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ALTERNATIVES TO INCARCERATION

Phase I: Pretrial Evaluation

Section III

Full Report

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ACQUISITIONS

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A. BACKGROUND

In 1990, the Connecticut General Assembly passed Public Act 90-213. The Act created the Office of Alternative Sanctions (OAS) within the State's Judicial Branch to create and expand a statewide continuum of programs to augment the alternatives to incarceration available to the criminal justice system. Since that time, the number of pretrial and sentenced clients served annually by alternative programs has more than doubled, from under 2700 to over 5400; programs have become available in all courts in the state; and the types of program elements and the referral sources have diversified.

B. RESEARCH COMPLETED

This development and expansion effort has been aided at each step by research conducted by The Justice Education Center. The Center completed two studies that provided the foundation for this study[1]:

    1. A 1991 **Offender Profile Study** that identified pools of pretrial and sentenced incarcerated men and women who could be considered for alternatives; and

    2. A 1992 **Court Disposition Study** that analyzed the primary considerations used by the State's courts to determine who among a sample of convicted offenders would be incarcerated pretrial and after sentencing. This study also helped to identify characteristics of people who could be considered for community supervision programs.

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[1] 1. **Offender Profile Study: A Comparison of Criminal Justice Clients in Prison and in the Community. 1991.** Based on a "snapshot" comparison of 1609 sentenced and accused offenders at one point in time in 1990, this research enabled OAS to project the numbers of incarcerated offenders who could be considered for intermediate sanctions instead of occupying a prison bed on a given day. The study identified types and categories of defendants, then incarcerated, who might safely have received community-based sanctions, e.g., large pools of non-violent offenders with short arrest histories. Special populations, underserved by current programming, were identified: women, Hispanics, 16- and 17-year-old youth, and substance abusers.

    2. **Court Disposition Study: Criminal Offenders in Connecticut's Courts in 1991.** Data collected on a random sample of 3131 offenders with criminal cases disposed in Connecticut's courts during 1991 substantially extended the findings of the Offender Profile Study, enabling the Office of Alternative Sanctions to: project population flow and sentencing patterns to facilitate OAS' planning and development of community-based sanction programs; identify criteria for targeting appropriate offenders for intermediate sanctions; and develop a data base for longitudinal studies of outcomes and program effectiveness in future years.

II THE STUDY

A. Purpose of the Study

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A.   PURPOSE OF THE STUDY

This study is the first comprehensive, statewide evaluation of Connecticut's alternative to incarceration programs, providing information to the Judicial Branch about the outcomes of pretrial and sentenced clients. The study is being done in two phases:

> **Phase I:**   Phase I, this report, provides an evaluation of pretrial alternatives to incarceration programs, comparing defendants in the community on conditional release with a comparison group of defendants without conditions as part of their release status.

> **Phase II:** Phase II will provide evaluation of the programs for offenders sentenced to alternative to incarceration programs, compared to those sentenced to incarceration and straight probation. Initial results for this phase will be prepared by June 30, 1994.

B.   RATIONALE FOR PHASE I: Evaluation of Pretrial Alternative to Incarceration Programs

An array of pretrial options has been in the process of expansion and development within the Judicial Branch for several years, under the guidance and supervision of the Office of Alternative Sanctions, the Office of the Chief Bail Commissioner, and the Family Division.   A 1992 Court Disposition Study[2] yielded findings about the pretrial population that were of particular interest to the Judicial Branch.

Findings of particular interest from the 1992 study that warranted further investigation included:

> ●Decisions made about the status of a defendant pretrial had an important relationship to subsequent case disposition. Defendants incarcerated pretrial were more likely to be sentenced to incarceration upon conviction. Furthermore, the number of days incarcerated pretrial was one of the predictors of a sentence to prison.

> ●Defendants who had been released with conditions prior to case disposition had a greater likelihood of appearing in court, and had fewer arrests than those released on written promise to appear or forms of bond.

> ●Defendant race/ethnicity was one of many statistically significant predictors of whether bond was ordered and whether or not defendants were incarcerated pretrial. This finding might also have been explained by other factors not available to that study: e.g., economic, educational and language differences, employment, family support or defendant demeanor in court.

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[2]**Court Disposition Study: Criminal Offenders in Connecticut's Courts in 1991.**   Data collected on a random sample of 3131 offenders with cases that resulted in convictions during 1991 enabled the Office of Alternative Sanctions to: project population flow and sentencing patterns to facilitate OAS' planning and development of community-based sanction programs; identify criteria for targeting appropriate offenders for intermediate sanctions; and develop a data base for longitudinal studies of outcomes and program effectiveness in future years.

Because of the importance of the relationship described above between pretrial status and case disposition, pretrial judicial release options needed to be studied closely: that is, which options were appropriate for which populations.

C. GOALS OF PHASE I: Evaluation of Pretrial Alternatives to Incarceration

This evaluation of pretrial alternatives was conducted to achieve the following goals:

●To learn which categories of defendants are arrested for new offenses or commit program violations, and what those offenses or violations are.

●To learn which categories of defendants fail to appear in court.

●To investigate differences in rates of new arrest, in failures to appear, and in dispositions among defendants conditionally released, defendants released on unconditional promise to appear, and defendants ordered to pay bond (without any conditions attached to their release).

●To determine if there are differences in disposition among categories of defendants given different types of supervision.

●To describe the demographic and criminal justice characteristics of defendants who were given pretrial conditional release, and to compare these characteristics among defendants granted different types of supervision.

●To provide a basis for estimating the incarceration bed-days saved by the correctional system by the use of conditional supervision in the community.

●To provide a basis for estimating the cost savings of conditional supervision in the community.

D. STUDY METHODOLOGY

To conduct this study of pretrial alternatives, two separate offender-based samples were drawn for comparative purposes.

Sample 1: Conditional release defendants

The first sample comprises 785 defendants: 9% of all defendants given conditional release at arraignment between March 1, 1991 and February 29, 1992. The sample was drawn randomly by geographical area court, to ensure accurate representation of all the courts in the state.

Sample 2: Comparison group

The comparison group is a sample drawn from defendants who were arraigned during the same twelve month period, but who did not have any conditions as part of their release status. This second sample comprises 645 defendants, and was generated randomly by computer from a tape provided by Judicial Information Systems (JIS).

E. FRAMEWORK: Points of Intervention for Determining Pretrial Status

Critical to the understanding of this report is an overview of the pretrial release options available to the Judiciary.

At point of arrest: When people are arrested for a crime based on a warrant issued by a court, the warrant may state the terms of his/her release. When a person is arrested for a crime at the scene, the police are the first to make a decision about his/her release. There are two options which secure the release of approximately ⅔ of arrestees at this point:

1.   **"Written promise to appear" (WPTA).** The defendant will be released based on an assurance that s/he will appear in court.

2.   **Bond.**   The defendant will be required to deposit (or have a professional bondspersom guarantee) a specific amount of money to assure the defendant's appearance in court.

At Bail Commission interview: If the defendant is required to post money, and is unable to do so and as a result remains incarcerated, s/he is interviewed by a Bail Commissioner, who applies the weighted criteria for release, which include factors such as: the nature and circumstance of offense; prior record and appearance history; and social and medical assessment. Bail Commissioners interview about ⅓ of all arrestees. The options at this stage include:

1.   **"Written promise to appear" (WPTA).**

2.   **Non-surety bond.** A written promise by the defendant to pay to the court a specified amount of money if the s/he fails to appear.

3.   **Surety bond.** Many posted by the defendant or a written guarantee by a bondsperson that if the defendant does not appear when required, the amount of bond will be paid to the court.

At initial court appearance: When the defendant appears in court, the court can keep or change the WPTA/bond order in effect. The additional options available to the court include:

1. **10% bond.** The defendant is ordered to execute a written bond in a specified amount guaranteeing his/her appearance in court and posting 10% in cash of that amount with the court.

2. **Orders to comply with special conditions.** Conditions may be added to either a WPTA or bond order, and may involve particular behavioral monitoring (such as drug testing or avoiding specified people) and/or supervision.

3. **Real estate bond.** Some third parties (typically relatives of the defendant) execute a written bond in a specified amount guaranteeing his/her appearance in court and secure that bond by posting real estate as collateral.

F.   STUDY RESULTS

Information on the 785 defendants in the conditional release sample and the 645 defendants in the JIS sample included personal and criminal justice characteristics, obtained from multiple sources, as described in Appendix 1. The results of this study are reported in two sections:

1. Conditional Release Sample

●The characteristics and outcomes of the conditional release sample are discussed.

●The six different types of community supervision conditional release options available to the court for these defendants are compared:

●Alternative to Incarceration Center (AIC) Programs
●Bail Contract Programs
●Bail Supervision
●Condition Only
●Family Relations Supervision
●Other

2. Comparison Group

●The conditional release group is compared with this "comparison group" sample of other defendants arraigned at the same time but not granted conditional release.

●Community-supervised conditional release options are looked at comparatively to the following other judicial release options available for this group:

●Written Promise to Appear (WPTA)
●Non-Surety Bond
●Surety bond, 10% bond, and real estate bond

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III. DEFENDANTS GIVEN CONDITIONAL RELEASE

A. Types of Supervision Ordered

B. Summary of Findings

C. Findings in Detail

D. Implications of Findings

A.   TYPES OF SUPERVISION ORDERED

Ultimately, supervisory authority for defendants given conditional releases is held by the Bail Commission Office in the local court. However, direct supervision is managed through different public and private agencies, by court order. The court may not necessarily impose conditions involving direct supervision. The court can also set behavioral conditions that, if violated, will result in increased supervision and sanctions.

The defendants in the study who were given conditional release reflected the range of different types of supervision. Table 1 shows the distribution among supervision types.

TABLE 1
Types of Supervision

Supervision Type	Percent	Number
AIC Program	15	115
Bail Contract Program	12	96
Bail Supervision	11	88
Condition Only	25	198
Family Relations Supervision	8	63
Other, Unknown	29	225
TOTAL	100	785

Alternatives to Incarceration Center (AIC) programs are operated by private non-profit agencies in 17 sites across the state. They are designed as community-based alternatives to jail for pretrial and sentenced clients, and accept clients for periods up to six months. AICs are open a minimum of six days each week. Staff assess client needs; monitor conditions set by the court; arrange for drug evaluation and urinalysis; and offer education and treatment services both in-house and by referral.

Bail Contract Programs are also operated by private non-profit agencies, and are located primarily in the larger urban areas of the state. Nine Bail contract programs exist. They provide monitoring and social services to defendants upon referral from a Bail Commissioner. Such services include individual, family, and substance abuse counseling.

Bail Supervision is provided directly by the Bail Commissioners located in each court. This in-house monitoring requires defendants to report to the Commissioner by phone or in person at designated intervals.

Condition only defendants are also under the authority of the local Bail Commissioners. However, they have not been ordered by the court to report directly to the Commissioners, and so are not formally supervised. Instead, they have been directed to maintain particular behavior ordered by

the court. Examples include orders to stay away from specific people or places, to maintain a curfew, and to refrain from driving a car.

Family Relations Supervision is provided by staff of the Family Division in each court in cases which involve criminal behavior in a family context. Most commonly, these are cases of family violence directed at adults; some involve charges of "risk of injury to a minor". Family Division staff provide formal supervision while they conduct a family assessment; supervision may continue while family members attend a six-week pretrial Family Violence Education Program.

The "**Other**" category includes 10 people who were referred to a federally funded drug treatment program. The remaining defendants were released on a condition which was not specifically identified in available records. Presumably, most of them were not directly supervised by any agency.

It is important to remember that the defendants who are released with conditions may also be ordered to post some form of monetary bond. Commonly, if a condition is imposed with some form of direct supervision, the bond amount originally proposed by the arresting officer or the Bail Commissioner is reduced. The bond amounts for the different types of supervision are shown in Table 2. Bail Contract clients were ordered to pay significantly more bond than the defendants in the other groups--69% were required to pay over $1,000, compared to 63% of the AIC clients, 48% of the defendants supervised by Bail Commissioners, 49% of the "others", 40% of those with "conditions only", and 28% of the Family Relations clients.

TABLE 2
Amount of Bond by Type of Supervision
(In Percent; Those With Bond Only)

TYPE OF SUPERVISION	$1-250	$251-500	$501-1,000	$1001-5,000	$5001-10,000	OVER $10,000	TOTAL% (N)
AIC PROGRAM	2	16	18	40	15	8	99 (98)
BAIL CONTRACT	1	18	12	45	12	12	100 (83)
BAIL SUPERVISION	7	21	24	27	5	16	100 (75)
CONDITION ONLY	11	28	21	30	6	4	100 (165)
FAMILY RELATIONS	14	40	18	28	--	--	100 (57)
OTHER	4	27	19	33	9	7	99 (180)

B.   SUMMARY OF FINDINGS

1. Demographic

Comparisons among the different types of supervision in the "conditional release" part of the sample are shown in Appendix 2.   In general, some important differences in defendant characteristics are revealed. The urban-concentrated Bail contract defendants are prominently male and African-American or Latino, compared to those supervised by AIC and Bail staff. AIC clients are significantly younger than the others, while those supervised by Bail Commissioners and Family Relations counselors are most the likely to be employed.

2. Criminal Justice Differences

Important criminal justice differences are seen, as well. Perhaps most important, AIC clients have been charged with more serious crimes than those in the other groups. They also include higher proportions of defendants facing drug charges. The different groups are similar with respect to arrest histories and prior convictions, including convictions for failure to appear(FTA); however, those supervised by Bail Commissioners are significantly more likely than most groups to face pending FTA charges. Defendants supervised by Bail Commissioners also have longer criminal "careers", as might be expected since they are older.

Finally, AIC and Bail supervised defendants were more likely than the others to fail to appear in court during the pretrial period, although the Bail supervised clients failed to appear somewhat more often. It is not surprising that sentencing reflects the differences in charge type and severity and in illegal behavior pretrial: AIC clients are significantly more likely to be sentenced to incarceration and to probation.

In general, differences in FTA rates are explained most consistently by the severity of the most serious charge the defendant is facing. When other factors are controlled, charge severity remains significant, and contributes to higher rates of FTA among AIC clients. These rates, in turn, help to explain sentences to incarceration. Over all, for defendants in this sample, FTA is significantly related to prison sentences.

C. FINDINGS IN DETAIL

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1. Demographic Characteristics of Defendants Granted Conditional Release

2. Criminal Justice Characteristics of Defendants Granted Conditional Release

3. Criminal Justice Profile During Pretrial Period

4. SPOTLIGHT: Characteristics of Pretrial Population Supervised by Alternative to Incarceration (AIC) Programs

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1.   Demographic Characteristics of Defendants Granted Conditional Release

Sex. Males comprise 86% of all conditional release program clients. There are significant differences among the types of supervision, however: 94% of Family Relations' clients are male, as are 93% of the Bail Contract clients, compared to 84% and 82% of the AIC and Bail supervised clients, respectively. As suggested in past research, these differences between men and women are significant both statistically and for the types of offense and client needs presented to the programs.

Race/ethnicity. Race/ethnicity differences among the different types of supervision are also significant, and are shown in Table 3, below. Bail Contract programs are significantly different than

TABLE 3
Defendant's Race by Type of Supervision
(In Percent)

Supervision Type	White	Black	Latino	Other	TOTAL
AIC Program	49	31	20	--	100
Bail Contract	27	42	30	1	100
Bail Supervision	52	40	7	1	100
Condition Only	44	36	20	--	100
Family Relations	48	26	26	--	100
Other	40	39	20	--	99

the others: nearly three-quarters of their clients are African-American or Latino. This difference reflects the urban location of these programs. In fact, over half of the bail contract defendants in the sample come from the court in Hartford, where the first private sector contracts for pretrial supervision were developed, and where most residents and criminal defendants are African-American or Latino. The other substantial difference seen is the relatively small proportion of Latinos among Bail Supervised clients. None of the Latinos in the sample of defendants supervised by Bail Commissioners was charged with a substance offense, while Latinos in the Bail Contract program were significantly more likely than Caucasians or African-Americans to be charged with felonies, and somewhat more likely to face substance charges. This helps to explain what might otherwise appear to be differential treatment based on ethnicity.

