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FINAL EVALUATION REPORT

Unified Pretrial Services Project   (PH-77-C-012-0407)

Submitted To: Evaluation and Monitoring Unit
                                 Governor's Justice Commission
                                 Philadelphia, Pennsylvania

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PART I

INTRODUCTION

The initial section of this report provides an overview of bail and pretrial services from the prospective of Research and Evaluation. Attention is focused on issues relating to the development of release on recognizance bail and other forms of pretrial release associated with the bail reform movement in the United States during the 1960's and 1970's. Particular emphasis is placed on the concept of standards for release on recognizance from the prospective of the management philosophies and operational concepts which developed during this period.

CHAPTER 1

THE BAIL PROBLEM

Bail Problem or Pretrial Problem?

The aim of this report is to provide an overview of the
evaluation and management of pretrial service programs.
Because management and evaluation is based on a series of
goals and objectives, it is useful to consider the evolution of
pretrial programs and bail programs from a historical prospective.

Generally, modern pretrial release programs developed initially
because of a desire to replace corrupt bail bondsmen with a
more efficient system which was fairer to the defendants and
more responsive to the needs of the criminal justice system.
In Pennsylvania, this reform spirit, directing its corrective
zeal toward the bail bondsman is best summed up in a 197
report issued by the Pennsylvania Crime Commission:

The Pennsylvania Crime Commission discovered widespread dis-
regard for the laws, rules and regulations intended to govern
the activities of bondsmen in Pennsylvania. Both professional
bondsmen and surety agents, although licensed by the state
insurance department, operate without any effective control and
often in violation of the criminal and insurance laws of the
Commonwealth.

The Commission found evidence of criminal violations allegedly
committed by thirty-four (34) individuals engaged in the bail
bond business, including professional bondsmen and agents of
all three insurance companies: Allegheny Mutual, Midland, and
Stuyvesant. This evidence had been referred to the appropriate
authorities for possible prosecution.

The Pennsylvania Association of Bail Bond Underwriters, in
addition to attempting to thwart this investigation, has not

produced any real improvements in the bail system. The bail
business of over half of the recent (1974-75) dues-paying members
of the association were examined by the commission and found
to violate the criminal and insurance laws of the Commonwealth.
Despite the purportedly educational goals of the association,
the membership is generally ignorant of the laws applicable
to the bail bond system. The major success of the association
has been its prevention of legislative bail reform through
concentrated and effective lobbying.

In sum, the business relations between defendants and bondsmen
are tainted by widespread ignorance and illegal activity.
Only rarely are bondsmen expected to pay monetary forfeitures
to the courts for fugitive clients. Often any expenses incurred
by the bondsmen are reimbursed by security deposits and indemnification
from defendants, or their friends and family. The insurance companies
involved in the bail surety business exercise limited control
over their agents. All bondsmen operate under ambiguous state
and local regulatory schemes, which are effective ignored.[1]

Despite overwhelming evidence regarding the corruption and inefficiencies

of bondsmen in many jurisdictions they remain the only source

of bail for low income defendatns. The problem has been particularly

severe in some areas of Pennsylvania, e.g., Pittsburgh, where

several bondsmen have been convicted of crimes associated with

the bail bond industry. Although problems are still evident in

the 1970's, a decade earlier in most jurisdictions throughout

the United States, bondsmen were the only source of bail for middle

and low income defendants. The first bail reform program of national

import was developed in Manhattan or the Vera Institute of Justice

beginning in 1961. It was a small-scale experiment which focused

on low-income defendants.

The Manhattan Bail Project

The Manhattan Bail Project was initiated by the Vera Foundation

and New York University School of Law and the Institute

of Judicial Administration in October, 1961. Its basic

goal was to provide pre-arraignment investigation and

to determine whether povertystricken defendants could

be successfully released on "parole" pending their trial.[2]

Thus, another major characteristic of the bail reform movement

surfaced, an emphasis on services to poverty-stricken defendants.

Many people could not secure bail because they were unable to

afford the services of a bondsmen or provide their own surety.

The Manhattan Project hypothesized that if a defendant demonstrated

strong "community ties, community pressure would act to assure his

presence in court if he were released on his own recognizance.

The investigators employed by the Manhattan Project used five

screening criteria to determine whether a defendant might be

considered for pretrial probation: (1.) whether he/she resided

at his/her present address for six months or more; (2.) whether

he/she was currently employed or recently employed for at least six

months; (3.) whether he/she had relatives in New York City with

whom he/she was in contact; (4.) whether he/she had any previous

conviction for a crime; (5.) that he/she had resided in the city

for ten years or more (even if he/she had not lived at the same

address during the last six months). If a defendant satisfied at

least one of those criteria, or partially met two of the
five, the Project personnel proceeded to verify the in-
formation by telephone or by field investigation. If
the defendant passed the initial screening, he was evaluated
on a more elaborate series of items regarding community
ties, criminal history, employment, family ties and other
risk factors such as drug or alcohol addiction.

The Vera Project employed a "point system" which weighted
the number of positive factors which favored a defendant's
release. For defendants who were released on recognizance,
the Project also engaged in an elaborate series of communications
and notifications with the defendants, reminding them
to come to court. If a defendant failed to appear in
court at the appointed time, immediate attempts were made
to locate him. If a defendant missed the court appearance
because of a legitimate reasonand a bench warrant had
been issued, attempts were made by the bail project staff
to have the warrant vacated. In this manner, project
staff acted in the same way that family or friends might
have done in a previous, less urbanized era, maintaining
contact with the defendant regarding his court appearances.
Generally, the Manhattan Project has been evaluated as
a success. Its principles and its general mode of operation

have been adopted by hundreds of bail programs throughout the United States. The major innovations evolving from the project are release on recognizance (rather than money bail), a point system, and an efficient system of notification and communication regarding court appearances. The Manhattan Project prompted policy makers to evaluate the purposes of bail and pretrial services. The result was a general inditement of bail bondsmen system and a re-examination of goals and objectives of bail.

Purposes of Bail

The purpose of bail emerged from practices carried out in medieval England, wherein friends and community "guaranteed" the appearance of an indicted person at a hearing. The institution has evolved gradually since that time -- through common law and through traditions in English speaking countries. Paul Weiss, in his recent book, Freedom for Sale, emphasizes that even today the purposes of bail must be uncovered through studies of the practice of bail, because rarely does an actual statement of purposes take place. The most frequently cited objective has always been to insure that the defendant appears for a trial. The basic theory on money bail is that the released defendant will appear at a hearing in order to make sure

that bail is not forfeited by those who acted in good
faith in his behalf.   The same rationale operates with
respect to release on recognizance bail.   Again, the funda-
mental purpose of the procedure is to assure that the
defendant appears at trial. [3]

The second major use of bail is as a punitive measure.
In the cities which Weiss investigated, the police were
found to bein the habit of overcharging "suspicious" defendants.
They were overcharged in this sense the first that they
were charged with a more "serious" crime then they had
committed and therefore a higher bail amount was required.
The Police generally indicate that because of constitutional
guarantees, they can delay questioning a defendant for
only a short time.   Frequently police are dismayed by
the fact that defendants often post bail very quickly
and are out on the street before the investigation report
is completed.

The third purpose of bail is to protect our society from
defendants who are likely to commit additional crimes
or to threaten or to harass witnesses and jurors.

This purpose has been written into a 1971 law with the
federal preventive detention statute which applies to

Washington, D.C. Although the Federal Bail Reform Act
of 1966 stipulated that the basic purpose of bail is to
assure that the defendant appears at trial, in practice,
the preventive detention notion is almost universally
expressed through higher bails in virtually every juris-
diction in the country for those defendants who appear
to pose a serious threat to the community. Crime on release
or while on bail is the subject of one of the chapters
in this report.

The fourth purpose of bail examined by Weiss is that of
rehabilitation. He suggests that this practice is reserved
mostly for juveniles and first offenders. A small minority
of judges believe that bail should be manipulated to detain
first offenders for a short period of time. By giving
potential career criminals a taste of reality of jail,
the theory goes, they might be intimidated into following
a more law abiding lifestyle in the future. Rehabilitation
may also be thought of in a corrective sense, in that
some diversion programs which entail treatment for nacotics
or alcohol addiction, remedy of umemployment problems
or other treatment of character deficiencies during the
pretrial period may also be an important part of the rehabilitation

function. The idea in this case is just the opposite

of giving the defendant a taste of jail. Instead, release

is employed to prevent the defendant from entering the

"official" criminal justice system wherein he is exposed

to the criminal lifestyles of experienced offenders and

is certified as an official criminal. In lieu of jail,

he is shuttled into an "alternative" program wherein he

is not labeled as a criminal or a deviant, and given

special attention so that he does not return to the criminal

justice system.

All of these functions of bail discussed above have ex-

isted throughout the history of the judicial system in

the English speaking world. The bail reform movement

of the 60's and 70's has forced a re-examination of the

fundamental tennets behind pretrial release. The evolution

of bail agencies and pretrial agencies suggests that we

have decided to place sufficient importance on these functions

that we have allocated a specific responsibility to a

governmental unit to be accountable for the steering of

defendants through the entryways of the criminal justice

system.

Aftermath of the Manhattan Project

By the year 1965, pretrial release projects were operating

in over 60 jurisdictions throughout the United States.

Twelve years later (April, 1977) release programs were operating in well over 100 jurisdictions. More important, the basic principles of the bail reform movement had been incorporated into court practices of countless other smaller jurisdictions which did not have bail agencies.[4]

In the fifteen years since the Manhattan Project that the bail reform movement has prevailed, the emphasis has shifted from release on recognizance to "diversion" programs, like conditional release and special programs for drug addicts and alcoholics. In the larger cities the role of the pretrial service agencies has shifted from simply offering a program of release on recognizance to orchestrating a series of alternatives to incarceration which include substitutes for money bail and various kinds of rehabilitative programs.[5]

In the larger metropolitan areas, the bail agency is now an orchestrator or coordinator of defendants as they are processed though the maze of pretrial programs. Although this orchestration role is evident in the larger jurisdictions such as New York, Philadelphia and Washington, most jurisdictions in outlying areas even within the greater methopolitan areas have only begun to investigate the possibilities of release on recognizance. Indeed, outlying jurisdictions

are only now beginning to experience the increase in prison
populations and the rise in crime which ahd occurred in
the inner cities years earlier. The bail reform movement
has spread from the East to the Midwest to the West in
terms of chronological development. Although well entrenched
in eastern and midwestern cities, bail reform appears
to be just beginning in other areas of the country.

Measuring the Efficiency of Pretrial Programs

Pretrial services programs man be monitored through a
series of specific management information indicators.
Probably the most comprehensive statement of these indicators
is found in the initial report of the National Evaluation
Program on pretrial release programs sponsored by the
National Institute of Law Enforcement in Criminal Justice
of LEAA. [6] (Table 1).

These criteria represent management areas which should
be monitored by administrators and evaluators. The six
areas which should be monitored in pretrial programs are
as follows:

1. Release rates -- the proportion of defendants
    released prior to trial.

2. Speed of operation -- the lapse time between
    arrest and release for the defendants who are
    eligible for release.

3. Equity -- persons of different ethnicity or income should be treated equally under the law by the criminal justice system.

4. Economic cost and benefits -- pretrial release programs should result in keeping people out of jail thereby obviate the cost of jailing or building new jails.

5. Failure to appear -- persons who are released through pretrial services program could have a high rate of appearance in court when scheduled.

6. Pretrial crime -- the pretrial crime rate should be minimized by helping to insure that individuals who might be dangerous to the community are properly supervised or not granted pretrial release.

Priorities in Evaluation

In 1974, the National Center for State Courts surveyed a large number of criminal justice personnel regarding the priorities for attention in pretrial release.[7] The survey included program directors of pretrial release programs, judges, county executives, public defenders, district attorneys, police chiefs and sheriffs. The function of pretrial agencies which received the highest rating

as a goal was, "to make sure that defendants released
through a program appeared in court when scheduled." The
second most important goal, according to this survey,
was to lessen the inequality in treatment of rich and
poor by the criminal justice system. The third most important
goal was to minimize the amount of time that elapses between
arrest and release of the defendants who are eligible
for release. It must be remembered that these priorities
reflect the opinions of professionals in the criminal
justice system. The goals and functions which they perceivd
as most important relate to the efficiency of this system
from their own perspectives, e.g., making sure that people
appear in court when scheduled, assuring that defendants
are treated equally and equitably and in processing defendants
quickly. Goals such as reducing and overcrowding in
jails tend to rank much lower in the list of priorities.
Also, reduction of pretrial crime and associated dangerousness
ranks tenth in importance according to these functionaries
in the criminal justice system. However, it is this goal
which has been given the greatest importance by press,
politicians and members of the lay public. Irrespective
of the rank ordering of program goals in terms of importance,
it appears that the effectiveness measures and evaluation

questions suggested in the national evaluation program,
indicated in figure one, cover the basic operational issues
in the pretrial service area. It is these issues which
will serve as the basic focal point of the evaluation
and management of pretrial service programs.

F O O T N O T E S

Chapter 1

[1]*Abuses and Criminality in the Bail Bond Business*, Pennsylvania Crime Commission, Department of Justice, Commonwealth of Pennsylvania, N.D. (circa 1976), pp. 47-48.

[2]Charles E. Ares, Anne Rankin, and Herbert Sturz, "The Manhattan Bail Project: An Interim Report on the Use of Pre-trial Parole," *New York University Law Review 38*, (January, 1963), pp. 67-92.

[3]Paul B. Wice, *Freedom for Sale*, (Lexington, Massachusetts: Lexington Books, 1974), pp. 5-6.

[4]Wayne H. Thomas, Jr., et. al., *National Evaluation Program, Phase I Summary Report: Pretrial Release Programs*. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Government Printing Office, 1977, p. 3.

[5]Thomas. *Bail Reform in America*. (Berkeley: University of California Press, 1976), pp. 9-10.

[6]*National Evaluation*, pp. 16-27.

[7]*An Evaluation of Policy Related Research on the Effectiveness of Pretrial Release Programs*, (Denver: National Center for State Courts, 1975), pp. 56-57.
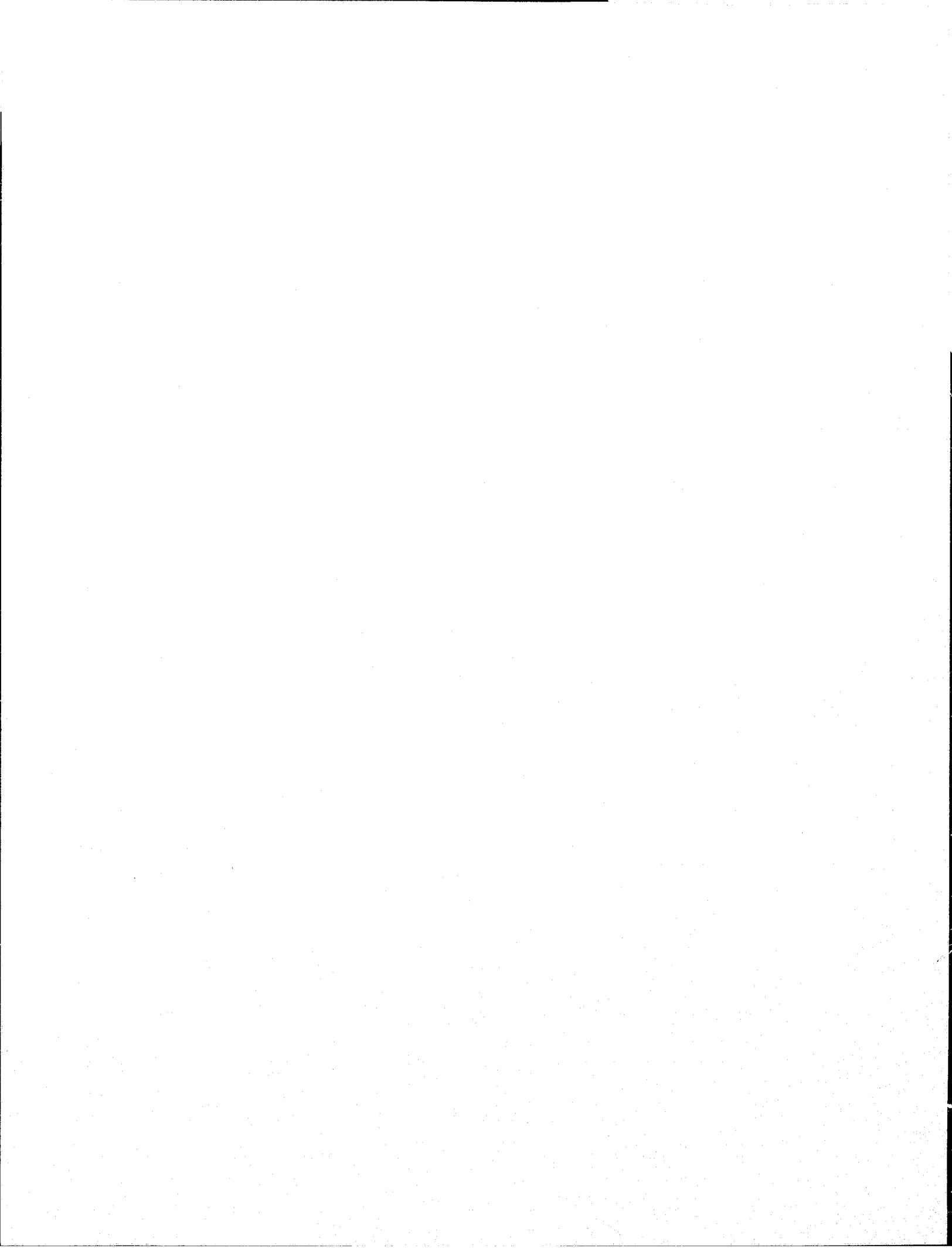
Table 1

ISSUE AREA	PROGRAM GOALS/EFFECTIVENESS MEASURES	EVALUATION QUESTIONS
1. RELEASE RATES	Increase the proportion of defendants released on nonfinancial conditions prior to trial.	What impact do programs have on the percentage of defendants released prior to trial? On the percentage released on their own recognizance and other forms of nonfinancial release?
2. SPEED OF OPERATION	Minimize the time that elapses between arrest and release of defendants who are eligible for release.	How quickly following an arrest do programs operate? What impact do they have on reducing the time from arrest to release?
3. EQUAL JUSTICE	Lessen the inequality in treatment of rich and poor by the criminal justice system.	How effective are the programs in serving the needs of poor or indigent defendants, who are the most obvious victims of the financial bias inherent in the use of money bail?
4. ECONOMIC COSTS AND BENEFITS	Reduce the costs to the public by keeping people out of jail (and employed where possible) while awaiting disposition of their cases.	To what extent are pretrial release programs cost-effective? Do the benefits gained through reduced detention costs and savings in other areas offset the costs of operating the program?
5. FAILURE TO APPEAR RATES	Make sure that individuals granted pretrial release through the program appear in court when scheduled.	What impact does the intervention of pretrial release programs and the use of nonfinancial forms of release have on the percentage of defendants who fail to appear at scheduled court proceedings?
6. PRETRIAL CRIME	Minimize pretrial crime, by (a) helping to ensure that individuals who might be dangerous to the community are not granted pretrial release; and/or (b) maintaining supervision in appropriate cases.	What impact does the intervention of pretrial release programs and the use of nonfinancial forms of release have on the percentage of defendants who commit criminal acts while on pretrial release?

Table 2

Response Patterns of all Categories of Pretrial Release
Respondents to the 16 Common "Possible Goals" - "Should" Scale

Goal		Program Directors	Judges	County Executives	Public Defenders	District Attorneys	Police Chiefs	Sheriffs	Consensus of Respondents other than Directors
1. Making sure that individuals granted pretrial release through the program appear in court when scheduled.	Rank	1	1	1	3	1	1	1	1
	Mean	1.37	1.13	1.30	1.64	1.73	1.12	1.27	1.36
	SD	1.02	.34	.57	1.06	1.76	.42	.57	.44
	Range	1-7	1-2	1-3	1-5	1-7	1-2	1-2	1-7
	N	54	23	20	28	26	32	34	163
2. Lessening the inequality in treatment of rich and poor by the criminal justice system.	Rank	2	2	1	2	5	3	2	2
	Mean	1.49	1.43	1.30	1.30	1.93	1.39	1.56	1.50
	SD	1.10	1.36	.92	.72	1.70	.71	1.03	1.13
	Range	1-7	1-7	1-5	1-4 ₀	1-7	1-2	1-5	1-7
	N	53	21	20	27	28	31	33	160
3. Minimizing the amount of time that elapses between arrest and release of defendants who are eligible for release.	Rank	3	3	3	1	7	7	3	3
	Mean	1.53	1.50	1.40	1.22	2.11	2.22	1.58	1.70
	SD	1.25	.86	.82	.64	2.06	1.40	1.00	1.29
	Range	1-7	1-4	1-4	1-4	1-7	1-5	1-5	1-7
	N	53	22	20	27	28	32	33	162
4. Gathering data to be used in evaluating and improving the effectiveness of one's own program.	Rank	4.5	7	6	6	2	4	6	4
	Mean	1.56	2.76	1.75	2.14	1.79	1.75	1.78	1.96
	SD	.98	2.21	1.12	1.67	1.42	1.37	1.16	1.52
	Range	1-5	1-7	1-4	1-7	1-7	1-7	1-5	1-7
	N	54	21	20	28	28	32	32	161
5. Maintaining good relations with judges and other court personnel.	Rank	4.5	13	10	13	12	11	13	12
	Mean	1.56	3.67	2.35	3.04	3.07	2.78	2.36	2.85
	SD	1.06	2.44	1.72	2.19	2.36	2.08	1.73	2.10
	Range	1-5	21	1-7	1-7	1-7	1-7	1-7	1-7
	N	54	1-7	20	28	27	31	33	160
6. Reducing the cost to the public by keeping people out of jail (& employed where possible) while awaiting disposition of their case.	Rank	6	5	4	9	4	8	8	5
	Mean	1.58	2.27	1.60	2.48	1.89	2.30	2.03	2.11
	SD	.91	1.45	1.09	2.19	1.34	1.51	1.74	1.62
	Range	1-4	1-7	1-4	1-7	1-7	1-6	1-7	1-7
	N	53	22	20	27	28	31	31	159

Table 2 (Cont'd)

Goal		Program Directors	Judges	County Executives	Public Defenders	District Attorneys	Police Chiefs	Sheriffs	Consensus of Respondents other than Directors
7. Maximizing the number of persons at liberty between arrest and final disposition of their case.	Rank	7	8	10	4	15	12	4	13
	Mean	1.65	2.86	2.35	1.74	3.79	2.92	1.62	2.93
	SD	1.30	2.21	1.42	1.66	2.17	2.03	.94	2.13
	Range	1-7	1-7	1-6	1-7	1-7	1-7	1-6	1-7
	N	52	22	20	27	28	28	29	166
8. Gathering data to be used in assessing the effectiveness of pretrial release programs in comparison to the operation of traditional bail systems.	Rank	8	10	12	8	9	5	7	7
	Mean	2.09	3.18	2.45	2.31	2.25	2.00	1.82	2.27
	SD	1.50	2.04	1.64	1.76	1.60	1.70	1.40	1.70
	Range	1-7	1-7	1-7	2-7	1-7	1-7	1-7	1-7
	N	51	22	20	26	28	32	34	162
9. Serving the court in a neutral fashion.	Rank	9	4	5	10	3	9	11	6
	Mean	2.26	1.80	1.68	2.80	1.85	2.50	2.22	2.19
	SD	1.82	1.85	1.29	2.45	1.59	2.03	1.41	1.84
	Range	1-7	1-7	1-6	1-7	1-7	1-7	1-7	1-7
	N	49	20	19	26	27	32	32	156
10. Minimizing the potential danger to the community of persons released prior to trial, by maintaining supervision in appropriate cases.	Rank	10	9	7	12	6	6	9	8
	Mean	2.30	3.00	1.85	3.00	1.96	2.03	2.06	2.29
	SD	1.89	2.18	1.69	2.21	1.63	2.00	2.0	1.98
	Range	1-7	1-7	1-7	1-7	1-7	1-7	1-7	1-7
	N	54	20	20	26	27	30	34	157
11. Reducing overcrowding in jails.	Rank	11	11	9	7	11	14	10	10
	Mean	2.54	3.48	2.20	2.19	2.96	3.43	2.12	2.73
	SD	1.82	2.57	1.58	1.96	2.15	2.18	1.62	2.08
	Range	1-7	1-7	1-7	1-7	1-7	1-7	1-7	1-7
	N	54	23	20	26	28	30	33	160

Table 2 (Cont'd)

Goal		Program Directors	Judges	County Executives	Public Defenders	District Attorneys	Police Chiefs	Sheriffs	Consensus of Respondents other than Directors
12. Reforming the bail system by reducing the use of money bail and mini-mizing the role of bail bondsmen.	Rank	12	12	13	5	13	10	14	11
	Mean	2.63	3.62	2.80	2.08	3.20	2.61	2.42	2.74
	SD	2.20	2.65	2.14	2.12	2.26	2.00	1.9	2.17
	Range	1-7	1-7	1-7	1-7	1-7	1-7	1-9	1-7
	N	52	21	20	25	26	31	33	156
13. Acting as an advocate for defendants regarding pretrial release when eligibility requirements are met.	Rank	13	16	16	11	14	16	15	15
	Mean	2.65	5.00	3.95	2.89	3.64	3.52	2.53	3.´6
	SD	1.92	2.68	2.30	2.37	2.51	2.35	1.60	2.37
	Range	1-7	1-7	1-7	1-7	1-7	1-7	1-6	1-7
	N	51	18	20	26	28	31	32	155
14. Helping to ensure that individuals who might be dangerous to the commu-nity are not granted pretrial release.	Rank	14	6	8	14	8	2	5	9
	Mean	2.66	2.38	2.00	4.61	2.14	1.25	1.77	2.30
	SD	2.11	2.11	1.97	2.35	2.07	1.08	1.82	2.16
	Range	1-7	1-7	1-7	1-7	1-7	1-7	1-7	1-7
	N	53	21	20	26	28	32	34	161
15. Maintaining good rela-tions with police officials.	Rank	15	14	14	16	10	13	12	14
	Mean	2.72	4.54	2.95	4.75	2.85	3.03	2.33	3.35
	SD	1.57	2.52	1.73	2.05	2.23	2.01	1.83	2.23
	Range	1-7	1-7	1-7	1-7	1-7	1-7	1-7	1-7
	N	54	22	20	28	27	31	33	161
16. Providing information to the court or to pro-bation officials for use in sentencing determi-nations.	Rank	16	15	15	15	16	15	16	16
	Mean	2.78	4.91	3.50	4.64	4.78	3.47	3.19	4.04
	SD	2.09	2.50	2.50	2.64	2.34	2.49	2.35	2.53
	Range	1-7	1-7	1-7	1-7	1-7	1-7	1-7	1-7
	N	50	22	22	28	27	27	32	161

PART II

THE DECISION TO RELEASE

The decision to release a defendant on bail--whether on his/
her own recognizance or through other forms of bail--is the
most important step that a bail agency takes. This step is
fraught with several types of risks: of releasing a person
who will fail to appear, of releasing a person who will commit
a crime while released, of not releasing a person who should
have been released, and of not imposing the correct kind of
supervision or conditions for a person who is released. For
example, alcoholics and narcotics addicts frequently require
special supervision and treatment, both to insure their own
health and to assure that they appear at scheduled hearings.

In the pre-trial field, two major orientations regarding release
procedures have prevailed--an "objective" approach, characterized
by the use of point systems which assess the risk of failure
to appear; and a subjective approach, which allows the pre-trial
release recommendation based upon his/her "professional"
evaluation of the defendant's suitability for release. The
controversy surrounding the two orientations is very much like
the one in the parole/probation area, wherein the idea of an
objective standard is sometimes seen as a usurpation of the
professional authority of the parole officer.

In this work we take the position that objective release criteria,
in the form of an objective point system, are necessary for
several reasons. First, without clearly articulated objective

release standards, there is a high probability that defendants will not be processed in an "equal" manner, that due process of law will not be observed. Second, objective release criteria are not designed to supplant the authority of the pre-trial officer; rather they are intended as a tool or technique to augment his evaluation. There are sometimes contingencies which obviate release criteria--irrespective of their actuarial soundness. Third, objective point systems force the specification of explicit goals and objectives, a factor which is usually lacking in subjective orientations. In the methods which we have developed, the initial objectives focus on efficiency--on releasing the maximum number of defendants who will appear at hearings and remain lawabiding during the pre-trial period. Other criteria can be built into objective release standards, however, if certain categories of defendants require special supervision. Provision weighting for these objectives can be added to the criteria.

In the materials which follow, we first present a discussion of the concept of a standardized failure to appear rate. In this chapter Gedney, Harahan, and Scherman present a philosophy and a method for measuring failure-to-appear. The method developed allows a comparison of FTA rates across jurisdictions.

The second chapter provides a theoretical underpinning for the new generation of point systems, developed in Philadelphia and in Delaware County, Pennsylvania, through LEAA evaluations.

The final chapter presents the latest version (3) of the Philadelphia release criteria and shows how a simplified system can be employed to increase the overall level of efficiency for a pre-trial service agency. This final model developed by Karen Seigfried, demonstrates that an objective system may be simplified to the point where a computer is no longer necessary in day-to-day operations.

Collectively, the chapters in this section present a chronicle of the development of the new generations of objective release criteria. This can be used as a framework for bail agencies to develop and employ objective criteria in making the release decision.
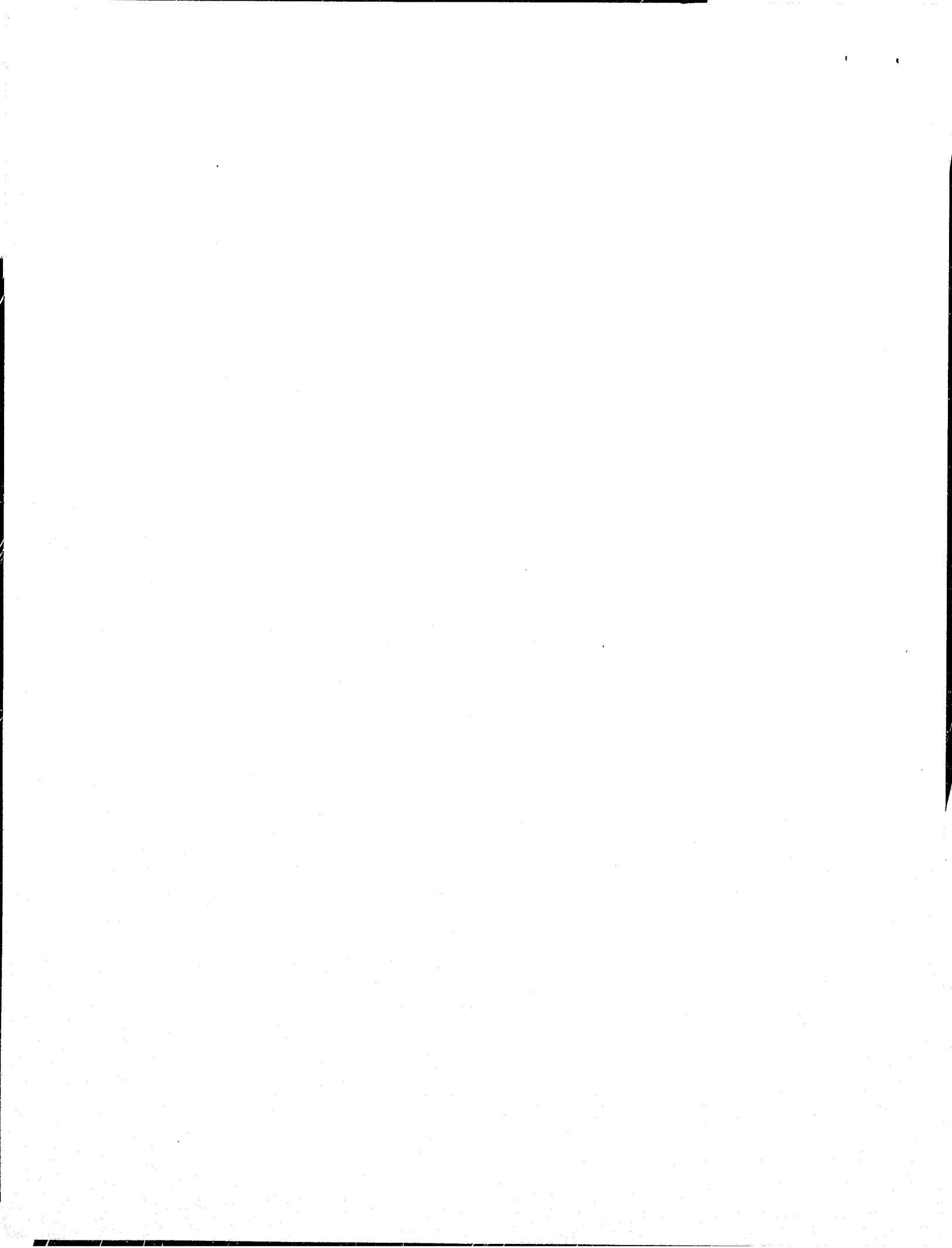
CHAPTER 2

NATIONAL STANDARDS: FTA STATISTICS

FOR PRE-TRIAL RELEASE PROGRAMS

I. INTRODUCTION

Contemporary management practices in the many disciplines
within the criminal justice field have increasingly focused
attention on the development of indices of performance. At
the national level, a wide ranging five volume work has
recently been completed which promulgated many advisory
standards and goals for criminal justice. Similarly, the
American Bar Association has been instrumental in developing
contemporary standards for the conduct and performance of
many justice related activities. On perhaps a more theoretical
level, public management generally has struggled to develop
mechanisms, techniques, and methodologies to facilitate its
efforts at assessing the integrity of its operations, and
the efficiency of its processes. Going by such rubrics as
program-planning-budgeting, productivity management, performance
monitoring, and others, the basic intent of each of these
tools is to improve the manager's grasp of his environment
and to facilitate more enlightened decision making.

