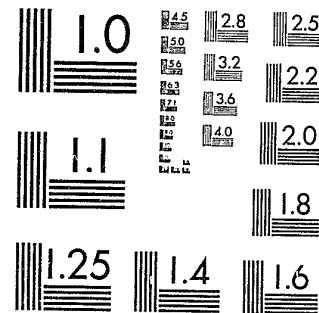


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EXECUTIVE SUMMARY

JAIL OVERCROWDING AND PRETRIAL DETENTION: AN EVALUATION OF PROGRAM ALTERNATIVES

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! authors and do not necessarily reflect the views of the Department of
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U.S. Department of Justice
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CHAPTER I. INTRODUCTION AND OVERVIEW

Description of the Jail Overcrowding Problem

Overcrowding in county jails is a chronic and increasingly widespread problem. Forty of the 50 states have overcrowded jails and prisons (National Center for State Courts, 1981) and 81 percent of the people in jails have less than 60 square feet of floor space per person (Mullen, Carlson & Smith, 1980: 75 and 135). In spite of considerable efforts by jail administrators and criminal justice officials and researchers to reduce jail overcrowding, the situation appears to be worsening. The average number of people held in local jails in 1978 was 12 percent higher than the number held in 1972 (Bureau of Justice Statistics, 1980: 1), and according to the National Center for State Courts (1981), the incarceration level in state and federal prisons and local jails rose from 325,000 in 1973 to 528,000 in 1979. According to a recent article in Corrections Magazine (Allinson, 1982), jail overcrowding is at its highest level ever and is no longer a malady confined to large cities and the South, but has spread to suburban areas, medium-sized cities and even rural counties.

A primary assumption of the LEAA Jail Overcrowding Program was that jail populations could be reduced or controlled by concentrating on pretrial processes. Unsentenced prisoners comprise 40-52 percent of the average jail population (Bureau of Justice Statistics, 1980: 1; Moynahan & Stewart, 1980: 86; Mullen, Carlson & Smith, 1980: 72). Only a small percentage of these pretrial detainees are held without bond. Consequently, the vast majority are incarcerated only because they cannot afford to post bond. Toborg (1981) and Beaudin (1980) assert that the law makes a presumption for release and that pretrial incarceration should be the exception and not the norm. They argue that pretrial defendants should not have to be proven to be "good risks" to secure release, but should be released unless there is clear evidence of their likelihood to fail-to-appear (FTA) for court or to be rearrested. Their research efforts and those of Thomas (1976) have demonstrated that there has been no relationship between release rates and FTA and rearrest rates, that the use of cash bail should be greatly reduced or eliminated, and that release criteria should be relaxed to allow the release of more detainees. Similar findings and recommendations can be found in the works of the District of Columbia Pretrial Services Agency (1980), Goldkamp (1980) and Pryor (1979).

In 16 states the state prison systems are so overcrowded that a person sentenced to prison must await an opening in the prison system before he or she can be moved from the local detention facility to the state prison (Bureau of Justice Statistics, 1981:1). This situation has greatly intensified the crowded conditions in a number of local jails. On most days the Atlantic County, New Jersey jail (capacity: 186) holds between 50 and 60 prisoners awaiting transfer to state facilities. In New Orleans between 200 and 300 prisoners are awaiting transfer. In 1976 there were 7,738 state prisoners in 10 states waiting for transfer from local jails (Mullen & Smith, 1980:30). As of January 1, 1981 there were 7,612 state inmates housed in local jails (Knapp, 1981:4), and at year end

8,576 state prisoners were backlogged in local jails (Bureau of Justice Statistics, 1982:3). State prisons are becoming increasingly more crowded which is likely to worsen the situation for local facilities. During 1980, the nation's prison population increased by 15,000 (a 5% increase over 1979); during the first half of 1981 over 20,000 more prisoners were added to the rolls of the nation's correctional institutions; and a record incarceration rate (of prisoners sentenced to more than one year) of 147 per 100,000 population was reached (Bureau of Justice Statistics, 1981a:1 and 1981b:1-3). As stated earlier, the incarceration rate for all local, state and federal facilities rose from 325,000 in 1973 to 538,000 in 1979.

The back up into local facilities of state prisoners has caused an increase in the sentenced felony population of many jails. Jails were constructed primarily to house pretrial detainees and sentenced misdemeanants. They are ill equipped to handle the hard-core, potentially dangerous, and disruptive population represented by large numbers of sentenced felons (Moynahan & Steward, 1980:107; Taft, 1979:28). Local jails have few if any of the rehabilitative, educational, vocational, or recreational programs that state prisons are designed to offer.

There is little evidence that the jail or prison overcrowding problems will be resolved anytime in the near future. Data presented above demonstrate that both jail and prison populations are increasing. Both Jones (1980) and Knapp (1981) predict that prison overcrowding will continue to be a problem until the mid-1990s. New construction is unlikely to solve this crowding problem. In time of economic hardship and tight money it is improbable that the \$8-\$10 billion needed to bridge the gap between capacity and population for state facilities (Mullen & Smith, 1980:145) or the billions more needed to expand local jails will be appropriated. Even if such funds were to become available, it is still doubtful that crowding would be alleviated if it is accurate that corrections tend to be a capacity-driven system.

The growing sentiment among citizens and policy makers in the U.S. away from rehabilitation and toward punishment also weighs against a decrease in the number of people incarcerated. Public opinion polls show that crime ranks almost as high as the economy among citizens' concerns and that public concerns about the amount of crime committed by people on pretrial release is growing (Gest, 1981a, 1981b). President Reagan, in a speech to a law enforcement convention in New Orleans (September 28, 1981), called crime "an American epidemic" and supported a number of proposals to reduce crimes that are likely to increase incarceration rates.

Among the criminal justice reforms that are likely to increase jail and prison overcrowding are proposals for bail denial, mandatory sentencing, preventive detention, abolition of parole, and determinate sentencing. "During the past 4 years, 37 states have passed mandatory sentencing statutes and 15 states have passed determinate sentencing laws" (Bureau of Justice Statistics, 1981a:1). Such statutes are expected to have an indirect effect on jails by increasing the prison population.

Bail denial and preventive detention will have a more direct impact on jail populations. Preventive detention laws have been enacted in the District of Columbia and over two dozen states (Gaynes, 1982) but their enactment has drawn fire from civil libertarians who believe such laws are a violation of constitutional rights and would have a deleterious effect on a substantial percentage of pretrial detainees (Gest, 1981a). A number of criminal justice experts have recommended that laws be changed to allow bail denial, that judges begin using the bail denial option, and that pretrial services agencies concentrate more on identifying those who cannot be safely released and/or will not appear for trial (e.g., Attorney General's Task Force on Violent Crime, 1981; Beaudin, 1980; Pretrial Services Resource Center, 1982; West & Neubaum, 1982). Currently, preventive detention and "no bail" statutes are being used sparingly but should their use increase in popularity, there will probably be an increase in jail overcrowding.

Given that available evidence leaves little doubt that jail overcrowding will persist into the near future, it is imperative that alternatives to pretrial incarceration, quicker court processing of cases and all other methods to reduce jail overcrowding continue to be developed and studied. Pretrial release programs offer a potentially cost effective means of reducing jail overcrowding, and a means of averting court suits and costly new jail construction. They provide a mechanism through which arrestees can be screened for release or detention, and they can help to insure that the most dangerous arrestees are the ones who occupy available jail space.

Program Description

In 1978, the Law Enforcement Assistance Administration (LEAA) initiated a comprehensive program to diagnose specific problems in various jurisdictions experiencing severe overcrowding, and to simultaneously address both causes and symptoms through a variety of interventions. This program was expected to not only alleviate jail overcrowding conditions in the sites funded but to serve as a national model to other communities with similar problems.

The Jail Overcrowding and Pretrial Detainee Program (JO/PDP) focused on that portion of the jail population that is detained immediately following arrest. The program was initiated to complement LEAA's court improvement and delay reduction efforts. As a result of the excessive length of time required by some courts to process cases, some detainees experience lengthy custodial periods prior to adjudication. Although the courts are seen as the key to a comprehensive solution (since the court can effectuate the release of arrestees), the sheriff, police, prosecutors, and defense counsel all play instrumental roles in expediting the flow of criminal cases and in employing pretrial detention and sentencing alternatives. Therefore, in selecting projects for funding, program monitors sought evidence of systemwide commitment from these agencies at the candidate sites.

The JO/PDP employed a two-phase approach: Phase I awards, ranging up to \$20,000, were for problem analysis and planning and Phase II awards, ranging up

to \$250,000, were provided for the implementation of Phase I plans. In addition to direct funding (which required a 10% cash match from the sites), a significant amount of technical assistance was provided to the sites. Awards were limited to jurisdictions that were experiencing severe jail overcrowding problems.

The request for proposals issued by LEAA was rather specific with regard to both program objectives and applicant eligibility requirements (Figure 1); however, it wisely provided the opportunity for sites to develop Phase II applications based upon an analysis of local problems and local needs. Although the objectives of the program were clear, the alternative processes through which the communities could achieve the attainment of these goals were (apparently) intentionally nonspecific. A total of 40 Phase II implementation grants were awarded.

Evaluation Approach

This is the second of two evaluation studies. In May 1979, the Denver Research Institute (DRI) received a grant from LEAA to provide a management evaluation of the JO/PD Program. The purpose of that evaluation was to provide the sponsoring agencies with an assessment of program effectiveness through the development and examination of information from the funded projects. The LEAA evaluation was completed in November 1980 (see West, Neubaum, Blumenthal & Keller, 1980). Preliminary data from that report indicated that although many project objectives were being met, the program goal of reducing overcrowding in the jails was not achieved, nor was the program serving effectively as a national demonstration. A full impact evaluation of the program and of individual project results was not performed because seven of the nine sampled Phase II sites were still in operation under federal funding when the evaluation contract expired, and complete project data were unavailable.

In April 1981, DRI received modest additional funding from the National Institute of Justice (NIJ) for further evaluation of some JO/PDP sites. Unlike the LEAA grant which provided for a management evaluation, the primary purpose of this NIJ evaluation was to identify processes and policies which proved to have a positive impact on reducing the pretrial detainee population of local jails. In addition, the extended impacts of such processes and policies on law enforcement/criminal justice systems, pretrial releases and the communities served by such projects were to be examined through this evaluation.

There were other shifts in emphasis during this period. In 1979 when the JO/PDP evaluation first began, there were indications that the public was ready for alternative ways of dealing with crime. Prior to the program's inception, legislative trends, critical to the effective implementation of alternatives to jail overcrowding, were moving toward increased alternatives and more relaxed release criteria. Many states had downgraded various substance abuse violations in the past few years. The fact that arrests for drug-related violations were down 17 percent over the 1974-1978 period indicates the impact of such legislation. More importantly for local jails, alternatives to arrest were being used in about half of the states for dealing with large numbers of public intoxicants.

Local jurisdictions will be chosen by LEAA according to the following criteria:

- i. A six-month or more documented history of jail overcrowding generated, in large part, by pretrial detainees;
 - ii. The existence of, or willingness to provide, community-based or other release options to jail and bail, and a six-month or more documented history of underutilization of these alternatives;
 - iii. Evidence of Sheriff, Department of Corrections, County Board, and Judicial sponsorship and participation.
 - iv. The documented willingness to apply local financial resources to this overall detainee/jail overcrowding reduction effort;
 - v. An information system capability (manual or automated) to support program management and accountability needs;
 - vi. Pending or past legislation which facilitates or promotes pretrial release alternatives.
-

Figure 1. Excerpt from Program Announcement M4500.1G, September 30, 1978.

