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Research Bulletin

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Pretrial release and crime in Cook County

ACQUISITIONS

The Cook County Pretrial Release Study looks at a criminal justice population that has received extensive publicity but little research scrutiny—those individuals released to the community pending trial in Cook County. The activity of this large and diverse group has an impact on public safety, the workloads of individual criminal justice agencies, and, ultimately, taxpayer expenditures. Of particular concern in Cook County are the dozens of defendants who are released each week from the county jail on their own recognizance in order to comply with a federal court order capping the jail's population.

The study, which began in early 1989, focused on three types of pretrial releasees: those released on court deposit bonds, those receiving court recognizance bonds (court I-bonds), and those receiving Administrative Mandatory Furlough (AMF or "jail I-bonds") from the Cook County Department of Corrections. These three groups account for the vast majority of defendants released on bond prior to trial in Cook County. The study tracked the pretrial release activity of a sample of 2,127 defendants (1,620 men and 507 women) released between September 13-30, 1988, and November 10 through December 31, 1988.

The study found that—

◆ Defendants released on jail I-bonds had higher rates of bond forfeiture, rearrest, and reincarceration than defendants released on either court deposit bonds or court I-bonds (Figure 1). But "failures"—having a bond declared forfeited or a rearrest—were also high in Cook County for those released under the two court-issued bond types, especially when compared with pretrial failure levels in other large U.S. jurisdictions¹ (Figure 2).

◆ Nearly half of the men and a third of the women in the study who were released on jail I-bonds were rearrested at least once before the final disposition of their original cases.

◆ More than half of both the men and women released on jail I-bonds received at least one bond forfeiture for failing to appear in court.

◆ After being released a first time in order to ease crowding at the jail, 36 percent of the men and 25 percent of the women returned to the jail on charges stemming from offenses committed while free on pretrial release.

◆ Fewer defendants who posted a cash bond, or who were released on their own recognizance for reasons other than jail crowding, missed at least one court date, were rearrested, or were reincarcerated, although these pretrial failures still ranged from 11 percent to 39 percent.

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When someone is arrested for a crime in Illinois, the public expects that suspect to go through the judicial process without missing court or committing new offenses. Even if the person is released back to the community on bond, the ideal is no "failures" during the pretrial period. In this study of defendants awaiting trial in Cook County, the Illinois Criminal Justice Information Authority found this ideal is not always the case. In tracking a sample of 2,127 defendants released on three different bond types, the Authority discovered high levels of missed court dates and arrests for new crimes. The problem was greatest among defendants released on their own recognizance in order to ease crowding at Cook County Jail, according to the study, which was funded by a grant from the State Justice Institute.

Assuming relatively consistent levels of release over time, and that the study sample is representative of its larger population, the Authority estimates that 30,000 defendants receive at least one pretrial release during a year in Cook County.

Given the number of defendants released on bond per year, the workload impact of pretrial failures is enormous. The study estimated that these 30,000 releasees eventually account for nearly 60,000 additional criminal justice transactions (bond forfeitures, rearrests, and reincarcerations) during the period from release on bond to case disposition.²

FIGURE 1
Comparison of pretrial outcomes across bond types

Type of pretrial activity	♂			♀		
	Jail I-bond	Court I-bond	Deposit bond	Jail I-bond	Court I-bond	Deposit bond
Bond forfeiture	52%	34%	30%	54%	31%	21%
Rearrest	47%	33%	39%	34%	19%	17%
Reincarceration	36%	24%	26%	25%	16%	11%

FIGURE 2
Failure outcomes for selected urban areas in the United States

Jurisdiction	Bond type	Failure to appear		Rearrest	
		♂	♀	♂	♀
Bronx, NY	Recognizance	35%	28%	23%	9%
	Cash	27%	29%	22%	29%
Kings, NY (Brooklyn)	Recognizance	31%	47%	25%	29%
	Cash	18%	25%	22%	N.A.
Queens, NY	Recognizance	31%	33%	29%	30%
	Cash	17%	33%	16%	17%
New York, NY (Manhattan)	Recognizance	31%	24%	20%	10%
	Cash	39%	33%	23%	33%
Philadelphia, PA	Recognizance	55%	20%	33%	N.A.
	Cash	23%	50%	14%	N.A.
Washington, D.C.	Recognizance	11%	N.A.	11%	N.A.
	Cash	33%	N.A.	50%	N.A.

Source: 1990 National Pretrial Reporting Program, a product of the Pretrial Services Resource Center and the Bureau of Justice Statistics

These transactions increase the workload of the Cook County criminal justice system by an estimated 18,214 bond forfeitures, 27,735 rearrests for new crimes, and 13,761 reincarcerations in the Cook County Jail—at a total estimated annual cost of more than \$104 million.

