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An Empirical Study of Failure to Appear Rates among Accused Offenders: Construction and Validation of a Prediction Scale

by

Chris W. Eskridge, Ph.D.

The Ohio State University, 1978

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AN EMPIRICAL STUDY OF FAILURE TO APPEAR RATES AMONG ACCUSED OFFENDERS: CONSTRUCTION AND VALIDATION OF A PREDICTION SCALE

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Although the object of much controversy, pre-trial detention is and has been a traditional practice in the American criminal justice system. Under this practice, many individuals are held in jail awaiting a hearing or trial who could and, perhaps, should be released. While this practice has long been criticized, early reform efforts generally proved fruitless. In the early 1960s, the Vera Institute of Justice in New York City undertook a project which sought to identify and release those among the accused population who appeared to be good risks and in all likelihood would appear at their appointed court hearings. Due to the apparent success of this project and to the federal financial support that subsequently became available, pre-trial recognizance release was widely

implemented. More than 100 programs are currently in operation throughout the United States.

Perhaps the most curcial need in a pre-trial recognizance release (PTRR) program is maintaining a low failure-to-appear rate among its clientele. Yet little seems to be known concerning the nature of the variables that are good predictors of failure. In addition, little appears to be known about how the program staff can reduce the failure rate of those granted recognizance release. PTRR programs still attempt to identify and exclude bad risks from program participation and activities are still undertaken to maintain low failure rates among those who are released. But at this point in time it appears that the criteria used for such activities have little or no empirical foundation.

This study was designed to construct and validate a prediction scale that could accurately identify potential failure-to-appear tendencies among PTRR clientele. This study examined the files of all individuals released on a reporting recognizance bond under the jurisdiction of the Franklin County (Columbus, Ohio) Pre-Trial Release Program during a six month period in 1976. The three analytical techniques utilized to construct a valid scale were: unweighted and weighted multiple regression and discriminant analyses. A separate sample was used to validate the scales derived from each analysis. Three

scales were found to be statistically significant ($p < .01$) predictors of failure. In addition to construction and validating the scales, the study produced a management decision-making table for each scale, identifying the rate of release and both the alpha and beta errors that would be present at each level for each scale.

This study also employed Multiple Classification Analysis to examine the impact of a number of operational and management variables that might be modified by PTRR staff to maintain low failure-to-appear rates among those released on recognizance. It was found that adjustments in several time lag dimensions and in the frequency of staff to client contact may serve to minimize failure-to-appear rates.

AN EMPIRICAL STUDY OF FAILURE TO APPEAR RATES AMONG ACCUSED OFFENDERS: CONSTRUCTION AND VALIDATION OF A PREDICTION SCALE

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of The Ohio State University

By

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* * * * *

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1978

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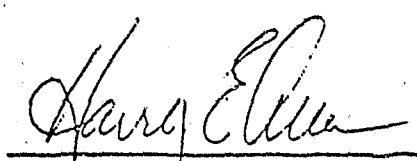

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"Problems in the Use of Educational Standards: Another Side of the Controversy." Police Chief. August, 1977, p. 36-38.

"An Economic Perspective of Criminality: Inferences and Implications." Chitty's Law Journal. January, 1978, p. 9-17.

Issues in Probation Management. The Ohio State University: Program for the Study of Crime and Delinquency, January, 1978, 491p., with Eric Carlson, Evalyn Parks, Edward Latessa and Gennaro Vito.

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CHAPTER I

PRE-TRIAL RELEASE OR DETENTION: ISSUES AND TRENDS

Introduction

Pre-trial detention is and has been a traditional practice in the criminal justice system, although it has been the object of much controversy centering on several social and certain constitutional issues. These issues are evident in even a cursory examination of those post-arrest procedures used to determine whether the accused will be held in custody pending a criminal trial.

Individuals charged with crimes may be detained prior to their initial appearance before a magistrate or judicial officer. At this initial appearance, the judicial officer (usually a judge) may establish the conditions under which the accused will be released pending preliminary hearing or while awaiting trial. Generally, the conditions of freedom are left solely to the discretion of the judicial officer, although the courts have traditionally required that a property or cash bail bond be provided by the accused. The requirement of such bonds is based on the assumption that

an economic tie between the accused and the court may help to assure the accused's appearance at the forthcoming hearing or trial. If the accused fails to appear, the bail bond may be forfeited and the arrest of the accused ordered by the court. If, however, the accused appears as scheduled, the full amount of the bail bond is returned.

This type of system, although perhaps sound in its intent to ensure the appearance of the accused offenders at their appointed hearings, is in practice characterized by certain inequities.[1] For example, allowance is seldom made for individual differences among accused offenders concerning the likelihood that they will appear at their appointed hearings, nor as to the amount of money bond they can afford.[2] This often results in a tendency of judicial officers to blindly establish bond amounts in excess of the accused's ability to pay.[3] A 1968 report by an advisory committee of the American Bar Association's Project on Minimum Standards of Criminal Justice stated as follows:

> "Moreover, bail is generally set in such a routinely haphazard fashion that what should be an informed, individualized decision is in fact a largely mechanical one in which the name of the charge, rather than all the facts about the defendant, dictates the amount of the bail."[4]

On the other hand, judicial officers often carefully and deliberately set the money bail in amounts that accused offenders cannot pay so as to purposefully detain the individual, pending trial.[5] This is done despite the mandate

of the 8th amendment which holds, "Excessive bail shall not be required."* For whatever the reason, a 1965 survey conducted by the editors of the Defender Newsletter found that 56 percent of the individuals incarcerated during the pre-trial detention period were unable to make bail[6] and a 1966 survey of Washington, D.C. court records[7] found the figure to be 61.8 percent. While such figures may vary from jurisdiction to jurisdiction, the bailbond system "obviously and blatantly discriminates on the basis of wealth."[8]

In the face of bond requirements in excess of ability to pay, many accused individuals seek the services of bail-bond agents in order to secure their pre-trial release. In return for a premium payment made by the accused, the bail-bond agent pledges the full amount of the surety bond to the court. Premium payments are not returned to the accused

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*In addition to the dubious legality of such techniques, the procedure is ineffective in many instances, for the "professional criminals or members of organized criminal syndicates have little difficulty in posting bail, although since crime is their way of life, they are clearly dangerous." (See President's Commission on Law Enforcement and Administration of Justice. The Challenge of Crime on a Free Society. Washington, D.C.: U.S. Government Printing Office, 1967, p. 131).

offenders, even if they appear in court at the appointed time for hearing or trial. If the accused individuals fail to appear and if bailbond agents are unable to find and bring them before the court within a reasonable period of time, the bonding agent may be required to forfeit to the court the entire amount of the bond. In practice, however, bond forfeiture appears to be relatively rare.*

Under this system, many individuals are held in jails awaiting hearing or trial who could and, perhaps, should be released, since judicial officers frequently establish bail amounts with little or no attention to the accused individual's financial ability to post bond; bailbond agents may suspect that an accused individual is a poor risk and decline to provide bond; or bailbond agents may require the accused to pledge a collateral lien on personal property which the agent may claim if the accused fails to appear at

---

*For example, an examination of one New York Company's books was said to show that from 1956 to 1958 it wrote bonds in the face amount of $70,000,000, received $1,400,000 in premiums, and suffered no losses. (See Freed, Daniel J. and Patricia M. Wald. Bail In the United States: 1964. A Report to the National Conference on Bail and Criminal Justice. Washington, D.C.: 1964, pp. 25-26).

the hearing or trial or may refuse to provide bond for an accused who has insufficient collateral. Freed and Wald cited reported instances of bondsmen refusing to write bonds because the bail amount was "too small for the bondsmen to bother with."[9] Thus, there are several situations in which an individual may be subjected to pre-trial detention because of inadequate financial resources. Such an arrangement seems to mock the presumption of innocence guaranteed in the Constitution.[10]

It has been estimated that at any time there are as many accused individuals incarcerated in the United States as there are adjudicated guilty offenders.[11] The costs of pre-trial incarceration, in terms of time, money, human suffering, and lessened respect for justice, are staggering.[12] The 1967 report of the President's Commission on Law Enforcement and Administration of Justice stated that a massive side effect of money bail is that it costs taxpayers millions of dollars a year in pre-trial incarceration costs.[13] In addition to this drain on governmental resources, Freed and Wald have detailed the extraordinary personal toll attributed to American pre-trial detention policies.[14] The families of accused individuals may become unsettled as relationships are damaged and mutual esteem and role expectations are strained. Individual humiliation, subsequent alienation and personal antagonism of the accused offender toward "the system" are believed to

lead to future criminal behavior, not only on the part of the accused, but also on the part of the accused offender's family. Furthermore, pre-trial incarceration may disrupt the accused individual's employment, and thus jeopardize the economic situation of the family, as well as the accused. Accused individuals who are incarcerated pending trial may lose their jobs, thereby diminishing general community productivity as well as sales and income tax revenue. Government resources may be further affected since public funds must be provided to maintain jail facilities and may also be required for welfare support for the accused's family. The prisonization notion[15] also comes to bear, for pre-trial detention places the accused individual in an environment which, as Justice William O. Douglas once suggested, is equivalent to giving the accused a master's degree in crime.[16] Thus, the accused individual, who under law is still presumed innocent, may be exposed to the deprivation and brutal conditions which so frequently characterize local and county jails.[17] Indeed, it is not difficult to argue that the traditional pre-trial detention system may serve as a means of inflicting penalties--pre-adjudication penalties--upon the accused.[18] Because of these factors, and the inequities of the bail bond system previously detailed, Kaplan has characterized the present bail system as "....perhaps the single greatest scandal in our administration of justice."[19]

Historical Review

The shortcomings of the traditional bail bond system have long been recognized and criticized by legal experts and social scientists. As early as 1922, Roscoe Pound and Felix Frankfurter asserted that "the real evil of the situation is not the matter of easy bail, but the professional bondsman who makes a business of exploiting the misfortunes of the poor and whose connections with runners and shysters tend to prostitute the administration of justice in the inferior courts."[20] In their text, Pound and Frankfurter suggest that a system be designed whereby accused individuals may be released on personal bond without surety in cases involving minor infractions of the law.

In 1927, Arthur Beeley[21] described deficiencies in the Chicago bail bond system and suggested that it might be possible to identify accused individuals who could dependably be released under non-financial conditions pending trial. The author identified a population of "dependables" within the Chicago jails but was not able to test his predictive theory operationally.

In 1932, Wayne Morse and Ronald Beattie[22] published their study of 1,771 felony cases in Multnomah County, Oregon. Investigating the total population of individuals accused of felonies, Morse and Beattie found that pre-trial release of any type (although bail was by far the

predominant form) was strongly correlated with a more lenient judicial disposition of the case. Thus, it appeared that accused individuals who were unable to make bail were doubly penalized--by being incarcerated pending trial and by receiving more severe dispositions. In discussing this finding, the authors suggested that the same sort of factors that influenced case disposition probably influenced pre-trial release decisions, including the setting of bail. Following Morse and Beattie's work, little research was conducted with respect to the problems of pre-trial release[23] until 1954, when Caleb Foote[24] published the results of a study of bail practices in Philadelphia. He noted that bail was generally set with little to no attention given either to the accused's financial situation or to factors in the accused's background that might be relevant in determining the likelihood that the individual would fail to appear in court. Foote also noted, as did Morse and Beattie, the correlation between pre-trial detention and severity of disposition. Foote was cautious about the findings, but he agreed with Morse and Beattie that the factors which influenced the pre-trial detention decision might also influence the nature of the disposition. He did, however, emphasize the need for future research on the possible prejudicial impact of pre-trial detention. Similar findings emerged from Foote's 1957 study in New York City,[25] which

produced evidence of strong prejudicial relationships between pre-trial detention and subsequent disposition. This study also suggested and supported the use of pre-trial release on recognizance, used in only 2.9 percent of the cases examined in that study.

The first systematic effort to achieve reform in pre-trial release practices was undertaken in New York City in 1961 by the Vera Foundation.[26] An experimental design was used to test the hypothesis that accused individuals identified as "good risks" (basically meaning those having strong family and community ties) could be released on their own recognizance and promise to appear for their appointed court hearings. Recognizance releases were justified on the grounds that they would serve to promote justice by basing pre-trial release on more equitable criteria than mere financial standing. Additionally, the designers of the program hoped to demonstrate that those individuals released on recognizance would, in fact, appear in court as scheduled while presenting little risk to community safety, and at a lesser cost than traditional bail bond procedures.

The Vera Foundation experiment did conclude that individuals released on their own recognizance as "good risks" had a lower rate of failure to appear in court (FTA) and lower rates of re-arrest while on pre-trial release than those who associated with the money/bond system.

Additionally, those released on recognizance had lower rates of conviction and subsequent incarceration than did the control group members detained during their pre-trial periods.

Both the publication of the Vera Foundation findings in 1963[27] and a 1963 report of the Attorney General of the United States, which encouraged greater use of pre-trial recognizance release (PTRR) by the federal courts,[28] were in part responsible for the initial rapid growth of pre-trial recognizance release programs. These findings and recommendations were also supported by the Federal Bail Reform Act of 1966 which "created a presumption in favor of non-monetary pre-trial release"[29] in the federal system. In addition, it has been noted by Galvin that the U.S. Office of Economic Opportunity "was a catalyst during the middle and late sixties in promoting Release on Recognizance programs through its funding of scores of projects across the country."[30]

At the core of these specific factors, which appeared to have influenced the growth of PTRR programs, lay a philosophical movement which began in the late 1950's. Due in part, perhaps, to a backlash from the "McCarthyism Era," liberal humanists and civil libertarians began a concerted reform movement which gained increasing momentum in the 1960's. This impetus toward a due process model of criminal

justice administration[31] saw an increased concern for the individual, with more procedural safeguards instituted to protect constitutional rights. Efforts extended to promote distributive justice[32] rulings, such as Miranda, Mapp, Gideon, Escobedo, and In Re Gault, typified this increased concern. Liberal philosophy ascendency was also reflected in bail bond reform movements such as the aforementioned Vera Foundation program. While the primary concern of the PTRR advocates appeared to be a desire to promote a more humane and equitable distribution of justice, an ancillary issue which appealed to conservatives was the apparent cost effectiveness of PTRR programs. The resulting union of fiscal conservatives and liberal humanists, each married to the PTRR concept for self-aggrandizing purposes, seemed to lay the foundation for the growth of PTRR programs.[33]

A 1973 survey published by the U.S. Office of Economic Opportunity reported approximately one hundred formally organized PTRR programs, then in existence nationwide.[34] The later (1977) National Evaluation Program (NEP) Phase I Summary of Pre-Trial Release Programs identified 115 recognizance programs in operation.[35] Both the NEP and the OEO studies found these programs to be diverse in terms of funding,[36] types of releases granted, operating philosophy and procedure, program capacity,[37] and political status.[38] These differences among programs are of sufficient import to require elaboration.

Organizational Structure of Pre-Trial Release Programs

Following the apparent success of the Vera Foundation pre-trial release program in Manhattan, similar programs sprang up throughout the country in a pattern which could be described as sporadic innovation.[39] Three types of PTRR programs developed: release on own recognizance, a supervised release or reporting release, and a reporting recognizance appearance release.

The first recognizance release allows selected individuals to be released into the community simply on an individual's promise to appear for the appointed court hearings. A release on supervision, or reporting release, also allows selected individuals to be released into the community on the individual's promise to appear, but also imposes a reporting requirement which places the accused under the supervision of a pre-trial release program. A reporting recognizance appearance release includes a reporting requirement which places the accused under the supervision of the pre-trial release program, and requires posting of a small percentage of a money bail bond. The latter does not appear to be a major type.

Earlier programs tended to be privately funded, with a simple organization consisting of a director, secretary, supervisor, and volunteers. Since the mid-1960's, however, many of these programs have been incorporated into various

state and local agencies. The availability of federal funds through the Law Enforcement Assistance Administration may also have served to encourage various state and local agencies to undertake the development of PTRR programs. Table 1 illustrates the diverse nature of agencies operating PTRR programs.

TABLE 1

TYPES OF AGENCIES

OPERATING PRE-TRIAL RELEASE PROGRAMS

Agency Type	Study Year 1973*	1975**	1977***
Private	22%	55%	14%
Public, but autonomous from criminal justice system	2	5	0
Probation, parole, or corrections	37	18	34
Prosecutor	0	5	)
Public Defender	0	0	) 21
Other Agencies	9	5	)
Court	30	5	31
Don't Know	0	9	0
(N=)	100% (88)	102% (22)	100% (105)

Note: Percentages may not add up to 100 percent due to rounding.

*Source: U.S. Office of Economic Opportunity. Pre-Trial Release Program: Working Papers. Washington, D.C., 1973, p. 9.

**Source: National Center for State Courts. Policy Maker's Views Regarding Issues in the Operation and Evaluation of Pre-Trial Release and Diversion Programs: Findings from a Questionnaire Survey. Denver, Colorado, 1975, p. 12.

***Source: National Evaluation Program. Phase I Summary Report: Pre-Trial Release Programs. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Government Printing Office, April 1977, p. 70.

In addition to the increasing numbers of programs, their clientele size appears to be another important variable. Table 2 presents data on this dimension.

TABLE 2

NUMBER OF DEFENDANTS INTERVIEWED ANNUALLY IN PRE-TRIAL RELEASE PROGRAMS*

Number of Interviews	Percentage
Less than 1,000	20%
1,000 - 2,500	20%
2,501 - 5,000	12%
5,001 - 7,500	6%
7,501 - 10,000	3%
10,001 - 15,000	9%
15,001 - 20,000	1%
20,001 - 30,000	1%
30,001 - 50,000	1%
Over 50,000	1%
Don't Know	25%
(N=69)	99%

Note: Figures do not add up to 100 percent due to rounding.

*Source: National Evaluation Program. Phase I Summary Report: Pre-Trial Release Programs. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration; U.S. Government Printing Office, April 1977, p. 73.

As data on Table 2 suggest, staffing among PTRR programs is also quite diverse. The 1977 NEP study found that PTRR program staff ranged in size from one to as many as 120 persons. The study also indicated that, while a few programs are run entirely by part-time volunteers, almost 50 percent are run by full-time employees.[40] From the available information, there does not appear to be a standard organization for PTRR programs. While one could isolate a common denominator of all programs (the existence of interviewers), a 1972 survey found that PTRR program interviewers constituted a heterogeneous group, including volunteer and salaried law students and graduate students, past and present probation officers and police officers, and VISTA volunteers.[41]

Funding

Although funding has traditionally been a problem for many social programs, it does not appear to have been a significant deterrent to the development of PTRR programs. On the contrary, many programs appear to have been developed on a shoe-string budget, utilizing volunteer employees. As these programs were adopted by various state and local agencies, however, they tended to expand their budgets. Adoption by and/or incorporation into a government agency appears to solidify the existence of PTRR programs; consequently, many experimental or demonstration project

administrators may seek, as their primary goal, to obtain local government sanction and incorporation. A Law Enforcement Assistance Administration Study released in 1977 noted that while the U.S. Office of Economic Opportunities and the U.S. Department of Justice have financially supported PTRR programs in the past, today's programs must obtain state and local financial support if they desire to continue operations.[42] Data on funding sources and annual budgets of PTRR programs are presented in Tables 3 and 4.

TABLE 3

INITIAL FUNDING OF PRE-TRIAL RELEASE PROGRAMS

BY PRIMARY FUNDING SOURCE

	Study Year		
Funding Source	1973*	1975**	1977***
Municipal Government	9%	16%	12%
County Government	33%	33%	35%
State Funds	12%	11%	9%
LEAA Block Grants	29%	16%	33%
LEAA Discretionary Grants	8%	7%	5%
Volunteers		0%	
Private Foundations		2%	
U.S. Department of Labor	9%	1%	7%
Other Sources		4%	
Don't Know		9%	
	100%	99%	101%
(N=)	(98)	(55)	(109)

Note: Percentages may not add up to 100 percent due to rounding.

*Source: U.S. Office of Economic Opportunity. Pre-Trial Release Programs: Working Papers. Washington, D.C., 1973, pp. 7-8.

**Source: National Center for State Courts. Policy Maker's Views Regarding Issues in the Operation and Evaluation of Pre-Trial Release and Diversion Programs: Findings from a Questionnaire Survey. Denver, Colorado, 1975, pp. 3-10.

***Source: National Evaluation Program. Phase I Summary Report: Pre-Trial Release Programs. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Government Printing Office, April 1977, pp. 70-71.

TABLE 4

ANNUAL BUDGETS OF PRE-TRIAL RELEASE PROGRAMS

Annual Budget	Study Year 1973*	1975**
Less than $10,000	10%	0%
$10,000 - $25,000	15%	8%
$25,001 - $50,000	21%	14%
$50,001 - $100,000	26%	30%
$100,001 - $200,000	13%	24%
$200,001 - $300,000		8%
$300,001 - $500,000		2%
$500,001 - $1,000,000		8%
Over $1,000,000		6%
	100%	100%
(N=)	(68)	(50)

*Source: U.S. Office of Economic Opportunity. Pre-Trial Release Program: Working Papers. Washington, D.C., 1973, p. 9.

**Source: National Center for State Courts. Policy Maker's Views Regarding Issues in the Operation and Evaluation of Pre-Trial Release and Diversion Programs: Findings from a Questionnaire Survey. Denver, Colorado, 1975, p. 12.

Operational Philosophy

As previously suggested, PTRR programs developed in part in response to the encouraging findings of earlier research and the belief that justice might be better served if the criteria for pre-trial release were focused on more meaningful characteristics than mere economic capability.[43] It had also been suggested that, in addition to the physical, financial and psychic discomforts of pre-trial incarceration, those individuals subjected to pre-trial detention may receive a more severe disposition and sentence than those granted pre-trial release. As the 1961 Vera Foundation study reported, "Unquestionably, [pre-trial] detention was resulting in a higher rate of convictions and in far more punitive dispositions."[44] Thus, PTRR programs operate on the assumption that justice might be better served if accused individuals identified as "good risks" were released into the community to await hearing or trial. The primary objectives of a PTRR program, then, appears to be to maximize the release rate of accused individuals while minimizing the failure to appear and re-arrest rate of those released.

PTRR programs can be differentiated from the traditional money bail bond system along these assumptions: (1) an accused individual's family and community ties, nature and severity of prior criminal record, and the current criminal charge serve as a better indicator of the accused's likelihood of appearing in court than does the individual's

ability to post a money bond; (2) pre-trial recognizance release programs can identify accused individuals who are "good risks"; and (3) accused individuals identified as "good risks" can be granted a release from custody pending trial without jeopardizing the well-being of the community and at a net cost which is substantially less than operating the traditional money bail bond system with its pre-trial detention costs.

In 1968, the American Bar Association identified a number of elements or variables which might be considered in locating "good risks" among the population of accused individuals.[45] Included are the following elements pertaining to the accused:

1. length of residence in the community;
2. employment status and employment history;
3. financial solvency;
4. family ties and relationships;
5. reputation, character, and mental condition;
6. prior criminal record and bond performances;
7. reliability as stated by responsible members of the community; and
8. current criminal charge, probability of conviction and likely sentence.

These criteria are followed, in general, by most pre-trial recognizance release programs; however, almost as many predictive scales and guidelines exist as there are recognizance release programs.[46] In addition, the 1977 NEP study

isolated a basic controversy among PTRR programs: whether an individual's eligibility for recognizance release should be measured objectively, using a pre-determined point scale, or subjectively and individually. While many early PTRR programs utilized an objective, point scale approach (e.g., the Vera Foundation program), the 1977 NEP survey found "...that most release programs today use either entirely subjective or combined objective-subjective screening techniques."[47] Of the surveyed programs which prepare recommendations for the accused individual's first court appearances, only 27 percent reported using only an objective point scale; of those which prepare reports for bail re-evaluation hearings, only 17 percent use solely an objective scale. Nevertheless, the basic foundation of any predictive scale (whether objective or subjective) represents predictions of the accused individual's likelihood of appearance at court and potential threat to community safety, based on family and community ties, prior record, and current charges.[48]

Many PTRR programs operate under statutes, and local ordinances, which prohibit recognizance release if individuals are accused of certain criminal charges and non-offense related factors. Data in Tables 5 and 6 demonstrate the frequency of such exclusions.

TABLE 5

EXCLUSION FROM PRE-TRIAL RELEASE

BASED ON TYPE OF CRIMINAL CHARGE

Type of Criminal Charge	Study Year 1977*
Homicide	59%
Other Violent Crimes	48%
Narcotics Offenses	22%
Public Intoxication or DWI	20%
Other	29%
All Misdemeanors Excluded	9%
All Felonies Excluded	7%
(N=107)	

Note: Some programs may exclude based on two or more types of criminal charges, and thus the column does not total 100%.

*Source: National Evaluation Program. Phase I Summary Report: Pre-Trial Release Programs. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Government Printing Office, April 1977, p. 74.

TABLE 6

EXCLUSION FROM PRE-TRIAL RELEASE

BASED ON TYPE OF NON-OFFENSE FACTORS

Type of Non-Offense Factor	Study Year 1977*
Accused held on warrant or detainer from another jurisdiction	67%
Accused lacks local address	40%
Project unable to verify information given by the defendant	39%
Defendant has a record of prior failures to appear in court	35%
Accused was arrested while on probation, parole, or pre-trial release	30%
Accused has a prior record of crime committed while on pre-trial release	24%
Defendant is addicted to narcotics	19%
Defendant's prior record is not available	16%
(N=104)	

Note: Some programs may exclude based on two or more types of non-offense factors, thus the column does not total 100%.

*Source: National Evaluation Program. Phase I Summary Report: Pre-Trial Release Programs. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Government Printing Office, April 1977, p. 75.

In addition to the nature and severity of the current offense of the accused, most PTRR programs are bound by guidelines and other statues which may exclude the individual from consideration for recognizance release. Table 7 illustrates the various guidelines for excluding accused individuals from receiving a recommendation for recognizance release.

TABLE 7

GUIDELINES FOR EXCLUSION OF ACCUSED OFFENDERS FROM PRE-TRIAL RELEASE PROGRAMS

	Study Year	
Reason for Exclusion	1973*	1977**
Held on Warrant or Detainer from Other Jurisdiction	62%	67%
Prior Record of Failure to Appear	34%	35%
Lack of Local Address	33%	40%
Inability to Verify Information Provided by Accused	32%	39%
Prior Record of Re-arrest while on Pre-Trial Release	26%	24%
Arrested while on Probation, Parole, or Pre-Trial Release	18%	30%
Evidence of Narcotics Use	10%	19%
(N=)	(76)	(104)

Note: Some programs may exclude based on two or more types of criminal charges, and thus the column does not total 100%.

*Source: U.S. Office of Economic Opportunity. Pre-Trial Release Program: Working Papers. Washington, D.C., 1973, p. 140.

**Source: National Evaluation Program. Phase I Summary Report: Pre-Trial Release Programs. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Government Printing Office, April 1977, p. 74-75.

Operational Functions and Procedures

The previous sections above have emphasized the varying structural, philosophical, and funding source differences among PTRR programs. Program operations are also quite diverse, and are illustrated in Figure 1. As suggested there, the general operational patterns of PTRR programs can be divided into interview and release periods, although some programs often consist of a combination of these periods. Figure 1 suggests the particular points at which interviews and releases can be made.

PTRR programs appear to be involved in a three-step process: an investigation of the accused individual's background, a verification of the information received, and a presentation of the material to the individual empowered to authorize a pre-trial release. Further, these programs often provide additional services to those who qualify for a recognizance release, such as counseling, employment referral, and general liaison between the accused and the court.

There are certain common procedures in PTRR programs including the investigation of the accused's background, most often accomplished through a custodial interview. As Figure 1 illustrates, this interview can take place during any one of three periods in the judicial process, and two surveys, detailed in Tables 8 and 9, speak to the time of initial interview.

FIGURE 1. PRE-TRIAL RECOGNIZANCE RELEASE (PTRR) OPTIONS

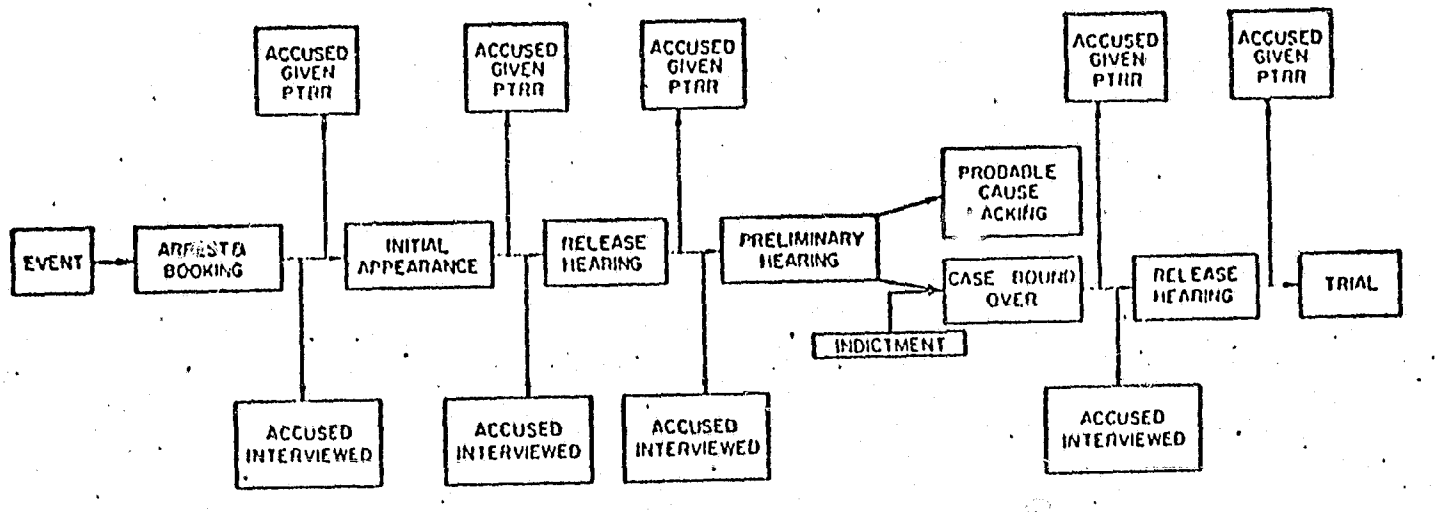


TABLE 8

TIME OF INTERVIEW

IN PRE-TRIAL RELEASE PROGRAMS*

Time of Interview	Percentage of Programs
Before Initial Appearance	45%
After Initial Appearance	33%
Before and After Initial Appearance	22%
(N=87)	100%

*Source: U.S. Office of Economic Opportunity. Pre-Trial Release Program: Working Papers. Washington, D.C., 1973. p. 150.

TABLE 9

PRIMARY POINT OF PROGRAM INTERVENTION

IN PRE-TRIAL RELEASE PROGRAMS*
(1978)

Primary Intervention	Percentage of Programs
Prior to First Court Appearance	18%
At First Court Appearance	45%
After First Court Appearance	37%
(N=110)	100%

*Source: National Evaluation Program. Phase I Summary Report: Pre-Trial Release Programs. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Government Printing Office, April 1977, p. 76.

The interviewer seeks to obtain as much relevant information as possible pertaining to the accused's family and community ties. A standard scale or score sheet with a prescribed format is generally used. On the basis of the number of points scored (and often on subjective factors left to the discretion of the interviewer), a recommendation about the individual's suitability for pre-trial release is made.

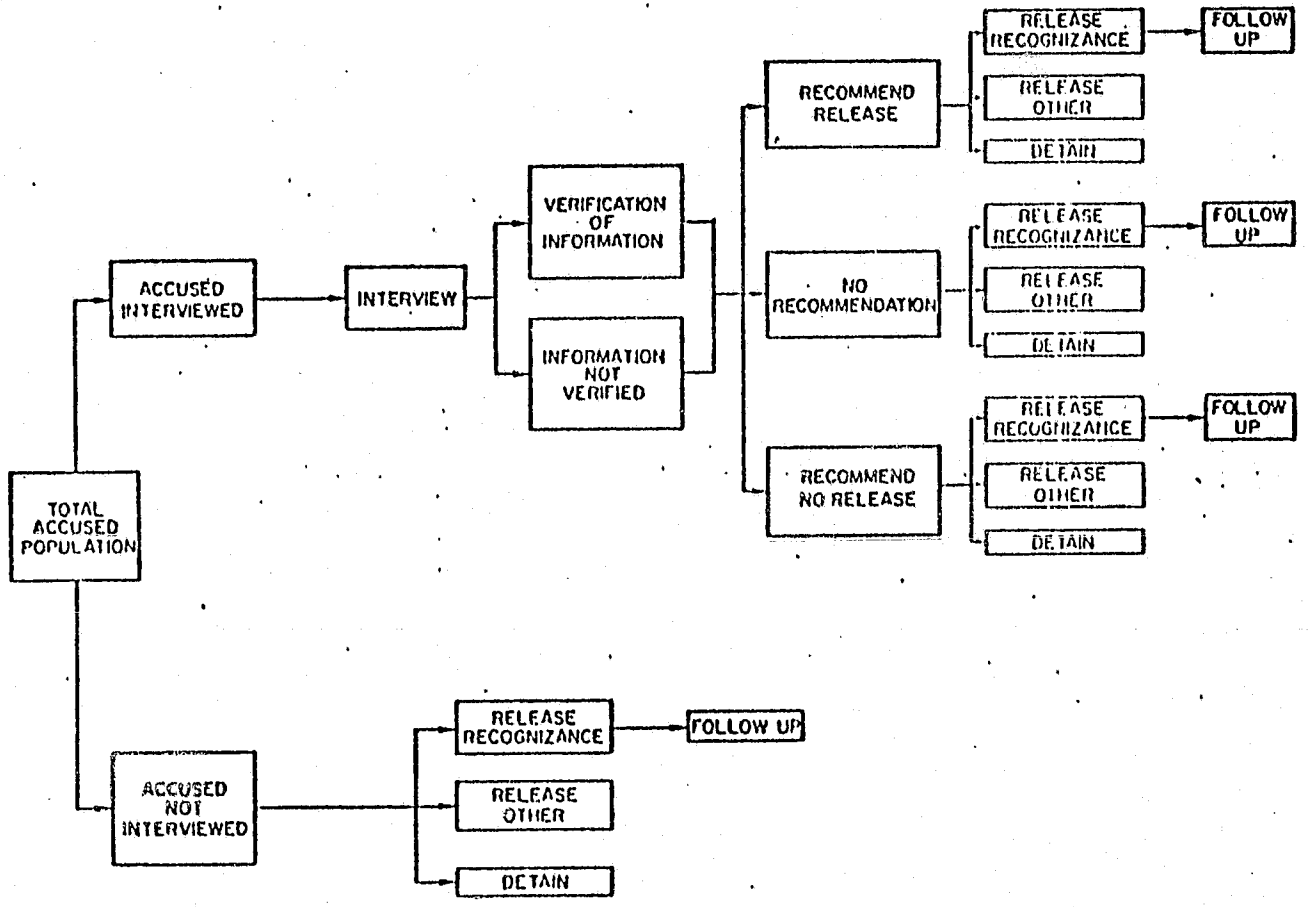
The authority to make the final decision to release differs widely from program to program. In some programs, the interviewer has the authority to release the accused prior to any judicial proceeding; however, this practice occurred in only 15 percent of the programs surveyed in the 1973 OEO study.[49] Other programs require the accused to appear before a judicial officer. At that time, the interviewer will present facts, and often recommendations, to the judicial officer concerning the accused's suitability as a recognizance release candidate. The 1973 OEO study[50] found that 90 percent of the programs had authority to recommend as well as to present fact; the other 10 percent had only fact presentation power, and the judicial officer, not the program staff member, would make the final decision. It does appear, however, that in all programs the ultimate decision of pre-trial release rests with the court.

In many jurisdictions, the interviewer must secure third-party verification of the information obtained from

the accused. This must be done prior to seeking the accused's release, since the accused's chance of release is at best compromised, and sometimes jeopardized if the information is not verified. In some programs, the interviewer may decide not to release the accused if enough information is not verified. In programs where the interviewer does not have release authority, the interviewer may, during the accused's court appearance, relay the verified and unverified objective information to the judicial officer, as well as any subjective impressions believed to be relevant. In either case, the judicial officer has the final authority pertaining to the release decision. Obviously, the judicial officer may release the accused or keep the accused in custody, despite positive or negative information or a lack of information and/or recommendation by the program interviewer. Ordinances and statutes do not require a recognizance release, nor do they frequently establish exact criteria for determining who will be granted such a release. This decision is within the discretion of the judicial officer.

