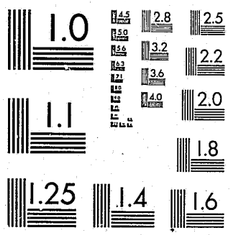

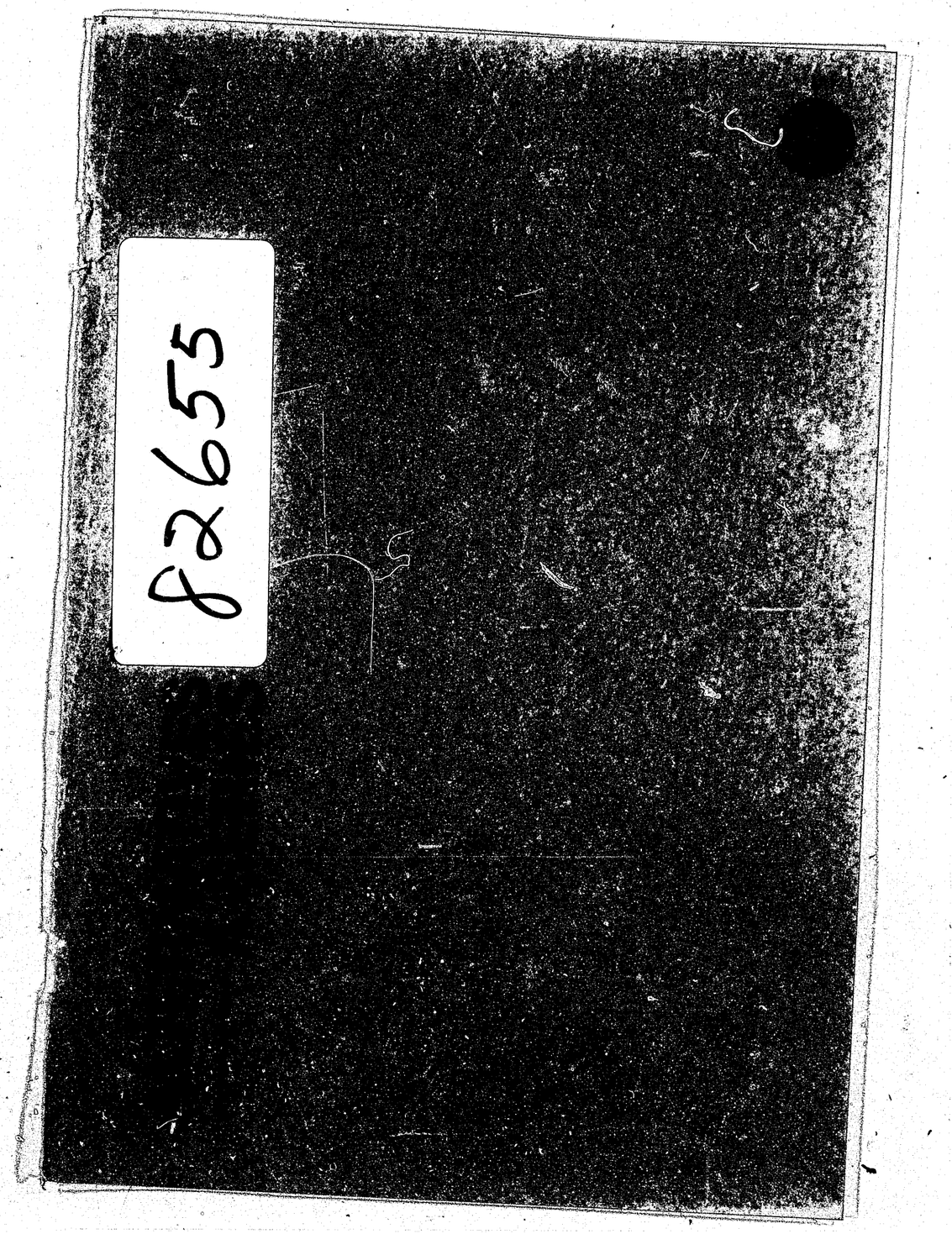

"PRACTICES OF PRETRIAL RELEASE PROGRAMS: REVIEW AND ANALYSIS OF THE DATA"

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PROGRAM PRACTICES / RELEASE

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FOREWORD

Pretrial crime, pretrial detention, pretrial release.

The current agenda for criminal justice reforms always includes these topics. Another movement similar in its intensity emerged over twenty years ago, and led to the development of new approaches and legislation in the pretrial area. It was instrumental in the creation of pretrial release programs.

Opinions on the value of such programs are now divided. Pretrial release programs are variously described as successful, catering to criminals, obsolete. Some view them on the increase and others talk of a dying movement. Many point to the compromises which any new idea must accomodate as it ages, and interpret this maturation with praise; others condemn such accomodations.

This monograph presents facts related to these and other issues and reviews a variety of questions from a perspective heretofore unavailable. Practices of all pretrial release programs known to the Pretrial Services Resource Center have been tabulated and compared. Our analysis followed extensive interviews with 119 agencies conducted by Center staff. The information is self reported, non-evaluative, yet provides for significant and illuminating highlights.

Trends are noticeable, and practices suggest the need for a concerted re-examination of purpose. Program administrators should not shy away from these questions, for they have useful programs to "sell". And public officials should be willing to listen, because pretrial release agencies offer the potential for effective solutions to some of the criminal justice-related problems experienced in many jurisdictions.

In this publication, we raise many questions. The following chapters review how the information was obtained and what it focuses on (Chapter I); present an analysis of trends we identified (Chapter II); and review in detail the data upon which that summary analysis is based (Chapters III through V).

This latter portion of the monograph (Chapters III through V) is also the more voluminous one. Yet this is where program administrators and policymakers will find those questions and options that will assist them in remedying obstacles unique to their programs.

Madeleine Crohn

ACKNOWLEDGMENTS

The contributions of many people were significant in making this monograph a reality.

Foremost among these contributors are the entire staff at the Pretrial Services Resource Center, each of whom had some part in this project.

Data entry and analyses were aided immensely by the special programming skills of Marie Burlinson. Additional help in data entry and analysis was provided by Wanda Fleming and Deepti Kaul.

A draft of this monograph was sent for review to various professionals who have considerable experience with and understanding of pretrial release issues. Their individual and collective comments were extremely valuable. To the extent that the monograph succeeds in meeting its objectives -- and therefore is useful to the field -- the often detailed and always helpful comments of these reviewers deserve much of the credit. To the extent that the effort has not been successful, the responsibility is mine alone. Special thanks, then, to the following for their much-appreciated efforts: Bruce Beaudin, Director, District of Columbia Pretrial Services Agency; Professor Daniel Freed, Yale Law School; Clay Hiles, Director, Criminal Justice Agency of New York City; Professor Michael Kirby, Southwestern at Memphis; Frank Lozito, Director, West Texas Regional Adult Probation Department, El Paso; Barry Mahoney, Assistant Director for Research, Institute for Court Management, Denver; and Mary Toborg, Associate Director, The Lazar Institute, Washington, DC.

Ultimately, this project could not have been carried out without the cooperation and efforts of directors and/or other staff in the 119 pretrial release programs whose characteristics and practices are described in the monograph. Their contributions are gratefully acknowledged.

Finally, a personal note of thanks to Karen, Kirstin and Devon, who stoically tolerated me, my strange schedule, and the clutter I created as this and a companion pretrial diversion monograph were being written.

Donald E. Pryor

I. INTRODUCTION

Among the most important and widespread reforms in the criminal justice system over the past 20 years has been the establishment of formal pretrial release programs in most major cities and in many other jurisdictions throughout the United States. The Pretrial Services Resource Center's 1980/81 Directory of Pretrial Services lists 135 formal release programs -- a total which underrepresents the scope of pretrial release activity in the country. 1/

In the first half of the 1970s, several surveys were conducted of pretrial release programs, their operations and practices. 2/ Those surveys yielded important information about release practices at that time. 3/ However, since then, various changes have affected those practices, the entire criminal justice system, and the public's attitudes toward crime and defendants. In addition, national pretrial release standards and goals have been developed and published by the National Association of Pretrial Services Agencies (NAPSA) and by the American Bar Association. 4/

1/ Although the 1980/81 edition of the Directory provides the most comprehensive listing and description of pretrial programs currently available, the total above understates the number of programs that actually exist. For example, there is only one listing for the statewide pretrial system in Kentucky, although there are 56 separately-staffed release offices in the state, all operating under one central office. In addition, many jurisdictions around the country have developed some mechanism to ensure that the process of pretrial release screening occurs even if there is no formal release program per se (such "informal" mechanisms include staff of larger agencies who provide pretrial services among other responsibilities, but without a separate pretrial budget). Finally, some programs operate around the country which, to date, the Resource Center has been unaware of and thus unable to contact.

2/ The first of these surveys was: Hank Goldman, Devra Bloom, and Carolyn Worrell, The Pretrial Release Program, Washington, DC: Office of Planning, Research, and Evaluation, U.S. Office of Economic Opportunity, July 1973. This was followed by the presentation of some limited descriptive information about 55 release programs in Robert Stover and John Martin, "Results of a Questionnaire Survey Regarding Pretrial Release and Diversion Programs", in Policymakers' Views Regarding Issues in the Operation and Evaluation of Pretrial Release and Diversion Programs: Findings from a Questionnaire Survey, Denver: National Center for State Courts, April 1975. The largest survey conducted prior to the one described in this monograph was undertaken in mid-1975; the findings were presented in Wayne Thomas, et al., Pretrial Release Programs: National Evaluation Program Phase I Summary Report, Washington, DC: National Center for State Courts, April 1977.

3/ Despite the valuable information generated by the earlier surveys, they were each one-time efforts. Not until the creation in 1977 of the Pretrial Services Resource Center did the capability exist for systematic, ongoing tracking of pretrial programs, and for documenting the evolution of individual programs and of the field as a whole.

4/ National Association of Pretrial Services Agencies, Performance Standards and Goals for Pretrial Release and Diversion: Release, July 1978; American Bar Association Standards Relating to the Administration of Criminal Justice: Pretrial Release, February 1979. Other organizations and commissions had earlier published standards and guidelines dealing in part with release practices. They include those published by the National Advisory Commission on Criminal Justice Standards and Goals (1973), the National Conference of Commissioners on Uniform State Laws (1974), and the National District Attorneys Association (1977).

Nonetheless, despite these more recent developments, there has been no systematic attempt -- until this monograph -- to comprehensively update information about pretrial release program practices or to assess the extent to which they are consistent with national standards and goals. 5/ This monograph is designed to raise key questions and present information concerning the current status of release programs and the implications of their practices and policies.

A. The Data Base

All known formal pretrial release programs in the United States were canvassed by the Resource Center in late 1979. Comprehensive information was obtained by Center staff from 119 programs. 6/ The programs are located in 30 states plus the District of Columbia. Their locations are noted in Appendix A.

Information was primarily obtained through telephone interviews and was supplemented by additional statistical data. Ninety-eight of the 119 programs supplied at least some of this follow-up statistical information. All of the information was updated in 1980 to reflect any program changes and was verified for accuracy with the program directors. 7/ Both the interview and statistical questionnaires are presented in Appendix B.

The questions asked by Center staff ranged from those dealing with a description of the programs to those focusing on program practices, policies and philosophies. In some cases, the questions deliberately paralleled those asked in the earlier surveys conducted in the 1970s, to enable comparison of program profiles and practices over time.

Some limitations should be noted. Conclusions must technically be limited to the 119 programs surveyed; but the findings are actually considered to be representative of all formal release programs. 8/ Except in those cases where Resource Center staff have actually visited or in other ways worked directly with programs, there was no way of independently verifying the information provided. There were some questions which were subject to different interpretations, as indicated in the analyses below, e.g, terms defined in

5/ This Resource Center did publish a preliminary and partial analysis of pretrial practices in both diversion and release programs. See Donald E. Pryor and D. Alan Henry, Pretrial Issues, "Pretrial Practices: A Preliminary Look at the Data," Vol. 2, No. 1, Washington, DC: Pretrial Services Resource Center, April 1980. The publication examined certain assumptions based on national standards and assessed the extent to which selected program practices were consistent with them. That comparison drew upon the the data-gathering process described herein. However, only a small proportion of the information had been analyzed at that time, and much more detailed analyses have subsequently been undertaken. They form the basis of this monograph.

6/ Some additional programs subsequently listed in the 1980/81 Directory of Pretrial Services were not interviewed at that time. They have been interviewed since then, but the information on those programs was not complete enough to be included in the analyses for this monograph. Thus the monograph is based on practices and policies of the 119 programs interviewed initially in 1979.

7/ Thus many of the numbers differ somewhat from those published in the earlier Pretrial Issues preliminary data analyses (see note 5, Supra), due to program changes and further verification of information.

8/ Subject to the limits and definitions described in notes 1 and 6, Supra.

different ways by different programs (although this problem was minimized to the extent possible because of careful efforts by Resource Center interviewers to explain terms and to clarify program answers to questions). In addition, it is not possible from the data to make judgments about the quality of the actual services provided by the programs.

Despite these limitations, the responses provided important insights about program operations and practices which should have significant implications for program administrators and policymakers in the future. More programs were canvassed and more complete responses were obtained to the questions than in the earlier surveys conducted in the 1970s. 9/ More importantly, the broad scope of questions raised -- and the ability to compare the responses both to those from the earlier surveys, where appropriate, and to published standards and guidelines for the release field -- helped yield information and suggest implications never before examined in a systematic way across all release programs.

B. Purpose of the Monograph

The monograph is published at a time when various changes and events are occurring which can have -- and in some cases already have had -- a significant impact on how programs operate. For example, many programs have become institutionalized components of local criminal justice systems; on the other hand, budget crises increasingly force programs to justify their existence more carefully; various states are contemplating -- or have already established -- statewide systems with statewide standards and guidelines to deliver pretrial services; the public and their elected officials express increasingly hardline attitudes toward crime and the treatment of defendants within the criminal justice system.

Founders of the early pretrial release programs were practical and realistic enough to recognize that specific objectives and procedures must be modified to accommodate local circumstances and political realities, but they remained idealists in pursuing the goals of improving the criminal justice system and providing important services to defendants entering that system. Today, however, much of the reformers' zeal and idealism that fueled the early pretrial movement has waned and, to some extent at least, been replaced by different purposes and approaches and by concerns related to maintenance and institutionalization of functions.

In this context, it becomes especially important to take a fresh look at the state of pretrial programs and their practices, and to assess where individual programs and the field as a whole are and where they are going -- and where they should be going. This monograph is designed to aid in this process.

Among the questions which needed to be raised, and which are addressed in the monograph, are the following:

- To what extent are programs helping meet the goals of the early pretrial reform movement? What compromises have programs made with those initial goals? With what effect?

9/ The 1972 OEO survey included 88 programs; 110 programs were included in the National Center for State Courts survey in 1975.

- How much variation in practices actually exists among programs? How consistent are the practices and policies with national standards and goals?

- Are release programs declining in numbers and significance, or showing signs of stability and institutionalization?

- What impact are release programs having? Are they unnecessarily cautious in their recommendations? Not cautious enough?

- Do programs know what impact they are having?

- How can programs best allocate scarce resources in the future? What changes should they be considering? Are there changes which should be considered in certain standards for the field?

The basic purpose of the monograph, then, is to raise questions and thus encourage all those involved with the pretrial stage of the criminal justice system to review, assess and rethink existing practices, and to enter into a dialogue with one another concerning the future role of the pretrial release field and its individual programs and practitioners. 10/ Answers to key questions raised throughout the monograph and the related policy implications will largely determine the impact of formal pretrial release programs in subsequent years -- indeed, they will largely determine whether such programs continue to exist as we know them today.

C. Format of the Monograph

The next chapter looks at the major findings of the monograph, briefly discusses their implications, and raises questions for future consideration. Following that, Chapter III provides a basic descriptive profile of the 119 release programs. Chapter IV contains detailed analyses of program practices, policies and philosophies. Chapter V discusses the extent to which there are systematic differences in practices between different types of programs.

Where possible, information about programs and their practices are contrasted (1) with findings from earlier surveys to indicate the extent to which changes have occurred in the field in the past decade and (2) with recommended standards and goals for the pretrial field. 11/

Throughout the monograph, each of the various sections concerning program operations and practices is preceded by boxed-in highlights which summarize the major findings and policy implications of the more detailed analyses and discussion which follow. Detailed tables are presented in a separate section preceding the Appendices at the end of the monograph. In some cases, summarized data from those tables are also highlighted in boxes within the text.

10/ Including the related roles and responsibilities of judges, prosecutors, defense attorneys, sheriffs and others who affect -- and are affected by -- the decisions made at the pretrial stage of justice.

11/ This monograph primarily focuses on those standards published by the National Association of Pretrial Services Agencies and by the American Bar Association, because these are the most recently adopted of the various national standards, and because they benefited from the thinking of the earlier efforts (and quote widely from those efforts in their commentaries). See note 4, Supra.

II. POLICY IMPLICATIONS AND PRESCRIPTIONS

Policy makers asked to support pretrial release programs and to allocate funds in this area want to know what returns they can expect on this investment. An examination of program practices around the country yields some of that information. It also helps define questions that should be addressed by program administrators and officials, so that release programs can maximize their potential.

Some of the promises anticipated by the bail reform movement of the 1960s have been met: judges are generally provided with better information upon which to base their release decisions when a formal pretrial release program exists in their jurisdiction. And the combined experiences of pretrial agencies have helped advance our knowledge of how the pretrial release decision-making process operates, what jurisdictions can do, and where further efforts are necessary.

Other promises have not been realized, at least to the extent one might expect: pretrial release agencies have the capacity to help initiate improvements in the entire pretrial process, such as having a measurable impact on the level of pretrial detention. Yet, as a whole, the pretrial release field falls short of that potential. This conclusion carries important implications for program administrators and decision makers at the county and state level, particularly as we look to the difficulties facing local jurisdictions around the country. It indicates the need for a fresh look at program practices and at the assumptions, policies and philosophies shaping those practices.

A review of the data helps explain why some of that potential is not fulfilled.

A. A Look at the Practices

- A number of programs have screening procedures which probably contribute to the unnecessary detention of defendants: 70% automatically exclude from interviews and 87% from eligibility for own recognizance release recommendations certain groups of defendants, mostly on the basis of charge alone. While these exclusions may appear reasonable, many have been repeatedly challenged by the existing body of research: instant charges often are not good predictors of future court appearances or of future re-arrests.

  Further, half of the programs recommend that financial bail be set for some defendants, even though it has been shown that large numbers of defendants -- who are safe risks -- are thus detained simply for economic reasons.

  These and other practices individually, and even more so when combined, lead to unnecessary and costly detention.

