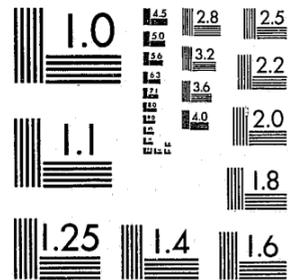


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PRETRIAL RELEASE: A NATIONAL EVALUATION
OF PRACTICES AND OUTCOMES

VOLUME III
Pretrial Release Without Formal Programs

August 1981

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INTRODUCTORY NOTE

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

Release Practices and Outcomes: An Analysis of Eight Sites analyzes the ways that defendants secure release pending trial as well as the extent and correlates of pretrial criminality and failure-to-appear.

The Impact of Pretrial Release Programs: A Study of Four Jurisdictions examines the extent to which program activities result in different release outcomes or changed defendant behavior during the pretrial period.

Pretrial Release Without Formal Programs considers the nature of release decision-making in selected jurisdictions that lack pretrial release programs, because such programs either were never established or lost their funding.

Each of these volumes is self-contained and can be read singly or in conjunction with other volumes. The *Introduction* provides background material pertinent to all of them.

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

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

ACKNOWLEDGEMENTS

A study of this scope could not have been completed without the assistance and support of a great many persons. We would especially like to thank the many officials at the National Institute of Justice who helped us implement the study, in particular, project monitors Dr. Bernard A. Gropper and former Institute staffmembers Dr. Richard T. Barnes and Mr. Michael Mulkey. Many helpful comments were also received from Mr. W. Robert Burkhart, Ms. Cheryl Martorana, Ms. Deborah Viets, Dr. Phyllis Jo Baunch, Dr. Lawrence Bennett, Mr. Joel Garner, former Director Blair Ewing and others at the Institute. Among officials at the Law Enforcement Assistance Administration, former Administrator James M. H. Gregg and Mr. Dennis Murphy deserve special mention for their assistance during the research project.

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

Directors and staff of the pretrial release programs studied, and criminal justice system officials in those sites, gave unstintingly of their time to help us understand the nature of local pretrial release practices and to enable us to collect necessary evaluative data. We would particularly like to thank the directors of the programs that participated in the study: Mr. Richard Mottay, former Director, and Mr. John Camou, present Director, Pretrial Release Services Division, Supreme Bench, Baltimore City, Md.; Judge William T. Evans, Chief Administrative Judge, District Court of Maryland, Towson (Baltimore County), Md.; Mr. Bruce D. Beaudin, Director, Pretrial Services Agency, Washington, D.C.; Ms. Cheryl Johnson, former Director, Pretrial Release Program, Dade County, Fla.; Mr. Robert A. Foote, Esq., Special Projects Administrator, Pretrial Jail Overcrowding Project, Dade County, Fla.; Ms. Cheryl Welch, Director, Pretrial Intervention, Dade County, Fla.; Mr. Raymond Weis, Director of Pretrial Services, Louisville, Ky.; Mr. Horace Cunningham, former Director, and Mr. George Corneveaux, Jr., present Director, Correctional Volunteer Center, Pima County, Ariz.; Ms. Cherie Mason, former Director, and Ms. Connie Carter, present Director, Pretrial Services Division, Municipal Court, Santa Cruz County, Calif.; Mr. Ronald J. Obert, Director, Office of Pretrial Services, Santa Clara County, Calif.; Ms. Mariclare Thomas, former Director, and Mr. Randolph Scott, present Director, Pretrial Release Program, Lincoln Corrections Division, Lincoln, Neb.; and Mr. Russell Ortego, Director, Pretrial Information Program, Jefferson County, Texas.

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

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

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

HIGHLIGHTS

Background

The other volumes of the National Evaluation of Pretrial Release analyze jurisdictions where pretrial release programs exist. This volume considers pretrial release practices in areas lacking such programs. These places were studied because of the interest in the issue of long-term program impact.

Some analysts have suggested that long-term program operations are unnecessary. Rather, programs may be needed only for a short period of time to acclimate judges to various release possibilities. After judges have reduced their reliance on money bond and begun using a wider range of release alternatives, they might continue this behavior, regardless of whether a pretrial release program existed. On the other hand, if a program disbanded, judges might revert to the release practices that prevailed before the program began.

To study long-term program impact, we conducted a brief analysis of twelve "defunct" pretrial release programs. Using these results, we selected Milwaukee, Wisconsin, for more detailed study, including analysis of release outcomes for defendants arrested before, during and after program operations. We also analyzed program impact over time in Tucson, Arizona, based on data collected for other parts of the evaluation study.

A related program impact issue concerns release practices in areas that have never had pretrial release programs. Of particular interest is whether release practices are sharply different in such areas, when compared with jurisdictions having programs. Because of the widespread adoption of changed release practices after 1960, it is possible that many areas would have endorsed these changes in the absence of programs. To gain insight about this possibility, we studied in detail one jurisdiction—Richmond, Virginia—that had never had a program.

Brief Analysis of Defunct Programs

Eighteen programs were identified that had ceased operations at some point. Information was available on twelve of these programs: Cincinnati and Cleveland, Ohio; Tucson, Arizona; Oakland and West Covina, California; Bucks County, Pennsylvania; Milwaukee, Wisconsin; Las Vegas, Nevada; Chicago, Illinois; New Haven, Connecticut; Manhattan, Kansas; and Lake County, Indiana. Most of this information was acquired from telephone interviews with persons who had been involved with the program (e.g., former directors or judges) and from available program reports and previous research analyses. Additionally, site visits were made to two jurisdictions (West Covina and Tucson) to obtain more detailed information.

Ten of the twelve programs studied began in the 1970's, and six of these ten were funded by the Law Enforcement Assistance Administration (LEAA). Only two of the programs were under the jurisdiction of the court system. Moreover, only half of the programs were controlled by public agencies, as compared with about 80% of all programs operating in the mid-1970's.

Annual funding ranged from \$20,000 to almost \$200,000. Cost per defendant interviewed varied even more widely, from \$7 in Chicago to \$450 in Cleveland. The major factors affecting the cost per interview were whether volunteer staff members were employed and the extent to which supervisory services were provided by the program. Thus, the Tucson program, with its volunteer staff of ten (out of a total staff of eighteen) and its lack of emphasis on supervision, was much less costly than the Cleveland program, which used only paid staff members and stressed supervision. Cleveland's emphasis on supervision may have stemmed from its handling of felony defendants only; Tucson's processing (for the defunct program studied) was limited to persons charged with misdemeanors.

Eligibility for program services also varied widely. Four programs interviewed only felony defendants, and three programs focused on misdemeanor defendants. The remaining programs interviewed both felony and misdemeanor defendants.

Seven of the nine programs for which we have the information interviewed defendants before their initial court appearance. The other two programs did not become involved until after the initial appearance. Combined with the eligibility requirements, this diversity of operating procedures produced a broad range in the numbers and percentages of defendants processed. The Cleveland program, for example, interviewed only 10 percent of all eligible defendants. At the other extreme, the West Covina program interviewed more than 90 percent of all misdemeanor defendants in its jurisdiction.

Thus, the nature, cost and extensiveness of program operations varied widely. There were no special operating characteristics to distinguish defunct programs from those that continued to function.

In terms of release rates, four sites had data for time periods other than those when programs operated. These very limited data indicate that—for whatever reason—release rates increased after programs started and continued to increase while they were in operation. After the programs' demise, release rates stabilized at the program level; although the rates did not increase further, they also did not decline.

Failure to appear (FTA) data were available for only three of the programs studied, and in only one site did these data cover more than one time period. In that site (Tucson), FTA rates were higher for own recognizance releases after the program's demise than during the program's existence. In all three sites (Chicago and Cleveland were the other two) data were available to compare FTA rates for defendants processed by the program with those of other defendants. In each site the FTA rate was lower for the program defendants; however, data were not available on other characteristics that might have affected the group's FTA rates.

No site studied had pretrial arrest data across time periods. Only two programs had information on rearrests for defendants processed by the program versus other defendants. In one case (Chicago), there was no significant difference between the pretrial arrest rates. In the other site (Cleveland), the program group had a lower rearrest rate, but

the program was so limited in scope that this result may have been due to "creaming" the "safe" defendants.

The analysis of defunct pretrial release programs suggests that the programs studied were a part of, and in some cases possibly an impetus to, a general change in community attitudes toward pretrial release. Although release rates increased after programs started, there is little evidence suggesting that this was due to program operations alone. However, it does seem that the information provided to the court by the programs was generally considered useful and may have encouraged judges to authorize more own recognizance releases.

Analysis of the Milwaukee Program

Because of the very limited information available about defunct programs, we selected one for detailed analysis: Milwaukee, Wisconsin, where a program operated as part of the Sheriff's Department and processed felony defendants. We considered defendant outcomes for a random sample of felony cases arrested before, during and after program operations. These outcomes are summarized in Table 1. As indicated, there was no significant change in the rate of release when the "before program" period is compared with the "during program" period or when the "during program" period is compared with the "post program" period. However, there is a significant decline in the overall release rate when the pre-program and post-program periods are compared. This indicates that the jurisdiction has experienced declining release rates over time but suggests that this did not result from program operations.

The major difference across the various time periods is in the type of release. Because Milwaukee did not use own recognizance release for felony defendants, we considered unsecured bond and deposit bond as the least restrictive types of release. Significantly fewer defendants were released in these ways while the program operated than either before or after its existence. Over the entire time period studied, however, there was a significant increase in release on unsecured or deposit bond.

There were no significant differences in the failure to appear or pretrial criminality rates across the time periods. Thus, the periods when more defendants were released and/or when they were released on less severe conditions were not periods when defendants' post-release misconduct rates increased. This suggests, as have our other analyses, that higher release rates can be attained with no offsetting increase in failure to appear or pretrial criminality rates.

Analysis of the Tucson Program

The cross-sectional and experimental analyses of Tucson, Arizona, discussed in other volumes of this study, permitted consideration of release practices for misdemeanor defendants with and without a formal program. The defendant sample for the cross-sectional analysis was selected from a time period during which the program serving misdemeanor defendants was disbanded. Approximately 60 percent of the misdemeanor

TABLE 1
SUMMARY OF DEFENDANT OUTCOMES,
MILWAUKEE, WISCONSIN

Outcome	Before Program (n = 150)	During Program (n = 151)	After Program (n = 149)
^a Release Rate	73%	66%	62%
Speed of Release	9.3 days	14.5 days	18.3 days
^b Rate of Release on Un-secured or Deposit Bond	66%	52%	78%
Failure To Appear Rate	22%	15%	22%
Pretrial Rearrest Rate	26%	21%	17%
Pretrial Rearrest Conviction Rate	17%	15%	12%
^a Statistically significant (.05 level) for the before versus after program comparison.			
^b Statistically significant (.05 level) for the during versus after program comparison and the before versus after program comparison.			

defendants in the sample had been arrested during the time the program operated; the remaining defendants were processed after the program ended. Using these data, defendant outcomes were compared for periods during and after program operations.

Additionally, the experimental analysis conducted in Tucson required the re-establishment of the misdemeanor program. Some of the staff of the former program, including its director, were hired to implement the temporary program needed for the experimental test of the impact of program processing. The program procedures used in the experimental test were reportedly quite similar to those of the earlier program, except that routine notification of court dates was added to the test program. Consequently, release outcomes when the new program began could be compared with those of earlier time periods.

Table 2 summarizes defendant outcome data from the "old program" period, the "no program" period, and the "new program" period. As indicated, release rates were significantly higher for the latest time period (the new program period) than for the earliest period (the old program period). The data suggest that this is due more to a trend in the jurisdiction toward higher release rates for defendants charged with misdemeanors than to the impact of the program (e.g., release rates did not decline sharply during the "no program" period).

TABLE 2
SUMMARY OF DEFENDANT OUTCOMES,
TUCSON, ARIZONA, MISDEMEANOR DEFENDANTS

Outcome	Old Program Period (n = 115)	No Program Period (n = 76)	New Program Period (n = 224)
^a Release Rate	56%	63%	68%
Speed of Release	1.1 days	1.2 days	0.6 days
Rate of Nonfinancial Release	70%	63%	70%
Failure To Appear Rate	17%	13%	13%
^b Pretrial Rearrest Rate	20%	19%	5%
^b Pretrial Rearrest Conviction Rate	8%	15%	3%

^aStatistically significant (.05 level) for the old program versus new program periods.
^bStatistically significant (.05 level) for the no program versus new program periods.

The only other significant difference across time periods was the sharply lower pretrial criminality rate in the "new program" period, as compared to the "no program" period. However, it is difficult to attribute this to the operations of the program, because the program made little effort to affect pretrial criminality rates. Moreover, the experimental analysis found no significant differences in pretrial criminality rates for the "new program" group, as compared with a randomly selected control group. Thus, this difference too seems to reflect a change in the jurisdiction, rather than program impact.

Analysis of Pretrial Release in Richmond

Richmond, Virginia, was selected for analysis as a jurisdiction that had never had a pretrial release program at the time it was studied. We were interested in whether such a site would have sharply different outcomes than jurisdictions with programs.

Table 3 summarizes defendant outcomes for Richmond, as compared with the eight sites studied in the cross-sectional analysis. As indicated, Richmond had a lower rate of release and a lower rate of non-financial release than any of the eight sites. It also experienced lower rates of failure to appear and pretrial criminality.

Richmond had much less extensive data than the other sites. It was particularly difficult to obtain comprehensive information on arrests. Thus, some of the apparent outcomes differences between Richmond and the eight sites may in fact be due to differences in record-keeping.

In Richmond both charge and prior record were strongly associated with release, in terms of both release versus detention and, if released, the type of release. The one community ties variable for which reasonably complete data were available (local residence status) did not affect release outcomes.

TABLE 3
SUMMARY OF DEFENDANT OUTCOMES, RICHMOND, VIRGINIA,
AND EIGHT CROSS-SECTIONAL ANALYSIS SITES

Outcome	Richmond	Eight Sites	
		Combined Percentage	Range
Release Rate	59%	85%	73%-92%
Rate of Nonfinancial Release	^a 33%	72%	44%-85%
Failure To Appear Rate	3.5%	12.6%	5.7%-20.5%
Pretrial Rearrest Rate	1.7%	16.0%	7.5%-22.2%

^aIncludes unsecured bond.

We compared the Richmond findings with those of Washington, D.C., and Baltimore City, Maryland, two nearby jurisdictions included in the eight-site analysis, and with those of Louisville, Kentucky, the jurisdiction from the eight-site analysis with defendant characteristics most similar to Richmond's. Charge and prior record were found importantly related to release outcomes in those three jurisdictions, but community ties factors also affected release outcomes within them. This suggests that "reform" jurisdictions may not so much have replaced their reliance on traditional considerations (i.e., charge and prior record) as they have expanded the range of factors considered.

The Richmond findings, and their comparison with other sites, must be considered suggestive, rather than definitive, because only one jurisdiction that never had a program was selected for study (indeed, there are relatively few major cities that have never had a program). Local jurisdictions may have many peculiarities that affect release practices. Consequently, the experiences of a single jurisdiction lacking a program may be due to other local circumstances than the absence of a program.

Conclusions

The following conclusions are based on the analysis presented in this volume:

- Defunct pretrial release programs are not as common as has sometimes been supposed. The lack of a listing for a jurisdiction in a program directory may simply reflect the program's failure to respond to the information request, not its lack of existence. Moreover, when a program does disband, it may be only a temporary demise. We found a number of instances of defunct programs that had been re-established.

- Many of the defunct programs identified were independent agencies. This suggests that such programs may be particularly vulnerable to loss of funding.
- The brief analysis of defunct programs found that they varied widely in their characteristics, including eligibility criteria, scope of operations, costs, etc. There were no special operating characteristics to distinguish defunct programs from those that continued to function.
- Most of the defunct programs studied failed to conduct research or evaluation concerning their activities. Thus, they had little impact data with which to support their requests for continued funding.
- Many of the defunct programs apparently failed to involve key criminal justice system officials, particularly judges, in program planning and implementation. This may have contributed to their demise, because the programs lacked knowledgeable, powerful advocates when they faced opposition and cutbacks.
- We found little support for the hypothesis that release rates would decline if programs disbanded. For the defunct programs where relevant data were available, release rates after the programs' demise usually stabilized at the levels that had existed during the periods of the programs' operations. Although the release rates did not decline, they also did not increase. (Only in Milwaukee did release rates apparently decline over time, including during the program period.)
- The fact that the two defunct programs studied in detail (Milwaukee and Tucson) showed little evidence of program impact suggests that the demise of some programs may reflect an accurate assessment by their funding agencies of their impact. If so, analysis of defunct programs could be inappropriate guides to the impact stemming from programs that are continued.
- Time periods when more defendants were released and/or when they were released on less restrictive conditions were not periods when failure to appear or pretrial criminality rates increased. This suggests, as have our other analyses, that higher release rates (and lower detention costs) can often be attained with no offsetting increases in failure to appear or pretrial criminality rates.
- It is difficult to locate a major city that has never had a pretrial release program. This fact would seem to reflect widespread opinion that pretrial release programs are useful agencies.

- In Richmond, a site that had never had a program at the time we studied it, rates of release, failure to appear and pretrial criminality were lower than in any of the eight sites having programs that were included in our cross-sectional analysis. However, data were very incomplete in Richmond, particularly for pretrial arrests, so some of the differences between it and the eight sites may be due to differences in record-keeping, defendant characteristics, etc.
- In Richmond both charge and prior record were strongly associated with release and with the type of release. The one community ties variable for which reasonably complete data were available (local residence status) did not affect release outcomes. A comparison with three jurisdictions that have programs (two nearby sites and the jurisdiction in our eight-site cross-sectional analysis whose defendant characteristics were most similar to those in Richmond) found that charge and prior record were importantly related to release outcomes in those sites as well, but that community ties factors also affected release outcomes there. This suggests that "reform" jurisdictions may not so much have replaced their reliance on traditional considerations (i.e., charge and prior record) as they have expanded the range of factors considered.
- Much more data is available when pretrial release programs operate than when they do not. Thus, if more complete data are desirable, programs certainly help meet this objective.

The findings from the analyses presented in this volume are somewhat inconclusive. They are based on a few sites studied in detail, and relatively little data were available to analyze the periods when programs did not operate. Moreover, it is not clear that the findings of the defunct program analyses reflect the outcomes that would be experienced if currently on-going programs disbanded; the findings may reflect only the outcomes from the demise of programs that were not very effective and lost their funding for that reason. In addition, it is always difficult to analyze outcomes over time or across jurisdictions, because of the many other changes, besides the presence or absence of a program, that may affect the analysis (e.g., certain offenses may be decriminalized, arrest patterns may change, judges' attitudes toward certain types of release may be revised, the identity of the judges themselves may change, etc.). Consequently, we urge that the analyses of this volume be considered suggestive, rather than definitive.

Recommendations

- Programs should involve key criminal justice system officials, particularly judges, in their program

planning and implementation. This should help increase their impact as well as their likelihood of continuation.

- Independent programs should give serious consideration to reorganizing under the umbrella of a public agency, such as the court system. Our analysis of defunct programs suggests that independent agencies may be particularly vulnerable to loss of funding.
- Programs should attempt to maintain accurate, up-to-date information on their operations and impact. Such evaluative information can be particularly helpful if a program comes under attack; once that happens, there is not likely to be sufficient time to implement a special evaluation study to respond to the criticisms.

One of the reasons for conducting such a limited analysis of defunct programs, and for studying only one jurisdiction that had never had a program, was to assess whether additional analysis of this sort should be undertaken. We recommend that it not be implemented. Analyses of defunct programs may not accurately reflect the impact of the far more numerous on-going programs that are of greater interest.

Consequently, we recommend that future research concerning program impact focus on experimental analyses, involving concurrent random assignment of experimental and control groups, of existing programs. If experimental analyses cannot be conducted, we recommend that carefully designed studies involving comparison groups of defendants be implemented. In our opinion the analytic problems of comparisons over time and across jurisdictions are too great to warrant additional research focused on defunct programs, unless it is the process of and reasons for demise of specific programs that are of concern. To assess pretrial release programs as they now operate, we recommend evaluations focused on those programs.

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I. INTRODUCTION

The other volumes of this report analyze areas where pretrial release programs exist. This volume considers pretrial release practices in areas lacking such programs. These areas were studied because of the interest in the issue of long-term program impact.

Some analysts have suggested that long-term program operations are unnecessary. Rather, programs may be needed only for a short period of time to acclimate judges to various release possibilities. After judges have reduced their reliance on money bond and begun using a wider range of release alternatives, they might continue this behavior, regardless of whether a pretrial release program existed. On the other hand, if a program were disbanded, judges might revert to the release practices that were prevalent before the program began.¹

Although this issue has not been analyzed adequately, past studies have noted some interesting findings:

- A study of defendants granted nonfinancial release during the first quarter of 1967 found that only 29% of them had been interviewed by the pretrial release program, and even fewer (17%) had been favorably recommended for release.²
- In other jurisdictions, too, judges have granted nonfinancial release to defendants who lacked positive release recommendations from the program or who had received negative program recommendations.³
- The "Phase I" study of pretrial release concluded that a very high percentage of defendants released after program intervention had been charged with misdemeanors or relatively minor felony offenses. Indeed, half the programs responding to the 1975 survey automatically excluded defendants charged with any crime of violence. In the current environment, it is questionable (though not known) whether defendants charged with relatively minor, non-violent crimes would be denied nonfinancial release in the absence of program intervention. The Phase I study suggested that "in many jurisdictions, if the programs did not exist, the judges themselves would question the defendants about their ties to the community" and

would release many of these defendants on nonfinancial conditions.⁴

- Based on interview responses, the Phase I study found little discernible difference between the pretrial release philosophies expressed by the programs' staffs and the judges.⁵

Consequently, there are reasons to question whether program impact, even if substantial in the short-term, endures in the long-term.

To study long-term program impact, we conducted a brief analysis of twelve "defunct" pretrial release programs. Findings and conclusions appear in Chapter II. Using these results, we selected Milwaukee, Wisconsin, for more detailed study, including analysis of release outcomes for defendants arrested before, during and after program operations and assessment of release "delivery system" changes over time. The Milwaukee analysis appears in Chapter III.

A related issue concerns release practices in areas that have never had pretrial release programs. As discussed in the *Introduction* to this study, major changes in release decisions began to occur during the 1960's, as many jurisdictions decreased their use of money bond. The increased use of own recognizance release and other types of nonfinancial release was often accompanied by the development of pretrial release programs. However, given the widespread adoption of changed release practices that occurred within a short time period, it is possible that many areas would have endorsed these changes in the absence of pretrial release programs. This possibility is supported by Wayne Thomas' study of release practices in 20 jurisdictions in 1971. Thomas found that some cities without programs had nonfinancial release rates comparable to those of cities with programs.⁶

To gain insight about release practices in the absence of program influences, either present or past, we studied Richmond, Virginia. This analysis included both a study of defendant outcomes and an assessment of the pretrial release delivery system. Findings and conclusions appear in Chapter IV.

Chapter V contains a brief analysis of the misdemeanor program in Tucson, Arizona. This analysis is based on the cross-sectional data (discussed in Volume I), which cover a time period spanning the demise of the program, and the experimental data (discussed in Volume II), obtained when the program was resumed. Thus, the analysis considers program impact during and after the operations of an initial misdemeanor program as well as the subsequent impact of a revised program.

Finally, Chapter VI presents conclusions derived from the various analyses of pretrial release without formal programs. These conclusions complement those of Volumes I and II, which consider jurisdictions where formal programs exist.

II. BRIEF ANALYSIS OF DEFUNCT PROGRAMS

A. Background

Many of the pretrial release programs established during the past 20 years were subsequently disbanded. In an effort to understand the causes and consequences of program demise, we interviewed numerous officials who had been associated with defunct programs and, where possible, obtained records concerning these programs' activities.