The toll, in human terms, is also high. Applying a conviction rate of slightly more than 50 percent, for violent and property offenses alone, 30,000 defendants released prior to trial in one year are eventually responsible for more than 8,700 additional victimizations—a conservative estimate.

Failure to appear

Failure to appear was measured by whether or not a released defendant had a bond declared as forfeited during

the time frame of the qualifying case.³ When a defendant does not appear for a scheduled court date, the judge will declare the defendant's bond forfeited, and a warrant may be issued that day or at any time following the declaration of bond forfeiture.

The study found that jail I-bond defendants were more likely to have at least one bond declared forfeited during the prosecution of their qualifying cases than either deposit bond or court I-bond defendants

Fifty-two percent of the male defendants released on jail I-bonds had one or more bond forfeitures, compared to 34 percent of those released on court I-bonds, and 30 percent released on court deposit bonds. For female defendants, the pattern was similar.

Bond forfeiture judgments

Another measurement of failure to appear is the number of bond forfeiture judgments. A judgment is entered on the defendant's court docket—making the defendant liable for the bond amount forfeited—if he or she fails to appear before the court within 30 days after a bond forfeiture is declared.⁴ Analyzing the percentage of releasees who had bond forfeiture judgments entered on their records provided a more specific measure of failure to appear in this study.

The majority of the defendants in each bond group had no bond forfeiture judgments. Sixty percent of the jail I-bond men, 76 percent of the court I-bond men, and 78 percent of the deposit bond men had no bond forfeiture judgments. Patterns were similar for female defendants.

Bond forfeiture rates

The second step in analyzing failure focuses exclusively on those who failed to appear at least once. The question is no longer just who failed, but of those who did, how often did they fail? In other words, how many times, within each 100-day period after release on bond, did they have bond forfeitures declared for failing to appear? This second-level analysis has implications on court workload, because those releasees who have more bond forfeitures

increase the court's workload and tap more of its resources.

Of the releasees who had at least one bond forfeiture, jail I-bond men had significantly higher rates of bond forfeitures per 100 days than deposit bond men, but did not differ significantly from the court I-bond men. Six percent of the jail I-bond men had two or more forfeitures declared per 100 days, compared to 2 percent of the deposit bond men. Interestingly, jail I-bond women had the highest rates of bond forfeiture of any group studied. Twelve percent of the jail I-bond women had two or more bond forfeitures declared per 100 days, compared to 3 percent of the court I-bond women and 5 percent of the deposit bond women.

Rearrests

Forty-seven percent of the male defendants released on jail I-bonds because of crowding at the Cook County Jail were rearrested at least once before their original case was disposed of. Thirty-four percent of the women released on jail I-bonds were rearrested.

Of the jail I-bond men who were rearrested at least once, 67 percent were rearrested for a felony offense. Similar numbers of male defendants released under court-issued bonds were charged with felony offenses. Among women rearrested at least once while free on bond, 52 percent of those released on jail I-bonds were charged with felony offenses, compared to 45 percent of the court I-bond women, and 63 percent of the deposit bond women.

Of the jail I-bond defendants who were rearrested, 25.8 percent of the men and 14.3 percent of the women were rearrested for at least one violent (non-sexual) offense (Figure 3). Fifty-three percent of the rearrested men and 54 percent of the rearrested women in the jail I-bond group were charged with a one or more property offenses. The remaining offenses involved mostly drug and public order offenses.

Among the two types of court-issued bonds, levels of

rearrest were generally lower.

Thirty-three percent of the men and 19 percent of the women released on court I-bonds were rearrested for new crimes at least once before the disposition of their original case.

Of the court I-bond defendants, 27.7 percent of the rearrested men were charged with at least one violent offense, 44.7 percent with property offenses. Among the rearrested women in this bond group, 14 percent were charged with violent crimes and 69 percent with property crimes.

Thirty-nine percent of the men and 17 percent of the women released on court deposit bonds were rearrested for new crimes at least once before the disposition of their original case.

Among the court deposit bond defendants, 39 percent of the rearrested men were charged with at least one violent offense, the highest percentage of rearrests involving violent crime among all bond groups; 45.9 percent were charged with property offenses. Among the rearrested women in this bond group, 6.3 percent were charged with violent crimes and 56.3 percent with property crimes.

Rearrest rates

The two-tiered approach used to analyze failure to appear was also applied in analyzing rearrest. As with failure to appear, the speed at which a group of releasees fails is an indication of that group's effect on the criminal justice system. Rearrests not only affect workload and court resources, but also public safety (particularly when the new arrests involve serious violent or property offenses).

The study found that defendants released on jail I-bonds and court I-bonds had the highest rearrest rates and, therefore, the greatest impact on criminal justice workloads and public safety.