Age. Defendants in the varied types of conditional release are significantly different in age, as well, as seen in Figure 1. AIC clients are younger than the rest, with 21% less than 18 and 22% over 30;
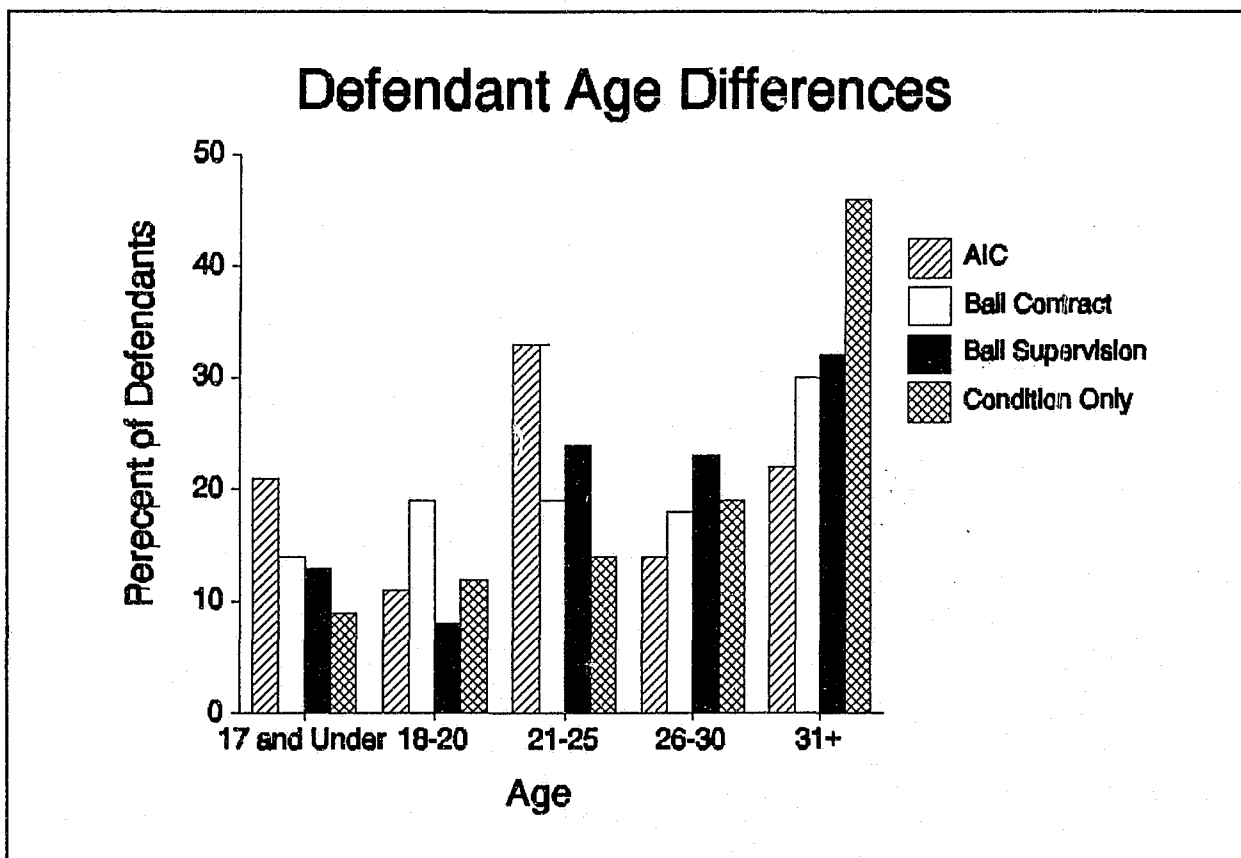
Figure 1

33% are between 21 and 25. In contrast, "condition only" defendants are the oldest, with 45% over 30. Age differences have implications for client needs and program interventions, in the criminal justice population, as elsewhere. Late teens and early twenties are the ages when arrests tend to be concentrated. The youngest defendants are also the ones who make the most reasonable targets for non-incarcerative options, before a "criminal career" or "criminal lifestyle" is thoroughly established.

Education. Defendants in all types of supervision are concentrated toward the more limited educational levels. While differences are not significant statistically, more than half of the AIC, Bail contract, and "condition only" groups have not completed high school or its equivalent.

Living Circumstances. The different types of supervision also do not show significant differences in such matters as marital status, number of dependent children, and co-residents, although information is not as completely available on these topics as it is on others. Defendants tend not to be married, and the men tend to report not having dependent children (while the women do have children).

Employment. The defendants supervised by Bail Commissioners and Family Relations are significantly more likely than most others to report having jobs, as seen in Figure 2.
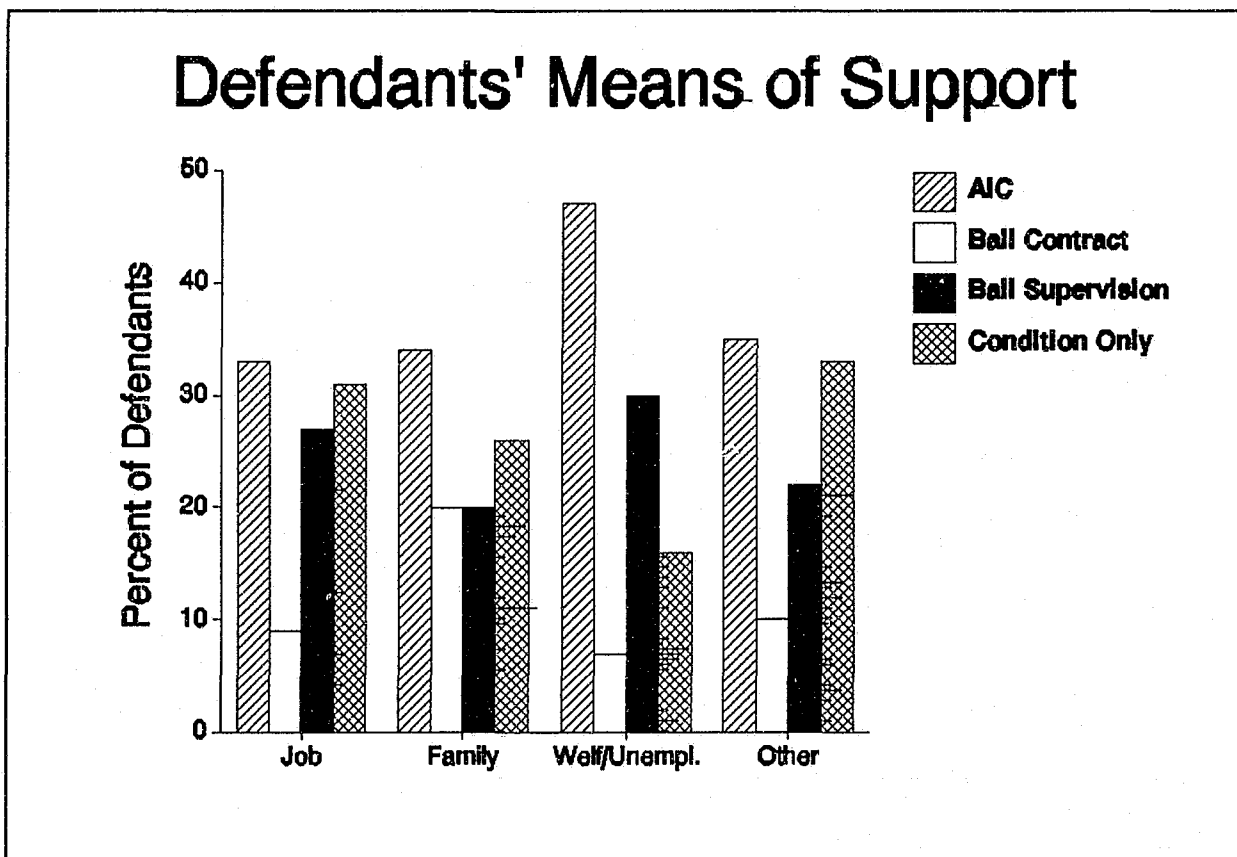
Figure 2

In contrast, a third of AIC and Bail contract clients are working. Employment is regarded as an important indication of stability, so this difference among programs is notable. Further, among those who are employed, Bail supervision and "condition only" clients have been working longer. 56% of defendants with conditions alone and 37% of those supervised by Bail Commissioners have been on their present job for over two years, compared to 21% of the Bail contract and AIC clients. Of course, this pattern is influenced by the greater youth of the AIC clients. 91% of those age 17 and under, and 67% of those 18-20 were unemployed.

2. Criminal Justice Characteristics of Defendants Granted Conditional Release

Charge Seriousness. AIC clients faced significantly more serious charges than defendants supervised in other ways. 57% of them were charged with felonies, compared to 43% of the Bail contract clients, 37% of the defendants supervised by Bail Commissioners, 33% of the "others", 22% of "condition only" defendants, and 12% of the Family Relations defendants. Nearly a third of the AIC clients were charged with an unclassified felony, which most commonly means a drug sales or possession charge. In the **Court Disposition Study**, charge seriousness was the strongest single predictor of incarceration, both pretrial and at sentencing.

TABLE 4
Severity of Most Serious Charge by Type of Supervision
(In Percent)

CHARGE	AIC PROGRAM	BAIL CONTRACT	BAIL SUPER-VISION	CONDI-TION ONLY	FAMILY RELA-TIONS	OTHER
B FEL.	1	3	1	1	3	2
C FEL.	9	7	6	3	2	4
D FEL.	. 15	12	14	9	5	12
U. FEL.	32	21	16	9	2	15
U. MISD.	6	4	6	6	--	4
A MISD.	28	40	36	45	59	39
B MISD.	6	8	12	19	14	16
C MISD.	3	3	5	8	14	5
OTHER	1	1	6	2	--	3
TOTAL % (N)	101 (114)	99 (95)	102 (87)	102 (196)	101 (63)	100 (225)

In all types of release except the AIC programs, the most common most serious charge facing the defendant was a Class A misdemeanor. These charges are potentially punishable by as much as a year of incarceration. Fully 59% of defendants supervised by Family Relations staff had an A misdemeanor as their most serious charge. In nearly all cases, this was an assault or threatening charge.

In general, defendants facing felony charges were significantly more likely to receive direct monitoring (AIC, Bail contract, Bail supervision, Family Relations). 59% were directly supervised, compared to 41% of the misdemeanants.

Charge Type. Defendants receiving different types of supervision on their conditional releases also face significantly different types[3] of charge, as shown in Table 5. Several differences are notable. First, the AIC programs have at least twice the percentage of defendants charged with substance offenses of any other type of supervision. Second, as one would expect, Family Relations staff supervise a substantially greater percentage of defendants facing charges for violent crimes than others (although nearly all of these charges are misdemeanors). Nearly half of all "condition only" defendants are in the category of violent misdemeanors, as well. Third, AIC and Bail contract staff supervise a smaller percentage of defendants charged with public order crimes than found in the other categories. In general, defendants accused of substance-related offenses are most likely to

TABLE 5
Type of Charge by Type of Supervision
(In Percent)

Type of Supervision	Person	Sub-stance	Prop-erty	Public Order	TOTAL %
AIC Program	28	28	17	27	100
Bail Contract	34	14	25	27	100
Bail Supervision	31	10	25	33	99
Condition Only	49	6	14	31	100
Family Relations	57	--	10	33	100
Other	39	11	16	34	100

be monitored directly. 65%, compared to 53% of those charged with property crimes, 44% of public order defendants, and 43% of those accused of violent crimes. The **Court Disposition Study** found that defendants charged with (felony) personal and substance-related crimes were the most likely to be incarcerated, both pretrial and at sentencing.

When charge type and severity information are combined, the patterns which distinguish the different types of conditional release supervision become even clearer. Among the AIC clients facing felony charges, 44% are accused of substance offenses, 30% with crimes against persons, and 17% with property crimes. Bail contract clients charged with felonies are more concentrated among crimes against persons (32%), yet substantial percentages face substance (29%) and property (29%) crimes. Finally, those supervised by Bail Commissioners and charged with felonies (over all, a smaller portion of these defendants) primarily face crimes against persons (63%), and relatively fewer have been charged with substance (16%) or property (19%) crimes.

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[3] Crimes against persons are generally considered violent crimes. They include sexual assault, robbery, risk of injury to a minor, kidnapping, burglary, threatening, and others. Substance offenses are primarily drug sales and possession, although selling alcohol to a minor, use of paraphernalia, "operating a drug factory" and others are also found. Property crimes include larcenies, "use of a motor vehicle without permission", forgery, bad checks, credit card fraud, arson, trespassing, and others. Public order offenses include failure to appear in court, violation of probation, prostitution, disorderly conduct, breach of peace, and unlawful possession (not use) of weapons. Assault crimes include sexual assault, assault, and robbery.

Criminal History. There are not as many criminal history differences found among defendants receiving different types of supervision as are found for the immediate charges which led to their conditional release.

●**Prior arrests:** The present arrest is the first one on record for 58% of them,[4] and this rate does not differ significantly by type of supervision.

●**Prior convictions:** There are not substantial differences among supervision types in number of prior convictions, although Bail supervision and "condition only" defendants are most likely to have been convicted of <u>something</u> in the past. There is even less difference in the number of past convictions for a felony. Over three-quarters of the defendants given conditional release in this sample have never been convicted on a felony charge.

●**Criminal "careers":** Defendants supervised by Bail Commissioners have significantly longer criminal "careers", however. For 23%, ten or more years have elapsed since their first arrest on record, compared to 15% of the "condition only" defendants and 5% of those supervised by AIC staff. This is a reflection of the greater percentage of older defendants among the Bail Commission clients, and the greater youth in the AICs.

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[4] Of course, <u>recorded</u> arrests can be misleading. For example, when a person is adjudicated as a "youthful offender", the official record is expunged after a successful period of supervision. Similarly, adult first offenders may be granted "accelerated rehabilitation" under the supervision of the Office of Adult Probation. When the term and conditions have been met successfully, the official record is erased. When prosecutors decide not to pursue a case and "nolle" it, the charges are erased if they are not reopened within 13 months. Finally, when a person is arrested and found "not guilty", the official record of the arrest is erased.