An analysis of this sort provides more than simply an historical account of dismantled pretrial release programs. It also allows us to conjecture about the requisites of successful program design. While a study of extant programs may provide indications of the extent to which administrators are flexible and innovative in program design, the analysis of defunct programs may identify constraints and limitations on such innovation and flexibility.

Additionally, the analysis of defendant outcomes in locations where pretrial release programs were discontinued permits assessment of the long-term impact such programs may have had on the criminal justice system. This was accomplished by comparing rates of release, rearrest and failure to appear while the program operated with the rates before and after the program existed, for those places having these data.

B. Site Selection and Data Collection

A number of problems accompanied the study of defunct pretrial release programs. One such problem was to identify these programs. Initially, we compared lists of programs for different time periods and attempted to determine the status of programs missing from the later lists.¹ This approach presented several difficulties. For some

programs we were unable to locate anyone in their respective jurisdictions who remembered that the programs had operated there. In other cases, programs not appearing on the later lists were still operating, sometimes under the same administrative structures. Apparently, these programs had simply not responded to the later requests for information about their operations.

Despite these difficulties, the process of comparing lists and following up on missing programs did identify a number of defunct programs. We also asked various pretrial release researchers and practitioners about defunct programs and, as a result, identified several additional ones. In total, 18 defunct programs were identified. Of these, nine had resumed operations by February 1979, as shown in Table 2.1.

For the places identified as defunct program sites, analysis of some of them was limited by the lack of existing data and/or the unavailability of persons who could remember anything about the old program, aside from its existence. The defunct program list was thus narrowed, as shown in Table 2.1, to nine programs that could be investigated with any degree of thoroughness: Cincinnati and Cleveland, Ohio; Tucson, Arizona; Oakland and West Covina, California; Bucks County, Pennsylvania; Milwaukee, Wisconsin; Las Vegas, Nevada; and Chicago, Illinois. Profiles of each of these programs are provided in Appendix A. In addition, more limited information was obtained for three programs, located in New Haven, Connecticut; Manhattan, Kansas; and Lake County, Indiana.

Most of the data for this study were derived from telephone interviews of persons who were involved with the programs as well as from

TABLE 2.1
AVAILABILITY OF INFORMATION ON DEFUNCT PROGRAMS
(AS OF FEBRUARY 1979)

Program Name and Operational Status	Information Availability		
	Much	Some	None
<u>Resumed Operations:</u>			
Akron, Ohio			X
Canton, Ohio			X
Cincinnati, Ohio	X		
Columbus, Ohio			X
Duluth, Minnesota			X
Oakland, California	X		
Philadelphia, Pennsylvania			X
Tucson, Arizona (misdemeanors)	X		
Wilmington, Delaware			X
<u>Had Not Resumed Operations:</u>			
Bucks County, Pennsylvania	X		
Chicago, Illinois	X		
Cleveland, Ohio	X		
Lake County (Gary), Indiana		X	
Las Vegas, Nevada	X		
Manhattan, Kansas		X	
Milwaukee, Wisconsin	X		
New Haven, Connecticut		X	
West Covina, California	X		

available program reports and previous research analyses. A copy of the questionnaire used for the interviews appears in Appendix B. In addition, site visits were made to two jurisdictions (West Covina and Tucson) to obtain more detailed information than the telephone interview format permitted.

The analysis conducted was intended to provide a preliminary indication of whether a more detailed study of defunct programs would be warranted. Consequently, heavy reliance was placed on secondary sources of information (e.g., existing studies and summaries of programs' operational statistics) and telephone interviews. In addition, the entire study was largely completed by one person over about a six-week period. Thus, the study is not an in-depth analysis of defunct programs, and the findings and conclusions presented below should be considered suggestive and tentative, rather than definitive.

C. Program Characteristics

All except two of the twelve programs for which we have information began in the 1970's. They were part of what Wayne Thomas refers to as the "new impetus" to bail reform, following the passage of the Bail Reform Act (1956) and the Law Enforcement Assistance Administration's increase in funding for pretrial release programs.² The programs in Bucks County, Pennsylvania, and Oakland, California, had been a part of the earlier wave of programs prompted by the success of the Manhattan Bail Project.

Six of the ten second wave programs were funded by LEAA. Of the total of twelve programs, four were at least partially funded by private foundations, seven by local government, and one by the U.S. Army.

Administrative control of the twelve programs varied considerably. Only two of the programs could be considered as having been under the

jurisdiction of the court system (Tucson and West Covina). Cleveland's program was administered by a Catholic Diocese; Bucks County's by the Quaker Church; Milwaukee's by the Sheriff's Department; Cincinnati's and Oakland's were under the Probation Department; Manhattan, Kansas' by the Ft. Riley Judge Advocate General's Office; and the rest by private organizations established for the program. Thus, only half of these defunct programs were controlled by public agencies, as compared with 80 percent of all programs known to exist in the mid-1970's.³

The amount of funding for these programs ranged from less than \$20,000 to almost \$200,000, and did not necessarily depend on the number of persons served. For example, during its two-year existence the Cleveland program was given \$215,000 and processed only 556 defendants. The program's expenditure of \$450 per defendant was the highest of any program investigated—25 times the per-defendant expenditure of the next most costly program.

At the other end of the scale, both Tucson and Chicago had fairly inexpensive programs. With an annual budget of approximately \$30,000, the Tucson program averaged about \$10 per defendant interviewed. The Chicago project, with a budget of about \$65,000 per year, spent approximately \$7 per defendant interviewed.

The major factors affecting the average cost per client were whether volunteer staff members were employed and the extent to which supervisory services were provided by the program. Thus, the Tucson program, with its volunteer staff of ten (out of a total staff of eighteen) and its lack of emphasis on follow-up and supervision, was much less costly than the Cleveland program. The latter used only paid staff members and provided extensive supervision. Cleveland's emphasis on supervision

may have stemmed from the fact that it handled felony defendants exclusively. The Tucson program, on the other hand, was limited to persons charged with misdemeanors.

The programs' scopes of operations were largely dependent upon eligibility requirements and the point in the criminal justice process at which they intervened. Four of the programs interviewed only felony defendants, whereas three interviewed mostly misdemeanor defendants. The remaining programs attempted to interview both felony and misdemeanor defendants, subject to certain exclusionary rules (e.g., capital offenses, traffic offenses, or public intoxication violations). Similarly, the Manhattan, Kansas, program dealt only with defendants stationed at nearby Ft. Riley; and the West Covina and Cleveland programs were dependent upon the intermittent requests for services from the court.

Seven of the nine programs for which we have information interviewed defendants prior to their initial court appearance. The other two programs (Las Vegas and Bucks County) did not become involved until after the initial appearance. Combined with the eligibility requirements, this diversity of operating procedures produced a broad range in the numbers and percentages of defendants processed in each of these jurisdictions. The Cleveland program, for example, interviewed only ten percent of all eligible defendants. Moreover, only those charged with lesser felonies and referred by the court were considered eligible. At the other extreme, the West Covina program interviewed from ninety to one hundred percent of all misdemeanor defendants in its jurisdiction, while the Chicago program interviewed approximately fifty-four percent of those defendants arrested during its mandated period of operation (weekends and holidays only).

Thus, the nature and extensiveness of program operations varied considerably. The next section considers the impact of these varied operations.

D. Impact of Programs

1. Release Rates

Four sites (West Covina, Tucson, Chicago and Oakland) have data on release rates for time periods other than those in which their programs were in operation. This information is summarized below. (Available information on release rates for all programs appears in Appendix A.)

The pretrial release program in West Covina, California, began as a part of the Los Angeles County Municipal Court program. It operated from September 1971 until September 1974 under county funding. Its small staff of one or two part-time Marshall's Deputies managed to interview 75-100 percent of all misdemeanor defendants arraigned in the West Covina judicial district. The actual proportion of defendants interviewed in any one month depended upon the particular judge conducting the initial appearances for that month, since interviews were only conducted by court referral.

During the program's period of existence, 32 percent of all misdemeanor defendants arraigned in West Covina were granted personal recognizance release pending trial. As a point of reference, the OR release rate for all of Los Angeles County in 1971, just prior to the program's inception, was 17.2% for felony defendants and 20% for misdemeanor defendants. This represented a significant increase from the rates in 1962, in which only 2.1% of the felony defendants received OR release.⁴

During the first three months after the program ceased operations (October-December 1974), there was a dramatic decline in the rate of OR releases in West Covina. Of the 2,042 persons arraigned during that period, only 13.2% were released on their own recognizance pending trial. However, the OR release rate quickly re-established its former level of 32%. The rate for the period January-June 1975 was 33.2%. During all of 1977 the rate remained steady at 32.2%.

The analysis of West Covina indicates that most judges habitually relied on the defendant's current charge and previous record as a guide to pretrial release decisions. Only in marginal cases did they consider community ties to be relevant. The increase in OR releases beginning in the late 1960's and early 1970's was apparently caused more by a change in judicial attitudes, as well as the increasing pressures on the court docket and jail, than by the intervention of the pretrial release program per se, despite the large increase in the OR release rate after the program began.

Similar factors appeared to have been operating in Tucson, Arizona. The Tucson misdemeanor program began in January 1975 as an adjunct to the existing felony program. With a staff of three full-time and 15 part-time investigators, the program interviewed approximately half of the misdemeanor defendants booked in the city. Toward the end of its operations (January-March 1977), the data indicate that 26% of all misdemeanor defendants were released on OR, three percent on third party custody, and 28% on bail. Almost a year after the program was disbanded, the OR release rates were virtually the same. Approximately 29% were released on OR, and another 20% were released on bail. Moreover, these figures do not take into account the increasing frequency with which citation releases have been employed in recent years.

Post-program data are not available for Chicago's pretrial release program, which operated until September 1978. However, the program's inception did correspond to a significant increase in the use of personal recognizance. The Cook County Special Bail Project began functioning in August 1970 in an effort to fill a void left by an existing program during weekends and holidays. Its staff of four full-time workers, two part-time employees and numerous part-time volunteers interviewed approximately 54% of all defendants arrested during those days.

During its second year of operations (May 1972 to May 1973), 11.2% of all felony defendants and 24% of all misdemeanor defendants under the program's jurisdiction were released on their own recognizance. An independent study⁵ by Consult, Ltd., a Chicago-based research firm, found that in 1976, 15% of the felony defendants and 35% of the misdemeanor defendants were being released on this basis. As a whole, 25% were released OR and 74% were released on cash bond.

The OR release rates for both felony and misdemeanor defendants continued to increase during the several years of the program's existence. The rates represent a great increase over those in 1962. At that time, only 2% of the felony defendants and an estimated 14% of the misdemeanor defendants were released on OR.⁶

Nevertheless, the Chicago firm's research indicates that the program had very little to do with the changes in release rates. Its analysis concluded that neither the interview itself, nor the fact of verification, resulted in any increase in OR releases or any decrease in bond amounts. Thus, even five years after the program had begun operating, the study concluded that the two most important variables predicting pretrial release decisions were "identity of the judge" and the "seriousness of the charge."⁷

Although the information for the Oakland project is sparse, there is evidence that the proportion of defendants released on their own recognizance increased during the project's operations. Forrest Dill⁸ suggests that the rate of OR releases was increased from 2% to almost 4% for misdemeanor defendants. Of the 1,119 misdemeanor defendants recommended for OR by the program, 625 (55.8%) were released on OR by the Court.

Table 2.2 summarizes the findings on release rates. As shown, data are available for a comparison of the pre-program and program periods for two sites. In both cases the release rates increased over time, but local sources do not credit program factors for this change. Rather, the increases were attributed to such factors as changed judicial attitudes and pressures to relieve jail overcrowding.

Both of the sites having data on the period of program operations experienced increased release rates during that time period. However, a local analysis conducted for one of the sites found that the identity of the judge and the seriousness of the charge were better predictors of release than program factors.

Finally, data for two sites permit a comparison of release rates during the period of program operations with rates after the programs' demise. In one case, the rate went down dramatically at first (from 32% released on own recognizance to 13%) but returned to its former level after three months. In the second site, release rates stayed at approximately the same level after the program disbanded. Thus, in the two cases where data exist, there was no sustained decrease in release rates after the programs ended. On the other hand, neither was there an increase.

In summary, the limited data available indicate that—for whatever reason—release rates increased after programs started and continued to increase while they were in operation. After the programs' demise, the release rates stabilized at the program level.

2. Failure to Appear Rates

Failure to appear statistics were available for only three of the programs studied (Cleveland, Chicago and Tucson). In each case, the statistics are based on the number of bench warrants or bond forfeiture orders as a proportion of the total number of defendants released. The rates for two of the programs, Cleveland and Chicago, are derived from research reports made by independent agents. The rates for Tucson were derived from program reports.

The Consult, Ltd. study of the Chicago program counted a bond forfeiture as a failure to appear if, after a period of thirty days following a missed court date, the defendant still had not appeared and a judgment of default was issued. The time period under observation was August-September 1976 and January-February 1977. For those released OR, the group of defendants not interviewed by the program had 26% more total bond forfeitures per scheduled appearances than did those defendants interviewed by the program.⁹ The group not interviewed also had 25% more defendants who forfeited at least once.¹⁰

Moreover, persons released on OR who had verified addresses were found less likely to fail to appear than those for whom addresses were not verified. The rates were 11.9% and 15.4%, respectively. In terms of the number of defendants, 47% more non-verified defendants released on OR had forfeited at least once than had verified defendants.¹¹

In addition, program reports indicate that interviewed defendants with verified information had lower forfeiture rates, regardless of

TABLE 2.2
SUMMARY OF RELEASE RATES OVER TIME

Site	Pre-Program Period	Program Period	Post-Program Period	Comments
West Covina, Calif. (Misdemeanor Own Recognizance Releases)	20% for Los Angeles County as a whole	32%	13% during first three post-program months 32-33% afterward	Local officials attribute increase mainly to changed judicial attitudes, coupled with pres- sures on court docket and jail.
Tucson, Arizona (Misdemeanors)	Not Available	26% O.R. 28% Bail	29% O.R. 20% Bail More citation releases during this period	None
Chicago, Illinois (Own Recognizance Releases, Holiday Courts)	5% of all defendants in all courts	Second Year: 11% (felony) 24% (misdmr.) Fifth Year: 15% (felony) 35% (misdmr.)	Not Available	Local study con- cludes that iden- tity of judge and seriousness of charge are better predictors of release than pro- gram factors.
Oakland, Calif. (Misdemeanor Own Recognizance Releases)	Not Available	Rate increased from 2% to 4% during the period	Not Available	None

type of pretrial release (cash or OR) than did those defendants without verified information (see Appendix A for details).¹² Thus, existing reports suggest that the Chicago pretrial release program, by providing verified information, enabled the court to predict a defendant's likelihood of appearance better than it would have been able to do without such information.

Failure to appear information on the Cleveland program is not as conclusive. An independent survey by Cleveland State University professor Allan Warren,¹³ for example, found that between July 1973 and May 1975 there were a total of 16.3 percent bail forfeiture orders issued in the Cuyahoga County Court of Common Pleas. During the period of the county's Supervised Release Project (April 1974 to May 1976) the program reported that only 23 of its 556 clients (4.1 percent) failed to appear for any court date. However, given the small percentage of defendants served by this program (less than 10%), it is likely that this lower rate simply reflects the type of defendants who were admitted to the program rather than the actual success of the program in assuring court appearances.

For the Tucson misdemeanor program, while the available data are quite limited, the program's reports indicate that failure to appear rates may have increased after the program's demise. During three of the last months of the program's operations (January to March 1977), the failure-to-appear rate (i.e., bond forfeiture rate) for misdemeanor defendants was as follows:

- released on bail, 38%;
- released OR, 14%; and
- released to program custody, 8%.

A similar study conducted for the month of May 1978 (almost a year

after the program had ceased operations) found that the bond forfeiture rate for those defendants released on bail remained unchanged, while the rate for those released OR had increased to 18%.

Table 2.3 summarizes the findings on failure-to-appear (FTA) rates. As shown, only one program had data available on more than one time period. In this case FTA rates were higher for own recognizance (OR) releases after the program's demise than they had been during the program's existence. In addition, three programs have data on FTA rates for defendants processed by the program versus another group of defendants. In each of the three sites the FTA rate was lower for the program defendants; however, data are not available on other characteristics which might have affected the FTA rates of the two groups.

3. Rearrest Rates

Only two of the programs investigated, Cleveland and Chicago, had data available on rearrests. In both cases, program "clients" had fewer rearrests than non-clients.

In Cleveland reports indicate that 5.9% of all defendants released on bail in 1974 were subsequently rearrested. For those defendants accepted into the Supervised Release Project, however, the rate for April 1974 to May 1976 was only 3.2%. As in the case of failure-to-appear statistics, though, this difference should be viewed in light of the fact that the program dealt with a small proportion of defendants and was thus likely to have chosen only the best risks.

Data for Chicago are no more convincing. The study by Consult, Ltd. found that program interviewees, especially those for whom information was verified, had fewer rearrests than those defendants not interviewed by the program. However, the differences were not statistically

TABLE 2.3
SUMMARY OF FAILURE-TO-APPEAR RATES OVER TIME

Site	Pre-Program Period	Program Period	Post-Program Period	Comments
Chicago, Illinois	Not available for period immediately preceding program; 7% for misdemeanor defendants in 1962	<u>Felony & Misdemeanor:</u> 14% for O.R. releasees interviewed by program 17% for O.R. releasees not interviewed by program 12% for defendants with verified addresses 15% for defendants whose addresses were not verified	Not Available	None
Cleveland, Ohio (Felony Cases)	Not Available	4% for program defendants 16% (est.) for all eligible defendants	Not Available	Program was quite limited in scope; it served less than 10% of all eligible defendants
Tucson, Arizona (Misdemeanor Cases)	Not Available	14% for O.R. releasees 38% for bail releasees	18% for O.R. releasees 38% for bail releasees	None

significant. Interviewed defendants released on OR had a 3.1% percent rearrest rate. Of those defendants interviewed and released OR, persons with verified information had a 1.4% percent rearrest rate, while those without verified information had a 4.2% rate.

Table 2.4 summarizes the findings on rearrest rates. As shown, no program had data available which would permit comparisons across time periods. Two programs had information on rearrests for defendants processed by the program versus defendants who were not. In one case, there was no significant difference between the groups. In the other case, the program group had a lower rearrest rate, but the program was so limited in scope that this result may have been due to "creaming" the "safe" defendants.

E. Causes of Program Demise

Persons interviewed were asked about the reasons for the programs' termination. Common explanations included scarce local finances, lack of community support and higher priorities elsewhere.

Most of the programs lacked the necessary resources or foresight to carry out supportive research on their activities. For example, only the Milwaukee program attempted to provide estimates of cost savings. Also, only for the Chicago program was it shown that interviewing and verification efforts resulted in more accurate predictions of failure to appear. Other programs, such as those in Las Vegas and Cleveland, reported their clients' success in these two areas, but only after forces operating against them had fully developed.

In Las Vegas, the program was confronted by a strong bondsmen's lobby. The bondsmen mounted a powerful campaign, charging the program with "falsification of data, lack of access to the data, and conflict

TABLE 2.4
SUMMARY OF REARREST RATES OVER TIME

Site	Pre-Program Period	Program Period	Post-Program Period	Comments
Cleveland, Ohio	Not Available	3% for program releasees 6% for bail releasees	Not Available	Program was quite limited in scope; it served less than 10% of all eligible defendants
Chicago, Illinois	Not Available	No significant differences between defendants inter- viewed by the program and those not inter- viewed	Not Available	None

of interest (the project director's wife serves on the executive board of Clark County Community Corrections, Inc.).¹³ The Las Vegas media joined in the attack by reporting the bondsmen's statements and granting high publicity to a few instances where released defendants had committed new offenses. Finally, in June 1976, the County Commissioners were asked to provide \$24,086 in County funds to match the \$41,334 of Federal Block Grant funds already allocated. Despite the support of several community groups and all County criminal justice officials, the funding was refused.

The situation in Las Vegas, however, was unique. In no other location did we find that a program had been dismantled because of opposition from bondsmen.

In some cases our interview respondents suggested that judicial attitudes may have been partly responsible for program demise. Reportedly, judges in some areas thought that they were capable of assessing a defendant's likelihood of appearance and risk to the community without the program's investigations. Moreover, certain judges may have opposed the premises on which pretrial release programs were based. While program staff made their recommendations primarily on the basis of the defendant's community ties and previous record, some judges reportedly preferred to base their decisions on the defendant's current charge and prior record. Since criminal records were sometimes easily at the court's disposal without the intervention of a pretrial release program, and since the court typically had more complete access to the prosecuting attorney's information, program evaluations were rendered unnecessary.

Even where no hostility or opposition from local interests was evident, pretrial release programs often were subjected to local political pressures. In one case, the city felt that increasing the number of defendants on pretrial release was unnecessary, since the city was not paying for the costs of incarceration. While the city would have to incur the costs of the program, the county provided for the costs of the local jail. Thus, any increase in pretrial release would not reduce the city's overall expenditures.

Most of the programs were apparently affected by local austerity measures. The recession in the early 1970's and the alterations in the financial mix of city, county, State and Federal funding provided local officials with a rationale for discontinuing programs. However, in many cases such discontinuances were not necessarily an indication that the pretrial release program had a very low ranking in the local policy priorities. A number of the officials interviewed indicated that the refusal to fund the local program emanated from a strategy designed to provoke the State government into assuming financial responsibility for the program. Thus, the refusal to fund the program came less from a disapproval of its activities than from the hope that some other source would finance it.

Certainly, other programs have faced such financial and attitudinal hurdles without having to cease their operations. A critical deficiency most of the defunct programs shared was a lack of consensus among all criminal justice officials about program goals and methods of operations. From our investigations of other, more durable, programs it appears that one early action that should have been taken was to insure the involvement of important local officials in program planning and

implementation. Including such officials on policy, planning and advisory boards might have resulted in their advocacy of continued operations, when the programs faced opposition and cutbacks. Moreover, greater involvement of the local judiciary might have increased the likelihood that a program's investigations and recommendations would have been employed in releasing decisions.

F. Concluding Remarks

The analysis of defunct pretrial release programs suggests that the programs studied were a part of, and in some cases possibly an impetus to, a general change in community attitudes toward pretrial release. Although release rates increased after programs started, there is little evidence suggesting that this was due to program operations alone. However, it does seem that the information provided to the court by the programs enabled greater confidence to be placed in the predictability of community risk and failure to appear than would have been possible without these programs.

Whether such increased confidence provided justification for the added costs of programs depended upon many circumstances unrelated to the programs themselves. These circumstances included possibilities for alternative funding sources, the strength of the bonding community, and judicial attitudes toward program involvement in release.

The disproportionate number of defunct programs that were funded and administered by private agencies reflects these programs' inherent vulnerability. Private funding is likely to come about where public funding sources are unwilling or unable to support the program. If in the period of private administration the program is unable to justify its existence on the basis of cost-savings, greater equitability,

decreased community risk or decreased failure-to-appear rates, it is not surprising that public agencies would refrain from assuming responsibility for the program. Since only the most fortunate private programs could expect to afford the costs of operation indefinitely, efforts to develop such justification seem critical. Unfortunately, the programs studied made few attempts to conduct such analyses of their impact.

Indeed, a major conclusion from the brief analysis of defunct programs is that very little information exists to assess, in more than a cursory manner, these programs' roles in affecting pretrial release practices. In particular, no data have been compiled comparing rates of release, failure to appear and pretrial criminality for periods before, during and after program operations. To fill this knowledge gap, Lazar selected one defunct program site, Milwaukee, Wisconsin, for a more detailed analysis, as discussed in the next chapter.

