

EVALUATION OF THE CHESTER COUNTY BAIL AGENCY

SE-78-C-002-1115

OCT 31 1979

Prepared for: Pennsylvania Commission on Crime and Delinquency

Prepared by: Robert A. Wilson, Ph.D.

66460

September 30, 1979

## I. EXECUTIVE SUMMARY

Project Objectives, as specified in the original grant application, and in subsequent grant applications, appear adequate. It is recommended, however, that a long-term (five year) plan be developed which entails a much greater role for the Bail Agency in processing defendants at the district justice level--specifically in verifying information, assessing bail risk and providing written recommendations as to the type of bail, the amount of money involved and the conditions which should be imposed at the initial hearing. It is recommended that these steps be carefully formulated with specified objectives to be achieved during the next five years. The progress of the Bail Agency would then be monitored vis-a-vis the objectives.

Nationally, release on recognizance and 10 percent bail have been demonstrated to be a viable alternative to incarceration. These programs, which signified an experimental attitude 10 years ago, are now an institutionalized part of the criminal justice process throughout most of the United States. The Chester County Bail Program was one of the first in the Commonwealth to implement these principles. In the future, the Agency should concentrate on an extension of the conditional release concept and a more careful evaluation of alternatives which are available to incarceration, including a large number of social service and medical programs available in Chester County and in the surrounding areas. In sum, the basic method is sound. Further, gains in effectiveness and efficiency can be obtained through applying the principles which have already been established during the first five years of the project. Possible extensions include more systematic communication efforts with defendants who have been released, development of a more coordinated system of social and medical services for the defendants during the pretrial period, and the evolution of a management information system which keeps track of defendants at all times during the pretrial period. In sum, most of the proposed steps represent organizational changes rather than fundamental operational shifts. Nationally, pretrial service agencies in most larger cities are becoming court administration systems, which function to assure that the defendant is guided efficiently through all phases of the criminal justice system during the pretrial period. Increasingly, this function includes concentrated efforts at communication with high risk defendants, as well as an increased role in prescribing the course of action for various kinds of defendants during the pretrial period. It is recommended that the Chester County Bail Agency consider an overall expansion in its scope of operation, taking on a broader pretrial service function.

### Recommendations.

1. It is recommended that the Chief Judge and Court Administrator, in conjunction with the Bail Agency, review the standards stated in the Pennsylvania

Rules regarding the functions of a bail agency and that these functions be made fully operational at all levels of the court system in Chester County. It is particularly apparent at the district justice level that the functions of the Bail Agency are not only frequently ignored and underutilized, but that sometimes due process is neglected in the administration of bail.

2. A form of more centralized initial arraignment should be considered. The goal should be to interview every defendant charged with a felony, to evaluate his risk of flight, utilizing the factors which are already specified in the Pennsylvania Rules, to prepare a formal recommendation to the judiciary which is conveyed at the initial hearing.

3. It is recommended that district justices in conjunction with the Bail Agency, immediately implement the simplified bail criteria contained in this report. These criteria require a verification of Failure to Appear history, phone access, present employment status and six-month Failure to Appear history. No defendant should be released on nominal bail or released on recognizance unless adequate information regarding these factors is evaluated.

4. Defendants should be released with a clear understanding regarding who is responsible for supervision during the pretrial period. If an agency or individual other than the Bail Agency is used for this purpose, it should be officially stated for the record and responsibility should be designated as to who is to monitor the conditions of release and report to the Court.

5. The Bail Agency should be empowered to convene bail review hearings (for the purpose of either bail reduction, bail increase or the application of special conditions) at more frequent intervals than presently occur. Currently, when bail review is required, a 10-day and a 2-week period is typically the earliest that a review hearing can be called.

6. Finally, because of changes in the mental health laws, a large number of mental patients are now being released from institutions who should clearly be under some other form of supervision. Frequently, these defendants are arrested and incarcerated for minor crimes and could be readily given conditional release, if proper arrangements were made. It is recommended that the Bail Agency, in cooperation with the area mental health authorities, develop and implement a plan in this area.

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**CHESTER COUNTY BAIL AGENCY**  
ROOM 206, F & M BUILDING  
HIGH AND MARKET STREETS • WEST CHESTER, PA. 19380

431-6390

December 3, 1979

DEC 03 1979

Mr. Thomas J. D'Annunzio  
Pa. Commission on Crime & Delinquency  
Evaluation and Monitoring Division  
P.O. Box 1167  
Harrisburg, Pennsylvania 17108

Re: Final Evaluation Report on the Chester County Bail Agency  
by Dr. Robert A. Wilson  
SE-78-C-002-1115

Dear Mr. D'Annunzio:

In response to the Evaluation Report, I do find it factually accurate.

Since the major portion of the input was from the Bail Agency and Agency records, I do agree with the recommendations of the Report.

Recommendations:

(1) The standards are being continually reviewed and attempts are being made to implement changes. The district justices are the lower court (or initial stage) of the court system and not a court of record. These changes sometimes seem somewhat slow, but are being made.

The Bail Agency is in the infancy stage (approximately 5 years) and because of the general nature of the Pa. Rules, local rules are changed with experience and practical application.

(2) The centralized arraignment should become somewhat a reality with new office space now being renovated by the county due for completion early 1980.

(3) The criteria will be implemented by the Bail Agency regarding recommendations to District Justices on setting of bail and conditional release.

Mr. D'Annunzio

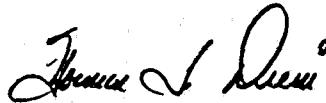
Page #2

(4) Defendants are presently made aware of their responsibility, conditions and supervision during pre-trial and/or post-trial periods. All information related is in Spanish and English and verbally reviewed with each defendant.

(5) Bail review hearings are difficult to get on a scheduled list presently. We are attempting to work out reviews by stipulation with the District Attorney's office to cut the time delay down considerably.

(6) The Pa. Mental Health Act contains some very restrictive language regarding persons with criminal charges. I know of no change forthcoming that would allow pre-trial release agencies to utilize the major mental health programs, institutions, treatment or supervision.

Very truly yours,



Norman I. Diem, Administrator  
Chester County Bail Agency

NID/rb

cc: Robert A. Wilson, Inc.  
Post Office Box 5052  
Wilmington, Delaware 19808

NCJRS

MAR 24 1980

ACQUISITIONS

Commonwealth of Pennsylvania  
Governor's Office

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**PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY**

**P. O. Box 1167, Federal Square Station**

**Harrisburg, Pennsylvania 17108**

**Telephone: (717) 787-2040**

March 18, 1980

National Criminal Justice Reference Service  
Attention: Acquisition Librarian  
Box 6000  
Rockville, Maryland 20850

Gentlemen:

As requested, enclosed please find the Final Report for the following Law Enforcement Assistance Administration funded project from Pennsylvania:

#SE-78-C-002-1115  
Chester County Bail Agency

If you require further assistance in this matter, please contact Mr. Thomas D'Annunzio of our Evaluation and Monitoring Division at (717) 787-1420.

Sincerely,

*Martin V. Walsh*  
for Martin V. Walsh  
Director  
Bureau of Planning

Enclosure

## II. PROJECT ACTIVITIES

### Goals and Objectives.

The duties and powers of a bail agency are set forth in Rule 4008 of the Pennsylvania Rules of Criminal Procedure. These are as follows: The Court of Common Pleas may, by local rule, establish or designate a bail agency, the duties and powers of which shall be as follows:

1. To be a surety or to evaluate for the Court the reliability and solvency of other prospective sureties on bail bonds pursuant to nominal bail or percentage cash bail;
2. To make recommendations to the Court and issuing authorities as to the bail risk of defendants under R.O.R., nominal bail, or percentage cash bail programs;
3. To keep account of the whereabouts of defendants released on bail for whom it is the surety, or defendants who are released under an R.O.R., nominal or percentage cash bail program, and to inform the Court or issuing authority of any violation by such defendants of terms or conditions of their release;
4. To make reasonable rules and regulations to enable it to carry out its functions.

