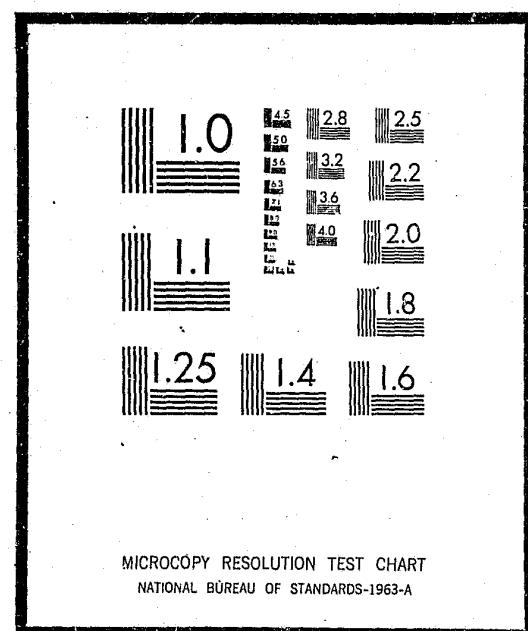


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JAIL-BASED PRETRIAL RELEASE

THE PILOT REDIRECTION CENTER AT
THE NEW HAVEN COMMUNITY CORRECTIONAL
CENTER, JANUARY-AUGUST 1972, RAO, et al.

A Report to the
Connecticut Department of Correction

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December 1973 (Revised)

18476

2/27/74

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| Preface and Postscript | i |
| I Introduction | 1 |
| A. The Case of Frank S. | 1 |
| B. The Report | 3 |
| II Redirection: The Concept and the Issues | 5 |
| III The Redirection Center in Operation | 10 |
| A. The Context: System Comparisons with Other Cities | 11 |
| 1. Prompt decisions on release | 13 |
| 2. Supervision of releasees | 15 |
| 3. Centralized pretrial administration | 16 |
| B. The Project: Initial Procedures and Problems | 17 |
| 1. Delay | 18 |
| 2. Diffusion of staff specialties | 20 |
| 3. Imbalance ratio: detention vs. imprisonment | 22 |
| C. Project Reorientation | 28 |
| 1. Emphasis on release | 28 |
| 2. Supervised release | 31 |
| 3. Staff reorganization | 34 |
| D. Leadership | 36 |
| E. Medical Services | 38 |
| F. Relations with the Custodial Staff | 39 |
| IV Relations with Other Criminal Justice Agencies | 42 |
| A. Bail Commissioners | 42 |
| B. Bondsmen | 43 |
| C. Wider City Parish Low Bond Program | 44 |
| D. Pretrial Services Council Diversion Project | 45 |
| E. Drug Programs | 46 |
| F. Clerks | 47 |
| G. Prosecutors | 48 |
| H. Judges | 49 |

V. Conclusions and Recommendations

| | <u>Page</u> |
|---|-------------|
| A. Summary of Findings | 51 |
| B. Recommended Redirection and System Changes | 53 |
| 1. Division of functions | 53 |
| 2. Pilot project perspective | 55 |
| a. Expedited release | 55 |
| b. Imbalance reduction | 56 |
| c. Record keeping | 56 |
| 3. System coordination | 56 |
| 4. Access to information | 58 |
| C. Future evaluation | 59 |

APPENDICES

| | <u>Page</u> |
|--|-------------|
| Appendix I Data on April 1972 New Haven Jail Population | A-1 |
| Appendix II Length of jail stay | |
| A. April 1972 detainees whose release was aided by the Redirection Center | A-3 |
| B. September 1972 One-Day Detainee Population | A-4 |
| Appendix III Detainee Questionnaire | A-5 |
| Appendix IV Correctional Center and Redirection Center Population Trends | A-6 |
| <u>Table A.</u> Sentenced and Accused Average Populations: Hartford, Bridgeport and New Haven, 1970-72 | A-6 |
| <u>Table B.</u> Hartford, Bridgeport and New Haven Monthly Average Populations, January-September 1972 | A-7 |
| <u>Table C.</u> Redirection Center Eligibles, April-July 1972 | A-8 |
| Appendix V Circuit Court Memorandum 71-141: Suggested Bail Commission Procedure | A-9 |
| Appendix VI Erasure of Arrest and Court Records, Sec. 54-90, Conn. Gen. Stat. | A-10 |
| Appendix VII Supervised Release Interview Form | A-11 |
| Appendix VIII Applicable Section of Contract Covering the Evaluation of the Redirection Center | A-12 |

Preface and Postscript

The attached report analyzes the early stages of a pilot program for pretrial detainees which the Connecticut Department of Correction inaugurated at its Whalley Avenue Jail in New Haven in January 1972. The initial version of the report was completed in October 1972 and distributed to the Department, the State Planning Committee and the staff of the Pilot Redirection Center, as well as to a number of other state and local criminal justice agencies whose operations influenced or were affected by the new Center.

The revision is intended to serve two purposes: (1) to correct or place in fuller perspective factual statements and observations made in the 1972 original, and (2) to record some developments pertinent to the ongoing process of pretrial reform in New Haven which took place during the past year. Modifications in the report itself have been incorporated either by changing the original text or by adding explanatory footnotes. Events subsequent to the reporting period are summarized in the postscript below.

It is important to emphasize that this revision does not extend the time span covered by the initial report; it remains a study of the Redirection Center's first eight months, January-August 1972. In addition, the report's limited purpose is as a preliminary study, not a full-fledged evaluation, of the goals and operation of the Center. From the outset it has been designed to provide a factual foundation, with recommendations--where appropriate--concerning changes in program guidelines, on the basis of which both an improved pilot program and a methodologically sound evaluation could be constructed.

We are grateful to many people for their careful review of the original report, and verification or helpful criticisms concerning its content. Special acknowledgment is due James Lynch, Field Evaluator for the Planning Committee on Criminal Administration; Robert Brooks, Chief of Program Development, Department of Correction; Dennis Guay, Director, and Michalah Bracken, Don Lee and Daniel Ryan of the Redirection Center staff, Dr. Joel Albert, the Center's psychiatric consultant, and Dr. Michael W. Palmieri, its physician; Paul Foti, Sixth Circuit Prosecutor; Tom O'Rourke, Chief Bail Commissioner, and Messrs Pastore and Sturgis of his Sixth Circuit staff; Rev. Tom Scott of the Wider City Parish Bonding Program; Paul Roshka, Assistant Planner for the New Haven Regional Criminal Justice Office; and Dr. Malcolm Feeley, Fellow in Yale's Russell Sage Program in Law and Social Science.

Subsequent Events

Following submission of the original report, a series of meetings was held from November 1972 to June 1973 to determine the program response

of the Department of Correction, its Redirection Center and the State Planning Committee, and to develop a prospectus for full-scale evaluation of the Center's operations. The research team which authored the report was invited to many of these meetings, initially to explain various findings and respond to criticism by Center staff members, and later to assist in a reformulation of some of the Center's goals and operating procedures.

One important program change was quickly noted: the reorganization of the Redirection staff into the teams described at pages 34-36 of the attached report did not in fact survive. The arrival in early September 1972 of a new Director, a reduction in the Center's caseload, and the development of some staff opposition, all occurred by the time the original report had been distributed. They combined to produce a return by the organization to its prior generalist structure. During 1973, however, at least some specialization was reintroduced in relation to the new supervised release program, described below.

A major threshold issue posed by the report and often argued in the ensuing meetings was whether the Redirection Center was, and should remain, a pre-trial release or a pre-trial rehabilitative agency. Some readers thought this a false issue, believing that the goals set out in the Center's grant application (report, p. 5) authorized nothing about rehabilitation. Staff members viewed both goals as pertinent but saw no conflict between the two, asserting that the Center did not itself "treat" detainees but only sought to identify each defendant's problem and refer him to a community program capable of dealing with it.

The present Director of the Center thought the issue to be correctly stated, but the report's resolution of it to be wrong: the Center's mission, in his view, was pre-trial release with treatment when necessary. He interpreted the research team as erroneously pressing for release without treatment. The observation of the Center's psychiatric consultant, after reading the report, was that the pilot program had experienced an identity crisis during its first year of operation: it "was faced with maintaining its family affiliation with the Department of Correction focusing on helping to maintain order within the institution . . . and rehabilitating inmates." It tried to do this, in the psychiatrist's view, by concentrating not on release alone, or in the shortest possible time, but rather on "release to a program which would meet the personal and social needs and problems of its inmates."

A consensus that most reviewers of the preliminary report seemed to come to after several discussions was that the Redirection Center staff was heavily influenced in its attitude towards pre-trial defendants by the rehabilitative perspective and custodial responsibility of its parent Correction Department, and thereby tended naturally to minimize legal distinctions between accused and convicted persons. The research team, on the other hand, adhered to a criminal justice system perspective which acknowledged that persons accused of crime had a right to reasonable conditions of pre-trial release, with treatment permissible only if necessary to assure the accused's appearance at trial or if he agreed to it voluntarily. A suggestion that the Center's perspective might have begun to change in 1973 was reflected in a Redirection draft proposal for the supervised release program, dated January 16, 1973:

"Whereas the letters and recommendations currently made by the Redirection staff presume guilt and ask the court to consider alternatives to jail, the Supervised Release Project will assume the defendant's innocence by asking for his pre-trial release

This may also explain why the statistics in Appendix I, and other activities noted in the attached report, reveal that while the Redirection staff is constantly concerned with helping inmates, it seems to make comparatively little difference whether that help secures the person's pre-trial release or only influences a favorable sentence after conviction.

The research team does not know how the issue of the primacy of pre-trial release or rehabilitation for the Redirection Center's clients has been or will ultimately be resolved. In early 1973, the Correction Department submitted a grant application to fund the Center's third year, 1973-74 (plus a new Redirection Center in Bridgeport), under State Planning Committee program category 73:6.4. The application substituted as its first stated goal "to improve the probability of successful reintegration into respective communities of individuals who have been incarcerated pending trial" (1974 application) in place of "the reduction in the numbers of individuals [in jail] awaiting trial" (1972 application). In addition, in listing for the evaluation of the new Bridgeport program the "subject areas of particular interest to the Redirection staff . . . in the order of importance," the application placed "Pre-trial detention and a safe community" at the top of the list, and "Reducing Detention Numbers" as 9th and last.

At one point it seemed as if a change in these priorities had evolved by mid-year. On June 14, 1973, the Planning Committee reported that discussions with the Director of the Redirection program had produced agreement that in 1973-74:

"the goals of the Redirection Center have been restricted to the reduction of the detained population in the New Haven Correctional Center. This will be the ultimate goal of the Redirection Center and the primary basis for evaluation."

Two weeks later, however, on June 28, 1973 the Planning Committee sent revised specifications for the future evaluation. The document began:

"The primary focus of the Evaluation for the Pilot Redirection Center will be as follows:

- (1) The reduction of the detained population in the New Haven Correctional Center.
- (2) The pre-trial detainees' rehabilitative treatment at the New Haven Correctional Center.
- (3) The establishment and operation of a supervised release program"

Although the extent of rehabilitation in the program remains in doubt, the supervised release program has commenced. In late June a representative of the Redirection Center appeared before the New Haven Pretrial Services Council to explain the program. Among its stated purposes was to "counteract the cost of maintaining in jail those individuals who are not a threat to the community . . ." No data on the extent of recommendations, releases or success or failure under the supervised release program were available at the time the attached revision was completed.

In August 1973, a second new pretrial program at the Whalley Avenue Jail came to light. The State Planning Committee awarded the Judicial Department and the Chief Bail Commissioner a \$45,000 grant for a 12-month Bail Reevaluation Project, scheduled to begin September 1. It proposed to place bail investigators in the jails of New Haven and Hartford. This supplemental staff would extend the work of the Bail Commission to felony cases in the Superior Court, as well as to interview detainees whose cases were pending in Circuit court. It would also make recommendations for release on 10% cash deposits in appropriate cases, and in general seek to secure pretrial release on the least burdensome conditions, without treatment or therapy or rehabilitation.

The application stated at page 7 that "the matter of bail administration in this State has an enormous impact on the Department of Correction in terms of efficiency, money and manpower." It went on to observe that the pretrial release efforts of the Correction Department through its Redirection Center were hampered because "staff shortage precludes an energetic and thoroughgoing appraisal there." This was explained more fully at page 9 of the application:

"In New Haven, the Redirection Center attempts to make bail reductions for defendants in the Circuit Court. The problem in New Haven is that the person assigned to the program cannot cover the five Circuits serviced by the local Correctional Center. Also, the person working the program has additional duties in Redirection, and the role of bail reductions is not the primary one."

The placement of Bail Commission investigators directly in the Whalley Avenue Jail to interview detainees was an apparent response to the finding in the preliminary research report, which remains unchanged in the revised version attached here (p. 14), that 86% of the pretrial defendants in the New Haven jail said they had never seen a bail commissioner. The project also marked an effort, as explained by the Judicial Department representative, to reduce jail detention via bail commissioners who are part of the court system, and whose recommendations would carry more weight than those of the Redirection Center, since the latter is not responsible to the courts. An important data gathering mission of the Bail Reevaluation Project was also described in the application:

"A hoped for primary feature of this application is detailed and far-probing analysis of the characteristics of the detained population. And it is possible that the evaluation could be more beneficial in the long run than the action grant itself.

"By gathering extensive data about detained persons, it is hoped to conclusively establish whether there are large numbers presently detained who could safely be released as some critics claim. Or, on the other hand, is the judicial system, which is generally regarded to be in the vanguard of nationwide bail reform, doing as much as it can safely do, given the trend to the high incidence of drug or drug-related crimes."