The fundamental goal or objective of this chapter directly
follows the other more global efforts described above. Our
purpose is to develop a classification and analytic tool
within the pre-trial release program area to enable managers
to more objectively *and comparatively* determine the failure
to appear in court rate for persons accused of criminal
offenses in their respective jurisdiction. Through the

establishment of such appropriate analytic techniques as this paper attempts to develop, it is our belief that the administration of pre-trial release programs can be enhanced and the quality of justice therefore improved. The paper seeks to develop a methodology for determining the failure to appear rate within a jurisdiction and, as well, strives to provide through the development of a guide number system a means for pre-trial release program managers to determine how programs in other jurisdictions may compare in terms of the failure to appear rate.

II. STANDARDS FOR PRETRIAL RELEASE

Pre-trial release is a relatively new area in the criminal justice system. It permits the accused to have one of the most basic indicia of the presumption of innocence; it allows the defendant to be free pending trial.[1] This period of pre-trial enlargement has many far reaching effects: The accused may continue to hold his or her job, as well as to prepare an adequate defense to the criminal charges. The effects of the former, the continuation of the job and generally of one's life, may have more far reaching effects than the ability to conduct a defense.[2]

A system that goes back hundreds of years with paid bail bondsmen is currently being reformed and that reform is being institutionalized. The reform consists of releasing a person upon his or her simple promise to appear for trial

at a later date.[3]   This change represents intervention into

a process that may have previously been a cycle of first

the arrest, then pre-trial detention with a concommitant

worsening of community ties, and finally a later arrest

that would likely occur regardless of the legal outcome of

the first case.[4]   This later arrest may be precipitated by

the first arrest.[5]

The development of reform programs is traceable back only

as far as the early 1960's.[6]   Initial growth was often

rapid, sometimes unplanned, and usually uncoordinated.

This has meant that bail programs are more often than not

little islands.   They are inbred and isolated by their new-

ness from both other bail programs and from other parts of

the criminal justice system.[7]   They lack the funds and/or

the inclination or compatible language to speak to other

programs.   Pre-trial release programs are today's lonely

crowd.   They are a positive factor in an increasingly urban

society, but they tend to be too unique.[8]   As a result, they

suffer from an inability to compare themselves to other

programs.[9]

One of the obvious problems in comparing pre-trial release

programs lies in the lack of any comparable quantities: not

only are unlike programs or aspects of programs compared,

but the units of measure are often very different.[10]   Even

worse, these units of measure are made to appear to be the

same.[11]   Without some standardization, there can be no

comparison. It is the purpose of this paper to focus on the issue of standardization within the pre-trial program area in an effort to facilitate further inquiry, and to develop the beginning framework for more effective program monitoring and measurement.

One effort at initially defining some of the potentially different discrete components of pre-trial programs may be found in an interesting unpublished research paper by Barry Mahoney and Jan Gayton entitled, "Toward Minimum Standards of Data Collection and Evaluation for Pre-trial Release Programs: A Checklist for Assessing the Utility of Program Evaluation Reports". In this June, 1974 paper prepared under the auspices of the National Center for State Courts, Messrs. Mahoney and Gayton identify a number of different considerations or measures to assess the performance of pre-trial release programs.[12] While the focus of our research effort is limited to developing a methodology for measuring the failure to appear in court rate of a jurisdiction, the reader should in our judgment be exposed to the wide variety of other aspects of pre-trial programs which warrant measurement or evaluation.[13] The Mahoney and Gayton paper was a part of the Conference notebook at the NAPSA 1974 meeting in San Francisco.

While the focus of our research effort is on Failure to Appear (FTA), it is our considered opinion that an increasingly important area in the pre-trial release field is the rearrest

rate. This paper of necessity will not address this other
critical factor in gauging the performance of pre-trial
release programs. However, as the more contemporary pre-trial
release programs become institutionalized, and as the whole
problem of crime in our urban centers continues, it is in-
evitable that, whether program managers like it or not, their
performance will be measured in terms of the subsequent
in-program criminal behavior of program participants.

Both the issues of appearance at the next scheduled court
date and repeated criminal behavior are recognized both legally
and administratively as the two key ingredients of determining
success or failure of a pre-trial program. The repeated
criminal behavior aspect is at this time almost impossible
for most programs to measure. The reasons for this are three-
fold: (1) limited research funds, (2) lack of sufficient
staff to track all their cases, (3) lack of definition of
the term recidivism (*e.g.* corrections has been in existence
for over 100 years and still do not have the uniform definition
of recidivism). In relation to whether or not the defendant
reappears as ordered, administrative procedures/programming
and court calendaring methods already exist to rather easily
track reappearance or failure to appear rates.

As already indicated, the FTA rate will be the primary
measurement examined for the purpose of this paper.[14] It
is hoped that the success of this limited goal of the examining

rate. This paper of necessity will not address this other

critical factor in gauging the performance of pre-trial

release programs. However, as the more contemporary pre-trial

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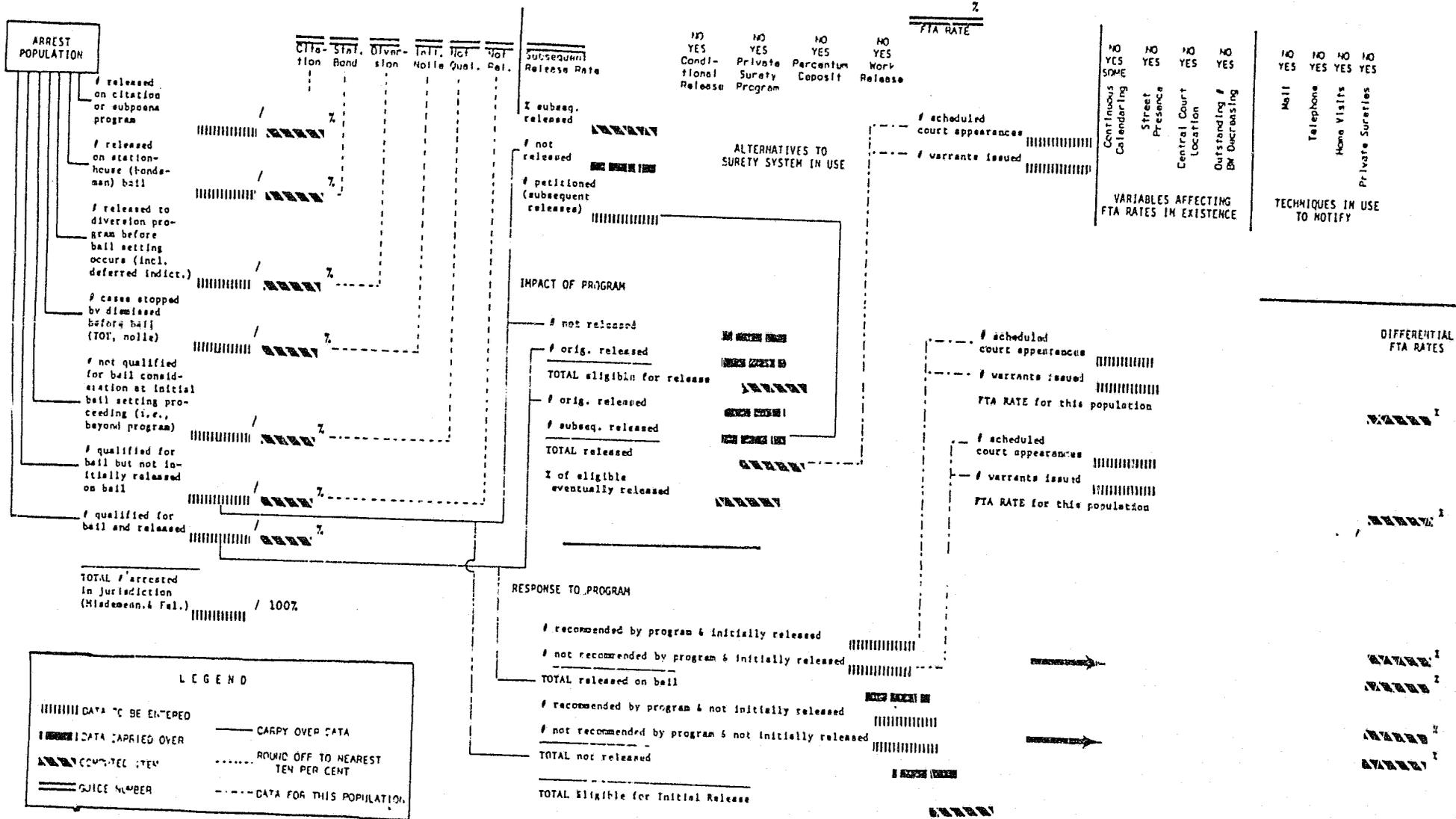in-program criminal behavior of program participants.

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measurement examined for the purpose of this paper.[14] It

is hoped that the success of this limited goal of the examining

felt that the more complexed the data requirement, the less likely program directors and staff would be willing or able to provide the necessary statistics. It was also felt that the amount of numbers required, i.e., nineteen, is sufficient to achieve the results of the paper, but puts no unreasonable burden on a program manager desiring to assess his program through this method.

The nineteen elements appearing on the worksheet were chosen not only to complete the project goals, but also as much as possible to allow the development of a statistical system compatible with those of existing criminal justice agencies.

B.   *The Data Collection Worksheet.*

ARREST POPULATION

released on citation or subpoena program

released on station-house (bonds-man) bail

released to diversion program before bail setting occurs (incl. deferred indict.)

cases stopped by dismissal before bail (TOT, nolle)

not qualified for bail consideration at initial bail setting proceeding (i.e., beyond program)

qualified for bail but not initially released on bail

qualified for bail and released

TOTAL # arrested in jurisdiction (Misdemean. & Fel.)   / 100%

Cita- tion   Stat. Bond   Diver- sion   Init. Nolle   Not Qual.   Not Rel.   Subsequent Release Rate

% subseq. released

not released

petitioned (subsequent releases)

IMPACT OF PROGRAM

— # not released
— # orig. released
TOTAL eligible for release
— # orig. released
— # subseq. released
TOTAL released
— % of eligible eventually released

RESPONSE TO PROGRAM

recommended by program & initially released
not recommended by program & initially released
TOTAL released on bail
recommended by program & not initially released
not recommended by program & not initially released
TOTAL not released

TOTAL Eligible for Initial Release

NO YES Condi-tional Release   NO YES Private Surety Program   NO YES Percentum Deposit   NO YES Work Release

%
FTA RATE

ALTERNATIVES TO SURETY SYSTEM IN USE

scheduled court appearances
warrants issued

scheduled court appearances
warrants issued
FTA RATE for this population

scheduled court appearances
warrants issued
FTA RATE for this population

NO YES SOME Continuous Calendaring   NO YES Street Presence   NO YES Central Court Location   NO YES Outstanding # BW Decreasing

VARIABLES AFFECTING FTA RATES IN EXISTENCE

NO YES Mail   NO YES Telephone   NO YES Home Visits   NO YES Private Sureties

TECHNIQUES IN USE TO NOTIFY

DIFFERENTIAL FTA RATES

%
%
%
%
%
%

LEGEND

|||||||| DATA TO BE ENTERED

DATA CARRIED OVER   CARRY OVER DATA

COMPUTED ITEM   ROUND OFF TO NEAREST TEN PER CENT

GUICE NUMBER   DATA FOR THIS POPULATION

100%

C. Failure-to-Appear (F^mA).

The failure-to-appear rate is presented as a percentage at the top center of the data collection worksheet. In order to know whether or not this percentage is comparable to that of another program, one has to examine the 6 digit guide number which is computed from the arrest population input breakdown on the left of the form. The guide number appears at the top of the data collection worksheet to the left of the FTA rate. (The use of the worksheet is described in §D. infra.) Certain other characteristics appear to the right of the FTA rate. These guide numbers and guide characteristics generally indicate the range into which the FTA rate will fall. The higher the guide number, the higher the FTA rate can be expected to be. Similarly, the more often the answers to the questions to the right of the FTA rate are no, the higher the FTA rate should be.

These illustrations are difficult to understand without further explanation. For purposes of this chapter, the FTA is defined as occurring at the point at which the defendant is not present as required. It is the point at which a bench warrant is issued.[16] This is generally done under the contempt powers of the court because the failure of the defendant to appear represents legal contempt, but may also take the form of an arrest warrant for a new crime, i.e., bail jumping.[17]

The fact that special efforts are made to have only some

defendants immediately found is not material in an

examination of this issue. What is important is the

fact that there has been a failure to appear.

For the purpose of our research, however, the issuance of

the bench warrant is of primary importance.[18] The stage of

issuance is so varied that it cannot be a controlled variable.

In some places, the bench warrant is issued at "first call".

This is the first time that any court official attempts

to speak with the defendant. In other jurisdictions the

bench warrant may not be issued until the court closes for

the day. This distinction really causes little problems,

for the bench warrants issued at first call are often withdrawn

if and when the defendant appears later the same morning.

Effectively in such a withdrawal case, it would not be counted

as an FTA since it was immediately vacated by withdrawal, *e.g.*,

the withdrawal would have the same effect as a marriage once

it is withdrawn. Therefore, there would be no statistical

abberation inserted by this variation.

The issuance of a bench warrant also should not be confused

with other legal events that occur in the bail process. An

example occurs when the face amount of the percentum of

deposit is forfeited. Consequently, if this were the measure

of FTA, then many cases would not be counted. Nor are fugitive

rates a measure of FTA.[19] These simply measure how long it

takes to get someone back into the system after a failure to appear. Care must be taken to avoid such misuse or conceptual confusion. Only the actual event of failing to appear should be counted.

Another possible point of confusion lies in the desire to look at why the FTA occurred. This must be protected against. It is not a critical element for our research although it may be of major importance to administrators to determine other effectiveness factors. For example, the fact that the warrant was later administratively withdrawn because the defendant was proven to be in jail in another jurisdiction, or alternatively that new or additional bail was imposed, does not alter the fact that there was a FTA. This is all that is being measured.[20] (The preceding example may suggest some serious communication breakdown which should be addressed but they do not alter the fact that a FTA occur.)

As noted in the preceding paragraph, certain elements such as: 1) the time period in which a bench warrant was issued; 2) administrative withdrawal of the bench warrant; 3) fugitivity, and others may have a major impact on the effectiveness of the program but in relation to our research they are not critical to the data and subsequent analysis. We do not imply that these factors are not important, quite the converse, we believe that all pre-trial programs should give careful

consideration to measuring these variables to objectively
determine their own particular effectiveness. The
purpose of any pre-trial program is to assure the appear-
ance of the accused at scheduled court dates. Any time
the defendant is not present, the matter cannot go forward.
The bail system has thus failed. This is the essence of
the failure to appear and it shall be so recorded.

D. *Use of the Worksheet.*

The left side of the worksheet (see §B.) provides for the
collection of data to develop a 6 digit guide number. This
guide number is based on the percentage of cases that are
available to the pretrial release program. This guide number
appears, after the computations, along the top edge of
the form reading from left to right. Other points of
comparison are also contained along the top edge of the work-
sheet.

The guide number tells you whether certain programs can
be statistically compared to other programs. It is
a shorthand way of describing the population with which
the program deals. Where the guide numbers are similar,
then there is a reasonable expectation that the failure-
to-appear rates (also computed on the worksheet) can be
compared.

The subsequent release rate -- shown next -- is the final
digit of the guide number. The subsequent release rate is

impacted by the four different alternatives to the surety system which are in use in the jurisdiction in question.

E. *The Failure to Appear (FTA) Rate Itself.*

The failure to appear rate is expressed exactly -- to the nearest tenth of a percent. Where the other guide numbers and the variance indicators are roughly the same, then the FTA rate for two programs can be compared. If the comparison shows the rates are different, you then see through to the very heart of the program.

The method of computing the FTA rate is shown on the worksheet. Basically, it consists of dividing the number of *exposures* to the risk, *i.e.*, the total number scheduled court appearances, into the number of times the measured incident occurs, *i.e.*, the Bench Warrants issued at the time of the failures to appear. (This is also the preferred method of the O.E.O. National Survey.)[20]

The number expressing the FTA rate is carried out because of the common magnitude of such a value (range of 5% to 10%) and to facilitate program comparisons.

F. *The Remainder of the Worksheet.*

The next portion of the worksheet contains a listing of the variables that affect failure-to-appear rates. These are continuous calendaring, a street presence, a central

court location and a situation in which the outstanding number of bench warrants is declining in the jurisdiction.

The final area on the top edge of the worksheet shows internal techniques in use to notify defendants of future court dates.

Once the program has been "described" (this is the function of the entire top line of the worksheet), then certain calculations can be carried out:

- Impact of program - this is the percent of those eligible for release who are in fact released.
- Response to program - this measures the reaction to the recommendation made by the program.
- Differential failure-to-appear rates - a comparison between the failure-to-appear rate of those recommended for release and those not recommended for release would be shown in this area.

III. CONCLUSION

The techniques explored and the information presented on the worksheet and in the preceding discussion allows one important means of comparison of two separate programs. (The Mahoney and Gayton paper referred to earlier offer a baker's dozen of other pre-trial program evaluation considerations.)
A prediction may then be made on the bases of the FTA analysis

as to how well each of the programs can assure the appearance of the release population at trial. The wholesale failure of a program to provide released defendants in the courtroom at the time of trial will obviously result in a curtailment of the program's activities or in its outright termination. The program's organizational existence will be threatened because it is deemed inefficient. The comparison mentioned should allow the program to find another similar program that works and to changes that can be made.

Thus, the principal goal of the paper has been met. A system has been derived to statistically measure and compare values for failure to appear. Yet it is obvious that there is more to do:

Inherent in the analysis of FTA was an examination of the degree to which the program released all of the eligible defendants. The only portion of the arrest population not discussed in the guide number above was that group eligible for release and actually released. That population was combined with the group eligible for release, but not released - to see just how many were eligible for release. This total is compared with all releasees to discern how effectively the program is able to deal with all arrestees eligible for this service or, stated differently, to assess

the impact of the program. Those actually released are in-
cluded no matter when the actual release occurred. It
is really a measurement of the ability to mass produce
releases. It will prevent a program that is simply
"creaming" the best cases from being erroneously compared
with a bail agency that takes all those arrested. It
takes both the subsequent and original releases that occur
into account and will allow them to be compared to other
alternatives. In comparing FTA rates from programs, this
same variable should be used to see if it matches before
FTA rates are in fact compared.

While generally all other measures of program efficiency
were rejected save the one measure, FTA, the qualification
of the FTA rate by the program impact statistic discussed
herein also reflects upon the ability of the program to
affect the detention population. This was not an intended
efficiency measure. Nonetheless, this statistic can
predict the ability to the program to have a meaningful
impact on the detention population.

Response to the program comprises the final statistical
area of the analysis. This analysis examined the efficiency
of the program in fulfilling the primary mission of the
program. That mission is to return defendants to the proper
courtroom at the proper time. It permits all of the crimi-
nal process to achieve some point of finality. The second

statistical measure was the program inpact. This is
subsidiary to the analysis of FTA, but is necessary to
fully qualify the program's ability to deal with the entire
population. Not to have included it could have resulted
in the inaccurate comparisons of FTA rates between programs.
The final subsidiary analysis is in the area of response
to the program.

The measurement of the response to the program attempts
to see how effectively the program is able to induce the
releasing authority to grant pretrial release.[21] It
obviously is inapplicable for programs that actually do
their own releasing. It shows how the program is actually
able to predict.

This sort of measurement is necessary to allow a complete
qualification of FTA rates before they are compared. This
really measures the degree to which the program is responsible
for the FTA rate that occurs. On a short term basis, this
is unchangeable and therefore should be taken into consideration
in comparing programs. It is done on the collection sheets
in the same fashion as previously discussed variables.
In the long run, and often without the addition of resources,
the response can be changed and the program have more control
over the sort of person that is released - the sort of
defendant that will ultimately effect the FTA rate.

Certain other factors can be found within a pre-trial release organization. These are the things that spell the difference between success of one program and the failure of another. These differences may or may not be capable of being changed by efforts in-house.

- Organizational position in the system - One consideration is where the program lies. Who controls it? Is it a part of the Probation Department, in corrections, or an independent agency? All of these are possible and, indeed, found in practice.

- Internal practices - Certain operational techniques differ from program to program. Examples are in differing degrees an emphasis on verification. This is the process of independently ascertaining the correctness of the information supplied by the defendant. The place and time of interview also play some role in the FTA rate. In this regard, inability to explain the place of return could increase the FTA rate.

- The speed of return to the system - This was not measured but could well indicate another form of program efficiency. Effect of such rapid return would probably be a generally lowered FTA rate. Speed of return would correlate with defendant awareness of the consequences.

Finally, then, this chapter has sought to develop a means of computing the failure to appear rate for pre-trial release programs. The worksheet formulated was found in addition to be of utility in assessing other related aspects of pre-trial release programs. Perhaps the area of greatest learning for the authors was in more fully understanding how demanding and tedious the conceptualization of the research model was. Initially, it was our belief, as stated at the outset of this paper, that the FTA comparative model would be far simpler than getting statistical data from different jurisdictions. What was the case, however, was that for the three jurisdictions which provided data, the task was relatively straight forward.

FOOTNOTES

Chapter 2

[1]This comes from both the constitutional requirement that prohibits "excessive" bail, *U.S. Const.* amend. VIII, and the presumption of innocence as outlined in Stact v. Boyle, 342 U.S. 1, 4 (1951): "Unless this right to bail before trial is preserved, the presumption of innocence secured only after centuries of struggle, would lose its meaning." *cf.* United States v. Leathers, 412 F.2d 169 (D.C. Cir. 1969). *See generally* Note, *Compelling Appearance in Court: Administration of Bail in Philadelphia,* 102 *U.Pa.L.Rev.* 1031 (1954).

[2]Available evidence leans heavily towards the proposition that pretrial detention can influence a number of things: For example, there are strong indications that there is a difference in sentencing for those detained versus those who were not. Specifically, defendants at liberty more often received suspended sentences than those detained. Freed and Wald, *Bail in the United States: 1964,* at 40 (1964). Those jailed pending trial were more often convicted than those not. Foote, *The Coming Constitutional Crisis in Bail: II,* 113 *U.Pa.L. Rev.* 1125 (1965). Other factors are mentioned.

But *cf. P. Wise, Freedom for Sale* 92 (1974) where the author says that "[o]ne of the most significant effects of pretrial detention is in the harm which it causes to the preparation of the defendant's defense." This effect seems to pale in comparison to the effect of a broken home, loss of employment, socialization into the pretrial prison culture and the like.

[3]*See* Note, *The Development of Release on Recognizance and the Dane County Bail Study,* 1965 *Wis. L. Rev.* 156 (1965) for a description of a release on recognizance (ROR) format.

[4]*See, e.g., P. Wice, Freedom for Sale* 97 (1974). As a result of the pretrial incarceration, the defendants and their families are forced to suffer severe economic hardships which may continue for months, and even years, after the case has been concluded. Their families are humiliated and the scar on relations with friends and family may never heal. *See also President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Corrections* 23 (1968) which suggests that the defendant will be detained in entirely too many instances where he or she should have been released on bail.

[5]*Cf.* Rankin, *The Effect of Pretrial Detention,* 39 *N.Y.U.L. Rev.* 641 (1964).

[6]*See generally* Ares, Rankin and Sturz, *The Manhattan Bail Project: An Interim Report on the Use of Pre-Trial Parole,* 38 *N.Y.U.L. Rev.* 67 (1963). This gives an account of the first bail reform efforts in New York. *See also* R. Molleur, *Bail Reform in the Nation's Capital* (1966) and McCarthy and Wahl, *The District of Columbia Bail Project: An Illustration of Experimentation and a Brief for Change,* 53 Geo. L.J. 675 (1965) for a description of the same process in Washington, D.C.

[7]*See, e.g.*, the Staff Report of the EOE Pretrial Release Program, Survey of Pre-Trial Release Programs (Paper distributed at the Washington, D.C., March 1973 conference of the National Association of Pretrial Services Agencies (NAPSA). This indicates that a majority of the programs surveyed in 1973 were less than two and one-half years old. Even so, the report goes on to say, only 25% of the programs felt that future funding was not assured.

[8]"...most programs have evolved on a trial-and-error basis in individual jurisdictions, resulting in wide variations in management practices and evaluation standards...." R. Wilson, *A Feasibility Study of National Standards of Effectiveness for Pretrial Services* 1 (unpublished feasibility study July 1974.)

[9]This Program is illustrated in remarks by Wayne Thomas from the transcript of the *National Conference on Bail and Pretrial Release* (1972). The account relates certain visits to bail projects in the early 1970's. Some 15 projects were visited. The reporter was "...struck with the lack of unity among projects and the lack of interchange of ideas. ...One of the primary problems is a definitional problem, which we have already discussed, the failure-to-appear in one area is not the same as in another area. In any case, it became evident from my first report that the statistics are not available to compare our projects...." at 70.

[10]*Id.* See generally Beaudin et al *D.C. Bail Agency-Philadelphia Court Bail Program Comparative Study* (1972). (This study was prepared for the internship program at the Institute for Court Management, Denver, Colorado. The authors are now Fellows of the Institute.) This study juxtaposes statistics from the bail programs in the District of Columbia and Philadelphia. The relevant portions on failure to appear and fugitivity are noted at 32, 152, 175, 177, 231, and 237. In particular, there was a call for national standardization in the forward at i.

[11]This problem frequently occurs in the area of measurement of failure to appear. The base in some systems is the number of scheduled court appearances. The base in others is the number of defendants involved. There are numerous instances in the ordinary course of court affairs where an individual case may have three, five or even ten court appearances. It is thus easily seen that this problem could seriously disrupt the comparability of statistics. Yet since both are called failure to appear rates, the tendency is to attempt to treat them as being comparable.

[12]*Id.* While this paper does not use many of the breakdowns given in the Mahoney-Gayton report, it does include quite a few of them. Taken into account are those listed as A2, A6d, A7a and b, B, B1, B2, and B3. These measurements then go on to provide a basis for the use of those specified in E1 through E5 of the Mahoney-Gayton report, these being comparisons of the measures over time. The report goes on to say that there is currently little knowledge about various programs and patterns of operation. The "...knowledge about performance of programs in terms of rather basic criteria such as failure to appear (FTA) rates...." at 1. Another item mentioned in the report is the need to provide a basis for assessing the meaning of information.

But see an early discussion of items to be covered in the statistical analysis of bail programs in the transcript of the first *Conference on Bail and Pretrial Release* 83 (1972). In a three-page discussion not one mention was made of failure to appear.

[13]This process has already begun on another front. The Law Enforcement Assistance Administration (LEAA) has recently begun Phase I under the National Institute of Law Enforcement and Criminal Justice to investigate the feasibility of national standards in the area of pretrial release.

[14]According to the Bail Reform Act of 1966, 18 U.S.C. 3146 *et seq.* and the Fed.R.Cr.P. 46 (1966), the defendant may only have financial bail set if there is a high risk of flight and if certain other non-financial conditions of release are not sufficient to "...reasonably assure the appearance of the person for trial...." at 3146(a). The Pennsylvania Supreme Court has held similarly that an adult may not be detained "...for reasons other than the necessity of guaranteeing his presence at future proceedings." Commonwealth ex. rel. Sprorwal v. Hendrick, 265 A.2d 348, 438 Pa. 435 (1970).

It would seem, then, that the key measure is how well the program meets this goal--how often the defendant is present at the scheduled court proceeding. This is what the paper sets out to measure.

[15]The process engaged in in this paper was a vehicle to consider the goal of having released defendants appear at scheduled court appearances and to see how efficiently, or well, it is done. This is a valuative research inquiry as mentioned in Minnehan and Wilson, *A Handbook of Concepts and Techniques for Evaluation and Planning, Volume I Concepts* (1974). This handbook was used generally in the structuring of this paper. As suggested in the handbook, a national standard must be achieved before comparable data is obtained. It is only at this point, *i.e.*, the possession of comparable data, that program weaknesses can be most effectively detected.

[16]Much of the discussion in the area of FTA's involve Bench Warrants. A certain mystique connected with the name of the document has magnified the importance of what is really only another court form. To dispell this notion a blank copy of the form is reproduced in appendix C, *q.v.* This is the form currently in use in the city of Philadelphia.

[17]The failure of the defendant to be at court is not the only reason that the case may be continued. One somewhat sensationalized example of the frustration of the continuance problem is provided by the account of a rape prosecution where there were 39 continuances over a 33-month period. Mallowe, "Waiting for Justice," *Philadelphia Magazine* 101 *February 1975.*

[18]This particular point was extensively discussed by Thomas. It is useful to reproduce this entire area below.

In defining a failure to appear as broadly as possible, this study should reflect the total number of cases in which the court was inconvenienced by a defendant's nonappearance. This study recognizes and will discuss, however, the varying degrees of failure to appear. In addition to the overall failure to appear rate, three classes of FTA's will be discussed: 1, the technical or inadvertent failure to appear; 2, the more serious FTA's and 3, the fugitive. The distinction between the first two classes of failure to appear will be based solely upon the length of time the defendant remained in a failure to appear status. While we recognize that not all failures to appear which are of short duration are inadvertent or technical FTA's most of them probably are. Further, such failures to appear, regardless of the reason they occurred, represent only a minor inconvenience to the court when compared to the longer more serious FTA's. The third category, fugitives, represents the most serious failing of the pretrial release system in that these defendants have never been returned to the court process and thus presumably have avoided justice at least in the case at issue.

W. Thomas, *A Decade of Bail Reform* 133 (draft of April 1974) used by permission of the author.

While speaking of inconvenience to the court, the Thomas work does not spell this out specifically. The real disruption is that caused to witnesses that have to be sent home. Actually once the case goes into fugitive status it represents virtually no process problems to the court. With the exception of certain very minimal record keeping, *i.e.*, indicating that the case is still open, there is virtually no work to be done. Systems tend to treat this almost as a disposed case. The "disposition" is fugitive status and the matter remains in that pigeonhole. For this reason the more inclusive definition that Thomas refers to as number 2 "the more serious FTA's" is the operating definition for this paper.

[19]*Id contra.* As noted immediately above, the Thomas solution was inapplicable because in the opinion of the authors it did not accurately measure the disruption to the system.

[20]Staff of the OEO Pre-trial Release Program, survey of Pre-trial Release Programs 25 (1973). Paper distributed at the 1973 conference of the National Association of Pretrial Services Agencies (NAPSA) in Washington, D.C. in March of that year.