III. CASE STUDY OF A DEFUNCT PROGRAM:
MILWAUKEE, WISCONSIN

A. Background

Milwaukee, Wisconsin, was selected as the defunct program site to be studied in detail, because:

- The program had ended sufficiently recently that defendants' records for pre-program and program periods were still accessible but long enough ago that a post-program period could be studied.
- The program had operated under the auspices of a public agency, rather than through private efforts.
- Although the program was limited to felony defendants, it processed a high percentage of them; thus, a random sample of felony defendants for the program period would contain a large percentage of persons interviewed by the program.
- Many of the criminal justice system officials involved in the program's operations were still located in Milwaukee and were willing to cooperate with the proposed study.

The Milwaukee analysis of defendant outcomes was patterned after the cross-sectional analyses of jurisdictions discussed in Volume I. Random samples of approximately 150 felony defendants each were selected for three one-year time periods:

- calendar year 1972, before the program began;
- calendar year 1975, roughly the peak of the program's period of operations; and
- July 1977-June 1978, after the program ended.

The data collected for individual defendants were the same as those collected in the cross-sectional analyses (see Appendix B of Volume I) and covered:

- background information (e.g., community ties, prior record, demographic data);

- current charge;
- type of release, if any;
- program involvement;
- failure to appear;
- pretrial criminality; and
- case disposition and sentence.

Analyses of these data for periods before, during and after program operations appear in Section C of this chapter.

The case study of Milwaukee also included an assessment of the pretrial release delivery system and the effect that program operations had upon it. This delivery system analysis is similar to those conducted for the cross-sectional and experimental sites, as discussed in Volumes I and II. The major difference in the Milwaukee analysis was, of course, the need to consider three time periods and thus to assess changes that occurred over time. The detailed delivery system analysis of Milwaukee is available as a separate working paper;¹ a brief summary follows.

B. Release Practices

Prior to 1973, no criminal justice system unit gathered verified defendant information to help judges make release determinations. Decisions were based on data and recommendations provided to the judges by the prosecution and defense attorneys and on information obtained by the judges from the defendants. According to local sources, in the 1972-73 period between 60% and 75% of all defendants had monetary requirements set as conditions of release. By that time, 10% deposit bond (first adopted in Milwaukee in 1970) had become a widely used release option.

The Bail Evaluation program, created in 1973 by the Sheriff's Department, developed in response to the increasing number of felony arrests, which had resulted in higher bails and jail overcrowding. The program was a part of a "Special Evaluation Unit," staffed by former County Probation officials, that supplied four services besides bail evaluations: diversion of non-violent, first offenders; classification of inmates; development of community resources relevant to the criminal justice system; and presentation of course materials at the Sheriff's Department Training School. The unit was funded by LEAA on a decremental basis until 1976, with local government supplying the balance of the funding.

At full operating capacity, the Special Evaluation Unit had nine full-time staff members and an annual budget of \$190,000, supporting all functions of the Unit. Estimates of staff or money specifically allocated to the bail evaluation function are not available.

Eligibility for bail evaluation was limited to felony defendants, but there were no other exclusions. The program operated five and one-half days a week, from 8:00 AM to 5:00 PM on weekdays and from 8:00 AM to 12:00 PM on Saturdays. At peak operating capacity in 1975, it was estimated that the evaluators interviewed approximately 75% of all felony arrestees.

Bail Evaluations initially occurred in the District Attorney's Office at the time of complaint processing, prior to the Initial Appearance before a judge. As the program expanded, evaluations were also conducted at the County Jail and at Intake Court, often at the judge's request. A standardized questionnaire sought information on the defendant's general background, family ties, employment and prior

record. Verification of the information was attempted in all cases, based on the ability to contact references supplied by the defendant. Verified criminal histories were sometimes made available to the evaluators, but only in a small percentage of cases.

Defendants were rated on the basis of a point system. The evaluators did not make recommendations for specific release options, but rather placed defendants in one of four "risk" categories (excellent, good, fair, poor), based on the overall point totals. In cases lacking verification, evaluations were presented to the judges, who were informed of the non-verified status of the information. All evaluations were also made available to the prosecution and defense attorneys.

After evaluation, most (at least 90%) of the defendants had no further contact with the program. The evaluators did not track any defendant outcomes, including the final release decision. Nevertheless, local sources report that during the program's operation:

- the number of defendants released on unsecured bonds increased moderately;
- 10% deposit bond releases increased significantly;
- dollar amounts of full bails declined; and
- rates of failure to appear and pretrial criminality were not noticeably affected.

Two major changes in the criminal justice system occurred during the program's period of operation. First, there was a turnover of judges serving in felony court. While the exact consequence of this change is unknown, some judges who had had to adjust to the establishment of the program were replaced by judges who accepted it as a given part of the process. Second, jail capacity was slightly expanded, both by construction and by the transfer of certain detainees to other facilities.

The status of the jail population is reported to have had considerable impact on release decisions in the Milwaukee area.

Interview responses from local criminal justice system officials indicated that the program had been well accepted. The facts that its evaluations of defendants were neutral and were based on verified information were commonly cited as good features of the program. Nevertheless, the program did not receive local funding when the LEAA grant ended in 1976, although the other functions of the Special Evaluation Unit were continued.

Several reasons for the program's demise were suggested by local officials. First, the program may have been simply a victim of financial austerity measures; it was one of many programs that were not approved for continuation by the County Board of Supervisors. Second, the program lacked data showing its impact, particularly its effect on the jail population. Third, the relationship between the judges, who supported the program before the County Board, and the Board is not completely harmonious. Some Board members think that judges have already relinquished several of their functions and should be able to perform bail evaluations by themselves.

A number of changes have occurred in the criminal justice system since the program ended. In 1977, the criminal code reclassified many misdemeanors as felonies and created some new felony offenses. Judicial turnover also occurred that year and resulted in the presence on the bench of some felony court judges who had had no experience with the former Bail Evaluation program. Moreover, the 1977 Wisconsin Laws of Criminal Procedure specifically directed judges to release as many defendants as possible on nonfinancial conditions. Additionally, jail

overcrowding was apparently reduced during the late and post-program years; jail overcrowding became more severe until about 1975 and declined after that time.

Since the program's demise, no other part of the criminal justice system has performed its functions. The absence of verified defendant information at Initial Appearance is reported to have had the effect of reducing the percentage of defendants granted unsecured bonds and increasing the proportion of defendants ordered to pay full bails.

Because of the lack of analysis of rates of release, failure to appear and pretrial criminality over time, these data were collected for samples of defendants arrested before, during and after program operations. Findings are presented in the next section.

C. Outcomes

As shown in Table 3.1, more complete data on defendant characteristics were available during the program period than either before or after that time. Data are available for more than half of the sampled defendants in each time period for eight items: local residence status, current charge, number of prior arrests, number of prior convictions, age at first adult arrest, age at arrest, ethnicity and sex. Table 3.2 presents the results of comparisons of defendants across time periods for these characteristics (see Appendix C for detailed data). As indicated, there were two statistically significant differences between the defendant samples before versus during program operations and no such differences when defendants during versus after program operations are compared. During the pre-program period, defendants were younger, averaging 24.8 years of age, as compared with 27.1 years during the

TABLE 3.1
PERCENTAGES OF CASES WITH DATA FOR
SELECTED CHARACTERISTICS, BY TIME PERIOD

CHARACTERISTIC	Before Program (n=150)	During Program (n=151)	After Program (n=149)
<u>Community Ties:</u>			
Local residence status	100%	95%	100%
Years of local residence	7%	52%	9%
Months at present address	3%	54%	0%
Marital status	37%	72%	43%
Family support	18%	53%	26%
With whom defendant lives	23%	62%	28%
Employment status	33%	66%	41%
Income level	0%	9%	1%
Public assistance	1%	50%	9%
Occupation (excludes unemployed defendants)	22%	49%	21%
<u>Criminality:</u>			
Current charge	100%	99%	100%
Number of prior arrests	100% ^a	100% ^a	100% ^a
Number of prior convictions	100% ^a	100% ^a	100% ^a
Criminal justice system status at time of arrest	45%	66%	46%
Age at first adult arrest	70%	68%	62%
<u>Demographic Characteristics:</u>			
Age at arrest	99%	100%	100%
Ethnicity	100%	100%	100%
Sex	99%	99%	100%
<u>Other:</u>			
Education	24%	61%	20%
^a Includes cases with missing information.			

TABLE 3.2
SUMMARY OF COMPARABILITY OF GROUPS
ACROSS TIME PERIODS

Note: N.S. indicates that differences are not significant at the .05 level. The precise significance level is shown in all other cases.

CHARACTERISTIC	SIGNIFICANCE LEVEL	
	Before Versus During Program (n=301)	During Versus After Program (n=300)
<u>Community Ties</u>		
Local residence	N.S.	N.S.
<u>Criminality</u>		
Current charge	N.S.	N.S.
Number of prior arrests	N.S.	N.S.
Number of prior convictions	N.S.	N.S.
Age at first adult arrest	N.S.	N.S.
<u>Demographic Characteristics</u>		
Age at arrest	.05	N.S.
Ethnicity	.0004	N.S.
Sex	N.S.	N.S.

program period. Additionally, a higher proportion of pre-program defendants were members of minority groups than was the case when the program operated (84%, as compared with 66%).

There were no statistically significant differences in the rate or speed of release for the pre-program versus program period or for the program versus post-program period. However, a comparison of release rates before versus after the program shows a significant decline: from 73% to 62% (see Table 3.3). The type of release changed significantly for all time periods compared, although the changes were not in the direction expected. The use of unsecured bond declined after the program began and increased after its demise: 51% of the released defendants received unsecured bonds before the program, as compared with 36% during the program period and 47% afterward. The rate of release on deposit bond was virtually the same before and during the program, but about doubled, to 31%, in the post-program period.

Table 3.4 indicates the bond amounts for unsecured, deposit and full bonds across time periods. For unsecured bonds, the use of both the lowest and highest categories increased over time. Four percent of the unsecured bonds were for \$500 or less before the program began, as compared with 11% while the program operated and 28% after its demise. Similarly, the percentage of unsecured bonds set at \$3,000 or more increased from 4% before the program to 25% during it and 13% afterward. There were no statistically significant differences in the amounts of full bonds for the three time periods or for deposit bonds between the pre-program and program periods. After the program ended, the amounts of deposit bonds declined somewhat: 77% were for \$2,000 or less during the post-program period, as compared with only 44% while the program operated.

TABLE 3.3
RATE, SPEED AND TYPE OF RELEASE ACROSS TIME PERIODS

OUTCOME	Before Program (n=150)		During Program (n=151)		After Program (n=149)	
	Number	Percent	Number	Percent	Number	Percent
<u>^aRate of Release</u>						
Defendants released	110	73%	99	66%	92	62%
Defendants <u>not</u> released	40	27%	52	34%	57	38%
TOTAL	150	100%	151	100%	149	100%
<u>Speed of Release</u>						
Mean number of days from arrest to release ^b	9.3		14.5		18.3	
<u>^cType of Release</u>						
Unsecured bond	56	51%	35	36%	43	47%
Deposit bond	16	15%	16	16%	29	31%
Bond	37	34%	47	48%	20	22%
TOTAL	109	100%	98	100%	92	100%

^aSignificant at the .04 level for the before versus after program comparison.

^bn=110 before program, n=95 during program, n=91 after program.

^cSignificant at the .07 level for the before versus during program comparison, at the .001 level for the during versus after program comparison, and at the .01 level for the before versus after program comparison.

TABLE 3.4
BOND AMOUNTS ACROSS TIME PERIODS

	Before Program		During Program		After Program	
	Number	Percent	Number	Percent	Number	Percent
^a Unsecured Bond:						
\$500 or less	2	4%	3	11%	11	28%
\$501 - \$2,000	33	67%	8	29%	17	44%
\$2,001 - \$2,999	12	25%	10	36%	6	15%
\$3,000 - \$9,999	2	4%	7	25%	4	10%
\$10,000 or more	0	0	0	0	1	3%
TOTAL	49	100%	28	100%	39	100%
^b Deposit Bond:						
\$500 or less	2	15%	1	11%	2	10%
\$501 - \$2,000	3	23%	3	33%	14	67%
\$2,001 - \$2,999	5	39%	3	33%	2	10%
\$3,000 - \$9,999	3	23%	2	22%	2	10%
\$10,000 or more	0	0	0	0	1	5%
TOTAL	13	100%	9	100%	21	100%
Full Bond:						
\$500 or less	15	42%	19	42%	8	40%
\$501 - \$2,000	12	33%	15	33%	7	35%
\$2,001 - \$2,999	6	17%	5	11%	2	10%
\$3,000 - \$9,999	3	8%	4	9%	3	15%
\$10,000 or more	0	0	2	4%	0	0
TOTAL	36	100%	45	100%	20	100%
^a Significant at the .01 level for the before versus during program comparison and at the .07 level for the during versus after program comparison. ^b Significant at the .06 level for the during versus after program comparison.						

Information on the equity of release by ethnicity and employment status for each time period appears in Table 3.5—3.7 and is summarized in Table 3.8. No statistically significant differences were found by ethnicity in any time period. For employment status, one difference was found: during the program period unemployed defendants were less likely to secure release (only 57% did so, as compared with 78.5% of employed defendants). No differences were found in the rates of failure to appear, pretrial rearrest, or convictions for pretrial rearrests when unemployed and employed defendants who were released were compared.

Table 3.9 compares the characteristics of released defendants across time periods (see Appendix C for detailed data). As was the case with the comparisons of all defendants (see Table 3.2), there were two statistically significant differences. When compared with the program period, released defendants in the pre-program period were younger (24.8 years versus 27.1 years) and more likely to be members of minority groups (85% versus 61%).

No statistically significant differences were found in rates of failure to appear or pretrial criminality when either the pre-program and program periods or program and post-program periods were compared, as shown in Table 3.10. Rates of failure to appear ranged from 15% to 22% for the three time periods, while pretrial rearrest rates averaged 17% to 26% and conviction rates for pretrial rearrests, 12% to 17%.

Based on the preceding data, it does not appear that defendant outcomes were affected significantly either by the establishment of the pretrial release program or by its demise. No important differences in the rate or speed of release were found, and the use of unsecured bond actually declined during the program period. Failure-to-appear

TABLE 3.5
EQUITY OF RELEASE BEFORE PROGRAM
(n=150)

OUTCOME	ETHNICITY				EMPLOYMENT STATUS			
	White		Minority		Employed or Substitutes		Unemployed	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<u>Rate of Release (All Defendants)</u>								
Defendants released	17	71%	93	74%	26	72%	8	61.5%
Defendants <u>not</u> released	7	29%	33	26%	10	28%	5	38.5%
TOTAL	24	100%	126	100%	36	100%	13	100.0%
<u>Type of Release (for Released Defendants)</u>								
Unsecured bond	10	59%	46	50%	10	39%	6	75%
Deposit bond	3	18%	13	14%	5	19%	2	25%
Bond	4	24%	33	36%	11	42%	0	0
TOTAL	17	100%	92	100%	26	100%	8	100%

TABLE 3.6
EQUITY OF RELEASE DURING PROGRAM
(n=151)

OUTCOME	ETHNICITY				EMPLOYMENT STATUS			
	White		Minority		Employed or Substitutes		Unemployed	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
^a Rate of Release (All Defendants)								
Defendants released	39	75%	60	61%	51	78.5%	20	57%
Defendants <u>not</u> released	13	25%	39	39%	14	21.5%	15	43%
TOTAL	52	100%	99	100%	65	100.0%	35	100%
<u>Type of Release (for Released Defendants)</u>								
Unsecured bond	12	32%	23	38%	19	38%	5	25%
Deposit bond	5	13%	11	18%	6	12%	5	25%
Bond	21	55%	26	43%	25	50%	10	50%
TOTAL	38	100%	60	100%	50	100%	20	100%
^a Significant at the .04 level for the employment status comparison (not significant for the ethnicity comparison).								

TABLE 3.7
EQUITY OF RELEASE AFTER PROGRAM
(n=149)

OUTCOME	ETHNICITY				EMPLOYMENT STATUS			
	White		Minority		Employed or Substitutes		Unemployed	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<u>Rate of Release (All Defendants)</u>								
Defendants released	37	70%	55	57%	25	69%	14	56%
Defendants <u>not</u> released	16	30%	41	43%	11	31%	11	44%
TOTAL	53	100%	96	100%	36	100%	25	100%
<u>Type of Release (for Released Defendants)</u>								
Unsecured bond	21	57%	22	40%	14	56%	5	36%
Deposit bond	8	22%	21	38%	5	20%	5	36%
Bond	8	22%	12	22%	6	24%	4	29%
TOTAL	37	100%	55	100%	25	100%	14	100%

TABLE 3.8
 SUMMARY OF EQUITY OF RELEASE AND EQUITY
 OF BOND AMOUNTS ACROSS TIME PERIODS

OUTCOMES	BEFORE PROGRAM (n=150)		DURING PROGRAM (n=151)		AFTER PROGRAM (n=149)	
	Ethnicity	Employment Status	Ethnicity	Employment Status	Ethnicity	Employment Status
Rate of Release	N.S.	N.S.	N.S.	.04	N.S.	N.S.
Type of Release	N.S.	N.S.	N.S.	N.S.	N.S.	N.S.

TABLE 3.9
 SUMMARY OF COMPARABILITY OF
RELEASED DEFENDANTS ACROSS TIME PERIODS

CHARACTERISTIC	SIGNIFICANCE LEVEL	
	Before Versus During Program (n=209)	During Versus After Program (n=191)
<u>Community Ties</u>		
Local Residence	N.S.	N.S.
<u>Criminality</u>		
Current Charge	N.S.	N.S.
Number of Prior Arrests	N.S.	N.S.
Number of Prior Convictions	N.S.	N.S.
Age at First Adult Arrest	N.S.	N.S.
<u>Demographic Characteristics</u>		
Age at Arrest	.05	N.S.
Ethnicity	.0002	N.S.
Sex	N.S.	N.S.

TABLE 3.10
FAILURE TO APPEAR AND PRETRIAL CRIMINALITY
ACROSS TIME PERIODS

Characteristic	Before Program (n=110)		During Program (n=99)		After Program (n=92)	
	Number	Percent	Number	Percent	Number	Percent
<u>Failure to Appear (FTA)</u>						
Defendants who FTA	24	22%	15	15%	20	22%
Defendants who do not FTA	86	78%	84	85%	72	78%
Total Released Defendants	110	100%	99	100%	92	100%
<u>Pretrial Criminality</u>						
Defendants with rearrests	29	26%	21	21%	16	17%
Defendants without rearrests	81	74%	78	79%	76	83%
Total Released defendants	110	100%	99	100%	92	100%
Defendants with rearrest convictions	19	17%	15	15%	11	12%
Defendants without rearrest convictions	91	83%	84	85%	81	88%
Total Released Defendants	110	100%	99	100%	92	100%

and pretrial criminality rates did not differ significantly across time periods.

It is possible that program impact during the program period is obscured by the inclusion of defendants the program did not interview. To analyze this, we compared defendants interviewed with those not interviewed during the program period. Results are presented in Tables 3.11—3.14. There were three major differences between the two groups: interviewed defendants were younger, more likely to be white and more likely to be charged with serious crimes than defendants not interviewed. There were no statistically significant differences between the two groups in terms of rate, speed or type of release (see Table 3.13) or rates of failure to appear, pretrial rearrest or convictions for pre-trial rearrests (see Table 3.14).

An interesting feature of the program, as discussed earlier in Section B, was its ratings of defendants as poor, fair, good or excellent release risks. Table 3.15 compares the defendants given these ratings with their subsequent rates of failure to appear, pretrial rearrest and convictions for pretrial rearrests. The program seems to have been quite accurate in its assessments of defendants. None of the eleven defendants considered excellent release risks failed to appear or was rearrested. Although two of the fifteen "good" risks failed to appear, none was rearrested. The "fair" group experienced a 29% failure to appear rate and 14% pretrial rearrest rate, while the "poor" risks had a 6% rate of failure to appear and a 29% rate of rearrest.

In summary, defendant outcomes do not appear to have been notably affected by the program's operations, nor do they seem to have changed subsequently. Rates of release actually declined over the time period studied, from

TABLE 3.11
 PERCENTAGE OF CASES WITH DATA
 FOR SELECTED CHARACTERISTICS,
 DEFENDANTS INTERVIEWED VERSUS
 NOT INTERVIEWED DURING THE
 PROGRAM PERIOD

Characteristic	Defendants Interviewed (n=87)	Defendants Not Interviewed (n=62)
<u>Community Ties</u>		
Local Residence	99%	89%
<u>Criminality</u>		
Current Charge	99%	100% ^a
Number of Prior Arrests	100% ^a	100% ^a
Number of Prior Convictions	100% ^a	100% ^a
Age at First Adult Arrest	64%	73%
<u>Demographic Characteristics</u>		
Age at Arrest	100%	100%
Ethnicity	100%	100%
Sex	100%	98%
^a Includes cases with missing information		

TABLE 3.12
 SUMMARY OF COMPARABILITY
 OF INTERVIEWED VERSUS NOT
 INTERVIEWED GROUPS
 (n=149)

CHARACTERISTIC	SIGNIFICANCE LEVEL
<u>Community Ties</u>	
Local Residence	N.S.
<u>Criminality</u>	
Current Charge	.001
Number of Prior Arrests	N.S.
Number of Prior Convictions	N.S.
Age at First Adult Arrest	N.S.
<u>Demographic Characteristics</u>	
Age at Arrest	.04
Ethnicity	.005
Sex	N.S.

TABLE 3.13
 RATE, SPEED AND TYPE OF RELEASE
 FOR DEFENDANTS INTERVIEWED
 VERSUS NOT INTERVIEWED

Outcome	Defendants Interviewed (n=87)		Defendants Not Interviewed (n=62)	
	Number	Percent	Number	Percent
<u>Rate of Release</u>				
Defendants Released	59	68%	38	61%
Defendants <u>Not</u> Released	28	32%	24	39%
Total	87	100%	62	100%
<u>Speed of Release</u>				
Mean Number of Days From Arrest To Release ^a	15.1		14.2	
<u>Type of Release</u>				
Unsecured Bond	16	28%	19	50%
Deposit Bond	10	17%	4	11%
Full Bond	32	55%	15	39%
Total	58 ^b	100%	38	100%
^a n=55 for defendants interviewed, n=38 for defendants not interviewed.				
^b Release type unknown for one defendant				

TABLE 3.14
 FAILURE TO APPEAR AND
 PRETRIAL CRIMINALITY FOR DEFENDANTS
 INTERVIEWED VERSUS NOT INTERVIEWED

Outcome	Defendants Interviewed (n=59)		Defendants Not Interviewed (n=38)	
	Number	Percent	Number	Percent
<u>Failure to Appear (FTA)</u>				
Defendants Who FTA	8	14%	7	18%
Defendants Who Do Not FTA	51	86%	31	82%
Total Released Defendants	59	100%	38	100%
<u>Pretrial Criminality</u>				
Defendants With Rearrests	9	15%	10	26%
Defendants Without Rearrests	50	85%	28	74%
Total Released Defendants	59	100%	38	100%
Defendants With Rearrest Convictions	5	8.5%	8	21%
Defendants Without Rearrest Convictions	54	91.5%	30	79%
Total Released Defendants	59	100.0%	38	100%

TABLE 3.15
 COMPARISON OF FAILURE TO APPEAR AND PRETRIAL CRIMINALITY OF
 RELEASED DEFENDANTS BY PROGRAM RATING CATEGORIES

Item	Program Rating Category								TOTAL	
	Poor		Fair		Good		Excellent			
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Failed to Appear	1	6%	4	29%	2	13%	0	0	7	12%
Did Not Fail to Appear	16	94%	10	71%	13	87%	11	100%	50	88%
TOTAL	17	100%	14	100%	15	100%	11	100%	57	100%
^a Arrested Pretrial	5	29%	2	14%	0	0	0	0	7	12%
Not Arrested Pretrial	12	71%	12	86%	15	100%	11	100%	50	88%
TOTAL	17	100%	14	100%	15	100%	11	100%	57	100%
^b Convicted of Pretrial Arrest	4	24%	1	7%	0	0	0	0	5	9%
Not Convicted of Pretrial Arrest	13	76%	13	93%	15	100%	11	100%	52	91%
TOTAL	17	100%	14	100%	15	100%	11	100%	57	100%
^a Significant at the .04 level.										
^b Significant at the .07 level.										