The apparent overlap between the proposed operations and the data gathering purposes of the Redirection Center and the Bail Commission caused a meeting to be convened on September 10, 1973. Participants included representatives of the Judicial Department, the Redirection Center, the State Planning Committee, the New Haven Pretrial Services Council and the Yale research team. The group learned the surprising fact that prior to the notice of the meeting, the Director of the Redirection Center had been unaware of the grant to the Bail Commission, and that therefore no arrangements for side-by-side operation of two pretrial programs for detainees at the same jail had ever been discussed. It also became clear that full scale independent evaluation of the Redirection Center would be very difficult to undertake if its pretrial release efforts were to be intertwined with those of the Bail Commission. The meeting concluded that negotiations regarding the procedures of the two programs, as well as of any evaluation of their separate or joint functions, needed to be undertaken by the principals themselves. We understand that those negotiations were still continuing at the time the attached report was revised.

Despite the new Redirection grant to promote supervised pretrial release from the Whalley Avenue Jail, the new Bail Commission grant to place a bail investigator to work on pretrial release in the same jail, and the provocative data demonstrating what appears to be a gross excess of pretrial detention in New Haven,¹ the Department of Correction in late summer broke ground for its long-planned multi-million dollar New Haven jail at the Whalley Avenue site, to replace the century-old structure currently in use. To our knowledge, no relationship has ever been explained publicly between the ongoing efforts being made by Connecticut--through the Correction Department, the Judicial Department, and other public and private agencies--to reduce pretrial detention and promote release alternatives in New Haven, and the investment at this time in constructing a new maximum security facility to detain, and perhaps in-

¹This data and the analysis are set forth in the Imbalance Ratio section of the attached report, pp. 22-28. The Correction Department recently included a substantially similar version of this section of the original report in the first issue of its new publication, Beyond Time (Fall 1973).

vite additional detention of, pretrial accused persons as well as convicted offenders.

Bibliography

For readers interested in pursuing problems and proposals in the administration of bail, pretrial detention and their alternatives in Connecticut, the following chronological list of recent articles and reports may be helpful. The Note by Messrs Anduri and Terrell marks a particularly important analysis growing out of their work as members of the Redirection Center research team. The Diversion Report by Messrs Freed, DeGrazia and Loh, sets forth some additional proposals for consolidation of pretrial agencies that reflect, in part, the Redirection research experience.

- O'Rourke & Carter, The Connecticut Bail Commission, 79 Yale L.J. 513 (1970)
- Brockett, Presumed Guilty: The Pretrial Detainee, 1 Yale Rev. L. and Soc. Action 10 (Spring 1971)
- Rice, Bail and the Administration of Bail in the State of Connecticut, 4 Conn. L. Rev. 1 (1971)
- Rice and Gallagher, An Alternative to Professional Bail Bonding: A 10% Cash Deposit for Connecticut, 5 Conn. L. Rev. 143 (1972)
- Margolis, No More Prison Reform!, 46 Conn. Bar J. 448 (1972)
- Berger, Police Field Citations in Connecticut, 1972 Wisc. L. Rev. 382
- Thurber, There Are Alternatives to Incarceration (Connecticut Prison Association, 1973)
- Gerety and Rein, Bail in Connecticut: A Report Prepared for the Institute for Effective Criminal Justice (1973)
- Freed, deGrazia and Loh, The New Haven Pretrial Diversion Program: A Preliminary Evaluation (Report to the New Haven Pretrial Services Council, Sept. 1973)
- Freed, The Imbalance Ratio, 1 Beyond Time 25 (Fall 1973)
- Anduri and Terrell, Note, Administration of Pretrial Release and Detention: A Proposal for Unification, 83 Yale L.J. 153 (Nov. 1973)

In addition, a valuable set of student research papers on Connecticut's pretrial release and detention process, as well as on the process for building new jails, is available in the Yale Law Library:

- Block, Citation Release and the Arrest Process (1971)
- Brown, Rules on Communication by Pretrial Detainees at the Connecticut Correctional Institution at Niantic (1971)
- Bunker, Work Release as a Pretrial Alternative (1971)
- Cummings, Delays and the Pretrial Detainee in the Sixth Circuit (1971)
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- Bepko and Appleton, Identifying Prevailing Philosophies in Pretrial Treatment of Suspects and Pretrial Institutional Design: A Study of the Development of the New York Metropolitan Correctional Center (1972)
- Bensel, K. Burrell and T. Burrell, Design Corrections: Notes and Appendices on the Design of the Women's House of Detention, Rikers Island, NYC (1972)
- Rogers, N., Change in Pretrial Detention: The Role of the Advocate (a study of the planning process for a new jail in Cleveland) (1972)
- Wheeler, The "Dubious Interval": Pretrial Detention of Women in Connecticut--Criticism and Recommendations (1973)

Acknowledgment

In completing this report, a special note of appreciation is due two organizations whose dedication to improving the administration of justice, bolstered by financial support of ongoing studies of the need for and process of reform, made possible this and several companion pretrial research efforts. Our debt is to the New Haven Foundation, which since 1972 has provided important matching funds for action project research dealing with pretrial release in the city of New Haven; and the Council on Law Related Studies, whose grant in 1970 helped launch the initial research at Yale Law School into the institutions and procedures of pretrial detention in Connecticut.

I. Introduction

A. The Case of Frank S.

In the early fall of 1971 Frank S. was arrested, charged with a drug offense and detained at the New Haven Community Correctional Center pending trial. In his subsequent court appearance, he pleaded guilty and received a suspended sentence, with probation conditioned on his participation in Daytop, a rigorous "therapeutic community" drug rehabilitation program in Seymour, Connecticut. After a few days at Daytop, Frank left, unable to cope with the psychological hardships imposed by that program. His desire to "kick" his habit remained, however, and he immediately signed himself into another drug program, at the Connecticut Valley Hospital in Middletown, Connecticut.

On January 4, 1972, after three months of successful participation in the C.V.H. program, Frank was arrested for violation of probation (a new offense in addition to his earlier drug charge) and was taken to the Sixth Circuit Court in New Haven. There he was arraigned, assigned \$500 bond that he could not raise, and sent back to the New Haven Correctional Center to await a court appearance scheduled for January 27.

Prior to January 1972, Frank's only assistance in communicating from jail to the outside world would have come from the institutional counselor, whose workload allowed no more than one or two phone calls per inmate.¹ In addition, the case load of the public defender made it unlikely that detainees like Frank

¹ There was one counselor for the approximately 300 pretrial and sentenced inmates at the jail.

could count on effective contact being made with outside agencies which offered the kind of drug program he needed.¹

Rather than spending this second pretrial period in near helplessness, however, Frank was introduced to an innovative new project at the jail, specifically designed by the Connecticut Department of Correction to assist pretrial detainees. The project was the New Haven Pilot Redirection Center. The day after Frank's arrival, a Center representative interviewed him in the cell block and identified him as eligible for assistance. On January 6, Frank was brought upstairs from the cell block to the Center's offices on the second floor and extensively interviewed by Janice Cobb, the staff psychiatric nurse.

The interview revealed Frank's dilemma. The sentencing court had clearly intended, in imposing a suspended sentence and probation to Daytop in 1971, that Frank should receive help for his drug problem. Frank had conformed to the spirit of this sentence, but violated its specific terms, by moving without permission from Daytop to C.V.H. As a result of trying to secure help from a more compatible drug program, Frank faced the possibility of a prison term for probation violation.

Through the efforts of the Redirection Center, Frank was accompanied to court on January 27 (23 days after his initial arrival) by Daniel Ryan, the Center's attorney, and Ms. Johansen from the C.V.H. drug program. In addition, letters from C.V.H. and the Redirection

¹ See Brockett, Pretrial Detention: The Most Critical Period (Senior Studies paper in Yale Law Library, 1970) for data on the low rate of contact between public defenders (and other defense lawyers) and their clients awaiting trial in the New Haven jail.

Center urged Frank's release to C.V.H. Instead of imposing a prison term, the court again gave Frank a suspended sentence, conditioned on probation in the custody of C.V.H. to be followed by a probationary period with the Division of Vocational Rehabilitation. At last report, Frank was still attending the drug rehabilitation program at C.V.H.

B. The report

As an early case in the files of the Redirection Center, Frank S. illustrates both success (helping him return to a drug treatment facility) and shortcomings (delay in initial interview, and time needlessly spent in jail prior to disposition) of this new pretrial project.¹ The case also suggests one of the difficulties in evaluating the new program: there is no way of telling whether, or how, Frank's case would have turned out differently had the Redirection Center not been established.

This report is a preliminary study of the Redirection Center, undertaken by agreement with the Department of Correction.¹ It covers the first eight months of operation, from January through August 1972. Its purpose is to outline the background of the project, its initial procedures, and its relationship to other components of New Haven's criminal justice system. It describes in some detail the manner in which the Center's operation and priorities began to change as the staff gained experience with the realities of pretrial release and detention practices in the city.

¹ The delays in this case are clearly illustrative of the preexisting pretrial justice system, rather than products of the new program.

² See Appendix VIII

The report sets forth preliminary data on the Center's pretrial population, and on the relationship of pretrial detention to post-trial incarceration in Connecticut. It contains findings about early tensions within the program, and evolution in the Center's purposes. It advances a number of suggestions for change in the months ahead, and questions for future evaluation.

An important deficiency in the program and in this report stems from the failure to maintain systematically and in detail information about the program's clients and potential clients, the actions taken by the Center on their behalf, and the disposition by the judicial process of their cases. Without analysis and feedback of such information, and comparison with detention populations and programs in other places, it is difficult for anyone--insider or outsider--to determine the extent to which the useful services individual staff members daily provide to individual pretrial detainees in this particular model of a pilot program add up to a substantial, or only a marginal, contribution to improved criminal justice. Stimulating the development of an adequate information and reporting system could be the most valuable longrange benefit of this preliminary study.¹ Accomplishing that result will require unprecedented cooperation from the Bail Commission, which theoretically interviews every defendant who fails to secure pre-jail release; the court system, which maintains all case records; as well as the Redirection Center itself.

¹ One year after this key recommendation was first made, it is unclear how much, if any, meaningful action has been taken by the Center to implement it. No Redirection Center data has been reported to the New Haven Pretrial Services Council, and a letter from the research team to the Center director on November 21, 1973 seeking available statistics subsequent to September 1972 for this revised report has not been answered.

5.

II. Redirection: The Concept and the Issues

Years of neglect of local jails and pretrial detainees have been highlighted recently by disturbances at many detention facilities around the country, by court decisions condemning a number of facilities, and by scholarly articles analyzing the incarceration of untried persons and alternatives to detention. "What is needed now," the original application for the Redirection Center indicated, "is some new and fresh approach to this pretrial population."

A general outline of the approach is suggested by a statement of three goals in the application:

The overall impact of the project should be [1] the reduction in the numbers of individuals [in jail] awaiting trial and [2] the greater manageability of this group within the institutional setting. Additionally, [3] it is expected that certain negative community attitudes might be altered which would enable the use of volunteers and standard community resources in meeting the needs of these individuals.

From this paragraph and the description of staff specialties in the application, the original director of the Redirection Center derived a set of nine goals for the Center. He recorded them as follows in a memorandum in March:

1. Provide immediate attention to newly arrived inmates held in pretrial detention in terms of --
 - a. Social -- family contacts
 - b. legal -- civil and criminal
 - c. medical -- medical, psychiatric, and dental
2. Develop programs within the jail that will be of interest and benefit to this particular population especially in terms of education, counseling, and health services.

- 6.
3. Develop comprehensive medical services for this population.
 4. Establish in the public eye the fundamental concept that this population is innocent until proven guilty with an eye toward formulation of programs recognizing their citizenship privileges, rights and roles.
 5. Maintain community relationships previously developed or establish and strengthen during confinement.
 6. Reduce the jail population.
 7. Bring about greater manageability of those remaining.
 8. Develop the use of volunteers and standard community resources in meeting the needs of the population.
 9. Bring about erasure of the program within five years as volunteers and community agencies assume these functions.^{1/}

The staff funded by the grant was divided into two levels, or "teams": the first to handle some immediate needs of entering detainees, and the second to deal with more long-range problems of persons incarcerated for an extended pretrial period.

The first level was to include several specialists, including a social worker, an attorney, a psychiatric nurse, an educational diagnostician, and an ex-inmate:

This team would function to give immediate attention to each accused person arriving at the jail. Facilities would be available to enable new arrivals to make contact with their families, public defenders and public agencies. A psychiatric nurse would take a medical history and screen individuals for evidence of psychiatric disturbance. An experienced educator would take an educational history and evaluate each individual in terms of his educational needs including vocational or trade training requirements. An ex-inmate would function as a member of the team to make community inquiries, provide the newly-arrived individuals with orientation, etc.

^{1/} Several Redirection staff members indicated in late 1972 that they had not seen this restatement of nine goals prior to issuance of the preliminary report.

The second level was to include a consulting psychiatrist, a dental technician, a part-time physician, an educational unit, and an ex-inmate. In concept,

(t)his team would receive referrals from the first level team and would conduct continuing programs for the attention to medical, educational, and community needs.

In addition to the action staff, a small research component was incorporated in the program to assess the progress of the Center towards its stated goals. The study methods during the first stage included participant observation at the Center by two law students, Carl Anduri and Timothy P. Terrell, under the general supervision of Messrs. Curtis and Freed of the Law School, and a consulting sociologist, Ilene Bernstein; data gathering; examination of relevant programs elsewhere; and extensive conferences with Redirection staff members and others in the criminal process of Connecticut.

In retrospect, the operation of the project raised several issues for examination that had not been apparent at the time of the grant. The principal issue was:

If a pretrial detainee desires and is entitled to pretrial release, but appears to a Redirection staff member to be in need of assistance and rehabilitation, which purpose -- release or rehabilitation -- will dominate, or how will conflicts between them be resolved?