[21]The manner by which a pretrial release program makes its wishes known to the releasing authority are many and varied. This question took up a major portion of the first National Conference on Pretrial Release in San Francisco in 1972. Transcript of the *National Conference on Bail and Pretrial Release* 48-73 (1972). This transcript reflects discussions about the virtues of point scales, of conditional release, of defendant advocacy, and the like.
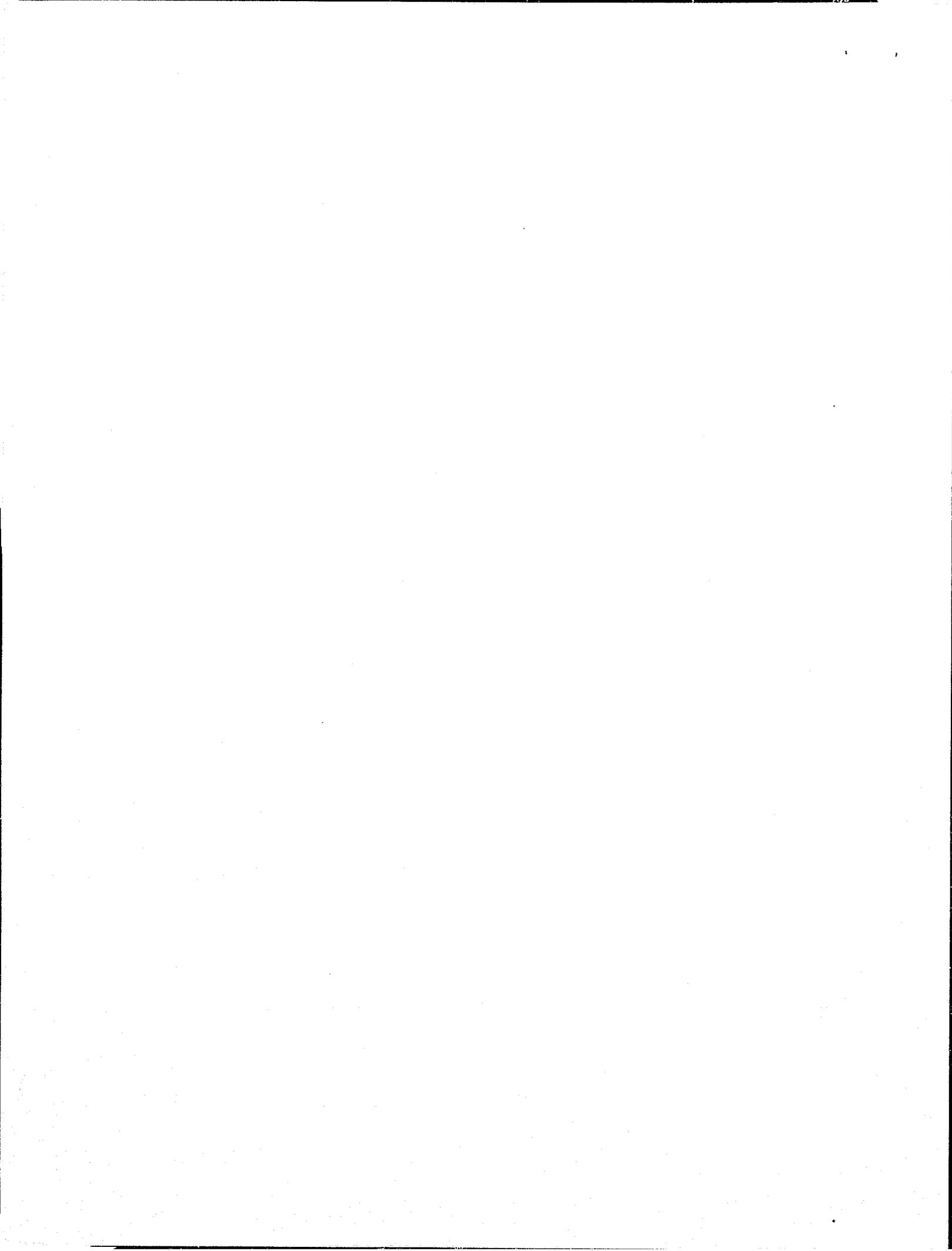
CHAPTER 3

A PRACTICAL PROCEDURE FOR DEVELOPING AND UPDATING RELEASE ON RECOGNIZANCE CRITERIA

I. INTRODUCTION

This chapter describes a method of developing criteria for release on recognizance bail. Specifically, we focus upon a procedure developed in Philadelphia to replace the point system developed by the Vera Institute of Justice during the 1960's for the Manhattan Bail Project.[1]

Originally, the Vera criteria were developed by asking bondsmen their subjective estimates of the importance of the various factors which might influence bail risk. While many jurisdictions have incorporated the Vera technique and modifications thereof, few have systematically tested the efficiency of this scaling or explored the accuracy of alternative weighting procedures. In the following pages, we describe a method which may be used to construct accurate weightings, to validate these weightings, and to continuously update the weightings as defendant populations and other conditions change.

II. CRITERIA

When point criteria are applied for an individual defendant, they should make accurate predictions regarding bail risk. While there is often a tendency to "reward" certain characteristics, through administration of point criteria, the sole purpose of ROR criteria should be--to assess the probability of success or failure during the release period. The most common indicators

of success are appearance in court, the absence of arrest during the pre-trial period, and the absence of fugitive classification prior to trial. The model described here employs four "outcome" criteria: 1) failure to appear, 2) slow return to the criminal justice system (should a failure to appear occur), 3) rearrest on the same charge during the pre-trial period, and 4) rearrest on a different charge during the pre-trial period. In sum, the effectiveness of ROR point criteria are judged solely by their capacity to predict success in terms of the four outcome indicators.

III. LOCAL ADAPTATION - A RECIPE

The most effective way of developing and maintaining efficient release criteria is to develop a capacity within the ROR organization to carry out a continuous reweighting and validation of ROR point criteria. This procedure entails a six-phase process: A) design and sampling, B) data collection, C) follow-up, D) analysis, E) validation, F) operation.

A. *Design and Sampling*

During this phase, a limited number of variables should be selected which are believed to be related to bail risk. Typically, the agency will select criteria based on community ties, socio-economic status, criminal history, family stability, employment history, etc. After these variables have been selected, a short form should be designed and data should be entered during the

interviewing procedure. Depending upon the monthly defendant flow of the agency, a sampling procedure may be employed whereby a limited number of cases are selected. A realistic minimum sample to employ this procedure would be approximately 1,500 cases. Whatever the sampling method employed, it will be necessary to insure that a sufficient number of failure to appear cases (or other cases which do not meet the success criteria) appear in the sample. This means that if an agency's rate is very low the sample will have to be slightly over-inflated with failure to appear cases in order to develop a prediction model. If FTA's are over-represented in the sample, however, this will result in a more conservative estimate of bail risk (in terms of over-predicting the number who might be susceptible to a failure to appear).

B. *Collection*

Data should be collected over a period of several months in order that the data base reflect a uniform period of operation. Quality control procedures should be employed to assure that data are coded accurately. Again, it cannot be stressed too much that a *limited* number of variables should be examined. The general experience with long forms and intricate data collection has shown that much of the data is not examined and that the expense of the collection procedure is not worth the results obtained.

C. *Follow-Up*

Following the initial period of data collection, a period of approximately six months should elapse before follow-up data (e.g. FTA or rearrest) are coded. In most jurisdictions it may require six months for an FTA to occur or for a rearrest to take place prior to final adjudication. In the Philadelphia Project, four outcome measures were employed during the six month follow-up period: 1) failure to appear, 2) slow return, 3) rearrest on the same charge, and 4) rearrest on a different charge. All of this information was added to the same form as the original profile information.

D. *Analysis*

As original information and follow-up data are coded, information should be punched on computer cards. It is important in this procedure that no data be omitted; the computer routines which must be employed require values for every observation. If there are a large number of missing data values, the safest procedure is to oversample and to use only those cases where all data are complete. However, if this proves impossible, it will be necessary to estimate certain missing data elements. For example, variables such as age, marital status, home ownership, etc. may be estimated. It is not advisable, however, to estimate criminal history or outcome variables such as failure to appear. The best method of estimating is to use mean data variables for a particular element. For instance, if age is missing, the average age for a particular sub-group might be substituted.

Following keypunching and verification, research staff should obtain a complete listing of all information coded on the cards and to make sure that all fields are completed. Next, all the variables which have been hypothesized to correlate with failure to appear or other outcome variables should be cross-tablulated with these variables in order to determine their association. This procedure can be done readily on almost all computers and a number of standard "canned" packages are available which perform the procedures indicated here.[2]

As cross-tabulations are completed, standard statistical significance tests (such as chi square and tau beta) should be employed. As a result of cross-tabulations, variables which are significant in predicting the success criteria should be selected for the final prediction model. This selection should be based not only on statistical significance, but also upon easy verification by interviewers and upon a legal feasibility (that should not violate the defendant's rights). Depending upon the research capacity of the organization, at this point it may be preferable to employ several other techniques prior to development of the final model (automatic interaction detection programs path analysis, etc.). Most researchers, however, will prefer to proceed immediately to the procedure through which weightings are developed--multiple regression. (Multiple regression is also included in the Statistical Package for the Social Sciences and can be carried out for relatively low cost.) The final product

of the regression procedures is the development of a new
ROR weighting system.

E. *Validation*

As the new criteria are developed, they should be tested for
a period of time in order to determine their validity. It is
recommended again that a data collection period and a six month
follow-up be employed. Ideally, this cycle should be repeated
continuously; thereby criteria are constantly being tested,
reweighted and validated.

F. *Time and Cost*

The procedure described in the report requires approximately
eight months from time of design to final output. Much of this
time, however, is devoted to data collection--estimated at
approximately 500 hours for data collection, and another 200
hours for analysis and installation of the new system. In
Philadelphia, the entire cost of this procedure was under $15,000,
including computer time which accounted for approximately $2,000.
The remainder of the costs were for personnel.

IV. THE FUTURE OF ROR CRITERIA

The Philadelphia system has been computerized so that information
can be entered on a remote terminal and predictions of bail risk
obtained by an on-line computer technique. Data are constantly
updated through a sampling procedure which entails the collection
of 200 cases per month. The reweightings for the criteria are
calculated semi-annually and incorporated into the weighting
techniques.

In addition to predicting bail risk, this profile technique will also be useful for estimating the likelihood of success with diversion or Conditional Release programs. It can also estimate communications risk by creating a profile of defendants who require particular kinds of efforts beyond mail or telephone in order to secure their court appearance. This data system ultimately will include every new case as it is processed through intake. A complete listing of every defendant will be obtained and predictions will be made regarding communication risk, bail risk, and likelihood of success or failure in different kinds of diversion programs. This system forms the base for a management information system. Ultimately, the system should evolve into a management information system, whereby a complete control and plan for every case is developed as it enters the system until the point it leaves the system.

For the past three years the Philadelphia ROR Program has employed a "point" system for assessing the risk of releasing defendants on their own recognizance. The point system, as employed in Philadelphia, is a modified version of the original model developed by the Manhattan Bail Project sponsored by the VERA Foundation. The criteria were developed originally by simply asking a number of bondsmen the personal standards which they employed to gauge bail risk. Since the VERA criteria were developed in 1961, no systematic effort had tested their effectiveness in assessing bail risk. This research provides such a test and recommends a

revision of the Philadelphia point system and a method of
continuous refinement of the criteria, which should lead to
increasing effectiveness over the years.

V. PROCEDURE

A sample of 1,800 defendants who were interviewed by the
ROR unit was selected. These defendants were originally
interviewed between April and June of 1973. They were followed
up until January of 1974 employing four primary criteria to
assess bail risk. These criteria may be framed in the form
of four questions which are crucial to the management of
pre-trial programs. 1) Did the defendant fail to appear (FTA)
for one or more hearings? 2) If he did fail to appear, did he
reappear (contact the court) within two weeks of the missed
appearance? 3) Was he rearrested on the same charge one or
more times? 4) Was he rearrested on a different charge?

In addition to the four outcome criteria (listed above) over 150
other variables were employed in the analysis (these "independent"
variables are listed in the next section). The data were
collected from court interview forms developed for a narcotics
treatment program (TASC). In addition, follow-up information
was collected from Pre-Trial Service unit files, the Philadelphia
Police Department, and Department of Corrections.

All 149 variables were first cross-tabulated against FTA (during the follow-up period). Of the 1,842 defendants in the sample, 375 (20.3%) failed to appear for a hearing during the follow-up period (FTA's were deliberately oversampled, resulting in a more conservative statistical estimator of FTA risk).[1]

The results, which show the predictive power of each of the variables in explaining FTA, are shown in Table 1 according to the strength of this relationship. The best predictor (variable #1) of FTA is a subsequent arrest on the same charge during the follow-up period. The (+) in the table indicates a positive correlation, that the two characteristics increase or decrease together (in this case when rearrests increase, FTA's also increase). The Chi Square (X^2) indicates the degree that the two characteristics are associated beyond a purely chance probability. In this instance an asterisk (*) indicates a highly significant (.05) relationship. Finally, the Tau B indicates the degree of predictive power of each variable in predicting FTA (Tau B's vary from 0 to 1). A Tau B of 1 would indicate that two characteristics were perfectly associated. That is, if the Tau B for variable #1 were 1, then every time a defendant was rearrested on the same charge he would have also FTA'd.

Of the original 149 variables, 46 reached statistical significance in predicting FTA (these are the X^2's marked with asterisks). These initial results were examined in great detail with ROR staff in order to select a smaller number of variables to be applied in

a more comprehensive model. Variables used in the final model
were selected on several grounds: 1) Accessibility: The
information could be readily obtained and verified by an
ROR interviewer, 2) Policy relevance: The criteria interfaced
with an ROR philosophy which stressed community ties, and
3) Legality: The criteria did not impinge upon the defendant's
rights.

Using this reasoning, 16 predictor variables were employed
in the final model. These were the following:

1. The age of the defendant.

2. The length of time the defendant had resided at his
present address.

3. Whether or not he resided with his spouse.

4. Whether there was a telephone at his address.

5. Whether the defendant had identifying documents in
his possession.

6. Whether the utilities of the household were listed
in the defendant's name.

7. Whether the defendant was married.

8. Whether the defendant was employed.

9. The length of time the defendant had been employed
in his present position.

10. The amount of money the defendant says he owed to
legitimate creditors (including automobile loans).

11. Whether the defendant owned (or was buying) a home, or was paying the rent.

12. The number of previous adult FTA's by the defendant in Philadelphia.

13. Whether urinalysis for heroin (morphine) was positive.

14. Previous arrests (total).

15. Rearrested on same charge within 6 months.

16. Rearrested on different charge within 6 months.

These 16 predictor variables were then run through several interaction tests (AID, Multiple Classification Analysis, etc.) and formulated into multiregression routines at the University of Delaware computer center.

VI. USING THE NEW MODEL OF ASSESSING ROR RISK-- A STEP-BY-STEP PROCEDURE

The following is a suggested method of assessing ROR risk. Use the score sheet attached. (See Table 7)

A. *Failure to Appear*

First estimate the defendant's probability of failure to appear. Score the following factors as indicated; add all of them. If the defendant scores above 300, then he has a high probability of failure to appear. If the defendant's score is between 170 and 300, he is in a questionable area. Go on to estimate, if he does FTA, whether he will return to the system quickly.

B. *Slow Return*

If the defendant's score is over 600, he is likely (if he does FTA) to return slowly. If his score is between 350 and 599, he is again in a questionable zone; go on to predict rearrest on the same charge.

C. *Rearrest--Same Charge*

When predicting rearrest on the same charge, if the defendant's score is above 350, then he has a high probability of being rearrested on the same charge. If his score is between 90 and 350, go on to predict his likelihood of being rearrested on a different charge.

D. *Rearrest--Different Charge*

When predicting rearrest on a different charge, if the defendant's score is over 350, he has a high probability of being arrested on a different charge.

VII. A COMPARISON OF THE OLD POINT SYSTEM
WITH THE NEW

Relative weightings of the point system currently in use are compared with the proposed new system (Table 2).

While the present system has a total of 21 possible points, the new criteria for bail risk vary from 1,066 (rearrest) to 621 (FTA) points which are theoretically possible to achieve. Comparing the current system with its revised counterpart, the most vivid difference is revealed in the relative weighting

of prior record points, which receives an average of over twice its old weighting in the new system (Table 2). Age, which is not included in the present (old) system, receives an average of one-tenth of the total possible points under the new criteria.

As can be seen from Table 2, there are also substantial variations in the relative weightings incorporated in the four new criteria, depending upon which dependent variable is considered. For example, residence and community ties appear to be far more important in predicting slow return (of a defendant who has failed to appear) than in predicting FTA or rearrest. While criminal record is the most prominent concomitant predictor of FTA and rearrest, this criterion (prior criminal record) is far less important in predicting the speed of return. No doubt this new weighting system will spur much debate regarding the meaning of these findings. The most important result of the entire reweighting procedure, however, is the clear indication that the VERA criteria are inefficient predictors of bail risk when compared to the revised regression-based model.

VIII. EVALUATION OF ROR POINT SYSTEMS
IN OTHER JURISDICTIONS

Criteria for granting ROR may vary substantially between jurisdictions. While many cities employ moderately complex weighting procedures, most of the programs serving rural

populations and smaller cities use informal procedures
often based on subjective judgments. In an analysis of the
effectiveness of ROR Programs in 66 cities, Wice contends
that jurisdictions vary in their forfeiture rates according
to the release criteria which are emphasized:

Regarding the influence of release criteria on forfeiture
rates, the traditional criteria of present charge and past
criminal record were of little utility in foretelling the
defendant's pre-trial behavior. Rather, community ties and
past appearance record are the most reliable criteria for
predicting a defendant's appearance in court. In 67 percent
of the cities where community ties were considered extremely
important, and in 64 percent of those municipalities where
past appearance record was stressed, the forfeiture rate
was below average. In contrast, above-average rates were
experienced 1) by 70 percent of those cities where seriousness
of the charge was thought to be an extremely important
criterion, and 2) by 63 percent of the cities where past
criminal record was emphasized. None of the demographic
factors described at the beginning of the previous chapter
influenced any cities forfeiture rate.[2]

When regression analysis is applied to the major procedural
factors that might affect a city's forfeiture rate, only the
presence of a supervisory system was found to be a significant
causal influence. Similarly, among release criteria, community
ties and past appearance record scored the highest.[3]

Wice's conclusions, however, are subject to serious question on methodological grounds. 1) None of the differences between cities which he reports are statistically significant.[4] 2) Even if there were significant differences in cities in forfeiture rates and if, in turn, such differences were correlated with the type of release criteria emphasized, it would be impossible to attribute differences in the forfeiture rate to release criteria. To make such generalizations, it is necessary to analyze how the criteria are employed for individual defendants (rather than for statistical aggregates), following up the same individuals for a period of time. In short, Wice is vulnerable to the "ecological fallacy", whereby a causal linkage is inferred between the individuals' behavior (forfeiture or FTA) and a characteristic of the system (jurisdiction) of which the individual is a member. In short, Wice's reasoning might be linked to saying: States which have high murder rates have been most likely to use the death penalty; therefore, the high murder rate is caused by the implementation of a capital punishment policy. Wice's data, while giving valuable insights about the differences between jurisdictions, do not help to assess the relative efficiency of various ROR criteria, particularly for predicting FTA for individual cases.

In another widely publicized evaluation, conducted in the Sixth Circuit court of New Haven, Connecticut, the general usefulness of release on recognizance criteria are subjected to severe criticism.

Freeley and McNaughton conclude:

When testing the factors which the law implies are indicative of FTA propensities, none of the indices proved to be significant. All of the independent variables, seriousness of charge, prior record, marital status, the number of dependents, residency, time in area and employment status, all proved to be statistically insignificant at the 5% level. Equally disappointing, taken together the variables could account for little more than 1% of the variation in the dependent variable. The attempts to find other useful indicators of FTA likelihood were equally disappointing. When age, sex, race, and legal representation were introduced, the R^2 term improved only slightly, to about 2%. As indicated in the summary presented in Table XIV, of all the variables (including those specified by law) race and legal counsel were most important, but even they were insignificant at the 5% level.[5]

The New Haven study also suffers from serious methodological limitations, probably the most serious of which is that only four percent of the defendants (64) were formally charged with FTA. The testing of release criteria on the basis of such a small proportion of FTA (within an overall sample of less than 2,000 defendants) would prove to be an impossible task for any researcher.

These two studies (the New Haven study and the Wice study) are the most recent and most complete evaluations of ROR release criteria which are currently available. Both suffer from severe methodological problems which result, in turn, to the paucity of new insights regarding the utility and efficiency of ROR criteria. The current evaluation of the Philadelphia ROR program, in contrast, reveals 46 different factors which prove to be statistically significant in predicting FTA. Moreover, all of these factors suggest policy modifications which should result in improved program performance.

IX. EFFICIENCY OF THE NEW CRITERIA

The revised criteria are the final result of numerous multiple regression procedures. This technique attempts to fit the observed data to a theoretical linear mathematical model generated from the data. The question which is most important is, how well do the data fit the model? Generally, the statistical measure employed (R^2). Using these criteria the following R^2 values were found for the four dependent variables: *FTA* (using only cases with all data present), 0.86; FTA using mean values for unknown data, 0.11; *Slow Return*, using mean values for unknown data, 0.08; *Rearrest, same charge,* using mean values for unknowns, 0.22. Predictability is considerably better for rearrest than FTA or slow return (when unknown data values are assumed in the analysis).

Another important issue concerns the cutoff point employed
for granting ROR. The levels suggested in this proposal are
arbitrary and may be revised, according to managerial and
policy requirements. In order to visualize the way in which
these cutoff points may be set, consider Figures 1-4 and Tables
3-6, which show the actual percentage of FTA's at each point
level (Figure 1, Table 3); the actual percentage of slow returns
at each point level (Figure 2, Table 4) and the actual percentage
of rearrests on different charges at each point level (Figures 3
and 4, Table 5 and 6).

It should be strongly emphasized that since 92 percent of the
defendants do *not* FTA, if a person simply made this prediction,
he would be correct 92 percent of the time. Thus, there is some
obvious difficulty in trying to predict just who are the 8 percent
that will actually FTA. Nevertheless, it can be seen from these
final figures that the proposed models *do* improve predictive
power substantially. They should be a valuable tool for the
future administration of pre-trial programs.

Table 1

150 Predicitor Variables
Association with FTA by Strength
of Relationship (Tau B) and Significance (x^2)
(* indicates significance at .05 level)

Variable #	Characteristic	Direction	x^2	(Tau B)
1	Subsequent arrests on same charge	+	123.196*	.262
2	Subsequent arrests on different charge	+	68.042*	.196
3	Heroin addiction detected by urinalysis	+	7.418*	.188
4	Value of Real Estate Owned	-	20.002*	-.188
5	Reason for Character Points Record	+	2.345	.146
6	Number of Previous Arrests	+	53.696*	.144
7	Number of Adult FTA's	+	44.764*	.138
8	Utilities in own name	-	27.000*	-.127
9	Unverified Points	-	43.396*	-.126
10	Number of Prior Adult Arrests	+	41.274*	.124
11	Charge: Larceny	+	26.176*	.122
12	Real Estate at Residence Owned	-	24.216*	.120
13	Inclusion of Robbery/Larceny in Present Charge	+	21.351*	-.121
14	Length of Time at Present Job	-	24.951*	-.119
15	Charge: Prostitution/Vice	+	23.951*	.119
16	Morphine Analysis Positive	+	10.901*	.119
17	Balance Owed on Purchases	-	15.857*	.117
18	Marines Experience	+	6.301*	.114
19	Character Points	-	27.583*	-.113
20	I.D. Card in Possession	-	20.699*	-.110
21	Prior Record Points	-	24,508*	-.110
22	Number of Open Cases	+	23,704*	.109
23	Self Admission of Addiction	+	18.440*	.104
24	Probationary Status	+	17.775*	.104
25	Number of Prior Adult Convictions	+	24.030*	.101
26	Number of Felony Convictions	+	26,829*	.100
27	Guilty Judgement for this Offense	+	11.278*	.095
28	Reason for Character Points: Stability	-	.226	-.095
29	Disposition: Discharged	-	13.983*	-.092
30	Methadone Addiction	-	1.262	-.090
31	Amphetamine Addiction	-	.666	-.088
32	Type of Work: Labor	+	6.883*	.086
33	Age	-	35.059*	-.085
34	Charge: Gambling	-	11.358*	-.082
35	Number of Misdemeanor Convictions	+	29.371*	.081
36	Detainment of over 14 days	+	11.115*	.079
37	Reason for Character Points: Charge	-	.016	-.077
38	Employed at Present	-	10.027*	-.077
39	Disposition: Money Bail	+	9.654	.075
40	Number of Aliases	+	11.014	.074

Table 1 (Cont'd)

Variable #	Characteristic	Director	x^2	(Tau B)
41	Number of Juvenile Adjudications	+	27.542*	.073
42	Inclusion of Violent Crime in Charge	-	9.077*	-.073
43	Phone at Address	-	8.612*	-.071
44	Charge: Marijuana Possession	-	7.984*	-.070
45	Charge: Auto Theft	+	7.600*	.068
46	Fired from last job	-	4.296*	-.068
47	Air Force Experience	-	1.718	-.065
48	Living with Spouse	-	5.655*	-.063
49	Amount of Rent Paid/Month	-	9.494	-.061
50	Recommended ROR	-	6.36*	-.061
51	Charge: Rape	-	5.290*	-.060
52	Marital Status: Married	-	5.877*	-.059
53	Length of residence at present address address	-	13.583	-.058
54	Reason for Character Points: Medical	-	.196	-.054
55	Type of Work: Business	-	4.735*	-.054
56	Merchant Marine Experience	+	.349	.049
57	Living with Grandparents	+	2.881	.049
58	Disposition: WOB	-	3.643	-.049
59	Chruch Membership	-	3.544	-.049
60	Charge: Murder	-	3.212	-.048
61	Is Under Detainer	±	3.036	.046
62	Time Married	-	16.679*	-.045
63	Length of time since last job	±	13.189	.044
64	Judge: Dandridge	+	.466	.044
65	Addiction of other drugs	-	.146	-.044
66	Amount of Heroin Consumed Daily	+	8.116	.042
67	Army Experience	-	.680	-.040
68	Marital Status: Common Law	+	2.332	.040
69	Living with Relatives	+	2.128	.040
70	Charge: Aggravated Assault	-	2.474	-.040
71	Other Police Service	-	2.067	-.039
72	Marital Status: Single	+	2.428	.038
73	Barbiturate Addiction	+	.037	.037
74	Judge: Woods	+	2.112	.036
75	Supporting Spouse	-	2.179	-.036
76	Charge: Weapons	-	2.041	-.036
77	Ability to Afford Counsel	-	2.09	-.036
78	Incarceration for this Offense	+	1.714	.035
79	Military Experience	-	1.788	-.034
80	Charge: Narcotic Drug Laws	+	1.740	.034
81	Judge: Zagorski	+	1.759	.033
82	Type of Work: Self-Employed	-	.803	-.033
83	Number of Juvenile FTA's	+	4.333	.033
84	Judge: Clark	-	1.504	-.032
85	Living with Children	-	1.214	-.032

Table 1 (Cont'd)

Variable #	Characteristic	Direction	x^2	(Tau B)
86	Race: Spanish	+	1.505	.032
87	Judge: Melton	+	1.449	.031
88	Judge: Murphy	-	1.561	-.031
89	Literacy	-	1.207	-.030
90	Charge: Burglary	+	1.32	.029
91	Disposition: Signs own Bail	-	.442	-.028
92	Race: Anglo	-	1.167	-.027
93	National Guard Experience	+	.016	.026
94	Judge: Marotta	-	.894	-.025
95	Charge: Arson	-	.206	-.025
96	Charge: Forgery	+	.413	.025
97	Charge: Liquor Law Violation	-	.632	-.023
98	Length of time at last job	-	3.686	-.022
99	Coast Guard Experience	-	.590	-.021
100	Length of Military Service	-	14.039	-.021
101	Type of Work: Management	-	.193	-.021
102	Sex: Female	+	.620	.021
103	Judge: Segal	+	.574	.020
104	Marital Status: Divorced	+	.451	.020
105	On Parole	-	1.094	.020
106	Reason for Character Points: Demeanor	+	.048	.020
107	Charge: Disorderly Conduct	+	.195	.018
108	Charge: Vagrancy	-	.011	-.018
109	Judge: Star	-	.012	-.017
110	Family Points	-	1.630	-.017
111	Length of Residence in Philadelphia	+	5.829	.016
112	Disposition: ROR	-	.327	-.015
113	Judge: Dennis	-	.289	-.015
114	Living with Parents	+	.281	.015
115	Charge: Stolen Property	+	.127	.014
116	Charge: Driving while Intoxicated	-	.294	-.014
117	Race: Black	+	.310	.014
118	No. of General Contacts	+	5.574	.014
119	Judge: Simmons	+	.154	.013
120	Judge: Conroy	-	.466	-.012
121	Dishonorable Discharge	+	.001	.012
122	Charge: Family Offense	-	.463	-.012
123	Charge: Traffic Violations	-	.073	-.012
124	Charge: Sale of Drugs	-	.083	-.012
125	Charge: Robbery	-	.160	-.012
126	Amount of Bail	+	31.033	.010
127	Supporting Others	+	.103	.010
128	Type of Work: Government	-	.007	-.010
129	Charge: Vandalism	-	.007	-.010
130	Charge: Any Ohter Offense	-	.046	-.010
131	Judge: McCabe	-	.056	-.009
132	Marital Status: Widowed	-	.031	-.009
133	Living with Friends	+	.059	.009
134	Navy Experience	-	.002	-.009
135	Length of Time Addicted	-	6.548	-.008

Table 1 (Cont'd)

Variable	Characteristic	Direction	x^2	(Tau B)
136	Number of Children	+	7.796	.007
137	Residence Points	-	2.633	-.007
138	Judge: Poserina	-	.021	-.006
139	Judge: Quinn	+	.021	.005
140	Number of Family Contacts	-	6.002	-.005
141	Charge: Other Assault	-	.005	-.005
142	Marital Status: Separated	-	.003	-.003
143	Living Alone	+	.001	.003
144	Education	+	10.730	.003
145	Length of Time at Prior Residence	-	7.510	-.002
146	Charge: Fraud	+	.054	.002
147	Supporting Children	-	3.604	-.001
148	Charge: Other Sex Offense	-	.081	-.001
149	Judge: Markert	+	.005	.001
150	Judge: Cox	+	.077	.000

Table 2

Comparison of Relative Weightings of Current Point System with Proposed New System[1]

	Current System Criteria	New System				
		Failure to Appear	Slow Return	Rearrest Same Charge	Rearrest Different Charge	Weighted
	%	%	%	%	%	Avg. 1-4
Residence and Community Ties[3]	19.0	21.0	42.2	5.0	8.8	19.3
Family Points[4]	19.0	1.6	2.6	1.4	1.7	1.8
Economic and Employment[5]	19.0	10.7	16.5	19.0	9.8	14.0
Prior Record Points[6]	19.0	55.1	18.2	63.0	47.5	46.0
Character Points[7]	24.0	1.0	2.6	3.4	1.5	2.1
Age	Omitted	10.7	17.9	8.1	30.7	16.9
TOTAL	100.0	100.1	100.3	99.9	100.0	100.1[2]

[1] Weightings reflect theoretical maximum of total allowable points (Beta weightings).

[2] Reflects weighted average.

[3] Under *current* system includes: a) length of time lived in Philadelphia, b) length of time at present residence, c) length of time at prior residence. Under *revised* system includes: a) length of time at present address, b) whether phone at address, c) whether defendant has identification on person, d) utilities under defendant's name, and e) resides in owner occupied dwelling unit.

[4] Under *current* system includes: a) whether living with family and b) contacts with family members. Under *revised* system includes: a) whether living with spouse, b) whether defendant is married.

[5] Under *current* system includes: a) whether employed, b) whether employer will retain defendant. Under *revised* system includes: a) amount of money owed, b) whether employed and c) length of time on present job.

[6] Under *current* system includes: a) felony convictions and b) misdemeanor convictions. Under *revised* system includes: a) previous FTA record, b) 6-month prior arrest record for same charges and different charges, c) FTA's in last six months, and d) arrest record for past 15 years.

[7] Under *current* system includes: a) FTA record and b) evidence of alcohol or drinking problem. Under *revised* system includes urinalysis re: heroin or morphine only.