Figure 2 illustrates the general pre-trial recognizance release decision flow. As Figure 2 suggests, there is an accused offender population not interviewed for recognizance release that may still be released on recognizance or on another form of pre-trial release. Unfortunately, very little is known at this time concerning the nature of the

FIGURE 2. PRE-TRIAL RECOGNIZANCE RELEASE DECISION FLOW



criteria for granting or not granting a recognizance release. It is known, however, that some pre-trial recognizance release programs staff interview only those accused offenders that the court directs them to interview, while other programs are restricted by local ordinances as to who can and cannot be interviewed.[51] Still other programs are restricted by a lack of human resources, and interviewing of potential clients simply cannot be undertaken. While little seems to be known concerning the criteria for granting a release, it is important to note that in some programs the accused may be released on recognizance without an interview by the program staff.[52]

Once a release has been authorized, when is the accused released? As Figure 1 suggested, three release periods can be identified. A station house release may be obtained by the accused subsequent to booking and prior to initial court appearance. Typically, the accused is released by the interviewer. A post-initial hearing release is obtained by the accused when brought before the judicial officer to have bail set, pending preliminary hearing. The third period of release is the post-indictment preliminary hearing release. Probable cause has been established either by a grand jury or by the judicial officer in the preliminary hearing. A release may be obtained by the accused when brought before the judicial officer to have bail set, pending trial,[53] subsequent to the finding of probable cause.

Once the decision to release has been made, most programs require some sort of written statement and/or sworn affirmation of intention. The state of California, in addition to the sworn affirmation, requires the accused to waive extradition if apprehended outside the state and to abide by the decision of the court if it revokes the recognizance bond. The state of North Carolina defines recognizance to mean a promise to appear and a promise to pay a forfeiture upon non-appearance.[54] It should be emphasized that recognizance programs do not require any admission of guilt, and being placed on a recognizance release in no way formally lessens the charges and the degree of personal liability for the stated charges.

Returning to Figure 2, some PTRR programs engage in certain follow-up procedures once an accused has been released. The 1973 OEO study[55] reported that some 75 percent of the programs systematically remind their accused clientele of upcoming court appearances. Some programs attempt to contact the accused at home to remind the individual of the court date, but others inform the accused just prior to the original date of release. Some programs attempt to deliver a formal written notification, while others adhere to the informal, verbal technique. The OEO survey[56] reported that some 60 percent of the programs surveyed require the accused to maintain regular contact with the program.

Some persons placed on a recognizance release fail to appear (FTA) at their appointed court hearings. As can be expected, PTRR programs are quite diversified in their procedural responses to this situation. Typical responses include serving a bench warrant, persuading the accused to appear, and learning the whereabouts of the accused and making an arrest. The frequency of such steps, as determined by two different surveys, is presented in Tables 10 and 11.

TABLE 10

STEPS TAKEN AFTER NON-APPEARANCE*
(1973)

Actions	Percentage of Programs
Take Any Steps At All	81%
Try to Persuade Accused to Appear	80%
Serve Bench Warrant	9%
Assist Police in Locating and Making Arrest	45%
Pre-Trial Recognizance Release Program Officers Make An Arrest	11%
Try to Learn Whereabouts of the Accused	62%
(N=75)	

Note: Some programs may exclude based on two or more types of criminal charges, and thus the column does not total 100%.

*Source: U.S. Office of Economic Opportunity. Pre-Trial Release Program: Working Papers. Washington, D.C., 1973, p. 40.

TABLE 11

ACTIONS TAKEN AFTER NON-APPEARANCE*
(1977)

Type of Action	Percentage of Programs
Secure Voluntary Return of Defendant	81%
Provide Information to Police to Aid in the Apprehension of the Defendant	64%
Arrest Power	24%
(N=107)	

Note: Some programs may exclude based on two or more types of criminal charges, and thus the column does not total 100%.

*Source: National Evaluation Program. Phase I Summary Report: Pre-Trial Release Programs. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Government Printing Office, April 1977, p. 80.

In addition to ensuring the accused's appearance in court and protecting the public, several other significant program functions can be identified.

To operate as a viable entity, PTRR programs must obtain and maintain the support of the general public media, local political officials, the courts, and the local corrections system. Non-support by any of these components of the criminal justice network could contribute heavily to the ultimate failure of the program. For example, PTRR

programs in a number of North Carolina counties were effectively halted due to unfamiliarity with the possibility of and mild disbelief in recognizance release effectiveness.[57] In addition to the problems experienced in North Carolina, it would seem that a newly formed PTRR program may disrupt the status quo by reducing the number of clients available to other criminal justice agencies. Obviously, engaging in boundary maintenance activities that serve to alleviate friction and promote cooperation and program acceptance among the local criminal justice system components are essential to the establishment and continued well-being of PTRR programs.

In part as an attempt to facilitate program adoption and survival of PTRR programs, the staff often engages in data collection, analysis, and evaluation to demonstrate program usefulness. A low failure-to-appear rate and a low pre-trial re-arrest rate are believed essential for the continued life of any such program, and this belief would demonstrate to the interested parties that the PTRR program can release accused individuals who are awaiting trial with a minimal threat to community well-being or respect for the law. Such favorable low figures will also serve to demonstrate that "good risk" accused individuals can be identified, and that a money bail bond may not be necessary to ensure the court appearance of "good risks."

One should also consider that many PTRR programs began as privately funded operations, which have engaged in the selling of the recognizance release philosophy in order that the program might become solidly established. Typically, PTRR programs seek to be adopted and/or funded by a government agency to ensure program tenure and stability. This idea merits reiteration for, in practice, program survival may supersede all other operational objectives.[58] This information is aggregated in Table 12.

TABLE 12

AVAILABILITY OF SELECT DATA*

Data Are Available On:	Number of Programs Reporting	Percentage of Programs "Data Unavailable"
Number of Defendants Interviewed	77	4%
Percentage of Interviewees Recommended for Recognizance Release	67	33
Percentage of Interviewees Granted Recognizance Release	76	8
Number of Accused Denied an Interview	73	81
Dispositions of Non-Interviewed Accused	75	96
Failure-to-Appear Rate for Accused Granted Recognizance Release	76	33
Re-Arrest Rate for Accused Granted Recognizance Release	76	74
Disposition of Any Group of Interviewed Accused	75	36

*Source: U.S. Office of Economic Opportunity. Pre-Trial Release Program: Working Papers. Washington, D.C., 1973, p. 260.

Program Evaluations: Effectiveness and Costs

What can be said about the nature of the impact of PTRR programs upon society, upon the accused, and upon the criminal justice system in general? Have pre-trial recognizance release programs, as a whole, been successful in maximizing the release rate while minimizing the failure-to-appear and re-arrest rates of those released? Much has been written and surmised about these questions in the past fifteen years since the Vera Foundation first operationalized the recognizance concept.

The 1975 National Center for State Courts study identified six criteria as being principal measures of PTRR program effectiveness. They are:

1. Release Rates - How effective is a particular program in terms of securing the release of the largest possible proportion of the total defendant population?

2. Speed of Operations - How quickly does a program operate to secure the release of a defendant who is eligible for such release?

3. Equal Justice - How effective is a program in minimizing differential treatment of defendants based on wealth or other invidious distinctions?

4. Failure-to-Appear Rates - How effective is a program in ensuring that released defendants return for scheduled court appearances?

5. Pre-Trial Crime - How effective is a program in ensuring that released defendants do not commit crimes while on recognizance?

6. Economic Costs and Benefits - How cost-effective is a particular program in economic terms?

Additional indicators of PTRR program effectiveness also can be identified, including such factors as program effects on the conviction and sentencing disposition of the participants, maintenance of local criminal justice support, and cooperation. While eight criteria have been identified, FTA rates, re-arrest rates, cost savings and rates of release have emerged as the principal measures of effectiveness.[62] Paul B. Wice has attempted to devise a formula for measuring the effectiveness of a PTRR program that takes into account three of these four variables. He offers the following formula for devising effectiveness ratings:[63]

$$\text{Effectiveness} = \frac{\%\text{ of accused offenders released}^2}{\%\text{ released} \times \%\text{ forfeitures}}$$

Unfortunately, as Table 11 suggests, not all PTRR programs collect data. Even for those programs that do, one can sense the wide disparity in the nature of the data accumulated and the collection techniques utilized. For example, the 1973 OEO survey [64] reported that the fifty-one programs making failure-to-appear determinations utilized thirty-seven different methods of calculation, the most popular method attracting only four adherents. This must be kept in mind when comparing operational statistics and outcome data which follow in this chapter.

Failure-to-Appear Rates

It appears to be a truism that any given PTRR program would want to maintain a low failure-to-appear rate (FTA)

among the program participants. While FTA rates are computed in almost two-thirds of all PTRR programs,[65] it is of little help to know simply that the FTA rate for accused individuals released on recognizance in a certain program is, for example, 3 percent. Such information is useful and meaningful only when the term "failure to appear" is clearly defined and when there is a defined success rate and/or relevant comparison standard or control group such as a comparison of the FTA rate, measured in the same way over the same period of time, for accused individuals charged with similar offenses who are eligible for a recognizance release, but are released on a money bail bond or through another form of pre-trial release.* Furthermore, each PTRR program tends to be operationally unique and its administrators may be inclined to compute FTA rates differently. For example, it makes a difference in interpreting and synthesizing FTA rates if every missed court date is considered a failure to appear, or if only willful defaults are counted in making the calculations.

In recent years, several studies of PTRR programs have been conducted on a national scale. One such study was undertaken by Wice,[66] who compared the FTA rates of

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*For a further discussion of the need for a control group and explicit definitions of outcome success in evaluation research, see Charles H. Logan, "Evaluation Research In Crime and Delinquency: A Reappraisal" The Journal of Criminal Law, Criminology and Police Science, Vol. 63, No. 3 (1972), pp. 373-387.

individuals released on a money bail with those released on recognizance in twenty American cities. By examining court records, Wice found that FTA rates in composite were approximately 6 percent in 1962 and 9 percent in 1971, both for those accused individuals released on a money bond and for those released on recognizance. Wice reported that release FTA rates for the money bond were always within five percentage points of each other in any city he examined. Studies by Conklin and Meagher[67] also reported no appreciable difference in FTA rates of those released on recognizance versus those freed on other forms of pre-trial release.

The 1973 OEO survey[68] isolated sixteen programs across the nation that utilized similar formulas to compute recognizance release and money bond FTA rates; ten of those pre-trial recognizance release programs had FTA rates that were lower, five had FTA rates that were higher, and one program had a FTA rate equivalent to that of the local money bond FTA rate. While the OEO study noted these observations, the extent or degree of difference was not explicitly stated.

In 1972, Wice then surveyed seventy-two American cities and determined that the failure-to-appear rate of those accused individuals released on recognizance was 2.8 percent, and that of those released on a money bail was 3.0 percent.[69]

The 1977 NEP study[70] reported that twenty-nine pre-trial recognizance release programs had a failure-to-appear rate of 5 percent or below. Nine programs had a failure-to-

appear rate of between 6-10 percent, and five programs had a failure-to-appear rate of above 10 percent.

There are several individual program evaluations that have shown recognizance release to be more successful than the traditional money bail system in terms of providing low failure-to-appear rates, including the Columbus, Ohio study[71] (4 percent for recognizance release and between 6-10 percent for money bail bond), and Des Moines, Iowa studies (1.8 percent for recognizance release in 1973[72] and 1.3 percent in 1975[73] compared to 7 percent for money bail bond)[74] and the studies of the Vera Foundation program in Manhattan.

The Vera Foundation program originally boasted, in their 1963 experimental study, of a 1.6 percent failure-to-appear rate among its recognizance clientele,[75] while the money bail bond failure-to-appear rate was almost 3 percent. A 1967 re-evaluation[76] revealed that the failure-to-appear rate of those released on money bail bond had risen to 4.4 percent, while the failure-to-appear rate of those released on recognizance rose dramatically; failing to appear were 9.4 percent of those placed on recognizance release on the basis of verified information; 19.3 percent of those placed on recognizance by the court but who had not been recommended for a recognizance release by the Vera program staff, and 16.2 percent of those placed on recognizance release but who had never been interviewed by nor received any formal recommendation pertaining to their risk potential and

eligibility for recognizance release from the Vera program staff failed to appear. (This dramatic increase is explored in more detail on p. 60).

In addition to the 1967 Vera program evaluation, other studies have shown recognizance release programs to be somewhat less successful than the traditional money bail system in securing the accused individual's appearance at the appointed court hearings. The quasi-experimental studies included the 1975 Alameda County, California study[77] (25.4 percent failure-to-appear rate for recognizance release clientele compared to 13 percent for money bail bond), and the 1971 Santa Clara, California study[78] (6.4 percent failure-to-appear rate for recognizance release clientele compared to 5.1 percent for a money bond control group).

From the data now available, it appears that pre-trial release programs are able to ensure the appearance of an accused individual for the appointed court hearings at least as well as the traditional money bail system.

Pre-Trial Crime

It is also in the interest of the pre-trial recognizance release program to maintain a low re-arrest rate among its released clientele. Wice's 1972 national study[79] also examined the re-arrest rates in seventy-two American cities. He found the re-arrest rate of those accused individuals placed on recognizance was 6.4 percent, while the re-arrest rate of those released on a money bond was 8.2 percent.

The 1973 OEO survey[80] isolated six programs which utilized similar techniques to compute re-arrest rates. Four of these pre-trial recognizance release programs had re-arrest rates lower than the money bond group, while the two remaining programs had re-arrest rates equal to the money bail groups. The 1977 NEP report[81] stated that eight pre-trial recognizance release program directors reported a pre-trial re-arrest rate of 5 percent or below for their clientele. One recognizance release program had a pre-trial re-arrest rate of between 6-10 percent, and the remaining two surveyed had a pre-trial re-arrest rate of above 10 percent.

There are several individual program evaluations which buttress these nationwide findings, including the Des Moines, Iowa studies (6 percent in 1973[82] and 8 percent in 1975,[83] both under the 9 percent money bail re-arrest rate); Washington, D.C.[84] (9.2 percent in 1966); Dayton, Ohio[85] (2.8 percent in 1972); Alameda County, California[86] (23.4 percent in 1976 for those released on a money bail); and Santa Clara County, California[87] (5.6 percent in 1971 for recognizance release clientele and 6.5 percent for those released on a money bail).

Two extensive studies were conducted by Angel[88] and Locke,[89] examining the re-arrest issue. During 1970 and 1971, Locke examined court and agency records pertaining to 426 accused individuals receiving some sort of pre-trial

release in Washington, D.C. and found that 11 percent were re-arrested during their pre-trial period. In 1971, Angel attempted to replicate Locke's study in the Boston area. He obtained information concerning 427 accused individuals freed pending trial who also met the Washington, D.C. characteristics and background standards for pre-trial release. Angel found that 14.5 percent were re-arrested in the Boston area during their pre-trial period. Unfortunately, neither of these studies utilized a comparison group of accused individuals freed on money bail bond. Without such figures, a review of these and other similar studies is hampered due to the lack of agreement as to what constitutes an unacceptable level of crime committed by accused offenders released on recognizance.[90] Furthermore, almost every PTRR program tends to be operationally unique and thus may compute statistics differently, making a synthesis of the evaluation material somewhat hazardous. Due to the lack of empirical data which compare re-arrest rates of accused offenders while on recognizance release with re-arrest rates of those released on bail bonds and to the mixed results and formidable methodological problems in the available data, the true dimensions of this issue remain unknown.[91] Future empirical considerations of the re-arrest issue could better compare control group figures or, at least, construct and contrast base expectancy rates with program outcome data.

Cost Effectiveness

Even a program that purports to increase justice and offer failure-to-appear and re-arrest rates at least equal to the traditional bail bond system may still have little acceptance unless it can offer such services at a lesser cost than the traditional system. Friedman found that approximately 34 percent of the PTRR programs that were started prior to 1969 were not in operation in 1973.[92] The 1977 NEP study found that these programs were terminated when initial grants from foundations ran out and the local jurisdiction was confronted with the burden of funding a program not seen as a cost beneficial enterprise.[93] While the previous two parameters seem to indicate that recognizance release might render effective correctional service at no greater risk to society than the traditional money bond system, an examination of the cost of such services might be instructive.

Since few PTRR programs are alike in terms of operations and since most programs compute program costs and savings quite differently, it is of little help to learn simply that a given program costs, for example, $56,000 to run and offers a savings of $10,000. Even if it were possible to equate operations and fiscal methodology, the figures could have varying degrees of implications. For example, a net savings of $10,000 in the operation of the New York City program may seem hardly worth the effort,

while a similar figure might seem to be a wind-fall profit for the Cody, Wyoming program. Of more significance would be figures which demonstrate the total net system savings, the net savings per accused offender interviewed, and the net savings per accused offender released.

A 1972 study of the Dayton, Ohio PTRR program[94] reported that the program was instrumental in placing 434 accused felons on recognizance. After accounting for those who would have been released by the local judicial officers on bail or on other forms of pre-trial release had the recognizance option not been available, it was determined that the PTRR program was responsible for releasing a net total of 156 of these accused felons. The average pre-trial felony detention period was determined to be fifty-eight days at an average cost of $6.00 per day. The gross jail cost savings was calculated to be 58 x 156 x $6.00, or $54,288.00. The indirect costs of taxable income loss of $1,492.00 and increased welfare costs of $10,180.00 were also calculated. The program had thus accounted for a total of $65,960.92 in savings to the community and the system. The program budget, including liabilities and assets, personnel, and facilities totaled $41,644.00. The net savings, therefore, was determined to be $24,296.92; the net savings per accused individual interviewed came to $19.29.

In 1966, Molleur[95] determined that a Washington, D.C. pre-trial release program had been directly responsible for

911 accused individuals being released on recognizance who would have been detained during the pre-trial period if the recognizance option were not available. It was calculated that the pre-trial release effected a savings of $1.02 per day for an average of 51.8 detention days, representing a gross savings of $48,265 per year. However, the author does conclude: "It appears that bail reform in this jurisdiction will pay for itself."[96]

The 1967 Vera Foundation study[97] of its post-indictment preliminary hearing release project determined that the project was saving $400,000 per year in direct costs of detention. In 1969, the San Joaquin County, California program estimated a savings of $95,000 per year in such costs[98] while the 1973 Des Moines, Iowa program estimated a savings of $454,299.[99] The 1971 Santa Clara, California program calculated a net savings of $34,120 per year.[100]

Table 13 summarizes the comparative costs of selected recognizance release programs.

There appears to be an abundance of information pertaining to the gross detention versus recognizance release savings and costs, but little information is available concerning the more empirically and theoretically credible figures of the net system and/or societal savings of the program, net system and/or societal savings per interview, and net system and/or societal savings per release. More information is clearly needed before a solid conclusion of

TABLE 13

COST OF SELECTED PRE-TRIAL RECOGNIZANCE RELEASE PROGRAMS*

	Program Location						
	Alameda County, CA	Santa Clara County, CA	San Francisco, CA	Berkeley, CA	San Mateo, CA	Des Moines, Iowa	Dayton, Ohio
Cost per interview	$ 8.20	$ 7.76	$ 7.76	$14.39	$ -	$ -	$33.00
Cost per release	63.52	18.00	45.00	50.00	35.00	52.00	97.52

*Sources: Alameda Regional Criminal Justice Planning Board. An Assessment of Future Pre-Trial Detention Requirements and of the Impact of Pre-Trial Releases on Pre-Trial Detention for Alameda County. Oakland, California, 1976, p.7.

Obert, Ronald. Pre-Trial Release Programs in an Urban Area: Final Report, Santa Clara Pre-Trial Release Program. San Jose, California: Santa Clara Release Program, 1973, p. 60.

National Institute of Law Enforcement and Criminal Justice. A Handbook of Community Corrections in Des Moines. Washington, D.C.: Fifth Judicial District Department of Court Services, U.S. Department of Justice, 1973, p. 66.

Kessler, John W. First Annum Report of the Miami Valley Council of Government's Pre-Trial Release Project. Dayton, Ohio, 1972, p. 14.

economic value can be advanced. In collecting and contrasting such data across programs, it must again be emphasized that each PTRR program is different in terms of operations and fiscal calculations. Even if it were possible to equate program operations and fiscal methodology, the derived figures would still have varying degrees of implications. The 1977 NEP study concluded, "As of now, we simply do not have an adequate basis upon which to assess the cost effectiveness of the PTRR programs."[101]

The above analyses have concentrated their efforts on direct cost data. Nelson suggests that such techniques ignore some very significant secondary and tertiary factors.[102] For example, one might consider whether placing an accused individual on a recognizance release may serve to negate the adverse impact upon the individual's employment status. Maintaining a job may keep the accused individual's family off the welfare rolls, help maintain the community tax base, and/or perhaps ensure less interrupted production and consumption of goods and services. The individual might have a better opportunity to obtain a private attorney as opposed to a court-appointed, tax-supported attorney. Release status may tend to negate the adverse impact of incarceration upon the accused individual's social well-being and marital stability. Appearing in court dressed in street clothes and in a well-groomed manner is believed to have a

more positive impact upon the jury than appearing in the traditional workhouse uniform.

Vito has suggested that the following benefits of a program providing an alternative to incarceration be estimated in a program analysis:[103]

Benefits to Clients

1. Increased self-esteem
2. Maturation as evidenced by independence
3. Improved and strengthened family ties
4. Sense of belonging in the job market
5. Loss of antagonism toward the "established system"
6. Non-real wages, i.e., employment benefits such as hospitalization, social security, retirement benefits, etc., all of which increase the security of the individual

Benefits to Family and Friends

1. Higher standard of living
2. Decreased family humiliation
3. Increased social acceptance within the community
4. Improved and strengthened family ties
5. Increased self-esteem

Benefits to the Community

1. Increased psychic well-being for all
2. Decreased requirement for future rehabilitation services
3. Increased community prosperity
4. Because of benefits such as retirement, social security, and hospitalization available to the employed individual, society will not continue to provide aid in illness or old age without the individual having made a contribution toward that care

Chapman suggests the following criteria be considered in analyzing the costs and benefits of an alternative to incarceration:[104]

Costs

1. Project Outlays

   A. Research and development costs of instituting the project
   B. Investment/implementation costs
   C. Administrative/operational costs

2. Opportunity Costs

   A. The value of the missed chances to do other things

3. Associated Costs

   A. Cost involved in utilizing a service provided by a project

4. Alternative Costs

   A. The minimum costs of obtaining the output of a project by alternative means

Benefits

1. Savings to society through the use of the diversion
2. Wages and taxes generated by the participant
3. The participant's gain in human capital
4. Reduced recidivism

Nelson and Chapman, and Vito have a valid and logical point. An analysis which could accurately include primary, secondary, and tertiary elements (Nelson's typology) could contribute to a more valid and reliable evaluation than would a cost/benefit analysis which focused solely upon the primary factors. However, an analysis that attempts to utilize data designed to measure secondary and tertiary factors runs into a severe theoretical roadblock, for an

analysis which employs these factors in a quantitative framework would involve subjectively-established criteria weighting and fiscal valuations. Consequently, the accuracy of the subjectively-deduced valuations would, and should, be questionable, and thus subject to endless dispute and debate. Consider, for example, a discussion of the relatively hard data figures of welfare costs and tax losses of incarceration. The 1972 Dayton, Ohio pre-trial recognizance release program examined welfare costs, state tax losses, and local tax losses and derived a figure of $74.83 lost per average pre-trial incarceration period in this jurisdiction.[105] In 1973, Kaitsa estimated the daily state and local tax revenue losses per incarcerated married male in Ohio to be $.40 per day and the maximum cost of welfare support for the accused individual's family (determined to be a wife and three children) to be $9.50 per day.[106] If one were to utilize the Dayton average pre-trial detention period (58 days) and multiply that by the welfare support and tax loss as determined by Kaitsa ($9.50 and $.40 respectively), a figure of approximately $575.00 lost per average pre-trial incarceration period can be derived. It is difficult to determine which of these figures is more accurate. A discussion of the merits and shortcomings of each figure is more appropriate, although such a discussion might never result in consensus. This problem becomes more apparent when

attempting to determine the value of less concrete variables, such as a good credit rating, self-esteem, family humiliation, and other intangibles which are believed to be affected by the recognizance release versus detention decision.

Despite the immense difficulty of affixing a value to the more abstract variables, researchers could err if they do not consider the primary, secondary, and tertiary costs and benefits of recognizance programs in a Nelson typology.* Little has been done to develop this type of analysis in recognizance release programs although an argument can be made for its relevance.

Subsequent Dispositions

Arthur Beeley's 1927 study in Chicago,[107] Morse and Beattie's 1927-1928 study in Portland, Oregon,[108] and Caleb Foote's Philadelphia[109] and New York City[110] studies in the 1950s all identified what they labeled as a disturbing correlation between the pre-trial detention of an accused individual and subsequent conviction and severe sentences. As the second year report of the Vera Foundation program observed:

> Some 60 percent of those released pending trial during the first year eventually were acquitted or had their cases dismissed, compared with only

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*Appendix E contains a copy of Nelson's cost/benefit analysis methodological model for analyzing alternatives to incarceration.

> 23 percent of the control group. And only 15 percent of the released defendants who were convicted were sentenced to prison, where 96 percent of those convicted in the control group received prison sentences. Unquestionably, detention was resulting in a higher rate of convictions and in far more punitive dispositions.[111]

The 1975 Des Moines, Iowa PTRR program reported that 66 percent of those released on recognizance were convicted, compared to a 62 percent conviction rate for those who were detained during the pre-trial period. However, only 4 percent of those released on recognizance were subjected to actual post-trial incarceration, while 61 percent of those detained during the pre-trial period were incarcerated subsequent to their trials.[112]

There seem to be few additional studies, other than the six referenced here, that have attempted to explain the existence of the correlation between pre-trial detention and subsequent adjudication. Unfortunately, all but one of these studies discussed failed to take into account the possibility that the reason the accused individual received a more severe disposition may be the same reason he was denied a recognizance release.

Program Release Rates and Speed of Operations

It must be kept in mind that the primary objective of PTRR programs is to maximize their release rate while minimizing their failure-to-appear and re-arrest rates. PTRR

programs, as a whole, do seem to have the capability to effect the release of accused individuals from pre-trial detention. Wice's survey of seventy-two pre-trial release programs indicated that recognizance release had reduced the pre-trial detention population by some 28 percent.[113] External factors such as community and political leader confidence, favorable media coverage, and judicial officer acceptance of the recognizance philosophy seem to have a direct impact upon release rates. In addition to these external factors, a number of studies have suggested that a relationship exists between the time lapse from booking to release and the number of accused individuals who are released. The Alameda County, California program indicated in its 1976 report[114] that if a reduction in pre-trial detention time from the current twenty hours to ten hours could be realized, the system could expect as much as an 18 percent decrease in its detention population. Wice surveyed eight large U.S. cities and calculated in general figures the percentage of the total accused population which was released on recognizance and the average time from arrest to recognizance release. Table 14 illustrates Wice's findings.

TABLE 14

PROGRAM RELEASE RATES

AND TIME DELAY FROM ARREST TO RELEASE*

City	Percentage of Total Accused Population Released on Recognizance	Average Time from Arrest to Recognizance Release
Washington, D.C.	31.4%	18 hours
San Francisco	24.7%	18 hours
Baltimore	7.2%	24 hours
Los Angeles	5.0%	24 hours
St. Louis	4.6%	60 hours
Atlanta	4.1%	36 hours
Indianapolis	4.0%	45 hours
Chicago	2.9%	30 hours

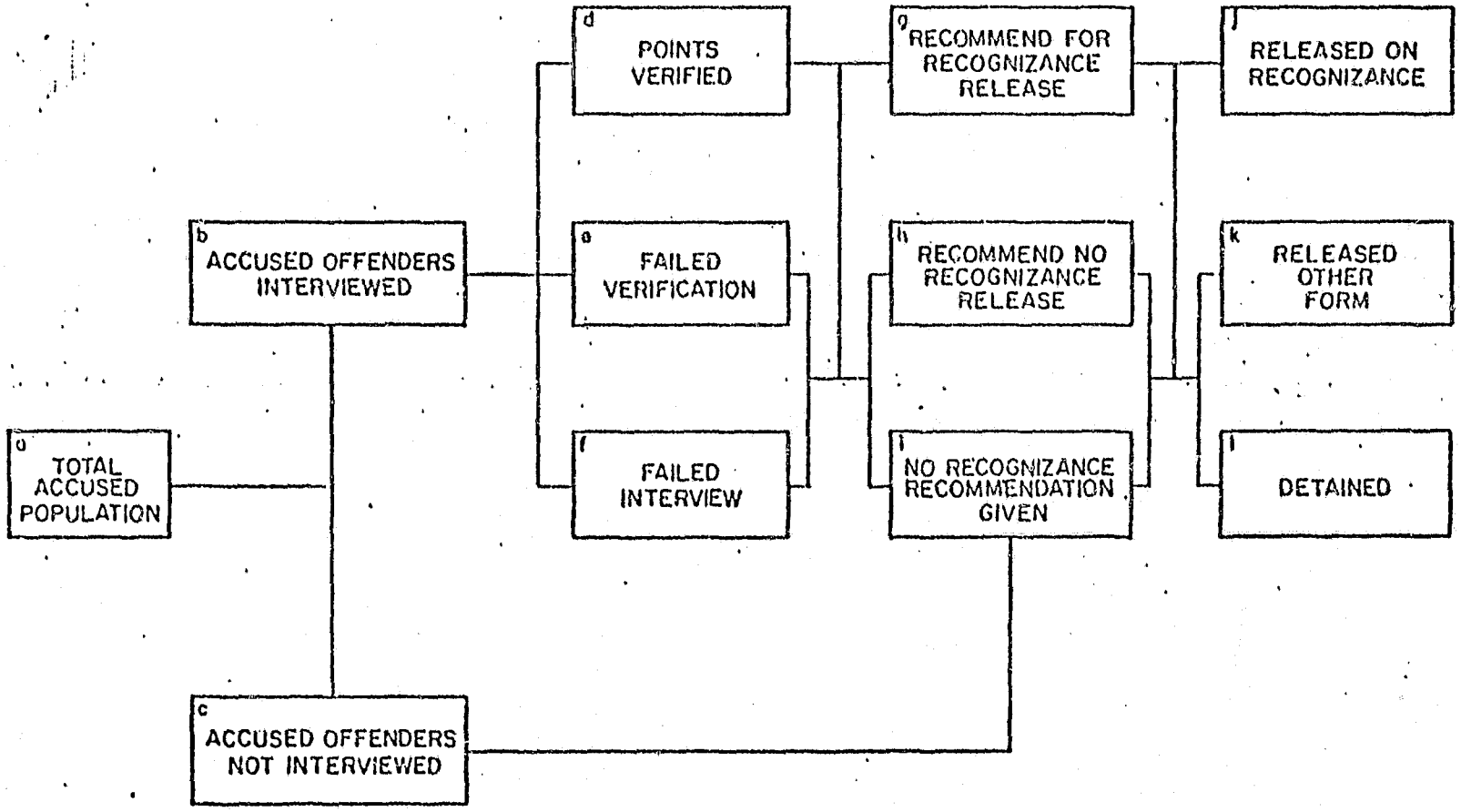
*Source: Wice, Paul B. Freedom For Sale. Lexington, Massachusetts: Lexington Books, 1974, p. 126.

Wice also utilized data from a study of the Dallas, Texas program conducted by Bogomolny and Gaus,[115] contrasting it with the Santa Clara County program data.[116] Wice noted that the Santa Clara program boasted a 54.9 percent release rate, while the Dallas program had only a 2.3 percent rate. Wice then noted that the average time from booking to recognizance release for the Santa Clara program was only four hours, while the Dallas program time period was roughly ten days. On the basis of these observations, Wice concluded that there is indeed a relationship between speed of operation and the percentage of accused individuals

released on recognizance. Unfortunately, no attempt was made by Wice to construct a base expectancy rate of release. While the figures are certainly tantalizing, without a base expectancy figure of comparison, no causal inferences can be drawn. Even the validity of the correlation is questionable due to the fact that the data might be representative of a variety of program operational techniques and statistical methodologies. This latter point becomes quite visible when one realizes that while some 80-90 percent of the pre-trial release programs polled in the 1973 OEO study indicated that they kept some sort of workload figures, the OEO found little similarity in their interpretation due to the variance in the nature of the information collected.[117] Figure 3 illustrates various points in the general PTRR program operation where workload data are actually compiled in certain programs.

As has been continually reiterated, cross-program evaluation synthesis is characterized by methodological pitfalls. Wice's attempt unfortunately is no exception, although it is still helpful in pointing out that, while these cities' recognizance release programs differ widely, the time delay-release relationship can easily be detected and warrants further quantitative inquiry.

FIGURE 3. PRE-TRIAL RECOGNIZANCE RELEASE PROGRAM
WORKLOAD DATA COLLECTIONS PERIODS



Criminal Justice System Support

To function as a viable entity, it is believed that a pre-trial recognizance release program must maintain the support and cooperation of the members of the local criminal justice system. Lack of support from city or county executives could result in a loss of program funding. Lack of cooperation from the local judicial officers, public defenders, and/or district attorneys could result in a loss of clientele. Opposition to the PTRR program on the part of the local police could serve to increase re-arrest rates among accused individuals released on recognizance and thus undermine the program's effectiveness ratings.

In 1975, Stover and Martin surveyed various members of the criminal justice system to, among other things, ascertain individuals' opinions regarding the impact of pre-trial recognizance release on the "fair and efficient functioning" the criminal justice process.[118] Judges tended to look most favorably upon pre-trial recognizance release, while police chiefs tended to look least favorably. Overall, 56 percent of the respondents felt that recognizance release very significantly improves the fair and effective functioning of the criminal justice process. The complete set of data is presented in Table 15.

TABLE 15

RESPONDENTS' OPINIONS REGARDING THE IMPACT OF PRE-TRIAL RELEASE ON THE FAIR AND EFFECTIVE FUNCTIONING OF THE CRIMINAL JUSTICE PROCESS IN THEIR JURISDICTION*

Responses	Judges	County Executives	Public Defenders	District Attorneys	Police Chiefs	Sheriffs	Composite
Improves it very significantly	79%	70%	57%	54%	28%	59%	56%
Helps somewhat	17%	25%	36%	42%	59%	31%	35%
Makes little difference	4%	4%	4%	4%	10%	0%	4%
Overall effect is negative	0%	0%	4%	4%	3%	10%	4%
Totals	100%	99%	101%	104%	100%	100%	99%
(N=)	(24)	(20)	(28)	(27)	(29)	(29)	(157)

Note: Figures do not add up to 100 percent due to rounding.

*Source: Stover, Robert V. and John A. Martin. "Results of a Questionnaire Survey Regarding Pre-Trial Release and Diversion Programs" in National Center for State Courts, Policymaker's Views Regarding Issues in the Operation and Evaluation of Pre-Trial Release and Diversion Programs: Findings From a Questionnaire Survey. Denver, Colorado, April 1975.

Factors Affecting Failure-to-Appear Rates

A relatively small amount of research has been undertaken in an attempt to identify factors which impact upon FTA rates among accused offenders released on a recognizance release. Perhaps even more disheartening is the fact that the results of the available research are not at all uniform. For example, the original Vera Foundation PTRR program operated under the assumption that social economic background and community ties were the best indicators of FTA probability.[119] Research conducted by both Wilson[120] and Wice[121] tended to confirm this theory. On the other hand, the works of Clark,[122] Feeley and McNaughton,[123] and Kirby,[124] all suggest that socio-economic background and community ties are not reliable indicators of FTA probability.

The Vera Foundation PTRR evaluations also identified other factors that influence an accused individual's failure-to-appear tendencies. Why is it that the failure-to-appear rates for those released on recognizance under the Vera program rose so dramatically from 1964 to 1967?* Schaffer suggested the following five reasons for the increase.[125] First, when the program was initiated, it had an air of freshness and innovativeness. The staff consisted

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*The 1964 report revealed a failure-to-appear rate of 1.6 percent, while the 1967 rate was greater than 10 percent. See Appendix D.

of, in a Down's typology,[126] bureaucratic zealots sold on the recognizance release philosophy and determined to show the world the value of the program. Those days appear to be over; recognizance release is now more or less accepted as a viable alternative to pre-trial detention or bail in New York City. The program has been fiscally adopted by the local government and, again in Downs typology,[127] the less enthusiastic bureaucratic conservers now fill the organization. Second, there has been consistently decreasing follow-up to assure the accused individual's appearance in court and, third, if the accused individual does fail to appear, the police rarely seek him out. Fourth, if the accused individual is apprehended, prosecutors have been reluctant to prosecute on a failure-to-appear charge. Fifth, if a charge is brought, the judicial officers rarely impose a sanction of any significant consequence. This apathy has become a detriment to this program's operational goals. Such problems would undoubtedly place a privately funded pre-trial recognizance release program in jeopardy. But inasmuch as this program in New York City is now funded by the city government, performance expectations may be reduced at little or no cost to program political stability and public acceptance.