Intimately related to that issue,^{1/} but largely beyond the scope of this initial report, are important questions relating to the future of pretrial justice administration, and to the organizations which should be responsible for persons released or detained

^{1/} During discussions following the 1972 version of this report, several staff members disputed this statement of the issue, indicating that they saw no conflict between pretrial release and pretrial rehabilitation. A suggested restatement of purpose was: release of the individual on the basis of immediate entry into a program that meets his needs.

pending trial. For example:

- What advantages and disadvantages inure to a criminal justice system in which a department of correction is responsible for persons held in pretrial detention?
- Would it make sense to require separate administration of detention institutions for pretrial persons and of prisons for convicted persons?
- Would it make sense to have a single agency govern or coordinate all programs for pretrial persons, released and detained alike, and if so, where in the system should such an agency be based?
- What are the implications, in Connecticut and elsewhere, of proceeding with or delaying plans to construct new jails before issues like these are explored in detail?

Long range questions like these lend useful perspective to the evaluation of pilot projects, like the Redirection Center, which are only small parts of a larger and complex network of criminal justice agencies. If institutions like the Center, for example, can overcome their initial difficulties and develop significant alternatives to most pretrial detention, future detention facilities might be built substantially smaller and at less cost than a rising or steady crime rate would otherwise suggest. Capital and operating costs for detention might, in such circumstances, be diverted to other junctures of the criminal process. Court systems might correspondingly alter their decision-making processes and options, reexamine their responsibility for pretrial detention and its institutions, and obtain increased resources with which better to answer the questions of whether and how arrested persons should be handled, e.g. released outright, or under supervision, or diverted to noncriminal alternatives, or detained in different ways pending trial.

The early operation of the Redirection Center does not convert the above possibilities into firm conclusions.^{1/} It does suggest that with revised goals and improved procedures, they might emerge in the not too distant future.

^{1/}In retrospect this sentence appears to have been an understatement. Earlier in 1972, a student study by Friedman and Solomon, The New Haven Community Correctional Centre: An Analysis of the Planning Process for the Design and Construction of a Regional Pre-trial Detention Facility (January 28, 1972, in Yale Law Library), examined the planning process for a new New Haven jail and raised a number of thoughtful questions which apparently elicited no response by the Department of Correction. Later, in the summer of 1973, the non-impact of the Redirection Center and of the 1972 version of this report in producing reconsideration of the need and timing of a costly new detention facility in New Haven was evidenced, at least by implication, in the following invitation received by one of the authors of the report:

JOHN R. MANSON
COMMISSIONER

YOU ARE CORDIALLY

INVITED TO ATTEND

GROUNDBREAKING CEREMONY

Monday, August 13, 1973

11:00 A.M.

NEW HAVEN COMMUNITY CORRECTIONAL CENTER

245 WHALLEY AVENUE

NEW HAVEN, CONNECTICUT

III. Redirection in Operation: The Original Direction and Its Modifications

Preparation for the Redirection program began in the fall of 1971. Operations commenced on January 3, 1972. The first-level staff consisted of the following persons:

| | |
|--|---------------------------------|
| Director | John Dufficy |
| Attorney | Daniel Ryan |
| Social Worker | Donald Lee |
| Educational Diagnostician | Michalah Bracken |
| Psychiatric Nurse | Janice Cobb |
| Community Representative | Thomas Kilebrew |
| Spanish-speaking Community Representative | Ceferino Velez |
| Secretaries | Nancy Anderson Ellen Flinter |

Each staff member approached his or her new job with a strong desire to help the pretrial population. During the break-in period, the staff became familiar with the characteristics of New Haven's criminal justice system, with its clientele, and with available resources in the community.

Several factors combined to create a confusing and difficult period for the staff. Although simultaneous achievement of all goals mentioned or implied in the grant application was impossible, staff members felt an obligation to attempt most of them. During this period, little leadership was evident in sorting out or establishing priorities among the range of project goals. Because most staff members had been hired for expertise

in their particular social specialty, as a group they appeared quickly to adopt an orientation toward rehabilitation of their clients, toward treatment of the social problems of persons not yet tried on the criminal charges against them. The staff's ability to make headway was also hindered by the overloaded and disjointed criminal justice system in which their work was centered.

A. Context: System comparison with other cities

A helpful background for studying the early development of the Redirection Center in New Haven may be found in the experience of other cities. A variety of programs have grown up in recent years to deal with overcrowded pretrial jails and to explore alternatives to pretrial detention. Among these are the Philadelphia Pretrial Services Project, the District of Columbia Bail Agency, and the Des Moines Model Neighborhood Corrections Project. While their operations are more central to the pretrial judicial process in that each begins as a front line, court-based program, rather than a backstop, jail-based agency as in New Haven, their cumulative experience provides a range of techniques that any pilot pretrial venture can profitably examine.

The Philadelphia project, with a budget near \$900,000, was created by the Court of Common Pleas in 1971 to help judges determine conditions of release for arrested persons. The staff intervenes at all stages of the pretrial process, from prearrest interviews in the police lock-up to an enforcement unit for finding its releasees who fail to appear on assigned court dates.

The District of Columbia Bail Agency is an independent pretrial organization created by Congress in 1966 to serve the criminal process of the nation's capital. It is similar to the Philadelphia agency, although smaller. It interviews arrested persons and makes recommendations at both the police lock-up stage and the arraignment stage. It follows each releasee until disposition of his case. Its authority to supervise selected persons released on its recommendations was broadened by Congress in the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91-358.

The Des Moines project is a privately organized demonstration program which specializes in interviewing and recommending for pretrial release selected jailed defendants whose high bail indicates that they were considered by the court to be poor risks.¹ It is an outgrowth of the pretrial release program which began in Des Moines in 1964. A new focus on high risk detainees was initiated in 1970 with Model Cities funds, under the administrative sponsorship of the Iowa Council of the National Council on Crime and Delinquency. It became part of the Polk County Department of Court Services in January 1971. The project provides extensive supervision, follow-up and referral work for each defendant released pursuant to its recommendation. Over the lifetime of the project, the appearance rate has been 98%, which is

¹ An early report on the Des Moines program is reprinted in Speedy Trial, pp. 497-539 (Hearings before the Subcommittee on Constitutional Rights, Senate Committee on the Judiciary, 1971). A new report will shortly be published in pamphlet form by the National Council on Crime and Delinquency.

about the same as money bond and R.O.R. releasees. The rate of new offense allegations is 17.5%, which is the same as for money bond releasees.

1. Early release decisions

If the theoretical tasks of Connecticut's bail commissioners¹ and the Redirection Center in New Haven were combined, the pretrial release possibilities here would be a blend of the D.C., Philadelphia and Des Moines concepts. A bail commissioner would interview each arrested person who was not released by the police at the precinct station. He would release some persons on his own authority, and make recommendations to a judge at the time of arraignment with respect to others. If the person continued to be detained after his first court appearance, his situation would be reviewed the next day at the Redirection Center, and additional release efforts made on his behalf. The Redirection Center would in essence serve a backstop function for persons not released at an earlier stage of the bail process.

At present, the operation of the New Haven system suggests that the early stages of the pretrial release process are working way below par. One hundred and fifty detainees at the New Haven jail were asked during June and July whether they had seen a bail commissioner at any time between arrest and jail.

¹ Sec. 63b of Title 54 of the Connecticut General Statutes details the function of the bail commissioner. The scope of his release authority is outlined in Memorandum 71-141, dated June 15, 1971, from Chief Judge John J. Daly of the Circuit Court of Connecticut. See Appendix V.

86% said they had not. This figure might be high for two reasons: some detainees unfamiliar with the court system might not know whether any of the officials they saw was a commissioner; others might believe they would attract sympathy by claiming they had been overlooked by a release-oriented official. But the figure might also be understated, since some detainees answered affirmatively on the basis of seeing only a bondsman, apparently believing that a bail commissioner and a bail bondsman were the same.

In contrast to what detainees say and do, the Chief Bail Commissioner's 1972 Annual Report discloses substantial interviewing. Sixth Circuit interviews are reported to have increased from 1744 in 1970-71 to 4783 in 1971-72, but the lack of access to interview forms made it difficult to assess the significance of this rise. All things considered, the high rate of detention in New Haven makes it important to examine further into the accuracy of the 86% "not interviewed" claim, and perhaps to make a similar inquiry in another circuit.

If 86% is anywhere close to a fair gauge of detention without a prior bail commissioner interview, the Redirection Center's intended backstop role is more nearly becoming a front line operation. Its staff is being compelled to interview and work with many detainees whose jailing is an error. In fact, even if all are interviewed by bail commissioners, the weeding out process must be faulty.¹ Observations tend to confirm this

¹ The Bail Commission's 1972 Annual Report indicates an extraordinarily low rate of productivity from commissioner interviews in the Sixth Circuit. In 1971-72, 3272 out of 4783 interviews, or 69%, resulted in no reduction of bond. The 31% reduction in New Haven contrasts with a 70% reduction rate statewide.

view. Center staff members deal with many individuals they believe could safely be released, in terms of likelihood to appear at trial.¹ It was thus not surprising that the staff in late Spring began to doubt the wisdom of continuing to try to provide specialty social services to all detained men.

2. Release under supervision

The initial reports on the Des Moines project suggest, in a city approximately the size of New Haven, that a program which provides supervisory resources and services can be effective in increasing pretrial release for persons who normally would be detained pending trial.

The concept of supervised release is addressed to accused persons who present high but controllable risks of flight or misconduct during the pretrial period. It is, in a sense, the pretrial counterpart of postconviction probation. It acknowledges that the extremes of pretrial release via money bond or a promise to appear, and of pretrial detention in a maximum security jail, are unduly limited choices. They ignore a broad middle range of persons who, in the view of judicial decisionmakers, can not safely be released without some kind of supervision, yet do not require the extreme form

¹Connecticut statutes specify that the only criterion for determining release prior to trial (in noncapital cases) is that conditions of release are available to give "reasonable assurance of the appearance of the accused in court." See, for example, 54 Conn. Gen. Stat. Sections 53, 63b, 63c, 63e, 69 and 69a.

of control which jail signifies. The importance of inserting such intermediate forms of controlled release has been recognized in recent years in the Federal Bail Reform Act of 1966, 18 U.S.C. Sec. 3146 et seq.; in the District of Columbia Court Reform and Criminal Procedure Act of 1970; and in Standard 5.2 of the Standards Relating to Pretrial Release, adopted by the American Bar Association in 1969.

New Haven had planned in 1971 to develop resources for a supervised release program at the police lock-up stage. An LEAA grant proposal for ROR Expansion was submitted by the City and funded by the State Planning Committee on Criminal Administration. Authority to proceed was vested in the New Haven Pretrial Services Council. The program, however, was never implemented. Instead, in mid-1972 the Redirection staff began to develop a Des Moines-type supervised release project, whose proposed operation is described in Section IIIC below.

3. Centralized pretrial administration

The systems of pretrial administration in Philadelphia and Washington, D.C., suggest a third comparison. In both cities, program success seems due in part to the centralized, well-staffed organization which oversees pretrial release operations.

New Haven has an impressive array of useful components, but no central pretrial agency. It has a field citation system

administered by the police;¹ a stationhouse bail bond schedule similar to other cities; an ROR program administered by bail commissioners; an experimental pretrial diversion project inaugurated in 1972 under the New Haven Pretrial Services Council; a program to post bonds for detainees held on low bail, which is conducted by the Wider City Parish; and the Redirection Center operated at the jail by the Department of Correction.

This spectrum of release stages is broader than in most cities, but coordination among individual programs is lacking. Each agency makes its own decisions without much reference to, or feedback from, the others. The Pretrial Services Council, with one full-time employee serving as executive director and paid by LEAA funds under a grant from the Connecticut Planning Committee on Criminal Administration, might become a coordinating organization in time. To date, however, it lacks the authority, the administrative resources and the system overview found in Philadelphia and Washington. In such a setting, the Redirection Center is but one of many independent programs in what should be a unified pretrial system.

B. The Project: Initial Procedures and Problems

Against this background, the Redirection Center's operating problems in the early months can be analyzed. They fall into three principal categories: (1) processing delays, (2) fragmentation of staff specialties, and (3) an overwhelming pretrial

¹ See Berger, Police Field Citations in New Haven, 1972 Wisc. L. Rev. 382

imbalance in comparison with the incarceration of sentenced offenders.

1. Delay

Most detainees arrive at the New Haven jail in the afternoon. During the first five months of 1972, the jail's institutional counselor continued, as in the past, to make a new arrival's first telephone call to a relative, friend or bondsman the morning after arrival. He attempted to assist each detainee as best he could, given the severe limitations on the time of one counselor for 250 prisoners.

When the Redirection Center program began, a staff counselor was present at the initial interview and phone call. He would screen each detainee to determine if he was eligible for Center assistance. Eligibility during these early months simply meant that the detainee was in an awaiting-trial status and was not a federal prisoner.¹ A preliminary interview was undertaken to determine which Redirection staff specialist would be most appropriate to the detainee's problem (e.g. medical, education, employment). The detainee would be scheduled for a Redirection interview the following morning in the Center offices on the second floor of the jail.

From these initial procedures, several difficulties emerged. The Redirection staff ordinarily did not see the detainee at the Center until his third day in jail. Second,

¹ See Appendix I and part C of Appendix IV for further details on eligibility.

a number of interviews were delayed further when the detainee was returned to court on that day. And third, its time following interview was consumed trying to identify a helpful program for each detainee in advance of working for his pretrial release, and then waiting for the next court date to come due.

The foregoing factors meant that even the most fortunate Redirection clients spent considerable time in jail prior to release. A study was made of April 1972 to determine the time consumed prior to Center-assisted release. The results are shown in Appendix IIA. The average jail time for persons helped by the Center through an "own recognizance" release (R.O.R.) was 11 days. For a money bond release aided by the Center, the period was 8.6 days. For Center-assisted release by way of cases being "nolled" or dismissed, the average was 8.5 days. Future studies might seek comparative data from other Connecticut jails.