Table 3

Predicted Score by Percentage FTA

Predicted Score	Percentage FTA
0- 49	4.0
50- 99	5.8
100-149	14.4
150-199	14.5
200-249	22.8
250-299	28.2
300-349	40.7
350-399	32.7
400-449	43.1
450-499	42.7
500-549	55.6

Table 4

Predicted Score by Percentage
Slow Return (Over 2 Weeks)

Predicted Score	Percentage Slow Return
0- 49	0
50- 99	0
100-149	0
150-199	0
200-249	0
250-299	33
300-349	0
350-399	36.8
400-449	42.9
450-499	46.5
500-549	56.0
550-599	63.4
600-649	66.0
650-699	57.9
700-749	73.0
750-799	70.4
800-849	83.3
850-899	87.5
900-949	100.0
950-999	100.0

Table 5

Predicted Score by Percentage
Rearrested on Same Charge

Predicted Score	Percentage Rearrested on Same Charge
0- 49	0
50- 99	12.7
100-149	15.7
150-199	15.5
200-249	17.6
250-299	25.3
300-349	25.5
350-399	37.3
400-449	46.3
450-499	47.8
500-549	50.0
550-599	60.3
600-649	60.0
650-699	67.2
700-749	78.4
750-799	73.1
800-849	77.8
850-899	84.6
900-949	100.0

Table 6

Predicted Score by Percentage
Rearrested on Different Charge

Predicted Score	Percentage Rearrested on Different Charge
0- 49	4.9
50- 99	11.7
100-149	6.5
150-199	13.0
200-249	18.5
250-299	24.5
300-349	26.8
350-399	43.5
400-449	41.1
450-499	53.0
500-549	58.1
550-599	50.6
600-649	81.3
650-699	77.8
700-749	73.5
750-799	66.7
800-849	69.6
850-899	77.8

Table 7

Photo No. _____

Interview Date _____

	Factor		Points		
I.	Utilities in Defendant's Name	No ..... 0 Yes 5			
II.	Residence Length	6 Mos. or Less ...... 5 Over 6 Mos. - 2 Yrs.. 9 Over 2 Yrs. - 5 Yrs.. 14 Over 5 Yrs. - Life .. 18			
III.	Employment	Unemployed .... 0 6 Mos. or Less ...... 2 Over 6 Mos. - 2 Yrs.. 3 Over 2 Yrs. 5			
IV.	Willful FTA in Past 6 Mos.	No ..... 0 Yes 36			
V.	Arrest on Same Charge in Past 6 Mos.	No ..... 0 Yes 12			

26

P.A. Dispo. _____   Subtotals   +   −
Bail Date   =============
Charge   =============
FTA   =============   Point Total   =============

Reason Not Rec. _____

Chart 1

Percentage FTA by Point Level

Y-axis: Percentage FTA — labeled at 10%, 20%, 30%, 40%, 50%, 60%

X-axis: Predicted Score — labeled at 0, 50, 100, 150, 200, 250, 300, 350, 400, 450, 500, 550, 600
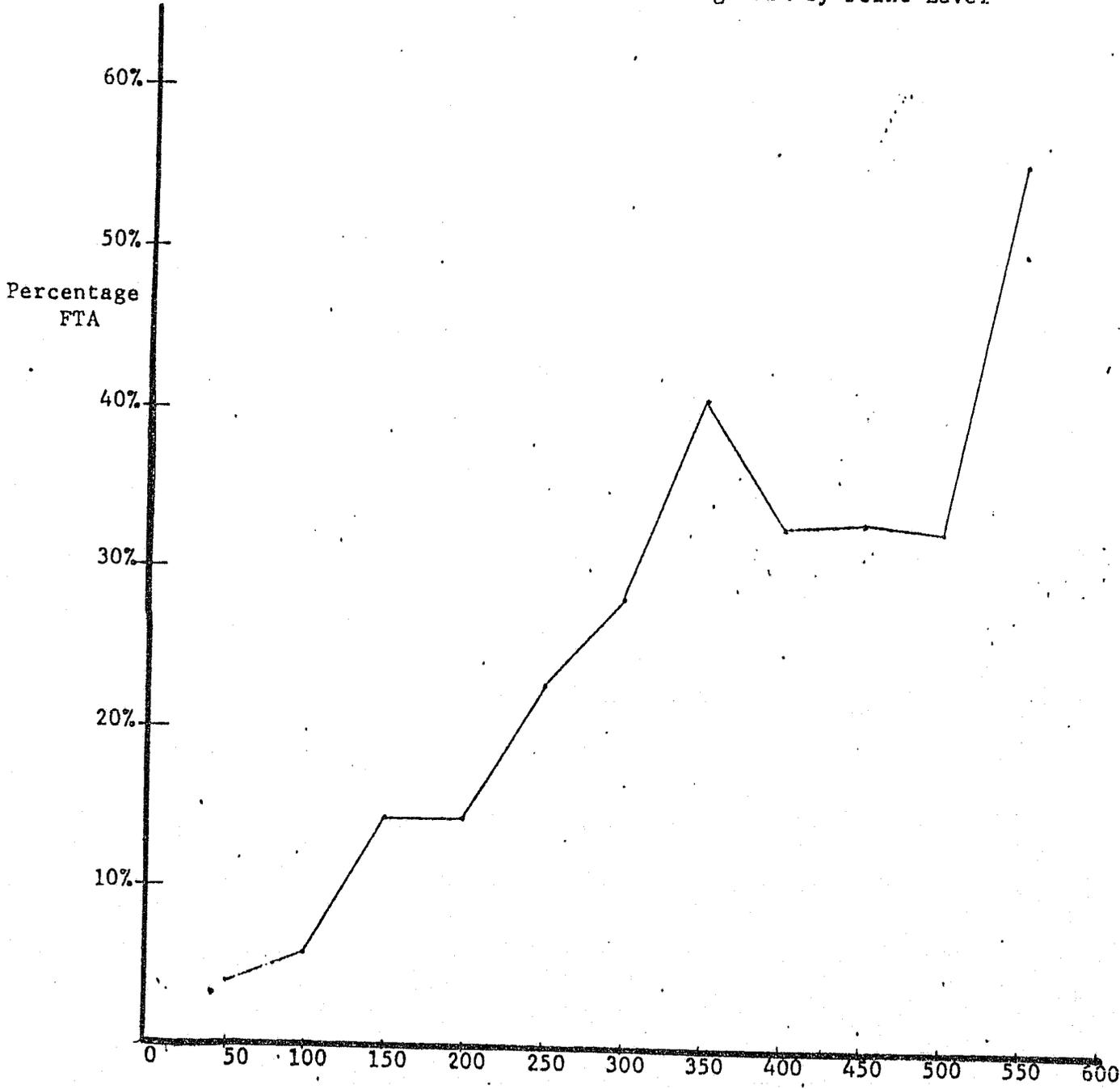
Predicted Score   Intercept 17.4%

CONTINUED

1 OF 3

Chart 2

Percentage Slow Return (over 2 weeks) by Point Level
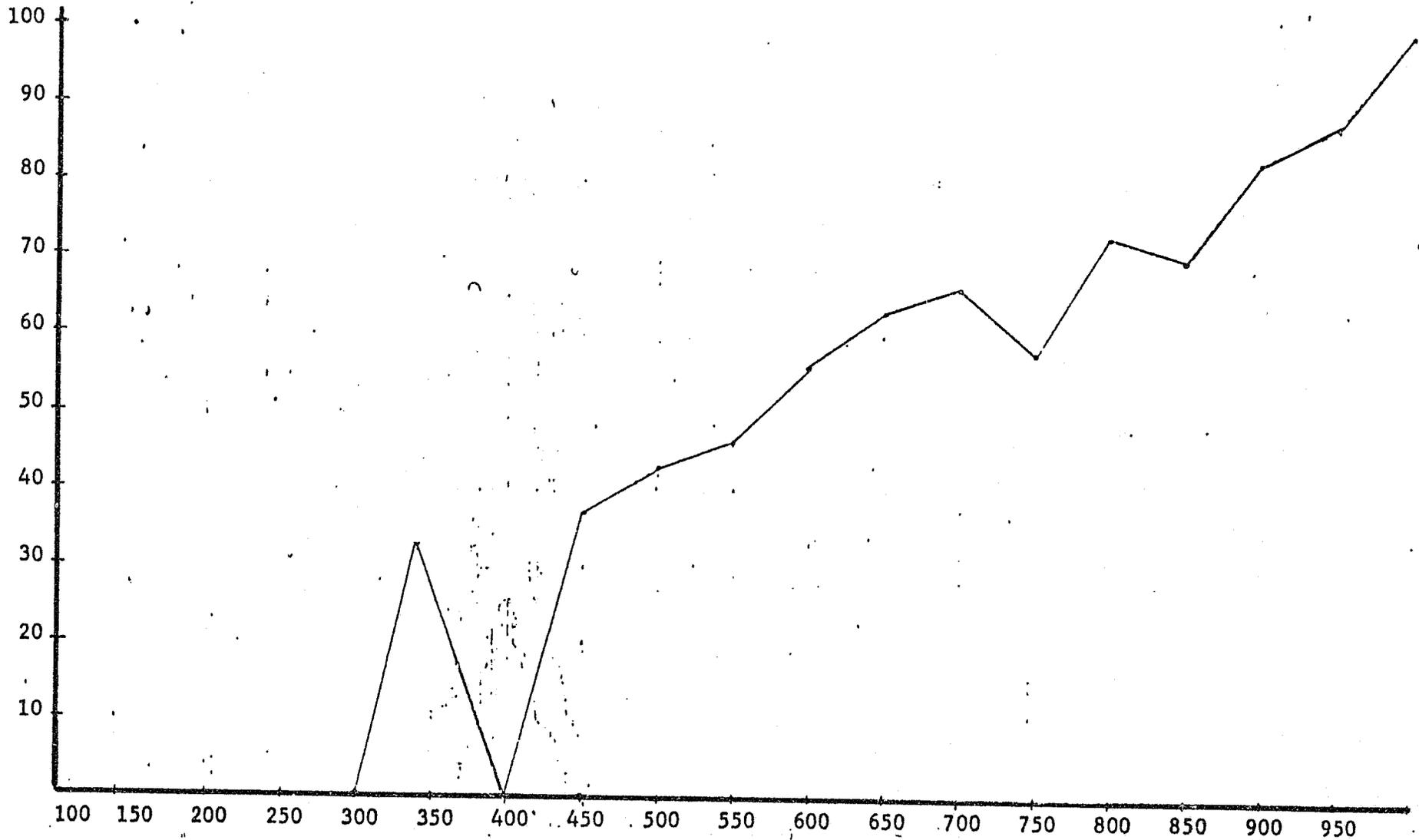
Predicted Score   Intercept 61.2%

Chart 3

Percentage Rearrested on Same Charge by Predicted Score

Predicted Score

Intercept 91.5%

Chart 4

Percentage Rearrested on Different Charges by Predicted Score

Predicted Score

Intercept 33.8%
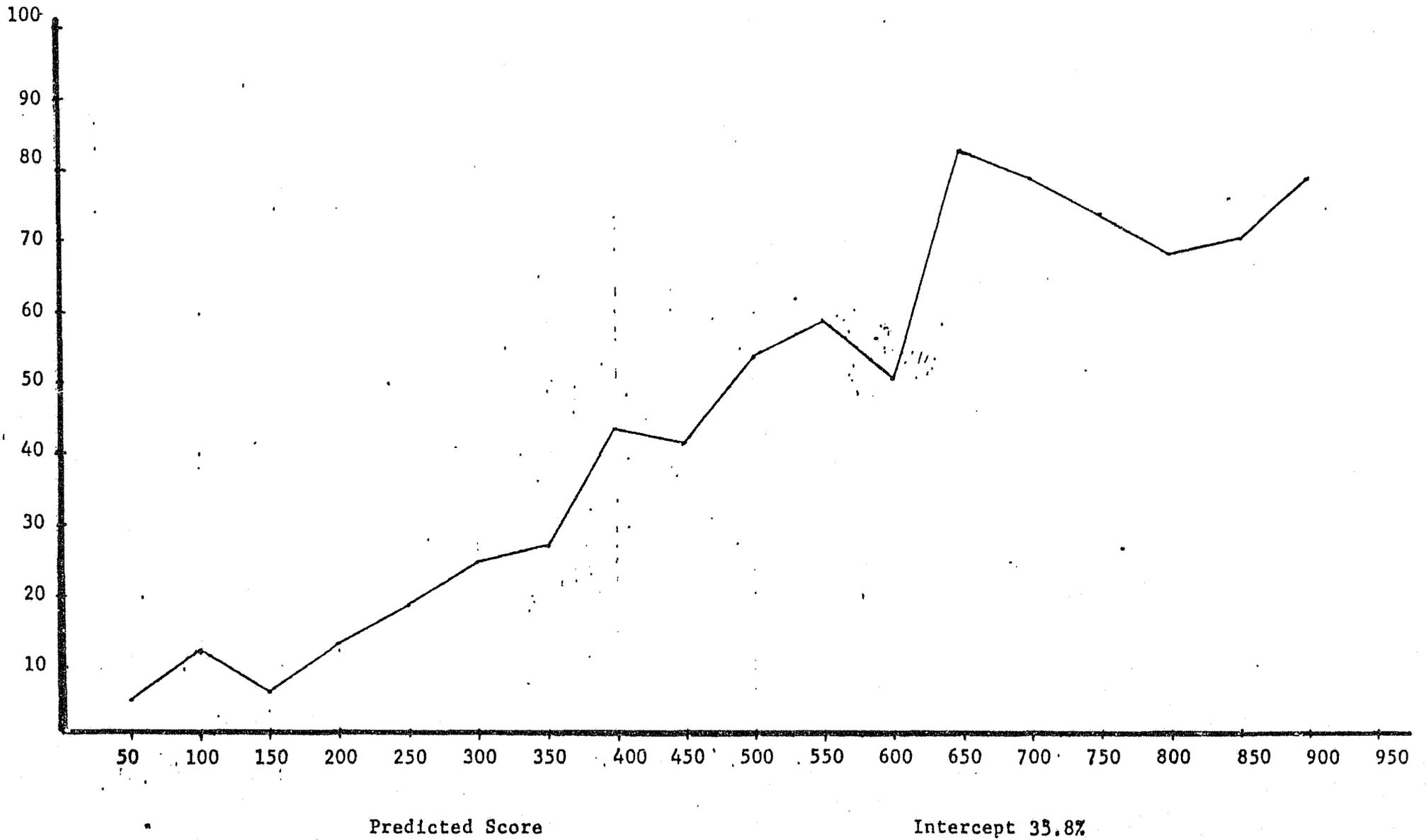
C H A P T E R   4

T O W A R D   A   T H E O R Y   O F   B A I L   R I S K

By Marq R. Ozanne, Robert A. Wilson, and Dewaine L. Gedney, Jr.

I. INTRODUCTION

In recent years, the question of who should be released from
pretrial detention prior to trial has sparked much debate.
One of the focal points of this debate is the issue of
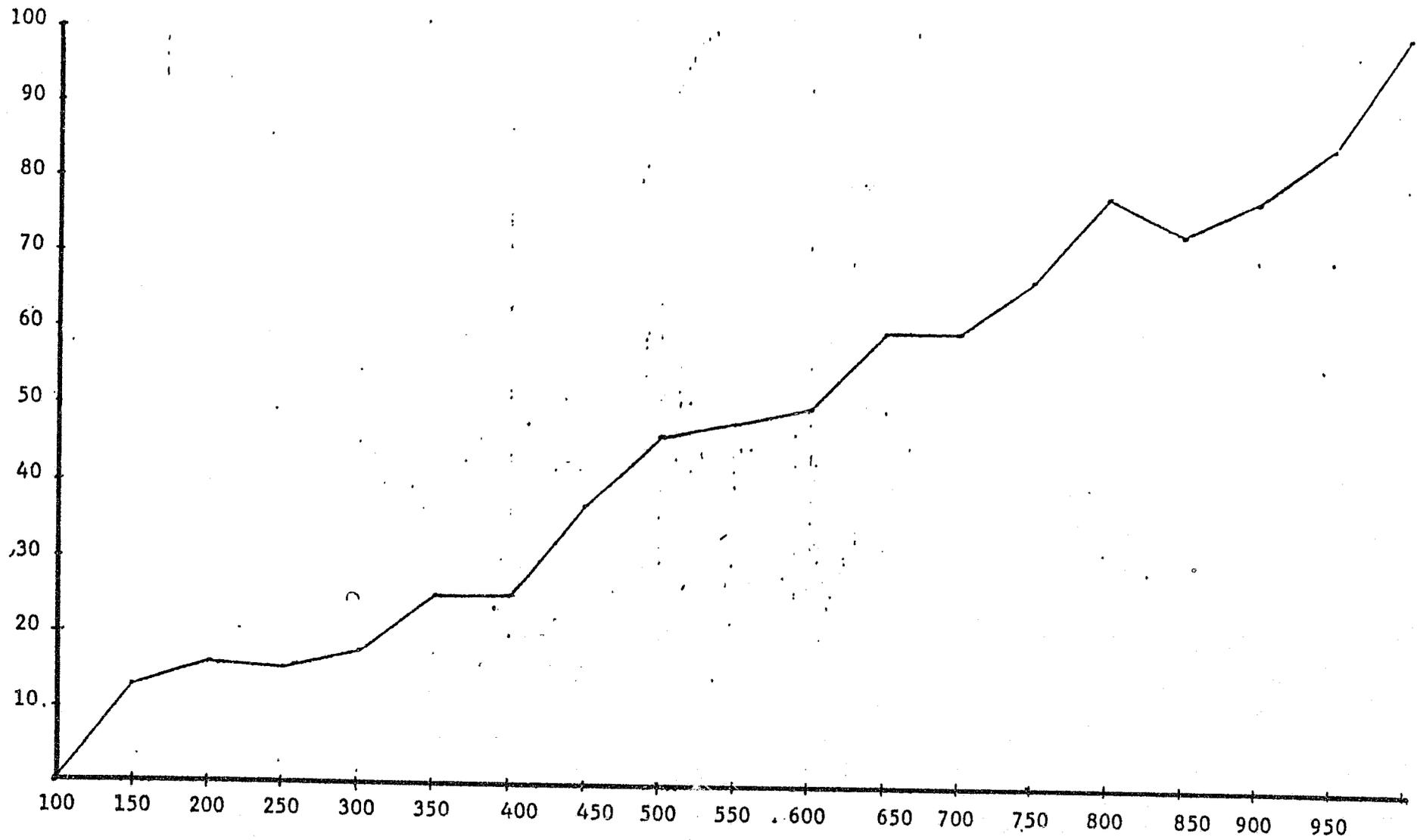guaranteeing the appearance of a defendant at trial.[1] During
the early 1960's, the Vera Institute of Justice developed
release criteria which the Institute claimed would maximize
the number of individuals released on bail while minimizing
the risk that a released defendant would fail to appear at
trial.[2] The early reports of the success of the use of the
Vera criteria led to the widespread adoption of the criteria
or variations thereof.[3] While many jurisdictions have adopted
a Vera-based point system, few have systematically tested these
criteria or explored the efficiency of the weightings in predicting
failure to appear.

Many of the variations of the Vera criteria were introduced,
without research, to achieve certain policy or release effects.
In some cases, these changes may have actually been counter-
productive in terms of failure-to-appear. Often, no research
of any kind was carried out prior to the imposition of these
variations. This tinkering may even have removed the reason
for the early successes of the Vera-based point system. This
paper reports the findings of an analysis of the Vera criteria
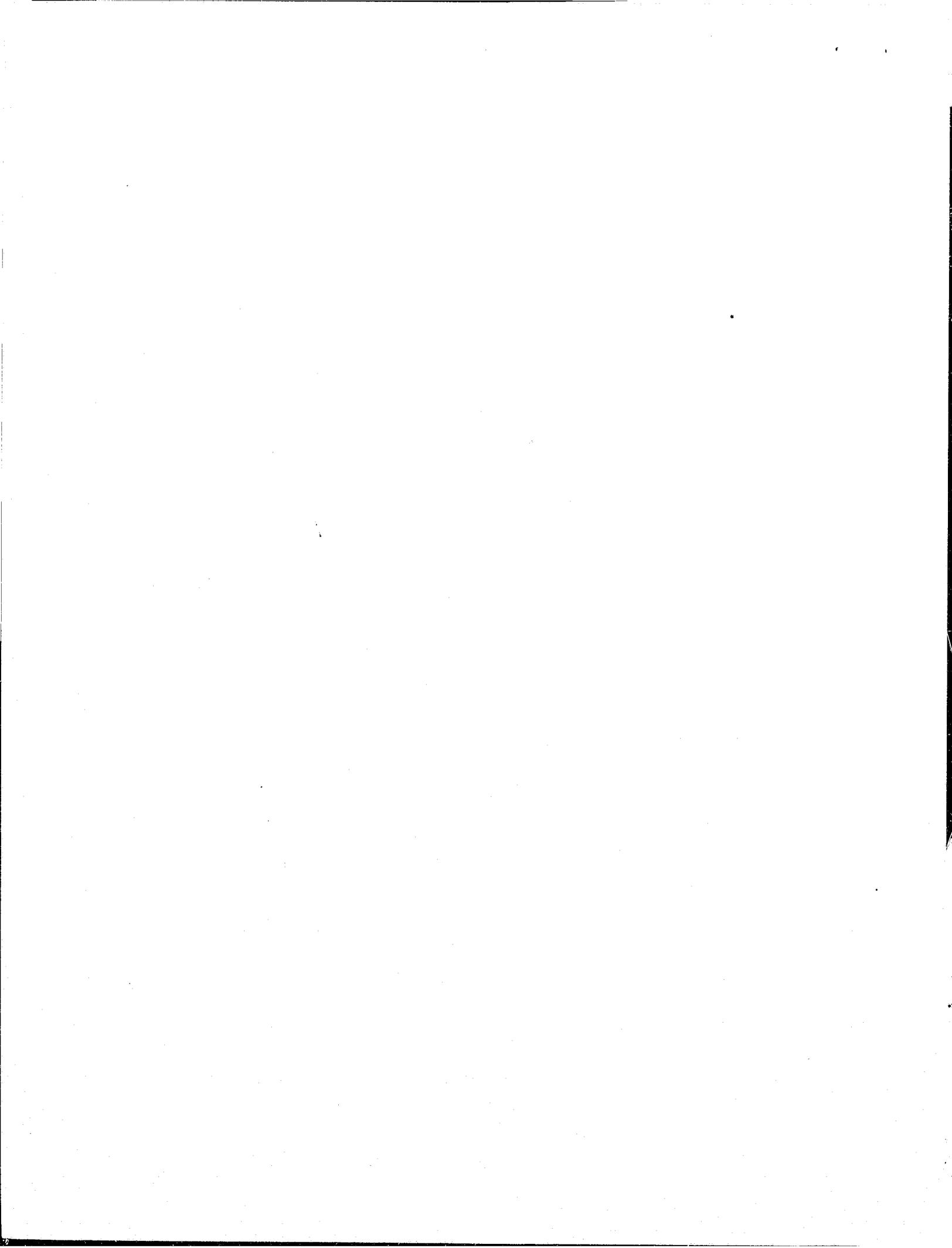
performed in the Commonwealth of Pennsylvania.

Before explaining either the Vera criteria or the analysis
which forms the basis of this paper, it is appropriate to place
the concept of release on recognizance in historical perspective.
As Caleb Foote and others have shown, bail was devised as a
means of insuring that an individual accused of a crime would
appear for trial.[4] Money bail or bond was but one means of
insuring appearance.[5] Often, bond was not required; instead,
assurance from someone in the family of the accused that he
would appear at trial was demanded. In the United States, the
growth of the bail bond system occurred in the Nineteenth
Century only after massive urbanization resulted in the dispersal
of the family and of kindred ties.[6] That is, money bail came
to virtually total domination when an increasing number of
individuals were not well known in the community and there was
no other manner deemed forceful enough to insure the appearance
of the accused at trial.

The bail system goes back to Great Britain and the creation of
the Common Law. A portion of this historical basis of the bail
system, the legal relationship existing today in the Contract
Law of Bailment, even permitted the trying and sentencing of
the bailor (the modern day surety) if the defendant (the
bailee) did not appear for trial. The modern bondsman emerges

from this bailment relationship. The use of professional bondsmen was not necessarily ties to the City. Indeed, today this institution survives most heavily in rural areas. The professional surety is nearly unique to the United States. Its usage grew in small towns, as well as cities. It was institutionalized as a savior, while at the same time hiding a sordid business out of the public view. The bonsman system broke down in the large urban areas in the 1950's and 1960's as the population became transient and widespread anomie set in. The term "broke down" is used advisedly, for while bondsman still made money, they were unable to return many defendants to court as required. One of the ways in which they continued to make money was through illegal operations related to the bail system. There were widespread evidences of corruption and abuse in the bail which continue up to the present. Eventually, bonding supplanted all other forms of bail, to the extent that even those individuals well known in the community were released only under the money bail system. Several studies document that the poor are frequently detained in jail pending trial, not because they were likely to fail to appear in Court, but because they were unable to post the bond needed to, in essence, "buy" their way out of pretrial detention.[7] Justice Douglas offers in Bandy v. United States, 5L. Ed. 2d 218 (1960), that this situation is clearly a denial

of the Fourteenth Amendment guarantee to equal protection of the law.[8] Moreover, former U.S. Senator Sam Ervin, among others, suggests that any amount of bail in excess of the minimum required to insure the appearance of the defendant constitutes a denial of the Eighth Amendment guarantee against "excessive bail".[9] The implication is that if financial bail is not necessary to insure the appearance of a defendant at trial, then any imposition of money bail is excessive. The United States Supreme Court previously noted that denial of bail restricted the "... traditional right to freedom before conviction (which) permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction" (Stock v. Bagley, 342 U.S.1, 1951). That the defense is hampered by incarceration prior to trial is also documented by several studies showing that when other defendant characteristics such as sex, age and arrest charge are taken into consideration, those who are not released prior to trial are far more likely to be convicted than those who are released.[10]

The second major problem resulting from the money bail system is the abuses of that system by the professional bondsman.[11] Perhaps most notable of these is that release of underworld figures may be secured through a bondsman when the individual gaining release frequently has no intention of appearing for

trial.[12] That is, through their "connections" with bondsmen, defendants

with enough money may circumvent the intent of bail. The Vera

Institute's point system was intended to reduce or, hopefully,

to eliminate total reliance on bondsmen and the associated

abuses. The Manhattan Bail Project conducted by the Vera

Institute of Justice sought to establish criteria whereby

defendants awaiting trial could be released on their own recognizance.

The initial Vera Criteria were developed by asking bondsmen

their subjective estimates of the importance of various factors

which were thought to influence risk of flight. Five factors

were deemed to be important: 1) residence - whether the defendant

lived in the area, how long he had lived there, and how often

he had moved; 2) family - whether or not the defendant had

family ties and contacts in the area; 3) employment - present

employment and history of employment; 4) prior record -

convictions for crimes in the past; 5) character - whether or

not the bondsman thought the defendant had a good character.

Character points, in order to provide a verifiable system,

generally involved identifiable medical problems such as

drug abuse or alcoholism. "Character", in sum, was the bail

agency's guess as to the reliability of the defendant. In

New York City and in most of the jurisdictions which later

adopted these or similar systems, the five criteria were usually

weighted equally.

The success of the Vera criteria has been widely discussed. Some studies show that application of the criteria have been eminently successful, compared to subjective judgments previously.[13] Other studies show no differencx in FTA rates when different criteria are employed.[14] Other studies suggest that perhaps different criteria, or at least different weighting systems for the criteria might be used in different jurisdictions. Two separate questions arise from the research. First are the criteria which the Vera Institute developed accurate predictors of Failure to Appear (FTA)? Second, what weightings should be attached to the criteria which are the best predictors? The remainder of this paper is concerned with the first of these questions.

II. STUDY

In the attempt to assess the usefulness of the Vera criteria, three separate analyses were performed. The first involved the extraction of variables relevant to predicting FTA from a large group of variables. Initial data were gathered in the City of Philadelphia in 1973. Two additional studies provide reliability checks on the consistency of the original findings over time. The reliability studies were performed using data from a 1975 follow-up investigation in Philadelphia and a

1975 study in Delaware County, Pennsylvania.[15]

The original sample consisted of 1,842 defendants who were
interviewed by the Philadelphia Release on Recognizance Program
in 1973 between April and June of that year. Information was
gathered on elements directly related to the Vera Criteria
and on other demographic and personal characteristics of the
defendants. In all, 150 variables were employed in the analysis.
The 1,842 defendants were followed for a period of six months,
until January, 1974. During this follow-up period, information
was gained on whether the defendants appeared for all court
appearances and whether bench warrants were issued.

The central issue was how this information might be employed
to allow release of as many defendants as possible while at
the same time assuring that there would be a minimum of FTA's.
The basic research question was: What characteristics of a
defendant are important in predicting failure-to-appear?

The modified Vera criteria employed by the City of Philadelphia
included the five general areas of importance noted above:
residence, family ties, employment status, prior criminal
record and the general category, character. In Philadelphia,
as in many cities employing modified Vera criteria, these
elements were weighted approximately equally.

In order to identify the variables that were significantly related to failure to appear, a chi-square test was employed.[16] Using this procedure, 46 (of the 150) variables were found to be statistically significant in predicting failure to appear. From these 46 variables, 16 "predictor" variables were selected for further analysis. Based on three principles: 1) accessability -- the information can be readily obtained and verified by an ROR interviewer; 2) policy relevance -- the criteria interface with an ROR philosophy which stresses objectivity and efficiency in assessing bail risk; and 3) legality -- the criteria did not impinge upon the defendant's constitutional rights.

Using these criteria, the following sixteen predictor variables to be employed in the final model were selected (Table 1):

1. Age of the defendant.

2. Length of time the defendant has resided at his present address.

3. Whether or not he resided with his spouse.

4. Whether or not there was a telephone at the home address.

5. Whether or not the defendant had identifying documents on his/her person at the time of arrest.

6. Whether or not the utility payments of the household were listed in the defendant's name.

7. Whether the defendant was married.

8. Whether the defendant was employed.

9. Length of time employed with present employer.

10. Amount of money the defendant said he owed to legitimate creditors.

11. Whether or not the defendant owned or was buying a home, or was paying rent.

12. Number of previous adult FTA's by the defendant in the jurisdiction.

13. Whether urine analysis for heroin or morphine was positive.

14. Total number of previous arrests.

15. Rearrests on the same charge within six months.

16. Rearrest on a different charge within six months.

III. FOLLOW-UP STUDIES

The follow-up (2nd) Philadelphia study (Table 2) and the Delaware County study (Table 3) tested the same sixteen "predictor" variables in the analyses. The same process used in gaining information for the first Philadelphia study was employed for these studies. In Philadelphia, a sample of 2,266 defendants were interviewed by the Philadelphia Pretrial Services personnel between January and December, 1975.

In Delaware County (Pennsylvania), a sample of 300 defendants was interviewed by the Bail Agency during the period January,

and December, 1975.

In Delaware County (Pennsylvania), a sample of 500 defendants was interviewed by the Bail Agency during the period January, 1974 to November, 1975. Both the Philadelphia and Delaware County defendants were followed for a six month period with the same FTA criteria as applied in original study that is, if a defendant failed to be present at any of the court hearings and a bench warrant was issued, the defendant was classified as an FTA. Relationships among the sixteen variables were analyzed in all three samples. (Philadelphia, 1973, Philadelphia, 1975, and Delaware County, 1975). The The analysis employed the principal component method of factor extraction and a varimax factor rotation.[17]

IV. RESULTS

In each of the three samples, there were four principal components or underlying factors which were related to failure-to-appear. The four extracted factors are of greater complexity than the Vera Institute's criteria suggested (Appendix A) while other factors discernable in these studies seem to be totally different from those hypothesized by the Vera criteria.

The first factor has several significant component parts. Included in this factor are parts of two of Vera's factors -- family ties and length of residence (Table 1). The Community

Ties   factor extracted from the Philadelphia and Media data is

significantly more complex than Vera's "Community Ties" factor.

This new factor includes four variables: 1) married; 2) living

with spouse; 3) age; and 4) utilities in name. These variables

appear to be related to life cycle stage. That is, there is

a particular time in a defendant's life when these four elements are

likely to exist simultaneously and to predict "good" bail risk.

The Vera criteria previously employed stressed length of residence,

family/friend contacts and living arrangements. While the

present study also offers some support for the importance of

family contacts in determining FTA risk, the family contact

is of one particular type, namely, married and living with

one's spouse.

In addition to these contacts, however, there are other

important elements which Vera did not see as being related to

these contacts. On the other hand, length of time in the

community, a variable deemed important by the Vera Institute,

was not statistically significant. Therefore, it was not

included in subsequent analyses. However, Factor 1 does

contain significant loadings on a variable which is associated

with community residence stability -- home ownership. Both

the Philadelphia and Delaware County date reflect the importance

of this home ownership variable, a variable which has not previously
been emphasized in bail research.

In sum, Factor 1 reflects a defendant's position in the life
cycle --   a position of maturity and stability. The
data suggest that if Philadelphia's original Vera Criteria were
able to tap this factor al all, this "tapping" was indirect
and, probably, less than satisfactory.

Factor 2 is simpler in structure than Factor 1. This factor
resembles the employment variable which Vera hypothesized.
This second factor (the employment factor) is composed of two
elements: whether or not an individual is employed and the
length of time at his/her job. The Vera criteria also emphasize
the importance of employment and length of employment in
recommending ROR. Factor 2 suggests that employment is, as
Vera suggested, important in predicting FTA risk.

Similarly, the importance of criminal history suggested by
VERA is supported. Factor 3 has several significant loadings,
all of which are contributed by variables relating to criminal
history (previous arrests, arrested previously on same charge,
arrested previously on different charge). (Table 1). The original
Vera criteria emphasized that the prior record of the defendant
is most important in determining FTA likelihood. The criminal

history factor (Factor 3) supports the Vera position on criminal history.