The great majority of deposit bond men and women

FIGURE 3

Type of offense charged for those defendants rearrested at least once

Type of offense	♂			♀		
	Jail I-bond	Court I-bond	Deposit bond	Jail I-bond	Court I-bond	Deposit bond
Violent	25.8%	27.7%	39.0%	14.3%	14.3%	6.3%
Property	53.4%	44.7%	45.9%	54.0%	69.0%	56.3%
Drug	45.7%	47.3%	42.4%	28.6%	28.6%	37.5%
Sexual	1.4%	2.1%	0.0%	11.1%	2.4%	0.0%
Public order	10.3%	12.8%	14.0%	28.6%	19.0%	12.5%
Unknown	0.4%	1.6%	0.6%	1.6%	0.0%	0.0%

Totals do not add up to 100 percent because some defendants are charged with more than one offense.

FIGURE 4

Rearrest rates per 100 days of release, by bond type

Rearrests per 100 days	♂			♀		
	Jail I-bond	Court I-bond	Deposit bond	Jail I-bond	Court I-bond	Deposit bond
.01-.24	10.7%	10.7%	15.5%	12.7%	16.7%	6.3%
.25-.49	22.5%	23.5%	30.3%	15.9%	23.8%	37.5%
.50-.74	19.3%	17.7%	18.5%	6.3%	14.3%	0.0%
.75-.99	12.5%	6.9%	9.5%	14.3%	7.1%	31.2%
1.00-1.49	12.5%	10.7%	11.9%	19.1%	7.1%	18.8%
1.50-1.99	8.2%	10.7%	8.9%	14.2%	12.0%	6.2%
2.00-2.49	3.9%	6.4%	3.0%	6.4%	11.9%	0.0%
2.50-4.99	8.6%	10.7%	1.2%	6.3%	4.7%	0.0%
5.00-9.99	1.4%	2.2%	1.2%	1.6%	2.4%	0.0%
10.00 +	0.4%	0.5%	0.0%	3.2%	0.0%	0.0%
Average rearrest rate	1.12	1.27	.79	1.77	1.12	.78

who were rearrested had fewer than 1.5 rearrests per 100 days (Figure 4). Only 6 percent of the deposit bond women and 14 percent of the deposit bond men had more. In contrast, 23 percent of the jail I-bond men and nearly 31 percent of the court I-bond men had at least 1.5 arrests per 100 days. Two percent of the jail I-bond men and 3 percent of the court I-bond men had at least five rearrests per 100 days. Among the women, 32 percent of the jail I-bond group and 31 percent of the court I-bond group had at least 1.5 arrests per 100 days, while 5 percent of the jail I-bond women had at least 5 arrests per 100 days.

This analysis suggests that, even though the different bond groups were released under very different conditions, once they recidivate they exhibit behavior that is strikingly similar. We have seen that while the jail I-bond groups failed more than the court-issued bond groups, the differences between jail I-bond and court I-bond defendants were often small. And, in some instances, jail I-bond behavioral outcomes were not significantly different from deposit bond outcomes.

Focusing on the rate of recidivism indicates that after court I-bond defendants recidivated at least once, they began to have the same impact on the resources and workload of the criminal justice system as the jail I-bond recidivists. On the other hand, deposit bond men and women recidivated at a much slower rate, and—in terms of workload and resources—had less of an impact on the criminal justice system.

Reincarceration

For both men and women, the percentage of defendants

who were reincarcerated in the Cook County Jail was highest among the jail I-bond group. More than one-third (36 percent) of the men in this bond group, and one-quarter (25 percent) of the women, were reincarcerated at least once before the disposition of their original case. In contrast, one-quarter of the men and 11 percent to 16 percent of the women in the other bond groups were reincarcerated.

Survival analysis

Another way to look at pretrial activity is to measure pretrial *success*, or the length of time during which a defendant on pretrial release is *not* rearrested or does *not* miss any court dates. If the defendant's qualifying case is disposed of without one of these failures, the defendant is said to have "survived." This type of examination is known as survival analysis.

The follow-up period for measuring survival is the time from the defendant's release on bond until the disposition of his or her case. The defendant's "time at risk" can be as long as the follow-up period. If the defendant fails to appear, or is rearrested *before* the disposition of his or her original case, then the "time at risk" ends with one of these pretrial failures. Defendants with longer follow-up periods are expected to survive in fewer numbers than defendants with shorter follow-up periods.⁵ Survival analysis takes these different follow-up periods into account.

Bond forfeitures declared

Using declarations of bond forfeiture as the terminating event, 64 percent of the jail I-bond men—whose cases

were not already disposed of—survived through the eighth week after release on bond. By the eighth week, 83 percent of the court I-bond men and 89 percent of the court deposit bond men were still surviving.

By the 52nd week after release on bond, only 29 percent of the jail I-bond men were surviving, compared to 42 percent of the court I-bond men and 58 percent of the deposit bond men.

Bond forfeiture judgments

Another way of applying survival analysis to failure to appear is to use bond forfeiture *judgments* as the terminating event.