- Only half of the programs have used research to objectively assess and make changes in their recommendation schemes. As a result, inefficiencies and perhaps screening and recommendation errors are perpetuated. Useful changes remain unexplored. Defendants stay in jail who could be safely released on their own recognizance, or for whom restraints less drastic than incarceration could be safely imposed.

Conversely, some defendants may now be released with no restrictions on whom conditions should be imposed. Unless recommendation practices are analyzed objectively, accuracy in making predictions simply can not be assumed.

- Less than 15% of the programs have assessed the impact of such activities as notification, verification, and supervision. For most programs, systematic collection and analysis of various statistical indicators of their operations is not considered a priority. Many are thus unable to identify internal and external improvements that would benefit the existing pretrial release systems in their respective jurisdictions.

These practices not only differ from the spirit and guidelines of national standards, but for the most part they are counterproductive to objectives supported by policy makers and the public: effective use of resources, efficiency and fairness of the criminal justice system, protection of the community.

They also paint but a partial picture of the pretrial release systems around the country. Some programs have been venturesome and catalysts for productive changes. Others are faced with difficulties which may appear insurmountable.

B. Understanding the Obstacles and How to Overcome Them

Current practices cannot be separated from the situation in which release programs find themselves, or from the programs' historical development. Many agencies now have "settled in" (61% have been in existence for more than seven years); rely on a single source of funding, generally local; and have become understandably cautious.

Such caution can be further understood when we see how a sensational, even if isolated, crime committed by a released defendant can lead (and has done so) to the closing of a reputable program.

The data also show that, for the most part, program staffing and resources are stretched thinner than in the previous decade. This affects the number of defendants who can be interviewed; and it has an impact on the programs' availability of time and resources to invest in planning, analysis and implementation of needed changes.

But these facts should not preclude progress.

All pretrial release programs share a common denominator: the unique potential for collecting information that cuts across the various aspects of pretrial release decisionmaking. When this is done, programs are able to outline options and, through documented and objective analysis, suggest improvements that can benefit the community, the defendant and the criminal justice system. Such activities need not be costly; they include, among other strategies:

- Analyzing screening approaches and recommendation criteria to determine their current impact, and assessing the effect of introducing changes in the criteria.

- Questioning the implications of the continued practice of setting money bail, with an initial focus in the area of minor charges.

- Determining whether program goals have been re-assessed recently, whether effectiveness of procedures has been evaluated, and whether such assessments should result in any changes in program practices.

- Initiating movement toward program and system changes that would help reallocate resources more appropriately. For example: 1) Are there mechanisms which are insufficiently implemented in the jurisdiction (such as citation, stationhouse release, etc.), thereby resulting in unnecessary interviewing by release staff and needless pretrial detention? 2) Is the timing of the release interview -- and/or its setting -- the most productive? 3) Should more programs have the authority to release some defendants on their own if certain criteria are met, thereby saving court time? 4) Should programs advocate for changes in practices by other components of the criminal justice system (e.g., early screening by prosecutors, early appointment of defense counsel, earlier appearance before a judicial officer, speedier trials and/or prioritized calendars) as means of improving the release process?

- Verifying whether the use of volunteers, part-time staff, students has been adequately explored. And, if past experiences with such resources were not successful, determining whether they could be used for different tasks -- for example, to gather and analyze program and system data.

Furthermore, as alternate consequences -- such as costs of detention, possibility of litigation, upcoming budget problems -- are pointed out to elected officials, release agencies should be able to demonstrate, in many instances, the wisdom of upfront investments in time and resources that could lead to long range benefits and savings.

C. The Urgent Need for Change

Programs must come to grips with the basic issue of their relevance in each jurisdiction. For unless programs themselves raise important questions and begin to initiate needed changes, others will begin to make choices for them.

The federal role in subsidizing local, non-federal pilot projects has all but disappeared (only 9% of all local or state programs receive the majority of their funding from federal sources, compared with 40% in 1975). The onus for funding existing and new programs rests almost entirely with local and state governments. This investment will be justified by those units of government only if successful impact can be demonstrated. The successful track record of other release agencies can provide powerful arguments for any local pretrial program, particularly as successful practices are adapted to new jurisdictions.

The early bail reformers seldom took the politically expedient route. And, even among the more institutionalized programs today, many resist such expediency and initiate responsible change within their programs and within the system they affect (and are affected by). But many others do not. If the opportunity is missed, a slow but predictable withering of pretrial release agencies may well occur.

This should not be allowed to happen. Pretrial release programs have a role to play which is more urgent than ever. Jails should not be crowded with pretrial defendants who are releasable; scarce public resources should not be wasted on agencies that are unwilling to assess their impact. Program practices indicate that these and other questions remain insufficiently addressed by pretrial agencies or by policy makers. The agenda for action is thus clear and will determine whether the pretrial release field continues to be viable or becomes another reform that went astray.

III. DESCRIPTIVE PROFILE OF PROGRAMS

This chapter describes the current status of programs, including such factors as authority for their operations, organizational placement, scope and size (including primary service area, budget, staff size, numbers interviewed), length of existence, and sources of funding.

A. Program Authority and Organizational Placement

HIGHLIGHTS

- Release programs operate under a wide variety of legal or administrative authority and organizational arrangements.
- Almost half of all programs are accountable to some branch of the courts; the greatest growth in numbers of programs since the early 1970s has been in court-administered programs.
- More than 1/4 of all programs are administered by probation departments, although the number and proportion appear to be declining.
- The proportion of release programs operated by private, non-profit agencies has declined since 1972, accompanied by increases in programs run by public agencies other than probation departments and courts.

Legal/Administrative Authority

The authority for the existence of most programs is some form of state or federal statute and/or court rule. As seen in Table 1 and below, more than 75% of all programs operate under such authority, with statutory authorization most prevalent. 12/

% OF PROGRAMS OPERATING UNDER STATUTORY OR COURT AUTHORITY:	
State or federal statute	43.6%
Court rule	27.7
Court rule + statute	5.9
TOTAL	77.2%

12/ It should be noted that some program administrators interviewed were not always certain whether their authorizing statutes or court rules were mandatory or permissive. Thus the mandatory vs. permissive breakdowns in the table should be interpreted with caution.

Although about 23% of the programs appear to operate without the need for or blessing of specific statutory or court authority, it may be that some of these programs operate under permissive legislation or court rule without realizing the source of their ultimate authorization.

Organizational Placement (Type of Program)

Both the NAPSA and ABA pretrial release standards argue forcefully for release agencies which are "independent of both the prosecution and the defense" (ABA Commentary, p. 26) and which "avoid any bias toward the defense or the prosecution" (NAPSA Commentary, p. 53). Beyond such admonitions, neither set of standards makes explicit recommendations as to the best form of organizational placement for release programs. Although the ABA standards "do not preclude jurisdictions from combining the pretrial services function with other functions if such a combination is administratively feasible" (p. 33), the NAPSA standards seem somewhat more wary of such an approach: "A program situated within a component of the system which has a vested interest may tend to adopt the attitude of its umbrella organization." (p. 53) 13/

The absence of a clear consensus concerning preferred organizational placement is reflected in the fact that release programs operate under a wide variety of organizational arrangements, as presented in detail in Table 2 and in summary form below.

ORGANIZATIONAL PLACEMENT OF RELEASE PROGRAMS

Type of Organization	% of Programs
Courts	35.3
Probation	14.3
Probation under Courts	13.4
Other public agency	21.0
Private non-profit	12.6
Other	3.4
TOTAL	100.0

The largest concentration of release programs is administered by the courts. More than 30% of all programs are directly operated under local or state courts. In addition, 11 others (all in New Jersey) are administered by local probation departments, but under the overall authority of a county assignment judge. The 10 demonstration federal pretrial services agencies, though different in structure (half administered under independent boards and half by probation departments), all are ultimately responsible to the federal Administrative

13/ Such a fear did not appear to concern the National Advisory Commission on Criminal Justice Standards and Goals. In its Report on Corrections (1973), the Commission stated: "Each probation office serving a community or metropolitan area of more than 100,000 persons that does not already have an effective release on recognizance program should immediately develop, in cooperation with the court, additional staff and procedures to investigate arrested adult defendants for possible release on recognizance (ROR) while awaiting trial..." (Standard 10.5, p. 339).

Office of the Courts. Thus, state and local courts have either direct or indirect responsibility for about 40% of all release programs. If the 10 federal programs are included, almost half (58) of all interviewed programs are accountable to some branch of the courts.

Probation departments administer the second largest number of programs. Including the probation/county assignment judge programs, 28 (almost 1/4 of the total) are administered by local or state probation departments, and the five federal probation-administered programs bring the overall total to 33 (about 28% of all programs).

An additional 25 programs (21%) are administered by various other public agencies. (Consistent with the standards cited above, only two of those programs are administered by a prosecutor's office and none by a public defender's agency.) Overall, 100 of the 119 programs (84%) are administered directly by public agencies, with 15 by non-profit agencies and four through various other arrangements.

By way of comparison, Table 3 contrasts these data with those from the earlier program surveys conducted by the OEO and by the National Center for State Courts (NCSC). Because some operating programs were inevitably inadvertently overlooked by each of the surveys, definitive statements about trends in organizational placement of programs are not possible, but the data in the table (summarized below) are at least suggestive.

ORGANIZATIONAL PLACEMENT: 1972 AND 1980

Type of Organization	% of Programs 1972	% of Programs 1980	(% Change)
Courts	29.5	35.3	(+5.8)
Probation	33.0	27.7	(-5.3)
Other public agency	15.9	21.0	(+5.1)
Private non-profit	21.6	12.6	(-9.0)
Other	0.0	3.4	(+3.4)
TOTAL	100.0	100.0	

The number and proportion of formal probation-administered programs appear to be declining somewhat. On the other hand, the biggest increase in numbers and proportions of release programs during the 1970s appears to have been in those administered by the courts. Even if the 11 probation/county assignment judge programs and the five federal Administrative Office of the Courts programs administered by probation departments are excluded, the data still show steady and substantial increases in court-administered programs since 1972. If those excluded court-related programs are considered, the increases are even more dramatic.

It also seems apparent from the table that the proportion of release programs run by private, non-profit agencies has declined since 1972. This decline has been accompanied by not only the large increase in court-administered programs, but also by a steady increase in programs responsible to other public agencies -- e.g., directly to county boards, to local departments of corrections, other umbrella agencies such as broad-based human services departments, etc.

The implications of these trends are not clear. Few if any studies have been completed which enable any conclusive statements about what types of organizational structures appear to be most appropriate and most conducive to the effective provision of pretrial release services. Individual programs appear able to operate effectively under various structures; what is not known is whether the probability of effective operations is greater under some types of organizations than under others. More formal research into this topic would be beneficial. For more information concerning the relative effectiveness of different types of programs, refer to Chapter V. 14/

B. Scope and Size of Programs

Although the majority of release programs provide release-related services only, one-third of those interviewed indicated that various other functions are also provided by their agencies (e.g., pretrial diversion, victim assistance efforts, mediation, etc.). Release was considered the predominant function in nearly all of these programs.

As seen below, programs also vary considerably in terms of geographic areas covered, budget, staffing patterns, and numbers of defendants interviewed as part of the pretrial release decision-making process.

14/ Research is currently underway concerning statewide pretrial release practices in two states -- New York and New Jersey -- which may provide more systematic information concerning types of organizational structures and their impact on the provision of release functions.

HIGHLIGHTS

- Formal release programs typically serve urbanized areas encompassing one or more counties of at least half a million residents.
- Programs tend to be relatively small operations, with annual budgets of less than $100,000 and fewer than five full-time non-secretarial staff persons.
- Programs have better affirmative action records with regard to hiring women for professional and leadership positions than is the case with regard to hiring minorities in similar capacities.
- Relatively few programs use either part-time paid staff, students or volunteers.
- Programs interview no more defendants now than in the first half of the 1970s, despite increases in numbers of arrests since that time. The numbers of interviews are generally correlated with staffing resources available to the program. Nonetheless, analyses suggest that most programs could interview more defendants.
- Budget increases since the 1970s appear to have done little more than keep pace with inflation. Program resources thus appear to be stretched thinner now than in the previous decade, despite modest increases in program expenditures. Such stretching of resources may have contributed to the limits on numbers of defendant interviews, and may also place limits on the extent to which program administrators can plan rationally, evaluate, and consider changes that may be needed in program policies and practices. This suggests the need for serious consideration of expanded use of volunteers and/or student interns in more programs in the future.

Service Areas Covered by Programs

Table 4 indicates that virtually all (94%) of the formal release programs are situated in areas with populations of more than 100,000; more than half are in areas of at least 500,000 residents; and almost 30% cover areas with at least one million inhabitants. 15/

Two-thirds of the programs serve a full county, about 20% serve a multi-county area, and three (Kentucky, Delaware, and one of the federal programs) cover an entire state (10% serve a city or one or more towns, but less than a full county area). The large majority of programs operate in urbanized areas: 14% serve areas they describe as "primarily urban", and another 68% say they operate in areas which are "a mixture of urban, suburban, and rural" or "a mixture of urban and suburban". About 18% of the programs are in non-urbanized areas.

15/ It should be noted, however, that the Kentucky statewide program was listed as one program serving more than 1 million residents, even though there are separate release officers in small jurisdictions covering fewer than 50,000 residents.

In addition to the primary areas served by the programs, most indicate that they are "willing to supervise, monitor or work in other ways with defendants with charges pending in other jurisdictions (i.e., engage in inter-agency compacts)". Almost 65% indicate such a willingness with no qualifications; in addition, almost 30% say they are willing "in certain circumstances". 16/ This general willingness to cooperate with other programs is consistent with the NAPSA standards, which comment that "Pretrial services agencies should make arrangements to call upon each other for factual investigations and supervision of defendants arrested and charged" in other jurisdictions (p.55).

Program Budgets

As seen in Table 5, more than 20% of those programs for which budget information was available reported annual budgets of $50,000 or less; more than a third receive $75,000 or less; and more than half operate with no more than $100,000 per year. Only about 1/4 of the programs have annual budgets of more than $200,000, including 11% over $400,000. 17/

Most of the largest-budget programs are in the largest geographical areas. Beyond that, there is no way from these data alone to determine whether program budgets are adequate or inadequate to meet local needs, represent efficient uses of available resources, or indicate an overexpenditure of funds. Some indirect clues are provided later in this section in the discussion of numbers of defendants interviewed.

Program Staffing Patterns

Given the relatively low budgets of most release programs, the staffing patterns indicated below and in Table 6 suggest a paradox.

PROGRAM STAFFING PATTERNS

# and Type of Staff	% of Programs
Less than 3 full-time	27.6
3 or 4 full-time	22.4
5-10 full-time	31.9
More than 10 full-time	18.1
1 or more part-time	38.9
1 or more volunteer	30.4

16/ The major caveats involve imposing some geographical limits, restricting to federal cases (the ten federal programs), and simply "playing it by ear", depending on the circumstances of the particular case. The number of actual referrals made and accepted by individual programs is not known.

17/ As seen in the table, budget information was available for 91 programs, more than 75% of those interviewed. The remaining 28 were generally unable to separate release expenditures from a larger agency budget. This was particularly true for probation-run programs: separate budget breakdowns were not available for 16 of the 33 probation programs. A disproportionately high percentage of the 28 programs unable to supply budget data report small full-time staffs of three or fewer. Thus it is likely that the above pattern of relatively small budgets would be even more pronounced if budget data could be isolated for these other 28 programs.

On the one hand, it is not surprising that only 18% of the programs have more than 10 full-time non-secretarial/clerical staff, and that half operate with fewer than five. Moreover, more than 1/4 of all programs have fewer than three full-time staff, 10% are one-person operations, and two programs have no full-time staff at all.

On the other hand, it seems surprising, given the relatively low budgets, that more than 60% of the programs make no use of paid part-time non-clerical staff. The NAPSA pretrial release standards and goals acknowledge some potential difficulties in the use of part-time personnel, but also emphasize their potential value, especially with limited budgets. The Commentary suggests: "Part-time staff allow substantial flexibility in assignments and a larger pool of talent from which to select permanent staff" (p. 54).

Furthermore, although the NAPSA standards also point out some difficulties in the use of volunteers, they conclude: "Many agencies make extensive use of volunteer staffs....careful selection of volunteers can result in an inexpensive but highly effective work-force"(Commentary, p. 55). Nevertheless, 70% of the programs indicate that they do not use volunteers and/or students.

Many programs may have resisted (or abandoned) the use of part-time or student/volunteer resources because of the difficulties and time involved in their recruitment, training and supervision, coupled with anticipated high turnover rates among such persons. Nonetheless, several programs do make significant use of part-time staff and/or students. Although 79% of the programs report that full-time staff do most of the defendant interviewing, 24 programs indicate important interviewing roles for others (11 say part-time staff do most of the interviewing, two say students do, and 11 indicate that a combination of full-time staff and either part-time or student/volunteer workers do the interviewing).

Most programs (about 75%) have at least one woman on the professional staff, and almost one-third of the programs have at least 50% women. Women direct 25 programs (21%). There are no minority professional staff in 44% of the programs, despite the fact that many of those served by the programs are minority defendants. 18/ About 16% of the programs have minority staff in at least half of the full- and part-time positions. No information was available on the number of minority directors of programs.

Trends in Budgets and Staffing Patterns

Historically, it is possible through comparisons with the earlier surveys to note the extent to which changes have occurred in budgets and staff size since the early 1970s. Despite the relatively small budgets of most release programs, in the aggregate they have increased since then. For instance, 25% of the programs for which budget information was available in 1972 had annual budgets of $25,000 or less, compared to 10% in 1979/80; 46% had budgets of $50,000 or less, compared to 22%. Only 28% of the programs in 1972 had annual budgets greater than $100,000; this had increased somewhat to 35% by the 1975 survey, but has now increased further to 47%. Similarly, the budgets of 15% of the programs exceeded $200,000 in 1972 (13% in 1975); the corresponding figure is now 25%.

18/ The actual proportions of minority defendants were not available in those jurisdictions.

Despite these aggregate increases, similar comparisons of program staff size suggest that the increases have done little more than attempt to recognize the effects of inflation, as the budget increases do not appear to have been reflected in greater numbers of staff. In fact, to the extent that any overall changes have occurred, there may even have been a slight decrease in the numbers of staff in some of the larger programs. Moreover, in 1975, 54% of the programs reported using at least some part-time paid staff, and 12% used more than 10 part-time people apiece; now, those proportions are down to 39% and 4%, respectively.

Thus, program resources appear to be stretched thinner now than in the previous decade, despite the increased program expenditures. Such stretching of resources can lead to limits on program activities and impact. One can speculate that it may in some cases also lead to crisis-oriented management, with little long-range planning, little emphasis on research and program evaluation, and little oppportunity to reflect upon the program and its policies and practices -- or to initiate program changes where needed. Again, this suggests the need for consideration of expanded use of volunteers and/or student interns in more programs, to help with such tasks as interviewing defendants, data gathering and in-house research. (This issue is discussed further in Chapter IV.)

