIGHTS

#### Background

The Dade County Pretrial Release Program (PTR), created in 1971, represented an expansion of a bail project run during the preceding five years by VISTA volunteers. At first under the Department of Corrections and Rehabilitation, PTR was transferred to the Administrative Office of the Courts in 1973 and back to Corrections in the fall of 1978. Funding for the program has been provided by Dade County. Program expenditures for FY 1977 amounted to \$104,135, a substantial decrease from the FY 1976 level of \$180,000. This decrease, reflecting an overall decline in the County's budget, resulted in a staff cut from 14 to 8 persons.

#### Scope of Operations

The program interviews most of the defendants charged with felony offenses who do not post bond soon after they are booked into the jail (on the basis of a bond schedule). In the six-month period from March-August, 1978, the program interviewed 4,614 felony defendants, or an estimated 68% of the felony defendants who appeared at bond hearings. Defendants not interviewed include those who are ineligible (e.g., persons charged with capital offenses, such as murder or rape, and defendants not arrested in Dade County or not residents of Dade or nearby counties) and those who are simply missed (e.g., because of a shortage of staff, lack of a translator, etc.).

#### Program Procedures

The program conducts interviews at the Dade County Jail twice daily, at six a.m. and at one p.m. Eligible defendants are asked a series of questions about their ties to the community and their criminal record. They are also asked for the names of references who can verify the information provided. The staff member who interviews a defendant normally calls the person's references for verification; these calls are made from the Program's offices at the Metropolitan Justice Building. Usually, verification will be done for only a small percentage of the interviewed defendants. The relatively few defendants who are selected by the Program for a recognizance release recommendation will have their criminal history and community ties verified, but few others will. Despite this, all the interview results are presented to the magistrates at bond hearings, with no distinctions made between verified and unverified information.

The Program develops its release recommendations subjectively, based on very imprecise guidelines. Recommendations are developed before the bond hearing begins. During the bond hearing, a Program representative presents the completed interview form to the judge as each defendant is called. Judges frequently ask PTR staffmembers for their recommendations about alternative forms of release in cases where defendants have not qualified for release to the Program.

After the bond hearing a Program staffmember goes to the Dade County Jail to explain the rules of the Program to defendants released to it. All Program releasees are required to telephone their "case worker" at the Program each week. A defendant is usually assigned to the PTR staffmember who conducted the original interview. At times a field investigation will be made to try to establish personal contact with the defendant. For example, such investigations may occur when there has been no telephone contact for more than two weeks, the defendant has failed to appear for court, or mailed notices have been returned undelivered. Although field work was an important aspect of the Program's overall followup efforts in the past, recent staff cuts have led to a curtailment of these activities.

#### Program Impact

Impact data compiled by the Program are quite limited in scope. In addition, changes in the content and format of monthly reports make it difficult to derive measures of program impact over time.

Despite data limitations, it appears that an extremely low percentage of defendants are released through PTR: approximately 12% of the defendants interviewed during the six-month period from March-August 1978 were released to the Program. During this time approximately one-tenth of all defendants released to the Program were accepted at the insistence of the magistrate, over the objection of PTR.

In terms of failure-to-appear the Program reports that 5.7% of scheduled court appearances are missed by the defendants released to the Program. This rate includes non-appearances at preliminary hearings, which are not mandatory. Such non-appearances at preliminary hearings account for an estimated one-third to one-half of all missed court dates.

Data are not available on rearrest rates alone; rather, the rearrest information is included with cases where release was rescinded for reasons other than commission of new crimes. The combined rearrest/rescission rate reported by the Program over a six-month period in 1978 ranged from 2% to 6% of the total case terminations recorded in each month.

#### Program Acceptance

The Dade County Pretrial Release Program has not been a particularly well accepted component of the local criminal justice system. Many officials are virtually unaware of the Program's existence; others confuse it with the more visible Pretrial Intervention Program. Magistrates, who in theory should be active supporters of the Program because of the assistance it can give them in making more informed release decisions and in supervising pretrial releasees, have expressed frustration with PTR's unwillingness to accept more defendants.

The Program's problems have been exacerbated by substantial budget cuts in recent years. These cuts have contributed to reduced pretrial services and program conservatism, which have led in turn to reduced acceptance and further cuts.

PROGRAM INDICATORS SUMMARY  
BASED ON PROGRAM REPORTS

Impact on Release Rates<sup>1</sup>

Program-recommended own recognizance release rate: 12% (March-August 1978)

Failure-to-Appear (FTA)<sup>2</sup>

FTA rate (appearance-based) for program-recommended releasees: 5.7% (March-August 1978)

Pretrial Criminality<sup>3</sup>

Rearrest/rescission rate: 2-4% (April-September 1978)

Speed of Operations

Time between arrest and interview: Depends on time of arrest; program interviews are conducted at 6 a.m. and 1 p.m.

Time between interview and release: Four hours (estimate)

Eligibility

Arrestees charged with felony offenses are eligible for program consideration unless they are accused of capital, non-bondable offenses (e.g., murder, rape); neither arrested in Dade County nor a resident of Dade, Broward or Monroe Counties; probation/parole violators; fugitives; wanted on pending charges; prisoners in transit; charged with Federal crimes; or eligible for alcohol programs or TASC, a program for drug abusers.

Scope of Interviewing<sup>4</sup>

Percentage of defendants appearing at bond hearings who were interviewed: 68% (March-August 1978)

Staff Turnover

There has been minimal turnover in personnel over the last few years, although there have been budget cutbacks which caused staff reductions (e.g., from 14 persons in 1976 to 8 individuals in 1978).

Descriptive Information

Number of interviews: 4,614 (March-August 1978)  
Number of program-recommended releases on own recognizance: 545 (March-August 1978)  
Budget: \$104,135 (FY 1978)  
Permanent staff positions: 8 (FY 1978)

Footnotes

1. The program-recommended own recognizance release rate is defined as the percentage of interviewed defendants for whom the program recommended own recognizance release and who are in fact released on that basis.
2. The FTA rate includes failures to appear at preliminary hearings, which are not mandatory. Non-appearances at these hearings account for an estimated one-third to one-half of all missed court dates.
3. Available data on rearrests are included with cases where release was rescinded for other reasons than rearrest. The rate shown is a percentage of the total case terminations recorded.
4. The number of defendants appearing at bond hearings excludes defendants who bonded out directly from the jail.



DADE COUNTY:  
SUMMARY OF DEFENDANT OUTCOMES,  
BASED ON STUDY SAMPLE

BACKGROUND

Data on a sample of 427 felony defendants arrested during the first six months of 1978 was collected by the evaluation staff during the summer of 1978 (with data on undisposed cases collected in December, 1978). Lazar collected data to determine rates and correlates of release, release equity, failures-to-appear, and pretrial crime. The sample excluded misdemeanor and traffic arrests.

TYPES OF RELEASE

Of the 426 defendants for whom release data was available, 84.1% (359) were released. By far the most frequent form of release was bail, involving 54.3% (195) of those released. Third party custody release was next most frequent with an additional 24.5% (88) of those released receiving that form of release. Own recognizance releases were infrequently used in Miami for felony cases. Only 39 defendants, or 10.9% of the released, were given "Pretrial Release," Miami's version of OR release through a program. Another 36 defendants, 10%, were given OR releases by judges acting without program recommendations.

The most numerous source of pretrial detention in Miami was detention in lieu of bond, which affected 50 defendants who comprised 11.7% of the sample and 73.5% of those detained (18 defendants were given no release option of whom 10 were arrested on robbery charges). Those detained until trial disposition had their cases disposed of somewhat more quickly than others. While the average time from arrest to disposition was 69 days, it was 52 days for those detained (custody release cases averaged

78 days).

The Miami program interviewed half (54.4%) of felony defendants during the study period. It was its practice to select those interviewed persons believed to be good risks for "Pretrial Release" for positive release recommendations in court. In those cases, the program verified the interview information prior to making a recommendation. In cases not selected, however, the interview information was given to the releasing judge without verification.

Although all of the defendants released on "Pretrial Release" had been interviewed by the program, most (67%) of those released on bail had not been. (Insufficient interviewing seems a factor contributing to the low incidence of "Pretrial Release.") Of those who were interviewed, persons released on bail tended to be older at arrest, and to have fewer dependants, and much fewer years of local residence, months at current addresses and months of employment on current jobs. They were more likely to be Hispanic or white than those given "Pretrial Release", who were overwhelmingly (80%) black. Those in the bail category who were employed were more often white collar or skilled workers than those in the "Pretrial Release" category. Lastly, those released on bail were slightly more likely to have been arrested on multiple charges (51%) than the others (46%), although they were less likely to have been arrested for a Part I offense (36% versus 46%).

Few factors were found to differentiate those released in a third party's custody from those given "Pretrial Release." Again, fewer were interviewed (77%) with weaker verification of the information for those interviewed. Custody releasees were more often Hispanic or white and had much fewer months on their jobs. The major difference, however, was a higher incidence of current criminal justice system involvement at



the time of arrest, especially probation.

Persons given non-program OR had weaker community ties (number of dependents, months on job) than those on "Pretrial Release." Again, fewer of them had been interviewed (67%). One important difference was that those released on OR by judges acting on their own had more prior failures-to-appear than those recommended by the program.

By far the clearest picture of differences is presented by a comparison of those who made their bails and those who did not. The latter had greater community ties (three times the length of local residence, two times the length at current residences) than some who were released. But they were more often unemployed (or employed as laborers and transportation operatives). In terms of prior and current criminal behavior they differed greatly. Persons who did not make their bails had twice as many prior arrests, convictions and failures-to-appear as those who did. While 15% of those released on bail had failed-to-appear at least once, 41% of those detained in lieu of bail had done so. Most notably, while 36% of those who made their bails were currently charged with a Part I charge, 70% of those detained in lieu of bail were arrested for these charges.

#### FAILURES-TO-APPEAR

Over eighteen percent (18.4%) of the 359 released defendants failed-to-appear for at least one court date. There was no significant difference among the available types of release. In all, 6.7% of appearances were missed by released defendants. On the average, failures-to-appear occurred 72 days after release.

Those who failed-to-appear had lengthier prior criminal records than those who did not. They had twice the number of prior arrests and two-and-one-half times the number of prior convictions. They had had much

time in previous incarceration. They were more likely to have a current charge which was economic in nature. Such charges include burglary, larceny/theft, auto theft, forgery/counterfeiting, fraud, embezzlement and stolen property charges (with the first charge predominating). Finally, persons who failed-to-appear in Miami were less likely to be acquainted with their victims (as one would expect in economic crimes).

One-third of those who failed-to-appear were fugitives six months after their releases. Another 30% were arrested. One-fifth returned of their own volition within 30 days. Another 13% were arrested and subsequently returned voluntarily and two of the 66 were returned by their bondsmen.

Responses to failures-to-appear by the Dade County courts were firm. Bench warrants were issued in virtually all the cases. Releases were revoked in 55% of them. Twelve bond forfeitures took place. And bail was set in 11 cases. In only one case was nothing done. (Four of the defendants missed an appearance due to incarceration in another case.)

#### PRETRIAL CRIME

The rate of pretrial crime in Miami was about the same as the FTA rate. Sixty-three of the released defendants, or 17.5%, were rearrested (thirty, or 8.4%, were convicted). The average number of days from release to rearrest was 38. And persons released on "Pretrial Release" and in third party custody were more likely to be rearrested (though not convicted of the rearrest charges) than those released on bail (who tended to be among those with higher bails) or non-program OR. The re-arrest rates were: Bail, 12.3%; non-program OR, 19.4%; custody release, 23.9%; and "Pretrial Release," 28.2%. Those originally arrested for an economic crime were likely to be rearrested for a similar crime. However, only one-fifth of those originally arrested for crimes against persons

were rearrested for such crimes. In all, the 63 rearrested defendants accounted for 80 rearrests. On first rearrest (which was the only rearrest for most of these defendants), bail was increased in 26% of the cases, no action was taken in 23%, the defendants were detained in 21%, bail was set in 16%, conditions were added in 8%, and supervision was increased in 5%.

Those who were rearrested were far more likely (40%) than others (14%) to have failed-to-appear in their trials. In addition, they had committed more prior failures-to-appear. Pretrial criminals (that is, those both rearrested and convicted of the rearrest charge) had two-and-one-half times as many prior arrests as others and three-and-one-half times as many prior convictions. They had over twenty times as many months of prior incarceration.

At arrest for the original charge, they were more likely to be already involved with the criminal justice system and especially likely to be on probation. They were more likely to have a policeman as a witness against them and to be represented at their trials by public defenders. At their trials they had more appearances to make and more appearance postponements.

Rearrested defendants in Miami were out on release one-half of the time of others from release to first appearance. However, disposition of their cases took one-and-one-half times as long as the cases of those not rearrested. Finally, while those not rearrested had their cases disposed of in an average of 59 days from release, those rearrested were exposed an average of only 38 days from release to rearrest.

## JEFFERSON COUNTY: DELIVERY SYSTEM HIGHLIGHTS

### Background

In February 1976, the Kentucky legislature enacted a law which abolished commercial bail bonding and established a Statewide system of pretrial services. The support of the Governor, who had a long-standing interest in bail reform, was instrumental in passing the bill before local bondsmen could mount effective opposition to it.

To implement the legislation, the Pretrial Services Agency was established as part of the Administrative Office of the Courts. A three-person central staff located in Frankfort coordinates operations throughout the State. Each of Kentucky's 56 judicial circuits is served by a pretrial services program, which functions in accordance with Statewide guidelines concerning eligibility, assignment of "points" to individual defendants being considered for release recommendations and other program procedures.

Individual programs have considerable autonomy in day-to-day operations, within the framework of the standardized Statewide procedures. Such local autonomy is considered essential by most of the Agency's staff, because of the diversity of the jurisdictions served. For example, the 30th Judicial Circuit, Jefferson County, is the center of the Louisville metropolitan area. It had more than 36,000 arrests in 1976, and has a judiciary consisting of 23 District Court judges and 16 Circuit Court judges. Although Kentucky has other urban areas (e.g., Lexington and Covington), most of the State's 120 counties are rural. The two-county 34th Judicial Circuit, for example, has a total population of about 40,000 persons, and the largest town (Corbin) has a little over 7,000 residents. In 1976 the two counties had a total of 3,200 arrests, with about two-thirds of them alcohol-related (mainly public drunkenness and driving while under the influence of alcohol). The two-county area is served by a single District Court judge, aided by one trial commissioner, and a single Circuit Court judge.

The State's diversity influenced the present structure of the Pretrial Release Services Agency. The central staff develops guidelines to be used throughout the State and visits local program periodically to try to assure consistent interpretations of these guidelines, but individual programs are free to tailor other aspects of their operations to local conditions.

Paralleling the implementation of Statewide pretrial services has been a comprehensive court reorganization, which resulted in a unified court system. In January 1978, a District Court was established in each of the 56 judicial circuits. This court, which handles all misdemeanor cases and felony cases through preliminary hearings, is the one having the greatest contact with the Pretrial Services Agency staff.

As part of the court reorganization, judges are now required to be licensed attorneys. This requirement led to considerable turnover in the trial bench in January 1978, particularly in the rural areas. Pretrial

Services officers throughout the State assisted many newly elected District Court judges in understanding the peculiarities of their local criminal justice systems.

Funds for the Pretrial Services Agency (PSA) were initially provided from a contingency fund available to the Governor for special projects. During the first year of operation, PSA expended \$1.5 million from this fund; during the second year, \$1.8 million. Currently, the program receives funds under the budget for the judicial branch; expenditures this year are expected to total about \$1.9 million. This budget supports 105 PSA staff members, working throughout the State. In addition, local programs are sometimes supplemented with staff provided through the CETA program or with interns from universities. At present, 28 CETA workers and 27 student interns are employed at local pretrial programs.

Staff turnover has been a continuing problem for the Agency, particularly in urban areas. It is commonly agreed that the turnover results from two factors. First, the work involves long hours, late shifts and in some areas unpleasant and cramped working conditions in the jails. Second, salary levels are generally low in comparison with other positions requiring similar training and demanding the same amount of responsibility. For example, the starting salary for corrections officers in Louisville is almost \$2,000 per year above that of pretrial officers.

#### Scope of Operations

During 1977, approximately 195,000 individuals were arrested and placed in custody in Kentucky. Of these individuals, 65% were contacted by a pretrial officer and offered Agency services. The remaining 35% consisted of persons immediately posting bond (in accordance with the "Uniform Schedule of Bail," which covers most misdemeanors) or pleading guilty, along with those automatically ineligible for program consideration (e.g., Federal prisoners). The Agency staff interviewed 34% of the total arrestees, or about 66,500 defendants.

#### Program Procedures

Most individuals arrested in Kentucky are brought to the jail for booking. They are contacted there by a Pretrial Services Agency representative who determines if they are eligible for nonfinancial release. An arrestee is informed of the right to refuse pretrial services and forego an interview. If this right is invoked, several release options may still be available. These include posting a bail bond according to the Uniform Schedule of Bail, posting a 10% cash deposit or executing a bail bond secured by property, cash or securities.

Certain defendants are not eligible for a program interview. These include defendants in a Federal case, juveniles, probation or parole violators (who are being held for that reason), escapees from custody, persons with mental disorders, accepted referrals to diversion programs and prisoners in transit to another jurisdiction.

If a defendant is eligible for program services and wishes to receive them, the local pretrial officer must do four things:

- interview the defendant and complete the interview form;
- verify the information given through one or more of the references supplied by the defendant;
- check the person's prior criminal record through local services and/or the Kentucky State Police; and
- apply the verified information to the objective point scale to determine if the defendant is eligible for a recommendation for release on personal recognizance.

If a defendant has the requisite number of points and is not disqualified for any other reason, the pretrial officer normally telephones a judge to present the information. The hours that judges are available vary from circuit to circuit.

In cases where an arrestee is ineligible due to a lack of sufficient points, the pretrial officer presents the circumstances to the judge, who may order release on conditions that attempt to rectify the lack of points. For example, a defendant may be released with the requirement that a certain residence be maintained or a job secured.

A special "24-hour review" is available to any defendant who continues to be detained 24 hours after the imposition of release conditions because of inability to meet those conditions. To assist the court, the pretrial program will update the defendant's interview form, attempt to verify previously unverified information and re-tally the points earned. All pertinent information is presented to the trial judge, who must provide written reasons if release is still denied.

Whenever defendants are released to the program, the pretrial staff monitors compliance with conditions of release. For example, a common condition is that the defendant call the Agency once a week; records are kept of these contacts, and efforts are made by the Agency to locate defendants who fail to report. The Agency also tries to notify defendants of upcoming court dates. However, this is often not done in rural jurisdictions, because of the generally speedy trials there and due to lack of program staff to perform this function.

The program also monitors defendants' appearances for court dates. If defendants fail to appear, pretrial officers try to contact them and encourage them to return to court as soon as possible. If a defendant does not voluntarily return to court, pretrial officers assist the court in obtaining a warrant for bail jumping and provide information to the police which may be helpful in locating the individual.

### Release Rates

The Pretrial Services Agency interviewed 66,557 individuals (34% of total arrestees) in 1977. Of these, 72% were found eligible for personal recognizance. Of this group, 1,850 defendants had their cases resolved prior to presentation; the remaining 46,072 defendants were presented to the judiciary for release. For various reasons, about 20% of the eligible defendants presented were rejected by the judiciary for program release. The courts rejected the Agency's determinations somewhat less frequently in the opposite situation, but did order nonfinancial release for 2,927 of the 18,625 defendants found ineligible by the program.

### Failure-to-Appear and Rearrest Rates

During 1977 the Agency reports that 1,311 defendants released through the program failed to appear in court as scheduled. This represents a failure-to-appear rate of 2.22% of all required court appearances and 3.55% of all defendants released through the Agency.

Of those defendants failing to appear, 85% were charged with misdemeanors. Somewhat over half of the total failures to appear involved alcohol-related charges or traffic violations.

Many of the defendants who fail to appear are quickly apprehended. Of the 1,311 program clients who failed to appear in 1977, 438 had not been located by January 1, 1978. This represents a fugitive rate of about 1% of all persons released through the program.

Unfortunately, these appearance and fugitive rates cannot be compared with those which existed before the Statewide pretrial services program began. Neither the courts nor the private bail bondsmen maintained the records which would be needed for such a comparison.

Besides analyzing appearance rates, the Agency attempts to identify persons who are arrested for a second offense while on program release. The Agency reports that 1,657 program releasees were rearrested while on program release during 1977. This represents 4.4% of the defendants released through the Agency during that year.

### The 34th Judicial District Program

The 34th Judicial District consists of Whitley and McCreary counties, in the extreme southeastern part of the State. This district is served by one Pretrial Services officer, paid through the Administrative Office of the Courts, and two CETA workers (one in each county).

During the first quarter of 1978, the program contacted 92% of all persons arrested and interviewed 84% of arrestees. Of those interviewed, 96% secured program release. This indicates that the judiciary is cooperating with the program and using the information supplied. It also indicates that most of the defendants arrested in the jurisdiction have

sufficient community ties to qualify for nonfinancial release.

During 1977 the program recorded only two failures to appear out of 960 scheduled court appearances. Also in 1977, seven of the 919 individuals released by the program were rearrested while awaiting trial. These low rates of failure to appear and rearrest can be largely explained by the fact that most cases reach disposition at the first court appearance, soon after arrest. Thus, there is little time to forget a court date and little opportunity to commit pretrial crime.