The Chester County Bail Agency has been designated as the official bail agency by the Chester County Court of Common Pleas and, therefore, is designated by law to carry out these functions. Underlying these activities of the Bail Agency, however, are a number of principles which are implicit in the age-old bail concept. Among these are the protection of every defendant's right to fair and equitable bail, while at the same time, ensuring that defendant's presence in court. As this goal is realized, various benefits to the County criminal justice system are expected. Among these are the reduction of the use of money bail, the reduction of the role of the bail bondsman and the

reduction of the County's jail population. Also implicit in the functions of a modern bail agency are efficiency objectives. Specifically, a bail agency seeks to maximize the number of defendants which can be released on their own recognizance or nominal bail with a high probability that these defendants will appear at scheduled hearings. Finally, because bail agencies are a relatively recent addition to the criminal justice system, the integration of the agency within the judicial process is important. The assessment of the niche which the Chester County Bail Agency has established in its five years of operation, along with its contribution and its linkages with the rest of the criminal justice system is an important aspect of this evaluation.

Presently, most defendants who are charged with a felony enter the court system at the district justice level. A large percentage of these defendants are released on either money bail or nominal bail by the district justice without the involvement of the Chester County Bail Agency. The district justices are charged (Rule 4004, Pennsylvania Rules of Criminal Procedure) in setting bail to consider the nature of the offense, the defendant's employment status and financial condition, the nature of his family relationships, his past and present residences, his age, character, reputation, mental condition, record of relevant convictions and whether addicted to alcohol or drugs, if he has been previously released on bail, whether he appeared as required, and any other facts relevant to whether he has strong ties with the community or is likely to flee the jurisdiction. A typical district justice does not, of course, have the time or resources to investigate and evaluate whether the defendant meets all of these standards. Indeed, it is the purpose of a bail agency to relieve the judiciary of performing many of these tasks. In view of the fact that many of the district justices do not request aid from the Bail Agency in



reviewing these factors, it is highly questionable whether they, with their limited resources, are capable of following the Rules of Criminal Procedure with respect to bail. The Bail Agency is consulted an average of twenty times a day by various district justices requesting this information and recommendations as to the appropriate bail amount, type of bail and conditions which might pertain prior to release. The district justices release over a thousand defendants per year on their own recognizance or on nominal bail, the latter category requiring the bail agency to function as a surety. In essence, in a large number of cases, although the Bail Agency has not played an active role in evaluating bail risk, it is required to supervise a defendant who has been released on money bail or on his own recognizance without an adequate analysis of these factors.

Approximately 500 felony defendants are committed annually to the Chester County farms by district justices in lieu of bail. The Bail Agency interviews these defendants daily at the jail, carrying out interviews to assess eligibility for bail. If the Bail Agency requests a bail reduction hearing, this requires approximately 10 days. In other cases, the defendant is able to make money bail after he is incarcerated or to post property bond.

The Bail Agency is also active in evaluating the conditions under which some defendants might be released on bail. For example, a defendant with a drug problem may be released on nominal bail with the provision that he attend a treatment program. Some defendants are also released if they agree to undergo mental health treatment. In these instances, the Bail Agency is responsible for working out arrangements with treatment agencies or other third parties to assure that the defendant actively participates in the rehabilitation program during the pretrial period.

In sum the Chester County Bail Agency is charged with evaluating the suitability of defendants for the various types of bail, making recommendations to the judiciary regarding appropriate bail or conditions of release, and for supervising and locating defendants during the time of pretrial release. In some instances, this involves arresting defendants who have failed to appear at hearings or apprehending them in other communities to which they have fled. The staff of the Chester County Bail Agency are deputy sheriffs of Chester County (and carry arms). Thus, besides the important part of the judicial process which the agency plays in setting bail, staff is also authorized to carry out an executive function, the combination of which resembles in many respects the functions of the traditional bail bondsman. The main difference between the functions performed by the Chester County Bail Agency and a bail bondsman is that the latter operates for a profit and does not necessarily work in the best interests of the defendant, e. g., in securing early release with minimum bail or conditions which will help the defendant rehabilitate himself. The Bail Agency, as an arm of the court, has the responsibility to insure that justice is done and that the conditions of bail are in the best interests of both the defendant and the community.

### III. EVALUATION ACTIVITIES

The evaluation plan specifies that a set of criteria for release on recognition shall be developed and recommended. This technique is based upon a statistical profile (regression analysis) based on a sample of 446 defendants drawn from the Bail Agency files. As a result of this analysis, bail release criteria are presented. The criteria provide an assessment of the probability of risk of flight for the individual defendant, based on his personal characteristics. The criteria are presented in the form of a point system which is employed to gauge risk of failure to appear in court. The point system is not designed to replace the extensive evaluation of the individual characteristics of defendants, but rather is designed as a decision-making aid.

Between January 1, 1979 and September 30, 1979, the following evaluation tasks were completed:

- A) Examined computer output summarizing monthly bail activity and made recommendations for changes in tabulation. Several different tabulations were incorporated into the recommended procedure which will make it more useful as a management information system.
- B) Collected data on a sample of 446 defendants for the purpose of evaluating risk of flight and assessing bail criteria;
- C) Carried out interviews with district attorney, district justices, court administrator and other County administrative personnel;

- D) Carried out extensive observations of Bail Agency staff, interviewed staff, evaluated filing system and monthly reports;
- E) Performed input-output analysis of County prison population for a six-month period, evaluating length of time required to make bail for various charges, considering demographic characteristics of defendant and whether defendant was committed to the prison during weekdays, nights, weekends or holidays;
- F) Prepared final evaluation report (September 30, 1979).

Data Employed in Evaluation.

The most important data source consisted of case records maintained by the Chester County Bail Agency. Most records appear complete; however, verified information on some defendant characteristics such as phone number and length of residence sometimes appears limited.

The monthly report issued as a by-product of the County's computer system does not provide a comprehensive profile of relevant information on bail activity. For example, there is little indication of the activities of the Bail Agency with regard to the case. Although there is a listing of the type of bail and the bail amount, there is no indication of failure to appear or fugitive status in the summary report. This is unfortunate in view of the fact that the FTA rate is one of the most important efficiency matters that should be used by a bail agency. Ideally, a court computer system should operate as a management information system which provides various cues which trigger activities by the court system such as the rescheduling of hearings, the sending

of letters or changes in fugitive or FTA status which are important in the everyday operations of the Bail Agency. Because of the limited computer capability of the County, the use of the computer as a management information system is limited to the most routine summaries of cases.

#### Scope and Limitation of Evaluation.

This evaluation consists of three fundamental components: (1) a monitoring and analysis of statistical reports supplied by the Bail Agency; (2) interviews with Bail Agency staff and other criminal justice personnel (judges, administrators, etc.); (3) selected special evaluation tasks: A) development of bail risk criteria and accompanying computer analysis; B) analysis of the length of time spent on pretrial detention and its relationship to bail practices.

This evaluation, as currently funded, has the capacity to perform most of the above functions reasonably well. Compliance with State regulations can be readily monitored because the project is staffed adequately.

#### Feedback to Project.

The most concrete results of the evaluation are found in the recommendations regarding some of the changes in the administration of bail in the County. For example, it is recommended that arraignment be more centralized and that Bail Agency personnel interview every defendant prior to the initial hearing. Another concrete product of the evaluation is the recommended standards for release and procedure for release which will be presented later in this report. A third product of this evaluation which is most useful to Chester County is the verification of the efficiency and the effectiveness of the Bail Agency in performing its designed tasks. This should be most useful as the Bail Agency

becomes established as an important component in the criminal justice system.

The above comprise some of the more concrete by-products of this evaluation. Another role of the evaluator is to question and to raise issues, and to bring into the open many of the underlying conflicts which exist in the program. The evaluator serves as an outside person--someone who is not an official functionary in the criminal justice system--with whom many of the issues can be discussed and hopefully resolved. Through regular sessions with the administrator of the Chester County Bail Agency, the evaluator believes that he has been helpful in discussing and resolving some of the important operational issues.

#### IV. PROJECT REPORT AND ANALYSIS

During 1979, the Chester County Bail Agency supervised an average of 300 defendants a month who were released on bail. About half of these defendants received R.O.R. or nominal bail while the remaining 60 percent received cash bail. The current statistical reports, however, reflect the fact that many of these persons were interviewed after they were committed to the county jail by district justices and that bail was typically achieved only after seven to ten days following the initial commitment.

Based on data presented by the Chester County Bail Agency and from the analysis of Bail Agency records, it appears that the Failure to Appear rate (the percentage of scheduled court appearances missed) is approximately 2 to 3 percent. Although the Failure to Appear rate is commonly used as an efficiency measure for bail agencies, its appropriateness in this case is questionable due to the fact that many of the missed appearances are the result of bail conditions which have been set by district justices without the involvement of the Bail Agency. The fact that the majority of defendants committed to the county jail eventually do secure bail suggests that the Agency is effective in accomplishing this goal. It would be much more effective, however, if Bail Agency staff could interview all felony defendants prior to initial arraignment, verify information, apply bail-setting criteria and make a recommendation to the judge at the initial hearing. This procedure is applied in both Delaware County and in Philadelphia County with great success and results in a great reduction in the pretrial detention population and cost saving in transportation to

and from the county prison.