Defendants Interviewed by Programs

Consistent with the relatively small budgets and staffs of most release programs, the numbers of interviews during a year are also relatively small in most programs, as shown below and in Table 7.

NUMBERS OF DEFENDANTS INTERVIEWED ANNUALLY

# Interviewed	% of Programs
500 or less	11.2
501 - 1000	19.4
1001 - 2000	18.4
2001 - 2500	7.1
2501 - 5000	17.3
5001 - 10,000	13.3
More than 10,000	13.3
TOTAL	100.0

The majority of programs (56%) interview no more than 2500 defendants annually, a maximum of seven per day (or about 10 per day if a Monday-Friday schedule is assumed). Thirty-one percent of the programs interview no more than 1000 defendants per year (three or four per day), and 11% no more than 500. On the other hand, more than 1/4 of all programs interview more than 5000 defendants per year, and more than 10,000 are interviewed by 13 of the 98 programs supplying interview data. 19/

19/ Analysis of budgets, staff size, and populations of the jurisdictions served for the 21 programs with no interview data suggests that most of these programs probably interview fewer than 2500 persons per year, and that the overall proportions of all 119 programs would likely be little different from the 98-program profile presented in Table 7.

Comparison of the data in Table 7 with those in the earlier surveys suggests that programs are interviewing about the same numbers of defendants now as they were in 1972 and 1975, despite the increases in numbers of arrests during that time. This would appear to be consistent with the earlier finding that there has been little change in numbers of staff over time.

There is general consistency between numbers interviewed and program and jurisdictional size. Those programs interviewing the smallest numbers of defendants are for the most part those in smaller jurisdictions, and those with smaller budgets and staffs, than is the case for those programs interviewing larger numbers of people. 20/

Determination of cause and effect relationships is not possible from the data presented in this section. Nor can it be conclusively determined whether more defendants could be interviewed with existing staff (or to what extent some programs may already be interviewing all defendants on whom they could have an impact). Moreover, it is important to emphasize that a thorough analysis of interview data would have to include an analysis of the jurisdiction's overall release practices and of whom the program is interviewing (e.g., proportion of felonies vs. misdemeanors). Such information was not available from the programs. Nevertheless, other analyses discussed later in the monograph suggest that most programs could, and should, be doing more to interview additional defendants to aid more effectively in the release decision-making process.

C. Stability of Programs and Sources of Funding

Although many pretrial release programs have been established in the United States during the past 20 years, there has also been considerable turnover among programs during this period. Both the nature and stability of programs and the sources of their funding appear to be changing in ways which could have significant implications for the future of the pretrial field.

HIGHLIGHTS

- There has been considerable attrition among release programs in the 1970s, and the rate of initiation of new programs has decreased in recent years.
- There also appears to have been a "settling-in" process whereby many programs seem to have become relatively stable components of the criminal justice systems within their respective jurisdictions.
- In contrast with the 1970s, almost 3/4 of all programs now receive all their funds from a single source, most typically local government units. There has been a dramatic shift away from significant LEAA support to the assumption of primary funding responsibility at the local (and to a lesser extent state) levels of government.
- Startup funding for needed new release programs in the future is uncertain.

20/ On the other hand, the budgets and staffs of some programs appear to be relatively high given the numbers of interviews, suggesting that these programs may need to become more efficient in using their resources in the future. An analysis of whether or not greater efficiency is possible would also, of course, have to consider what level of services other than basic interviewing of defendants is also provided by each program.

As indicated below and in Table 8, more than 80% of the interviewed programs have opened since 1970, 60% since 1972. Yet the programs are not particularly new: two-thirds began between 1971 and 1976; only 14% have been started since 1976.

BIRTHDATES OF PROGRAMS

Year Program Began	% of Programs
1970 or earlier	19.3
1971-72	20.2
1973-74	21.9
1975-76	24.6
Since 1976	14.0
TOTAL	100.0

These data are in sharp contrast to the findings of the earlier surveys conducted in the 1970s. For example, the OEO survey indicated that in 1972 there were 56 active programs which had begun in 1970 or earlier; as indicated in Table 8, that number by 1979/80 had dwindled to 22. Moreover, of the 35 programs in the OEO survey which had started in 1968 or earlier, only 12 still exist. 21/

The most recent findings also contrast sharply with those from the 1975 NCSC survey. Of the 110 programs included at that time, 75 (69%) had been in existence for five years or less, and 35% for less than two years. In our more recent investigation, by comparison, only 39% of the programs have started since 1974, and only 14% since 1976. 22/ Furthermore, only 65 of the 110 programs included in the 1975 survey were also included in the 1979/80 effort. Thus, almost 41% appear to have ceased to exist since 1975, at least as formal release programs (although some may operate informally or be unknown to the Resource Center). 23/

21/ Even before the OEO survey was undertaken, considerable program attrition had taken place. A comparison of a Vera Foundation list of 89 programs begun prior to 1969 with the OEO list of programs operating in 1972 indicated that 30 of the 89 early programs were no longer in existence in 1972. (See Lee S. Friedman, The Evolution of a Bail Reform: A Working Paper, New Haven: Institution for Social and Policy Studies, Yale University, 1974, p. 47.)

22/ It should be reiterated that a few programs, the existence of which recently became known to the Resource Center, have been added to the 1980/81 Directory of Pretrial Services; the information on these programs was not complete enough to include them for purposes of analysis for this monograph. Several of these have begun operations since 1976; others had begun earlier but had only recently come to our attention. Had these additional programs been included here, the proportions noted above would have been changed minimally.

23/ It is recognized that no canvass of programs is 100% complete. A number of the programs we interviewed had been in existence well before the 1975 NCSC survey was undertaken but were inadvertently overlooked at that time. We realize that we also inadvertently missed some programs, perhaps overlooking a few of the 45 programs not included from the 1975 survey.

In short, the 1970s appear to have witnessed considerable attrition among release programs and a decline in the rate at which new programs are being initiated. On the other hand, these trends appear to have been accompanied by a "settling-in" process whereby many programs seem to have become relatively stable components of the criminal justice system. The potential implications of these apparent trends will be addressed below.

An examination of program funding sources gives further evidence of the overall settling-in process and also helps explain why there has been an apparent slowdown in the development of new programs. Table 9 and the chart below indicate the extent to which local governments have assumed responsibility for funding release programs.

% OF PROGRAMS RECEIVING MAJORITY FUNDING FROM:

County government	57.1%
Municipal government	7.5
LEAA	5.9
Other federal funds	10.9
State government	12.7
Other	3.4
No majority funding	2.5
TOTAL	100.0%

Almost two-thirds of the programs (64.6%) receive the majority of their funding from local government (county or municipal), including 66 programs (55% of the total) which are funded completely by local governmental units. By contrast, only seven programs (6%) receive most of their funding from federal LEAA grants (another 11% receive majority funding from various other federal sources; 10 of these programs are the federal demonstration pretrial services agencies). Fifteen programs (13%) receive a majority of their funding from state governments. No other funding sources have any significant impact on release program operations.

Table 9 also suggests the relative stability (but also the potential vulnerability) of program funding: 88 programs (almost 75%) receive all of their funds from a single source. The 31 programs (26%) with multiple funding represents a sharp decline from the 59% of the programs in the OEO survey and the 54% in the NCSC survey which received funding from more than one source. This trend suggests that the funding for many programs -- which initially received a combination of LEAA and state/local funding -- was ultimately completely assumed, as intended in the initial experimental project funding design, by the state and local funders.

Changes in funding patterns over time are shown more clearly in Table 10 and below.

SELECTED SOURCES OF PRIMARY PROGRAM FUNDING: 1975 AND 1980

Funding Source	% of Programs 1975	% of Programs 1980	(% Change)
LEAA	37.6	5.9	(-31.7)
Other federal funds	2.7	9.2	(+6.5)
County government	34.9	57.1	(+22.2)
Municipal government	11.9	7.5	(-4.4)
State government	9.2	12.6	(+3.4)

The changes are most dramatic with respect to LEAA grants and county government funding. LEAA funds were the primary source of revenues for about 38% of all programs as recently as 1975; now that figure is down to only 6%, and a total of only 13% of the programs receive any funding from that source. On the other hand, county government units, which had been the primary funder about one-third of the time, now contribute the majority of funds in 57% of the programs, and have at least partial financial responsibility for two-thirds of all programs.

Since 1975, the role of municipal governments as primary program funders has decreased. Although state governments have become primary funders more frequently since 1975, the total proportion of programs receiving at least some financial support from states has steadily declined, especially when compared with 1972 (from 28% to 18%). Non-LEAA federal funds have increased, but this represents the funding of the 10 demonstration federal pretrial agencies, and not increased funding of local programs.

Another way of noting changes in funding patterns is to compare current sources with original funding sources for the same programs. Thus, it is instructive and thought-provoking to realize that, even though only 13% of the programs currently receive any LEAA funds, four times as many (52%) received more than 3/4 of their original funding from that source; and that although two-thirds of all programs now receive at least some county government funding, a similar proportion initially received no county funds when the programs were started. Moreover, the states played little role in initially funding new programs, with 82% of the programs indicating that they received no state funds when they were established. Without the continuing impetus provided in the past by LEAA funding of new programs, it is not clear that state and local units of government will be willing or able to assume the burden of this startup funding role in the future.

Overall, advocates of release programs appear to be entering a period of uncertainty. On the one hand, the field appears to have attained a degree of stability, with a number of programs apparently having "made it" as part of the system. In fact, when asked to describe their programs in terms of stability,

87% described themselves as "an established institutionalized function, with continued financial support reasonably well assured"; only 9% said they were "an established function, but with future financial support uncertain", and another 3% described themselves as "an experimental demonstration project". Despite such relatively upbeat indications of stability, however, there are also troubling questions:

- With funding typically dependent on one source, and the source almost always public funds, the almost inevitable budget tightening at all levels of government in the future could lead to a greater degree of financial vulnerability among release programs in subsequent years.

- Relatively few new release programs are being started, and sources of startup funding for those which may be needed is uncertain. Inasmuch as most larger jurisdictions already have formal or informal release programs in place, this may not be a major problem. However, experience of the Pretrial Services Resource Center makes it clear that there continue to be many communities throughout the country which would profit from the establishment of release programs. Although local units of government (and to some extent state governments as well) have increasingly good track records of support for ongoing, proven release programs, it remains to be seen whether (and to what extent) they will also be willing to assume the burden of startup costs for needed new programs in the future.

IV. PROGRAM PRACTICES, POLICIES AND PHILOSOPHIES

The discussion in this chapter focuses primarily on the specific practices and policies of individual release programs, although it is understood that the responsibility for these practices and policies is often shared by both program staff and officials outside the program. Practices are contrasted with recommended standards and goals for the pretrial release field. Analyses indicate the proportions of programs with particular characteristics. Large and small programs are treated equally in the analyses, with no added weightings assigned to larger programs.

The chapter is organized to reflect the normal sequence of steps in program practices. It addresses program interview exclusions, timing of defendant interviews, nature of screening mechanisms used, program recommendation policies, extent of release recommendations and their impact on release decisions, post-release activities, FTA and pretrial rearrest rates, and extent of program emphasis on data analysis and program evaluation.

A. Automatic Exclusions from Program Interviews

Release programs interview defendants for the purpose of obtaining information designed to aid the program itself or a judicial officer in making informed release decisions. In many programs, however, some groups of defendants are excluded from this process.

HIGHLIGHTS

- Despite arguments in national release standards that no defendant should be denied consideration for release solely on the basis of the charge, and research findings in support of such a position, virtually half of all programs automatically exclude by policy some defendants from even being interviewed, on the basis of the charge alone.
- An additional 20% of the programs automatically exclude categories of defendants from being interviewed for various non-charge-related reasons.
- Thus 70% of all programs have policies which automatically exclude some defendants from any independent consideration of release eligibility (i.e., from being interviewed by the program).

Exclusions on the Basis of Charge

Both the NAPSA and ABA release standards make strong arguments that no defendant should be denied consideration for release solely on the basis of the offense with which s/he is charged. Emphasis is placed on the need for release

determinations to be based on individualized assessments of each defendant, rather than arbitrary exclusions of certain groups of defendants based strictly on the offense charged.

However, it can also be argued that persons deemed unlikely to be eligible for nonfinancial release should not be interviewed, since it would not be an efficient use of project resources. This argument is most typically advanced with regard to defendants charged with capital offenses. However, not infrequently such defendants are ultimately released; whether the defendant is released outright, money bail is set, or bail is denied, that determination is a judicial decision which should not be anticipated in advance by the release program. The judicial officer must decide on appropriate release conditions and needs information from the release agency in order to make an appropriate decision.

Thus, the NAPSA standards emphasize that all defendants who are detained should be interviewed; 24/ the ABA standards place their primary emphasis on interviewing all who are charged with felonies. The latter standards agree with the above argument that there is a need for release programs to make efficient and wise use of limited resources in determining whom to interview, but they reach a different conclusion. Instead of excluding from interviews those defendants charged with serious offenses, these and other felonies are the very cases which release programs should concentrate on, the ABA standards say. Less emphasis is placed on interviewing those charged with misdemeanors (on the grounds that they should generally be released at the earliest point possible, typically through such mechanisms as citation release and issuance of summons) and those cases in which the prosecution does not oppose release on personal recognizance. Thus, the emphases of the NAPSA and ABA standards are slightly different, but the intent of both is clear: no defendant should be detained without an independent inquiry into his/her circumstances, followed by a specific presentation based on those circumstances to a judicial officer.

As seen below and in Table 11, these arguments and standards are contradicted by the practices of most release programs.

% OF PROGRAMS WITH AUTOMATIC EXCLUSIONS FROM INTERVIEWS:

Charge-related exclusions	49.6%
Non-charge-related exclusions	20.2
No automatic exclusions	30.2
TOTAL	100.0%

24/ In a Pretrial Services Resource Center study (in progress) that assesses the feasibility of establishing an accreditation process for pretrial release programs and systems, a questionnaire completed by about 35 representative release programs yielded somewhat contradictory findings. Only 44% of the programs agreed that whether "the release agency is 'charge blind' in its interview, recommendation, and release policy" should be considered in the potential accreditation process. On the other hand, 90% of the programs agreed with inclusion in the process of the following statement: "The pretrial release (agency) interviews all detained defendants when their arrest status may lead to bail being set". Only one of 32 items received a higher "Importance Score" than this statement. (More information on this accreditation feasibility study will be available in a forthcoming Resource Center publication on the study's findings and implications.)

Only 30% of all the programs indicate that they have no policies of automatic blanket exclusions for any reason. 25/ Another 20% say they do have one or more automatic exclusions, but none which are charge-related. However, virtually half of the programs (49.6%) automatically exclude some defendants from being interviewed on the basis of the charge alone.

Most of these (75% of the programs which exclude defendants from interviews and 37% of all the programs) exclude for a variety of specific charges, most typically for violent felonies such as murder, rape, aggravated assault, armed robbery, kidnapping, or for drug-dealing charges. 26/ As logical as such exclusions may seem on the surface, the earlier arguments apply. Moreover, there is considerable research which suggests that many persons charged with certain serious crimes do not necessarily pose a greater risk of either failure to appear in court or of danger to the community than do those charged with far less serious crimes (and some research suggests the risk may be even less in many cases for some offenses such as murder). 27/ This is not to imply that defendants charged with serious offenses should never be detained; rather, that those release decisions should be made on an individual basis with as much information as possible -- information which often can only be determined through an independent inquiry or interview and verification undertaken by a release program.

It can be argued that those 11 programs which by policy do not interview defendants charged with misdemeanors are consistent with the ABA position. However, that position is predicated on a presumption that a jurisdiction is making extensive use of citations and summons for misdemeanors, and that defendants charged with misdemeanors and requiring a release decision by a judicial officer will typically be released on their own recognizance. 28/ The

25/ This does not necessarily mean that all defendants are interviewed, however. That depends in part on the point of program intervention, as many defendants may already have been released by the time the program does its interviewing (see Section B which follows in the text). However, of those defendants still "available" for interviewing at whatever that point is, none are excluded by restrictive policies from being interviewed. It would be extremely helpful in assessing program practices and impact to have statistics on the proportion of total defendants interviewed by each program, and at least misdemeanor vs. felony breakdowns of those statistics. However, such information is rarely maintained by programs or jurisdictions (see Section H, infra).

26/ As noted in the table, the numbers of programs excluding such defendants from interviews are probably understated due to the nature of the interview process.

27/ For a summary of this research, see Bruce D. Beaudin, Donald E. Pryor, and D. Alan Henry, "A Proposal for the Reform of Pretrial Release and Detention Practices in the United States", Pretrial Services Annual Journal, Vol. IV (1981), pp. 76-78, 88. Also see Donald E. Pryor, "Significant Research Findings Concerning Pretrial Release", Pretrial Services Resource Center, prepared for the National College for Criminal Defense, May 1980, Conclusion 7 and accompanying footnotes.

28/ On the other hand, even for misdemeanor cases, others argue that the information obtained in interviews is valuable for notifying defendants and/or locating them if they miss a court appearance. These arguments emphasize that such "preventive interviewing" can help maintain low program FTA rates and high program credibility in the community. In part, of course, this becomes a question of what resources are available in a given program for such efforts.

ABA commentary states, "This standard establishes a presumption for these cases that no inquiry is necessary"(p. 25). However, the standards go on to make clear that where such assumptions are not correct and/or where the prosecutor questions the appropriateness of personal recognizance, independent inquiries should take place. Thus, even the ABA position would not advocate the automatic exclusion of all defendants charged with misdemeanors from pretrial interviews. Nationally, many defendants are detained on relatively nonserious misdemeanor charges because of an inability to post a low money bail. This underscores the importance of not automatically excluding such defendants from being interviewed by a release program.

Finally, there is perhaps a logic to excluding from interviews those charged with probation or parole violations and those with charges related to previous failures to appear in court as required. On the other hand, there may be mitigating circumstances which would become clear in the defendant's appearance before a judicial officer; in such cases, release may be appropriate, and information from the release program could be important in the determination. Often violations are minor, and research has shown that FTAs are frequently system-related rather than deliberately missed appearances by the individual defendant. 29/ Thus, automatic exclusions of such defendants from even being interviewed, while perhaps supportable on the grounds of efficiency, may be inappropriate in that they fail to consider the total pattern of circumstances associated with each individual defendant.