### The 30th Judicial District Program

The 30th Judicial District consists of Jefferson County, center of the Louisville metropolitan area. The Pretrial Services Agency there has a staff of 34 persons, including 25 full-time employees and 9 part-time interviewers. The program functions 24 hours per day, seven days a week. There are three eight-hour shifts, with from three to seven persons on a shift, depending on the day of the week and the time of day.

The program conducts its interviewing at the County Jail, a new but cramped facility. Due to space limitations, the Pretrial Services Agency must interview defendants through the bars of the holding cell, located in the busy booking area. Despite these difficult working conditions, the Agency interviewed 65% of the 29,688 persons who were booked into the County Jail in 1977.

About 67% of the defendants interviewed were found eligible for nonfinancial release. Of these, 2% had their cases resolved before the interview results could be presented to a judge. Of the total number interviewed, found eligible for release and presented to a judge, 80% were released without money bail. Thus, the program's recommendations for release were not followed by the judges in 20% of the cases it had approved.

In addition to release rates, appearance rates are an important indicator of impact. From the program's inception in June 1976, until February 1978, a total of 15,515 defendants were released on non-financial conditions. Of these defendants, 1,284 missed a court date out of 34,451 scheduled appearances. Thus, the failure-to-appear rate was 8.3% of all non-financial releasees and 3.8% of all required court appearances, higher than comparable Statewide rates. The higher rates in Jefferson County are attributed to the high rate of continuances per case, the large number of courtrooms and the transient nature of the defendant population.

Most defendants who fail to appear eventually return to court. Of the 1,284 total failures to appear since the program began, 346 fugitives were still at large as of February 1978. This represents an overall fugitive rate of 2.3% of all non-financial releasees and 1.0% of all scheduled court appearances.

Another important indicator of program impact is the rearrest rate for released defendants. Care must be taken in interpreting rearrest

data, particularly since there is no way to determine whether the offense for which the second arrest occurred was committed before or after the crime for which the defendant was originally taken into custody.

The Jefferson County Pretrial Services Agency reports that 893 of the 14,804 program releasees from the period June 1976 to February 1978 were rearrested on additional charges. That represents a rearrest rate of 6%, slightly higher than the overall Statewide rate.

# PROGRAM INDICATORS SUMMARY BASED ON PROGRAM REPORTS

Note: All data are for calendar year 1977 unless otherwise indicated.

	State- wide	34th Circuit	30th Circuit
<u>Impact on Release Rates</u> <sup>1</sup>			
Program-recommended nonfinancial release rate	55.0%	84.0%	53.4%
Percentage of program recommendations for nonfinancial release rejected by court	20.0%	NA	20.0%
Percentage of program recommendations against nonfinancial release rejected by court	16.0%	NA	15.5%
<u>Failure-to-Appeal (FTA)</u> <sup>2</sup>			
Defendant-based FTA rate	3.6%	Under 1%	8.3% <sup>4</sup>
Appearance-based FTA rate	2.2%	Under 1%	3.8% <sup>4</sup>
Fugitive rate	1.2%	Under 1%	2.3% <sup>4</sup>
<u>Pretrial Criminality</u> <sup>3</sup>			
Rearrest rate for defendants on nonfinancial release	4.4%	Under 1%	6.0% <sup>4</sup>

## Speed of Operations

The speed of operations varies around the State. Court rules require the Pretrial Release Agency to provide verified information to the court within 12 hours of an defendant's arrest.

## Eligibility

Most arrestees are eligible to be interviewed. Ineligible arrestees consist of defendants in a Federal case, juveniles (except for traffic violations), probation or parole violators, escapees from custody, persons with mental disorders, accepted referrals to a diversion program or prisoners in transit to another jurisdiction.

	State- wide	34th Circuit	30th Circuit
<u>Scope of Interviewing</u>			
Percentage of eligible arrestees contacted	65.0%	55.0%	100.0%
Percentage of eligible arrestees interviewed	34.0%	40.0%	65.0%

Staff Turnover

From the inception of the Statewide program until January 1979, staff turnover was 56% in urban areas and 30% in rural areas.

Descriptive Information

Number of interviews	66,557	1,094	19,292
Number of program-recommended nonfinancial releases	47,932	919	12,930
Budget (July 1, 1977-June 30, 1978)	\$1.8 million	NA	\$377,720 (Est.)
Permanent staff positions	105	1	34
CETA workers	28	2	0
Student interns	27	0	0

1. The program-recommended nonfinancial release rate is defined as the percentage of interviewed defendants for whom the program recommends nonfinancial release and who are in fact released on that basis.
2. The defendant-based FTA rate is defined as the percentage of defendants on nonfinancial release who miss a court appearance. The appearance-based FTA rate is defined as the percentage of scheduled court appearances missed by defendants on nonfinancial release. The fugitive rate is defined as the percentage of defendants on nonfinancial release who had not returned to court (either voluntarily or involuntarily) as of January 1, 1978, for Statewide and 34th Circuit data and as of February 1, 1978, for the 30th Circuit.
3. The pretrial criminality rate is defined as the percentage of defendants on nonfinancial release who were rearrested during the pretrial release period.
4. For the time period June 1976 until February 1978.

LOUISVILLE, KENTUCKY:  
SUMMARY OF DEFENDANT OUTCOMES,  
BASED ON STUDY SAMPLE

Background

Data on a sample of 435 defendants arrested in the city of Louisville during calendar year 1977 were collected by study staff during the spring of 1978. These data were used to analyze issues concerning the rates of release, failure to appear and pretrial criminality in the jurisdiction.

Rates and Types of Release

Of the 432 defendants in the sample for whom release data were available, 346 (80%) were released, including 141 (41%) released on their own recognizance (OR) with program approval, 11 (3%) OR'ed without or against program recommendation (Judge OR), 175 (51%) released on ten percent deposit bond (Deposit Bond), and 19 (5%) released on bail bond (Public Bail). Of the remaining 86 defendants, 64 (15%) were never offered release and 22 (5%) did not post the bonds authorized for them.

Among OR and Deposit Bond defendants there were many differences. The latter tended to have weaker community ties and worse prior records than the former. Their present charge distributions did not differ significantly. Deposit bond defendants tended to receive lower point scale totals than OR's.

Defendants who were not released tended to have the most prior arrests and the weakest community ties in the sample. Of special significance was the prevalence of drunkenness and liquor law violations among their current charges. There were no significant race or sex differences between released and detained defendants, but the latter tended to be older, in keeping with their longer records.



As a whole, detained defendants tended to be convicted, mostly as the result of guilty pleas, more often than those released. Their sentences tended to be short due to the nature of their charges.

The case outcomes of OR and Deposit Bond cases tended to be quite similar.

#### Failures-to-Appear

Fifty-nine defendants in our sample failed to appear at least once and did so an average of 35 days after release. These consisted of 14% (20) of the OR's, 20% (35) of the Deposit Bonds, and 21% (4) of the Bails. None of the Judge OR's failed-to-appear. When appearance-based rates are examined, the program OR's do much better than the Deposit Bonds. However, this is largely an artifact of differences in average numbers of appearances to be made.

Those who failed to appear had weaker community ties and more contact with the criminal justice system than those who did not fail to appear (FTA). Court response to FTA's generally was fairly tough and included arrest, revocation of release, or issuance of a bench warrant in many cases.

#### Pretrial Arrests

Louisville had an exceptionally high rate of pretrial arrests. Seventy-four (21%) of all released defendants were rearrested, including 29 (21%) of the OR's, 38 (22%) of the Deposit Bonds, 4 (21%) of the Public Bails, and 3 (27%) of the Judge OR's. In addition, over one-third of those rearrested were rearrested more than once in the pretrial period with a total of 109 rearrests for these 74 defendants.

Persons rearrested but not convicted of pretrial crime tended to be similar to those convicted. When persons rearrested but not convicted

were compared to those not rearrested, the former differed only in having more prior convictions and FTA's and more current trial appearances. Looking at all persons rearrested, original charge type tends to be moderately related to rearrest charge type.

#### Pretrial Crime Convictions

Forty-three of the seventy-four rearrested defendants were convicted of pretrial crimes: 21 (15%) of the OR's, 20 (11%) of the Deposit Bonds, and 2 (11%) of the Public Bails. None of the Judge OR rearrestees were convicted.

Pretrial criminals (as measured by convictions) more frequently had economic and property original charges than other defendants.

Pretrial criminals were more often convicted on their original charges and were given harsher sentences. About one-third of their sentences for pretrial crimes involved incarceration.

Pretrial criminals tended to have more serious prior records, weaker community ties, and more serious cases at original arrest. OR and Deposit Bond release groupings had similar incidences of convictions for rearrests.

## PIMA COUNTY:

### DELIVERY SYSTEM 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 (8:30 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  
BASED ON PROGRAM REPORTS

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

PIMA COUNTY:  
SUMMARY OF DEFENDANT OUTCOMES,  
BASED ON STUDY SAMPLE

BACKGROUND

Data on a sample of defendants arrested during calendar year 1977 was collected by the evaluation staff to answer questions concerning rates of release, equity of release, failures to appear, and pretrial crime. Differentiation of felony, program-period misdemeanor, and non-program period misdemeanor defendants was made in the analysis of the data to make assessment of variations in programmatic processing of defendants possible.

TYPES OF RELEASE

Of the 405 defendants in the sample for whom release data was available, 72.6% (294) were released, including 76 (18.8%) released on their own recognition (OR) with the approval of one of the programs; 113 (27.9%) OR'ed without or against program recommendation; 78 (19.3%) released on bond; and 27 (6.7%) receiving citations. Of the remaining 111 defendants (27.4%), almost all were detained due to not posting the bonds set for them (104 or 92.7% of the detained defendants). Another 8 (2%) of the defendants were never offered release.

One hundred seventy-five, or 43.2%, of the defendants in our sample of 1,977 Pima County arrestees were arrested for felony charges. Eighty-two percent of these were released, with 35.3% program OR's; 30.1% non-program OR's (15% of all OR's received supervisory conditions); and 16.8% bail bonds. In addition, 14.5% were offered bail, but did not make it, while another 3.5% were not offered release.

There were 191 City of Tucson misdemeanor defendants in the sample.

Sixty percent of them were arrested during the months of the misdemeanor release program's operation. There was a significant difference in the rates and types of release awarded in the program and post-program periods. A larger proportion of defendants was released in the post-program period than before (63.2% versus 55.3%). Most of the difference in the incidence of detention was in the bond-not-made category. Total OR's did not change appreciably (24.5% program; 30.2% post program). However, bail releases increased from 16.7% to 23.7%. Citations dropped from 14% to 9.2%.

Weaker community ties, worse prior records and the nature of the charges at arrest contributed heavily to whether or not defendants were released in Tucson. In general, those not released (mostly those unable to make their bails) more often lived alone, were not employed, had shorter local residencies and fewer verifiable references than those released. Detained defendants had far more prior arrests and convictions than those gaining release. Often those not released were charged with murder, robbery, possession or sale of stolen property, liquor violations, and minor local offenses.

FAILURES-TO-APPEAR

About ten percent (10.1%) of released defendants failed to appear and did so an average of 62 days after release. Almost half of them (47.2%) had been released on OR without or against program recommendations, with this group having a rate of 16.8%. Of those bailed, 10.3% failed to appear, while of those given citations, 26% failed to appear. Program OR's had the lowest FTA rate, 9.2%. A comparison of felony and program period city misdemeanors revealed roughly the same rates of FTA, 10.9% and 9.6%, respectively. The same can be said in comparing city misdemeanors during the program and non-program periods. Those rates are 9.6% and 7.9%, respectively.

Persons who fail to appear in Tucson tend to have been arrested on more serious charges than persons who appear for court. Many more of those who failed to appear were arrested for FBI Part I offenses than were other defendants (45.5% versus 27%), with most of the difference occurring in the incidence of larcenies and thefts (25% versus 9.1%). In addition, those who FTA are younger and, when employed, have held their jobs for a shorter time. Further, they have had more previous incarceration. Lastly, those who FTA have had far more postponements in their cases than those who have not failed to appear. While those who did not FTA had an average of one postponement in their trials, those who did FTA had an average of 2.5, with no important differences in their numbers of appearances.

About one-third (31.6%) of defendants who failed to appear became fugitives. One-quarter (23.7%) returned of their own volition within 30 days. Another 18.4% returned of their own volition in more than 30 days. Thirteen percent were routinely being arrested and placed in jail. Responses to FTA's in Tucson were quite firm: in 41% of the cases, release was revoked, while in 75% a bench warrant was also issued. These responses are in accordance with the nature of the FTA's, with only 10% having been unavoidable (scheduled for a conflicting appearance or unavailable due to incarceration).

#### PRETRIAL CRIME

Tucson defendants in our sample had a relatively high rate of pretrial arrests. Of the 294 defendants released, 65 (22.1%) were rearrested. (In a special additional sample of 25 supervised felony program releasees, 7 or 28% were rearrested.) The average time to first rearrest was 53 days after release. The felony defendants had almost twice the rearrest rate

of the program period city misdemeanants (30% versus 17%). There was no significant difference, however, when city misdemeanants were compared during the program and non-program periods (the rates were 17% and 13%).

Persons released on OR through a program had the lowest overall rearrest rate (18.4%). That rate did not differ appreciably from the rate for bailed defendants (19.2%) or non-program defendants released on OR (22.1%). However, citation-released defendants had a higher rearrest rate, 33.3%.

Those who were rearrested and convicted on the rearrest charge(s) tended to have much more serious criminal justice characteristics than those not rearrested. Those rearrested had more often failed to appear in the past; had twice as many prior arrests and convictions; and more months of incarceration. At the time of their original arrests, these defendants were more often currently involved with the criminal justice system (especially on pretrial release or parole) and had more serious charges at arrest, with 41.7% having Part I charges as compared to 25.1% of those not rearrested. Those arrested for burglary, theft and narcotics distribution were especially likely to be rearrested. About one-third (35.7%) of rearrests were for Part I offenses, with larceny/theft being the most frequent (19.6%). There was no correlation between original and rearrest charges, however. When charges were categorized as personal (murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault, other assaults), economic/property (burglary, larceny, theft, arson, forgery, fraud, embezzlement, stolen property, vandalism), "victimless" (prostitution, gambling, liquor law violations, drunkenness, possession of marijuana), and "other" crimes, no important finding of

repeated offense types was made. Of those originally charged with crimes against persons; for example, only 16.7% were rearrested for such charges.

Persons who were rearrested tended to have more involved cases. They had more appearances to make and many more postponements than those not rearrested. Those released on bail and rearrested had twice as frequently received bails in excess of \$1,000 than those not rearrested. And of the persons who either failed to appear or got rearrested, 19% both failed to appear and were rearrested.

The 65 rearrested defendants were rearrested a total of ninety-five times. On the first rearrest, no action was taken to change the release conditions of half of these defendants, while bail was set for one-third. The same was true for those rearrested a second, third and fourth time, with some increase being found in the incidence of no action occurring as the number of rearrests per defendant increased.

## SANTA CRUZ COUNTY:

### DELIVERY SYSTEM HIGHLIGHTS

#### Background

The Santa Cruz County Pretrial Release Program, an arm of the Municipal Court, was established in 1975. A number of forces contributed to the creation of the program—a bad jail overcrowding situation, local judicial initiative, and community pressure. The program is responsible directly to the Municipal Court judges; a Pretrial Policy Committee assists in hiring staff and acts in an advisory capacity to the program. The program is funded entirely by the County (about \$57,000 in 1977-1978) although there is currently one Public Service employee who is funded by an additional \$10,800 in CETA funds. At the time of this evaluation the staff was composed of four persons; one has since left, and staff size will be frozen at three for the next fiscal year.

#### Scope of Operations

The program interviewed 1,959 defendants in 1977; there were 7,178 bookings in that year. Historically, about 25% of annual jail admissions have been Court-ordered commitments and remands and not eligible for pre-trial release, so 1,959 interviews represent about 36% of eligible bookings in 1977. Defendants not interviewed include those with certain types of detainers ("holds"); those with minor traffic or intoxication charges; defendants arrested on Superior Court warrants; and defendants simply missed by the program.

#### Program Procedures

After arrest a defendant in Santa Cruz is taken to either the Santa Cruz County Jail on Front Street or to the Watsonville Police Department for booking. The program interviews defendants after booking. The staff works from approximately 6:00 a.m. to 4:30 p.m. and concentrates its interviewing efforts in the mornings, so that reports may be prepared before daily arraignment court at 1:30 p.m. During the interview a defendant is asked about residency, family ties, employment situation and prior criminal history as well as asked to provide the names of several references who may be contacted. The program calls the references to verify information supplied in the interview; criminal record data are obtained from State and local law enforcement agencies.

After the verification process is completed, the staff prepares a court report, which summarizes all the pertinent information developed regarding the defendant. In addition, the report contains a release recommendation based on the program's subjective evaluation of the defendant. No point system is used. The release recommendations made by the program are of four types: recommendation for own recognizance release; recommendation against own recognizance release; recommendation for a bail reduction; and no recommendation (usually used when important information could not be verified).

The court report and release recommendation are presented by way of the Clerk's Office to the Municipal Court Judge handling the arraignment calendar. (For some releases this process might take place by telephone; in that case, program staff transmit the information.) Judges alone have the authority to release persons at arraignment; however, the Sheriff is empowered by law to release misdemeanants after booking, and he does so to a considerable extent. The Sheriff may also recommend release of felons by telephone to a judge, who makes the release decision.

If no release or bail reduction is granted at arraignment, the defendant has a right to a bail review hearing within five days. Defendants who are indigent and cannot hire an attorney can obtain the services of a Public Defender at arraignment; the Public Defender's office has a representative in court daily. The Pretrial Release Program itself does not have a courtroom representative. The staff receives a copy of the day's arraignment calendar, on which defendant outcomes are noted. Defendants are immediately sent a follow-up letter reminding them of their next court appearance; if time permits, the program will call defendants a day in advance of court appearances.

For appearances other than arraignment, the program follows up only on defendants it interviewed who were granted own recognizance release. If defendants fail to make a court appearance, a bench warrant is issued automatically by the Court. The program will attempt to locate defendants who are released on their own recognizance on the recommendation of the program; this follow-up usually consists of a phone call to the defendant or a reference. Law enforcement officers may also locate FTA defendants in the course of their other duties.

#### Release Rates

In 1977, the Santa Cruz Pretrial Release Program interviewed 1,959 defendants, of whom 521 were not eligible for release. The program considers the release rate to be the number of own recognizance released defendants as a percentage of eligible interviewed defendants. In 1977, 800 defendants were released on their own recognizance; this represents 56% of the 1,438 eligible interviewees (and 41% of all defendants interviewed.) If the percentage of interviewed defendants for whom own recognizance release is recommended by the program and who are released on that basis is calculated, it is 84% (651 out of 779). Judges frequently release defendants even when own recognizance release is not recommended.

#### Failure to Appear and Pretrial Criminality Rates

The program defines a failure-to-appear as a defendant who fails to make a court appearance and for whom a bench warrant is issued. The rate of failures to appear is calculated as a percentage of those defendants interviewed by the program and released on their own recognizance (regardless of what the program recommendation was). In 1977 the annual FTA rate so defined was 8.5% for felony cases and 14.3% for misdemeanor cases; the overall average was about 11%. Accurate statistics on FTA rates for bailed defendants and defendants released by the Sheriff are not currently available.

The Pretrial Release Program does not keep statistics on the number of defendants released on their own recognizance who are rearrested while on release. The Defendant Outcomes Analysis portion of the present study will examine rearrest rates for sampled defendants to determine the extent of pretrial criminality among releasees.

PROGRAM INDICATORS SUMMARY  
BASED ON PROGRAM REPORTS

Note: All data are for calendar year 1977 unless otherwise indicated.

Impact on Release Rates

Program recommended own recognizance release rate: 45%

Percentage of defendants released by court when own recognizance release not recommended: 23%

Percentage of eligible interviewees O.R.'ed: 56%

Percentage of all interviewees O.R.'ed: 41%

Failure-To-Appear

FTA rate for felony defendants recommended for O.R. by program: 5.4%

FTA rate for misdemeanor defendants recommended for O.R. by program: 9.5%

FTA rate for all felony defendants interviewed by program: 8.5%

FTA rate for all misdemeanor defendants interviewed by program: 14.3%

Pretrial Criminality

Data are not available.

Speed of Operations

Time between arrest and interview: Varies from 5 minutes to 20 hours.

Time between interview and release: Several hours.

Eligibility

There are no charges which automatically exclude arrestees from consideration for release. However, the program excludes certain defendants as a practical matter—defendants with detainers (holds) from other agencies or jurisdictions; those with minor traffic or intoxication charges; and those arrested on Superior Court warrants. Some defendants bail out and are missed by the program.

Scope of Interviewing

Percentage of eligible arrestees interviewed: 36% (approximation)

Descriptive Information

Number of interviews: 1,959  
 Number of interviewed defendants eligible for own recognizance  
 consideration: 1,438  
 Number of program-recommended releases on own recognizance: 651  
 Budget: \$57,077 (1977-1978)  
 Permanent staff positions: 3  
 Public Service Employee positions: 1

## SANTA CRUZ COUNTY:

 SUMMARY OF DEFENDANT OUTCOMES,  
 BASED ON STUDY SAMPLE
BACKGROUND

Data on a sample of 430 defendants arrested or cited for non-traffic offenses\* during the period of July 1, 1976 through June 30, 1977, was collected by the evaluation staff during the Spring of 1978. Prior criminal record information was obtained from the Bureau of Identification of the California Department of Justice. The data was collected to determine rates and correlates of release, release equity, failures-to-appear, and pretrial crime in Santa Cruz County (including Watsonville).