Project efficiency in the future should be monitored in the following way:

1. As the program progresses, an increase in proportion of all defendants should be released on either 10 percent cash bail or R.O.R. at the initial hearing.
2. As the program becomes more firmly established, the Court should increasingly follow recommendations made by the bail program. These recommendations should be provided in writing prior to the hearing by Bail Agency staff.
3. As the program progresses, the overall Failure to Appear rate should remain low and the release rate at the initial hearing should increase substantially.
4. The average daily population at the Chester County Prison Farms should be reduced by approximately 5 persons daily as a result of additional releases at the district justice level.
5. The efficiency of the program should be monitored through an efficiency ratio, which is the product of the proportion of defendants interviewed who are released by bail multiplied times the appearance rate (the inverse of the FTA rate). This measure will show flow through the system. In other words, efficiency in a pretrial services program should combine the goals of recommending and releasing as many defendants who appear to be good bail risks and having them appear at the scheduled hearing (an increasing appearance rate).

When indicators of the above are available through monthly statistical reports generated by the court computer system, the efficiency of the bail program can be readily monitored. It is vital that this type of monthly reporting system be incorporated and that it incorporate activity indicators from the district justice courts, courts of common pleas, the bail agency and the prison system.

#### Detention Population.

Chester County farms has a capacity of about 200 prisoners. Currently, an expansion is being considered which is probably reasonable, given the increase in the Chester County population during the last decade and the projected



increase during the next ten years. Female prisoners are housed at the Broadmeadows Prison in Delaware County which has a capacity for 85 prisoners. The average pretrial detention population is approximately 150 persons, which comprises about three-quarters of the total prisons population. This is not an unusual percentage in a county jail, given the fact that most of the defendants are either sentenced for short terms or awaiting trial. This is confirmed in Table 13 which shows the percentage of persons incarcerated in the prison who made bail. Overall, about 33 percent of the persons incarcerated are ultimately released on bail. The remainder are either sentenced, charges are dropped, new charges are placed or the time served prior to trial accomplishes the necessary sentence. For those who ultimately do make bail, an average of six days is spent in the county jail prior to that time. (This does not, of course, take into consideration those who make bail prior to incarceration at the initial hearing conducted at the district justice court). There is no substantial difference between black and white prisoners in the percentage who make bail or the average days spent prior to making bail in the Chester County prison farms (Table 13). Generally, persons who commit property crimes spend approximately seven days prior to bail while those who commit crimes against persons spend approximately four days. A possible reason for this pattern is that persons who commit property crimes frequently have more difficulty in raising the necessary funds for bail than those who commit more violent crimes. A much smaller percentage of persons secure bail when they are committed by the Court of Common Pleas (Table 14). Table 15 shows a differentiation in the amount of time spent in jail, depending on whether the defendant is incarcerated during weekends or weekdays. The average person who is incarcerated during the weekend spends a fewer number of days in jail than those who are incarcerated

during weekends. Ironically, this is the very opposite of the pattern which was expected, wherein the delays which are inherent in being incarcerated on the weekend might be expected to produce a longer mean time of incarceration. This suggests that the delays encountered by persons incarcerated during a weekend are routine and can be quickly adjusted. No substantial differences are apparent in the percentage of persons who make bail for property crimes vs. crimes against people (Table 16). There is a substantially shorter time required to make bail than the time required for sentencing or other action for those incarcerated in the county jail. There is an average time prior to disposition (for either bail, sentencing or other action) of 19.4 days for whites as compared to 16.2 days for nonwhites.

Generally, the analysis of the prison population data suggests that once a person is incarcerated, bail is usually secured within a week (for those who eventually make bail). An equal percentage of persons, however, remain incarcerated until sentencing. (A third group has charges dropped or different charges filed against them). Chester County has an average of 2000 criminal filings per year in its court system. Data extracted from the prison population intake and discharge reports suggests that about half of those charged are incarcerated for an average period of six days. In sum, these data strongly suggest that many of the short term incarcerations could be completely eliminated if the Bail Agency is able to evaluate the bail risk of the defendants and make a recommendation at the initial district justice hearing.

#### Analysis of Failure to Appear Predictors.

A sample of 446 records from the Bail Agency files was analyzed. The purpose of this procedure was to determine the characteristics of defendants

which were most highly associated with Failure to Appear, and which could subsequently be incorporated into bail risk criteria. The proportion of Failures to Appear (FTAs) within the total agency file is approximately 3 percent. In this sample, Failures to Appear are deliberately oversampled (17 percent) in order that the profile of those failing to appear could be compared with the profile of those who appear at hearings. The characteristic which is most strongly related to appearance at scheduled hearings is the availability of a telephone for the defendant (Table 1). Among those who had a phone available, the Failure to Appear rate was one-third that of those who indicated at the initial interview that they had no phone available. This again verifies the concern for permanency of residence and accessibility which is reflected in the availability of a telephone.

No significant differences were found in the Failure to Appear rate of males as compared with females (Table 2).

Failure to Appear classified by the age of the defendant is shown in Table 3. The highest rate of Failure to Appear is found in defendants age 30 through 39, while the lowest is found for those age 40 through 49. No verifiable pattern appears from this analysis of Failure to Appear by age. Thus, it is recommended that age not be considered as a factor in assessing Chester County bail risk.

Failure to Appear by the employment status of the defendant is shown in Table 4. For defendants who are employed under three months or unemployed at the time of arrest, the Failure to Appear rate is significantly higher than for those who are employed for longer periods of time. This suggests the employment characteristic of a defendant is important in assessing bail risk. The Failure to Appear rate is shown in comparison to the length of time that the

defendant has lived at his current address (Table 5). No definitive pattern emerges from these data. In fact, counter to the traditional theory, persons who lived at their current address for under three months had a slightly lower Failure to Appear rate than those who had resided at their current address for longer periods. Ironically, this may suggest that the Bail Agency or the judge assigning bail may be placing those who had resided at their current address for under three months under much closer scrutiny and therefore assessing other bail risk factors besides the residence length when making the bail decision.

The relationship between Failure to Appear and known previous alcohol abuse is shown in Table 6. Although there is a slightly higher percentage of Failures to Appear among known alcohol abusers than among their nonalcohol using counterparts, the difference is not statistically significant. A similar pattern emerges in comparing the Failure to Appear rate among those who are known to be illegal drug users with those who have no such record (Table 7). There is no significant difference between the two groups. Table 8 shows the Failure to Appear rate in relation to the number of prior arrests of the defendant. For those who have no prior arrest, the Failure to Appear rate is about half that for those who have one or more prior arrest. This is also a statistically significant difference.

Table 10 shows the Failure to Appear rate for those who were rearrested on the same charge while on bail, and, as expected, shows a Failure to Appear rate of about three times that of those who were not rearrested while on bail. Table 11 shows the same comparison for those who were arrested on different charges while on bail (different from the current charge) and shows a Failure to Appear rate of 24 percent as compared to 15 percent among those who were not rearrested.

In an effort to combine the most statistically powerful predictors of Failure to Appear, a stepwise multiple regression was employed, wherein the four most powerful predictors were used simultaneously. Results of the multiple regression are shown in Table 12. The four most powerful predictors are whether the defendant has a phone, the number of previous Failures to Appear, whether or not the defendant had a Failure to Appear within the past six months and the length of time the defendant is employed on his current job. Together, these variables produce a multiple correlation of .39, suggesting that they explain about 16 percent of the variance in the Failure to Appear rate. The various parameters of the multiple regression are shown in Table 12. The multiple regression procedure produces a score for each defendant which ranges between 0 and 100. The higher the score the more likely the Failure to Appear probability. Table 18 shows the percentage of Failures to Appear at various intervals on the scale. For example, defendants having a score between 0 and 9 have a 4.7 percent Failure to Appear rate, whereas those between 30 and 34 on the scale have a Failure to Appear rate of 30.2 percent. One hundred twenty-eight persons out of the sample of 446 have scores under 10. Seven out of ten of the defendants have scores under 19, and the average FTA rate for this group is 12.5 percent, which is significantly lower than the 17 percent average for the total sample. This pattern implies that the vast majority of defendants might be classified as very low risk. The high risk group, having a FTA probability of 30 percent or above, involves a very small proportion of this sample (even in view of the fact that FTAs are deliberately oversampled in this instance).