Exclusions for Other Reasons

Of the 83 programs with automatic interview exclusions, 59 exclude at least some defendants for charge-related reasons (see Table 11). Of those, 29 exclude not only on the basis of certain charges, but also for various other non-charge-related reasons. In addition, 24 programs do not exclude anyone on the basis of charge, but do automatically exclude for various other reasons. Thus 53 programs (44.5% of the total) exclude categories of defendants from being interviewed for a variety of non-charge-related reasons. Those reasons are enumerated in Table 12.

There appears to be sound logic behind each of the exclusions noted. However, the question must again be raised as to whether a blanket policy of exclusions for such cases is justified. As suggested above, a variety of extenuating circumstances may need to be considered; moreover, holds or detainers from other jurisdictions may be lifted, those with no local addresses may be able to be released through cooperative arrangements with release programs in the defendant's home jurisdiction, etc.

In short, although the various factors listed in the table should legitimately be considered in the release recommendation decision, making them the basis for automatic exclusions from interviews is inconsistent with individualized assessments advocated by national release standards: in NAPSA's position that the release program "...should in every case file a written report with the

29/ See Pryor, "Significant Research Findings", Supra note 27, Conclusion 8 and accompanying footnotes 39 and 40.

court stating information gathered at the initial inquiry..." (Standard XI, p. 63); and in the ABA statement that "This standard requires a pre-first-appearance inquiry in all cases..." except those issued summons or citations, those in which the prosecution is not opposed to release on personal recognizance, and those in which the defendant waives the right to such an inquiry with the advice of counsel (p.27).

Finally, it should be noted that programs disagree as to the significance of the factors: none is used by even one third of the programs as a basis for automatic exclusion from interviewing. Their cumulative effect is to exclude a number of defendants from being interviewed, thus perhaps negatively affecting their chances of being released. And, since the logic of such exclusions has failed to persuade most programs, this may be the best indication that these automatic exclusions should be rethought.

B. Timing of Program Interviews

HIGHLIGHTS

- Most programs are generally in accord with national release standards which urge program interviews to be conducted in time for the information to be available at the first court appearance where the initial release decision is made.
- However, while early interviews lead to a greater probability of more information being available in the initial release decision-making process, there are also sound arguments suggesting that delayed interviews may in some cases represent a better use of limited staff resources.
- Some programs which conduct all defendant interviews prior to the initial court appearance may be missing further opportunities (e.g., through subsequent bond reviews) to help effect more releases.
- Programs should systematically assess how their resources should best be allocated in the interviewing process.

Both the NAPSA and ABA standards emphasize the importance of release programs' striving to assure the speedy release of defendants awaiting trial. Both use the same language to urge that release programs conduct for each defendant "an inquiry into the facts relevant" to the pretrial release decision (i.e., interview each defendant) "prior to or contemporaneous with" the defendant's first court appearance where the initial release decision is made.

Generally, as seen below and in Table 13, most programs meet this standard in most cases. 30/

% OF PROGRAMS INTERVIEWING DEFENDANTS PRE-INITIAL COURT APPEARANCE:	
More than 3/4 of all interviews conducted prior	68.0%
All interviews conducted prior	26.5
On the other hand:	
Half or less of all interviews conducted prior	21.2
No interviews conducted prior	8.0

More than 1/4 of all programs indicate that they conduct all of their interviews prior to the initial court appearance. Including those, about two-thirds of all programs say that more than three of every four interviews are conducted prior to the initial appearance.

In contrast, 8% of the programs indicate that their interviews never precede the initial appearance. Another 9% occasionally conduct interviews beforehand (in 1/4 of the cases or less), and a total of 21% of the programs conduct such "early" interviews half of the time or less. 31/ (And of course, as seen above, some defendants are not even interviewed at all in most of these programs due to policy exclusions. 32/ Thus, the ability to help effect early release is particularly limited in these programs with relatively "late" interviews.)

However, the preferred timing of interviews may not be as clearcut as the standards would seem to suggest. In theory, early interviews should help gather a larger amount of information before the initial release decision, and thus have an impact on time spent by defendants in detention. By contrast, some

30/ Based on program-estimated figures. It is not known how accurate the estimates are, although within the categories and ranges in the table, the total numbers of programs are considered reliable. It should also be noted that these figures do not indicate the extent to which time from arrest to initial court appearance may vary from jurisdiction to jurisdiction.

31/ Some programs also provide some interviewing backup support for "police release" efforts in their jurisdictions. Two-thirds of the programs indicated that their jurisdiction offers some such procedures for offenses other than those involving simple motor vehicle and municipal violations. Included are citation release, stationhouse ROR, desk appearance tickets, stationhouse bail, etc. Of the 77 programs indicating that such formal procedures are in effect in their areas, seven said they interview defendants in some cases, seven said they seek follow-up information on particular cases in response to specific requests from police, and six provide post-release follow-up such as notification of court dates in some instances. Thirteen release programs say they provided some assistance in establishing these early release procedures. However, most of the programs (54 of the 77) say they have had no direct involvement with those efforts.

32/ At least 60% of the programs in each category in Table 13 automatically exclude some types of defendants from being interviewed.

programs argue that it is a better use of scarce resources to focus on those defendants most in need -- a priority which requires delays in the timing of the interviews. The assumption is that programs can save money and still help reduce unnecessary pretrial detention by only interviewing those defendants who have not been able to achieve release through normal court procedures. The argument is also made that by interviewing prior to the initial appearance, many unnecessary interviews are conducted with defendants for whom formal charges are never filed or whose cases are settled at the initial appearance, the net result in both cases being that the defendant typically goes free even without the program's efforts. The implications of this point of view, however, are that some people have to post a money bond who might not have to if the program intervened earlier; that some defendants are detained for a longer period of time than would otherwise be the case; and that information which might otherwise have led to a more informed release decision and to improved follow-up procedures is not obtained.

Thus, there is a tradeoff between maximizing opportunities for early release on the one hand and greater program efficiency on the other. But for most programs, the choice is not to interview only prior to initial appearance or only post-initial appearance. About two-thirds of all programs do at least some of both, as seen in Table 13. In those programs, there is the opportunity to help effect at least some early releases, as well as to do subsequent reviews of cases where defendants are detained following the initial court appearance. Such reviews are often useful in bringing new information to bear which can lead to bail reductions or even nonfinancial release. Programs which conduct all defendant interviews prior to the initial court appearance could perhaps increase their impact by also conducting such subsequent bond reviews in appropriate cases. 33/

Program interviewing practices may be dictated by practical realities and budget constraints. But in many other cases, it seems clear from program staff comments that the practical implications have not been carefully assessed by the program or by funding decision-makers. For example, what are the implications of delays in release on the costs of operating the local jail and on daily jail populations (and possible jail crowding)? How frequently are charges dismissed at initial appearance or never filed -- and how often are the cases settled in other ways at that point? More programs should analyze and discuss with policymakers the answers to such questions. Without such answers, release programs and their funders are not adequately equipped to determine how their resources should best be allocated in the interviewing process.

33/ It may be that some of the 30 programs which said that 100% of their interviews are conducted prior to the initial court appearance may have been referring to their initial interviews only, and that they do also undertake occasional subsequent bond review interviews.

C. Nature of Defendant Screening Mechanisms

HIGHLIGHTS

- Despite the position of release standards that objective criteria should be the basis for assessment of a defendant's release eligibility, almost 40% of the programs use only subjective criteria in their assessments of individuals prior to presenting information and/or recommendations to the court.
- Relatively few programs have adequately assessed the effect of their screening approaches on release and failure rates. The approaches used are rarely based on local research or periodic reassessment of their appropriateness.

Both the ABA and NAPSA standards urge the use of objective criteria as the basis for the assessment of the defendant's release eligibility. The NAPSA standards indicate that assessments "should...be based upon objective criteria" (Standard XI, p. 63). The ABA suggests greater flexibility, indicating that objective factors should be used "whenever possible" (Standard 10-4.5 (e), p. 26). Both sets of standards emphasize the need for objectivity to "reduce the risk of arbitrary decision making" (ABA Commentary, p. 28) and to "remove arbitrariness and approach equal treatment for all defendants" (NAPSA Commentary, p. 64). The NAPSA commentary adds that use of objective factors also makes it easier to use "untrained volunteers in emergency situations" and helps minimize training problems in general (p. 64). 34/

As seen in Table 14, more than 60% of the programs use a point system (objective assessment) to some extent, but only 25 programs (21%) say they rely exclusively on such objective screening. And a more detailed examination indicates that eight of those 25 programs said that "discretion is allowed in determining eligibility (i.e., eligibility or a positive recommendation is possible even though the actual numerical score may be too low)". Thus the actual proportion of programs which use objective factors alone may actually be as low as about 14%. Almost 40% of the programs indicated that they use only subjective criteria in their assessments of individuals prior to presenting information and/or recommendations to the court.

34/ Although much has been written about objective vs. subjective methods of evaluating defendants, clear standard definitions are difficult to find. As used here, objective assessments refer to those in which a program uses a point scale, with preassigned points or weights for certain information or answers to questions raised in the interview, to determine a defendant's eligibility for release. Subjective assessments are typically based on similar (often even the same) questions, but no formal "scoring" is done. Many programs use a combination of both approaches, employing a point scale but allowing an interviewer to add subjective, unweighted or unscored judgments to supplement or even override the point scores. As noted in the text, although objective assessments are ostensibly more accurate, the scoring or weights used have too seldom been evaluated. Thus there is little research that documents conclusively that as currently used, one approach leads to "better" release decision-making than the other.

Whatever type of screening approach is used, the programs are relatively consistent in many of the actual criteria used to assess the defendants, as seen in Table 15. The criteria are generally similar to those recommended by the ABA and NAPSA standards. However, some deserve particular attention:

% OF PROGRAMS USING SELECTED CRITERIA IN ASSESSING DEFENDANTS:	
Prior convictions (felony only)	56.4%
Prior convictions (any type)	86.3
Prior arrests (without convictions)	66.7
Ownership of property	50.4
Possession of telephone	26.5

Although most programs indicate that they consider previous convictions in the defendant assessment process (many only if on a felony charge), two-thirds of the programs say that they consider prior arrests alone, despite the NAPSA recommendation that "the report submitted to the court should contain information about convictions only" (Commentary, p. 58).

Such items as property ownership and possession of a telephone are not specifically listed among the factors in either set of standards, and their propriety in the screening process could be questioned on the grounds that, if not used with extreme care, they can be just as discriminatory against low-income defendants as the release procedures that led to the initial bail reform movement. There is little if any good research to indicate what effect, if any, the inclusion of these factors has on either defendant eligibility for release or on defendants' ultimate likelihood of appearance in court.

In fact, there is relatively little knowledge in general concerning the effect of program screening procedures on actual release decisions and on ultimate court appearance or other behavior while on release. Whatever individual factors are used -- and whether they follow objective, subjective or combined approaches to defendant assessment -- they mean little unless the programs have some validated basis for knowing what effect they are having on release and failure rates. The NAPSA standards encourage release agencies to monitor their own operations to assure that the criteria used in determining release eligibility not be discriminatory. The standards also make clear that the criteria vary according to circumstances of individual jurisdictions. Furthermore, there is a clear recognition that criteria and circumstances may vary over time, thereby leading to the need for reexamining the criteria on an ongoing basis.

Nonetheless, relatively few programs give any indication that they have adequately assessed the implications of their screening approaches. When asked if they have "made any changes in... approach to determining release eligibility since the program began, based on research with program data", 49% of the programs indicated that they had not. More specifically, when those programs using some form of objective assessment scheme (either objective alone or combination objective-subjective) were asked how the current scoring and/or weighting procedures were derived, only 13% indicated that their own research had been a factor, as seen in Table 16.

As shown in the table, almost 20% of the programs using an objective screening approach have "borrowed verbatim" their approach from another program. Almost 75% of the programs adapted another approach to their own situation, but only six of those 51 programs made those adaptations based on local research. Clearly, the screening approaches in use in most release programs are all too rarely based on local research and/or periodic reassessment of their appropriateness. 35/

D. Program Recommendation Policies: How Screening Information is Used

The information obtained in the screening process, i.e., through the defendant interviews, is used by the release programs in a variety of ways, as seen below.

HIGHLIGHTS

- Almost 90% of all programs make specific release recommendations to the court (rather than presenting only information without recommendations).
- Almost 1/4 of all programs have the authority to release some defendants on their own without judicial approval, prior to the initial court appearance.
- Including both interview and own recognizance (OR) eligibility exclusions, about 87% of the programs deny any possibility of an OR recommendation to certain defendants, even though few have any empirical basis for the exclusions. Only 15 programs have no exclusions of any type.
- Nearly half of the programs recommend that bail be set in certain circumstances, often including recommendations for specific bail amounts. There may be viable reasons for such recommendations in some cases, and in others programs may simply be acting expediently without sufficiently challenging the prevailing system.

Specific Recommendations and Program Release Authority

National standards encourage the release program to make a recommendation to the court concerning the most appropriate release decision. As stated in the ABA commentary, "The agency's task should include not only gathering facts but also making an ultimate recommendation" (p.28). As seen in Table 17, this is one of the most widely-adhered-to release standards.

35/ It can be legitimately argued that programs should borrow approaches initially, with the research to follow. However, in most of these programs, only the first of these two activities has occurred. Most of the programs in this analysis have been in existence for several years, more than long enough to have undertaken such internal research.

Almost 90% of all programs make specific release recommendations to the court, 36/ including those programs which have the authority prior to the initial court appearance to effect releases on their own in certain cases, without judicial approval. Although the ABA standards do not specifically comment on such authority and the NAPSA standards do so only obliquely, such a practice is consistent with the emphasis in the standards on release "at the earliest time and by the least restrictive procedure possible". As seen below and in Table 18, about 1/4 of all programs have such release authority for defendants who meet certain eligibility requirements. 37/

PROGRAM RELEASE AUTHORITY PRE-INITIAL COURT APPEARANCE

Release Authority	% of Programs
None	58.0%
Can release on own authority	24.4
Can help facilitate early release	17.6
TOTAL	100.0%

A total of 42% of all programs are able in some way to help effect early release (prior to initial court appearance), including those which can do so on their own and others which can do so only in conjunction with other officials with direct release authority. 38/ But the majority of all programs (58%) have no authority to help in any way to release defendants prior to the first court appearance.

Automatic Exclusions from Own Recognizance Eligibility/Recommendations

NAPSA Standard III states, "There should be a presumption that an accused should be released on personal recognizance at initial appearance" (p. 15). Both NAPSA and ABA standards emphasize the need for "individualized" defendant assessments:

36/ The policy is to make specific recommendations rather than presenting information only. However, this does not mean that recommendations are always made for every defendant who is interviewed.

37/ This represents an increase since 1972 in the number of programs with such authority. According to the OEO report, only 13 projects (15% of those in their survey) had direct release authority without judicial approval at that time. Five of those programs indicated that they used the authority "frequently". No indication of frequency of use was obtained in our interviews.

38/ These are in addition to the few programs which provide some assistance in helping obtain citation and/or other forms of "police release" for some defendants. See note 31, Supra.

the NAPSA standards state that "release recommendations should be individualized and should take into consideration factors relevant to appearance and pretrial crime as applied to the individual defendant" (Commentary, p. 64). In other words, just as there should be no blanket exclusions from being interviewed for release consideration, as discussed above, there should also be case-by-case review of eligibility for own recognizance release recommendations among those who are interviewed.

All of this notwithstanding, programs employ a large number of automatic exclusions from own recognizance recommendations, as seen in Table 19. 39/

Despite the standards' recommendation that the presumption of release on personal recognizance must be overcome in order for more restrictive conditions to be imposed, 17 programs (14% of the total) do not even make own recognizance recommendations. 40/ Almost 1/4 of all programs have no automatic exclusions from OR recommendation eligibility. However, this means that it is the policy of more than 75% of all release programs either to make no own recognizance recommendations or to automatically exclude certain categories of interviewed defendants from consideration for such recommendations.

It should be emphasized that these are exclusions in addition to the earlier interview exclusions exercised by 70% of the programs (see Table 11). The categories shown in Table 19 are additional exclusions for those who are eligible to be interviewed. Although information obtained in the interview can lead to other types of financial or nonfinancial release recommendations, the interview has less overall significance if there is no possibility of its leading to a positive recommendation for own recognizance release.

Furthermore, if all exclusions are taken into consideration, only 15 programs (12.6% of the total) have no exclusions of any type, i.e., have no automatic restrictions on interview eligibility and no automatic exclusions from OR eligibility of those who are interviewed. Thus, about 87% of the programs preclude any possibility of an OR recommendation for certain defendants, even though, as noted earlier, few of them have any empirical basis for making such exclusions.

Clearly, "individualized" recommendations called for by national standards are not possible for certain types of individuals in most programs. For example, almost half the programs exclude certain defendants from being interviewed on the basis of the offense(s) with which they are charged. In addition, another

39/ The actual numbers of defendants in each program who are affected by the various exclusions are not known.

40/ This includes not only programs shown in Table 17 which make no recommendations of any type (i.e., present only information to the court), but also those which do make some types of recommendations -- but none for own recognizance release (see sections below).

22 programs automatically exclude other defendants who are interviewed but who are charged with capital and other violent offenses from being considered for an own recognizance recommendation. 41/ This situation exists despite the clear urging of standards for programs to be "charge blind" in their recommendations; e.g., the NAPSA standards state unequivocally, "No group of defendants should be excluded from consideration merely because of the offense charged" (Standard XI, p. 63).

But even though few release programs explicitly consider the defendant's potential danger to the community in making their release recommendations, it is at least an implicit factor for many programs. What was stated almost five years ago in the Phase I National Evaluation Program report by the National Center for State Courts seems at least as appropriate today: "As a practical matter, virtually all pretrial release programs at least implicitly take account of the potential 'dangerousness' of a defendant, through use of eligibility criteria that restrict or prevent them from recommending the release of defendants who are charged with particularly serious crimes or who are known to have particularly serious prior records." 42/

The difficulty with such blanket exclusionary policies, as stated earlier, is that they do not consider individual circumstances. Furthermore, as stated by the ABA: "There is no empirical evidence to support the assumption that defendants charged with capital offenses are more likely to engage in pretrial misconduct than other defendants" (p. 29). To say that there is no such evidence overstates the case, but the basic thrust of the comment is accurate. 43/

Thus, despite the fact that both research and national standards suggest that programs should be "charge blind" in their recommendations, the evidence is that most are not. Evidence from the same research indicates that judges are not charge-blind either in their actual release decisions. The question for release programs is whether they should in effect routinely "go along" with what they think judges want or will approve, or whether they should at least be considering each defendant on his/her individual merits and in effect challenging judicial officers by suggesting release where appropriate.