In part, these figures reflect procedural shortcomings in the criminal process in taking so long, at high detention costs, in the making of pretrial release decisions.^{1/} Decisions on release via R.O.R. or bond or dismissal are made by the police, bondsmen, bail commissioners and the court. The Redirection Center itself only makes recommendations. And as indicated in the discussion of the "imbalance ratio" below, the major deficiency in the process is that so many persons who should have been released prior to trial had to

^{1/} See generally Cummings, Pretrial Delays in the Sixth Circuit Court (1971, in Yale Law Library). The delay for releasees, of course, pales in comparison with the length of time many detainees spend in jail awaiting trial. A one-day sample in September 1972 showed the average stay to be 47 days; the median was 29 days; the range was 1 to 283 days. See Appendix IIB.

plead guilty or be convicted in order to regain their liberty.

2. Diffusion of staff specialties

The large number of pretrial detainees eligible for assistance, matched with a correspondingly small number of counselors, made it necessary for each staff member to devote his or her entire morning to intake work. The following table illustrates the number of clients involved for one month -- April, 1972:¹

TABLE I

| | |
|---|-----|
| New Admissions | 304 |
| Ineligible for Redirection Center | 110 |
| Sentenced | 100 |
| Federal Prisoner | 5 |
| Parole or Probation violator ² | 5 |
| Eligible for Redirection Center | 194 |
| Released Prior to Interview | 60 |
| Interviewed by Redirection Center | 134 |

Few persons were released after one interview.

Almost every man had to be seen on one or more subsequent subsequent afternoons for additional help. As a consequence, the referral of each new detainee from one specialist to another to assure that all needs were met -- a procedure implicit in the grant proposal -- never was a practical possibility.

¹ See Appendix IV for data on succeeding months in which the clientele increased.

² Alleged probation and parole violators were excluded for a brief period, but subsequently were made eligible for Redirection Center assistance.

At the same time, since each detainee's problems seemed multiple in character, the chances for pure specialty work by each staff person were remote. For example, during June and July, each new detainee was asked by a Center secretary a series of pre-interview questions. 150 sets of responses were tabulated.¹ Recognizing that some responses may be incorrect, the following table nevertheless suggests the types and extent of social problems with which a pretrial jail staff must deal:

TABLE II²

| | <u>% Yes</u> | <u>% No</u> |
|---|--------------|-------------|
| Do you use drugs? | 24 | 76 |
| Were you employed at the time of your arrest? | 40 | 60 |
| Were you collecting unemployment or welfare at the time of your arrest? | 24 | 76 |
| Do you have any immediate medical problems? | 24 | 76 |
| Do you have any psychiatric problems? | 8 | 92 |
| Have you attended school within the last year? | 10 | 90 |

To cope with the burden imposed by multiple problems and excessive detainees, a practice developed during the Center's early months for each staff member, regardless of specialty, to retain control and follow-up responsibility over all cases originally routed

¹ The first 150 complete answer sheets of an approximate total of 300 were included in the sample. Questionnaires which were incomplete due to administrative error were not counted.

² See Appendix III for further data. Unemployment appears to be a serious problem, although the reasons for it are unclear and should be pursued in the next stage. Redirection has referred detainees to various employment and training agencies, such as Opportunities Industrialization Center (OIC) and the Division of Vocational Rehabilitation (DVR). But these agencies are themselves referral organizations, often bogged down in red tape and waiting lists. The desirability of including an employment counselor and a vocational given serious consideration.

to him or her. Specialties thus became subordinated to the need to process the full caseload.

3. Imbalance ratio: detention vs. imprisonment

Of the many paradoxes which beset the criminal justice system, few surpass the strange picture of judges and jailers imprisoning more accused offenders before their trials than after conviction, and releasing many if not most detainees as soon as they plead guilty.

This phenomenon, which turns justice upside down, is not unique to Connecticut. No jurisdiction we know of avoids it. At least on the record, few systems even appear to be aware of it. Hardly any are compiling statistics or otherwise taking steps to analyze and remedy it by reexamining the underlying decision-making processes: the bases for pretrial detention; the bases for postconviction imprisonment; and the reasons for perpetuating the odd imbalance between the two.

This section of the report briefly begins such an analysis, though further research clearly will be needed before a realignment of pretrial and posttrial detention decisions, and their costly implications for jail construction and for justice, can be expected.

The problem of adjusting the responsibilities and procedures of the small staff of Redirection specialists to meet the needs of a continuously large population of pretrial detainees created substantial program tensions during the Center's developmental stage. The extent to which the pretrial detention population was unnecessarily large and could be reduced, or the Center staff was unduly small and could be redeployed, or the goals of the Center were too diffuse and could be more narrowly focused, became a complex set of issues that called for early resolution.

In order to place in perspective the magnitude of the detention population, some rough measurements were recorded for pretrial detainees in Connecticut as a whole, and for the New Haven jail in particular. The research team undertook to examine the relationship between (1) the number of pretrial detainees who were ultimately convicted and sentenced to post-conviction custody, and (2) the total of all pretrial detainees, irrespective of how long detained, whether or not convicted, and whether or how released. Data to measure the first category was found to be currently unavailable in Connecticut. Therefore, a substitute figure -- the total number of offenders admitted to correctional institutions after conviction -- was used.

The resulting analysis, with all its acknowledged imperfections, suggests three interconnected conclusions: (a) that the overwhelming majority of persons who are incarcerated in Connecticut at all are jailed only prior to the trial or other disposition of the charges against them; (b) that most people who spend time in a pretrial jail are released no later than the stage at which the guilty among them are convicted and sentenced; and (c) that judges are more likely to release a defendant who has just been convicted than one who enters jail only because he could not raise pretrial bail. In other words, determined guilt rather than presumed innocence appears to offer a more likely road to release from custody in Connecticut.

The facts which lead to these conclusions come from a variety of sources. The Research Division of the Department of Correction began in January 1972 to report monthly admissions to (A) the accused population and (B) the sentenced population in Connecticut, broken down for each community correctional facility and each postconviction institution in the State. If analysis were to show that the admissions to both populations were equal,

the number (A-B), and hence the proportion $(A-B)/(A)$, both of which are approximate measures of pretrial detainees who did not subsequently enter the sentenced population, would be zero.

The proportion $(A-B)/(A)$ is defined here as the "imbalance ratio." A ratio close to zero would indicate that comparatively few people who are jailed prior to trial are later released upon conviction. If, on the other hand, a significant portion of pretrial detainees were released prior to trial or at sentencing, the imbalance ratio $(A-B)/(A)$ would be a high fraction and percentage. As explained below, the imbalance ratio is a useful indicator, but is not an accurate measure of unnecessary detention all by itself.

Data for incarceration in Connecticut during the first four months of 1972 revealed the following:

| Table III Admissions to Connecticut Institutions ^{1/} | | | | |
|---|------|------|------|-------|
| | Jan. | Feb. | Mar. | April |
| Total Accused Population | | | | |
| Entering Detention (A) | 1868 | 1852 | 1745 | 1708 |
| Total Convicted Offenders | | | | |
| Entering Sentenced | | | | |
| Population (B) | 556 | 553 | 569 | 545 |
| Imbalance Ratio: $(A-B)/(A)$ | 70% | 70% | 67% | 68% |

^{1/} The totals in this table are inflated to an as yet indeterminable degree. This is due to difficulties of data collection encountered by the Department of Correction. Whenever an accused or sentenced detainee is taken to court and is thereafter returned to jail, he is said to be counted as a new admission. Thus, one prisoner may represent several admissions during a single month's statistics. An additional distortion is created by including all imprisoned convicts in (B) rather than only those who entered prison

These gross figures suggest that nearly 70% of all persons who spend some time in jail prior to trial serve no time in custody after disposition of their cases.

No individual case analysis of the imbalance between pretrial and postconviction imprisonment in Connecticut has been the subject of official study. A sample analysis, however, was made of detainee cases which passed through the jail and courts in New Haven during the early days of the Redirection Center. The final dispositions of 83 cases which originated during April 1972 were examined. Table IV shows the results.^{2/}

Table IV
April 1972 New Haven Pretrial Detainees^{3/}

| | |
|----------------------------|-----|
| Total Sample (A) | 83 |
| Detainees Sentenced to | |
| Serve Time (B) | 24 |
| Detainees Not Sentenced to | |
| Serve Time After Sentence, | |
| i.e. Released At or Be- | |
| fore Disposition (A-B) | 59 |
| Imbalance Ratio (A-B)/A | 71% |

^{1/} after being detained prior to trial. While further research, or a revised counting system, is needed to determine the extent to which such inflation proportionately or disproportionately distorts the accused and sentenced populations, the different method used to compile the data in Table IV suggests that the distortion is small.

^{2/} Table IV might be termed an April subsample. A number of April cases had to be excluded from the computations because they had not been disposed of at the conclusion of the initial study. Further analysis in the next Redirection Center report should include a larger sample of the pretrial population, and should compute the length and cost of time in jail for those who, by being released at or prior to conviction, became part of the imbalance.

^{3/} Two important problems associated with these data should be noted. First, the Sixth Circuit daily court docket, from which most of this information was collected, is not considered an "official source" and

If despite their imperfections Tables III and IV are accurate indicators of the pretrial and sentencing processes, the New Haven sample would confirm the imbalance of statewide incarceration data as a whole. Confirmation seems likely since the imbalance in statewide admissions to pretrial and post-trial incarceration (Table III) and in local dispositions of detainee cases (Table IV) arrive at approximately the same ratio. These data strongly suggest that a large majority of pretrial detention in New Haven and in Connecticut as a whole is unnecessary, in the sense that judges release most accused detainees when their trial or plea bargain has been completed, if not sooner.

The definition of "necessary" detention, however, requires careful scrutiny. It is taken from a comparison of the actions of judges at the two ends of the court role in criminal cases. The initial judicial decision is called bail. It may result in either pretrial detention or pretrial release. Some pretrial detention decisions eventually lead to the posting of bail; others are later reviewed and bail is reduced; still others are followed by dismissal of the case and release.

The concluding judicial decision is called sentencing. In it, the judge determines whether those accused persons who are ultimately convicted are to be committed to a term of imprisonment, or to be released on a fine, a suspended sentence, or under the supervision of a probation officer. If the imbalance ratio computed above is an accurate guide, and if the enormous discrepancy is not accounted for by a need to jail so many pretrial defendants solely in order to guarantee their presence at trial, Connecticut judges would seem to be saying that in only 30% of all detention cases did the unbailed defendant really require jailing at all.

^{3/} may thus contain errors and omissions. To compound the difficulty, there was at the time of this study no official source available at the Sixth Circuit Court, except each defendant's individual file. Court personnel in New Haven treated that file as confidential and usually unavailable for research, even when the researcher sought only to gather anonymous, quantitative information.

A second problem results from a Connecticut statute -- Title 54, Section 90. Under its provisions, set out in Appendix VI, if a defendant is found not guilty, or if his case is dismissed, all information about the case must be erased from his record, and from the unofficial court docket as well. A blank space after a defendant's name on the docket, however, may indicate either a continuance or an erased disposition. This uncertainty compels the researcher to exclude each such defendant completely from the study.

But a number of questions concerning the validity of the imbalance ratio warrant analysis. Some tend to justify the imbalance, i.e. to support the validity of pretrial detention without regard to whether the detainee is later convicted and committed to serve a sentence. The classic illustration, of course, concerns the purpose of bail in the first place: to assure that the arrested person, if released, will show up for trial. Other questions tend to suggest the opposite, i.e. that the imbalance is not justifiable, and may even be larger than 70%.

The situations which might justify, or be argued as justifying, a system in maintaining an imbalance include:

- an accused's prior record of escape from custody, or of bail jumping, or of background factors indicating unreliability to appear in court as required;
- a charge of serious crime, based on substantial evidence, conviction of which is likely to subject the accused to a long prison sentence, and therefore to increase the likelihood he will flee before trial;^{4/}
- a case in which the judge released a pretrial detainee after conviction solely because the time in detention equalled the prison sentence imposed;
- cases in which the failure to impose a prison term might be argued as demonstrating an inadequate sentence rather than excessive pretrial detention;

^{4/} Except in the District of Columbia, under Public Law 91-358 (1970), the denial of bail cannot ordinarily be predicated on a judge's finding that the accused is a dangerous person whose release pending trial would jeopardize the safety of the community. The statute's constitutionality has been challenged, but not yet resolved, while its usefulness has been seriously questioned. See Bases and MacDonald, Preventive Detention in the District of Columbia: The First Ten Months (Vera Institute and Georgetown Institute, 1972).

- cases in which the accused was detained pending trial on a new charge because he was already serving a sentence, or had been arrested while on release, on probation, or parole, under a previous conviction.

Conversely, two major factors suggest that the excessiveness of pretrial over post-trial detention is not a product of justifiable considerations, and is probably understated in the 70% imbalance computation. First, the money bail system notoriously predicates pretrial incarceration on an accused's financial inability, rather than on a court's candid and careful assessment of

information showing a legitimate need for, and no reasonable alternative to, detention. Pretrial detention usually results from an indirect, money-phrased (e.g. "\$100 bail" or "\$5,000 bail") judicial order, whereas post-conviction imprisonment is more typically the product of an informed and purposeful decision to deprive the defendant of his liberty.

Second, many pretrial detainees are ultimately convicted, and/or are thereafter sentenced to imprisonment rather than to probation, largely because the outcome of their cases, or the severity of their ensuing sentences, was adversely influenced by their previous detention.^{5/}

Finally, the validity of the one category most frequently asserted to justify the imbalance is in serious doubt: sentences which are commuted to time served prior to trial do not thereby demonstrate that the pretrial detention was appropriate. They do not show that a prison sentence would have

^{5/} See Rankin, The Effects of Pretrial Detention, 39 N.Y.U. L.Rev. 641 (1964); and Plaintiff's Memorandum in John Bellamy et al v. Judges and Justices Authorized to Set Bail in N.Y. City Criminal Court and the N.Y. State Supreme Court in N.Y. County, et al. (N.Y. Sup. Ct., App. Div., First Dept., March 1972), prepared by the Legal Aid Society of New York.

been imposed, or would have been proper, if the same person had been free pending trial, or had a job, or otherwise remained out of trouble. Such sentences do not show that pretrial time in detention fairly serves any of the purposes of the criminal law which may be appropriate if equivalent time were served after conviction -- e.g. punishment, rehabilitation, prevention, deterrence, respect for law. In fact, the uncertainty and tensions of pretrial jails, their overburdened facilities and their nonexistent programs are almost universally condemned by the same professionals who administer post-conviction prisons for punishment and correction. The credit against sentence for time spent in pretrial custody is a useful bookkeeping transaction, but it seldom compensates the defendant, the community or the legitimate objectives of the criminal law.