The suggested FTA risk calculation procedure is shown in Figure 1. This procedure makes use of readily accessible factors in assigning the risk and is

based on the variables analyzed previously and in the risk categories presented in Table 18. This calculation can be done very quickly and the information needed can be verified very easily, even by district justice's staff when the Bail Agency is not available. In order to use this calculation procedure, 21 points are awarded if the defendant has phone access and none if he does not. If the defendant is unemployed or if his employment status is unknown, he receives no points. If he is employed, the appropriate values are subtracted from his overall score which in essence rewards him for longer term employment. If the defendant has no prior Failure to Appear, he receives no points, If he has one, 24 points are added; if he has two 48 points are added; if he has three, 72 points and if he has four, 96 points are added. If the defendant has had no FTAs within the past six months, he again receives no positive or negative points; however, if he has one or more FTAs within the past six months, he receives 42 points. All defendants receive a constant 34 points. Positive and negative factors are added at the bottom of the sheet. If the defendant receives a score of under 20, he is a below average bail risk. If the score is between 20 and 49, the defendant is an above average risk. If the score totals over 50, the defendant is a very high risk. It should be remembered that this calculation procedure is based upon an actuarial method similar to that used by insurance companies and that it is not perfect in all cases. It is merely intended to be used as a guide in assessing Failure to Appear risk.

#### District Justice Survey.

The ten district justices were surveyed regarding the performance of the Bail Agency, their relationship to the Agency, and for general suggestions regarding the administration of bail. The responses are shown in Table 19. Although ten questionnaires were returned, only nine were complete. During the

average month, the typical district justice called the Bail Agency between 10 and 14 times. The responses indicated a range between 5 and over 100 calls per month to the Bail Agency. Generally, considering the mandate of the Bail Agency and the information which is prescribed by the Pennsylvania Rules to be used in the setting of bail, the district justices' responses raise a serious question as to whether they are adhering to the Rules regarding the factors which must be taken into consideration for bail setting. The low level of contact with the Bail Agency in terms of the Agency's contacting the district justice is also shown in Table 19, item 2. Generally, with the exceptions of two or three district justices, the amount of contact between the Bail Agency and the district justices appears to be minimal.

Eight of the district justices responded to the question regarding the type of situation in which the Bail Agency is most useful to them. Over half of the respondents indicated that the Bail Agency is useful for checking the background of defendants, such as prior arrest and personal information. None of the district justices indicated that recommendations of the Bail Agency were an important aspect of the bail process. The transportation of prisoners to secure bail was also mentioned, as was the arrangement of bail at night or on weekends. While the level of activity reflected in the previous questions is low, the functions which the Bail Agency is performing for the district justices do correspond closely to those specified in the Pennsylvania Rules regarding bail agencies.

The district justices were also asked in what ways the Bail Agency might be more useful to them. Useful information on this question (4) was minimal. The only suggestion (from one justice) was to be at the hearing on Wednesday morning. Several district justices indicated they were satisfied with Bail

Agency performance. Another question (5) contains a series of characteristics of the defendant which are specified by the Pennsylvania Rules, to be taken into consideration in the bail decision. The Pennsylvania Rules clearly indicate that it is a bail agency's function to assess these factors and to make recommendations as to the amount and type of bail. These are considered below: Five of the nine district justices called the bail agency "occasionally" regarding the defendant's employment status or history, the defendant's family or community ties and the defendant's residence or length of residence. Six of the nine queried the Bail Agency as to the defendant's conviction history, and seven of the nine indicated that they frequently called upon the Bail Agency to obtain the defendant's Failure to Appear history. Only three of the nine indicated that they used the Agency to determine mental illness history of the defendant. Five of the nine district justices indicated that they called frequently upon the Agency for information on drug abuse or alcohol history. Six of the nine justices indicated that they queried the Agency as to the defendant's general risk of flight and four of the nine used the Agency to analyze the defendant's financial capability. In total, these responses indicate an inconsistent pattern of adherence to the operational parameters of the Bail Agency, as specified in the Rules.

Another function of the Bail Agency is to supervise defendants during the release period and to provide information on their whereabouts or of other violations of conditions of release. The district justices were asked how often during the average month they made requests to the Bail Agency for this type of information. Responses ranged from none to three to five times a month. Another question (7) raised the issue of interviewing defendants prior to initial arraignment and how this might affect the number of persons who would



be released on bail immediately. Only one respondent indicated that the greater availability of Bail Agency staff would have a significant impact on his release rate. This implies that the district justices do not see themselves as acting more cautiously in the absence of recommendations and information from the Bail Agency. Ironically, even in the absence of extensive contact with the Agency, they are unable to visualize any change in the release procedures which would be affected by having interviewers present prior to the initial arraignment. This may be due to the fact that they seem to view the Agency primarily as providing verified information regarding the defendant's status-- not as making a specific recommendation as to the type and amount of bail or bail conditions to them in a manner that would affect the eventual bail decision at the district justice level. This perception is probably wrong, in view of the fact that a fairly high percentage of defendants are incarcerated and must wait five or six days before they become eligible for bail, either through a bail reduction hearing or through other efforts of the Bail Agency or other persons on their behalf to secure bail. Another question (8) asks for any suggestions on improvements in the administration of bail which could be implemented by agencies other than themselves or the Bail Agency. No responses or suggestions were received on this question.

Another question (9) requested suggestions for changes in the Pennsylvania Rules of Criminal Procedure regarding bail or changes in pretrial release practices in general. One respondent suggested the elimination of nominal bail and the substitution of R.O.R. in its place (nominal bail is \$1). The second suggestion was that district justices should be given the authority to raise or lower bail, depending on the reports of the Bail Agency and, the petitions of the defense or prosecution at a bail hearing. (Currently, bail hearings are

reserved for the Court of Common Pleas in Chester County). A final question (10) requested general suggestions, observations and comments regarding the Bail Agency and the administration of bail in Chester County and in the Commonwealth. One district justice suggested that nominal bail should be increased \$5 or \$10 to cover the cost of paperwork and administration. This idea was echoed by another respondent, who suggested that nominal bail be raised to \$5 and that the bail be retained by the County to cover costs. Several of the district justices indicated that they felt the Bail Agency was doing a good job and they were willing to cooperate in the future in working with the Agency.

In sum, the responses from the district justices reflect an uneven pattern of working with the Bail Agency in the assessment of bail risk, in the supervision of defendants while on bail, and the absence of a thoughtful analysis of problems associated with bail in either Chester County or in the Commonwealth. Although two or three of the district justices appear to be working closely and effectively with the Bail Agency, about half of them (5) appear to have minimal contact. From these data, it must be concluded that about half of the district justices are not following either the spirit or the letter of the Pennsylvania Rules regarding the administration of bail and that they are not systematically taking into consideration those characteristics of the defendants which are required by the Rules to be considered. Secondly, they are not working with the Agency in the manner specified in the Pennsylvania Rules, wherein the agency itself performs much of the assessment of bail risk and presents a recommendation prior to the assignment of bail.

#### Administrative Structure of the Project.

The Chester County Bail Agency is administered by the Court of Common

Pleas of Chester County. The director of the agency reports to the President Judge. This administrative structure appears to be adequate and no changes are recommended.

Now that LEAA funding is terminated, the County appears to be willing to assume the cost of operating the Bail Agency. Generally, the Agency appears to be well-established within the overall criminal justice organization in the County, although there appears to be some tendency among some minor judiciary to make minimal use of the Agency. Also, the role of the Agency with respect to recommending types of bail appears to be limited mainly to the requests of the judiciary for information on certain cases in which they are hesitant to make a decision. The uniform application of bail procedures involving the Agency for all criminal cases appears marginal. Moreover, during the last year there appears to have been some tinkering with the criteria for administering 10 percent cash bail, based on a single case wherein there was a great deal of pressure from the community to keep the defendant incarcerated.

Currently, the staff of the Agency includes the administrator and three investigators, all of whom are available to perform interviews with defendants or to apprehend defendants who have failed to appear. In addition, there is a clerk-typist and a clerk-stenographer. This staffing pattern appears adequate, given the present scope of operations of the Agency although if all defendants charged with criminal violations are interviewed, another investigator may be required.

The Agency personnel classification and recruitment falls within the County's personnel system. The qualifications for the various positions are well-stated and appear to need no modifications.