●Failure to appear: There are also significant differences in histories of failure to appear in court, as shown in Figure 3. Defendants supervised by Bail Commissioners have

Past Failures to Appear

(82%) AIC
(3%)
(8%)
(7%)

(76%) Bail Contract
(1%)
(14%)
(7%)

None
Pending
Convicted
Pending & Convicted

(67%) Bail Supervision
(6%)
(8%)
(19%)

(83%) Condition Only
(1%)
(12%)
(4%)
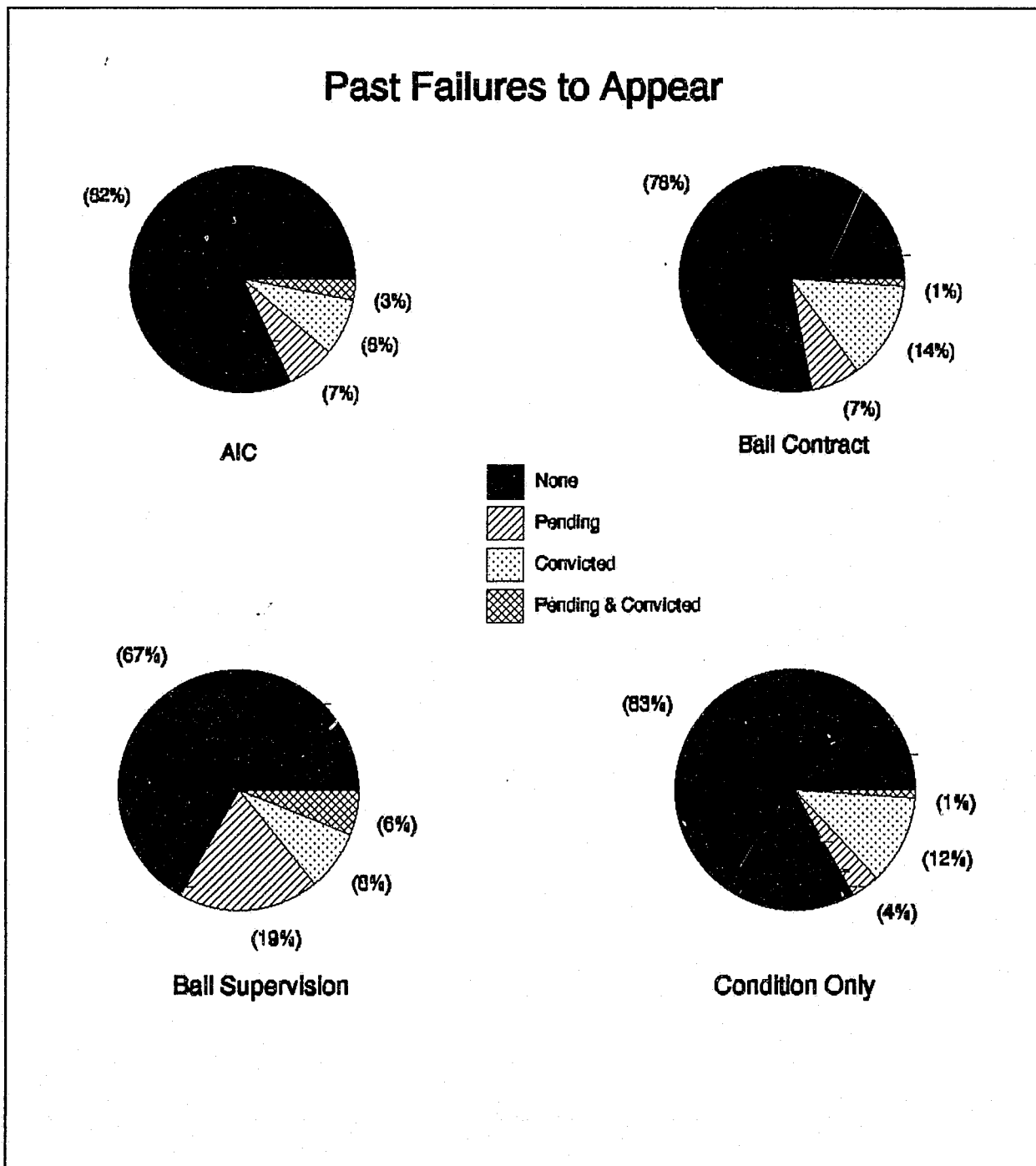
Figure 3.

significantly higher rates of pending charges of failure to appear (19%) than those in other types of conditional release. Family Relations clients are the least likely to have a past history of any failure to appear.

3. Criminal Justice Profile During Pretrial Period

Case disposition time. Although differences in disposition time among the conditional release supervision types are not significant statistically, cases for defendants in AICs tend to take longer to be disposed. Just 30% have been resolved within two months of arraignment, compared to 42% of Bail contract, 41% of Bail supervision, and 43% of "other" defendants' cases. Cases supervised by Family Relations staff remain pending for nearly as long as the AIC cases; many of these defendants are waiting for an opening in their local Family Violence Education Program, so they can comply with their condition of release. Notably, between 10% and 12% of the defendants still had their case pending at the last data collection point (April 23, 1993)--after a minimum of almost 14 months since their case was arraigned. Of course, the longer the pretrial period, the more opportunity there is for program violations and new criminal behavior to occur.

Pretrial incarceration. Most of the defendants have abundant opportunity for pretrial misconduct: nearly 87% of them remain in the community throughout the full pretrial period. Differences among supervision types are not significant, but AIC and Bail contract clients are most likely to be incarcerated for some portion of the time (17% and 16%, respectively). It appears from records that they are most likely to be incarcerated because they failed to appear in court or were arrested on new charges.

Arrests on new charges. Rates of new arrest during the pretrial period for the conditional release sample as a group were 10%. About one defendant out of eleven was arrested for a new offense. Differences in rates of new arrests from one type of supervision to another were not statistically significant. However, defendants supervised by Family Relations staff had the lowest rates of new arrest (5%), followed in order by "condition only" defendants (7%), "others" (8%), Bail Contract clients (10%), AIC clients (11%), and those supervised by Bail Commissioners (13%).[5]

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[5] These rates are based on the defendants whose cases were not disposed at arraignment. In addition, 8 defendants who were AIC clients for a portion of the pretrial period, and who were arrested on new charges only after they were discharged from the AIC program, were eliminated from these figures. Two of the 8 were revoked from the AIC because they had failed to appear in court.

The differences among programs in the number of new arrests committed by defendants and the severity of their first offense are shown in Table 6. These figures are based only on defendants who

TABLE 6
Arrest Numbers and Severity by Type of Supervision
(for defendants who were arrested on new charges only)
(In Percent)

Type of Supervision	First is Felony	Over One Arrest
AIC Program (N=11)	23%	42%
Bail Contract (N=9)	33%	22%
Bail Supervision (N=11)	38%	36%
Condition Only (N=13)	17%	69%
Family Relations (N=3)	0%	67%
Other (N=17)	33%	29%

were arrested on new charges, so the percentages in the table are based on small numbers, as shown by the Ns in parentheses. However, they do provide information important for public safety considerations. Of the new offenses committed by AIC and Bail supervised clients, about the same proportion are felonies, and rates are lower for the other groups. Notably, **the majority of new arrests of conditional release defendants are for misdemeanors.**

Table 6 also shows how many of the defendants who are arrested for new offenses are arrested more than once. The "condition only" defendants are most likely to have multiple arrests, followed at some distance by AIC and Bail supervised clients, with 42% and 36%.[6] Again, when AIC clients who were arrested for the first time only after they were discharged are eliminated, the figure drops to 31% of AIC new arrestees charged more than once. This suggests that a small number of defendants in each group may pose a problem of new arrests. In fact, 23% of the "condition only" defendants with any new arrests were arrested six or more times.

Most of these arrests on new charges caused the defendant to be incarcerated, at least temporarily. However, the majority of the new charges were disposed without incarcerative sentences.

Types of new charges. Over all, 28% of the new arrests were for "crimes against persons", 13% were substance crimes, 28% were property offenses, and 31% were arrests for crimes against the public order. Again, differences in type of new crime among types of supervision were not significant statistically. However, they are worth noting from a public safety standpoint. They are

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[6] The Family Relations clients are not discussed here because there are only two of them.

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shown in Table 7. It is important to remember that less than one third of these new arrests were for felonies, and that the figures in the table are based only on defendants who were arrested on new charges during the pretrial period.

TABLE 7
Type of New Charge Pretrial by Type of Supervision
(for defendants with new arrests pretrial only)
(In Percent)

TYPE OF SUPERVISION	PERSONAL	DRUG	PROPERTY	ORDER	TOTAL
AIC Program	6%	24%	35%	35%	100%
Bail Contract	11%	11%	33%	44%	99%
Bail Supervision	38%	13%	25%	25%	100%
Condition Only	42%	8%	33%	17%	100%
Family Relations	67%	--	--	33%	100%
Other	40%	7%	20%	33%	100%

Among defendants supervised by AICs, Bail contract programs, and Bail Commissioners, those accused originally of substance-related crimes were the most likely to be arrested for new crimes during the pretrial period. These three supervision types also had a higher percentage of clients accused of substance-related felonies than the others in the sample.

Among AIC clients, 25% of the drug defendants were arrested, compared to 19% of the public order defendants, 11% of those accused of property crimes, and 9% of those charged with personal crimes. The order of frequency was the same for Bail Commission clients: 22% of drug defendants, 14% of those accused of public order crimes, 14% of property defendants, and 7% of those charged with personal crimes were arrested on new charges during the pretrial period. Bail contract clients were similar, although they were arrested at somewhat lower rates: 15% of drug defendants, 12% of those accused of public order crimes, 9% of personal crime defendants, and 4% of those accused of property crimes.

Defendants who were arrested for new offenses tended to be charged more for the same types of offenses than for other types. For example, drug defendants with new arrests were most likely to be charged with new drug offenses: 46% were, while 36% were charged with property crimes. Of those originally accused of personal crimes who were arrested again, 38% were accused of another personal crime, while 43% were accused of a crime against the public order. Similarly, 55% of the property defendants arrested for a new offense were charged with a property crime. Finally, 37% of the public order defendants who were arrested again were charged with a new public order offense, 37% were accused of a personal crime, and 21% were charged with a property crime.

Most of these arrests on new charges caused the defendant to be confined in jail, at least temporarily. However, the majority of the new charges were disposed without incarcerative sentences.

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Failures to Appear. Rates of failure to appear (FTA) for the conditional release sample as a whole were 12%. That is, about one out of every 8.4 people given conditional pretrial release did not attend at least one scheduled court appearance between arraignment and disposition. Differences in numbers of FTAs among the types of supervision were significant statistically. Differences remain significant when the cases disposed at arraignment or before release from incarceration was accomplished (a small number) were eliminated. The figures for this group of defendants, who really had an opportunity not to appear, are shown in Table 8. The table whos that the AIC

TABLE 8
Number of Failures to Appear by Type of Supervision
(In Percent)

TYPE OF SUPERVISION	NO FTAs	ONE FTA	OVER ONE FTA	TOTAL
AIC PROGRAM	81%	13% ·	6%	100%
BAIL CONTRACT	90%	7%	3%	100%
BAIL SUPERVISION	82%	6%	12%	100%
CONDITION ONLY	92%	6%	2%	100%
FAMILY RELATIONS	89%	8%	3%	100%
OTHER	87%	8%	5%	100%

program and Bail supervision clients were most likely to be charged with failure to appear in court. In addition, defendants supervised by Bail Commissioners were somewhat more likely than the others to be charged with failure to appear more than one time during the pretrial period. In particular, AIC clients facing felony substance charges were significantly less likely than those supervised by Bail Commissioners to be charged with failure to appear (11% compared to 60%). Defendants supervised by AIC charged with A misdemeanor crimes aganst persons were more likely to be charged with failure to appear than those supervised by Bail Commissioners (42% compared to none), but this finding was not statistically significant. "Condition only" defendants had the best appearance rates among everyone in the conditional release sample.

Another way to understand the different rates of failure to appear is in the average number of failures. Over all, the conditional release sample defendants had an average of .19 failures. The average was .237 for AIC clients, .125 for Bail contract clients, .398 for defendants supervised by Bail Commissioners, .106 for "Condition only" defendants, .175 for Family Relations, and .181 for "other" defendants.

Sentences. Over all, 8% of the defendants in the conditional release sample were ultimately sentenced to incarceration, with a few more given straight prison terms than "split" incarceration and probation. An additional 18% were sentenced to probation, 4% were fined, 49% had their charges nolled or dismissed, 11% were still pending when data collection ended, and the rest were given other dispositions. Just one person was found "not guilty". AIC clients were the most likely to receive incarcerative sentences (16%), and nearly a third were sentenced to probation. Defendants supervised by Bail Commissioners were the next most likely to be sentenced to incarceration (9%), and nearly 21% were sentenced to probation. Family Relations clients had the lowest rates of incarcerative sentences (3%), followed by the defendants supervised by the Bail contract programs (4%).

4. SPOTLIGHT: Characteristics of AIC Pretrial Population

AIC Program Experience.[7]   Defendants who are referred to AICs for pretrial supervision are monitored for compliance with the conditions ordered by the court. They are also expected to meet program expectations. Some expectations are shared by all clients (such as regular reporting if they are not in school or employed full-time, and regular calling if they are students or working), and some are based on a client assessment developed by staff at intake. The client assessment includes an inventory of the client's needs. Failure to comply with either program or court-ordered conditions has consequences for the client, and can lead to revocation from the program.

Client needs. Table 9 shows the client needs recorded for the 77 AIC sample clients for whom information was found for this study. The table makes it clear that drug treatment is the most

TABLE 9
AIC Client Needs
(In Percent)

Need	Percent With Need
Family	19%
Employment	49%
Financial	14%
Medical	10%
Mental Health	12%
Legal	14%
Housing	11%
Sex Offender Tx	8%
Drug Treatment	50%
Alcohol Treatment	38%

common need identified for AIC clients. This is compatible with the information already provided about the charges they are facing: they are at least twice as likely to be accused of drug crimes as conditional release defendants in any other type of supervision.

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[7] Efforts were made to obtain data on defendants' pretrial behavior in all types of supervision. Sporadic information was acquired on those in Bail contract and Bail supervision, but it was too incomplete to report here. Data collection in these programs has become much more systematic since the time-frame for this sample. It was possible to find program data on 77 of the AIC clients, however. All program information on this population is based on these 77 cases. Analyses comparing the AIC clients who had program data with those who did not have program data revealed there were no statistically significant differences between them.

The most common condition ordered by the court for the AIC clients in the sample was drug evaluation. It was ordered for 39% of the defendants. Other court orders included drug treatment (31%), no contact with an identified person (11%), curfew (11%), the Family Violence Education Program (3%) and others (35%).

Program conditions. Program conditions reflect the focus on drug offenders and defendants with substance-related problems, as shown in Table 10.

TABLE 10
Program Conditions for AIC Clients
(In Percent)

Program Condition	% With Condition
Call Program	84%
Seek Employment	37%
Maintain Employment	53%
Employment Class	22%
Attend School	21%
Drug Evaluation	75%
Drug Testing	81%
Drug Counseling	62%
Drug Group	43%
Attend NA/AA	97%
Family Counseling	4%
AIDS Education	1%
Community Service	5%
Other	21%

The table also makes it clear that the AICs offer a variety of services or referral alternatives. Any individual may have multiple conditions. Defendants charged with substance-related crimes and property offenses are most likely to have drug-related conditions. All of the defendants with drug charges, for example, have drug testing conditions, as do 91% of those accused of property crimes.

Alcohol-related conditions are also prominent. Of all the clients referred to Narcotics Anonymous (NA) or Alcoholics Anonymous (AA), 61% were ordered to AA, 30% to NA, and 4% to both types of group.

The program requirement to attend school, of course, was focused primarily on the younger clients. 77% of the clients age 17 or younger were told to attend school, along with a third of those between the ages of 18 and 20.

Program services offered. AIC clients also received services from the program. 33% were given job referrals, 49% were given out-of-program treatment referrals, 23% were referred for medical assistance, and 25% were referred for other types of assistance. Out of 65 clients for whom detailed information was available, 86% had in-office personal contacts with staff following the intake session. A third had over 20 such personal contacts documented in their records. The frequency of telephone contacts recorded was even more extensive.

In-house counseling sessions were also noted in the records. They were most common for defendants charged with personal or substance-related crimes, and least prominent for property offenders. The same pattern was found for in-house group sessions. Urinalysis records were found most frequently for those charged with drug offenses, but were common for personal and public order crime defendants, as well.

Violations. According to the 77 AIC cases with data, 61% of the clients committed at least one violation which was noted in the record. Table 11 shows the types of violations recorded <u>for the defendants who committed at least one</u>. The table makes it clear that, among those reported for

TABLE 11
Types of Violations Recorded for AIC Clients
(In Percent; Clients with Some Violations, Only)

TYPE OF VIOLATION	PERCENT
Failure to follow regulations	11%
Failure to report by telephone	47%
Failure to report in person	62%
Failure to attend school	4%
Failure to comply with drug evaluation	2%
Failure to attend substance abuse meetings	9%
Failure to attend education groups/classes	2%
Positive urinalysis/breathalyzer test	31%
Violence to a person	2%
New arrest	11%
Failure to appear	7%
Curfew violation	2%
Other	7%

violations, the most common failures involve reporting to the program. The second most frequent are positive urine or breath tests. This pattern is not surprising, given the needs and program conditions described earlier, and the programs' efforts to be extra-vigilant about drug-related issues. It is perhaps notable that 39% of the program clients with data showed no record of violations at all.

Profile of program violators: Of those with file information, defendants who were charged with felonies were more likely than others to have documented program violations (the rate ranged from 100% for those accused of Class B felonies to 65% for those charged with Unclassified felonies). Defendants charged with violent crimes were most likely to have violations recorded (68%), followed by those accused of public order (61%), substance (58%) and property crimes (54%).