The Oakland, California program has also served as a learning opportunity for recognizance release proponents. Forrest Dill carefully reviewed the pre-trial recognizance

release programs in Oakland from 1963 to 1966 in an organizational theory framework. His observations were as follows:

> The functions of the Oakland bail project can be understood only by viewing it in the organizational context of the lower criminal court. The project was located in a system of established expectations and arrangements anchoring the conduct of all regular participants to norms of reciprocity, consensus, and cooperation. Some of the most enduring problems of official action in this system arise from the need to relieve calendar pressures. Solutions are available but less enduring: dismissals, delays, guilty pleas, and negotiated dispositions are the principal means for alleviating and coping with heavy workloads and calendar pressures. . . .
>
> As part of the court system, the bail project actually centered its work on the same objective that occupies all others in the system: disposing of cases. Recommendations concerning pre-trial release therefore could not be based solely on independent estimates of defendants' "roots in the community" or other criteria that might be used to assess the advisability of pre-trial release. Rather, such recommendations had to take into account the way each case would eventually be cleared from the court calendar--dismissal, guilty plea, or trial. Thus, the operative goals of the bail project must be identified by inspecting the practical considerations to which staff behavior was oriented. . . .
>
> In theory, the task facing the bail project was to comb through this group of defendants in search of "good risks"--defendants reasonably certain to "stay out of trouble" and come back to court at required times if granted OR. But in practice the investigators looked upon release or detention before trial as one link in a chain of events that would end ultimately in removal of the case from the court calendar. The search for "good risks" was actually incidental to the essential task of moving cases toward final dispositions. Staff evaluation of each defendant as a potential recipient of

> OR was therefore influenced by the anticipated disposition the case would receive. Pre-trial release recommendations were organizational commodities which were closely tied in each case to predictions of what would happen in decisions subsequent to the pre-trial stage.[128]

Thus, examples of internal and external apathy and manipulations are prevalent in both the New York City and Oakland programs, any combination of which might impair the viability of any program.

There have been other studies undertaken in an attempt to identify other factors which impact upon failure-to-appear rates. It has been hypothesized that, as a greater proportion of the accused individual population is granted recognizance release, there is less rigor in the adherence to and even shifts in the criteria for granting recognizance release. Such action, it is theorized, tends to increase the number of "poor risks" granted a recognizance release, thus resulting in a higher failure-to-appear rate. A study by Thomas, however, has suggested that PTRR programs might increase their release rates without markedly affecting their failure-to-appear rates.[129]

The 1977 NEP study reviewed the correlation between program-release rates and failure-to-appear rates.[130] The NEP reported a situation in Santa Clara County, California, where some 90 percent of the misdemeanants who would ordinarily have been detained awaiting trial were released on recognizance without a resulting increase in the program's failure-to-appear rates. A similar situation occurred

during a two-week period in 1974 in Brooklyn, New York. The NEP reported, "during this [two-week] period, the program's release rate increased from a norm of 42 percent to 66 percent without adversely affecting the non-appearance rate."[131] The NEP summary concluded that there does not appear to be a significant relationship between the macro system release rate and the macro program failure-to-appear rate.[132]

A study of Landes suggested that the severity of the current offense and the seriousness and extent of the accused individual's prior criminal record were both significant indicators of the accused individual's failure-to-appear tendencies, but he did not indicate the degree of significance.[133] Molleur concurred with Landes, feeling that "a denial of release to those with records of juvenile (criminal) involvement would have materially reduced the failure-to-appear rate."[134] Wice presents evidence that the extent of the accused individual's community ties and past-appearance record are the most significant indicators of failure-to-appear tendencies, while the nature of the present offense and past criminal record are not as significant.[135] The Alameda County, California program evaluation[136] and Thomas[137] independently concurred that time on release was positively correlated with failure to appear. On the other hand, a study by Feeley and McNaughton[138] found the time lag from release to trial not to be a significant indicator, nor was the nature and extent of the

accused individual's prior criminal record, as Landes has suggested. They did observe, however, that it might be fruitful to examine such questions as "how well defendants understand court procedures, how much respect they have for the Court and the Police, how well aware they are of scheduled appearances, and what penalities they believe they will face if they fail to appear."[139] The 1977 NEP summary report identified the "local practices regarding apprehension and prosecution of defendants who fail to appear" as a salient factor of program failure-to-appear rates.[140] There does seem to be a general consensus,[141] supported by a number of studies,[142] that some type of notification and follow-up procedures can reduce failure-to-appear rates. Wice has suggested that the place and methods of notification of hearing dates are critical, and specifically states that unless the pre-trial recognizance release program staff personally informs the accused individual of future court appearance dates, there is a marked decrease in appearance rates.*

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*Despite the general belief that follow-up procedures can lead to a decreased failure-to-appear rate, the 1977 NEP study found that approximately 30 percent of the 110 programs surveyed do not remind accused individuals of upcoming court dates. (See Thomas, Phase I Summary Report: p. 79.)

As can be seen, mixed findings abound in this area and "the two most thorough studies. . .suggest that it is difficult to find a positive correlation between any background variables and likelihood of nonappearance."[143] Future research might seek to identify the nature and the magnitude of the individual and operational factors that do impact upon failure-to-appear rates.

Conclusions

The development of pre-trial recognizance release was encouraged, inter alia, by early research findings and by feelings that accused individuals subjected to a pre-trial detention period based solely upon their lack of financial resources received more severe dispositions and sentences than those given a pre-trial release. It was felt that justice might be better served, therefore, if the criteria for release were to focus on more meaningful elements than financial status and capability. By basing release criteria upon family and community ties, PTRR programs strive to maximize release rates while minimizing failure-to-appear and re-arrest rates. While certainly not all individual programs are successful in this endeavor, PTRR programs on a macro level seem to be a viable alternative to the traditional pre-trial detention/bail release system. However, future empirical review of the failure-to-appear and re-arrest rates of PTRR program participants must utilize a

control group or at least compute a base expectancy rate for comparison to bring greater credibility to the pre-trial release concept.

The 1967 President's Commission on Law Enforcement and Administration of Justice recommended:

> Bail projects should be undertaken at the State, County, and local levels to furnish judicial officers with sufficient information to permit the pre-trial release without financial conditions of all but that small portion of defendants who present a high risk of flight on dangerous acts prior to trial.[144]

The 1973 National Council on Crime and Delinquency (NCCD) stated that the PTRR programs and other pre-trial release procedures then in operation in Des Moines, Iowa "appear to be providing effective correctional services, at no greater risk to society and at a cost substantially less than traditional corrections programs..." The NCCD further recommended that the "...approach be implemented wherever community support can be generated for its acceptance."[145]

Several critical operational findings have been reviewed in this chapter. While no solid conclusions have been reached, researchers and PTRR program administrators would do well to note the following empirical observations about PTRR programs and pursue their implications accordingly:

1. There is an apparent negative correlation between the time lapse from police booking to recognizance release and the total program release rate.

2. There is an apparent negative correlation between the extent of degree of the program's follow-up procedure and the program failure-to-appear rate.

3. There is an apparent positive correlation between the extent of the accused individual's prior criminal record and the individual's failure-to-appear tendencies.

4. There is an apparent positive correlation between the severity of the accused individual's prior criminal record and the individual's failure-to-appear tendencies.

5. There is an apparent positive correlation between the accused individual's past court appearance record and the individual's failure-to-appear tendencies.

6. There is an apparent positive correlation between the time lapse from release to trial and the accused individual's failure-to-appear probabilities.

7. There is an apparent positive correlation between the time lapse from release to trial and the accused individual's re-arrest probabilities.

As previously suggested, further empirical review of these apparent correlations would do well to consider and compare control group figures or at least construct and contrast a set of base expectancy rates with the program data.

There are many aspects of pre-trial release program operations which have been subjected to little, if any, objective scrutiny. Future empirical investigation of the following critical issues would be in order:

1. What information should be used to determine who should be interviewed?

2. What information should be used to determine who should be recommended for release?

3. At what point in the judicial process should the accused individual be released?

4. Should different accused individuals be released at different points in the process? What criteria should be utilized to make this differentiation?

5. How extensive should the verification procedure be?

6. How extensive should the notification and follow-up procedures be?

7. What type of notification and follow-up procedures has the greatest impact upon failure-to-appear and re-arrest rates?

8. What is the impact of the booking-to-interview time lag upon the release rate, and what can be done to decrease this time lag?

9. Can low failure-to-appear rates be attributed to good pre-release screening and verification of information or notification and follow-up procedures?

10. Which set or combination of PTRR program operational procedures is the most cost-beneficial?

11. What activities can and should be undertaken to effect the most cost-beneficial impact upon the program's external environment?

12. What is the impact of the release-to-trial time lapse on failure-to-appear and re-arrest rates, and what can be done to manipulate this time lag?

13. What can be done to combat internal and external operational manipulations?

14. What can be done to maximize the release rate while minimizing failure-to-appear rates, re-arrest rates, and operational costs?

These and other research questions have not yet been extensively addressed in the literature.

CONTINUED

1 OF 4

FOOTNOTES

CHAPTER I

[1]See Kaplan, John. Criminal Justice: Introductory Cases and Materials. Mineola, New York, Foundation Press,, pp. 312-352.

[2]Thomas, Wayne H. Phase I Summary Report: Pre-Trial Release Programs. National Evaluation Program, National Institute of Law Enforcement and Criminal Justice Law Enforcement Assistance Administration. U.S. Government Printing Office, April, 1977, p. 1.

[3]American Bar Association Project on Minimum Standards for Criminal Justice. Standards Relating to Pre-Trial Release. New York, Institute of Judicial Administration, September, 1968, p. 1.

[4]American Bar Association. Standards.

[5]Law and Order Reconsidered. Report of the Task Force on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence. Washington, D.C. Government Printing Office, 1968, p. 430.

[6]Defender Newsletter. "Pre-Trial Release Programs", Vol. 2 (1965) pp. 1-9.

[7]Molleur, Richard R. Bail Reform In The Nations Capital. Washington, D.C.: Georgetown University Law Center, 1966, Appendix p. 3.

[8]Kaplan, John. Criminal Justice: Introductory Cases and Materials. Mineola, New York. The Foundation Press, Inc., 1978, p. 313.

[9]Freed, Daniel J., and Patricia M. Wald. Bail In the United States: 1964. A Report to the National Conference on Bail and Criminal Justice, Washington, D.C., 1964, pp. 39-45.

[10]Kaplan. Criminal Justice. p. 326.

[11]Kaplan. Criminal Justice. p. 324.

[12]Freed and Wald. Bail in the United States. pp. 39-45.

[13]President's Commission on Law Enforcement and Administration of Justice. The Challenge of Crime in a Free Society. Washington, D.C. U.S. Government Printing Office. 1967, p. 131.

[14]Freed and Wald. Bail in the United States. pp. 39-45.

[15]See Clemmer D. The Prison Community. New York, Rinehart & Co. First Published in 1940.

Wheeler, S. "Socialization In Correctional Communities." American Sociological Review. 26, N. 5 (1961b), pp. 697-712.

[16]Kaplan. Criminal Justice. p. 324.

[17]See: Sykes, Gresham M. The Society of Captives: A Study of Maxium Security Division. Princeton University Press, Princeton Paperback 1971; "Sexual Assaults in Prison." From Report on Sexual Assaults in a Prison System and Sheriff's Vans in Lion Rodz Mowicz and Marvin Wolfgang (eds.) Crime and Justice Volume III. New York Basic Books, Inc., 1977, pp. 223-228.

Sykes, Geshman M. and Sheldon L. Messinger. "Inmate Social System: in Leon Radyinowitz and Marvin Wolfgang (eds.) Crime and Justice Volume III. New York Basic Books, Inc., 1977, pp. 185-193.

[18]Oakes, Dallin. Preventive Detention. Chicago Urban Research Corporation. 1971. p. 60.

[19]Kaplan. Criminal Justice. p. 326.

[20]Pound, Roscoe and Frankfurter, Felix, eds. Criminal Justice in Cleveland: Report of the Cleveland Foundation Survey of the Administration of Criminal Justice in Cleveland, Ohio. Cleveland, Ohio: The Cleveland Foundation, 1922; reprinted, Montclair, New Jersey: Patterson Smith, 1968. p. 290-292.

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[34]U.S. Office of Economic Opportunity. Pre-Trial Release Program: Working Papers. Washington, D.C., 1973, p. 3.

[35]Thomas. Phase I Summary Report. p. 68.

[36]The OEO study found funding to range from $4,000 per year for the Toledo, Ohio program to $570,000 per year for the New York City program.

[37]The OEO study found the logistics to vary from 72 interviews per year in the Tompkins County, New York program to 127,000 interviews per year in one of the New York City programs.

[38]The OEO study found ROR-type programs to vary in their political status from small projects serving only in an advisory capacity and existing tenuously at the sufferance of local politically powerful bail bondsmen to programs which are well-established arms of Court systems.

[39]University of North Carolina. Institute of Government. The Bail System in Charlotte, 1971-1973. Chapel Hill, North Carolina, 1974.

[40]Thomas. Phase I Summary Report. p. 9.

[41]Wice, Paul B. Freedom for Sale. Lexington, Mass.: Lexington Books, 1974, p. 117.

[42]Galvin. Instead of Jail. p. 7.

[43]Ares. "The Manhattan Bail Project." p. 5.

[44]Vera Institute of Justice. Programs in Criminal Justice Reform: Ten Year Report 1961-1971. New York. Vera Institute of Justice. May 1972, p. 31.

[45]American Bar Association. Standards. p. 54.

[46]Thomas, W. Phase I Summary Report. pp. 22-23.

[47]Ibid., p. 22.

[48]Ibid., p. 22.

[49]U.S. Office of Economic Opportunity. Pre-Trial Programs. p. IX.

[50]Ibid., p. 15.

[51]Thomas. Phase I Summary Report. p. 24.

[52]Kirk, Jill. Annual Report of the Franklin County Pre-Trial Release Program. Columbus, Ohio. 1978.

[53]I have identified and distinguished recognizance release programs operationally in terms of authority (release, make recommendations, state facts), interview period (pre-initial appearance, post-initial appearance, post-indictment/preliminary hearing), and release period (station house, post-initial appearance, post-indictment/preliminary hearing.) This is not to suggest that all pre-trial recognizance release programs fall neatly into one category of each of these areas. On the contrary, programs often offer interviews and releases during all three periods, with the authority level fluctuating in accordance with the interview and/or release period being considered. The following represents the universe of plausible operational combinations of PTRR programs.

Authority	Time of Interview	Time of Release
1. Present Facts	x-Pre-initial appearance	a-Station House
2. Present Facts and Make Recommendation	y-Post-initial appearance	b-Post-initial appearance
3. Present Facts and Make Recommendation and Release	z-Post-indictment/ preliminary hearing	c-Post-indictment/preliminary hearing

Plausible Operational Combinations

1xa, 2yb, 2yc, 2zc, 3yb, 3yc, 3zc

when $\sum_{i=1}^{7} {}^{7}C_i = 127$

As we can see, there are seven plausible operational methods from which a PTRR program may choose and combine. This leads to a figure of 127 potentially different program operations. This fact should be kept in mind when comparing and contrasting inter-program operational statistics and data.

[54] University of North Carolina Institute of Government. Pre-Trial Release in Fifteen North Carolina Counties. Raleigh, North Carolina, 1966.

[55] U.S. Office of Economic Opportunity. Pre-Trial Release Programs. p. 20.

[56] Ibid., p. 20.

[57] The Institute of Government at the University of North Carolina found in its 1966 study previously alluded to National Center for State Courts. An Evaluation of Policy Related Research on Effectiveness of Pre-Trial Release Programs. Denver, Colorado, 1975, found that only 3.3% of those bound over for trial were given an ROR release.

[58] This goal displacement seems to be inherent in all bureaucratic structures. See Downs, Anthony. Inside Bureauracy. Boston. Little, Brown and Company. 1967, pp. 19, 110.

[59] U.S. Office of Economic Opportunity. Pre-Trial Release Programs. p. 26.

[60] National Center for State Courts. Policy Maker's Views. p. 59.

[61] Thomas. Phase I Summary Report. p. 15.

[62] National Center for State Courts. Policy Maker's Views. p. 60.

[63] Wice, Paul B. Bail and It's Reform: A National Survey. Ph.D. Dissertation. University of Illinois. 1972. pp. 438-439.

[64]U.S. Office of Economic Opportunity. Pre-Trial Release Programs. p. 22.

[65]Ibid., p. 22.

[66]Wice. Bail and Its Reform.

[67]Conklin, John E. and Dermot Meagher. "The Percentage Deposit Bail System: An Alternative to the Professional Bondsman." Journal of Criminal Justice. Vol. 1 (1973) pp. 299-317.

[68]U.S. Office of Economic Opportunity. Pre-Trial Release Programs. p. 22.

[69]Wice. Bail and Its Reform.

[70]Thomas, Wayne. Phase I Summary Report. p. 82.

[71]Bell, Marshall, et al. Final Report: Pre-Trial Release Program. Unpublished manuscript. 1974, p. 15.

[72]National Institute of Law Enforcement and Criminal Justice. A Handbook of Community Corrections in Des Moines. Washington, D.C.: Fifth Judicial District Department of Court Services. U.S. Department of Justice. 1976, p. 66.

[73]National Institute of Law Enforcement and Criminal Justice: Community Based Corrections in Des Moines. Washington, D.C.: U.S. Department of Justice. 1976, p. 8.

[74]National Institute. Community-Based Corrections. p. 8.

[75]Ares. "The Manhattan Bail Project." p. 67.

[76]Schaffer, L. Andrew. Bail and Parole Jumping in Manhattan in 1967. New York: Vera Institute of Justice, 1970.

[77]Alameda Regional Criminal Justice Planning Board. An Evaluation of the Comprehensive Pre-Trial Services Delivery System in Alameda County. Oakland, California. 1976, p. 88.

[78]Obert, Ronald. Pre-Trial Release Program in an Urban Area: Final Report, Santa Clara Pre-Trial Release Program. San Jose, California: Santa Clara Release Program. 1973, p. 58.

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[80]U.S. Office of Economic Opportunity. Pre-Trial Release Programs. p. 22.

[81]Thomas, Wayne. Phase I Summary Report. p. 83.

[82]National Institute of Law Enforcement and Criminal Justice. A Handbook of Community Corrections in Des Moines. Washington, D.C.: Fifth Judicial District Department of Court Services U.S. Department of Justice. 1973. p. 66.

[83]National Institute of Law Enforcement and Criminal Justice: Community-Based Corrections in Des Moines. Washington, D.C.: U.S. Department of Justice. 1976. p. 8.

[84]Molleur, Richard R. Bail Reform in the Nations Capital. Washington, D.C.: Georgetown University Law Center. 1966. p. 72.

[85]Kessler, John W. First Annum Report of the Miami Valley Council of Government's Pre-Trial Release Project. Dayton, Ohio. 1972. p. 14.

[86]Alameda Regional Criminal Justice Planning Board. An Assessment of Future Pre-Trial Detention Requirements and of the Impact of Pre-Trial Releases on Pre-Trial Detention for Alameda County. Oakland, California. 1976. p. 7.

[87]Obert. Pre-Trial Release Programs. p. 60.

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[90]Thomas. Phase I Summary Report. p. 53.

[91]Ibid., p. 54.

[92]Friedman, Lee S. The Evolution of a Bail Reform-A Working Paper. New Haven: Institution for Social and Policy Studies. Yale University. 1974. p. 47.

[93]Thomas. Phase I Summary Report. p. 44.

[94]Kessler. First Annum Report. pp. 20-22.

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[100]Obert. Pre-Trial Release Programs. p. 65.

[101]Thomas. Phase I Summary Report. p. 46.

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CHAPTER II

ISSUES IN RELEASE ON RECOGNIZANCE

Introduction

It was previously noted that the Vera Foundation report[1] and the U.S. Attorney General report[2] of 1963, the Federal Bail Reform Act of 1966, and a changing American philosophy toward civil liberties all seemed to have been responsible, in part, for the growth of PTRR programs.

A 1973 study by the OEO[3] found some 100 PTRR programs then in existence across the nation. The 1978 figure is thought to be slightly higher.[4] What these "bottom line" figures do not reveal, however, is the relatively high turn-over mortality rate of PTRR programs. Friedman[5] found some 34% of the pre-1973 programs to be no longer in operation as of 1973; of the programs surveyed in the 1977 NEP study, "35% had been in operation for less than two years and over two-thirds had been started in the last five years."[6] The NEP study further suggested that while a majority of the new programs have been sustained primarily by LEAA funds, their viability as long term agencies lies with the state and local communities. There appears to be a lack of support from state and local government coffers

when LEAA withdraws its support. The reasons why state and local officials are not choosing to support PTRR programs are open to speculation. Perhaps this has been due to public officials' view of a perceived general public distrust for a program that releases the accused "as soon as (s)he is apprehended" or, in part, to the fear that those released will perpetrate more crime in the community while allowed to be free or otherwise flaunt the law by failing to appear for their appointed court hearings. On the other hand, perhaps PTRR programs are viewed as viable alternatives to bail bond, but are just not viewed as being of sufficient impact "to justify their continued funding from the tight budgets of financially hard-pressed local jurisdictions after initial federal funding runs out."[7]

For whatever the reason, there is little compelling evidence to suggest that state and local politicians have been willing to give financial support to PTRR programs in their communities. Frequently, today's PTRR programs seem to face the dilemma of long-term financial insolvency. PTRR programs have been empirically examined and, from the data that have been gathered, it is reasonable to argue that the programs are at least as successful in assuring court appearances and protecting the public well-being as is the traditional money bail bond system. Perhaps more significant has been the finding that PTRR programs frequently provide their services at a lesser cost than the

traditional money bail bond system, when examined from the perspectives of the accused, the accused's family, and the taxpayer.

The public, however, is and will probably continue to be relatively unaware of the positive aspects of PTRR programs until such programs can visibly demonstrate positive results.

One purpose of this study was to uncover information that could assist existing PTRR programs in promoting justice through the more equitable administration of the PTRR program. The 1977 NEP study suggested that at least 300,000 and probably as many as 600,000 to 700,000 interviews a year are conducted by existing PTRR programs across the country. By operating a careful screening process, it could be argued, a PTRR program can serve to promote justice by not detaining those who are good risks (those who in all probability would not perpetrate new crime nor fail to appear), and in detaining those who would, with high probability, perpetrate more crime or flaunt the law by failing to appear for appointed court hearings. By adjusting certain operational variables, a PTRR program might further minimize the failure rate of those who were released, which would contribute to the maintenance of community support. An on-going, public demonstration of this ability would perhaps serve to improve the funding priority of PTRR programs in local communities.

While this study might uncover information that could perhaps contribute to the survival and equitable administration of existing PTRR programs, there is another potential impact to consider. If the information and the operational implications derived from this study were disseminated and selectively applied by existing PTRR programs, they could serve to contribute to the growth of new PTRR programs.

This study sought to construct and validate a prediction scale that might identify good and bad risks among potential program clientele and identify several operational factors that would perhaps serve to further reduce the failure rates among the better risks who were released. By so doing, justice might be more equitably allocated to those currently in the criminal justice system, and as the old PTRR programs continue and new PTRR programs are developed, to those who will enter the criminal justice system in the future.

Management of Risk and Use of Prediction Scales in PTRR Programs

Selection of clients into a PTRR program is a key operational issue for any given program. A 1977 LEAA-sponsored study argued: "Careful screening and assessment for pre-trial release...should permit a liberal release rate without consequent high failure [to appear] rates. This should aid in pursuing the goal of equal justice for defendants without regard to financial resources..."[9] It appears

that one major consideration in terms of legal, political and public support of PTRR programs is the maintenance of a relatively low FTA rate. In a 1974 survey taken by Stover and Martin, it was found that the prime goal of PTRR programs as seen by six of the seven public official categories polled, was "making sure that individuals granted pre-trial release through the program appear in court when scheduled."[10] See Appendix B.

The development and use of a prediction scale that could more accurately and consistently identify "good" and "bad" risks among potential PTRR program clientele could serve to minimize a program's failure-to-appear rate. Such a prediction model, if accurate, could be potentially useful in attaining greater public and political support of both the recognizance release concept and operations. By providing PTRR program staff with a standardized instrument of operation with which to recommend and/or release on recognizance only those clients who have a low FTA probability, a prediction scale could be useful in maintaining low program FTA rates.

In 1977, Kirby[11] reviewed the development and use of prediction scales in several PTRR programs throughout the country. He found that the original Vera Foundation scale, developed in the early 1960s, had been adopted by many PTRR programs verbatim. Kirby advanced two major objections of such wholesale adoption. First, he has found evidence which

suggested that the background characteristics and community ties of the original scale were not as significant in indicating the FTA probability as were criminal justice characteristics. In short, he is suspect of the original Vera Foundation scale's accuracy. Second, the external validity of the Vera Foundation scale has never been adequately established. Indeed, few attempts have been made by the local PTRR programs to verify the extent of the Vera scale's generalizability. Kirby concluded that each PTRR program should conduct its own study to ascertain the variables impacting on its own clients and construct a scale accordingly.

As Kirby has implied, the accuracy of prediction is a crucial issue. At this time, there appears to be almost as many prediction devices as there are PTRR programs.[12] A more systematic approach to prediction scale development and use definitely seems to be in order. While each program may be unique and operate in a unique environment, a number of dimensions seem to surface in most programs as valid indicators of FTA probability. Scales that do not consider these variables of impact, or those that weight them improperly, may effect a suboptimal release procedure. For example, predicting that many persons would be of high risk when, in fact, they were not (overprediction of failure) would result in an increased number of accused offenders being detained during the pre-trial period. Predicting

that others would be of low risk when, in fact, they are quite likely to fail to appear (underprediction of failure) would result in an increased number of accused offenders being released who would not appear for their appointed court hearings. These events represent a suboptimal distribution.

One of the purposes of this study was to construct and validate a scale that might minimize prediction error, hopefully in a more systematic manner than has been done previously. This study drew upon data from the Franklin County (Columbus, Ohio) Pre-Trial Release Program; the scale might also be employed by similar programs in other regional areas with comparable demographic, legal, environmental, economic and political constraints.

Use of Prediction Scales in Criminal Justice

The volume of research conducted on the topic of behavior prediction is quite large and there are those who have suggested that such prediction devices, if based on statistical data, do not yield any more accurate predictions than does general intuition.[13] Conclusions reached in previous research is contradictory, implying that statistical predictions are more accurate.[14]

More relevant is the extensive body of literature developed in the area of criminology and criminal justice prediction (see Appendix R). Fifty years ago Burgess said:

"The practical value of an expectancy rate should be as useful in parole administration as similar rates have proved to be in insurance."[15] The well-known Glueck studies,[16] initiated in the 1930s and continuing to the 1970s, attempted to apply prediction to juvenile delinquency proneness. In the mid-1960s, Cowden[17] attempted to predict institutional adjustment and recidivism in delinquent boys. An extensive study was recently undertaken by Wolfgang[18] which in part addressed itself to prediction of juvenile delinquency. Monachesi's 1932 work[19] examined prediction factors in probation, and Vold's 1936 effort[20] looked to the use of prediction as a means of classifying institutionalized individuals. As early as 1931, Tibbits[21] advocated a type of prediction scale development for parolees. In the early 1950s, Ohlin[22] undertook a study to predict parole behavior. In an attempt to predict parole performance, several major studies were undertaken in the 1960s by Babst,[23] Ballard,[24] Gottfredson,[25] Glaser,[26] and others. A number of other authors have discussed prediction methodology in the social science context, including Mannheim,[27] Wilkins,[28] McNaughton-Smith,[29] Gottfredson,[30] Grygier,[31] and Bromley.[32]

Objections to Prediction Scale Application in Criminal Justice Settings

The value of prediction devices in a criminal justice setting has been recognized for at least fifty years,[33] yet

they seem to be seldom used. Evjen's survey of state parole boards found that forty-four of the responding forty-eight states "indicated they had never used prediction statistics in parole selection and are not now using them."[34] Yet, on the other hand, Evjen's survey of fifty leaders in criminology, correctional administration, and parole found that 75 percent of those who responded "believe in the potential value of prediction tables."[35] If the prediction concept is sound, why are such instruments so infrequently implemented in an agency setting? An explanation of this reluctance to apply predictive devices in an agency setting must take into account several substantive sources of resistance which can be roughly separated into two categories; subjective and objective dimensions.

Subjective Dimensions

It has been noted that a substantial resistance to the use of prediction arises due to "the firm belief in the uniqueness of each case."[36] Teeters suggested that the use of a prediction model "presents a hazard of losing sight of [the individual] as a living personality."[37] Still others have suggested that predictions apply to groups and not to individuals, and they cannot tell what will happen to specific persons.[38] Wallack, in support of this position, stated: "No two conduct patterns are ever developed in exactly the same way. Heredity and environmental pressures

always result in a unique outcome in the development of individual human conduct."[39]

Tied in closely to this notion of individuality is the contention that prediction devices overlook the subjective, intangible criteria. Sellin has observed that statistical prediction tends to deal with the external rather than the subjective aspects of behavior.[40] Wallack suggests that there are too many intangibles involved, some of which cannot be derived objectively," and that common-sense judgment is more reliable than mathematical probability.[41]

Another set of factors which limit prediction instrument use is the legal, traditional and political environments of the community. Hayner has pointed out that due to the restrictions of certain laws and traditions, "a scientific aid like a prediction table may be practically useless."[42] Even when prediction devices are permitted, agency administrators must not only consider the objective prediction scale score, but they must also carefully weigh their subjective assessment of the current community feelings relevant to the decisions under consideration.[43] Evjens has observed that agency administrators, particularly where they may be the target of potential criticism, "must be sensitive to public attitudes."[44]

Others have suggested that perhaps the primary source of resistance is a negative reaction to the prediction devices themselves. Hayner states: "No matter how much

improvement may be made in the theoretical basis on the statistical sharpness of parole prediction, many administrators continue to display the skepticism reflected in the statement by Lloyd Ohlin that no single device which social scientists may contrive can adequately supplement the nature and considered judgement of the parole board members."[45] Evjen has observed: "The cause of this resistance is more than merely a lack of familiarity with prediction statistics ....it may be opposition to the introduction of rigid experimental and quantitative techniques into the social science field."[46] Whatever the reason, the general resistance to the actuarial approach perhaps does more than any other factor to undermine the efficient application of prediction devices.

Objective Dimensions

In addition to the subjective sources of resistance of prediction scale application, some theoretical objections to their development and use have been posited. Some researchers question the external validity of prediction devices; indeed, an instrument that is constructed and validated at one point in time may not be a valid indicator when applied at other points in time. Burgess and Sellin suggest: "It is highly desirable to try out in other states the items of background, personality, and prison behavior found to be significant in Illinois. Do these items have

general applicability or are they limited to Illinois and perhaps to adjoining states?"[47] Ohlin states: "The desirability of having a master experience [prediction] table which would be generally applicable in a large number of states is apparent. It does not appear, however, that such a table can be composed at the present time."[48]

Paralleling this generalizability problem is the notion of instrument decay. Burgess and Sellin suggest that attempts be made to determine whether prediction scales "retain their efficiency through time and whether economic and social changes in our society decrease or render null and void the predictive value of items earlier found to have predictive significance."[49] Indeed, efforts could be expended to ascertain whether relationships which are found to be significant at one point in the past are still significant at the present, and just how strong those relationships might be. Glueck stated: "Every few years, prediction tables should be renovated by a systematic checkup on their actual effectiveness."[50] Ohlin concurred with Glueck when he stated: "It is becoming increasingly clear that routine adjustment of an experience [prediction] table is required if the table is to retain its usefulness."[51] The difficulty, as Evjen has suggested, is the development of a device that can accommodate such change.[52]

As one can see, there exists a substantial amount of resistance to the application of prediction devices. What

might be done to overcome this opposition and affect a more frequent application of such instruments within the criminal justice system? Hakeem[53] has pointed out that the absence of a startling or dramatic demonstration of prediction scale capacity may be a major contributing factor to its disuse. He further suggested that when a comprehensive demonstration of prediction accuracy can be made, prediction devices will be used more frequently. Likewise, Hayner[54] has suggested that probably the most important activity that could be undertaken to extend the use of prediction devices would be to improve the technique of prediction "by developing a more satisfactory theoretical basis and by refining the methods of measurement. Efforts in this direction could well remove much of the opposition of prediction tables." Evjen,[55] in supporting similar conclusions, reported that a large number of those who replied to his survey expressed the need for more research in prediction statistics. One purpose of this study was to contribute to the body of knowledge in the area of prediction in hopes of further eroding the subjective resistance dimensions to the application of predictive scales by systematically constructing and validating such a device.

Prediction of Risk and Failure-to-Appear

Unfortunately, very little work has been done to identify critical factors in failure-to-appear rates among PTRR

program clientele. Indeed, there appears to have been no attempt to construct an acceptable prediction scale for failure-to-appear. This current study thus attempted to fill a gap in the body of knowledge in the prediction literature and in the pre-trial release literature regarding dimensions affecting individual FTA probability. This study attempted to draw upon previous works which have been directed at identifying potential impact variables on FTA probability. For example, a study by Landes[56] suggested that the severity of the current offense and the seriousness and extent of the individual's prior record were both significant indicators of failure-to-appear, but he did not explore the strength of the relationships. On the other hand, a study by Feeley and McNaughton[57] found the nature and extent of the previous criminal record of the accused not to be a significant indicator of FTA probability. Molleur, however, concurred with Landes on this point, arguing that "a denial of release to those with records of juvenile involvement would have materially reduced the failure-to-appear rate."[58] Schaffer[59] tended to support Landes's suggestion that the severity of the current offense was a significant indicator of FTA probability when he found that released individuals charged with serious felonies tended to have lower FTA rates than those charged with misdemeanors. This study attempted to clarify the relationship between the seriousness and extent of the offender's

prior record and current charge, and the individual's FTA probability.

The original Vera Foundation project found community ties to be a significant indicator of FTA probability.[60] However, Wice[61] has presented evidence that the extent of the accused's community ties and past appearance record were not as significant as formerly believed. Feeley and McNaughton[62] concurred with Wice, suggesting that it is difficult to find a correlation between any background variables and FTA probability. Likewise, Kirby[63] found community ties not to be as significant an indicator of FTA probability as the Vera Foundation scale originally suggested. This study attempted to clarify the relationship between the accused offender's community ties, socio-economic background and past-appearance record, and the individual's FTA probability.

Feeley and McNaughton suggested that it might be fruitful to examine such questions as "how well defendants understand court procedures, how much respect they have for the court and the police, how well aware they are of scheduled court appearances, and what penalties they believe they will face if they fail to appear."[64] The present study attempted to examine and clarify the relationship between the accused offender's familiarity and prior contact with the justice system and FTA probability. An attempt was also made to identify the relationship between expected sanctions and FTA probability.

There does seem to be a general consensus, buttressed by a major study by Wice,[65] that some notification and follow-up procedures are activities that reduce failure-to-appear rates. Wice has suggested that both the place and method of notification of hearing dates are critical. He suggested that pre-trial release program personnel should personally inform clients, on the day of the pre-trial release, of their future court appearance dates. If the contact is not made in this manner on the day of release, there is a marked decrease in the court appearance rate. An attempt was made to identify the relationship between the time lapse from the point of court imposed recognizance release (which does involve a release from the local jail) to client notification by PTRR program staff of court appearance dates and FTA probability. Wice further contends that supervising released clientele is the most significant factor contributing to low failure-to-appear rates, a factor also identified in the Des Moines studies.[66]

The Alameda County, California PTRR program evaluation report[67] and Thomas[68] separately concurred that the length of time on recognizance release was a significant indicator of FTA probability. On the other hand, a study by Feeley and McNaughton found time lag from release to trial not to be a significant indicator of FTA probability.[69]

It will be recalled that Schaffer's[70] review of the Vera Foundation PTRR program from 1964 through 1967 and

Dill's[71] review of the Oakland, California PTRR program from 1963 through 1966 both found employee morale and operational motivation and manipulation to be significant factors relating to the programs' FTA rates. These factors have frequently been identified as having significant impact upon any organization's output. Indeed, a vast body of literature exists which addresses these issues, of which the seminal study may be the well-known Hawthorne Studies at Western Electric.[72] This human relations approach to management, which has since grown and expanded, holds that maintenance of a work situation in which the individual feels that management cares, leads to greater productivity on the part of the employee.[73] In addition, Blau[74] has suggested that attention also be given to interpersonal relationahips, formal and informal group dynamics, and organizational norms so as to create a more hospitable environment and thus improve organization productivity and efficiency. Barnard[75] focused on motivating the worker by effective management techniques and leadership style.