The pay scale for the Bail Agency should be periodically evaluated and

compared with other agencies in the surrounding areas e. g., Delaware County and Philadelphia. It appears that given the responsibility of the Bail Agency professionals, these positions are now classified at a lower level than appropriate.

#### Operation and Management of the Project.

In general, administrators and other personnel appear to be operating the project efficiently. Generally, the Chester County Bail Agency provides a good model for counties of similar court case loads and population size.

The personnel of the Agency also are active in communicating with other agencies in the pretrial service field. Its membership in the National Organization of Pretrial Administrators is helpful in increasing the level of professionalism.

#### The Evaluation Process.

It is recommended that this evaluation be periodically updated, with primary emphasis being placed upon the development of adequate operational statistics and ongoing development of the bail criteria recommended in this report. Information used to assess bail risk should be collected on an annual basis; methods used to make recommendations should be reexamined and reassessed annually.

#### Planning of the Project.

Future planning should emphasize the closer integration of the project within the district justice system within the County. This could most effectively be accomplished by having one or two points of central arraignment where every defendant could be interviewed by the Bail Agency. Following interviews,

information would be verified and recommendations as to the specific type of bail indicated would be prepared in writing for the judiciary. This would act to secure equity in the administration of bail, as well as to reduce the County prison population somewhat and save on transportation costs.

It is recommended that a local rule be established by the Court of Common Pleas which requires all judiciary to secure a recommendation regarding bail from the Bail Agency on every criminal arraignment. This will help to assure that the Pennsylvania Rules regarding the administration of bail are followed.

#### Level and Timing of Funding.

It is recommended that the project be continued on approximately the same level of funding, allowing for normal increases in salary which have been established by the County. For the long term, however, it is recommended that a salary study be conducted whereby the appropriate levels of salary be examined for various positions within the project.

#### Allocation of Project Activity.

Additional efforts should be made to assure that the pretrial release decision takes into consideration the defendant's personal characteristics, his criminal history and other factors which are related to risk of flight. This will require the district justices to make use of the Bail Agency in verifying residence, in evaluating criminal history, in determining employment status and in making recommendations.

#### External Events.

It is recommended that an overall plan which specifies that the development of the Bail Agency and its relationship to other criminal justice agencies during the next five years, should be issued. Gradually, the Bail Agency should

develop into an overall pretrial service agency which has more responsibility for scheduling, instituting bail review hearings and activating the criminal justice process during the pretrial period. In sum, the Agency at the present time reacts primarily when requested to service the judiciary in Chester County. This recommendation implies that the Agency should become more active in the court administration process, in scheduling and in managing the entire pretrial process. A large part of this process involves consideration of the population which is eligible for conditional release, particularly those who should be referred to counseling and treatment programs. Gradually, the bail agencies should be given additional responsibility for orchestrating the entire pretrial process and for developing alternatives to pretrial incarceration which divert potential long-term criminals from the prison system.

#### Project Impact.

The Chester County Bail Agency has fulfilled its basic purposes: It has enabled many defendants to be released rather than being penalized solely for being poor and has ensured that the vast majority of defendants appear at scheduled hearings through the verification and communication process. This evaluation has verified that the objectives have been achieved. The program, however, can be made more efficient and more useful to the criminal justice system, particularly if the legally designated role of the Bail Agency is strengthened throughout the Chester County court system.

#### Impact on the Criminal Justice System.

The Chester County Bail Agency has had a most beneficial impact on the criminal justice system in Chester County. The evidence reviewed in this evaluation clearly suggests that the program is superior in every way to the old sys-

tem of private bail bondsmen which preceded it. R.O.R., nominal bail and 10 percent cash bail represent a few of the many improvements instituted through the Bail Program. It is recommended that other alternatives to incarceration such as conditional release, be emphasized even more strongly in the future.

#### Alternatives to Current Resource Utilization.

The evaluator has carefully studied other pretrial projects throughout the State and in no instance does it appear that other basic methods of pre-trial release would be more appropriate for Chester County.

#### Comparative Results.

The Chester County Bail Agency has a very low Failure to Appear rate when compared to the counterparts in other jurisdictions. Only 3 percent of the defendants released on any form of bail failed to appear at subsequent hearings. (The Delaware County rate and the Philadelphia rate range between 5 and 7 percent). It appears, however, that a higher than average percentage of defendants are being incarcerated for short periods of time before they can secure bail. This appears to be due to the fact that the Bail Agency has little control over the bail process at the district justice level which is the entry point to the County's criminal justice system. Once the defendant is incarcerated, the Bail Agency becomes active and is able to secure bail, but this usually requires a period of approximately six days.

#### Cost Analysis.

If the 500 defendants per year who secure bail through the Bail Agency were incarcerated an additional 15 days (which is considered to be a realistic estimate) this would result in another 7500 man days per year being required in

the prison facility which is already filled to capacity. Even if the space were available, at the current rate of \$30 per day (which is considered to be a very low estimate) this would require another \$225,000 in prison operating costs. In short, the absence of the Bail Agency would require the construction of another facility which would hold between 20 and 50 inmates. At the current estimated cost of building new prisons (which is about \$40,000 per cell), the new facility would require an excess of 1 million dollars to construct.

The Bail Agency is cost effective, mostly in that it saves money on prison costs and on new construction costs. These figures, of course, do not take into account the other costs of the criminal justice system in processing defendants through a prison, nor do they take into consideration the human costs inflicted on those incarcerated such as lost wages, lost taxes, welfare costs, the cost of human suffering and other social costs, such as divorce and mental illness which are linked with incarceration. In sum, without the Chester County Bail Agency, new detention facilities would be required (beyond those which are already projected). In addition, substantial human costs would be inflicted upon defendants, their families and the community.



## V. FINDINGS AND RECOMMENDATIONS

Generally, the initial objectives of the program have been achieved:

- A. To interview defendants regarding potential bail;
- B. To verify the information provided;
- C. To evaluate the information relative to bail potential and bail risk;
- D. To present a recommendation to the courts;
- E. To communicate with released defendants regarding scheduled court appearances.

The Chester County Bail Agency functions very efficiently in those instances where it is in a position to do so. However, because a large number of defendants are released on bail by the district justices without the involvement of the Agency, it is often placed in a position where it must supervise defendants which it would not have recommended, had the Agency been involved during the initial phase. Clearly, a way of involving the Agency in these initial bail decisions must be found. To clearly establish bail eligibility, bail recommendation procedures must be instituted and constantly monitored by the Court of Common Pleas. Information flow regarding the status of defendants throughout the system must be constantly updated and monitored through the court's computer system. In other words, in order for the system to become more efficient and effective, the Agency must be given the authority to operate throughout the court system in the manner which is specified in the Pennsylvania Rules.

### Impact on the Problem.

The program is having the desired impact which was specified in the origi-

nal grant proposal to the Governor's Council. As discussed earlier in this report, over 500 defendants annually are being processed through the Bail Agency and the Bail Agency provides recommendations and information regarding an even greater number who are released at the district justice level. The program is not reducing the prison population, primarily because of increasing County population, an increasing arrest rate in the County, and because many of the persons who are incarcerated would not be eligible for any form of bail. The prison population has now stabilized while the arrest rate has increased. This fact suggests that the Bail Agency has operated efficiently during a time of increasing arrests.

#### Factors Affecting Success.

The program is well administered and well conceived. Generally, relationships within the criminal justice area appear to be good. The program administrator has been most active in cultivating relationships with other agencies in the criminal justice area and in the social service and medical areas. The Agency has become increasingly effective in managing its designated functions. In short, the Chester County Bail Agency has now become an integral part of the criminal justice system of Chester County.

#### Overall Cost of the Project.

The overall cost of the project appears reasonable, considering the scope of project operations.

#### Continuation of the Project.

It is recommended that the project be continued into the future.

#### Evaluation of the Project.

It is recommended that the project be periodically evaluated with particular

emphasis on updating and monitoring the release criteria which were developed through this evaluation.

Implications for Pennsylvania Commission on Crime and Delinquency.

The Chester County Bail Agency provides a model of structure and process which seems appropriate for other counties having a population, a county government, and criminal justice system with resources approximating Chester County's. The Agency manages to perform all the functions which some of the larger agencies perform, for example, the Philadelphia Pretrial Service Agency, without having access to the large staff and resources of such agencies. It is recommended that the Commission, in formulating policy and in recommending procedures for bail agencies, carefully consider the results of this project.