Finally, the fourth factor seems to reflect the accessability that is, the ease of locating and communicating with a defendant. (Appendix A). This factor is given scant attention in the original Vera criteria, although Vera suggested that the length of time a defendant has been in the "area" was important in assessing bail risk. However, the present study suggests that the amount of time spend in the area is not a significant determinant of risk. Instead, time at current address and the existence of a telephone at the address are most important in the accessibility factor.

The existence of the accessibility factor, despite its unexpected appearance in this study, should not seem surprising or illogical. The accessibility of an individual defendant was on of the most important elements in the development of the bail system. If an English Court Officer knew where and how to locate an individual, the person was considered a better bail risk than if no such asscesibility factor existed. Thus, had bail been carefully considered in the creation of release criteria, the accessibility/communication factor would have been included.

V. CONCLUSIONS

This paper has attempted to test the original premise of the Vera

Institute: that length and stability of residence in the
city of arrest, living with and contact with one's family,
arrest, length of employment, prior criminal history and known
FTA/addiction/alcoholism are separate and equal predictors of
likely future failure to appear for court hearings. In
Philadelphia and in Delaware Counties these factors do not
reflect reality. Rather, some of the factors which are
correlated with FTA are far more complex and are related in
a different way to FTA (or bail risk), than the Vera criteria
suggested. While the importance of length of employment and
criminal history is substantiated by this study, Vera's other
factors were found either unimportant or buried witein other
more general factors. The defendant's position in the life
cycle was found to be the major explanatory variable. This
factor is complex and, in fact, includes some of Vera's
factors. Another factor discovered in the Philadelphia study
is one which has heretofore been unattended in most ROR
criteria. This factor might be called accessibility or the
ease on contact.

While this study concentrated on the ROR in Pennsylvania and,
in   particular, in Philadelphia and Delaware Counties,
there are at least two findings which have application beyond
Pennsylvania. First, the original Vera criteria and modifications

thereof are probably not accurate predictors of failure to appear. Heretofore, they have been almost untested by statistical methods. Second, underlying factors, which help explain FTA, appear highly complex, rather than simple.

Several implications of these findings for other areas seem significant. Jurisdictions need to "discover" the relevant criteria in their service areas for releasing the greatest number of defendants while guaranteeing that the defendant appears in court. Different communities may have different types of defendants and varying capacities for supervision during the pretrial period. In whatever way possible, these differences must be considered in devising ROR criteria.

From perspective of criminological theory, the evidence clearly supports the salience of life-cycle stage as a viable explanation of certain types of criminal behavior. The emergence of a factor indicating that communications is an important independent element in assessing bail risk suggests experimental designs, implementing different communications technique may be a fruitful area in bail research. Finally, the very fact that accessibility emerges as an important underlying criteria in assessing FTA risk, seems to strengthen the growing body of evaluations which suggest that the bail reform movement is emerging into a viable criminal justice institution. Accessibility, after

all, is one of the few factors that can be changed by effective pretrial services. Notification and communication during the pretrial period appears as logical extention of the bail concept in the future.

FOOTNOTES

Chapter 4

[1] Freed, D. and P. Wald (1964), *Bail in the United States,* Report to the National Conference on Bail and Criminal Justice. Foote, C. (1965), "The Coming Constitutional Crisis in Bail," 113 University of Pennsylvania Law Review, pp. 959-999, 1125-1185.

[2] For a complete explanation of the Vera criteria, see Freed and Wald, *op. cit.,* pp. 59-64.

[3] The spread of the use of the Vera criteria is well documented. See especially Botein, B. (1965), "The Manhattan Bail Project: Its Impact on Criminology and the Criminal Law Processes," 43 *Texas Law Review,* pp. 319-331: and Freed and Wald, *op. cit.,* pp. 64-83.

[4] Foote, *op. cit.*

[5] See "Bail, An Ancient Practice Reexamined," 70 *Yale Law Review,* pp. 966-977 (1961).

[6] Wald P., "The Right to Bail Revisited: A Decade of Promise Without Fulfillment."

[7] See Ares, C., A. Rankin and H. Sturg (1963), "The Manhattan Bail Project, 38 *New York University Law Review,* pp. 67-95; Paulsen, M. G., "Pretrial Release in the United States," 66 *Columbia Law Review,* pp. 109-125 (1966); and The President's Commission on Law Enforcement and Administration of Justice (1967); *The Challenge of Crime in a Free Society,* Washington, D.C.: Government Printing Office, p. 131.

[8] *Douglas vs. California,* 372 U.S. 353 (1963).

[9] Ervin, S. (1967), "Preventive Detention: A Step Backward," *George Washington Law Review,* pp. 291-299.

[10] Foote, *op. cit.*

[11] Pennsylvania Crime Commission, Department of Justice, Commonwealth of Pennsylvania, Abuses and Criminality in the Bail Bond Business in Pennsylvania (1976).

[12] Locke, J. W., R. Penn, J. Rick, E. Bunton and G. Hare (1970), *Compilation and Use of Criminal Court Data in Relation to Pre-trial Release of Defendants - Pilot Study,* National Bureau of Standards Technical Note 536, Washington, D.C.: Government Printing Office.

[13] See Freed and Wald, *op. cit.*; Institute on the Operation of Pretrial Release Projects and the Justice Conference on Bail and Remands in Custody (1965), *Bail and Summons: 1965*, New York: National Conference on Bail and Criminal Justice; and Friedman, L. S. (1973), "The Evaluation of a Bail Reform." Working paper W4-7, Institution for Social and Policy Studies, New Haven: Yale University.

[14] Wice, P. (1973), *Bail and Its Reform: A National Survey*, U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, Washington: U.S. Government Printing Office, pp. 65-66.

[15] The data were collected with the support of the President Judges of the Courts of Common Pleas, the Honorable Edward J. Bradley of Philadelphia and the Honorable Francis J. Catania of Delaware County, and the assistance of the Governor's Justice Commission of the Commonwealth of Pennsylvania and the federal Law Enforcement Assistance Administration.

[16] Chi Square (X^2) is a procedure used to test whether variables are related to each other -- to a degree beyond that which would be expected by chance. If a X^2 is significant, it is generally inferred that two variables, e.g., FTA and criminal history, are related or correlated.

[17] Factor analysis is a method for determining the number and nature of the variables underlying a large number of measures. The principal factors are those underlying factors which are mathematically unique. Varimax rotation is a factor analysis technique which renders the different factors as independent from one another as is-mathematically possible. In sum, factor analysis is employed to reduce a large number of variables into a few simple factors. Generally, it is employed as a theory-building technique. In the present study, estimates of the commonalities were gained by replacing the main diagonals (1.00) with the squared multiple correlations between the variable of interest and all other variables in the matrix. Thus, the most severe assumptions known were placed upon the estimates of the commonalities.

APPENDIX A

Significant Loadings[1] on
Life Cycle Factor (Factor 1)

| | Philadelphia | | Delaware County |
	1973	1975	1975
Married	.706	.755	.671
Living with Spouse	.555	.735	.660
Age	.472	.527	.606
Home Ownership/Pays Rent	.451	----	.648
Utilities in Name	.420	.427	.597

Significant Loadings[1] on
Employment Factor (Factor 2)

| | Philadelphia | | Delaware County |
	1973	1975	1975
Employment	.774	.803	.844
Length of Employment	.788	.822	.896

Significant Loadings[1] on
Criminal History Factor (Factor 3)

| | Philadelphia | | Delaware County |
	1973	1975	1975
Total Previous Arrests	.531	.920	.996
Previous Arrests on Same Charge	.540	.321	.416
Charge	.537	.329	.458

Significant Loadings[1] on
Accessibility Factor (Factor 4)

| | Philadelphia | | Delaware County |
	1973	1975	1975
Time at Present Address	.645	.680	.853
Phone at Address	.342	.348	.319

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[1]Loadings Significant at .30 Level

Table 1

Factor Loadings of Philadelphia
1973 Predictor Variables

	Factor 1	Factor 2	Factor 3	Factor 4
Married	.706	.110	.026	-.047
Lives With Spouse	.555	.016	.029	-.072
Age	.472	.126	.139	.096
Home Owner	.451	.161	.103	.184
Utilities In Name	.420	.168	.106	.092
Employed	.114	.788	.051	.073
Time Employed				
On Job or Last Job	.265	.773	.085	.184
Previously Arrested	-.021	-.154	-.531	.002
Arrested-Same Charge	-.047	.020	-.540	-.003
Arrested-Diff. Charge	-.143	-.075	-.537	-.052
Heroin Test Positive	-.066	-.186	-.411	.006
Time At Address	.031	.032	.061	.645
Phone At Residence	.027	.044	.010	.342
Money Owed	.156	.182	.099	-.035
ID on Person At Arrest	.244	.198	.201	.202
Adult FTA	.031	.087	.064	.005
Pct of Variance				
Accounted For	52.5	19.2	17.1	11.2

Table 2

Factor Loadings of FTA Predictor
Variables, Philadelphia, 1975[1]

	Factor 1	Factor 2	Factor 3	Factor 4
Married	.755	.016	-.107	-.060
Lives with Spouse	.735	.057	.167	-.002
Age	.527	.124	.142	.106
Owns Home/Pays Rent	.198	.037	.165	-.219
Utilities in Name	.427	.106	-.061	-.037
Employed	.144	.803	-.160	.040
Time Employed on Job or Last Job	.278	.822	-.126	.133
Previous Arrests	.149	.007	.920	.009
Arrested - Same Charge	-.037	-.031	.321	.044
Arrested - Different Charge	-.097	-.064	.329	-.068
Heroin Test Positive	-.037	-.084	.244	-.091
Time at Present Address	.002	.014	-.004	.680
Phone at Residence	.052	.091	-.057	.348
Money Owed	.274	.189	-.053	.027
ID on Person at Arrest	.189	.122	-.078	.102
Adult FTA	.073	-.046	.435	-.074

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[1] A negative sign indicates that the variable is negatively associated with the underlying characteristic of an overall factor (column). Under Factor 1 (Column 1) three variables (rearrested same charge, rearrested different charge, and positive heroin test) are negatively related to all of the other variables in that row.

Table 3

Factor Loadings of FTA Predictor
Variables, Delaware County, 1975

	Factor 1	Factor 2	Factor 3	Factor 4
Married	.671	.053	.004	.010
Lives with Spouse	.660	.102	-.068	-.003
Age	.606	.176	.026	.040
Home Owner/Pays Rent	.648	.067	-.052	-.351
Utilities in Name	.597	.106	-.079	.002
Employed	.114	.844	-.060	.003
Time Employed on Job or Last Job	.280	.896	-.078	.106
Previously Arrested	.013	-.029	.996	-.068
Rearrested--Same Charge	.058	.025	.416	-.019
Rearrested--Different Charge	-.106	-.132	.458	-.021
Heroin Test Positive	-.003	-.078	.174	.041
Time at Current Address	-.095	.005	-.006	.853
Phone at Residence	-.034	.085	-.040	.319
Money Owed	.137	.172	-.141	.109
I.D. on Person at Arrest	.141	.195	-.142	.179

Adult FTA

CHAPTER 5

THE FINAL MODEL - AN OVERVIEW

I. INTRODUCTION

After initial studies to establish high and low profiles of bail risk, the Philadelphia Pretrial Services Division agreed to replace their old Vera-based point system with a new model.

As a result of the analysis presented in this chapter of the most recent sample of defendants arrested in Philadelphia (1967), a final model for making release recommendations is produced; the model has been approved for implementation at the Philadelphia ROR Unit.

The principal theory employed in the development of the model can be summarized in the following steps:

1. a representative sample of arrested defendants interviewed by the Philadelphia ROR Unit is drawn;

2. a factor analysis is performed to identify dimensions or major factors which relate to bail risk;

3. one variable from each factor is selected to be an independent variable used to predict failure-to-appear (dependent variable) in a multiple regression model.

4. summing and weighting the variables produces a range of FTA risk scores or point levels. Any score or number of points can be used as a cut-off level. (If score > cut-off point, then do not recommend ROR bail; if score ≤ cut-off point, then recommend.) The distribution of FTA's and non-FTA's by score is

given such that the Bail Agency can select a cut-off level consistent with the following conditions:

a. maximizing the total number of defendants recommended for release on ROR (release-rate);

b. minimizing the number of failures-to-appear recommended (FTA rate);

c. recommending the largest number of defendants who will appear for court;

5. a score sheet to be used by the ROR interviewers is presented;

6. the Bail Agency may continue to update and validate this point system making necessary adjustments in the recommended release rate with this aforementioned method.

II. DESCRIPTION OF THE POPULATION USED TO DEVELOP FINAL MODEL

Six hundred ninety-seven arrested persons were interviewed by Philadelphia's ROR Unit between March 29, 1976, and April 5, 1976. Seventy-nine of these defendants did not post bail within or after three days; 43 of the 697 were discharged at the preliminary arraignment or three days after the arrest, resulting in a total released-on-bail population of 575. Out of this released population, 91 (16%) failed to appear

for one or more court appearances; 484 did not FTA.

The population of 697 is compared to the sample of 1,995
cases taken during the previous year. Differences in demographic
characteristics, community ties, criminal record, and nature
of charge are shown in Table 1.

A. *Demographic Characteristics of 1975 and 1976 Defendant Sample.*
A greater number of defendants interviewed by Philadelphia's
ROR Unit in 1975 were employed and had been in their present
jobs longer than those arrested in 1976 (Table 1). Also,
more defendants in 1975 were apt to be arrested on the same
charge within six months than those arrested one year later.
On the other hand, persons arrested in 1976 had a greater
incidence of prior FTA with significant increases in the
number of Philadelphia FTA's, FTA in the past six months,
and willful FTA in the past six months. A person arrested in
1976 is also more likely to have a form of identification on
his/her person. In sum, a person arrested and interviewed by
the Philadelphia ROR Unit in 1976 is more likely to have a
history of prior FTA and have a less stable employment situation
than before. Other demographic variables such as age,
marital status, resident length, phone at address, did not
differ significantly across the two samples.

B. *Comparison of Criminal Charge/1975 and 1976.*
To compare the two populations in terms of criminal offense,

I have selected those charges where the number arrested per charge is 5 for the sample of 697. One observes that the most recently studied population of 697 has a greater percentage of persons charged per crime (Table 2). In terms of some felony charges, the number and percentage of defendants accused of possession of controlled substances, aggravated assault, burglary, robbery, and murder have increased significantly from the prior year. Aside from an increase in actual number of crimes committed, such differences may be partially the result of stricter enforcement, better reporting of offenses and political pressure.

III. DEVELOPMENT OF THE MODEL

A. *Factor Analysis: A Method Used to Identify Underlying Dimensions of Several Independent Variables Associated with Failure-To-Appear*.

In the Fall of 1975, a factor analysis using principal factor extraction with varimax rotation was performed on the first Philadelphia Bail sample (of 1973) and later verified by a second and third sample in 1975 and 1976, respectively. The purpose of this statistical technique is two-fold: first, to identify the underlying dimensions of several independent variables associated with FTA by seeing which variables are related; and, secondly, to determine if the principal factors include the release criteria presently used by the ROR Unit

(resident points, family points, employment points, prior
record points and character points).

Results from the factor analysis on the most recent random
sample of defendants interviewed shows five principal
dimensions or factors. (Table 3).

Just as in the previous two factor analyses (presented in
Chapter IV), factors measuring life cycle, employment and
accessibility were identified. The criminal history factor
broke down into two parts: a previous FTA factor and one
measuring prior arrest. One variable from each of these factors
is selected to represent an underlying dimension in the final
regression model, resulting in five uncorrelated predictor
variables which are to be weighted and summed to yield FTA
risk scores for arrested persons in Philadelphia.

B. *Multiple Regression: A Method Used to Predict FTA.*
Several combinations of the variables measuring the five
factors in Table 4 were tried using the step-wise regression
method. F-statistics were computed to assess the significance
of each variable. The following five independent variables
were found to be significant predictors of FTA:

1. whether the defendant has willfully failed to appear
   in the past six months;

2. whether the defendant has been arrested on the same

charge in the past six months;

3. the length of time (if any) that the defendant has been employed in his current job;

4. the length of time that the defendant has resided in his current address; and

5. whether the defendant has utilities in his/her name.

Using an abbreviated score sheet, the factors would be weighted according to the following equation:

FTA Score (ranging from -22 to 702) =

262 + 366 (Willful FTA)

+ 120 (Arrested Same Charge)

- 46 (Residence Length)

- 46 (Utilities in Name)

- 18 (Employment Length)

This procedure can be readily performed by the ROR interviewers at the Police Administration Building; also, these particular variables can be easily verified. The scoring and summing for five variables require an average of 3-5 minutes of calculation (independent of interviewing time). Because this method involves simple manual calculation and a minimum of time, smaller jurisdictions lacking online computer system can benefit as well.

C. *New Point System.*

The FTA prediction scores are computed for the 575 defendants

released on bail (the population at risk). The distribution
of points or scores for both the defendants who fail-to-appear
and for those who did not during the pretrial period is given
in Table 4.

Given this distribution of FTA risk scores, an acceptable
recommendation release rate must be chosen. This recommendation
rate is defined as the number of defendants recommended for
release on ROR divided by the total population interviewed.
Concurrently, when predicting bail risk, there are essentially
two kinds of errors to avoid:

Type I: predicting FTA where the defendant does not
FTA (or confining an individual who is a
good risk); and

Type II: predicting Non-FTA where the defendant FTA's
(or releasing the accused who is likely to
FTA).

Under the new point system, the Philadelphia Bail Agency
wishes to recommend for release at least the same number of
defendants as before (at least 45%), while ensuring that the
percentage of defendants failing to appear for court is less
than or equal to the current FTA rate of 8-10%.

It is recommended that the release level be tested at 162

for a trial period, until recommendation and FTA rates are

re-established. Using 162 as the release level, defendants

with scores 162 would be recommended for release on ROR;

those with scores 162 would not be recommended (Table 5).

D. *The Old Point System With Exclusions Applied.*

Presently, the Philadelphia Bail Agency uses a modified

version of the original model developed by the Manhattan

Bail Project. Points are awarded for residence length, state

of employment, nature of family ties, prior record, and

character. In addition, defendants are excluded from

consideration for ROR bail for certain charges, or if there

is an open warrant, if the defendant has failed to appear in

Philadelphia previously and has not voluntarily surrendered,

if he/she has violated terms of conditional release, or is

not a resident of the City (Table 6). The Philadelphia Bail

Agency excludes about 159 out of 575 (28%) of the defendants

at risk due to the aforementioned reasons. The remaining 416

are then evaluated in terms of the Vera criteria.

A most important policy question is: How does the new

proposed point system compare to the present one with exclusions

applied? Which is more efficient in terms of application and

in minimizing FTA while maximizing the percentage released:

E. *Performance of the Model.*

The effectiveness of the proposed point system can be evaluated
on several important aspects. The Philadelphia Bail Agency
considers the following measures to be of primary importance
in their selection of the new criteria for recommending ROR
bail:

1. Comparison of the number and type of errors when
   using the new point system versus the system presently
   used to predict FTA in the City of Philadelphia;

2. Efficiency Index for each point system;

3. Effect of each system on the incarcerated population;

4. Comparison of the managerial aspects of using each
   system.

F. *A Comparison of the New and Old Point Systems When*
   Predicting FTA.

Both the system presently employed by the City of Philadelphia and
the new point system significantly predict court appearance.
A tau_c, used to measure the degree of association between variables,
ordinal in nature, has been computed for FTA, the defendant variable,
with each point system respectively. A tau_c of .176 is calculated
for the degree of association between the new point system
and FTA; a tau_c of -.105 is calculated for the relationship
between FTA and the old point system. Although the relationship
between FTA and the new point system is slightly stronger than
that for the old point system, both relationships are highly

significant, at the .0001 level.

However, the new point system is more effective and efficient as measured by the following criteria:

1. Type I and Type II errors are minimized by the new point system;

2. A greater proportion of defendants are recommended release-on-bail;

3. The new point system is easier to apply, to evaluate and subsequently to modify, if necessary, to reflect changes in population and/or policy.

The FTA scores are computed for the 575 defendants released on bail. The corresponding number of defendants recommended using the old point system is given for both FTA's and Non-FTA's (Table 7).

G. *Error Reduction: The New and Old Point Systems Contrasted.*

When making the recommendation for ROR bail to the judge, the Philadelphia Bail Agency attempts to minimize the number of defendants released who will not appear at court, while minimizing the number of defendants detained who would appear at court. Keeping FTA and recommendation rates relatively equal, Table 8 compares the effectiveness of the two systems. Using a cut-off level of 162, the new point system is compared to the old point system (with exclusions superimposed). About 32% fewer errors are made. In addition, approximately 15% more

defendants (413 compared to 302) are recommended for ROR bail with the new point system.

H. *Efficiency Index.*

Another way to compare the two systems is to measure their respective efficiency. An efficiency index which relates output to input of the bail decision process is presented in Table 9. To estimate the single index of efficiency, the percentage of defendants recommended for ROR bail is multiplied by the percentage of defendants recommended for court hearings; this number is then multiplied by 1000 to yield a three digit whole number.

The efficiency index for the old point system is 198. In contrast, the efficiency index for the new point system is 373, an increase of 88%. In sum, the new point system will serve to increase substantially the efficiency of the pretrial process, taking into consideration both the outputs and inputs.

I. *The Efficiency of the New Point System Evaluated by Studying the Incarcerated Population.*

The new point system's effect on the incarcerated population has been identified by the Bail Agency's director and by the evaluators as an important area of concern. There were seventy-nine persons arrested 3/29/76 thru 4/5/76 who did not post bail within or after 3 days. In most cases, this subpopulation consists of persons accused of serious charges, who have open

warrants, who have failed-to-appear previously, or who have
violated their conditional release statuses -- all of which
had bail amounts sufficiently high or detainers preventing
their release on bail. Table 10 shows the distribution of
bail scores by exclusionary status for persons not making
bail.

Using the new point system with 162 as the cut-off level, 12
defendants (15%) out of the pretrial detainee population
would be recommended for release on ROR. Nint out of the 55
defendants previously excluded by the nature of the charge
would be recommended for ROR bail under the new point system;
two of the 5 defendants not recommended because of an open
warrant status would not be recommended.

In sum, the new point system would not greatly change the
pretrial detention population. Ultimately, the judge's decision
is the final determinant of the type and amount of bail granted.

J. *The Old and New Point Systems Contrasted from a*

    Management Perspective.

In selecting an appropriate system for making the initial
bail decision, the differences in application, subsequent
evaluation and modification must be considered. This thesis
has demonstrated the new point system's greater efficiency in

predicting FTA while maximizing the total number of defendants recommended for release on ROR bail. What other benefits might the Philadelphia Bail Agency realize from the new system?

First, the new point system is a one step method which can be applied to the total arrested population without first excluding certain defendants.

Second, the model enables the Bail Agency to adjust the release level as new policy decisions are made regarding the recommended release rate and the FTA rate; for example, to recommend more defendants for ROR bail, the cut-off level would be raised.

Third, less background information is needed on which to base the bail decision. The criteria are greatly simplified; instead of five variables with between four and nine subcategories, the new criteria consist of three dichotomous variables and two other variables with four subcategories each. This simplification of the pre-arraignment interview may help to increase the accuracy of the information collected.

Fourth, unlike the present system, the new point system can be easily and systematically evaluated. A random sample of defendants can be taken periodically, allowing enough time to elapse in order to obtain a reasonable assessment of court appearance. The new point system can then be evaluated in terms of Type I and Type II errors and the percentage of

defendants recommended for release. After a one or two-year period, a test can be performed to determine whether or not the structure of the population has changed. If significant changes are found, the model can be re-estimated using the steps defined in Chapter IV of this thesis.

IV. SUMMARY

This research has systematically tested the Vera-based criteria employed by the Philadelphia Bail Agency and has recommended a revision. Over the years, use of the proposed new criteria should contribute to increasing the effectiveness of this bail agency and others in predicting which defendants are good bail risks. As a result, the risk that defendants released on bail will fail-to-appear for scheduled hearings will be minimized; at the same time, the percentage released who will not FTA during the pretrial period will be maximized.

In addition to predicting bail risk, this profile technique can be used to estimate communications risk by identifying characteristics of defendants who require particular kinds of efforts beyond mail or telephone in order to ensure their court appearance. Recently, the Philadelphia Bail Agency has conducted a controlled experiment to determine whether increased efforts by the Agency's notification and investigation units

would result in a significantly greater number of defendants making their court appearances; an attempt will be made to identify characteristics of subpopulations responding to various forms of communication. Furthermore, this profile technique may be used for estimating the likelihood of success with diversion or conditional release programs.

Clearly, this first attempt to improve the widely used Vera criteria will provoke much discussion. As increasing numbers of jurisdictions seek to establish more effective pretrial release criteria, society and the entire criminal justice system will benefit.

Appendix A

POINT SYSTEM USED BY PHILADELPHIA ROR UNIT

(1972 Thru March 1977)

NUMBER OF POINTS	RESIDENCE POINTS
1	3 years or more in Philadelphia area
3	Present residence 1 year OR present and prior 1-1/2 years
2	Present residence 6 months OR present and prior 1 year
1	Present residence 4 months OR present and prior 6 months

FAMILY POINTS (in Philadelphia area)

4	Lives with family AND has contact with other family member
3	Lives with family
2	Lives with non-family friend whom he gives as a reference AND has contact with family
1	Lives with non-family friend whom he gives as a reference OR has contact with family

EMPLOYMENT POINTS

4	Present job 1 year where employer will take back
3	Present job 1 year
2	Present job 4 months where employer will take back OR present and prior 6 months where present employer will take back
1	Present job 4 months OR present and prior 6 months
1	Current job where employer will take back
1	Unemployed 3 months or less with 9 months or more single prior job from which not fired for disciplinary reasons
1	Receiving unemployment compensation, welfare, etc.
1	In poor health (regular visits to doctor)
1	Full-time student (not getting credit for employment)

Table 1

COMPARISON OF SECOND AND THIRD PHILADELPHIA BAIL SAMPLES ON 18 VARIABLES
(N_1 = 697*; N_2 = 1995**)

Variables Where There is a Significant Difference at the .05 level

($/z/$ > 1.96)

Name	Z - Score
Is Presently Employed	-2.719
Employment Length	-3.860
Total # of Philadelphia FTA's	4.000
FTA in the Past 6 mos.	3.100
Willful FTA in past 6 mos.	2.500
Defendant Arrested Same Charge	-2.500
I. D.	3.28

Variables Where There is No Significant Difference at .05 level

($/z/$ < 1.96)

Name	Z - Score
Age	.442
Is Married	.500
Lives With Spouse	.157
Residence Length	.615
Phone at Address	.111
Owns Home	- .404
Pays Loan	- .589
Utilities in Name	1.196
Current Use of Opiates	1.086
Defendant Arrested on Diff. Chg.	-1.440
Total Prior Arrests	1.390

To calculate Z-Score:

$$Z = \frac{\bar{X}_1 - \bar{X}_2}{\sqrt{\frac{S_1^2}{N_1} + \frac{S_2^2}{N_2}}}$$

If Z < 0, the mean average for N_1 > N_2

If Z > 0, the mean average for N_1 < N_2

* N_1 = 697 -- (Defendants arrested and interviewed by Phila. ROR Unit
        3/29/76 - 4/5/76)

** N_2 = 1995 -- (Defendants arrested and interviewed by ROR Unit
        12/74 - 8/75)

Table 2

NUMBER OF DEFENDANTS ARRESTED BY CHARGE: A COMPARISON OF THE SECOND

AND THIRD PHILADELPHIA BAIL SAMPLES (where number arrested per charge ≥ 5)

$N_1 = 697$. $N_2 = 1995$

DESCRIPTION	#	%	#	%	Z-SCORE
Driving Under Influence of Alcohol or Drugs	118	16.9%	292	14.6%	1.6
Knowingly/Intentionally Possessing Controlled Substance(s)	108	15.5	52	2.6	12.90 *
Aggravated Assault	63	9.0	135	6.8	2.00 *
Theft by Unlawful Taking	52	7.5	160	8.0	- 2.77 *
Lotteries	50	7.2	88	4.4	12.72 *
Burglary	43	6.2	130	6.5	1.50
Robbery	39	5.6	107	5.3	1.50
Prostitution	27	3.9	45	2.3	8.42 *
Fail Disorderly Person to Disperse Off Order	19	2.7	10	.5	16.90 *
Possessing Instruments of Criminal Weapons	11	1.6	27	1.4	1.25
Possessing Small Amount of Marijuana for Personal Use or Distrib.	10	1.4	9	.5	9.00 *
Disorderly Conduct Persistent	8	1.1	10	.5	6.00 *
Rape	8	1.1	21	1.1	0.00
Attempted Burglary	7	1.0	12	.6	4.00 *
Burglary	7	1.0	11	.6	4.00 *
Theft	6	.9	10	.5	4.00 *
Simple Assault	6	.9	38	1.9	.63
Terroristic Threats	5	.7	5	.3	4.40 *
Murder	5	.7	7	.4	3.33 *
Retail Theft	5	.7	34	1.7	6.60 *
Indecent Assault	5	.7	11	.1	8.57 *

Z-Scores with (*) indicate that there is a significant difference regarding the particulr charge (at the .05 level). Z> $\pm$ 1.96

To calculate Z-Score for difference of proportions:

$$Z = \frac{P_1 - P_2}{\sqrt{PQ \left(\frac{1}{N_1} + \frac{1}{N_2} \right)}}$$

where $P = \dfrac{N_1 P_1 + N_2 P_2}{N_1 + N_2}$

and $Q = 1 - P_1$

Table 3

VARIABLES ASSOCIATED WITH FTA IN THE
COURT OF PHILADELPHIA, 1976 (N=697)

Significant Loadings on Life Cycle Factor

Is Married.. .768
Lives w/Spouse... .672
Age.. .587
Utilities in Name..................................... .532

Significant Loadings on Previous FTA Factor

FTA in Past 6 mos..................................... .904
Willful FTA in Past .... .836

Significant Loadings on Employment Factor

Presently Employed.................................... .881
Employment Length..................................... .853

Significant Loadings on Prior Arrest Factor

Total Prior Arrests................................... .967
Defendant Arrested on Same Charge..................... .299

Significant Loadings on Accessibility Factor

Residence Length...................................... .915
Phone... .289

Table 4

DISTRIBUTION OF FTA PREDICTION SCORES FOR DEFENDANTS
RELEASED ON BAIL IN THE COURT OF PHILADELPHIA, 1976 (Total = 575)

New Predicted Score	FTA's #	FTA's Σ	NONFTA's #	NONFTA's Σ	Percentage FTA By Point Level	Cumulative % FTA of Total
− 22	1	1	25	25	3.8 %	.17%
− 4	0	1	3	28	0.0	.17
14	1	2	3	31	33.3	.34
24	2	4	45	76	4.3	.70
32	1	5	23	99	4.2	.87
42	4	9	23	122	14.8	1.60
60	2	11	18	140	10.0	1.90
70	2	13	20	160	9.0	2.30
78	15	28	91	251	14.2	4.90
88	1	29	14	265	6.7	5.04
98	0	29	2	267	0.0	5.04
106	2	31	3	270	40.0	5.39
116	2	33	15	285	12.0	5.73
124	8	41	46	331	14.8	7.13
134	3	44	11	342	21.4	7.65
144	1	45	2	344	33.3	7.82
152	2	47	17	361	10.5	8.17
162	2	49	3	364	40.0	8.52
→ CUT OFF LEVEL						
170	12	61	39	403	23.5	10.60
180	1	62	6	409	14.3	10.78
198	3	65	16	425	15.8	11.30
216	8	73	34	459	19.0	12.70
236	0	73	1	460	0.0	12.70
244	3	76	6	466	33.3	13.22
254	0	76	2	468	0.0	13.22
272	1	77	1	469	50.0	13.39
290	1	78	3	472	25.0	13.57
318	1	79	0	472	100.0	13.74
336	1	80	4	476	20.0	13.90
444	2	82	4	480	33.3	14.26
490	2	84	1	481	66.6	14.61
518	1	85	0	481	100.0	14.78
536	4	89	0	481	100.0	15.48
564	0	89	1	482	0.0	15.48
582	1	90	2	484	33.3	15.65
702	1	91	0	484	100.0	15.83
	91		484			15.83%

Table 5

APPLICATION OF NEW POINT SYSTEM USING
162 AS RELEASE LEVEL

New Predicted Score	# Defendants Recommended for ROR Bail		# Defendants Not Recommended for ROR Bail	
	FTA's	Non-FTA's	FTA's	Non-FTA's
≤162	49	364	0	0
>162	0	0	42	120
	49	364	42	120

Total # Recommended = 413   Total # Not Recommended = 162

Recommendation Rate = 413 ÷ 697 = 59.3%

FTA Rate (% of FTA's Recommended) = 49 ÷ 697 = 7%

% of Defendants who will appear at court but who are not
    recommended = 120 ÷ 697 = 11.2%

Using this cut-off level of 162, 413 or 59.3% of the defendants
would be recommended for ROR. Releasing defendants with scores ≤162
would result in a 7% FTA rate; in other words, out of every 100 defen-
dants arrested in the City of Philadelphia, one would expect about
seven to miss at least one court appearance.