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73% before the program to 62% after its demise, with no significant improvement in rates of failure to appear or pretrial criminality.

The findings concerning program impact on release rates were not what we had expected. We had assumed that, if anything, program operations would be associated with higher release rates and increased use of less restrictive release conditions. The local criminal justice system officials interviewed also thought that would be the case.

There are two possible explanations for our findings. First, our samples were relatively small, and it is possible (though we think unlikely) that they do not accurately reflect the outcomes for all defendants processed over the time period studied.² Second, the program may simply have been more conservative in its operations than was popularly perceived.

Although overall program impact appears to have been slight, program ratings of defendants seem to have been rather accurate: those considered "excellent" risks had no failures to appear or rearrests. Defendants rated "good" also performed well, while those considered "fair" or "poor" had much higher violations rates.

IV. CASE STUDY OF A JURISDICTION THAT NEVER HAD A PROGRAM: RICHMOND, VIRGINIA

A. Background

Richmond, Virginia, was selected for the analysis of a jurisdiction that had never had a release program at the time it was studied. Because a small program for misdemeanor defendants was started in 1978, the July 1976-June 1977 period was chosen for detailed study.

The selection of Richmond for this analysis was based primarily on two considerations. First, it was one of the few large cities that had never had a pretrial release program (at least until quite recently). Second, it is located relatively close to three program sites that were included in the cross-sectional analyses discussed in Volume I: Washington, D.C., and Baltimore City and Baltimore County, Maryland. Thus, these three very different programs could be used as a basis of comparison for the Richmond findings.

The analysis of pretrial release in Richmond was conducted in a manner similar to that of the cross-sectional sites. For a random sample of about 400 arrested defendants, data were collected on background characteristics, current charge, type of release, failure to appear, pretrial criminality, and case disposition (see Appendix B of Volume I for more information about the data collection form). Analysis of these data appears in Section C, below.

Additionally, as in the case of the other sites studied, local criminal justice system officials were interviewed about pretrial release practices. These practices are discussed in detail in a separate working paper¹ and are briefly described in the next section.

B. Pretrial Release Practices

Upon apprehension an arrestee in Richmond is usually taken before a magistrate, who determines the validity of the arrest and makes a release determination. Although police officers may request a summons (i.e., stationhouse) release at this time for most defendants charged with misdemeanors, such requests are reportedly made for less than 15% of the misdemeanor defendants. Thus, magistrates make the majority of the initial release determinations for defendants. Magistrates, who are appointed by the Chief Judge of the Circuit Court, are on duty on an around-the-clock basis daily.

According to Virginia law, an accused shall be admitted to bail unless there is probable cause to believe the person will not appear for court or constitutes an unreasonable danger to himself/herself or the public. The type of release or amount of bail is to be calculated to insure the accused's presence in court; relevant considerations include the nature and circumstances of the offense, the weight of the evidence, financial ability to pay, and the character of the accused.

As outlined in the 1973 Bail Reform Act of the State of Virginia, magistrates ask the defendant about employment, residence, criminal history and prior failures to appear. Magistrates also reported considering the accused's education, marital status and general demeanor. The magistrates must rely on information provided by the defendant and their own assessments of its veracity, since there is no opportunity to verify the information (except that the prior record may sometimes be checked against police records).

An unsecured bond or Promise to Appear may be issued in all cases except those involving crimes punishable by death. If these types of

release are deemed insufficient to insure the accused's appearance, the magistrate may consider the following:

- third party custody;
- restrictions on travel, associates or abode;
- execution of a bail bond with sureties or cash; and
- other conditions to assure appearance.

At arraignment, which occurs before a judge the next day, the judge may order new release conditions or uphold the initial determination. Reportedly, the most common type of release in the jurisdiction is unsecured bond.

Because a release determination is usually made by a magistrate before arraignment occurs, the Commonwealth Attorney (prosecutor) rarely becomes involved in release decisions. Nor are defense attorneys (usually court-appointed private attorneys) commonly present when the initial release determinations are made, although they will often ask the arraignment judges to set more lenient release conditions for their detained clients.

If released, a defendant must appear for court dates, remain in Virginia unless the court grants permission to leave, and keep the peace. Violation of these requirements can result in bond forfeiture. If a defendant fails to appear for court on a misdemeanor charge, the case may be tried in absentia. If the case is not tried in such a manner, or if the charge is a felony, either a summons requesting the defendant's voluntary return or a warrant ("attachment") providing for the defendant's apprehension will be issued. If a bond forfeiture is executed and the defendant returns within 60 days, the court may remit part or all of the forfeiture. In addition to a bond forfeiture, the

defendant may be charged with failure to appear (a misdemeanor offense) or contempt of court.

The Richmond City Jail has experienced overcrowding in recent years, caused in part by the presence of sentenced State prisoners who cannot be accommodated at State facilities. The Sheriff, charged with administration of the Jail, stated that overcrowding had been somewhat alleviated by the increased use of unsecured bonds, permitting more defendants to be released pending trial.

Because of the lack of past analyses of release outcomes in Richmond, we selected a sample of defendants for detailed study. Findings concerning types of release, equity of release, failure to appear, pretrial criminality and similar outcomes appear below.

C. Release Outcomes

Table 4.1 shows the availability of information concerning the characteristics of the defendants in the sample. As indicated, reasonably complete data were available for seven items: local residence status, current charge, number of prior arrests, number of prior convictions, age at arrest, ethnicity and sex. Table 4.2 provides the data for these items. Most defendants were local residents (87%), charged with FBI "Part II" crimes (economic crimes and crimes against public morality composed about half the charges). They averaged one prior arrest and one prior conviction. Their mean age was 32.5 years and, as in most jurisdictions studied, were predominantly members of minority groups (59%) and males (81%).

Release outcomes are shown in Table 4.3. As indicated, 59% of the defendants secured release and on the average this required about

TABLE 4.1
PERCENTAGE OF CASES WITH DATA FOR
SELECTED CHARACTERISTICS
(n=399)

Characteristic	Percent
<u>Community Ties</u>	
Local Residence Status	99%
Months at Present Address	1
Marital Status	5
Family Support	4
With Whom Defendant Lives	4
Employment Status	13
Income Level	4
Public Assistance	1
Occupation	6
<u>Criminality</u>	
Current Charge	100
Number of Prior Arrests	100 ^a
Number of Prior Convictions	100 ^a
Criminal Justice System Status at Time of Arrest	6
Age at First Adult Arrest	32
<u>Demographic Characteristics</u>	
Age at Arrest	89
Ethnicity	95
Sex	100
<u>Other</u>	
Education	4

^aIncludes cases with missing information.

TABLE 4.2
DEFENDANT CHARACTERISTICS
(n=399)

CHARACTERISTIC	NUMBER	PERCENT
<u>PART I: Community Ties</u>		
A. Local Residence		
Defendant is local resident	344	87%
Defendant is not local resident	51	13
TOTAL	395	100%
<u>PART II: Criminality</u>		
A. Current Charge		
Part I	77	19%
Part II	322	81%
TOTAL	399	100%
Crimes against persons	71	18%
Economic crimes	101	25%
Drug crimes	40	10%
Crimes against public morality	107	27%
Crimes against public order	38	9%
Other crimes	42	11%
TOTAL	399	100%
B. Number of Prior Arrests		
Mean number of prior arrests	1.1	
C. Number of Prior Convictions		
Mean number of prior convictions	0.8	
<u>PART III: Demographic Characteristics</u>		
A. Age at Arrest		
Mean number of years	32.5	
B. Ethnicity		
White	153	41%
Minority	225	59%
TOTAL	378	100%
C. Sex		
Male	324	81%
Female	74	19%
TOTAL	398	100%

TABLE 4.3
RATE, SPEED AND TYPE OF RELEASE
(n=399)

OUTCOME	NUMBER	PERCENT
<u>Rate of Release</u>		
Defendants Released	234	59%
Defendants Not Released	165	41%
TOTAL	399	100%
<u>Speed of Release</u>		
Mean Number of Days From Arrest to Release ^a	0.53 da.	
<u>Type of Release</u>		
Nonfinancial ^b	77	33%
Financial	154	67%
TOTAL	231	100%
Own Recognizance	29	12%
Unsecured Bond	48	21%
Bond	154	67%
TOTAL	231	100%
^a n=229		
^b Includes unsecured bond.		

CONTINUED

1 OF 3

one-half day. Most (67%) of the released defendants posted full bond, although unsecured bond and own recognizance were also used. Table 4.4 provides the bond amounts for defendants released on full and unsecured bond as well as for those who were unable to make bail. Unsecured bonds were set for lower amounts than other bonds: 92% of the unsecured bonds were for less than \$500, as compared with only 73% of all bonds set. Although most bonds were set for relatively low amounts (\$500 or less), many defendants could not make even low bails. Almost 40% of all defendants having bail (of any kind) set at \$500 or less were unable to post bond. As expected, high bail amounts were most commonly found among defendants who could not make bail. Only 2% of the unsecured bond group and 7% of the bonded defendants had bails of \$3,000 or more, but 18% of the defendants who could not make bond had bail amounts that high.

Table 4.5 presents data on the equity of release by ethnicity (too little data were available on employment status to permit a similar analysis for it). There were no differences in the rate or speed of release, but minority defendants were more likely than white defendants to be released on unsecured bond release, rather than on their own recognizance. When post-release outcomes were considered, minorities were found more likely to fail to appear than whites (6% versus 0%) but no more likely to be rearrested pending trial.

Another important consideration regarding release concerns the characteristics for which detained defendants differ significantly from released defendants and those that distinguish defendants released through different mechanisms. Of the seven items identified in Table 4.1 as having reasonably complete information, detained defendants are significantly different from released defendants for five of them; only

TABLE 4.4
BOND AMOUNTS

NOTE: These differences were significant at the .001 level.

AMOUNT	UNSECURED BOND		FULL BOND		BOND NOT MADE		TOTAL	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
\$250 or less	23	48%	57	37%	74	47%	154	43%
\$251—\$500	21	44%	57	37%	29	19%	107	30%
\$501—\$2,999	3	6%	28	19%	25	16%	56	16%
\$3,000—\$9,999	1	2%	9	6%	15	10%	25	7%
\$10,000 or more	0	0	2	1%	13	8%	15	4%
TOTAL	48	100%	153	100%	156	100%	357	100%

TABLE 4.5
EQUITY OF RELEASE BY ETHNICITY
(n=399)

OUTCOME	WHITE		MINORITY	
	Number	Percent	Number	Percent
<u>Rate of Release (all defendants)</u>				
Defendants Released	139	58%	95	62%
Defendants <u>Not</u> Released	100	42%	58	38%
TOTAL	239	100%	153	100%
<u>Speed of Release (for released defendants)</u>				
Mean Number of Days From Arrest to Release ^{a/}	0.23		0.73	
^{b/} <u>Type of Release (for released defendants)</u>				
Own Recognizance	18	19%	11	8%
Unsecured Bond	13	14%	35	25%
Bond	62	67%	92	67%
TOTAL	93	100%	138	100%
^{a/} n=93 for whites and n=137 for minorities.				
^{b/} Significant at the .05 level.				

local residence status and ethnicity were similar for the two groups. As shown in Table 4.6, detained defendants were more often charged with Part I crimes and crimes against public morality. They also had more extensive prior records, were older when arrested and were more likely to be male.

When types of release are considered, defendants differ significantly only by charge and ethnicity, as shown in Table 4.7. Bonded defendants were more likely to have been charged with Part I crimes; only one defendant (out of a total of 35) charged with a Part I crime secured release without posting full bond. Few of the defendants released on own recognizance (2 out of 29) committed either crimes against persons or economic crimes; most had been charged with crimes against either public morality or public order. In contrast, almost two-thirds of the defendants released on unsecured bonds and one-half the persons released on full bonds had been charged with crimes against persons or economic crimes. As discussed earlier, in connection with Table 4.5, minority defendants were more likely to be released through unsecured bonds, rather than own recognizance.

Table 4.8 shows the rates of failure to appear and pretrial criminality for the sample. As indicated, 3.5% of the defendants failed to appear, 1.7% were rearrested during the pretrial period and 1.3% were convicted of the pretrial rearrests. Analysis of failure to appear and pretrial criminality rates by type of release (own recognizance, unsecured bond or full bond) found no significant differences among the groups.

One reason for studying a jurisdiction that had never had a pre-trial release program was to determine whether outcomes there would seem very different from those in places having programs. It was thought

TABLE 4.6
COMPARISON OF RELEASED VERSUS DETAINED DEFENDANTS
(n=399)

CHARACTERISTIC	RELEASED DEFENDANTS (n=234)		DETAINED DEFENDANTS (n=165)	
	Number	Percent	Number	Percent
^aCurrent Charge				
Part I	35	15%	42	26%
Part II	199	85%	123	74%
TOTAL	234	100%	165	100%
Crimes Against Persons	49	21%	22	13%
Economic Crimes	59	25%	42	26%
Drug Crimes	25	11%	15	9%
Crimes Against Public Morality	47	20%	60	36%
Crimes Against Public Order	28	12%	10	6%
Other Crimes	26	11%	16	10%
TOTAL	234	100%	165	100%
^bNumber of Prior Arrests				
One	30	43%	11	16%
Two	13	18%	8	12%
Three	8	11%	12	17%
Four or Five	15	21%	31	45%
Six or More	5	7%	7	10%
TOTAL	71	100%	69	100%
^cNumber of Prior Convictions				
One	25	46%	16	26%
Two	9	17%	9	14%
Three	9	17%	8	13%
Four or Five	9	17%	26	41%
Six or More	2	3%	4	6%
TOTAL	54	100%	63	100%
^dAge at Arrest				
Under 21 Years	53	26%	23	16%
22-25	52	25%	31	21%
26-29	23	11%	14	10%
30-35	25	12%	12	9%
36 or More	55	26%	65	45%
TOTAL	208	100%	146	100%
^eSex				
Male	180	77%	144	87%
Female	53	23%	21	13%
TOTAL	233	100%	165	100%
^a Significant at the .01 level.				
^b Significant at the .002 level.				
^c Significant at the .04 level.				
^d Significant at the .006 level.				
^e Significant at the .02 level.				

TABLE 4.7
COMPARISON OF DEFENDANT CHARACTERISTICS BY TYPE OF RELEASE
(n=234)

CHARACTERISTIC	OWN RECOGNIZANCE (n=29)		UNSECURED BOND (n=48)		BOND (n=154)	
	Number	Percent	Number	Percent	Number	Percent
^a Current Charge						
Part I	0	0	1	2%	34	22%
Part II	29	100%	47	98%	120	78%
TOTAL	29	100%	48	100%	154	100%
Crimes Against Persons	1	3%	16	33%	32	21%
Economic Crimes	1	3%	15	31%	43	28%
Drug Crimes	4	14%	2	4%	18	12%
Crimes Against Public Morality	12	41%	6	13%	29	19%
Crimes Against Public Order	7	24%	2	4%	18	12%
Other Crimes	4	14%	7	15%	14	9%
TOTAL	29	100%	48	100%	154	100%
^b Ethnicity						
White	18	62%	13	27%	62	40%
Minority	11	38%	35	73%	92	60%
TOTAL	29	100%	48	100%	154	100%
^a Significant at the .001 level.						
^b Significant at the .05 level.						

TABLE 4.8
FAILURE-TO-APPEAR AND PRETRIAL CRIMINALITY RATES OF RELEASED DEFENDANTS
(n=234)

OUTCOME	NUMBER	PERCENT
<u>Failure To Appear (FTA)</u>		
Defendants who FTA	8	3.5%
Defendants who do <u>not</u> FTA	223	96.5%
TOTAL released defendants	231	100.0%
<u>Pretrial Criminality</u>		
Defendants with rearrests	4	1.7%
Defendants <u>without</u> rearrests	227	98.3%
TOTAL released defendants	231	100.0%
Defendants with rearrest convictions	3	1.3%
Defendants <u>without</u> rearrest convictions	228	98.7%
TOTAL released defendants	231	100.0%

that such a "with and without" comparison might provide insight about the issue of whether programs were responsible for the widespread changes in release practices during the past 20 years or whether these changes stemmed from other factors and thus might have occurred had programs not been established.

Because only one jurisdiction that had never had a program was selected for study, and because there are relatively few major cities that have never had a program, the findings of the analysis must be considered suggestive, rather than conclusive. As discussed in the earlier volumes of this report, local jurisdictions have many peculiarities that affect release practices, and the experiences of a single area lacking a program may be due to those peculiarities rather than to the absence of a program. With these disclaimers in mind, we will now consider the Richmond findings, as compared with those of jurisdictions having programs.

Table 4.9 summarizes selected outcomes measures from the cross-sectional analysis of eight sites, reported in Volume I, and from the Richmond analysis. As indicated, Richmond had lower rates of release and lower rates of nonfinancial release than any of the eight sites. It also experienced lower rates of failure to appear and pretrial rearrest. Comparisons with nearby jurisdictions are particularly striking: Richmond releases only about two-thirds as many defendants as Washington, D.C., Baltimore City or Baltimore County and less than half as many defendants are released without (full) bond. The failure-to-appear rate is about 60% of that of Baltimore City and the pretrial rearrest rate is less than one-fourth the rate in Baltimore City, which has the lowest violations rates of the three nearby sites.

TABLE 4.9
COMPARISON OF SELECTED OUTCOMES FOR DEFENDANTS IN RICHMOND AND OTHER SITES

NOTE: Rate of release is shown as a percentage of all defendants; other percentages are based on released defendants only.

SITE	RATE OF RELEASE	RATE OF NONFINANCIAL RELEASE	FAILURE-TO-APPEAR RATE	PRETRIAL REARREST RATE
Richmond, Virginia	59%	^a 33%	3.5%	1.7%
Eight Sites:				
Total	85%	72%	12.6%	16.0%
Range	73%—92%	44%—85%	5.7%—20.5%	7.5%—22.2%
Washington, D.C.	87.8%	85%	13.7%	22.2%
Baltimore City, Maryland	86.7%	80%	5.7%	7.5%
Baltimore County, Maryland	92.1%	77%	9.6%	17.1%

^aIncludes unsecured bond.

When considering these outcomes rates across sites, one should remember that Richmond had much less extensive data than the other sites. It was particularly difficult to obtain comprehensive information on arrests: local records were often incomplete; and checks of Statewide RAP sheets frequently indicated "no record" of the defendant, even though we knew the person had been arrested at least once. The recording of failure to appear information in the court records may have been similarly incomplete. Thus, some of the apparent outcomes differences between Richmond and nearby sites may in fact be due to differences in record-keeping.

The outcomes differences may also be due in part to differences in the characteristics of defendants in the various sites. To assist in the consideration of this possibility, Table 4.10 compares defendant characteristics in Richmond and other sites. As shown, there are important differences between the defendants in Richmond and those in other sites. Richmond defendants were less likely to be local residents, less likely to be charged with Part I crimes, more likely to be charged with crimes against public morality, less likely to be charged with crimes against public order, and had less extensive prior records.*

Perhaps the major difference between the Richmond defendants and those in nearby jurisdictions is that fully one-fourth of the Richmond defendants were charged with drunkenness, as compared with less than one percent for the nearby jurisdictions. In some ways Richmond defendants are much more similar to those of Louisville, Kentucky, than to

*This may simply reflect the fact that prior record information was very incomplete in Richmond.

TABLE 4.10
 COMPARISON OF SELECTED CHARACTERISTICS OF DEFENDANTS IN RICHMOND AND OTHER SITES

CHARACTERISTIC	RICHMOND	EIGHT SITES	WASHINGTON, D.C.	BALTIMORE CITY, MARYLAND	BALTIMORE COUNTY, MARYLAND
Percentage Local Residents	87%	95%	98%	98%	96%
Percentage Charged With:					
Part I Crimes	19%	31%	40%	27%	44%
Percentage Charged With:					
Crimes Against Persons	18%	18%	19%	22%	19%
Economic Crimes	25%	26%	29%	23%	39%
Drug Crimes	10%	11%	8%	11%	9%
Crimes Against Public Morality	27%	10%	12%	8%	6%
Crimes Against Public Order	9%	29%	27%	29%	20%
Other Crimes	11%	6%	4%	7%	6%
Mean Number of Prior Arrests	1.1	4.4	2.3	4.5	3.2
Mean Number of Prior Convictions	0.8	1.9	1.1	1.6	1.5
Mean Number of Years of Age When Arrested	32.5	29.5	29.9	29.4	27.3
Percentage White	41%	46%	9%	31%	72%
Percentage Male	81%	85%	83%	83%	86%

those of nearby areas. In Louisville 26% of the defendants studied were arrested for drunkenness (Louisville was the only site of the eight where drunkenness charges accounted for more than 3% of all charges). Additionally, Louisville defendants were somewhat older than those in other sites, averaging 32 years of age at the time of arrest. A comparison of Richmond's outcomes with those of Louisville shows that Richmond's rates of release and of nonfinancial release are lower, but the differences are not so great as when compared with nearby jurisdictions. The comparison of failure to appear rates shows a sharper difference than for nearby sites; and pretrial rearrest rates, about the same difference. (The rates for Louisville are: 80% released, 43% released nonfinancially, 17.1% failed to appear, and 21.4% rearrested pretrial.)

As discussed earlier, charge and prior record were quite important in release outcomes in Richmond, in terms of both release versus detention and, if released, the type of release. The one community ties variable for which reasonably complete data were available (local residence status) did not affect release outcomes. Table 4.11 compares the Richmond findings with those of Washington, D.C., Baltimore, Maryland, and Louisville, Kentucky. As shown, charge and prior record are importantly related to release outcomes in the other jurisdictions as well, although in those jurisdictions community ties factors also affect release outcomes. This suggests that "reform" jurisdictions may not so much have replaced their reliance on traditional considerations (i.e., charge and prior record) as they have expanded the range of the factors considered.²

In conclusion, the comparison of the findings for Richmond and other jurisdictions illustrates several points. First, Richmond had lower rates of release, nonfinancial release, failure to appear and pretrial rearrest than the other sites. Second, arrest and release

TABLE 4.11
COMPARISON OF CHARACTERISTICS AFFECTING RELEASE DECISIONS
IN RICHMOND AND OTHER JURISDICTIONS

NOTE: X indicates the characteristic was significantly related to the release outcome; 0 indicates no significant relationship; N.A. indicates the information was not available.