## VI. RECOMMENDATIONS

### Appropriateness and Practicality of Project Objectives.

Project objectives, as specified in the original grant application, and in subsequent grant applications, appear adequate. It is recommended, however, that a long-term (five year) plan be developed which entails a much greater role for the Bail Agency in processing defendants at the district justice level--specifically in verifying information, assessing bail risk and providing written recommendations as to the type of bail, the amount of money involved and the conditions which should be imposed at the initial hearing. It is recommended that these steps be carefully formulated with specified objectives to be achieved during the next five years. The progress of the Bail Agency would then be monitored vis-a-vis the objectives.

### Value of the Basic Method.

Nationally, release on recognizance and 10 percent bail have been demonstrated to be a viable alternative to incarceration. These programs, which signified an experimental attitude 10 years ago, are now an institutionalized part of the criminal justice process throughout most of the United States. The Chester County Bail Program was one of the first in the Commonwealth to implement these principles. In the future, the Agency should concentrate on an extension of the conditional release concept and a more careful evaluation of alternatives which are available to incarceration, including a large number of social service and medical programs available in Chester County and in the sur-

rounding areas. In sum, the basic method is sound. Further, gains in effectiveness and efficiency can be obtained through applying the principles which have already been established during the first five years of the project. Possible extensions include more systematic communication efforts with defendants who have been released, development of a more coordinated system of social and medical services for the defendants during the pretrial period and the evolution of a management information system which keeps track of defendants at all time during the pretrial period. In sum, most of the proposed steps represent organizational changes rather than fundamental operational shifts. Nationally, pretrial service agencies in most larger cities are becoming court administration systems, which function to assure that the defendant is guided efficiently through all phases of the criminal justice system during the pretrial period. Increasingly, this function includes concentrated efforts at communication with high risk defendants, as well as an increased role in prescribing the course of action for various kinds of defendants during the pretrial period. It is recommended that the Chester County Bail Agency consider an overall expansion in its scope of operation, taking on a broader pretrial service function.

#### Operation of the Project.

1. It is recommended that the Chief Judge and Court Administrator, in conjunction with the Bail Agency, review the standards stated in the Pennsylvania Rules regarding the functions of a bail agency and that these functions be made fully operational at all levels of the court system in Chester County. It is particularly apparent at the district justice level that the functions of the Bail Agency are not only frequently ignored and underutilized, but that sometimes due process is neglected in the administration of bail.

2. A form of more centralized initial arraignment should be considered. The goal should be to interview every defendant charged with a felony, to evaluate his risk of flight, utilizing the factors which are already specified in the Pennsylvania Rules, to prepare a formal recommendation to the judiciary which is conveyed at the initial hearing.

3. It is recommended that district justices in conjunction with the Bail Agency, immediately implement the simplified bail criteria contained in this report. These criteria require a verification of Failure to Appear history, phone access, present employment status and six-month Failure to Appear history. No defendant should be released on nominal bail or released on recognizance unless adequate information regarding these factors is evaluated.

4. Defendants should be released with a clear understanding regarding who is responsible for supervision during the pretrial period. If an agency or individual other than the Bail Agency is used for this purpose, it should be officially stated for the record and responsibility should be designated as to who is to monitor the conditions of release and report to the Court.

5. The Bail Agency should be empowered to convene bail review hearings (for the purpose of either bail reduction, bail increase or the application of special conditions) at more frequent intervals than presently occur. Currently, when bail review is required, a 10-day and a 2-week period is typically the earliest that a review hearing can be called.

6. Finally, because of changes in the mental health laws, a large number of mental patients are now being released from institutions who should clearly be under some other form of supervision. Frequently, these defendants are arrested and incarcerated for minor crimes and could be readily given conditional release, if proper arrangements were made. It is recommended that the Bail Agency, in cooperation with the area mental health authorities, develop and implement a plan in this area.

TABLE 1

FAILURE TO APPEAR (FTA) BY AVAILABILITY OF PHONE  
TO DEFENDANT, CHESTER COUNTY BAIL AGENCY, 1979

	<u>Phone Available</u>	<u>No Phone Available</u>	<u>TOTAL</u>
FTA	10.6% (34)	34.7% (43)	82.7% (369)
No FTA	<u>89.4% (288)</u>	<u>65.3% (81)</u>	<u>17.3% (77)</u>
TOTAL	72.2% (322)	27.8% (124)	100.0% (446)

$\chi^2 = 34.79$

$p < .001$

TABLE 2

FAILURE TO APPEAR (FTA) BY SEX OF DEFENDANT  
 CHESTER COUNTY BAIL AGENCY, 1979

	<u>Sex</u>		
	<u>Male</u>	<u>Female</u>	<u>TOTAL</u>
FTA	17.1% (66)	18.3% (11)	17.3% (77)
No FTA	<u>82.9% (320)</u>	<u>81.7% (49)</u>	<u>82.7% (367)</u>
TOTAL	86.5% (386)	13.5% (60)	100.0% (446)

$\chi^2 = .003$

Not significant



TABLE 3

## FAILURE TO APPEAR BY AGE\* OF DEFENDANT

	<u>Under 20</u>	<u>20-29</u>	<u>30-39</u>	<u>40-49</u>	<u>50-59</u>	<u>60 and over</u>	<u>TOTAL</u>
FTA	13.6% (8)	17.8% (39)	19.3% (16)	12.8% (5)	20.7% (6)	18.7% (3)	17.3% (77)
No FTA	<u>86.4% (51)</u>	<u>82.2% (180)</u>	<u>80.7% (67)</u>	<u>87.2% (34)</u>	<u>79.3% (23)</u>	<u>81.3% (13)</u>	<u>82.7% (368)</u>
TOTAL	13.2% (59)	49.2% (219)	18.7% (83)	8.8% (83)	6.5% (29)	3.6% (16)	100.0% (445)

$$X^2 = 45.8$$

\*Age was unreported for one case.

Not significant

TABLE 4

## FTA BY LENGTH OF EMPLOYMENT

	<u>Under 3 Mos. or Unemployed</u>	<u>3 mos.- 1/2 yr.</u>	<u>1/2 yr.- 1 yr.</u>	<u>1 yr.- 3 yrs.</u>	<u>3 yrs.- 5 yrs.</u>	<u>5 yrs.- 15 yrs.</u>	<u>Over 15 yrs.</u>	<u>Unknown</u>	<u>TOTAL</u>
FTA	21.8% (12)	0.0% (0)	7.7% (1)	11.4% (4)	11.9% (5)	0.0% (0)	10.0% (2)	22.0% (53)	17.3% (77)
No FTA	78.2% (43)	100.0% (13)	92.3% (12)	88.0% (31)	88.1% (37)	100.0% (27)	90.0% (18)	78.0% (188)	82.7% (369)
TOTAL	12.3% (55)	2.9% (13)	2.9% (13)	7.8% (35)	9.4% (42)	6.1% (27)	4.5% (20)	54.0% (241)	100.0% (446)

$$x^2 = 16.17 \quad p < .02$$

TABLE 5

## FTA BY LENGTH OF RESIDENCE AT CURRENT ADDRESS

	<u>Under 3 mos.</u>	<u>3 mos.- 1/2 yr.</u>	<u>1/2 yr.- 1 yr.</u>	<u>1 yr.- 3 yrs.</u>	<u>3 yrs.- 5 yrs.</u>	<u>5 yrs.- 15 yrs.</u>	<u>Over 15 yrs.</u>	<u>Unknown</u>	<u>TOTAL</u>
FTA	11.4% (4)	25.0% (6)	12.5% (3)	22.5% (9)	12.3% (7)	15.4% (12)	14.9% (18)	26.9% (18)	17.3% (77)
No FTA	<u>88.5% (31)</u>	<u>75.0% (18)</u>	<u>87.5% (21)</u>	<u>77.5% (31)</u>	<u>87.7% (50)</u>	<u>84.6% (66)</u>	<u>85.1% (103)</u>	<u>73.1% (49)</u>	<u>82.7% (369)</u>
TOTAL	7.8% (35)	5.4% (24)	5.4% (24)	9.0% (40)	12.8% (57)	17.5% (78)	27.1% (121)	15.0% (67)	100.0% (446)

$\chi^2 = 8.98$  Not significant

TABLE 6

FTA BY PREVIOUS ALCOHOL ABUSE

	<u>Known Alcohol Abuser</u>	<u>No Known Alcohol Abuse</u>	<u>TOTAL</u>
FTA	21.1% (12)	16.7% (65)	17.3% (77)
No FTA	<u>78.9% (45)</u>	<u>83.3% (324)</u>	<u>82.7% (369)</u>
TOTAL	12.8% (57)	87.2% (389)	100.0% (446)