TYPES OF RELEASE

Of the 428 defendants for whom release information was available, 385 (90%) were released. Early releases were most prevalent in Santa Cruz. Thirty-six percent (139) of those released were released in the field with citations and 33% (127) were given stationhouse release by the Sheriff's OR Program. Sixteen percent (60) of those released utilized bail bonds. Nine percent (33) were released on non-program OR. And only 7% (26) were released on Program OR. (The program interviewed only 22% of the defendants in the sample.)

Most (93%) of those not released were detained after not making their bonds.

Aside from possessing stronger community ties than persons released on citations, those released on Sheriff's OR had quite different charges at arrest. Those released by officers in the field on citations were

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\* An exception was DWI, which was included.

frequently charged with minor local offenses or possession of marijuana or liquor law violations or minor larcenies and thefts. Those released at the stationhouse by the Sheriff's OR Program were predominantly (68%) brought in for Driving While Intoxicated.

Persons released on Program OR had stronger community ties than those released by the Sheriff but had worse prior records and current cases. Program OR defendants had more relatives and dependents living locally and longer residence at their current addresses, but they also had three times as many prior arrests and six times the prior convictions. They had somewhat more previous failures-to-appear. At arrest 24% were already involved with the criminal justice system in some way (parole, probation, or pretrial release) as compared to 10% of the Sheriff's OR defendants. Program OR defendants were also more likely to have been caught during the commission of their crimes and were far less likely to have committed crimes with no victim (Sheriff's OR, 80% with No Victim; Program OR, 48%). Lastly, a noticeable segment of the Program OR releasees (15%) were charged with burglary (although like the Sheriff's OR defendants, with 68%, many Program OR defendants (48%) were charged with DWI).

Defendants given OR release by the court instead of by the release program had weaker community ties (number of relatives and dependents, years in the community, time at present address, references checked). But the major difference seems to be in the extent to which they were interviewed by the program which interviewed all persons released with its help, but only one-third of those given OR release by the court.

Similarly, those given a bail release were much less often interviewed than those released OR through the program and they had somewhat weaker ties. A major difference, which is difficult to explain, is

that those released on bail averaged one-quarter of the prior convictions of those given program OR. This is probably due to the relatively late intervention of the program which results in some of those with relatively better prior records obtaining bail release before the program gets to them. This is shown by the fact that it took bailed defendants an average of 3.6 days to obtain their releases after arrest, while it took program OR defendants an average of 5.2 days (this difference is not statistically significant).

Differences between those who made their bails and those who did not indicate that the latter had worse ties and records. They also had somewhat higher average bail amounts (by about \$500). Those who did not make their bails had two-and-one-half times as many prior arrests and convictions. Fifty-eight percent of their current arrests were for F.B.I. Part I charges, as compared to 29% for those released on bail. They were three times as likely to have used a weapon and less likely to have been charged with an offense not involving a victim. They were likely to be single males living alone on public assistance.

#### FAILURES-TO-APPEAR

The failure-to-appear rate was quite high in Santa Cruz County. In all, 20.5% (79) of the released defendants (385) failed to appear at least once. There were significant differences in the FTA rates for each type of release. Citation releasees had an FTA rate of 26.1%, Sheriff's OR releasees had a 20.5% rate, and non-program OR defendants had a rate of 15.2%. Program OR defendants had a 15.4% rate and bail releasees had the lowest rate, 13.1%. Overall, those with an early form of release were twice as likely to fail to appear as others.



Defendants who failed-to-appear had weaker community ties than those who did not. They were less often married, twice as likely to be unemployed, were more likely to be living with a non-family person and more often not a local resident. They were two-and-one-half times as likely to have failed-to-appear in the past. They were also more likely to be charged with drunkenness, narcotics possession offenses or larcenies.

Most of those who failed to appear (this information was available for 42 of the 79) returned for trial of their own volition within 30 days (52%). Over one-third, 36%, returned because they were arrested and the other 12% returned in other ways.

In most cases (79%), bench warrants were issued, existing releases were revoked (62%), and bail was set (75%). Bonds were forfeited in four cases. Three failures were prosecuted and resulted in one conviction. No action was taken in 19% of the cases. Only three of the failures were due to a known unavoidable cause.

#### PRETRIAL CRIME

The rate of pretrial rearrest for new offenses was approximately one-half of the FTA rate. Overall, 9.6% of the released defendants were rearrested. There were important differences in the rates of rearrest by type of release. Four percent of the citation releasees were rearrested and 12.1% of the non-program OR's were rearrested. Eleven-and-one-half percent of those released on bail were rearrested; 11.8% of the Sheriff's OR releasees were rearrested and 19.2% of the program OR's were rearrested. In all, these 37 defendants were rearrested 50 times during their pretrial releases.

In the majority of cases, rearrest either resulted in no change in release conditions (42%) or in the setting of bail (39%). Only one

bond was forfeited. One-third of the rearrests were for either drunkenness or driving while intoxicated. Only 17% of the (first) rearrests were for serious (Part I) offenses. In view of the fact that those re-arrested had a higher incidence of such serious offenses at original arrest (30%) than those not rearrested (16%), it seems that the pretrial charges were less serious than the original charges of these defendants. Second rearrests, however, were more serious, with three of the nine having been for Part I offenses.

Those who were rearrested accounted for a disproportionate share of the FTA's. Forty-one percent of those rearrested also failed to appear as compared to 19% of those released but not rearrested. Overall, 24 of the 50 rearrests, or about half, led to non-consolidated convictions (using conviction as an indicator of pretrial crime yields a pretrial crime rate of 6.2%).

While those rearrested had longer residences at their addresses and more relatives than other released defendants, they were also twice as likely to be unemployed. They were more likely to have been interviewed by the program and to have more references checked. More importantly, however, they had much worse prior records, having had three times the number of prior arrests and prior convictions.

At their trials they were twice as likely as others to have been represented by a "public" defender. In addition, they received notification to appear in more ways than others and had had more appearances to make in their trials than others.

SANTA CLARA COUNTY:  
DELIVERY SYSTEM HIGHLIGHTS

Background

The Santa Clara County pretrial release program was originated by a Judicial Executive Committee composed of both Municipal and Superior Court judges. It was funded briefly by L.E.A.A. and since 1971 by the county. Its scope of responsibilities has expanded from a misdemeanor O.R. program to include felony O.R.'s and Supervised O.R. The program is technically independent of other county departments and has a staff consisting of the Director, two Supervisors, 12 full-time interviewers, several part-time interviewers and 4 clerical members. Its budget is approximately \$440,00 per year.

Program Procedures

Pretrial Release Specialists are stationed at each of the three main booking facilities every day, 24-hours-a-day. Specialists interview the defendants immediately after booking and then verify the information. A point system is employed which does not take into account the nature of the charge. The program has the authority to release misdemeanor defendants if they have secured the required number of points. Felony cases are immediately referred to a judicial officer (between 8 AM and 10 PM) with a program recommendation.

The types of release available in Santa Clara County include: O.R., Supervised O.R., Conditional Release, and Surety Bond. Defendants granted an O.R. release are reminded of their initial court date by mail approximately 3 days before the appearance.

Those not granted O.R. and who do not post bail may be again referred to the program for re-investigation and Supervised Release consideration. Supervised clients are monitored more closely by the program and must be contacted at least once a week.

At the conclusion of the pretrial period, the program prepares a report on the defendant concerning compliance with any release conditions. These reports may be used by the Court for sentencing purposes.

Scope of Operations

Those eligible for program services represent approximately 66 percent of all persons arrested. The program actually interviews about 85 percent of the eligible felony defendants and 76 percent of the eligible misdemeanor defendants. Thus, of the 27,704 persons booked in 1977, 18,165 were eligible and 14,293 were interviewed.

The number of cases referred to the Supervised Release program in 1977 was 3,193 (or an average of 266 per month).

Release Rates

The number of defendants granted O.R. has increased over the years (from 5,419 in 1972 to 7,729 in 1977) although the rate has been fairly steady at about 55 percent of those interviewed.

Failure to Appear and Pretrial Criminality Rates

Failure to Appear rates have been fairly steady for the program's O.R. clients during the 1971-1978 period. The percent of such defendants who failed to appear and did not subsequently return to Court has ranged between 2.1 and 3.8. There is no discernible tendency for misdemeanor defendants to skip more or less than felony defendants. Rates for these two groups ranged from 2.2 to 3.9 percent and from 1.2 to 4.1 percent, respectively. Those defendants who simply missed a scheduled court appearance represent a much higher proportion of program clients. In the period 1971-72, this group totaled 6.4 - 7.1 percent of the O.R. defendants.

The very sparse information existing on rearrest rates suggests that in 1971 approximately 5.6 percent of all O.R. male defendants were rearrested pending trial for another offense. In the last quarter of 1974, approximately 13 percent of those defendants on supervised release were rearrested.

PROGRAM INDICATORS SUMMARY  
BASED ON PROGRAM REPORTS

Impact on Release Rates (1977)

Program recommended own recognizance release rate (both Programs combined):

57% (of those interviewed)  
29% (of those booked)

Supervised Release Rate: 20% (of those referred)  
2.3% (of all bookings)  
4.5% (of all those interviewed by  
O.R. Specialists)

Total Released (O.R. and Supervised Release):

62% (of those interviewed)  
32% (of those booked)

Failure to Appear (Fiscal 1976 Skip Rates)<sup>a</sup>

FTA Rate for Felony Defendants Released on O.R.: 3.0% (of  
felony defendants released)

FTA Rate for Misdemeanor Defendants Released on O.R.: 2.6% (of  
misdemeanors defendants released)

Total FTA Rate for Regular O.R. Program Clients (Felony and  
Misdemeanor): 2.7% (of total released)

FTA Rate for Defendants Released on Bail (Refers only to those  
defendants interviewed by the Program who had sufficient  
points for O.R.): 5.1% (of these bailed defendants, 1971)

Total FTA Rate for All Defendants Released Following Supervised  
Release Investigation: 7.9%

Pretrial Criminality

Rearrests of Those Defendants Released on O.R. by Regular O.R.  
Program: 5.6% (August-December 1974, males only)

Rearrests of All Defendants Released Following Supervised  
Release Investigation: 13% (August-December 1974)

Rearrests of Those Defendants Released on Bail: 6.5% (of those  
interviewed by the Regular O.R. staff who had sufficient points  
for an O.R.)

Speed of Operations (1978)

Time between Arrest and Interview: less than one hour  
Time between Interview and Release: misdemeanor cases = 30 minutes  
felony cases = 2-6 hours

Eligibility

Regular O.R. Program: All arrestees except those with outstanding  
warrants, parolees, probationers and those charged with drunkenness.

Supervised Release Program: All defendants referred for investi-  
gation by the Court.

Scope of Interviewing (1977)

Percentage of Eligible Arrestees Interviewed: 79%

Percentage of All Arrestees Eligible: 66%

Percentage of Eligible Felony Defendants Interviewed: 85%

Descriptive Information

Number of Interviews Per Year: 14,300 (1977)  
Number of Program-Recommended O.R. Releases: 7729 (1977)  
Budget: \$441,000 (fiscal year 1978-79)  
Permanent Staff Positions: 19  
Public Service Employee Positions (CETA): 4

- a. Skip Rates—Rates of defendants who fail to appear minus those  
defendants who return voluntarily or by the program  
or police.

SANTA CLARA COUNTY:  
SUMMARY OF DEFENDANT OUTCOMES,  
BASED ON STUDY SAMPLE

BACKGROUND

Data on a sample of defendants arrested and booked (for non-traffic<sup>1</sup> and non-citable charges) during the period December 1, 1977 to May 31, 1978 was collected to answer questions concerning rates and types of release, release equity and the release condition violations of failure-to-appear and pretrial crime. The data was retrospective in nature, with the cases of all of the defendants in the study having been disposed prior to data collection. Data on 337 defendants was gathered. In addition, a supplementary sample of 28 Supervised Own Recognizance Program (SORP) defendants was taken, for a total of 365 defendants studied.

TYPES OF RELEASE

Most of the 337 defendants were released during the pretrial period. In all, 85.5% (288) gained release. The two most frequent types of release were program OR, accounting for 47.6% (137) of those released, and bail bonds, accounting for 38.2% (110). Non-program OR's, where the program either made no recommendation or opposed OR release, accounted for the remaining 14.2% (41) of releases. (Six defendants, 2.1% of those released in the main sample, were released via the SORP program, but are classified here with regular OR's. SORP supplementary sample (n=28, N=365) release outcomes will also be discussed.)

Of the 14.5% of the defendants not released, the majority (90%—44 of 49) were held in lieu of bonds. Only about one percent of all defend-

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<sup>1</sup>DWI cases were included, however

ants were detained outright (one charged with murder, one with a narcotics distribution charge, one for DWI, one for drunkenness and one whose charge is missing from the data).

In general, those not released (bond not made and detained) had weaker community ties, worse prior records and worse current charges than those released. And a disproportionately large proportion of black defendants were detained.

Those detained were more often unmarried and not supporting a family, living with a parent or alone, unemployed or employed in menial occupations and were younger than those released. Detained defendants had much more prior arrests and convictions as well as prior FTA's and were more often involved with the criminal justice system (especially already on pretrial release or probation) than others. In addition, many more of the criminal charges for which they were arrested were for FBI Part I offenses and twice as many were arrested on multiple charges. Not surprisingly, detained defendants did less well on the program's point scale than those released (78.3% of defendants were interviewed; 79.9% of those released and 68.8% of those not released).

Assignment of bail rather than a program OR release tends to be associated with much the same factors as lead to detention (usually bail not made) instead of release. Those given bail have weaker community ties, (fewer are married or employed, more are on public assistance, have fewer dependants, shorter local residencies, are younger, and did less well on the point scale), worse prior records (more prior arrests and convictions and more current CJS involvements) and worse current charges (much more Part I and multiple arrest charges). What is different is that while 100% of those given program OR's had been interviewed by the program, this

was true of only 55% of those released on bail.

Similar differences distinguish among the ORP and SORP defendants. What is notable is the higher incidence of Part I charges, especially burglary charges and the incidence of socio-criminal problems among SORP defendants, with half (54.5%) being assigned to a manpower referral program and one-third (36.4%) assigned to a drug treatment agency.

#### FAILURES-TO-APPEAR

Of the total of 316 defendants released (including SORP), 51 (16.1%) failed to appear for at least one court date (in addition, five persons failed to appear more than once on the same charge). The average time to first FTA was 43 days from pretrial release, while the average time from release to case disposition for those who did not FTA was 77 days. Persons released through the Pretrial Services agency exhibited markedly lower FTA rates than others. ORP releasees had a 10.2% rate and SORP defendants had a 14.3% rate. On the other hand, bail releasees had a 20% rate and non-program OR defendants (i.e., those released without or against the program's recommendation) had a 26.8% FTA rate. Overall, 3.25% of all defendants' appearances were missed due to FTA's.

Strong action tended to be taken in Santa Clara County against FTA's. Fifty percent of those in our sample who failed to appear were arrested. Another one-third returned of their own volition within thirty days. The rest (16.7%) were fugitives at the time of our data collection. Bench warrants were issued for 82% of the FTA's. Existing releases were revoked for 43%. Bonds were forfeited in just under 18% of these cases. Two of the 51 were prosecuted and in seven cases no action of any kind was taken (two persons were unable to appear due to illnesses).

There were many factors differentiating those who failed to appear

from those who did not. These included community ties, criminal history and current case. Specifically, those who failed to appear were more often unmarried (single or separated); living with a relative (those living with a spouse had a low rate); three times as likely to be unemployed; more likely not to be local residents; service or transport workers if employed; having a last occupation of laborer if currently unemployed and younger than others at first adult and current arrests. In terms of prior record, they had twice the number of prior arrests and convictions; four times the number of prior FTA's and were twice as likely to be currently involved with the criminal justice system as not to be.

Where there were agency recommendations, five of the nine "do not release" recommendations in the sample were applied to them. Although they had more references checked than non-FTA's, they scored an average of one-half the points on the point scale of the non-FTA's, getting fewer points for residence, family ties and employment, while getting more points deducted for prior record and receiving less credit for not having a recent conviction. Persons who failed to appear were more likely than others to have been arrested for an FBI Part I charge (including two of the five arrested for forcible rape). They were especially likely to come in on economic charges (especially burglary, larceny/theft, forgery/counterfeiting, fraud and vandalism). They were also more likely to have been arrested on multiple charges (39.2% versus 20.8% for the non-FTA's). In their cases they were far more likely to have been represented by a public defender. They also had more appearances than others, but received fewer notices to appear. And they had three times the number of postponements of others.

PRETRIAL CRIME

Of the 316 defendants in our sample who were released pretrial (including SORP), 46 (or 14.6%) were rearrested a total of 70 times for new offenses occurring during their pretrial periods. As with FTA's, program releasees performed much better than those released in other ways. Specifically, ORP defendants had a rearrest rate of 8.8%. SORP defendants had a rate of 10.7%. Bail releasees had equal FTA and rearrest rates of 20%. Non-program OR's had a 22% rearrest rate. The average time to rearrest was 57 days from release. As with factors associated with FTA, some of the characteristics which are associated with non-program releases separate the rearrested from the not rearrested releasees. Additionally, FTA and rearrest were themselves highly associated with 22 of the 46 persons rearrested (47.8%) also having failed to appear.

About half of those rearrested (47.3%) were convicted of pretrial crime. Factors which were related to both rearrest and convictions for pretrial crime involved defendants' community ties, prior records and current cases.

Pretrial criminals in Santa Clara County were more likely to be living with their parents (and were younger than others) and were more often unemployed. On the point scale, they received fewer points than other defendants for employment and no recent previous convictions, and had more points deducted for prior record. Overall, they received one-half the point scale totals received by others. Pretrial criminals had twice the prior arrests and convictions of those not rearrested. They also had more prior FTA's. Those currently involved with the criminal justice system at the times of their original arrests had far higher probability of rearrest than those not involved. However, pretrial

criminals and other defendants did not have a different distribution of arrest charges in their original cases. Lastly, pretrial criminals, like FTA's, were more likely to be represented by public defenders than by other kinds of counsel; and had more appearances in their cases than others.

APPENDIX B: METHODOLOGY

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PART I.  
DEFENDANT OUTCOMES ANALYSIS

I. SITE SELECTION: CRITERIA AND PROCEDURES

Procedures for the selection of the eight cross-sectional sites began with collection of information concerning pretrial release programs throughout the country. Such information included agency profiles developed by the Phase I study, which provided, for approximately 100 programs, agency operations, defendant eligibility, workload and release violations data. In addition to this source, information was obtained from the Pretrial Services Resource Center and individual release agencies.

From this large quantity of information, which was of varying timeliness and accuracy, jurisdictions with programs were grouped into five categories: Places with Full Eligibility and Interviewing, Places That Do Not Interview All Eligible Arrestees, Places With Limited Eligibility, Places Interviewing After Arraignment, and Places Emphasizing Supervision. For all jurisdictions where it was available, information concerning release eligibility exclusions by charge, size of defendant population, number interviewed by the program, proportion interviewed as compared to the number booked, timing of interviews in defendants' processing, and use of releasee supervision was compiled. After careful deliberation, and in consultation with the study's Advisory Panel, criteria for the selection of potential research sites were devised. There were both substantive and practical criteria.

We decided to study only jurisdictions with publicly funded release programs. Also, because our goal was to develop a data base which would permit cross-jurisdictional comparisons involving a broad range of criminal arrest charges, we sought to study sites with few exclusions from consideration for release on the basis of offense. Moreover, we did not usually pursue the study of programs unable to determine the eligibility of large numbers of defendants, unless other considerations warranted the study of



such jurisdictions. (For example, an exception was made in Miami, where only felony defendants are interviewed, to satisfy geographic considerations.) Within their eligibility guidelines, we sought to study places with programs that interviewed most of those eligible to be interviewed for consideration for program-fostered release.

Because it was desired to study the outcomes of pretrial release under varying circumstances, we sought to study a mixture of operating approaches and levels of intervention. Of particular importance was the range of types of releases offered. Our goal was to be able to study many types of nonfinancial and financial releases. Another operational consideration was the timing of program intervention in defendants' cases, usually either soon after arrest or not until after an arraignment had produced a release offer a defendant had not met. The use of post-release supervision, including referral to social and treatment programs, was another parameter entering into our selection of sites, as was the use of objective (point scale) or subjective methods of rating the eligibility of interviewed defendants. Finally, coverage of the major geographic regions of the country and study of jurisdictions of varying size were considered in making selections. Naturally, many of these substantive factors interacted in our selection decisions so as to cause us to seek sites possessing a few characteristics not yet adequately represented by sites already chosen, while other sites provided variation along many dimensions.

Practical considerations also had considerable impact upon the selections made. One feature of these selections was that they resulted from a continuing process and were not all made prior to data collection. One consequence of this was that the accuracy of existing information about programs, given their often fluctuating life cycle, needed updating as the project proceeded. Hence, updating of information concerning sites that seemed

desirable was done as a part of the selection process. This included updating existing data on programs' eligibility requirements, extent of coverage, time of intervention, budget and staffing, use of supervision, provision of release recommendations and the violations rates currently being experienced. Additionally, it was necessary to determine whether release program, courts' and police department information on defendants was centrally located, since record decentralization would fragment and lengthen data collection efforts, which were usually conducted by a team of three researchers working at one site at a time.

Another practical consideration was whether the needed files were available for the time period to be studied. Some sites which were otherwise desirable could not be studied because of data availability problems. In addition, the use of some kind of uniform, unbroken numbering system for arrested defendants' records was needed, so that sample cases could be efficiently selected for study.