Another important change occurring at this time was the establishment of a statutory basis for presumption in favor of pretrial release. Both local and federal codes under consideration provided such a basis, while others dealt with permitting judges to consider community safety in determining release conditions. A movement toward determinate sentencing was also underway but its impacts on jail overcrowding were uncertain. Determinate sentencing had been enacted or was being considered by ten states and the federal system. The general assumption made by lawmakers was that prisoner populations would be largely unaffected, yet the matter had not been well studied. One analysis of the probable impact of California's determinate sentencing legislation (S.B.42) warned "there are sound reasons for speculating that S.B.42 may stimulate increases in prison admissions" (Nagin, 1979).

Overall, the environment looked favorable for implementing alternatives to overcrowding, especially if the program focused on cost effectiveness. Public dissatisfaction, coupled with legislative and financial support suggested a general willingness to deal with the growing problems of crime and incarceration. Construction costs for new jails were rising rapidly and it was difficult to generate the revenues for their construction.

Today the mood of the country is less favorable toward release, although the change is by no means universal. Researchers (Allinson, 1982; Gest, 1981a) report that it is much more difficult to divert people from jail than it was five years ago, and that judges are incarcerating people who two years ago would have been released. In the performance of this evaluation and the writing of this report DRI has attempted to be cognizant of this mood change and of new developments and issues in criminal justice, while not forgetting that the primary purpose of this evaluation was to illustrate methods and potential methods for alleviating jail overcrowding and safely reduce the incarcerated pretrial population. To some extent, however, the issue has been reidentified from one of reducing the pretrial population to making more informed choices between release and detention recommendations.

Methodology. Evaluation of the JO/PD Program presented a number of unique problems. Although program objectives underlying the individual grants were well defined (1) the implementation components and conditions varied immensely from site to site, (2) some projects used their funding to initiate new programs, while others used the support to enhance existing programs, (3) not all of the impacts of program activities could be anticipated prior to implementation, and (4) not all of the desired evaluation data were equally available or equally applicable to every site, nor were they equally available for pre- and postproject time periods at individual sites. Also, measures were defined differently from site to site which complicated comparisons across projects.

In light of these problems, it was determined that a case study design was essential for a firsthand examination of project and related criminal justice agencies' activities. Phase II sites were examined in depth through their completion: Atlantic County, New Jersey; Dade County, Florida; the state of Delaware; Jefferson County, Kentucky; Multnomah County, Oregon; Orleans

Parish, Louisiana; and San Francisco County, California. During site visits, available impact data were collected, as were large amounts of subjective information from interviews with criminal justice officials. To insure the collection of up-to-date information on project activities, DRI staff made frequent telephone contacts with project directors, project staff, and heads of impacted agencies.

To expand the analysis of program impacts on local criminal justice systems, DRI performed a telephone survey of JO/PDP sites that were not part of the sample. These interviews allowed us to document what happened to projects after their federal funding expired and broadened our knowledge of project and program successes achieved and problems encountered.

The evaluation study was not conducted within an experimental or even a quasi-experimental design. No requirements were imposed on the projects for data collection, although some of the sites voluntarily completed a monthly statistics summary. Comparison sites were not used to control for environmental, maturation or other intervening variables. Nevertheless, accurate and complete data that reflect on the willingness and ability of jurisdictions to initiate and support an alternatives program, and site by site internally consistent before and after data on number of releases, jail population and release performance measures are provided.

The complete text of the final report presents detailed information collected from the JO/PDP projects at the sampled sites and specific recommendations for each of the projects. This Executive Summary concludes with the analysis of program results, a discussion of program issues and recommendations for any jurisdiction experiencing jail overcrowding problems.

CHAPTER II. CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations in this report are based upon a continuing examination of the implementation and operation of project activities at selected JO/PDP sites since May 1979.

As discussed in the Introduction, the DRI grant was not budgeted for on-site primary data collection. DRI was largely dependent on the sites and periodic site visits to supply evaluation data needs. According to LEAA program guidelines, each project was charged with collecting data on its own operations and on the criminal justice system, and furnishing these data to DRI as requested. Also, many projects commenced operations and data collection before the DRI evaluation began; consequently, DRI had no input into the type or quantity of data collected by the projects.

In order to compensate for these potential data problems, DRI attempted to encourage the collection of pertinent data at the sites by emphasizing the value of feedback on program quality and by emphasizing accountability issues that were likely to arise after federal funds were exhausted and projects sought local support. During site visits and follow-up telephone contacts, DRI was able to collect data on both project operations and the criminal justice system in which they functioned. DRI also tried to work closely with other research contractors who were collecting primary hard data at some of the jail overcrowding sites (see Ross, 1980 and Finckenauer, 1981).

DRI made use of exhaustive interview data--one on one interviews with guarantees of anonymity to encourage respondents to speak freely. The evaluation staff used interview instruments that asked the same questions of people in different offices to increase the reliability of the data, used data from other more experimental studies, and interpreted that data together with DRI's limited quantitative but extensive qualitative data.

In addition to measures of jail population, the evaluation was expanded to include additional demonstrations of program impact. These include:

- the projects' impacts on the CJ system
- consideration of probable jail population growth and composition without the project
- impacts on detainee and information processing
- system awareness and concern for the overcrowding problem
- survival of projects beyond the federal funding cycle

The following presentation of program conclusions is organized around the research questions posed in the evaluation solicitation and in the DRI evaluation design. In some instances the questions are broadened to provide the opportunity to present additional relevant information developed in the course of performing the evaluation. This section also includes DRI recommendations for the JO/PDP projects and for other projects concerned with jail overcrowding, arrestee processing, and pretrial detention.

Conclusions

In evaluating program and project efforts it is necessary to take into account the original expectations concerning the program's potential impacts. In retrospect, the assumption that the JO/PDP projects could reduce their jail populations seems overly optimistic. The environment in which these projects operate is not static, but is subject to many conditions that are beyond their control (e.g., rising incidence of serious crime and rising arrest rates). Some officials were opposed to the projects and would not cooperate with some or many of the project activities. Even where the projects enjoyed widespread support, it took time to overcome systems inertia and for CJ officials to become acquainted with new programs or operations. This problem is demonstrated by the fact that almost all projects experienced some start-up delays. Further, a number of projects selected objectives that were beyond their control (i.e., increase the use of citations).

Available evidence indicates that the Jail Overcrowding and Pretrial Detainee Program was a success from at least several perspectives. While individual projects were unable to reduce their jail populations, this failure was indicative not of ineffectual projects, but of unrealistic goals. The projects made a number of positive achievements. Evidence is presented to show that they increased and expanded release options, made release more equitable by reducing reliance on cash bail, reduced average length of stay prior to release, and improved information and detainee management procedures. They appeared to have slowed the rate of jail population increase. Projects also increased the speed of detainee processing, improved inmate classification procedures, made CJ officials more aware of the overcrowding problem, and developed a systems approach to the overcrowding problem. The program still fell short as a national demonstration with too few opportunities for nonprogram sites to learn of project activities and accomplishments.

LEAA provided local jurisdictions with funds for JO projects with the hope that such funds would serve as seed money. It was anticipated that once the projects, started with federal funding, proved their value, local jurisdictions could continue funding them. LEAA funds proved to be very fertile seeds. Of the nine original Phase II sites studied, eight were continued as projects with local funding and parts of the ninth were continued under other agencies. Of the 16 nonsample Phase II projects, 12 were continued with local money as projects, in two some project activities were assumed and continued by other agencies, and two programs were still operating under federal funding at the time of our survey.

Most of the Phase I projects reported that many of the issues raised during the planning phase are still being addressed or have been implemented with local funding.

A list of eight questions formulated to direct the evaluation efforts are shown in Table 1. These questions are aimed, first of all, at examining processes and activities that facilitate or impede the attainment of project objectives (Questions 1, 2, and 7) and then at the effectiveness of the projects in meeting its objectives (Question 3). Questions 4-6 address the important second order effects of the program that have implications for longer term program consequences. These questions focus on both positive and negative impacts of program operation. Question 8 deals with the effectiveness of the planning grants.

What project activities were planned, which were implemented and what other alternatives are feasible?

The types of programs implemented, the staffing and hours of operation, and the release alternatives available varied widely among projects. From the outset, all of the sites had at least some pretrial release mechanisms available. Some relied on traditional methods of bail and ROR, while others used a full complement of incarceration alternatives that ranged from 10 percent bail and weekend sentencing to a video appearance system for probable cause hearings. For many, however, it appeared that the lack of an organized pretrial policy or program hampered the effective utilization of the available options.

Release options. Among the sample sites, release options available to and employed by the projects varied widely. In New Orleans, the project was the first serious attempt in the Parish to secure nonfinancial release for arrestees. In other sites (King and Dade Counties), most release options were already exhausted by other programs and the JO projects implemented supervised release projects.

In some sites the release options available to project personnel allowed them to influence all types of release decisions from ROR to full cash bail. In Delaware, no one is released prior to a preliminary hearing. Before the hearing begins, pretrial services must interview the detainee and verify the information collected. At the hearing the pretrial services worker presents the information, and the judge can use it to set bail, to grant ROR, or to exercise any other release or detention option. In other sites (Jefferson and King Counties and Orleans Parish) detainees are not referred to the JO/PDP for release assessment until they have failed to qualify for release under other programs. Being last in line for referrals often results in the jail overcrowding projects receiving more serious offenders who are likely to pose higher release risks than those detainees released through other programs.

Data from the Multnomah County, Oregon and Delaware projects suggest that coordination of release options can increase the speed and efficiency of detainee processing. Coordinated release option processes can eliminate duplication of interviews and investigations.

TABLE 1
RESEARCH QUESTIONS

-
1. What project activities were planned and which were implemented?
 2. What other alternatives are feasible?
 3. What were the observed changes in the jail population?
 4. What were the effects of the program on costs?
 5. What, if any, were the effects on case conclusion?
 6. What were the effects on LE/CJ officials, other involved parties and the community?
 7. What effects did LE/CJ officials, other involved parties, and the community have on the project?
 8. What were the effects of the Phase I planning grants?
-

Release criteria. Criteria for release of pretrial detainees who cannot post financial bond but who are not disqualified on other grounds provided by law, vary from site to site. Some projects used subjective criteria while others used objective point scales. With either system the release decisions were based on some combination of charge, previous record, probability of conviction, community ties, and stability factors.

At all the sample sites (except Multnomah County) the implementation of the JO/PDP project necessitated the use of less restrictive release criteria and/or development of new release options. At none of these sites did reduction of release criteria cause a substantial increase in FTA or rearrest rates. However, it could be argued that because they have gone through a screening process to qualify for release, arrestees granted ROR could be expected to have a lower FTA rate than those people who bond out (their only release criteria being ability to pay and/or acquire the services of a bondsman). In two sites, once the projects became established they further reduced their release criteria. Orleans Parish tripled the number of releases it originally planned to make and maintained FTA and rearrest rates of 2.3 percent and 4.1 percent, respectively. These numbers are used for pre- and postcomparisons only. The manner in which FTA and rearrest percentages are calculated differs from site to site and FTA rates cannot be used to compare effectiveness. The important issue is that persons who were released on nonfinancial release did not demonstrate any more risk than those who were released after posting some form of financial bond. In Dade County, pretrial services doubled (during project operations) and tripled (postproject) the number of preproject releases they were making with no change in their FTA and rearrest rates. These data demonstrate that, at least in some jurisdictions, release criteria can be relaxed with no negative impact on court appearance or pretrial rearrest rates when appropriate release conditions are imposed.

Release prerogatives. Pretrial release units have the prerogative to investigate and submit written or verbal reports to the court, to make release recommendations to the court, or to have either administrative (delegated by the courts) or statutory (provided by law) authority to release pretrial detainees. The most common prerogative available was that of making recommendations to the court. Three sites (Atlantic, King, and Multnomah Counties) had authority to release certain types of offenders.