Further research, to be sure, is needed to assess the significance of the conflicting factors which go into verifying, or modifying, the 70% imbalance ratio.^{6/} The imbalance is seriously aggravated by the long periods over which detainees are held in New Haven, and in other places of detention, and the

large numbers of individuals who enter the city jail each year. See Appendix IIB. Projecting the four-month pretrial population, April-July 1972, shown in Department of Correction reports, Appendix IVC, pretrial admissions in New Haven were running at a rate of 2,430 persons annually. If 70% accurately represents the rate of eventual release without a prison sentence, upwards of 1,700 persons may be serving pretrial time each year in this one city, at staggering costs, without justification in economics, or law, or rational public policy.

^{6/}

Two recent unpublished studies of pretrial detention of women at the Connecticut Correctional Institution in Niantic tend to confirm the existence of a substantial imbalance ratio. See Nancy Rogers, Classification in Pretrial Detention: A Study of Disciplinary Rules in a Pretrial Institution for Women (Yale Law Library, 1971) and Annette Wheeler, The "Dubious Interval": Pretrial Detention of Women in Connecticut -- Criticism and Recommendations (Yale Law Library, 1973).

C. Reorientation

1. Emphasis on release

By late Spring, it became evident to most staff members and the research team that the volume of detainees continuously entering the jail precluded the Re-direction Center from simultaneously performing, on a quality basis, its intended pretrial release and pretrial rehabilitation services. The slow processing of new admittees meant that releases took too long; staff members were unable to concentrate on their professional specialties; and pretrial detention continued to overbalance conviction as the major cause of incarceration in New Haven.

The frustrations of the staff, together with observations and suggestions of the researchers, led to a key

project decision in early June: to alter the dual mission of the Redirection Center in favor of priority for early pretrial release and reduction of the jail population. The move was undertaken with the goal of developing release techniques that could stabilize the detainee population at a lower level: high risk persons for whom adequate conditions of pretrial release were unavailable. At that point, the Center staff might be able to deliver counselling and supportive services to more manageable numbers of detainees. This goal would become particularly feasible if the earlier stages of the bail system - police, bail commissioners, judges - would be able to expand their release rates by employing Redirection techniques to avoid sending so many arrested persons unnecessarily to jail.

On June 6, intake procedures were modified so that the Redirection staff could interview most accused persons the morning after their arrival in jail. The jail's regular counselor was by-passed and each detainee's first phone call was made by a Redirection counselor instead. As indicated in Appendix IV, Table C, these procedures resulted in an increase in both the number and proportion of detainees interviewed at the Center. The fact that Redirection counselors could make more calls, sooner, and without the discontinuities inherent in the prior system, appeared to expedite release for some men. Two other organizational changes--the supervised release program detailed in part 2 below, and the staff reorganization into referral teams described in

part 3--were intended to increase further the pretrial release potential of the Center.

It is clear that no quantitative evaluation of the Center's effectiveness has been possible to date, and would be premature so early in pilot project development. The terms used in records to describe its work include "phone call being made," "efforts being made in court," and "efforts at treatment." Whether any such efforts ultimately proved decisive, or meaningless, or somewhere in between, has so far been beyond the ability both of the project and any researcher to determine in more than a handful of cases.

Appendix I illustrates an effort at counting. It suggests that only a small number of detainees were measurably aided by the Center in securing pretrial release or a better disposition of the case. It does not reflect intangible factors: e.g. release efforts that failed because of lack of cooperation by other criminal justice agencies; successes that were not adequately recorded; possible improvements in inmate morale;¹ the development of new release techniques based on earlier setbacks. Improved data collection methods would permit more accurate analysis in the future. The research team also believes that a sharper program focus on early release of detainees,² and in any event a clearer set of agreed upon standards by which to measure program accomplishment, are essential.

¹/This study made no attempt to measure the level of inmate "morale." There was no data from any period, prior to the Redirection program, against which a comparative finding could be based. Some staff people said that some jail personnel thought the atmosphere was improved; most discussions of the subject seemed simply too vague and subjective to be worth pursuing.

²/The current Director and several staff members disagree with this emphasis. They believe it demonstrates a basic difference in philosophy between neutral observers of a criminal justice system and the Department of Corrections.

2. Supervised release

31.

Almost from the outset, the Redirection staff noted a reluctance on the part of the court system to accept the Center's release recommendations. The recommendations almost invariably took the form of requests for R.O.R. or bail reduction. A central reason for the low batting average was the fact that all detainees for whom the Center made recommendations had been before the court at least once before for bail setting, and had not been released. By definition, the Center's clientele were already system rejects.

In an effort to overcome this attitude, the project decided it needed to demonstrate to the courts that it was an expert in the techniques of pretrial release. Reflection on its caseload disclosed that release recommendations were being made for two rather distinct groups of men: (1) those seemingly detained due to errors in the system (i.e. bail set on the basis of inaccurate or inadequate information) and (2) those who appeared to be high risks at bail setting on the basis of all available information.

The experience of other jurisdictions with better bail information systems, and with release options in between outright release (R.O.R. or bond) and maximum security detention, was examined. The research team arranged visits by the director of Philadelphia's pretrial program to New Haven, and by New Haven representatives to Philadelphia and Washington. Out of this experience and that of similar programs in Des Moines and New York City, came the design for a supervised release program to be based at the Redirection Center.

32.

The staff proceeded on the hypothesis that expanded knowledge of the defendant and his background, coupled with the prospect of post-release supervision, might alleviate court concern about releasing many detainees. The staff plan, however, called for inclusion of both the "erroneous" detainees and the "high risks." If only the high risks were offered supervision, it was anticipated, the low risks might be prejudiced by their exclusion. And if high risks were the sole participants in a program about which the courts were skeptical, a recommendation for supervisory release might turn out to be a disadvantage to its subject. The staff, therefore, decided that both groups of system rejects should be recommended similarly, with the levels of proposed supervision to vary according to the circumstances. Great importance was attached to careful interviewing and verification of pertinent information for the entire clientele.

By mid-summer, the supervised release program seemed to be well on the way to becoming a permanent part of the Redirection Center. Authority for the program to operate in Circuit Court was predicated on Chief Judge Daly's 1971 bail memorandum to all Circuit Judges. It interpreted Connecticut bail statutes to authorize pre-trial release under the supervision of third parties, or with restrictions on travel, association and place of abode, as well as the more conventional bonds and recognizance. Appendix V. Basic to implementation of the program was a detailed interview form, developed through many drafts by the staff and the research team, and based on the experience of programs elsewhere. It is reproduced in Appendix VII.

Supervision was contemplated under a Redirection staff member, a community organization or a private individual approved by the Center and the court. Supervision at the outset was to consist of phone calls and personal visits, with a minimum of two contacts per week. Other supervision programs, embracing job training, counseling, medical care, etc., were expected to be developed.

Built into the supervised release program was an opportunity for more accurate measures of Redirection Center success. To accommodate the new program, the information systems at the Center were modified and expanded, with two major objectives in mind. First, a display panel of cards corresponding to each detainee and his date of entrance was established so that attention could be focused on persons who had been in custody for the longest time. Once release was granted to a detainee, his card would be transferred to a second display panel where his progress through the pretrial process would be monitored.

Second, the card system consolidated all pertinent information on each detainee. Specific questions on individual status could be more easily answered, and necessary statistics could be more conveniently compiled. For the supervised release program, data will be assembled on the number of detainees released under the Center's supervision, and their appearance and default rates in meeting assigned court dates. The program's ultimate

goals in measuring success will be (1) to increase pretrial release, (2) to maintain a low default rate, (3) to maintain a low rate of crime committed while awaiting trial, (4) to influence more favorable case adjudications and (5) to provide alternatives to incarceration at sentencing.

3. Staff reorganization

In conjunction with the supervised release program, a reorganization of staff functions was undertaken. The specialization envisioned at the outset for each member had proven unworkable. All were handling a wide variety of cases, feeling a deep sense of responsibility for each individual case but not for the broader problems they illustrated.

For example, each counselor had a number of drug cases which were handled on an ad hoc basis. No one assumed responsibility for looking at the patterns which emerged from drug cases, for devising policies and procedures to deal with different inmate profiles, or for overseeing the assembly of resources to make drug referrals workable. If a team of counselors had been placed in charge of all drug cases, on the other hand, they would inevitably begin to face program issues -- as well as individual issues -- which might lead to systemic improvements. If each counselor were assigned accountability in a particular problem area, a better sense of direction in their work, and greater effectiveness, might result.

With these possibilities in mind, the staff began the process of organizing into levels or teams. The descriptions here were valid as of September 1, the end of the period covered by this report.

Immediate release team. Headed by Michalah Bracken, this team was to interview all men with low bonds. Those able to secure release on their own were to be left alone. The rest were to receive appropriate assistance, with the team deciding which of those who appeared unlikely to be released R.O.R. or on bond should be recommended for supervised release. The team was to remain responsible for all detainees who, on its recommendation, were released by the court under supervision.

Drug and alcohol team. With Tom Killebrew in charge, this group was to interview detainees charged with drug offenses or intoxication, or who were drug users. It would recommend release under appropriate supervision or into willing programs, and keep track of persons so released.

Court representation team. This team led by Daniel Ryan, the Center attorney, and including any volunteer help, was to serve as the Center's liaison with judges, prosecutors, defenders, and other criminal process agencies. It would present the various team requests for supervised release to the courts.

High-bond detainee team. Consisting mainly of Ceferino Velez and Donald Lee, this team was to deal on an ad hoc basis with men not taken by other teams. One of their tasks would be quite difficult -- to secure supervised release for nondrug defendants on high bond. The second task would be to furnish counselling and services to all detainees not released. Therefore,

also included on this team would be members of the "second level team" identified in the grant application -- the consulting psychiatrist, the part-time physician, and the dental technician.

D. Leadership

The quality of leadership is important to the effective operation of the Redirection Center at two separate levels. The first is that of the director of the Center. The second concerns leadership at positions above the Center director in the hierarchy of the Department of Correction.

Leadership in any organization affects internal as well as external relationships. Inside the Center, it influences staff morale and organizational vitality. Outside, it can generate favorable responses to the program from the many important groups and individuals with whom it comes into contact, particularly those who make decisions or can provide resources.

The attempts of the first Director, John Dufficy, to provide internal leadership were hampered by several circumstances. The Redirection Center was placed physically in a jail which had been in operation since 1857. During that period, the institution functioned for the principal purpose of maintaining order and security. The Warden was master of the ship. The arrival of the new Center on the Warden's premises brought a new staff, a new Director, and a set of quite different purposes: to influence the

release of prisoners from the jail and assist their contacts with the community. The precise relationship of the Center to the jail and its traditional security mission and leadership structure was not defined, and it proved difficult to clarify. Much of the Director's time was spent trying to clarify that relationship.

As a result, the Center suffered in both of the respects listed above. Externally, the Director was unable vigorously to seek out and establish productive contacts with community resources. Most contacts seemed to result from the individual efforts of staff members. Internally, morale lagged as staff members found their leadership lacking, experienced increasing tensions between jail staff and Redirection staff, and as a result grew increasingly unsure of their positions within the institution. They became discouraged by their low effectiveness in dealing with the outside world--the court and the community.^{1/}

Those in positions above the Director were troubled by the same picture, but they appeared reluctant in the early months to intervene in the growing tensions between the Center and the jail. Redirection personnel interpreted this as a lack of Departmental leadership, feeling that they had been told to "sink or swim." Whether or not their perception was correct, the low morale it engendered became a compelling reason by early summer for increased dialogue between the Department in Hartford and the staff of the Center.

^{1/} Some staff members reported later, when the initial version of this report was being discussed, that they felt the research team had attempted to impose its own sense of program goals on the staff.

Externally, officials in higher positions appeared not to be making sufficient contact with the courts and other components of the criminal justice system. Redirection personnel came to feel that other important elements in the system, particularly judges and prosecutors, did not attribute to the Center the same importance or seriousness of purpose which they did attribute to the parent Department of Correction. The low visibility of tangible accomplishments at the Center tended to reinforce this difficulty.

During the summer, Mr. Dufficy resigned as Director and was replaced on an acting basis by Don Lee. Mr. Lee began by working on the streamlining of intake procedures, and the development of the team structure and the supervised release program. By the end of August, staff morale appeared to be on the rise. The anticipated establishment of closer ties with outside organizations, and a potential for larger impact on pretrial decisionmaking, seemed likely to promote a new sense of mission for the Center.

E. Medical Services

The medical services offered by the Redirection Center between January and August were not evaluated. No one questioned the importance of augmenting the inadequate medical services at the jail. Observers were unable to gauge the effectiveness of the incremental services being provided under the grant.

The part-time Redirection doctor saw detainees only upstairs, where no medicine was allowed. He was able to diagnose,

but unable to treat, the high caseload of detainees who came to him. Once he saw a man, he referred him to the one other part-time doctor who constituted the "regular" institutional medical staff (including a male nurse and medical aides). Whether a single full-time doctor to diagnose and treat detainees would be preferable to adding a part-time referral doctor was a question the observers asked but could not answer.