If the results obtained from the consideration of each of these substantive and practical factors supported the study of a jurisdiction, we then sought its cooperation in a research effort. Here there were sometimes problems. Some jurisdictions' administrative judges, for example, felt that too much organizational time had already been consumed by research studies and refused to cooperate. In other cases the agencies and chief judges were willing to cooperate, but the Sheriff's Department was unwilling to allow outside access to its records. When these cooperative arrangements were crucial, such refusals caused us to drop the site from consideration for the study. For instance, none of the probation-run release agencies that we contacted was willing to participate in the research.

Because pretrial release is often insufficiently evaluated locally, with

programs unable to assess their violations rates or extent of arrestee interviewing coverage, it was often deemed useful by program officials to cooperate in an evaluation conducted by an impartial outside agency. Officials were also quite interested in learning of other agencies' operating procedures and their consequences for rates of release and violations elsewhere. Thus, our ability to provide both post-research site and comparative results was often helpful in gaining the cooperation of agency officials.

In all several dozen candidate sites were contacted, of which eight were studied in the following temporal order: Baltimore City, Maryland; Santa Cruz County, California; Louisville, Kentucky; Dade County (Miami), Florida; Baltimore County, Maryland; Pima County (Tucson), Arizona; Santa Clara County (San Jose), California; and Washington, D.C.

## II. SELECTION OF SAMPLES

In each site we usually drew a simple random sample of defendants. The source populations for the samples were usually contained in lower court complaint files. (In Baltimore City, where we were told that the release program interviewed virtually all arrested defendants, we sampled program interview folder numbers.) Hence, our populations were composed of arrests (or in some places arrests plus citations) that resulted in the filing of complaints. The lower court records automatically contained cases tried in felony courts because initial arraignments arose in the lower courts, regardless of where they may have eventually been tried or whether the defendants were released pretrial.

These procedures stemmed from our broad focus on pretrial release practices and outcomes. This led us to sample all defendants, released or not, as well as those released with and without program assistance. Such sampling permits assessment of jurisdiction-wide outcomes and comparison of program with non-program consequences for defendants and release outcomes.

Because the issues we were studying were defendant-, rather than case-centered, we used the case numbers drawn to identify the persons we would study. Those numbers were selected by computer, without replacement into the population pool sampled. The computer was instructed to randomly select a designated number of case numbers from the set(s) of numbers collected for the time period (usually one year) to be studied. Besides the main sample, supplemental samples of various sizes were generated and used for substitutions to yield samples of designated size when main list cases were dropped from study.

The basis for sampling was the same in every site. Our goal was to

select at least one program OR-released defendant, in each site, who was likely to have been rearrested pretrial at a 95% confidence level. Program-provided figures concerning rearrest rates (or estimate of rates developed by using surrogate FTA rates) along with population sizes were used to produce each site's appropriate sample size at accepted levels of sampling error. Because of the imprecision of the information upon which the sample estimates were based, we usually also required selection of a sample of at least 400 defendants for study.

Once a case number was selected, defendant- and charge-based exclusions were made. These included juvenile defendants, persons being held for other jurisdictions, and commitments. We also excluded traffic offenses other than driving while intoxicated (DWI).

Such exclusions necessitated the supplemental case number lists. Once a supplemental list was used, after main list sampling occurred, it was used in its entirety. This was done to avoid introducing bias into the sample through the use of only a portion of a supplemental list. (The numbers on each list were arranged in numerical order to facilitate their use on-site.)

To reduce the number of exclusions and to make it easier to handle cases arising in the sample which were themselves the result of pretrial arrests, a standard practice was followed that whenever it was found that a defendant had had more than one arrest in the period studied, the earliest non-excludable case became the one to be studied. The consequences of this procedure were that it made the unit of analysis the defendant and rendered some pretrial arrests studiable as such rather than as cases to be tracked to determine if they gave rise to pretrial arrests themselves. Another consequence was that it eliminated multiple studies of the same defendant when a defendant had multiple arrests in the study period.

Table 1 shows the sizes of the samples drawn in each of the sites. It also shows the program-provided estimates of their pretrial crime rates. Most of the rates stemmed from either old findings or guesses based on the FTA rates. Because the actual pretrial arrest rate found by our research was always higher than the programs' estimates, the sample sizes used exceeded the numbers required. In addition, supplemental samples of sub-populations were drawn in three sites as aids in the analysis of the reliability of findings made for the small numbers of some defendants (e.g., those on supervised release) who were randomly sampled in the main samples. The "Source of Sample" row shows the sources of case numbers sampled. Where there were breaks in the number sequences, these were taken into account in the sampling procedures.

TABLE 1  
SAMPLES SELECTED IN CROSS-SECTIONAL SITES

	BALTIMORE CITY, MARYLAND	BALTIMORE COUNTY, MARYLAND	WASHINGTON, D.C.	DADE COUNTY, FLORIDA	LOUISVILLE, KENTUCKY	PIMA COUNTY, ARIZONA	SANTA CRUZ COUNTY, CALIFORNIA	SANTA CLARA COUNTY, CALIFORNIA	TOTAL
Population Size	37,391	18,528	30,000	9,860 <sup>2</sup>	19,200	16,534	8,605	19,389 <sup>3</sup>	159,507
Sample Size <sup>1</sup>	556	419 <sup>4</sup>	442	427	435	409	430	342	3,460
Supplemental Sample Size (Approximate sub-population)				77 (2,700)		25 (600)		23 (170)	125 (3,470)
Description of Supplemental Population Sampled				Program and Custody Releasees		Supervised Program Releasees		Supervised Own Recognizance Program Releasees	
Program's Estimate of Program OR Pretrial Crime Rate <sup>5</sup>	1.5%	0.9%	14.8%	3%	6%	9%	2%	5.6%	
Time Period Sampled in Site	7/1/76 - 6/30/77	Calendar 1977	Calendar 1977	1/1/78 - 6/30/78	Calendar 1977	Calendar 1977	7/1/76 - 6/30/77	12/1/77 - 5/30/78	
Source of Sample	Release Program Interview Files	Approximately 75% Lower Court Case Files, 25% Release Program Files	Lower Court Docket Listings	Upper Court Case Files (Felony Cases Only)	Lower Court Case Files	Sheriff's Department Booking Log	Lower Court Case Files Santa Cruz and Watsonville	Jails' Booking Logs	
<sup>1</sup> Total of Samples and Supplemental Samples is 3,585. <sup>2</sup> Six months felony only sample. <sup>3</sup> Six month sample. <sup>4</sup> Six month sample. <sup>5</sup> Stratified sample of Program and Non-Program cases. <sup>5</sup> Used in conjunction with number released OR by program to determine minimum sample sizes needed.									

### III. DATA COLLECTION

#### A. Data Collection Guide: Formation, Goals and Content

A data collection guide for the field data collection effort was constructed following a literature review and discussions with pretrial release practitioners and researchers. The focus of these activities was on identifying the major issues to be addressed by the study. Once these issues were specified, the data needs of the study were determined. Besides data on items that have been found important in past studies of similar issues, we considered numerous additional data elements, tailored to the particular needs of the pretrial release evaluation.

Our main goal in the construction of the data collection guide was to ensure the collection of comparable data within and across each of the sites. Because programs often use different definitions of outcome measures, we attempted, to the extent possible, to develop and employ uniform operational definitions of events. In general, these definitions were defendant-based and broad in scope.

The major terms which required careful delineation were failure to appear, pretrial arrest, appearance and postponement. Such events are defined differently in many places, and varying data sources are often relied upon as indicators that one of them has occurred. Thus, it is not surprising that a study of pretrial release conducted by the Office of Economic Opportunity in 1973 found 37 definitions of "failure to appear" in use among fifty-one programs surveyed.<sup>1</sup>

<sup>1</sup>Hank Goldman, et al., The Pretrial Release Program (Washington, D.C.: Office of Economic Opportunity, 1973), pp. 21-22.

We used failure to appear in a broad sense. We were attempting to delineate the size and correlates of failures to appear without resort to the lines of organizational responsibility in jurisdictions which affect definitions used by programs. Such local considerations lead to violations rates including only those of program responsibility. For us, an FTA was counted whether or not the program was held responsible if the defendant was required to appear.

If the defendant notified the court prior to the scheduled appearance that he or she would be absent, but the judge was not notified and issued a bench warrant, this was not counted as an FTA. However, if the defendant contacted the court on the same day, but not prior to the time that the FTA occurred, and a bench warrant was issued but then quashed, this was considered an FTA. In general, if the defendant was a "no-show," we considered the person to have failed to appear.

It was often difficult to ascertain whether an FTA occurred unless the court specified that a missed appearance was an FTA by issuing a bench warrant. However, we searched every available case document in determining whether a defendant failed to appear before reaching a decision.

Consideration of FTA also required us to define "appearance" and "postponement." For us an appearance was "real" when the defendant's presence was required, the defendant did appear, and some proceedings took place. A postponement, whether before or at appearance, was said to occur when nothing took place other than a change in the appointed date for substantial proceedings.

Pretrial crime was by far the most complicated concept to define. It has two components: arrest and criminality. Pretrial arrest, as we refer to it, occurs when a defendant already facing trial for another

offense is arrested during the period of pretrial release for an offense which occurred during the period of release. Such an arrest may occur between the dates of release and disposition of the current case. We did not count arrests arising from offenses which occurred prior to the date of release (e.g., those resulting from an outstanding warrant).

If we were unsure of the date of an alleged offense, we usually did not count it as a pretrial arrest. We also did not count minor traffic arrests. Nor did we consider arrest for failure to appear for the case under study as a pretrial rearrest. We did, however, count rearrests by other jurisdictions, when we were able to determine them, as well as those by the site under study.

"Pretrial crime" requires both a pretrial arrest and some indication of a finding or admission of guilt for the rearrest charge(s). The latter condition can be satisfied either by the outcome of a trial for the new offense (finding of guilt or guilty plea) or apparent consolidation of original and rearrest cases resulting in a finding or admission of guilt. Consequently, we collected data on the dispositions of rearrests, as well as their occurrence.

The data collection guide, which appears at the end of this appendix, was designed to be a complete guide to the variables, code choices, and coding format to be used in the field. The guide underwent several revisions that added code items or adjusted for differences in objective point scales. In terms of the variables measured, however, no changes of consequence took place during the study of the eight sites. The guide called for the collection of as many as two hundred pieces of information concerning each defendant studied. These items fell into several categories: Defendant Identifiers, Demographic Information, Background

Information, Criminal History, Present Arrest and Release for Previous Charge, Release Information, Charge Under Study (including Program Involvement), Post-Release Program Intervention, Weight of the Evidence, Court Appearances (including Failure to Appear), Disposition of Charge(s), Pretrial Criminality, Verified Points, and Miscellaneous.

A defendant tracking sheet listing all available identifiers was used to insure study of the correct defendants as collection of data moved from one agency to another. A "New Codes" sheet was used when new information which did not easily fit within existing codes was found. These sheets, as well as site-specific operating procedures and defendant characteristics, led to adaptation of the coding schemes, when needed. A Julian calendar (Date Coding Sheet) was used to translate dates to a numeric form, and an FBI listing of offenses was used for coding of charges.

#### B. Implementation Procedures: General and Adaptive

A pilot test of the data collection guide and procedures was carried out in Baltimore City, Maryland, during the fall of 1977. This site was selected because of its proximity and the relative completeness of the records found there in exploratory visits.

In order to select a sample of program-interviewed defendants, it was necessary for project staff to affix identifying numbers to about half (17,000) of the defendant interview folders maintained by the release program for the study period chosen. These consisted of the folders of all defendants interviewed but not recommended for own recognizance release by the program and therefore not numbered for tracking.

After the pilot test and revision of our procedures, Baltimore was studied as one of the project's sites. We may use Baltimore as an example

of the relation between arrest populations and our samples. Of the approximately 49,000 persons arrested in the study period there, some 37,000 were booked and remained in the criminal justice system by the time of the first bail hearing. Others were excluded. To obtain the 556 defendants needed for our sample there, 632 cases were drawn. Thus, seventy-six were dropped due to charge and other exclusionary factors.

The "Data Collection Procedures" that follow the "Data Collection Guide" discuss the overall and site-specific guidelines used by our team of three field researchers as they collected data in sites across the country. They offer guidance to those seeking information on the ways in which major discretionary elements were employed. As these procedures indicate, adaptive mechanisms were employed in different sites when absolutely necessary. The items discussed are keyed to data collection guide space numbers.

#### C. Use of Confidential Criminal Histories (Rap Sheets)

Collection of prior record and rearrest information required access to rap sheets. These, or documents composed from them, were essential in the determination of the extent and nature of defendants' past arrests, convictions, dispositions, and sentences. They were also useful in conjunction with court alphabetical defendant arrest docket books, in finding all arrests which each defendant under study had during the release period. Police offense reports and other documents were often useful in determining dates of the alleged offense, as opposed to the rearrest.

In general, we relied on local records in ascertaining which defendants were rearrested. This was done because it was not always possible to determine offense dates from other jurisdictions and because local police

departments often received arrest reports from State and Federal agencies. Also, many of the jurisdictions we studied were county-wide, and the sizes of these counties made it likely that most rearrests would occur within them. Lastly, rap sheets covering broader jurisdictions were often out-of-date by several years.

In several jurisdictions (Santa Cruz, California; Santa Clara, California; and Baltimore County, Maryland) local officials were prevented by State law from providing rap sheets directly to us. After lengthy negotiations and petition procedures we were able to reach agreements by which State rap sheets could be provided to the project without breaching the confidentiality requirements of the applicable laws.

The process of obtaining State rap sheets where there are strict confidentiality statutes, as there are in California and Maryland, may be instructive for other research projects. One consideration is that they are not provided free of charge, but must be paid for at a nominal rate. (In our case, the charge was \$1.65 per rap sheet search in California and \$2.00 in Maryland.)

It was necessary to prove that we were, in fact, working on a research project with funding source documentation. The data to be provided had to be for purely statistical purposes with no use of defendant identifiers. This proved a problem, because it was essential that we be able to match rap sheets with the rest of the data we had collected for each defendant. We were successful in developing a plan whereby we sent double-compartment envelopes containing the coded data forms and defendant identifier tracking forms for each defendant to the agencies responsible for criminal records. Access to the coded data was a satisfactory indication of the purely statistical nature of the project. The identifier sheets were used by

agency personnel to locate a defendant's records; when the correct rap sheet was located, it replaced our tracking sheet in the envelope. The tracking sheets were retained by the agency, and all identifiers were removed from the rap sheet copies provided. To prevent accidental separation of a now-anonymous defendant's data forms and rap sheet, the project Defendant ID Number was noted on the rap sheet. The information was sent both ways by mail in boxes. The process worked very smoothly and took from two to six weeks per site. Upon receipt the rap sheet information was coded, thus completing data collection for affected sites.

#### D. Data Collection and Coding Reliability

Periodic checks of the interpretations of data elements in the field were made. Particular attention was paid to such matters in Baltimore, the first site studied, though checks were made in several of the sites. Not only was the use of specific items checked but also the reliability of the data collectors was checked and errors corrected. The technique employed was to randomly select ten percent of the completed cases and have the data collectors re-do and then discuss each other's cases with supervisory personnel. This served to reveal inconsistencies in the ways items or codes were being applied. It also alerted them to any simple errors they may have been making. When systematic errors were discovered, all applicable cases were corrected. In general, the results of these checks revealed very few inconsistencies or errors.

#### IV. DATA ENTRY PROCEDURES: CODING AND PREPARATION FOR ANALYSIS

In order to save funds, reduce errors and speed analysis, the data were coded in the field on scannable Optical Mark Reading (OMR) forms by the data collectors. Coding of the data was done on-site as the data was collected.

Optically scannable forms were printed, using a general coding sheet format available off-the-shelf from a form printing company. The location of a facility willing and able to scan our forms proved troublesome. However, once a satisfactory facility was located (at the Howard University Medical School), the method proved extremely advantageous. It removed potential copying, coding and keypunching errors. It avoided possible losses of data source documents. It vastly increased the speed with which the data were available for analysis. (Whereas a keypunch operator can produce an average of 50 verified, punched cards per hour, the scanner produced 2,400 card images per hour with no need for verification.) Further, we were able to use a computer to check some of the fields on the data tapes produced by the scanner to check our data cases for the purpose of editing them ("cleaning" of the data).

If raw data had been collected in the field to be subsequently coded, it is estimated that an additional \$21,600 would have been expended for coding personnel, taking into account the extra time coding caused our field team to work on-site. Key punching, at an average cost of \$500 per 1,000 verified cards, would have cost \$9,000. The estimated total cost for these tasks would have been \$30,600. Instead, the scanning



cost, including forms, was about \$1,400, plus a relatively small investment of additional staff time.<sup>2</sup>

<sup>2</sup>For a detailed discussion of optical data entry, see Martin D. Sorin, Data Entry Without Key punching (Lexington, Mass.: Lexington Books, forthcoming 1981).

## V. DATA PROCESSING AND ANALYSIS

### A. Location and Computer Programs

The primary computer installation utilized for analysis was the University Computing Center at The Johns Hopkins University. The majority of the computer-assisted analysis, as well as the sampling, was done by Professor David A. Pyne of the Mathematical Sciences Department of that University and his assistants.

The primary computer program used was the Statistical Package for the Social Sciences (SPSS). Also used was the Bio-Medical Data Package (BMDP). A program to perform the project's logistic regression analyses was written by Professor Pyne. A copy of that program is available upon request.

### B. Use of Comparison Groups

In order to facilitate analysis of the data, categories of the major dependent variables were used to construct comparison groups. The association of independent variables was tested to explain membership in the groupings. The major comparison groups were derived from types of release and violations of release conditions. In the initial analysis of data from each site, defendants were assigned a type of release. Across the eight sites there were twelve different types:

- surety bail;
- program OR;
- non-program OR;
- bail not made;
- detention;
- deposit bond;
- citation;

- third party custody;
- unsecured bond;
- program bond;
- sheriff's OR; and
- supervised own recognizance program (Santa Clara only).

In each site groups of defendants who were assigned to two different release types were compared to determine the correlates and consequences of their differing releases (e.g., defendants released on program OR were compared with those released on surety bail). Other release groupings were also compared, especially those released versus those detained.

No site contained all twelve types of release options. Where very few defendants could be classified in a release type, they were grouped with the next most similar type. For example, three persons in the Baltimore City sample were given deposit bond. This was far too few for fruitful comparison. Therefore, they were grouped with defendants offered surety bond releases.

The major violations used as dependent variables were:

- failure to appear;
- pretrial rearrest; and
- pretrial crime (conviction).

Usually the defendants (released defendants only) were sorted into dichotomous groupings (violators—non-violators) and correlates were determined.

In the analysis of data from all eight sites, aggregated main sample data were used. The major comparison groups used at that stage were:

- released — not released;
- financial release — nonfinancial release; and
- magistrate-set financial release — magistrate-set nonfinancial release.

The violations comparison groups were the same as for individual sites (i.e., failed to appear versus did not; rearrested pretrial versus not; and convicted for pretrial arrest versus not).

### C. Weighting of Data

It was our conclusion that the data we had collected represented much of the range of variations in the ways programs operate, where they are located, the defendants they serve, et cetera. (The results of our site selections, discussed earlier in this Appendix, are fully profiled in the text of this volume.) Because of this and in order to simplify the development of conclusions from the massive quantity of data collected, the site-by-site data were aggregated. Cases from each of the sites were statistically weighted to adjust for differences in the population sizes from which they were sampled. The intention was to weight a site's cases as a function of its population's contribution to the total universe sampled. Hence, we turned the sites into strata of one "national" sample. Our inferences from that point stem from one sample composed of eight site strata. While we do not assume that the resulting aggregate is a simple random sample of pretrial release programs or defendants on a national scale, we do assume that it is reasonable to make inferences about pretrial release within this special universe of eight sites and from it to such other places as share their important characteristics.

The weighting procedure employed the weights shown in Table 2. Unless otherwise stated, discussions in this report refer to data which have been weighted and do not accurately reflect individual sites except where they are discussed separately. The effect of the weights is not to change proportions within a site, but rather to change absolute numbers

of cases within a site and the relative contributions of individual sites to the aggregate data base.

TABLE 2  
WEIGHTING OF SITE DATA

Site	Popu- lation	Sample	Weight (Rounded in table)	Weighted Sample
Baltimore City, Md.	37,391	556	1.4588	811
Santa Cruz County, California	8,605	430	.4341	187
Louisville, Kentucky	19,200	435	.9574	416
Dade County, Florida	9,860	427	.5009	214
Baltimore County, Md.*	18,528	419	.9592	402
Pima County, Arizona	16,534	409	.8769	359
Santa Clara County, California	19,389	342**	1.2298	421**
Washington, D.C.	30,000	442	1.4723	651
TOTAL	159,507	3,460		3,461

\*Weighting of original strata incorporated.

\*\*An error in the weighting procedure resulted in the inclusion of 23 Santa Clara SORP defendants, drawn as a supplemental sample, in the aggregated data set. With a weight of 1.2298, these 23 became about 28. This accounts for the figure of 3,488 reported in the text for the weighted sample total. The unweighted total was thus 3,483 rather than 3,460.

#### D. Techniques Used in Analysis

Initial analysis involved generation of marginal frequency statistics for categorical variables, and descriptive summary statistics for continuous variables. (This was preceded by extensive work to set up system files containing variable formats, names, value labels, and data transformations.) Bi-variate analyses were done using crosstabular statistics and one-way analyses of variance. Where indicated by calculated variances, non-parametric significance tests were employed.