The local judiciaries were willing to accept release recommendations from the projects, but they reserved the right to make release decisions. Judges appeared to be hesitant to relinquish their release authority to other agencies; occasionally they were legally restrained from doing so. However, as the projects gained the trust of the judiciary, release decisions often became virtually automatic. As cooperation and understanding between the judiciary and the project grows, release prerogatives tend to be informally expanded. In King County, one of the 1978 Phase II projects, 10 of 12 court jurisdictions have agreed to implement expanded project release authority.

The desire to gain the confidence of the judiciary can contribute to conservative release recommendations. Project personnel have reported that they hesitate to make any release recommendations that the judges are not likely (in their opinion) to accept. Judges have reported that they rely on project recommendations and on the experience that the staff has accumulated in reviewing the outcomes of release decisions. Judges at two sites expressed the opinion that the projects should be more creative in their release recommendations using all the conditions available.

Both project staffs and judges spoke of "public sentiment" as a factor that influenced their decisions/recommendations. However, it was difficult to determine with what information they could act knowledgeably on the basis of perceived public sentiment. The collection of data validating the release decisions could go far to reassure both the judges and the public as to the safety of the community and the appearance of the accused at subsequent hearings.

Citation release. Most Phase I projects explored the use of various citation options as alternatives to other arrest and hold procedures because citations are a relatively quick, easy and inexpensive way to keep people out of the intake process and out of jail. Phase I projects generally recommended that police departments begin issuing citations or issue more citations (most jurisdictions already had this option).

Once Phase II began, it became evident that there was little that project personnel could do to implement a citation policy. They could recommend that police issue citations and they could monitor citation use, but the decision to actually issue a citation lies in the hands of the arresting officer and with police policy. Since the issuance of citations is outside of direct project control, it was an area where little project time, money, or energy was spent. Most of the Phase II projects were unable to appreciably increase the number of citations issued by police or sheriff's departments. The data collected by one project, Multnomah County, were used to help increase the number of citations issued by documenting police officers' own recommendations for OR release. Multnomah more than doubled the number of citations issued by requiring officers to use citations for misdemeanants as a rule. If officers choose not to cite a misdemeanor they must explain why in writing.

Detention of public inebriates. In some jurisdictions, inmates were held as long as 30 to 60 days on charges of public drunkenness. Criminal justice personnel frequently reported that alcohol detention simply wastes time, and that jail was an ineffective way of dealing with public inebriates. For them, any procedure that would allow for speedy handling in the short-term (e.g., direct transportation to a detoxification center) or effective rehabilitation in the long-term (e.g., diversion to treatment) would be supported. It was suggested that such programs would especially enhance the morale of police and correctional officers who would be freed for what they perceive to be more important duties.

Others suggested that the criminal nature of public inebriation should be maintained and were generally opposed to the more liberal approaches such as

decriminalization and diversion in lieu of prosecution. Some were even opposed to utilizing detoxification centers if corrections personnel were not represented on the staff. Finally, it seemed that there was some unwillingness on the part of detoxification center personnel to accept clients who are belligerent or whom they regard as unlikely to "reform." Nearly all of the Phase II projects allocated some resources for dealing with the special problems posed by public inebriates. Their efforts included establishing detoxification centers, improving and expanding existing programs, and simply monitoring alcohol-related jail admissions.

In San Francisco a successful method for diverting public inebriates from the criminal justice system, and providing them with needed treatment was developed. By expanding civilian van pick-ups, reception, referral and detoxification services for public inebriates, the project was able to decrease the number who were booked by 48 percent and, at one police station, reduce the number of arrests by 70 percent. The methods employed by this project could prove useful in other jurisdictions with similar public inebriate problems.

Management information systems. The majority of Phase II sites engaged to some degree in improving the information processing and management capabilities of their jails or of larger segments of the criminal justice system. Most sites tried to develop some form of a management information system (MIS) or jail information system (JIS) to provide better tracking and analysis of the jail population.

The preproject data systems operating at these sites shared a common weakness--the inability to produce summary data. These data systems generally had the capacity to produce inmate rosters, daily booking logs, daily release records, method of release, and information on each individual inmate (such as age, sex, race, number of prior arrests and convictions, current charges, court status, address, employment status and more). In essence, the jailers had the data they needed for the day-to-day operations of the jail, but they lacked the capacity to produce an overview and to analyze the data they possessed. Analysis of any jail population data would require a hand count of each individual value of every variable being studied from the inmate roster.

To eliminate some of the limitations of their data systems and to improve their data analysis capabilities, personnel at these sites attempted to:

- replace manual tracking with computerized systems
- equip new or existing computers with the ability to summarize data
- build new data elements into the system to make analysis more meaningful (variables such as rearrests, failures-to-appear, case disposition, participation in various release programs, number of arrests, number of citations, etc.)

- develop flagging systems to bring to the attention of the jail staff those people whose progress through the system was inordinately slow

These efforts met with varying degrees of success depending on the jurisdictions in which the changes were made, the attitudes of those affected, and the degree to which criminal justice personnel were supportive of the proposed changes.

In developing an MIS or JIS system, some of the problems experienced by the sample sites were:

- the general resistance to change that exists in any system
- teaching people how to use and get the most benefit out of a computer
- the tendency of jail personnel to be more concerned with booking and handling an inmate than in record keeping
- access to relevant data
- identifying the expertise needed for setting up and debugging a new computer system
- transforming written records into a form that can be entered into a computer
- the time needed to computerize back data while continuing to collect current data
- competition with other worthwhile activities for scarce resources

The information from the sample sites is not conclusive but it does provide clear indications of the utility of an MIS for speeding detainee processing and reducing the number of detainees who get "lost" in the CJ system. Multnomah County and Orleans Parish both reported that prior to project inception about three or four people per month would get "lost" in the system. Since their MISs were implemented, the "loss" of detainees has become a rare event. Orleans Parish also reported that their system assisted jail staff in making classification decisions.

Available project data suggest that in jurisdictions with particular population or information management problems an MIS or JIS could be a useful tool. This is true in sites where:

- detainees fail to make court appearances because of a breakdown of communications between the jail and the courts

- processing of detainees is delayed due to slow information flow
- there is a delay in notifying pretrial services agencies of new jail admissions
- useful feedback on systems operations is needed

Central intake systems. The central intake concept is fairly new to the criminal justice field. It involves a centralization and coordination of services for defendants awaiting trial and a sharing of information throughout the criminal justice system.

Two sites (Delaware and Alexandria, Virginia) implemented central intake systems (CIS). While the data from these sites are very limited, they suggest that CIS can offer many advantages over noncentralized processing. It can speed detainee processing, provide faster delivery of services to detainees, be more efficient, and more cost effective by providing an early warning to all parts of the system when legal, social or economic factors create new or different demands. It can also improve cooperation among various elements of the CJ system.

Those jurisdictions interested in the potential of CIS are referred to two forthcoming (December 1982) reports by the Denver Research Institute on central intake pretrial decision systems.

Advisory Board participation. Each project in the Jail Overcrowding Program (except Multnomah County) had some form of Advisory Board to encourage a systemwide approach. LEAA recommended that the membership of the Advisory Board include the key individuals of the criminal justice system, and that the board members be encouraged to actively participate in the identification of problems and development of recommendations. Among the various boards, there were many differences in the composition of membership, frequency of meetings, and formal structures. These are largely superficial differences; a more significant difference is the perceived role of the Advisory Board by its membership and the project staff. Different perceptions of the Advisory Board's role contributed to the significant variations in its function and the degree of cooperation of its members.

Project directors' views of their Advisory Boards varied greatly. Some saw Advisory Boards as vital to project operations and as the central voice of the CJ system which needed to address the overcrowding problem. In these instances the project personnel functioned as staff to the board, and provided it with data analyses and other information pertinent to the board's concerns. At the other extreme were projects that viewed their Advisory Boards as merely a necessary source of bureaucratic approval which had to be secured before implementation of programmatic changes. The view of most staffs fell somewhere between these two extremes.

The perceived role of the Advisory Board by its own membership also varied. There was, of course, a natural inclination for members to try to protect their own interests; participation on the Advisory Board could be viewed as necessary for making certain that one's input to the problems and solutions is given adequate consideration. We do not suggest that this view is always a negative or defensive reaction; we recognize that different members of the justice community have specific areas of responsibility which cannot be abdicated. Other individuals on the Advisory Board preferred to remain uninvolved as much as possible, perhaps to the extent of sending proxies to attend the meetings. Then there are certain individuals whose views of the Advisory Board closely conform to that of the ideal of the national program coordinator--a forum for the entire criminal justice community to address common problems related to jail overcrowding and seek systemwide solutions. Board members' attitudes toward their projects varied from hostile, to indifferent, to supportive. Projects reported that their Advisory Boards:

- helped develop a systems approach to the jail overcrowding problem
- aided the project in its dealings with the judiciary
- put pressure on CJ officials to cooperate with the project
- helped secure local funding to continue project operations beyond the federal funding cycle
- provided a forum for the discussion of CJ issues and the presentation of project information and results

Generally, projects with supportive and active Advisory Boards were more effective at impacting the CJ system. The San Francisco project was very successful at developing and utilizing its board, and at meeting and even surpassing its objectives (see the San Francisco site profile). Other sites (Delaware, Jefferson County and King County) had less supportive boards and experienced greater difficulty in implementing their projects and accomplishing their goals. While Advisory Board participation is not the only factor affecting project success, it does appear to contribute to a project's success or failure.

Role of project director and organizational placement of project. The project director's understanding of the CJ system and his or her political awareness and interpersonal skills appeared to influence project success (e.g., in both King County and Orleans Parish, the particular skills of the project director appeared to be instrumental to project success). The organizational placement of the project (e.g., under the sheriff, corrections, courts, etc.) can also impact project operations. In most jurisdictions, there are some agencies that are at odds with others. For example, the Corrections and Public Defenders Office may have minimal communication and cooperation. In such a system, if the JO project is under the auspices of the Corrections Department it will have to overcome considerable resistance before it will be able to secure the public defender's

cooperation. On the other hand, if the project were under the court, it might enjoy immediate acceptance from the Public Defender's Office.

What were the observed changes in the jail population?

The seriousness of the jail population problem varied widely among the sample sites. Average daily population (ADP) varied from well under jail capacity to almost double the rated capacity. All of the sites were engaged in some litigation to establish standards, improve conditions, and/or reduce overcrowding. While a comparison of ADP and jail capacity figures is an important measure of crowding, this comparison does not reveal the whole situation. Among the most frequently mentioned factors contributing to overcrowding in those jurisdictions where ADP and rated capacity compared favorably were segregational constraints on secured housing. The need to segregate inmates by sex, by charge (misdemeanor and felony), by status (pretrial and postconviction) and by locally determined classification categories contributed substantially to the need for larger or at least more flexible facilities.

Jail population data. Although it is not clear that observed changes in project figures are entirely due to project activities, Table 2, "Selected Summary Statistics," presents a summary of data related to observed changes in the jail population during the project periods. The average daily population increased at six of the seven sampled projects, and decreased in only one (and at this one site only a small percentage of the decrease could be attributed to the project). The percentage of the jail population that was pretrial increased very slightly at two sites, stayed the same at two, and decreased at two. Bookings increased at every site for which data were available except Multnomah County where they were unchanged.