CHARACTERISTIC	RELEASE VERSUS DETENTION				FINANCIAL VERSUS NONFINANCIAL RELEASE			
	RICHMOND, VIRGINIA	WASHINGTON, D.C.	BALTIMORE CITY, MARYLAND	LOUISVILLE, KENTUCKY	RICHMOND, VIRGINIA	WASHINGTON, D.C.	BALTIMORE CITY, MARYLAND	LOUISVILLE, KENTUCKY
Local Residence Status	0	X	X	X	0	0	X	X
Current Charge	X	X	X	X	X	X	X	0
Number of Prior Arrests	X	X	X	X	0	X	X	X
Number of Prior Convictions	X	X	X	X	0	0	0	X
Age at Arrest	X	0	0	X	0	0	X	0
Ethnicity	0	0	0	X	X	0	0	0
Sex	X	0	0	0	0	0	0	0
Years of Local Residence	N.A.	0	X	X	N.A.	X	0	X
Months at Present Address	N.A.	0	0	X	N.A.	X	0	X
Marital Status	N.A.	X	X	0	N.A.	0	0	0
Employment Status	N.A.	0	X	X	N.A.	0	0	X
CJS Status at Time of Arrest	N.A.	X	X	0	N.A.	X	X	X
Age at First Adult Arrest	N.A.	X	0	X	N.A.	0	0	X

practices may be more similar for jurisdictions that are many miles apart than for areas that are quite close to each other. Third, the result of any comparisons across jurisdictions must be used with great caution, because of the many dissimilarities of the jurisdictions themselves.

V. PROGRAM DEMISE AND REGENERATION
IN TUCSON, ARIZONA

A. Background

The cross-sectional and experimental analyses of Tucson, Arizona, discussed in Volumes I and II, permit consideration of release practices for misdemeanor defendants with and without a formal program. The defendant sample for the cross-sectional analysis was selected from a time period during which the program serving misdemeanor defendants was disbanded. Approximately 60% of the misdemeanor defendants in the sample had been arrested during the time the program operated; the remaining defendants were processed after the program ended. Thus, defendant outcomes can be compared for periods during and after program operations. Results of this analysis and a brief description of the program appear in the next section of this chapter.

Additionally, the experimental analysis conducted in Tucson required the re-establishment of the misdemeanor program. Some of the staff of the former program, including its director, were hired to implement the temporary program needed for the experimental test of the impact of program processing. The program procedures used in the experimental test were reportedly quite similar to those of the earlier program, except that routine notification of court dates was added to the test program.

Analysis of outcomes for defendants processed by the test program appears in Section C. Coupled with the discussion under Section B, this permits consideration of release practices during and after program operations as well as when the program was re-established. (Shortly after completion of the experimental test, Tucson implemented

a misdemeanor program as part of an LEAA grant to reduce jail overcrowding.)

B. Outcomes During and After Program Operations

The Tucson misdemeanor program began in January 1975 and ended in July 1977. Funded by the City at a cost of about \$30,000 per year, the program's staff interviewed misdemeanor defendants shortly after arrest, and, when possible, verified the information provided. This information and a release recommendation were given to the court for its use in release decision-making. After release little followup was done by the program.

Interviewing was conducted at the jail each weekday and started well before court convened. During the January to March 1977 period, the program interviewed about half the defendants arrested on misdemeanor charges and under the jurisdiction of the City of Tucson courts. The defendants not interviewed had usually posted bond, based on the bail schedule, before a program interview could occur; this was especially common for defendants arrested on weekends, when the program did not operate.

The program was under the umbrella of the Correctional Volunteer Center, which also operates the program for felony defendants. As in the case of the felony program, the misdemeanor program used volunteers extensively. Ten part-time volunteers supplemented the three full-time and five part-time paid staff.

Additional information about the misdemeanor program appears in Appendix A. The following discussion considers program impact, as reflected by a comparison of defendant outcomes during the last six months of program operations (the "old program" period) and during the subsequent six months (the "no program" period). This analysis

covers only defendants arrested on misdemeanor charges in the City of Tucson; misdemeanor arrests within the remainder of Pima County are excluded.

Table 5.1 shows the percentage of "old program" and "no program" defendants for whom data are available on 20 characteristics. As indicated, data are available for more than half the defendants in both periods for nine variables: local residence status, current charge, number of prior arrests, number of prior convictions, criminal justice system status at time of arrest, age at first adult arrest, age at arrest, ethnicity and sex. One observation based on Table 5.1 is that more background data on defendants are available for the "old program" period than for the "no program" period. Even so, there is only one additional item for which data are available on more than half the cases in the "old program" period (employment status).

Table 5.2 compares the two groups of defendants in terms of the nine characteristics with reasonably complete data. As shown, there is only one statistically significant difference (.04 level) between the "old program" and "no program" defendants: the "old program" defendants were younger at the time of their first adult arrest (21.8 years, as compared with 24.6 years). The detailed data upon which Table 5.2 is based appear in Appendix C.

Table 5.3 indicates the rate, speed and type of release for the two groups. There were no statistically significant differences in these outcomes for the "old program" versus "no program" defendants. Table 5.3 also shows the bond amounts; virtually all defendants had bonds of \$250 or less.

TABLE 5.1
 PERCENTAGES OF CASES IN "OLD PROGRAM" AND "NO PROGRAM"
 GROUPS WITH DATA FOR SELECTED CHARACTERISTICS

Characteristic	"Old Program" Cases (n=115)	"No Program" Cases (n=76)
<u>Community Ties:</u>		
Local residence status	85%	84%
Years of local residence	42%	5%
Months at present address	32%	5%
Marital status	34%	5%
Family support	46%	4%
With whom defendant lives	31%	4%
Number of dependents in local area	7%	1%
Employment status	51%	17%
Income level	8%	1%
Public assistance	6%	0%
Occupation	17%	4%
<u>Criminality:</u>		
Current charge	91%	89%
Number of prior arrests	100% ^a	100% ^a
Number of prior convictions	100% ^a	100% ^a
Criminal justice system status at time of arrest	84%	92%
Age at first adult arrest	59%	54%
<u>Demographic Characteristics:</u>		
Age at arrest	99%	97%
Ethnicity	100%	100%
Sex	97%	100%
<u>Other:</u>		
Education	3%	1%

^aIncludes cases with missing information.

TABLE 5.2
 SUMMARY OF COMPARABILITY OF "OLD PROGRAM" AND "NO PROGRAM" GROUPS
 (n=191)

Note: N.S. indicates that differences were not significant at the .05 level. The precise significance level is shown in all other cases.

CHARACTERISTIC	SIGNIFICANCE LEVEL
<u>Community Ties</u>	
Local residence status	N.S.
<u>Criminality</u>	
Current charge	N.S.
Number of prior arrests	N.S.
Number of prior convictions	N.S.
Criminal justice system status at time of arrest	N.S.
Age at first adult arrest	.04
<u>Demographic Characteristics</u>	
Age at arrest	N.S.
Ethnicity	N.S.
Sex	N.S.

TABLE 5.3
RATE, SPEED AND TYPE OF RELEASE AND BOND AMOUNT FOR
"OLD PROGRAM" AND "NO PROGRAM" GROUPS

Outcome	"Old Program" Group (n=115)		"No Program" Group (n=76)	
	Number	Percent	Number	Percent
<u>Rate of Release</u>				
Defendants released	64	56%	48	63%
Defendants <u>not</u> released	51	44%	28	37%
TOTAL	115	100%	76	100%
<u>Speed of Release</u>				
Mean number of days from arrest to release ^{a/}	1.12		1.25	
<u>Type of Release</u>				
Nonfinancial	44	70%	30	62.5%
Financial	19	30%	18	37.5%
TOTAL	63	100%	48	100.0%
Own recognizance	28	44%	23	48%
Citation	16	25%	7	15%
Bond	19	30%	18	38%
TOTAL	63	100%	48	100%
<u>Bond Amount</u>				
\$250 or less	70	100%	41	95%
\$251 — \$500	0	0	2	5%
TOTAL	70	100%	43	100%

^an=25 for "Old Program" group, and n=24 for "No Program" group.

As indicated in Table 5.3, detention rates were relatively high in both time periods: 44% during the program period and 37% afterward. However, the detention was of short duration, averaging 1.1 days for the program period cases and 1.25 days for the non-program period. This probably reflects the fact that many misdemeanor cases are settled at the first court appearance (e.g., a defendant may plead guilty and pay a fine). Technically, these defendants are detained until trial, because they had no period of pretrial liberty. However, since the trial occurred soon after arrest, the length of detention was short.

Table 5.4 considers the equity of release during the "old program" period by comparing the rate, speed and type of release for white versus minority defendants and for employed versus unemployed defendants (employment status was used as a proxy for economic status, because income data were very incomplete). As shown in Table 5.4, there were no statistically significant differences in the speed or type of release. However, there was a significant difference in the rate of release for employed versus unemployed defendants (though not for white versus minority defendants). Unemployed defendants were more likely to be detained.

Although unemployed defendants were more likely to be detained, that finding by itself does not demonstrate that unemployed defendants were treated unfairly. If these defendants were more likely to violate release conditions, their disproportionate detention may have reflected a desire to reduce violation rates, rather than discrimination against the unemployed. Because we cannot determine whether the detained defendants would, if fact, have violated their release conditions, had they been released, we cannot test this hypothesis directly. However, we can consider the violations rates of released defendants who were employed

TABLE 5.4
 EQUITY OF RELEASE FOR "OLD PROGRAM" CASES
 (n=115)

Outcome	Ethnicity				Employment Status			
	White		Minority		Employed or Substitutes		Unemployed	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
^a Rate of Release (all defendants)								
Defendants released	29	54%	35	57%	26	76.5%	12	48%
Defendants <u>not</u> released	25	46%	26	43%	8	23.5%	13	52%
TOTAL	54	100%	61	100%	34	100.0%	25	100%
Type of Release (for released defendants)								
Nonfinancial	20	71%	24	69%	20	80%	9	75%
Financial	8	29%	11	31%	5	20%	3	25%
TOTAL	28	100%	35	100%	25	100%	12	100%

^aStatistically significant at the .05 level for employment status. Not statistically significant for ethnicity.

versus unemployed. The released defendants who were unemployed were no more likely to fail to appear for court or to be rearrested during the pretrial period than were the employed releasees. If these experiences are applicable to the detained defendants as well, then it appears that unemployed defendants were treated unfairly. It is possible, however, that the detained defendants, who were disproportionately unemployed, might have been more likely to violate release conditions than were the defendants who secured release.

Table 5.5 presents information on the equity of release during the "no program" period. No statistically significant differences were found. It should be noted, however, that some of the comparisons are based on very few cases (e.g., the analysis of employed versus unemployed defendants).

Table 5.6 summarizes the findings concerning equity of release for white versus minority defendants and for employed versus unemployed defendants in the two time periods. As shown, the only statistically significant difference occurred in the rate of release of employed versus unemployed defendants during the "old program" period (unemployed defendants were more likely to be detained).

The next topic for consideration is the extent of failure to appear and pretrial criminality for the released defendants in each of the two groups. Table 5.7 compares the released defendants in terms of the nine background characteristics considered earlier for all defendants in each group (see Table 5.2). As shown in Table 5.7, the two groups are comparable for all characteristics except age at arrest (releasees from the program period averaged 28.7 years of age and releasees from the non-program period, 33.5 years of age). The detailed data upon which Table 5.7 is based appear in Appendix C.

TABLE 5.5
EQUITY OF RELEASE FOR "NO PROGRAM" CASES
(n = 76)

OUTCOME	ETHNICITY				EMPLOYMENT STATUS			
	White		Minority		Employed or Substitutes		Unemployed	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<u>Rate of Release (All Defendants)</u>								
Defendants released	17	53%	31	70.5%	7	87.5%	3	60.0%
Defendants <u>not</u> released	15	47%	13	29.5%	1	12.5%	2	40.0%
TOTAL	32	100%	44	100.0%	8	100.0%	5	100.0%
<u>Type of Release (for Released Defendants)</u>								
Nonfinancial	12	71%	18	58.0%	1	14.0%	1	33.0%
Financial	5	29%	13	42.0%	6	86.0%	2	67.0%
TOTAL	17	100%	31	100.0%	7	100.0%	3	100.0%

TABLE 5.6
SUMMARY OF EQUITY OF RELEASE FOR
"OLD PROGRAM" AND "NO PROGRAM" GROUPS

Note: N.S. indicates that differences were Not Significant at the .05 level. The precise significance level is shown in all other cases.

Outcome	"Old Program" Group (n = 115)		"No Program" Group (n = 76)	
	Ethnicity	Employment Status	Ethnicity	Employment Status
Rate of Release	N.S.	.05	N.S.	N.S.
Type of Release	N.S.	N.S.	N.S.	N.S.

TABLE 5.7
SUMMARY OF COMPARABILITY OF RELEASED DEFENDANTS
IN THE "OLD PROGRAM" AND "NO PROGRAM" GROUPS
(n=112)

Characteristic	Significance
<u>Community Ties</u>	
Local residence status	N.S.
<u>Criminality</u>	
Current charge	N.S.
Number of prior arrests	N.S.
Number of prior convictions	N.S.
Criminal justice system status at time of arrest	N.S.
Age at first adult arrest	N.S.
<u>Demographic Characteristics</u>	
Age at arrest	.05
Ethnicity	N.S.
Sex	N.S.

Table 5.8 provides the failure to appear and pretrial criminality data for the two groups. There were no statistically significant differences for the "old program" versus "no program" groups.

Based on the information presented above, no discernible adverse impact stemmed from the demise of the misdemeanor program, at least during the immediate post-program period. However, it is possible that program impact during the "old program" period is diluted by the inclusion of many defendants who were not processed by the program. To consider this possibility, we analyzed the data from the "old program period" for defendants interviewed by the program versus defendants not interviewed. Defendants released by the police through field citations were excluded from this analysis, since they obviously could never have had an opportunity to be interviewed by the program.

As shown in Table 5.9, data are available for more than half the defendants in each group for all nine of the variables previously identified in Table 5.2. The two groups are comparable for each of these variables (the detailed data appear in Appendix C).

Table 5.10 shows the rate and type of release for the defendants interviewed versus not interviewed. Although the differences in the rates of release were not statistically significant, the differences in types of release are highly significant: released defendants who had been interviewed by the program were much more likely to have secured nonfinancial, rather than financial, release (87.5% of the interviewed releasees secured nonfinancial release, as compared to 30% of the releasees not interviewed). It should be noted, however, that the comparison is based on relatively few cases in each group (24 interviewed and 23 non-interviewed releasees).

TABLE 5.8
FAILURE TO APPEAR AND PRETRIAL CRIMINALITY
FOR "OLD PROGRAM" AND "NO PROGRAM" GROUPS

Outcome	"Old Program" Group (n=64)		"No Program Group" (n=48)	
	Number	Percent	Number	Percent
<u>Failure To Appear (FTA)</u>				
Defendants who FTA	11	17.0%	6	12.5%
Defendants who do not FTA	53	83.0%	42	87.5%
TOTAL released defendants	64	100.0%	48	100.0%
<u>Pretrial Criminality</u>				
Defendants with rearrests	13	20%	9	19%
Defendants without rearrests	51	80%	39	81%
TOTAL released defendants	64	100%	48	100%
Defendants with rearrest con- victions	5	8%	7	15%
Defendants without rearrest convictions	59	92%	41	85%
TOTAL released defendants	64	100%	48	100%

TABLE 5.9
PERCENTAGE OF CASES WITH DATA FOR
SELECTED CHARACTERISTICS,
DEFENDANTS INTERVIEWED VERSUS NOT INTERVIEWED
BY PROGRAM DURING "OLD PROGRAM" PERIOD

CHARACTERISTIC	Defendants Interviewed ^a (n=51)	Defendants Not Interviewed ^a (n=48)
<u>Community Ties</u>		
Local residence status	94%	77%
<u>Criminality</u>		
Current charge	100% ^b	100% ^b
Number of prior arrests	100% ^b	100% ^b
Number of prior convictions	100% ^b	100% ^b
Criminal justice system status at time of arrest	94%	83%
Age at first adult arrest	65%	56%
<u>Demographic Characteristics</u>		
Age at arrest	100%	98%
Ethnicity	100%	100%
Sex	96%	98%

^aExcludes citation releases.
^bIncludes cases with missing information.

TABLE 5.10
RATE AND TYPE OF RELEASE FOR
DEFENDANTS INTERVIEWED VERSUS NOT INTERVIEWED

OUTCOME	Defendants Interviewed (n=51)		Defendants Not Interviewed (n=48)	
	Number	Percent	Number	Percent
<u>Rate of Release</u>				
Defendants released	24	47%	23	49%
Defendants <u>not</u> released	27	53%	24	51%
TOTAL	51	100%	47	100%
^a <u>Type of Release</u>				
Nonfinancial	21	87.5%	7	30%
Financial	3	12.5%	16	70%
TOTAL released defendants	24	100.0%	23	100%
^a Significant at the .0002 level				

Table 5.11 provides information on the failure to appear and pre-trial criminality of the interviewed versus not interviewed releasees. As shown, there are no statistically significant differences (at the .05 level). There are also very few cases upon which the comparisons are based (24 in each group).

In summary, the comparison of defendant outcomes for the "old program" and "no program" periods found few statistically significant differences for the two time periods. There were no differences in the rate, speed and type of release, nor were differences found for failure-to-appear, pretrial rearrest or rearrest conviction rates. Indeed, the only statistically significant difference between the two time periods is that unemployed defendants were disproportionately detained while the old program was in operation.

Because the old program did not interview all defendants arrested on misdemeanor charges, this could help explain the general lack of differences in defendant outcomes during the two time periods. To analyze this possibility, we compared the outcomes of defendants interviewed versus not interviewed during the old program period (approximately half the sampled defendants had been interviewed by the program). Once again, most of the comparisons were not statistically significant. There was, however, one major exception to this: interviewed defendants who were released were much more likely to have secured nonfinancial, rather than financial, release. Thus, although a program interview did not affect the overall likelihood of release (or the probability of defendants' violating release conditions, if released), it did have an impact on the type of release defendants obtained.

C. Outcomes When the Program Was Re-Established

Approximately 15 months after the "old program" ended, a "new program"

TABLE 5.11

FAILURE TO APPEAR AND PRETRIAL CRIMINALITY
FOR DEFENDANTS INTERVIEWED VERSUS NOT INTERVIEWED

OUTCOME	Defendants Interviewed (n=24)		Defendants Not Interviewed (n=24)	
	Number	Percent	Number	Percent
<u>Failure to Appear (FTA)</u>				
Defendants who FTA	4	17%	3	12.5%
Defendants who do not FTA	20	83%	21	87.5%
TOTAL released defendants	24	100%	24	100.0%
<u>Pretrial Criminality</u>				
Defendants with rearrests	4	17%	3	12.5%
Defendants without rearrests	20	83%	21	87.5%
TOTAL released defendants	24	100%	24	100.0%
Defendants with rearrest convictions	1	4%	2	8%
Defendants without rearrest convictions	23	96%	22	92%
TOTAL released defendants	24	100%	24	100%

began. It was established as part of the experimental analysis we conducted in the Tuscon area and was modified and continued under a subsequent grant from LEAA to alleviate jail overcrowding.

The following discussion compares defendant outcomes during the "no program" period with those during the "new program" period. For the "new program" period, only those defendants in the program group of the experiment are considered; the control group is excluded, because there was no program involvement with those defendants. (Volume II describes the experimental procedures in detail.)

Table 5.12 compares the defendants in the "no program" and "new program" time periods (detailed data appear in Appendix C). As shown, defendants differed in terms of charge (defendants in the new program period were less likely to have been charged with Part I crimes; they were also less likely to have been charged with economic crimes and more likely to have been charged with crimes against public order), criminal justice system status at the time of arrest (defendants in the new program period were more likely to have been involved with the CJS) and sex (more defendants in the new program period were males).

The rate, speed and type of release, as well as bond amounts, are shown in Table 5.13. There are no significant differences for the rate, speed or type of release, but bond amounts were higher during the "new program" period.

A comparison of the "new" and "old" program periods shows a statistically significant difference in rate of release. Over time, (1977 through early 1979), release rates increased sharply (from 56% to 68%).

TABLE 5.12
SUMMARY OF COMPARABILITY OF "NO PROGRAM"
AND "NEW PROGRAM" GROUPS
(n=300)

CHARACTERISTIC	SIGNIFICANCE LEVEL
<u>Community Ties</u>	
Local Residence Status	N.S.
<u>Criminality</u>	
Current Charge	.001
Number of Prior Arrests	N.S.
Number of Prior Convictions	N.S.
Criminal Justice System Status at Time of Arrest	.01
Age at First Adult Arrest	N.S.
<u>Demographic Characteristics</u>	
Age at Arrest	N.S.
Ethnicity	N.S.
Sex	.04

TABLE 5.13
RATE, SPEED AND TYPE OF RELEASE AND BOND AMOUNT
FOR "NO PROGRAM" AND "NEW PROGRAM" GROUPS

OUTCOME	"NO PROGRAM" GROUP (n=76)		"NEW PROGRAM" GROUP (n=224)	
	Number	Percent	Number	Percent
<u>Rate of Release</u>				
Defendants Released	48	63%	152	68%
Defendants <u>Not</u> Released	28	37%	72	32%
TOTAL	76	100%	224	100%
<u>Speed of Release</u>				
Mean Number of Days From Arrest to Release ^a		1.25		0.64
<u>Type of Release</u>				
Nonfinancial	30	62.5%	106	70%
Financial	18	37.5%	46	30%
TOTAL	48	100.0%	152	100%
^b <u>Bond Amount</u>				
\$250 or less	41	95%	78	68%
\$251-\$500	2	5%	33	29%
\$501-\$1,000	0	0	4	3%
TOTAL	43	100%	115	100%

^an=24 for "No Program" group, and n=139 for "New Program" group
^bSignificant at the .01 level.

When equity of release by ethnicity and employment status is considered, minority defendants and employed defendants were more likely to secure release during the new program period. There were no significant differences by type of release during the new program period. For the no program period, as shown in Table 5.5 earlier, there were no major differences in rate or type of release by ethnicity or employment status.

Table 5.14 compares released defendants in the two time periods (see Appendix C for detailed data). Because the Tucson experiment involved random assignment after release, so that the impact of program followup during the release period could be tested, Table 5.14 is based on the released defendants processed by the program. This is a different group of defendants than was considered in the earlier discussions of this chapter.

As shown in Table 5.14, the groups differ for one characteristic. Defendants in the new program period were much more likely to have been charged with crimes against public order and much less likely to have been charged with economic crimes.

Table 5.15 indicates the rates of failure to appear and pretrial criminality for the two time periods. Failure-to-appear rates were the same, but pretrial criminality rates were significantly lower during the new program period.

In summary, the comparison of the "no program" and "new program" periods shows few significant differences over time in release outcomes or in defendant behavior after release. Although pretrial criminality rates were sharply lower while the new program functioned, it is difficult

TABLE 5.14
SUMMARY OF COMPARABILITY OF RELEASED DEFENDANTS
IN THE "NO PROGRAM" AND "NEW PROGRAM" GROUPS
(n=208)

CHARACTERISTIC	SIGNIFICANCE LEVEL
<u>Community Ties</u>	
Local Residence Status	N.S.
<u>Criminality</u>	
Current Charge	.05
Number of Prior Arrests	N.S.
Number of Prior Convictions	N.S.
Criminal Justice System Status at Time of Arrest	N.S.
Age at First Adult Arrest	N.S.
<u>Demographic Characteristics</u>	
Age at Arrest	N.S.
Ethnicity	N.S.
Sex	N.S.

TABLE 5.15
FAILURE TO APPEAR AND PRETRIAL CRIMINALITY
FOR "NO PROGRAM" AND "NEW PROGRAM" GROUPS

OUTCOME	"NO PROGRAM" GROUP (n=48)		"NEW PROGRAM" GROUP (n=160)	
	Number	Percent	Number	Percent
<u>Failure To Appear (FTA)</u>				
Defendants Who FTA	6	12.5%	19	12%
Defendants Who Do <u>Not</u> FTA	42	87.5%	141	88%
TOTAL Released Defendants	48	100.0%	160	100%
^a <u>Pretrial Criminality</u>				
Defendants With Rearrests	9	19%	9	6%
Defendants <u>Without</u> Rearrests	39	81%	151	94%
TOTAL Released Defendants	48	100%	160	100%
Defendants With Rearrest Convictions	7	15%	5	3%
Defendants <u>Without</u> Rearrest Convictions	41	85%	155	97%
TOTAL Released Defendants	48	100%	160	100%
^a Significant at the .005 level for both rearrests and rearrest convictions.				

to attribute this to the operations of the program, which made little effort to affect pretrial criminality rates. Also, as discussed in Volume II, the randomly selected control group experienced the same pretrial criminality rates as the "new program" group.