The categories of nominal variables showing statistically significant relations (.05 or better) to the dependent variables were converted in multivariate analyses to dummy variables with dummy codes of zero for absent and one for present. This greatly increased the number of related "variables." To isolate the more important ones, they were entered into bivariate Pearson's Product Moment correlation analyses. Those with adequate numbers of cases (usually at least 2,000), high t-test results (usually significance levels of .001) and correlation coefficients that were not trivial (i.e., at least .01) were deemed to have passed a second screening. Continuous variables (which were not dummy coded) were entered in the correlations runs as well.

The resulting refined set of the variables most highly related to the dependent variable were then included in discriminant analyses to trim the set further. Then logit model studies were conducted to isolate the very best independent predictors of the outcomes. Such analyses were done on the aggregated data and site-by-site with weighted data, using independent variables which had been gleaned from the aggregate--as opposed to site-by-site--analysis. Variables which were related to the dependent variables in only one or two sites were not included in the aggregate analyses,

as the purpose was not to study pretrial release in a few sites, but rather across many of the sites.

DATA COLLECTION GUIDE

## B-28

Site I.D. No.: \_\_\_\_\_

Defendant I.D. No.: \_\_\_\_\_

Study Type: \_\_\_\_\_

Date of Arrest: \_\_\_\_\_

Charges (Abbreviations): \_\_\_\_\_

Identify each one. Such numbers include P.D.I.D., N.C.I.C., Docket No., etc.

[illegible]

Name of Defendant \_\_\_\_\_

Date of Birth

## Aliases

Address of Defendant

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

Defendant's Telephone Number \_\_\_\_\_  
(Area Code)

### Places You Collected Data

Names of Courts Which Tried This Case

Name of Data Collector \_\_\_\_\_ Date Form Completed \_\_\_\_\_

(Complete for every defendant)

IDENTIFICATION: Site I.D. No. \_\_\_\_\_ From D/S Identification Sheet

Defendant I.D. No.: \_\_\_\_\_ From D/S Identification Sheet

Study Type: \_\_\_\_\_ From D/S Identification Sheet

[illegible]

Name of Data Collector \_\_\_\_\_ Date Form Completed \_\_\_\_\_

(Use reverse side for comments relating to this case)

B-30

## DEFENDANT/SITE DATA RECORDING FORM

Instructions: When data for a question is missing, always fill in ALL the columns with "0's". When answer will not fit in existing codes, use NEW CODES SHEET.

INFORMATION	CODES
<b>A. IDENTIFIERS</b>	
(1) Coding Sheet No.	Place a "1" in this column
(2) (3) Site I.D. No.	From D/S Identification Sheet
(4) (5) (6) (7) Defendant I.D. No.	From D/S Identification Sheet
(8) Study Type	From D/S Identification Sheet
<b>B. DEFENDANT DEMOGRAPHIC INFORMATION</b>	
(9) (10) (11) (12) Date of Birth	Month, Year—Use two digits for each (viz. 02 52 = February 1952)
(13) (14) Age at time of arrest for this offense.	Use two digits, e.g., 3 0
(15) Ethnicity	Black = 1      Oriental = 4 Hispanic Surname = 2      Other = 5 White = 3      American Indian = 6
(16) Sex	Male = 1 Female = 2
<b>C. BACKGROUND INFORMATION</b>	
(17) Marital Status	Married, living with spouse = 1 Married, not living with spouse = 2 Divorced = 3 Widowed = 4 Never Married = 5
(18) Does Defendant (D) support family?	Yes, Alimony = 1 Yes, Supports Child = 2 Yes, Alimony and Child Support = 3 Yes, Other type of family support = 4 No = 5
(19) With whom does D live?	Parent=1, Spouse=2, Guardian=3, Other Relative=4, Non-Family Person=5 Alone=6
(20) Total number of relatives in area	9+ = 9
(21) (22) Total number of dependents in area	Use two digits

B-31

INFORMATION	CODES
(23) Local Resident?	Yes = 1 No = 2
If (23) answer is "1",	
(24) (25) Number of years of local residence?	Use two digits.
(26) (27) (28) Number of months at present address	Use three digits. 1 month or less = 001
(29) Is person an alien?	Yes, legal = 1      Foreign-born, status Yes, illegal = 2      Unknown = 4 No = 3
(30) Employed at time of arrest?	Yes = 1 No = 2 Housewife = 3 Fulltime Student = 4 Employed and Student = 5
If (30) answer is "1",	
(31) (32) What is occupation?	Professional/Technical = 01 Managers/Administrators = 02 Sales/Retail = 03 Clerical = 04 Craftsmen/Foremen = 05 Operatives (except Transportation) = 06 Transportation Equipment Operatives = 07 Laborers (except Farm) = 08 Farm Workers = 09 Service workers = 10 Private household workers = 11 Armed Forces = 12
(33) (34) What was the last occupation?	Use three digits. 1 month or less = 001
(35) (36) (37) Number of months at job if (30) answer is "1"	Record amount, using three digits.
(38) (39) (40) Estimated weekly earnings from job, if (30) is "1"	Use three digits
(41) (42) (43) If unemployed, number of months unemployed	
(44) Income for year prior to arrest	Over \$24,000 = 1      \$23,999-\$21,000 = 2 \$20,999-\$18,000 = 3      \$17,999-\$15,000 = 4 \$14,999-\$12,000 = 5      \$11,999-\$ 9,000 = 6 \$ 8,999-\$ 6,000 = 7      \$ 5,999-\$ 3,000 = 8 Under \$3,000 = 9
(45) Is defendant or family receiving any form of public assistance?	Yes = 1 No = 2

INFORMATION	CODES
Educational achievement to date (46)	Graduate School or Professional School = 1 College Grad. = 2    Some College = 3 Technical or Vocational School in addition to High School Graduate = 4 High School Grad. = 5    Technical or Voca- tional without H.S. Grad. = 6    Some H.S. = 7 Less than High School = 8
<b>D. CRIMINAL HISTORY</b>  Does Defendant have a juvenile arrest record? (47)	Yes = 1, No = 2
Is Defendant a veteran? (Sites 06, 08 only) (48)	Yes = 1, No = 0
Age at first <u>adult</u> arrest (49) (50)	If only date of arrest is available, record it on New Codes Sheet for later conversion.
Number of prior <u>adult</u> arrests (51) (52)	
Number of prior <u>adult</u> convictions. (53) (54)	
Total number of <u>months</u> incar- cerated as part of sentences served for <u>adult</u> convictions. (55) (56) (57)	
Do not complete (58-63) if defendant has less than 3 prior arrests or if defendant has not been arrested at least twice for at least one partic- ular charge.	Murder and nonnegligent (Voluntary) Manslaugh- ter= 01    Manslaughter by Negligence (Involunta- = 02    Forcible Rape= 03    Robbery= 04    Aggrava- ted Assault= 05    Burglary (including Breaking & entering)= 06    Larceny/Theft (exc. Auto)= 07 Auto Theft= 08    Other Assaults= 09    Arson= 10 Forgery/Counterfeiting= 11    Fraud= 12    Embez- zlement= 13    Stolen property= 14    Malicious Destruction (Vandalism)= 15    Weapons= 16    Pros- titution & Comm. Vice= 17    Sex Offenses (other than 03 and 17)= 18    Narcotic Drug Distribu- tion= 19    Gambling= 20    Offenses Against Fam- ily and Children= 21    Driving under the Influ- ence of Liquor or Narcotics= 22    Liquor Laws = 23    Drunkenness= 24    Disorderly Conduct= 25 Vagrancy= 26    Suspicion= 27    Failure to Ap- pear= 28    Narcotics or Paraphernalia Poss.= 29 Marijuana Distribution= 30    Marijuana Poss.=31 Minor Local Offenses= 32    Violation of Proba- tion or Parole= 33    Conspiracy= 34    Pos- session of Criminal Apparatus Excluding Drugs=35    Other Offenses=40    Reduced Charge=42 Month and year
Most frequent charge in total record. (58) (59)	
Second most frequent charge (60) (61)	
Third most frequent charge (62) (63)	
Date of most recent previous arrest (64) (65) (66) (67)	
Date of release from most recent incarceration. (68) (69) (70) (71)	Month and Year

INFORMATION	CODES
Number of months of last in- (72) (73) (74)carceration	Use three digits
Has the defendant failed to appear in (75)the past?	Yes = 1 No = 2
If (75) answer is "1", How many (76) times?	Record number
<b>E. PRESENT ARREST AND RELEASE FOR            PREVIOUS CHARGE</b> Date of Arrest (77) (78) (79) (80)	Use Date Coding Sheet
<b>IDENTIFIERS</b>  Coding Sheet Number (81)	Place a "2" in this column
Site I.D. Number (82) (83)	From D/S Identification Sheet
Defendant I.D. No. (84) (85) (86) (87)	From D/S Identification Sheet
Status at time of arrest (88)	No other CJS involvement = 1 On PTR for another charge = 2 On probation = 3    On parole = 4 2 and 3 = 5, Outstanding Warrant = 6    7 = 6 and 2    8 = 6 and 3    9 = 4 and 2
If answer to (88) is "3" or "4", list Probation or Parole Officer's name on Names Sheet.	
If answer to (88) is other than "1", list most serious charges for which released prior to arrest under study:	
(89) (90)	
(91) (92)	
(93) (94)	
	For codes, see Sheet 1, (58) and (59)

INFORMATION	CODES
<p>(95) If answer to (88) is "2," what type of release?</p> <p>Record amounts, percentages, conditions, on New Code Sheet.</p> <p>Date of Release (96) (97) (98) (99)</p>	<p>Bail bond = 1      Conditional release = 5  ROR = 2      Supervised release = 6  Deposit bail = 3      Citation release = 7  Unsecured bond = 4      Do Not Release = 8  Summons Warrant = 9  Note: if bail was set  and D. made full cash  bail, note on New Codes  Sheet.</p> <p>Use Date Coding Sheet</p>
<p>F. RELEASE INFORMATION (CHARGE UNDER STUDY)</p> <p>Was defendant given release option (100) pending trial?</p> <p>Date of Release (101) (102) (103) (104)</p> <p>Time of Release (105) (106) (107) (108)</p> <p>Original Type of Release by Officials (109)</p> <p>If money involved (i.e., the answer to (110) previous question is code "1", "3", "4" or "6"), specify amount.</p> <p>If percentage involved, specify (111)</p> <p>Type of release by officials after all (112) reconsiderations if different</p> <p>Date of last reconsideration of release conditions (113) (114) (115) (116)</p> <p>New amount, if appropriate (117)</p> <p>New percentage, if appropriate (118)</p> <p>If there were conditions or supervision, (119) indicate the kind</p> <p>Was someone in PTR program charged with (120) the responsibility of seeing to it that the defendant got to court at the proper time?</p>	<p>By judge = 1    PTR Program Acting on Its Own = 2  By Bail Commissioner = 3    By Magistrate other  than Judge = 4    Don't Know by Whom = 5  Not Released = 6    Arresting Officer = 7  Pre-set Bail = 8    Sheriff's Dep't. = 9  Use Date Coding Sheet  If D. failed to get release put zeroes in  (21-24).  Use continuous 24-hour times (e.g., 1415 =  2:15 p.m.)</p> <p>Bail = 1    ROR = 2    Dep. Bail = 3    Unsec. Bond = 4  Cond. R. = 5 (In site 08, 5 = Detention Hearing)  Sup. Rel. = 6    Cit. Rel. = 7    Release Denied = 8  If Cash Bail, Note on New Codes Sheet  Below \$250 = 1      \$251-\$500 = 2  \$501-\$1,000 = 3      \$1,001-\$1,500 = 4  \$1,501-\$2,000 = 5      \$2,001-\$2,999 = 6  \$3,000-\$4,999 = 7      \$5,000-\$9,999 = 8  \$10,000 or more = 9</p> <p>5% = 1    10% = 2    15% = 3    20% = 4  25% = 5    29-50% = 6    Over 50% = 7</p> <p>Use codes in (109)</p> <p>Use Date Coding Sheet</p> <p>Use codes in (110)</p> <p>Use codes in (111)</p> <p>Report to drug treatment program during pretrial  period = 1, Alcohol program = 2, Report to  manpower/job program = 3, Supervisory Custody = 4  Yes, Personally Responsible = 1,  Yes, General Program Responsibility = 2,  No = 3</p>

INFORMATION	CODES
<p>(121) If raising of resources was necessary (122) for release, how did defendant raise them?</p> <p>(123).</p> <p>Program Involvement:</p> <p>Was defendant interviewed by PTR (124) Program?</p> <p>When was this done (if done), for (125) first time?</p> <p>(126) (127) If the answer to (124) is yes, how many hours after arrest? How was information verified? (128)</p> <p>If checked, how many references were (129) checked?</p> <p>Was information gathered on the defen- (130) dant available and presented to release source?</p> <p>What release recommendation was made (131) by program?</p> <p>If money involved, specify amount (132) recommended</p> <p>If percentage involved, specify per- (133) centage recommended</p> <p>If conditions or supervision were (134) recommended, what were they?</p> <p>Has defendant been employed during the (135) pretrial release period?</p> <p>If Yes, list occupation during (136) (137) that time</p>	<p>Other than bondsman = 1    Bondsman = 2</p> <p>Yes = 1 No = 2</p> <p>Immediately after arrest = 1  After first bail hearing = 2  At time of subsequent arrest = 3  At time of previous arrest = 4</p> <p>Telephoned references = 1  Visited references = 2  Checked files = 3  1 and 2 = 4      If 125 = 4 and info  1 and 3 = 5      not re-verified, 128 = 0  2 and 3 = 6  1, 2 and 3 = 7  Did not verify anything = 8</p> <p>Indicate number (9 or more = 9)</p> <p>Yes = 1 No = 2</p> <p>Indicate type using (95) codes; except Do Not Recommend = 9</p> <p>Use codes in (110)</p> <p>Use codes in (111)</p> <p>Report to drug treatment program during pretrial  period = 1, Alcohol program = 2, Report to manpower  job program = 3, Supervisory Custody = 4  Report to PTR = 5 and 1/2, or 3 = 6, 4 and 5 = 7  Use codes in (30). 0 if not released.  believed he could get job back = 6, D believed h  will lose job = 7    Note: Answer (136-137) and (13  only if (135) is 1, 5 or 6.</p> <p>Use codes in (31) and (32)</p>



**CONTINUED**

**5 OF 6**

INFORMATION	CODES
Is this same job defendant held (138) prior to arrest?	Yes = 1      0 if D unemployed No = 2
G. PROGRAM INTERVENTION (If Applicable)	
Frequency of program contact with (139) defendant	Once a week or more = 1 Less than 1, but at least once a month = 2 Less than once a month = 3
Average length of contact (140)	Less than 15 minutes = 1 16 - 30 minutes = 2; 31 - 60 minutes = 3 More than one hour = 4
Primary mode of contact (141)	Telephone = 1; In person at program offices = 2 In person, elsewhere = 3; Mail = 4   1 and 2 = 5
Types of service provided to D (142) by program	Reminded D of court dates = 1 Counseled D = 2; Referred D to services = 3 Monitored D compliance with conditions of release = 4; 1 and 4 = 5; List combinations or others on New Codes Sheet   1,3 and 4 = 6 1,2,3,4 = 7
Did defendant comply with release (143) conditions	Yes = 1 No = 2
If NO, what action did program take? (144)	Use New Codes Sheet
H. WEIGHT OF EVIDENCE	
Number of witnesses against (145)(146) defendant	
Number of witnesses for D (147)(148)	
Was a police officer a witness? (149)	Yes, but not only witness = 1 Yes, only witness = 2      No = 3
Were weapons or apparatus used? (150)	Yes, weapons involved, found in possession = 1 Yes, weapons involved, not found in poss. = 2 Yes, apparatus involved, found in poss. = 3 Yes, apparatus involved, not found in poss. = 4 Yes, both involved and found in poss. = 5 Yes, both involved, not found in poss. = 6 No = 7
Has defendant confessed to crime (151) charged?	Yes = 1 No = 2

INFORMATION	CODES
Was defendant caught in the act or (152) at the scene of the crime charged?	Yes = 1 No = 2
Type of representation (153)	Private attorney = 1 Public defender = 2 Court appointed private attorney = 3 Self-representation ("pro se") = 4 Attorney, Status Unknown = 5
Relation of victim to Defendant (154)	Immediate family = 1   Prior acquaintance = 2 No prior acquaintance = 3   Commercial = 4 Non-commercial = 5   Police Officer = 6 No victim = 7   Multiple Victims = 8
I. COURT APPEARANCES FOR THREE MOST SERIOUS CHARGES FOR WHICH TRIED*	
*List Names of Courts, Judges and Cities for Section I on Names Sheet.	
Most Serious Charge	
What is charge? (155)(156)	Use (58-59) Codes to identify and to determine relative seriousness of charge.
Date of first scheduled (157)(158)(159)(160) appearance on this charge	Use Date Coding Sheet
Code Sheet No. (161)	Place a "3" in this space.
Site I.D. No. (162)(163)	Copy from D/S Identification Sheet
Defendant I.D. No. (164)(165)(166)(167)	Copy from D/S Identification Sheet
Number of real scheduled (168)(169) appearances for this charge	
How many ways was D notified of (170)(171) scheduled appearances	

# INFORMATION

# CODES

B-38

Failure to appear for this charge, if applicable:

Note: If there is more than one FTA for the same charge, answer all ten FTA questions (starting with "What is Charge" and ending with "Method of Notification") on the back of New Codes Sheet and write "Double FTA" across top of Defendant I.D. Sheet, and code number of FTA's minus one in (390). Use Date Coding Sheet

Date of failure to appear  
(172)(173)(174)(175)

Use Date Coding Sheet

Date of next actual court appearance  
(176)(177)(178)(179)

Own volition, contacted court within 30 days=1  
Own volition, other= 2 Arrested and in jail=3  
Located by program= 4; by bondsman= 5 Defendant still at large= 6 Defendant forfeited bail in lieu of appearance= 7 Tried in absence=6  
None = 1; Release revoked = 2; Bench warrant = 3; Bond forfeited = 4; FTA prosecuted = 5; Mailed warning = 6; Conditions added = 7. Set Bail = 8  
Convicted of FTA = 9 (List sentence on New Codes Sheet) List up to three. Include pre-appearance and at trial postponements on this charge.

How did D get to court after this FTA?  
(180)

(181)  
(182)  
(183)

Actions taken by court in response to the FTA

Number of all postponements by  
(184)(185) court for this charge

Scheduled for conflicting appearance = 1;  
In jail = 2; Ill = 3; Unknown = 4 Court error=5

Reason for FTA  
(186)

Use (58-59) Codes to identify and to determine relative seriousness of charge.

Second Most Serious Charge  
(187)(188)

Use Date Coding Sheet

Date of first scheduled appearance on this (second) charge  
(189)(190)(191)(192)

See (168-169)

Number of real scheduled appearances for this charge  
(193)(194)

How many ways was D. notified of  
(195)(196) appearances for this charge

Failure to appear for this charge, if applicable:

Date of failure to appear  
(197)(198)(199)(200)

Use Date Coding Sheet

Date of next actual court appearance  
(201)(202)(203)(204)

Use Date Coding Sheet

How did D get to court after this FTA?  
(205)

Own volition, contacted court within 30 days=1  
Own volition, other= 2 Arrested and in jail=3  
Located by program= 4; by bondsman= 5 Defendant still at large= 6 Defendant forfeited bail in lieu of appearance= 7

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# INFORMATION

# CODES

(206) Actions taken by court in response to the FTA

(207)

(208)

Number of all postponements for  
(209)(210) this charge

Reason for FTA  
(211)

Third Most Serious Charge  
(212)(213)

Date of first scheduled  
(214)(215)(216)(217) (third) charge

Number of real scheduled appearances for this charge  
(218)(219)

How many ways was D notified of  
(220)(221) appearances for this charge

Failure to appear for this charge, if applicable

Date of failure to appear  
(222)(223)(224)(225)

Date of next actual court appearance  
(226)(227)(228)(229)

How did D get to court after this FTA?  
(230)

Actions taken by court in response to the FTA  
(231)

(232)

(233)

Number of all postponements for  
(234)(235) this charge

Reason for FTA  
(236)

None = 1; Release revoked = 2; Bench warrant = 3; Bond forfeited = 4; FTA prosecuted = 5; Mailed warning = 6; Conditions added = 7. Set Bail = 8  
Convicted of FTA = 9 (List sentence on New Codes Sheet) List up to three. Include pre-appearance and at trial postponements on this charge.

Scheduled for conflicting appearance = 1;  
In jail = 2; Ill = 3; Unknown = 4 Court error=5

Use (58-59) Codes to identify and to determine relative seriousness of charge.

Use Date Coding Sheet

See (168-169)

Use Date Coding Sheet

Use Date Coding Sheet

Own volition, contacted court within 30 days=1  
Own volition, other= 2 Arrested and in jail=3  
Located by program= 4; by bondsman= 5 Defendant still at large= 6 Defendant forfeited bail in lieu of appearance= 7  
None = 1; Release revoked = 2; Bench warrant = 3; Bond forfeited = 4; FTA prosecuted = 5; Mailed warning = 6; Conditions added = 7. Set Bail = 8  
Convicted of FTA = 9 (List sentence on New Codes Sheet) List up to three. Include pre-trial and at trial postponements on this charge.

Scheduled for conflicting appearance = 1;  
In jail = 2; Ill = 3; Unknown = 4 Court error=5

J. DISPOSITION OF CHARGE(S) (for case studied)

(237) (238) (239) (240) Time of Arrest: Use continuous 24-hour times (e.g., 1415 = 2:15p.m.).