Summary of Hypotheses

Eleven relationships identified in previous research were tested in this study. In the null form, it was hypothesized that there were no differences between successful and unsuccessful program completion of individuals released on a reporting recognizance in relation to the

following variables identified in the literature as being theoretically and/or statistically salient:

1. the severity of the present criminal charge(s);
2. the nature and extent of previous criminal activity;
3. past court appearance behavior;
4. community ties;
5. socio-economic background;
6. prior contact with the justice system;
7. length of time from court imposed recognizance release to initial personnel contact from PTRP staff;
8. sanctions,
9. length of time from formal release on recognizance to court hearings;
10. frequency of PTRP follow-up; and
11. sanctions and dispositions.

The hypothesis detailed in number 1 through number 8 were explored in an attempt to construct a scale that could predict FTA probabilities among accused offenders released on recognizance. The constructed scale is not immune to the previously discussed objective resistance dimensions, external validity and instrument decay both loom as potential problems in implementing the derived scale. Systematic scale construction and validation do not appear to have been undertaken in prediction of FTA probability. Hakeem[76] has suggested that when a comprehensive demonstration of prediction accuracy could be made, prediction devices would be used more frequently. Perhaps the use of the scale

developed in this study in an agency setting may serve as a means of informing public and private officials as to prediction scale possibilities thus potentially eroding resistance to prediction instrument use.

The hypotheses detailed in number 9 through number 11 were also examined, but were not considered in the construction of the prediction scale.

The Franklin County Pre-Trial Release Program

In order to explore the relationships discussed above and to construct and validate the prediction scales, this study examined records from the Franklin County (Columbus, Ohio) Pre-Trial Release Program.

The Franklin County Pre-Trial Release Program (PTRP) began as a demonstration project within the Franklin County Municipal Court in February of 1974. It was converted into a permanent program in July of 1974, upon the passage of the Ohio Rules and Criminal Procedures Act. Program funding is currently received from the city of Columbus, the Ohio Judicial Conference, and the Law Enforcement Assistance Administration. Table 16 delineates the program's operating budgets for the past three years.

TABLE 16

PTRP OPERATING BUDGET*

Time	Fiscal Year	Operating Budget
Nov. 1977 - Oct. 1978	1977-78	$192,794
Sept. 1976 - Oct. 1977	1976-77	181,954
July 1975 - Sept. 1976	1975-76	170,372

*Source - Unpublished PTRP Study prepared by Jill Kirk, director of the Franklin County Pre-Trial Release Program.

The PTRP staff currently consists of a full-time administrative director, a full-time secretary, eight full-time bond investigators and eight law and/or graduate students employed on a part-time basis. Table 17 delineates PTRP interview and recommendation workload figures.

As Table 17 suggests, since July of 1975 approximately 80 percent of all individuals charged with felonies and detained under the jurisdiction of the Franklin County Municipal Court were interviewed, generally prior to their arraignment, by a member of the Franklin County PTRP staff. Reports were prepared from the information received during the interview, and primarily addressed such indicators of individuals' community ties as length of residence in the county, employment status, family ties in the immediate

vicinity, nature of prior criminal record, etc. A copy of the Franklin County PTRP data gathering forms can be found in Appendix C. The program staff subsequently attempted to verify the information received by means of a third party, generally via telephone contact.

TABLE 17

PTRP INTERVIEW AND RECOMMENDATION WORKLOAD FIGURES*

Year	Number of Individuals Accused of Committing a Felony Interviewed for Pre-Trial Release	Percentage of All Individuals Accused of Committing a Felony Arrested and Detained in Franklin County Who Were Interviewed for Pre-Trial Release	Number of Recommendations Made by PTRP Staff	Number of Recommendations Accepted by the Court	Percentage of Court Acceptanced PTRP Staff Recommendations
July 1975 through June 1976	3791	77%	1128	892	79.1
July 1976 through June 1977	3573	82%	830	716	86.3

*Source - Unpublished PTRP study prepared by Jill Kirk, director of Franklin County Pre-Trial Release Program.

In addition to the more concrete data, PTRP staff often discerned the general attitude and demeanor of the accused. The verified and unverified objective information and the subjective observations were then presented to the judge, accompanied, when requested by the judge, with a recommendation for a particular form of release. As Table 17 suggests, the court accepted these recommendations approximately 82 percent of the time. It must be emphasized, however, that the bonding decision was entirely that of the judge; Ohio law does not require a certain type of bond nor does it establish mandatory criteria for determining who would be granted or denied a certain type of bond. The PTRP staff merely provided the judge with reasonably accurate information, presented in an orderly fashion, to assist in rendering a decision.

From the data presented in Table 17, it appeared that these general PTRP operations had undergone some adjustment over the years. An interview with the PTRP director, Jill Kirk, confirmed this notion. As the data in Table 15 indicate, the number of PTRP recommendations made to the court dropped from 1128 during the 1975-76 year to 830 during the 1976-77 year. When controlling for differences in the size of the interviewed population, this represents a 7 percent drop. Kirk stated that in 1976 a number of new staff members were hired by the program. These new staff members were somewhat uncomfortable in making release

suggestions to the court due to the subjective nature of the recommendations. Thus, at times, they did not make a release recommendation to the court.

In an attempt to control for this reluctance, all staff members with less than one year of seniority were directed to obtain approval of any and all release recommendations from a PTRP senior bond investigator who would then shoulder responsibility for the recommendation. However, the logistics of this directive became somewhat strained, for at times staff members were simply not able to contact a program senior bond investigator prior to a court presentation. This contributed to a reduced number of recommendations. Paralleling these events was a growing tendency among local municipal court judges to stop the PTRP staff presentation prior to the recommendation. The result was a tendency among PTRP staff not to make a recommendation unless they were asked to do so by the judge. It was during this 1975-1976 period that the PTRP director officially altered the court room operation of the program to include only delivering a factual presentation. Any PTRP recommendation would be delivered only upon request of the court. Kirk suggested that as a result, judges tended to ask for PTRP staff recommendations when they were unable to make a decision. As a result, the PTRP staff recommendation often became a crucial factor in rendering the release decision. The data presented in Table 16 bear this out, for the

percentage of PTRP recommendations accepted by the court rose from 79 percent during the 1976-77 year.

One of the options available to the judge in rendering a pre-trial release decision was to place the accused offender under the supervision of the PTRP. On so doing, the judge may place the accused on either a reporting appearance bond or a reporting recognizance bond. A very small number of accused offenders have also been placed under the supervision of the PTRP on either reporting custody bonds or reporting surety bonds.

A reporting appearance bond allowed the accused to post, with the court, 10 percent of the total amount of the money bail bond the court had established. After the accused appeared at all required court hearings, a refund of 90 percent of the amount originally posted was returned to the accused. The judge also placed the accused under the supervision of the PTRP.

A reporting recognizance bond allowed the accused to be released on his own signature, with a reporting requirement which placed the accused under the supervision of the PTRP. Table 18 delineates PTRP clientele supervision workload.

The total number of clientele assigned to the PTRP from July 1975 through June 1976 represented 23 percent of the bonds set in the Franklin County Court during that period. The total number assigned during the July 1976

through June 1977 year represented 24 percent of the bonds set in the Franklin County Court during that period.

TABLE 18

PTRP CLIENTELE SUPERVISION WORKLOAD*

Year	Court Assigned Reporting Appearance Bonds Set	Court Assigned Reporting Recognizance Bonds Set	Average Number of Clients Supervised at Any One Time
July 1975 through June 1976	79	797	461[a]
July 1976 through June 1977	62	818	565[b]

*Source - unpublished PTRP study prepared by Jill Kirk, director of Franklin County Pre-Trial Release Program.

[a]Approximately 1.3 percent of the total supervision caseload in this period was either on a reporting custody bond or a reporting surety bond.

[b]Approximately .3 percent of the total PTRP supervision caseload in this period was either on a reporting custody bond or a reporting surety bond. Approximately 3.5 percent of the total PTRP supervision caseload in this period was assigned to the program from the court of Common Pleas.

While the court may assign a certain type of reporting bond, the accused has the option of accepting or rejecting it. Formal acceptance involves a conference with a member of the PTRP staff, at which time program requirements and individual responsibilities are explained and a bond

acceptance document signed by the accused (see Appendix C for a copy of the bond acceptance document).

The court assigned to the PTRP not only previously interviewed individuals accused of committing a felony but also individuals accused of committing a misdemeanor who had not previously been interviewed by PTRP staff. It is important to note that individuals accused of committing a felony were interviewed prior to their court assignment into the PTRP. Subsequently, their court assignments were in part a function of the program staff recommendations. On the other hand, individuals accused of committing a misdemeanor were assigned by the court to the PTRP without the input of the program staff. Once assigned to the PTRP, however, individuals accused of committing a misdemeanor completed the same procedures as individuals accused of committing a felony. Approximately 20 percent of the PTRP supervision caseload from July 1975 through June 1977 were individuals accused of committing a misdemeanor.

While under the supervision of the PTRP, clientele were expected to contact program staff, generally by telephone, on a regularly scheduled basis. New clientele were expected to call in up to five times a week. If the clients established a consistent record of conformity to the telepone-in requirement, the frequency was decreased; however, being lax in the contact requirement resulted in an increase in the mandated contact rate. Those who continually

violated the contact agreement were warned, both formally and informally, by the program staff. Continued contact delinquency resulted in a bond revocation for a few clientele, and thus a removal from the program by the judge, upon the request of the PTRP staff.

One of the more interesting findings to emerge were the FTA rates; the data are displayed in Table 19. Failure to appear was defined as a failure to appear for a scheduled court hearing.

TABLE 19

FRANKLIN COUNTY PTRP FAILURE-TO-APPEAR RATES*

Year	Individuals Accused of Committing a Felony	Individuals Accused of Committing a Misdemeanor	Composite Total For The Year
July 1975 through June 1976	.6%	15.2%	3.5%
July 1975 through June 1976	1.4%	10.9%	3.3%

*Source - unpublished PTRP study prepared by Jill Kirk, director of Franklin County Pre-Trial Release Program.

It is interesting to note that while the FTA rate among individuals accused of committing a misdemeanor (FTA-M) dropped 4.3 percent (a 28 percent reduction), the FTA rate

among individuals accused of committing a felony (FTA-F) rose .8 percent (a 133 percent increase). Kirk suggested that the decrease in the FTA-M rates was due largely to the response of local municipal court judges to the first annum PTRP report. Apparently, prior to the preparation of the Kirk report which empirically examined the program FTA rates for the first time, the local judges were simply not aware of the extent of the FTA tendency among individuals accused of committing a misdemeanor. Some concern was voiced as to this relatively high rate, and in the following year there was a decrease in the percentage of individuals accused of committing a misdemeanor who were assigned by the court to the PTRP, without a prior PTRP interview and investigation. This interview and investigation thus served to screen out more "bad risk" individuals from PTRP participation. Kirk suggested that the increase in FTA-F rates was due, perhaps, to an increase in the number of supervised clientele handled by the PTRP in 1976-77. Indeed, a review of Table 15 reveals that in 1976-77 there was a 22.6 percent increase over 1975-76 in the average number of clientele under supervision at any one point in time. However, just how this increase influenced FTA-F rates is open to speculation. Perhaps with the increase in clientele, a larger population of "bad risks" entered the program, or perhaps the larger workload caused a reduction in staff efficiency.

Significance of the Research Effort

The research described in this chapter gained its significance from several sources. This study systematically considered the variables that seemed to have some impact upon FTA probability. In addition, the study considered the strength of the relationships in an attempt to further clarify past contradictory findings in this area. Perhaps the most significant contribution of the study was the subsequent construction and validation of prediction instruments that might now be used in an agency setting so as to publicly demonstrate the value of prediction scale devices. This study produced as its output a device that may serve as a means of further overcoming the previously discussed subjective dimensions of resistance to the use of prediction instruments, not only in PTRR programs but also, perhaps, in other social agencies that might become aware of the value of prediction devices in pre-trial release and seek to incorporate them into their own setting.

In addition, this study filled a gap in the body of knowledge as to the impact of FTA incidents upon subsequent dispositions and sanctions. The information provided by the study should also be able to fill a void in the civil liberties literature as to the impact of FTA incidents upon the presumption of innocence.

Finally, this study served to clarify the impact of several program operation variables upon program FTA rates.

In summation, the information and operational implications uncovered in this study, provided they can be disseminated and applied properly by existing PTRR programs, may serve to promote justice not only through the more equitable administration of the PTRR program, but may also serve to promote justice by removing more accused offenders from the money bail bond system, as existing programs continue and new programs come into existence.

Limitations of the Research Effort

This study sought to improve upon the previous FTA prediction scale methodologies by utilizing a systematic approach with a resultant product that appears to have the capacity to further overcome the subjective dimensions of resistance to the instrument's application. However, several objective dimensions of prediction scale limitations quickly come into focus. First, one must recall that this study drew specifically upon 615 cases from the Franklin County PTRP. The value of any scale as a predictive device is suspect when data, other than that utilized in the original construction and validation, are applied to the scale.[77] Consequently, the value of the results of this study may be limited to the Franklin County program. On the other hand, it may be possible to use the results of this study in other communities that exist in other sets of conditions and circumstances. To ascertain the extent

of this study's external validity, it needs to be replicated in other environments.

In addition, one must recall that this study drew upon data from a specific time period; namely, July 1, 1976 through December 31, 1976. While the derived scale may have been a valid indicator of FTA probability in Franklin County at that time, prediction devices tend to decay or lose their accuracy and validity over time.[78] To maintain a valid instrument of prediction, periodic updates and scale adjustments should be undertaken to meet changing conditions and circumstances in Franklin County and wherever else the scale may be implemented.

FOOTNOTES

CHAPTER II

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CHAPTER III

METHODOLOGY

A review of the pre-trial release literature points toward the need of identifying the factors that impact upon FTA probability and of further clarifying previous contradictory findings. In addition, there appears to be a need for a weighted prediction device that can systematically incorporate the variables found to be significant indicators of FTA probability. Finally, there appears to be a gap in the body of knowledge as to the impact of FTA incidents upon subsequent dispositions and sanctions. The methodology discribed below sought to address these topics and needs.

The Sample

One purpose of this study was to construct and validate a prediction scale for use by PTRR programs which would speak to FTA probabilities among their clientele. To do this, information was obtained on all accused individuals released on a reporting recognizance bond from July 1, 1976 through December 31, 1976 through the Franklin County (Columbus, Ohio) PTRP. A total of 615 accused individuals were released on a reporting recognizance bond in Franklin County during the six-month period selected for this study.

It was decided to construct two prediction scales from information on 512 of the 615 clients released on a reporting recognizance bond, randomly selected from the original 615 releases. To validate the prediction scales, the predicted FTA outcomes were compared with the actual FTA outcomes of the remaining 103 accused individuals from the original universe of 615 who were, by definition, not included in the instrument construction data base.

Data Collection

To gather the information necessary for this study, it was necessary to contact the director of the Franklin County PTRP, who in turn contacted Chief Justice Fais of the Franklin County Municipal Court. Chief Justice Fais authorized the release of the information found in the PTRP files for the purpose of conducting the present study. Data were gathered at the Franklin County PTRP office located at 20 S. Front Street, Columbus, Ohio, during the months of March and April 1978. Approximately 200 hours of work were involved in gathering all 615 cases used in this study. Data were gathered from official PTRP files by one person to keep bias at the lowest possible level. There may have been errors in these program files, but no attempt was made to formally verify the accuracy of the data found. The PTRP log book was examined to identify those who were released by the area

courts on a reporting recognizance bond during the July 1, 1976 through December 31, 1976 period. Most of the files located in a portion of the office were set aside for the 1976 cases. Other files were located in the 1977 drawer, others in the 1978 drawer, others in the active drawer, and still others located in various cabinets throughout the office. With the help of the PTRP staff, files of all 615 accused offenders released on a reporting recognizance bond during the aforementioned six month period of interest were located. Collaboration and assistance of the PTRP staff was excellent.

Variable Operationalization

The dependent variable of the study was failure to appear for an appointed court hearing while on a reporting recognizance release. This variable was dichotomized as "failed to appear for any one or more appointed court hearings" and "did appear at all appointed court hearings."

The independent variables examined in all scale constructions were operationalized in the following manner:

1. The severity of the present charge--specific violations as charged during the arraignment were recorded by Ohio Revised Code number. The severity index adhered to the legally defined severity index, with a first-degree felony being the most severe and a minor misdemeanor the least severe. Where the present offense involved multiple charges, the nature of the most legally severe offence was recorded by Ohio Revised Code number and its severity noted. An additional summed severity figure was calculated among the additional present charges.

2. The nature and extent of previous criminal activity--this variable was divided into nine factors as follows:

   a. number of previous adult, non-traffic, property offense, misdemeanor convictions;

   b. number of previous adult, non-traffic, personal offense, misdemeanor convictions;

   c. number of previous adult, non-traffic, victimless offense, misdemeanor convictions;

   d. total number of previous adult, non-traffic, misdemeanor convictions;

   e. number of previous adult, non-traffic, property offense, felony convictions;

   f. number of previous adult, non-traffic, personal offense, felony convictions;

   g. number of previous adult, non-traffic, victimless offense, felony convictions;

   h. total number of previous adult, non-traffic, felony convictions; and

   i. total number of previous adult, non-traffic, misdemeanor and felony convictions.

3. Previous failure-to-appear behavior--this variable was dichotomized into "previous failure to appear for a court hearing incident" and "no previous failure to appear for a court hearing incident."

4. Community ties--this variable was divided into nine factors, as follows:

   a. length of residence at current address;

   b. nature of residence (own, rent, mortgage, other);

   c. resident of Franklin County;

   d. length of residence in the county of current residence;

   e. currently employed;

f. currently a member of a union;

g. currently a student;

h. currently on welfare; and

i. a veteran of the armed services.

5. Socio-economic background factors--this variable was divided into eight factors as follows:

a. age;

b. gender;

c. race;

d. marital status;

e. number of children;

f. highest year of school completed;

g. type of legal assistance retained; and

h. type of release from the armed services.

6. Familiarity with the justice system--this variable was defined by the following factors:

a. currently on bond from a previous offense;

b. currently on probation or parole; and

c. amount of time served in an adult institution.

7. Time lag from release to initial personal contact from PTRR program staff--to identify this time lag, the following dates were obtained:

a. original court imposed recognizance release date (inasmuch as the accused is actually released from custody at this time, this date will be defined as the release date);

b. date of formal acceptance of the reporting recognizance bond by the accused (this is also the accused's first personal post-release contact with PTRR staff).

8. Expected penalties--the most severe disposition and sanction delivered as a result of the initial charge(s) will be noted. For the purpose of this study, the following ordinal scales were developed to reflect a direct relationship between the scale score and severity; the greater the score, the more severe the penalty. For example, it can be concluded that a score of 5 exceeds a score of 3 in terms of severity. However, in compliance with the properties of an ordinal scale, one may not make any valid conclusion as to the distance between these observations.

Dispositions	Sanctions
1-charges dropped or nolled	1-charges dropped or nolled
2-found not guilty	2-total suspended sentence
3-indictment returned	3-diversion
4-pled guilty	4-probation
5-convicted	5-indictment returned
	6-fine or restitution
	7-incarcerated in county jail
	8-incarcerated in an adult institution

9. Time lag from formal release on recognizance to court hearing dates--to identify this time lag, the following dates were obtained:

   a. date of formal acceptance of the reporting recognizance bond by the accused;

   b. date of first hearing once released on reporting recognizance;

   c. date of second hearing once released on reporting recognizance;

   d. date of third hearing once released on reporting recognizance; and

   e. date of release from reporting recognizance conditions.

10. Frequency of pre-trial release program follow-up with the accused--this variable was defined as the number of contacts the accused had with the

pre-trial release program personnel divided by the total number of days the accused is released on the reporting recognizance bond.

Additional information collected and examined included:

1. The nature, extent and severity of any new changes filed while the accused was on a reporting recognizance bond--specific violations, as charged, were recorded by Ohio Revised Code number. The severity scale adhered to the legally defined severity index with a first degree felony being the most severe and a minor misdemeanor the least severe. Where the new offense involved multiple charges, the nature of the most legally severe offense was recorded by Ohio Revised Code number, and its severity noted. An additional summed severity figure was calculated among the additional new charges.

2. Nature of the PTRP recommendation regarding the recognizance release/non-release decision--this variable took on four values as follows:

   a. favorable to recognizance release;

   b. unfavorable to recognizance release;

   c. placed on recognizance by the court without PTRP screening; and

   d. screened by the PTRP staff but no recommendation made.

3. Point in the legal process where the reporting recognizance bond was granted by the court--this variable took on four values as follows:

   a. pre-arraignment;

   b. arraignment;

   c. bond reduction hearing; and

d. preliminary hearing.

4. Past and/or present alcohol, narcotics problems--this variable was dichotomized into "no past nor present alcohol or narcotics problems" and "evidence of past and/or present alcohol or narcotics problems

5. Past and/or present emotional problems--this variable was dichotomized into "no past nor present emotional problems" and "evidence of past and/or present emotional problems."

A copy of the data collection instrument used in this study appears in Appendix A. All of the preceding information was obtained from the records on file at the Franklin County Pre-Trial Release Program, 20 S. Front Street, Columbus, Ohio. A copy of the information sheets utilized by the Franklin County Pre-Trial Release Program appears in Appendix C. Criminal record "RAP" sheets, on file at the Franklin County Pre-Trial Release Program, were also examined to gather the above information.

Prediction Scale Construction and Validation

The mathematical construction of prediction scales have been approached in many ways. Some of the early techniques of Burgess[1] and the Gluecks,[2] while certainly landmark attempts, have since been set aside in lieu of the development of more powerful statistical instruments. The work of Lance,[3] Mannheim and Wilkins,[4] Babst,[5] Ballard,[6] Gottfredson,[7] Grygier,[8] Ward,[9] Hutcheson and Floyd,[10] and others generally tend to support such techniques as predictive

attribute analysis, adaptive likelihood analysis, centroid prediction, multiple regression, configural analysis, factor analysis, discriminant analysis and association analysis, all to be used as the specific data base mandates. In review of these statistical methods of constructing prediction instruments, Simon stated: "The general conclusion suggested by these comparisons is that, for practical purposes, there is little to choose between the power of most statistical methods that have been put forward for combining variables into a prediction instrument, in spite of the theoretical pros and cons of each."[11] Thus, it was decided that this present study would use a multiple regression model and a discriminant analysis to construct the prediction devices of interest.

Multiple Regression Analysis

A careful review of the regression model reveals that an ordinary least squares regression model which predicts events with only two outcomes may violate both the normal distribution of residuals and homoskedasticity assumptions of regression.[12] Violation of the latter would result in inefficient estimators and imprecise predictions while violation of the former would result in a less than useful R^2 figure. Due to the fact that the dependent variable in this portion of the study was dichotomous (failed to appear or did appear), other forms of regression were sought which would eliminate or at least mitigate these problems.

To eliminate the homoskedasticity violation, Palmer and Carlson[13] suggest that a weighted least squares regression model be employed. This technique requires running the regression twice. First, a regression is run on the underweighted model. The regression is then rerun with each observation weighted by its estimated y as follows:

$$\frac{Yi}{\sqrt{\hat{Y}i\ (1 - \hat{Y}i)}} = \frac{\alpha}{\sqrt{\hat{Y}i\ (1 - \hat{Y}i)}} + \frac{B}{\sqrt{\hat{Y}i\ (1 - \hat{Y}i)}} + \mu i$$

This technique results in a constant variance; thus the assumption of homoskedasticity is no longer violated.

Nerlove and Press[14] have suggested that the normal distribution of residuals assumption can be eliminated through the use of the multivariate logistic model, for it carries no constraining assumptions concerning the distribution of the residuals.* The logistic model would take the following form:

$$Y = (1 + EXP\left[\sum_{i=1}^{n} a + b_i x_i\right])^{-1}$$

*It should also be noted that this technique assumes that the independent variables interact and thus the technique serves to mitigate some of the multicollinearity problems the researcher may otherwise be forced to deal with. (See Palmer and Carlson p. 75).

However, a major limitation of this methodology is its inability to handle non-grouped data. The data utilized in this study could not be grouped, and since there is no regression technique available that can handle non-grouped data with a dichotomous dependent variable and still not violate the normal distribution of residuals assumption, it was decided that the weighted least squares model of multiple regression would be employed. As a result of the accepted model's inability to correct for the skewed distribution of residuals, the R^2 term of the weighted least squares model may be dubious interpretation. However, the R^2 is not the primary statistic of interest in this analysis, but rather the ability of the model to accurately predict FTA probability; and if the weighted least squares model can accurately predict, the theoretical violations functionally become mute.

Discriminant Analysis

To further assist in identifying significant relationships, a discriminant analysis was undertaken. A discriminant analysis, in this present context, enables one to determine if there are any significant differences between the

failure and the non-failure group in terms of the independent or discriminating variables examined. By taking several discriminating variables and mathematically combining them, one would hope to find a dimension on which the failure population would group at the other end.

Discriminant analysis attempts to do this by forming one or more combinations of the discriminating variables. The discriminant function takes the following form:

$$Di = d_{i1} Z_1 + d_{iz} Z_z + \ldots + d_{ip} Z_p$$

where Di = the score on discriminant function i

d = the weighted coefficients

Z = standardized values of the p discriminating variables used in analysis

A discussion of how the discriminant coefficients are derived is beyond the scope of this study. The techniques are described in several multivariate statistics which the interested reader may consult.[15] In general terms, it requires solving the general eigenvector problem WA= Ba, where B and W are, respectively, the between-group and within-group sum of squares and crossproducts matrices.

This analysis provides several tools for the interpretation of the data, two of which will be of prime interest in this analysis. The analysis will provide a standardized discriminant function coefficient. These coefficients correspond to the values of the d_{ip}'s given in the above formula. When the sign is ignored, each coefficient represents the relative contribution of its associated variable upon the dependent variable in the analysis. The sign merely denotes whether the variable is making a positive or negative contribution. The interpretation is analogous to the interpretation of beta weights in multiple regression.

Since the independent variables are not normally coded in standard form, the standardized discriminant function coefficients may not be very useful for computational purposes. To arrive at a computed discriminant score, unstandardized coefficients must be identified, and multipled by the raw data. After adding a constant, a score is obtained which is identical to the one computed with standardized coefficients and standardized data. The unstandardized coefficients do not report the relative importance of the variables since they have not been adjusted for the measurement scales and variability in the original variables.

Prediction Scale

Data Analysis

Once a valid model has been created from the construction sample of 512 accused offenders released on a reporting recognizance bond, the data from the validation sample of 103 accused offenders released on a reporting recognizance bond will be applied to the scale. The resulting values for the dependent variable will represent the predicted probability, in a percentage form, that an individual will fail to appear for a hearing while on a recognizance release.

Inasmuch as the observed failure-to-appear rates for each member of the validation sample will be available, a contingency table analysis will then be employed to test the hypothesis that, at the .05 level of significance, there is no difference between the predicted failure-to-appear rate and the observed failure-to-appear rate. If the null cannot be rejected, the constructed prediction scale is then validated and can be subsequently accepted as a prediction instrument of failure-to-appear tendencies among accused offenders granted a reporting recognizance bond. However, as Mannheim and Wilkins have emphasized,[16] the validation of a prediction scale merely provides an estimate of the scale's validity at other points in time. While the validated scale suggests a level of confidence one may place in the prediction, it is not proof when data other than that utilized in the original

construction and validation study are applied. Indeed, as Mannheim and Wilkins might suggest, the external validity of this present study is debatable. However, it may be possible to use the results of this study in another set of circumstances. To ascertain the extent of the study's generalized validity, it needs to be replicated in other environments.

It must also be noted that merely accepting the derived scale as a valid indicator of failure-to-appear probabilities ignores the substance of its application. In utilizing the scales, PTRR program administrators must determine subjectively what release level of FTA prediction probability they are willing to accept for their individual programs. To make this subjective determination, PTRR program administrators might wish to identify political, legal and economic environment factors which have an impact upon the local PTRR program operation, and they can adjust the accepted level of FTA probability accordingly. It must be emphasized that the implementation of a valid prediction scale demands not only the empirical scale construction and validation, but also some type of subjective determination of an appropriate release level of failure-to-appear probability. While this study attempted to construct and validate a prediction scale, it can only empirically identify, in a predictive framework, the potential impacts of various release levels of failure-to-appear probability. To facilitate the final decision process, several predicted probability-of-release levels

were hypothetically accepted. The validation sample was analyzed at each accepted probability level to ascertain the number of accused offenders that would have been released, the alpha error (defined as the number of released clientele who will fail to appear), and the beta error (defined as the number of unreleased clientele who would not fail to appear were they released on recognizance). These data were compiled in the following format:

TABLE 20

PROPOSED MANAGEMENT TABLE

Accepted Release Level of Failure-to-Appear Probability	Percentage of Accused Offenders Released	Alpha Error	Beta Error

It was hypothesized that as the accepted probability-of-release level increases, the number of accused offenders released on recognizance also increases. It was hypothesized that as the number of accused offenders released on recognizance increases, the alpha error would increase, and the beta

error would decrease. In reverse, it was hypothesized that as the number of accused offenders released on recognizance decreases, the number of accused offenders released on recognizance and the alpha error would also decrease, while the beta error would increase. Table 20 provides the PTRR program administrators with information necessary to make a decision. For example, an administrator may be accepting a FTA probability-of-release level of .600. However, if some concern was being aired by the program's funding source of an undesirably high alpha error, the administrator would to well perhaps to reduce the accepted FTA probability-of-release level to .400. This would, if the above hypothesis holds true, tend to reduce the alpha error. With the information provided by Table 20, other adjustments can be made by PTRR program administrators in response to a variety of external environmental demands. Thus the purpose of this table is to provide information to the program administrator who must then weigh the relevant political, legal and economic environment factors and arrive at an FTA probability-of-release level that meets the environmental demands.

Analysis of the Impact of FTA on Case Disposition and Sanction

In addition to the construction of the aforementioned prediction instruments, this study sought to determine if being a failure on recognizance hardens the disposition and

delivered sanctions. To examine this issue, the dispositions and sanctions of those who failed on recognizance were compared with the dispositions and sanctions of those who were not failures. The independent variable of primary interest for this portion of the study was failure on recognizance. The relationship of failure on recognizance to subsequent disposition and sanction defined failure as failure to appear at one or more appointed court hearings. This independent variable was dichotomized as "failed to appear for any one or more appointed court hearings" and "did appear at all appointed court hearings."

All other independent variables considered in this analysis were the same as those collected in the attempt to construct the prediction scales and are defined in detail earlier in this chapter.

The dependent variables of interest for this portion of the study were case disposition and sanction delivered. The most severe disposition and sanction delivered to an individual as a result of the initial charge(s) were noted. The following severity scales discussed previously were also used in this analysis.

Dispositions	Sanctions
1-charges dropped or nolled	1-charges dropped or nolled
2-found not guilty	2-total suspended sentence
3-indictment returned	3-diversion
4-pled guilty	4-probation
5-convicted	5-indictment returned
	6-fine or restitution
	7-incarcerated in county jail
	8-incarcerated in an adult institution

In this portion of the study, the following relationships were examined:

1. The impact of the failure incident on the disposition of the individual's initial charge.

2. The impact of the failure incident on the sanction delivered to the individual as a result of the initial charge.

A X^2 test of significance was undertaken to identify differences between the failure-on-recognizance group and the non-failure group. To assure an accurate comparison of the dependent variables (disposition and sanction severity), adjustments for those differences were made. An analysis of covariance was utilized for this purpose.[17] This statistical technique allows two determinations. First, the technique indicates whether a statistically significant relationship exists between an independent variable or a combination of independent variables and the dependent variable. Second, the technique allows the value of the independent variables to be adjusted to correct for intergroup differences. For example, suppose that the failure-on-recognizance group had more severe arrest records than the non-failure group. In this situation, based on past performance, it would be reasonable to expect that the failure-on-recognizance group would, on the average, receive a more severe disposition and sanction than the non-failure group. The aim of the multiple classification analysis (MCA) is to achieve the above by separating the effects of failure on recognizance from the effects of

the other independent variables. This is accomplished through the calculation of corrected scores which indicate what the outcome scores would have been if there were no differences between the groups. In this study, these corrected scores were reported as "corrected sanction scores" and "corrected disposition scores."

Analysis of Operational Impacts Upon Program FTA Rates

This study also sought to determine if certain operational dimensions of PTRP programs may be manipulated in order to reduce the program's FTA rate. To examine this issue, those who failed on recognizance were compared with those who did not fail in regard to frequency of PTRP staff follow-up and several system time-lag dimensions. The dependent variable of interest for this portion of the study was failure on recognizance. The relationship between failure on recognizance and program operations defined failure as failure to appear at one or more appointed court hearings. This dependent variable was dichotomized as "failure to appear for any one or more appointed court hearings."

The independent variables of interest for this portion of the study were frequency of PTRP staff follow-up and several time-lag dimensions. Frequency of PTRP staff follow-up was defined as the number of contacts the accused had with the PTRP staff divided by the total number of days the

accused was released on the reporting recognizance bond. The time-lag dimension consisted of four variables, namely:

1. time lag in days from formal release on recognizance to first appointed court hearing;
2. time lag in days from formal release on recognizance to second appointed court hearing;
3. time lag in days from formal release on recognizance to third appointed court hearing; and
4. time lag in days from formal release on recognizance to release from reporting recognizance conditions.

All other independent variables considered in this analysis were the same as those considered in the attempt to construct the prediction scales and are defined in detail earlier in this chapter.

As can be seen, the following relationships were examined:

1. The impact of PTRP staff follow-up and the time-lag dimensions upon program FTA rates.

A X^2 test of significance was run to identify differences between the failure-on-recognizance group and the non-failure group. To assure an accurate comparison of the dependent variables, adjustments for those differences were made. An analysis of covariance was utilized for this purpose.[18] As noted previously, this statistical technique allows two determinations. First, the technique indicates if a statistically significant relationship exists between an independent variable or a combination of independent variables and the dependent variable. Second, the technique

allows the value of the independent variables to be adjusted to correct for intergroup differences. The aim of multiple classification analysis (MCA) is to achieve the above by separating the effects of staff follow-up and the time-lag dimensions from the effects of the other independent variables. This is accomplished through the calculation of corrected scores which indicate what the outcome scores would have been if there were no differences between the groups; that is the groups were exactly to begin with. In this study, these corrected scores are reported as "corrected FTA scores."

FOOTNOTES

CHAPTER III

[1]For a description of his methodology, see H. Mannheim and L. T. Wilkins. Prediction Methods in Relation to Borstal Training. London: Her Majesty's Stationary Office, 1955, p. 2-3.

[2]Gleuck, Sheldon and Elinor Glueck. Predicting Delinquency and Crime. Cambridge, Massachusettes: Harvard University Press, 1960, p. 23-31.

[3]For a description of his methodology, see: Frances H. Simon. Statistical Methods of Making Prediction Instruments. Journal of Research in Crime and Delinquency. Vol. 9, No. 1, 1972.

[4]Mannheim, H. and L. T. Wilkins. Prediction Methods in Relation to Borstal Training. London: Her Majesty's Stationary Office, 1955.

[5]Babst, D. V. and D. M. Gottfredson and K. B. Ballard. "Comparison of Multiple Regression and Configural Analysis Techniques for Developing Base Expectancy Tables." Journal of Research in Crime and Delinquency. January, 1968, p. 72-80.

[6]Ballard, K.B. and D. M. Gottfredson. Predicted Attribute Analysis and Prediction of Parole Performance. Institute for the Study of Crime and Delinquency. Vacaville, California: December, 1963; Ballard, K. B. Association Analysis in Prediction Studies of Parolees. Washington Department of Institutions Research Report. Vol. 2, No. 2, 1969, p. 143-145.