The reason most frequently cited for automatically excluding defendants from eligibility for an OR recommendation (cited by 29% of the programs) is an inability to verify information provided in the interviews (see Table 19). The NAPSA standards suggest that verification, while desirable, may be reduced in some cases -- depending upon the seriousness of the case and the nature of the information. The Phase I National Evaluation Program report went further in stating that some programs present unverified information to the court, but

41/ It should be noted that in the earlier Pretrial Issues publication on pretrial practices (see note 5, Supra) it was incorrectly stated that there were no charge-related exclusions among those interviewed. All such exclusions were inadvertently assumed to be exclusions from interviews. The error was corrected in the process of following-up with programs. The data presented in this monograph are correct and supersede the earlier data.

42/ See Thomas et al., Supra note 2, p. 14.

43/ See note 27, Supra.

withhold a specific recommendation in such cases. The report indicates that "those programs that present only verified cases to judges may be unnecessarily limiting their impact upon release rates. Whether it is verified or not, the information collected by the programs may be valuable to the court in making bail decisions." 44/ It is unknown to what extent programs now present this information to the courts, even though their recommedation schemes exclude defendants for whom information has not been verified. Verification, though, remains a topic in need of exploration: questions should be tested concerning the amounts and types of verification needed for what types of information for what target groups, types of charges, etc., particularly as means for speeding the release of larger groups of defendants are sought.

Finally, it is significant that -- no matter how logical the individual characteristics in Table 19 may appear to be as reasons for automatically denying OR recommendations -- none of them are used as automatic exclusions by more than 29% of the programs. The fact that the vast majority of the programs do not use such exclusions should perhaps stimulate the programs which do exclude on such grounds to reconsider their positions in the future.

In general, as noted before, there is a need within most programs for more ongoing research and evaluation in order to determine whether there is a valid, legitimate reason for the kinds of exclusions they employ. Unless and until such corroboration of exclusionary policies exists, it is likely that many defendants will be needlessly detained and/or forced to pay money bail due to unnecessarily cautious program practices.

Extent of Money Bail Recommendations

Criminal justice standards and case law are in agreement that use of the traditional money bail system, with its reliance upon financial capability to obtain release, may unfairly discriminate against indigent defendants. Research done in this area generally indicates that nonfinancial forms of release are at least as effective as, if not more effective than release on money bond. 45/ There are no compelling data which suggest that indigent defendants are more likely to flee or to be rearrested if released than those defendants who can easily afford to make money bail. And, money bail is often predicated on fixed bail schedules related to specific charges, thereby negating the individuality of the release decision. The net effect of all of this is to raise questions about the fairness and practical value of the money bail system.

Accordingly, the NAPSA release standards argue strongly that use of financial conditions of release should be completely eliminated (Standard V, p. 25). Although philosophically in agreement with the above points, the ABA standards stop short of calling for a complete abolition of bail. They agree that reliance on monetary conditions should be drastically reduced "to minimal proportions", but suggest that there are some cases in which only financial conditions will reasonably ensure the defendant's appearance in court. They add that a complete prohibition of the use of financial conditions may result in the unnecessary pretrial detention of defendants who otherwise could safely be released on bail (See ABA Standard 10-5.4 and commentary, pp. 34-36).

44/ Thomas et al., p. 22.

45/ See Beaudin et al., Supra note 27, pp. 80-81; see also Pryor, Supra note 27, Conclusion 2 and accompanying footnotes.

Recognizing that money bail will continue to exist for the forseeable future, the NAPSA standards argue that one of the prime purposes of a pretrial release agency is to facilitate the use of nonfinancial release and to help assure that no defendant is detained pretrial as a result of an inability to make bail (Standard VIII, p. 51). As seen below and in Table 20, programs are frequently not in accord with this standard.

% OF PROGRAMS RECOMMENDING BAIL:	
Recommend that bail be set at or prior to initial court appearance	47.8%
Recommend subsequent bail re-evaluation where bail previously set	70.1%

Despite the strong stand of the association of program practitioners that programs should urge increased use of nonfinancial release conditions, nearly half of all release programs continue to recommend that bail be set in certain circumstances, often including recommendations for specific bail amounts. 46/ It is not possible to determine how often such recommendations are made within a given program. They may be quite rare in many. In other cases, they may simply reflect practical realities of a jurisdiction. In some jurisdictions, a bail recommendation from a release program may lead to less restrictive release conditions being set than if no such recommendation were made. Thus, there may be viable, practical reasons for some programs to recommend bail in some cases. However, the large number of programs suggests that many may simply be acting expediently. Careful reconsideration of policies in this area would seem in order for many programs.

About 70% of the programs also indicate that they recommend bail re-evaluations in cases where bail has previously been set. Such follow-up on cases is consistent with national standards. Again, the frequency with which programs make such recommendations is unknown, although some partial data from a few suggests that program recommendations may have led to substantial numbers of cases in some jurisdictions in which a previously-set bail amount was either reduced or dropped entirely as a result of program recommendations.

46/ These findings are rather consistent with those of two surveys of release program officials which were designed to address the significance of particular goals and activities of release programs. When asked to rate each of 25 possible program goals in terms of both how important they should be and how important they actually are, 54 program directors ranked the following goal 19th and 20th on the respective importance scales: "Reforming the bail system by reducing the use of money bail and minimizing the role of bail bondsmen". (See Stover and Martin, Supra note 2, pp. 21, 37.) Also, in the Resource Center's accreditation feasibility study, only 44% of the surveyed program officials agreed with including the following criterion in a potential program accreditation process: "The recommendation for release never includes financial conditions for release". When asked to separately rate the importance of this criterion, the respondents gave it the lowest aggregate rating of all 32 criteria. (See note 24, Supra.) Thus, despite the "ideal" represented by the NAPSA standards, "rank and file" program practitioners appear to represent a rather different point of view.

Extent of Other Nonfinancial Release Recommendations

The standards indicate that it is appropriate for release programs to recommend not only own recognizance release, but also nonfinancial conditions of release as well. The NAPSA standards in particular recognize the importance of such recommendations, given their reluctance to have programs recommend financial conditions of release. The numbers of programs which make such recommendations are indicated below and in Table 21.

% OF PROGRAMS RECOMMENDING NONFINANCIAL CONDITIONS FOR RELEASE:	
Conditional and/or third-party release	77.8%
No such recommendations made	22.2%

About 74% of the programs recommend various forms of conditional release, 47/ and about 56% recommend third-party release in some cases. Only 22% indicate that they never make any recommendations for such nonfinancial release conditions.

There is no indication of the frequency with which such recommendations are made by specific programs; or of the types of conditions which are recommended (e.g., they may in some cases be nothing more than automatic conditions such as not leaving the jurisdiction without notifying the release agency). Thus, the lack of either common definitions or extent of usage of these nonfinancial recommendations precludes reading too much of significance into these figures. Nonetheless, there does appear to have been an increase over time in the willingness of programs to make such recommendations. The 1975 program survey noted that "the use of conditional release has grown remarkably over the past few years", indicating that 64% of the programs made such recommendations at that time, and that 44% recommended third-party release. 48/ The growth appears to have continued since then, with additional increases of 10% and 12% respectively.

This information does not show to what extent, if at all, these recommendations help expand the nonfinancial releases of higher-risk defendants who would otherwise be detained, or released only on money bail. The recommendations could lead to additional sanctions for defendants who could otherwise be

47/ That is, programs recommend that nonfinancial conditions be imposed by the court that would go beyond any monitoring requirements imposed by the program.

48/ See Thomas et al., Supra note 2, pp. 26, 78. In that survey, 36% of the programs also indicated that they recommended supervised release in some cases. This specific variation of conditional release was not separately broken out in the 1979/80 program interviews.

released safely on their own recognizance. More careful self-analysis is needed by each program to make such a determination. 49/ But it appears that, at least in some cases, nonfinancial options other than OR recommendations exist for most programs, and that those also recommending money bail are not always doing so simply because of the absence of any other alternatives in their jurisdictions. Jurisdictions must assess whether such options are being used appropriately or, alternatively, are being over- or underutilized.

E. Extent and Impact of Program Recommendations

An attempt was made to determine the extent to which program interviews led to nonfinancial release recommendations and ultimately to actual nonfinancial release. A number of problems complicated this effort. Programs were asked to provide information on the total defendant population in their jurisdictions, in order to determine the extent to which they interview all eligible pretrial defendants, but few had such information. About one-third of the programs also failed to provide one or more of the following items: numbers of interviewed defendants, numbers recommended for nonfinancial release, and numbers actually released. Of those programs which did respond, there was some confusion concerning whether the recommendations included only those for own recognizance release or also included any other nonfinancial release recommendations. Programs were not requested to provide information on the numbers of defendants affected by the various automatic exclusions imposed by most programs, thereby making interpretations and comparisons between programs more difficult. In short, it is possible that a program which has, for example, a nonfinancial release rate of 50% of all interviewed defendants may be no more effective, and perhaps less so, than one with half that rate, depending upon types of defendants interviewed, exclusions, point of interview, resources expended, etc.

Despite these problems and cautions, information is presented below which, while not definitive, is at least suggestive -- and as such may be useful for purposes of stimulating thought about program recommendation practices.

49/ A current three-site supervised release evaluation being conducted for the National Institute of Justice by the National Council on Crime and Delinquency's research office in San Francisco may shed some light on this subject.

HIGHLIGHTS

- Most programs are rather selective not only in whom they interview, but also in whom they recommend for nonfinancial release. Two-thirds of the programs recommend half or less of all interviewed defendants, and about 20% recommend no more than 1/4 of those interviewed.

- There appear to be no particular distinguishing characteristics which clearly differentiate the programs which recommend high proportions of defendants from those which are more selective in their recommendations. Variation among programs in proportions recommended seems more a function of individual program idiosyncrasies, practices and personnel than of systematic differences.

- The overwhelming majority of those recommended by programs actually receive nonfinancial release. In 2/3 of the programs, release recommendations lead to actual nonfinancial release for more than 9 of every 10 recommended defendants.

- The proportion of recommendations resulting in release is high, irrespective of how selective or liberal the programs' recommendation policies and practices are. Thus, some programs could be contributing unwittingly to unnecessary pretrial detention by not recommending release for greater proportions of defendants. Research and data from the programs indicate that most programs can make responsible modifications in recommendation policies which could lead to increased nonfinancial release rates without corresponding increases in FTA or pretrial arrest rates.

Proportion of Nonfinancial Release Recommendations

Table 22 indicates the extent to which programs actually recommend nonfinancial release for interviewed defendants.

Two-thirds of all programs recommend nonfinancial release for half or less of all interviewed defendants -- and almost 20% of the programs recommend no more than 1/4 of all those they interview. And this selectivity occurs after significant blanket exclusions have already prevented other categories of defendants from even being interviewed, as discussed earlier. Thus, the data support the earlier suggestions that many programs are unnecessarily cautious in their recommendation practices.

In an attempt to determine what distinguishes the programs with the highest and lowest proportions of recommendations, the categories in Table 22 were analyzed against the following variables: type of program (court-administered, non-profit, probation, etc.), size of staff, exclusions from interviews and/or from eligibility for own recognizance recommendations, proportions of interviews prior to initial court appearance, program release authority (without judicial approval), and numbers of interviews.

Based on these analyses, there appear to be no particular patterns or distinguishing characteristics which clearly differentiate the programs which recommend high proportions of defendants from those which are more selective in their recommendations.

Proportion of Recommended Defendants Receiving Nonfinancial Release

What effect do the recommendations of the programs have on actual release rates? A great deal, according to program statistics. As seen below and in Table 23, the overwhelming majority of those recommended in most programs actually receive nonfinancial release.

EXTENT TO WHICH PROGRAM RELEASE RECOMMENDATIONS RESULT IN NONFINANCIAL RELEASE

% of Recommendations Resulting in Release	% of Programs
More than 75%	81.9
More than 90%	66.6
Less than 65%	13.9

In 82% of the programs, release recommendations result in release in more than three of every four cases, and two-thirds of the programs have acceptance rates of more than 90%. 50/ Almost half of the programs report 100% release rates, which seems surprising and perhaps somewhat overstated. However, the average acceptance rate across all programs of 87% is comparable to the 82% rate reported in the NCSC survey, 51/ thus suggesting that the programs were not unduly overstating the figures in this most recent canvass. It may be that in fact few programs have absolute 100% rates of agreement with the release recommendations, as some of these figures may be estimates that overlook the few exceptions where recommendations were not accepted by judges. But even if many of these "100% programs" in fact had "only" 95% agreement or release rates, the central point is not altered: in most programs, a release recommendation virtually assures nonfinancial release.

50/ These release/acceptance rates include both rates of judicial acceptance of program recommendations and those cases in which the recommendation automatically equals release, i.e., where the program has authority to release on its own.

51/ Thomas et al., Supra note 2, p. 36, note 55.

However, it should also be noted that about one of every seven programs (14%) has an acceptance rate of less than 65%, including 8% of the programs in which less than half of the release recommendations actually result in nonfinancial release. These programs with lower actual release rates tend to be in relatively large communities and to be programs with relatively high numbers of interviews (5000 or more per year). Whether these relatively low release rates reflect some problem in program credibility with judges in those jurisdictions cannot be determined from the data. The explanation may be more related to higher numbers of judges being involved in, and less oriented to, making release decisions in these larger communities. Only hypotheses and no clear explanations are possible from the data.

Further analysis indicated that the rate of agreement or actual release has little relationship to the proportion of interviewed defendants who are recommended by the programs. That is, the proportion of recommendations resulting in nonfinancial release does not depend on how selective or liberal are the programs' recommendation policies and practices.

Certainly it is true that a program's success in obtaining nonfinancial release for defendants is affected by a variety of external factors beyond its immediate control, including the receptivity of local judges to the use of nonfinancial release; numbers of judicial officers making release decisions; other release options which exist in the jurisdiction; degree of overcrowding in local detention facilities; and cooperation received from courts, police, prosecutors, and defense attorneys. Nonetheless, the program itself can exercise considerable control over its impact through its policies governing whom and when to interview, and the criteria used to recommend release for those who are interviewed. The analyses above suggest strongly that program recommendations are typically accepted by judicial officials, no matter what the basis is for those recommendations.

Thus, programs would appear to have a responsibility to ask themselves whether their recommendation practices are unnecessarily cautious in application. Are they contributing unnecessarily to more and longer periods of pretrial detention through exclusions and recommendation strategies that are more cautious than warranted -- and more selective than needed to be accepted by judicial officers?

Might not automatic restrictions and overall recommendation policies and practices be modified and relaxed in responsible and objective ways enabling more defendants to be recommended and ultimately released?

Not only do our data affirmatively answer these questions, but this conclusion also receives strong support from findings of the recently-completed National Evaluation of Pretrial Release, conducted by the Lazar Institute and funded by the National Institute of Justice. This in-depth evaluation of release practices in 12 sites throughout the country concluded that program recommendation criteria are more restrictive than justified, and suggests various actions programs can take to counter this tendency (e.g., lowering cutoff scores, removing automatic exclusions from release consideration). Lazar concludes: "...release rates can be increased without offsetting increases in

failure-to-appear and pretrial arrest rates....The use of less restrictive program recommendation criteria could make a substantial contribution to achievement of this result." 52/

F. Post-Release Program Activities

National standards are somewhat ambiguous as to the services or supervision which a program should provide for those released on their own recognizance through the program's efforts. They are more clear concerning a program's role in supervising defendants released on conditions set by the court. Recommended practices concerning program follow-up for those who fail to make scheduled court appearances are also clear. Each of these issues is discussed separately below.

HIGHLIGHTS

- Some conditions (primarily of a reporting-in nature) appear to be automatically imposed by more than 40% of the programs for defendants released on their own recognizance, ostensibly with no conditions.
- Less than 60% of all programs automatically notify defendants released on own recognizance of scheduled court appearances.
- More than 70% of the programs supervise defendants with conditions set by the court.
- More than a third of all programs monitor defendants on various forms of financial release, including those released through surety bondsmen. Questions should be raised about these "financial monitoring practices".
- Following a missed court appearance, 86% of the programs say they take at least some steps to return defendants to court, in most cases through voluntary means.

Defendants Released on Own Recognizance

The ABA release standards state that a pretrial release program is to "provide intensive supervision for persons released into its custody" as a form of conditional release "upon a finding that release on the defendant's own recognizance is unwarranted" (Standards 10-5.3 and 10-5.2, respectively).

52/ Mary A. Toborg and Martin D. Sorin, "Pretrial Release Program Recommendation Practices: Should They be Revised?", Pretrial Services Annual Journal, Vol IV (1981), pp. 153-54. See also the full summary of the Lazar evaluation, entitled Pretrial Release: A National Evaluation of Practices and Outcomes, Washington, D.C.: National Institute of Justice, October 1981.

However, nothing is explicitly stated about what if any services are to be provided for those who are released OR. The NAPSA standards speak of "comprehensive notification and defendant follow-up" (Commentary, p. 52). Standard X states that pretrial agencies should provide "Notification to defendants of upcoming court dates" (p. 57). There appear to be no qualifiers placed on this notification function. Other services and monitoring appear to be limited to special defendant needs or conditions set by the court. Whether or not a defendant's checking in with the program at specified intervals is considered appropriate for OR releases is not addressed. This ambiguity concerning what follow-up programs should provide with OR defendants is reflected in the variety of program practices shown in Table 24.

About 57% of the programs indicate that they do not automatically impose any conditions upon defendants released on their own recognizance. On the other hand, more than one-third of the programs require such defendants to call in at specified intervals, and 9% require the person to actually come in to the agency periodically. Such check-in procedures may be appropriate. Yet, these defendants are supposedly released on their own recognizance, with no specific conditions other than appearing in court (and, at least implicitly, avoiding subsequent criminal activity). Moreover, a few programs indicate that they require for OR defendants counseling or other services provided by the program (4%) and/or referrals to other services or programs (2%).

Programs obviously are using different definitions of own recognizance release, distinguishing conditions set by the program from those set by the court -- and/or there may have been some misunderstanding by programs about the automatic imposition of conditions, as stated in the questionnaire. But even allowing for these differences in terminology, there is less strict "no condition" own recognizance release than is implied by the term itself. However, as pointed out in the National Center for State Courts' 1977 report, such monitoring of OR defendants may be necessary in order to help increase the court's use of such releases "through [programs'] capacity to provide supervision for defendants....In maintaining contact with defendants on own recognizance, the programs are filling a role normally assumed, if at all, by bondsmen." 53/ In other words, if the supervision involves no more than minimal check-ins by defendants, particularly if accompanied by reminders of scheduled court appearances -- and does not require defendants to be subjected to other more coercive conditions not set by the court -- the benefits may justify the mimimal levels of supervision or monitoring.

Despite the strong stand of the NAPSA standards concerning program notification, less than 60% of the programs automatically notify all defendants released OR through program efforts of future court appearances. By contrast, 75% of the programs in the 1972 survey and 70% of those in 1975 indicated that they systematically reminded defendants of scheduled appearances. It may be that the courts and attorneys notify defendants in some of the jurisdictions where programs do not, but it seems likely that substantial numbers of defendants released OR receive no formal notification from anyone in jurisdictions served by many of these programs which do not notify.