Identification:

(241) Code Sheet No.

(242) (243) Site I.D. No.

(244) (245) (246) (247) Def. I.D. No.

Original Charges At Arrest	3 Most Serious Charges for Which Tried	Outcome of Trial	Date of Disposition	Type of Sentence for each Charge	Length of Sentence for each Charge (Months)
(248) (249)	(260) (261)	(262)	(263) (264) (265) (266)	(267) (268)	(269) (270) (271)
(250) (251)	(272) (273)	(274)	(275) (276) (277) (278)	(279) (280)	(281) (282) (283)
(252) (253)	(284) (285)	(286)	(287) (288) (289) (290)	(291) (292)	(293) (294) (295)
(254) (255)	Use Sheet 1, (58) and (59) Codes	Use Date Coding Sheet			List sentencing court, city and judge on Names Sheet
(256) (257)		Pled no contest = 1 Pled Guilty = 2 Dismissed or not Prosecuted = 3 Acquitted, Judge = 4 Acquitted, Jury = 5 Found Guilty, Judge = 6 Found Guilty, Jury = 7 Not Convicted (other than 3, 4 or 5) = 8 Bail forfeited in lieu of appearance = 9 List Trial Court(s) and Judge(s) on Names Sheet	Incarceration = 01 Probation = 02 Suspended Sent. = 03 Fine = 04 Treatment = 05 02 & 03 = 06 02, 03 & 04 = 07 01 & 04 = 08 02, 03 & 05 = 09 02 & 04 = 10		
(258) (259)	List, in order of seriousness. Use Sheet 1 (58) and (59) codes. If more than 6, use New Codes Sheet				03 & 04 = 11; 05 & 07 = 12 02 & 05 = 13 02, 04, 05 = 14 01, 02, 04, 05 = 15 01, 02, 04 = 16 "Volunteer" services = 17 01, 02, 05 = 18 01 & 02 = 19 04 & 05 = 20 01 & 05 = 21 01, 02, 03, 04 = 22 02, 03, 04, 05 = 23 01, 02, 03 = 24 01, 02, 03, 05 = 25
(296)	Total amount of fines, excluding court costs, if any (Use Codes for Sheet 2 (30))				
(297)	Total length of incarceration sentenced for all charges				
	(30 days or less = 1    1-3 months = 2    4-6 months = 3 7 months to 1 year = 4    1-3 years = 5    4-5 years = 6 6-10 years = 7    11-20 years = 8    Over 20 years = 9)				

K. PRETRIAL CRIMINALITY (excluding FTA)

First Rearrest	Date of Rearrest * (For NEW Charge)				Major Charge		Total No. of Charges	Loca- tion	How release conditions changed	Date of Disposition				Major Charge for which Convicted		Outcome of Trial	Type of Sentence		
	(298)	(299)	(300)	(301)	(302)	(303)	(304)	(305)	(306)	(307)	(308)	(309)	(310)	(311)	(312)	(313)	(314)	(315)	(316)

IDENTIFICATION:

5 Code Sheet No.  
(321)

Site I.D. No.  
(322) (323)

Defendant I.D. No.  
(324) (325) (326) (327)

Second Rearrest	(317)	(318)	(319)	(320)	(328)	(329)	(330)	(331)	(332)	(333)	(334)	(335)	(336)	(337)	(338)	(339)	(340)	(341)	(342)
Third Rearrest	(343)	(344)	(345)	(346)	(347)	(348)	(349)	(350)	(351)	(352)	(353)	(354)	(355)	(356)	(357)	(358)	(359)	(360)	(361)
Fourth Rearrest	(362)	(363)	(364)	(365)	(366)	(367)	(368)	(369)	(370)	(371)	(372)	(373)	(374)	(375)	(376)	(377)	(378)	(379)	(380)

Use Date Coding Sheet

Use Sheet 1 9 or more  
(58) and (59) = 9  
Codes

Use Date Coding Sheet

Use Sheet 1  
(58) and (59)  
codes; Not  
Convicted = 41

Use Sec-  
tion J  
Codes

Use Section J  
Codes. List sen-  
tencing court,  
city and judge  
on Names Sheet

\*Rearrests are all arrests other than  
and subsequent to the first arrest  
of the defendant occurring within the  
study period.

Release J = 1  
Nearby J = 2  
Distant J = 3

LIST MOST SERIOUS CHARGE: Detained = 1; Bond  
forfeited = 2; Conditions added = 3; Supervision  
increased = 4; Bond Increased = 5; ROR rescinded and  
bail set = 6; Treatment ordered = 7; No change = 8.

INFORMATION	CODES
L. VERIFIED Points awarded defendant-- (Baltimore only)	
(381) Residence	Record number of verified points awarded defendant for this criterion
(382) Time in Baltimore area	"
(383) Family Ties in Baltimore area	"
(384) Employment or substitutes	"
(385) "Other Factors" (health and extenuating)	"
(386) Drug or Alcohol Problem	Record number of verified points deducted from defendant's score for this criterion
(387) FTA, Escape, or Parole/Probation Violation	"
(388) Prior Record	"

INFORMATION	CODES
L. VERIFIED POINTS AWARDED DEFENDANT (Louisville)	
(381) Residence	Record number of verified points awarded defendant for this criterion
(382) Personal Ties	"
(383) Economic Ties	"
(384) Miscellaneous	"
(385) No Previous Criminal Record	"
(386) FTA and Other Previous Criminal (387) Record	Record number of verified points deducted from defendant's score for this criterion
388 Blank	
L. VERIFIED POINTS AWARDED DEFENDANTS (Santa Clara)	
(381) Residence	Record number of verified points awarded defendant for this criterion
(382) Blank	
(383) Family Ties	
(384) Employment	
(385 - 386) Blank	
(387) Prior Record	Points deducted for prior record

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INFORMATION	CODES
<p>Prior Record (388)</p>	<p>Positive points awarded for having light or no prior record</p>
<p>L. VERIFIED POINTS AWARDED DEFENDANT (Washington, D.C.)</p> <p>Residence (381)</p> <p>Time in area (382)</p> <p>Family ties (383)</p> <p>Employment (384)</p> <p>Prior Record (385)</p> <p>386 387 388 Blank</p> <p>M. MISCELLANEOUS</p> <p>Location in Santa Cruz County (389) SORP/ORP in Santa Clara County</p> <p>Multiple FTA on same charge (390)</p> <p>Rearrest outside jurisdiction, (391) ascertained from statewide rap sheet</p>	<p>Record number of verified points awarded defendant for this criterion</p> <p>Record number of verified points deducted from defendant's score for this criterion</p> <p>Santa Cruz = 1, Watsonville = 2 SORP = 3, ORP = 4</p> <p>Record number subtracting one</p> <p>1 = Yes</p>

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## DATE CODES SHEET

Instructions: Four digits will be used to code dates. The first digit will refer to the calendar year (e.g., 1977=7, 1976=6, etc.). The last three digits will show the month and day, as coded from the following table (e.g., March 14 = 074, November 1 = 306). Examples of date codes are:

March 14, 1977 7074  
 June 10, 1974 4162  
 November 1, 1976 6306  
 January 3, 1977 7003

Mo/Day	CD*	Mo/Day	CD	Mo/Day	CD	Mo/Day	CD	Mo/Day	CD	Mo/Day	CD
Jan. 1	001	Feb. 1	032	Mar. 1	061	Apr. 1	092	May 1	122	Jun. 1	153
2	002	2	033	2	062	2	093	2	123	2	154
3	003	3	034	3	063	3	094	3	124	3	155
4	004	4	035	4	064	4	095	4	125	4	156
5	005	5	036	5	065	5	096	5	126	5	157
6	006	6	037	6	066	6	097	6	127	6	158
7	007	7	038	7	067	7	098	7	128	7	159
8	008	8	039	8	068	8	099	8	129	8	160
9	009	9	040	9	069	9	100	9	130	9	161
10	010	10	041	10	070	10	101	10	131	10	162
11	011	11	042	11	071	11	102	11	132	11	163
12	012	12	043	12	072	12	103	12	133	12	164
13	013	13	044	13	073	13	104	13	134	13	165
14	014	14	045	14	074	14	105	14	135	14	166
15	015	15	046	15	075	15	106	15	136	15	167
16	016	16	047	16	076	16	107	16	137	16	168
17	017	17	048	17	077	17	108	17	138	17	169
18	018	18	049	18	078	18	109	18	139	18	170
19	019	19	050	19	079	19	110	19	140	19	171
20	020	20	051	20	080	20	111	20	141	20	172
21	021	21	052	21	081	21	112	21	142	21	173
22	022	22	053	22	082	22	113	22	143	22	174
23	023	23	054	23	083	23	114	23	144	23	175
24	024	24	055	24	084	24	115	24	145	24	176
25	025	25	056	25	085	25	116	25	146	25	177
26	026	26	057	26	086	26	117	26	147	26	178
27	027	27	058	27	087	27	118	27	148	27	179
28	028	28	059	28	088	28	119	28	149	28	180
29	029	29	060	29	089	29	120	29	150	29	181
30	030			30	090	30	121	30	151	30	182
31	031			31	091			31	152		

\* CD = Code

(continued)

## DATES CODE SHEET (CONTINUED)

Mo/Day	CD*	Mo/Day	CD	Mo/Day	CD	Mo/Day	CD	Mo/Day	CD	Mo/Day	CD
Jul. 1	183	Aug. 1	214	Sep. 1	245	Oct. 1	275	Nov. 1	306	Dec. 1	336
2	184	2	215	2	246	2	276	2	307	2	337
3	185	3	216	3	247	3	277	3	308	3	338
4	186	4	217	4	248	4	278	4	309	4	339
5	187	5	218	5	249	5	279	5	310	5	340
6	188	6	219	6	250	6	280	6	311	6	341
7	189	7	220	7	251	7	281	7	312	7	342
8	190	8	221	8	252	8	282	8	313	8	343
9	191	9	222	9	253	9	283	9	314	9	344
10	192	10	223	10	254	10	284	10	315	10	345
11	193	11	224	11	255	11	285	11	316	11	346
12	194	12	225	12	256	12	286	12	317	12	347
13	195	13	226	13	257	13	287	13	318	13	348
14	196	14	227	14	258	14	288	14	319	14	349
15	197	15	228	15	259	15	289	15	320	15	350
16	198	16	229	16	260	16	290	16	321	16	351
17	199	17	230	17	261	17	291	17	322	17	352
18	200	18	231	18	262	18	292	18	323	18	353
19	201	19	232	19	263	19	293	19	324	19	354
20	202	20	233	20	264	20	294	20	325	20	355
21	203	21	234	21	265	21	295	21	326	21	356
22	204	22	235	22	266	22	296	22	327	22	357
23	205	23	236	23	267	23	297	23	328	23	358
24	206	24	237	24	268	24	298	24	329	24	359
25	207	25	238	25	269	25	299	25	330	25	360
26	208	26	239	26	270	26	300	26	331	26	361
27	209	27	240	27	271	27	301	27	332	27	362
28	210	28	241	28	272	28	302	28	333	28	363
29	211	29	242	29	273	29	303	29	334	29	364
30	212	30	243	30	274	30	304	30	335	30	365
31	213	31	244			31	305			31	366

\*CD = CODE

DATA COLLECTION PROCEDURES



## DATA COLLECTION PROCEDURES

A. Sample

Juvenile, Federal and traffic (other than Driving While Intoxicated (DWI) and Manslaughter by Auto) charges are excluded from consideration as study charges. Juvenile and traffic charges are also excluded from consideration as (1) pretrial crimes and (2) adult criminal history.

B. Occupation, Section C (31-32)\*

## Examples:

Professional/Technical—Occupations where advanced school or training is necessary, e.g., lawyer, doctor, engineer, etc.  
 Craftsmen—development of specific skills, e.g., electrician, painter, etc.  
 Operatives—various machinists, crane operator, etc.  
 Transportation Operatives—bus driver, chauffeur, taxi driver, etc.  
 Laborer—construction, assembly-line workers, etc.  
 Service—Skilled and unskilled public-oriented service, e.g., nurses aide, waitress, janitor, parking lot attendant, security guard, etc.

Use new codes sheet if category cannot be determined.

C. Crime Codes

Refer to Uniform Crime Reports (UCR) list and codes (58-59)

## Some common unlisted examples:

Assault with a Deadly Weapon = Aggravated Assault (05)  
 Breaking and Entering = Burglary (06)  
 Shoplifting = Larceny/Theft (07)  
 Endangerment, Harrassment = Simple Assault (09)  
 Bad/Worthless Check = Fraud (12)  
 Destruction of Property = Vandalism (15)  
 Indecent Exposure, Peeping Tom = Other Sex Offenses (18)  
 Desertion, Non-Payment of Support = Offenses Against Family and Children (21)  
 Open Container, Drinking in Public, Alcohol Sales Violations = Liquor Laws (23)  
 Disturbing the Peace = Disorderly Conduct (25)  
 Loitering = Vagrancy (26)  
 Any drug charges other than Marijuana = Narcotics Distribution (19) or Possession (29)  
 Possession of Burglary Tools = Apparatus (35)  
 40 = all other offenses not provided for in previous codes. Includes felonies and misdemeanors, obstructing justice, resisting arrest, kidnapping, trespassing.

32 = offenses particular to a region.

Use new codes sheet or 40 for other crimes.

\* Refers to Data Collection Guide space numbers

D. Types of Releases Section F

100 = the person/office that made the last pretrial release decision for initial release from custody.

If defendant was not given release option, the sequence of codes is: (100) = 6 (101-104) = BLANK (109) = 8

If defendant was given a release option, regardless of actuality of release, (e.g., bail granted, but not posted), a code other than "6" should be recorded in (100).

For cases disposed of at initial appearance prior to bail hearing when preset bail was the only option and the defendant did not post it prior to appearance, the sequence of codes is: (100) = 8 (101-104) = BLANK (109) = 1. This applies to all sites with preset bail schedules.

E. Court Appearances Section IFIRST SCHEDULED APPEARANCE (157-160) (189-192) (214-217)

This refers to the first appearance where something occurred other than pretrial release proceedings which were usually held automatically, soon after arrest. This is usually not the initial appearance unless the case was dismissed, bound over to another court or there was an immediate plea.

REAL APPEARANCE (168-169) (193-194) (218-219)

A Real Appearance is one where:

- (1) The defendant was required to appear
- (2) The defendant did appear
- (3) Substantial proceedings took place (no postponement)

POSTPONEMENT (184-185) (209-210) (234-235)

Includes pre-appearance and at-appearance postponements. An at-appearance postponement is one where no substantial proceedings took place aside from rescheduling.

F. Disposition of Charges Section J

Charges at arrest will not necessarily be the same as the charges for which a defendant was tried. Often concurrent cases are merged, charges are dropped, added or changed. If space isn't available, a single count for a given charge may represent several counts of the same charge.

"Charges for which tried" reflect a combination of the most serious charges of the case, the range of charges or the charges for which the defendant was ultimately convicted and sentenced.

Attempt to make order of charges at arrest correspond to the order of charges for which tried:

(248-249) = (260-261)  
 (250-251) = (272-273)  
 (252-253) = (284-285)

Plea bargaining is the most frequent method of disposing of a case. Several possible ways to infer that the case was plea bargained are:

- (1) defendant pleads guilty (or no contest) to one charge and the rest are dismissed or not prosecuted.
- (2) defendant pleads guilty (or no contest) to a lesser charge or code 42.
- (3) If there were pretrial crimes, defendant pleads to a charge in one of the cases and the remaining charges are dismissed. The disposition date may often be the same for all the cases.

When charges were changed from arrest to disposition, and there were codes for these new charges, then the codes were used. If the charge remained the same but was reduced from a felony to a misdemeanor or in degree then 42 was used for charge for which tried.

Example:	Robbery	Theft
	$\frac{0}{(248)}$	$\frac{0}{(260)}$
	$\frac{4}{(249)}$	$\frac{7}{(261)}$
	Grand Theft	Petty Theft
	$\frac{0}{(250)}$	$\frac{4}{(272)}$
	$\frac{7}{(251)}$	$\frac{2}{(273)}$

In the case of DWI, defendant often pleads guilty to a lesser traffic charge, such as reckless driving. This would be coded as 2 2 4 2.

#### OUTCOME OF TRIAL (262) (274) (286)

8 = not convicted

In some sites this refers to STET (dismissal subject to reopening), probation before verdict or jury (PBV, PBJ).

In other sites, this refers to DIVERSION, where upon completion of or promise to attend diversion treatment program, charges are not prosecuted.

#### DATE OF DISPOSITION (263-266) (275-278) (287-290)

This refers to the date of outcome (114, 126, 138) and not the date of sentencing, which may occur some time after. The pretrial period ends on this date. Consequently, arrests and failures to appear occurring in the period of post-disposition and pre-sentence are not included.

#### TYPE OF SENTENCE (267-268) (279-280) (291-292) AND LENGTH OF SENTENCE (269-271) (281-283) (293-295)

For all sentences that include both incarceration and probation, the length of probation is coded under length of sentence and the length of incarceration is coded under (296). For cases with convictions of several charges for which concurrent sentences were given, the total length of the sentences was divided among all the charges.

When incarceration is coded for minor charges, and when the defendant was not released during the pretrial period this usually refers to "credit for time served," and not additional incarceration.

#### G. Failure to Appear (FTA)

1. If defendant notified the court prior to scheduled appearance that he or she would be absent, but the judge was not notified and issued a bench warrant, this was not counted as an FTA.

2. If defendant contacted the court on the same day that the FTA occurred and a bench warrant was issued but then quashed, this was coded as an FTA and the court's response to the FTA (181)(206)(231) was code 1 (None).

3. If defendant failed to appear and was required to appear and did not contact the court, it was coded as an FTA and the court's response, which was noted on the court jacket, varied in each case (most often codes 2, 3, 8).

It was often difficult to ascertain what was an FTA unless the court specified a non-appearance as an FTA and responded by issuing a bench warrant. The reason for the FTA (186)(211)(236) was rarely stated.

FTA's are not considered pretrial crimes. If the FTA was prosecuted this was noted as code 5 under "actions taken by court."

Prior FTA (75)(76) — This information was usually obtained from program records or from rap sheets.

#### H. Pretrial Criminality

This refers to rearrests for new offenses when the offense occurred after release for the study charge and prior to its disposition. Occasionally there would be arrest dates which fell within this period, but it was unknown if the offense actually took place at this time. These were not coded as pretrial crimes.

#### I. Sources for Finding Pretrial Arrests

1. Defendant court indices for local jurisdictions
2. Program tracking records
3. FBI and State rap sheets
4. Miscellaneous documents in court or program folders which indicate a rearrest

Rap sheets usually have the least amount of information—just date of arrest and charges. Date of offense, disposition and sentence are often not included. The most reliable method was examining local court indices and program records, depending on how extensive program tracking methods were. If a rearrest was found within the same jurisdiction as the study arrest, all the necessary information was available in most cases. Arrests in other jurisdictions are differentiated by codes under Location (306, 331, 350, 369).

1. D.C.

The only site that "no papered" cases as a means of early dismissal. This was done by the prosecuting attorney within hours after the arrest. These cases were not considered for study or for pretrial criminality. No other site discharged cases so shortly after arrest.

2. Tucson, San Jose

All rearrests qualifying as pretrial crimes were considered, even those cases which were dismissed prior to preliminary hearing (this applies to all sites, but was particularly prevalent in these two sites).

J. Locations of Arrest Information

Baltimore: court index, program

Santa Cruz: court index, program, State rap sheet

Louisville: court index, program, State rap sheet

Miami: court index, FBI rap sheet

Towson: court index, State rap sheet

Tucson: court index, program, State rap sheet

San Jose: program, FBI rap sheet

D.C.: court index, program

Information on criminal history and current involvement was also obtained from these sources.

K. Biographical Information

The most complete source of information was the program interview. If there was no interview, other possible sources of information were the citation, the police report, the booking report, the probation or pre-sentence report. The program interview was the only verified source of information.

1. Miami

Only verified the information of those few defendants who were released through the program. Used unverified program interviews and police reports.

2. Baltimore, Louisville, D.C., San Jose

Biographical information on most defendants from verified program interview.

3. Santa Cruz

Relied mostly on arrest and booking reports. Program interviewed very few defendants and verified the data.

4. Tucson

Approximately one-third of the defendants were arrested for felonies; most of these were interviewed by the Correctional Volunteer Center, and the information was verified. Another third were arrested on misdemeanors handled by city court in the first half of the year and were interviewed by CVC, but the information was not verified. For the rest of the defendants, very little information was obtained, the only sources being police records and the city court computer.

5. Towson

Twenty to thirty percent of the defendants were interviewed by the program and the information was verified. Most defendants filled out a questionnaire when they appeared before a bail commissioner and this information was not verified. Some information was obtained from the arrest reports.

L. Arrest and Court Information

All sites had defendant indices. These were used to locate defendant files. The defendant's first arrest in the study period was used as the study arrest unless the information was unobtainable.

1. Tucson

Reliable information on date and time of arrest, date, time, and type of release obtained from police and jail computer printouts. All indicated felonies had court jackets and papers. County misdemeanors had all necessary court documents as well. For city court misdemeanors, papers were generated only for cases that were not disposed of at initial appearance, which was the minority of cases. What little information was available for these cases was taken from jail and police computer printouts, arraignment dockets and the city court computer.

2. Baltimore

District court case jackets and superior court computer had fairly complete and reliable data. Program was secondary source of reliable data.