By the eighth week after release, 89 percent of the jail I-bond defendants still at risk had survived (had not had a judgment of bond forfeiture). Ninety-seven percent of both the court I-bond and court deposit bond groups survived through the eighth week after release.

By the 52nd week after release on bond, 53 percent of the jail I-bond group had still not had a bond forfeiture judgment (were surviving), compared to 66 percent of the court I-bond group and 77 percent of the deposit bond group. As with bond forfeitures declared, the risk of receiving a bond forfeiture judgment was greatest for a jail I-bond defendant, within almost every time period after release.

Multivariate analysis

Multivariate analysis—looking at variables in relation to one another—provides a better understanding of pretrial failure and addresses many questions left unanswered by simpler bivariate data comparisons. Knowing that jail I-bond men are more likely than court I-bond men to be rearrested while free on bond is important information, but the difference between these arrest patterns could be due to factors other than bond type. For example, if people receiving jail I-bonds are more likely to have a prior arrest record, and if a prior arrest record affects the likelihood of rearrest, then an apparent difference in rearrest patterns may, in reality, have nothing to do with bond type. Therefore, it is important to determine what factors, other than bond type, influence the chances that a defendant will be rearrested for a new crime or fail to appear for a scheduled court date. To answer these more complex questions, all of the releasees' pretrial behavior needs to be taken into account at the same time.

Conditions influencing pretrial behavior are not limited to the defendant's interaction with the criminal justice system, but are also a result of factors such as economic and employment status, and family life characteristics (marital status, single family home, etc). Unfortunately, the Cook County Pretrial Release Study was limited to using basic demographic factors such as race and age—along with other factors relating to the defendant's contact with the criminal justice system—to

explain pretrial failure. But even this limited information should aid in understanding pretrial failure and developing useful policies to help resolve the problems of pretrial failure.

Factors that influence rearrest

Of all the variables that influence rearrest for a new crime, the length of the follow-up period—that is, how long the defendant was on pretrial release status—was the most influential variable in explaining rearrest for a new crime. Bond type was the least useful in explaining this type of pretrial failure.⁶

In addition to the length of the follow-up period, the following variables also had a measurable impact on the likelihood of rearrest:

- ◆ Age at bond release (in years)
- ◆ Race: white versus black
- ◆ Gender
- ◆ Prior arrest
- ◆ Property and sex crimes as most serious offense versus drug offense
- ◆ Bond type: deposit bond versus jail I-bond

The impact each of these variables had on the likelihood of rearrest is summarized as follows:

- ◆ Older defendants were less likely to be rearrested for a new crime than younger defendants.
- ◆ Blacks were more likely than whites to be rearrested for a new crime.
- ◆ Latinos and blacks were equally likely to be rearrested for a new crime.
- ◆ Women were less likely to be rearrested for a new crime than men.
- ◆ Having a prior arrest increased the likelihood of being rearrested for a new crime.
- ◆ A defendant whose most serious offense in the qualifying case was a violent crime, a probation violation, or a public order offense was just as likely to be rearrested for a new crime as a defendant whose most serious offense in the qualifying case was a drug offense.
- ◆ Accused property offenders were more likely to be rearrested for a new crime than accused drug offenders.
- ◆ Accused sexual offenders were more likely to be rearrested for a new crime than accused drug offenders.
- ◆ Court I-bond defendants were less likely to be rearrested for a new crime than jail I-bond defendants, even with all other variables taken into account.

◆ Deposit bond defendants were less likely to be rearrested for a new crime than jail I-bond defendants, even with all other variables taken into account.

◆ As the length of the follow-up period increased, the likelihood of the defendant being rearrested for a new crime increased.

Factors that influence failure to appear

All of the variables taken individually, and collectively, significantly influenced failure to appear. This suggests that the same variables that influenced the likelihood of rearrest also influenced the likelihood of failure to appear.

However, the variables previously used to explain the likelihood of rearrest had a different *degree* of influence in explaining failure to appear. Demographic variables, for example, were stronger as an explanation of rearrest than failure to appear. The length of the follow-up period was the most influential factor in explaining both forms of pretrial failure.

The most serious offense in the qualifying case and the type of bond release were factors in explaining the likelihood of failure to appear, but not in explaining the likelihood of rearrest. The type of bond release, which had a lesser effect on rearrest than any of the other variables, tied with most serious offense in the qualifying case as the second greatest influence on failure to appear.

In addition to the length of the follow-up period, the following variables had a measurable effect on the likelihood of failure to appear:

◆ Race: white and Latino versus black

◆ Prior arrest

◆ Property offense, violation of probation, and public order offense as the most serious offense in the qualifying case

◆ Bond type: court and deposit

The Pretrial Release Study found that these variables had the following effect on failure to appear:

◆ Whites were less likely to fail to appear than blacks. Latinos were also less likely to fail to appear than blacks; this effect was stronger than the effect of being white.