An assumption of the JO/PD Program was that the management and reduction of the pretrial population would control and reduce jail overcrowding as measured by ADP. However, average daily population in the jails has not been observed to decrease as a function of this program. It appears, as noted earlier, that any expectations that it might lead to reduction in ADP may have been unfounded for the following reasons:

1. Most jurisdictions were experiencing an increase in reported crime, an increase in numbers of arrests and bookings, and an increase in the quality of arrests, i.e., the percentage of arrests that were ultimately accepted for prosecution. Further, jurisdictions reported that as crime rates rose and jails became more crowded, the police exercised greater discretion in the kinds of arrests made, and serious felony bookings were seen to increase at an even faster rate than others, reducing the pool of persons most eligible for release, thus increasing the jail population in spite of program activities.

TABLE 2
SELECTED SUMMARY STATISTICS

Site	Atlantic County	Dade County	State of Delaware	Jefferson County	Multnomah County	Orleans Parish	San Francisco County
Jail Capacity Pre	172	1,719 total 733 main jail	1,253 total 600 DCC	629	568	1,168 total 450 OPP	1,518 total 460 C3#1
Post	186	1,931 733 main jail	1,280 (1981) 768 DCC	918 (5/82)	532	1,418 450 OPP	1,518 460 C3#1
ADP Pre	141 192 (4/80)	1,512 (7/79-1/80) 750.4 (jail 7/79-1/80)	1,057 total 648 DCC	596	630	1,700 1,000 OPP	1,107 FY 78-79 310.7 (1979 C3#1)
ADP Post	231 (1/81) 260 (2/82)	2,200 (7/80-1/81) 1,004.6 (jail 7/80-1/81)	1,349 (1-6/81) 880 (12/81)	650 (8/80) 850 (3/82) 900 (5/82)	525 (1980) 508 (1981)	1,851 (10/80) 2,500 (5/81)	1,267 (1981) 359.7 (1981)
% Pretrial Pre	54%	63%	12.8% (7/31/80) 17% (1979)	80%	46%	35-40%	26.4%
% Pretrial Post	60.6% (8/80)		18% (7/31/81)	80%	32%	30%	26.5%
Cost per Day*	\$37		\$34	\$30		\$23	\$23

*Total project estimated per inmate cost.

TABLE 2
SELECTED SUMMARY STATISTICS (cont.)

Site	Atlantic County	Dade County	State of Delaware	Jefferson County	Multnomah County	Orleans Parish	San Francisco County
# Bookings Pre	1,901 (1978 jail admissions)	61,520 (1978)		32,092 (7/78-6/79)	22,731 (1978) 24,695 (1979)		43,347 (1979)
# Bookings Post	2,823 (1981 jail admissions)	78,000 (1981)		39,010 (1981)	22,581 (1981)		48,320 (1981)
Average LOS Pre	10.9 days	6.3 days pretrial	0-9 days pretrial	6.6 days	10.1 days all	42.5 days all	2.52 days CJ#1
Average LOS Post	6.5 days (project releases)			4.0 days (7/80) 17 days (12/80)		8-12 hours (project releases)	less than 2 days
Jail Days Saved By Program**	5,152-6,440	3,012-12,048		15,164		83,100	
FTA/Rearrest Data	(preproject) 7.5% FTA 11.7% rearrest (project) 7.8% FTA 11.4% rearrest (postproject) 2.8% FTA 4.4% rearrest	(preproject) 4.6% FTA (postproject) 4.6% FTA 4.4% rearrest		10/79-8/80 supervised release 8.2% FTA 15.7% rearrest misd. probation 3.2% FTA 10.9% rearrest		2.3% FTA 4.1% rearrest	

**Days estimated by project as # of project releases x average LOS, a high limit of days saved.

2. Most of the program participants were motivated primarily to develop and implement release alternatives and management procedures that would reduce their pretrial population because of concerns about overcrowding and the law suits, court orders, and threats of court actions that resulted. However, few jurisdictions were primarily motivated to reduce the incidence of incarceration beyond what was necessary for compliance. Their sights, therefore, were set fairly low and for the most part as pretrial jail space was cleared, that space was filled with other inmates.
3. All projects were relatively short-term (18-21 months), required several months to begin operations and thus could effect only modest changes in the short-term.

Pretrial length of stay. A large percentage of the pretrial population is ultimately released before trial, and reducing their length of stay (LOS) prior to release can be an important factor in controlling jail overcrowding, i.e., saving even one day for each releasee could mean a significant savings of jail days per year. As a result of their Phase I planning efforts, several projects identified efficient case processing as a focus for their implementation projects. Unfortunately the majority of sites did not collect project or postproject data on length of stay, so the LOS analysis is very limited and may be somewhat deceiving. Length of stay statistics are generally bi-modal or even tri-modal in shape. Most persons who either bond out, are OR'd or are released with conditions, do so within a relatively short period of time. Those who are detained beyond this period are generally waiting for funds or an appropriate supervised release program, or have the charges against them dismissed. Most of the sites do not distinguish among these subpopulations and only the initial group whose detention period is primarily related to postarrest processing and the availability of release alternatives is affected by program operations. Those sites reporting LOS figures show a dramatic reduction. The Atlantic County, Jefferson County and Orleans Parish figures refer only to project releasees and not the average LOS for the entire pretrial population. Also, in Jefferson County the reduced LOS rate did not last long. Due to loss of staff and project management difficulties, the four-day LOS increased to 17 days.

Jail days saved. All the projects whose efforts were designed to secure pretrial release for defendants were successful at saving jail days (for more on this topic see the following section).

What were the effects of the program on costs?

During every site visit and many telephone conversations, DRI attempted to collect data on project and CJ system costs. Generally, the only available cost data were total project costs, total agency budgets, and the cost of one day in jail. None of the projects measured or calculated costs per unit of service

delivered (e.g., cost per interview, cost per release, cost per public inebriate diverted, etc.), and all of the projects engaged in some activities the costs and impacts of which were not easily measured (e.g., improving coordination of CJ agencies and services, liberalizing release criteria, encouraging the use of citations, increasing awareness of the jail overcrowding problem, improving information distribution and utilization, etc.). These factors make it extremely difficult to assess project costs and cost savings. No attempt has been made to estimate the cost savings attributable to increased cooperation and coordination among CJ agencies (e.g., reduction of service duplication and other staff efficiencies) or the value of other social costs associated with placing persons in treatment alternatives.

Given the variety of activities in which all projects engaged, to simply calculate the cost per interview, per release, or the number of jail days saved, would underestimate project accomplishments. For example, to state that in Orleans Parish the cost per release was \$109 (the total project budget of \$196,660 divided by the total number of releases, 1,806) would overestimate the cost per release. In addition to making release recommendations, the project staff helped develop a jail classification system, and alternatives to incarceration for public inebriates, and made referrals for social services. The project also spent \$27,000 of its budget on computer equipment and \$2,000 on training staff in the use of that equipment. At no site did a project have such a singular orientation as to make the above type of cost analysis appropriate.

Keeping in mind that saving jail days represents only one facet of a project's operations, a table of cost savings due to project releases was developed (Table 3). Using a conservatively, modest average for the marginal costs of a single jail person-day, the jail days saved by Atlantic, Dade and Jefferson Counties resulted in a cost savings of between 45 and 85 percent of their total budgets.* The value of the days saved in Orleans Parish was over three times the cost of the project. Savings in excess of project costs were also recorded at King and Santa Cruz Counties (West et al., 1980). These successful demonstrations of cost effectiveness have been made without including additional savings associated with:

- avoiding expensive lawsuits
- reducing prisoner transportation costs
- reducing medical/psychological costs
- reducing payments to state or other facilities for housing prisoners
- reducing the number of hearings prior to release

*See note (**) at bottom of Table 3.

TABLE 3
PROJECT COSTS AND COST SAVINGS

<u>Site</u>	<u>Jail Days Saved*</u>	<u>Marginal Cost/Jail Day**</u>	<u>Total Cost Savings</u>	<u>Total Project Cost</u>
Atlantic County	6,440	7.86	\$ 50,618	\$112,365
Dade County	12,048	7.86	\$ 94,697	\$198,231
Jefferson County	15,164	7.86	\$119,189	\$139,614
Orleans Parish	83,100***	7.86	\$653,166	\$199,660

*Jail days saved were calculated using number of releases by a project and average number of days saved per release. However, in most instances other accommodations would have been made to keep population figures below legal limits. It is not clear however, that this would have been accomplished without additional danger to the community.

**An average figure for marginal costs was used. Actual marginal costs for these sites may vary somewhat from this average figure.

***Existing facilities are not ample to accommodate these additional detention days; either new construction or payments to alternative facilities would have been necessary, or detainees accounting for these jail days would have been released without benefit of pretrial screening, possibly accounting for additional costs to the system and the community.

- limiting the need for new construction
- diverting people from the CJ system

A second approach to the effects on costs by projects is to consider the probable state of the CJ system without the project. Criminal justice officials estimated (depending on their jurisdiction) that, on any given day their jails held between 50 (Atlantic County) and 300 (Dade County) fewer inmates than they would if the project were not in operation. The smaller population, due to project intervention, likely resulted in fewer inmate suits and court orders against the jail, improved staff and inmate morale, and better treatment and classification of inmates.

Another problem with measuring cost savings of the projects is that some project activities (e.g., development of a JMIS in Multnomah County, or laying the groundwork for Gander Hill in Delaware) may have long-term impacts that are not yet measurable. The Delaware project staff's efforts to organize Gander Hill may start paying dividends of increased detainee processing efficiency a full year after federal funds terminate.

There are three additional factors that illustrate the cost effectiveness and value of the JO/PDP projects. First, according to the county executive, the King County Pretrial Services Unit (formerly the JO project) saved the county \$2,000,000 in 1981. He recommended that it be expanded by six persons and its budget increased to \$300,000 so it can generate more savings in the future (1981 letter from Madeleine Crohn of the Pretrial Services Resource Center). Second, of the seven 1979 Phase II projects, all but one were continued with local funding once federal funds expired; elements of the discontinued ones were adopted and continued by other agencies. Also, all nonsample Phase II projects whose federal funding expired and the majority of the Phase I projects contacted were continued with local funding. This finding indicates that regardless of their cost efficiencies, most projects were viewed as valuable by their local CJ systems and funds were made available to continue project operations. Finally, in all the sites visited except Multnomah County and Delaware, almost everyone interviewed stated that they believed the project in their jurisdiction was cost effective. As evidence of the reliability of these assertions, they frequently based their conclusions on the different sets of data with which they were most intimately involved.

Transportation costs. No project collected data on arrestee transportation costs, but it seems appropriate to infer that some transportation costs were avoided because of project operations. In Multnomah County, the increased use of citations implied that a smaller percentage of arrestees were transported to jail, and, therefore, fewer had to be transported back to court to meet with appointed counsel and have preliminary hearings. The increased number of pretrial releases granted in Dade County, indicated there were 300 fewer pretrial detainees to cause overcrowding which would have required the transfer of inmates to the Stockade. Transportation costs may also have

decreased in San Francisco because police take most public inebriates directly to treatment centers and because of the expanded operations of Mobile Assistance Patrol (MAP). Twenty-four hour operations allowed the MAP to pick up and deliver public inebriates to detox centers between 11 p.m. and 7 a.m. In the past they would have been picked up by police and taken to jail.

Construction costs. There is little evidence that any of the projects helped avoid or postpone new jail construction. In the state of Delaware, and in Atlantic, Dade, Jefferson and Multnomah Counties, new jail construction has been completed, is underway, or is planned. At most of these sites, jail overcrowding was extreme and new construction was already planned when they applied for JO/PDP funds. The projects were viewed as necessary stop-gap measures to reduce the jail population until new facilities were completed. However, the projects may have long-term positive impacts. Once new facilities are constructed, if programs such as these continue to operate, expansion and/or construction of additional new facilities may not be necessary.