It is, of course, possible that the program did affect outcomes and that the apparent lack of impact stems from differences in the characteristics of the defendants in the two time periods. Because there are so few released defendants in the "no program" period (n=48), it is not possible to control for these differences.

It should also be noted, however, that the experimental results discussed in Volume II also showed relatively little program impact. This suggests that the findings presented above may be accurate ones and not a result of different defendant characteristics.

VI. SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

A. Introduction

This volume considered release practices in areas lacking pretrial release programs. Such analysis was of interest in assessing long-term program impact. Assuming that programs were at least partly responsible for the decreased use of money bond since 1960, one issue of special concern is whether program operations seem necessary on a continuing basis or whether they are needed only for a short period of time. Once judges reduce their reliance on money bond, they may continue this behavior, regardless of whether a program exists. On the other hand, if a program is disbanded, they may revert to their pre-program release practices.

To study long-term program impact, we conducted a brief analysis of twelve "defunct" pretrial release programs. Using these results, we selected Milwaukee, Wisconsin, for more detailed study, including analysis of release outcomes for defendants arrested before, during and after program operations. We were also able to analyze program impact over time in Tucson, Arizona, where the cross-sectional analysis (see Volume I) spanned a period when the misdemeanor program disbanded and the experimental analysis (see Volume II) considered the impact from re-instituting the program.

A related program impact issue concerns release practices in areas that have never had pretrial release programs. Of particular interest is whether release practices are sharply different in such areas, when compared with jurisdictions having programs. Because of the widespread adoption of changed release practices after 1960, it is possible that many

areas would have endorsed these changes in the absence of programs. To gain insight about this possibility, we studied in detail one jurisdiction—Richmond, Virginia—that had never had a program.

B. Brief Analysis of Defunct Programs

Eighteen programs were identified that had ceased operations at some point. Information was available on twelve of these programs.

Ten of the twelve programs studied began in the 1970's, and six of these ten were funded by the Law Enforcement Assistance Administration (LEAA). Only two of the programs were under the jurisdiction of the court system. Moreover, only half of the programs were controlled by public agencies, as compared with about 80% of all programs operating in the mid-1970's.

Annual funding ranged from \$20,000 to almost \$200,000. Cost per defendant interviewed varied even more widely, from \$7 in Chicago to \$450 in Cleveland. The major factors affecting the cost per interview were whether volunteer staff members were employed and the extent to which supervisory services were provided by the program. Thus, the Tucson program, with its volunteer staff of ten (out of a total staff of eighteen) and its lack of emphasis on supervision, was much less costly than the Cleveland program, which used only paid staff members and stressed supervision. Cleveland's emphasis on supervision may have stemmed from its handling of felony defendants only; Tucson's processing (for the defunct program studied) was limited to persons charged with misdemeanors.

Eligibility for program services also varied widely. Four programs interviewed only felony defendants, and three programs focused on misdemeanor defendants. The remaining programs interviewed both felony and misdemeanor defendants.

Seven of the nine programs for which we have the information interviewed defendants before their initial court appearance. The other two programs did not become involved until after the initial appearance. Combined with the eligibility requirements, this diversity of operating procedures produced a broad range in the numbers and percentages of defendants processed. The Cleveland program, for example, interviewed only 10 percent of all eligible defendants. At the other extreme, the West Covina program interviewed more than 90 percent of all misdemeanor defendants in its jurisdiction.

Thus, the nature, cost and extensiveness of program operations varied widely. There are no special operating characteristics that would seem to distinguish defunct programs from those that continued to function.

In terms of release rates, four sites had data for time periods other than those when programs operated. These very limited data indicate that—for whatever reason—release rates increased after programs started and continued to increase while they were in operation. After the programs' demise, release rates stabilized at the program level.

Failure to appear (FTA) data were available for only three of the programs studied, and in only one site did these data cover more than one time period. In that site (Tucson), FTA rates were higher for own recognizance releases after the program's demise than they had been during the program's existence. In all three sites (Chicago and Cleveland were the other two) data were available to compare FTA rates for defendants processed by the program with those of other defendants. In each site the FTA rate was lower for the program defendants; however, data were not available on other characteristics that might have affected the group's FTA rates.

No site studied had pretrial arrest data across time periods. Only two programs had information on rearrests for defendants processed by the program versus other defendants. In one case (Chicago), there was no statistically significant difference between the pretrial arrest rates. In the other site (Cleveland), the program group had a lower rearrest rate, but the program was so limited in scope that this result may have been due to "creaming" the "safe" defendants.

Beside data on program operations and outcomes, we sought local perspectives about the reasons for the programs' demise. Common explanations included scarce local finances, lack of community support and higher priorities elsewhere.

Most of the programs lacked the necessary resources or foresight to carry out supportive research on their activities. For example, only the Milwaukee program attempted to provide estimates of cost savings.

Another deficiency most of these defunct programs shared was a lack of consensus among all criminal justice officials about program goals and methods of operations. From our analyses of other, more durable, programs it appears that one early action that should have been taken was to insure the involvement of important local officials in program planning and implementation. Including such officials on policy, planning and advisory boards might have resulted in their advocacy of continued operations when the programs faced opposition and cutbacks. Moreover, greater involvement of the local judiciary might have increased the likelihood that a program's investigations and recommendations would have been employed in releasing decisions.

The analysis of defunct pretrial release programs suggests that the programs studied were a part of, and in some cases possibly an impetus to, a general change in community attitudes toward pretrial release. Although release rates increased after programs started,

there is little evidence suggesting that this was due to program operations alone. However, it does seem that the information provided to the court by the programs was generally considered useful and may have encouraged judges to authorize more own recognizance releases.

C. Analysis of the Milwaukee Program

Because of the very limited information available about defunct programs, we selected one for detailed analysis: Milwaukee, Wisconsin, where a program operated as part of the Sheriff's Department and processed felony defendants. We considered defendant outcomes for a random sample of felony cases arrested before, during and after program operations. These outcomes are summarized in Table 6.1. As indicated, there was no significant change in the rate of release when the "before program" period is compared with the "during program" period or when the "during program" period is compared with the "post program" period. However, there is a significant decline in the overall release rate when the pre-program and post-program periods are compared. This indicates that the jurisdiction has experienced declining release rates over time but suggests that this did not result from program operations.

The major difference across the various time periods is in the type of release. Because Milwaukee did not use own recognizance release for felony defendants, we considered unsecured bond and deposit bond as the least restrictive types of release. Significantly fewer defendants were released in these ways while the program operated than either before or after its existence. Over the entire time period studied, however, there was a significant increase in release on unsecured or deposit bond.

There were no significant differences in the failure to appear or pretrial criminality rates across the time periods. Thus, the periods when more defendants were released and/or when they were released on

TABLE 6.1
SUMMARY OF DEFENDANT OUTCOMES,
MILWAUKEE, WISCONSIN

Outcome	Before Program (n = 150)	During Program (n = 151)	After Program (n = 149)
^a Release Rate	73%	66%	62%
Speed of Release	9.3 days	14.5 days	18.3 days
^b Rate of Release on Un- secured or Deposit Bond	66%	52%	78%
Failure To Appear Rate	22%	15%	22%
Pretrial Rearrest Rate	26%	21%	17%
Pretrial Rearrest Con- viction Rate	17%	15%	12%
^a Significant at the .04 level for the before program versus after program comparison.			
^b Significant at the .07 level for the before program versus during program comparison, at the .001 level for the during program versus after program comparison, and at the .01 level for the before program versus after program comparison.			

less severe conditions were not periods when defendants' post-release misconduct rates increased. This suggests, as have our other analyses, that higher release rates can be attained with no offsetting increase in failure to appear or pretrial criminality rates.

One particularly interesting feature of the program was its rating of defendants as poor, fair, good or excellent risks. The program seems to have been quite accurate in its assessments of defendants. None of the eleven sampled defendants who were considered "excellent" release risks failed to appear or was rearrested. Although two of the fifteen "good" risks failed to appear, none was rearrested. The "fair" group experienced a 29% failure to appear rate and 14% pretrial arrest rate, while the "poor" risks had a 6% rate of failure to appear and a 29% rate of rearrest.

D. Analysis of the Tucson Program

Analysis of the Tucson misdemeanor program also fails to show significant program impact. Table 6.2 summarizes defendant outcome data from the "old program" period (January—July 1977), the "no program" period (August—December 1977), and the "new program" period (November 1978—January 1979). As indicated, release rates were significantly higher for the latest time period (the new program period) than for the earliest period (the old program period). The data suggest that this is due more to a trend in the jurisdiction toward higher release rates for defendants charged with misdemeanors than to the impact of the program (e.g., release rates did not decline sharply during the "no program" period).

The only other significant difference across time periods was the sharply lower pretrial criminality rate in the "new program" period, as compared to the "no program" period. However, it is difficult to attribute this to the operations of the program, because the program made little effort to affect pretrial criminality rates. Also, as discussed in Volume II, the experimental analysis found no significant differences in pretrial criminality rates for the "new program" group, as compared with a randomly selected control group. Thus, this difference too seems to reflect a change in the jurisdiction, rather than program impact.

These findings are consistent with those of the experimental study of the Tucson misdemeanor program. That program was the only one studied experimentally for which we found no evidence of program impact.

E. Analysis of Pretrial Release in Richmond

Richmond, Virginia, was selected for analysis as a jurisdiction that had never had a pretrial release program at the time it was studied.**

** The study period was July 1976—June 1977. A small program for misdemeanor defendants began in 1978.

TABLE 6.2
SUMMARY OF DEFENDANT OUTCOMES,
TUCSON, ARIZONA, MISDEMEANOR DEFENDANTS

Outcome	Old Program Period (n = 115)	No Program Period (n = 76)	New Program Period (n = 224)
^a Release Rate	56%	63%	68%
Speed of Release	1.1 days	1.2 days	0.6 days
Rate of Nonfinancial Release	70%	63%	70%
Failure To Appear Rate	17%	13%	13%
^b Pretrial Rearrest Rate	20%	19%	5%
^b Pretrial Rearrest Conviction Rate	8%	15%	3%
^a Statistically significant for the old program versus new program periods. ^b Statistically significant for the no program versus new program periods.			

We were interested in whether such a site would have sharply different outcomes than jurisdictions with programs.

Table 6.3 summarizes defendant outcomes for Richmond, as compared with the eight sites studied in the cross-sectional analysis (see Volume I). As indicated, Richmond had a lower rate of release and a lower rate of nonfinancial release than any of the eight sites. It also experienced lower rates of failure to appear and pretrial criminality.

Richmond had much less extensive data than the other sites. It was particularly difficult to obtain comprehensive information on arrests. Thus, some of the apparent outcomes differences between Richmond and the eight sites may in fact be due to differences in record-keeping.

In Richmond, both charge and prior record were strongly associated with release, in terms of both release versus detention and, if released, the type of release. The one community ties variable for which reasonably complete data were available (local residence status) did not affect release outcomes.

We compared the Richmond findings with those of Washington, D.C., and Baltimore City, Maryland, two nearby jurisdictions included in the eight-site analysis, and with those of Louisville, Kentucky, the jurisdiction from the eight-site analysis with defendant characteristics most similar to Richmond's. Charge and prior record were found importantly related to release outcomes in those three jurisdictions, but community ties factors also affected release outcomes within them. This suggests that "reform" jurisdictions may not so much have replaced their reliance on traditional considerations (i.e., charge and prior record) as they have expanded the range of factors considered.

The Richmond findings, and their comparison with other sites, must

TABLE 6.3
SUMMARY OF DEFENDANT OUTCOMES, RICHMOND, VIRGINIA,
AND EIGHT CROSS-SECTIONAL ANALYSIS SITES

Outcome	Richmond	Eight Sites	
		Combined Percentage	Range
Release Rate	59%	85%	73%—92%
Rate of Nonfinancial Release	^a 33%	72%	44%—85%
Failure To Appear Rate	3.5%	12.6%	5.7%—20.5%
Pretrial Rearrest Rate	1.7%	16.0%	7.5%—22.2%

^aIncludes unsecured bond.

be considered suggestive, rather than definitive, because only one jurisdiction that never had a program was selected for study (indeed, there are relatively few major cities that have never had a program). Local jurisdictions may have many peculiarities that affect release practices. Consequently, the experiences of a single jurisdiction lacking a program may be due to local peculiarities rather than to the absence of a program.

F. Conclusions

The following conclusions are based on the analysis presented in this volume:

- Defunct pretrial release programs are not as common as has sometimes been supposed. The lack of a listing for a jurisdiction in a program directory may simply reflect the program's failure to respond to the information request, not its lack of existence. Moreover, when a program does disband, it may be only a temporary demise. We found a number of instances of defunct programs that had been re-established.
- Many of the defunct programs identified were independent agencies. This suggests that such programs may be particularly vulnerable to loss of funding.
- The brief analysis of defunct programs found that they varied widely in their characteristics, including eligibility criteria, scope of operations, costs, etc. There were no special operating characteristics that would distinguish defunct programs from those that continued to function.
- Most of the defunct programs studied failed to conduct research or evaluation concerning their activities. Thus, they had little impact data with which to support their requests for continued funding.
- Many of the defunct programs apparently failed to involve key criminal justice system officials, particularly judges, in program planning and implementation. This may have contributed to their demise, because the programs lacked knowledgeable, powerful advocates when they faced opposition and cutbacks.

- We found little support for the hypothesis that release rates would decline if programs disbanded. For the defunct programs where relevant data were available, release rates after the programs' demise usually stabilized at the levels that had existed during the periods of the programs' operations. Although the release rates did not decline, they also did not increase. (Only in Milwaukee did release rates apparently decline over time, including during the program period.)
- The fact that the two defunct programs studied in detail (Milwaukee and Tucson) showed little evidence of program impact suggests that the demise of some programs may reflect an accurate assessment by their funding agencies of their impact. If so, analysis of defunct programs could be inappropriate guides to the impact stemming from programs that are continued.
- Time periods when more defendants were released and/or when they were released on less restrictive conditions were not periods when failure to appear or pretrial criminality rates increased. This suggests, as have our other analyses, that higher release rates (and lower detention costs) can often be attained with no offsetting increases in failure to appear or pretrial criminality rates.
- It is difficult to locate a major city that has never had a pretrial release program. This fact would seem to reflect widespread opinion that pretrial release programs are useful agencies.
- In Richmond, the site that had never had a program at the time we studied it, rates of release, failure to appear and pretrial criminality were lower than in any of the eight sites having programs that were included in our cross-sectional analysis (see Volume I). However, data were very incomplete in Richmond, particularly for pretrial arrests, so some of the differences between it and the eight sites may be due to differences in record-keeping, defendant characteristics, etc.
- In Richmond, both charge and prior record were strongly associated with release and with the type of release. The one community ties variable for which reasonably complete data were available (local residence status) did not affect release outcomes. A comparison with three jurisdictions that have programs (two nearby sites and the jurisdiction in our eight-site cross-sectional analysis whose defendant characteristics were most similar to those in Richmond) found that charge and prior record were importantly related to release outcomes in those sites as well, but that community ties factors

also affected release outcomes there. This suggests that "reform" jurisdictions may not so much have replaced their reliance on traditional considerations (i.e., charge and prior record) as they have expanded the range of factors considered.

- Much more data is available when pretrial release programs operate than when they do not, as Table 6.4 indicates. Thus, if more complete data are desirable, programs certainly help meet this objective.
- The findings from the analyses presented in this volume are somewhat inconclusive. They are based on a few sites studied in detail, and relatively little data were available to analyze the periods when programs did not operate. Moreover, it is not clear that the findings of the defunct program analyses reflect the outcomes that would be experienced if on-going programs disbanded; the findings may reflect only the outcomes from the demise of programs that were not very effective and lost their funding for that reason. In addition, it is always difficult to analyze outcomes over time or across jurisdictions, because of the many other changes, besides the presence or absence of a program, that may affect the analysis (e.g., certain offenses may be decriminalized, arrest patterns may change, judges' attitudes toward certain types of release may be revised, the identity of the judges themselves may change, etc.). Consequently, we urge that the analyses of this volume be considered suggestive, rather than definitive.

G. Recommendations

- Programs should involve key criminal justice system officials, particularly judges, in their program planning and implementation. This should help increase their impact as well as their likelihood of continuation.
- Independent programs should give serious consideration to reorganizing under the umbrella of a public agency, such as the court system. Our analysis of defunct programs suggests that independent agencies may be particularly vulnerable to loss of funding.
- Programs should attempt to maintain accurate, up-to-date information on their operations and impact. Such evaluative information can be particularly helpful if a program comes under attack; once that happens, there is not likely to be sufficient time to implement a special evaluation study to respond to the criticisms.

TABLE 6.4
DATA AVAILABILITY

Note: X indicates data available for 50% or more of cases.

Characteristic	Milwaukee			Richmond	Eight-Site Cross-Sectional Analysis
	Before Program	During Program	After Program		
<u>Community Ties:</u>					
Local residence status	X	X	X	X	X (8 sites)
Years of local residence		X			X (7 sites)
Months at present address		X			X (4 sites)
Marital Status		X			X (6 sites)
Family support		X			X (5 sites)
With whom defendant lives		X			X (6 sites)
Employment status		X			X (8 sites)
Public assistance		X			(3 sites)
Occupation		X			X (7 sites)
<u>Criminality:</u>					
Current charge	X	X	X	X	X (8 sites)
Number of prior arrests	X	X	X	X	X (8 sites)
Criminal justice system status at time of arrest		X			X (8 sites)
Age at first adult arrest	X	X	X		X (6 sites)
<u>Demographic Characteristics:</u>					
Age at arrest	X	X	X	X	X (8 sites)
Ethnicity	X	X	X	X	X (8 sites)
Sex	X	X	X	X	X (8 sites)
<u>Other:</u>					
Education		X			(3 sites)

- One of the reasons for conducting such a limited analysis of defunct programs, and for studying only one jurisdiction that had never had a program, was to assess whether additional analysis of this sort should be undertaken. We recommend that it not be implemented. In our judgment, there is no reason to think that analyses of defunct programs will accurately reflect the impact of the far more numerous on-going programs that are of greater interest. Rather, we recommend that future research concerning program impact focus on experimental analyses, involving concurrent random assignment of experimental and control groups, of existing programs. If experimental analyses cannot be conducted, we recommend that carefully designed studies involving comparison groups of defendants be implemented. In our opinion the analytic problems of comparisons over time and across jurisdictions are too great to warrant additional research focused on defunct programs, unless it is the process of and reasons for demise of specific programs that are of concern. To assess pretrial release programs as they now operate, we recommend evaluations focused on those programs.

FOOTNOTES

Chapter I

¹Wayne H. Thomas, Jr., et al., National Evaluation Program Phase I Summary Report: Pretrial Release Programs (Washington, D.C.: U.S. Department of Justice, Law Enforcement Assistance Administration, April 1977), pp. 34-7.

²S. Andrew Schaffer, Bail and Parole Jumping in Manhattan in 1967 (New York City, N.Y.: Vera Institute of Justice, 1970).

³Wayne H. Thomas, Jr., et al., op. cit., p. 36.

⁴Ibid., p. 35.

⁵Ibid.

⁶Wayne H. Thomas, Jr., Bail Reform in America (Berkeley, California: University of California Press, 1976), pp. 151-154.

Chapter II

¹These lists were provided by Lee S. Friedman, unpublished appendix to "The Evolution of a Bail Reform," Policy Sciences, Volume 7 (1976), pp. 281-313, and Wayne H. Thomas, Jr., op. cit.

²Wayne H. Thomas, Jr., op. cit., p. 9.

³Hank Goldman, Devra Bloom and Carolyn Worrell, The Pre-Trial Release Program: Working Papers (Washington, D.C.: Office of Economic Opportunity, 1973), p. 9.

⁴Wayne H. Thomas, Jr., op. cit., pp. 40-41.

⁵Consult, Ltd., Evaluation of the Cook County Special Bail Project, report prepared for the Joint Evaluation Committee of the Chicago-Cook County Criminal Justice Commission and the Illinois Law Enforcement Commission (Chicago, Ill.: Consult, Ltd., 1977).

⁶Wayne H. Thomas, Jr., op. cit., pp. 40, 68, 77.

⁷Consult, Ltd., op. cit.

⁸Forrest Dill, Bail and Bail Reform: A Sociological Study, unpublished Ph.D. dissertation, University of California at Berkeley, 1972.

⁹Consult, Ltd., op. cit., p. 47. The rates were 17.4 and 13.8, respectively.

¹⁰Ibid. The rates were 35% for the non-interviewed, and 28% for the interviewed, group.

¹¹Ibid.

¹²Ibid., pp. 51-51.

¹³Allan Warren, "Analysis of Bond Forfeiture Patterns in the Cuyahoga County Court of Common Pleas, Appendix D," mimeographed, 1976.

¹⁴Joe Sasfy, unpublished report of the MITRE Corporation, p.41.

Chapter III

¹Lisa J. Crowley, Delivery System Analysis of Milwaukee County, Wisconsin, Working Paper No. 11, February 1980.

²The sample sizes of 150 for each time period yielded a level of tolerated sample unrepresentativeness of between 7% and 8%. Stated differently, in 95 samples out of 100 (95% confidence limit) the characteristics of each sample would be reliable estimators of the characteristics of the populations sampled within 7%-8%. Samples of almost 400 defendants would have been needed to reduce the tolerated error to 5% in 95 samples out of 100. Thus, for a reduction of $\pm 2-3\%$ error, the samples would have had to have been tripled in size. We did not think that such a gain in representativeness was worth the added costs, particularly in view of the quite limited data expected to be available for the two time periods when the program did not operate. One should remember, however, that the existing samples may inaccurately reflect rare characteristics or events (e.g., pretrial rearrest), although the samples should be highly accurate for relatively homogeneous characteristics.

Chapter IV

¹Lisa J. Crowley, Delivery System Analysis of Richmond, Virginia, Working Paper No. 12, February 1980.

²See John S. Goldkamp, Two Classes of Accused (Cambridge, Mass.: Ballinger Publishing Company, 1979) for an analysis of the reform jurisdiction of Philadelphia. Goldkamp concludes that while community ties were considered in making release decisions, charge and prior record were much more important determinants of release.