One other question was how such services fit within the innovative purposes of the Redirection Center, since they did not appear to go beyond the standard health care any institution ought to provide its clients as a matter of course. This question goes not to whether more and better medical services are needed, but to whether they ought quickly become a permanent part of the New Haven Community Correctional Center. Our sense was that the Department of Correction shared that goal.

F. Relations with the custodial staff

A certain amount of friction is to be expected whenever a reform-oriented, well-publicized new organization is inserted inside a traditional institution. This is particularly true when a need exists to coordinate the practices, procedures and personnel of the old and the new.

The relations between the staffs of the Redirection Center and the jail have been no exception. The new staff complained early about the uncooperativeness of some custodial personnel, and the many restrictions imposed upon Center procedures by those of the jail. At

the same time, complaints from the custodial staff centered on their concern for the Redirection Center's lack of concern for security problems.

The conflict was almost inherent in the differing orientation of each group. One was looking inward, the other outward. For the jail, security and housekeeping procedures are fundamental. For the Center, those procedures are seen as inconveniences, since almost any restrictions on its interviews, phone calls and counseling compound the difficulty of dealing with a heavy caseload.

Procedures that caused complaints are illustrated by the following:

1. Representatives from community agencies wishing to visit the Redirection Center often had great difficulty securing admission to the jail. Advance approval by the Warden was required for each visitor.
2. Interviewing time during each day was sharply limited:
 - a. On the visiting day for each wing of the jail, no interviews were permitted with wing inmates;
 - b. Interviews were delayed on mornings when cell inspections overlapped Redirection Center time;
 - c. Detainees scheduled for interview on a laundry exchange day were forced to choose between the interview and a clean set of clothes;
 - d. Detainees who came to the Center for an interview might miss a scheduled dose of medication, which would not be administered at any other time;

e. Detainees were not permitted at the Redirection Center between 11:15 a.m., when they had to go downstairs for the count before lunch, and 1:30 p.m. when they could return. Afternoon interviews had to be concluded by 3:15 p.m., when detainees were taken downstairs for the 3:30 count.

3. Each detainee who wanted to come upstairs to the Redirection Center needed the prior approval of the supervising captain. While approval was often routine, confusion developed when the officer misunderstood schedules at the Redirection Center (such as believing that drug group members were not allowed up because the group had been phased out, when in fact it had not), or thought that certain groups of men upstairs might constitute a security risk.

4. The "face sheets" that accompanied detainees upstairs for their first morning interview were filled out by sentenced inmates in the Admittance and Processing area the night before. They often contained mistakes on questions relating to "offense," "counts," and "bond," thereby compelling Redirection personnel to waste time tracking down accurate information.

During the first eight months, a number of incidents strained both organizational and personal relationships in the two institutions. By the end of summer, however, it appeared as if much of the friction was subsiding, and procedures to accommodate both perspectives were being evolved.

IV. Relations with Other Criminal Justice Agencies

During the first eight months, the Redirection Center became familiar with the workings of the courts and other criminal process agencies. A number of detainees came from courts in Waterbury, Meriden and several other cities, but the great majority of Redirection Center clients were within the jurisdiction of the New Haven courts. The observations in this section are derived principally from experience with law enforcement agencies, community organizations, and the Sixth Circuit Court and the Superior Court, all in New Haven.

A. Bail Commissioners

Chief Bail Commissioner Thomas P. O'Rourke was consulted at the beginning of the Redirection program and indicated his support for it. During the early months, the Redirection Center attorney, Daniel Ryan, made recommendations regarding release of detainees through a bail commissioner. Later, he found it more effective to deal directly with prosecutors, since their opinions were usually determinative in bail matters.

The staff originally anticipated that the Center would request ROR's for those few detainees whose bail was set at their initial court appearance without having previously seen a bail commissioner. However, as mentioned earlier, a surprising 86% of the men in jail interviewed by the Center during June and July 1972 said they had not seen a bail commissioner. Since a commissioner is required under

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Connecticut law to be "available at all times"¹ in the circuit courts, this statistic is difficult to explain. A major effort needs to be made in the coming months to verify the assertions of detainees that they have not seen a bail commissioner, and, if necessary, to develop more efficient bail procedures.

B. Bondsmen

Redirection Center personnel who go to court to assist detainees have received some cooperation from bondsmen who were persuaded in particular cases not to require collateral.² For most detainees, however, and especially those who can afford the bond premium, collateral may be the key to pretrial freedom they do not possess. For them, as well as for those who have collateral yet are denied release by bondsmen unwilling to take the financial risks, the injustice of the present bonding system is painfully obvious. Judicial decisions regarding release are being delegated to commercial interests, whose refusals to sell bonds effectively frustrate the purposes of bail.

Redirection staff members complained about the uncooperativeness and unreliability of some bondsmen. For example, bondsmen would rarely post bond for detainees whose bail was set at less than

¹ See 54 Conn. Gen. Stat. Sec. 63b.

² Collateral refers to goods or property that will be forfeited to the bondsman if the defendant does not appear on his court date. The amount of such goods or property required by a bondsman corresponds to the amount of the total bond which the bondsman will be required to pay to the court in the event a failure to appear results in bond forfeiture.

\$300, believing it not worthwhile to make the trip to jail for the \$20 premium. Bondsmen also failed to return phone calls, or promised to come to the jail but failed to appear. Recognizing that bail bondsmen in the past helped many defendants gain pretrial release that would otherwise have been impossible, the Redirection staff nevertheless began to question the social value and appropriateness to a justice system of maintaining money-based bail bonds for persons who could not buy them. Because of such observations, several Redirection staff members became interested in the 10% cash deposit systems in other jurisdictions,¹ and the possibility that New Haven might institute a program similar to those now found in Hartford, Philadelphia, Chicago, and some federal courts.

C. Wider City Parish Low Bond Program

The Center worked with the Reverend Tom Scott and the program his Wider City Parish instituted, with grants from the New Haven Foundation and others, to aid defendants ignored by regular bondsmen. Redirection makes recommendations to Reverend Scott and his staff to see individuals with low bonds. If the recommendations are accepted, Reverend Scott posts their bond. In the beginning no fee was required, although Reverend Scott sought as much of the allowable

¹ A 10% deposit program allows a defendant for whom bail is set to post 10% of the bail amount with the court and gain release. The person is liable for the remaining 90% if he fails to appear for his next court date. If the defendant does appear, all or most of the 10% is refunded to him. In this system, not only is the necessity for bondsmen substantially eliminated, but, court can actually generate funds to pay for the program by retaining a small fraction of each deposit.

premium as a defendant could afford, to enable his bail fund to grow. For some defendants, Reverend Scott occasionally required a co-signer on the bond forfeiture agreements, but no collateral.

An important feature of the Wider City Parish program has been Reverend Scott's supervision of releasees. This is accomplished by maintaining telephone and some personal contact with each client. Because he sometimes reached the limit of his bonding authority and had to suspend activity for a while, the research team suggested to Reverend Scott that he explore the court's willingness to accept non-surety bonds in selected cases. The purpose would be to allow more efficient use of his capital with no reduction in the very high court appearance rate he has reported. In the coming months, we intend to assist Reverend Scott in trying to develop criteria and procedures to implement the suggestion by identifying those low bond detainees for whom release in the custody of the Wider City Parish program without requiring the posting of a surety bond might satisfy the courts.

D. Pretrial Services Council's Diversion Project

This project was launched in May 1972 to seek diversion from the criminal process of minor offenders who were unemployed or underemployed at the time of arrest. Diversion staff members interview eligible detainees in a pre-court lock-up and recommend, in selected cases, the prosecution be continued for 90 days while the person enters a job training program.

At the end of the reporting period, diversion was having a minimal effect on the Redirection Center, assisting an average of perhaps two to three men per week who might otherwise have ended up in jail.¹ Those diverted appear to have been prime candidates for Redirection Center release. In the months ahead, the goals and procedures of the Diversion and Redirection programs need to be coordinated so that they can make referrals to one another, and their impact and efficiency can be maximized.

E. Drug Programs

NARCO and Daytop screeners use Redirection Center facilities to interview prospective candidates for their drug programs. They will offer to accept into their programs detainees who pass their screening interviews and for whom they have space. However, despite efforts by the Redirection Center, it has almost always been necessary for the detainee to plead guilty, or to secure pretrial release on his own, before being admitted to a drug program. This had largely been due to the reluctance of prosecutors and judges to release drug addicts pending trial.

A widespread feeling prevails among prosecutors, judges and some treatment people that the imposition of a sentence with its ever present threat of an immediate prison term is more useful in inducing successful participation in drug treatment than is the threat of prosecution in the future. No empirical evidence has

¹/For a full report on the diversion project at the end of its first year, see Freed, deGrazia and Loh, The New Haven Pretrial Diversion Program -- A Preliminary Evaluation (Report to New Haven Pretrial Services Council, 1973).

been presented to date to support that feeling. Efforts are currently being made to reopen the question so that drug programs might be available, via court referrals, to persons who would otherwise remain pretrial detainees.

F. Clerks

To keep current on their individual cases, and to measure the impact of their efforts, Redirection staff members must know what happens to detainees who go to court and then fail to return to the jail. The information is of critical importance in following defendants through the criminal process, in studying the relationship between the disposition of cases and the fact of pretrial detention, and in attempting to overcome the imbalance discussed earlier between pretrial and post-conviction incarceration.

In most Connecticut courts except the Sixth Circuit, there appears to be little difficulty in securing this information. The office of the Court Clerk will furnish it to any Redirection Center staff member who calls. The Sixth Circuit clerk's office has a different practice. It refuses to disclose such information over the telephone. It limits personal visits by representatives of the Redirection Center to two brief periods each week -- late Thursday or Friday afternoon. And it stresses the fact that its court information is neither complete nor official.¹

¹ See footnote 1, page 25.

This difficulty in obtaining data is costly, for it ties up Redirection staff time which might otherwise be spent helping detainees at the Center. But the problem of access to full and reliable criminal process information cannot be solved simply by altering the Sixth Circuit Clerk's policy. The incompleteness of his disposition records is due in part to Connecticut's erasure statute (Appendix VI). The partial confidentiality of files flows from a general policy statement governing the "examination of court records in criminal cases," issued by the Chief Clerk in July 1969 in Memorandum No. 9-69. In addition, the Sixth Circuit office is tremendously overburdened with responsibilities for which it lacks sufficient staff. The arrival of visitors, official or otherwise, to examine its records only adds to that burden. Perhaps one key to solving the problem of adequate records and data gathering in the Sixth Circuit lies in allocating new funds with which the Clerk can employ additional staff help.

G. Prosecutors

The Redirection Center has had its most productive contact with the prosecutor's office in the Sixth Circuit. More than anything else, this has been due to the receptivity of Paul Foti, chief prosecutor, both to reasonable recommendations for alternatives to

jail and to reversing the refusal of subordinates to consider such options. It probably also reflects the fact that public defenders in the Sixth Circuit are unable to afford as much time as in less busy circuits discussing a particular case with the prosecutor. The Redirection staff can thus play a particularly important role in the Sixth Circuit.

In the Superior Court and other circuits, Redirection personnel rarely speak to prosecutors outside the courtroom. Instead, their efforts are funnelled exclusively through the detainee's attorney.

The restructuring of the staff described earlier should enable the Redirection attorney to spend more time in the various courts, working more closely with prosecutors than at present. A primary reason for seeking to improve these relationships is the barrier to early release imposed by the unwillingness of "the system" to bring the pretrial detainee back to court as soon as a release recommendation can be made.

H. Judges

The Circuit Court practice of rotating its 43 judges among the 18 circuits every three months presents both difficulties and opportunities for the Redirection Center's relations with the court system. If the Center program proves successful, the rotation policy may lead many more judges to support similar

programs elsewhere in the State. At the same time, rotation produces a need for continuing education of the bench.

As each new judge arrives in a circuit in which the Redirection Center is active, the Center's effectiveness in individual cases may depend on his awareness of its function and its reliability. Although discussed internally at the outset of the program, no regular procedures have yet been developed to explain to a new judge what the Center is, what goals it is trying to achieve, and how it operates. Nor is there yet any feedback to the Court on the contrast between its bail decisions which produce detention and its sentencing decisions which produce release. A major effort should be made by the Center or the Department of Correction to familiarize incoming judges with the role, procedures and importance of the Redirection Center experiment.^{1/}

^{1/} The chief prosecutor in the Sixth Circuit indicates that at one time the judges assigned in this circuit for a three-month period were invited as a group to visit the jail. He suggested that the Redirection Center and the Warden revive this practice each December, March, June and September.

V. Conclusions and Recommendations

A. Summary of Findings

The first eight months of the Redirection Center have been a period of learning and transition. While an assessment of its impact is premature, the organization has developed a rather significant potential for inducing major changes in the months ahead. A number of impressions were formed in this study.

The Center does not seem appreciably to have altered the profile of the jail nor achieved in measurable ways the other goals stated in its grant application.^{1/} While the size of the pretrial population has decreased in New Haven, the same has happened in Hartford and Bridgeport without Redirection Centers, so that we do not know what would have occurred without a Center. Similarly, without a baseline no researcher can tell whether the Center has made the jail more manageable. Because of its low visibility, the Center cannot be found to have significantly changed community attitudes toward detainees, although some staff members feel that much community progress has been made, on agencies, on inmate families, on some inmate life-styles. It is quite clear that no major changes in the procedures or decision-making criteria of courts or other agencies in the pretrial criminal process can be ascribed to the Center. The overwhelming majority of persons arrested and incarcerated in the New Haven

^{1/}
See page 5 above.

area continue to be jailed prior to trial rather than after conviction, at a rate that may approach 1700 pretrial-only prisoners, and at a staggering annual cost to the taxpayer for their seemingly needless detention.¹

These impressions are in some ways unfair: eight months may be too little time for significant changes to occur, and the techniques and data for adequate evaluation are themselves deficient and remain to be improved. The diffuse nature of the Center's goals at the outset defied effective implementation. It takes time for a new organization to learn the ropes in an old system. And the disjointed and uncoordinated character of the criminal process, coupled with the inefficiencies in other agencies in that process, made it impossible to expect a new program to have decisive impact quickly.