3. Santa Cruz, Louisville, Miami

Court records and police reports were the primary source for this data.

4. D.C.

Accurate dates of arrest and release were often unobtainable. There were no arrest reports in the program or court folders. When the exact date of arrest was not specified, the date of interview, which should fall within 24 hours, was used. If a defendant was not released on recognizance or bail at the initial appearance, date of release was unspecified. Used any related papers in attempt to ascertain reasonable release dates.

M. Sample Populations

Baltimore—sampled program files for period 7/1/76 — 6/30/77

Santa Cruz—sampled criminal records in clerk's office for both Santa Cruz and Watsonville. Period: 7/1/76 — 6/30/77

Louisville—sampled criminal records in clerk's office for year 1977

Miami—sampled criminal records in circuit court for felonies only. Period: first half of year 1978. Supplemental sample of OR defendants supervised by program and unsupervised (8)=4.

Towson—two sample groups. Approximately 300 defendants sampled from district court records and approximately 100 defendants sampled from supervised program cases. The program group consisted of defendants who were interviewed by the program for their first arrest in the study period.

Tucson—sampled Pima County Sheriff's booking computer printout for year 1977. Supplemental sample of defendants released and supervised by CVC (8)=4.

San Jose—sampled booking log for period 12/1/77 — 5/30/78. In all sites defendants charged with Federal offenses and traffic offenses other than DWI and manslaughter by auto were excluded.

D.C.—sampled lower court docket listings for period 1/1/77 — 12/31/77.

N. Refiling of Charges

Miami—If a case was discharged in Magistrate Court and then later direct-filed within 7 days, the case was tracked from initial arrest to disposition as all other cases, and the discharge was ignored.

Tucson—If a case was discharged in county court and then later refiled as a direct indictment in Superior Court and there was an indication of the State's intention to refile shortly, the County Court dismissal was ignored and the case was tracked from initial arrest to final disposition.

This situation did not arise in the other sites.

## PART II.

## DELIVERY SYSTEM ANALYSIS

## METHODOLOGY FOR DELIVERY SYSTEM ANALYSIS

The national evaluation of pretrial release included an analysis of the "delivery system" used to make release decisions in each jurisdiction studied. Because an important goal of the evaluation was to assess the role of formally established programs in the overall pretrial release process, we studied each program's relationships with other criminal justice system components. We also solicited the views of various criminal justice system officials about the local pretrial release process and pretrial release program.

Although analysis of the delivery system for pretrial release was a topic for independent study, this analysis was also vital for the defendant outcomes segment of the evaluation. Because different jurisdictions may have somewhat different processing stages and may use different "labels" for similar events, it was essential to understand the local systems—with their peculiarities and unique features—in order to collect the defendant-based data in comparable ways across sites. Accurate analysis and interpretation of these data also required insight about the pretrial release practices of the jurisdictions studied. Thus, the delivery system analysis served multiple purposes.

The delivery system analyses were developed from three major sources of information:

- interviews conducted with local criminal justice system officials and other individuals having knowledge of pretrial release practices (e.g., bonding agents);
- various reports and documents available locally (e.g., annual reports, research studies, manuals of program procedures); and
- a small amount of observation of pretrial release practices (e.g., the programs' interviews with defendants, the judges' setting of release conditions).

Typically, one to two weeks of staff time was spent in on-site data collection. Prior to arriving in the jurisdiction, the delivery system analyst had reviewed the relevant laws governing release in the jurisdiction, developed a preliminary list of persons to be interviewed, and made some of the key appointments. The initial list of interviewees was developed during a conversation with the pretrial release program director, who was asked both to suggest individuals who should be contacted and to provide the names of the chief judge, prosecuting attorney, director of the public defender's office, sheriff, police chief, jail administrator, etc. This list was supplemented by the delivery system analyst as greater knowledge of the local release system was gained.

The first on-site tasks were usually to interview the program director, key staff and chief judge. In addition, as part of the initial orientation to program operations, the delivery system analyst commonly toured the various facilities where program activities take place (e.g., jail, court, program offices). Additionally, the major stages of the release process were observed (e.g., program interview and verification, court proceedings, followup activities). After obtaining an understanding of specific program goals and procedures, the delivery system analyst interviewed the following individuals:

- judges and magistrates;
- prosecuting attorneys;
- defense attorneys;
- law enforcement officials;
- jail officials; and
- bonding agents.

Other persons who could provide additional insight about release practices were interviewed, as appropriate. Such persons included the directors and staff of social service agencies to which released defendants might be referred, representatives of criminal justice system planning agencies and local government officials.

Table 3 provides a summary of the interviews conducted in each of the eight sites. As shown, the types of persons most frequently interviewed consisted of judges and magistrates (27% of all interviews), followed by program directors and staff (23% of all interviews).

Interview guides were developed for the major categories of persons interviewed. These guides appear at the end of this paper. The interview guide used at the program facilitated acquisition of information about the program's:

- history;
- goals;
- organizational structure;
- staff composition and salaries;
- funding sources and amounts;
- eligibility criteria;
- specific procedures, such as
  - interview,
  - verification,
  - presentation of information to the court, and
  - followup with released defendants;
- impact on rates and types of release, failure-to-appear or pretrial criminality;
- research and evaluation activities; and
- relationships with other components of the criminal justice system.

TABLE 3  
SUMMARY OF INTERVIEWS

CATEGORY	BALTIMORE CITY	BALTIMORE COUNTY	WASHINGTON, D.C.	DADE COUNTY	JEFFERSON CO.	PIMA COUNTY	SANTA CRUZ	SANTA CLARA	TOTAL
Program Directors	1	1	1	1	1	1	1	1	8
Program Staff	6	4	4	6	3	5	3	8	39
Judges and Magistrates	4	10	5	5	12	7	6	7	56
Prosecuting Attorneys	1	3	2	2	2	1	1	1	13
Defense Attorneys	1	1	2	1	3	1	1	2	12
Law Enforcement Officials	1	4	2	1	1	2	3	2	16
Jail Officials	2	1	2	2	2	1	1	1	12
Bondsmen	0	3	3	1	N.A.	2	1	1	11
Social Service Agencies	0	2	2	1	0	5	5	1	16
Others (e.g., planners, local government officials)	3	2	1	1	3	2	6	2	20
TOTAL	19	31	24	21	27	27	28	26	203

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Interviews with individuals not directly associated with the program usually covered:

- the nature of the person's overall involvement in the pretrial release process;
- the nature and extent of contact with the program;
- opinions about the utility of the program's activities;
- typical reactions of the person to failure-to-appear or pretrial rearrest by a released defendant (e.g., whether a prosecutor asks for, or a judge sets, a high bond); and
- suggestions for improving the pretrial release program and/or local release practices.

After completing the interviews and acquiring appropriate documents and reports about the release process, the analyst assimilated the information and prepared a delivery system paper. Each paper followed the outline shown in Figure 1. Drafts of the papers were sent to the program directors, and sometimes to other local officials as well, for their review. Any comments were considered during the process of revising the draft papers and preparing the final versions of the delivery system analysis working papers.

FIGURE 1  
DELIVERY SYSTEM ANALYSIS OUTLINE

#### I. PROGRAM SETTING

- A. The Jurisdiction Served
  - 1. The Community
  - 2. Crime Trends
- B. The Local Criminal Justice System
  - 1. Judicial Authority
  - 2. Prosecutorial Authority
  - 3. The Defense Bar
  - 4. The Police
  - 5. Detention Facilities
  - 6. Bonding Agents

#### C. Local Criminal Procedure

#### II. THE PRETRIAL RELEASE PROGRAM

- A. History
- B. Present Goals
- C. Organization
- D. Program Procedures
  - 1. Eligibility Determination
  - 2. Interview and Verification
  - 3. Recommendations for Release
  - 4. Follow-up Activities
- E. Resources
  - 1. Budget
  - 2. Staff
  - 3. Facilities

#### III. PROGRAM IMPACT

- A. Release Rates
- B. Failure To Appear
- C. Pretrial Criminality
- D. Program Acceptance



## INTERVIEW GUIDES

Program Director and Staff  
 Judge  
 Prosecuting Attorney  
 Defense Attorney  
 Jail Official  
 Law Enforcement Officer  
 Bonding Agent

PROGRAM DIRECTOR AND STAFF:  
INTERVIEW GUIDE

The Lazar Institute is conducting an evaluation of pretrial release, as it functions in a variety of communities located throughout the country. An important aspect of the study is to understand the operations of pretrial release programs and their interrelationships with major parts of the criminal justice system. To understand your program better, I would like to ask you a number of questions about its goals, resources, procedures and relationships with other organizations.

Background

1. It would be helpful in becoming oriented to your program if you would briefly describe how your program was set up and why this was done.
  - When did the program begin its operations?
  - Who decided that a pretrial release program should be started?
  - Were you involved in setting the program up initially?
  - How was the program funded initially?
2. Has the program undergone any major changes since it began? If so, please describe these changes and why they were made.
3. What administrative hierarchy, if any, do you operate within (e.g., branch of the court, part of the county government, division of probation department, etc.)?
  - Do you have an organization chart which shows this? If so, may I have a copy?
4. What are the present goals or objectives of your program?
  - How were these goals established (e.g., by the program, the funding source, State statute, etc.)?
  - Have these goals changed over time? If so, in what way? Why were these changes made?

Structure

5. How is your program organized?
  - Number of components?
  - Staff assigned to each component (number, type)?

6. Do you have an organization chart of your program? If so, may I have a copy?
7. How many different physical facilities does your program staff work in?
  - What is done at each facility?
8. What are the days and hours your program operates?
  - Are the days and hours of operation different at the various facilities?

#### Local Criminal Justice System Processes and Organization

Before asking detailed questions about your program's specific procedures, I would like to know a little bit about the criminal processes in this area, so that I can put the information about your program into the proper context.

9. Would you briefly describe what happens to a defendant between arrest and trial?
  - Where is the defendant physically taken after arrest?
  - Where is booking done?
  - How soon is a release decision made? By whom?
  - What are the typical steps in the criminal process here (e.g., initial appearance, preliminary hearing, arraignment)?
10. How are the courts organized (e.g., by seriousness of the charge, geographic boundaries, etc.)?
  - When would a case be transferred from one court to another (e.g., felony cases may originate in one court and reach disposition in another)?
  - About how many judges work in each court system (e.g., District Court, Superior Court)? About how many in each system hear pretrial release matters? Are these judges rotated? How often?

11. What types of pretrial release are available in this jurisdiction?
  - Own recognizance (OR)?
  - Surety bond?
  - Deposit bond?
    - Percentage required for deposit?
    - Percentage of deposit returned if defendant appears?
  - Unsecured personal bond?
  - Supervised release?
  - Conditional release?
  - Third party custody?
  - Citation release?
  - Stationhouse release?
  - Other (specify)?
12. Please describe how each of the available types of pretrial release operates.
  - Who makes the release decision?
  - At what point in defendant processing is the decision made? About how long after arrest?
  - What happens if defendant fails to meet the release conditions (e.g., financial penalties, issuance of bench warrant, etc.)?
13. Can the program release any defendants on its own authority? Under what conditions?
14. What State statutes govern pretrial release matters? (Obtain copy or citation, if possible.)
15. What local ordinances affect pretrial release? (Obtain copy or citation, if possible.)
16. What court rules affect pretrial release? (Obtain copy or citation, if possible.)

17. What other written regulations, aside from those of the program itself, affect pretrial release? (Obtain copy or citation, if possible.)

18. What are "typical" bond amounts in this area?

#### Program Procedures

The next set of questions deals with the specific procedures of your program.

#### Eligibility

19. Who is eligible to receive the services of your program?

20. Are defendants excluded from program participation because of:

- the charges against them? Which charges are excluded?
- a warrant from another jurisdiction?
- arrest for a probation or parole violation?
- other factors? What are they?

21. What is the source of these exclusions, e.g., by statute or agency guidelines?

22. Why are the exclusions made?

#### The Interview Process

23. Please describe the way that defendant interviewing is conducted.

- How do you decide which defendants to interview?
- When is the interviewing done? How soon after arrest?
- Who does the interviewing?
- Where does the interview take place?
- About how long does the interview take?
- What specific questions are asked? May I have a copy of the interview form?
- What is the defendant told about the interview? That it will be verified? How it will be used?

24. How may different individuals do the interviewing?

—How are they recruited and trained?

—How do you ensure consistency among your interviewers?

25. About what percentage of the total defendants arrested are interviewed by your program?

—What are the major reasons why the other defendants are not interviewed?

—made bail?

—not eligible?

—physical or mental condition of defendant (e.g., drunk, on drugs, emotionally disturbed)?

—insufficient program staff?

—other? Please explain.

Try to obtain estimates of the number or percentage of defendants missed for each reason.

26. Are there any special problems faced by the interviewing staff (e.g., backlogs of defendants, language difficulties, timely processing of defendants to fit arraignment schedules, inadequate space)? If so, please explain.

#### Verification

27. Do you verify the information provided by the defendants?  
(a) If so, please describe the way this is done.

—How much of the information is verified? Which specific items?

—How many people are usually called to verify the information?

—Who does the verification?

—What training is provided to staff doing the verification?

—During what hours is verification usually done?

—Where is the verification done?

(b) If no verification is done, what are the reasons?  
Skip to the next section.

28. About what percentage of the interviews are verified?
- What are the major reasons why all interviews are not verified (e.g., no answer when references called, shortage of staff)?
29. Do you find that the information provided by the defendants is usually consistent with the information obtained from references?
- About what percentage of the time?
  - Are there any patterns of inconsistency you have noticed?
30. Are there any special problems faced by the verification staff (e.g., too few telephone lines, too little time to conduct verification)? If so, please explain.

#### Use of Information

31. What use is made of the information obtained on the defendants?
- Is it rated by means of a point system?  
If so, may I have a copy of the point system?
  - Is it used to derive recommendations for release?  
If so, how are these recommendations developed? Are there formal guidelines?
  - What types of recommendations are possible? Which recommendations are most commonly made? (Check for conditions, referral services, diversion.)
  - Is it provided to a judge or other judicial officer? If so, in what form (e.g., copy of interview sheet, special written report, oral communication only)? At what point in the criminal justice system process?
  - Is it provided to anyone else (e.g., defense attorney, prosecuting attorney)? If so, in what form? At what point in the criminal justice system process?
  - Who provides the information to the criminal justice system officials (e.g., special staff person, individual interviewers)? Is this done in person?
  - About how much time elapses between the interview and the provision of information to the court?
  - Is unverified information treated differently than verified information? In what ways?

32. About what percentage of the defendants receive a recommendation for own recognizance release? For other types of release (probe for specific types)? Other recommendations (specify)? No recommendation?
33. About what percentage of the program's recommendations are followed by the judicial officers who receive them?
- What seem to be the most common reasons for not following program recommendations (e.g., judges release defendants with unverified information, judges do not release defendants charged with certain crimes)?
34. For defendants who secure release, about how much time elapses between arrest and release?

#### Follow-Up Procedures

35. After a defendant has been released, what follow-up procedures are used to help assure later court appearances?
- Does the program mail reminders to the defendant? How often? How soon before scheduled court dates?
  - Does the program call the defendant? Visit the defendant, at the program or at the defendant's place of work?
  - Does the defendant have any responsibility for contacting the agency during the pretrial period?
    - By telephone, mail or in person?
    - How often?
    - What is done if the defendant fails to maintain this contact?
  - Does the program contact third-party custodians or referral services to monitor defendants' pretrial activities?
    - Under what conditions?
    - How often?
    - By telephone, mail or in person?
    - How would you characterize the program's relationships with the various referral organizations?
    - What use is made of the information?
  - Who is responsible for any program follow-up activities? How are these staff members trained?

36. Does the program follow-up on all released defendants, including those who were not recommended for release by the program?

37. Does the program refer defendants to other local agencies for services?

—About how often does this occur?

—Which agencies are used most often?

#### Failure-To-Appeal

38. Does the program have special procedures for defendants who fail to appear in court? If so, please describe these procedures.

—Does the program try to locate the defendant?

—In what ways (telephone, personal search, through references)?

—Who conducts these activities? How are these individuals trained?

—If the program does locate the defendant, what is done then (arrest defendant, try to persuade defendant to contact the court)?

—Can the program revoke release? How?

—Can the program apply additional supervisory measures?

—Can the program issue or execute bench warrants?

39. What actions does the court take when a defendant fails to appear?

—Are bench warrants issued routinely or only under certain circumstances? What circumstances?

—Is there a waiting period before a bench warrant is issued? If so, how long is this waiting period?

40. About what percentage of the bench warrants for failure-to-appear are actually executed?

—Who executes most of them?

41. Can a defendant who fails to appear and is arrested be released again?

—Always or only under certain circumstances? Which circumstances?

—About what percentage of the defendants who fail to appear and are arrested are later released again?

42. What is the failure-to-appear rate for defendants on own recognizance release?

—How is this rate calculated (e.g., based on number of defendants or number of appearances, excludes "non-willful" FTA)?

—What is the FTA rate for own recognizance releasees recommended by the program versus those released without a program recommendation?

43. What is the failure-to-appear rate for defendants released on bond?

—On deposit bond?

—Conditional release?

—Supervised release?

—Other?

#### Pretrial Criminality

44. What is the rate of pretrial criminality for defendants released on own recognizance?

—How is this rate calculated (e.g., rearrests during the pretrial period, rearrests for new charges during the pretrial period, convictions for rearrests which occurred during the pretrial period)?

—What is the pretrial criminality rate for defendants released on bond?

—On deposit bond?

—Conditional release?

—Supervised release?

—Other?

#### Release Rates

45. About what percentage of all arrested defendants are released:

—On own recognizance?

—On surety bond?

—Deposit bond?

—Unsecured personal bond?

—Supervised release?

- Conditional release?
- Third party custody?
- Citation release?
- Stationhouse release?
- Other (specify)?

46. About what percentage of all arrested defendants remain in jail until the final disposition of their cases?
47. Have you observed any particular trends in release rates (e.g., more defendants being released, more defendants being released in certain ways)? If so, what is the nature of these trends?

#### Equity of Release

48. Is any information available about the characteristics of defendants who are released in different ways (e.g., own recognizance, surety bond), as compared with the characteristics of all arrestees or of detained defendants?

—Note: Characteristics of interest include age, race, sex, employment status, income level, etc.

#### Research and Evaluation

49. Do you conduct any research or evaluation activities? If so, please describe them. (Obtain copies, if appropriate.)
50. Have any other evaluations been done of your program? If so, please describe them. (Obtain copies, if appropriate.)

#### Budget

51. What are the sources of funding for your program?
52. What is the size of your current annual budget? Has this changed much in recent years?
53. Do you anticipate any funding difficulties for your program in the future?

#### Staff

54. What is the size of your staff? How are the positions allocated by function?
55. How many persons are employed full-time? Part-time? Volunteers?
56. How do you recruit staff? What are the requirements for the positions?

57. What are the backgrounds of the staff? Do these backgrounds vary by position?
58. How much turnover is there on the staff? Do you think this is too much, too little or about right? Why?
59. Are there any staff activities not discussed before that we should be aware of? If so, what are these?

#### Relationships With Rest of Criminal Justice System

60. How would you characterize your relationships with local judges?
61. How are local judges selected? What are their terms of office?
62. How would you characterize your relationships with the prosecutor's office?
63. What actions by the prosecutor affect your program, and in what ways?
  - Does the prosecutor charge certain offenses so that the defendant will be ineligible for a program interview? About how often are defendants, once ineligible by offense, made eligible for own recognizance release by a reduction of charges? How does the program handle this situation?
  - Does the prosecutor oppose release for certain defendants because of an apparent belief that this would hinder the plea bargaining process?
  - Does the prosecutor take any special actions with regard to defendants who fail to appear for court dates or who commit pre-trial crimes? What are these actions, and how do they affect your program?
64. How would you characterize your relationships with the criminal defense bar locally?
65. How are most defendants represented (e.g., Public Defender, court-appointed attorneys)?
66. How would you characterize your relationships with local police officers?
67. How many different law enforcement agencies do you deal with?
68. Do the police:
  - Overcharge defendants? Frequently rearrest released defendants on charges that are later dropped?
  - Help locate defendants who miss court dates? Does the program provide information to help them?

69. How would you characterize your relationship with the Sheriff's Department?
70. What are the general conditions in the local jail? Overcrowded?
71. How would you characterize your relationships with local bonding companies?
72. How many bonding companies are there? How "powerful" are they?
73. How would you characterize your relationships with the local media?  
—How would you characterize the coverage the local media provide of matters relating to pretrial release?
74. How would you characterize your relationships with local government?
- Other
75. Can you suggest a good source of information on local crime trends?
76. Is there anything else you would like to tell me about your program or its relationship to other local organizations?

I would like to obtain some information about your program's funding and staff before I leave the area. I have several short forms for recording this information and would like your advice on how they could most easily be completed. (Explain forms and determine a way to get them completed.)

Check on items to obtain:

- Organization Chart(s)
- Copies of forms the program uses
- Procedures manual?
- Evaluation reports?
- Other helpful information on the program?