PRETRIAL RELEASE: A NATIONAL EVALUATION
OF PRACTICES AND OUTCOMES

VOLUME III
Pretrial Release Without Formal Programs

—APPENDICES—

August 1981

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LIST OF APPENDICES

- A. Summary Descriptions of Defunct Programs
- B. Interview Guide for Brief Analysis of Defunct Programs
- C. Supplementary Tables

Appendix A. Summary Descriptions of Defunct Programs

Chicago: Cook County Special Bail Project
Las Vegas: Clark County Community Corrections, Inc.
Tucson: Correctional Volunteer Center Misdemeanant Program
Cleveland: Pre-Trial Supervised Release Project
West Covina: Marshall's Own Recognizance Investigation Program
Milwaukee: Sheriff's Special Evaluation Unit
Oakland: Oakland Bail Project
Bucks County: Bucks County Bail Program
Cincinnati: Pretrial Release Program

CHICAGO, ILLINOIS

Cook County Special Bail Project

Dates of Operation: August, 1970-September, 1978

Source of Funding: Private foundation funds, the Illinois Law Enforcement Commission (ILEC), and LEAA (with matching local and State funds)

Amount of Funding: \$60-70,000/year (2/3 from ILEC)

Staff: 4-5 full-time, 1-2 part-time staff members plus an average of 150-300 volunteers (part-time) per year (average of 14 volunteers per day); volunteers from colleges, social service agencies, attorneys

Administrative Control: private; independent

Eligibility: Misdemeanor and felony defendants during weekends and holidays mostly; usually did not interview those charged with disorderly conduct, gambling, curfew violations, homicide or rape

Types of Release Available: cash bond, deposit bond, O.R. or property bond

Recommendations: information provided directly to court by Project attorney, no recommendation

Basis of Decisions: subjective, based on community ties, previous record and current charge; (telephone verification by separate staff member)

Timing of Interview: before first bail hearing, once a day at lock-ups (bail hearings occurred once a day, after bail originally set according to a schedule for misdemeanor defendants)

Scope of Operations: interviewed approximately 54 percent of all defendants due to shortage of staff; verification of approximately 50 percent of those interviewed

(continued on next page)

<u>Release Rates:</u> 1968	4.6% total defendants O.R.'ed (all courts)*
May 1972-May 1973	11.2% of felony defendants O.R.'ed 23.9% of misdemeanor defendants O.R.'ed
1974	21.9% total defendants O.R.'ed
1976 sample	25.2% total defendants O.R.'ed 74.2% total defendants cash bond 35% misdemeanor defendants O.R.'ed 15% felony defendants O.R.'ed 20% misdemeanor defendants cash bond 15-24% felony defendants cash bond

Equity of Release: see attached charts **

Follow-up Activities: defendants granted both OR ("I" bonds) and cash bond notified by telephone or letter of court dates

Auxiliary Activities:

- provided legal representation when public defender not provided
- provided interpreters, when necessary for court
- arranged for defendant's transportation to court when necessary
- arranged for psychological treatment when required
- advocated bail reform for entire county

Failure to Appear Rates: see attached charts **

Rearrest Rates: see attached charts **

* All other figures refer to Holiday Courts only.

** From Consult, Ltd., Evaluation of the Cook County Special Bail Project, report prepared for the Joint Evaluation Committee of the Chicago-Cook County Criminal Justice Commission and the Illinois Law Enforcement Commission (Chicago, Illinois: Consult, Ltd., 1977).

RELEASE RATES BY SERIOUSNESS OF CHARGE:

Offense	I Bond Rate
Class C Misdemeanor	36.5%
Class A Misdemeanor	33.5%
Class 4 Felony	21.7%
Class 3 Felony	13.6%
Class 2 Felony	8.7%
Class 1 Felony	4.0%
Murder	0%
Warrant Cases	0%

EQUITY OF RELEASE:

Sex	% of I Bonds
Male	22.5%
Female	30.8%

Race	% of I Bonds
White	30.1%
Black	24.5%
Hispanic	23.9%

Family Present	% of I Bonds
Yes	17.4%
No	27.2%

SPECIAL BAIL PROJECT ACTIVITIES
HOLIDAY BRANCHES 53, 54, and 55*
(COMBINED)**

Item	1974	1975	1976
Adjusted Total Call	16,727	17,011	19,128
Adjusted Interviewed	9,072	9,230	10,019
Pct. Interviewed	54.2%	54.3%	52.4%
Adjusted Verified	4,509	4,588	5,154
Pct. Verified	49.7%	49.7%	51.4%
Pct. of I Bonds-Adj. Tot. Call	21.9%	Not available	26.3%
Avg. Volunteers/Day	14	14½	12

*Data obtained from SBP Annual Reports for 1974, 1975, and 1976.

**The Bail Project did not begin operations in Branch 55 until late in 1975.

PROGRAM IMPACT ANALYSIS

A. Release Rates and Type of Release

Interviewed by SBP	% Cash Bonds	% I Bonds	No Bond Given
Yes	76.5	23.3	.3
No	71.8	27.3	.8

Verified by SBP	% Cash Bonds	% I Bonds	No Bond Given
Yes	76.1	23.2	.6
No	76.7	23.3	0

B. Rearrest Rates

Item	Not Treated	SBP Treated
Total Cases	843	454
Number Rearrested	26	13
Percentage Rearrested	3.1%	2.9%

Item	Not Verified	Verified
Total Cases	236	218
Number Rearrested	10	3
Percent Rearrested	4.2%	1.4%

C. Bond Forfeiture Rates

BOND FORFEITURE RATES
FOUR MONTH INVENTORY

Total Cases	1,297*
Cases With 1 or More Forfeitures	421
Percent of Cases With 1 or More Forfeitures	32.5%
Total Scheduled Appearances	2,944
Total Forfeitures-All Cases	474
Percent Total Forfeitures vs. Total Appearances-All Cases	16.1%

Item	Not Treated*	SBP Treated*
Total Cases**	843	454
Cases With 1 or More Forfeitures	294	127
Percent of Cases With 1 or More Forfeitures	34.9%	28.0%
Total Schedules Appearances For All Cases	1,869	1,075
Total Forfeitures-All Cases	326	148
Percent Total Forfeitures v. Total Appearances-All Cases	17.4%	13.8%

* "Treated" refers to being interviewed by the SBP

** There were actually 1,135 non-treated cases, but no information was available in the Clerk's Office for 292 of those defendants (25.7%). No data was available for 165 of the 619 treated defendants (26.7%).

BOND FORFEITURE RATES OF SBP-TREATED DEFENDANTS

Percent of Total I Bond Forfeitures	19.5%
Percent of Verified I Bond Forfeitures	16.9%
Percent of Non-Verified I Bond Forfeitures	22.7%
Percent of Total Cash Bond Forfeitures	13.2%
Percent of Verified Cash Bond Forfeitures	11.8%
Percent of Non-Verified Cash Bond Forfeitures	14.5%

Cook County Special Bail Project, Annual Report for 1976.

Item	SBP-Treated Cases	
	Not Verified	Verified
Total Cases	236	218
Cases With 1 or More Forfeitures	78	49
Percent of Cases With 1 or More Forfeitures	33.1%	22.5%
Total Scheduled Appearances For All Cases	571	504
Total Forfeitures—All Cases	88	60
Percent Total Forfeitures vs. Total Appearances—All Cases	15.4%	11.9%

LAS VEGAS, NEVADA

Clark County Community Corrections, Inc.

Dates of Operation: May 1975-May 1976

Source of Funding: County and Federal funds

Amount of Funding: \$65,420 (\$24,086 from county)

Staff: 12 full-time, paid investigators

Administrative Control: private, non-profit organization (Clark County Community Corrections, Inc.)

Eligibility: all adults except those on bench or fugitive warrants and those charged with capital murder or non-indictable traffic offenses

Types of Release Available: surety bond, O.R., conditional release

Recommendations: report presented directly to Court without specific recommendations

Basis of Decisions: point system using Vera criteria; information was verified; record checks made

Timing of Interview: after initial bail decision; access to jail only two hours per day

Scope of Operations: program interviewed 3,654 defendants, or 26% of all eligible defendants

Release Rates: Of those interviewed, the program found 1,200 (or 33%) eligible for O.R.; only 900 were actually granted O.R.; another 87 defendants had been found unqualified by the program, but were released O.R. by the Court; for entire period of operations, 75% of those recommended for O.R. received it. The Court acceptance rate gradually increased over the months; e.g., during the first 4 months, 63% of those recommended received O.R.; during the second 4 months, 75%; and during the last 5 months, 80% received O.R.

Equity of Release: data unavailable

Follow-up Activities: minimal; at discretion of the Justices of the Peace

Auxiliary Activities: minimal; only at the request of the Justices of the Peace

Las Vegas (continued)

Failure to Appear Rates: Of the 898 defendants released OR, 1.8% (16) failed to appear for a scheduled court appearance; of those 16, only 12 were considered "willful" failures to appear, thus making the rate only 1.34%

Rearrest Rates: In a random sample of 94 OR'ed defendants, 20 (21.3%) were rearrested; only 10 of these actually had charges filed against them, making the rate 10.6%. Eight of the rearrests were for felony charges.

LAS VEGAS, NEVADA, O.R. ACTIVITY DURING PROGRAM OPERATIONS

Time Period	Number Interviewed	Percent Recommended for O.R.	Granted O.R. by J.P.	
			% of those recommended	% of those considered
<u>1975</u>				
May	212	14.2%	55.0%	10.8%
June	214	27.6	54.2	15.0
July	264	29.5	70.5	25.0
August	232	22.8	67.9	16.4
September	241	33.2	71.3	27.0
October	266	28.6	84.2	26.3
November	275	32.7	70.0	24.4
December	288	43.8	77.8	35.4
<u>1976</u>				
January	295	43.4	76.6	35.9
February	272	31.3	85.9	30.5
March	366	38.3	77.1	32.2
April	361	32.1	77.0	33.8
May	368	35.1	75.2	28.5
TOTAL	3,654	32.8% (1,200)	75.0%	27.0%
Source: Joe Sasfy, MITRE evaluation, 1977				

CLARK COUNTY JAIL POPULATION AND ARREST DATA
 April 1976—January 1977

Variable \ Month	April 1976	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan 1977
Average Daily Poppulation of Charged Detainees	346	364	394	420	398	474	428	494	466	481
Arrests	2,362	2,454	2,246	2,420	2,521	2,331	2,618	2,247	2,462	2,304
Percent of Arrestees Detained	14.6	14.8	17.5	17.4	15.8	20.3	16.3	22.0	18.9	20.0

TUCSON, ARIZONA

Misdemeanant Program

Dates of Operation: January 1975-July 1977

Source of Funding: City

Amount of Funding: \$14,000 for first 8 months
\$16,000 for six months at end of 1976
(approximately \$30,000 per year)

Staff: 3 full-time and 5 part-time paid investigators, plus 10 part-time volunteers

Administrative Control: None. Though servicing the Municipal Courts, the program was technically not under the administrative control of the Chief City Magistrate. Starting in February 1977, the program was placed under the administrative control of the Director of the Correctional Volunteer Center (CVC).

Eligibility: misdemeanor defendants only

Types of Release Available: OR, surety bond, citation release, third party custody

Recommendations: made directly to Court; recommendations concerned qualification for OR and third party custody only

Basis of Decisions: verification of community ties and prior record

Timing of Interview: after initial bond set (according to a pre-determined schedule), but almost immediately after booking

Scope of Operations: 864 interviews of total 1,777 misdemeanor defendants (49%) between January and March 1977; interviews held at jail 5 days a week at 4 a.m.; those not interviewed had usually bonded out beforehand or were drunk (1/3 of all arrests occur during weekends and were thus missed)

Release Rates: (January-March 1977)

OR: 26%
Third Party Custody: 3%
Bond Outs: 28%

(May 1978)

OR: 29%
Bond Outs: 25% (45% on weekends)

Equity of Release: data unavailable

Follow-up Activities: defendants who were released into C.V.C. custody were reminded of court dates

Auxiliary Activities: 1% of the misdemeanor defendants were released into C.V.C. custody (a total of 26 defendants between January and March 1977); these defendants were given minimal referral services when requested

Failure to Appear Rates: see attached chart

January-March 1977

Bail: 38%

O.R.: 14%

Third Party Custody: 8%

May 1978

Bail: 38%

O.R.: 18%

Rearrest Rates: data unavailable

Tucson Correctional Volunteer Center Misdemeanant Program

Item	January-March 1977	May 1978
Number of defendants arraigned	1,777	599
Percent of defendants interviewed	49%	n.a.
Percent released O.R.	26%	25%
Percent released to third party custody	3%	0%
Percent released on bond	28%	45%
Percent recommended for O.R. by Program	19%	n.a.
Agreement Rate: Program Recommendation and Court Acceptance	76%	n.a.
<u>Failure to Appear Rates:</u>		
<u>Recommended for O.R.</u>	10%	
Released O.R.	9%	n.a.
Released Third Party Custody	8%	
Released on Bond	29%	
<u>Recommended for Third Party Release</u>		
Released O.R.	5%	
Released Third Party Custody	8%	n.a.
Released on Bond	34%	
<u>Recommended No O.R.</u>	23.1%	
Released O.R.	45%	n.a.
Released Third Party Custody	0%	
Released on Bond	57%	
Source: Information provided by Correctional Volunteer Center, Tucson, Arizona		

CLEVELAND, OHIO

The Pre-Trial Supervised Release Project

Dates of Operation: April 1974-May 1976

Source of Funding: L.E.A.A., CETA, Cleveland Foundation, Catholic Community Action in-kind support

Amount of Funding: \$215,000

Staff: average of 6 full-time (at height of program, there were 25 staff members, of which 10 were full-time); most of staff functioned as investigators; others were assigned to special tasks, e.g., job and housing assistance

Administrative Control: Commission on Catholic Community Action, Cleveland Diocese

Eligibility: adult felony defendants only, excluding those with two or more prior felony (i.e., violent) convictions and those charged with non-probationable offenses; only upon referral by Court

Types of Release Available: Surety bond, 10% bond, third party custody (supervised release) and O.R.

Recommendations: No court appearances made; program applied for personal bonds and custody orders in the name of the defendants; some personal contact between staff and other criminal justice officials.

Basis of Decisions: point system following the Dayton and San Francisco questionnaire forms; community ties stressed; information verified; record checks made

Timing of Interview: before preliminary appearance at Court

Scope of Operations: program served approximately 10% of those defendants eligible for its services; during the entire period of its existence, this amounted to 556 defendants served. 33% of clients were charged with violent crimes, 67% with property crimes

Release Rates: Of the 556 program clients, 45% received O.R., 42% received a 10% bond, and 8% a surety bond; in the year before the program began, 65% of the felony defendants received a surety bond, 10% received a 10% bond, and only 17% were granted O.R.

Equity of Release: see attached chart*

Rearrest Rate: 3.2% of program clients (18 of 556)

Failure to Appear Rate: total July 1973-May 1975 rate: 16.3% (bail forfeiture orders)
April 1974-May 1976 rate: 23 of program's 556 clients (4.1%)

Follow-up Activity: program maintained regular and frequent contact with clients

Auxiliary Activities: provided various social services depending upon need

Note: Program eventually supplanted by Probation Department program

DEMOGRAPHIC BREAKDOWN

Sex	Male	512	92%
	Female	42	8%
Race	Caucasian	127	23%
	Black	416	75%
	Other	11	2%
Age	Below 18	1	0%
	18-21	268	48%
	22-25	142	26%
	26-30	59	11.6%
	Over 30	73	13%
	Unknown	1	0%
Employment	Full time Employment	142	29%
	Part time Employment	50	10%
	Unemployed	304	61%
	Welfare	54	17%
	Social Security (Disability)	29	9%
	Unemployment Comp.	25	8%
	Support by Others	142	46%
Other	60	19%	
Education	Elementary	347	63%
	High School	167	30%
	College	1	0%
	Less Than Elementary	12	2%
	Unknown	25	5%
Residency	Own Home	14	3%
	Rent	166	30%
	Live With Others	372	67%
Prior Record	Previous Felony Arrest	177	32%
	Previous Misdemeanor	166	30%
	Previous Juvenile Record	107	19%
	No Record	206	37%
Marital Status	Single	401	73%
	Married	151	27%
	Dependents	174	32%

Source: Allan Warren, "Analysis of Bond Forfeiture Patterns in Cuyahoga County Court of Common Pleas, Appendix D," mimeographed, 1976.

WEST COVINA, CALIFORNIA

Marshall's Own Recognizance Investigation Program

Dates of Operation: March 1972-September 1974

Source of Funding: County

Amount of Funding: Salary for additional Deputy Marshall; precise amount not available

Staff: 1-2 part-time Marshall's deputies

Administrative Control: Municipal Courts as part of overall Los Angeles County program (through Marshall's Office)

Eligibility: misdemeanor defendants only; judge must have requested investigation

Types of Release Available: O.R., surety bond, citation release

Recommendations: written recommendations to Court

Basis of Decisions: subjective; based on community ties, current charge and previous record; verification of community ties and record

Timing of Interview: before initial appearance, after initial bail determination

Scope of Operations: interviewed 75-100% of those arraigned, depending on individual judge's requests; average number of interviews per month = 100

Release Rates: April 1969-March 1970 (for entire Los Angeles County)
18% of all defendants interviewed received O.R.

September-December 1971 50% of those interviewed
37% of those arraigned

January-April 1974 36% of those interviewed
30% of those arraigned

January-June 1977 32% of those arraigned

(see attached chart for more detailed information on West Covina)

Follow-up Activity: none; Marshall's office served bench warrants

Auxiliary Activities: none

Failure to Appear Rates: data unavailable

Rearrest Rates: data unavailable

West Covina, California, O. R. Reports, 1971-1977
(monthly averages)

Time Period	Number of Arraignments	Number of Interviews	Percent Interviewed (of those arraigned)	O.R. Recommendations: Percent	O.R. Granted	
					a/	b/
<u>1971</u>						
September-December	283	213	75.4%	30.3%	36.8%	48.9%
<u>1972</u>						
March-October	460	343	74.6	26.6	31.5	42.2
<u>1973</u>						
February-June	449	163	36.2	24.3	20.3	56.2
August-December	435	371	85.5	15.5	32.1	37.5
<u>1974</u>						
January-April	443	357	80.6	5.3	29.2	36.2
May-August	454	413	91.0	5.6	20.1	22.1
<u>1975</u>						
September-December	511	469	91.8	n.a.	13.2	14.3
<u>1977</u>						
January-June	533	533	100.0	n.a.	33.2	33.2
July-December	525	525	100.0	n.a.	33.3	33.3
<u>1977</u>						
January-June	450	50	11.1	n.a.	32.2	—
August-November	319	1	0.2	n.a.	32.2	—

a. as a percent of those arraigned
b. as a percent of those interviewed
Source: West Covina Marshall's O.R. reports

PROGRAM OPERATING

POST-PROGRAM PERIOD

MILWAUKEE, WISCONSIN

Sheriff's Special Evaluation Unit

Dates of Operation: 1973-1976

Source of Funding: L.E.A.A. / County

Amount of Funding: \$190,000 per year, including funds for the diversion and social services unit of the program

Staff: 6 full-time (5 investigators and one Director) and one clerk-typist; most were former probation officers; 2 inmate contact workers perform the classification and orientation functions (see "Auxiliary Activities" below)

Administrative Control: Sheriff's Department

Eligibility: all felony offenses

Types of Release Available: unsecured bond, third party custody, surety bond, 10% deposit bond, work furlough

Recommendations: defendants rated by program as excellent, good, fair or poor risks; recommendations given to Court are not for specific forms of release

Basis of Decisions: point system; community ties, prior record and current charge; verification of information when possible

Timing of Interview: Primary—before initial appearance in District Attorney's Office. Secondary—at Intake Court or for Preliminary Hearing by special request

Scope of Operations: (1974) 1,704 bail evaluations were made
(1975) 2,118 bail evaluations were made
(Jan-June 1976) 953 bail evaluations were made

Release Rates: Bail ratings for a sample of 1975 cases were excellent, 8%; good, 23%; fair, 30%; and poor, 39%.

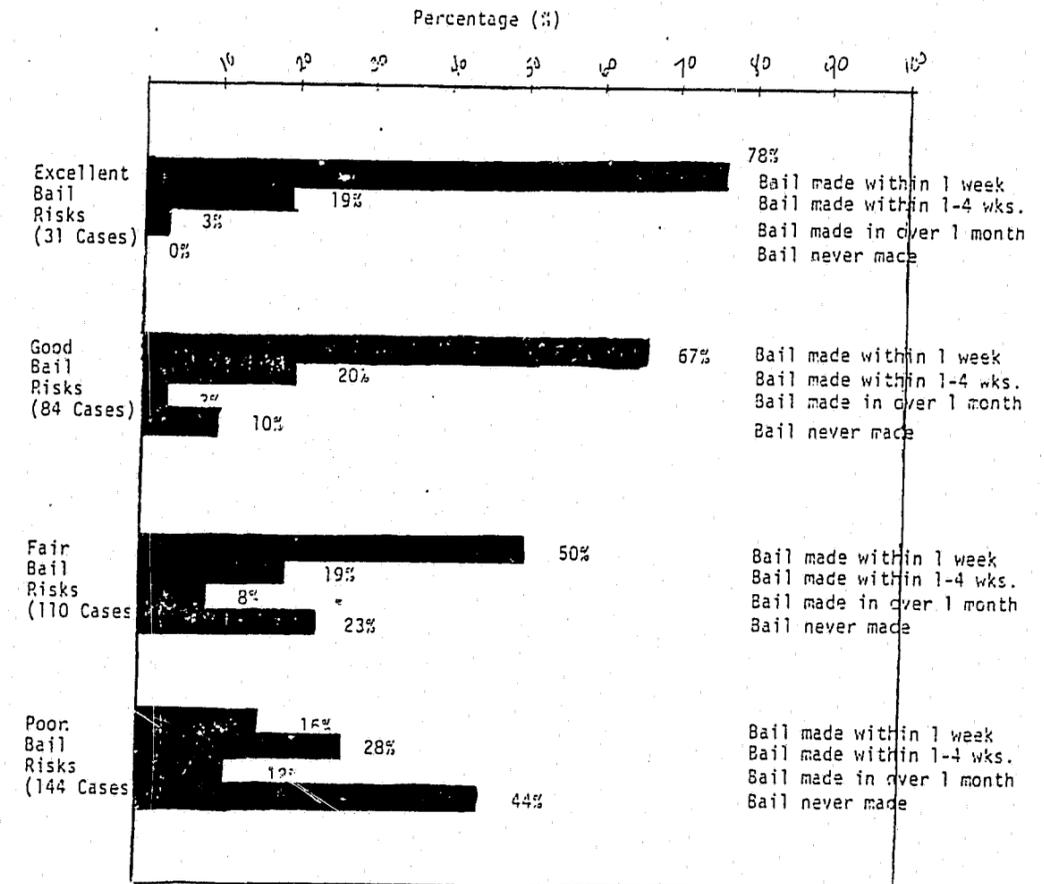
Equity of Release: data unavailable

Follow-up Activities: none

Auxiliary Activities: The Special Evaluation Unit is also responsible for the Sheriff's Diversion Program, the Classification and Orientation program for the Milwaukee County Jail, and certain training activities within the Sheriff's Department Training School. In 1975, 979 defendants were involved in the Diversion Program, plus another 831 in the Worthless Check Diversion Program. For the purposes of classification

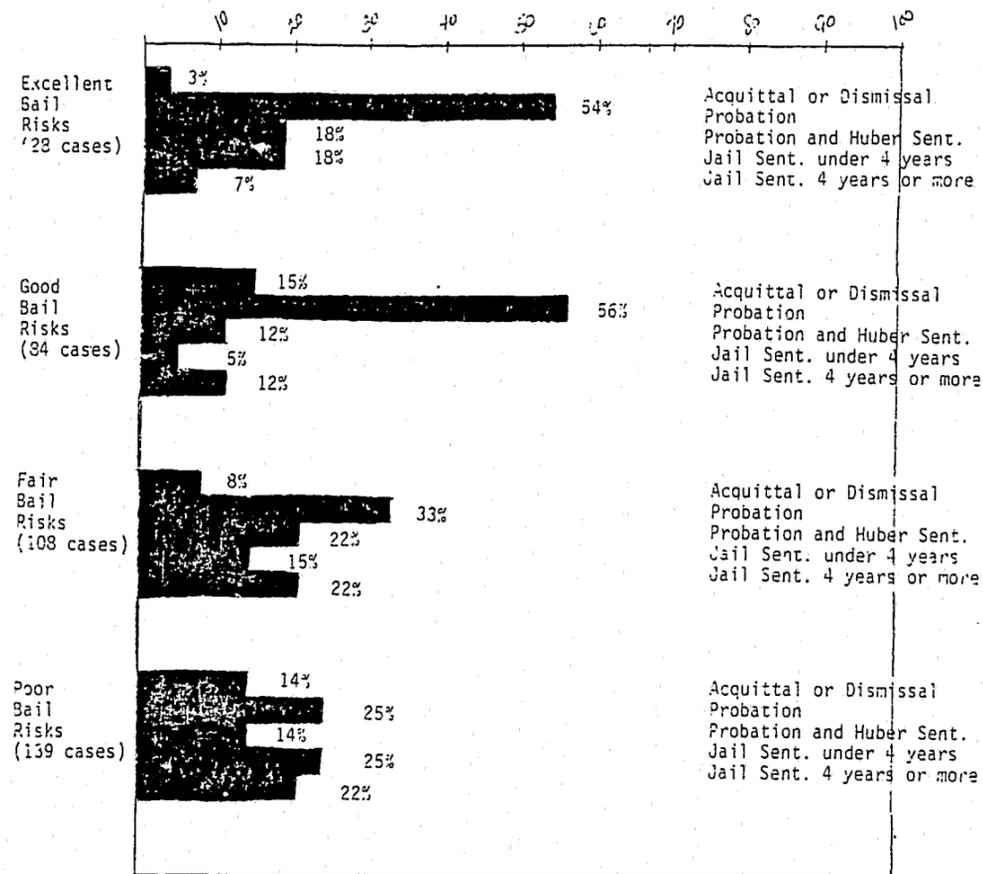
and orientation, the two specially designated inmate contact workers contacted all 3,928 jail inmates who remained in the jail for over 72 hours.