Of paramount importance in any assessment is the Center's extreme dependence on both the ability and willingness of other pre-trial process agencies to make proper decisions. If the police issue too few citations and set high stationhouse bail, and the bail commissioners provide inadequate review of police bail-setting, and the courts lack adequate bail information on defendants and fail to employ sufficient options for dealing with pretrial release risks, the jail is bound to receive too many detainees who will, in turn, overload the Center's staff. Absent continuous analysis of data, and feedback from one stage to the next, agencies are largely precluded from learning through experience how to improve their daily

¹ The State of Connecticut Budget Report - 1971 lists the annual per capita cost at the New Haven jail as \$3,143. Therefore, the 178 man years spent in pretrial detention in New Haven during 1971 cost the taxpayer \$559,454.

procedures and decisions.

Despite these difficulties, the Center staff has learned a great deal in its first eight months -- about itself, about the larger system of which it is a part, and about the importance of establishing priorities. By the end of the reporting period the Center appeared on the threshold of some important breakthroughs in expediting the release of more detainees under new techniques of supervision and control, and reducing the imbalance between pretrial and post-conviction imprisonment. It has been a successful pilot project in the sense of exploring and discovering ways in which it might become effective.

B. Recommended Redirection and System Changes

Many changes need to be made in the Center and in the criminal justice process of New Haven, if the pioneering mission and potential of the Redirection Center is to be realized. A large number have already been suggested in the body of this report. This section is intended to highlight and supplement the earlier sections.

1. Division of functions.

The dual goals of the grant application -- release and rehabilitation -- need to be separated. They are basically incompatible ends for a single small organization to pursue equally. Both are important to a pretrial system of justice: minimum incarceration prior to trial, and maximum help for persons who cannot be released. The first, however, is properly a function of the judicial process, since it plays the central role in release decisions. The

second plainly requires new programs to be administered within the walls of detention institutions.

To accomplish both purposes, the Redirection Center should work toward an eventual partition into two independent units. The first, focusing on early release, should begin with the current backstop role of the Redirection Center and move either toward eventual erasure of the unit,¹ or toward joining the nucleus of an enlarged pretrial service agency. The latter alternative, similar to those in Philadelphia and Washington, and to the federal function envisioned in S. 798, 93d Congress, would consolidate such pretrial functions as the bail commissioner, stationhouse release, pretrial diversion, supervised release, notification of releasees, and tracking down defaulters.

Perhaps the most important new role for the Redirection Center would be to put together a well-structured supervised release program along the lines described at pp. 31-34. Such a program would identify for recommendation to the court those detainees whose high bail seems a mistake and who ought to be released r.o.r.; those whose risk of flight suggests a need for moderate supervised release to assure reappearance; and those for whom some additional supportive program, on an out-patient or, in rare cases, an in-patient basis, seems essential to enable the person to get needed help to sustain him, and thereby assure reappearance, during the pendency of his case.

The second unit, whose establishment should await more progress in reducing the pretrial population, would remain a permanent part of the jail. It would diagnose needs and augment programs to serve detainees whom the release unit could not release. It would be a genuine redirection center, redirecting the idleness and destructive tensions of pretrial jails into the highly constructive channels originally envisioned by the Department of Correction.

2. Pilot Project Perspective

Essential to the success of the release mission of the Center is staff recognition of the fact that they constitute an important experimental program, with nationwide implications, testing whether a tradition-bound system can be significantly improved. They are not just members of a service program whose sole purpose is to help some individuals each day.

The Center urgently needs to formulate specific targets for itself. It needs to develop detailed written criteria upon which its own actions and decisions (e.g., when to make recommendations for what kind of release for a high risk detainee) can be based. The goals and criteria must be reviewed periodically, and modified through experience, so that project progress, and its ultimate success or failure, can be objectively evaluated.

In the development and monitoring of goals, criteria and records, the role of the project Director is critical. Without his constant review, analysis and reporting, an experimental program like the Center is destined to have diminished impact.

Specific illustrations of short-term goals that might be identified now are:

a. Expedited release. The Center should, within three months, devise procedures to enable the release of low bond (up to \$500) detainees within two days after their arrival at the jail. A careful analysis should be made of every case in which this cannot be achieved, so that viable alternatives to low bond or jail can be developed.

b. Imbalance reduction. The Center should seek within each six-month period to reduce by 25% the number of persons who are detained more than two days prior to trial, but who are released no later than conviction. This goal requires close attention to the disposition of all detainee cases, and communication between the Center and the courts.

c. Record keeping. High priority should be given to the maintenance of complete and accurate records on the case of every detainee processed for release. The beginning of a more complete record system, developed through the initiative of the student members of the research team, is outlined on page 33. Individual staff members cannot chart their own progress or re-examine their own methods of operation, and the program cannot be soundly evaluated, without such records. The difficulty of persuading conscientious staff members of the importance of this function was indicated in the first research report on the Des Moines Model Neighborhood Correction Project (March 1971), page 20:

[The] "project staff went to extraordinary lengths to ... facilitate the evaluation." [But substantial deficiencies were noted because of] "time pressure, difficult access to information, and low priority given to paperwork on the part of individuals who are deeply engrossed in their work with people."

3. System coordination

A more cohesive pretrial system needs to be put together if the deficiencies highlighted in this report are to be overcome. The

Redirection Center cannot succeed if the pretrial criminal process in which it is imbedded is unresponsive to the need for reform. It cannot reduce detention by itself.

The high volume of arrests annually in the New Haven area makes it essential that each successive stage filter out those persons for whom custody is no longer necessary. At the same time, the Redirection Center is in a unique position to monitor the failures of prior stages of the process, and to work out with each of them more effective screens to avoid unnecessary pretrial detention.

Perhaps the most important stage to reexamine first is the bail commission. Available information indicates (a) an extraordinarily low rate (according to Mr. O'Rourke's report) of bond reduction by commissioners after bail interviews in the Sixth Circuit; and (b) a very high rate (according to detainees, but not yet verified) of failures to interview persons who end up in jail. These data, supported by the fact of a high detention rate, suggest that the commission must define new standards for release -- R.O.R., money bond, supervised release.

In addition, the various police release programs (citations, stationhouse bail), Reverend Scott's program, the employment diversion experiment, and the drug programs (for suspended prosecution or supervised release), all present opportunities for improved performance. Finally, the courts, whose decisions mark the final crossroads between pretrial release or entering the jail, are plainly

not operating at peak efficiency in this regard. They are not receiving enough information on which to base sound decisions, and are not sufficiently employing the bail alternatives spelled out in Chief Judge Daly's memorandum to avert unnecessary detention. All of the foregoing problems should be addressed as a unit, rather than in separate compartments.

The Pretrial Services Council in New Haven may offer a useful medium for beginning pretrial system coordination. If its present membership, which is already representative of most of the criminal process, secured additional staff to aid the Executive Director, much more intensive study could be devoted to aligning the procedures and standards employed by each agency. Feedback of information for improved decision-making by each might then become a reality. An early meeting should be convened for representatives of all programs and decision-makers identified in this report to consider its findings and recommendations.

4. Access to information

As an adjunct to the above recommendation on coordination, the criminal justice system in New Haven needs to establish an information exchange for purposes of pretrial process review. The records of the bail commissioners, the courts and the jail must be available both for followup and analysis of individual cases, and for a study of system-wide decision-making patterns and criteria. Without such information, the likelihood of ever changing outmoded policies

and practices at each stage, and of enabling officials at one juncture to learn from the experience of those at another, will be severely impaired.

At each stage, state statutes, or considerations of privacy, require sensitivity to the proper use of information from individual records. These factors make an information exchange program complicated to work out, but they in no way diminish the urgency to face the problem directly. Representatives of the Bail Commission, the Judicial Department, the Redirection Center, and others with vital information to contribute, or important interests to protect, should be convened quickly to map out a new approach to the comprehensive recording, exchange and analysis of pretrial information.

C. Future evaluation

Many areas of inquiry have been opened up by this initial study of the pilot Redirection Center. Many unanswered questions about its performance remain. The principal value of the preliminary report has been to identify potentials for improvement in the pretrial process, deficiencies in present information and topics for future examination.

No further evaluation can be undertaken, however, until

(1) discussion takes place with those affected by the findings in this report, and (2) decisions are reached regarding acceptance, rejection or modification of its recommendation by the agencies involved.

As soon as these steps are completed, an evaluation plan for the next phase of Redirection Center operations can be prepared.

APPENDIX I

Data on April 1972 New Haven Jail Population

The following information was tabulated as of June 3, 1972, on all persons admitted to the New Haven Community Correctional Center during April 1972.

| | | |
|--|-----|-----|
| New Admittances | | 304 |
| Ineligible for Redirection Center | 110 | |
| Sentenced | 100 | |
| Federal Prisoner | 5 | |
| Parole or Probation Violator | 5 | |
| Eligible for Redirection Center | | 194 |
| Released Prior to Interview | 60 | |
| Not returned from court (NRC) | 16 | |
| Out on bond (OOB) | 38 | |
| Transferred to another jail | 2 | |
| Refused help | 4 | |
| Interviewed | | 134 |
| Remaining active cases | 30 | |
| Inactive cases | | 104 |
| Not released | 20 | |
| Referred to institutional counselor | 14 | |
| Transferred | 3 | |
| Other | 3 | |
| Release not influenced by Redirection Center | | 48 |
| OOB | 15 | |
| ROR | 1 | |
| Nolle | 3 | |
| Pleaded and Sentenced | 16 | |
| NRC | 13 | |
| Situation influenced by Redirection Center | | 36 |
| OOB | 8 | |
| OOB - in program | 2 | |
| ROR | 8 | |
| ROR - in program | 3 | |
| Nolle | 6 | |
| Pleaded and sentenced | 3 | |
| Pleaded and sentenced - in program | 4 | |
| Other | 2 | |

Explanation of terms:

Remaining active cases -- detainees in jail for whom the Redirection Center is still making efforts.

Inactive cases -- detainees who were released or for whom the Redirection Center is no longer making efforts.

Referred to Institutional Counselor -- detainees who did not want help or who were thought by the Redirection Center not to be susceptible to its help (e.g., accused murderers, alcoholics who would not admit their problem, etc.)

Release not influenced by Redirection Center -- the Redirection Center did nothing to obtain the detainee's release, or had very little effect on it (i.e., the outcome would have been the same without the Center).

NRC -- "not returned from court." These initials, found throughout the jail records, mean that no information was available on the disposition of the detainee's case, or on why he failed to return to jail.

Situation influenced by Redirection Center -- the Redirection Center was instrumental in (a) obtaining a release for the detainee that he probably would not have received without the Center's help, and/or (b) obtaining a better sentence or disposition than he would otherwise have received.

Into program -- detainee entered a drug, alcohol, vocational, or educational rehabilitation program.

APPENDIX II

A. Length of Stay in Jail for April 1972 Detainees Aided by Redirection Center

The following information, compiled as of June 3, 1972, indicates the mode of release and the length of jail stay of the 27 detainees (out of a total of 194 admissions to detention) who entered the New Haven jail in April 1972 and had their ultimate release aided by the Redirection Center.

| Mode of Release: | R.O.R. (11) | O.O.B. (10) | Nolle (6) |
|--|-------------|-------------|-----------|
| <u>Individual length of stay, in days:</u> | | | |
| | 3 | 4 | 3 |
| | 5 | 4 | 6 |
| | 7 | 6 | 6 |
| | 7 | 6 | 6 |
| | 7 | 7 | 10 |
| | 10 | 7 | 20 |
| | 10 | 8 | |
| | 14 | 9 | |
| | 15 | 14 | |
| | 21 | 21 | |
| | 22 | | |
| <u>Average</u> | 11.0 | 8.6 | 8.5 |
| <u>Median</u> | 10 | 7.5 | 6 |

B. Length of Stay in Jail of All Detainees Present, as of
One Day in September 1972

The following data, compiled for the September 26, 1972 pretrial population, indicates how long each person present that day had been held awaiting trial. It is intended to convey a picture of a population cross-section in terms of length of stay. The spread among detainees is fairly typical, even though the one-day population total is unusually high, and the median low, due in part to the fact that 24 persons were jailed on the day selected at random for the count.

| <u>Days in Jail</u> | <u>Number of men</u> |
|---------------------|----------------------|
| 1 - 20 | 92 |
| 21 - 40 | 43 |
| 41 - 60 | 16 |
| 61 - 80 | 22 |
| 81 -100 | 13 |
| 101 -120 | 9 |
| 121 -140 | 3 |
| 141 -160 | 0 |
| 161 -180 | 6 |
| 181 -200 | 2 |
| 201 -220 | 1 |
| 221 -240 | 0 |
| 241 -260 | 3 |
| 261 -280 | 0 |
| 281 -300 | 3 |
| Total detainees: | 213 |
| Average stay : | 47 days |
| Median stay : | 29 days |
| Longest stay : | 283 days (2 men) |
| Shortest stay : | 1 day (24 men) |

APPENDIX III

Detainee Questionnaire

Answers to questions asked of 150 pre-trial detainees entering during June and July, 1972.

| | <u>Yes</u> | <u>No</u> |
|--|------------|-----------|
| 1. Did you see a bail commissioner? | 21 (14%) | 129 (86%) |
| 2. Do you use drugs? | 36 (24%) | 114 (76%) |
| 3. Were you employed at the time of your arrest? | 60 (40%) | 90 (60%) |
| 4. Were you collecting unemployment or welfare at the time of your arrest? | 37 (24%) | 113 (76%) |
| 5. Do you have any immediate medical problems? | 36 (24%) | 114 (76%) |
| 6. Do you have any psychiatric problems? | 13 (8%) | 137 (92%) |
| 7. Were you attending school within the last year? | 15 (19%) | 135 (90%) |

APPENDIX IV

Correctional Center and
Redirection Center Population Trends

A.