The highest rates of documented violations were also found among Latinos (87%), followed by 57% of African-Americans and 50% of Caucasians. There was also a significant relationship between

the number of days in the AIC and the number of violations recorded. This relationship would probably be stronger if increased numbers of violations did not ultimately result in program revocation.

Revocations: 30% of the defendants with records were ultimately revoked from the AIC. The highest rates of revocation were for defendants accused of personal crimes (42%), followed by those charged with property (36%), substance (17%), and public order offenses (13%). In contrast, the **AIC clients discharged with the highest rates of successful program completion were those charged with substance offenses (67%).** They were followed by those accused of property (55%), public order (50%), and personal crimes (42%).

D. IMPLICATIONS OF FINDINGS

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1.   Explaining New Arrests Pretrial for Conditional
      Release Defendants

2.   Explaining Pretrial Failures to Appear:
      Conditional Releases

3.   Pretrial Risks Among Conditional Release
      Defendants

4.   Explaining Sentencing Among Conditional
      Release Defendants

5.   Possible Programming Implications

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1.   Explaining New Arrests Pretrial for Conditional Release Defendants

General Explanations. Arrests on new charges during the pretrial period are significantly related to several separate factors for the conditional release sample as a group, nearly all of them criminal justice-related. That is, the number of new arrests is significantly correlated with the number of times a defendant has been arrested in the past, the number of prior convictions, the number of felony convictions, and pretrial failure to appear.

Understandably, arrest on new charges is also related to the number of days and the number of times a defendant is ultimately incarcerated pretrial. In addition, defendants facing substance-related charges are more likely than others to be arrested for new offenses, as are those (Class A misdemeanants, in particular) originally charged with personal crimes.

New arrests are <u>not</u> significantly correlated separately with age, length of residence in Connecticut, the severity of the most serious present charge, the number of original charges, and the amount of time it takes to dispose of the case.

Predictors. When several factors were examined statistically all at once, many of them remained significant predictors of new arrests, even when all the others were controlled. **The significant predictors of new arrests pretrial were, in order of importance: number of prior convictions, substance-related charges, the number of present charges, violent charges, and the defendant's age (younger defendants more likely to be arrested again).** Notably, race/ethnicity and sex were <u>not</u> significantly associated with new arrests. When all of these factors[8] were

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[8] The factors in the prediction model also included race/ethnicity, charge severity, sex, history of failure to appear, and amount of pretrial time not incarcerated, which were not significant.

considered together, new arrests could be predicted accurately 91% of the time.[9] However, nearly all of this accuracy came from the ability to predict which defendants would _not_ be arrested.

These findings help to explain some of the differences in rates of new arrests among the different types of supervision. AIC clients are more likely to be arrested again because they are younger and more likely to be charged with substance offenses. Further, charge severity is significant when considered separately, and AIC clients are most likely to be charged with felonies. Given all of these factors concentrated among AIC clients, it is almost striking that the rate of new arrests is not higher for this group. Bail supervision rates of new arrests are explained statistically primarily by their clients' conviction histories.

2.   Explaining Pretrial Failures to Appear: Conditional Releases

General Explanations. Failures to appear in court during the pretrial period are significantly related to several separate factors for the conditional release sample as a group, nearly all of them criminal justice-related. That is, the number of failures to appear is significantly correlated with the number of prior felony convictions, the number of present charges, the severity of the present charge, and a history of failure to appear. 36% of those who failed to appear had a history of this offense. However, a history is an imperfect predictor alone: fully 79% of those who failed to appear in the past did not do so this time. Understandably, failure to appear is also related to the number of days and the number of times a defendant is ultimately incarcerated pretrial, and the length of the pretrial period.

Failure to appear in court is _not_ significantly correlated, however, with the number of dependents the accused client has, his/her length of residence in Connecticut, the length of his/her criminal "career", nor age. There is also no independent relationship between race/ethnicity and failures to appear.

Predictors. When several factors were examined statistically all at once, a few of them remained significant predictors of failure to appear, even when all the others were controlled. **The significant predictors of failure to appear, in order of importance, were: the number of present charges, the length of time the defendant was not incarcerated and awaiting disposition, prior failures to appear, and the number of prior felony convictions.** The severity of the present charge was nearly a statistically significant factor ($p<.10$). When all of these factors were considered together,[10] failure to appear could be predicted accurately 87% of the time. As was true for predictions of new arrests, however, the predictive accuracy was much greater for defendants who would _not_ fail to appear than it was for those who would.

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[9] Notably, when number of years of school completed were added in a separate model (which did not include number of days not incarcerated), it was marginally significant. That is, the fewer years of school, the more likely a defendant was to be arrested pretrial on new charges, even controlling for the other factors. However, education information was not available for over 19% of this sample, so this finding is not emphasized here.

[10] The additional factors considered in this model were age, race/ethnicity, sex, and type of present charge. They were not significant when the others were controlled.

These findings help to explain some of the differences in rates of failure to appear among the various types of pretrial supervision. The higher rates of multiple FTAs among the defendants supervised by Bail Commissioners is related to these defendants' greater likelihood of prior felony convictions and failures to appear, and to their lesser likelihood of being incarcerated again during the pretrial period (i.e. greater opportunity not to appear). Rates of FTA for AIC clients similarly are related to a longer period of time awaiting disposition, although they are more likely to be incarcerated for a time after their first failure.

Program-Specific Explanations of FTA. Among **AIC** clients, the highest rates of FTA were found for those age 21-25 and those in their 30's. Higher rates were also found among clients whose most serious charge was a Class A misdemeanor (32%). Although differences by type of offense were not significant statistically, it is notable that AIC drug defendants were the least likely to fail to appear in court (9%, compared to 22% of personal, 16% of property, and 23% of public order clients). The number of prior convictions was associated with FTAs for AIC clients, but not the number of felony convictions. Nonetheless, 60% of the AIC clients who failed to appear in court had no conviction history.

The length of the disposition period was also important, as noted earlier. No AIC client whose case was disposed within two weeks failed to appear, but 38% of those whose cases took over 6 months to dispose did. It is also notable that only one person who was an AIC client throughout the entire pretrial period failed to appear in court. The remaining FTAs by AIC clients were charged against people who were discharged from the AIC before their case was disposed.

Among defendants supervised by **Bail Commissioners**, no additional factors related to failure to appear were significant statistically. However, the highest rates of FTA were found among those facing substance charges (33%), while, in further contrast to AIC clients, just 19% of those charged with a Class A misdemeanor failed to appear in court.

3. Pretrial Risks Among Conditional Release Defendants

Pretrial failure to appear and arrest on new charges are related to one another statistically. However, the frequency with which individual defendants engage in both forms of illegal behavior pretrial is not great. **Over all, 82% of the conditional release defendants were charged with neither failure to appear nor a new crime during the pretrial period**, and just 4% were arrested for both offenses.

The data described at some length above suggest that somewhat different principles operate for the two types of pretrial misconduct. For example, drug defendants have a greater likelihood of being arrested for new crimes, but not to miss court appearances. Defendants charged with personal crimes, in contrast, are more likely to fail to appear in court, but not as likely to be arrested for new offenses. Similarly, the number of prior convictions and present charges are generally associated with new arrests, but not failure to appear.

4. Explaining Sentencing Among Conditional Release Defendants

Overall, just over 8% of the conditional release sample was sentenced to a period of incarceration. When several factors were considered statistically all at once, **pretrial failure to appear was the single most important predictor of whether a defendant would be sentenced to incarceration**

or not. Less than 7% of the defendants who had no FTAs were sentenced to incarceration, compared to 20% of those who did not appear in court. In one model, the number of prior convictions was also significantly related to an incarcerative sentence. In another model, the second significant factor was the percentage of the pretrial period the defendant was incarcerated. Both models were able to predict accurately whether a defendant would be sentenced to incarceration 92% of the time.[11]

5.   Possible Programming Implications

Among the current conditional release population, the defendants who pose the greatest risk pretrial are drug defendants and Class A misdemeanants charged with personal crimes. The AIC programs appear to do rather well with the clients facing drug charges. They are not significantly more likely than those supervised by Bail Commissioners to be arrested on new charges, and are substantially less likely to fail to appear in court. They are also the least likely of the AIC clients to commit program violations.

It would be worth considering having more of the drug defendants referred to AICs for pretrial supervision. The AICs have developed more of their monitoring and programming for this population than any other. It might be worth considering to expand the programs' residential capacity for this population, however, to help reduce still further the numbers of new arrests.

AICs could also consider expanding monitoring or specialized programming for misdemeanant personal crime defendants and those charged with public order offenses. Public order defendants have moderate rates of both new arrests and failures to appear, while the personal crime defendants have higher rates of non-appearance.
Expanded specialized programming which is culturally sensitive to the Latino population might also be helpful, and reduce their relatively high rates of program violations.

In addition, the data suggest that it would be worth expanding Bail contract programs to more sites. In spite of the fact that Bail contract programs' clients were facing relatively serious charges, defendants who reported to them had relatively low rates of both new arrests and failure to appear.

In general, the system by which defendants are matched with a type of pretrial supervision seems to work rather effectively; the recommendations just outlined should lead to improvements. It would be worth emphasizing the factors identified in the prediction models in the pretrial release assessments conducted by Bail Commissioners and others at arraignment. Those likely to pose the greatest risk then would reasonably be supervised by AIC and Bail contract programs.

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[11] In each case, the other variables considered at the same time were charge type and seriousness, race/ethnicity, and defendant's age. None of these were statistically significant predictors when number of pretrial failures to appear, portion of pretrial period incarcerated, and number of past convictions were controlled.

IV. CONDITIONAL RELEASE DEFENDANTS COMPARED WITH OTHERS

A. Summary of Findings

B. Findings in Detail

C. Implications of Findings

The findings just presented for the conditional release defendants yield the most information when they are compared with similar information for the other defendants who entered the judicial system at the same time. This "comparison group" is a separate sample of defendants drawn from everyone who was arraigned during the same twelve months, excluding defendants who had any conditions as part of their release status. The sample comprises defendants who were released by court order at arraignment on a written promise to appear (WPTA), those released on a non-surety bond, and those ordered to post cash bond or its equivalent. Just under 20% of the defendants ordered to post cash bond were not released at all.

The most important finding revealed in this study is that defendants released with conditions pose far less risk to the community of new arrests and failures to appear in court than defendants ordered to post bond without conditions. The findings of this study indicate that current pretrial release decisions are effectively matching defendants with the appropriate level of supervision in the community. Defendants who pose the least risk in most cases are being released under the least restrictive conditions and those defendants who pose higher risk are receiving more intensive levels of supervision. The data indicate opportunities for a further refinement of targeting criteria to enhance successful matching to supervisory programs.

A. **SUMMARY OF FINDINGS**

Comparisons among the four different types of release status are shown in some detail in Appendix 3. These comparisons demonstrate the full spectrum of defendants seen in Connecticut's courts, and show the relative risks potentially posed by those on conditional release. Differences among the four groups are apparent, first, in demographic characteristics. Most prominently, WPTA and non-surety bond defendants are more likely than the others to be Caucasian women. Those with non-surety bond are significantly more likely than all the others to be Caucasian, and to be young but legal adults.

Differences in criminal justice characteristics are also apparent. Perhaps most important, the "bond" group has been charged with more serious crimes than the defendants in the other groups. They also face a larger number of charges in the present arrest incident. Conditional release and WPTA defendants are more likely to be facing their first recorded arrest, and to have fewer prior convictions. However, WPTA and non-surety bond defendants are least likely to have histories of convictions on felony charges or on previous failures to appear. Finally, the bond group is the most likely of the four to have been on parole or probation at the time of interview with a Bail Commissioner.

Finally, the defendants released on bond alone or with conditions were significantly more likely than the others to have failures to appear in court. Differences among the groups in new arrests were not significant statistically, although the bond group was more likely than the others to be arrested on new charges.

In general, failures to appear for the comparison group were explained primarily by histories of FTA, opportunity, and the type and severity of the present charges. New arrests were explained by opportunity and charge type. These factors helped to explain sentencing for the comparison group, as well. Sentences to incarceration were associated with opportunity, type and severity of the present charges, and the number of prior convictions.

B.   FINDINGS IN DETAIL[12]

The comparison group includes many defendants who have bond as part of their release status. Many of the defendants who were released with conditions also have bond ordered. Only the defendants released on WPTAs have no bond at all as a group. The amount of bond for defendants in each of the groups is presented in Table 12. The table presents information separately for the defendants who were ordered to pay bond with no conditions, who remained incarcerated throughout the pretrial period. They are called "totally confined" in the table.[13]

TABLE 12
Amount of Bond by Release Status
(In Percent)

AMOUNT OF BOND	NON-SURETY BOND	CONDITIONAL RELEASE	BOND--NO CONDITIONS	TOTALLY CONFINED
$1-250	--	6	3	2
$250-1,000	--	44	10	13
$1001-5,000	--	34	11	17
$5001-10,000	5	9	7	2
$10,001-50,000	46	7	21	15
$50,001-250,000	30	--	26	11
Over $250,000	19	*	22	39
TOTAL %	100%	100%	100%	99
(N)	(37)	(658)	(241)	(46)

The table shows that the defendants who were ordered to pay bond only and those who were incarcerated throughout the pretrial period had the highest bond amounts. The bond amounts for those released on non-surety bond were higher than those for the conditional release group, but non-surety bond is only activated if the defendant does not appear in court as scheduled. The defendants released on conditions often have their bond reduced as part of their conditional release--particularly those who are released to the supervision of an AIC or Bail Contract program.

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[12] Since 17% of all of the defendants in the "bond without conditions" sample were incarcerated throughout the pretrial period (regardless of its length), some of the comparisons will report information on this sub-group separately.

[13] No information is provided on bond for the WPTA group because those defendants were released without any bond.

Defendants' Demographic Characteristics

Sex. The defendants who were released pretrial with the least restraints were significantly more likely than the others to be female (just over a quarter). The conditional release and bond groups were just 14% and 18% female, respectively. Notably, the portion of the bond group which was incarcerated throughout the entire pretrial period was the most predominantly male (93%, compared to 80% of the rest of that group). This is a reflection of the greater severity and longer history of men's criminal behavior, as found in previous research.