◆ Having a prior arrest increased the likelihood of failing to appear. Prior arrests had roughly the same degree of influence on failure to appear as rearrest.

◆ A defendant whose most serious offense in the qualifying case was violent, public order, or sexual offense was just as likely to fail to appear as a defendant whose most serious offense in the qualifying case was a drug offense.

◆ Accused property offenders were more likely to

fail to appear than accused drug offenders. This effect was stronger on failure to appear than on rearrest.

◆ Accused probation violators were significantly less likely to fail to appear in court than accused drug offenders, even though a violation charge had no effect on rearrest.

◆ Court I-bond defendants were less likely to fail to appear than jail I-bond defendants, even with all other factors being equal. The effect was stronger on failure to appear than rearrest.

◆ Deposit bond defendants were less likely to fail to appear than jail I-bond defendants, even when all other variables were simultaneously taken into account.

◆ As the length of the follow-up period increased, the likelihood of failure to appear increased. This variable had roughly the same influence on failure to appear as on rearrest.

Impact of pretrial release on public safety

To look at the sampled releasees collectively, and to account for their impact on public safety, it was necessary to give each bond group equal weight. The court I-bond and jail I-bond men were *samples* that represented their larger populations, while the other bond groups were 100 percent of their total populations. Those groups that were not 100 percent samples were assigned specific weights to represent the entire populations of defendants released on those bond types during the 70-day sampling period (see Methodology section).

After weighting the sample, it is estimated that 5,816 defendants were released during the 70-day sampling period. These releasees accounted for 5,320 new arrests, or an average of almost one new arrest per person. These arrests were for a wide range of charges, including both violent and property offenses.

Arrests, however, are not a complete measure of public safety impact. Conviction is a more definitive measure. In this study, slightly more than 50 percent of rearrests resulted in conviction. This victimization analysis, however, looks only at convictions on violent and property charges, because each of these crimes is assured of having at least one victim. These charges accounted for 60 percent of the total rearrests recorded for the sample. Releasees convicted of violent or property offenses accounted for at least 1,670 additional victimizations (527 before weighting)—a conservative measurement of the impact on public safety resulting from pretrial failure.

When the sample results are extrapolated to the entire population from which they were drawn, and the number of people released on all bond types studied is

FIGURE 5

Number of failure outcomes for the weighted sample, by bond type

	♂			♀		
	Jail I-bond	Court I-bond	Deposit bond	Jail I-bond	Court I-bond	Deposit bond
Sample N	601	577	442	187	226	94
Weight	5.6855	2.5129	1.0000	1.0000	1.0000	1.0000
Weighted sample N	3,417	1,450	442	187	225	94
Transactions contributed by the weighted sample						
Bond forfeitures	2,317	709	168	129	94	22
Rearrests	3,684	978	380	148	104	27
Reincarcerations	1,853	488	177	60	50	11

estimated over a one-year period, the impact on public safety looms even larger.

Using the weighted sample of 5,816 releasees and assuming relatively consistent levels of release over time, an estimated 30,000 defendants receive at least one pretrial release during one year in Cook County. Assuming relatively consistent levels of rearrest (as based on the rearrests recorded for the sample) these 30,000 releasees account for an estimated 27,734 rearrests. Applying the sample conviction rate of slightly more than 50 percent, there were an estimated 14,283 new convictions for these 30,000 pretrial releasees. Removing rearrests for drug, sex, and public order charges, an estimated 8,708 victimizations are attributable to defendants released prior to trial during one year in Cook County.

Impact of pretrial failure on workloads

In addition to compromising public safety, pretrial failures set in motion a series of criminal justice transactions requiring additional resources and time from every component of the justice system. Compared to the ideal of no bond forfeitures, new arrests, or reincarcerations, each of these pretrial transactions could be considered extra or unnecessary. Given the current number of pending cases in the Cook County courts, and the fact that other parts of the system are overloaded as well, these additional transactions only exacerbate an already serious situation.

Given the number of defendants released on bond per year, the annual workload impact of pretrial failures is staggering (Figure 5). For example, the 3,417 jail I-bond men in the weighted sample accounted for an additional 2,317 bond forfeitures and 3,684 arrests.

Assuming relatively consistent levels of release

over time, and that the study sample is representative of its larger population, an estimated 30,000 defendants receive at least one pretrial release during one year in Cook County. It is estimated that these 30,000 releasees account for nearly 60,000 criminal justice transactions during the period from release on bond to case disposition. These transactions increase the workload of the Cook County criminal justice system by an estimated 18,214 bond forfeitures, 27,735 rearrests, and 13,761 reincarcerations.