Table 6

DEFENDANTS' EXCLUSIONARY STATUS BY BAIL SOCRE
(N = 575)

Score	Not Excluded	Excluded By Charge	By Open Warrant	By FTA Status	By Non-resident Status
-- 22	23	3	0	0	0
- 4	2	1	0	0	0
14	4	0	0	0	0
24	34	11	1	0	1
32	20	3	0	0	1
42	16	9	1	0	1
60	16	2	0	2	0
70	18	3	0	0	1
78	80	22	1	3	0
88	12	3	0	0	0
98	1	1	0	0	0
106	1	2	0	2	0
116	15	2	0	0	0
124	37	15	0	2	0
134	9	3	0	1	1
144	3	0	0	0	0
152	15	3	0	1	0
162	5	0	0	0	0

CUT OFF LEVEL →

Score	Not Excluded	Excluded By Charge	By Open Warrant	By FTA Status	By Non-resident Status
170	32	15	0	3	1
180	6	1	0	0	0
198	16	2	0	1	0
216	28	11	0	3	0
236	1	0	0	0	0
244	7	0	0	2	0
254	2	0	0	0	0
272	1	0	0	1	0
290	3	0	0	1	0
318	1	0	0	0	0
336	4	1	0	0	0
444	1	1	3	1	0
490	1	1	0	1	0
518	0	0	0	1	0
536	0	1	1	2	0
564	1	0	0	0	0
582	1	0	1	1	0
702	0	1	0	0	0
	416	117	8	28	6

Table 7

BAIL SOCRES: A COMPARISON OF OLD POINTS WITH NEW POINTS (N = 572)

Score New Points	FTA's Old Points		NON-FTA's Old Points	
	0 (Not Recommended)	1 (Recommended for ROR)	0	1
- 22	0	0	7	18
- 4	0	0	1	2
14	1	0	1	2
24	1	1	16	29
32	0	1	7	16
42	1	3	11	12
60	0	2	10	8
70	2	0	6	14
78	8	7	35	55
88	1	0	3	11
98	0	0	1	1
106	1	1	3	0
116	1	1	4	11
124	5	3	24	21
134	2	1	5	6
144	1	0	0	2
152	1	1	8	9
162	1	1	1	2
CUT OFF LEVEL				
170	7	5	21	18
180	1	0	1	5
198	3	0	10	6
216	5	3	19	14
236	0	0	0	1
244	2	1	5	1
254	0	0	0	2
272	1	0	1	0
290	0	1	2	1
318	1	0	0	0
336	1	0	2	2
444	2	0	4	0
490	2	0	1	0
518	1	0	0	0
536	4	0	0	0
564	0	0	1	0
582	1	0	2	0
702	1	0	0	0
	58	33	212	269

Total number of defendants recommended for ROR bail = 302
Total number of defendants not recommended = 270
572

Table 8

ESTIMATED ERROR REDUCTION IN PREDICTING FTA
BY USING THE NEW POINT SYSTEM INSTEAD OF THE
OLD POINT SYSTEM

New Point System (Using 162 as cut-off)

Number Recommended for Release on ROR Bail = 413

Release Rate = 413/697   = 59.3%

	Number	Errors
Predict FTA, FTA occurs	42	0
Predict FTA, No FTA occurs	120	120
Predict Non-FTA, No FTA occurs	364	0
Predict Non-FTA, FTA occurs	49	49
	575	169 (29.4%)

(Released on Bail)

Old Point System with Exclusions Superimposed

Number Recommended for Release on ROR Bail = 302

Release Rate = 302/697   = 43.3%

	Number	Errors
Predict FTA, FTA occurs	58	0
Predict FTA, No FTA occurs	215	215
Predict Non-FTA, No FTA occurs	269	0
Predict Non-FTA, FTA occurs	33	33
	575	248 (43.1%)

Error Reduction: 248 errors with present point system
            -169 errors with new point system

            79

            79/248 - 31/8% Error Reduction

Table 9

A COMPARISON OF EFFICIENCY INDICES FOR
THE NEW AND OLD POINT SYSTEMS

$$\text{Efficiency Index} \quad = \quad \frac{\text{\# of defendants recommended for ROR bail}}{\text{\# interviewed}}$$

$$X$$

$$\frac{\text{\# of defendants appearing}}{\text{\# of defendants released on bail}}$$

$$X$$

$$1000$$

Efficiency Index for New Point System (With 162 as cut-off level)

$$\frac{413}{697} \quad X \quad \frac{364}{575} \quad 1000 \quad = \quad 373.5$$

Efficiency Index for Old Point System

$$\frac{298}{697} \quad X \quad \frac{265}{575} \quad 1000 \quad = \quad 198.2$$

Table 10

INCARCERATED POPULATION BY EXCLUSIONARY STATUS

(Bail Not Posted for Defendants Arrested 3/29/76 – 4/5/76)

Score	Not Excluded	Excluded By Charge	By Open Warrant	By FTA	By Conditional Release Status	Total
78	0	3	1	0	0	4
106	0	1	1	0	0	2
124	1	5	0	0	0	6
CUT-OFF POINT						
170	3	2	0	0	0	5
198	1	3	0	0	0	4
208	0	3	0	0	0	3
216	1	10	1	0	0	12
244	1	2	0	0	0	3
262	6	20	1	1	1	29
336	0	0	1	1	0	2
346	0	1	0	0	0	1
382	0	0	0	1	0	1
398	0	1	0	0	0	1
408	0	1	0	0	0	1
564	0	1	0	0	0	1
582	0	0	0	1	0	1
628	0	2	0	0	0	2
656	0	0	0	1	0	1
	13	55	5	5	1	79

Table 11

REGRESSION ON PHILADELPHIA BAIL, 1976
SIMPLE CORRELATION MATRIX   (RELEASED POPULATION, N = 575)

	Age	I.D.	Is Married	Lives w/Spouse	Residence Length	Phone	Owns Home	Pays Loan	Utilities In Name	Opiate Use
Age	1.000									
I.D.	.195	1.000								
Is Married	.470	.163	1.000							
Lives w/Spouse	.349	.134	.612	1.000						
Residence Length	.110	.096	.053	.014	1.000					
Phone	.086	.112	.124	.121	.258	1.000				
Home Owner	.182	.107	.069	.063	-.214	-.032	1.000			
Loan Payment	.133	.132	.354	.335	-.016	.138	.223	1.000		
Utilities in Name	.383	.131	.354	.335	-.016	.050	.152	.219	1.000	
Current Use of Opiates	-.016	-.035	.009	-.001	-.029	-.032	.085	-.012	-.063	1.000
Presently Employed	.185	.161	.253	.226	.009	.094	.092	.220	.192	-.096
Employment Length	.295	.172	.295	.251	.039	.105	.091	.240	.253	-.109
Total ∅ Phila. FTA's	.066	-.061	.043	.041	-.113	-.142	.155	-.001	-.014	.181
FTA in past 6 months	-.074	-.046	-.053	-.024	-.060	-.098	.045	-.026	-.066	.150
Willful FTA in past 6 mos.	-.075	-.044	-.072	-.029	-.058	-.096	.057	-.055	-.095	.132
Defendant Arrested Same Chg.	.007	-.056	-.036	-.089	.001	-.032	.051	.016	.056	.049
Defendant Arrested Diff. Chg.	-.174	-.076	-.094	-.064	-.037	-.049	.074	-.025	-.113	.102
Total ∅ Prior Arrests	.184	-.002	-.003	.003	.085	-.042	.201	.041	.038	.147
FTA	-.035	-.072	-.035	-.048	-.128	-.117	.082	-.043	-.095	.076

Table 11 (Cont'd)

	Presently Employed	Employ. Length	Total ∅ Phila. FTA's	FTA in past 6 mos.	Willfull FTA in past 6 mos.	Def. Arr. Same Chg.	Def Arr. Diff Chg.	Total ∅ Prior Arrest
Age								
I.D.								
Is married								
Lives w/Spouse								
Residence Length								
Phone								
Home Owner								
Loan Payment								
Utilities in Name								
Current Use of Opiates								
Presently employed	1.000							
Employment Length	.893	1.000						
Total ∅ of Phila. FTA's	-.059	-.059	1.000					
FTA in past 6 months	-.098	-.113	.410	1.000				
Willful FTA in past 6 mos.	-.139	-.136	.380	.825	1.000			
Def. Arrested on Same Chg.	-.110	-.107	.093	.063	.009	1.000		
Def. Arrested on Diff. Chg.	-.109	-.127	.223	.321	.327	.125	1.000	
Total ∅ Prior Arrests	-.010	-.044	.359	.151	.140	.226	.298	1.000
FTA	-.102	-.117	.237	.187	.212	.079	.109	.110

Table 12

VARIABLES ASSOCIATED WITH FTA IN THE
COURT OF PHILADELPHIA, 1976   (N=697)

Variable Name	Factor I Life Cycle	II Previous FTA	III Employment	IV Prior Arr.	·V Accessibility
Married	.768	−.005	.061	−.039	.019
Lives w/Spouse	.672	.019	.056	−.040	.037
Age	.587	−.091	.089	.192	.114
Utilities	.532	−.055	.103	−.008	−.020
FTA − past	−.037	.904	.006	.134	−.024
Willful FTA	−.050	.836	−.032	.082	−.038
Pres. Employ.	.197	−.059	.881	−.117	.041
Employ. Length	.309	−.061	.853	−.086	.087
Def.Arr.S.Chg.	−.018	.053	−.054	.299	−.016
Total Prior Arr.	.068	.113	.023	.967	.044
Residence L.	−.016	−.021	.019	.035	.915
Phone	.128	−.033	.050	−.059	.289
I.D.	.231	−.066	.092	−.034	.122
Home Owner	.193	.025	.090	.245	−.194
Pays Loan	.303	.010	.199	.046	−.013
Opiate Use	−.011	.165	−.076	.220	−.026
Total # FTA	−.078	.436	−.027	.429	−.120
Arrest D. Chg.	−.150	.308	−.058	.223	−.004
% of Total Variance Explained	34.8%	27.5%	14.5%	12.4%	10.8%

Table 13

CODE SHEET CRITERIA EVALUATION/PHILADELPHIA BAIL AGENCY

VARIABLE NAME   POINTS

I.   Willful FTA in past 6 mos.

                    (0)   no   0
                    (1)   yes   366

II. Arrest on Same Charge within 6 mos.

                    (0)   no   0
                    (1)   yes   120

III. Residence Length

                    (1)   0 mos. thru 6 mos. . . . .   − 46
                    (2)   ↑ 6 mos. thru 2 yrs. . . . .   − 92
                    (3)   ↑ 2 yrs. thru 5 yrs. . . . .   −138
                    (4)   ↑ 5 yrs. thru life . . . .   −184

IV. Utilities in Name

                    (0)   no   0
                    (1)   yes . . . .   − 46

V.   Employment Length

                    (0)   unemployed   0
                    (1)   up to 6 mos. . . . .   − 18
                    (2)   7 thru 24 mos. . . . .   − 36
                    (3)   ↑ 2 yrs. . . . .   − 54

TO COMPUTE SCORE:

        262 + (Points for variable I: Willful FTA) + II + III +
            IV + V = SCORE

AN EXAMPLE: A defendant who has willfully failed to appear in the past
6 months, has been arrested on the same charge within the past 6 months, has
lived at his present address for 3 months, who does not have utilities in
his name, and who is unemployed would receive this score: 262 + 366 + 120
− 46 + 0 + 0 = 702.

Chart 1

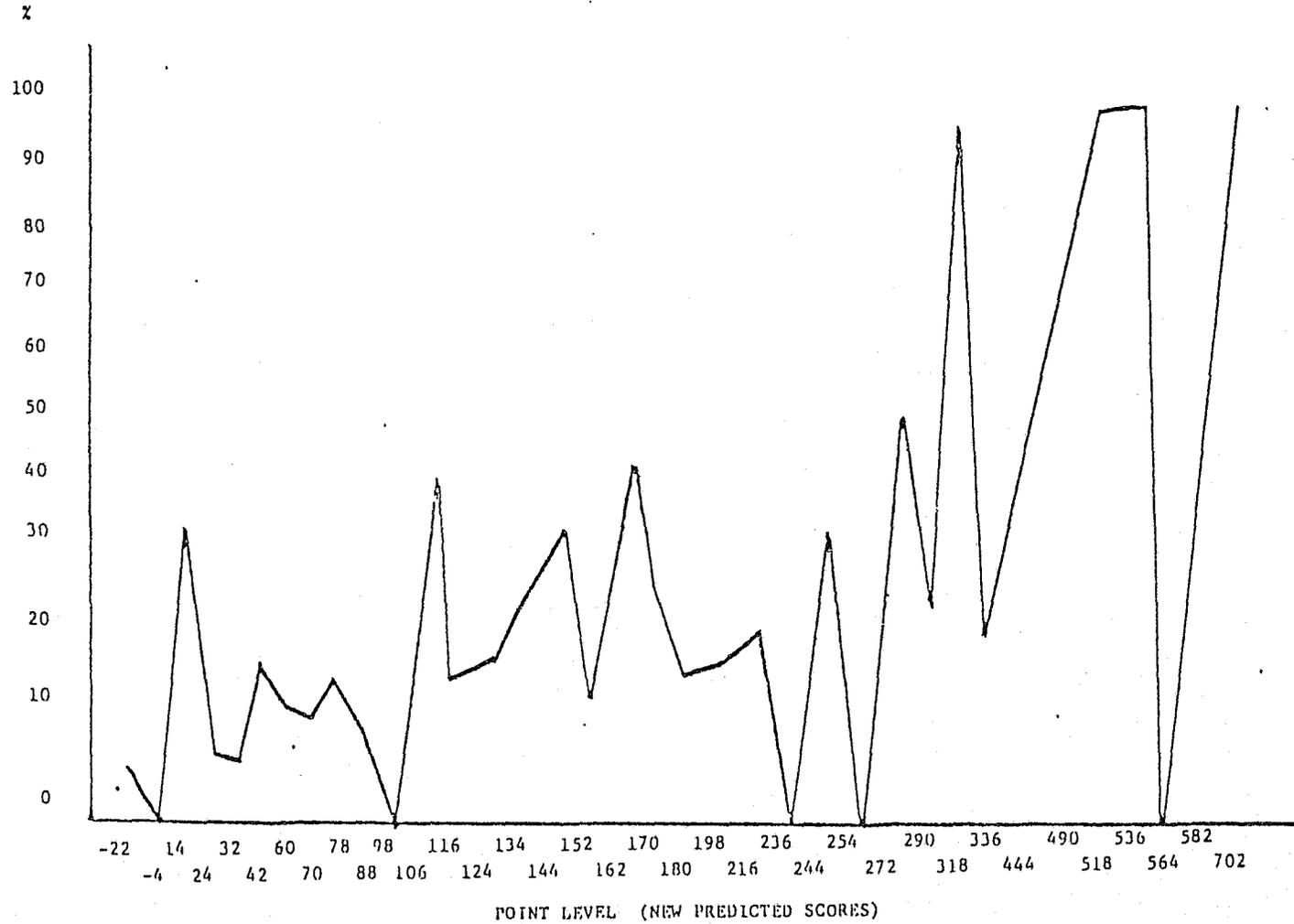PHILADELPHIA ROR UNIT, 3/29 - 4/5/76

PERCENTAGE FTA BY POINT LEVEL

POINT LEVEL (NEW PREDICTED SCORES)

Chart 2

PHILADELPHIA ROR UNIT, 3/29/76 - 4/5/76

CUMULATIVE PERCENTAGE BY POINT LEVEL FOR FTA's (N = 91)

POINT LEVEL (NEW PREDICTED SCORES)
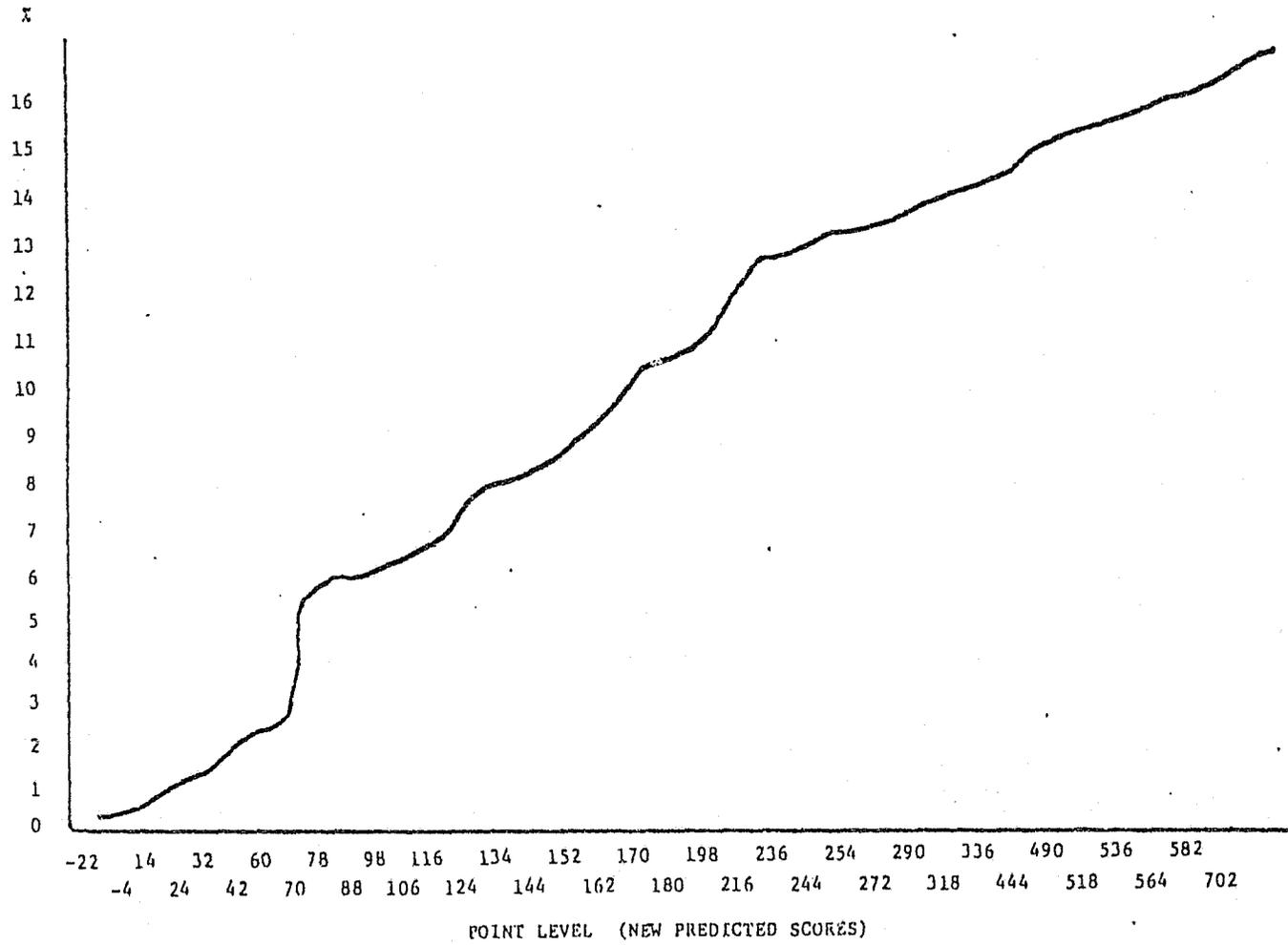
PART II

Chapter 6

A Model Evaluation Report

Philadelphia Pretrial Services Division

PART II

This chapter provides a summary of the entire evaluation of the Philadelphia Pretrial Services Project, funded by the Pennsylvania Governor's Justice Commission through L.E.A.A. funds (1974-1978).

The intent is to provide an overview of the evaluation process and products in the form of an actual evaluation report on a major pretrial service program during a period of development.

Included in this chapter are numerous time series which monitor the efficiency of the program. These data are closely tied to the goals stated in the grant application. Also included are a number of observations which are the result of observing the program and being in constant contact with staff and administrators.

I.   PROJECT ACTIVITIES 1975-1978

Program Goals and Objectives

Beginning in July, 1975, the two major pretrial programs in Philadelphia

were merged into one unified Pretrial Services Program.   Previously, the ROR

and Warrant Service Unit Programs had been funded and evaluated separately.

This evaluation focuses upon release on recognizance and warrant services,

both of which are central to the Pretrial Services Program.   In addition, Pre-

trial Services administers 10 percent Cash Bail Program, a Conditional Release

Program which is funded by the City, and a portion of the Exemplary Court Pro-

ject (LEAA funded) which augments the staff of the Warrant Service Unit.   The

subgrant application stresses the following goals and objectives:

> "The Unified Pretrial Project will help to centralize the several
> service components of the Philadelphia Court of Common Pleas pretrial
> system in a single grant.   As a result of such unification, informa-
> tion developed by the Project will have a number of different effects:
> Such information will be the basis of the initial bail decision.   It
> will act to cut down, or eliminate entirely, detention of those arrested.
> It will lessen the impact of delays in prosecution on witnesses – both
> police and civilian by guaranteeing appearance in returning fugitives
> to the stream of prosecution.   Finally, the Project will serve as a
> core for other innovative programs: Conditional Release, 10% Bail,
> preventative notification, and accelerated release.   All of these
> efforts have proven to contribute to speedy trial and to remove court
> backlogs resulting from the absence of the defendant.   Ultimately, the
> Project will ensure the goal of justice without an unconscionable bur-
> den on the defendant, the criminal justice system, or the larger community."

The ROR portion of the project functions as an integral part of the judicial

system in Philadelphia.   The primary goal of ROR is to provide an alternative

to money bail or incarceration for those who can demonstrate that they are good

bail risks.   ROR accomplishes this task through an immediate interview with

those who are arrested and brought to the Police Administration Building.

Employing a series of "point criteria" (e.g., length of time lived in Philadelphia,

marital status and criminal history, etc.) defendants are assigned a bail risk

classification which is then communicated to the judge in the form of a recommendation at the Preliminary Arraignment.

The other major component of the Unified Pretrial Services Program is the Warrant Service Unit, which has two basic functions (a) "to communicate with defendants regarding court hearings and other criminal justice procedures, thereby preventing failure to appear in court and other adverse actions during the pretrial period which would forestall the administration of justice." (b) "to serve failure to appear warrants on defendants who did not attend court hearings." The grant application provides the following goal statements and measurable objectives:

a. Continue to provide more verified information and reliable recommendations to the court which allows a maximum of defendants pretrial release, particularly through the active use of the Investigators.

b. Provide necessary information and services to the defendant, their families, and the community during the pretrial period.

c. Provide verification and tracking procedures designed to insure that the defendant appears at court.

d. Decrease the number of bench warrants issued by personal notification and verification of information concerning the defendants on availability prior to trial (i.e., hospitalization).

e. Utilize communication efforts designed to increase the fugitives who will surrender.

f. Maintain a low fugitive rate.

g. Provide valuable and continuing information on defendant characteristics throughout the criminal justice system.

This report focuses upon the efficiency which the Project has demonstrated during the last five years in achieving the above goals.

Project Activities

In the five-and-one-half years that the Philadelphia ROR Program has been

in operation, over 95,000 defendants have been released without paying money
bail. During the past fiscal year, 15,522 defendants received ROR. In con-
trast, during the previous fiscal year, 16,439 defendants were granted ROR.
Through this program, since its inception, defendants have been spared from
paying over six million dollars in money bail. Also during the same period,
Warrant Service personnel cleared or disposed of over 40,000 FTA warrants,
and substantially reduced the total number of outstanding warrants from pre-
vious years.

Finally, within the past three years, the Conditional Release Program,
which allows defendants pretrial freedom while they participate in rehabilita-
tion programs (e.g., drug, alcohol, unemployment) commenced full operation.
Conditional Release allows an average of 65 defendants a month to enter rehabili-
tative programs, a group which otherwise would have been incarcerated were it
not for this program.

In sum, these programs function as the most comprehensive pretrial service
program in the nation.

II. EVALUATION ACTIVITIES

This final evaluation is a by-product of several year's experience in developing a management information system for the Philadelphia Pretrial Services Division. The emphasis during the current year has been on an experimental test of communication procedures carried out by the Warrant Service Unit and on the development of a planning model for the Philadelphia Regional Planning Council. In addition, over the years, further refinements were made on the ROR point system, resulting in a set of more accurate procedures for accessing bail risk and making recommendations to judges. The latter technique is based upon an updated statistical profile of 600 defendants carried out during 1976 and 1977. As a result of this research, the point criteria have been vastly simplified and made much more efficient. In sum, based upon a mathematical model developed through this evaluation, a new set of weightings were developed which allow the Pretrial Services Unit to make more accurate judgments as to the risk of flight and recidivism of defendants. The new criteria will permit a much higher proportion of defendants to be released on recognizance and, at the same time, produce a reduction in failures to appear and fugitivity.

Beginning in 1975, regular samplings of defendants were selected for monitoring as a part of the data base for the Division's management information system. This procedure results in several large samples of defendants per year. As a result, an updated profile of defendants is constantly available for monitoring general caseflow trends for quality control, for profile information relating to the characteristics of defendants, and for evaluating the program's impact over time. Most important, this method allows a continuous updating of the ROR criteria (the ROR point system) which results in greater cost efficiency and in

greater equity in the administration of justice. In sum, through this system the courts are able to make more efficient decisions regarding pretrial release and are able to be more fair in assuring the defendant's rights, while at the same time protecting the community from defendants who are potentially harmful. Results from the final sampling of defendants are presented in a subsequent section of this report.

Data Employed in Evaluation

The most important ongoing source of evaluative information is the Pretrial Services Division's monthly statistical report. This reporting system, which has been expanded considerably during the last few years, monitors the inputs of defendants into the court system and the various outcomes associated with those released on bail, as well as the defendant's degree of compliance during the release period. In previous years, there was often a several months lag in issuance of these reports. This process has now been speeded up to the point at which there is usually less than a two week lag in the issuance of the previous month's statistics. Monthly statistics are also employed by the Project Administration as a management and evaluation tool. In addition to monthly statistical data, financial data on the Warrant Service Unit relative to the cost of warrant service and other selected activities (e.g., the number of fugitives surrendering voluntarily) are tabulated periodically (twice yearly) for evaluation reports. Other data employed in this report are from the Philadelphia Department of Prisons, and from the evaluation of the Conditional Release Program conducted by Georgetown University Law Center.

The following data sources were used in the preparation of this report:

1. Number of defendants interviewed by ROR Unit (July, 1972-December, 1977)

- 5 -

from Pretrial Services monthly statistical report.

2. Total persons granted ROR (July, 1972–December, 1977) from Pretrial
   Services monthly statistical report.

3. Total persons scheduled for hearings (July, 1972–December, 1977) from
   Pretrial Services monthly statistical report.

4. FTA warrants issued (July, 1972–December, 1977) from Pretrial Services
   monthly statistical report.

5. Total FTA rate (July, 1972–December, 1977) from Pretrial Services
   montly statistical report.

6. Willful FTA rate (July, 1972–December, 1977) from Pretrial Services
   monthly statistical report.

7. Fugitive rate (June, 1972–December, 1977) from Pretrial Services
   monthly statistical report.

8. Recommended ROR fugitive rate (July, 1972–December, 1977) from Pre-
   trial Services monthly statistical report.

9. Not recommended for ROR fugitive rate (July, 1972–December, 1977) from
   Pretrial Services monthly statistical report.

10. Efficiency index (computed July, 1972–December, 1977) from data base
    provided by Pretrial Services monthly statistical report.

11. Comparative efficiency indices for eighteen cities, derived from Wayne
    Thomas, Bail Reform in America, Berkeley: University of California
    Press, 1976, pp. 76–78, 100–102.

12. Warrants received and cleared by month (July, 1972–December, 1977)
    from Warrant Service logs of Warrant Service Unit.

13. Fugitives surrendering voluntarily by month (July, 1972–December, 1977)
    from Warrant Service Unit logs.

14. Warrants disposed without detention (administrative withdrawals) from Warrant Unit logs (January, 1975-December, 1977).

15. Warrant Service investigative man-hours (September, 1973-December, 1977) from personnel records of Warrant Service Unit.

16. Wage and salary data from Warrant Service Unit, from Police and District Attorney's Offices (1972-1973) and Pretrial Services Division Warrant Unit (1973-1976).

17. Fugitive warrants listed by court computer system (1971-1977) from Philadelphia Municipal and Court of Common Pleas computer system.

18. Philadelphia detention population (1971-1976) from Philadelphia Detention Center.

19. FTA points by estimated release rate, 1973, 1975, 1976 and 1977 samples of Philadelphia ROR.

20. FTA predictor variables (1973, 1974, 1975 and 1976 samples).

21. Interview data from Project staff and other criminal justice agencies as specified in contract.

22. Interview data with defendants collected at Police Administration Building, November, 1976-April, 1977.

Reliability and Validity of Data Employed

Monthly statistical data appear adequate to monitor monthly pretrial service activity. Data are reviewed regularly for quality control. Corrections were made when quality control checks revealed discrepancies. Data on the detention population have become more easily obtainable, but still lack the detail which is necessary to get sound trend information. Profile data emanating from the Unit's management information system appear accurate and reliable. All

data in the monthly statistical reports appears to have adequate quality control. Data on the communications efforts, such as postcards and phone calls regarding court appearances made by the Warrant Service Unit appear to be less reliable, however. Follow-up information on defendants in the evaluator's sample appear to be more easily obtainable this year than in the previous year. Data reflecting on the status of defendants held on detainers (particularly parole and probation) still requires a great deal of time to obtain. This frequently causes delays in the release of defendants who would otherwise be recommended for ROR. No major difficulties have been encountered in implementing the evaluation plan. Increasingly, the management information evolving from the evaluation assumes a viable role in the operation of the Pretrial Services Unit.

Scope and Limitations of the Evaluation

This evaluation consists of three fundamental components:

1. A monitoring and analysis of statistical data supplied by the Pretrial Services Unit.

2. Interviews with defendants, Pretrial Services staff, other criminal justice personnel (judges, administrators, persons in private agencies) and other personnel from other bail agencies in adjacent jurisdictions.

3. Selected special evaluation problems:

   a. a planning model to be employed considering future alternatives in the pretrial services area which is developed in conjunction with the Philadelphia Regional Planning Council.

   b. an analysis of the communications experiment wherein different techniques were tested with defendants released on recognizance.

c. refinements of the new ROR point criteria and estimation of new parameters for FTA and release rates.

d. selected special problems, such as the analysis of the relationship between ROR activities and the detention population.

e. processing of ongoing profile information on defendant population including sampling, coding, punching, data processing, computer analysis and formatting of report.

f. development of research design and reporting system for next year's evaluation series.

This evaluation, as currently funded, has the capacity to perform the above functions reasonably well.

Compliance with LEAA regulations can be readily monitored because data are available from the Project. Also, the Project is adequately staffed and well administered. Previous evaluations have suggested that the Project is effective, that it is achieving its basic goals, and that there are many areas wherein gains in efficiency can be achieved. Some of these by-products of the evaluation have already appeared, e.g., the new point system. But many more gains in efficiency can be achieved through long term research and evaluation. More important, long term planning in the pretrial area can only be achieved through the use of an adequate data base emanating from research and evaluation. The evaluator continues to work with Project staff and planners from the Regional Planning Council in planning for the future and in developing a management information system.

Feedback to the Project

The most outstanding accomplishment of the evaluation has been the gradual evolution of release on recognizance criteria and support management information

system, based on three separate samples of the defendant population. This technique has also been adopted by the Delaware County Bail Agency as a means of accessing bail risk. Thus, the technology transfer side of this project has been particularly important. This technique has been readily accepted by other evaluators at the National Conference on Criminal Justice Evaluation and by other pretrial agencies at the National Association of Pretrial Administrators. In sum, the new system, which is a by-product of this evaluation, has received a great deal of interest across the nation as a viable means of increasing the equity and efficiency of ROR programs.

The evaluation has also produced several new techniques which are useful in analyzing monthly operational data. One particular technique, the efficiency index, appears to be more viable than the FTA rate in measuring Project results and for providing an analysis of trouble spots within a pretrial services system.