Race/ethnicity. Race/ethnicity differences among the different groups are also significant, as shown in Figure 4. 82% of those released with non-surety bonds are Caucasian, as are 67% of WPTA defendants. The race/ethnicity distribution is similar for the conditional release and bond groups: less than half are Caucasian, over a third are African-American, and most of the remainder (20% and 17%, respectively) are Latino.
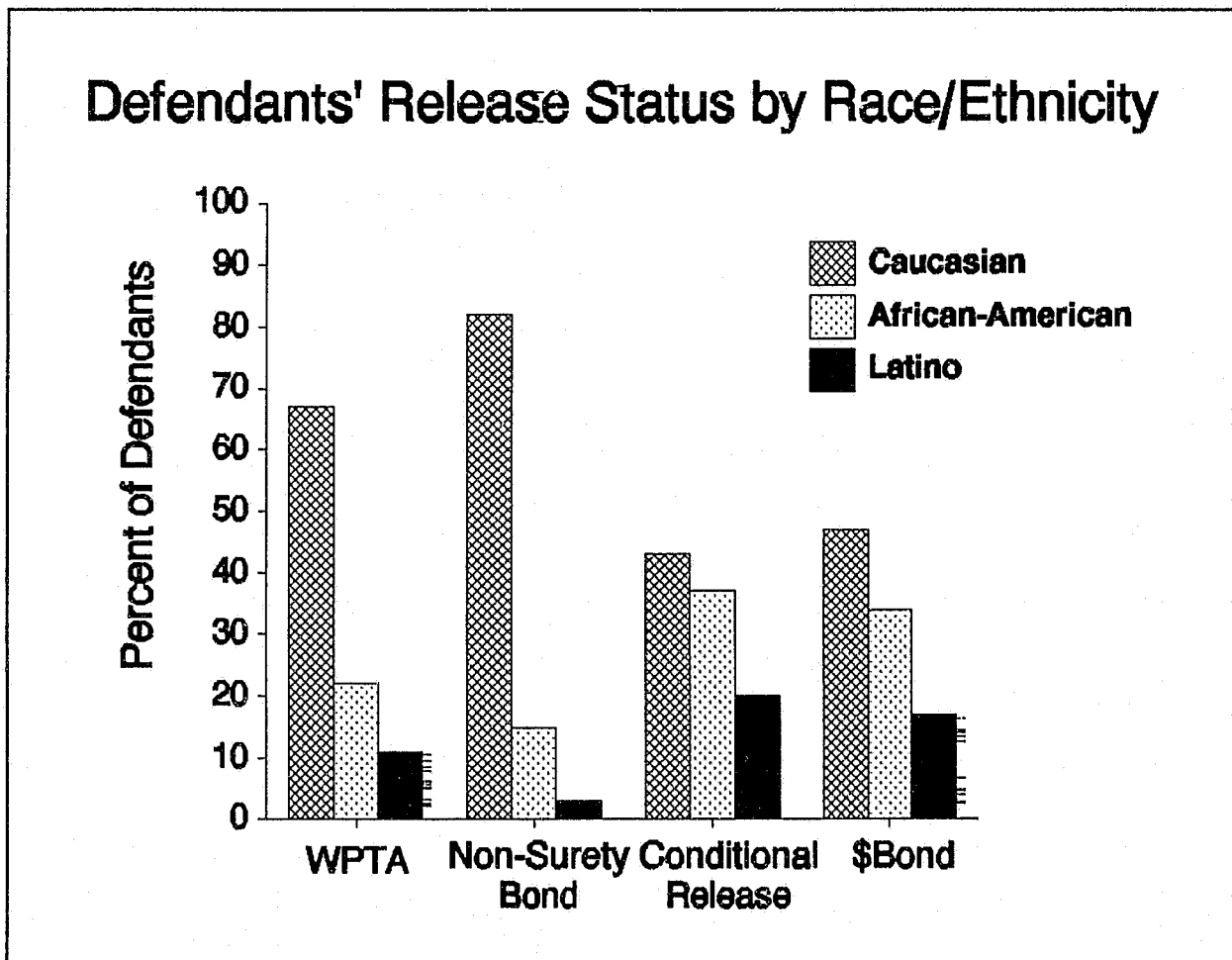
Figure 4.

Age. Age differences among the different groups are not significant statistically, although over a quarter of the non-surety bond group is between the ages of 18 and 20--twice the rate of the other groups.

Other demographics.[14] Differences in reported education, marital status, number of dependents, co-residents, and years of residence in Connecticut are also not significantly different among the four groups. Where information is available, however, non-surety bond defendants are more likely than the others to be married and to live with a spouse or child. Both they and the WPTA defendants are likely to have more education than reflected in the tables.

Although the data are limited, there are significant differences in means of support and employment among the groups. Conditional release defendants are most likely to be employed, while WPTA defendants are most likely to be supported by welfare, but are also employed at relatively high rates.[15] Employment, family ties, and residence are among the demographic indications of stability and community ties which contribute to determinations of release status by Bail Commissioners, and no doubt influence arresting agencies, as well.

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[14] Comparative information about education, marital status, number of dependents, co-residents, years of state residence, means of support, and job status can be misleading since it is based on interviews conducted by Bail Commissioners. As explained earlier, Bail staff interview defendants when they are unable to meet the release conditions set by the arresting authority. Therefore, interviews are least likely to be conducted with defendants who ultimately are released on WPTAs or non-surety bond.

[15] Figures for non-surety bond defendants are omitted from this discussion because there are only 9 for whom there is data.

Defendants' Criminal Justice Characteristics

Charge Seriousness. As one would expect, there are significant differences among the sample groups in the severity of the most serious charge against them, as shown in Table 13. The defendants released on a WPTA are facing the least serious charges: just 18% have been accused

TABLE 13
Severity of Most Serious Charge by Release Status
(In Percent)

CHARGE SEVERITY	PROMISE TO APPEAR	NON-SURETY BOND	CONDITIONAL RELEASE	BOND-NO CONDITIONS
A FELONY	1	--	--	1
B FELONY	2	--	2	6
C FELONY	2	5	5	6
D FELONY	4	18	11	13
UNCL. FELONY	9	18	16	20
UNCL. MISDEMEANOR	6	8	5	2
A MISDEMEANOR	31	26	41	37
B MISDEMEANOR	18	21	14	6
C MISDEMEANOR	23	5	6	8
D MISDEMEANOR	1	--	--	*
OTHER	3	--	3	1
TOTAL %	100%	101%	103%	100%
(N)	(298)	(39)	(780)	(308)

of a felony.[16] Conditional release defendants are charged with felonies at nearly twice that rate. Defendants released on non-surety bond, and ordered to pay monetary bond are most similar on this dimension: over 40% of each group was charged with a felony, although no one in the non-surety group was charged with an A or B felony. The conditional release defendants and the bond group have similarly high rates of A misdemeanor charges--a group of defendants seen to be particularly likely to engage in pretrial misbehavior in the previous section.

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[16] The Class A Felonies are one charge of kidnapping and one of arson.

Charge Type. The conditional release defendants, as a group, are the most likely to be charged with a violent crime and the least likely to face property charges, as shown in Table 14. The non-

TABLE 14
Type of Charge by Release Status
(In Percent)

TYPE OF CHARGE	PROMISE TO APPEAR	NON-SURETY BOND	CONDITIONAL RELEASE	BOND–NO CONDITIONS	TOTALLY CONFINED
PERSONAL	22	36	40	34	47
SUBSTANCE	9	13	12	15	13
PROPERTY	34	31	17	26	38
PUBLIC ORDER	35	21	31	26	2
TOTAL %	100%	101%	100%	101%	100%
(N)	(297)	(39)	(779)	(254)	(53)

surety bond defendants are remarkably similar to those who were ordered to pay bond only. Defendants who were released on non-surety bond and those ordered to pay bond are also similar with respect to the number of charges they are facing: about three-fourths of each group is charged with more than one offense, compared to 59% of those on conditional release and 45% of those released on a promise to appear.

The defendants released on a WPTA look least "serious", since less than a third were charged with drug or violent crimes. As measured by charges, they pose the least risk when this information is combined with charge seriousness--82% of them were charged with misdemeanor or less serious crimes.

The table provides separate information on the group of defendants who were incarcerated during the entire pretrial period (labeled "totally confined" in the table). Over 96% of this group was "detained" in a correctional facility at the time of arraignment.[17] Nearly half of the "totally confined" group was charged with a violent crime; it also has the largest proportion of defendants charged with property crimes and very few accused of public order offenses.

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[17] A defendant may be incarcerated for a time on a "detainer" for many reasons. The most common reasons are related to Federal or other state processing (to check immigration status or hold for Federal charges or charges in other states). Defendants may also be held until they pay a fine assessed in another case, because of consecutive sentencing, because they have violated their parole on a previous case, or to allow other checking or management to occur. A detainer may but does not necessarily last for the entire pretrial period.

Criminal History. Criminal history has generally been found to be a significant factor in decisions made during judicial processing. In **The Court Disposition Study**, for example, arrest history and felony convictions were important predictors of incarceration, both pretrial and at sentencing. Therefore, it is no surprise that criminal history distinguishes the defendants in these samples.

Defendants in the bond group have significantly longer documented criminal "careers"--40% were arrested for the first time on record two or more years before the present charges; for 20%, ten or more years have elapsed. This is in contrast to 27% of the WPTA and conditional release defendants who had their first arrest on record two or more years previously, and just 16% of the defendants released on non-surety bond.

Defendants in the bond group also have records of the most arrests and the most prior convictions. Just 40% of them have no record of criminal convictions, compared to 59% or more of the defendants in the other groups. Further, 28% of them have been convicted of six or more crimes, compared to 12% to 16% of the others. In records of arrests and convictions they are most similar to the defendants in the non-surety bond group.

These differences become even more striking with previous convictions on felony charges, as shown in Figure 5. 39% of the defendants in the bond group have prior felony convictions, nearly
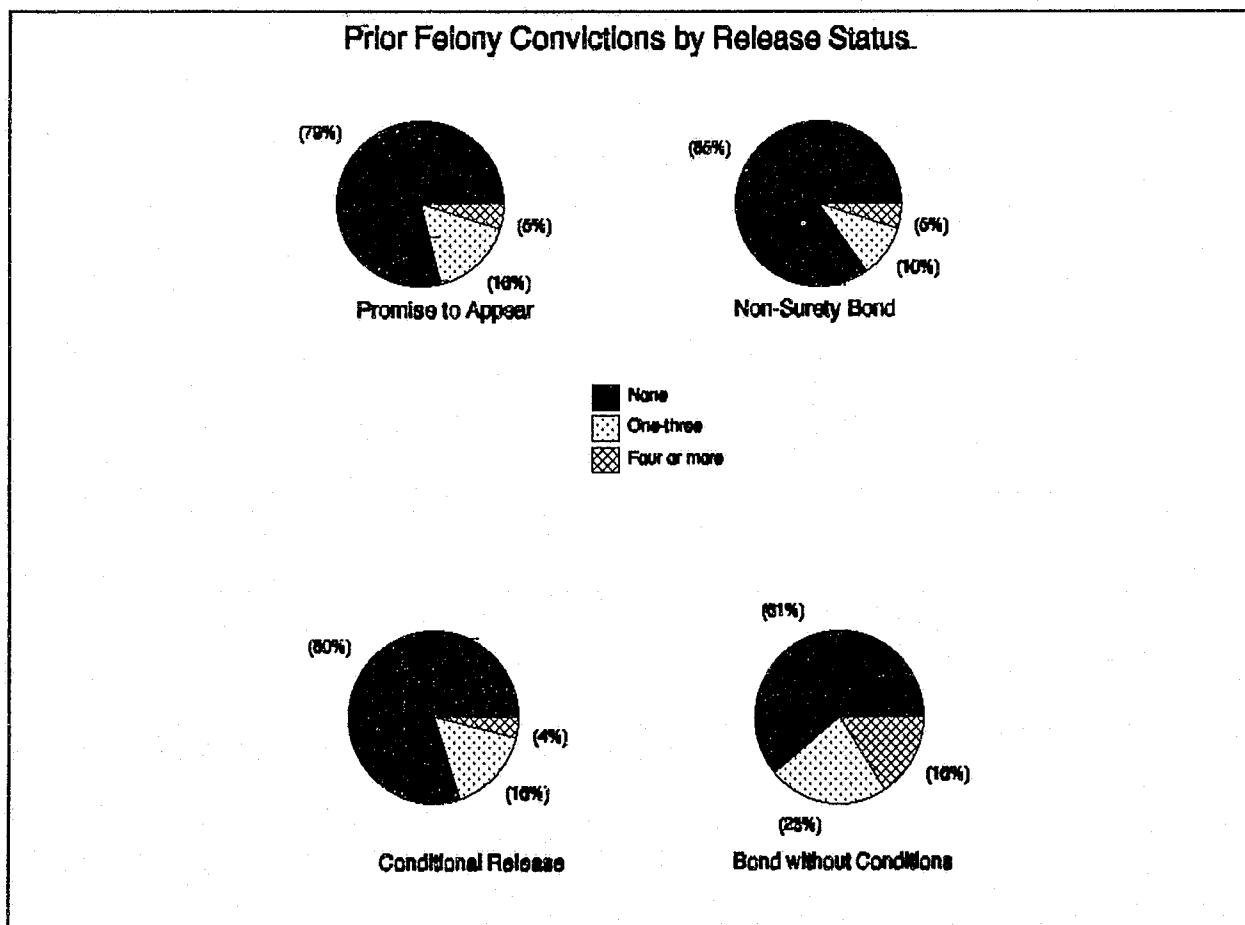
Figure 5.

twice the proportion of the other three groups. Within the bond group, the defendants who remained incarcerated throughout the pretrial period had the most serious histories by far: 72% had been convicted on at least one felony charge in the past.

In the conditional release sample, a history of failure to appear was significantly associated with failure to appear in court on the current charges. There are significant differences in prior failures to appear among these four groups, as shown in Table 15. This table may show a major reason

TABLE 15
Histories of Failure to Appear by Release Status
(In Percent)

HISTORY OF FTA	PROMISE TO APPEAR	NON-SURETY BOND	CONDITIONAL RELEASE	BOND--NO CONDITION	TOTALLY CONFINED
NONE	89	97	79	82	57
PENDING	1	--	10	4	9
CONVICTED	9	--	10	14	34
BOTH	--	3	2	--	--
TOTAL %	100%	100%	101%	100%	100%
(N)	(290)	(38)	(766)	(249)	(53)

that the defendants were given non-surety bond--97% have no history of failure to appear. On this dimension, the conditional release sample and the defendants who were ordered to pay bond are similar--they have higher rates than the others of involvement with past failures to appear in court. The defendants who were incarcerated throughout the pretrial period have the worst records in this respect: over a third have been convicted of FTA charges.

The defendants ordered to pay bond also are significantly more likely than the others to be on parole or probation at the time they were interviewed by a Bail Commissioner (43%, compared to 28% of WPTAs, 26% of non-surety bond defendants, and 21% of those given conditional release).

Summary. This review of criminal justice information comparing the defendants given conditional release and the others arraigned on criminal charges during the same period demonstrates clearly that the WPTA group is consistently among the least serious: charged with the fewest and least serious offenses, limited prior convictions, and low rates of FTA. Non-surety bond defendants are facing more serious current charges, but have limited prior convictions, and the lowest rates of conviction for felonies, the shortest criminal careers, and the least previous involvement with FTA. In general, the defendants given conditional release fall in between on these dimensions, but are commonly closer to the bond group. Based on criminal justice criteria, they would be predicted to pose greater risk than the WPTA or non-surety groups.