In analyzing pretrial failures by bond type, the study found that certain releasees are more criminally active than others. That is, a relatively small number of pretrial releasees accounted for a relatively large number of transactions. For example, 12 percent of the releasee sample accounted for nearly 60 percent of all rearrests of pretrial releasees during the tracking period.

This is an important policy issue. To reduce pretrial failure, it will be necessary for criminal justice officials to focus on those releasees who have a higher likelihood of continued failure. This could be accomplished through standardized risk factor assessment scaling—a practice used in other large cities, including Philadelphia and New York. Such focused pretrial intervention could help reduce pretrial failure levels.

Previous studies have indicated that the criminal justice system in Cook County is straining to keep up with current workload demands. This study illustrates how workload pressures are increased by high levels of pretrial failures among all types of releasees. Reducing these failure levels will not only improve public safety and increase the chances of the individual releasee becoming stabilized in the community; reducing failure levels will also help contain the growing workload problem facing the county's justice system.

FIGURE 6

Initial and additional costs of defendants released prior to trial in Cook County

	Initial costs			Additional costs		
	Arrest	Detain	Court processing	Rearrest	Detain	Court reprocessing
Per defendant	\$1,847	\$350	\$1,030	\$2,168	\$331	\$975
Weighted sample	\$10,742,152	\$2,035,600	\$5,990,480	\$12,609,088	\$1,925,096	\$5,670,600
30,000 per year	\$55,410,000	\$10,500,000	\$30,900,000	\$65,040,000	\$9,930,000	\$29,250,000

Note: Average initial costs based on 8,655 court appearances at \$119 each, and 10,584 days in Cook County Jail at \$33 per day.

Financial impact of pretrial failure

Using information from a parallel study on criminal justice transaction costs, Authority staff were able to assess the estimated costs to criminal justice agencies in Cook County for all of the documented transactions of the sample group.⁷ Again, extrapolating the additional transaction costs to the entire population of released defendants in Cook County illustrates the enormous impact of pretrial release failures.

Present estimates put the average cost of an arrest at \$1,847, the average cost to try a defendant at \$119 per court appearance, and the average cost to incarcerate a prisoner at \$33 per day in Cook County (Figure 6). Looking at the transactions of the weighted sample group (5,816), it is estimated that the pretrial failures of this group alone amounted to \$12.6 million in law enforcement costs, nearly \$5.7 million in court costs, and more than \$1.9 million in correctional costs. The total additional cost of all pretrial failures among the group studied is estimated in excess of \$20.2 million. The total cost to process (and then reprocess) the weighted sample population was an estimated \$39 million.

In comparison, if all pretrial defendants in the weighted sample had been detained for the entire period from arrest to disposition, the cost to the county would have been approximately \$61.5 million (\$10.8 million in law enforcement costs, \$44.7 million in correctional costs, and \$6 million in court costs). From a simple release or incarcerate perspective, pretrial release, even given relatively high failure rates, is more economical, at least in terms of direct criminal justice costs. However, this cost does not reflect the large (and largely immeasurable) costs to the victims of the new crimes.

Experience suggests there may be a more economical option still—formalized and more structured pretrial services. Using estimated costs of supervision within the Cook County Pretrial Services Program, the study estimated that placing all of the 5,816 released defendants in the weighted sample in the current Pretrial Services Program would have cost the county \$2.6 million in

supervision services. Including the costs for the initial arrests and processing through the courts, and rearrest for new crimes, the total cost of 5,816 released defendants would be \$27 million. The cost estimates for Pretrial Services assume an increase in current failure rates: 30 percent in an expanded program compared to a 22 percent failure rate for Pretrial Services, as of July 1991.⁸ Even so, the county could theoretically have reduced overall expenditures for the weighted sample population by \$11.9 million, while ensuring a higher degree of public safety, through use of structured supervised pretrial release.

Summary of recommendations

It is difficult to view any one bond type as “best.” This study shows that there are substantial levels of pretrial release failure in each bond category, not just in the jail I-bond category. Further, it is difficult to determine how many pretrial release failures can be viewed as acceptable. For example, all failures for the jail I-bond group can be seen as unacceptable since they are “forced releases.” But a certain number of these failures could be seen as acceptable, if they provide the benefit of additional jail space or program services for even more serious and dangerous inmates. Based on comparable data from other states, it is apparent that a zero tolerance level of pretrial failure is not achievable.

Nevertheless, defendants released by the courts fare better than those released by the jail. And, the current reported failure outcomes for the Cook County Pretrial Services Program (22 percent forfeited bond as of July 1991) are substantially lower than even those for the court bond categories in this study. These higher performance levels are due, at least in part, to the increased availability of resources and supervision for defendants in this program. In addition, eligibility criteria and other elements of the screening process may also have an influence.

The Cook County Department of Corrections currently uses programs such as electronic monitoring to

accommodate pretrial releasees and help limit adverse effects on the criminal justice system and the community. Also, the department's focus on job training, education, and treatment, in conjunction with supervision on pretrial release, may help reduce pretrial failure.