$\chi^2 = 0.39$  Not significant

TABLE 7

FTA BY PREVIOUS ILLEGAL DRUG USE

	<u>Known Drug User</u>	<u>No Known Drug Use</u>	<u>TOTAL</u>
FTA	18.8% (6)	17.1% (71)	17.3% (77)
No FTA	<u>81.2% (26)</u>	<u>82.9% (343)</u>	<u>82.7% (369)</u>
TOTAL	7.2% (32)	92.8% (414)	100.0% (446)

Not significant

TABLE 8

## FTA BY NUMBER OF PRIOR ARRESTS

<u>No. of Prior Arrests</u>	<u>FTA</u>	<u>No FTA</u>	<u>TOTAL</u>
0	11.7% (33)	88.3% (249)	63.2% (282)
1	24.3 (18)	75.7 (55)	16.5 (74)
2	14.3 (4)	85.7 (24)	6.3 (28)
3	31.6 (6)	68.4 (13)	4.3 (19)
4	37.5 (3)	62.5 (5)	1.8 (8)
5	25.0 (2)	75.0 (6)	1.8 (8)
6	75.0 (3)	25.0 (1)	0.9 (4)
6	33.3 (1)	66.7 (2)	0.7 (3)
8	66.7 (2)	33.3 (1)	0.7 (3)
10	100.0 (1)	0.0 (0)	0.2 (1)
11	14.3 (1)	85.7 (6)	1.6 (7)
17	100.0 (1)	0.0 (0)	0.2 (1)
22	0.0 (0)	100.0 (3)	0.7 (3)
24	100.0 (1)	0.0 (0)	0.2 (1)
25	0.0 (0)	100.0 (1)	0.2 (1)
33	100.0 (1)	0.0 (0)	0.2 (1)
44	<u>0.0 (0)</u>	<u>100.0 (2)</u>	<u>0.4 (2)</u>
	17.4% (77)	82.6% (368)	100.0% (445)

 $\chi^2 = 49.69$  $p < .001$

TABLE 9

FTA BY PRIOR FTA HISTORY

	<u>No Prior FTAs</u>	<u>One or More Prior FTAs</u>	<u>TOTAL</u>
FTA	15.7% (67)	55.6% (10)	17.4% (77)
No FTA	84.3% (361)	44.4% (8)	82.6% (364)
TOTAL	96.0% (428)	40.0% (18)	100.0% (446)

$\chi^2 = 31.70$

$p < .001$

TABLE 10

FTA BY REARREST ON SAME CHARGE  
WHILE ON BAIL

	<u>Rearrest</u>	<u>No Rearrest</u>	<u>TOTAL</u>
FTA	32.7% (36)	12.3% (41)	17.3% (77)
No FTA	<u>67.3% (74)</u>	<u>87.7% (293)</u>	<u>82.7% (367)</u>
TOTAL	24.8% (110)	75.2% (334)	100.0% (444)

$\chi^2 = 24.65$

$p < .001$



TABLE 11

FTA BY REARREST ON DIFFERENT CHARGE  
WHILE ON BAIL

	<u>Rearrest</u>	<u>No Rearrest</u>	<u>TOTAL</u>
FTA	24.5% (26)	15.0% (51)	17.3% (77)
No FTA	<u>75.5% (80)</u>	<u>85.0% (288)</u>	<u>82.7% (368)</u>
TOTAL	23.8% (106)	76.2% (339)	100.0% (445)

$\chi^2 = 5.29$        $p < .08$

TABLE 12

MULTIPLE REGRESSION SUMMARY:  
FTA ON SELECTED INDEPENDENT VARIABLES

<u>Variable</u>	<u>B</u>	<u>Beta</u>	<u>Standard Error of B</u>	<u>F</u>
Phone	-.21	-.25	.037	33.6
No. Previous FTAs	.24	.22	.049	23.9
FTA in Past 6 Months	.42	.05	.355	1.4
Employment Length	-.02	-.11	.007	5.7

R = .39, F = 19.4       $p < .001$

TABLE 13

PERCENT WHITE AND BLACK: MADE BAIL  
COURT OF COMMON PLEAS AND DISTRICT JUSTICES

<u>Type of Crime</u>	<u>White</u>		<u>Black</u>		<u>TOTAL</u>	
	<u>% Made Bail</u>	<u>Average Days</u>	<u>% Made Bail</u>	<u>Average Days</u>	<u>% Made Bail</u>	<u>Average Days</u>
Property Crimes	51.4	6.3	45.0	7.1	49.0	6.5
Crimes Against People	35.7	5.0	55.6	3.4	43.5	4.2
Traffic	40.0	1.0	100.0	4.3	53.8	2.4
Other	<u>22.0</u>	<u>8.6</u>	<u>13.8</u>	<u>2.5</u>	<u>19.8</u>	<u>7.4</u>
TOTAL	32.8	6.5	34.4	4.9	33.3	6.0

TABLE 14

PERCENT WHO MADE BAIL  
COURT OF COMMON PLEAS

<u>Type of Crime</u>	<u>White</u>		<u>Black</u>		<u>TOTAL</u>	
	<u>Weekday by Court</u>		<u>Weekday by Court</u>			
	<u>% Made Bail</u>	<u>Average Days</u>	<u>% Made Bail</u>	<u>Average Days</u>	<u>% Made Bail</u>	<u>Average Days</u>
Crimes Against Property	17.0	11.0	0	0	10.0	11.0
Crimes Against People	20.0	11.0	-	-	20.0	11.0
Traffic	100.0*	1.0	100.0*	11.0	100.0	6.0
Other	8.1	1.0	9.5	1.8	8.6	1.3
TOTAL	12.0	4.0	11.5	4.8	12.0	4.5

\*One case

TABLE 15

PERCENT MADE BAIL  
DISTRICT JUSTICES

Type of Crime	<u>White</u> <u>Weekday</u> <u>by District Justice</u>		<u>White</u> <u>Weekend</u> <u>by District Justice</u>		<u>Black</u> <u>Weekday</u> <u>by District Justice</u>		<u>Black</u> <u>Weekend</u> <u>by District Justice</u>		<u>TOTAL</u>	
	% Made Bail	Average Days	% Made Bail	Average Days	% Made Bail	Average Days	% Made Bail	Average Days	% Made Bail	Average Days
Property Crimes	55.0	1.0	67.0	3.7	53.0	8.6	67.0	1.8	57.8	6.4
Crimes Against People	43.0	1.0	50.0*	11.0	57.0	2.9	50.0*	5.5	50.0	3.4
Traffic	28.6	1.0	50.0	1.0	-	-	100.0**	1.0	45.0	1.0
Other	<u>40.7</u>	<u>12.1</u>	<u>25.0</u>	<u>1.0</u>	<u>28.6</u>	<u>4.0</u>	<u>0.0</u>	<u>0.0</u>	<u>34.9</u>	<u>9.5</u>
TOTAL	44.0	9.3	47.6	3.6	48.0	6.15	62.5	2.2	47.0	6.3

\* Two cases

\*\* One case

TABLE 16

## PERCENT ALL: MADE BAIL, SENTENCED, OR OTHER ACTION

	<u>% Bail</u>	<u>% Sentence</u>	<u>% Other</u>
Property	49.0	25.5	25.5
People	43.5	26.1	30.4
Traffic	53.8	38.5	7.7
Other	<u>19.8</u>	<u>40.6</u>	<u>39.6</u>
TOTAL	33.3	34.9	31.8

## TIME TO ACTION (MEAN DAYS)

	<u>% Bail</u>	<u>% Sentence</u>	<u>% Other</u>
Property	6.5	34.0	44.2
People	4.2	29.3	25.1
Traffic	2.4	28.3	1.0
Other	7.5	31.4	26.7
AVERAGE	6.0	31.0	30.5

Average time for all, 18.4 days

TABLE 17

PERCENT WHITE AND BLACK: MADE BAIL, SENTENCED, OR OTHER ACTION

	<u>White</u>			<u>Black</u>		
	<u>% Made Bail</u>	<u>% Sentenced</u>	<u>% Other</u>	<u>% Made Bail</u>	<u>% Sentenced</u>	<u>% Other</u>
Property	51.4	22.9	25.7	45.0	30.0	25.0
People	35.7	28.6	35.7	55.6	22.2	22.2
Traffic	40.0	50.0	10.0	100.0	0	0
Other	<u>22.2</u>	<u>45.8</u>	<u>31.9</u>	<u>13.8</u>	<u>27.6</u>	<u>58.6</u>
TOTAL	32.8	38.2	29.0	34.4	27.9	37.7