C. IMPLICATIONS OF FINDINGS

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1. Defendants' Experience During the Pretrial Period

2. Explaining New Arrests Pretrial

3. Explaining Pretrial Failures to Appear

4. Pretrial Risks

5. Explaining Sentencing

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1.   Defendants' Experience During the Pretrial Period

Differences in the length of time it took to dispose of the sample defendants' charges were not significant statistically when the groups within the conditional release group were compared. However, the defendants given conditional release as a group experienced a longer pretrial period than any of the others in the comparison samples, as seen in Figure 6. 16% of the defendants

Disposition Time by Release Status
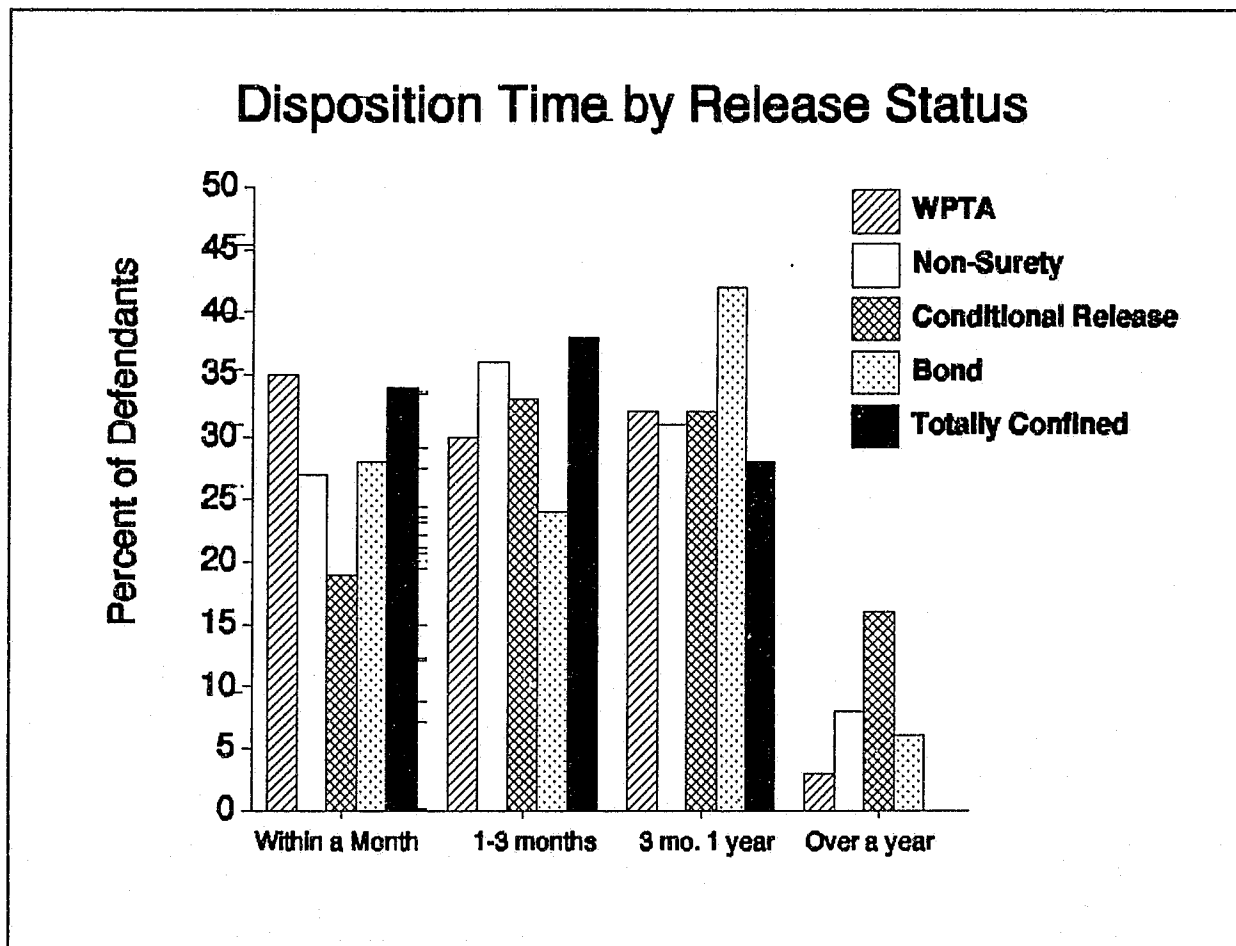
Figure 6.

given conditional release waited over a year for their case to be disposed. At least some of this time was related directly to their conditions—they were awaiting assessments or pretrial treatment before disposition. Of course, this also gave them more time and opportunity to violate the law during the pretrial period, and was significantly related to failures to appear, as already reported.

Disposition time is also an important factor for defendants who remain incarcerated. Of the defendants who were ordered to post bond but were not released, 26% were Caucasian, 43% were African-American, and 31% were Latino. Again, over 96% of this entire group started the pretrial period with detainers. It is notable that there were no differences in the amount of bond by race/ethnicity. Further, of all the defendants whose cases took over three months to dispose, 12% of Caucasians, 10% of African-Americans, and 12% of Latinos were incarcerated throughout the pretrial period. In addition, three-quarters of these defendants were held on bond amounting to over $250,000.

Arrests on New Charges. The defendants who were ordered to post bond were the most likely to be arrested on new charges during the pretrial period. Although the differences are not significant statistically, 17% of the bond group, 10% of the conditional release group, 9% of the defendants released on a WPTA, and 6% released on non-surety bond were arrested again.

Across groups, property defendants were the most likely to face new arrests. In general, new arrests were for the same types of charges as the ones which originally brought them to court. For example, of the defendants released on WPTAs who were arrested again, 52% were originally facing property charges. 46% of the new charges were for property crimes, 46% were for violent crimes. Second most common (one third of those with new arrests) within the WPTA group were personal crime defendants. 71% of them were charged with a public order crime.

Within the group ordered to pay bond, the most common new offenders (42%) were property defendants, as well. 53% of them were arrested on new property charges, 21% each for personal and public order crimes, and just 5% on substance charges. The drug defendants were next most likely to be arrested again (20% of new arrests). Of those, two-thirds were charged with another drug crime, and 22% were charged for a property offense. None was arrested for a crime of violence.

There were differences in the response to the new arrests among the groups, as well. The defendants ordered to pay bond were the most likely to be sentenced to incarceration for the new offenses: 30% were given jail/prison sentences, and 20% were sentenced to probation. In contrast, just one of the defendants released on a WPTA or non-surety bond were sentenced to incarceration, while 36% of the WPTA defendants with new arrests were sentenced to probation; 14% of the defendants given conditional release were sentenced to incarceration for their new offenses, and 14% were given probation.

Failures to Appear. Defendants who were ordered to post bond were also the most likely to fail to appear in court at least once during the pretrial period, as shown in Table 16. The differences

TABLE 16
Pretrial Failures to Appear by Release Status
(In Percent)

# of FTAs	Promise to Appear	Non-Surety Bond	Conditional Release	Bond--No Conditions
None	98	97	89	85
One	2	3	7	12
Two-three	--	--	4	3
Over three	--	--	*	1
TOTAL %	100%	100%	100%	101%
(N)	(233)	(31)	(748)	(217)

among groups are statistically significant. Within the bond group, Class A misdemeanants are the most likely to fail to appear in court (27% do). Of the A misdemeanants, 53% of the women and 21% of the men fail to appear. Such failures are also most common among defendants originally charged with (A misdemeanor) public order crimes. Just 14% of the A misdemeanant property defendants fail to appear, and 5% of those originally charged with a personal crime. Finally, 32% of the A misdemeanants in their 30s fail to appear. This profiles the major group at risk of failure to appear out of the defendants who are ordered to post bond.

Sentencing. Sentencing patterns differ significantly among these groups, as well. After all of the criminal history and pretrial misbehavior differences, these are not surprising. Table 17 provides the sentencing details. The defendants ordered to pay bond, as a group, are most likely to receive

TABLE 17
Sentences by Release Status
(In Percent)

Sentence	Promise to Appear	Non-Surety Bond	Conditional Release	Bond--No Conditions	Totally Confined
Prison	2	5	5	9	55
"Split"	3	--	4	7	15
Probation	10	15	18	18	6
Time Serve	*	--	1	2	2
Fine	8	3	4	6	--
Discharge	1	3	5	2	--
Nolle/Dm	72	72	49	54	23
Pending	--	--	11	--	--
Other	3	3	4	3	--
TOTAL %	99%	101%	100%	101%	101%
(N)	(298)	(39)	(785)	(255)	(53)

either a sentence to incarceration alone or to incarceration followed by probation (a "split" sentence. However, as the table shows, the defendants who were incarcerated the entire pretrial period are most likely to be sentenced to incarceration--fully 70%--and less than a quarter of them had their charges nolled or dismissed.

Finally, there are significant differences in the length of sentences, as well. Figure 7 shows the differences in length of sentences to incarceration between the defendants who were ordered to meet pretrial conditions and those who were ordered to post bond. Nearly half of the conditional

Length of Prison Sentence

Conditional Release and Bond Compared
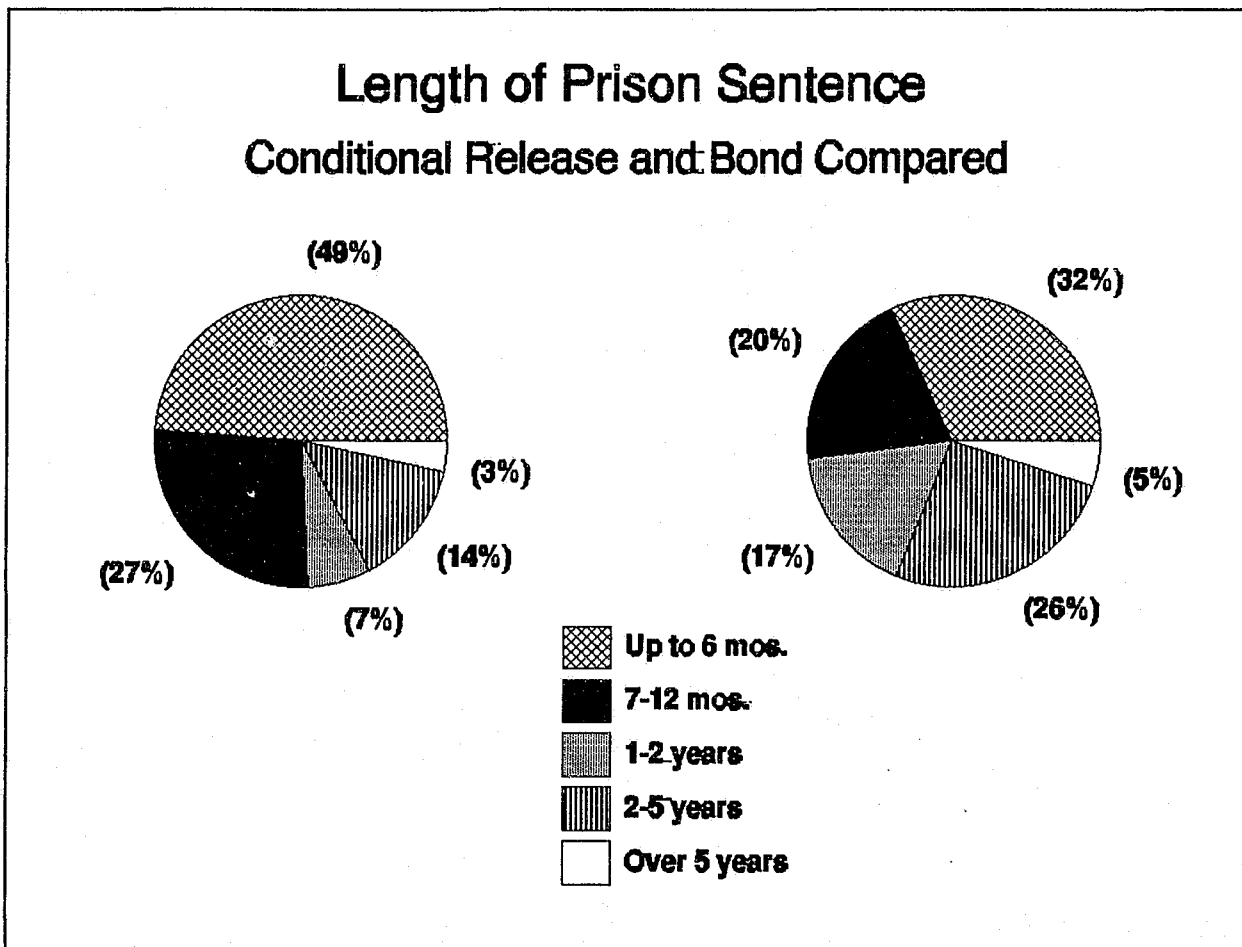
Figure 7.

release defendants who were sentenced to jail or prison received terms of six months or less, compared to just under a third of the defendants ordered to post bond. Nearly a third of the incarcerated bond group were sentenced to over two years, compared to 17% of the analogous conditional release group.[18]

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[18] These incarcerative sentences were predominantly "real" sentences; when the length of time the defendants had been confined during the pretrial period was taken into account, just 6% of the bond group could be considered to have received, in effect, a sentence to "time served". This was true for just one of the conditional release defendants. Notably, 45% of the "bond" defendants who were sentenced to incarceration had not been confined during the pretrial period at all.

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2. Explaining New Arrests Pretrial

General Explanations. As already seen, the defendants ordered to post bond have the highest rates of new arrests. In general, new arrests for this group are significantly correlated separately with the number of times defendants have been arrested, the number of times they have been convicted of a crime, the number of times they were incarcerated during the pretrial period, the length of their criminal "career", the number of times they failed to appear in court, and (marginally) the number of years they have lived in Connecticut. In addition, property defendants were most likely to be arrested for new offenses.

These independent factors are quite similar to those found for the conditional release sample. The primary difference is that drug defendants and those accused of misdemeanor violent crimes were most likely to be arrested again in the conditional release group, and length of residence was not a factor.

Notably, age, race/ethnicity, sex, number of felony convictions, charge severity, and opportunity (amount of pretrial time in the community) were not independently related to new arrests for the bond group. However, 75% of the defendants who were arrested again had three months or more of pretrial opportunity.

Predictors. When many factors were considered all at once, a slightly different picture emerged. Then, **the amount of pretrial time in the community (opportunity) and property crime charges significantly predicted new arrests** (in that order). When these two factors were controlled along with the rest,[19] whether or not a defendant in the comparison groups (bond, non-surety, and WPTA) would be arrested on new charges could be predicted accurately 88% of the time. Again, however, this accuracy was based on identification of those who would not be arrested, rather than those who would.

These findings contrast with those obtained for the conditional release group. For them, accurate predictions were based on number of past convictions, drug and violence charges, number of charges, and age. The different patterns are likely a product of differences in the two populations-- property offenders are more likely to be ordered to post bond without attached conditions, substance offenders are most likely to have conditions.

3. Explaining Pretrial Failures to Appear

General Explanations. Defendants ordered to post bond also have the highest rates of pretrial failure to appear in court. In general, failures to appear for this group are independently correlated with limited other factors--all of them criminal justice related. The factors are prior history of failure to appear, the length of time it took for the case to be disposed, and amount of pretrial time the defendant was in the community (opportunity), and arrests on new charges.

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[19] The other factors included were the defendant's number of past convictions, age, race/ethnicity, charge severity, number of present charges, sex, history of failure to appear, and other types of charges. Only the two factors listed in the text were significant when these others were controlled.

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Nearly three-quarters of the defendants who failed to appear in court had at least three months of opportunity. In addition, 39% of the defendants ordered to post bond who failed to appear in court had a history of doing so. However, a history was not a perfect predictor: 67% who had failed to appear in court in the past did not do so during the present pretrial period.

Further, defendants charged with Class A misdemeanors (especially violations of public order) are more likely than others to fail to appear in court. Among A misdemeanants, defendants in their 30s are most likely not to comply with their court date. Race/ethnicity, sex, and age are <u>not</u> independently related to failure to appear.

These findings differ from those reported for the conditional release group, where felony convictions, the number of present charges, and charge severity were also significant independent factors.

Predictors. When several factors were examined all at once for the entire comparison group (WPTA, non-surety bond, and bond without conditions), however, significant predictors were found. **When other factors were controlled statistically, a history of failure to appear, the amount of time the defendant was in the community, personal crime charges, and charge severity were all significant predictors of failure to appear** (in that order of importance). When these and the other factors[20] were considered together, whether or not the defendant would fail to appear in court could be predicted accurately over 92% of the time. Again, predictive accuracy was greater for those who would <u>not</u> fail to appear than for those who would.

When the defendants who were ordered to post bond were examined separately, personal crime charges, history of failure to appear, and opportunity were significant predictors. Although general predictive accuracy dropped to just under 87%, it was substantially better in predicting which defendants <u>would</u> fail to appear.

These findings, again, are different than those reported for the conditional release sample, although opportunity and failure to appear histories are significant predictors for both groups. The number of present charges was the single strongest predictor for the conditional release defendants, and was not significant for those ordered to post bond.

4. Pretrial Risks

This review of explanations for failure to appear and pretrial arrests on new charges, focusing on the sample of defendants ordered to post bond, demonstrates that, while the two types of crime are related to each other, there are also independent principles operating--just as was true for the conditional release sample. Within the bond group, 74% of the defendants were not arrested during the pretrial period--for FTA or for new offenses; less than 6% were arrested for both types of offense.

For defendants ordered to post bond, greater risks of FTA are posed by those accused of violent crimes. In contrast, those accused of property crimes pose greater risks of arrests on new

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[20] The other, non-significant, factors were: number of past convictions, age, race/ethnicity, number of present charges, sex, and other types of charge.

charges. Among the defendants released with conditions, the greatest risks of new arrests were presented by those accused of drug and violent crimes, while substance offenders were low risks of FTA.

In general, however, it appears that much of the failure to appear in court and of pretrial arrest is committed by defendants who are chronic and petty offenders. Felony convictions are not associated with FTA or new arrests, nor is the severity of the present charge when other factors are controlled. Pretrial misbehavior, in general, is committed by young offenders, and is of little risk to public safety. The most dangerous defendants appear to be among those who remain incarcerated.