[7]Gottfredson, Don M. and R. R. Beverly. "Development and Operational Use of Prediction Methods in Correctional Work." Proceedings of the Social Statistics Section. Washington, D.C.: American Statistics Association, 1962, p. 54-61.

[8]Gygier, Taderisz. "The Effect of Social Action: Current Prediction Methods and Two New Models." British Journal of Criminology. Vol. 6, p. 269-293.

[9]Ward, P. G. "The Comparative Efficiency of Differing Techniques of Prediction Scaling." Australian and New Zealand Journal of Criminology. Vol. 1, No. 2, June, 1968, p. 109-112.

[10]Hutcheson, B. R. and W. Floyd, et al. A Prognosis Classification for Juvenile Court First Offenders Based on a Follow-up Study. Quincy, Massachusettes: South Shore Mental Health Centre, 1963.

[11]Simon, F. H. "Statistical Methods of Making Prediction Instruments." Journal of Research in Crime and Delinquency. Vol. 9, No. 1, 1972, p. 53.

[12]See:Nerlove, Marc and James C. Press, Univariate and Multivariate Log-Linear and Logistic Models, Santa Monica, California, Rand Corporation, 1973; Palmer, J. and P. Carlson. "Problems with the Use of Regression Analysis in Prediction Studies." Journal of Research in Crime and Delinquency. January, 1976, pp. 72-73.

[13]Palmer, J. and P. Carlson. "Problems with the Use of Regression Analysis in Prediction Studies." Journal of Research in Crime and Delinquency. January, 1976, pp. 72-73.

[14]Nerlove and Press, "Logistic Models." p. 10-15, 86, (also see Palmer and Carlson. "Problems." p. 73-80 and J. Neter and W. Wasserman, Applied Linear Statistical Models. Richard D. Irwin Inc. Homewood, Illinois: 1974, p. 329-335).

[15]See: Cooley, William W. and Paul R. Lohnes, Multivariate Data Analysis New York: Wiley, 1971; Tatsuoha, Maurice M., Multivariate Analysis, New York: Wiley, 1971.

[16]Mannheim, Hermann and Leslie T. Wilkins. Prediction Methods in Relation to Borstal Training. London: Her Majesty's Stationary Office, 1955, p. 142.

[17]Cain, Glen G. and Robinson G. Hollister. "The Methodology of Evaluating Social Action Programs," in Peter H. Rossi and Walter Williams (eds). Evaluating Social Programs: Theory, Practice and Politics. New York: Seminar Press, 1972, pp. 110-132.

[18]Ibid.

CHAPTER IV

DATA ANALYSIS

Chapter IV consists of six sections which present the results of the data analysis. This analysis was based on two samples: an experimental group of 512 persons released on a reporting recognizance bond under the jurisdiction of the Franklin County Pre-trial Release Program during the months of July through December, 1976, and a validation group of 103 randomly chosen persons released on a reporting recognizance bond under the jurisdiction of the Franklin County Pre-trial Release Program during the months of July through December, 1976. This total of 615 persons represents all individuals released on a reporting recognizance bond under the jurisdiction of the Franklin County Pre-trial Release Program during the said six month period. Data were coded on punch cards and processed using data analysis programs available in the Statistical Package for the Social Sciences.[1] The first section presents an analysis of client characteristic data.

Client Characteristic Data

Demographics

The Table in Appendix F summarizes the demographic characteristics of the experimental sample. Males

outnumbered females four to one. Over 80 percent of the experimental sample were under 30 years of age, and nearly 30 percent were under 20 years of age. Whites outnumbered non-whites nearly three to two. With regard to marital status, only about 25 percent were married, while 55 percent were never married and 20 percent had been divorced, separated or widowed at the time of the arrest. More than half of the experimental sample clientele had not received their high school degree. Nearly 14 percent had had some college. While nearly half were not employed, less than 25 percent were on welfare. Less than 10 percent of the experimental sample were members of a labor union. A little over 25 percent had served in the armed services. Nearly 70 percent resided with their families. Less than 1 percent of the experimental sample resided outside of Franklin County. At the other extreme, over 60 percent had resided in Franklin County fifteen years or more.

In summary, the typical program client seemed to be a young, unmarried, white male who had not completed his high school degree. He had resided in Franklin County most of his life, and lived with some family member. Although not on welfare, chances were only about 50:50 that he was employed at the time of arrest.

Criminal Justice History

The Table in Appendix G presents the criminal justice history variables for the experimental sample. Prior

criminal justice record data indicate that nearly 65 percent of the experimental sample had never been convicted of a misdemeanor and nearly 90 percent had never been convicted of a felony. On the other hand, the average number of prior misdemeanor convictions is slightly greater than 1. A little over 10 percent had spent some time in adult institutions. Nearly 25 percent had had a previous failure to appear incident.

The current offense data indicated that nearly 80 percent of the clientele were originally charged with a felony, and 25 percent of those charged with a felony were charged with at least one additional felony count. Just under 7 percent were on probation or parole when arrested on the current charge, and over 17 percent were on bond from a previous offense when arrested on the current charge. Over 60 percent were assigned a public defender to assist in the legal defense of their present charge.

In summary, the program client seemed to have had no prior criminal convictions. If he had had a prior conviction, it had been a misdemeanor, but in the instant case found himself facing a felony charge. To assist in preparing a defense, the client tended to have a public defender available.

Case Management and Outcome

The Table in Appendix H presents the case management and outcome variables of the experimental sample. Nearly 45

percent of the experimental sample pled guilty, often to a lessor charge, while almost 35 percent had their charges dropped or nolled. Of those who were adjudicated guilty, nearly 35 percent were given a financial sanction and over 30 percent were incarcerated in either an adult institution or the county jail. Over 80 percent of the experimental sample appeared at all appointed hearings. In an attempt to diminish the failure rate, the PTRP staff contacted the clientele an average of 1.94 times per week during the entire recognizance period. Over 70 percent of the clientele were on recognizance more than four weeks, with the mean being over thirteen weeks. Over 70 percent of the clientele placed on a reporting recognizance by the court formally accepted the bond the same day the court imposed the bond. Nearly 60 percent were forced to wait more than seven days for their first court hearing once they were released on recognizance. Those who had a second hearing were forced to wait an average of forty-five days once they were released on recognizance for that third hearing.

Prediction Scale Construction

This analysis was undertaken in an attempt to construct a prediction scale that could accurately identify failure to appear tendencies among accused offenders released on a reporting recognizance bond. In addition to identifying precise coefficients of impact, whose external validity

might be somewhat suspect, this study also sought to identify more general characteristics and tendencies among the failure population which would have more generalizability.

An unweighted stepwise multiple regression was run applying the scale construction sample data. The results from this test were utilized to construct a stepwise multiple regression model, weighted in accordance to Palmer and Carlson's typology, as outlined in Chapter III. To further assist in the identification of general characteristics of the failure population, and to provide an additional empirical scale, a discriminant analysis was undertaken.

Multiple Regression Analysis

It is not necessary to describe in detail the statistical and mathematical operations that are the basis of stepwise multiple regression. The interested reader will be able to consult one of the many basic treatises.[2]

A stepwise multiple regression technique was applied to the 512 cases of the scale construction sample, defining failure as failure to appear at one or more appointed court hearings.

Appendix I presents the results of this unweighted multiple regression analysis supplemented by a path analysis model also detailed in Appendix I. A review of the standardized beta coefficients suggests that:

1. As the severity of the present offense increases, the probability of FTA decreases;

2. As the severity of the expected disposition of the present charge increases, the probability of FTA increases;

3. As the severity of the expected sanction of the present charge increases, the probability of FTA decreases;

4. As the number of previous misdemeanor--property convictions increases, the probability of FTA increases;

5. As the number of previous felony--personal convictions increases, the probability of FTA decreases; and

6. A previous FTA incident suggests a greater FTA probability during the present.

An analysis of this stepwise unweighted multiple regression model suggested that the severity of the expected disposition variable made the greatest contribution to the model, followed closely by the severity of the expected sanction variable. The other four variables all contributed relatively the same amount to the predictive power of the model, though previous felony-personal convictions and previous FTA incident seem to contribute the least.

A weighted multiple regression analysis was applied to the 512 cases of the scale construction sample. The regression equation was weighted in accordance to the Palmer and Carlson typology[3] in an attempt to eliminate the homoskedasticity violation encountered in analyzing a set of data with a dichotomous dependent variable in a regression format.

Appendix J presents the results of the weighted multiple regression analysis, supplemented by a path analysis model

also detailed in Appendix J. A review of the standardized beta coefficients suggested that:

1. As the severity of the present offense increases, the probability of FTA decreases;

2. As the severity of the expected disposition of the present charge increases, the probability of FTA increases;

3. As the severity of the expected sanction of the present charge increases, the probability of FTA decreases; and

4. As the number of previous misdemeanor-property convictions increases, the probability of FTA increases.

An analysis of this stepwise weighted regression model suggested that the severity of the expected disposition variable made the major contribution to the model, followed closely by the severity of the expected sanction variable. It should be noted that the two variables which made the least contribution to the unweighted regression model were not included in the weighted regression model. However, due to the transformation that took place, any interpretation of this weighted regression model becomes somewhat hazardous. On the other hand, the theoretical weakness of the unweighted multiple regression model utilized in this instance renders its interpretation perhaps equally as hazardous. Consequently, a discriminant analysis was undertaken to identify the variables of impact upon failure, and to clarify their relative impact.

Discriminant Analysis

To further assist in identifying significant relationships, a discriminant analysis was undertaken.[4] A discriminant analysis, in this present context, enables one to determine if there are any significant differences between the failure and the non-failure group in terms of the independent or discriminating variables examined.

The results of the discriminant analysis are presented in Appendix K. A review of the standardized coefficients suggested that:

1. As the severity of the present offense increases, the probability of FTA decreases;
2. As the severity of the expected disposition of the present charge increases, the probability of FTA increases;
3. As the severity of the expected sanction of the present charge increases, the probability of FTA decreases;
4. As the number of previous misdemeanor-property convictions increases, the probability of FTA increases;
5. As the number of previous felony-personal convictions increases, the probability of FTA decreases; and
6. A previous FTA incident suggests a greater FTA probability during the instant case.

The magnitude of the standardized coefficients suggests that the severity of the expected disposition variable made the greatest contribution to the model, followed closely by the severity of the expected sanction variable. Previous

felony-personal convictions and previous FTA incident seem to have contributed the least to the predictive power of the model.

Summary: Independent variables of impact upon failure

The previously detailed analytical techniques identified similar variables as having an impact upon failure probability. Table 21 provides a summary of the variables found to have a significant impact, at the .05 level, upon failure probability.

A careful review of each prediction model and of Table 21 tends the support of the following conclusions:

1. As the severity of the present offense increases, the probability of FTA decreases. This finding tends to support the work of Schaffer[5] who found in his New York City study that those charged with serious felonies tended to have much lower FTA rates than those charged with relatively minor misdemeanors. To interpret this situation, one should recall that in the Franklin County PTRR program operations, an FTA incident automatically results in a new charge of equal severity being brought against the accused. Perhaps what is happening in this instant case, is a reluctance on the part of the individuals accused of committing a felony who believe there is a high probability that efforts will be expended by the local law enforcement agencies to locate their whereabouts and to return them to the judicial process. Perhaps those accused of committing a lesser crime are less concerned of being charged with an additional count of equal

TABLE 21

SUMMARY TABLE

VARIABLES OF IMPACT UPON FAILURE PROBABILITY

Prediction Model	Variables Included in the Model (Found to have a significance level of P<.05 or beyond)					
	Expected Disposition of the Present Charge	Previous Convictions Misdemeanor-Property	Previous Convictions Felony-Personal	Severity of the Present Offense	Previous FTA Incident	Expected Sanction of Present Charge
Unweighted Multiple Regression Model	in	in	in	in	in	in
Weighted Multiple Regression Model	in	in	not in	in	not in	in
Discriminant Analysis Model	in	in	in	in	in	in

severity due to their feeling that no local law enforcement agencies will put forth an effort to locate them. Perhaps there is less concern on the part of the judicial officers in screening those accused of committing a lesser offense. From the information derived in the present case, it appears that both program administrators and judicial officers would do well to more carefully screen those individuals who have been charged of committing a less severe offense, and to continue the current screening standard for those charged with committing a more severe offense. Perhaps, though some very touchy due process questions would arise, the severity of the charge of those granted a recognizance release could be increased. Once they appeared in court, as scheduled, the charges would be reduced to their original level.

2. As the severity of the expected disposition of the present charge increases, the probability of FTA increases. This finding tends to support Feeley and McNaughton's[6] suggestion that anticipated penalties may be linked to failure probability. A review of the standardized discriminant analysis coefficients reveals that disposition severity is the most powerful indicator of failure probability, in this instant case. However, to draw any operational implications from this finding becomes somewhat difficult. There is some question as to whether or not one may operationally define the accused's expected disposition as the observed

disposition. If this operational definition is not accurate, then the direction of the causal link becomes suspect; instead of a causal link moving from disposition to failure, perhaps the link moves from failure to disposition. While the latter issue will be discussed in the fourth section of this chapter, the analysis of the former link, in this instant case, suggests two somewhat unrealistic operational implications.

Consider the first case. If the probability of failure increases as the expected severity of the disposition increases, a program could lower its FTA rates by becoming involved in activities that would result in an across the board decrease in the disposition severity of all clientele of the judicial system. But perhaps even then the severity of the dispositions would be measured along a relative scale, and individuals would fail to appear if their expected disposition were too severe, in terms of the new standard. Perhaps PTRR program administrators and judicial officers could diminish the severity of the dispositions handed out to successful PTRR program participants only. While this activity would perhaps serve to reduce the FTA rate, the activity on its face would serve to bias the equitable administration of justice in the community. A recommendation for manipulation of the disposition severity is therefore rejected.

From the information available in this study, it appears that a second alternative for program administrators

and judicial officers who desire to maintain low FTA rates would be to restrict the release of those who expect a severe case disposition. It appears, in the instant case, that such an activity would serve to decrease the number of FTA incidents. The fallacy of this conclusion is an inability to ascertain expected disposition. While future research may be able to address this need, such an undertaking will face a very serious technical challenge--how to measure the expected sanction variable. Even if the researcher could develop such a tool, the technique must also be capable of being utilized by the local PTRR program administrators. Inasmuch as the development of such an instrument does not appear to be attainable within the near future, several alternatives of measuring expected disposition are presented. Due to the fact that expected disposition appears to be a strong indicator of failure probability, it should not be rejected from the prediction models, despite the difficulty in quantifying the variable.

Due to the current absense of a device which can measure the individual's expected disposition, the following information could be obtained by PTRR program administrators and used as indicators of expected disposition:

1. Obtain an opinion from the prosecuting attorney handling the case as to the strength of the case and the predicted disposition,
2. Obtain an opinion from the defense attorney handling the case as to the strength of the case and the predicted disposition,

3. Obtain an opinion from the defendant concerning the expected disposition of the case;

4. Obtain an opinion from the defendant's family concerning the defendant's opinion regarding the expected disposition of the case;

5. Consider the type of charge and the community sentiment and the local judicial practice in response to that charge; and

6. Consider the extent of the accused offender's past criminal record.

While the accuracy of the above may be suspect, efforts should be expended to validate their reliability as predictors of ultimate case disposition. However, even if a perfect prediction were obtained, program administrators would still have no way of knowing what the individual expected. If, as this present study suggests, there is a relationship between expected disposition and FTA probability, greater efforts should be expended to obtain that expected disposition information. On the other hand, this study constructed and validated its prediction scales operationalizing expected disposition as observed disposition. Therefore, if these six methods of predicting case outcome, or any others, can be validated, they could be plugged into the prediction scales detailed in section two of this chapter and used to predict failure probability. In other words, in the absense of expected disposition data, the use of prediction of observed disposition data may be sufficient to maintain a valid prediction model.

3. As the severity of the expected sanction of the present charge increases, the probability of FTA decreases. This finding tends to support Feeley and McNaughton's[7] suggestion that anticipated penalties may be linked to failure probability. The standardized discriminant analysis coefficients reveal that sanction severity is the second most powerful indicator of failure probability, in this instant case. However, the implications of this finding are somewhat suspect due to the questionable operational definition of the expected sanction as the observed sanction. If this operational definition is not accurate, then the direction of the causal link becomes uncertain; instead of a causal link moving from sanction to failure, perhaps the link moves from failure to sanction. An analysis of this latter causal link will be reviewed in the fourth section of this chapter. The analysis of the former link is undertaken below, and suggests a somewhat complex interpretation.

One should recall that a failure incident while under the jurisdiction of the Franklin County PTRR program automatically results in a charge of equal severity as the first charge being levied against the accused. Perhaps what is happening here is that those charged with a more severe crime fear they will be given a stiff sentence by the judge. However, inasmuch as they are charged with a serious crime, an FTA incident will likely result in an

effort extended by local law enforcement agencies to locate their whereabouts. Consequently, they may be even more concerned of having to face a second count and its potential accompanying sanction by failing to appear. Subsequently, those charged with a more severe crime and who expect a more severe sanction tend to appear for their appointed court hearings perhaps in part out of a fear of receiving an even greater sanction for non-appearance. On the other hand, those charged with a less serious crime may be concerned with the severity of the sanction. A failure incident by one charged with a less serious offense may result in a less than ambitious attempt being extended by the local law enforcement agencies to locate the accused's whereabouts. Consequently, by simply failing to appear, individuals charged with less serious crimes may diminish the severity of the sanction by simply not showing up in court.

From the information available in this study, it appears that program administrators and judicial officers who desire to maintain low FTA rates might consider increasing the severity of the penalty associated with a failure incident, and increase the probability of apprehending those who do fail to appear. It appears, in the instant case, that such activity would serve to decrease the FTA rates of the program and decrease the failure probability of the individual.

While there is a glaring need for further research in this area, such undertakings face a very serious technical

challenge--how to measure the expected sanction variable. Only after the development of an instrument that can measure individual's expected sanctions could a determination be made as to the relationship between sanction and failure tendencies. Even if the researcher could develop such a tool, the technique must also be capable of being utilized by the local PTRR program administrators. A good deal of work appears to lie ahead of any significant breakthrough in this area. In the meantime, it would appear that increasing, across the board, the severity of the penalty associated with a failure incident and increasing the probability of apprehension subsequent to a failure incident would serve to decrease the number of FTA incidents.

4. As the number of previous misdemeanor-property convictions increases, the probability of FTA increases. This finding tends to support the work of Landes[8] who suggested that the extent of the individual's prior record was a significant indicator of failure. While Landes did not suggest in which ways or how extensively prior records were correlated with failure, Moelleur[9] has. The finding in the instant case tends to support Moelleur's argument of a positive correlation between prior record and failure probability; as the number of prior misdemeanor-property convictions increases, the FTA probability increases. This finding also tends to support Feeley and McNaughton's[10] assertion that

how well the accused offender understands court proceedings may be significantly related to failure. An individual who has had a prior criminal conviction would tend to be somewhat knowledgeable concerning court proceedings. Perhaps the individual is aware that the court moves rather slowly and feels that it would be possible to get away with an FTA incident. Perhaps the accused is somewhat concerned about receiving a second conviction and an accompanying severe sanction, and thus attempts to avoid the courtroom. From the information derived in the present case, it appears that both program administrators and judicial officers might consider reducing the number of prior misdemeanor-property convictions permitted of those to be released on a reporting recognizance bond to perhaps as low as zero. Any figure above zero will result in a statistically significant increase in the failure probability. However, future research should examine this issue in a different environmental setting to ascertain the extent of the validity and generalizability of the conclusion.

5. As the number of previous felony-personal convictions increases, the probability of FTA decreases. This finding does not support the works of Landes[11] nor Molleur[12] who have hypothesized a direct relationship between prior record and failure probability. Rather, this finding tends to suggest an inverse relationship. To interpret this finding,

one may again recall Feeley and McNaughton's[13] suggestion that one's familiarity with the justice system may be related to failure probability. However, in this instance, a more dynamic dimension of failure probability appears to be severity of past experience with the criminal justice system. From the available data, it appears that the more severe the past criminal justice experience, the lower the probability of failure. This tends to compliment the findings outlined above, where the number of prior misdemeanor-property convictions was found to be directly related to failure probability. In this instance, the accused individual's past experience was in all likelihood not as severe as one convicted of a felony, and consequently the probability of failure while on recognizance was greater. One may recall from previous discussion where this study concluded that increasing the severity of the present offense and increasing the severity of the expected sanction could serve to decrease failure probability. Efforts extended to carefully screen those convicted of committing a misdemeanor-property, to increase the penalty associated with a failure incident, and to increase the probability of apprehension subsequent to a failure incident would serve to minimize failure rates.

In the instant case, it is concluded that as the severity of the past criminal justice experience increases, the probability of failure on recognizance decreases. However,

there is some concern about the fact that the measurement of criminal justice background was given a limited perspective in this study. For example, neither the juvenile court records nor a complete adult arrest record were available for review. Future examination of this apparent relationship between criminal justice background and failure probability would do well to broaden the perspective of the criminal justice background dimension to include the said arrest data and juvenile court history.

6. A previous FTA incident suggests a greater FTA probability during the present. This finding tends to support Feeley and McNaughton's[14] broad contention that how well accused offenders understand court proceedings and how much respect they have for the court may be significantly related to failure. However, Feeley and McNaughton did not elaborate in which ways or how extensively this dimension may be correlated with failure. From the present study, the relationship appears to be a direct or positive one: an increase in the previous failure score results in an increase in the present failure probability. What may be happening here, as Feeley and McNaughton suggest, is a disrespect of the court on the part of the individual, coupled with some understanding of the court procedures. Perhaps the individual has some contempt for the court and the justice system in general and chooses to be beligerent, or does not want to be bothered with extending the effort necessary to appear at

CONTINUED

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the appointed court hearings. Perhaps the individual is aware that the court does move rather slowly and feels that it would be possible to get away with an FTA incident, as was done, or almost done in the past.

From the information derived in the present case, it appears that both program administrators and judicial officers might consider reducing the number of prior failure-to-appear incidents permitted of those to be released on a reporting recognizance bond to perhaps as low as zero. Future research should examine this issue in a different environmental setting to ascertain the extent of the validity and generalizability of this conclusion.

7. Perhaps the most provocative finding was that not one socio-economic background or community tie variable entered the validated models. This finding tends to support the writings of a number of scholars including Wice,[15] Landes,[16] Feeley and McNaughton,[17] and Kirby,[18] who suggested that such variables are not significant indicators of failure probability. This is in direct contrast with the works of Wilson,[19] and several Vera Foundation studies[20] where socio-economic background and community ties were found to be the most significant indicators of failure. At the same time, one should recall that the variables that did enter the validated prediction models can all be classified as criminal justice system background variables. This later finding tends to support that reached by Kirby.[21] From the information

derived in the present case, it appears that both program administrators and judicial officers might consider establishing various criminal justice background variables as the criteria for identifying good and bad risks among potential pre-trial recognizance release clientele and give less attention to the socio-economic and community tie variables.

Prediction Scale Validation

This analysis was undertaken in an attempt to validate the six prediction models previously detailed in this chapter. It was hypothesized that all six scales were valid indicators of failure probability. To examine this hypothesis, the validation sample of 103 cases was applied to all six prediction devices. Inasmuch as the present study was an ex-post facto study, it was known who within the validation sample appeared at all their appointed hearings and who did not. It thus became possible to compare the mathematically derived failure scores with the observed failure scores. The arithmetic mean of the derived probability of failure scores was computed, and a 2 x 2 contingency table was constructed in the following format;

	Appeared at all appointed hearings	Failed to appear at one or more appointed hearings
Number of cases scoring the mean probability of failure score or less		
Number of cases scoring greater than the mean probability of failure score		

A 2 x 2 contingency table was constructed for each predictive device developed in this study with the data from the validation sample. The validation sample, the reader may recall, consists of 103 cases chosen by way of a random sample from the original 615 accused offenders granted a reporting recognizance bond under the jurisdiction of the Franklin County PTRP during the months of July through December, 1976.

The hypothesis that all three scales were valid indicators of failure probability was tested in the following manner:

H_o: The derived probability of failure scores and the observed failure scores are independent and as such are not associated with each other.

H_a: The derived probability of failure scores and the observed failure scores are not independent but are associated with each other.

The X^2 test for two independent samples was chosen because the observed failure scores are frequencies in discrete categories (failed and did not fail).[22] The region of rejection consisted of all values of X^2 which are so

large that the probability associated with their occurance is equal to or less than $\alpha = .05$.

Decision #1: Unweighted Multiple Regression Scale Validation

A contingency table was constructed from the application of the validation sample data to the unweighted multiple regression scale which has been detailed previously in this chapter. The arithmetic mean for the derived probability of failure utilizing the unweighted multiple regression scale was found to be .16 for the validation sample. This .16 figure was used as the cutting point in constructing the contingency table for these data, as illustrated in Table 22.

TABLE 22

CONTINGENCY TABLE ANALYSIS:

VALIDATION OF THE UNWEIGHTED MULTIPLE REGRESSION SCALE

Scale Score	Appeared at all hearings	One or more failure incidents
.16 or less	63.1%	4.9%
.17 or more	18.4%	13.6%

The value of X^2 for these data was computed to be 18.76 (see Table 25). From the data available in this instant case, it is concluded that there is a contingent or dependent association between the observed probability of failure and

regression scale which has been previously detailed in this chapter. The arithmetic mean for the derived probability of failure utilizing the weighted regression scale was found to be .66 for the validation sample. This .66 figure was used as the cutting point in constructing the contingency table for these data, as illustrated in Table 23.

TABLE 23

CONTINGENCY TABLE ANALYSIS:

VALIDATION OF THE WEIGHTED MULTIPLE REGRESSION SCALE

Scale Score	Appeared at all hearings	One or more failure incidents
.66 or less	55.3%	7.7%
.67 or more	26.2%	10.7%

The value of X^2 for these data was found to be 4.41 (see Table 25). From the data available in this instant case, it is concluded that there is a contingent or dependent association between the observed probability of failure and the probability of failure derived from the weighted multiple regression scale.

Pearson's coefficient of contingency was computed to be C=.20 for these data. The corrected C was found to be C=.28. From the size of the corrected C, it can be concluded that the observed probability and the probability derived from

the probability of failure derived from the unweighted multiple regression scale.

Pearson's coefficient of contingency[23] was computed to be C=.39 for these data. The corrected C[24] was found to be C=.55. The corrected C may be interpreted in much the same way as Pearson's r. or Spearman's r_s. From the size of the corrected C, it can be concluded that the observed probability and the probability derived from the unweighted multiple regression model have a substantial association.

To cross validate this apparent association between the derived value and the observed value, when applying the validation sample to the unweighted multiple regression scale, a biserial correlation[25] was computed and found to be r_b=.69. The probability of occurance of r_b=.69 in this instance was found to be $p < .005$. From the strength of the biserial correlation coefficient, it can be concluded that the observed probability and the probability derived from the unweighted multiple regression scale have a very strong association.

The unweighted multiple regression scale previously detailed is accepted as a valid indicator of failure to appear probability among accused offenders released on a reporting recognizance bond.

Decision #2: Weighted Multiple Regression Scale Validation

A contingency table was constructed from the application of the validation sample data to the weighted multiple

the weighted multiple regression model have a moderate association.

To cross validate this apparent association between the derived probability value and the observed value when applying the validation sample to the weighted regression scale, a biserial correlation was computed. The biserial correlation coefficient was computed and found to be $r_b = .44$. The probability of occurance of $r_b = .44$ in this instance was found to be $p < .005$. From the strength of the biserial correlation coefficient it can be concluded that the observed probability and the probability derived from the weighted regression scale have a very strong association.

The weighted multiple regression scale previously detailed is accepted as a valid indicator of failure to appear probability among accused offenders released on a reporting recognizance bond.

Decision #3: Discriminant Analysis Model Validation

A contingency table was constructed from the application of the validation sample data to the discriminant analysis model which has been previously detailed in this chapter. The arithmetic mean for the derived probability of failure utilizing the discriminant analysis scale was found to be .18 for the validation sample. This .18 figure was used as the cutting point in constructing the contingency table for these data, as illustrated in Table 24.

TABLE 24

CONTINGENCY TABLE ANALYSIS:

VALIDATION OF THE DISCRIMINANT ANALYSIS

Scale Score	Appeared at all hearings	One or more failure incidents
.18 or less	66.0%	5.8%
.19 or more	15.5%	12.6%

The value of X^2 for these data was found to be 18.67 (see Table 25). From the data available in this instant case, it is concluded that there is a contingent or dependent association between the observed probability of failure and the probability of failure derived from the discriminant analysis model.

Pearson's coefficient of contingency was computed and found to be C=.39; the corrected C was found to be C=.55, reflecting a substantial association.

As before, to cross validate this apparent association between the derived probability value when applying the validation sample to the discriminant analysis model, a biserial correlation was again computed, and was found to be r_b=.68. The probability of occurance of r_b=.68 in this instance was found to be $p < .005$. This is a very strong association.

The discriminant analysis model previously detailed is accepted as a valid indicator of failure to appear probability among accused offenders released on a reporting recognizance bond.

Decision: Summary

From the previous sections of this chapter, it can be seen that all three models of prediction have been accepted as valid indicators of failure at the $p < .05$ level or beyond. Table 25 presents a statistical summary of the prediction scale validations.

It is of some interest to note that the X^2 values of the unweighted multiple regression models was greater than the X^2 values of the weighted multiple regression models. In addition, the unweighted multiple regression models obtained the highest biserial correlations of the three techniques tested. Although the application of the unweighted multiple regression model data with a dichotomous dependent variable may violate several methodological assumptions,[26] such an analysis in this instance seems to have provided a more valid prediction of failure than the weighted regression model, and an equally and perhaps more valid model than the discriminant analysis. Labovitz[27] has noted that treating assumptions in a puristic manner often results in the ritualistic usage of statistics. Instead of asking what techniques can aid the analysis, we often overly

TABLE 25

PREDICTION SCALE VALIDATION

STATISTICAL SUMMARY

	Prediction Model	X^2	Significance of X^2	Corrected C	r_b	Significance of r_b
Models defining failure as FTA at one or more approved court hearings	Unweighted Multiple Regression Model	18.76	$p < .01$	.55	.69	$p < .005$
	Weighted Multiple Regression Model	4.41	$p < .05$	.28	.44	$p < .005$
	Discriminant analysis	18.67	$p < .01$	.55	.68	$p < .005$

commit ourselves to rigid statistical assumptions. Critical thinking is reduced to the rote application of a simple basic rule: use only those statistics for which all the assumptions have been met. Rather than adhere to this puristic basic rule, Laboritz contends, a more realistic approach is, inter alia, to check for robustness before selecting an inference statistic. Inasmuch as regression is quite a robust statistic,[28] this technique was selected as one means of analysis for the study.

Management Tables

This analysis was undertaken in an attempt to construct a series of quantitative tools useful in the administration of PTRR programs. Extreme caution must be used in applying the exact figures to be detailed in this section when data other than that utilized in the original construction and validation are applied. As Mannheim and Wilkins[29] have emphasized, the validation of a prediction scale merely provides an estimate of the scale's validity at other points in time. However, it may be possible to use the empirical results of this study in a general manner and to construct similar management tables upon replication of this study within a new environment.

It must be noted that merely accepting a derived scale as a valid indicator of failure probability ignores the substance of its application. In utilizing the scales, PTRR

program administrators must determine, subjectively, what release level of FTA prediction probability they are willing to accept for their program. To make this subjective determination, PTRR program administrators might wish to identify various political, legal, and economic environment factors which have an impact upon the local PTRR program operations, and adjust the accepted level of release accordingly. It must be emphasized that the implementation of a valid prediction scale demands not only the empirical scale construction and validation, but also this subjective determination of the "appropriate" release level of failure to appear probability. While this study attempted to construct and validate several prediction scales, it can only empirically identify, in a predictive framework, the potential impacts of various release levels of failure probability. To facilitate the final decision process, several predicted probability of release levels were hypothetically accepted, and the validation sample was analyzed to ascertain the number of accused offenders that would have been released, the alpha error, and the beta error of each accepted probability level. The alpha error was defined as the percentage of clientele released on a reporting recognizance bond who would fail to appear. The beta error was defined as the percentage of clientele not released on a reporting recognizance bond who would appear at all appointed hearings were they granted a recognizance bond. Portions of the

management tables for each of the three validated prediction scales are presented in Tables 26 through 28. The complete management tables may be found in Appendix L.

Any derived probability score that was equal to or greater than 1.00 was given a derived probability score of 1.00. Any derived probability score that was equal to or less than .00 was given a derived probability score of .00.

TABLE 26

THE UNWEIGHTED MULTIPLE

REGRESSION MODEL MANAGEMENT TABLE

Derived Probability	Percent Released	Alpha Error	Beta Error
1.00	100	.18	.00
.90	100	.18	.00
.80	100	.18	.00
.70	98	.17	.00
.60	96	.16	.25
.50	91	.14	.33
.40	89	.13	.36
.30	86	.13	.50
.20	80	.07	.38
.10	50	.08	.71
.00	14	.07	.80

TABLE 27

WEIGHTED MULTIPLE REGRESSION

MODEL MANAGEMENT TABLE

Derived Probability	Percent Released	Alpha Error	Beta Error
1.00	100	.18	.00
.90	92	.14	.25
.80	87	.13	.46
.70	82	.13	.58
.60	42	.12	.77
.50	03	.33	.82
.40	00	.00	.82
.30	00	.00	.82
.20	00	.00	.82
.10	00	.00	.82
.00	00	.00	.82

TABLE 28

DISCRIMINANT ANALYSIS MODEL

MANAGEMENT TABLE

Derived Probability	Percent Released	Alpha Error	Beta Error
1.00	100	.18	.00
.90	86	.13	.50
.80	86	.13	.50
.70	86	.13	.50
.60	84	.11	.44
.50	84	.11	.44
.40	83	.10	.41
.30	81	.08	.40
.20	80	.07	.38
.10	70	.08	.58
.00	67	.07	.59

It can be determined from a review of the management tables that generally by increasing the accepted probability of release, the number of accused offenders released on recognizance increases, the alpha error increases and the beta error decreases, as was hypothesized at the outset of this study. The management tables presented above provide the PTRR program administrator with information necessary to make a decision. For example, an administrator may have chosen to use the unweighted multiple regression model. If some concern was being aired by the program's funding source of an undesirably high alpha error, the PTRR program administrator would do well to reduce the accepted probability of release level from the current level of .80 to perhaps .49. Such a reduction in the accepted release level would reduce the alpha error from .18 to .13, or nearly 30 percent. With the information provided by the management tables, other similar or more complex adjustments can be made by program administrators in response to a variety of external environmental demands. For example, in a situation where the beta error and the alpha error must be minimized, the PTRR program administrator should chose to apply the weighted multiple regression model and accept a derived probability of .91 as the appropriate level of release. This is to suggest that by releasing all those accused offenders who score .91 or less on the weighted multiple regression model, the program would maintain a

.97 release rate, an alpha error of .16, and a beta error of .00.

Caution must be used in applying these exact figures when data other than that utilized in the original construction and validation are applied. However, it may be possible to use the empirical results in a general manner and to construct similar management tables upon replication of this study within a new environment.

Impact of Operational Variables Upon Failure Probability

This analysis was undertaken to identify the impact of specific operational variables upon individual failure to appear probabilities. It was hypothesized that increasing the amount of contact the accused receives from the program staff would decrease the accused's failure probability, all else held constant. It was also hypothesized that decreasing the time lag from court imposed recognizance bond to formal acceptance of the release would decrease the accused's failure probability, all else held constant. It was further hypothesized that decreasing the time lag from recognizance release to the court hearings would decrease the accused's failure probability, all else held constant. Finally, it

was hypothesized that decreasing the time lag from recognizance release to final case disposition would serve to decrease the accused's failure probability, all else held constant. A multiple classification analysis (MCA) was undertaken to test these hypotheses. By utilizing the MCA design in this context, it was possible to examine the effects of certain operational variables upon failure probability, controlling for all other independent variables.[30]

Two operational variables, time lag from release on recognizance to the second court hearing and time lag to the third court hearing, were removed from further consideration during the first step of the analysis. This was done when it was determined that there was not a significant relationship at the .05 level between them and the dependent variable, failure on recognizance. The remaining four operational variables were found to have a significant relationship with failure at the .05 level, and the investigation of these variables proceeded to the second stage of the analysis. The results of the MCA analysis are reported in appendix M. A first-order correlation matrix was constructed in an attempt to cross validate the MCA outcomes. The first-order correlation matrix is presented in appendix N.