## Funding Summary

Source	Amount	Period	
		Starting Date	Ending Date
City	\$		
State	\$		
LEAA	\$		
Other (specify) _____	\$		

Item	FY 1975	FY 1976	FY 1977	FY 1978
Budget				
Expenditures				

## BUDGET AND EXPENDITURES BY CATEGORY

Category	FY 1977—Budget		FY 1977—Expenditures	
	Amount	Percent	Amount	Percent
Personnel				
Office Space				
Office Supplies				
Telephones				
Travel				
Fringe Benefits				
Mailing Costs				
Other (specify)				
TOTAL	\$	100%	\$	100%

## BUDGET AND EXPENDITURES BY PROGRAM COMPONENT

Component	FY 1977—Budget		FY 1977—Expenditures	
	Amount	Percent	Amount	Percent
Administration (including clerical)				
Interviewing and Verification				
Supervision (of release)				
Education				
Referral Service Staff				
Other (specify)				
TOTAL	\$	100%	\$	100%



## STAFF COMPOSITION

Type	Number of persons employed as of		
	6/30/76	6/30/77	12/31/77
Full-time			
Part-Time			
Volunteers			
TOTAL			

## STAFF SUMMARY

Component	Authorized Positions (FTE)*				Filled Positions (FTE)*			
	FY 75	FY 76	FY 77	FY 78	6/30/75	6/30/76	6/30/77	12/31/77
Administrative								
Clerical								
Interviewers								
Supervisory staff								
Education								
Surveillance								
Other (specify)								
TOTAL								

\*FTE = Full Time Equivalent

# STAFF SALARIES

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	Above \$20,000
Administrative							
Clerical							
Interviewers							
Supervisory Staff							
Educational Staff							
Surveillance							
Other (specify)							
TOTAL							

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## STAFF CHARACTERISTICS (12/31/77)

Characteristic	Number	Percentage
White		
Black		
Other Minority		
Female		
Under 25 years of age		
26-30 years of age		
31-45 years of age		
Over 45 years of age		
Employed 1-11 months		
Employed 1-2 years		
Employed 2-3 years		
Employed 3-5 years		
Employed more than 5 years		
College education (2 or fewer years)		
College degree		
Advanced degree		
Previous Criminal Justice System Experience		
Hired Through CETA		

## JUDGE: INTERVIEW GUIDE

- Please describe your contacts with the pretrial release program.
  - How long have you been involved with the pretrial release program?
  - Were you on the bench before the program was established? What was the pretrial release system like then?
- What are your views on the usefulness of the pretrial release program? Have these views changed over time?
- When a defendant is brought before you, what kinds of things interest you in deciding about release? Is there any one characteristic which is more important than the others?
- What use do you make of the information the pretrial release program provides? How accurate does this information seem to be?
- Please describe the way you handle each case before you:
  - Do you ask the program representative, if one is present, about the defendant?
  - Do you rely on the program's report?
  - Are you interested in using only verified information?
  - Does the presence of a defendant's family or friends affect the release decision?
  - How much time, on the average, are you able to devote to considering the defendant for release?
- What methods of release are available to defendants? In what order do you consider these methods (e.g., own recognizance, then release with conditions, supervised release, surety bond release)?
- Do you generally follow the program's recommendations?
  - If not, what are the major reasons why you usually do not follow the program's recommendations?
  - Do you release fewer or more defendants than the program recommends? On more or less restrictive conditions than recommended?
- Do you think the existence of the pretrial release program has affected your release decisions? If so, in what ways?
- Are you generally satisfied with the program's follow-up on released defendants? Why or why not?

10. How do you treat a defendant's failure-to-appear?
  - Is a bench warrant automatically issued? If not, under what conditions?
  - Do you revoke or modify release conditions?
  - If the nonappearing defendant was released on bond, what actions are taken with regard to the bonding agent?
  - Is the bond forfeited after a certain time period? How long?
  - Are the forfeitures collected?
11. How do you handle pretrial criminality? Does a second arrest affect your handling of the first offense in any way (e.g., by setting an earlier trial date for the first offense or by modifying release conditions)?
12. Do you think that "preventive detention" should be openly permitted for defendants who may be likely to commit crimes? Why or why not?
13. How long have you been a judge in this area?
  - How were you selected for this position?
  - How long is your term in office?
14. Were you working within the criminal justice system before you became a judge?
  - Did you have any involvement with pretrial release during that time? Is so, what was the nature of that involvement?
15. Can you suggest a source of information on the court processing costs incurred for various stages of the judicial process?
16. What do you think would happen if there were no pretrial release program in this area?
17. Do you have any suggestions for changes in the present release program in this area?
18. Is there anything else you would like to tell me about the pretrial release system in this area?

## PROSECUTING ATTORNEY: INTERVIEW GUIDE

1. How much contact do you have with the pretrial release program? What is the nature of this contact?
2. What is your opinion of the work that the pretrial release program does? Does its work help or hinder your own? In what ways?
3. Do you think of the pretrial release program more as a neutral information-gathering agency or as an advocate for defendants? Why?
4. About how often would you say that you and other prosecutors are in agreement with the staff of the pretrial release program about the defendant's release? What are the most common reasons for disagreement?
5. Do you receive any information about defendants from the pretrial release program? Routinely or only under certain conditions?
  - Do you find this information helpful? Why or why not?
6. Could you describe the way a case is typically handled by you or an attorney on the staff?
  - When and how do you find out about the case? How is case assignment to individual attorneys handled?
  - Who handles any preliminary screening of the case for charge reduction, dismissal, etc.?
  - How much time elapses between finding out about the case and making the first court appearance?
  - Do you participate in the release proceedings? In what way?
7. About what percentage of your cases are settled by plea bargaining? Is the plea bargaining process affected by the type of release (or the lack of release)? In what ways?
8. How effective do you think own recognizance release is in this area? How does it compare with release on surety bond? With other types of release?
9. Under what circumstances would you or a staff attorney ask that a defendant be held without bail or ask for an exceedingly high bail?
  - Is the risk of flight or potential "dangerousness" more important?
  - How receptive are judges to these requests?

10. Do you think that "preventive detention" should be openly permitted for defendants who may be likely to commit crimes? Why or why not?
11. If a defendant fails to appear for a court date, what actions will you take if the person is apprehended or voluntarily returns at a later date?
  - Is the failure-to-appear prosecuted as an additional offense? Under what conditions? About how often?
  - Do you accelerate the trial process?
  - Are you less likely to plea bargain?
  - Do you ask for a more severe sentence in the event of a guilty plea or conviction?
12. What are your responsibilities as prosecutor? Does your authority to prosecute cover all non-Federal criminal offenses in the area? If not, how is this authority distributed locally?
13. How long have you served as prosecuting attorney for this jurisdiction? How did you become the prosecuting attorney? What is your term of office?
14. How many attorneys practice for this office? How is the office organized?
15. Are there guidelines to be observed when handling pretrial matters? Are these written?
16. How are new attorneys trained in handling pretrial matters? How is their work in this area reviewed? How much consistency do you think there is across the various attorneys on the staff?
17. Can you suggest a source of information on the costs of prosecuting a case through various stages of the criminal process?
18. Were you working in the criminal justice system before you became the prosecuting attorney?
  - Did you have any contact with the pretrial release program at that time? What kinds of contacts? What was your opinion of the program?
19. Were you working in the criminal justice system before the pretrial release program was established?
  - What was the pretrial release system like then?
  - What are the major changes that have been made as a result of establishing the program?

20. What do you think would happen if there were no pretrial release program in this area?
21. Do you have any suggestions for changes in the present operations of the pretrial release program?
22. Is there anything else you would like to tell me about the pretrial release processes in this area?

(Obtain copy of annual report, if appropriate.)

## DEFENSE ATTORNEY: INTERVIEW GUIDE

1. Please describe how most criminal cases are defended in this area. How much of the work is done by a public defender's office? By a local legal aid society? By retained counsel? By court-appointed counsel? By attorneys chosen from bar association registers? How are these attorneys paid for their work? What sort of specialization is there among defense counsel?
2. What is the quality of defense services that defendants receive in this area? Are there wide variations in quality? How does the local bar deal with this, if at all?
3. How would you characterize the bar's relations with the criminal courts? Are there any prominent problems that attorneys have with the judges?
4. What is the quality of judicial service in this area? How do individual judges differ from others in their application of the law? How do they apply the law regarding pretrial release? Are they generally accepting of the more reformist approaches to pretrial release? Does the practicing bar encourage them to do so?
5. What efforts have been made by the local bar to extend pretrial release service to area defendants? Was the bar instrumental in getting the agency institutionalized (e.g., did it provide money, legal advice, suggested guidelines)? Has the local bar brought suits for the enforcement of pretrial release rights? If so, what was the nature of these suits?
6. Do you have any contact with the pretrial release agency? What do you think of its activities?

## JAIL OFFICIAL: INTERVIEW GUIDE

1. What are the general jail conditions in the community?
2. What is the available jail capacity? How many defendants are normally detained in the jail(s) at any given time?
3. Are there any defendants who are housed in prison (i.e., post-conviction) facilities? Are there any defendants who are housed in the jails along with convicted criminals?
4. Please describe the sanitary, hygienic, and medical facilities available to defendants.
5. Are defendants able to obtain drugs while detained? What sorts of disciplinary problems, if any, exist in the jails? Is there any problem associated with violence among defendants?
6. What improvements have been made or are needed in the jail system? Have there been any lawsuits that have tried to improve jail conditions? What has been their result?
7. How much space is available to agency interviewers? Are they able to conduct interviews without interruption? What amount of privacy do defendants have while talking with interviewers?
8. How do interviewers treat defendants?
9. What is the nature of the relationship between jail and agency staff members?
10. Have any special arrangements (of schedules, office space, etc.) been necessary to accommodate agency interviewers?

## LAW ENFORCEMENT OFFICER: INTERVIEW GUIDE

1. How long have you been on the police force? Were you here before the pretrial agency was established? Before own recognizance release became popular?
2. Has own recognizance release been well accepted among police officers? How do they regard it, as compared with surety bond release?
3. How do the police officers get along with staff members of the pretrial agency? Does the agency often request information from you (e.g., previous record, history of flight)? Does the police department ever have need of information that the agency has? Are there any difficulties (e.g., confidentiality, administrative, legal) that you encounter?
4. Please describe the way that a person routinely becomes a defendant and is processed through the system. How many arrests are made as a result of patrol or "beat" work? As a result of complaints? As a result of investigations? As a result of using informants? How many of these arrests result in bookings?
5. What sort of considerations go into your booking and charging decision? Are there any offenses here that are ineligible for own recognizance release? Any kind of release? Does this affect the charge?
6. Once a defendant has been charged, what role does the police officer assume at the release hearing? Is the officer usually an active participant?
7. If a defendant fails to appear at a scheduled appearance, does the police force or arresting officer have special procedures to locate the individual?
8. Do you have any data on rearrest rates?
9. Are there any special problems that are created by own recognizance release? Does it have any special advantages for the police department?
10. What recommendations would you have for the pretrial agency?

## BONDING AGENT: INTERVIEW GUIDE

1. How long have you been active in the bonding business in this area?
2. What are the legal requirements, State and local, for conducting a bonding business (e.g., licensing, absence of recorded criminal activity, capital, insurance)? How difficult is it to fulfill these requirements? Have you ever had any problems because of them (e.g., loss of license and other disciplinary measures, loss of insurance)?
3. How many bonds do you write in a year? What face value do these bonds represent?
4. How much money or collateral do you have to post to the court when you bond a defendant? Do all bonding companies post about the same amount?
5. How many bonding companies operate in the area? Do all of them handle the same kinds of clients or is there specialization?
6. Please describe your typical client (e.g., income, age, dependents, savings and resources, usual amount of bail)?
7. How fully do you try to have the defendant collateralize the bond? What kind of collateral do you require of defendants? What kind is acceptable?
8. What is your estimate of the success you have in assuring the defendant's appearance?
9. If a defendant fails to appear in court, when do you first learn of it? Do you try to stay in touch with defendants before trial? How often are you able to locate the defendant within a week of the non-appearance? Within two weeks? Within a month? How many are you unable to locate at all? Do you have contacts in other communities who help you locate missing defendants? Will you try by yourself to locate missing defendants?
10. What usually happens to you when one of your defendants is missing? How much time does a court give you to locate the person? How much time elapses before the court orders you to pay on the bond? How often are you required to do so? Is it usually the face amount or less than the face amount? How much less?
11. In the event that you have to pay on the bond, are you normally covered by the defendant's collateral? Do you often go to court to recover from the defendant? How many defendants are judgment-proof?
12. How many of your clients commit crimes or are rearrested while awaiting trial? Do they usually get released afterward? Do you write their bonds?

13. How active are you in political and civic matters? Is there a local association of bonding companies? What does it do?
14. Do you think that bonding will continue as a method of release?
15. What do you think of the efforts of the pretrial release agency? Do you think of them as competition? Are there certain offenses that they handle and you do not? Are there offenses that you handle and they do not?

APPENDIX C

GLOSSARY



## GLOSSARY

Note: For definitions of common criminal justice system terms not listed below, see SEARCH Group, Inc., Dictionary of Criminal Justice Data Terminology, (Washington, D.C.: U.S. Department of Justice, Law Enforcement Assistance Administration, 1976).

Appearance—See "Court Appearance."

Arraignment—The court appearance in which a defendant is informed of the charges which have been brought.

Arrest—Taking a person into custody by authority of law, for the purpose of charging the individual with a criminal offense.

Bail Commissioner—A magistrate authorized to make release decisions. Bail commissioners exist only in certain jurisdictions.

Bench Warrant—A document issued by a judicial officer directing that a person who has failed to obey an order or notice to appear be brought before the court.

Bond Forfeiture—The loss of a bond posted to guarantee a defendant's appearance for required court proceedings. Such forfeiture may be ordered by the court when the defendant fails to appear.

Bond Schedule—A list showing bond amounts for specified offenses. A defendant charged with one of these offenses can secure release by posting the amount indicated (either personally or through a third party, such as a bonding agent).

Bonding Agent—A person or company which posts the bond required for a defendant to secure release. A commercial bonding agent receives a fee from the defendant for this service; the fee is usually about 10% of the face value of the bond. See also "release on bond."

Bondsman—See "Bonding Agent."

Booking—An administrative action, by law enforcement officials, which records an arrest and identifies the person, place, time, arresting authority and reason for the arrest.

Case Disposition—The final judicial decision which terminates a criminal proceeding by a judgment of conviction or acquittal, or a dismissal of the case.

Cash Bond—See "Release on Bond."

Charge—A formal allegation that a specific person has committed a specific offense.

Citation Release—Either field release or stationhouse release.

Community Ties—Links with the local jurisdiction, as shown by length of residence in the area, the number of relatives in the area, extent of family support, nature of employment and similar factors.

Conditional Release—Release of an accused person, who has been taken into custody, upon a promise by the accused to abide by certain rules and to appear in court as required for criminal proceedings. Common conditions of release are to stay away from complaining witnesses, to reside in a certain area and to refrain from unlawful behavior.

Conviction—A judgment of a court that the defendant is guilty of the offense charged.

Court Appearance—The act of coming into a court and submitting to the authority of that court. As used in this study, a "real" scheduled court appearance is one in which (1) the defendant had to appear (i.e., not just the attorney); (2) the defendant did appear; and (3) court proceedings other than simply a postponement occurred.

Crimes Against Persons—As used in this study, crimes against persons consist of murder, non-negligent manslaughter, forcible rape, robbery, aggravated assault, other assaults and arson.

Crimes Against Public Morality—As used in this study, crimes against public morality consist of prostitution, sex offenses other than forcible rape or prostitution, gambling, liquor law violations and drunkenness.

Crimes Against Public Order—As used in this study, crimes against public order consist of weapons offenses, driving while intoxicated, disorderly conduct, vagrancy and minor local offenses.

Deposit Bond—See "Release on Bond."

Detention—Incarceration of an accused person before trial.

Disposition—See "Case Disposition."

Drug Crimes—As used in this study, drug crimes consist of distribution or possession of narcotics or marijuana.

Economic Crimes—As used in this study, economic crimes consist of burglary, larceny, theft, forgery, fraud, embezzlement and stolen property.

Failure-To-Appear (FTA)—The act of not showing up for a required court proceeding. Measures of failure-to-appear are usually either defendant-based (e.g., the number of defendants who miss a court appearance) or appearance-based (e.g., the number of court appearances which are missed). Sometimes estimates of "willful" FTA are also derived; such estimates exclude failures to appear which occur because of forgetfulness, sickness or similar reasons.

Field Release—Release of an accused person by a law enforcement officer at the time of arrest, without taking the accused into custody, upon a promise to appear in court as required for criminal proceedings. Also called "summons" release.

Financial Release—The release of an accused person, when the release is conditioned in some way upon the posting of money or the promise to pay a certain sum if required court appearances are not made. Includes release on bond, unsecured bond and deposit bond.

Forfeiture—See "Bond Forfeiture."

Fugitive—A person who failed to appear for required court proceedings and was not subsequently returned to court (either voluntarily or involuntarily).

Index Crimes—See "UCR Offense Classifications."

Initial Appearance—The first appearance of a defendant in the court which has jurisdiction over the case. Sometimes called a preliminary hearing.

Nonfinancial Release—The release of an accused person, when the release is in no way conditioned upon the posting or promise of money. Includes release on own recognizance, release to third party, conditional release, supervised release, citation release and stationhouse release, as long as these types of release are not coupled with the posting or promise of money.

Offense—An act committed in violation of a law forbidding it.

Own Recognizance (OR)—See "Release on Own Recognizance."

Parole—The status of an offender conditionally released from prison prior to the expiration of the person's sentence and placed under the supervision of a parole agency.

Part I Crimes—See "UCR Offense Classifications."

Part II Crimes—See "UCR Offense Classifications."

Personal Recognizance—See "Release on Own Recognizance."

Plea Bargaining—The exchange of prosecutorial or judicial concessions, commonly a lesser charge, the dismissal of other pending charges, or a recommendation by the prosecutor for a reduced sentence, in return for a plea of guilty.

Point System—A rating scheme in which points are assigned for various factors (e.g., residence, employment, prior record). A defendant must receive a certain minimum score to be eligible for an own recognizance release recommendation from a pretrial release program.

Postponement—The deferring of court proceedings until a later date.

Preliminary Hearing—See "Initial Appearance."

Pretrial Criminality—An unlawful act committed while awaiting trial for another alleged offense. In this study pretrial criminality is measured by (1) arrests for new offenses allegedly committed during the pretrial period and (2) convictions for these arrests. The term "pretrial criminal" is used only for defendants who were convicted as a result of a pretrial arrest.

Pretrial Release Program—An organization which facilitates decisions about the release of defendants during the time between arrest and disposition of the case. Usually, such programs interview defendants about their community ties, verify the information provided, and present this information to a judicial officer who makes the release decision. Programs may also notify released defendants of coming court appearances and offer other follow-up services during the release period.

Preventive Detention—Incarceration of an accused person before trial in order to avert crimes which the person is considered likely to commit if released.

Probable Cause—A set of facts and circumstances which would induce a reasonably intelligent and prudent individual to believe that an accused person had committed a specific crime.

Probation—The conditional freedom granted by a judicial officer to a convicted offender, as long as the person meets certain conditions of behavior.

Release on Bail—See "Release on Bond."

Release on Bond—The release of an accused person who has been taken into custody, upon a promise to pay a certain sum of money or property if the person fails to appear in court as required.

If no money or property is required to be deposited in advance, this is an "unsecured bond" or "unsecured appearance bond."

If money or property is required to be deposited in advance, and is deposited by a third party (such as a bonding agent) rather than by the defendant, this is a "surety bond." A commercial bonding agent charges a fee (usually around 10% of the face value of the bond) for serving as a surety; this fee is not refunded if the accused person appears in court as required. Bonding agents also often require collateral for all or part of the remaining bond amount.

If only a percentage of the bond amount must be deposited in advance, with most of that deposit returned if the accused person appears in court as required, this is a "deposit bond" or "percentage bond" (sometimes called a "cash bond").

Release on Own Recognizance (ROR or OR)—Release of an accused person who has been taken into custody, upon a promise to appear in court as required for criminal proceedings. This study distinguishes between "Program OR," in which the release was recommended by the program, and "Judges' OR," in which the person was released against or in the absence of a program recommendation.

Release to Third Party—Release of an accused person who has been taken into custody to a third party who promises to return the accused to court for criminal proceedings.

Sentence—The penalty imposed by a court upon a convicted person, or the court decision to suspend imposition or execution of the penalty.

Sheriff's OR—See "Stationhouse Release."

Stationhouse Release—Release of an accused person by a law enforcement officer after the booking process has been completed, upon a promise to appear in court as required for criminal proceedings. Sometimes called "Sheriff's OR."

Supervised Release—Release of an accused person, who has been taken into custody, upon a promise by the accused to report periodically to pretrial release program staff, court officials or staff of another organization. The extent of supervision varies widely; "little" supervision is much like conditional release (where a condition is periodic reporting, e.g., through a weekly telephone call) and "extensive" supervision is similar to third party custody.

Surety Bond—See "Release on Bond."

Suspended Sentence—The court decision postponing the execution of a sentence that has been pronounced by the court. When the court suspends a sentence, it retains jurisdiction over the person and may later execute the sentence.

Third Party Custody—See "Release to Third Party."

Trial—The examination of issues of fact and law in a case, beginning when the jury has been selected in a jury trial, or when the first witness is sworn, or the first evidence introduced in a court trial, and concluding when a verdict is reached or the case is dismissed.

UCR Offense Classifications—Crime categories used in the Federal Bureau of Investigation's Uniform Crime Reporting program. Part I Offenses are those crimes which are the most likely to be reported, which occur with sufficient frequency to provide an adequate basis for comparison, and which are serious crimes by nature or volume. Part I offenses are criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft and motor vehicle theft. Index crimes consist of all Part I crimes except negligent manslaughter (a type of criminal homicide). Part II Offenses are those crimes that do not meet the Part I criteria of seriousness or frequency.

Unsecured Appearance Bond—See "Release on Bond."

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