5.   Explaining Sentencing

The defendants who were ordered to post bond without attached conditions, as already seen, were most likely to be sentenced to incarceration, and for longer terms than the others. The defendants who were incarcerated throughout the pretrial period were most likely to receive prison sentences. This group, 17% of those whose cases were not disposed on the day of arraignment, appears to be a substantially riskier group of defendants. In the study sample it includes two defendants charged with homicide, for example.

Some of the differences in rates of sentences to incarceration are explainable by differences in charge type and severity, and in rates of pretrial misconduct, as has already been shown. When defendants charged with felonies who were released with conditions and remained in the community throughout the pretrial period were compared to those charged with felonies who were released on bond and remained in the community, defendants released on bond were still more likely to receive prison sentences. For example, 6% of the defendants charged with felony crimes against persons and released on conditions were sentenced to incarceration, compared to 28% of the analogous group released on bond. The same difference was found for those charged with felony property offenses. The difference was smaller for those charged with substance offenses (3% of conditional release defendants sentenced to prison and 9% of those released on bond), but was in the same direction.[21]

When several factors were examined at once, **charge severity and the percent of the pretrial period the defendant was incarcerated were significant predictors of a sentence to incarceration** (in that order) for the group ordered to post bond. This prediction was accurate 84% of the time. For the comparison group as a whole (WPTA, non-surety, and surety bond together), **charge severity, percent of the pretrial period the defendant was incarcerated, the number of prior convictions, drug charges, and property charges were all significant predictors of incarceration.** This prediction was accurate 89% of the time. In contrast, the pretrial incarceration rate and failures to appear were the significant predictors for the conditional release group.

It is possible that in some courts compliance with pretrial conditions contributes to the use of community-based alternatives at sentencing, as well. If so, this would further augment the savings attributable to the pretrial community programs described in the next section.

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[21] None of the defendants in either group who were charged with felony crimes against the public order were sentenced to incarceration.

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V. SAVINGS

This evaluation has demonstrated that the defendants released with pretrial conditions, as a group, pose less risk of new arrests and failure to appear in court than those ordered to pay bond alone. Even when the comparison is restricted to the most serious of the conditional release defendants-- clients of AICs, Bail contract programs, and Bail supervision--the defendants who receive pretrial supervision fare better.

Finally, the toughest group of defendants as measured by their charges, those in the AICs, in general do as well as those in the bond group. This is particularly noteworthy because the AIC clients have been charged with more serious crimes and are more concentrated in the age groups at greatest risk of pretrial misconduct. They have been referred to AICs because they would otherwise remain in jail. And in fact, the AIC clients are similar to those in the bond group who remained incarcerated throughout the pretrial period in the type and severity of the present charges (those incarcerated see a higher concentration of violent offenders and fewer drug offenders).

Substantial short-term jail bed and cost savings have been accomplished by pretrial Alternative to Incarceration Programs (AIP). Based on conservative assumptions, it appears that, in general, AIC clients would otherwise have been incarcerated an average of 80 days, and at least two-thirds of Bail contract clients would have been incarcerated an average of 70 days. Drawing from these calculations alone, in FY 92-93[22] an estimated minimum of 456,250 jail bed days would have been saved by these two groups, or approximately 1,250 jail beds on any given day. This represents a FY 92-93 correctional system savings of $23.7 million for this part of the pretrial population alone. Follow-up research would be needed to be determined if savings for these clients are sustained in the longer-term or represent postponed expenses.

Broader pretrial cost savings:

●Throughout FY 92-93, a daily average of 1,500 slots within the Alternative Incarceration Centers, Federal Drug, and Bail contract programs were occupied by pretrial clients. The average cost of managing one of their slots for a full year is approximately $5,000, or $7.5 million for the 1,500 slots.

Had the individuals occupying these slots remained incarcerated, the approximate cost would have been $23,000[23] per bed per year, or $34.5 million for the 1,500 beds.

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[22] This figure is based on the Bail Commission's estimate that ⅔ of the 1,971 Bail contract clients served in FY 92-93 would otherwise have been jailbound.

[23] This figure is based on an estimate by the Office of Policy & Management; it includes operating costs only -- not the cost of construction.

The net operational savings for the broader pretrial supervision network was an estimated $27 million for FY 92-93[24]. This savings represents just 60% of the overall gain provided by community-based alternatives to incarceration; the remainder comes from programs for sentenced clients.

●Additionally, the average capital cost for constructing a correctional bed is $150,000. These costs include initial capital outlay and interest payments throughout the life of the loan. Without the specific community-based pretrial programming mentioned above, Connecticut would have had to build two additional 750 bed facilities at a capital cost of $225 million.

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[24] The estimated savings would be much greater if Bail supervision defendants were added.

VI. CONCLUSIONS AND RECOMMENDATIONS

It is clear that the investment Connecticut has made in the expansion of community supervision pretrial release programs is working. **Defendants released _under supervision_ with pretrial conditions pose less risk of new arrests and failures to appear in court than those ordered to post bond.** Even when the comparison is restricted to the most serious of the conditional release defendants—clients of AICs, Bail contract programs, and Bail supervision—the defendants who receive pretrial supervision fare better than those released on bond. This finding has major implications for the development of policy and programming with regard to placing less of an emphasis on bail bonds alone and more of an emphasis on conditional release options.

In light of this significant finding, attention must be directed to targeting offenders who would benefit from more intensive program supervision. This will enable the court to utilize a range of interventions with increasing levels of supervision based on the seriousness of risk, likelihood of appearance in court. The following are detailed recommendations to inform program and policy development emanating from the study's data.

1. **A greater number of defendants at high risk of new arrests and failures to appear should be referred to intensive supervision programs, especially Alternative to Incarceration Centers (AIC) and Bail contract programs.** Defendants who reported to these programs had relatively low rates of both new arrests and failures to appear, in spite of facing relatively serious charges, e.g., sales of narcotics and Burglary 2.

2. **An assessment instrument, based on criteria shown by this study to have predictive value, should be used to identify high-risk defendants who are appropriate for referral to AIC and Bail contract programs and other types of intensive supervision.**

3. **Certain categories of offenders were identified by the data as being at particular risk of new arrests and failures to appear: for example, drug defendants, young men charged with crimes against persons, those with prior felony convictions and history of failure to appear.** Defendants who have these characteristics should be screened particularly carefully for their appropriate level of supervision, for example:

   ●**Defendants charged with substance abuse** should be targeted for supervision by AICs

   ●**Defendants charged with crimes against persons and defendants with histories of failure to appear** - especially young men charged with A misdemeanors should be targeted for more intensive supervision, including AICs, Day Incarceration Centers[25] and Bail contract programs. Older defendants charged similarly should be targeted for supervision by Bail Commissioners.

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[25] Day Incarceration Centers (DICs) are more intensive non-residential programs requiring 9 hours per day of direct supervision with either supervised housing or electronic monitoring in the evenings - in effect a 24 hour supervision program. Currently, the DIC's focus is sentenced offenders, however a pilot program is under way with pretrial defendants in Bridgeport.

●**Chronic and petty misdemeanants (who are responsible for most of the new arrests and failures to appear) should be targeted for AIC monitoring or specialized programming.** Defendants charged with crimes against persons (e.g., Assault 3) had the highest rates of non-appearance, while defendants charged with public order crimes (e.g., prostitution) had moderate rates of both new arrests and failures to appear .

4.   **Substance abusers would benefit from an expansion of AIC residential capacity, electronic monitoring, and other intensive supervision mechanisms designed to reduce the number of new arrests.** The AIC clients discharged with the highest rates of successful program completion were those charged with substance offenses. The AICs have developed more of their monitoring and programming for this population than any other. These defendants are not significantly more likely than those supervised by Bail Commissioners to be arrested on new charges, and are significantly less likely to fail to appear in court. They are also the least likely of the AIC clients to commit program violations.

5.   **Bail contract programs should be expanded to more sites.** Defendants who reported to these programs had relatively low rates of both new arrests and failure to appear; and the Bail contract programs' clients were facing relatively serious charges.

6.   **Expanded specialized programming that is culturally sensitive to the Latino population is important and should reduce their relatively high rates of AIC program violations.**

APPENDIX 1

METHODOLOGY

The research questions and design were developed in consultation with key criminal justice policy-makers from throughout the system, particularly those who are most closely involved with defendants in criminal cases. The key goals of the research were to provide data which could be used to help with planning the expansion of community pretrial supervision options, and to identify which existing programs were most effective with which defendants. The samples were drawn in accordance with these aims.

The primary sample was drawn from a list of all defendants arraigned between March 1, 1991 and February 29, 1992, who were released with pretrial conditions. This computerized listing was prepared by the Judicial Bail Commission's Information System. The list was prepared for each Geographic Area court: to ensure that the entire state would be included proportionately, and to facilitate finding other records for the defendants. 9% of the names on the lists were identified manually (by selecting every 11th case) for inclusion in the sample. This process was followed because the Information System was not able to generate a random sample. Once the names were selected, they were sorted alphabetically to ensure that individuals did not appear in the sample twice. The target number for this sample was 700; the total ultimately included 785 defendants released with conditions.

The comparison sample was drawn from all the cases arraigned in Connecticut's courts during the same time period, in the following way. A computer tape of all cases was obtained from Judicial Information Systems (JIS) staff. A sample of 750 cases was drawn randomly from this tape. These 750 cases were then sorted alphabetically by name. Duplicate names (cases where both name and date of birth matched) were deleted; the most recent case which resulted in conviction was selected. The remaining JIS cases were then checked against the entire list (not sample list) of defendants who were released on conditions, to ensure that the JIS sample would not contain defendants with conditions. A total of 105 cases were deleted for these reasons, leaving a comparison sample of 645 (compared to a target of 600) unduplicated defendants reflecting all pretrial statuses except conditional release.

Once these samples were drawn, data for each defendant was collected as available from Bail Commission Interview Records (including the specific condition(s) ordered for the defendants in that sample), arrests histories obtained through access to the Office of Public Safety's computer records, admission and discharge information maintained by the Department of Correction, and case disposition information obtained from criminal record files maintained by JIS. Data were also collected where possible from program records for defendants who were released with conditions. This information was sought for all defendants where it was noted that they had been referred to an Alternative to Incarceration Center (AIC), a Bail Contract program, or the supervision of the local Bail Commissioner. The AIC programs were most likely to have program files available, so these data are provided in the report. Selected information was also available from Bail Contract programs and local Bail Commissioners, but was so incomplete that it would not be useful to report

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it.[26]

The study design and its results, then are unique. This is the first study to investigate conditional release pretrial on a statewide basis, and the first examination of pretrial alternative program[27] effectiveness compared to other options. Although it does not permit combination into one large sample of defendants due to the differences in the two samples, the focus on defendants released with conditions provides the information sought at the outset, and needed by criminal justice decision-makers.

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[26] Many of these defendants were under supervision for a short period; once their case was disposed the information was not necessarily retained. It must be remembered that data collection for the study began when almost two years could have passed since the defendant was supervised. Data collection for defendants under supervision has since become more complete for all programs, accompanied by expectations that data be retained for longer periods.

[27] Community release options comprise a range of programming initiatives, many of which are funded in part through state appropriations and/or the federal Drug Control and System Improvement Grant Program.

APPENDIX 2

Characteristics of
Conditional Release Defendants
(In percent)

	AIC	Bail Contract	Bail Supervision	Condition Only	Family Relations	Other
Sex[1]						
Male	84	93	82	90	94	80
Female	16	7	18	10	6	20
TOTAL %	100	100	100	100	100	100
(N)	(115)	(96)	(88)	(198)	(63)	(225)
Race/Ethnicity[2]						
Caucasian	49	27	52	44	48	40
African-American	31	42	40	36	26	39
Latino	20	30	7	20	26	20
Other	–	1	1	–	–	*
TOTAL %	100	100	100	100	100	100
(N)	(112)	(95)	(87)	(190)	(61)	(213)

[1]Differences by type of supervision statistically significant at p<.002.

[2]Differences by type of supervision statistically significant at p<.02.

Characteristics of
Conditional Release Defendants
(Continued; in percent)

	AIC	Bail Contract	Bail Supervision	Condition Only	Family Relations	Other
Age[1]						
17 & under	21	14	13	9	5	11
18-20	11	19	8	12	11	13
21-25	33	19	24	14	18	21
26-30	14	18	23	19	27	17
31-40	19	21	23	33	27	28
41-60	3	9	9	12	11	9
61 & over	–	–	1	–	2	1
TOTAL %	100	100	101	99	101	100
(N)	(114)	(95)	(88)	(197)	(63)	(223)
Education						
Through 8th grade	6	8	3	6	8	4
9th - 11th	46	46	41	47	38	41
High school grad	36	36	44	38	42	45
Some college	10	7	8	9	6	8
College grad	1	1	3	1	6	1
Post college	1	1	1	1	2	–
TOTAL %	101	99	100	101	102	99
(N)	(102)	(83)	(73)	(165)	(53)	(182)

[1]Differences by type of supervision statistically significant at $p<.02$.

Characteristics of
Conditional Release Defendants
(Continued; in percent)

	AIC	Bail Contract	Bail Supervision	Condition Only	Family Relations	Other
Co-Residents						
None	17	14	22	15	10	14
Spouse/Child	18	9	14	17	34	21
Parents/Relatives	52	53	35	40	30	43
Others	13	24	29	28	26	21
TOTAL %	100	100	100	100	100	99
(N)	(112)	(96)	(86)	(192)	(61)	(214)
Means of Support[1]						
Full-time job	21	25	37	31	47	25
Part-time job	12	9	10	4	–	10
Family	9	20	7	10	9	15
Unemployment	5	2	8	7	5	2
Welfare	22	18	22	15	12	22
Other	31	26	16	33	26	25
TOTAL %	100	100	100	100	99	99
(N)	(81)	(89)	(73)	(177)	(57)	(170)

[1]Differences by type of supervision statistically significant at p<.002.

Characteristics of
Conditional Release Defendants
(Continued; in percent)

	AIC	Bail Contract	Bail Supervision	Condition Only	Family Relations	Other
Seriousness of Most Serious Charge[1]						
B Felony	1	3	1	1	3	2
C Felony	9	7	6	3	2	4
D Felony	15	12	14	9	5	12
Uncl. Felony	32	21	16	9	2	15
Uncl. Misdemeanor	6	4	6	6	–	4
A Misdemeanor	28	40	36	45	59	39
B Misdemeanor	6	8	12	19	14	16
C Misdemeanor	3	3	5	8	14	5
Infraction, Other	1	1	6	2	–	3
TOTAL %	101	99	102	102	101	100
(N)	(114)	(95)	(87)	(196)	(63)	(225)
Type of Most Serious Charge[1]						
Persons	28	34	31	49	57	39
Substance	28	14	10	6	–	11
Property	17	25	25	14	10	16
Public Order	27	27	33	31	33	34
TOTAL %	100	100	99	100	100	100
(N)	(114)	(95)	(87)	(196)	(63)	(224)

[1]Differences by type of supervision statistically significant at $p < .0001$.

Characteristics of
Conditional Release Defendants
(Continued; in percent)

	AIC	Bail Contract	Bail Supervision	Condition Only	Family Relations	Other
Number of Known Arrests						
One	60	56	56	56	65	58
Two-three	16	24	15	15	14	23
Four-five	10	2	11	9	10	5
Six-ten	8	8	10	11	5	7
Eleven-twenty	6	7	5	7	5	4
Twenty-one or more	−	2	3	2	2	4
TOTAL %	100	99	100	100	101	101
(N)	(115)	(96)	(88)	(198)	(63)	(225)
Prior Failure to Appear[1]						
None	82	78	67	84	92	74
Pending charges	7	7	19	4	3	15
Convicted	8	14	8	12	5	10
Pending & Convicted	3	1	6	1	−	2
TOTAL %	100	100	100	101	100	101
(N)	(112)	(94)	(85)	(196)	(62)	(217)

[1] Differences by type of supervision statistically significant at $p < .0001$.