53/ Thomas et al., Supra note 2, p. 37.

Other Defendants Monitored/Supervised by Programs

As discussed above, programs have an important role to play in monitoring and supervising defendants released under various forms of conditional release (conditions set by the court). Types of such defendants monitored by programs are indicated below and in more detail in Table 25.

% OF PROGRAMS MONITORING DEFENDANTS ON VARIOUS TYPES OF RELEASE:	
OR against program recommendation	54.6%
Conditional release (nonfinancial)	71.4
Third-party release	38.7
Cash bail	35.3
Deposit bail	37.0
Surety bond	28.6

Most programs (84%) monitor or supervise at least some types of defendants other than those released OR at the program's recommendation. More than half monitor those released on their own recognizance against program recommendations. Almost 40% provide third-party release supervision, and more than 70% indicate that they supervise defendants with conditions set by the court. This is consistent with the NAPSA position urging the programs to "monitor compliance with all conditions of release, including appearance in court and any other court-imposed conditions of release" (Commentary, p. 59).

However, what is more surprising is the number of programs monitoring those released on various financial conditions. More than a third of all programs indicated that they monitor those on various forms of financial release, and almost 30% indicated that they do so for defendants released presumably through efforts of surety bondsmen, despite the fact that bondsmen have been paid for releasing the defendants and therefore have follow-up responsibilities.

There are some possible explanations for these findings: (1) this particular question may have been misunderstood or definitions may not have been made clear in the interview process; (2) such monitoring/supervision may be at the specific request of the court, as an additional condition of release in some cases; (3) such monitoring and supervisory support may be perceived by the programs as being necessary to facilitate additional releases in a jurisdiction and as such can perhaps be justified; (4) the actual numbers of defendants with financial conditions who are monitored by these programs may be quite small.

Questions need to be raised, though, including: (1) whether such supervisory support for financial releases is in fact necessary or just expedient or traditional; (2) whether the supervision itself in such cases is sufficient to justify the release and reasonably assure that the defendant will appear in court, thereby negating the need for the added burden of financial conditions as

well; (3) whether such supervision, especially when a "substitute" for bondsmen, is an efficient and justifiable use of limited program resources; 54/ (4) whether monitoring of such cases implies support for part of the system which those in the pretrial field have said should not be supported (both NAPSA and ABA standards have argued strongly for the abolition of compensated sureties, and NAPSA has urged the elimination of all money bail).

Clearly, these questions should be addressed honestly by the affected programs, both internally and in discussions with judicial officials in their jurisdictions, with an eye toward the possibility of changing practices where appropriate.

Table 26 indicates the specific services which are provided and the conditions which are imposed for the additional defendants monitored by the programs.

The proportions of automatic conditions or services are similar to those for OR-only defendants (Table 24). Higher percentages might have been anticipated if it is assumed that the non-OR defendants being monitored are higher-risk cases. On the other hand, they may not always be higher risks, but simply be defendants who have, for example, posted bond before even being considered for own recognizance release. The fact that the proportions are not higher may also suggest that less program effort is devoted to those released on money bond unless specific conditions to be monitored are set by the court and referred to the program for supervision. A definitive explanation is not possible from these data.

Most programs offering services or imposing conditions on those defendants do not do so automatically, as shown in the table. This is generally consistent with the standards' emphasis on tailoring services and conditions to "defendants who express need" and those "charged with meeting a condition of release that is related to participating in some type of service" (NAPSA Commentary, p. 61), and on offering a range of services "differing in their intensity and purposes to meet the requirements of different defendants" (ABA Commentary, p. 33). The emphasis on referrals to other programs/services is also consistent with the approach recommended in the standards.

Program Responses to Nonappearance in Court

NAPSA Standard X recommends that programs provide "assistance in searching for and returning fugitives" (p. 57). The commentary goes on to state: "At a minimum, pretrial services agencies should adopt a policy of providing information to aid in returning defendants to the court. In all instances, the agency should attempt to locate and persuade defendants to return to the court voluntarily." (p. 61) As indicated in Table 27, most program practices are consistent with this standard.

54/ For example, if bondsmen are not providing adequate follow-up and/or do not have easy access to court information on subsequent scheduled court appearances, should programs provide support for the defendant and the court, or simply ignore these cases?

About 86% of all programs take at least some steps to return the defendant to court (compared with 81% in the two earlier surveys). The most typical step is to attempt to call the defendant (about 80% of the programs do so). Nearly half of the programs (45%) indicate that they will even go to the defendant's home in order to urge voluntary return to court. A majority (57%) say they will assist police in locating defendants, and 14% indicate that program staff may actually arrest them. These latter types of assistance in returning defendants to court are considered inappropriate by many programs (see the brief discussions of related issues in NAPSA commentaries, pp. 61, 68-69). At least 16% of the programs indicate that they formally request bench warrants or file with the courts in appropriate situations. How often each of these actions is taken is not known, nor is the actual impact of such actions on reducing fugitivity. However, the speculation in the 1977 NCSC report remains pertinent today: "Whether or not this follow-up activity is genuinely valuable in reducing 'skips', the fact that it is provided may increase the use of nonfinancial release by the court". 55/

G. Program FTA and Pretrial Rearrest Rates

NAPSA pretrial release standards state the following objectives for release programs: "Minimize failures to appear in court" and "Minimize the potential danger to the community posed by the release of certain persons" (p. 51). The commentary adds that the "primary purpose" of the release process is to assure the appearance of the defendant in court. It speaks of the need for programs to "balance their mandate of maximizing the rate of nonfinancial release with maintaining low failure to appear rates". It goes on to comment on the objective of minimizing danger: "Although there is disagreement on this objective, it must be conceded that public support for, and judicial confidence in, pretrial release depends on minimization of pretrial crime by persons released." (p. 52) The sections below address the extent to which programs have met these objectives.

HIGHLIGHTS

- FTA and pretrial rearrest rates are defined and calculated inconsistently by programs, and caution should be exercised in interpreting such data and comparing rates between programs.
- Nonetheless, comparison of both FTA and rearrest rates with program interview and screening policies and release rates shows consistent trends: there is little support for the assumption that overly restrictive screening criteria and release practices are needed to assure either high court appearance rates or low pretrial rearrest rates. Indeed, the data suggest that relatively restrictive practices may be relaxed without decreasing appearance rates or increasing rearrest rates.

55/ Thomas et al., Supra note 2, p. 37.

FTA Rates

Research studies conducted in a variety of locations throughout the country have consistently indicated court appearance rates for released defendants of 90% or more (i.e., failure-to-appear rates of 10% or less), with appearance rates of 95% or more not uncommon for those released through the efforts of release programs. 56/ FTA rates reported by 82 programs (almost 70% of those interviewed) are generally consistent with these research findings, as shown in Table 28.

Almost half (46%) of the programs reported FTA rates of 3% or less, and about 72% indicated that their rates do not exceed 5%. FTA rates are defined and calculated in many different ways by programs, which have an obvious interest in reporting the lowest possible rates. 57/ Moreover, those shown in the table reflect the lowest reported rates, wherever a program calculated them in more than one way (24 programs did so). Thus the reader should be cautious in interpreting such program-supplied data which have not been subjected to independent verification. On the other hand, it is important to note that the reported rates generally confirm the research findings reported above, and that program-reported statistics at least remain consistent over time. Both the earlier OEO and NCSC surveys indicated that about 2/3 of the programs providing FTA information reported rates of 5% or less, with about 12% of the programs showing rates in excess of 10%.

Table 29 provides a more detailed look at reported rates, grouped under five definitions of, or methods of calculating, FTA.

The table indicates a slightly higher proportion of higher FTA rates than was shown in Table 28, reflecting the fact that Table 29 shows the variety of reported rates and not just the lowest rates included in the prior table. In general, the data confirm that appearance-based FTA rates tend to be lower (better) than those that are defendant-based, 58/ that warrants are not always issued for all missed appearances (and therefore FTA rates based on issuance of warrants are typically lower than those based on any missed appearances), and that fugitivity rates (with the implication of long-term avoidance of court appearances) tend to be the lowest of the reported rates.

56/ For a summary of this research, see Pryor, "Significant Research Findings", Supra note 27, Conclusion 1 and accompanying footnotes 1-3.

57/ For a useful discussion of problems in definition, measurement and calculation of FTA rates -- and suggestions for more consistent procedures in developing such rates in the future -- see Michael P. Kirby, FTA, Washington, D.C.: Pretrial Services Resource Center, June 1979.

58/ Since, for example, a defendant missing one of 10 scheduled appearances receives more "credit" in appearance-based rates than does one who misses one of two appearances. Both are counted equally in calculating defendant-based rates. For a further discussion of this, see Kirby, op. cit., pp. 13-14.

Although any missed appearance can cause disruption and inefficiency in a court, it is suggested that warrant-based FTA rates are the most accurate reflection of true failures and of costs and disruption. In some jurisdictions, warrants are automatically issued if a defendant fails to appear in court as scheduled (in which case the total FTA rate and warrant rate would be the same). More typically, there is some grace period within which the defendant may voluntarily appear without a warrant being processed. The majority of the 82 programs reporting FTA rates use this as at least one method of calculating such rates. The program profile of defendant-based warrant rates in Table 29 is comparable to the lowest-rate pattern reflected in Table 28 and shows that about 3/4 of the programs reporting such rates have warrants issued for fewer than 5% of the released defendants.

The FTA rates are calculated not only on the basis of different definitions, but also for different groups of defendants. Some programs included in their calculations only those recommended for and actually released on their own recognizance; others counted anyone recommended, regardless of how released; while others included anyone released through the program, regardless of recommendation; and some included released defendants for whom the program had no follow-up responsibility. And so on. The combinations of such groups of defendants and types of FTA calculations or definitions as described above total 36, not including relatively minor variations within major categories. 59/

Thus, comparisons of one program's FTA rate with another's should generally be avoided -- because of the lack of common definitions and defendant groups, differences in various program practices, and different practices of judges and others within the respective criminal justice systems whose actions can affect the outcomes of release program activities. Moreover, accuracy and completeness of FTA data vary considerably from jurisdiction to jurisdiction. 60/ As a result, the comparisons discussed below are made with extreme caution and only in the aggregate. They are at best suggestive and should in no way be considered definitive conclusions. Given all this, it is possible from the data to make the following points:

Programs which include apparently higher-risk defendants in the FTA calculations frequently have high appearance rates. This would seem to support what has been suggested earlier in this monograph: that reluctance to release more serious, presumably higher-risk defendants may not necessarily be justified from an objective, empirical standpoint.

Programs with the lowest release rates (as a proportion of those interviewed) are apparently not proportionately more likely to also have low FTA rates, as might have been expected. Apparently the "most selective" programs and jurisdictions are not necessarily the most accurate in the approaches used to assess risk of nonappearance.

59/ By comparison, the OEO 1972 survey indicated that the 51 programs reporting FTA rates at that time used 37 different methods of calculation. See Goldman et al., Supra note 2, p. 22.

60/ For more on the difficulties in comparing FTA rates across jurisdictions, see Kirby, Supra note 57, p. 18.

In short, the caveats and cautions noted above must be reemphasized, but there are certainly indications from these data that overly restrictive screening criteria and release practices are not needed to assure high court appearance rates. To the contrary, the data suggest that relatively restrictive practices may be relaxed without decreasing appearance rates. 61/ As such, these data are consistent with conclusions reached by several researchers in the pretrial field. 62/

Programs which indicate that they routinely provide notification of subsequent court appearances are as likely to report relatively high FTA rates (more than 7.5%) as to report rates of 3% or less. Programs may need to reassess how effectively notification efforts are being carried out and whether changes in such practices may be needed in the future (e.g., experimentation with different types of notification, with selective use for certain types of defendants, etc.).

Pretrial Rearrest Rates

Most research studies which have examined pretrial rearrest have reported rates ranging from 5 to 15%, with rates of 10% or less most typical. 63/ Program-reported rates are generally consistent with these findings, as indicated in Table 30.

As seen in the table, only 45 programs reported rearrest rates (49% of those programs supplying statistical data). 64/ Despite the previously-noted NAPSA objective stating that programs should attempt to minimize danger to the community in their activities, most programs still appear to consider their primary purpose to be maximizing release consistent with assuring appearance in court. Pretrial crime is not an explicitly-stated concern of most programs, so most apparently do not consider it appropriate -- and/or do not find the data readily available -- to maintain pretrial rearrest rates on an ongoing basis. On the other hand, the number and proportion of programs reporting such rates has increased considerably from the 20 (26% of programs reporting statistical data) and 19 (27%) in the 1972 and 1975 surveys, respectively -- perhaps reflecting the increased attention being given by the media, the public and politicians to the issue of "crime on bail".

61/ To make these statements more definitive, more detailed data would be needed on numbers and types of defendants arrested, interviewed (and excluded), released and detained, all by nature of charge -- both for defendants interviewed by each program and within the overall jurisdictions served by the programs.

62/ For the most current major research project reaching such conclusions, see Toborg and Sorin, Supra note 52, pp. 148-154. See also Pryor, Supra note 27, Conclusions 2 and 3 and accompanying footnotes.

63/ For a summary of this research, see Beaudin et al., Supra note 27, p. 87 and footnote 38. See also Pryor, Supra note 27, Conclusion 1 and accompanying footnotes 5 and 6. The most current national research shows a 16% aggregate rearrest rate across eight sites (see Lazar study, Supra note 52).

64/ Only five of these also indicated information on proportion of defendants convicted on the pretrial rearrests.

Subject to similar limitations and cautions discussed in analyzing the FTA data, the rearrest data show many of the same trends evident in that discussion. Reported rearrest rates typically do not appear to be higher without interview restrictions than with them; nor to be higher with higher (less selective) release rates. With such small numbers of programs represented, and the likelihood that the reported rates are conservatively reported, no program practices should be changed on the basis of such findings alone. However, the consistency of those and other findings reported in the monograph emphasizes the need for programs and release decision-makers to at least begin to question assumptions and carefully reconsider existing release practices in most if not all jurisdictions.

H. Data Maintenance and Research Capability of Programs

NAPSA release Standard XIII makes clear that pretrial release programs "should maintain information that permits ongoing monitoring of the effectiveness of pretrial release practices. In addition, the agency should conduct periodic studies to determine whether those practices need to be reassessed." (p. 71)

HIGHLIGHTS

- Systematic data collection, monitoring, analysis and formal evaluation -- and the use of the results of such efforts to promote internal program and/or system-wide change -- are all too infrequent within release programs.
- The impact of most program practices and screening procedures has not been systematically evaluated in most programs.
- Evaluations and data monitoring need not involve sophisticated, costly procedures to be useful and valid. There is much that programs can and should do in order to evaluate their own practices -- and that can be done with existing resources and/or with the support of volunteers or students.

Data Tracking and Monitoring

The NAPSA Commentary indicates that data monitoring need not imply a sophisticated computer-based management information system. Programs can accomplish the same basic goal through periodic manual data collection. Regardless of how the data are collected and monitored, "there are certain basic data directly related to the agency's goals and objectives and to the assumptions implicit in establishing a pretrial services agency. Accordingly, the...agency should collect or have access to the collection" of certain key data, including such information as numbers of arrests within the jurisdiction (preferably broken down by types of charge), numbers of defendants on each form of release, numbers detained for what lengths of time, numbers who fail to appear in court and/or are rearrested by type of release and charge, disposition

data, and time between arrest and release and final case disposition. Through careful collection and monitoring of such information, "the agency can serve as a catalyst for change in the system. Needless to say, performance statistics may offer strong support for change". (NAPSA, pp. 71-72)

Such systematic data collection, monitoring and analysis are all too rare within release programs. Table 31 provides a partial indication of the extent to which programs report that they track and analyze certain key data on an ongoing basis.

In order to have some idea of the impact of a program in a jurisdiction, it should know, at a minimum, the jurisdiction's annual overall arrest totals and the numbers of defendants detained pretrial. However, as seen in the table, only 2/3 of the reporting programs indicated that they know the former information and less than 45% the latter. Moreover, it seems reasonable to conclude that many, if not most, of the remaining 27 programs which did not provide statistical data on their programs do not routinely monitor such information. Further, of those programs which did supply arrest and detention data, much of it was unusable: the numbers were often much too small to be accurate for the jurisdictions involved, programs often admitted that the figures were only rough approximations, etc. In fairness it must be noted that, at least in many jurisdictions, such information is not readily available in reliable fashion from any criminal justice agencies. Thus it appears that most programs have little adequate ability to systematically assess their overall impact in comparison with the potential need for their services within the jurisdiction.

Although 90% of the programs which provided at least some statistical data indicated that they do calculate a program FTA rate, it is interesting and rather surprising to note that this means that 10% of these programs apparently do not maintain even that basic statistic. Far fewer programs calculate FTA rates for those not recommended by the program and/or released with no program monitoring responsibilities. This may reflect a realistic assessment of what can and cannot be done with limited program resources. The desire for more comprehensive data collection and monitoring spelled out in the NAPSA standards may simply be an unattainable ideal for many programs, although they could be advocates for the development of such capabilities within their respective criminal justice systems.

Even if data on all types of releases cannot be maintained by programs, a priority should be placed on tracking FTA data for at least those released through the program and on those interviewed but not recommended for release. Without such information, the program has no objective means of assessing whether its screening procedures are being used appropriately or not (and, as seen earlier, most programs indeed report that they have not made such assessments). 65/

65/ Yet, when questioned in 1980 about the applicability and importance of potential criteria which might be used in an accreditation process for release programs, 96% of the program respondents agreed (the second highest level of agreement of the 32 criteria) that the following criterion should be included: "The pretrial release agency monitors successes and failures in court appearances and conducts research to identify which factors are associated with each outcome". Thus the ideal apparently remains, even if the reality falls far short of it. (See note 24, Supra.)

Similar statements could be made concerning pretrial rearrest rates, with the numbers of programs providing any information in this area even smaller than for FTA data. Moreover, only about 1/4 of the reporting programs, and perhaps a smaller proportion of the non-reporting ones, monitor information on either FTA or rearrest rates by type of charge. And yet, as indicated earlier in the monograph, most programs automatically exclude some defendants from interviews and/or eligibility for own recognizance release recommendations on the basis of charge alone. Typically this occurs with no objective basis of knowledge as to whether or not such exclusions are justified on empirical grounds (and other research reported earlier suggests that often they are not).

One of the conclusions from the 1972 OEO release program survey was that "in general the lack of good record-keeping would appear to be a major impediment to further improvement of pretrial release agency operations". 66/ Almost 10 years later, that statement remains a propos.