TIME TO ACTION (DAYS)

	<u>White</u>			<u>Black</u>		
	<u>% Made Bail</u>	<u>% Sentenced</u>	<u>% Other</u>	<u>% Made Bail</u>	<u>% Sentenced</u>	<u>% Other</u>
Property	6.3	47.6	39.2	7.1	15.8	53.2
People	5.0	39.8	25.1	3.4	8.25	25.3
Traffic	4.0	28.3	1.0	4.3	-	-
Other	<u>8.6</u>	<u>12.7</u>	<u>29.8</u>	<u>2.9</u>	<u>9.3</u>	<u>22.4</u>
AVERAGE TIME	6.5	22.0	30.7	5.0	10.9	30.3

Average Time  
All = 19.4 days

Average Time  
All = 16.2 days

TABLE 18

Score	FTA Cumulative		FTA Interval		Non-FTA Cumulative		Non-FTA Interval		TOTAL Cumulative		TOTAL Interval	
	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.
0-9	7.8	6	4.7	6	33.1	122	95.3	122	28.7	128	28.7	128
10-14	36.4	28	13.6	22	70.7	261	86.4	139	64.8	289	36.1	161
15-19	40.3	31	12.5	3	76.4	282	87.5	21	70.2	313	5.4	24
20-24	44.2	34	27.3	3	78.6	290	72.7	8	72.6	324	2.5	11
25-29	46.8	36	11.1	2	83.7	308	90.0	18	77.1	344	4.5	20
30-34	71.4	55	30.2	19	95.3	352	69.8	44	91.3	407	14.1	63
35-39	83.1	64	39.1	9	99.2	366	60.9	14	96.4	430	5.2	23
40-44	85.7	66	66.7	2	99.5	367	33.3	1	99.3	433	0.1	3
45-49	87.0	67	33.3	1	100.0	369	66.7	2	66.7	436	0.1	3
50 and Above	<u>100.0</u>	<u>77</u>	<u>100.0</u>	<u>10</u>	<u>100.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>446</u>	<u>2.2</u>	<u>10</u>
TOTAL	17.3	77	17.3	77	82.7	369	82.7	369	100.0	446	100.0	446



FIGURE 1

SUGGESTED FTA RISK CALCULATION PROCEDURE  
CHESTER COUNTY BAIL AGENCY

	<u>Add</u>	<u>Subtract</u>	
<b>A. <u>Phone</u></b>			
If defendant <u>has phone access</u>		21	
If defendant <u>doesn't have phone access</u>	0	0	
<b>B. <u>Employment</u></b>			
If defendant's unemployment status is <u>unknown</u>	0	0	
If defendant is <u>unemployed</u>	0	0	
If employed: under 3 months on current job		2	
3 months to 1/2 year		3	
1/2 year to 1 year		5	
1 year to 2 years		7	
2 years to 5 years		9	
5 years to 15 years		10	
Over 15 years		12	
<b>C. <u>Prior FTAs</u></b>			
If defendant has: <u>no</u> prior FTAs	0	0	
1 prior FTA	24		
2 prior FTAs	48		
3 prior FTAs	72		
4 or more prior FTAs	96		
<b>D. <u>6-Month FTA History</u></b>			
If defendant has: <u>no</u> FTAs within past 6 months	0	0	
<u>one or more</u> FTAs within past 6 months	42		
<b>E. <u>Constant Factor</u></b>			
For all defendants:	<u>34</u>		
	TOTAL		<u>GRAND TOTAL</u>

If score is under 20, defendant is below average risk.  
 If score totals 20-49, defendant is above average risk.  
 If score totals over 50, defendant is very high risk.

TABLE 19

SUMMARY OF RESPONSES TO DISTRICT JUSTICE QUESTIONNAIRE

	<u>Calls</u>	<u>No.</u>
1. During the average month, how many times do you (or one of the members of your staff) call the Chester County Bail Agency?	0-4	--
	5-9	2
	10-14	2
	15-19	2
	20-24	1
	25-99	0
	100 and over	1
	Not indicated	1
2. How many times during the average month does the Chester County Bail Agency call you?	<u>Calls</u>	<u>No.</u>
	0-4	--
	5-9	2
	10-14	4
	15-19	1
	20-24	--
	25-49	1
	Not indicated	1

3. In what type of situation is the Chester County Bail Agency most useful to you?

Responses:

- (1) "Checking background of defendants"
- (2) "Checking on prior arrests, supplying personal information, and transporting defendants to post bail."
- (3) "Nominal bail checking information on defendants."
- (4) "Checking background of individual, which is essential in setting bail."
- (5) "Posting bail at night or weekends."
- (6) "They evaluate the subjects, as we do not have time at arraignment."
- (7) "Checking qualifications for bail--10%, assisting in release of those committed who were unable to post bail at arraignment."
- (8) "Transporting prisoners to secure bail."
- (9) Not indicated.

4. In what ways could the Chester County Bail Agency be more useful to you?

Responses:

- (1) "None that I can presently think of."
- (2) "I find the Chester County Bail Agency to be very efficient. I have no complaints since its inception."

TABLE 19, Cont.

- (3) "Be at hearing on Wednesday in the a. m."
- (4) "I am pleased in the manner they now conduct their procedures-- nothing to add."
- (5) No response.

5. Do you frequently call upon the Chester County Bail Agency for information regarding the following?

	<u>Yes</u>	<u>No</u>
(a) Defendant's employment status/history	5	4
(b) Defendant's family or community ties	5	4
(c) Defendant's residence or length of residence	5	4
(d) Defendant's conviction history	6	3
(e) Defendant's failure to appear (FTA) history	7	2
(f) Defendant's mental illness history	3	6
(g) Defendant's drug or alcohol abuse history	5	4
(h) Defendant's general risk of flight	6	3
(i) Defendant's financial capability	4	5

6. How often during the average month do you make a request to the Chester County Bail Agency to provide information on the whereabouts of a defendant or violations in the terms of condition of a release?

Responses:

- (1) "3 times a year."
- (2) "None."
- (3) "Whenever it is necessary--varies--once or so."
- (4) "None."
- (5) "Perhaps three to five times."
- (6) "Several?"
- (7) "A few times."
- (8) "Maybe once or twice but this is something that rarely occurs."
- (9) "10 times."

6a. Are you satisfied with reports you receive? Yes  
7 No  
-- NA  
2

7. If you had additional support from the Chester County Bail Agency in the form of immediately available reports and recommendations, how many additional defendants during an average month would be eligible for immediate bail?

	<u>No Response</u>	<u>0</u>	<u>Other (1 respondent)</u>
(a) During weekends	4	3	3
(b) During nights	4	3	20
(c) During Saturdays	4	3	10
(d) During Sundays	4	3	10
(e) During holidays	4	3	10

TABLE 19, Cont.

8. Do you have any suggestions for improvements in the administration of bail which could be implemented by any of the following agencies?

If so, please specify:

No Response

(a) the police	9
(b) the District Attorney's office	9
(c) the Public Defender's office	9
(d) Bondsman	9
(e) District Justices	9
(f) Court of Common Pleas	9
(g) Other	9

9. Do you have any suggestions for changes in the Pennsylvania Rules of Criminal Procedure regarding bail, or, pretrial release? If so, briefly specify.

- (1) "Eliminate Nominal Bail (\$100) and substitute ROR in its place."
- (2) "I have a question as to lowering and raising bail after initially set. I believe there should be some consideration given in order that a D.J. could or could not raise or lower bail, depending on the reports from the bail agency and, of course, petitions by the defense or prosecution, probably a bail hearing set to discuss the bail."
- (3)-(9)  
No suggestions given.

10. Do you have any other final suggestions, observations, comments or observations regarding the Chester County Bail Agency and the administration of bail in Chester County and in the Commonwealth?

- (1) "I believe nominal bail should be increased to \$5 or \$10 to cover the cost of paper work and administration."
- (2) "I feel that the bail agency has done and is doing an admirable job and there is nothing I can add that will assist them in doing any better job than what they are presently doing."
- (3) "I feel the program has proven to be very good over the period it has been in effect. Mr. Diem and his staff are very good to work with, pleasant in any way possible."
- (4) "I recommend that nominal bail be raised to \$5 and, upon conclusion of any case, whether held for court or dismissed, this bail be retained by the county to cover costs, etc. "
- (5)-(9)  
No suggestions or observations.

**END**