Based on recommendations made by the evaluation, changes were made in the monthly reports and annual reports of the Pretrial Services Division. All personnel are now aware of the number of warrants cleared and received monthly, as well as the number of walk-ins, surrenders and cases processed during each month.

As a result of the communications experiment, some tightening up of administrative procedures regarding phone calls and letters to defendants has occurred. This should produce more efficiency in the individual courtrooms as more defendants appear at their scheduled hearings.

The above listing comprises some of the more concrete by-products of the evaluation. As indicated previously, one of the most important roles of the evaluator is to question and to raise issues concerning problems and underlying conflicts which exist in the program. In short, the evaluator serves as an outside person, someone who is not an official functionary of the criminal justice

system, with whom some of these issues can be discussed and hopefully resolved. Through regular sessions with staff of the Pretrial Services Program, the evaluator believes that he has been helpful in discussing and resolving some of the important operational issues.

III. PROJECT RESULTS AND ANALYSIS

Results

During the last fiscal year, (1976-1977), ROR was granted 15,522 defendants, or 42% of those interviewed at the Police Administration Building (Table 1). The number of persons interviewed by the ROR Unit is determined by the number of felony arrests. Within this time span, the number of arrestees interviewed by the ROR Unit declined by over 2,000 persons from the previous fiscal year. As a result, the total number of persons granted ROR declined by a similar number (Table 1). During the last year, an additional 931 persons were given bail under the new Conditional Release Program, thereby augmenting the number of people who were released without prolonged periods of incarceration. During the previous year 763 defendants were granted conditional release.

More than nine out of ten defendants who were granted ROR continued to appear at scheduled hearings. During the most recent reporting period (July, 1976-June, 1977) 7.9% of the defendants failed to appear (Table 2). Thus, the FTA rate continues at the low level of the previous three fiscal years. The total number of FTA's declined by 162 during the most current reporting period (Table 2). FTA's are classified into two categories: willful--those who deliberately evade a hearing; and non-willful--those who miss a hearing because of a confirmed legitimate reason, e.g., hospitalization or other extenuating circumstances. One of the most important objectives of a pretrial services unit is the decrease in the proportion of those failing to appear for both reasons--willful and non-willful. The willful FTA rate increased slightly from to to 6.7%. The non-willful FTA rate decreased from 1.5 to 1.2% (Table 2).

Defendants who fail to appear at hearings for an invalid reason are issued

bench warrants. Those who have bench warrants yet to be removed are classified as fugitives. The fugitive rate is gauged in terms of the percentage of those scheduled for hearings in a given month who are later classified as fugitives. The fugitive rate increased slightly during the last year--from 1.6% to 2.6% (Table 2).

The Efficiency Index

Through this evaluation, a new measure of operational efficiency--the "efficiency index" has been developed (Table 3). This concept employs a ratio of program outputs to program inputs. The procedure takes into consideration the ratio of persons interviewed at the Police Administration Building as potential ROR recipients to the number of persons granted ROR. This number is multiplied by the ratio of the number of persons scheduled for hearings to the number of persons actually appearing at the scheduled hearings. In short, the efficiency index provides a summary measure of program inputs (in terms of the number of persons interviewed at the Police Administration Building) and program outputs (those who have appeared at hearings). The efficiency ratio has an advantage over the FTA rate, in that the FTA rate takes only those who have been released into consideration. Thus, if no one is released, the FTA rate would be 0. The efficiency index takes both the release rate and the FTA rate into consideration simultaneously. In this way, comparisons of efficiency between jurisdictions are more meaningful. During the most recent fiscal year (1976-1977) the efficiency index averaged 383. During the first year which the index was used (1972-1973) the index stood at 354.

Although very little recent information on efficiency indices of major cities is available, some idea of the different operating levels can be gained by calculating indices from 1971 data which have recently been published. Among the

largest cities, only Washington, D.C. appears to have an efficiency index which

is higher than Philadelphia's (Table 4). While many smaller jurisdictions,

which appear to have the luxury of a tightly knit community in which to super-

vise released defendants, have higher indices, cities in Philadelphia's population

range (Chicago Los Angeles) show efficiency which is less than half that of

Philadelphia's. Too, the capacity of a pretrial service agency to grant ROR and

to supervise released defendants is a reflection of the priority which a given

city's criminal justice system assigns to bail reform. In sum, examining the

data which are available, Philadelphia demonstrates one of the highest levels of

efficiency among major cities.

One of the major tasks of an evaluator is to answer the question: How do

we know when the program has been a success? This leads to the question: Suc-

cessful compared to what? These queries lead to the issue of standards or

bench marks against which to judge program effectiveness and efficiency. While

nationally recognized standards are still being developed for release on recog-

nizance (e.g., the FTA rate and the general efficiency index) no such standards

exist for warrant service. As a consequence, results shown here compare program

efforts in Philadelphia during various time periods under various administrative

units which have been assigned the warrant service responsibility.

Several efficiency measures are employed to assess the impact of the warrant

service unit. The first is the ratio of fugitive warrants received per month

as compared to the number of warrants cleared (Table 5). A "clearance" reflects

on apprehension or another procedure which results in an acceptable explanation

why the defendant did not appear at the scheduled hearing. As an example, Table

5 shows these ratios beginning in June of 1972 and ending in December, 1976.

(Pretrial Services Division assumed the Warrant Service function in September, 1973).

Whereas in 1972 during a typical month 96% of the warrants received were cleared, this figure decreased slightly in 1977, to 88% of the warrants received (Table 5). During the intervening years (1973-1975) the Warrant Unit faced a substantial backlog of warrants from previous years. Many of these warrants were removed by careful checking of the circumstances which led to the original issuance.

As recently as 1973, the warrant "backlog" stood at approximately 12,000 outstanding bench warrants, but as of December, 1977, this figure has been reduced to 7,453. Many of the outstanding warrants should probably be classified as inactive, or at least give a low priority status. Probably, warrants should be classified in terms of two factors, (1) the seriousness of the crime, and (2) the assessment of the probability of the fugitive's general potential for apprehension. If the warrant backlog were classified in this way, a more meaningful assessment of the priorities of the entire Philadelphia Criminal Justice system could be achieved.

If the Warrant Service Unit is communicating effectively with fugitives, the number who surrender voluntarily (after FTA) should increase. Over the years, there has been a substantial increase in the number of voluntary surrenders (Table 6). In the average month, 325 defendants walked into City Hall and surrendered voluntarily to the Warrant Service Unit. Since 1972, there has been an increase of over 50% in the number of fugitives surrendering voluntarily during a typical month. Part of this increase is due to the fact that defendants are no longer incarcerated after they surrender voluntarily. Should they surrender in the morning, they are released on recognizance and advised to return for an afternoon hearing. This procedure has resulted in an increase in voluntary surrenders and has reduced the need for many apprehensions which would have previously been required. Also, large numbers of warrants are cleared through administrative

withdrawals at City Hall, indicating that a satisfactory explanation for the failure to appear has occurred (Table 7). In 1976 one warrant was disposed for approximately every 4½ hours of investigative time (Table 8). This figure has remained constant over the last two years, suggesting that with the current staffing level this will be the standard which obtains. The average disposal cost of a warrant in terms of investigatory time during 1976 was $27.06. This slight increment in cost over the previous year in cost is due to promotions and salary increases within the Warrant Service Unit (Table 9).

Outstanding fugitive warrants listed by the Philadelphia Courts Computer System are shown in Table 10 for the years 1971-1976. Examining this table, it can be seen that most of the warrants listed are for the last two years, suggesting that the warrant backlog of previous years may represent a large number of fugitives who are no longer in the Philadelphia area or who are otherwise outside of the purview of the operations of the Warrant Service Unit.

Relationship of Pretrial Services to Detention Population

In April of 1972 a Philadelphia detention population reached a peak of approximately 2,400 inmates. This population consists entirely of persons held on pretrial status, and is directly related to the mission of the Pretrial Service Division. In previous refunding reports, an extensive analysis of the relationship to pretrial release and the detention population was presented. It was emphasized that without the release on recognizance program the average daily detention population would increase by over 400 persons.

Since 1972, the average monthly detention population has been reduced by over 700 persons. It is important to recognize that this five-year period was a time when the Philadelphia arrest rate increased by over 25%. As of December,

1976, the average monthly detention population stood at approximately 1,700 persons (Table 11).

On the average day, 60 persons are granted release on recognizance. If ROR were not available, assuming that the average defendant would wait 14 days until the final disposition of his case (obviously an optimistic assumption), the average daily detention population would increase by 400 persons. Assuming the cost of $30 per day per detainee (a low estimate) the increased cost of detention would be $4,368,000 annually. However, since most detention costs are fixed (irrespective of the number of detainees) this figure overestimates the actual cost of adding 400 persons. Assuming a more realistic figure of $15 per day per detainee, the Pretrial Service Unit saves detention costs of over $2 million dollars annually. This analysis, of course, does not take into consideration the increased social cost of incarceration, nor does it take into consideration the benefits of having defendants paying taxes into the system and supporting their families. In addition to increased detention costs, the absence of the program would result in increased human and social costs related to unemployment, mental illness, family disruptions, uncontrolled children and other adverse human consequences.

Notification Experiment

One of the most important innovations developed through the Philadelphia Pretrial Services Division is the Warrant Service and Investigative Unit, which employs an extensive communications procedure designed to assure the defendant's appearance in court and to assure cooperation with the judicial system until the time of disposition. Previous research has documented the importance of this concept; and during 1976 an experimental procedure was developed to test

the effectiveness of various communication and notification procedures. This research employed comparison groups which received differing communications procedures prior to scheduled court appearances.

Control Group

The first group, the Control Group, received a normal communications prior to hearings. On May 12, 1976, (a Wednesday with no special hearings scheduled, such as homicides or rape cases) all defendants were carefully monitored as to communications procedures prior to hearings. In addition, an extensive battery of demographic and criminal history information was collected for these 450 defendants. The source of this sample was from the notification letters which are issued by the court computer. The largest class of hearings scheduled for that day was preliminary hearings. The second largest class was continuances. Representatives were sent to the court rooms in order to monitor listings which were scheduled immediately prior to hearings. This procedure, in itself, uncovered discrepancies between   original computer listing and those who were actually scheduled to appear in court during that day. Essentially, the original sample consisted of those who were due on court on May 12, who were known as of April 28 to be scheduled for that day. All were sent notification letters. Those who did not respond to the notification letters were contacted by telephone. Also, the defendants were mailed a letter indicating that they were scheduled for court, requesting that they call the Pretrial Services Division to confirm the fact that they would appear as scheduled. In sum, this is the normal procedure of the Pretrial Services Division.

Experimental Group

This group was selected one week later, another Wednesday, with no special

cases scheduled. Defendants were issued a notification letter informing them that they would be due in court on May 19 and that they should verify this with the Pretrial Services staff. If they did not respond by May 11, a warning card was issued. If there was no response to the warning card, telephone calls were made beginning on May 11. If the card was returned because of an error in the address, a telephone call was placed. Calls were made to those who did not respond to the letter or warning cards on May 14. If no response was received to the call, the defendant's file was pulled and phone calls were made to relatives or friends listed in the interview folder. If the telephone procedure failed (due to an inaccurate file), a field investigation was launched, with a member of the Warrant Services Unit attempting to contact the defendant at his household address. The field investigator was given a letter and directed to go to the address of the defendant and to deliver the letter in person. If delivery was impossible, he was directed to leave it in the mail box. Most of these field investigations were unsuccessful because the address listed in the file did not exist. If this occurred, additional phone efforts were attempted through the use of the city directory or other secondary information sources. If any of these sources proved to be useful, a field investigator was sent out a second time to contact the defendant in person and to deliver the letter. Through the course of this experiment, 75 field visits were made, each of which required a half hour of field time.

In sum, the purpose of the experiment was to determine whether augmented efforts by mail, telephone or personal visits increased the likelihood that a defendant would appear for his scheduled court hearing. The analysis examines the relationship of communication efforts with failure to appear. Summarized below are the results of augmented communication efforts. Findings are as follows:

1. The fact that a defendant has made a just-released check-in call does not relate to failure to appear.

2. There is no significant relationship between failure to appear and the fact that the Warrant Service Unit has sent a warning card to defendants who have failed to make their just-released check-in call.

3. There is no relationship between court appearance whether the defendant responds to warning card number one.

4. A defendant is no more likely to appear at court because ROR has sent him a court notification letter.

5. Defendants responding to the court notification letter are more likely to appear for court. This suggests the official-looking appearance of the court notification letter has a positive impact on appearance at hearings (as compared to postcards, which appear to have no impact).

6. There is no relationship between the mailing of the second warning card and appearance at hearings.

7. There is no relationship between the response to the second warning card and appearance at hearings.

8. There is no relationship between whether a call was placed to defendants when previous efforts of contact failed and court appearance.

9. The experimental group had a slightly lower failure to appear rate than the control group. Whereas the group not receiving the special communications efforts had an FTA rate of 5%, the group receiving the special communications procedures had a slightly lower rate of 3.2% (data based on report of February 8, 1977).

10. Of the 1100 defendants scheduled to appear on both days, only 581 received court notification letters. This was due to the fact that

204 (19%) of the defendants did not fall within the jurisdiction of ROR; money bail was obtained or alternative types of bail were involved.

11. One hundred and thirty one or 12% had such a short time between initial hearing and subsequent hearings that it was impossible for letters to be sent. In other words, the period of time involved between hearings was too short for the notification procedure to go into operation.

12. Another large number of defendants had moved (changed residences) between the time of the initial interview and subsequent hearings. Thus, by the time the original letter came back from the post office it was impossible to send out the second letter in time to advise the defendant concerning the hearing.

13. Only 17% of those mailed a notification letter responded to the letter verifying the fact that they would be in court.

In sum, the results of this experiment indicate that those who respond to notification letters from the court are more likely to appear at hearings. However, response to postcards, phone calls and additional attempts to make field notification do not appear to impact the failure to appear rate. What the experiment does suggest is that at the time of the initial and subsequent hearings, special attempts must be made by the court to impress upon the defendants the need to communicate during the period between hearings. More important, the process whereby the notifications letters are expeditiously sent to all defendants scheduled for hearings seems to be indicated. The sending of notification letters should be instituted immediately, irrespective of whether or not the defendant is under the supervision of the ROR Unit. The implication is that the Court Administration should make efforts to assure that all defendants scheduled for

appearances are issued letters in time to remind them of appearance. In cases where the time between appearances is so short to make this procedure impractical, a high priority list should be assembled. This list should trigger a telephone call to the defendants, very much like a physician or dentist's office calling the patient immediately prior to a scheduled appointment. In general, the results of the communications experiment suggest that some types of communications do prevent FTA. More important, they reveal that defendants who are contacted often fail to respond to letters and cards. This lack of response should trigger systematic efforts from the Warrant Service Unit or other arms of the court which take responsibility for the defendant. Finally, the only demographic characteristic which differentiated the experimental and control group was that persons having identification cards on their person at the time of bail were more likely to appear at subsequent hearings. This suggests that prior to release on recognizance (before the communications efforts are begun) a greater emphasis might be placed upon verifying the permanency of the address of the defendant. In other words, intensified verification efforts should result in fewer missed court appearances.

Progress on Release on Recognizance Point System

One of the most important by-products of this evaluation of the Philadelphia Pretrial Services Division is the development of more efficient criteria for assessing eligibility for release on recognizance. The procedure employed consists of generating profiles of a sample of defendants, following these defendants over time, and relating their characteristics to appearance in court and other compliance with court regulations. The third sampling, conducted during 1976-1977 has resulted in the simplified set of criteria which can be computed manually

by interviewers. This reduces the dependency upon the computer and reduces errors that might occur, particularly when the computer is not operational at certain times during the weekend, the very time when the ROR screening load is at its peak.

Through the use of multiple regression and factor analysis, five variables have been selected which will be used to predict appearance. These are:

1. Whether there are utilities in the defendant's name.

2. Length of time the defendant has resided at his present address.

3. Defendant's employment history.

4. Defendant's recent failure to appear history.

5. Defendant's recent arrest history.

Points are either added or subtracted, based on the nature of the correlations. All defendants start with 26 points. Thirty-six points are then added if the defendant has willfully failed to appear within the last six months. Twelve more points are added if the defendant has been arrested on the same charge within the past six months. Five points are subtracted if there are utilities in the defendant's name. Zero to five points are subtracted based upon the defendant's employment history. Five to eighteen points are subtracted based on the length of residence. The worksheet in the appendix indicates the point values to be assigned. There are spaces for positive and negative sub-totals and the cumulative point total. If this total exceeds sixteen points, the defendant cannot be recommended.

Defendants with point totals of sixteen or less will be recommendable if they do not fall within any of the following exclusions:

1. Waiver of interview.

2. Residence in another jurisdiction.
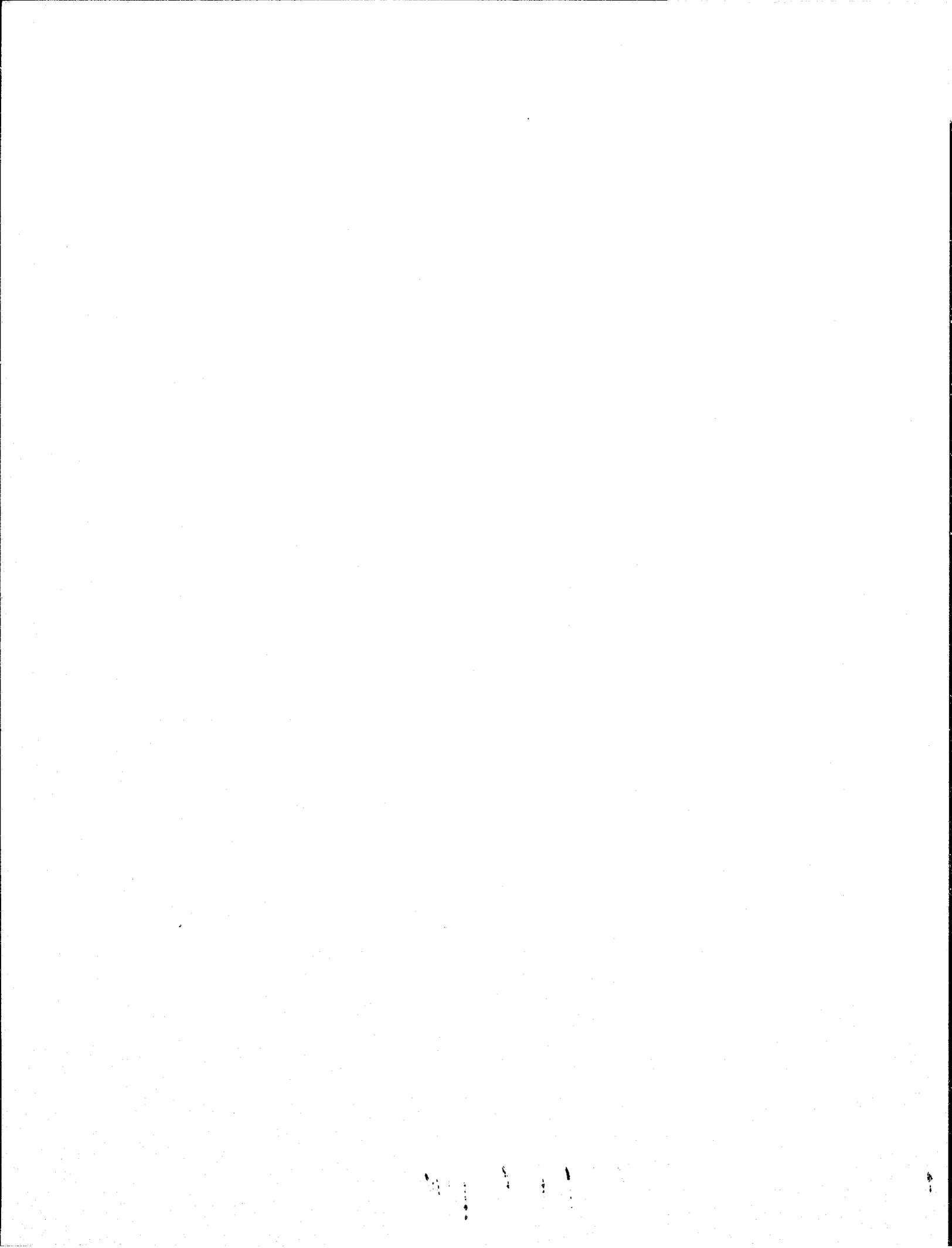
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2 OF 3

3. Open case in Conditional Release.

4. Any open failure to appear bench warrant.

5. Any of the following charges: Murder, Rape, Arson, Kidnapping, Fugitive from Another Jurisdiction, Involuntary Deviant Sexual Intercourse, Deliver or Possession with intent to Deliver a Controlled Substance, Aggravated Assault, Burglary, Robbery, (unless it is the defendant's first adult arrest), Indecent Assault and Prison Breach.

In short, persons falling under one of these categories will not be eligible for ROR, although they may be eligible for other types of bail.

Between October, 1976, and February, 1977, Ms. Karen Seigfried helped to conduct an extensive evaluation of the point system. Part of her analysis appears in her Masters thesis from the University of Delaware which was supervised by the Evaluator. This is one of the most extensive analyses of ROR point systems ever undertaken and contributes meaningfully to the administration of release on recognizance in Philadelphia and throughout the nation. Also produced during the year was a paper jointly authored by the Evaluator and the Director of Pretrial Services (with another University of Delaware graduate student, Marq Ozanne) which shows that the underlying factor structure relating to failure to appear is similar in Philadelphia and in Delaware County. The Delaware County data derived from another evaluation conducted by the Govenor's Justice Commission. In sum, this evaluation has contributed to a growing body of nationally relevant literature, a pioneering effort in the science of estimating bail risk and developing point criteria.

Summary of Defendant Interviews Concerning Knowledge of Bail Programs

Two of the evaluator's assistants conducted 27 interviews with defendants as they were processed at the Police Administration Building. These interviews, conducted between December, 1976 and February, 1977, focus upon perceptions of the bail system immediately after the defendant had been given his initial interview by the Pretrial Services interviewer. In terms of the timing of the interview in the entire criminal justice system, the sequence is as follows:

1. arrest;

2. the defendant is brought to the Police Administration Building;

3. he is fingerprinted and photographed;

4. the Pretrial Services interview;

5. our interview;

6. arraignment.

The set of questions we asked were designed to access the defendant's knowledge of the bail program in the City of Philadelphia. The set of bail related questions were as follows:

1. How many types of bail are there?

2. What are they?

3. Specifically, what is ROR?

4. What would happen to a person who is released on money bail who failed to appear in court on the assigned date?

5. What would happen if someone was released on ROR who failed to appear in court on the assigned date?

Thirty percent of the defendants could not name any type of bail. These persons generally showed a complete ignorance of the workings of the bail program in that they could not respond correctly to any of the other questions they were

asked. It is possible that some of the respondents were merely unwilling to
cooperate or were intimidated by the interview. Most defendants were, however,
willing to cooperate, in part, because they may have associated the interview
with their chances for better bail recommendations. The interviews also sug-
gested that there was a strong relationship between knowledge of the workings
of the bail system and knowledge of the entire criminal justice process. Two
out of ten respondents could name only one type of bail; only 15% could name
two types of bail. In most cases in which only one type of bail was known, 10%
Cash Bail was mentioned; these respondents (knowing about 10% bail) had a
fairly complete knowledge in regard to how money bail works. In every case,
when two types of bail were known, both money bail and ROR were mentioned. When
asked to describe release on recognizance, about half of the defendants could
tell precisely what it was, although they could not tell what ROR stood for.
This percentage could be somewhat misleading, since the respondents varied
greatly in their knowledge of how ROR worked. For example, some respondents indi-
cated that only those persons who had been arrested for their first time were
eligible for ROR. Other complaints which were voiced at this time included:
claims of racial bias in selecting persons for ROR; that the judge, as sole
determiner of bail assignment, looked only at previous arrest and not previous
convictions and; that the public defender makes recommendations to the judge
of money bail of ROR based on biased judgments.

The questions were designed to establish what would happen to defendants
who failed to appear for scheduled court appearance and revealed that seven out
of ten of the persons realize what would happen to them. Again, while varying
in degrees of sophistication, these people understood that the police would re-
arrest them and hold them for trial. Although many defendants did not mention

"bench warrant" specifically, most understood its function in this process. One respondent, a middle-aged man who had been arrested several times previously, stated firmly that while bench warrants are frequently issued, "they get put away in some file drawer and nothing every happens." Several defendants volunteered the information that failure to appear on one occasion eliminated the possibility of getting ROR in the future. All the respondents who claimed to understand the implications of failing to appear after posting money bail believed that they would forfeit the money and that bail would probably be set higher if they were arrested again while on bail. This mini-survey also found a strong relationship between the knowledge of the system and past experience with the system, i.e., previous arrests. Of the eight people who could not answer the first question on the types of bail, five had never been arrested before. On the other hand, of the 14 people who could identify at least two different types of bail, 12 had been arrested at least once before.

In policy terms, these responses tend to indicate that at some point subsequent to the bail interview the defendant should be advised of his options for bail, very much in the same way he is read his rights by the police at the time of arrest. That is, from the standpoint of equity in the administration of justice, it appears that a quick review of the various types of bail seems to be in order at some point during the bail procedure.

Other Factors Effecting the Program

A. Administrative Structure.

Pretrial Services is a division of the Philadelphia Court of Common Pleas and Municipal Courts. Within the Pretrial Services Division, the administrative structure appears to be adequate for the many functions which the organization

now performs. Several other administrative units within the criminal justice system are also very .ctive during the pretrial period. Among these are parole and probation, the district attorney's office, the detention center and the police. Generally, Pretrial Services has gained increasing acceptance by all these organizations as to the importance of its basic function. Indeed, it is safe to say that as a result of this grant, the bail program has become institutionalized as a part of Philadelphia's criminal justice system. Although Pretrial Services appears to have an extremely efficient internal organization, a number of administrative problems with other criminal justice agencies are evident. During the 1977 Warrant Service Unit investigators and detectives from the District Attorney both attempted to arrest the same defendant for different charges. The Warrant Service Unit apprehended the defendant first and arrested him on a lesser charge; he was subsequently released on his own recognizance. However, the District Attorney's office sought the defendant on a more serious charge, one for which he would not have been readily released. This kind of difficulty suggests necessity of a central listing, shared by all units which have arrest power, in order that priorities and procedures might be known across agencies.

The Pretrial Services is limited in managing information and defendant flow. Certainly, other units have the same problem. This was particularly evident in the 1976 evaluation of the detention population, which showed a large number of defendants held on low bails for relatively long periods because of probation and parole detainers. These are two examples of kinds of problems that cannot be resolved by Pretrial Services along, indeed that probably will not be resolved by the courts alone, but could be resolved through careful planning by the Philadelphia Regional Planning Council and by the Governor's Justice Commission.

B. Operation and Management.

Pretrial Services has grown to a staff of over a hundred, encompassing
four major programs: 10% Cash Bail, ROR, Conditional Release and Warrant
Services. Funding for the Conditional Release Program had been provided by
a private foundation. Primary funding for ROR and Warrant Services has been
provided by the Pennsylvania Governor's Justice Commission. Because all of
these programs have reducing matching, the courts have now found a way to
incorporate them into permanent operations and the permanent city budget.
The transition from operations on a "project" basis to a permanent govern-
mental operation will require careful phasing and managing. Long term planning
must insure that the resources are present to operate these programs and that
long term management responsibilities are delegated and that personnel at all
levels of the criminal justice system are aware of the operations and goals
of the programs as the transition is made.

C. Project Personnel.

ROR has not experienced as large a staff turnover during 1977 as during
previous years. Generally, the staff appears to be adequately trained and
competent, considering the tasks which are carried out. The Warrant Service
and Investigative position is very sensitive, in that it entails tasks which
are similar to a police officer's, which demand careful supervision and quality
control. During 1976, one investigator was suspended subsequent to being
charged with improper behavior with a defendant. It is important to note the
charges of this type are extremely rare with Warrant Service investigators.
The record of the unit is generally commendable. Within the three years that
the Warrant Service Unit has been in operation no officer has been involved

either in a wounding or a death connected with the firearm. Nevertheless, these rare negative instances must be carefully followed up, and where warranted, new control procedures enacted.

D. The Evaluation Process.

Staff continues to be enthusiastic and cooperative with evaluation personnel. Staff has also been receptive to the various developments in the point system and management information techniques. Project personnel appear to understand the evaluation efforts to create bail risk profiles and the need to experiment with communication techniques. In general, the staff appears to be interested in the evaluation, ready to accept critiques, and is helpful in establishing evaluation priorities.

E. Planning of the Project.

Planning of the project continues to be accurate with respect to forecasting operational parameters and estimating results. This year's evaluation focuses in particular on long term planning for the overall preservices area in Philadelphia. Some of the recommendations in this area are presented in the recommendations section. From the perspective of agency (Division) planning, it is again recommended that the project should develop a set of operational goals and objectives for every functional unit within the project. Although general goals have been stated in the project proposal, purposes and meaning of these goals need to be made clear to all personnel.

F. Basic Method.

Release on Recognizance is now an institutionalized bail procedure. Conditional Release and the Warrant Service Unit represent an exploratory process. The project must build upon its information base relating to the communications

techniques and investigatory procedures of the Warrant Service Unit. As stated in the previous section, it is recommended that more resources be employed in communicating with the defendants during the entire personal contacts (field visits) but should focus upon mail and telephone communications. Specific recommendations in this area are provided in the previous section.

G. Level of Timing and Funding.

Funding for the project appears to be barely adequate. However, anticipating that more resources will be required in Conditional Release and in the Warrant Service area, additional resources will be required. The courts and the regional planning council should establish a five-year planning and funding frame. This planning process should begin by estimating the demand for services in certain areas such as diversion and then exploring resource allocations which might be required under alternative programming schemes. Planners should also take into consideration changes in the criminal justice system which are already occurring, such as on-line booking, which will have an important long-range impact in the Pretrial Services area.

H. Allocation of Project Resources.

Examination of the project budget and observation of operations reveals no allocations which appear to be an error or unusual. From the standpoint of allocation of time, the project needs to invest more time into planning and in coordination with units such as parole and probation, the District Attorney's office, and other agencies which may be in contact with the same defendants for different reasons. The administration of the courts and the Philadelphia Regional Planning Council should take the lead in convening various groups in the Pretrial Services area to insure cooperation between parole and probation,

District Attorney's office, public defender and Pretrial Services. Most of the trouble spots uncovered through this evaluation appear to be related to the sharing of information which is already available.

Project Impact

A. Impact on Problems Specified in the Grant Application.

The Pretrial Services Unit has been effective in fulfilling its stated purposes: to provide information on the initial bail decision, to reduce unnecessary detention of those arrested, to guarantee the appearance of defendants, to return fugitives to the stream of prosecution, and to serve as a core of other innovative programs, such as Conditional Release, 10% Cash Bail, preventive notification and accelerated release. In sum, the data presented here verify that these objectives have been achieved. This evaluation focuses upon ways which the program can become more efficient in achieving these goals.

B. Impact on the Criminal Justice System.

The evidence reviewed through this evaluation has shown that ROR is superior in every way to the old system of private bail bondsmen. Also, the Warrant Service Unit is clearly more cost effective than previous units administered by the District Attorney or the police. The Pretrial Services Unit continues to develop new ways to enhance the efficiency and the equity of services provided during the pretrial period. Because the Pretrial Services Unit has assumed functions which were previously provided by other agencies within the criminal justice system, some strains and stresses have developed around the operational boundaries and procedures. The question of the limits of planning responsibility within the Pretrial Services Division appears to bear importantly on future gains in efficiency and to determine whether innovations are possible. Some of

the fundamental planning and administrative questions are posed in the recommendations section which follows.

Alternatives to Current Resource Utilization

The evaluator has made an extensive review of alternatives to incarceration both in the literature and through contact with other programs throughout the country. Philadelphia's Pretrial Services Program, in terms of the range of services which it offers, is one of the most comprehensive in the United States. Project efficiency remains high. The project continues its national leadership in bail reform. Gains in efficiency in the future will probably be a by-product of careful long-range planning in the Pretrial Services area, conducted in cooperation with other units operating in this domain. The evaluator envisions no re-organization within the project which might lead to better resource utilization. Rather, gains in efficiency will probably come about as a better coordinating in a long-range planning process evolved in Philadelphia.

Comparative Results

Most of the comparisons which we can make in terms of efficiency and effectiveness must be tentative due to the fact that no comparative data based on the national level exists. Gauging the Project's efficiency must therefore be undertaken with an eye toward the limitations of the data base. Comparisons are made, however, using data from the early 1970's which are available.[1] In the most recent study, authored by Wayne Thomas, it is shown that Philadelphia's release rate of 64% for defendants compares very favorably to Boston (41%)

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[1]Wayne Thomas. Bail Reform in America (Berkeley, California: The University of California Press, 1976).