Community costs. All available evidence indicates that community costs (e.g., failure-to-appear and rearrest rates) did not increase while projects were in operation. While the projects increased, in some cases tripled, the number of people granted pretrial release, at no site did this result in a significant increase in FTA or rearrest rates. DRI's findings concur with the research by Toborg (1981) who found that no direct relationship existed between agency release rates and FTA or rearrest rates. In those instances in which arrestees were granted release by the courts in the absence of a recommendation by the pretrial agency, a significantly higher FTA rate was observed (see Lindauer & West, 1982). Also, for every person-year of incarceration avoided, the community saved approximately \$2,869 (calculated from the average cost per day of incarceration at the sample sites).

What were the effects on case disposition?

One unanticipated benefit of the program reported by some project personnel was that, due to project activities, jail days were saved not only before trial but after sentencing as well. They assert that postsentence jail or prison days were saved because people who were granted pretrial release and complied with its conditions demonstrated their ability to conform, and even if they were subsequently found guilty they were more likely to be sentenced to probation than were those who had been detained until trial.

The existence of such a benefit could be the result of selection bias (i.e., that less serious offenders are granted release, while more serious offenders with longer arrest histories who are more likely to get longer sentences are detained). While selection bias cannot be ruled out, the King County project director stated that the people released on his program were no different than the detained population and their not being incarcerated after conviction was a result of successful participation in the pretrial release program. Available literature on this issue is divided, but the bulk of it supports the existence of a sentencing

and/or conviction bias against defendants who are detained awaiting trial (Goldkamp, 1979; Hermann, 1977; Wheeler & Wheeler, 1981; Wheeler & Wheeler, 1982). The potential for saving postsentence jail days might be of interest to budget minded project directors. If documented, the additional savings of postsentence jail days could enhance the cost effectiveness of programs, and improve their likelihood of continued funding during hard financial times.

Another effect on case disposition demonstrated by one project (San Francisco) was the elimination of cases from the system. In San Francisco police officers took public inebriates directly to detoxification centers and consequently eliminated these cases from the criminal justice system, and reduced court caseload and costs.

Another consequence of the program was the reduction in costs to arrestees. According to Brochett (1973) the threat of high bail or the offer of low bail is used by police as a bargaining tool to elicit information and/or confessions from detainees. Feeley (1979) and the Criminal Law Bulletin (1972) also addressed the inequality of the bail system and the use of detainee processing as a form of punishment. By increasing the percentage of people who are released pretrial and who are released without cash bond, the projects reduced the potential for abuse and misuse of bail.

What were the project's effects on LE/CJ officials, other involved parties, the community, and what effects did these actors have on the project?

These research questions are likely to be a concern to potential adopters of the pretrial alternatives to incarceration described in this report. The data DRI collected on these issues are inconclusive, but they do facilitate the discussion of some general concerns and issues.

Effects on police behavior. There appear to be two very different expectations about the impacts of project operations on the police. The first is that arrests will increase as improvements in the booking and intake processes become more efficient and as police are required to spend less time off the streets with the defendants in booking rooms, hospital emergency rooms, etc. For the same reason (reduction in police booking time), widespread use of citation in lieu of arrest may also result in increased criminal justice contacts.

A second school of thought propounds the theory that as the courts divert and release more defendants, some measure of futility will set in among arresting officers and arrests will decrease as the officers become less inclined to go through the booking/arrest process. Further, it was hypothesized that as pretrial release agencies require more and more information from arresting officers (with which to make release determinations), the number of arrests could decline. In any case, the type of arrest affected would be the discretionary or marginal misdemeanor arrest. It was not anticipated that felony arrests would be seriously impacted by project options. During the course of project operations, misdemeanor arrests did not increase as fast as felony arrests, but there could be

numerous alternative explanations. In San Francisco County police changed their behavior in response to the project, and in Multnomah County the project was instrumental in getting the police to issue more citations. These examples indicate that it is possible for projects to impact police activities. In Delaware, police reported that the project saved them up to three or four hours per arrest.

Effects on CJ officials. Information collected for this section was gathered through interviews with project staff and criminal justice officials. Correctional officers in Delaware, Orleans Parish, Multnomah and Atlantic Counties all reported that their local projects had impacted their operations by improving detainee processing and classification procedures. Judges have indicated their reliance on pretrial screenings and release recommendations, and jail commanders have been unanimous in praise of programs that provide them with additional information and assist in controlling overpopulation.

At most of the sites visited, a number of recurring themes from the project staff and CJ officials were heard. These were:

- that the project initiated efforts to reduce the overcrowding problem
- that the project sensitized people to the problems of overcrowding and the steps their agencies could take to help alleviate it
- that the project helped develop a systems approach to the jail overcrowding problem
- that the project developed and/or improved cooperation among CJ agencies in general, and
- that the project improved the data collection and analysis capabilities of the CJ system

To support their opinions, CJ officials pointed to developments such as the new working relationship between the Delaware Attorney General's Office and Public Defender's Office which had not existed before, and the Advisory Board in San Francisco, which was an historic first for cooperation among that city's CJ agencies.

Criminal justice systems also appear to have had an impact on the projects operating in their jurisdictions. Project directors and staff reported that the amount of cooperation, guidance, and data that CJ officials provided them were determinants of program success. Project Advisory Boards and key CJ officials were credited with exerting pressure on agencies and individuals to ensure their cooperation with the project.

Effects on the community. Generally, the projects studied were insulated from the communities in which they functioned. In fact, in most

communities the general populace appeared to be unaware of the project's existence, as determined from local contacts and newspaper reporter interviews. Without direct knowledge of the project the only way for the community to affect the project could be through its influence over judges, district attorneys, and other CJ officials or in the press. If communities were to pressure officials to change their practices, the officials would in turn, probably pressure the projects for a change. In none of the sites did DRI discover such a chain of events occurring.

FTA and rearrest rates. The presentation of FTA and pretrial rearrest statistics (if they are within acceptable limits) to local CJ officials can help win or increase support for a project, particularly among the judiciary. In Orleans Parish and King County the success of the projects as demonstrated in part by low FTA and rearrest rates, allowed expansion of release activities.

FTA data were developed at nearly all the sites in one form or another. The range of what was suggested as an acceptable (to the local community and to the judiciary) FTA rate was extremely broad. It seems reasonable that areas with different population characteristics, e.g., transiency/stability factors, differing crime rates and different overcrowding problems will develop different standards as realistic goals. Further, different attitudes relating to release among project staff were noted--some are primarily responsive to the jail overcrowding situation and some primarily responsive to what they perceive to be community and judicial attitudes toward risk. Others are committed to the philosophy that the law makes a presumption for release unless there are other conditions that make pretrial incarceration necessary.

FTA percentages were computed on different populations and with different release requirements, only some of which include release revocations in their FTA rates. Some areas had concurrent projects that siphoned off the most serious and/or least serious risks, so the remaining populations not only have different characteristics (population demographics, charges, arrest histories, etc.) but use different segments of their jail population distribution with which to compute FTA. For these reasons, reported FTA rates are not directly comparable and some of the variations in rates from site to site may reflect different calculation methods and the different populations served rather than real differences. FTA rates ranged from 2.3 percent in Orleans Parish to 8.2 percent in Jefferson County. These rates agree favorably with those reported by Toborg (1981) in her study of eight projects with an average FTA rate of 12.6 percent. Rearrest figures for sample sites ranged from 4.1 percent to 15.7 percent, which were also lower than the 16 percent range (7.5-22.2%) average in Toborg's study. In each case reported FTA and rearrest rates are internally consistent for before and after measures.

Widening the net. In the criminal justice literature, a frequently expressed concern is that pretrial programs may expand the influence of the CJ system over people who would have been, if the program didn't exist, under fewer restrictions or removed from the system altogether (Austin & Krisberg, 1981). Examination of project data indicates that this was not a problem with the

projects in the sample. Generally, the jail overcrowding projects left ROR programs intact, secured release for people who would otherwise be detained until trial, and allowed detainees to be released under nonfinancial conditions when they previously would have had to get cash or security bonds. The release conditions imposed were generally very modest ranging from telephone contact to infrequent personal contact. Treatment alternatives were infrequently imposed when there was no other alternative to detention. The project helped to ensure that detainees were released under the least restrictive conditions necessary to ensure their appearance in court.

What were the effects of the Phase I planning studies?

Fundamental to the philosophy of the LEAA program on jail overcrowding was a funding mechanism to provide separately for planning and implementation. The purpose of the planning grant was not only to document that jail overcrowding did exist, but to identify the components of the overcrowding problem and to develop an understanding of how the elements of the criminal justice system can function to alleviate the problem.

Jail populations changed little as a result of Phase I funding for most of the sites studied. Only one site was willing to attribute a noticeable decline in ADP to Phase I operations. Others reported that some stabilization had occurred, but could not be sure of the cause without further data analysis. The objective of the Phase I program, however, was to establish a better understanding of each project's situation rather than to directly impact jail populations. The sites unanimously reported success in meeting that objective. In fact, one of the most important products of these planning projects was the collection of data for analysis of the jail overcrowding problem.

Two of the Phase I projects determined from the analysis of their problems that they had exhausted most other options and that construction of new jail facilities was essential and a first priority. The DRI evaluation concluded, however, that although it was likely there would be continued overcrowding, in both cases there was an opportunity for some relief through more efficient case processing, greater use of citations, and more coordination with state corrections.

The most striking feature of the terminal Phase I sites was that although their LEAA funding expired, most projects continued to operate. They discovered local or federal sources of money to allow work on Phase I problems to continue. The problems being addressed and the programs being implemented with local funding at these sites were not as comprehensive as they would have been with LEAA Phase II funding, but work continued on them nonetheless. In general, locally continued projects focused on policy and procedural changes while deemphasizing costly MIS requirements. Although policy and procedural changes were implemented without further federal funds, their impacts in the absence of an organized and comprehensive program are uncertain.

The importance of good planning to achieve successful implementation was well recognized and clearly evident in the Jail Overcrowding Program. However, it appears that a lack of continuity in staffing, particularly between the planning and implementation phases, may have hindered the success of some projects. Continuity of staffing is especially important at key administrative positions such as project director. DRI observed it not to be unusual for the project director of the implementation phase to be someone newly hired and not involved with the planning effort. Hiring a new project director often introduced considerable delays in initiating programmatic changes. It was difficult for a new person to quickly develop a broad perspective of the system and its problems. Frequently, files were misplaced, data were overlooked, and contacts were lost.

Occasionally, the Phase I projects used the services of consultants in major project roles. Although there is nothing intrinsically wrong with this approach (and occasionally it is the most efficient way to get expert assistance), there is a need to plan for the most beneficial use of consultants and to provide for documentation of consultant recommendations. Without this provision, information exchanged verbally between consultants and a local staff person can be lost or misinterpreted when staff changes or turnovers occur.

It seems clear from the amount of activity generated by the planning grants (all in the neighborhood of \$20,000), that the sites expended much more toward the analysis of the jail overcrowding problem and a plan for addressing those problems than either the federal funds or the local match provided. In terms of relative benefits from federal funds, the Phase I sites were clearly cost effective. There was some concern that successful Phase I programs were the product of anticipated Phase II funding. However, information from the 1980 Phase I sites, which had little hope of Phase II funding, indicates that Phase I planning efforts (at least at these sites) were not affected by the absence of the "carrot" of Phase II funding.

Recommendations

Many of the recommendations that follow were first presented in the literature by DRI in 1980 (see West, Neubaum, Blumenthal & Keller, 1980). Additional information from numerous visits to 20 different sites, a review of relevant criminal justice literature, and discussions with criminal justice officials and researchers have increased the reliability of the data on which these recommendations are based. Since the needs of individual jurisdictions vary greatly, there is no order of priority implied by this listing of recommendations.