Characteristics of
Conditional Release Defendants
(Continued; in percent)

	AIC	Bail Contract	Bail Supervision	Condition Only	Family Relations	Other
Number of Prior Convictions						
None	66	68	61	61	73	68
One	10	13	9	7	3	9
Two-three	10	3	11	12	8	9
Four-five	6	5	3	7	5	4
Six-ten	5	4	9	8	6	4
Eleven-twenty	3	5	5	5	3	3
Twenty-one or more	-	2	1	2	2	3
TOTAL %	100	100	99	102	100	100
(N)	(115)	(96)	(88)	(198)	(63)	(225)
Number of Prior Felony Convictions						
None	79	82	77	76	84	81
One	9	9	9	12	3	10
Two-three	8	5	10	8	6	6
Four-five	3	1	1	3	3	2
Six-ten	1	2	2	2	3	*
Eleven-twenty	1	-	-	-	-	*
TOTAL %	101	99	99	101	99	99
(N)	(115)	(96)	(88)	(198)	(63)	(225)

Characteristics of
Conditional Release Defendants
(Continued; in percent)

	AIC	Bail Contract	Bail Supervision	Condition Only	Family Relations	Other
Time Since First Recorded Arrest[1]						
This is first	53	53	51	56	65	61
Less than 1 year	18	17	13	9	13	12
One-two years	8	4	1	4	5	2
Two-five years	11	12	8	7	3	7
Five-ten years	4	6	5	10	–	4
Ten or more years	5	7	23	15	14	13
TOTAL %	99	100	101	101	100	99
(N)	(114)	(96)	(88)	(198)	(63)	(225)
Time From Arraignment to Disposition						
Within a week	3	5	9	5	6	5
One-two weeks	1	1	7	4	2	4
Two weeks-a month	8	14	14	10	3	13
One-two months	18	22	11	18	22	21
Two-three months	15	7	16	14	19	15
Three-six months	22	19	13	20	21	17
Six months-a year	14	15	13	14	13	11
Over one year	8	6	7	5	3	4
Pending on 4/23/93	11	12	11	11	11	10
TOTAL %	100	101	101	101	100	100
(N)	(114)	(96)	(88)	(198)	(63)	(224)

[1]Differences by type of supervision statistically significant at p<.02.

x

Characteristics of
Conditional Release Defendants
(Continued; in percent)

	AIC	Bail Contract	Bail Supervision	Condition Only	Family Relations	Other
Number of Pretrial Failures to Appear[1,2]						
None	81	90	82	92	89	87
One	13	7	6	6	8	8
Two-three	6	3	11	1	2	5
Four-five	–	–	–	1	2	–
Six or more	–	–	1	–	–	–
TOTAL %	100	100	100	100	101	100
(N)	(112)	(93)	(84)	(192)	(62)	(216)
Number of Pretrial Arrests on New Charges[2,3]						
None	89	90	87	93	95	92
One	6	8	8	2	2	6
Two-three	5	2	5	3	3	1
Four-five	–	–	–	1	–	*
Six or more	–	–	–	2	–	1
TOTAL %	100	100	100	101	100	100
(N)	(104)	(93)	(84)	(192)	(62)	(216)

[1]Differences by type of supervision statistically significant at $p < .05$.

[2]Based on cases not disposed at arraignment, or before release obtained.

[3]8 cases with new arrests only after discharge from AIC eliminated from AIC figures.

Characteristics of
Conditional Release Defendants
(Continued; in percent)

	AIC	Bail Contract	Bail Supervision	Condition Only	Family Relations	Other
Incarcerated During the Pretrial Period						
Yes	17	16	11	13	10	12
No	83	84	89	87	91	88
TOTAL %	100	100	100	100	101	100
(N)	(115)	(96)	(88)	(198)	(63)	(225)
Sentence[1]						
Incarceration	9	2	6	4	3	5
Incarceration & Probation	8	2	3	4	–	3
Probation	32	18	21	15	8	14
Time Served	2	1	3	1	–	1
Fine	6	2	2	2	5	7
Suspended/conditional discharge	–	5	5	3	2	2
Unconditional discharge	1	3	10	1	3	1
Nolle/dismissal	27	51	34	58	67	54
Not guilty	–	–	–	1	–	–
Pending on 4/23/93	11	12	11	11	11	10
Other	5	4	5	3	2	3
TOTAL %	100	100	100	103	101	100
(N)	(115)	(96)	(88)	(198)	(63)	(225)

[1]Differences by type of supervision statistically significant at p<.0001.

APPENDIX 3

Characteristics of Defendant
by Status After Arraignment
(in percent)

Sex[1]	Promise to Appear	on-Surety Bond	Conditional Release	Bond Without Conditions
Male	76	77	86	83
Female	24	23	14	18
TOTAL %	100	100	100	101
(N)	(298)	(39)	(785)	(308)

Race/ethnicity[2]				
Caucasian	67	82	43	47
African American	22	15	37	34
Latino	11	3	20	17
Other	*	–	*	1
TOTAL%	100	100	100	99
(N)	(298)	(39)	(758)	(307)

Age				
17 & under	8	5	12	7
18-20	12	26	12	13
21-25	22	18	21	23
26-30	20	18	19	17
31-40	25	18	26	29
41-60	12	13	9	11
61 & over	1	3	1	1
TOTAL %	100	101	100	100
(N)	(295)	(39)	(780)	(304)

[1]Differences by status statistically significant at p<.001.

[2]Differences by status statistically significant at p<.0001.

Characteristics of Defendant
by Status After Arraignment
(Continued; in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Education				
8th grade or less	11	7	6	12
9-11	44	36	44	32
High school grad	35	43	40	46
Some college	8	14	8	9
College grad	3	–	2	2
Post-college	–	–	1	–
TOTAL %	101	100	101	101
(N)	(116)	(14)	(658)	(189)
Marital Status				
Single	76	46	74	74
Married	12	36	14	14
Separated, Divorced, Widowed	13	18	11	13
TOTAL %	101	100	99	101
(N)	(111)	(11)	(737)	(190)
Number of Dependents				
None	58	60	57	61
One	13	20	16	17
Two-three	19	20	22	20
Four-five	8	–	4	2
Six or more	–	–	1	1
TOTAL %	100	100	100	101
(N)	(72)	(10)	(547)	(126)

Characteristics of Defendant
by Status After Arraignment
(Continued; in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Co-Residents				
None	15	–	15	14
Spouse/Child	17	36	18	15
Parents/Relatives	52	46	43	49
Others	17	18	23	22
TOTAL %	101	100	99	100
(N)	(101)	(11)	(761)	(181)
Years of State Residence				
One or fewer	5	8	4	8
Two-three	8	–	7	4
Four-five	8	8	5	5
Six-ten	9	–	11	13
Over ten	71	83	73	71
TOTAL %	101	101	100	101
(N)	(107)	(12)	(666)	(170)
Means of[1] Support				
Full-time job	21	22	30	18
Part-time job	11	–	8	12
Family	13	11	12	14
Unemployment	2	22	5	6
Welfare	30	33	19	17
Other	23	11	27	33
TOTAL %	101	99	101	100
(N)	(86)	(9)	(647)	(163)

[1]Differences by status statistically significant at p<.03.

Characteristics of Defendant
by Status After Arraignment
(Continued; in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Job Status[1]				
Employed	49	38	51	39
Homemaker	4	–	*	5
Not employed	47	63	49	56
TOTAL %	100	101	100	100
(N)	(55)	(8)	(519)	(111)
Seriousness of Most Serious Charge[2]				
A Felony	1	–	–	1
B Felony	2	–	2	6
C Felony	2	5	5	6
D Felony	4	18	11	13
Uncl. Felony	9	18	16	20
Uncl. Misdemeanor	6	8	5	2
A Misdemeanor	31	26	41	37
B Misdemeanor	18	21	14	6
C Misdemeanor	23	5	6	8
D Misdemeanor	1	–	–	*
Infraction	–	–	2	–
Other	3	–	1	1
TOTAL %	100	101	103	100
(N)	(298)	(39)	(780)	(308)

[1]Differences by status statistically significant at $p < .001$.

[2]Differences by status statistically significant at $p < .0001$.

Characteristics of Defendant
by Status After Arraignment
(Continued; in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Type of Most Serious Charge[1]				
Personal[2]	22	36	40	36
Substance	9	13	12	14
Property	34	31	17	28
Order	35	21	31	22
TOTAL %	100	101	100	100
(N)	(297)	(39)	(779)	(307)
Number of Charges on This Docket[1]				
One	55	28	42	25
Two-three	37	46	50	51
Four-five	3	15	7	14
Six-ten	3	10	2	7
Eleven or more	2	–	*	3
TOTAL %	100	99	101	100
(N)	(298)	(39)	(781)	(308)

[1]Differences by status significant at p<.0001.

[2]Crimes against persons or "personal" crimes as they are called in this report, are generally considered violent crimes. Here they include murder, sexual assault, assault, robbery, risk of injury to a minor, kidnapping, burglary, and others. "Substance" offenses are primarily drugs sales and possession, although selling alcohol to a minor, use of paraphernalia, "operating a drug factory" and others are also found. "Property" crimes include larcenies, "use of a motor vehicle without permission", forgery, bad checks, credit card fraud, arson, and others. "Public order" offenses include failure to appear, violation of probation, prostitution, disorderly conduct, breach of peace, and unlawful possession (not use) of weapons.

Characteristics of Defendant
by Status After Arraignment
(Continued; in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Number of Known Arrests[1]				
One[2]	54	41	58	36
Two-three	19	39	18	18
Four-five	7	3	8	13
Six-ten	11	8	8	14
Eleven-twenty	8	10	6	11
Twenty-one or more	1	–	2	9
TOTAL %	100	101	100	100
(N)	(298)	(39)	(785)	(306)
Number of Prior Convictions[1]				
None	62	59	66	40
One	10	10	9	13
Two-three	8	10	9	12
Four-five	6	5	5	8
Six-ten	8	8	6	11
Eleven-twenty	5	8	4	9
Twenty-one or more	1	–	2	8
TOTAL %	100	100	101	101
(N)	(298)	(39)	(785)	(308)

[1]Differences by status statistically significant at p<.0001.

[2]The defendant has no prior official record.

Characteristics of Defendant
by Status After Arraignment
(Continued; in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Number of Prior Felony Convictions[1]				
None	79	85	80	61
One	9	8	9	13
Two-three	7	3	7	11
Four-five	3	3	2	7
Six-ten	2	–	1	5
Eleven-twenty	–	3	*	3
Twenty-one or more	–	–	–	1
TOTAL %	100	102	99	101
(N)	(298)	(39)	(785)	(308)
Time Since First Known Arrest[1]				
This is first	50	46	57	33
Less than 1 year	19	36	13	22
One-two years	4	3	4	5
Two-five years	8	5	8	12
Five-ten years	7	3	6	8
Ten or more years	12	8	13	20
TOTAL %	100	101	101	100
(N)	(298)	(39)	(785)	(308)

[1]Differences by status statistically significant at p<.0001.

Characteristics of Defendant
by Status After Arraignment
(in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Prior Failure to Appear[1]				
None	89	97	79	78
Pending charges	1	–	10	5
Convicted	9	–	10	17
Pending & Convicted	–	3	2	–
TOTAL %	99	100	101	100
(N)	(290)	(38)	(766)	(302)
Current Parole or Probation[1]				
No	72	74	79	57
Parole	1	5	3	9
Probation	27	21	18	31
Both	–	–	*	–
Incarcerated on other charges	1	–	*	3
TOTAL %	101	100	100	100
(N)	(155)	(19)	(652)	(218)

[1]Differences by status statistically significant at p<.0001.

Characteristics of Defendant
by Status After Arraignment
(in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Time From Arraignment to Disposition[1]				
Same day	21	21	3	12
Within a week	4	3	2	4
One-two weeks	3	–	3	4
Two weeks – a month	7	3	11	10
One-two months	18	26	19	15
Two-three months	12	10	14	11
Three-six months	20	18	19	25
Six months-one year	12	13	13	15
Over one year	3	8	5	5
Pending on 4/23/93	–	–	11	–
TOTAL %	100	102	100	101
(N)	(295)	(39)	(783)	(307)
Number of Pretrial Failures to Appear[2,3]				
None	98	97	89	85
One	2	3	7	12
Two-three	–	–	4	3
Four-five	–	–	*	1
Six or more	–	–	*	–
TOTAL %	100	100	100	101
(N)	(233)	(31)	(748)	(217)

[1]Differences by status statistically significant at p<.0001.

[2]Differences by status statistically significant at p<.01.

[3]Based only on defendants who were not incarcerated during the entire pretrial period and whose cases were not disposed on the day of arraignment.

Characteristics of Defendant by Status After Arraignment
(in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Number of Pretrial Arrests on New Charges[1]				
None	91	94	90	83
One	4	3	6	8
Two-three	3	3	3	6
Four-five	1	–	*	2
Six or more	–	–	1	1
TOTAL%	99	101	100	100
(N)	(233)	(31)	(748)	(217)
Percent of Pretrial Period Before New Arrests				
100%[2]	91	94	90	84
90-99	*	–	*	2
75-89	1	3	1	2
50-74	1	–	3	3
25-49	3	3	2	3
10-24	1	–	2	2
0-9	2	–	3	5
TOTAL %	99	100	101	101
(N)	(234)	(31)	(673)	(270)

[1]Based only on defendants who were not incarcerated during the entire pretrial period and whose cases were not disposed on the day of arraignment.

[2]This means there were no arrests on new charges during the pretrial period.

Characteristics of Defendant
by Status After Arraignment
(in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Incarcerated During Pretrial Period[1]				
Yes	8	5	13	29
No	92	95	87	71
TOTAL %	100	100	100	100
(N)	(297)	(39)	(785)	(300)
Number of Days Between Arraignment and First Pretrial Incarceration[1,2]				
None	36	–	19	77
Less than a week	14	–	11	3
One-two weeks	–	–	7	1
Two weeks-a month	14	–	11	3
One-two months	14	–	12	3
Two-three months	5	–	10	1
Three-six months	–	50	21	9
Six months-one year	18	–	8	–
Over a year	–	50	2	1
TOTAL %	101	100	101	98
(N)	(22)	(2)	(103)	(87)

[1]Differences by status statistically significant at $p < .0001$.

[2]Based on those who were incarcerated during the pretrial period.

Characteristics of Defendant
by Status After Arraignment
(in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Number of DOC Admissions During Pretrial Period[1]				
None	92	95	87	71
One	7	5	12	26
Two	*	–	1	2
Three	–	–	*	1
Four	–	–	*	–
TOTAL %	99	100	100	100
(N)	(298)	(39)	(785)	(308)
Total Pretrial Time Incarcerated[2]				
None	92	95	88	72
One-two days	–	–	2	2
Three-seven days	1	–	2	2
One-two weeks	1	3	2	2
Two weeks-a month	2	–	2	5
One-Two months	2	–	2	6
Two-three months	2	–	1	4
Three-six months	–	3	1	4
Six months - a year	–	–	1	3
TOTAL %	100	101	101	100
(N)	(298)	(39)	(785)	(299)

[1]Differences by status statistically significant at $p < .0001$.

[2]Differences by status statistically significant at $p < .0001$.

Characteristics of Defendant
by Status After Arraignment
(in percent)

	Promise to Appear	Non-Surety Bond	Conditional Release	Bond Without Conditions
Percent of Pretrial Period Incarcerated[1]				
100%	*	–	1	20
90-99	–	–	*	2
75-89	1	–	1	1
50-74	1	–	2	2
25-49	3	3	2	2
10-24	2	–	3	2
0-9	93	97	91	73
TOTAL %	100	100	100	102
(N)	(236)	(31)	(758)	(271)
Sentence[1]				
Incarceration	2	5	5	17
Incarceration & probation	3	–	4	8
Probation	10	15	18	16
Time served	*	–	1	2
Fine	8	3	4	5
Suspended/Conditional discharge	–	–	3	*
Unconditional discharge	1	3	2	1
Nolle/dismissal	71	72	49	48
Not guilty	*	–	*	–
Other	3	3	14	3
TOTAL %	98	101	100	100
(N)	(298)	(39)	(785)	(308)

[1]Differences by status statistically significant at p<.0001.