Program Research and Evaluation

A similar statement could also be made concerning program research and evaluation efforts. The Commentary to NAPSA Standard XIII states: "The pretrial services agency should not only monitor statistical data to see if goals are achieved, but should evaluate its own program in terms of agency action and desired impact on the system." (p. 72) Not surprisingly, given the relative lack of basic information maintenance and monitoring, such formal research and evaluation efforts are too infrequent among release programs, as indicated below and in Table 32.

% OF PROGRAMS CONDUCTING SELECTED TYPES OF FORMAL EVALUATIONS IN PAST THREE YEARS:	
None conducted	36.1%
FTA prediction:	
In-house	15.1
External	25.2
Pretrial crime prediction:	
In-house	5.9
External	18.5
Impact of activities:	
In-house	5.9
External	7.6
Cost effectiveness	13.4

More than a third of all programs indicated that they had no formal evaluation or research conducted during the past three years. Most of the evaluations which were undertaken were general assessments of program operations, with

66/ Goldman et al., Supra note 2, p. 25 (emphasis added).

relatively few attempting to assess how well a program's screening techniques predict FTA or pretrial crime behavior, the impact of various program activities (such as notification, supervision, types of services), or the cost effectiveness of the program.

Even when programs conducted prediction research, findings did not automatically translate into any changes in the recommendation schemes (see earlier discussion in Section C). It seems likely either that the programs as a whole have not acted sufficiently on the results of any such evaluations or that sufficiently thorough assessments of the screening approaches have simply not been done in most cases. Given the inadequacy of data bases discussed above, the latter seems most probable.

Program evaluation is an area which is seldom controlled entirely by individual programs because of inadequacies of system data and because of funding and staffing constraints. On the other hand, evaluations are often avoided because of "fear" of what they might reveal. Still, the NAPSA standards emphasize how important and helpful evaluations can be to program administrators: "Program evaluations should be viewed as an aid to the improvement and refinement of agency precedures." (p. 72) The impact of program practices remains uncertain, and inappropriately so, without such periodic evaluations. 67/

Such evaluations need not be sophisticated, costly research conducted by expensive outside consultants. Realistically, budget cutbacks make it highly unlikely that there will be many such comprehensive program evaluations in the near future. Yet it is important that research of program practices and impact be done according to sound research techniques, so that results and their implications can be trusted. There is much that programs can and should do in order to responsibly evaluate their own practices -- and that can be done with existing resources and/or with the support of volunteers and/or students. With the will and careful planning, sound internal evaluations can be undertaken which can have significant impact on future program operations and on a jurisdiction's overall release practices. Several programs have conducted such research on their own, frequently with the support and consultation of various agencies, including the Pretrial Services Resource Center. Many more could -- and should -- do so in the future.

67/ Yet data gathering and evaluation were rated relatively low in importance by 54 release program directors surveyed in 1974. When asked to rate the importance of the following goal -- "Gathering data to be used in evaluating and improving the effectiveness of one's own program" -- the directors rated it 6th most important of the 25 possible program goals in terms of what "should be", but only 12th most important in terms of what "actually is". They were also asked to rate the following goal on the same bases: "Gathering data to be used in assessing the effectiveness of pretrial release programs in comparison to the operation of traditional bail system." This was rated 12th in terms of how important it should be, and 23rd in terms of practical reality. (See Stover and Martin, Supra note 2, pp. 21, 37.)

V. SYSTEMATIC DIFFERENCES BETWEEN TYPES OF PROGRAMS

Throughout this monograph, overall findings have been presented without indicating variations in practices or policies between different types of programs. In this chapter, those differences -- to the extent that they exist -- are addressed. They are organized and discussed in the same order in which issues and practices were covered in Chapters III and IV.

Types of Programs refers to their organizational placement or locus, as discussed in Section A of Chapter III. The primary groupings are Probation (excluding the five federal programs), Courts (also excluding federal), Private/non-profit, and Other Public (including publicly-funded programs responsible to such governmental units as departments of corrections, human services departments, county boards, etc.). To the extent that the 10 federal demonstration pretrial programs have distinct patterns which set them apart from other programs, that information is presented.

Only significant variations from the overall national profiles are discussed and summarized here. To put these summaries in perspective, the reader should refer to the appropriate tables and related discussions in the earlier text.

HIGHLIGHTS

- No blanket statements can be made suggesting that certain types of programs will automatically provide release services more effectively. Much depends on a variety of program- and system-related circumstances other than the type of program per se. Nonetheless, there are some clear differences in many practices between different types of programs.
- Since differences do exist, but remain unexplained, research is needed to help determine whether the probability of effective release operations is greater under some types of organizations than under others.

Scope and Size of Programs

There is little practical difference in size of communities served by different types of programs. There are some differences, however, in the nature of jurisdictions served (primary service areas). Programs administered by local probation departments and by local courts are most likely to confine their services within a local jurisdiction (city, town or county) -- not surprising in light of the fact that most of their funding comes from a single local unit of government. By contrast, the 10 federal programs all serve multi-county areas.

% OF PROGRAMS SERVING MULTI-COUNTY AREAS:

Most likely:	Federal	100%
Least likely:	Local courts	7
	Local probation	4
	All programs:	23%

Programs administered by local courts, Other Public agencies, and private non-profit agencies are most willing to cooperate with other agencies in working with defendants charged in other jurisdictions. Probation-run programs are least willing to cooperate in such situations.

% OF PROGRAMS STATING UNCONDITIONAL COOPERATION:

Most likely:	Non-profit	92%
	Local courts	83
	Other Public	82
Least likely:	Probation	44
	All programs:	63%

Programs administered by local courts are more likely than other types of programs to operate with relatively large budgets (e.g., six of the 10 programs with budgets exceeding $400,000 are operated by local courts). On the other hand, private non-profit programs and those run by probation departments typically operate on budgets of less than $100,000. (However, budget information was not available for 16 of the 33 probation programs.) Other Public programs are typically in the relatively low-to-middle budget ranges.

% OF PROGRAMS WITH LARGE AND SMALL BUDGETS:

More than $400,000:	Local courts	22%
$100,000 or less:	Non-profit	69
	Probation	56
$50,000 or less:	Probation	44
	Non-profit	38
All programs (Table 5):	More than $400,000:	11%
	$100,000 or less:	53%
	$50,000 or less:	22%

There are few differences of note in overall staffing patterns between the different types of programs.

Programs administered by state and local courts are more likely to interview larger numbers of defendants than are other types of programs, even though they do not as a group operate in larger jurisdictions. This is consistent with the pattern of somewhat larger budgets for such programs. Programs run by probation departments, Other Public, and non-profit agencies are more likely to interview relatively smaller numbers of defendants, similar to the overall program profile in Table 7. Federal programs typically interview relatively small numbers of defendants compared to the size of the jurisdictions covered, but this is in large part due to the fact that they are limited to dealing with the relatively small number of federal offenses (compared with the numbers dealt with by local programs).

% OF PROGRAMS INTERVIEWING LARGE AND SMALL NUMBERS OF DEFENDANTS:

More than 10,000:	Courts	33%
Less than 2,000:	Federal	90
Less than 1,000:	Federal	50

All programs (Table 7): More than 10,000: 13%
Less than 2,000: 49%
Less than 1,000: 31%

Stability of Programs and Sources of Funding

LENGTH OF EXISTENCE OF PROGRAMS
(AND NET CHANGE IN % OF PROGRAMS FROM 1972-1980)

Existed prior to 1975:	Non-profit	77%	(-9.0%)
	Courts	73	(+5.8)
Begun since 1976:	Other public	32	(+5.1)
	Probation	29	(-5.3)

All programs (Table 8): Pre-1975: 61%
Post-1976: 14%

Among the most entrenched or most stable programs appear to be those administered by the courts. As indicated in Table 3, the biggest increases in number and proportion of release programs during the 1970s have been in court-operated programs. Most of that growth is attributable to increases in the numbers responsible to state courts and to the initiation of federal pretrial services agencies. Moreover, most of the court-administered programs appear well-entrenched, with 73% having been in existence since 1974 (and 84% of the locally-administered court programs).

Although there has been a decline in the number and proportion of non-profit release agencies, those that do remain appear to be relatively stable, having also been in existence for the most part since the first half of the 1970s. On the other hand, although only 9% of all programs described themselves as being "an established function, but with future financial support uncertain", 27% of the 15 non-profit programs indicated such a self-description. Of the interviewed privately-operated programs, none have been started since 1976.

Of the 16 programs which have begun since 1976, six are operated by Other Public agencies. This category has shown the second-largest net increase in number of release programs in the 1970s.

By way of contrast, even though seven of the 16 programs begun since 1976 are probation-administered, Table 3 indicates that there has nonetheless been an overall net decrease since the 1975 National Center for State Courts survey in the number and proportion of probation release programs. This suggests considerable volatility among such programs. It appears to be relatively common for probation departments to assume responsibility for release functions, 68/ but it is apparently also not uncommon for these programs to be somewhat vulnerable to subsequent elimination in future budget-cutting operations. 69/ This cannot be proven from these data, but the evidence is at least suggestive.

Automatic Exclusions from Program Interviews

There appear to be no differences worth noting in patterns of charge-related exclusionary patterns between different types of programs. In terms of other, non-charge exclusions, there are also relatively few differences in patterns, with one exception: programs administered by Other Public agencies are somewhat more likely to be "cautious" in their interview policies, i.e., to employ more automatic exclusions, than are other types of programs. This is especially true with respect to excluding those with outstanding warrants: 52% of the Other Public programs automatically exclude those with warrants from other jurisdictions, and 32% exclude those with outstanding warrants from the program's jurisdiction (compared with 32% and 13% of all programs, respectively, as seen in Table 12).

68/ Consistent with Corrections Standard 10.5 of the National Advisory Commission on Criminal Justice Standards and Goals. See note 13, Supra.

69/ It has been suggested in testimony and the legislative history concerning the federal demonstration pretrial services agencies that placing pretrial functions within an agency whose primary tasks have historically been post-trial in nature could lead to a type of "second-class status" for the pretrial operations; furthermore, that any demand for budget cuts in such an agency would leave the pretrial functions more vulnerable than the more traditional activities of the agency. See The Pretrial Reporter, Vol. IV, No. 2 (March 1980), pp. 6-7.

Timing of Program Interviews

Programs administered by local courts are most likely to conduct most or all of their interviews prior to the initial court appearance. By contrast, probation and non-profit programs are least likely to conduct substantial proportions of their interviews prior to the first appearance.

% OF PROGRAMS INTERVIEWING DEFENDANTS PRIOR TO INITIAL COURT APPEARANCE:

More than 90% prior:	Local courts	61%
25% or less prior:	Probation	32
	Non-profit	31
All programs (Table 13):	More than 90%:	47%
	25% or less:	17%

Nature of Defendant Screening Mechanisms

Programs run by Other Public agencies and by non-profit agencies are least likely to use subjective means alone to assess defendant eligibility for release, preferring instead to use either objective criteria alone or a combination of objective and subjective approaches. The other types of programs have profiles similar to the overall patterns shown in Table 14.

% OF PROGRAMS USING SUBJECTIVE ASSESSMENTS ALONE:

Least likely:	Other Public	26%
	Non-profit	23
All programs (Table 14):		38.5%

Programs administered by the courts and by Other Public agencies are most likely to indicate that they have used research in the development or refinement of their screening methods. Probation-run programs and the federal demonstration projects are the least likely to have used research for that purpose.

% OF PROGRAMS USING RESEARCH TO CHANGE SCREENING APPROACHES:

Most likely:	Other Public	76%
	Courts	60
Least likely:	Federal	33
	Probation	29
	All programs:	51%

Program Recommendation Policies: How Screening Information is Used

Probation-administered programs are somewhat more likely to present to the court information without recommendations (five of those 10 programs are probation-run). But even among probation agencies, the vast majority (83%) make recommendations, compared to 88% of all programs (see Table 17).

The majority of all programs (58%) have no authority to help release defendants prior to the initial court appearance. In contrast, 58% of the court-administered programs can help effect early releases. None of the federal demonstration programs have any early release authority, and the other types of programs have similar proportions to the overall figure.

% OF PROGRAMS WHICH CAN HELP EFFECT EARLY RELEASE:

Most likely:	Courts	58%
Least likely:	Federal	0
All programs (Table 18):		42%

Federal demonstration programs are most likely to have no automatic blanket exclusions from eligibility for an own recognizance release recommendation. Of the 15 programs which have no automatic eligibility or interview exclusions of any type, seven are federal demonstration programs. Five are administered by courts.

% OF PROGRAMS WITH NO AUTOMATIC ELIGIBILITY EXCLUSIONS:

Most likely:	Federal	70%
All programs:		13%

All federal demonstration projects recommend money bail in certain cases. Non-profit agencies are least likely to do so.

% OF PROGRAMS RECOMMENDING MONEY BAIL:		
Most likely:	Federal	100%
Least likely:	Non-profit	33
All programs (Table 20):		49%

All federal demonstration programs indicate that they recommend both conditional and third-party release. Probation-administered programs are least likely to make such recommendations.

% OF PROGRAMS RECOMMENDING CONDITIONAL AND THIRD-PARTY RELEASE:		
Most likely:	Federal	100%
Least likely:	Probation	
	Conditional	64
	Third-party	46
All programs (Table 21):	Conditional:	74%
	Third-party:	56%

Extent and Impact of Program Recommendations

Overall, the differences among types of programs in proportions of recommended defendants were relatively small.

Post-Release Program Activities

There are relatively few differences between types of programs in patterns of automatic monitoring and notification for defendants released on their own recognizance. Federal demonstration programs are least likely to impose any conditions on their own. Probation programs are less likely than other programs to automatically notify defendants of court appearances.

% OF PROGRAMS LEAST LIKELY TO AUTOMATICALLY NOTIFY AND IMPOSE CONDITIONS ON DEFENDANTS RELEASED ON OWN RECOGNIZANCE:		
Automatic Conditions:	Federal	10%
Automatic Notification:	Probation	45%
All programs (Table 24):	Conditions:	43%
	Notification:	58%

There are relatively few differences in types of monitoring practices for defendants not recommended and released on own recognizance. Probation-administered programs are most likely to only monitor those defendants they have recommended for own recognizance release. By contrast, all federal programs and 93% of those administered by private non-profit agencies monitor other types of defendants.

% OF PROGRAMS WHICH MONITOR DEFENDANTS OTHER THAN THOSE RELEASED ON OWN RECOGNIZANCE ON PROGRAM'S RECOMMENDATION:		
Most likely:	Federal	100%
	Non-profit	93
Least likely:	Probation	72
All programs (Table 25):		84%

The federal demonstration programs are the most likely to monitor defendants released on any form of money bail. There are no other significant differences from the overall profile in Table 25, except that only 13% of the non-profit programs monitor defendants released on surety bond.

% OF PROGRAMS WHICH MONITOR DEFENDANTS RELEASED ON FINANCIAL CONDITIONS:		
Most likely:	Federal	
	Cash and deposit bail	90%
	Surety bond	80
Least likely:	Non-profit	
	Surety bond	13
All programs (Table 25):	Cash bail:	35%
	Deposit bail:	37%
	Surety bond:	29%

Federal programs and those run by non-profit agencies are most likely to take steps to urge defendants who have missed court appearances to return voluntarily. Probation programs are least likely to do so. Probation programs are also least likely to assist police in locating defendants. Federal programs are most likely to do so, although no federal programs have authority to arrest defendants who fail to appear.

% OF PROGRAMS TAKING STEPS TO RETURN DEFENDANTS TO COURT:

Voluntary	- Most likely:	Federal		
			Phone calls	100%
			Home visits	100
		Non-profit		
			Phone calls	100
			Letters	80
	- Least likely:	Probation		
			Phone calls	59
			Home visits	28
Assist police	- Most likely:	Federal		70
	- Least likely:	Probation		41
Arrest	- Least likely:	Federal		0
	All programs (Table 27):		Letters:	55%
			Phone Calls:	80%
			Home visits:	45%
			Assist police:	57%
			Arrest:	14%

Program FTA and Pretrial Rearrest Rates

There appear to be relatively few differences between types of programs in reported FTA rates. The only exceptions: private non-profit programs were more likely to report lower rates, and court-run programs were more likely to report higher rates. It cannot be determined whether these represent real differences or differences in accuracy of recording data -- or are attributable to other factors. Moreover, the numbers of programs are too small for these results to be considered completely reliable. The numbers of programs reporting rearrest data are considerably smaller -- too small to present even suggestive findings by type of program.

Data Maintenance and Research Capability of Programs

Release programs administered by probation departments were somewhat less likely to provide statistical data and to indicate that they monitored certain types of data on a regular basis. For example, 45% indicated that they monitor dispositions for those released through the program, compared with 63% of all programs (see Table 31), and 10% monitor FTA or rearrest rates by type of charge (compared with 26% overall). Otherwise, there were few differences in the patterns of information collection and monitoring by different types of programs.

Programs most likely to have conducted (or have had conducted for them) various types of program evaluations are private non-profit agencies and the federal demonstration programs. Those least likely to have been evaluated formally are the probation-administered programs. It should be noted that no statements can be made about the quality and value of those evaluations which were undertaken by various programs.

% OF PROGRAMS WHICH HAVE CONDUCTED FORMAL EVALUATIONS:

Most likely:	Federal	100%
	Non-profit	80
Least likely:	Probation	45
	All programs (Table 32):	64%

Summary

The following chart summarizes, for the five major "types" of programs, the extent to which the practices of each differ from each other and from the overall national program profiles. There are some clear differences between types of programs. However, there are also many individual program exceptions to the patterns. Thus, if there are differences inherent in a particular type of program, they have not been conclusively demonstrated.

Certainly some types of programs at this point are more likely than others to have adopted particular characteristics and practices. But it cannot be conclusively determined from these data whether these differences are attributable simply to the chance cumulative effect of the historical traditions, personnel, and jurisdictional differences which help shape individual program practices. Or, alternatively, whether there is a more systematic probability that such patterns are likely to continue in each type of program in the future and as new programs are established -- and whether the probability of effective provision of release services is greater under some types of programs than under others. More research is needed before such questions can be answered.

In the meantime, this summary may at least provide some guidance to policymakers and program practitioners concerning needed changes in existing programs and issues to be aware of as decisions are made about the organization of new release programs in the future.