Table A reports the average number of men held in pretrial and sentenced status in Hartford, Bridgeport, and New Haven Centers during 1970, 1971, and 1972. This data, and that in Table B, comes from Department of Correction Research Reports.

Table A

| <u>1970 averages</u> | Sentenced | Accused |
|----------------------|--------------------------|---------|
| Hartford | 250 | 244 |
| Bridgeport | 162 | 172 |
| New Haven | 115 | 229 |
| <u>1971 averages</u> | Sentenced | Accused |
| Hartford | 233 | 190 |
| Bridgeport | 165 | 194 |
| New Haven | 121 | 178 |
| <u>1972 averages</u> | (Jan.-June) Sentenced | Accused |
| Hartford | 236 | 164 |
| Bridgeport | 163 | 158 |
| New Haven | 116 | 157 |

These figures show a general decline in pretrial detention over the last two and a half years at all three Centers, and stable sentenced populations at each.

B.

Table B reports the monthly averages for January through September, 1972:

Table B

| | <u>Hartford</u> | | <u>Bridgeport</u> | | <u>New Haven</u> | |
|-----------|------------------|----------------|-------------------|----------------|------------------|----------------|
| | <u>Sentenced</u> | <u>Accused</u> | <u>Sentenced</u> | <u>Accused</u> | <u>Sentenced</u> | <u>Accused</u> |
| January | 235 | 174 | 153 | 187 | 98 | 171 |
| February | 261 | 169 | 98 | 174 | 158 | 168 |
| March | 249 | 160 | 164 | 150 | 112 | 157 |
| April | 239 | 150 | 183 | 152 | 123 | 154 |
| May | 227 | 154 | 189 | 137 | 109 | 150 |
| June | 203 | 175 | 190 | 153 | 96 | 137 |
| July | 151 | 157 | 186 | 143 | 98 | 140 |
| August | 158 | 161 | 190 | 139 | 98 | 155 |
| September | 145 | 144 | 179 | 143 | 103 | 163 |

Two points should be noted concerning this detailed data. First, the erratic nature of both pretrial and sentenced populations is obvious. Since these monthly figures are averages of daily population counts, the fluctuations day by day are even more erratic. See, for example, Appendix II.B. Second, a general decline in pretrial detainees occurred at both the Bridgeport and New Haven Centers, even though a Redirection Center was operating only in New Haven.

A - 8

C.

Table C reports the aggregate monthly data collected at the Redirection Center in New Haven. The number of new admittances was calculated by totaling all names listed on each day's "New Admittance" list that came to the Redirection Center from the custodial staff.

Table C

| | April | May | June | July |
|-----------------------------------|-------|-----|------|------|
| New Admittances | 304 | 334 | 256 | 351 |
| Ineligible for R.C. | 110 | 120 | 61 | 116 |
| Sentenced | 100 | 102 | 53 | 102 |
| Federal Prisoner ¹ | 5 | 15 | 8 | 14 |
| Parole or Prob. Vio. ² | 5 | 3 | - | - |
| Eligible for R.C. | 194 | 186 | 195 | 235 |
| Released prior to interview | 60 | 99 | 47 | 59 |
| Interviewed at R.C. | 134 | 87 | 148 | 175 |

Changes in intake procedures, described in the body of the report, occurred at the beginning of June and are reflected in these figures. Since the initial interview began to take place the day after arrival, the number and percentage of those released prior to initial interview declined, and a corresponding rise began in the number and percentage of detainees being interviewed at the Redirection Center.

¹ Federal prisoners were excluded entirely until procedural changes in June made some eligible for the first phone call.

² Probation and parole violators were excluded from the program during a few weeks in April and May, but were thereafter included in Center interviews.

71-141

June 15, 1971

CIRCUIT COURT
ADMINISTRATIVE OFFICE
ONE GRAND STREET
HARTFORD, CONNECTICUT

MEMORANDUM

TO: JUDGES AND CHIEF BAIL COMMISSIONER

SUBJECT: SUGGESTED BAIL COMMISSION PROCEDURE

The following policy covering the handling of persons unable to post bond is recommended for implementation by July 1, 1971, with the complete concurrence of Chief Bail Commissioner Thomas P. O'Rourke:

When a person is first presented before the court, if he has not been released from custody of the State, it is recommended that the Judge before whom he appears inquire into the conditions of his release and the reason for his inability to meet these and make an independent review of said conditions. Where such review is made, the Judge shall inquire of the Prosecutor and/or the Bail Commissioner why the existing conditions are believed necessary to assure the person's appearance in court.

Unless, after such review and inquiry, the Judge finds that the existing conditions of release are necessary he may modify such conditions imposing in lieu thereof such conditions as he deems will assure the appearance of the person in court.

If the Judge is of the opinion that there is insufficient information on which to make a determination of conditions of release he shall direct the Bail Commissioner to make a detailed examination of the person's situation and report back to the court not later than two court days after such order.

The Bail Commissioner shall carefully and thoroughly inquire into the person's family ties, employment, financial resources, physical and mental condition, residence, previous record, record of appearance or non appearance at court or of flight to avoid prosecution.

Upon completion of his inquiry the Bail Commissioner shall make recommendations to the Judge that the person be released on his own recognizance or on a written promise unless the Bail Commissioner finds that such release will not reasonably assure the appearance of the person as required.

APPENDIX VI

71-141

If the Bail Commissioner finds neither of the above is sufficient he shall, either in lieu thereof or in addition thereto, recommend the following conditions or combination thereof that he feels will reasonably assure the appearance of the person:

- (A) Release to the custody of a designated person or organization agreeing to supervise the person.
- (B) Place restrictions on the travel, associations, or place of abode during period of release.
- (C) The execution of an unsecured appearance bond.
- (D) The execution of a bail bond in a lesser amount than originally set.
- (E) Cash bail.
- (F) Any other conditions deemed reasonably necessary to assure appearance as required.

Example - Require person released to report to Bail Commissioner once a week during period of release.

If conditions of release are set the Bail Commissioner shall furnish the person in writing a statement of such conditions, place a copy of such statement in the person's file, and retain a copy for his own file.

At each subsequent appearance of a person who is still incarcerated the Bail Commissioner shall make a redetermination of the person's situation and may alter the conditions of release if such action is in order.

s/ John J. Daly
Chief Judge

Sec. 54-90, Connecticut General Statutes, Erasure of Arrest and Court Records.

Sec. 54-90. Erasure of arrest and court records after not guilty findings, dismissals, nolle and pardons. (a) Whenever in any criminal case the accused, by a final judgment, is found not guilty of the charge or the charge is dismissed, all police and court records and records of the state's or prosecuting attorney pertaining to such charge shall be immediately and automatically erased. (b) Whenever in any criminal case prior to October 1, 1969, the accused, by a final judgment, was found not guilty of the charge or the charge was dismissed, the arrested person or any one of his heirs may file a petition for erasure with the court granting such not guilty judgment or dismissal, or, where the matter had been before a municipal court or a trial justice, with the circuit court and thereupon all police and court records and records of the state's attorney, prosecuting attorney or prosecuting grand juror pertaining to such charge shall be immediately and automatically erased. (c) Whenever any charge in a criminal case has been nolle * * * in the superior court, court of common pleas or in the circuit court, or in a municipal court or by a justice of the peace, the arrested person or any one of his heirs may file a petition with the court granting the nolle * * *, or the circuit court in any matter pertaining to a municipal court or a justice of the peace, for an order of erasure and if such court finds that at least one year has elapsed since such nolle * * *, it shall order all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge to be erased. Such petition shall have appended thereto a summons and proposed order, and a copy of such petition and the summons and proposed order shall be served, in the manner provided in the practice book for the service of pleadings, at least fourteen days before the return day specified in such summons by mail, on each clerk, chief clerk, police official, and other person to whom such order will be directed. (d) Whenever any person who has been convicted of an offense in any court of this state has received an absolute pardon for such offense, such person or any one of his heirs may, at any time subsequent to such pardon, file a petition, with the court in which such conviction was effected, for an order of erasure in the same manner as is provided in subsection (c) of this section, and such court shall order all police and court records and records of the state's or prosecuting attorney pertaining to such case to be erased. (e) The clerk of the court or chief clerk of the circuit court, as the case may be, shall not disclose to anyone information pertaining to any charge * * * erased under any provision of this section. No fee shall be charged in any court with respect to any petition under this section. No person who shall have been the subject of such an erasure * * * shall be deemed to have been arrested ab initio within the meaning of the general statutes with respect to the proceedings so erased. (1969, P.A. 229, S. 1.)

1. Med: () 2. PSY: () 3. LB: () 4. DU: () 5. DDP () 6. DATE A - 11
7. RD#: 8. COUNTS:

Name 10. Aliases

11. Charges (with counts)

12. Bond: 13. Att: 14. Court

15. NCD:

16. Did you see a bail commissioner? YES () NO ()

17. Were you employed at time of arrest? YES () NO ()

18. Do you have any psychiatric problems? YES () NO ()

19. Do you have any immediate medical problems? YES () NO ()

20. Have you had any regular medication or been under a doctor's care in

the last two years? YES () NO ()

21. Education (years completed) 22. Age:

22. Race B () W () O ()

23. Marital Status S () M () CL () D () SEP. () W ()

24. Is someone presently working on posting your bail? YES () NO ()

25. Is there someone I can call who will post your bail? YES () NO ()

(If yes, fill in appropriate contact portion of form and call; if no,
continue with full form.)

Verification Code: H--Home F--Family E--Employment G--General
Pages— 3 3 4 4

Page 2

RESIDENCE

H F E G

26. Address Phone
27. Length at present address
28. Length at prior address
29. Length in Connecticut
30. Lives with () parents () spouse () children () friends
() relatives () alone

FAMILY

H F E G

31. Marital Status () S () M () CL () D SEP. () () W
32. Time Married
33. Supports Spouse () YES () NO
34. No. of Children
35. Support Children () YES () NO
36. Supports Others () relative () Friend No.

EMPLOYMENT

H F E G

37. Employment status () employed () laid off () day labor () school
() unemployed () welfare () strike () service

H F E G

38. Name of employer
39. Address
40. Length of present employment
41. Length of prior employment
42. Reason for leaving () Fired () Quit () laid off () illness
() Retired.
43. Union member () yes () no Name:

MILITARY

44. Military experience () none () past () current
45. Branch () army () navy () marines () A.F. () G. Guard () Mer. Marine
() H. Guard
46. Length of service 47. Date of Discharge
48. Type of discharge () Hon. () Dishon. () Med. () General

RECORD

42. No. Of Juvenile Arrests ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
 43. No. Of P.T.A.'S (Juvenile) ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
 44. No. Of Prior Adult Arrests ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
 45. No. Of Prior Adult Conv. ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
 46. No. Of Probationary Conv. ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
 47. No. Of Open Cases ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
 48. No. Of Adult F.T.A.'S ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
 49. Detained At Time Of Arrest ☐ ADM ☐ INM ☐ P.D.
☐ F.T.A. BEHCH WARRANT ☐ FUGITIVE

CONTACTS

WORK CONTACT

58. NAME ☐ 59. RELATIONSHIP ☐
 60. ADDRESS ☐ 61. PHONE ☐
 62. LENGTH KNOWN DEFENDANT ☐ 63. SEES DEFENDANT HOW OFTEN ☐
☐ 64. BELIEVES THE DEFENDANT WILL RETURN FOR COURT DATE
☐ 65. CAN GET MESSAGE TO DEFENDANT IF RELEASED

FAMILY CONTACT

66. NAME ☐ 67. RELATIONSHIP ☐
 68. ADDRESS ☐ 69. PHONE ☐
 70. LENGTH KNOWN DEFENDANT ☐ 71. SEES DEFENDANT HOW OFTEN ☐
☐ 72. BELIEVES THE DEFENDANT WILL RETURN FOR COURT DATE
☐ 73. CAN GET MESSAGE TO DEFENDANT IF RELEASED

DEFENDANT CONTACT

74. NAME ☐ 75. RELATIONSHIP ☐
 76. ADDRESS ☐ 77. PHONE ☐
 78. LENGTH KNOWN DEFENDANT ☐ 79. SEES DEFENDANT HOW OFTEN ☐
☐ 80. BELIEVES THE DEFENDANT WILL RETURN FOR COURT DATE
☐ 81. CAN GET MESSAGE TO DEFENDANT IF RELEASED

GENERAL CONTACTS

82. NAME ☐ 83. RELATIONSHIP ☐
 84. ADDRESS ☐ 85. PHONE ☐
 86. LENGTH KNOWN DEFENDANT ☐ 87. SEES DEFENDANT HOW OFTEN ☐
☐ 88. BELIEVES THE DEFENDANT WILL RETURN FOR COURT DATE
☐ 89. CAN GET MESSAGE TO DEFENDANT IF RELEASED
 90. NAME ☐ 91. RELATIONSHIP ☐
 92. ADDRESS ☐ 93. PHONE ☐
 94. LENGTH KNOWN DEFENDANT ☐ 95. SEES DEFENDANT HOW OFTEN ☐
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COUNSELOR NOTES AND COMMENT

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APPLICABLE SECTION OF CONTRACT
COVERING THE EVALUATION OF THE
REDIRECTION CENTER

The Party of the First Part, acting on behalf of the University, in connection with the Connecticut State Department of Correction, agrees to provide through its University Law School the following services:

1. Conduct a study and submit a written report concerning the operation of the Redirection Center program at ~~NEW~~ N.H.C.C. This will be a two part program:

a) provide a description of program guidelines including initial interview eligibility, bail reduction, diversion recommendations, relationships with court, prosecuting and defense personnel, criteria for modifying conditions of detention or extending new services to clientele and related matters.

b) provide a report covering roles and relationships within the Redirection Center, client numbers and types, numbers and types of recommendations made, acceptance of recommendations and outcome of cases.

END