The first-order correlation between failure probability and contact frequency was computed and found to be r=-.0620. The probability of occurance of r=-.0620 in this instance was found to be between $p < .10$ and $p < .05$.

Both the first-order correlation and the MCA outcome suggest that the frequency of contact apparently has a non-significant impact at the .05 level upon failure probability. However, there appears to be a general tendency for the probability of failure to decrease as the frequency of contact increases. This finding tends to support several pieces of research conducted by such individuals as Wice,[31] Welsh,[32] Clarke,[33] Schaffer,[34] Lazarsfeld,[35] and Gerwitz,[36] who all found increased supervision of the accused as a means of reducing program FTA rates. However, in this instance, the relationship was not as strong as was originally hypothesized. Indeed the relationship between contact and failure was not found to be significant at $p < .05$, but rather found to be significant between $p < .10$ and $p < .05$. Perhaps further research in this area would do well to identify the amount of contact given different groups of clientele at different points during the release period in terms of its impact upon failure rates.

It was interesting to note that at the .401 - .500 contact level, failure probability markedly increased. What may have happened here is that the program may have identified a group of high risks and subsequently increased the contact rate in an attempt to reduce the failure probability. But for those in the .401 - .500 contact range, the contact was not sufficiently strong enough to bring them in line with the program's expected results. In other words, the

contact was not sufficiently strong enough to neutralize the impact of other variables and characteristics upon the individual's failure probability. It would seem that future research might well identify what an appropriate level of contact may be, or how different levels of contact influence different groups of clientele at different times of the release period.

From the information derived in the present case, it appears that program administrators might consider maintaining a relatively high level of contact with those higher risk clientele who are released on recognizance. Those individuals who resist this high level of contact should perhaps have their recognizance bonds revoked. It appears that such activities would serve to decrease the program FTA rates.

The first-order correlation between failure probability and time lag from court imposed recognizance release to formal acceptance of the recognizance bond was computed and found to be r=.0699. The probability of occurance of r=.0699 in this instance was found to be between $p < .10$ and $p < .05$. Both the first-order correlation and the MCA outcome suggest that the time lag from the court imposed recognizance release to formal acceptance of the bond apparently has no significant impact upon failure probability. However, there does appear to be a general tendency for the probability of failure to increase as the time lag from court

imposed recognizance release (which, one should recall, does result in a release from confinement) to formal acceptance of the recognizance bond increases. It should be recalled that formal acceptance procedure involves a face to face discussion between the accused and a PTRR program staff member regarding the responsibilities of being released on a reporting recognizance bond, a formal written acceptance of the conditions by the accused, and a review of the dates of upcoming court hearings. The fact that this study found a direct relationship between the time lag from court imposed recognizance release to the formal acceptance proceedings tends to support the work of Wice.[37] Wice has suggested that the time lag between release and notification of court dates was positively correlated with subsequent failure rates. This current study also tends to support the findings of Feeley and McNaughton[38] who have suggested that the amount of respect the individual has for the court may have an impact upon failure probability. The fact that the accused delays the formal acceptance proceedings may be indicative of a general disrespect for the court on the part of the individual.

From the information available in this present case, it appears that program administrators who desire to maintain low FTA rates could consider reducing the time lag permitted between a court imposed recognizance release and the formal acceptance proceeding permitting those to be

formally released on a reporting recognizance bond. Future research in a different environmental setting could serve to verify the validity of this study's findings and conclusion and perhaps seek identify a maximum premitable delay period, or determine if a flexible time lag should be permitted here to account for clientele risk differences.

The first-order correlation between failure probability and time lag from the formal acceptance of the recognizance bond to the first court hearing was computed and found to be $r=.0512$, $p < .10$. Both the first-order correlation and the MCA outcome suggest that the time lag from recognizance release to the first court hearing has no discernable nor significant pattern of impact upon failure probability. This finding tends to refute the works of Clark[39] and Kirby[40] who both found this time lag to be positively correlated with probability of failure. On the other hand, the results in this instant case tend to support Feeley and McNaughton[41] who found the time lag from release to trial not to be a significant indicator of failure probability.

From the information derived in the present case, it appears that program administrators and judicial officers desirous of maintaining low FTA rates might not need to attach a high priority to expedite the judicial process for recognizance clientele beyond the norm. However, inasmuch as there is some variance in the findings of the

previous research and to the fact that the judicial environment in Franklin County is in all likelihood different from that in most other locales, further examination of this issue in a different environment would seem to be in order..

The first-order correlation between failure probability and time lag from formal acceptance of the recognizance bond to final case disposition was computed and found to be $r=-.1155$, $p < .05$. Both the first order correlation and the MCA outcome suggest that as the time lag from recognizance release to final case disposition increases, the probability of failure decreases. This finding tends to refute the works of Thomas,[42] Gerwitz,[43] and Lazarsfeld[44] who all found the probability of failure to increase as time lag between release and disposition increased. On the other hand, the results in this instant case tend to support the works of Schaffer[45] who suggested that most failures occurred early in the release period. To interpret this finding, one might recall from a previous section of this chapter that those charged with committing a more serious crime were found to have a smaller FTA probability than those charged with committing a less serious crime. What appears to be happening in this instant case is a tendency for the judicial proceedings to be more time consuming for those charged with a more serious offense. Thus, those who are on recognizance for a greater length of time tend to be

those charged with a more serious offense and, as previously suggested, those charged with a more severe offense have a smaller failure probability. Other variables may be intervening here also. Those who have been on recognizance for a greater length of time tend to be the ones who have had a lower rate of contact from the PTRR staff which, as previously suggested, may increase the failure probability. It may also be the case that those with a more severe prior record are not being processed through the criminal justice system with as much dispatch as those who have had a less severe criminal justice history. However, as was previously suggested, this current study has found that those who have a more severe criminal justice background tend to have a lower failure probability than those with a less severe criminal justice history.

From the information available in this instant case, it appears that most failures occur early in the release period. PTRR program administrators and judicial officers who desire to maintain low FTA rates might carefully screen out bad risks from program participation, utilizing the criteria previously outlined in this study and by increasing the amount to contact the accused receives from PTRR staff during the initial release period. This initial contact rate could be perhaps as high as one contact per day. If the accused fails to make contact with the PTRR staff at the appointed rate, the bond should be

revoked and the accused re-incarceration. However, inasmuch as there is some variance between the empirical findings in this area, there is a need for future research to further clarify the nature of the impact of this time lag dimension upon probability of failure. Future research is also needed to identify just what an appropriate initial contact rate would be, or how different levels of contact influence different groups of clientele over a period of time.

Impact of Failure Upon Case Disposition and Sanction

This analysis is intended to identify the impact of being a failure on recognizance upon subsequent case disposition and sanction. It was hypothesized that failure on recognizance would increase the severity of the subsequent disposition and sanction delivered by the court, controlling for all other independent variables. A multiple classification analysis (MCA) was undertaken to test these hypotheses. By utilizing the MCA design in this context, it was possible to examine the effects of failure upon case disposition and sanction, controlling for all other independent variables.[46] The results of the MCA analysis are reported in appendix O. A first-order correlation matrix was constructed in an attempt to cross validate the MCA outcomes. The first-order correlation matrix is presented in appendix P.

The first-order correlation between a failure incident and observed disposition severity was computed and found to be $r=+.3530$, $p < .01$. The first-order correlation between a failure incident and observed sanction severity was computed and found to be $r=-.1540$, $p < .01$.

Both the first-order correlations and the MCA outcome suggest that while a FTA incident tends to increase the severity of the disposition, it tends to decrease the severity of the court imposed sanction. The effect of a FTA incident seems to have more impact upon the disposition of the case than upon the court imposed sanctions. Indeed, moving from a non-failure to a failure status, all else being held constant, increases the severity of the disposition 1.78 points in a 5 point scale, or 35.6 percent on the scale. Moving from a non-failure to a failure status, all else being held constant, decreases the severity of the court imposed sanction .51 points on an 8 point scale, or only 6.38 percent on the scale.

Caution should be used in the interpretation of the above percentages (ie., 35.6 percent and 6.38 percent). It cannot be said that a failure to appear incident results in a 35.6 percent more severe disposition and a 6.38 percent less severe sanction. A more accurate interpretation would be that a failure to appear incident, all else held constant, results in a 35.6 percent change in the value received on the disposition scale used in this study in the direction

of increased severity, and a 6.38 percent change in the value received on the sanction scale used in this study, in the direction of decreased severity.

An interpretation of these events becomes somewhat hazardous due to the existence of a very serious question concerning the direction of the causal arrow. One should recall from the prediction scale data analysis that the observed sanctions and the observed dispositions were operationally accepted as the expected sanctions and the expected dispositions. A causal link was then theoretically drawn from disposition to failure and from sanction to failure. In this current analysis, it appears that a causal arrow could be drawn from failure to sanction and from failure to disposition. However, both causal inferences appear to be extremely tenuous due to the inability of statistical methodology to tease out theoretical causality.[47] It does appear that a good deal of interaction exists between all three variables (a correlation matrix including these three variables appears in appendix P). However, at this point in time, it appears that no other work has been done to ascertain the impact of failure upon case disposition and sanction severity. Therefore, the results of this study should be seen as filling a gap in this body of knowledge, hopefully only on a temporary basis as the results of future research become available.

From a review of the data available in the present case, it appears that there is an increased tendency on the part of the judicial system to be more harsh in handing out dispositions to those who fail to appear than to those who did appear at all appointed court hearings. This finding supports the hypothesis outlined earlier in this study. Such a practice tends to be in keeping with Anglo-American legal tradition where flight is regarded as an admission of guilt. PTRR program administrators and judicial officers who desire to maintain this precedent could continue in their current patterns of behavior. Those who do not desire to perpetuate this tradition might alter their behavior patterns in a way that would result in a decreased disposition severity being handed those who fail to appear.

An interpretation of the effects of failure upon sanction severity as examined in this study become quite complex. A peripheral examination of the data available in the present case suggests that a failure incident results in a less severe sanction being given by the court. However, one must recall from previous analyses outlined in the chapter that those charged with a less severe crime have a greater probability of failure than those charged with a more severe crime. One should also note that moving from a non-failure to a failure status decreased the severity of the court imposed sanction only .51 points in this study's eight point scale--a minor adjustment. What

appears to be happening here is that those individuals who fail to appear are receiving almost a severe a sanction as received by the non-failures who are generally charged with a more severe crime.

It was hypothesized earlier in this study that a failure incident would result in an increased severity in the court imposed sanction. While the data in this instance do not support this hypothesis, there is not sufficient evidence to reject the notion. A need for future examination of this issue is quite apparent. Future research in this area must not merely examine the effect of a failure incident upon the severity of the sanction in an absolute sense. A more appropriate methodology would be to compare the severity of the sanction imposed subsequent to the conviction of a crime verses the severity of the maximum possible sanction that could be imposed for conviction of that crime for both the failure group and the non-failure group. Only then can the true impact of failure upon sanction severity be clarified further.

FOOTNOTES

CHAPTER IV

[1]Norman, H. Nie, et al., Statistical Package for the Social Sciences, Second Edition, New York: McGraw-Hill, 1975.

[2]See Neter, John and William Wasserman, Applied Linear Statistical Models, Homewood, Illinois: Richard D. Irwin, Inc., 1974.

Multiple regression is a general statistical technique through which one can analyze the relationship between a dependent variable and a set of independent or predictor variables. Through multiple regression techniques, one can obtain a prediction equation that indicates how scores on the independent variables could be weighted and summed to obtain the best possible prediction of the dependent variable. One would also obtain statistics that indicate how accurate the prediction equation is and how much variation in the dependent variable is accounted for by the joint linear influences of the independent variables. One may also wish to simplify the prediction equation by deleting independent variables that do not add substantially to prediction accuracy, once certain other independent variables are included. The main focus of this analysis is the evaluation and measurement of overall dependence of a variable on a set of other variables.

[3]Palmer, J. and P. Carlson, "Problems with the Use of Regression Analysis in Prediction Studies" Journal of Research in Crime and Delinquency, January, 1976, pp. 64-80

Such a weighting technique requires two separate regression analyses. First a regression is run utilizing the unweighted multiple regression model. The regression is then rerun with each observation weighted by its estimated y ($\hat{y}i$) as follows:

$$yi/\sqrt{\hat{y}i(1-\hat{y}i)} = \alpha/\sqrt{\hat{y}i(1-\hat{y}i)} + \beta/\sqrt{\hat{y}i(1-\hat{y}i)} + \mu i$$

This technique results in a constant variance, thus the assumption of homoskedasticity is no longer violated, and a more accurate prediction model is expected.

[4]See: Cooley, William W. and Paul R. Lohnes, Multivariate Data Analysis, New York: Wiley, 1971; Tatsuoka, Maurice M., Multivariate Analysis, New York: Wiley, 1971.

By taking several discriminating variables and mathematically combining them, one would hope to find a dimension on which the failure population would group at one end and the non-failure population would group at the other end.

Discriminent analysis attempts to do this by forming one or more combinations of the discriminating variables. The discriminent function takes the following form:

$$Di = d_{i1} Z_1 + d_{iz} Z_z + \ldots + d_{ip} Z_p$$

where Di = the score of discriminent function i
d = the weighted coefficients
Z = standardized values of the p discriminating variables used in analysis

A discussion of how the discriminent coefficients are derived is beyond the scope of this study. The techniques are described in several multivariate statistics which the interested reader may consult. In general terms, it requires solving the general eigenvector problem $WA = Ba$, where B and W are, respectively, the between-group and the within-group sum of squares and crossproducts matrices.

This analysis provides several tools for the interpretation of the data, two of which will be of prime interest in this analysis. The analysis will provide a standardized discriminant function coefficient. These coefficients correspond to the values of the d_{ip}'s given in the above formula. When the sign is ignored, each coefficient represents the relative contribution of its associated variable upon the dependent variable in the analysis. The sign merely denotes whether the variable is making a positive or negative contribution. The interpretation is analogous to the interpretation of beta weights in multiple regression.

Since the independent variables are not normally coded in standard form, the standardized discriminant function coefficients may not be very useful for computational purposes. To arrive at a computed discriminant score, unstandardized coefficients must be identified, and multiplied by the raw data. After adding a constant, a score is obtained which is identical to the one computed

with standardized coefficients and standardized data. The unstandardized coefficients do not report the relative importance of the variables since they have not been adjusted for the measurement scales and variability in the original variables.

[5]Schaffer, L. Andrew. Bail and Parole Jumping in Manhattan in 1967. New York: Vera Institute of Justice, 1970.

[6]Feeley, Malcolm M. and John McNaughton. A Pre-trial Process in the Sixth Circuit: A Quantative and Legal Analysis New Haven, Connecticut: Yale University, 1974.

[7]Ibid.

[8]Landes, William M. "The Bail System: An Economic Approach" Journal of Legal Studies, Vol. 2 (1973) p. 79.

[9]Molleur, Richard R., Bail Reform in the Nations Capital, Washington D.C. Georgetown University Law Center, 1966.

[10]Feeley, M. and J. McNaughton, A Pre-trial Process.

[11]Landes, W. "The Bail System."

[12]Molleur, R., Bail Reform.

[13]Feeley, M. and J. McNaughton, A Pre-trial Process.

[14]Ibid.

[15]Wice, Paul B. Freedom For Sale, Lexington, Mass., Lexington Books, 1974.

[16]Landes, W., "The Bail System."

[17]Feeley, M. and J. McNaughton, A Pre-trial Process.

[18]Kirby, Michael P. Recent Research Findings in Pre-trial Release, Pre-trial Services Resource Center, Washington D.C., September, 1977.

[19]Wilson, Robert A., "A Practical Procedure for Developing and Updating Release on Recognizance Criteria" Newark, Delaware: University of Delaware, Division of Urban Affairs, 1975.

[20]See: Gerwitz, Miriam and N. Reichman, Pretrial Characteristics of Male and Female Defendants, New York, Vera Institute of Justice, 1976; Lazarsfeld, Paul F. "An Evaluation of the Pre-trial Service Agency of the Vera Institute of Justice, Final Report" New York, Vera Institute of Justice, December, 1974.

[21]Kirby, Michael P. Recent Research Findings.

[22]Mendenhall, William and Madelaine Ramey, Statistics for Psychology, North Scituate, Massachusettes, 1973, pp. 324-330.

[23]Siegel, Sidney, Nonparametric Statistics for the Behavioral Sciences, New York: McGraw-Hill Book Co., Inc., 1956, p. 201.

[24]The upper limit of C for a 2 x 2 contingency table is $\sqrt{\frac{1}{2}} = .707$. See Siegel, Sidney Nonparametric Statistics for the Behavioral Sciences, New York: McGraw-Hill Book Co. Inc., 1956, p. 201.

[25]B. Ostle, Statistics on Research, Iowa State University Press, 1963.
The value of the biserial correlation coefficient was computed in the following manner:

$$r_b = \frac{n(\Sigma' y_i) - n_1 \Sigma y_i}{na\sqrt{n\Sigma y_i^2 - (\Sigma y_i)^2}}$$

where n_1 = number of X's such that X=1
n = total number of data points
$\Sigma' y_i$ = sum of the y's for which X=1
Σy_i = sum of all y's

a = ordinate of the standard normal curve at point Z cutting off a tail of that distribution with area equal to $p = n_1/n$.

[26]See: Nerlove, Marc and James C. Press., Univariate and Multivariate Log-Linear and Logistic Models, Santa Monica, California, Rand Corporation, 1973.

[27]Labovitz, "Statistical Usage in Sociology" Sociological Methods and Research, Vol. No. 1, pp. 14-36.

[28]Bohrnstedt, G. W. and G. T. Carter, "Robustness in Regression Analysis" pp. 118-147 in Herbert L. Costner Sociological Methodology, San Francisco: Jossey-Bass, 1971.

[29]Mannheim, Hermann and Leslie T. Wilkins, Prediction Methods in Relation to Borstal Training, London Her Majesty's Stationary Office, 1955, p. 142.

[30]For a more complete discussion of the MCA design, see: Cain, Glen G. and R. G. Hollister, "The Methodology of Evaluating Social Action Programs" in Peter H. Rossi and Walter Williams (eds) Evaluating Social Programs: Theory, Practice and Politics, New York: Seminar Press 1972, pp. 110-132.

The first step in this analysis was to determine the strength of the relationship of each independent variable upon the dependent variable. An analysis of covariance design was adopted for this purpose. This technique indicated if a statistically significant relationship existed between an independent variable or a group of independent variables and the dependent variable. The next step was to include all variables found to have a Significant relationship with the dependent variables, in a multiple classification analysis. A multiple classification analysis (MCA) allows the value of the independent variables to be statistically adjusted to correct for intergroup differences. By utilizing the MCA design in this context, it was possible to examine the effects of certain operational variables upon failure probability, controlling for all other independent variables. This is accomplished through the calculation of "corrected" scores which indicate what the outcome scores would have been, given no difference between the groups identified by the independent variables of focus. In this section, these corrected scores are reported as a "corrected court failure score".

[31]Wice, P. Freedom For Sale.

[32]Welsh, J. Daniel et al., The Pre-Trial Offender in the District of Columbia: A Report on the Characteristics and Processing of 1975 Defendants, Washington D.C. District of Columbia Bail Agency, Statistical Analysis Center, Office of Criminal Justice Planning and Analysis, 1977.

[33]Clark, Stevens H. et al., "Bail Risk: A Multivariate Analysis" The Journal of Legal Studies, V. June, 1976 pp. 341-385.

[34]Schaffer, A. Bail and Parole Jumping.

[35]Lazarsfeld, P. "An Evaluation of the Pre-Trial Service Agency."

[36]Gerwitz, M. and N. Reichman, Pre-Trial Characteristics.

[37]Wice, P. Freedom For Sale.

[38]Feeley, M. and J. McNaughton, A Pre-Trial Process.

[39]Clarke, S., "Bail Risk."

[40]Kirby, M., Recent Research Findings.

[41]Feeley, M. and J. McNaughton, A Pre-Trial Process.

[42]Thomas, Wayne H., A Decade of Bail Reform, Davis, California, Center on the Administration of Criminal Justice. Unpublished manuscript, 1974.

[43]Gerwitz, M. and N. Reichman, Pre-Trial Characteristics.

[44]Lazersfeld, P., "An Evaluation of the Pre-Trial Service Agency."

[45]Schaffer, A. Bail and Parole Jumping.

[46]see: Cooley, William W. and Paul R. Lohns, Multivariate Data Analysis New York: Wiley 1971; Tatsuoka, Maurice M. Multivariate Analysis New York: Wiley, 1971.

[47]Blalock, Hubert M., Causal Inferences and Nonexperimental Research. New York, New York W. W. Norton & Co., Inc., 1972, p. 1.

CHAPTER V

SUMMARY AND CONCLUSIONS

Historical Review

Pre-trial detention is and has been a traditional practice in the American criminal justice system, although it has been the object of much controversy. Under this system, many individuals are held in jail awaiting a hearing or trial who could and, perhaps, should be released. This is due to the fact that a pre-trial release is in most instances based upon the accused's financial ability to post a money bail bond. Roth's 1978 testimony before the U.S. Governmental Affairs Subcommittee stated, in part, as follows:

> "By making pretrial incarceration a matter of ability to pay, bond requirements not only cause inequity; they introduce variables--income and wealth--that have no indentifiable relationship to the risk of non-appearance or pretrial crime. In short, bond requirements keep many of the wrong defendants in jail."[1]

Such an arrangement has long been recognized and criticized by such individuals as Pound and Frankfurter,[2] Morse and Beattie,[3] and Foote[4]. In the early 1960's, the Vera Foundation in New York City undertook a project which sought to identify among the accused population, those having strong family and community ties. Those having such were classified

as "good risks" and were released on their own recognizance and a promise to appear for their appointed court hearings, without having to post any money bail bond. An evaluation of the Vera project was released in 1963.[5] It found that individuals released on their own recognizance had a lower rate of failure to appear in court while on pre-trial release than was associated with the money bond system. The publication of these findings and a 1963 report of the Attorney General of the United States[6] which encouraged greater use of pre-trial recognizance release (PTRR) by the federal courts were in part responsible for the initial rapid growth of pre-trial recognizance release programs. These findings and recommendations were also supported by the Federal Bail Reform Act of 1966 which created a presumption in favor of non-monetary pre-trial release in the federal system.[7] In addition, it has been noted that the U.S. Office of Economic Opportunity was a catalyst during the middle and late sixties in promoting Release on Recognizance programs through its funding of scores of projects across the country.[8]

At the core of these specific factors which appeared to have influenced the growth of PTRR programs layed a philosophical movement which began in the late 1950's. Due in part, perhaps, to a backlash from the 'McCarthyism Era", liberal humanists and civil libertarians began a concerted reform movement which gained increasing momentum in the 1960's. This impetus toward a due process model of criminal justice

administration[9] saw an increased concern for the individual, with more procedural safeguards instituted to protect constitutional rights and efforts extended to promote distributive justice.[10]

Supreme Court rulings such as Miranda, Mapp, Gideon, Escobedo, and In Re Gault typified this increased concern. Liberal philosophy ascendency was also reflected in bail bond reform movements such as the aforementioned Vera Foundation program. While the primary concern of the PTRR advocates appeared to be a desire to promote a more humane and equitable distribution of justice, an ancillary issue which appealed to conservatives was the apparent cost effectiveness of PTRR programs. The resulting union of fiscal conservatives and liberal humanists, each married to the PTRR concept for self-serving purposes, seemed to lay the foundation for the growth of PTRR programs.

A 1973 survey published by the U.S. Office of Economic Opportunity[12] reported approximately one hundred formally organized PTRR programs then in extence nationwide. A 1977 survey[13] identified 115 programs in operation. Both studies found the PTRR programs to be diverse in terms of funding,[14] types of releases granted, operating philosophy and procedure, program capacity[15] and political status.[16]

Critical Issues in Program Operations

A characteristic that appeared to be a common denominator in all programs was and is the desire to maintain low failure to appear for court hearing rates among clientele.[17] The maintenance of low failure rates has generally been undertaken by way of clientele screening techniques[18] and the manipulation of certain program operation variables.[19] It appears that most programs attempt to identify those who are "good risks" and those who are "bad risks" among potential clientele.[20] However, there currently appears to be little consensus as to the nature of the criteria with which to make such a prediction.[21] In addition, little is known concerning what can be done operationally to minimize the failure-to-appear rates once the accused have been released on a recognizance bond. While each program tends to be a unique entity operating in a unique environment, there is a need to identify, in a general sense, criteria that impact upon failure probability in both a predictive and managerial framework.[22]

This present study sought to address these issues. The primary focus of this study concerned the systematic development of three prediction devices that could be used to accurately identify failure-to-appear probability among potential recognizance release clientele. An attempt was also made to identify the impact of certain operation and management variables upon failure probability. In addition,

this study sought to identify the impact of a failure-to-appear incident upon subsequent case disposition and sanction severity.

The remaining sections of this chapter include a summary of the findings of these three analyses, plus a brief review of the characteristics of the clientele sample.

It should be emphasized that while the external validity of this study may be questionable, it still may be possible to apply the results, to some extent, in another set of circumstances. To ascertain the extent of the study's generalizability, it must be replicated in other environments.

Client Characteristic Data

This analysis is based on two samples: an experimental group of 512 persons released on a reporting recognizance bond under the jurisdiction of the Franklin County Pre-trial Release Program during the months of July through December, 1976, and a validation group of 103 randomly chosen persons released on a reporting recognizance bond under the jurisdiction of the Franklin County Pre-trial Release Program during the same months. This total of 615 cases represents all individuals released on a reporting recognizance bond under the jurisdiction of the Franklin County Pre-trial Release Program during the said six month period. A summary of the characteristics of the experimental sample reveals that the typical program client seems to be

a young, unmarried, white male who has not completed his high school education. He has resided in Franklin County most of his life, and currently lives with some family members. Although not on welfare, chances are only about 50:50 that he is currently employed. The client seems to have had no prior criminal convictions. If he has had a prior conviction, it has been a misdemeanor, but now finds himself facing a felony charge. To assist in preparing a defense, the client tends to have a public defender available.

Over 80 percent of those released on a reporting recognizance bond during the period under examination appeared at all appointed court hearings. In an attempt to diminish the failure rate, the program staff contacted the client approximately two times per week during the release period. More than 70 percent of the clientele placed on a reporting recognizance by the court formally accepted the bond the same day the court imposed the bond. Nearly 60 percent of the clientele were forced to wait more than seven days for their first court hearing once they were released on recognizance. Over 70 percent of the clientele were on recognizance more than four weeks, with the mean being over thirteen weeks. Nearly 45 percent plead guilty, while almost 35 percent had their charges dropped or nolled.

Prediction Scale Construction and Validation

It was the major purpose of this study to construct and validate a prediction scale that would accurately identify failure to appear for court hearing tendencies among accused offenders who had been granted a pre-trial recognizance release. It was hypothesized that a scale could be constructed and validated. More specifically, eleven predictive relationships identified in previous research were tested in this portion of this study. It was hypothesized that there were differences between individuals released on a reporting recognizance bond who failed on recognizance and those who did not fail as to:

1. the severity of the present criminal charge(s);
2. the nature and extent of previous criminal activity;
3. past court appearance behavior;
4. community ties;
5. socio-economic background;
6. prior contact with the justice system;
7. time lag from release to initial personal contact from PTRP staff; and
8. sanction.

To test these specific hypotheses, this study examined the files of all individuals released on a reporting recognizance bond under the jurisdiction of the Franklin County (Columbus, Ohio) Pre-Trial Release Program during the six month period in 1976. Three different analytical techniques

were utilized to construct the three scales, namely; an unweighted multiple regression technique;[23] a weighted multiple regression technique;[24] a discriminant analysis technique.[25] The scales derived from each analysis were applied to a validation sample of 103 randomly chosen persons released on a reporting recognizance bond under the jurisdiction of the Franklin County PTRR program during that same six month period. Utilizing a contingency table analysis, all three scales were found to be statistically significant predictors of failure at the .01 level.

Three management tables were constructed from the validation sample, one for each scale validated. These tables display the alpha error (defined as the number of released clientele who will fail to appear), the beta error (defined as the number of unreleased clientele who would not fail to appear were they released on recognizance), and the number of accused offenders that would be released for each scale derived probability score.

While a verbatim application of the derived scales and their accompanying management tables in other environments would not necessarily be theoretically nor methodologically sound, there are a number of conclusions that have some general implications for PTRR program operations. For example, socio-economic background and community ties were found not to be significant indicators of failure probability. PTRR program administrators and judicial officers

who desire to maintain low FTA rates might consider avoiding the use of such factors in future pre-trial release decisions. Several so-called criminal justice background variables were found to be significant indicators of failure probability. In general, PTRR program administrators and judicial officers who desire to maintain low FTA rates might also focus upon this criminal justice background dimension in future pre-trial release decisions. In a more specific framework, PTRR program administrators and judicial officers who desire to maintain low FTA rates would do well to consider and perhaps:

1. Use caution in releasing those individuals accused of committing a less severe offense. Current screening standards for those charged with committing a more serious crime should be maintained;

2. Use caution in releasing those individuals who have a prior misdemeanor-property conviction. Attempts to reduce the number of prior misdemeanor-property convictions permitted of those to be released on a reporting recognizance bond to perhaps as low as zero would be advisable;

3. Use caution in releasing those individuals who have a prior FTA incident. Attempts to reduce the number of previous failure-to-appear incidents permitted of those to be released on a reporting recognizance bond to perhaps as low as zero would be advisable;

4. Use caution in releasing those individuals who do not expect to receive a severe sanction;

5. Use caution in releasing those individuals who expect to receive a severe disposition;

6. Increase the severity of the penalty associated with a failure incident; and

7. Increase the probability of apprehension subsequent to a failure incident.

Very little previous research or discussion has been undertaken which has addressed the issues raised by the above conclusions. Furthermore, there is little consensus within the existing body of knowledge as to the nature and extent of the factors that do impact upon failure probability. It seems apparent, therefore, that future analyses of the above and other related issues must be undertaken to clarify the relationship and possible causal links in the prediction of failure probability among recognizance release clientele. From the data available in the present case, it appears that criminal justice history is a more powerful indicator of failure probability than is socio-economic background and community ties. Furthermore, there is some indication that as the severity of past criminal justice experience increases, the probability of failure on recognizance decreases. Verification of this latter points however, awaits further examination where criminal justice history is more carefully and accurately defined.

Impact of Operational Variables Upon Failure Probability

In addition to the construction and validation of the prediction scales, this study sought to identify the impact of specific operational variables upon failure-to-appear rates. It was hypothesized that increasing the amount of contact the accused received from the program staff would

decrease the accused's failure probability. It was also hypothesized that decreasing the time lag from court imposed recognizance release to formal acceptance of the release would decrease the accused's failure probability. It was further hypothesized that decreasing the time lag from formal acceptance of the recognizance release to the court hearings would decrease the accused's failure probability. Finally, it was hypothesized that decreasing the time lag from formal acceptance of the recognizance bond to final case disposition would serve to decrease the accused's failure probability.

To test these hypotheses, this study examined the files of all individuals released on a reporting recognizance bond under the jurisdiction of the Franklin County (Columbus, Ohio) PTRR program during a six month period in 1976. A multiple classification analysis was undertaken so as to examine the effects of the independent variables upon failure probability, controlling for all other independent variables.[26] An interpretation of the data resulted in the following conclusions:

1. It appears that PTRR program administrators who desire to maintain low FTA rates should consider maintaining a relatively high level of contact with those released on a reporting recognizance bond. Those individuals who resist this high level of contact should perhaps have their recognizance bond revoked. Further research is needed to determine what an appropriate level of contact may be or how different levels of contact influence different groups of clientele at different times of the release period;

2. It appears that shortening the time lag from formal acceptance of the recognizance release to final disposition will not serve to diminish failure rates. Rather, it appears that most failures occur early in the release period. Program administrators who desire to maintain low FTA rates might very well consider instituting a very high level of contact with the accused during the first week of release, perhaps as high as one contact per day. Further research is needed to determine if a high level of contact can neutralize the early-on failure tendencies and to determine if other operational variables may have some impact on reducing the failure rates; and

3. It appears that PTRR program administrators who desire to maintain low FTA rates might reduce the time lag permitted between a court imposed recognizance release and formal acceptance of the bond by the accused of those to be formally released on a reporting recognizance bond. Further research is needed to determine what the maximum allowable time lag might be, or if it should be flexible to allow for clientele risk differences.

Very little previous research has been undertaken which has addressed the issues raised by the above conclusions. Furthermore, there is little consensus within the existing body of knowledge as to the nature and extent of the operational factors that impact upon failure probability. It seems apparent, therefore, that future analyses of the above and other related issues must be undertaken to clarify the relationship and possible causal links in the maintenance of low failure-to-appear rates.

Impact of Failure Upon Case Disposition and Sanctions

This portion of the study sought to identify the impact of a failure incident upon ultimate case disposition and sanction severity. It was hypothesized that a failure incident would increase the severity of both the disposition and the sanction.

To test this hypothesis, this study examined the files of all individuals released on a reporting recognizance bond under the jurisdiction of the Franklin County PTRR program during a six month period in 1976. A multiple classification analysis was undertaken so as to examine the effects of failure upon disposition and sanction, controlling for all other independent variables.[27]

A very serious question was raised concerning the causal implications of the hypothesis. While future research is needed to further tease out the causal inference, data available in this instance did suggest the existence of a causal link from failure to disposition severity and from failure to sanction severity. An interpretation of the data resulted in the following conclusions:

1. It appears that there is a tendency on the part of the judicial system to be more severe in handing out dispositions to those who fail to appear for their appointed court hearings than those who do appear for all appointed court hearings. Such a practice tends to be in keeping with Anglo-American legal tradition where flight is regarded as an admission of guilt. PTRR program administrators and judicial officers who desire to maintain

this precident should only continue in their current patterns of behavior. Those who do not desire to perpetuate this tradition might alter their behavior patterns in a way that would result in a decreased disposition severity being handed those who fail to appear at their appointed court hearings. No known prior research has been undertaken in an attempt to identify the nature of this relationship. Further research should be undertaken to cross validate this finding and undertaken to cross validate this finding and attempt to further distinguish the nature and strength of the apparent link between failure and case disposition.

2. It appears, from a peripheral examination of the data available in this present study, that a failure incident results in a less severe sanction being delivered by the court. However, a more careful review suggests that those individuals who are failing to appear for their appointed court hearings are receiving almost as severe a sanction as received by the non-failure group, who are generally charged with a more serious crime. Further research in this area must compare the severity of the sanction imposed for conviction of a crime versus the severity of the maximum possible sanction that could be imposed for conviction of that crime for the failure group and the non-failure group.

Conclusions

In brief, the following conclusions have been obtained from this study of the Franklin County Pre-Trial Release Program:

1. Criminal justice background variables provide more accurate criteria for predicting failure probability than do community tie and socio-economic variables.

2. As the severity of past criminal justice experience increases, the probability of failure on recognizance decreases.

3. PTRR programs that would maintain a relatively high level of contact with their clientele, especially during the initial release period, would tend to reduce their FTA rates.

4. PTRR programs that would maintain a relatively brief allowable time lag between the court imposed recognizance release and the formal acceptance of the bond by those who are released, would tend to reduce their FTA rates.

5. A failure incident tends to result in a more severe case disposition.

It is hoped that future research will serve to clarify these apparent relationships and perhaps strengthen the generalizability of these and other findings and conclusions. We can thus hope to impact favorably upon the administration of justice in the United States.

FOOTNOTES

CHAPTER V

[1]Statement of Jeffrey A. Roth before the U.S. Senate Governmental Affairs Subcommittee on Governmental Efficiency and the District of Columbia, February 6, 1978. Roth based this testimony, in part, due to a special study he conducted of 424 randomly selected defendants who had financial release conditions imposed during 1974.

"Of these, 254 eventually obtained release by posting bond; while the remaining 170 remained in jail until trial. Using statistical equations to predict pre-trial rearrest and nonappearance based on attributes of the defendant and prevented approximately 20 failures to appear and 21 pretrial rearrests. From virtually any perspective, performance would have been improved if the defendants to be incarcerated had been chosen with respect to pre-trial risk instead of ability to pay."

[2]Pound, Roscoe and Frankfurter, Felix, eds. Criminal Justice in Cleveland: Report of the Cleveland Foundation Survey of the Administration of Criminal Justice in Cleveland, Ohio. Cleveland, Ohio: The Cleveland Foundation, 1922; reprinted, Montclair, New Jersey: Patterson Smith, 1968. p. 290-292.