Pretrial release funds in Cook County must be spent more effectively, and must address public safety issues aggressively. The Authority recommends that the following actions be carefully considered in light of this study's findings.

In the area of court managed pretrial programs:

- ◆ Examine and continue to refine the selection criteria for pretrial release.
- ◆ Develop additional programs to supervise and support defendants released through court-issued deposit or recognizance bonds.
- ◆ Increase resources for the Cook County Pretrial Services Program, to permit more defendants to enter the program.
- ◆ Accommodate high-risk defendants with high levels of failure by expanding the Cook County Pretrial Services Program or creating a special focus in the program for high-risk defendants.

In the area of jail-based recognizance release:

- ◆ Reduce the number of pretrial defendants released through the jail I-bond program through development and use of other, more structured alternatives.
- ◆ If the jail I-bond program continues, expand the resources available to the Cook County Department of Corrections to improve pretrial release programs, such as pretrial electronic monitoring and other enhanced pretrial supervision efforts.

The results of the Cook County Pretrial Release Study should serve as a baseline from which comparisons can be drawn with new or expanded pretrial supervision programs. The Authority recommends that comparable outcome measurements (bond forfeiture, rearrest, and reincarceration) be taken of the Pretrial Services Program and of any other new or enhanced pretrial programs, to ensure that these programs are, in fact, reducing pretrial failure and improving public safety.

Methodology

The Cook County Pretrial Release Study focused on the three types of pretrial releasees that account for the majority of defendants released to trial in Cook County: those released on court deposit bonds, those receiving court recognizance bonds (court I-bonds), and those receiving Administrative Mandatory Furlough (AMF or

"jail I-bonds") from the Cook County Department of Corrections.

The study looked at pretrial release activity among a group of 2,127 defendants (1,620 men and 507 women) released between September 13-30, 1988, and November 10 through December 31, 1988, on the three different bond types.⁹

The study tracked the three releasee groups and documented their criminal activity from the time of their initial pretrial release until the disposition of the case associated with that release. Four specific negative performance measures were used: the declaration of a bond as forfeited, a judgment of bond forfeiture recorded on a defendant's docket, rearrest in Illinois on a new charge, and reincarceration in the Cook County Jail.

The main focus of the study was to determine whether defendants released on jail I-bonds are rearrested more often for new crimes, or fail to appear for scheduled court dates more often than defendants released on other types of bond.

Differences in demographic characteristics, such as race, age, and case information (number of court dates and conviction status), were identified and compared across bond groups. These variables can affect rearrest and failure to appear outcomes. Taking these factors into account, the study attempted to determine what characteristics in pretrial behavior are most influential in understanding whether a defendant will be rearrested for a new crime, or fail to appear in court.

To comprehensively investigate pretrial activity, it was necessary to examine the released defendant's activity as he or she came into contact with each component of the criminal justice system. Therefore, it was necessary to track each individual throughout the criminal justice system from the date of release on bond until the date of the disposition of the case.

In Cook County, there is no comprehensive database that records information about released defendants and their activity—in court or out of court—while on bond. To conduct this study, therefore, a database containing the pre-disposition release activity of defendants had to be created. This database consists of information pertaining to court case activity, reincarceration activity, rearrest activity, and bond changes within the duration of a case. This task was accomplished through the collaborative efforts of each component of the Cook County criminal justice system. The combined resources of law enforcement, the courts (including prosecution and defense), and corrections were made available and used to create the defendant tracking system used in this study.

Defendants released under court I-bonds and deposit bonds were included in the study under the same constraints as defendants released on jail I-bonds. The defendants had to be released on bonds of \$50,000 or less, charged with a felony offense (but not a Class X violent offense) between September 13-30, 1988, and November

10 through December 31, 1988. These were the criteria governing eligibility for jail I-bond release at the time the sample was drawn.

A complete list of defendants (names) released on jail I-bond, court I-bond, and deposit bond was supplied by the Cook County Circuit Court Clerk's Office and the Cook County Department of Corrections. Variables such as bond type, bond amount, release date, charge(s), and gender were used to place defendants in the appropriate bond group and to qualify defendants to be included in the study for possible inclusion in the sample.

Keeping with the demands of the study design, the three bond groups (jail I-bond, court I-bond, and deposit bond) were further divided by gender. This division stratified the population into six groups: jail I-bond women, jail I-bond men, court I-bond women, court I-bond men, deposit bond women, and deposit bond men. A random sample was selected from each of these six strata.

Because some of the groups were over-sampled to ensure that women and serious but rare offenses would be represented, it was necessary to "weight" the samples when the six subgroups were combined for analysis.