Chicago (14%), Los Angeles (33%), San Francisco (40%), and Washington (70%).

Similarly Philadelphia's appearance rate for both money bail cases and ROR

cases is higher than virtually all of the major cities. Again it should be

stressed that these data are not current (for cities other than Philadelphia)

but do give a general comparison as to the inputs and outputs of various bail

programs.

Philadelphia's 7.9% FTA rate appears to be relatively low as compared to

those of other jurisdictions (Table 3). Philadelphia's relative position is

also verified through the computation of the efficiency ratios (Table 4).

Comparing the efficiency ratio, it is apparent that Philadelphia's program ranks

very high when compared to others in major cities.

Project Costs - Benefits

Based on the average detention cost of $20 per day (which is considered

to be a low estimate) and assuming further that the 16,439 defendants who were

released last year would spend a week each in jail, in the absence of the ROR

Program, (also a modest assumption), detention costs alone would soar by over

$2,300,000 per year. This estimate, of course, does not take into account the

other costs of the criminal justice system, let alone lost wages, lost taxes,

welfare costs, cost of human suffering and other social ills such as divorce

and mental illness which are linked to incarceration. Moreover, without the

ROR program, new detention facilities would be required. The current cost of

this is estimated at over $30,000 per detainee.[2]

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[2] Conditional Release for the City of Philadelphia, Pretrial Services
Division, 1973, pp. 112-115.

V. FINDINGS AND RECOMMENDATIONS

Conclusion

A. Achievement of Project Objectives

The Unified Pretrial Services Project has achieved its objectives for the project evaluated.

  a. The Project has continued to provide verified information and reliable recommendations to the court which allows a maximum of defendants pretrial release (Objective A).

  b. The Project has continued to provide necessary information and services to the defendants, their families, and the community during the pretrial period (Objective B).

  c. Pretrial Services has provided verification and tracking procedures designed to insure that the defendants appears at court (Objective C).

  d. Pretrial Services has decreased the number of bench warrants issued through its warrant service efforts (Objective D). This is particularly evident in the statistical data reflecting on the fugitive rate (Table 3).

  e. The Project has utilized communications efforts designed to increase the number of fugitives who will surrender voluntarily (Objective E).

  f. The fugitive rate has remained low (Objective F).

  g. The Project has provided valuable and continuing information on defendant characteristics through the entire criminal justice system (Ojbective G).

We have demonstrated that the Pretrial Services Project is successful in terms of accepted pretrial management standards, including FTA rates, fugitive

rates, total number of persons released and efficiency indices. Moreover, the project has contributed to the reduction of the detention population at the very time when arrests have increased substantially. Thus, the Project has made a substantial impact by decreasing the need for expensive new detention facilities. In sum, the Unified Pretrial Services Project continues to fulfill an important community need in providing a viable alternative to money bail and a range of other pretrial services. Pretrial Services in Philadelphia has become an indispensible, institutionalized segment of the criminal justice system.

B. Impact on the Problem.

No citizen of Philadelphia is denied pretrial release simply because he lacks the funds. Moreover, Pretrial Services now offers a Conditional Release Program which makes it possible for many defendants to receive rehabilitative services, rather than remaining in pretrial detention. The communications techniques employed by the Warrant Service Unit have resulted in an increasing proportion of fugitives surrendering voluntarily rather than having to be apprehended after failing to appear. The new release criteria make it possible to recommend an increasing proportion of defendants for release on recognizance and at the same time to reduce the proportion of those failing to appear. In summary, Pretrial Services has had a substantial impact on both cost efficiency and equity in processing defendants during the pretrial process. In general, the courts now possess a substantially greater degree of control as to the type of defendant which will be released in the community to enjoy pretrial freedom.

C. Cost Effectiveness.

As specified previously, the Project is effective as an alternative to incarceration. Currently, the Project is releasing over 15,000 defendants annually

on their own recognizance. Another 17,000 are released on 10% Cash Bail and approximately 800 are given Conditional Release. If those released on recognizance were to remain incarcerated for one week, assuming a prison cost of $20 per day, this would cost the City over $2,300,000 per year. Since the Project has annual operating costs of $1,213,000, this indicates that the saving in jail costs alone, because of this Project, is over one million dollars annaully. This dollar figure, of course, is not a total cost benefit measure and is, in fact, conservative, because it is based upon savings on incarceration alone. Other benefits include taxes paid into the system by defendants who are not incarcerated, saved welfare costs of defendants' families, saved crime costs due to the screening out of dangerous defendants from release, and saved social and mental health services which might accrue to the defendant and the defendant's family should incarceration occur. Finally, there are other social benefits deriving from the Project which are manifest in terms of saved marriages, reduced delinquency, better mental health and increased productivity in the community. When all of these benefits are taken into consideration, the overall benefit to the community appears to be much higher than the $1,100,000 saved annually in incarceration costs.

D. Success Factors.

The Project has had the benefit of innovative leadership and good planning throughout its existence. The range of programs offered has been broad enough to provide comprehensive services in the pretrial area. The program has also had the support of an enlightened judiciary. Generally, support from the Court's Administration and overall cooperation with the Project has been excellent. The Project retains its national reputation as one of the most comprehensive and effectively run pretrial services programs in the country.

Recommendations

A. Appropriateness and Practicality of Project Objectives.

Objectives employed under the Governor's Justice Commission funding are adequate, appropriate and practical for the Project. It is recommended, however, that long term objectives (having at least a five year time frame) be developed by the courts in cooperation with the Regional Planning Council. These objectives should attempt to integrate all segments of the criminal justice system and social service system which are operative in the pretrial area. Intermediate range objectives for the next year should stress efficiency in warrant service and notification. Another important development which occurred during the last year was the implementation of the "six hour rule," which mandates that defendants who make statements subsequent to arrest must receive a pretrial hearing within six hours. In many cases, this had sped up the pretrial interview and recommendation process, making it necessary to verify information quickly. Careful attention must be given in order to ensure that the bail process be implemented efficiently and fairly within this time frame.

B. Value of the Basic Method and Approach.

The fundamental innovation employed by the Philadelphia Pretrial Services Division has been release on recognizance. This has been supplemented by 10% Cash Bail and later by the Warrant Service Unit and Conditional Release. Innovations which will occur in the future will probably entail extensions of the Conditional Release concept and other alternatives to incarceration such as station house release, which provide rehabilitative efforts for defendants who are released on bail. It is recommended that the City of Philadelphia and the Governor's Justice Commission explore additional alternatives to incarceration

which involve extensions of these concepts.

In sum, the basic method (ROR) is probably no longer an innovation but rather an institution. Innovations will include new forms of supervised release which emphasize rehabilitation and more systematic communications efforts while the defendants are released on bail. Comprehensive planning, which involves all agencies active in the pretrial service area must be undertaken. The recommended vehicle for this planning is initially through an ad hoc committee appointed through the courts and the Governor's Justice Commission. This committee would first catalogue the objectives of the various units and then examine various alternatives which emphasize a comprehensive, coordinated approach during the pretrial period.

TABLE 1

RELEASE ON RECOGNIZANCE OPERATING TRENDS
July 1972 – December 1977

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
Total Persons Interviewd by ROR Unit	2885	2953	**1972** 2689	2938	2776	3000	**1973** 2868	2691	3167	2725	2803	2646	34,141
	2671	2840	**1973** 3051	3289	3277	3012	**1974** 3025	2789	3310	2887	2880	2935	35,972
	3015	3178	**1974** 3243	3483	3445	3147	**1975** 3067	3158	3678	3615	3478	3238	39,745
	3294	3152	**1975** 3307	3276	3233	2902	**1976** 2832	3055	3226	2713	3192	3196	37,378
	3152	3217	**1976** 3215	3266	3114	2964	**1977** 2794	3123	3438	3051	3152	2758	37,244
	2474	2662	**1977** 2824	3179	2927	2762							
Total Persons Granted ROR	871	963	**1972** 995	1077	972	1106	**1973** 992	1188	1362	1211	1197	1086	13,020
	1214	1326	**1973** 1416	1570	1559	1418	**1974** 1333	1284	1585	1278	1241	1290	16,514
	1360	1346	**1974** 1429	1615	1614	1511	**1975** 1483	1523	1901	1723	1695	1604	18,805
	1382	1339	**1975** 1436	1380	1458	1328	**1976** 1204	1321	1493	1206	1466	1426	16,439
	1245	1353	**1976** 1393	1440	1330	1304	**1977** 1166	1366	1526	1113	1248	1038	15,522
	956	1064	**1977** 1144	1081	1043	1070							

TABLE 1 (con't.)

RELEASE ON RECOGNIZANCE OPERATING TRENDS
July 1972 – December 1977

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
			1972				1973						
Persons Scheduled For Hearings	2928	3095	3062	3334	3106	2871	2834	2435	2841	2894	3211	2885	35,496
			1973				1974						
	2905	3361	3298	3672	3270	2976	3477	3378	3546	3918	4428	3419	41,648
			1974				1975						
	2949	2643	2757	2610	2724	2923	3383	2690	2836	3160	3053	3175	34,903
			1975				1976						
	2788	2418	2364	3195	2574	2778	2464	2419	2785	2611	2491	2345	31,832
			1976				1977						
	1949	2033	2368	2446	2408	2854	2492	2189	2442	2270	2346	2328	28,125
			1977										
	1944	1790	1958	1937	1832	2422							

TABLE 2

RELEASE ON RECOGNIZANCE OPERATING TRENDS
July 1972 – December 1977

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
FTA Warrants Issued	250	247	<u>1972</u> 250	256	192	167	<u>1973</u> 162	163	206	248	233	230	2,604
	279	294	<u>1973</u> 272	302	253	237	.<u>1974</u> 279	155	200	247	308	235	3,061
	217	239	<u>1974</u> 225	203	195	211	<u>1975</u> 198	175	185	207	242	244	2,541
	196	195	<u>1975</u> 225	244	209	219	<u>1976</u> 185	184	159	165	172	231	2,384
	228	172	<u>1976</u> 227	215	185	183	<u>1977</u> 182	143	143	178	185	181	2,222
	209	169	<u>1977</u> 169	202	172	172							
Total FTA Rate[1]	8.5%	8.0%	<u>1972</u> 8.2%	7.7%	6.2%	5.8%	<u>1973</u> 5.7%	6.6%	7.2%	8.6%	7.3%	8.0%	7.9%
	9.6%	8.7%	<u>1973</u> 8.2%	8.2%	7.7%	8.0%	<u>1974</u> 8.0%	4.6%	5.6%	6.3%	7.0%	6.9%	7.3%
	7.4%	9.0%	<u>1974</u> 8.2%	7.8%	7.2%	7.2%	<u>1975</u> 6.8%	6.5%	6.5%	6.5%	8,0%	7.7%	7.2%
	7.0%	8.0%	<u>1975</u> 7.6%	7.6%	8.1%	7.9%	<u>1976</u> 6.5%	7.6%	5.7%	6.3%	6.9%	9.8%	7.5%
	11.7%	3.5%	<u>1976</u> 9.6%	8.8%	7.7%	6.4%	<u>1977</u> 7.3%	6.5%	5.9%	7.8%	6.9%	6.8%	7.9%
	10.7%	9.4%	<u>1977</u> 8.6%	10.4%	9.4%	7.1%							

[1] Ratio of FTA warrants issued to total persons scheduled for hearings.

TABLE 2 (con't.)

RELEASE ON RECOGNIZANCE OPERATING TRENDS
July 1972 – December 1977

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
Willful FTA Rate[2]			<u>1972</u>				<u>1973</u>						
	6.6%	6.6%	6.6%	6.3%	6.1%	4.2%	3.2%	4.3%	5.2%	5.8%	5.0%	5.2%	5.4%
			<u>1973</u>				<u>1974</u>						
	6.7%	6.9%	6.8%	7.1%	6.5%	6.7%	6.4%	3.8%	4.5%	5.1%	6.0%	6.2%	6.1%
			<u>1974</u>				<u>1975</u>						
	6.0%	7.6%	6.1%	7.2%	6.1%	6.3%	5.0%	5.3%	5.5%	5.3%	6.4%	6.8%	5.8%
			<u>1975</u>				<u>1976</u>						
	5.8%	5.0%	6.2%	6.1%	6.5%	6.7%	6.6%	6.4%	4.5%	5.2%	5.9%	8.6%	6.1%
			<u>1976</u>				<u>1977</u>						
	10.2%	7.4%	7.9%	6.1%	6.5%	6.7%	6.5%	5.3%	4.4%	5.3%	6.8%	7.0%	6.7%
			<u>1977</u>										
	9.7%	8.5%	7.7%	7.6%	6.9%	5.6%							
Fugitive Rate[3]			<u>1972</u>				<u>1973</u>						
	2.7%	2.9%	8.0%	3.3%	2.5%	3.3%	2.0%	1.8%	1.8%	2.7%	1.8%	2.2%	2.9%
			<u>1973</u>				<u>1974</u>						
	3.4%	2.1%	1.9%	2.8%	2.5%	2.1%	2.2%	1.2%	1.4%	2.4%	2.5%	2.9%	2.3%
			<u>1974</u>				<u>1975</u>						
	3.1%	2.9%	3.4%	2.6%	2.5%	2.3%	2.0%	2.1%	1.3%	1.7%	2.0%	1.5%	2.3%
			<u>1975</u>				<u>1976</u>						
	1.4%	1.4%	1.7%	2.0%	2.0%	1.6%	1.9%	1.5%	0.9%	1.3%	1.2%	2.5%	1.6%
			<u>1976</u>				<u>1977</u>						
	2.3%	2.3%	2.7%	2.0%	2.0%	1.6%	1.9%	1.6%	2.5%	3.5%	3.5%	5.6%	2.6%
			<u>1977</u>										
	4.8%	4.2%	4.0%	2.5%	1.8%	1.4%							

[2]Rate of those missing hearings for invalid reasons to total persons scheduled for hearings.

[3]Rate of those with outstanding Bench Warrants to persons scheduled for hearings.

TABLE 3

RELEASE ON RECOGNIZANCE OPERATING TRENDS
July 1972 – December 1977

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
Recommended ROR Fugitive Rate[1]	2.0%	1.5%	1972 1.4%	2.3%	2.0%	1.8%	1973 1.3%	1.3%	1.4%	2.4%	1.2%	1.2%	1.7%
	3.0%	1.7%	1973 1.6%	2.5%	1.8%	1.6%	1974 1.5%	1.1%	0.9%	1.9%	1.8%	2.1%	1.8%
	2.4%	2.3%	1974 2.3%	1.8%	2.3%	1.7%	1975 1.8%	1.6%	0.8%	1.2%	1.8%	0.7%	1.7%
	0.8%	1.0%	1975 1.1%	1.9%	1.6%	1.2%	1976 1.3%	1.1%	0.7%	1.0%	0.7%	1.7%	1.2%
	1.9%	2.1%	1976 1.5%	1.9%	1.6%	1.2%	1977 1.0%	1.0%	2.1%	3.0%	2.8%	3.5%	2.0%
	3.5%	2.8%	1977 2.2%	1.8%	1.3%	0.9%							
Non Recommended for ROR Fugitive Rate[2]	5.4%	8.6%	1972 8.8%	6.9%	6.9%	4.6%	1973 4.8%	3.5%	2.8%	3.7%	3.5%	1.0%	5.0%
	4.6%	3.4%	1973 2.7%	3.7%	4.3%	3.5%	1974 4.5%	1.8%	3.1%	4.0%	4.6%	4.6%	3.7%
	4.4%	4.3%	1974 5.3%	3.9%	2.8%	3.6%	1975 2.4%	3.1%	2.1%	2.7%	2.6%	0.8%	3.2%
	2.6%	2.1%	1975 2.5%	2.1%	2.8%	2.3%	1976 3.1%	2.4%	1.3%	1.9%	1.9%	3.6%	2.4%
	3.0%	2.5%	1976 4.6%	2.1%	2.8%	2.3%	1977 3.3%	2.5%	3.1%	4.1%	4.5%	2.1%	3.1%
	6.6%	6.1%	1977 6.1%	2.7%	2.5%	2.3%							

[1] Fugitive Rate (see footnote #3) for those recommended for ROR.

[2] Fugitive Rate (see footnote #3) for those not recommended for ROR.

TABLE 3 (con't.)

RELEASE ON RECOGNIZANCE OPERATING TRENDS
July 1972 – December 1977

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
Efficiency Index[3]			1972				1973						
	276	300	340	338	328	347	326	412	399	406	396	378	353.8
			1973				1974						
	411	426	426	438	439	433	405	439	452	415	401	409	424.5
			1974				1975						
	417	410	405	406	435	446	455	451	483	446	448	457	438.3
			1975				1976						
	390	391	401	385	414	421	393	400	436	417	428	402	406.5
			1976				1977						
	349	385	392	402	394	412	387	409	418	336	365	347	383.0
			1977										
	345	362	370	305	323	360							

[3] Persons Granted ROR divided by the summation Persons Interviewed at Police Administration Building x summation
Persons Appearing at Scheduled Hearings divided by Persons Scheduled to Appear at Hearings x 1000

TABLE 4

ROR EFFICIENCY INDICES FOR 18 CITIES

Boston	323
Champaign-Urbana	427
Chicago	140
Denver	454
Des Moines	515
Detroit	229
Hartford	650
Kansas City	187
Los Angeles	211
Minneapolis	426
PHILADELPHIA	383
Sacramento	314
San Diego	557
San Francisco	340
San Jose	513
Washington, D.C.	595
Wilmington	548

*Data are from Bail Reform in America, by Wayne Thomas (University of California Press, 1976). Philadelphia data are for 1977; other cities for 1971. These are the most recent figures available.
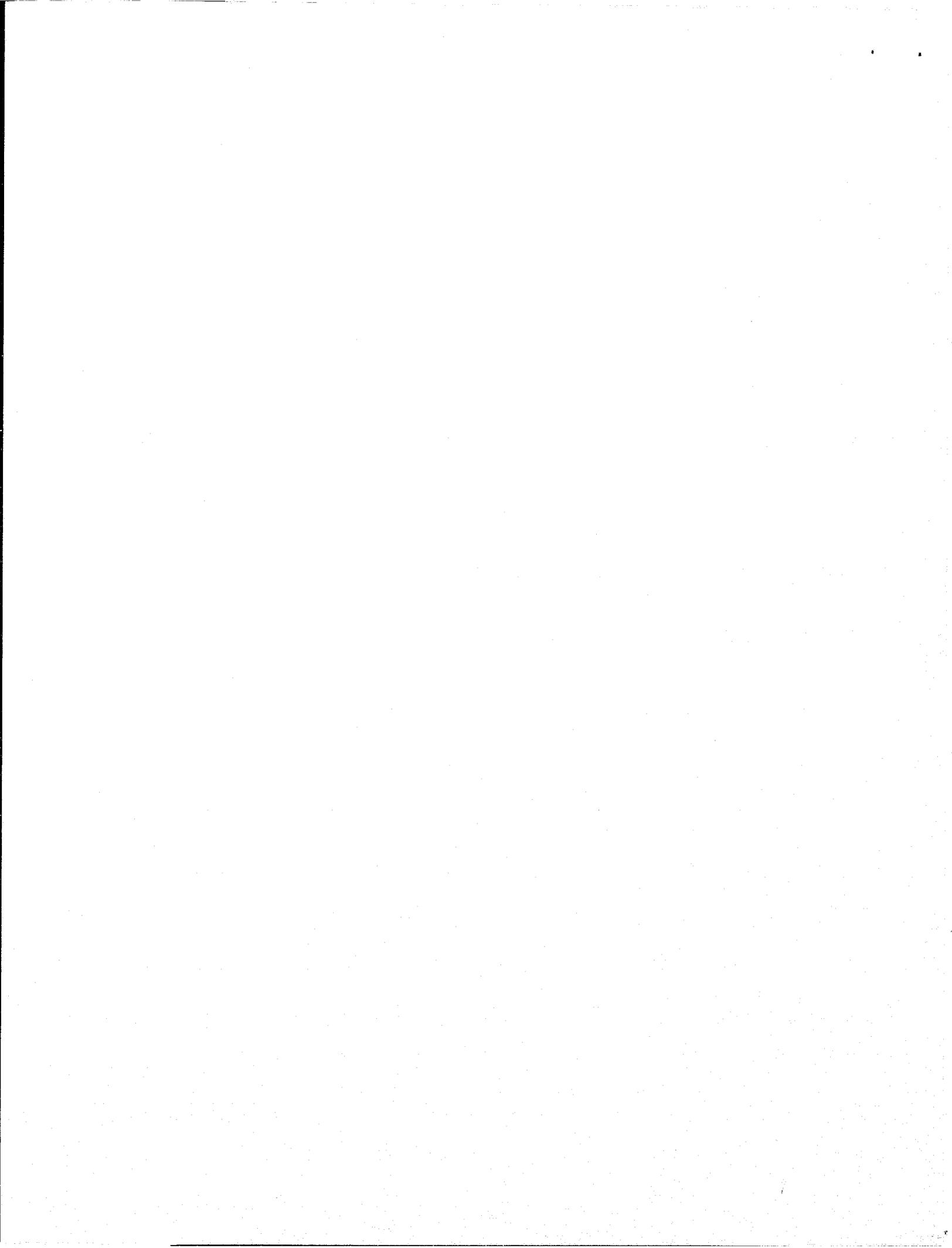
TABLE 5

WARRANTS RECEIVED AND CLEARED BY MONTH
June 1972 - December 1977

	1972			1973			1974			1975		
	Rec'd	Cleared	Percent Cleared	Rec'd	Cleared	Percent Cleared	Rec'd	Cleared	Percent Cleared	Rec'd	Cleared	Percent Cleared
Jan.	*	-	-	871	938	107.7	729	829	113.7	669	749	111.9
Feb.	*	-	-	764	892	116.7	652	703	107.8	613	775	126.4
March	*	-	-	887	912	102.8	666	752	112.9	836	1079	129.0
April	*	-	-	971	1005	103.5	946	1009	106.7	550	958	174.2
May	*	-	-	1012	895	88.4	818	873	106.7	639	679	106.3
June	1198	1181	98.6	823	736	89.4	786	1002	127.5	886	986	111.3
July	941	984	104.6	889	773	86.9	905	1570	173.5	616	823	133.6
Aug.	1114	1172	105.2	978	835	85.4	692	1273	183.9	654	609	93.1
Sept.	1077	987	91.6	**897	**684	**76.2	897	1340	149.4	843	1119	132.7
Oct.	1121	1118	99.7	1011	883	82.4	695	885	127.3	790	794	100.5
Nov.	925	916	99.0	740	637	86.1	620	704	113.5	677	652	96.3
Dec.	1070	805	75.2	684	685	100.1	793	784	98.9	813	778	95.7
Monthly Average	1064	1023	96.2	877	823	93.8	767	977	127.4	717.7	833.3	116.5
TOTAL	7,446	7,163	96.2	10,527	9,875	93.8	9,193	11,724	127.4	8,586	10,001	116.5

*Data unavailable.

**Beginning in September 1973 warrant service in Philadelphia was completely staffed and administered by Pretrial Services. Prior to this time, warrants were served by the Police Department, the District Attorney's Office, and the Pretrial Services Division.

TABLE 5 (con't.)

WARRANTS RECEIVED AND CLEARED BY MONTH
June 1972 - December 1977

	1976			1977		
	Rec'd	Cleared	Percent Cleared	Rec'd	Cleared	Percent Cleared
Jan.	689	730	106.0	740	793	107.2
Feb.	732	801	109.4	640	691	· 108.0
March	814	912	112.0	828	851	102.8
April	715	704	98.5	738	703	95.3
May	763	763	100.0	988	825	83.5
June	999	887	88.8	855	764	89.3
July	813	674	82.9	908	772	85.0
Aug.	955	826	86.5	926	836	90.3
Sept.	811	740	91.2	970	710	73.2
Oct.	859	681	79.3	1121	807	72.0
Nov.	892	923	103.5	1175	1000	85.1
Dec.	670	785	117.2	839	631	75.2
Monthly Average	809.3	785.5	97.1	894.0	781.9	87.5
TOTAL	9,712	9.426	97.1	10,728	9,383	87.5

TABLE 6

NUMBER OF FUGITIVES SURRENDERING VOLUNTARILY BY MONTH
May 1972 - December 1976

| | 1972 | | 1973 | | 1974 | | 1975 | | 1976 | |
	Number	Moving Average	Number	Moving Average	Number	Moving Average	Number	Moving Average	Number	Moving Average
Jan.	*	–	*	–	*	–	274	271.7	306	317.7
Feb.	*	–	*	–	*	–	243	257.3	306	334.0
March	*	–	*	–	*	–	355	299.3	390	333.0
April	*	–	*	–	324	264.7	250	275.3	303	321.7
May	243	235.2	217	259.3	272	302.0	221	301.7	272	324.0
June	200	225.7	264	232.7	310	307.0	434	312.3	397	322.7
July	260	230.7	217	252.3	339	301.3	282	318.7	299	350.0
August	217	205.7	276	242.7	255	302.3	240	305.7	354	327.0
Sept.	215	216.7	235	257.7	313	273.0	395	313.0	328	334.0
Oct.	185	224.7	262	240.3	251	259.0	304	337.7	320	340.0
Nov.	250	242.7	224	228.0	213	254.0	314	319.7	372	314.3
Dec.	239	242.3	198	248.7	298	261.7	341	320.3	251	
AVERAGE	201		237		286		304		325	

*Data unavailable.

TABLE 7

WARRANTS DISPOSED WITHOUT DETENTION
January 1975 - December 1976

	1975		1976	
	Administrative Withdrawal (City Hall)	Total Cleared	Administrative Withdrawal (City Hall)	Total Cleared
Jan.	59.1% (443)	100.0% (749)	63.6% (464)	100.0% (730)
Feb.	60.1% (457)	100.0% (775)	69.7% (558)	100.0% (801)
March	64.3% (694)	100.0% (1079)	58.7% (535)	100.0% (912)
April	72.5% (695)	100.0% (958)	66.5% (468)	100.0% (704)
May	65.2% (443)	100.0% (679)	56.0% (427)	100.0% (763)
June	64.9% (640)	100.0% (986)	59.2% (525)	100.0% (887)
July	64.3% (529)	100.0% (823)	57.0% (384)	100.0% (674)
August	60.4% (368)	100.0% (609)	56.2% (464)	100.0% (826)
September	67.2% (752)	100.0% (1119)	57.6% (426)	100.0% (740)
October	58.4% (464)	100.0% (794)	58.8% (395)	100.0% (681)
November	65.0% (424)	100.0% (652)	61.2% (559)	100.0% (923)
December	63.5% (494)	100.0% (778)	61.4% (482)	100.0% (785)
TOTAL	64.0% (6403)	100.0% (10,001)	60.3% (5,687)	100.0% (9426)

TABLE 8

WARRANTS DISPOSED BY INVESTIGATIVE MAN HOURS
September 1973 – December 1976

	Supvervisory Staff (2)	Hours Chief Field Investigators (4)	Field Investi-gators	Total Investigative Hours[1]	Investigative Warrants-Hours Warrants Disposed	Warrants Disposed Per Hour
1973						
Sept.	335.25	608.25	3364.50	3516.6	684	0.194
Oct.	289.50	637.50	3390.00	3549.4	833	0.235
Nov.	311.25	617.25	3588.37	3742.7	637	0.170
Dec.	302.25	589.50	3318.00	3465.4	685	0.198
Average	309.56	613.13	3415.22	3568.5	709.8	0.199
1974						
Jan.	330.00	637.50	3735.00	3894.4	829	0.213
Feb.	285.00	525.00	3142.50	3273.8	703	0.215
March	315.00	555.00	3690.00	3828.8	752	0.196
April	292.50	615.00	3660.00	3813.8	1009	0.265
May	322.50	682.50	4192.50	4363.1	873	0.200
June	285.00	652.50	3630.00	3793.1	1002	0.254
July	345.00	690.00	3630.00	3802.5	1570	0.413
Aug.	337.50	750.00	3937.50	4125.0	1273	0.309
Sept.	300.00	645.00	3787.50	3948.8	1340	0.339
Oct.	277.50	615.00	3495.00	3648.8	885	0.243
Nov.	285.00	360.00	2940.00	3030.0	704	0.232
Dec.	232.50	322.50	2542.50	2623.2	784	0.299
Average	300.63	587.50	3531.88	3678.7	977.0	0.266
1975						
Jan.	423.00	564.00	3176.00	3317.00	749	0.226
Feb.	339.00	452.00	2376.00	2489.00	775	0.311
March	381.00	375.00	2670.00	2763.75	1079	0.390
April	423.00	564.00	2970.00	3111.00	958	0.308
May	402.00	536.00	3757.00	3891.00	679	0.175
June	402.00	670.00	3622.00	3789.50	986	0.260
July	423.00	705.00	3658.00	4834.25	823	0.170
Aug.	402.00	670.00	4697.00	4864.50	609	0.125
Sept.	670.00	938.00	4025.00	4259.50	1119	0.263
Oct.	670.00	938.00	4158.00	4392.50	794	0.181
Nov.	530.00	637.00	3185.00	3344.25	652	0.195
Dec.	702.00	847.00	4235.00	4446.75	778	0.175
Average	480.58	658.00	3627.42	3791.91	833.42	0.220

[1] Excludes all supervisory staff time and three-fourths of Chief Field Investigator's time (Chief Field Investigators spent approximately one-quarter of their time in acutal investigation).

TABLE 8 (con't.)

WARRANTS DISPOSED BY INVESTIGATIVE MAN HOURS
September 1973 - December 1976

	Supervisory Staff (4)	Hours Chief Field Investigators (7)	Field Investigators (36)	Total Investigative Hours[2]	Investigative Warrants-Hours	
					Warrants Disposed	Warrants Disposed Per Hour
1976						
Jan.	448	868	4,550	3,629	730	.201
Feb.	448	861	4,046	3,249	801	.247
March	644	1085	5,313	4,255	912	.214
April	553	959	4,718	3,777	704	.186
May	532	980	4,340	3,500	763	.218
June	581	1022	4,648	3,741	887	.237
July	476	707	3,976	3.159	674	.213
Aug.	448	756	4,305	3,417	826	.242
Sept.	574	805	4,186	3,340	740	.222
Oct.	539	777	4,333	3,443	681	.198
Nov.	560	756	4,088	3,255	929	.285
Dec.	525	654	4,613	3,622	785	.217
Average	527.33	852.5	4,426.33	3,532.25	785.5	.222

[2] Consists of one-quarter of Chief Field Investigators' hours and three-quarters of Field Investigators' hours.

TABLE 9

INVESTIGATIVE COST PER RETIRED WARRANT
June 1972 – December 1976

	Police and District Attorney Warrant Unit			Pretrial Services Division Warrant Unit			
	1972	1973		1973	1974	1975	1976
January	*	$29.06		–	$22.37	$22.85	$29.83
Feburary	*	17.19		–	22.18	16.58	24.36
March	*	48.15		–	24.23	13.21	28.01
April	*	43.69		–	18.00	16.76	32.21
May	*	49.06		–	23.80	30.56	27.56
June	$60.62	60.67		–	18.04	19.84	25.33
July	72.76	60.30		–	12.05	33.95	28.10
August	61.09	54.94		–	16.12	46.15	24.81
September	73.29	(Average) $45.38		$30.74	14.65	22.06	27.09
October	64.70			25.24	20.50	32.05	28.72
November	47.94			33.01	21.36	29.70	21.01
December	58.63			30.69	16.61	33.09	27.63
(Average)	$62.00		(Average)	$29.92	$18.31	$26.40	$27.06

TABLE 10

OUTSTANDING FUGITIVE WARRANTS, LISTED BY PHILADELPHIA COURT COMPUTER SYSTEM
(January 30, 1977)

	1971	1972	1973	1974	1975	1976
January	19	6	28	35	52	78
February	13	8	13	23	48	79
March	17	9	13	29	67	79
April	20	8	19	37	60	79
May	7	21	20	33	79	85
June	14	13	19	34	56	91
July	19	19	19	45	96	105
August	7	11	20	86	72	101
September	10	19	29	62	58	135
October	9	26	18	66	110	158
November	16	21	34	78	86	127
December	10	14	41	82	75	121
TOTAL	161	175	273	610	859	1,238

TABLE 11

PHILADELPHIA DETENTION POPULATION
1971 through 1976*

Date	Category Under Sentence	Detentioners	Total
December 1971	521	2,071	2,592
December 1972	400	2,320	2,720
December 1973	429	1,974	2,403
December 1974	482	1,834	2,323
December 1975	492	1,856	2,350
December 1976	592	1,676	2,268

*All information from Philadelphia Detention Center for a single day during the month indicated.

END