[3]Morse, Wayne L. and Ronald H. Beattie, "Survey of the Administration of Criminal Justice in Oregon, Report No. 1: Final Report of 1771 Felony Cases in Multnomah County." Oregon Law Review, Vol. 11, (June 1932). pp. 86-117, 148-150.

[4]Foote, Caleb, et al. "Compelling Appearance in Court: Administration of Bail in Philadelphia." University of Pennsylvania Law Review. Vol. 102 (1954). pp. 1031-1079; "The Administration of Bail in New York City." University of Pennsylvania Law Review. Vol. 108. (1960). pp. 693-730.

[5]Ares, Charles, Anne Rankin and Herbert Sturtz, "The Manhattan Bail Project: An Interim Report on the Use of Pre-Trial Parole." New York University Law Review. Vol. 38 (1963). P. 67, 82-86.

[6]Allen, Francis A. et al. Poverty and the Administration of Federal Criminal Justice: Report of the Attorney General's Committee on Poverty and the Administration of Criminal Justice. Washington D.C.: U.S. Government Printing Office. 1963.

[7]Galvin, John J., et al., Instead of Jail: Alternatives to Pre-trial Detention. National Institute of Law Enforcement and Criminal Justice. Law Enforcement Assistance Administration. U.S. Government Printing Office, October, 1977. Vol. 2, p. 7.

[8]Galvin. Instead of Jail. p. 7.

[9]For a more complete discussion of the Due Process Model of Criminal Justice Administration see: Packer, Herbert. The Limits of the Criminal Sanction. Stanford, Stanford University Press, 1968.

[10]Finckenauer, James O. "Crime as a National Political Issue: 1964-1976". Crime and Delinquency. Vol. 24, (January 1978), p. 21.

[11]For a more complete discussion of the impact of America's changing political and philosophical climate on it's criminal justice policy, see: Walker, Samuel. "Reexamining the President's Crime Commission: The Challenge of Crime in a Free Society After Ten Years." Crime and Delinquency. Vol. 24. (January, 1978), pp. 1-12; James O. Finckenauer, "Crime as a National Political Issue: 1964-1976". Crime and Delinquency. Vol. 24. (January, 1978), pp. 13-27; Ronald Bayer, "Heroin Addiction, Criminal Culpability and the Penal Sanction." Crime and Delinquency. Vol. 24. (April, 1978), pp. 221-232; Gerald Kaplan, "Reflections on the Nationalization of Crime: 1964-1968." Law and the Social Order. Vol. 3 (1973), pp. 583-635.

[12]U.S. Office of Economic Opportunity. Pre-Trial Release Program: Working Papers. Washington, D.C., 1973, p. 3.

[13]Thomas, Wayne H. Phase I Summary Report: Pre-trial Release Programs. National Evaluation Program, National Institute of Law Enforcement and Criminal Justice Law Enforcement Assistance Administration. U.S. Government Printing Office, April, 1977, p. 68.

[14]The OEO study found funding to range from $4,000 per year for the Toledo, Ohio program to $570,000 per year for the New York City program.

[15]The OEO study found the logistics to vary from 72 interviews per year in the Tompkins County, New York program to 127,000 interviews per year in one of the New York City programs.

[16]The OEO study found ROR-type programs to vary in their political status from small projects serving only in an advisory capacity and existing tenuously at the sufferance of local politically powerful bail bondsmen to programs which are well-established arms of Court systems.

[17]See: Wice, Paul B. Freedom For Sale. Lexington, Mass.: Lexington Books, 1974; Wayne H. Thomas, Bail Reform in America. Berkeley: University of California Press. 1976.

[18]Thomas, W. Phase I Summary Report. p. 22.

[19]U.S. Office of Economic Opportunity, Pre-Trial Release Program: Working Papers, Washington D.C., 1973, p. 21.

[20]Thomas, W. Phase I Summary Report. p. 22.

[21]See: Thomas, W. Phase I Summary Report, pp. 50-97; National Center for State Courts. An Evaluation of Policy Related Research on the Effectiveness of Pre-Trial Release Programs. Denver, Colorado 1975, pp. 73-74.

[22]Thomas, W. Phase I Summary Report. p. 60.

[23]Neter, John and William Wasserman, Applied Linear Statistical Models, Homewood Illinois, Richard D. Irwin, Inc. 1974.

[24]Palmer, J., and P. Carlson. "Problems with the Use of Regression Analysis in Prediction Studies." Journal of Research in Crime and Delinquency, January 1976, pp. 64-81.

[25]See: Cooley, William W. and Paul R. Lohnes, Multivariate Data Analysis, New York: Wiley, 1971; Maurice M. Tatsuoka, Multivariate Analysis, New York, Wiley, 1971.

[26]Cain, Glen G. and Robinson G. Hollister. "The Methodology of Evaluating Social Action Programs," in Peter H. Rossi and Walter Williams (eds). Evaluating Social Programs: Theory, Practice and Politics, New York: Seminar Press, 1972, pp. 110-132.

[27]Ibid.

APPENDIX A: DATA COLLECTION FORM UTILIZED IN THIS STUDY

CODING INSTRUMENT

1 2 3 — ID NUMBER

4 5 6 — FORMAL ACCEPTANCE OF RECOGNIZANCE DATA

7 8 9 — COURT-IMPOSED RECOGNIZANCE DATE

10 — POINT OF COURT-IMPOSED RECOGNIZANCE (1=Pre-Arraignment; 2=Arraignment; 3=Bond Reduction Hearing; 4=Preliminary)

11 — NATURE OF THE PRE-TRIAL RELEASE PROGRAM RECOMMENDATION REGARDING THE RECOGNIZANCE RELEASE DECISION (1=Favorable to Recognizance Release; 2=Unfavorable to Recognizance; 3=Placed on Recognizance Release by the Court without PTRP Screening; 4=Screened by the PTRP Program but No Recommendation Was Made)

12 13 — LENGTH OF RESIDENCE AT CURRENT ADDRESS (In Months)

14 — NATURE OF RESIDENCE (1=Own; 2=Rent; 3=Mortgage; 4=Other)

15 — RESIDENT OF FRANKLIN COUNTY (1=Yes; 2=No)

16 17 18 — LENGTH OF RESIDENCE IN COUNTY OF CURRENT RESIDENCE (In Months)

19 20 21 — AGE AT DAY OF INTERVIEW BY PTRP PERSONNEL (In Months)

22 — GENDER (1=Male; 2=Female)

23 — MARITAL STATUS (1=Single; 2=Married; 3=Divorced; 4=Separated; 5=Widowed)

24 — NUMBER OF CHILDREN

25 26 — HIGHEST YEAR OF SCHOOL COMPLETED

27 CURRENTLY EMPLOYED/STUDENT

	Y	3	4
Student	N	1	2
	Y	N	

Employed

28 CURRENTLY A MEMBER OF A UNION (1=Yes; 2=No)

29 CURRENTLY ON WELFARE (1=Yes; 2=No)

30 VETERAN OF THE ARMED SERVICES (1=Yes, Honorable Discharge; 2=Yes, Discharge Other Than Honorable; 3=Not a Veteran)

31 ALCOHOL/NARCOTICS/EMOTIONAL PROBLEMS

	N	4	2
Alcohol/Narcotics Problems	Y	3	1
	Y	N	

Emotional Problems

32 CURRENTLY ON PROBATION OR PAROLE (1=Yes; 2=No)

33 CURRENTLY ON BOND FROM A PREVIOUS OFFENSE (1=Yes; 2=No)

34 DISPOSITION OF PRESENT CHARGE (0=Unknown; 1=Convicted; 2=Guilty Plea or Bond Forfeit; 3=Found Not Guilty; 4=Charges Dropped or No Bill Returned; 5=Direct Indictment)

35 TYPE OF LEGAL ASSISTANCE RETAINED (1=Private; 2=LADS; 3=None; 4=Unknown)

36 DAYS FROM COURT-IMPOSED RECOGNIZANCE TO FORMAL ACCEPTANCE OF RECOGNIZANCE

37 38 39 DAYS FROM FORMAL ACCEPTANCE TO FIRST HEARING ONCE RELEASED ON RECOGNIZANCE

40 41 42 DAYS FROM FORMAL ACCEPTANCE TO SECOND HEARING ONCE RELEASED ON RECOGNIZANCE

43 44 45 DAYS FROM FORMAL ACCEPTANCE TO THIRD HEARING ONCE RELEASED ON RECOGNIZANCE

46 47 48 TOTAL DAYS FROM FORMAL ACCEPTANCE TO RELEASE FROM RECOGNIZANCE CONDITIONS (Release=OI File Placement, Diversion Placement or Reincarceration)

49 50 51 NUMBER OF CONTACTS FROM PTRP PERSONNEL - TOTAL DAYS ON FORMALLY ACCEPTED RECOGNIZANCE

52 RACE (1=White; 2=Non-White)

53 NUMBER OF PREVIOUS MISDEMEANOR CONVICTIONS: ADULT, PROPERTY, NON-TRAFFIC

54 ADULT, PERSONAL, NON-TRAFFIC

55 ADULT, VICTIMLESS, NON-TRAFFIC

56 57 TOTAL NUMBER OF ADULT MISDEMEANOR CONVICTIONS

58 NUMBER OF PREVIOUS FELONY CONVICTIONS: ADULT, PROPERTY, NON-TRAFFIC

59 ADULT, PERSONAL, NON-TRAFFIC

60 ADULT, VICTIMLESS, NON-TRAFFIC

61 62 TOTAL NUMBER OF ADULT FELONY CONVICTIONS

63 64 TOTAL TIME SERVED IN ADULT INSTITUTIONS (In Months)

65 66 67 NATURE OF PRESENT CHARGE (Most Severe Offense)

68 SEVERITY OF PRESENT CHARGE (Most Severe Offense)

69 70 MULTIPLE CHARGES SEVERITY SCORE OF PRESENT OFFENSES

71 PREVIOUS FAILURE TO APPEAR FOR COURT HEARING INCIDENT (1=Yes; 2=No)

72 RE-ARRESTED WHILE ON RECOGNIZANCE RELEASE (1=Yes; 2=No)

73 74 75 NATURE OF NEW CHARGE (Most Severe Offense)

76 SEVERITY OF NEW CHARGE (Most Severe Offense)

77 RESIDE WITH (1=Wife/Husband; 2=Mother; 3=Father; 4=Both Parents; 5=Aunt/Uncle/Grandparent; 6=Brother/Sister/In-Law; 7=Friends; 8=Children/Grandchildren; 9=Alone)

78 MULTIPLE CHARGES SEVERITY SCORE OF NEW OFFENSES

79 FAILED TO APPEAR FOR A HEARING WHILE ON RECOGNIZANCE

Court Y3 4
FTA N1 2
PTRP FTA

80 SANCTION OF PRESENT CHARGE (0=Unknown; 1=Probation; 2=Total Suspended Sentence; 3=Fine/Restitution; 4=Institutionalization; 5=Direct Indictment Returned; 6=Charges Dropped; 8=Incarceration in the City/County Jail; 9=Diversion Program)

APPENDIX B: POLICYMAKERS' VIEWS REGARDING ISSUES IN THE OPERATION AND EVALUATION OF PRE-TRIAL RELEASE AND DIVERSION PROGRAMS

TABLE 29

RESPONSE PATTERNS OF ALL CATEGORIES OF PRE-TRIAL RELEASE RESPONDENTS TO THE SIXTEEN COMMON "POSSIBLE GOALS" - "SHOULD" SCALE*

Goal		Program Directors	Judges	County Executives	Public Defenders	District Attorneys	Police Chiefs	Sheriffs	Consensus of Respondents Other than Directors
1. Making sure that individuals granted pre-trial release through the program appear in court when scheduled.	Rank	1	1	1	3	1	1	1	1
	Mean	1.37	1.13	1.30	1.64	1.73	1.12	1.27	1.36
	SD	1.02	.34	.57	1.06	1.76	.42	.57	.44
	N	54	23	20	28	26	32	34	163
2. Lessening the inequality in treatment of rich and poor by the criminal justice system.	Rank	2	2	1	2	5	3	2	2
	Mean	1.49	1.43	1.30	1.20	1.93	1.39	1.56	1.50
	SD	1.10	1.36	.92	.72	1.70	.71	1.03	1.13
	N	53	21	20	27	28	31	33	160
3. Minimizing the amount of time that elapses between arrest and release of defendants who are eligible for release.	Rank	3	3	3	1	7	7	3	3
	Mean	1.53	1.50	1.40	1.22	2.11	2.22	1.58	1.70
	SD	1.25	.86	.82	.64	2.06	1.40	1.00	1.29
	N	53	22	20	27	28	32	33	162
4. Gathering data to be used in evaluating and improving the effectiveness of one's own program.	Rank	4.5	7	6	6	2	4	6	4
	Mean	1.56	2.76	1.75	2.14	1.79	1.75	1.78	1.96
	SD	.98	2.21	1.12	2.67	1.42	1.37	1.16	1.52
	N	54	21	20	28	28	32	32	161

Table 29 Continued:

Goal		Program Directors	Judges	County Executives	Public Defenders	District Attorneys	Police Chiefs	Sheriffs	Consensus of Respondents Other than Directors
5. Maintaining good relations with judges and other court personnel.	Rank	4.5	13	10	13	12	11	13	12
	Mean	1.56	3.67	2.35	3.04	3.07	2.78	2.36	2.85
	SD	1.06	2.44	1.72	2.19	2.36	2.08	1.73	2.10
	N	54	21	20	28	27	31	33	160
6. Reducing the cost to the public by keeping people out of jail (and employed where possible) while awaiting disposition of a case.	Rank	6	5	4	9	4	8	8	5
	Mean	1.58	2.27	1.60	2.48	1.89	2.30	2.03	2.11
	SD	.91	1.45	1.09	2.19	1.34	1.51	1.74	1.62
	N	53	22	20	27	28	31	31	159
7. Maximizing the number of persons at liberty between arrest and final disposition of a case.	Rank	7	8	10	4	15	12	4	13
	Mean	1.65	2.86	2.35	1.74	3.79	2.92	1.62	2.93
	SD	1.30	2.21	1.42	1.66	2.17	2.03	.94	2.13
	N	52	22	20	27	28	28	29	166
8. Gathering data to be used in assessing the effectiveness of pre-trial release programs in comparison to the operation of traditional bail systems.	Rank	8	10	12	8	9	5	7	7
	Mean	2.09	3.18	2.45	2.31	2.25	2.00	1.82	2.27
	SD	1.50	2.04	1.64	1.76	1.60	1.70	1.40	1.70
	N	51	22	20	26	28	32	34	162

Table 29 Continued:

Goal		Program Directors	Judges	County Executives	Public Defenders	District Attorneys	Police Chiefs	Sheriffs'	Consensus of Respondents Other than Directors
9. Serving the court in a neutral fashion.	Rank	9	4	5	10	3	9	11	6
	Mean	2.26	1.80	1.68	2.80	1.85	2.50	2.22	2.19
	SD	1.82	1.85	1.29	2.45	1.59	2.03	1.41	1.84
	N	49	20	19	26	27	32	32	156
10. Minimizing the potential danger to the community of persons released prior to trial, by maintaining supervision in appropriate cases.	Rank	10	9	7	12	6	6	9	8
	Mean	2.30	3.00	1.85	3.00	1.96	2.03	2.06	2.29
	SD	1.89	2.18	1.69	2.21	1.63	2.00	2.00	1.98
	N	54	20	20	26	27	30	34	157
11. Reducing overcrowding in jails.	Rank	11	11	9	7	11	14	10	10
	Mean	2.54	3.48	2.20	2.19	2.96	3.43	2.12	2.73
	SD	1.82	2.57	1.58	1.96	2.15	2.18	1.62	2.08
	N	54	23	20	26	28	30	33	160
12. Reforming the bail system by reducing the use of money bail and minimizing the role of bail bondsmen.	Rank	12	12	13	5	13	10	14	11
	Mean	2.63	3.62	2.80	2.08	3.20	2.61	2.42	2.76
	SD	2.20	2.65	2.14	2.12	2.26	2.00	1.90	2.17
	N	52	21	20	25	26	31	33	156

Table 29 Continued:

Goal		Program Directors	Judges	County Executives	Public Defenders	District Attorneys	Police Chiefs	Sheriffs	Consensus of Respondents Other than Directors
13. Acting as an advocate for defendants regarding pre-trial release when eligibility requirements are met.	Rank	13	16	16	11	14	16	15	15
	Mean	2.65	5.00	3.95	2.89	3.64	3.52	2.53	3.46
	SD	1.92	2.68	2.30	2.37	2.51	2.35	1.60	2.37
	N	51	18	20	26	28	31	32	155
14. Helping to ensure that individuals who might be dangerous to the community are not granted pre-trial release.	Rank	14	6	8	14	8	2	5	9
	Mean	2.66	2.38	2.00	4.61	2.14	1.25	1.77	2.30
	SD	2.11	2.11	1.97	2.35	2.07	1.08	1.82	2.16
	N	53	21	20	26	28	32	34	161
15. Maintaining good relations with police officials.	Rank	15	14	14	16	10	13	12	14
	Mean	2.72	4.54	2.95	4.75	2.85	3.03	2.33	3.35
	SD	1.57	2.52	1.73	2.05	2.23	2.01	1.83	2.23
	N	54	22	20	28	27	31	33	161
16. Providing information to the court or to probation officials for use in sentencing determinations.	Rank	16	15	15	15	16	15	16	16
	Mean	2.78	4.91	3.50	4.64	4.78	3.47	3.19	4.04
	SD	2.09	2.50	2.50	2.65	2.34	2.49	2.35	2.53
	N	50	22	22	28	27	27	32	161

Table 29 Continued:

*Source: Stover, Robert V. and John A. Martin. "Results of a Questionnaire Survey Regarding Pre-Trial Release and Diversion Programs," in National Center for State Courts. Policymakers' Views Regarding Issues in the Operation and Evaluation of Pre-Trial Release and Diversion Programs: Findings From a Questionnaire Survey. Denver, Colorado, April, 1975, p. 25.

APPENDIX C: INFORMATION FILES COMPLETED FOR ACCUSED OFFENDERS RELEASED BY THE COURT TO THE JURISDICTION OF THE FRANKLIN COUNTY PRE-TRIAL RELEASE PROGRAM

FRANKLIN COUNTY MUNICIPAL COURT
BAIL BOND INVESTIGATION

Location_____ Date_____
Staff_____ Interview #_____

Name_____ Case_____ Charge_____
(first) (middle) (last)

_____ _____

AKA_____ _____ _____

Address_____ _____ _____

_____ _____ _____

How Long_____ Phone_____ Judge_____

With_____

Rent___ Mortgage___ Own___ Other_____ Attorney_____ Phone_____

Resident of _____ County For_____ D.O.B._____ Age_____

Resident of _____ State For _____ Social Security No._____

Birthplace_____ M___ F___ Height_____ Weight_____

Previous Address:

_____
(No.) (Street) (City & State) (How long)

_____

_____

Single___ Married___ Divorced___ Separated___ Widowed___ How Long_____

Children_____ Ages_____ Location_____ Support_____

Grade completed_____ School_____ City_____

Read_____ Write_____ College/Other_____

Employer_____ Length_____

Address_____ From_____ To_____

Job Description_____ Supervisor_____ Phone_____

Member of union?_____ Local_____

Previous Employment:

_____
(Employer) (Address) (Phone) (Length-To-From)

_____

Welfare_____ Type_____ Student_____ Where_____

Service_____ Branch_____ Length_____ Discharge_____

Under doctor's care?_____ Doctor_____ Phone_____ Special Medication_____

Problems (past or present) with: Alcohol_____ Narcotics_____ Emotional Problems_____

Explain'_____

Hospitalized_____ Where_____ Length_____

Reason_____

Have you contacted anyone since you have been arrested?_____ Whom?_____

Arrested by_____P.D.

Previous arrests:

_____

(Charge) (Year) (Disposition)

_____

_____

Pending charges:_____ Currently on bond?_____

Probation or Parole_____ City/County/State P.O._____ Phone_____

Holder_____ Other detainers_____P.O. contacted_____

I.D. No._____ F.B.I. Sheet_____ Other warrants_____

RECORD

Year	Charge	Disposition	BFOI

References:

(Name)	(Address)	(Phone)	(Relationship)

Do you have any information not covered in the above questions which would aid the court in setting a bond? _____

Additional information resulting from verification:

Residency _____

Employment _____

Other _____

Additional comments of interviewer:

Comments and recommendation of bond investigator:

Comments of C.P.D.:

Inter-office Communication:

Date:

Bond Recommendations:

P.T.R.P.:

C.P.D.:

JUDGE :

NAME:

Call Days:	AKA:
D.O.B.:	Address:
Judge:	
Atty.:	Phone:
Atty. Phone:	Employment:
File Location:	Emp. Phone:
	Other Conditions

Date	MUNI	Date	CO.	Date	MUNI	Date	CO.
	#		#		#		#
	C.		C.		C.		C.
	B.		B.		B.		B.

Date	MUNI	Date	CO.	Date	MUNI	Date	CO.
	#		#		#		#
	C.		C.		C.		C.
	B.		B.		B.		B.

Other Charges:

In Person Days: ____________
Call Days: ____________
Call Time: ____________

Signed Conditions Form: ____________

NAME: ____________

Call Da./Date	Other Da./Date	Int.	Info:

Office Copy

CONDITIONS OF RELEASE ON REPORTING BOND

DEFENDANT'S NAME _____ DATE _____

You have been released by Judge _____ on a:

_____ REPORTING RECOGNIZANCE BOND _____

_____ REPORTING SURETY BOND _____.

_____ REPORTING APPEARANCE BOND _____

The "reporting" aspect of this bond means that you are REQUIRED to report to this office, in person or by telephone, 461-5747, THREE times each week. You will be expected to report to _____ on Mondays, Wednesdays and Fridays between the hours of _____. If for any reason you are unable to make your call at this time, you are required to call and report as soon as possible.

The Pre-Trial Release office is open every weekday from 8:00 A.M. to 9:00 P.M., and will accept calls anytime during these hours regardless of your assigned time.

CONDITIONS OF RELEASE:

1. An address and telephone number where you can be reached is required. Any change in place of residence or telephone number must be reported to this office immediately.

2. Any change in employment status must be reported to this office immediately.

3. You are not allowed to leave Franklin County unless you have permission from this office before you go.

4. Other conditions placed on defendant:

_____ You must report 5 times per week.
_____ You must reside with _____.
_____ You must not have any contact with Prosecuting Witness.
_____
_____

I understand that if I fail to appear for any court hearings, the judge will issue a warrant for my arrest and that I may also be charged with failure to appear which is an additional felony charge. I understand the conditions that the Franklin County Municipal Court has placed upon my release and agree to comply with them. I also understand that if any of these conditions are violated, my Bond may be revoked and a Warrant issued for my arrest.

DEFENDANT'S SIGNATURE _____

WITNESS _____ DATE _____

PRE-TRIAL RELEASE PROGRAM
20 South Front Street
461-5747

APPENDIX D: A SUMMARY OF THE TWENTY-SEVEN PRE-TRIAL RELEASE PROGRAM EVALUATIONS EXAMINED IN THIS STUDY

TABLE 30

A SUMMARY OF TWENTY-SEVEN ASSESSMENT STUDIES
OF THE EFFECTIVENESS OF RECOGNIZANCE RELEASE

STUDY #	INDICATOR												
	A	B	C	D	E	F	G	H	I	J	K	L	M
1	29.7%	17.2%			2.67		23.4%	17.4%	25.4%	13%			
2							14.5%						
3				8.0%					4.0%	6%-10%			
4		2.3%			10.00								$ 9.63
5						58.0%							$ 4.25
6			39.7%	33.8%		58.0%	2.8%				2.2%	28.5%	$ 6.00
7							11.0%						
8	19.8%	8.3%	49.0%	42.1%		51.8%	9.2%		3.0%				$ 1.02
9						52.0%	7.9%	8.8%	1.3%	6.8%			$10.00
10			77.0%	68.0%		62.5%	6.0%		1.8%				$ 9.00
11	31.3%	19.1%		61.0%	.15[4]		5.6%		6.4%	5.1%			
12		23.0%							2.0%				
13	25.0%	37.1%	65.0%	46.0%						4.4%	9.4%	19.3%	

Table 30 Continued:

STUDY #	INDICATOR												
	A	B	C	D	E	F	G	H	I	J	K	L	M
14			28.0%	15.4%					1.6%	3.0%			
15	3.3%				2.89%								
16	65.1%	31.4%		48.0%	.75%				2.3%				
17		24.7%		13.0%	.75%				2.3%				
18		7.2%		43.0%	1.0%				.7%				
19		5.0%		22.0%	1.0%				7.4%				
20		4.1%		18.0%	1.5%				8.3%				
21		4.6%		14.0%	2.5%				3.1%				
22		2.9%		15.0%	1.25%				19.0%				
23		4.0%		45.0%	.2%				2.9%				
24		6.0%							6.0%[2]	6.0%[2]			
25		23.0%							9.0%[2]	9.0%[2]			
26			44.3%	30.0%	7.8%								
27	28.0%	21.0%	10.0%				6.4%	8.2%	2.8%	3.0%			

[1]includes recognizance release, surety bonds, appearance bonds and unknown pre-trial release.

[2]no significant difference between bail and recognizance release found.

[3]adjusted FTA rate of 4.1% when accounting for those who voluntarily re-appeared, contacted by recognizance release personnel.

[4]from 1972-1973 the booking to release time dropped from 3.03 days to 3.7 hours.

INDICATOR MEASURED LEGEND

A. Percent of the total accused offender population who were interviewed for recognizance release.

B. Percent of the total accused offender population who received a recognizance release.

C. Percent of the accused offender population interviewed who were recommended for a recognizance release.

D. Percent of the accused offender population interviewed who received a recognizance release.

E. Time: Booking to recognizance release (in days).

F. Time: Booking to preliminary hearing (in days).

G. Percent of the accused offenders granted a recognizance release who were re-arrested while on recognizance.

H. Percent of the money bailed accused offenders who were re-arrested while released.

I. Percent of the accused offenders granted a recognizance release who failed to appear for an appointed court hearing.

J. Percent of the money bailed accused offenders who failed to appear for an appointed court hearing.

K. Percent of the accused offenders recommended for and placed on a recognizance release who failed to appear for an appointed court hearing.

L. Percent of the accused offenders not recommended for recognizance release who were placed on recognizance by the court who failed to appear for an appointed court hearing.

M. Direct pre-trial detention cost per day.

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APPENDIX E: A COST/BENEFIT MODEL FOR THE CLASSIFICATION AND SPECIFICATION OF ALTERNATIVES TO INCARCERATION

TABLE 31

A COST/BENEFIT MODEL FOR CLASSIFICATION AND SPECIFICATION OF ALTERNATIVES TO INCARCERATION*

I. Governmental Point of View - those costs and benefits which affect the flow of funds of local, State, and Federal Governments.

A. Costs	B. Benefits
1. Primary - those present and expected future fiscal budget dollar outlays directly attributable to a given criminal justice program.	1. Primary - those present and expected future fiscal budget cost reductions directly attributable to a given criminal justice program.
2. Secondary - those measurable and expected future direct or opportunity costs not appearing in reported fiscal budgets but directly attributable to a given criminal justice program.	2. Secondary - those measurable and expected future economic gains, other than cost reductions, directly attributable to a given criminal justice program.
3. Tertiary - those unmeasurable present and expected future costs directly attributable to a given criminal justice program.	3. Teriary - those present and expected future gains directly attributable to a given criminal justice program.

II. Societal Point of View - those costs and benefits which affect national income or accumulated wealth of society.

A. Costs	B. Benefits
1. Primary - those present and expected future fiscal budget	1. Primary - those present and expected future fiscal budget

Table 31 Continued:

dollar outlays which represent a diversion of national income (wealth or services).	dollar gains of national income (wealth or services).
2. Secondary - those measurable present and expected future direct or opportunity costs not appearing in reported fiscal budgets.	2. Secondary - those measurable present and expected future economic gains, other than cost reductions, directly attributable to a given criminal justice program.
3. Tertiary - those unmeasurable present and expected future costs directly attributable to a given criminal justice program.	3. Tertiary - those unmeasurable gains directly attributable to a given criminal justice program.

III. Individual Point of View - those costs and benefits which affect the personal income or the accumulated wealth of the convicted criminal or his or her family.

A. Costs	B. Benefits
1. Primary - those present and expected future personal or family expenditures that are increased by participation in a given criminal justice program.	1. Primary - those present and expected future personal or family expenditure reductions directly attributable to a given criminal justice program.
2. Secondary - those measurable present and expected future opportunity costs to the convicted criminal or his or her family.	2. Secondary - those measurable present and expected future economic gains to the convicted criminal or his or her family, other than cost reductions, directly attributable to a given criminal justice program.

CONTINUED

3 OF 4

Table 31 Continued:

3. Tertiary - those unmeasurable present and expected future costs to the convicted criminal or his or her family directly attributable to a given criminal justice program.	3. Tertiary - those unmeasurable gains to the convicted criminal or his or her family directly attributable to a given criminal justice program.

*Source: Carl W. Nelson. "Cost-Benefit Analysis and Alternatives to Incarceration," Federal Probation, 39 (December, 1975), p. 47.

APPENDIX F: DEMOGRAPHIC CHARACTERISTICS OF THE EXPERIMENTAL SAMPLE

TABLE 32

DEMOGRAPHIC CHARACTERISTICS

CATEGORY		N	PERCENT
LENGTH OF RESIDENCE AT CURRENT ADDRESS:			
0- 1 MONTH		85	16.6%
2-12 MONTHS		201	39.3
13-24 MONTHS		54	10.5
25-96 MONTHS		83	16.2
97+ MONTHS		74	14.5
MISSING DATA		15	2.9
	TOTAL	512	100 %
		$\bar{X}$= 29.048	
RESIDENT OF FRANKLIN COUNTY:			
YES		507	99.0%
NO		3	.6
MISSING DATA		2	.4
	TOTAL	512	100 %
LENGTH OF RESIDENCE IN COUNTY:			
0- 12 MONTHS		40	7.8%
13- 24 MONTHS		16	3.2
25- 48 MONTHS		23	4.5
49- 96 MONTHS		53	10.4
97-180 MONTHS		53	10.4
181+ MONTHS		325	63.3
MISSING DATA		2	.4
	TOTAL	512	100 %
		$\bar{X}$= 204.427	
RACE:			
WHITE		317	61.9%
NON-WHITE		195	38.1
	TOTAL	512	100 %

Table 32 Continued:

CATEGORY		N	PERCENT
AGE:			
18-19		147	28.7%
20-21		105	20.5
22-30		158	30.9
31-40		54	10.5
41-50		32	6.3
51-60		11	2.1
60+		5	1.0
	TOTAL	512	100 %
		$\bar{X}$=25.861	
SEX:			
MALE		413	80.7%
FEMALE		99	19.3
	TOTAL	512	100 %
MARITAL STATUS:			
SINGLE		286	55.9%
MARRIED		127	24.8
DIVORCED		72	14.1
SEPARATED		22	4.3
WIDOWED		3	.6
MISSING DATA		2	.4
	TOTAL	512	100 %
EDUCATION:			
0- 8 YEARS		41	8.0%
9-11 YEARS		249	48.6
HIGH SCHOOL GRADUATE		150	29.3
13-15 YEARS		60	11.8
COLLEGE DEGREE+		10	1.9
MISSING DATA		2	.4
	TOTAL	512	100 %
		$\bar{X}$=10.990	

Table 32 Continued:

CATEGORY	N	PERCENT
RESIDE WITH:		
FAMILY	353	68.9%
FRIENDS	93	18.2
ALONE	56	10.9
UNKNOWN	10	2.0
TOTAL	512	100 %
VETERAN OF THE ARMED SERVICES:		
YES - HONORABLE DISCHARGE	90	17.6%
YES - OTHER THAN HONORABLE DISCHARGE	43	8.4
NOT A VETERAN	377	73.6
MISSING DATA	2	.4
TOTAL	512	100 %
ALCOHOL, NARCOTICS AND/OR EMOTIONAL PROBLEMS:		
ALCOHOL, NARCOTICS PROBLEMS, NO EMOTIONAL PROBLEMS	60	11.7%
NO ALCOHOL NOR NARCOTICS NOR EMOTIONAL PROBLEMS	392	76.6
ALCOHOL, NARCOTICS AND EMOTIONAL PROBLEMS	18	3.5
NO ALCOHOL NOR NARCOTICS PROBLEMS, EMOTIONAL PROBLEMS	40	7.8
MISSING DATA	2	.4
TOTAL	512	100 %
CURRENTLY EMPLOYED/STUDENT:		
EMPLOYED/STUDENT	23	4.5%
EMPLOYED/NOT A STUDENT	240	46.9
NOT EMPLOYED/STUDENT	24	4.6
NOT EMPLOYED/NOT A STUDENT	224	43.8
MISSING DATA	1	.2
TOTAL	512	100 %

Table 32 Continued:

CATEGORY		N	PERCENT
CURRENTLY A UNION MEMBER:			
YES		43	8.4%
NO		467	91.2
MISSING DATA		2	.4
	TOTAL	512	100 %
CURRENTLY ON WELFARE:			
YES		121	23.6%
NO		389	76.0
MISSING DATA		2	.4
	TOTAL	512	100 %

APPENDIX G: CRIMINAL JUSTICE HISTORY OF THE EXPERIMENTAL SAMPLE

TABLE 33

CRIMINAL JUSTICE HISTORY DATA

CATEGORY		N	PERCENT
CURRENTLY ON PROBATION OR PAROLE:			
YES		35	6.8%
NO		475	92.8
MISSING DATA		2	.4
	TOTAL	512	100 %
CURRENTLY ON BOND:			
YES		89	17.4%
NO		421	82.2
MISSING DATA		2	.4
	TOTAL	512	100 %
LEGAL AID RETAINED:			
PRIVATE		188	36.7%
PUBLIC DEFENDER		308	60.2
UNKNOWN		16	3.1
	TOTAL	512	100 %
PRIOR MISDEMEANOR CONVICTIONS - PROPERTY:			
0		438	85.5%
1		54	10.5
2		14	2.7
3 OR MORE		6	1.3
	TOTAL	512	100 %
		$\bar{X}$=.197	
PREVIOUS FTA INCIDENT:			
YES		126	24.6%
NO		386	75.4
	TOTAL	512	100 %

Table 33 Continued:

CATEGORY		N	PERCENT
PRIOR MISDEMEANOR CONVICTIONS - PERSONAL:			
0		440	85.9%
1		47	9.2
2		15	2.9
3 OR MORE		10	2.0
	TOTAL	512	100 %
		$\bar{X}$=.221	
PRIOR MISDEMEANOR CONVICTIONS - VICTIMLESS:			
0		405	79.1%
1		57	11.1
2		21	4.1
3 OR MORE		29	5.7
	TOTAL	512	100 %
		$\bar{X}$=.482	
PRIOR MISDEMEANOR CONVICTIONS - TOTAL:			
0		330	64.5%
1		86	16.8
2		36	7.0
3		24	4.7
4		10	2.0
5 OR MORE		26	5.0
	TOTAL	512	100 %
		$\bar{X}$=1.018	

Table 33 Continued:

CATEGORY		N	PERCENT
PRIOR FELONY CONVICTIONS - PROPERTY:			
0		469	91.6%
1		31	6.1
2		8	1.6
3 OR MORE		4	.7
	TOTAL	512	100 %
		$\bar{X}$=.125	
PRIOR FELONY CONVICTIONS - PERSONAL:			
0		493	96.3%
1		13	2.5
2		5	1.0
3 OR MORE		1	.2
	TOTAL	512	100 %
		$\bar{X}$=.051	
PRIOR FELONY CONVICTIONS - VICTIMLESS:			
0		497	97.1%
1		13	2.5
2		1	.2
3 OR MORE		1	.2
	TOTAL	512	100 %
		$\bar{X}$=.037	
PRIOR FELONY CONVICTIONS - TOTAL:			
0		459	89.6%
1		27	5.3
2		15	2.9
3		6	1.2
4		1	.2
5 OR MORE		4	.8
	TOTAL $\bar{X}$=.201	512	100 %

Table 33 Continued:

CATEGORY	N	PERCENT
MONTHS INCARCERATED IN ADULT INSTITUTIONS:		
0 MONTHS	459	89.6%
1-6 MONTHS	30	5.9
6+ MONTHS	23	4.5
TOTAL	512	100 %
	$\bar{X}$=1.834	
SEVERITY OF PRESENT CHARGE:		
MINOR MISDEMEANOR	21	4.3%
MISDEMEANOR 4TH DEGREE	12	2.3
MISDEMEANOR 3RD DEGREE	11	2.1
MISDEMEANOR 2ND DEGREE	6	1.2
MISDEMEANOR 1ST DEGREE	56	10.9
FELONY 4TH DEGREE	304	59.4
FELONY 3RD DEGREE	35	6.8
FELONY 2ND DEGREE	33	6.4
FELONY 1ST DEGREE	34	6.6
TOTAL	512	100 %
	$\bar{X}$=5.898	
MULTIPLE PRESENT CHARGE SEVERITY:		
0 NO ADDITIONAL CHARGES	294	57.4%
1 POINT	30	5.9
2 POINTS	43	8.4
3 POINTS	12	2.3
4 POINTS	11	2.1
5 POINTS	26	5.2
6 POINTS	39	7.6
7 POINTS	7	1.4
8 POINTS	11	2.1
9 OR MORE POINTS	39	7.6
TOTAL	512	100 %
	$\bar{X}$=2.418	

APPENDIX H: CASE MANAGEMENT AND OUTCOME OF THE EXPERIMENTAL SAMPLE

TABLE 34

CASE MANAGEMENT AND OUTCOME

Category	N	Percent
Time lag from court imposed recognizance to formal acceptance:		
Less Than 1 Day	373	72.8%
1 Day	61	11.9
2 Days	8	1.6
3 Days	21	4.1
4 Days	17	3.3
5 Days	2	.4
6 Days	4	.8
7 Days	3	.6
8 Days	2	.4
9 Days	21	4.1
Total	512	100.0%
	$\bar{x}$=.94	
Time lag from formal acceptance to first court hearing:		
Less Than 1 Day	13	2.5
1 day	29	5.7
2 Days	5	1.0
3-7 Days	155	30.3
8-14 Days	166	32.4
15-28 Days	38	7.4
29 or more Days	90	17.6
Missing Data	16	3.1
	512	100.0%
	$\bar{x}$=16.643	
Failure on Recognizance		
Appeared at all hearings	425	83%
Failed to appear at one or more court hearings	87	17
Total	512	100%

Time lag from formal acceptance to second court hearing:		
0-7 Days	7	1.4%
8-14 Days	73	14.2
15-28 Days	88	17.1
29-56 Days	76	14.8
57-84 Days	114	22.4
Missing data or no second hearing	154	30.1
Total	512	100.0%
	$\bar{x}$=45.173	
Time lag from formal acceptance to third court hearing:		
0-28 Days	32	6.3
29-48 Days	42	8.2
49-98 Days	81	15.8
99-140 Days	54	10.5
141 + Days	35	6.9
Missing data or no third hearing	268	52.3
Total	512	100.0%
	$\bar{x}$=84.430	
Total time on recognizance:		
0-7 Days	20	3.9
8-14 Days	83	16.2
15-28 Days	43	8.4
29-56 Days	86	16.7
57-100 Days	87	17.0
101-200 Days	124	24.3
201 or more Days	67	13.1
Missing Data	2	.4
Total	512	100.0%
	$\bar{x}$=92.324	

Table 34 Continued:

Contacts from PTRP staff		
% total time on recognizance:		
No contacts	5	1.0%
.001-.100	11	2.1
.101-.200	95	18.5
.201-.300	200	39.0
.301-.400	130	25.3
.401-.500	48	9.3
.501+	7	1.7
Missing Data	16	3.1
Total	512	100.0%
	$\bar{x}$=1.939	
Disposition of present charge:		
Unknown	52	10.2%
Convicted in trial	16	3.1
Plead guilty or bond forfeiture	228	44.5
Found not guilty in trial	11	2.1
Charges dropped/nolle pros	176	34.4
Indictment returned	29	5.7
Total	512	100.0%
Sanction of present charge:		
Unknown	52	10.2%
Probation	58	11.3
Total suspended sentence	2	.4
Fine or fiscal restitution	94	18.4
Incarceration in adult institution	45	8.8
Indictment returned	24	4.7
Charged dropped	161	31.4
Incarceration in county jail	47	9.2
Diversion	29	5.7
Total	512	100.0%

APPENDIX I: UNWEIGHTED MULTIPLE REGRESSION ANALYSIS RESULTS

To assist the reader, the variables considered in Appendix I will be referred to by their alpha numeric symbols as follows:

V19 Disposition of the Present Charge

V28 Previous Misdemeanor-Property Convictions

V33 Previous Felony-Personal Convictions

V37 Severity of Present Offense

V39 Previous FTA Incident

V44 Sanction of Present Charge

The operationalization of these variables was detailed in Chapter III.