Citations in lieu of arrest. This option was proposed by several jurisdictions as a safe and effective alternative to intake and detention for a large class of petty offenders. Unfortunately, most projects were unable to have a major impact on the increased use of summons and citations. Although in most instances, their use was legislatively possible, the use of citations does not appear to be a popular alternative among law enforcement personnel. Multnomah County demonstrated the most success with the use of this alternative. Their success was

attributed to the fact that the officers were expected to cite certain types of offenders. If they chose to book one of these offenders, they were required to explain why in writing. Given the large number of persons who qualify for ROR, DRI sees the use of citations as an underutilized alternative and recommends that its use be increased and that more information on its advantages and disadvantages be collected. Increased use and analysis of stationhouse release is also recommended. In jurisdictions suffering from jail overcrowding, the incarceration of minor offenders represents an ineffective use of resources. In her recent study (1981:55) of eight jurisdictions, Toborg also recommended increased use of citations but expressed concern about police cooperation "because law enforcement officers have been traditionally more concerned about apprehending defendants than releasing them." The presentation of empirical data to systemwide criminal justice boards has helped to overcome this reluctance in selected instances.

Public inebriates and other detainees in need of treatment. Public inebriates (both pretrial and sentenced) constitute a major segment of the local jail population in several jurisdictions. Mentally ill, drug dependent, and juvenile offenders are not as numerous as public inebriates but they cause special problems for jails, and they too appear to be in need of treatment and are likely to benefit little from incarceration. The diversion and treatment of these populations was a concern of some sample programs. DRI has observed that relations between law enforcement personnel and detoxification center staff have generally improved as the programs have matured. In some jurisdictions where public inebriation has been decriminalized, no effective alternatives have been developed and many violators are still being taken to jail either for their own protection or in response to community and business complaints. DRI recommends the use of treatment alternatives to incarceration for public inebriates, mentally ill offenders, and offenders with drug problems. Again our recommendation concurs with that of Toborg (1981:56) and is further supported by the work of Beaudin (1980), Moynahan and Stewart (1980), Mullen, Carlson and Smith (1980), and the National Coalition for Jail Reform (1982a). In addition, county jails have a substantial population of persons who are serving relatively short sentences for DUI offenses. Recently passed provisions for mandatory jail sentences for DUI offenses in many states are expected to intensify this situation. Consideration of the use of alternate medium and minimum security facilities is recommended as an alternative to inefficient use of jail space for a large portion of this population and for other persons serving short sentences.

For any project to work effectively it is important that its staff have a clear understanding of the project's functions and its position in the CJ system. The next five recommendations deal with such issues.

Release criteria and the use of point scales. A small controversy has grown surrounding the use of objective point scales versus subjective release policies in the determination of pretrial release recommendations. Regardless of the type of determination (point scale or subjective) most jurisdictions apply very similar criteria: community ties, stability factors, criminal history including previous FTAs, and current status. There are several arguments given to support

or object to the exclusive use of either objective or subjective criteria. We list a few of those most commonly identified.

Point Scale Criteria

Supports

- standardizes criteria
- reduces opportunity for personal bias
- uses validated factors as criteria
- has potential for systematic modification on the basis of aggregated feedback data

Objections

- gives the illusion of being valid and objective but may be neither, i.e., interview information may be unreliable, criteria may not be valid, and the ways in which point scales are usually used still permits some subjective influence either intentionally (through override provisions) or unintentionally (through ambiguous criteria)
- may be too bureaucratically applied, e.g., there may be a reasonable explanation for a frequent change of residence or employment

Subjective Criteria

Supports

- provides for the inclusion of knowledge developed by experienced screeners through years of experience
- individualizes the decision process
- is more sensitive to arresting or booking officer's assessment
- is more satisfying to criminal justice personnel

Objections

- has the potential for inconsistent policies within the agency

- makes it difficult to update agency policy on the basis of aggregated experience
- has the potential for and/or gives the illusion of consideration of irrelevant variables such as personality, appearance, race, sex
- depends extensively on the training/experience/sensitivity of screeners

Neither argument deals with outcomes, e.g., percent of those interviewed who are released, court appearances and pretrial crime, since the data on these are not conclusive. In the absence of clear outcome data, the observation and examination of JO/PDP site experiences leads us to the conclusion that the use of a point scale is superior primarily because it minimizes the opportunity for personal bias in the application of release policies and maximizes the opportunity for systematic review of agency policies. The objections to the point scale relate primarily to the ways in which it is customarily applied (e.g., without local validation) and these uses are subject to modification and correction. Some of the arguments that support the use of subjective policies are compelling but do not offset the potential for abuse.

Locally validated standardized release criteria are still needed by many jurisdictions. We recommend the collection of more research data on whom to release and with what degree of supervision. We recommend the development of standardized release/incarceration guidelines for approval by the court. (For a more detailed discussion of bail guidelines see Goldkamp, Gottfredson & Gedney, 1980; and Gottfredson, Wilkins & Hoffman, 1978.) We recommend that these guidelines be periodically updated with new experience as a mechanism for speeding the release process, increasing the number of safe releases, and decreasing the costs of revocations. Researchers who express similar opinions are Bench and Baak (1980).

Out-of-state arrestees and verification policies. One of the more typically applied factors used to estimate the likelihood of a released defendant appearing in court in the absence of financial bail is a local address and telephone number. The application of this criterion frequently results in the detention of out-of-state persons who are either charged with relatively minor infractions (and are typically released at the preliminary hearing after having spent several hours or overnight in jail) or who would have been recommended for some form of contact or supervised release if they had been local or at least state residents. During periods of extreme overcrowding, out-of-state persons charged with misdemeanors and less serious felony crimes are frequently detained while local people with poor court appearance records and charged with more serious crimes, including crimes of violence, are released on either financial or nonfinancial conditions. Two factors contribute to this situation: (1) the obvious assumption that it is more likely that a local resident will return to court and (2) the costs to verify information by telephone for an out-of-state resident and to provide contact supervision where such contact is indicated. The inexpensive

confirmation of out-of-state information and interstate cooperation of pretrial agencies could assist a jurisdiction to overcome this barrier to pretrial release. Arrangements for unmetered long distance telephone rates for information verification and follow-up contacts either directly with the defendant or with the assistance of interstate agency cooperation could facilitate the release of low risk defendants and reduce unnecessary incarceration. We recommend a critical review of all residency and community tie requirements and more reliance on cooperation with other cities and/or states for information verification.

Release authority. The issue of granting release authority to pretrial services agencies has been approached from several perspectives: efficiency, philosophy, and outcomes. In those instances where release authority was granted to the pretrial agencies, we observed more efficient processing and substantial costs savings in view of the almost uniformly high agreement rates between pretrial agencies and the court. Many projects have instituted 24-hour screening functions; however in the absence of release authority, the screening functions may be ineffective in reducing LOS. In most jurisdictions a judicial determination is required for the release of felony defendants but in those sites where felony release is an option, it is working generally without incident. Aside from the bondsperson lobby, the major reservation expressed about agency release authority came, surprisingly, not from those who advocate more conservative release policies but rather from those who advocate more relaxed release criteria. It is their concern that pretrial agencies, in order to maintain their credibility with the court and with the community, will be overly fearful of taking risks and will choose to err on the side of conservatism in making nonfinancial release arrangements. We did see some evidence of this; however, we saw many more instances of delayed release and both jail and court cost escalation where a release hearing was mandated. To some extent an overly cautious release policy may be a developmental phenomenon--the older agencies have already built up credibility and will take more risks. Further, even in those instances in which pretrial does not choose to make the release, the defendant is still referred to the court where the judge or hearing officer can override pretrial's recommendation to detain or, as is more frequently the case, release with condition, in the absence of action or a strongly worded recommendation by the pretrial agency.

Administrative delegation or statutory granting of release authority to the pretrial unit contributes to its role as a neutral agency of the criminal justice system with a responsibility for protecting the community and reduces its identification as solely a defendant advocate agency, a more appropriate role for the public defender. We recommend release authority as an efficiency measure and endorse this reinforcement of a neutral posture for the pretrial agency.

Political considerations. While political considerations are somewhat intangible, this evaluation has demonstrated that they are very real. The project director's and staff's knowledge of their local political environment and ability to work within it are critical to project success. We recommend that project directors intentionally develop their awareness of local political coalitions, conflicts, and power structures. Knowledge of these factors will not in themselves make a project work, but it may help the project work more smoothly.

The decision to either keep a low profile or develop high visibility should be made after considerable analysis of the degree and sources of support and opposition, and the decision should be periodically re-evaluated. We recommend that pretrial agencies actively seek to develop the reputation for both protecting defendant rights and safeguarding community safety. Many agencies have already made an effort to move in this direction.

The length of stay in jail among pretrial detainees who are ultimately released, either because charges are never filed or because they are ultimately found to qualify for some type of pretrial release, has been identified as a critical factor in controlling jail overcrowding. The four following recommendations have a bearing on the reduction of LOS.

Pretrial investigations are conducted by most pretrial release units for the purpose of verifying information provided to them by the defendant and by criminal history file data. The amount and quality of these investigation procedures differ from site to site. We recommend the development of national data on efficient verification procedures that would optimize the level of effort applied toward investigation. There are three important reasons for recommending increased attention to information verification: (1) to make more informed release decisions, (2) to reduce the costs of investigation and poor decisions, and (3) to develop reliable information from which to test and validate release criteria.

Earlier involvement of the District Attorney's Office and earlier screening of cases is recommended. Such measures would reduce the number of persons being held who are eventually released because charges are never filed or who later become eligible for release through existing programs. In some jurisdictions persons are routinely held as long as seven days before project staff can start release processing. Although this time period may provide important flexibility for the District Attorney's Office in deciding to prosecute in special cases, it should not be used routinely because of an overburdened DA staff. The length of time until charges are filed and an examination of the reasons should be reviewed locally to determine the reasons for charging delays. The employment of experienced DA staff during the postarrest review process could contribute to more knowledgeable assessments of the merits of each case.

Follow-up release screening. The projects in Dade County and Baltimore City both initiated procedures to provide a second screening of detainees who had already been screened but failed to secure release. In both cases, secondary screening resulted in additional releases being made and jail days being saved. These two sites noted, as did Jefferson County, that most people who failed to secure pretrial release after their initial screening were not released before their trial. Some of these detainees can be released once information on them is verified, additional information becomes available, charges are reduced, or necessary supportive services can be secured. We recommend that pretrial programs develop methods for and perform secondary screening of detainees and periodic re-evaluation of the status of their jail populations (See also Toborg, 1981: 63).

The following six recommendations stress the importance of a systemwide comprehensive approach to the processes of law enforcement and corrections. The level and quality of Advisory Board participation in the projects varied greatly but, even among those projects where initial use of the Advisory Board was negligible, by the end of the federal funding period the need for systemwide support became more obvious. It seems likely that the ultimate success of the program to effect permanent change will be influenced by the degree of support received from the Advisory Board and in their endorsement of project recommendations.

Advisory Boards. A requirement of all Phase I and Phase II projects was that they form a CJ Advisory Board. DRI examined the effects of Advisory Boards on the projects. At some sites the Advisory Board proved to be instrumental in helping achieve project goals and objectives, in developing a systems approach to the overcrowding projects, and in institutionalizing program components. We recommend that pretrial programs and CJ systems develop Advisory Boards to serve as CJ forums and to develop a systems approach to criminal justice.