BAIL RATING RELATED TO TIME IN CUSTODY PRIOR TO TRIAL



Source: Sheriff's Department, Milwaukee County, "Appendix A, Report by the Special Evaluation Unit—Quarterly Financial and Narrative Progress Report," CDF No. 2, Quarter Ending September 30, 1976.

ULTIMATE DISPOSITION IN COMPARISON TO THE BAIL EVALUATION RATING



Source: Sheriff's Department, Milwaukee County, "Appendix A, Report by the Special Evaluation Unit—Quarterly Financial and Narrative Progress Report," CDF No. 2, Quarter Ending September 30, 1975.

OAKLAND, CALIFORNIA

Oakland Bail Project

Dates of Operation: 1963-1966

Source of Funding: County

Amount of Funding: Data unavailable

Staff: 3 full-time investigators and one typist, on loan from the Alameda County Probation Department

Administrative Control: Probation Department

Eligibility: Misdemeanor offenses only

Types of Release Available: O.R., surety bond, conditional release

Recommendations: presented directly to Court

Basis of Decisions: subjective; based upon defendant's community ties and the expectations for case disposition (dismissal, guilty plea or trial); apparently centered upon the need to alleviate heavy court caseloads

Timing of Interview: Either before or after arraignment, depending on the time at which a defendant was referred to (or voluntarily sought) the program.

Scope of Operations: 1,119 positive OR recommendations (1963-6)
1,181 negative recommendations (1963-6)

Release Rates: Of the 1,119 defendants recommended for O.R. by the program, 625 (55.8 percent) were released on O.R. The project raised the O.R. rate among misdemeanor defendants from 2 percent to almost 4 percent.

BUCKS COUNTY, PENNSYLVANIA

Bucks County Bail Program

Dates of Operation: 1964-1975Source of Funding: private, church funds (Quaker Church)Amount of Funding: unknownStaff: volunteer investigatorsAdministrative Control: churchEligibility: all defendants unable to afford bailTypes of Release Available: surety bond, deposit bond (10%), O.R.Recommendations: None; program made application to court for pretrial releaseBasis of Decisions: subjective; nature of the charge, defendant's financial situation, amount of collateral available and community ties; verification sporadicTiming of Interviews: after initial appearanceScope of Operations: data unavailableRelease Rates: data unavailable

CINCINNATI, OHIO

Dates of Operation: 1970-1971 (?)Source of Funding: L.E.A.A. and local fundsAmount of Funding: unknownStaff: full- and part-time staff, plus many volunteers (especially law students)Administrative Control: private, with general supervision from the Cincinnati Bar Association, the Municipal Courts and the Probation DepartmentEligibility: unknownTypes of Release Available: O.R., surety bond, deposit bond, third party custody, stationhouse citation releaseRecommendations: made directly to CourtBasis of Decisions: point system, using Vera criteria; verificationTiming of Interview: unknownScope of Operations: data unavailableRelease Rates: data unavailable

APPENDIX B
 INTERVIEW GUIDE FOR BRIEF ANALYSIS OF DEFUNCT PROGRAMS

INTERVIEW GUIDE

I. Former Program Directors:

- A. Pre-program period
 - 1. Types of release available
 - 2. Number of persons arrested, released on each type of release, violating release conditons (failure to appear, pretrial rearrest) per year
- B. Program Period
 - 1. Did the program seem to affect release, failure to appear or pretrial rearrest rates? Which of them? How?
 - 2. Which persons, if any, seemed opposed to the program? Supportive of it?
 - 3. What was responsible for its termination (or suspension)?
 - 4. At what point in the criminal justice system processing did the program interview defendants and make a release recommendation?
 - 5. Under what administrative jurisdiction did the program operate?
 - 6. What proportion of the interview information was verified?
 - 7. Was a point system used? Subjective? Criteria?
 - 8. What was the extent of defendant supervision and conditions of release?
 - 9. Were any research reports done on the program? (Obtain, if possible.)
 - 10. What were the strengths and weaknesses of the program?
 - 11. Statistics:
 - a. Annual budget
 - b. Dates of operation
 - c. Number of arrests
 - d. Types of release available through program and outside program and number of defendants for each per year
 - e. Types of defendants/charges excluded from interview and their numbers
 - f. Numbers of positive and negative recommendations, if any, for each type of release
 - g. Number of recommendations followed by court
 - h. Failure-to-appear rates (how calculated?)
 - i. Pretrial crime rates (how calculated?)
 - j. Number and types of full- and part-time staff
- C. Post-Program (or Suspension) Period
 - 1. What caused the termination (or suspension) of the program?
 - 2. How does pretrial release occur now? What agencies are involved? Has something else supplanted the program (e.g., citation release)?
 - 3. In your opinion, has the program had any lasting effects on release practices? If so, what are these?
 - 4. What impact, if any, has the discontinuation of the program had upon jail populations and jail costs?

5. What impact, if any, has the termination of the pretrial release program had upon defendants in terms of length of pretrial detention, types of release available, and equity of release?
6. If the program were resumed, what problems would you expect, if any? (For terminated programs only.)
7. Are statistics available on rates of release, failure to appear and pretrial crime? (Obtain, if possible.)

II. Present Program Directors (for Post-Suspension Period, Where Applicable)

- A. Obtain current statistics, as in I. B. 11
- B. What problems or advantages did you or your predecessor find were entailed in starting up the program again?
- C. What allies do you have now that you did not have when the program was suspended?

III. Judges, Public Defenders, Prosecutors

- A. What developments led to the creation of the pretrial release program?
- B. How successful would you say that the program was?
- C. Would it have been beneficial to you for it to have continued? If so, how?
- D. To what extent did you use the information/recommendations of the program while it was in operation?
- E. Do you see any difference in your or your colleagues' releasing decisions as a result of the termination (or suspension) of the pretrial release program?
- F. Is it your impression that there is a larger, or smaller, proportion of failures-to-appear and pretrial rearrests now than there were while the program was in operation?
- G. What was the major benefit you feel you received, if any, while the program was operating?
- H. How would you change the pretrial release process if you could?
- I. What types of changes are underway or have occurred since the pretrial release program ended?
- J. What impact has the termination of the pretrial release program had upon defendants in terms of length of pretrial detention, types of release available and equity of release?

- K. How much of the program's procedures do you think the judges have internalized? Of what type?
- L. Do you think judges would have released more defendants and on more lenient forms of release, even if there had never been a program there?

APPENDIX C
SUPPLEMENTARY TABLES

C-2	Comparability of Groups Across Time Periods: Milwaukee
C-3	Comparability of <u>Released</u> Groups Across Time Periods: Milwaukee
C-4	Comparability of "Old Program" and "No Program" Groups: Tucson Misdemeanors
C-5	Comparability of <u>Released</u> Defendants in the "Old Program" and "No Program" Groups: Tucson Misdemeanors
C-6	Comparability of Defendants Interviewed Versus Not Interviewed by Program During "Old Program" Period: Tucson Misdemeanors
C-7	Comparability of "No Program" and "New Program" Groups: Tucson Misdemeanors
C-9	Comparability of <u>Released</u> Defendants in the "No Program" and "New Program" Groups: Tucson Misdemeanors

TABLE C-1
COMPARABILITY OF GROUPS
ACROSS TIME PERIODS: MILWAUKEE

Characteristic	Before Program (n=150)		During Program (n=151)		After Program (n=149)	
	Number	Percent	Number	Percent	Number	Percent
Part I. Community Ties						
A. Local Residence Defendant is local resident	143	95%	137	96%	142	95%
Defendant is <u>not</u> local resident	7	5%	6	4%	7	5%
TOTAL	150	100%	143	100%	149	100%
Part II. Criminality						
A. Current Charge						
Part I	75	50%	87	58%	85	57%
Part II	75	50%	63	42%	64	43%
TOTAL	150	100%	150	100%	149	100%
Crimes Against Persons	36	24%	32	21%	39	26%
Economic Crimes	69	46%	82	55%	73	49%
Drug Crimes	22	15%	17	11%	10	7%
Crimes Against Public Morality	15	10%	7	5%	13	9%
Crimes Against Public Order	2	1%	5	3%	1	1%
Other Crimes	6	4%	7	5%	13	9%
TOTAL	150	100%	150	100%	149	100%
B. Number of Prior Arrests	Mean Number of Prior Arrests		4.8		5.2	
C. Number of Prior Convictions	Mean Number of Prior Convictions		3.1		3.4	
D. Age At First Adult Arrest	Mean Number of Years		21.3		21.4	
						20.7
Part III. Demographic Characteristics						
A. Age at Arrest ^a	Mean Number of Years		24.8		27.1	
						26.2
B. Ethnicity ^b						
White	24	16%	52	34%	53	36%
Minority	126	84%	99	66%	96	64%
TOTAL	150	100%	151	100%	149	100%
C. Sex						
Male	137	91%	133	89%	127	85%
Female	13	9%	16	11%	22	15%
TOTAL	150	100%	149	100%	149	100%
^a Significant at the .05 level for before versus during the program; not significant for during versus after the program.						
^b Significant at the .0004 level for before versus during the program; not significant for during versus after the program.						

TABLE C-2
COMPARABILITY OF RELEASED GROUPS
ACROSS TIME PERIODS: MILWAUKEE

Characteristic	Before Program (n=110)		During Program (n=99)		After Program (n=92)	
	Number	Percent	Number	Percent	Number	Percent
Part I. Community Ties						
A. Local Residence	107	97%	93	98%	91	99%
Defendant is local resident						
Defendant is not local resident	3	3%	2	2%	1	1%
TOTAL	110	100%	95	100%	92	100%
Part II. Criminality						
A. Current Charge						
Part I	50	45%	48	49%	46	50%
Part II	60	55%	50	51%	46	50%
TOTAL	110	100%	98	100%	92	100%
Crimes Against Persons	20	18%	21	21%	20	22%
Economic Crimes	55	50%	49	50%	46	50%
Drug Crimes	19	17%	15	15%	7	8%
Crimes Against Public Morality	13	12%	6	6%	12	13%
Crimes Against Public Order	1	1%	4	4%	1	1%
Other Crimes	2	2%	3	3%	6	7%
TOTAL	110	100%	98	100%	92	100%
B. Number of Prior Arrests						
Mean Number of Prior Arrests	4.0		4.1		3.0	
C. Number of Prior Convictions						
Mean Number of Prior Convictions	2.7		2.2		1.9	
D. Age At First Adult Arrest						
Mean Number of Years	22.0		21.9		22.2	
Part III. Demographic Characteristics						
A. Age at Arrest ^a						
Mean Number of Years	24.9		27.8		27.2	
B. Ethnicity ^b						
White	17	15%	39	39%	37	40%
Minority	93	85%	60	61%	55	60%
TOTAL	110	100%	99	100%	92	100%
C. Sex						
Male	101	92%	83	85%	71	77%
Female	9	8%	15	15%	21	23%
TOTAL	110	100%	98	100%	92	100%

^aSignificant at the .05 level for before versus during the program; not significant for during versus after the program.

^bSignificant at the .0002 level for before versus during the program; not significant for during versus after the program.

TABLE C.3
COMPARABILITY OF "OLD PROGRAM"
AND "NO PROGRAM" GROUPS:
TUCSON MISDEMEANORS

Characteristic	"Old Program" Group (n=115)		"No Program" Group (n=76)	
	Number	Percent	Number	Percent
Part I: Community Ties				
A. Local Residence	90	92%	59	92%
Defendant is local resident				
Defendant is not local resident	8	8%	5	8%
TOTAL	98	100%	64	100%
Part II: Criminality				
A. Current Charge				
Part I	23	22%	15	22%
Part II	82	78%	53	78%
TOTAL	105	100%	68	100%
Crimes Against Persons	7	7%	3	4%
Economic Crimes	25	24%	17	25%
Drug Crimes	3	3%	1	2%
Crimes Against Public Morality	12	11%	5	7%
Crimes Against Public Order	57	54%	42	62%
Other Crimes	1	1%	0	0%
TOTAL	105	100%	68	100%
B. Number of Prior Arrests				
Mean Number of Prior Arrests	7.1		5.1	
C. Number of Prior Convictions				
Mean Number of Prior Convictions	4.2		2.6	
D. Criminal Justice System (CJS) Status at Time of Arrest				
Involved with CJS	18	19%	7	10%
Not involved with CJS	79	81%	63	90%
TOTAL	97	100%	70	100%
E. Age at First Adult Arrest ^a				
Mean Number of Years	21.8		24.6	
Part III: Demographic Characteristics				
A. Age at Arrest				
Mean Number of Years	30.3		32.9	
B. Ethnicity				
White	54	47%	32	42%
Minority	61	53%	44	58%
TOTAL	115	100%	76	100%
C. Sex				
Male	100	89%	62	82%
Female	12	11%	14	18%
TOTAL	112	100%	76	100%

^aSignificant at the .04 level

TABLE C.4
COMPARABILITY OF RELEASED DEFENDANTS
IN THE "OLD PROGRAM" AND "NO PROGRAM" GROUPS:
TUCSON MISDEMEANORS

Characteristic	"Old Program" Group Releasees (n=64)		"No Program" Group Releasees (n=48)	
	Number	Percent	Number	Percent
Part I. Community Ties				
A. Local Residence Defendant is local resident	53	95%	40	98%
Defendant is <u>not</u> local resident	3	5%	1	2%
TOTAL	56	100%	41	100%
Part II. Criminality				
A. Current Charge				
Part I	14	22%	12	25%
Part II	50	78%	36	75%
TOTAL	64	100%	48	100%
Crimes Against Persons	4	6%	3	6%
Economic Crimes	15	23%	12	25%
Drug Crimes	2	3%	1	2%
Crimes Against Public Morality	4	6%	3	6%
Crimes Against Public Order	35	55%	24	50%
Other Crimes	4	6%	5	10%
TOTAL	64	100%	48	100%
B. Number of Prior Arrests Mean Number of Prior Arrests	3.6		4.0	
C. Number of Prior Convictions Mean Number of Prior Convictions	1.4		2.0	
D. Criminal Justice System (CJS) Status at Time of Arrest				
Involved With CJS	13	23%	5	11%
Not Involved With CJS	44	77%	39	89%
TOTAL	57	100%	44	100%
E. Age At First Adult Arrest Mean Number of Years	22.4		25.7	
Part III. Demographic Characteristics				
A. Age at Arrest ^a Mean Number of Years	28.7		33.5	
B. Ethnicity				
White	29	45%	17	35%
Minority	35	55%	31	65%
TOTAL	64	100%	48	100%
C. Sex				
Male	56	90%	38	79%
Female	6	10%	10	21%
TOTAL	62	100%	48	100%

^aSignificant at the .05 level

TABLE C.5
COMPARABILITY OF DEFENDANTS INTERVIEWED
VERSUS NOT INTERVIEWED BY PROGRAM
DURING "OLD PROGRAM" PERIOD:
TUCSON MISDEMEANORS

NOTE: There are no statistically significant differences at the .05 level

Characteristic	Defendants ^a Interviewed (N=51)		Defendants ^a Not Interviewed (N=48)	
	Number	Percent	Number	Percent
Part I. Community Ties				
A. Local Residence Defendant is local resident	43	90%	34	92%
Defendant is <u>not</u> local resident	5	10%	3	8%
TOTAL	48	100%	37	100%
Part II. Criminality				
Crimes Against Persons	1	2.0%	3	6.3%
Economic Crimes	11	21.6%	8	16.7%
Drug Crimes	3	5.9%	0	0.0%
Crimes Against Public Morality	8	15.7%	3	6.3%
Crimes Against Public Order	24	47.1%	28	58.3%
Other Crimes	4	7.8%	6	12.5%
TOTAL	51	100.0%	48	100.0%
B. Number of Prior Arrests Mean Number of Prior Arrests	8.3		7.3	
C. Number of Prior Convictions Mean Number of Prior Convictions	5.8		3.6	
D. Criminal Justice System (CJS) Status at Time of Arrest				
Involved With CJS	10	22%	7	17.5%
Not Involved With CJS	35	78%	33	82.5%
TOTAL	45	100%	40	100.0%
E. Age At First Adult Arrest Mean Number of Years	21.5		21.6	
Part III. Demographic Characteristics				
A. Age At Arrest Mean Number of Years	30.8		30.3	
B. Ethnicity				
White	27	53%	21	44%
Minority	24	47%	27	56%
TOTAL	51	100%	48	100%
C. Sex				
Male	42	86%	43	91.5%
Female	7	14%	4	8.5%
TOTAL	49	100%	47	100.0%

^aExcludes citation releases

TABLE C-6

COMPARABILITY OF "NO PROGRAM" AND "NEW PROGRAM" GROUPS: TUCSON MISDEMEANORS

NOTE: Percentages may not add to 100% due to rounding.

Characteristic	"No Program" Group (n=76)		"New Program" Group (n=224)	
	Number	Percent	Number	Percent
Part I. Community Ties				
A. Local Residence				
Defendant is local resident	59	92%	206	92%
Defendant is <u>not</u> local resident	5	8%	18	8%
TOTAL	64	100%	224	100%
Part II. Criminality				
A. Current Charge ^a				
Part I	15	22%	25	11%
Part II	53	78%	199	89%
TOTAL	68	100%	224	100%
Crimes Against Persons	3	4%	10	5%
Economic Crimes	17	25%	24	11%
Drug Crimes	1	2%	1	0%
Crimes Against Public Morality	5	7%	4	2%
Crimes Against Public Order	42	62%	161	72%
Other Crimes	0	0%	24	11%
TOTAL	68	100%	224	100%
B. Number of Prior Arrests				
One	8	20%	46	30%
Two	7	18%	26	17%
Three	4	10%	16	10%
Four or five	5	13%	32	21%
Six or more	16	40%	36	23%
TOTAL	40	100%	156	100%
C. Number of Prior Convictions				
One	11	33%	58	48%
Two	7	21%	15	12%
Three	2	6%	15	12%
Four or five	6	18%	25	21%
Six or more	7	21%	9	7%
TOTAL	33	100%	122	100%
D. Criminal Justice System (CJS) Status at Time of Arrest ^{b/}				
Involved With CJS	7	10%	38	26%
Not Involved With CJS	53	90%	106	74%
TOTAL	70	100%	144	100%
E. Age at First Adult Arrest				
21 or younger	19	46%	89	61%
22-25	8	20%	18	12%
26-29	5	12%	10	7%
30-35	6	15%	13	9%
36 or older	3	7%	16	11%
TOTAL	41	100%	146	100%

(continued)

TABLE C-6 (continued) COMPARABILITY OF "NO PROGRAM" AND "NEW PROGRAM" GROUPS: TUCSON MISDEMEANORS

NOTE: Percentages may not add to 100% due to rounding.

Characteristic	"No Program" Group (n=76)		"New Program" Group (n=224)	
	Number	Percent	Number	Percent
Part III. Demographic Characteristics				
A. Age at Arrest				
21 or younger	14	19%	50	22%
22-25	18	24%	48	21%
26-29	10	14%	34	15%
30-35	6	8%	32	14%
36 or older	26	35%	60	27%
TOTAL	74	100%	224	100%
B. Ethnicity				
White	32	42%	108	51%
Minority	44	58%	102	49%
TOTAL	76	100%	210	100%
C. Sex ^c				
Male	62	82%	202	91%
Female	14	18%	21	9%
TOTAL	76	100%	223	100%

^aSignificant at the .001 level.

^bSignificant at the .01 level.

^cSignificant at the .04 level.

TABLE C-7

COMPARABILITY OF RELEASED DEFENDANTS IN THE
"NO PROGRAM" AND "NEW PROGRAM" GROUPS: TUCSON MISDEMEANORS

NOTE: Percentages may not add to 100% due to rounding

Characteristic	"No Program" Group Releasees (n=48)		"New Program" Group Releasees (n=160)	
	Number	Percent	Number	Percent
Part I. Community Ties				
A. Local Residence				
Defendant is local resident	40	98%	149	93%
Defendant is not local resident	1	2%	11	7%
TOTAL	41	100%	160	100%
Part II. Criminality				
A. Current Charge ^a				
Crimes Against Persons	3	6%	8	5%
Economic Crimes	12	25%	15	9%
Drug Crimes	1	2%	1	1%
Crimes Against Public Morality	3	6%	4	3%
Crimes Against Public Order	24	50%	120	75%
Other Crimes	5	10%	12	7%
TOTAL	48	100%	160	100%
B. Number of Prior Arrests				
One	6	21%	26	23%
Two	7	24%	22	20%
Three	4	14%	13	12%
Four or five	4	14%	29	26%
Six or more	8	28%	21	19%
TOTAL	29	100%	111	100%
C. Number of Prior Convictions				
One	10	44%	34	40%
Two	7	30%	18	21%
Three	0	0%	13	15%
Four or five	3	13%	16	19%
Six or more	3	13%	5	6%
TOTAL	23	100%	86	100%
D. Criminal Justice System (CJS) Status at Time of Arrest				
Involved With CJS	5	11%	30	23%
Not Involved With CJS	39	89%	101	77%
TOTAL	44	100%	131	100%
E. Age At First Adult Arrest				
21 or younger	13	43%	70	69%
22-25	5	17%	15	15%
26-29	4	13%	3	3%
30-35	5	17%	7	7%
36 or older	3	10%	7	7%
TOTAL	30	100%	102	100%

(continued)

TABLE C-7
(continued)

COMPARABILITY OF RELEASED DEFENDANTS IN THE
"NO PROGRAM" AND "NEW PROGRAM" GROUPS: TUCSON MISDEMEANORS

NOTE: Percentages may not add to 100% due to rounding

Characteristic	"No Program" Group Releasees (n=48)		"New Program" Group Releasees (n=160)	
	Number	Percent	Number	Percent
Part III. Demographic Characteristics				
A. Age At Arrest				
21 or younger	9	19%	41	26%
22-25	12	26%	32	20%
26-29	5	11%	22	14%
30-35	2	4%	25	16%
36 or older	19	40%	40	25%
TOTAL	47	100%	160	100%
B. Ethnicity				
White	17	35%	73	47%
Minority	31	65%	87	53%
TOTAL	48	100%	160	100%
C. Sex				
Male	38	79%	139	87%
Female	10	21%	21	13%
TOTAL	48	100%	160	100%
^a Significant at the .05 level				

END