TABLE 35

UNWEIGHTED MULTIPLE REGRESSION EQUATION

Variables Entered	Regression Coefficients	Standard Deviations	Partial Correlations	T Values (505)	Partitioned Mean Square
Constant	0.902913	0.086141		10.4818	
V19	0.099449	0.009229	0.4324	10.7753	11.0691
V28	0.076505	0.026971	0.1252	2.8365	0.7671
V33	-0.116074	0.051262	-0.1003	2.2643	0.4888
V37	-0.024206	0.068890	-0.1203	2.7227	0.7068
V39	-0.088527	0.034037	-0.1150	2.6009	0.6449
V44	-0.043023	0.005721	-0.3173	7.5199	5.3911

All inclusion levels significant at $p < .05$ or beyond.

TOTAL REGRESSION F = 30.1957 (Significant at the .05 level)

TABLE 36

PATH ANALYSIS NETWORK

Path Network Decomposition	STANDARDIZED COEFFICIENTS OF VARIABLES ENTERED					
	V(19)	V(28)	V(33)	V(37)	V(39)	V(44)
Direct Path	0.4886	0.1107	-0.0871	-0.1052	-0.1015	-0.3117
Indirect Paths	-0.0956	0.0505	0.0056	-0.0711	-0.0384	0.1577
V(19)	0.0	0.0100	-0.0178	-0.0462	-0.0204	0.1684
V(28)	0.0025	0.0	0.0069	-0.0085	-0.0195	-0.0071
V(33)	0.0035	-0.0054	0.0	0.0013	0.0093	0.0012
V(37)	0.0108	0.0081	0.0015	0.0	-0.0057	-0.0041
V(39)	0.0046	0.0179	0.0108	-0.0055	0.0	-0.0007
V(44)	-0.1170	0.0199	0.0042	-0.0122	-0.0021	0.0
Sum of Paths	0.3530	0.1612	-0.0815	00.1763	-0.1399	-0.1540

All inclusions significant at $p < .05$ or beyond.

To apply this unweighted multiple regression model to a specific data set, consider the hypothetical case of Fred. Fred has had one prior misdemeanor-property conviction and one prior felony-personal conviction. He is currently charged with a 3rd degree felony and has had no prior FTA incidents. It is determined that he plans to plead guilty and expects to be placed on probation. This information can be quantified, as outlined in Chapter III. By multiplying each of Fred's scores by the appropriate prediction coefficients and summing their products, a derived probability score of .92 is obtained, as illustrated below. It can be roughly interpreted that Fred has an FTA probability of 92% when applying this unweighted multiple regression model.

TABLE 37

APPLICATION OF THE UNWEIGHTED MULTIPLE REGRESSION MODEL TO THE SPECIFIC CASE OF FRED

Variable	Observed Score	Scale Coefficient	Product
Constant	-	.903	.903
V19	4	.099	.396
V28	1	.077	.077
V33	1	-.116	-.116
V37	7	-.024	-.168
V39	0	-.089	0
V44	4	-.043	-.172
SUMMED TOTAL			.920

Let us also consider the case of George. George has had no prior misdemeanor nor felony convictions and no previous FTA incident. He is currently charged with a 4th degree felony, but anticipates this charge will be dropped. This information can be quantified, as outlined in Chapter III. By multiplying each of George's scores by the appropriate prediction coefficients and summing their products, a derived probability score of .815 is obtained, as illustrated below. It can be roughly interpreted that George has an FTA probability of 81.5% when applying this unweighted multiple regression model.

TABLE 38

APPLICATION OF THE UNWEIGHTED MULTIPLE REGRESSION MODEL TO THE SPECIFIC CASE OF GEORGE

Variable	Observed Score	Scale Coefficient	Product
Constant	-	.903	.903
V19	1	.099	.099
V28	0	.077	0
V33	0	-.116	0
V37	6	-.024	-.144
V39	0	-.089	0
V44	1	-.043	-.043
SUMMED TOTAL			.815

APPENDIX J: WEIGHTED MULTIPLE REGRESSION ANALYSIS RESULTS

To assist the reader, the variables considered in Appendix J will be referred to by their alpha numeric symbols as follows:

V19 Disposition of the Present Charge
V28 Previous Misdemeanor-Property Convictions
V33 Previous Felony-Personal Convictions
V37 Severity of Present Offense
V39 Previous FTA Incident
V44 Sanction of Present Charge

The operationalization of these variables was detailed in Chapter III.

TABLE 39

WEIGHTED MULTIPLE REGRESSION EQUATION

Variables Entered	Regression Coefficients	Standard Deviations	Partial Correlations	T Value (507)	Partitioned Mean Square
Constant	.740293	.070537		10.495	
V19	.056793	.008668	.2893	6.552	23.1498
V28	.097645	.024889	.1781	3.923	8.3001
V37	.028828	.005519	.2342	5.224	14.7132
V44	-.030637	.004852	-.2796	6.314	21.4962

All inclusion levels are significant at p <.05 or beyond.
TOTAL REGRESSION F = 20.3229 (Significant at the .05 level)

TABLE 40

PATH ANALYSIS NETWORK

Path Network Decomposition	STANDARDIZED COEFFICIENTS OF VARIABLES ENTERED			
	V19	V28	V37	V44
Direct Path	.7355	.1683	.6111	-.3363
Indirect Path	-.5319	.0070	-.7491	.1801
V19	0	.0330	-.6546	-.0099
V28	.0075	0	.0015	.0156
V37	-.5440	.0053	0	.1743
V44	.0045	-.0312	-.0959	0
Sum of Paths	.2036	.1754	-.1379	-.1562

All inclusions significant at p <.05 or beyond.

To apply this weighted multiple regression model to a specific data set, consider the hypothetical case of Pete. Pete has had no prior misdemeanor convictions, but is currently charged with a 1st degree misdemeanor. He expects to be indicted by the grand jury. This information can be quantified, as outlined in Chapter III. By multiplying each of Pete's scores by the appropriate prediction coefficients and summing their products, a derived probability score of .91 is obtained, as illustrated below. It can be roughly interpreted that Pete has an FTA probability of 91% when applying this weighted multiple regression model.

TABLE 41

APPLICATION OF THE WEIGHTED MULTIPLE REGRESSION MODEL TO THE SPECIFIC CASE OF PETE

Variable	Observed Score	Scale Coefficient	Product
Constant	-	.740	.740
V19	3	.057	.171
V28	0	.098	0
V37	5	.029	.145
V44	5	-.030	-.150
SUMMED TOTAL			.906

Let us consider the case of Eddy. Eddy has had one prior misdemeanor-property conviction and is currently

charged with a 3rd degree misdemeanor. He anticipates all charges to be dropped in this matter. This information can be quantified, as outlined in Chapter III. By multiplying each of Eddy's scores by the appropriate prediction coefficients and summing their products, a derived probability score of .952 is obtained, as illustrated below. It can be roughly interpreted that Eddy has an FTA probability of 95.2% when applying this weighted multiple regression model.

TABLE 42

APPLICATION OF THE WEIGHTED MULTIPLE REGRESSION MODEL TO THE SPECIFIC CASE OF EDDY

Variable	Obtained Score	Scale Coefficient	Product
Constant	-	.740	.740
V19	1	.057	.057
V28	1	.098	.098
V37	3	.029	.087
V44	1	-.030	-.030
	SUMMED TOTAL		.952

APPENDIX K: DISCRIMINANT ANALYSIS RESULTS

To assist the reader, the variables considered in Appendix K will be referred to by their alpha numeric symbols as follows:

V19 Disposition of the Present Charge
V28 Previous Misdemeanor-Property Convictions
V33 Previous Felony-Personal Convictions
V37 Severity of Present Offense
V39 Previous FTA Incident
V44 Sanction of Present Charge

The operationalization of these variables was detailed in Chapter III.

TABLE 43

DISCRIMINANT ANALYSIS SUMMARY

Variables Entered	F to Enter or Exit	Wilks' Lambda	RAO's V	Change in V	Significance of V Change
V19	72.5950	.87539	72.5948	72.5948	.000
V44	62.3385	.77988	143.9464	71.3516	.000
V28	11.1876	.76307	158.3482	14.4018	.000
V37	7.6315	.75176	168.4087	10.0605	.002
V39	5.6636	.74344	176.0019	7.5932	.006
V33	5.1273	.73596	182.9668	6.9649	.008

All conclusions significant at p .05 or beyond.
Eigenvalue = .35876 Canonical correlation = .514
Wilks' Lambda = .7360 Chi-square = 155.431 (with af = 6, this figure is significant at the .05 level)

TABLE 44

DISCRIMINANT ANALYSIS COEFFICIENTS

Variables Entered	Standardized Coefficients	Unstandardized Coefficients
V19	.87306	.51483
V28	.21535	.39696
V33	-.16954	-.60089
V37	-.20471	-.12530
V39	-.19758	-.45827
V44	-.60654	-.22272
Constant	--	3.79448

To apply this discriminant analysis model to a specific data set, consider the hypothetical case of Jerry. Jerry has had two prior misdemeanor-property convictions. He is currently charged with a first degree felony, and has been involved in a previous FTA incident. It is determined that he plans to plead guilty, but still expects to be sentenced to an adult institution. This information can be quantified, as outlined in Chapter III. By multiplying each of Jerry's scores by the appropriate prediction coefficients and summing their products, a derived probability score of .963 is obtained, as illustrated below.

TABLE 45

APPLICATION OF THE DISCRIMINANT ANALYSIS MODEL TO THE SPECIFIC CASE OF JERRY

Variable	Observed Score	Scale Coefficient	Product
Constant	-	3.794	3.794
V19	3	.515	1.545
V28	2	.397	.794
V33	3	-.601	-1.803
V37	9	-.125	-1.125
V39	1	-.458	- .458
V44	8	-.223	-1.784
SUMMED TOTAL			.963

Let us also consider the case of Eric. Eric has had no prior misdemeanor convictions, but has had one prior felony conviction and has been involved in an FTA incident. He is currently charged with a 2nd degree felony, but anticipates that the charge will be nolled when he enrolls in the local diversion program. This information can be quantified, as outlined in Chapter III. By multiplying each of Eric's scores by the appropriate prediction coefficients and summing their products, a derived probability score of 1.641 is obtained, as illustrated below.

TABLE 46

APPLICATION OF THE DISCRIMINANT ANALYSIS MODEL TO THE SPECIFIC CASE OF ERIC

Variable	Observed Score	Scale Coefficient	Product
Constant	-	3.794	3.794
V19	1	.515	.515
V28	0	.397	0
V33	1	-.601	- .601
V37	8	-.125	-1.000
V39	1	-.458	- .458
V44	3	-.223	- .609
	SUMMED TOTAL		1.641

APPENDIX L: COMPLETE MANAGEMENT TABLES

TABLE 47

MANAGEMENT TABLES:

UNWEIGHTED MULTIPLE REGRESSION MODEL

Derived Probability	Percent Released	Alpha Error	Beta Error
1.00	100	0.18	0.00
0.99	100	0.18	0.00
0.98	100	0.18	0.00
0.97	100	0.18	0.00
0.96	100	0.18	0.00
0.95	100	0.18	0.00
0.94	100	0.18	0.00
0.93	100	0.18	0.00
0.92	100	0.18	0.00
0.91	100	0.18	0.00
0.90	100	0.18	0.00
0.89	100	0.18	0.00
0.88	100	0.18	0.00
0.87	100	0.18	0.00
0.86	100	0.18	0.00
0.85	100	0.18	0.00
0.84	100	0.18	0.00
0.83	100	0.18	0.00
0.82	100	0.18	0.00
0.81	100	0.18	0.00
0.80	100	0.18	0.00
0.79	100	0.18	0.00
0.78	99	0.18	0.00
0.77	99	0.18	0.00
0.76	99	0.18	0.00
0.75	99	0.18	0.00
0.74	99	0.18	0.00
0.73	98	0.17	0.00
0.72	98	0.17	0.00
0.71	98	0.17	0.00
0.70	98	0.17	0.00
0.69	98	0.17	0.00
0.68	97	0.17	0.33
0.67	97	0.17	0.33
0.66	97	0.17	0.33
0.65	96	0.17	0.25
0.64	96	0.17	0.25

Table 47 Continued:

Derived Probability	Percent Released	Alpha Error	Beta Error
0.63	96	0.16	0.25
0.62	96	0.16	0.25
0.61	96	0.16	0.25
0.60	96	0.16	0.25
0.59	94	0.15	0.33
0.58	94	0.15	0.33
0.57	91	0.14	0.33
0.56	91	0.14	0.33
0.55	91	0.14	0.33
0.54	91	0.14	0.33
0.53	91	0.14	0.33
0.52	91	0.14	0.33
0.51	91	0.14	0.33
0.50	91	0.14	0.33
0.49	90	0.13	0.30
0.48	90	0.13	0.30
0.47	90	0.13	0.30
0.46	90	0.13	0.30
0.45	90	0.13	0.30
0.44	89	0.13	0.36
0.43	89	0.13	0.36
0.42	89	0.13	0.36
0.41	89	0.13	0.36
0.40	89	0.13	0.36
0.39	89	0.13	0.36
0.38	89	0.13	0.36
0.37	89	0.13	0.36
0.36	88	0.13	0.42
0.35	87	0.13	0.46
0.34	86	0.13	0.50
0.33	86	0.13	0.50
0.32	86	0.13	0.50
0.31	86	0.13	0.50
0.30	86	0.13	0.50
0.29	85	0.13	0.47
0.28	84	0.11	0.44
0.27	84	0.11	0.44
0.26	84	0.11	0.44
0.25	84	0.11	0.44
0.24	83	0.10	0.41
0.23	82	0.10	0.42
0.22	81	0.08	0.40
0.21	81	0.08	0.40
0.20	80	0.07	0.38
0.19	70	0.08	0.58
0.18	69	0.07	0.56

Table 47 Continued:

Derived Probability	Percent Released	Alpha Error	Beta Error
0.17	67	0.07	0.59
0.16	67	0.07	0.59
0.15	66	0.07	0.60
0.14	62	0.06	0.62
0.13	59	0.07	0.64
0.12	55	0.07	0.67
0.11	50	0.08	0.71
0.10	50	0.08	0.71
0.09	49	0.08	0.72
0.08	48	0.06	0.70
0.07	46	0.07	0.72
0.06	45	0.07	0.72
0.05	35	0.08	0.76
0.04	32	0.09	0.77
0.03	21	0.14	0.80
0.02	18	0.05	0.79
0.01	17	0.06	0.79
0.00	14	0.07	0.80

TABLE 48

MANAGEMENT TABLE:

WEIGHTED MULTIPLE REGRESSION MODEL

Derived Probability	Percent Released	Alpha Error	Beta Error
1.00	100	0.18	0.00
0.99	98	0.17	0.00
0.98	97	0.16	0.00
0.97	97	0.16	0.00
0.96	97	0.16	0.00
0.95	97	0.16	0.00
0.94	97	0.16	0.00
0.93	97	0.16	0.00
0.92	97	0.16	0.00
0.91	97	0.16	0.00
0.90	92	0.14	0.25
0.89	92	0.14	0.25
0.88	92	0.14	0.25
0.87	89	0.13	0.36
0.86	88	0.13	0.42
0.85	88	0.13	0.42
0.84	88	0.13	0.42
0.83	88	0.13	0.42
0.82	88	0.13	0.42
0.81	87	0.13	0.46
0.80	87	0.13	0.46
0.79	87	0.13	0.46
0.78	87	0.13	0.46
0.77	87	0.13	0.46
0.76	86	0.13	0.50
0.75	84	0.14	0.56
0.74	84	0.14	0.56
0.73	83	0.13	0.53
0.72	83	0.13	0.56
0.71	83	0.13	0.56
0.70	82	0.13	0.58
0.69	79	0.14	0.64
0.68	77	0.14	0.67
0.67	71	0.14	0.70
0.66	62	0.14	0.74
0.65	61	0.14	0.75
0.64	55	0.16	0.78

Table 48 Continued:

Derived Probability	Percent Released	Alpha Error	Beta Error
0.63	51	0.13	0.76
0.62	50	0.12	0.75
0.61	48	0.12	0.76
0.60	42	0.12	0.77
0.59	42	0.12	0.77
0.58	32	0.15	0.80
0.57	20	0.19	0.82
0.56	20	0.19	0.82
0.55	15	0.27	0.83
0.54	09	0.22	0.82
0.53	09	0.22	0.82
0.52	03	0.33	0.82
0.51	03	0.33	0.82
0.50	03	0.33	0.82
0.49	03	0.33	0.82
0.48	03	0.33	0.82
0.47	03	0.33	0.82
0.46	00	0.00	0.82
0.45	00	0.00	0.82
0.44	00	0.00	0.82
0.43	00	0.00	0.82
0.42	00	0.00	0.82
0.41	00	0.00	0.82
0.40	00	0.00	0.82
0.39	00	0.00	0.82
0.38	00	0.00	0.82
0.37	00	0.00	0.82
0.36	00	0.00	0.82
0.35	00	0.00	0.82
0.34	00	0.00	0.82
0.33	00	0.00	0.82
0.32	00	0.00	0.82
0.31	00	0.00	0.82
0.30	00	0.00	0.82
0.29	00	0.00	0.82
0.28	00	0.00	0.82
0.27	00	0.00	0.82
0.26	00	0.00	0.82
0.25	00	0.00	0.82
0.24	00	0.00	0.82
0.23	00	0.00	0.82
0.22	00	0.00	0.82
0.21	00	0.00	0.82
0.20	00	0.00	0.82
0.19	00	0.00	0.82
0.18	00	0.00	0.82

Table 48 Continued:

Derived Probability	Percent Released	Alpha Error	Beta Error
0.17	.00	0.00	0.82
0.16	.00	0.00	0.82
0.15	.00	0.00	0.82
0.14	.00	0.00	0.82
0.13	.00	0.00	0.82
0.12	00	0.00	0.82
0 11	00	0.00	0.82
0.10	00	0.00	0.82
0.09	00	0.00	0.82
0.08	00	0.00	0.82
0.07	00	0.00	0.82
0.06	00	0.00	0.82
0.05	00	0.00	0.82
0.04	00	0.00	0.82
0.03	00	0.00	0.82
0.02	00	0.00	0.82
0.01	00	0.00	0.82
0.00	00	0.00	0.82

TABLE 49

MANAGEMENT TABLE

DISCRIMINANT ANALYSIS MODEL

Derived Probability	Percent Released	Alpha Error	Beta Error
1.00	100	0.18	0.00
0.99	87	0.13	0.46
0.98	87	0.13	0.46
0.97	87	0.13	0.46
0.96	86	0.13	0.50
0.95	86	0.13	0.50
0.94	86	0.13	0.50
0.93	86	0.13	0.50
0.92	86	0.13	0.50
0.91	86	0.13	0.50
0.90	86	0.13	0.50
0.89	86	0.13	0.50
0.88	86	0.13	0.50
0.87	86	0.13	0.50
0.86	86	0.13	0.50
0.85	86	0.13	0.50
0.84	86	0.13	0.50
0.83	86	0.13	0.50
0.82	86	0.13	0.50
0.81	86	0.13	0.50
0.80	86	0.13	0.50
0.79	86	0.13	0.50
0.78	86	0.13	0.50
0.77	86	0.13	0.50
0.76	86	0.13	0.50
0.75	86	0.13	0.50
0.74	86	0.13	0.50
0.73	86	0.13	0.50
0.72	86	0.13	0.50
0.71	86	0.13	0.50
0.70	86	0.13	0.50
0.69	86	0.13	0.50
0.68	86	0.13	0.50
0.67	85	0.13	0.47
0.66	85	0.13	0.47
0.65	84	0.11	0.44
0.64	84	0.11	0.44

Table 49 Continued:

Derived Probability	Percent Released	Alpha Error	Beta Error
0.63	84	0.11	0.44
0.62	84	0.11	0.44
0.61	84	0.11	0.44
0.60	84	0.11	0.44
0.59	84	0.11	0.44
0.58	84	0.11	0.44
0.57	84	0.11	0.44
0.56	84	0.11	0.44
0.55	84	0.11	0.44
0.54	84	0.11	0.44
0.53	84	0.11	0.44
0.52	84	0.11	0.44
0.51	84	0.11	0.44
0.50	84	0.11	0.44
0.49	84	0.11	0.44
0.48	84	0.11	0.44
0.47	84	0.11	0.44
0.46	84	0.11	0.44
0.45	84	0.11	0.44
0.44	84	0.11	0.44
0.43	84	0.11	0.44
0.42	83	0.10	0.41
0.41	83	0.10	0.41
0.40	83	0.10	0.41
0.39	83	0.10	0.41
0.38	83	0.10	0.41
0.37	82	0.10	0.42
0.36	82	0.10	0.42
0.35	82	0.10	0.42
0.34	82	0.10	0.42
0.33	81	0.08	0.40
0.32	81	0.08	0.40
0.31	81	0.08	0.40
0.30	81	0.08	0.40
0.29	81	0.08	0.40
0.28	81	0.08	0.40
0.27	81	0.08	0.40
0.26	81	0.08	0.40
0.25	81	0.08	0.40
0.24	81	0.08	0.40
0.23	81	0.08	0.40
0.22	81	0.08	0.40
0.21	81	0.08	0.40
0.20	80	0.07	0.38
0.19	72	0.08	0.55
0.18	72	0.08	0.55

Table 49 Continued:

Derived Probability	Percent Released	Alpha Error	Beta Error
0.17	71	0.08	0.57
0.16	71	0.08	0.57
0.15	71	0.08	0.57
0.14	70	0.08	0.58
0.13	70	0.08	0.58
0.12	70	0.08	0.58
0.11	70	0.08	0.58
0.10	70	0.08	0.58
0.09	69	0.07	0.56
0.08	69	0.07	0.56
0.07	67	0.07	0.59
0.06	67	0.07	0.59
0.05	67	0.07	0.59
0.04	67	0.07	0.59
0.03	67	0.07	0.59
0.02	67	0.07	0.59
0.01	67	0.07	0.59
0.00	67	0.07	0.59

APPENDIX M: MCA RESULTS OF THE IMPACT OF CERTAIN OPERATIONAL VARIABLES UPON FAILURE PROBABILITY

TABLE 50

MCA RESULTS:

IMPACT OF PROGRAM CONTACT RATE UPON FAILURE PROBABILITY

Contact Frequency Per Day	Corrected Court Failure Score
.000 - .100	.24
.101 - .200	-.01
.201 - .300	-.03
.301 - .400	-.02
.401 - .500	.11
.500 or more	-.07

TABLE 51

MCA RESULTS:

IMPACT OF THE TIME LAG FROM RECOGNIZANCE RELEASE TO FIRST COURT HEARING UPON FAILURE PROBABILITY

Time Lag From Recognizance Release to First Court Hearing	Corrected Court Failure Score
0 - 1 Days	.10
1 - 2 Days	-.06
2 - 3 Days	.14
3 - 7 Days	-.03
7 -14 Days	-.04
14-28 Days	.13
28 or more Days	.08

TABLE 52

MCA RESULTS:

IMPACT OF THE TIME LAG FROM RECOGNIZANCE RELEASE TO FINAL CASE DISPOSITION UPON FAILURE PROBABILITY

Time Lag from Recognizance Release to Final Case Disposition	Corrected Court Failure Score
0 - 7 Days	.31
8 -14 Days	.01
14-28 Days	.07
29-56 Days	.02
57-100 Days	.10
101-200 Days	-.10
201 or more Days	-.11

TABLE 53

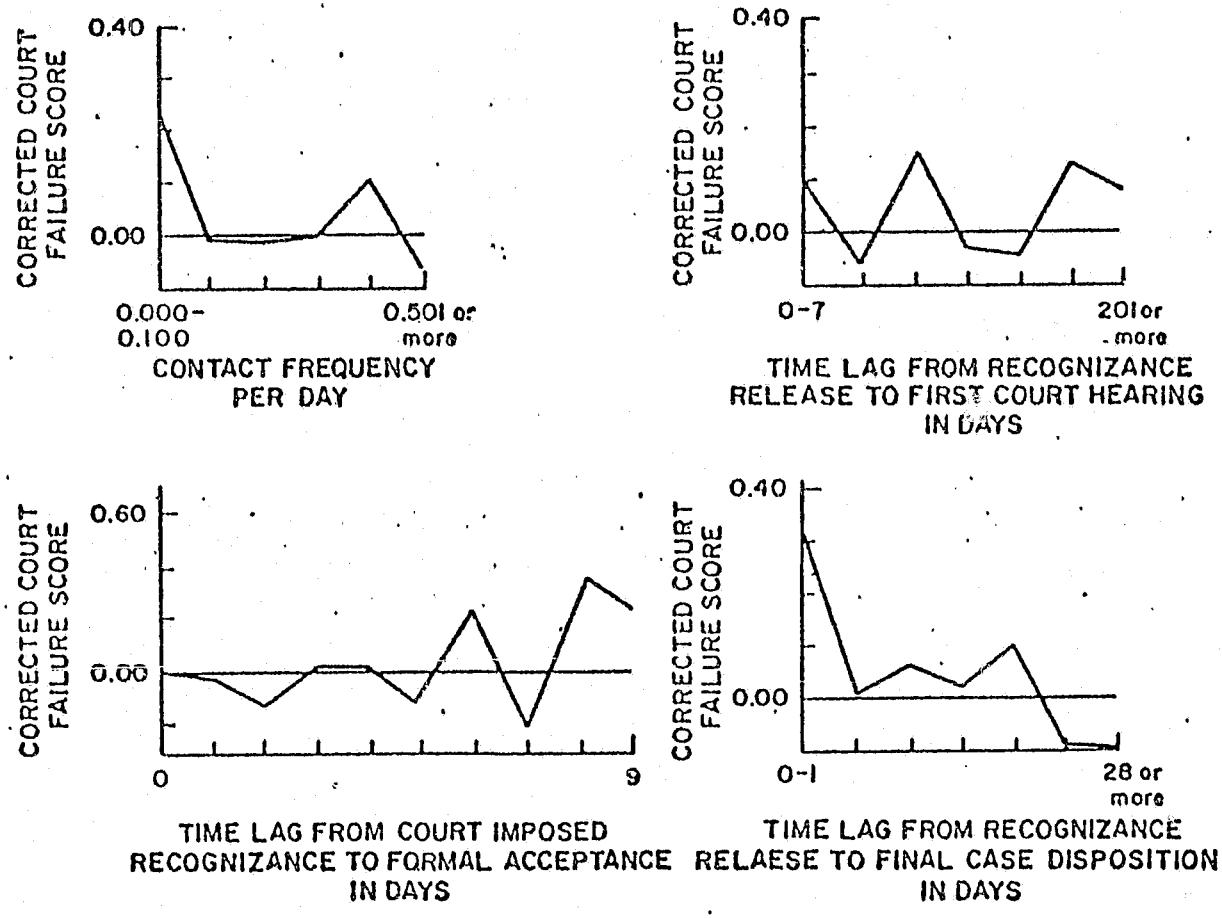
MCA RESULTS:

IMPACT OF THE TIME LAG FROM COURT IMPOSED RECOGNIZANCE TO FORMAL ACCEPTANCE UPON FAILURE PROBABILITY

Time Lag From Court Imposed Recognizance to Formal Acceptance	Corrected Court Failure Score
0 Days	.00
1 Days	-.04
2 Days	-.11
3 Days	.02
4 Days	.01
5 Days	-.09
6 Days	.21
7 Days	-.21
8 Days	.34
9 Days	.22

Figure 4 depicts the impact of these operational variables upon failure. It contains four charts which compare the corrected failure scores with each specific value of the operational variables.

FIGURE 4. IMPACT OF THE OPERATIONAL VARIABLES UPON FAILURE PROBABILITY



APPENDIX N: FIRST ORDER CORRELATION MATRIX

FAILURE: CONTACT, TIME LAG DIMENSIONS

TABLE 54

FIRST ORDER CORRELATION MATRIX

FAILURE: CONTACT, TIME LAG DIMENSIONS

	Contacts	Time Lag to Formal Acceptance	Time Lag to Hearing 1	Time Lag to Final Disposition
FTA	-.0620	.0699	.0512	-.1155

To examine the significance of these first order correlations, the following test may be employed:

$$t_{(n-2)} = r\sqrt{n-2}/\sqrt{1-r^2}$$

This formula produces a t statistic for testing the null hypothesis that the correlation is not significantly different from 0. When df = 510, as it does in this portion of the study, a t value of 1.645 or larger has a probability of occurance under H_o of p = .05. Therefore, the region of rejection consists of all $t_{(510)} \leq 1.645$.

APPENDIX O: MCA RESULTS OF THE IMPACT OF FAILURE UPON CASE DISPOSITION AND SANCTION

TABLE 55

MCA RESULTS:

IMPACT OF FTA UPON CASE DISPOSITION

FTA Incident While Present Charge Pending	Corrected Disposition Score
Yes	1.48
No	-.30

TABLE 56

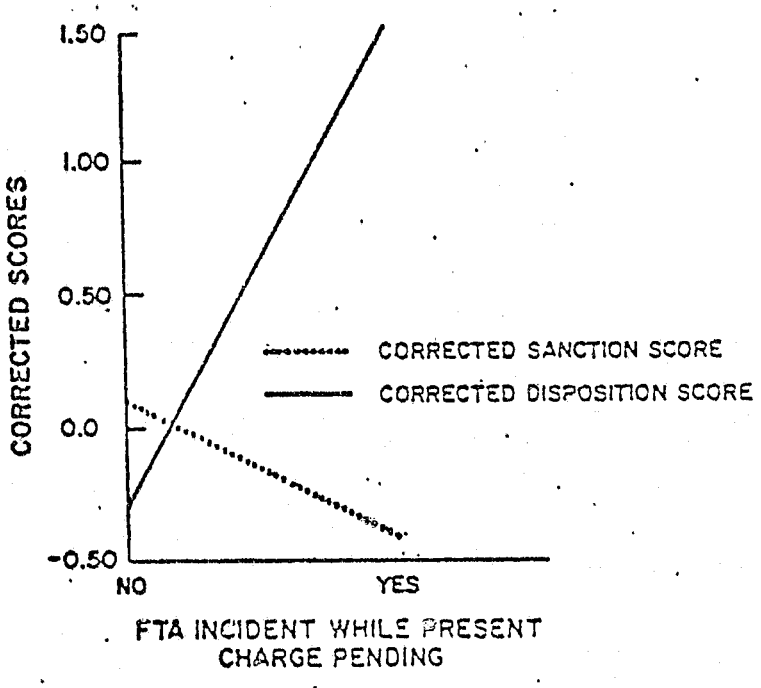
MCA RESULTS:

IMPACT OF FTA UPON COURT IMPOSED SANCTION

FTA Incident While Present Charge Pending	Corrected Sanction Score
Yes	-.40
No	.11

Figure 5 depicts the impact of failure upon case disposition and sanction. It contains one chart which compares the corrected sanction and disposition scores for each value of failure.

FIGURE 5. IMPACT OF A FAILURE INCIDENT UPON CASE DISPOSITION AND SANCTION



APPENDIX P: FIRST-ORDER CORRELATION MATRIX: FAILURE: DISPOSITION, SANCTION

TABLE 57

FIRST ORDER CORRELATION MATRIX

FAILURE: DISPOSITION, SANCTION

	Disposition	Sanction
FTA Incident	.3530	-.1540

To examine the significance of these first-order correlations, the following test may be employed:

$$t_{(n-2)} = r\sqrt{n-2}/\sqrt{1-r^2}$$

This formula produces a t statistic for testing the null hypothesis that the correlation is not significantly different from 0. When df=510, as it does in this portion of the study, a t value of 1.645 or larger has a probability of occurrence under H_o of p=.05. Therefore, the region of rejection consists of all $t_{(510)} \geq 1.645$.

APPENDIX Q: PRE-TRIAL RELEASE BIBLIOGRAPHY

PRE-TRIAL RELEASE
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