Increased use of pretrial interview and investigation data for subsequent criminal justice procedures would reduce costs and justify increased attention to reliability and completeness of information. Persons not released immediately after interview are frequently interviewed again in order to make jail classification recommendations. The histories of those who are ultimately convicted are routinely reviewed once more for the presentence investigation report. Much of the information developed by the pretrial release unit could be used for both jail classification and presentence reports and would reduce the duplication of investigation processes. The decision to consolidate these activities usually required the support of several agencies. e.g., Orleans Parish, Multnomah County.

Management information systems and central intake systems are two methods that can expand the use of pretrial interview data and facilitate consolidation of CJ agencies' efforts. Sites with certain data management and/or detainee processing problems (e.g., detainees getting lost in the system, jailers not delivering detainees to court when they should, or a lack of useful feedback information) should consider the development of MI and CI systems. Jurisdictions looking for more efficient methods for processing detainees or information may also be interested in these systems. For more discussion see DRI's forthcoming handbook (December 1982) on problems and symptoms that suggest the use of central intake processes.

Police motivation to increase arrest rates in order to demonstrate effectiveness and justify increased budget allocations should be discouraged and replaced by other measures. Arrests by law enforcement officers provide highly visible evidence of performance. If, however, the problems of the criminal justice system and the community are to be addressed comprehensively, alternatives to arrest, including diversion from the criminal justice system, may be more effective than arrest in reducing crime by allowing the resources of the criminal

justice system to focus on those problems for which the community provides no other treatment alternatives. This concept requires community support. If the Advisory Board is not supportive, then it is likely that arrest rates will continue to be singled out as the most important measure of police performance.

Speedier trials. A number of researchers (Toborg, 1981; Thomas, 1976; and others) have recommended the use of speedier trials as one approach to reducing pretrial crime and FTAs. They have also noted the limitations of speedier trials for solving such problems. We support their recommendations to process cases as quickly as possible, especially those cases in which the defendant is incarcerated awaiting trial.

Securing local funding. This recommendation deals with some approaches projects might adopt in appealing to their funding sources and CJ communities. When addressing these audiences projects should stress:

- that their staff can screen not only for arrest but for detention as well. Pretrial services staff generally collect the most complete and reliable information available on an arrestee. Therefore, if preventive detention or bail denial recommendations are to be made, no agency is better qualified to make them than the pretrial staff.
- that screening helps maximize the use of limited jail space (less serious offenders are released and more risky offenders are detained)
- that supervised and/or conditional pretrial release is unlikely to increase FTA or rearrest rates
- that nonmonetary pretrial release reduces the inequity and misuse of bail. It reduces the use of bail as a bargaining tool for the police and DA and it eliminates the possibility of biased case conclusion based on pretrial status.
- that it costs the community an estimated \$2,869 for every person-year of jail time
- that construction of a single new jail cell costs between \$30,000 and \$60,000
- that new jail construction may be untimely because the postwar baby boom generation will be passing out of its high crime years in the mid-1990s. At that time the crime rate is likely to decrease and many new cells constructed in the 1980s may become empty (see also Jones, 1981).
- that increasing jail capacity is not an effective long-range method for alleviating the jail overcrowding problem

- that overcrowding can lead to court orders that may lead to fines and federal court oversight of jail operations

The remaining recommendations fall into the miscellaneous category. They address a variety of issues including jail construction, equitable treatment of arrestees, and criminal justice research.

New jail construction. A number of the sites visited were in the process of constructing new jails or were considering such construction. We recommend to those sites that have made the decision to increase their jail capacities that they consider construction of minimum, medium, and maximum security cells. The work of Goldfarb, 1980; Moynahan, 1980:110; and Roesch, 1976:32 also support construction of multiple security levels. Providing several security levels will reduce construction costs and allow people to be confined in the least restrictive environment necessary to ensure their appearance in court.

Preventive detention and bail denial. There is a growing movement in the U.S. toward preventive detention of offenders awaiting trial (see Gaynes, 1982 for a list of preventive detention statutes). Reardin (1980) and the Attorney General's Task Force on Violent Crime (1981) recommend that laws be changed to allow dangerousness as a consideration in making pretrial release/detention decisions. Little research is available that documents the value or effectiveness of these provisions and there are numerous legal problems associated with pretrial detention. The preventive detention hearing provided in some states as a safeguard against potential abuse represents an additional burden for the courts, the prosecuting attorney and the public defender and the defendant. Furthermore, there is a large body of literature which states that dangerousness cannot be accurately predicted (e.g., Beaudin, 1980; Frederick, 1978; Friedman & Mann, 1976; Magargee, 1976; Martin, 1981; Moynahan, 1980; Underwood, 1979). We recommend additional research on the impacts of these provisions.

Reduction in use of cash bail. A number of researchers have pointed out the weaknesses and shortcomings of the cash bail system and have argued for its revision or elimination. Goldkamp (1980: 185) stated that if a bondsperson pays bail, the defendant has little incentive to return for court. Beaudin (1980: 90-95) recommended that surety bail be eliminated and states the following six reasons:

- the surety system is prone to abuses
- judges have no way of knowing if the bond they set is affordable or if a bondsperson will risk the bond
- other alternatives work as well, if not better than cash bail
- bondspersons seldom return people who have forfeited bail--they are usually returned by law enforcement agencies
- the system is inequitable in that the wealthy get released while the poor remain incarcerated

- the American Bar Association, the National District Attorney's Association, and a number of other national LE/CJ organizations recommend the abolition of cash bail

For more on the shortcomings and elimination of surety bail see Goldkamp, 1979; Pryor and Henry, 1980; Thomas, 1976; and Toborg, 1981. Experience from the jail overcrowding sites suggest that the use of cash bail can be greatly reduced.

Data collection and analysis. We recommend that most projects collect and analyze more data on their own activities and on those of their criminal justice systems. Increased data analysis provides a more accurate picture of the pretrial process and its system, allows for a more accurate assessment of project or other program impacts on the system, can help develop a scientific basis for making release/detention decisions and selecting release options, and provides useful information to funding and oversight agencies.

For assistance in data collection and/or project design, the Phase I projects had a number of technical assistance providers available to them through the American Justice Institute (AJI). The experience these projects had with TA providers demonstrated that in order to optimize the use of consultant input, it is necessary to plan appropriately for that use. Several permanent local government agency employees should work closely with the consultant(s) and there should be written accounts of all discussions and recommendations. Information exchanged between consultants and a single project person is lost if that person leaves the project. Given the two-phased funding approach (which was viewed as an effective procedure) there was generally uncertainty about the continuation of funding and many Phase I directors left the projects in order to secure permanent employment before the second funding increment was approved. Frequently, when they departed the information they received from consultants was lost to the project. In order to avoid information loss, consultants should be required to submit written reports.

Dissemination of information within the program and to sites outside the program appears to be inadequate for national impact. A number of project employees expressed a sense of isolation. They were not sure about what other programs were doing or if they themselves were going about their work in the best way. And, in response to direct questioning, we saw only modest signs of information exchange among projects or between JO/PDP projects (even those in the same state) and other jurisdictions. All of this occurred despite the excellent technical assistance available to the projects and the large number of professional organizations to which various project staff belong.

To facilitate the dissemination of information we recommend that project personnel attend regional and national symposia on jail overcrowding. They should also attempt to contact jurisdictions with problems similar to their own to examine the approaches these projects used and are using to ameliorate their problems. Implementing a programmatic option (with some minor changes as needed) that has already been developed, implemented, and evaluated at another site could reduce the opportunity for adopting ill conceived programs and

could save time and money. Relevant federal agencies are encouraged to expand their efforts to disseminate information on factors to alleviate jail overcrowding.

Summary Statement

Although the nation's jails remain overcrowded, the safe and effective use of nonfinancial pretrial release alternatives has been demonstrated by this program and by other similar efforts around the country. The recent enactment of preventive detention and bail denial provisions only emphasizes the inadequacies of bail alone as a criterion for release, and suggests an expanded role for the pretrial agencies in making release/detention recommendations. The pretrial agency has frequently been viewed in the past as an advocate for the defendant, dedicated to virtually eliminating all pretrial use of incarceration. This position was a response, in part, to the overuse and inequitable use of incarceration for indigent defendants. Jail overcrowding was the leverage for developing and applying alternatives to financial bond. At this time, public sentiment and legislative action are demonstrating less flexibility for persons charged with crimes, particularly those persons with long criminal histories. These two ideologies suggest the need for an even more visible concern for both defendant rights and community safety. The pretrial services agency, however it is constituted in any given jurisdiction, is usually in an excellent position to collect up-to-date and reliable information from national and local information systems and to function as the pivotal agency in making release decision recommendations. The indiscriminate use of pretrial detention for persons accused of crimes may be unconstitutional and unproductive and there are those who find money bail to be an inadequate and unfair release condition. In response to these concerns, the support of research on the predictors of pretrial performance seems to promise the greatest opportunity to develop informed recommendations that would protect the community from persons who are a danger to others and to themselves and whose previous performance indicates they are unlikely to appear for trial, while freeing on own recognizance or on condition those persons who fit neither of these categories, independent of their ability to pay. Support for the pretrial agency staff appears to be more appropriate than ever based on the services they can perform as interviewers, screeners and investigators for the courts and in maintaining records for evaluating the decision processes. The Jail Overcrowding Program has been the seed money for many of these agencies to develop staff and procedures, and for this alone it has contributed to the equitable administration of justice.

REFERENCES

- Aaronson, D. E., Kittrie, N. N., & Saari, D. J. Alternatives to conventional criminal adjudication: Guidebook for planners and practitioners. Washington, DC: U.S. Department of Justice, 1975.
- Allinson, R. Overcrowding is now a national epidemic. Corrections Magazine, 1982, 8(2), 18-24.
- American Institute of Criminal Justice. Just the facts. Philadelphia, PA: American Institute of Criminal Justice, 1981.
- American Justice Institute and National Center for State Courts. Classification instruments for criminal justice decisions, Volume 1, Pretrial release. Sacramento, CA: American Justice Institute, 1979.
- Attorney General's Task Force on Violent Crime: Final report. Washington, DC: U.S. Government Printing Office, 1981.
- Austin, J., & Krisberg, B. Wider, stronger and different nets: The dialectics of criminal justice reform. Journal of Research in Crime and Delinquency, 1981, 18(1), 165-196.
- Ballard, A. J. Components of the Vera hypothesis: An empirical analysis. Criminal Justice Review, 1977, (Spring), 55-71.
- Beaudin, B. D. Bail reform, 1980: A brief for change. Pretrial Services Annual Journal, 1980, 3, 86-97.
- Beaudin, B. D., Pryor, D. E., & Henry, D. A. A proposal for the reform of pretrial release and detention practices in the U.S. Pretrial Services Annual Journal, 1981, 4, 68-102.
- Bench, L. L., & Baak, D. P. Reapproaching the release-decision process, or Speculation is good for the program. Pretrial Services Annual Journal, 1980, 3, 70-85.
- Bennett, D. M. Division of Corrections Multnomah County, OR: Technical assistance report: The central intake system. Salt Lake City, UT: David Bennett, 1981.
- Blackmore, J. Can counties succeed where the states have failed? Corrections Magazine, 1981, 7(2), 21-23, 27-31, 39-41.
- Brentley, J. R., & Kravitz, M. Alternatives to institutionalization: A definitive bibliography. Washington, DC: U.S. Department of Justice, 1979.

Brockett, W. A., Jr. Presumed guilty: The pretrial detainee. Yale Review of Law and Social Action, 1973, 1, 10-26.

Bureau of Justice Statistics. Profile of jail inmates: Sociodemographic findings from the 1978 survey of inmates of local jails. National Prisoner Statistics Report. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1980.

Bureau of Justice Statistics. Bureau of Justice Statistics bulletin: Prisoners in 1980. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1981a.

Bureau of Justice Statistics. Bureau of Justice Statistics bulletin: Prisoners at midyear 1981. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1981b.