The deposit bond men, deposit bond women, court I-bond women, and jail I-bond women were 100 percent samples, which means they represented the entire population of defendants released under their respective bond types during the 70-day sampling period. The jail I-bond and court I-bond men were weighted when analyzed in combination with the other 100 percent samples. The jail I-bond weight factor for men was 5.6855, and the court I-bond weight factor for men was 2.5129.

With the sample selected, the next step was to

collect the follow-up information, which provided the data necessary to compare the groups in terms of rearrests and failures to appear, and to identify any differences found in other factors. Here, the complexities in case and defendant tracking, and in interpreting pretrial release activity, became most prevalent.

Each case had a potential for high court activity, including multiple bond forfeitures, numerous continuances, and pretrial release activity such as bond status changes and rearrests. However, the qualifying case was the tool used to determine the time period within which the released defendant's activity was recorded. For example, if a released defendant had three cases occurring during the time frame of the study, but only one of them was for a felony offense with a bond amount of \$50,000 or less that was not a Class X violent offense, then this was the case which qualified the defendant for the study. When there were two cases which could have qualified a defendant for the study, the release dates were compared, and the one that occurred earlier within the time frame of the study became the qualifying case.

The qualifying case determined the beginning and the end of the follow-up period. Each person was followed from release on bond for the qualifying case to the final disposition date of that case (not including appeals). Follow-up information was recorded during the period of the qualifying case. Even though a defendant may have been charged in another case occurring before or after the qualifying case, only the case that qualified the individual for the study was used in the follow-up analysis to determine the time period for tracking and recording pretrial release activity.

Notes

1. The Pretrial Services Resource Center in Washington, D.C., estimates that between 30 percent and 45 percent of all pretrial releasees nationwide fail to appear at least once, and that between 20 percent and 35 percent of all pretrial releasees are rearrested for a new offense. These are, of course, averages based on *all types* of pretrial release mechanisms (recognizance, cash, or deposit bond). These numbers are also for male and female releasees combined. Thus, while no *direct* comparison can be made to the outcomes measured in the Cook County study, these national ranges do provide a reference for discussion.
2. An estimated 30,000 defendants are released prior to trial each year in Cook County. The additional transactions these releasees contribute occur between the time of release until case disposition, which in many cases is more than one year.
3. The qualifying case is the criminal justice event that qualified a defendant for possible inclusion in the study under certain criteria: felony offenses that were not Class X violent offenses and had bond amounts of \$50,000 or less, occurring between September 13-30, 1988, and November 10 through December 31, 1988. When there were two cases that could have qualified a defendant for the study, the case with the earlier release date within the time frame of the study became the qualifying case.
4. If the defendant, or a representative for the defendant, convinces the judge that the failure to appear was not willful or could not be helped, the judge will vacate the declared bond forfeiture and quash any warrant. However, there is no definitive way of measuring whether a defendant willfully failed to appear.
5. Clarke, Stevens H. and Miriam S. Saxon. *Pretrial Release in Durham, North Carolina: A report on a study of criminal defendants charged in North Carolina's 14th District from February through May, 1985*, Institute of Government, The University of North Carolina at Chapel Hill, 1987.
6. Multivariate analysis was used in this study in order to explain pretrial failure, not to predict it. Logistic regression was used to generate models that explain the factors that influence failure to appear and rearrest. Logistic regression is appropriate when the dependent variable is nominal or categoric. The two outcome measurements of pretrial failure (dependent variables) ask whether or not the releasee was rearrested for a new crime while free on bond, and whether or not the releasee had a bond declared forfeited for failing to appear in court. If one of these two events occurred, the dependent variable has a value of 1. If the defendant was never rearrested, or never forfeited a bond, the dependent variable has a value of 0.
7. Olson, David E., and Lauri Stout. *The Cost of Processing a Drug Offender Through the Criminal Justice System*. Presentation at the Midwest Criminal Justice Association's Annual Meeting, 1991.
8. Price, Robert. Letter to the Authority from the Circuit Court of Cook County Pretrial Services Department, April 24, 1992.
9. Two considerations figured prominently in choosing this time period. First, the criteria for releasing defendants on AMF, or jail I-bonds, were constant during this period. Second, all of the defendants could be followed from the time of pretrial release until case disposition. If the follow-up period had been too short, the most complex cases would have been systematically eliminated from the study.

Recent Authority Publications

This *Research Bulletin* is based on the Authority's recently published, *Cook County Pretrial Release Study*. The 160-page report from the study discusses the Authority's findings in greater detail and provides more complete methodology.

Dynamics of Aging in the Illinois Law Enforcement Officer Corps
February 1992

Trends and Issues 91: Education and Criminal Justice in Illinois
September 1991

*Blueprint for the Future: Final Report of Trends and Issues for the 1990s,
An Illinois Criminal Justice Forum*
January 1991

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Research Bulletin

Research Bulletin presents topics of interest to criminal justice professionals, researchers, and the public.

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