Bureau of Justice Statistics. Bureau of Justice Statistics bulletin: Prisoners in 1981. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1982.

Busher, W. H. Citation release: An alternative to pretrial detention: Concepts and guidelines. Sacramento, CA: American Justice Institute, 1978.

Castle, S.C. Trends restricting the right to bail: The constitutionality of preventive detention in non-capital offenses. Criminal Justice Journal, 1980, 3(2), 433-450.

Clements, C. The relationship of offender classification to the problem of prison overcrowding. Crime and Delinquency, 1982, 28(1), 72-81.

Coates, R. B. Deinstitutionalization and the serious juvenile offender: Some policy considerations. Crime and Delinquency, 1981, 27(4), 477-486.

Criminal Law Bulletin. The unconstitutional administration of bail. Criminal Law Bulletin, 1972, 8, 456-506.

Denver Research Institute. Central intake systems handbook and worksheets. Blumenthal, M., Cooper, G., Lindauer, B., & West, A.S. Denver Research Institute, Social Systems Research and Evaluation. Denver, CO: University of Denver, in press. (Expected date of publication, December 1982.)

Denver Research Institute. Pretrial decision systems: Model central intake programs. Lindauer, B., & West, A.S. Denver Research Institute, Social Systems Research and Evaluation. Denver, CO: University of Denver, in press. (Expected date of publication, December 1982.)

District of Columbia Pretrial Services Agency. Recommendation guidelines. Washington, DC: District of Columbia Pretrial Services Agency, 1981a.

District of Columbia Pretrial Services Agency. Report of the D.C. Pretrial Services Agency: For the period 1/1/80-12/31/80. Washington, DC: District of Columbia Pretrial Services Agency, 1981b.

Dow, P. E. Discretionary justice: A critical inquiry. Cambridge, MA: Ballinger Publishing Company, 1981.

Eskridge, C. W. Predicting and protecting against failure in pretrial release: The state of the art. Pretrial Services Annual Journal, 1981, 4, 34-54.

Eskridge, C. W. An empirical study of failure-to-appear rates among accused offenders: Construction and validation of a prediction scale. Ann Arbor, MI: University Microfilm International, 1978.

Feeley, M. M. The process is the punishment. New York: Russell Sage Foundation, 1979.

Felstiner, W. L. F., & Barthelmes, A. European alternatives to criminal trials and their applicability in the U.S. Washington, DC: U.S. Department of Justice, 1977.

Foust, C. H., & Webster, D. R. (Eds.). An anatomy of criminal justice: A system overview. Lexington, MA: Lexington Books, 1980.

Frederick, C., Jr. Dangerous behavior: A problem in law and mental health. Rockville, MD: U.S. Department of Health, Education and Welfare, 1978.

Friedman, C. J., & Mann, F. Recidivism: The fallacy of prediction. International Journal of Offender Therapy, 1976, 20(2), 153-164.

Friedman, L. S. The evaluation of a bail reform. Policy Sciences, 1976, 7, 281-313.

Gallup poll: Public opinion: 1978. Princeton, NJ: The Gallup Poll, 1979.

Galvin, J. J. Criminal justice central intake program: Concepts and guidelines. Sacramento, CA: American Justice Institute, 1978.

Gaynes, E. Typology of state laws which permit the consideration of danger in the pretrial release decision. Washington, DC: Pretrial Services Resource Center, 1982.

Gest, T. Bail or jail: A tough question for judges. U.S. News and World Report, 1981a, 111(20), 62.

Gest, T. The crime package that sparked bitter dispute. U.S. News and World Report, 1981b, 111(9), 42-43.

Goldkamp, J. S. Philadelphia revisited: An examination of bail and detention two decades after Foote. Crime and Delinquency, 1980, 26(2), 179-192.

- Goldkamp, J. S. Two classes of accused: A study of bail and detention in American justice. Cambridge, MA: Ballinger Press, 1979.
- Goldkamp, J. S., Gottfredson, M. R., & Gedney, D. L., Jr. Bail after bail reform: The feasibility of a guidelines approach. Pretrial Services Annual Journal, 1980, 3, 3-19.
- Goldfarb, R. L. A proposal for jail reform. In C. H. Foust & D. R. Webster (Eds.), An anatomy of criminal justice: A system overview. Lexington, MA: Lexington Books, 1980.
- Gottfredson, D. M., Wilkins, L. T., & Hoffman, P. B. Guidelines for parole and sentencing. Lexington, MA: Lexington Books, 1978.
- Gottfredson, M. R. An empirical analysis of pretrial release decisions. Journal of Criminal Justice, 1974, 2, 287-304.
- Hermann, R., Single, E., & Boston, J. Counsel for the poor. Lexington, MA: D.C. Heath and Company, 1977.
- Institute for Law and Social Research. Curbing the repeat offender: A strategy for prosecutors. Washington, DC: Institute for Law and Social Research, 1977.
- Institute for Social Research. Societies' losers. ISR Newsletter, 1981, (Autumn), 4-5.
- Jenkins, W. O. et al. The measurement and prediction of criminal behavior and recidivism: The Environmental Deprivation Scale (EDS) and the Maladaptive Behavior Record (MBR). Elmore, AL: Rehabilitation Research Foundation, 1972.
- Jones, L. Y. Great expectations: America and the baby boom generation. New York: Coward, McCann and Geoghegan, Inc., 1981.
- Kirby, M. P. Failure-to-appear: What does it mean? How can it be measured? Washington, DC: Pretrial Services Resource Center, 1979.
- Kirby, M. P. The effectiveness of the point scale. Washington, DC: Pretrial Services Resource Center, 1977.
- Klein, M. W., & Teilmann, K. S. (Eds.). Handbook of criminal justice evaluation. Beverly Hills: Sage Publications, 1980.
- Knapp, E. S. American prisons: No vacancy. State Government News, 1981, 24(7), 4-7.
- Lasker, M. E. Presumption against incarceration. Hofstra Law Review, 1979, 7, 407-416.
- Mallin, C. Urban violence: Liberty City a year later. Change, 1981, 5(1), 6-7.

- Martin, T. L. The prediction of dangerousness in mental health and criminal justice. Pretrial Services Annual Journal, 1981, 4, 3-19.
- Megargee, E. Population density and disruptive behavior in a prison setting. In A. K. Cohen, G. F. Cole, & R. G. Baily (Eds.), Prison violence. Lexington, MA: Lexington Books, 1976.
- Megargee, E. The production of dangerous behavior. Criminal Justice and Behavior, 1976, 3(1), 3-22.
- Monahan, J. Predicting violent behavior: An assessment of clinical techniques. Beverly Hills, CA: Sage Publications, 1981.
- Monahan, J. The clinical prediction of violent behavior. Rockville, MD: U.S. Department of Health and Human Services, 1981.
- Moynahan, J. M., & Stewart, C. K. The American jail: Its growth and development. Chicago, IL: Nelson-Hall, 1980.
- Mullen, J. American prisons and jails, Vol. 1: Summary findings and policy implications of a national survey. Washington, DC: U.S. Government Printing Office, 1980.
- Mullen, J. and Smith, B. American prisons and jails, Vol. 3: Conditions and costs of confinement. Washington, DC: U.S. Government Printing Office, 1980.
- Nagel, S. S., & Neef, M. G. Decision theory and the legal process. Lexington, MA: Lexington Books, 1979.
- Nagin, D. The impact of determinate sentencing legislation on prison population and sentence length: A California case study. Public Policy, 1979, 27, 69-98.
- National Center for State Courts. Alternatives to incarceration. Atlanta, GA: National Center for State Courts, 1981.
- National Center for State Courts. Alternatives to incarceration: An annotated bibliography. Atlanta, GA: National Center for State Courts, 1981.
- National Coalition for Jail Reform. Fact sheet on jails in the U.S. Washington, DC: National Coalition for Jail Reform, 1982a.
- National Coalition for Jail Reform. Jail is the wrong place to be for juveniles, public inebriates, the mentally ill and mentally retarded. Washington, DC: National Coalition for Jail Reform, 1982b.
- National Council on Crime and Delinquency. Does capacity drive prison populations? Abt's famous conclusion challenged. Criminal Justice Newsletter, 1982, 13(8), 3.

National Institute of Justice. Supervised pretrial release. Washington, DC: U.S. Department of Justice, 1980.

National notes. The Pretrial Reporter, 1982, 6(2), 3-14.

News briefs. Corrections Magazine, 1980, 6(3), 3-5.

Ozanne, M. R., Wilson, R., & Gedney, D. L., Jr. Toward a theory of bail risk. Criminology, 1980, 18(2), 147-161.

Peternilia, J., Underwood, P. W., & Lavin, M. Criminal careers of habitual felons. Washington, DC: U.S. Department of Justice, 1978.

Pryor, D. E. Pretrial Issues: Current research--A review. Washington, DC: Pretrial Services Resource Center, 1979.

Pryor, D. E., & Henry, D. A. Pretrial practices: A preliminary look at the data. Washington, DC: Pretrial Services Resource Center, 1980.

Roesch, R. Predicting the effects of pretrial intervention programs on jail populations: A method for planning and decision-making. Federal Probation, 1976, 40(4), 32-36.

Ross, T. Multnomah County Department of Justice Services, Corrections Division: Jail management information system review. Portland, OR: Touche Ross and Co., 1980.

Roth, J. A., & Wice, P. B. Pretrial release and misconduct in the District of Columbia. PROMIS Research Project, Publication 16. Washington, DC: Institute for Law and Social Research, 1978.

Schneider, A. L. et al. Handbook of resources for criminal justice evaluation. Washington, DC: U.S. Department of Justice, 1978.

Taft, P. B., Jr. The Cuban crisis in Miami jails. Corrections Magazine, 1982, 8(2), 35-40.

Taft, P. B., Jr. Backed up in jail: County lockups overflow as courts clamp down on state prisoners. Corrections Magazine, 1979, 5(2), 26-33.

Thomas, W. H., Jr. Bail reform in America. Berkeley: University of California Press, Ltd., 1976.

Toborg, M. A. Pretrial release: A national evaluation of practices and outcomes. Washington, DC: U.S. Department of Justice, 1981.

Underwood, B. D. Law and the crystal ball: Predicting behavior with statistical inference and individualized judgement. Yale Law Review, 1979, 88, 1408-1448.

Walker, B., & Gordon, T. Health and high density confinement in prisons and jails. Federal Probation, 1980, 44, 53-58.

Williams, K. M. The scope and prediction of recidivism. PROMIS Research Project, Publication 10. Washington, DC: Institute for Law and Social Research, 1979.

Weiner, R. I. The need for interagency cooperation in corrections: Problems and prospects. Federal Probation, 1980, 44(4), 16-19.

West, A. S., & Neubaum, J. C. Quarterly progress report: Jail overcrowding and pretrial detainee program evaluation. Denver Research Institute, Social Systems Research and Evaluation Division. Denver, CO: University of Denver, 1982.

West, A. S., Neubaum, J. C., Blumenthal, M., & Keller, R. A. Jail overcrowding and pretrial detention: A program evaluation. Denver Research Institute, Social Systems Research and Evaluation Division. Denver, CO: University of Denver, 1980.

Wheeler, G. R., & Wheeler, C. L. Bail reform in the 1980's: A response to the critics. Criminal Law Bulletin, 1982, 18(3), 228-240.

Wheeler, G. R., & Wheeler, C. L. Two faces of bail reform: An analysis of the impacts of pretrial status on disposition, pretrial flight, and crime in Houston. Policy Studies Review, 1981, 1(1), 168-182.

Wholey, J. S. Evaluation: Promise and performance. Washington, DC: The Urban Institute, 1979.

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