SUMMARY OF MAJOR DIFFERENCES BETWEEN TYPES OF PROGRAMS*

Probation

More likely to operate within single county
Slightly smaller programs
Less likely to cooperate with other programs
Relatively new programs, yet net decreases over time
Less likely to interview defendants prior to initial court appearance
Relatively little use of research in making refinements in screening approaches
Less likely to recommend conditional or third party release
Less likely to automatically notify defendants of scheduled court appearances
Less likely to monitor defendants not released on own recognizance on program's recommendation
Less likely to take steps to return defendants to court after nonappearance
Less likely to routinely track and analyze data or to conduct formal evaluations

Courts

More likely to operate within single county
Relatively larger programs
More likely to cooperate with other programs
Relatively stable programs, with net increases over time
More likely to interview defendants prior to initial court appearance
More likely to use research in making refinements in screening approaches
More likely to have authority to help effect early release
More likely to report relatively high FTA rates

Non-profit

Relatively small programs
More likely to cooperate with other programs
Net decreases over time, though existing programs relatively stable
Less likely to interview defendants prior to initial court appearance
More likely to use objective assessments in determining release eligibility
Less likely to recommend money bail
More likely to monitor defendants other than those released on own recognizance on program's recommendation
More likely to take steps to urge defendants to return voluntarily to court after nonappearance
More likely to report relatively low FTA rates
More likely to conduct formal evaluations

Con't.

Other Public

More likely to cooperate with other programs
Net increases over time
More likely to exclude some categories of defendants from interviews
More likely to use objective assessments in determining release eligibility
More likely to use research in making refinements in screening approaches

Federal

More likely to operate in more than one county
Relatively small numbers of defendants interviewed
Less likely to use research in making refinements in screening approaches
No early release authority
Less likely to automatically exclude defendants from release eligibility
More likely to recommend money bail
More likely to recommend conditional or third party release
Less likely to impose conditions on defendants released on own recognizance
More likely to monitor defendants other than those released on own recognizance on program's recommendation
More likely to monitor defendants released on money bail
More likely to take steps to return defendants to court after nonappearance
More likely to conduct formal evaluations

* These are the characteristics and practices which differ significantly from the overall national program profiles. Thus, for example, "more likely" does not necessarily mean that a particular type of program is more likely than not to do something; instead, it means that that type of program is proportionately more likely than most other types of programs to do so.

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Table 1

LEGAL/ADMINISTRATIVE AUTHORITY FOR PROGRAMS

Type of Authority	# of Programs	% of Programs
State or federal statute -- mandatory	26	21.8
State or federal statute -- permissive	26	21.8
Court rule -- mandatory	8	6.7
Court rule -- permissive	25	21.0
Court rule + state or federal statute	7	5.9
Administrative decision by state or federal agency	1	.8
Administrative decision by local government	9	7.6
Special grant	4	3.4
Non-profit agency/contract with government agency	6	5.0
Independent agency	5	4.2
Miscellaneous	2	1.7
TOTAL	119	99.9*

* Rounding error

Table 2

ORGANIZATIONAL RESPONSIBILITY FOR OPERATING PROGRAMS

Type of Organization	# of Programs	% of Programs
Probation department -- state	4	3.4
Probation department -- local	13	10.9
Courts -- state	5	4.2
Courts -- local	32	26.9
Local probation + county assignment judge	11	9.2
Federal Administrative Office of Courts -- Board-administered	5	4.2
Federal Aministrative Office of Courts -- Probation-administered	5	4.2
Prosecutor	2	1.7
Public defender	0	0.0
Law enforcement agency	4	3.4
Other Public agency	19	16.0
Bar association	2	1.7
Other private non-profit agency	13	10.9
Miscellaneous	4	3.4
TOTAL	119	100.1*

* Rounding error

Table 3

ORGANIZATIONAL RESPONSIBILITY FOR OPERATING PROGRAMS: 1972, 1975, 1980 1/

	# and % of Programs in each Survey					
	1972		1975		1980	
Type of Organization	#	%	#	%	#	%
Probation	29	33.0	36	32.7	33	27.7 2/
Courts	26	29.5	32	29.1	42	35.3 3/
Other Public agency	14	15.9	22	20.0	25	21.0
Private, non-profit agency	19	21.6	15	13.6	15	12.6
Miscellaneous and unknown	0	0.0	5	4.5	4	3.4
TOTAL	88	100.0	110	99.9*	119	100.0

* Rounding error

1/ Based on the OEO survey of 88 programs conducted in 1972 and published in 1973; the National Center for State Courts survey of 110 programs conducted in 1975 and published in 1977; and the Pretrial Services Resource Center survey conducted in 1979 and updated in 1980. See note 2, Supra.

2/ Including the 11 probation/county assignment judge programs separately listed in Table 2.

3/ Not including the 11 probation/county assignment judge programs, or the 5 probation-administered federal AOC programs. Does include the 5 AOC board-administered programs.

Table 4

ESTIMATED POPULATION OF PROGRAMS' PRIMARY SERVICE AREAS

Population	# of Programs	% of Programs
Less than 50,000	2	1.7
Between 50,000 and 100,000	5	4.2
More than 100,000 and less than 500,000	48	40.3
Between 500,000 and 1 million	30	25.2
More than 1 million	34	28.6
TOTAL	119	100.0

Table 5

SIZE OF PROGRAM BUDGETS

Budget Amounts ($)	# of Programs	% of Programs
$25,000 or less	9	9.9
25,001 - 50,000	11	12.1
50,001 - 75,000	12	13.2
75,001 - 100,000	16	17.6
100,001 - 150,000	10	11.0
150,001 - 200,000	10	11.0
200,001 - 300,000	8	8.8
300,001 - 400,000	5	5.5
400,001 - 500,000	2	2.2
500,001 - 1 million	4	4.4
More than 1 million	4	4.4
TOTAL	91	100.1*

* Rounding error

Table 6

PROGRAM STAFFING (FULL AND PART-TIME PAID STAFF) 1/

	Full-Time		Part-Time	
Number of staff	# of Programs	% of Programs	# of Programs	% of Programs
None	2	1.7	69	61.1
1	12	10.3	10	8.8
2	18	15.5	7	6.2
3	15	12.9	6	5.3
4	11	9.5	4	3.5
5	11	9.5	2	1.8
6-7	12	10.3	5	4.4
8-10	14	12.1	5	4.4
11-15	7	6.0	1	.9
16-20	3	2.6	2	1.8
21-25	3	2.6	0	0.0
26-50	5	4.3	2	1.8
More than 50	3	2.6	0	0.0
TOTAL	116	99.9*	113	100.0

* Rounding error

1/ Excluding secretarial and clerical staff.

Table 7

NUMBERS OF DEFENDANTS INTERVIEWED ANNUALLY BY PROGRAMS

Number of Interviews	# of Programs	% of Programs
250 or less	4	4.1
251 - 500	7	7.1
501 - 750	9	9.2
751 - 1000	10	10.2
1001 - 1500	11	11.2
1501 - 2000	7	7.1
2001 - 2500	7	7.1
2501 - 5000	17	17.3
5001 - 10,000	13	13.3
10,001 - 15,000	5	5.1
15,001 - 25,000	4	4.1
25,001 - 50,000	2	2.0
More than 50,000	2	2.0
TOTAL	98	99.8*

* Rounding error

Table 8

AGE OF PROGRAMS

Year Program Began	# of Programs	% of Programs
Prior to 1963	1	.9
1963-64	5	4.4
1965-66	2	1.7
1967-68	4	3.5
1969-70	10	8.8
1971-72	23	20.2
1973-74	25	21.9
1975-76	28	24.6
1977-78	15	13.2
1979-80	1	.9
TOTAL	114	100.1*

* Rounding error

Table 9

PROPORTIONS OF PROGRAM FUNDING FROM VARIOUS SOURCES

Funding Source	# and % of Programs Receiving Specified Amount of Funding From Each Source 1/											
	None		1-25%		26-50%		51-75%		76-99%		100%	
	#	%	#	%	#	%	#	%	#	%	#	%
LEAA grants	104	87.4	4	3.4	4	3.4	4	3.4	1	.8	2	1.7
CETA funds	114	95.8	2	1.7	1	.8	1	.8	0	0.0	1	.8
TASC grant	119	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Other federal funds	108	90.8	0	0.0	0	0.0	1	.8	0	0.0	10	8.4
State government	98	82.3	3	2.5	3	2.5	4	3.4	4	3.4	7	5.9
Municipal government	105	88.2	4	3.4	1	.8	1	.8	0	0.0	8	6.7
County government	38	31.9	7	5.9	6	5.0	5	4.2	5	4.2	58	48.7
Bar Association	118	99.2	0	0.0	0	0.0	0	0.0	0	0.0	1	.8
Other private contributions	118	99.2	1	.8	0	0.0	0	0.0	0	0.0	0	0.0
United Way	117	98.3	0	0.0	1	.8	1	.8	0	0.0	0	0.0
Fees/bond forfeits/bond account, etc.	114	95.8	3	2.5	1	.8	1	.8	0	0.0	0	0.0
Miscellaneous	116	97.5	2	1.7	0	0.0	0	0.0	0	0.0	1	.8

1/ Table should be read across rows, with each row totalling 119 programs and 100%. Thus, for example, 104 programs (87.4% of all 119 programs) received no funding in 1979 from LEAA, 4 programs received 1-25% of their funding from LEAA, another 4 received 26-50%, another 4 received 51-75%, etc. By contrast, only 31.9% of all programs received no funding from county government, whereas 48.7% received all their funding from that source. Note that 116 programs have one funding source which provides a majority of all funds for the particular program (the sum of the numbers of programs in the 51-75%, 76-99%, and 100% columns). Thus only three programs have no single majority source of funding (i.e., have two or more funders, neither of which contributes as much as 51% of the total program budget).

Table 10

COMPARISON OF FUNDING SOURCES: 1972, 1975, 1980 1/

	% of Programs in Each Survey Receiving Specified Amount of Funding From Each Source 2/					
	1972		1975		1980	
Funding Source 3/	Primary	Secondary	Primary	Secondary	Primary	Secondary
LEAA grants	37.5	10.2	37.6	7.3	5.9	6.8
Other federal funds 4/			2.7	.9	9.2	0.0
County government	32.9	18.2	34.9	22.9	57.1	10.9
Municipal government	9.1	2.3	11.9	2.7	7.5	4.2
State government	11.4	17.0	9.2	10.1	12.6	5.0

1/ Based on the OEO survey of 88 programs conducted in 1972 and published in 1973; the National Center for State Courts survey of 110 programs conducted in 1975 and published in 1977; and the Pretrial Services Resource Center interviews conducted in 1979 and updated in 1980. See note 2, Supra.

2/ If a program received at least 51% of its funding from the specified funding source, it is recorded under Primary funding; if it received some funding from the source, but not a majority, it is recorded under Secondary funding. The remaining programs received no funding from that source. Thus in 1972, 37.5% of all programs received the majority of their funding from LEAA; another 10.2% received some funding from that source; and the remainder received all their funding from some other source(s). By 1980, only 5.9% of the programs received majority funding from LEAA, with another 6.8% receiving partial funding.

3/ Only the major sources of program funding from those listed in Table 9 are included here.

4/ Other federal funds were not separately listed in the 1972 OEO survey report.

Table 11

PROGRAMS WHICH AUTOMATICALLY EXCLUDE PRETRIAL DEFENDANTS FROM BEING INTERVIEWED, BASED ON CHARGE ALONE

Types of Exclusions	# of Programs	% of Programs
None -- everyone is interviewed 1/	36	30.2
Some exclusions, but none based on charge alone	24	20.2
All misdemeanors	10	8.4
All misdemeanors plus other specific charges	1	.8
All felonies	2	1.7
All felonies plus other specific charges	2	1.7
Miscellaneous specific charges 2/	44	37.0
TOTAL	119	100.0

1/ Subject to caveats in note 25 in text, and unless defendant is sick, inebriated, refuses, etc. This category includes eight programs which exclude from interviews only those defendants charged with a crime allegedly committed while the person was already in prison, and therefore not eligible for release anyway.

2/ Includes 23 programs which by policy do not interview defendants charged with capital offenses and combinations of violent felonies; 10 which exclude fugitives and those with FTA-related charges; five which exclude those with drug-dealing and other drug-related charges; nine which exclude those charged with probation or parole violations; 14 which do not interview those charged with minor misdemeanors, traffic and other violations, etc.; five which exclude those charged with prostitution; and 13 which exclude those charged with a variety of other offenses. It should be noted that these may be understatements of the specific charge exclusions, as these are based strictly on information volunteered by the program person being interviewed, as there was no checklist of items to which the person was asked to respond (see questionnaire in Appendix). Thus some excluded charges may have been inadvertently overlooked by the interviewee.

Table 12

OTHER REASONS WHY PROGRAMS AUTOMATICALLY EXCLUDE PRETRIAL DEFENDANTS FROM BEING INTERVIEWED

Types of Exclusions 1/	# of Programs	% of Programs
Warrant/detainer from another jurisdiction	38	31.9
Outstanding warrant/same jurisdiction	16	13.4
No local address	6	5.0
On probation, parole, or pretrial release	11	9.2
Prior record of FTA	6	5.0
Prior record of rearrest(s) on release	3	2.5
Suspected mental/emotional problems	2	1.7
Prior arrest or conviction record 2/	6	5.0
Miscellaneous 2/	6	5.0
Program interviews only upon request, after initial release decision, etc.	7	5.9

1/ Programs may exclude defendants for more than one reason. Percentages based on all 119 programs.

2/ Not included in original list of potential exclusions (see questionnaire in Appendix). Thus, actual numbers may be higher, since these totals simply reflect what was recalled and mentioned in the interview.

Table 13

POINT AT WHICH PROGRAMS INTERVIEW MOST DEFENDANTS

Proportion of Interviews Conducted Prior to Initial Court Appearance 1/	# of Programs	% of Programs
None--interviews always follow initial court appearance	9	8.0
1 - 25%	10	8.8
26 - 50%	5	4.4
51 - 75%	12	10.6
76 - 90%	24	21.2
91 - 99%	23	20.3
100%--all interviews prior to initial court appearance	30	26.5
TOTAL	113	99.8*

* Rounding error

1/ Appearance at which initial release decisions are made.

Table 14

PROGRAMS USING OBJECTIVE AND SUBJECTIVE METHODS OF ASSESSING DEFENDANTS

Types of Assessment	# of Programs	% of Programs
Objective (point scale) only	25	21.4
Subjective only	45	38.5
Objective combined with subjective	47	40.2
TOTAL	117	100.1*

* Rounding error

Table 15

CRITERIA INCLUDED IN INTERVIEWS BY PROGRAMS AS PART OF ASSESSMENT OF DEFENDANT

Criteria/Factors 1/	# of Programs	% of Programs
Local address	111	94.9
Length of time in community	108	92.3
Length of time at current address	99	84.6
Ownership of property in community	59	50.4
Possession of telephone	31	26.5
Living arrangements (with whom)	87	74.4
Employment/education or training status	107	91.5
Income level or public assistance status	50	42.7
Prior arrests	78	66.7
Prior convictions (any type)	101	86.3
Prior convictions (felony only)	66	56.4
Someone expected to accompany defendant at arraignment	23	19.6
Prior FTA 2/	7	6.0
Excess use of drugs/alcohol 2/	9	7.7
Miscellaneous 2/	7	6.0

1/ Question answered by 117 programs, which became the basis for the percentages. Programs obviously consider many of these factors simultaneously. Charge is not listed separately, although it is used frequently to exclude defendants from being interviewed or from being considered for eligibility for own recognizance release, as seen in Tables 11 and 19 and the accompanying text.

2/ Factors not included in original list of responses provided in the questionnaire (see Appendix). Thus, the numbers indicated here are likely to be conservative, since they are based only on those programs which volunteered the information, as opposed to being prompted, which was true of the other responses. For example, see Table 19, which indicates that 24% of the programs exclude those with prior FTAs from eligibility for an OR recommendation.

Table 16

DERIVATION OF CURRENT SCORING/WEIGHTING
PROCEDURES USED IN PROGRAM POINT SCALES 1/

Source of Derivation	# of Programs	% of Programs
Subjective assessment by committee or program	17	24.6
Borrowed verbatim from another program	13	18.8
Adapted with changes from another program	51	73.9
Based on program's own research	9	13.0
Other	3	4.3

1/ Question was asked only of the 72 programs using some version of a point scale. Percentages are based on the 69 of those programs responding to the question. Responses are not mutually exclusive, so total numbers exceed 69.

Table 17

INFORMATION PRESENTED TO COURT BY PROGRAMS

Type of Information Presented	# of Programs	% of Programs
Release recommendations made to court 1/	105	88.2
Informal recommendations (points presented without recommendation)	1	.8
Information presented to court without recommendation	10	8.4
Miscellaneous (recommendations only when requested or made only to prosecutor)	3	2.5
TOTAL	119	99.9*

* Rounding error

1/ Includes programs which can release defendants on their own authority in certain cases.

Table 18

EXTENT TO WHICH PROGRAMS HAVE RELEASE AUTHORITY
PRIOR TO FIRST COURT APPEARANCE

Type of release authority	# of Programs	% of Programs
None--program has no authority to help release prior to first appearance	69 1/	58.0 1/
Program can release some defendants directly on own authority if eligibility requirements met	29	24.4
Can contact judge for approval prior to releasing directly	21	17.6
Can recommend release to officials with power of early release	15	12.6
Can provide information upon request of official with power to release	6	5.0

1/ Some of the remaining programs have the authority to help effect early release in more than one way. Thus, the overall totals exceed 119. Percentages are based on all 119 programs.

Table 19

CIRCUMSTANCES WHICH LEAD PROGRAMS TO AUTOMATICALLY EXCLUDE THOSE INTERVIEWED FROM BEING ELIGIBLE FOR OWN RECOGNIZANCE RELEASE RECOMMENDATION 1/

Reasons for Automatic Exclusion 2/	# of Programs 2/	% of Programs 2/
No automatic exclusions	28	23.5
Program makes no ROR recommendations	17	14.3
Specific charges 3/	22	18.5
Warrant/detainer from another jurisdiction	25	21.0
Outstanding warrant/same jurisdiction	14	11.8
No local address	25	21.0
On parole, probation, or pretrial release	18	15.1
Prior record of FTA	29	24.4
Prior record of rearrest(s) on release	10	8.4
Inability to obtain information on person's prior record	9	7.6
Inability to verify information provided at interview	35	29.4
Suspected mental/emotional problems	9	7.6
Evidence of use of drugs	3	2.5
Prior record/pending charges 4/	14	11.8
Miscellaneous 4/	6	5.0

1/ In addition to those excluded from being interviewed at all.
2/ Programs may exclude defendants for more than one reason, so the totals exceed 119. Percents based on all 119 programs.
3/ All 22 programs excluding on specific charges do so for defendants charged with capital offenses and combinations of violent felonies. Four of them also exclude for fugitives and those with FTA-related charges.
4/ Not included in original list of potential exclusions (see questionnaire in Appendix). Thus, actual numbers may be higher, since these totals simply reflect what was recalled and mentioned in the interview.

Table 20

PROGRAMS RECOMMENDING BAIL FOR SPECIFIC DEFENDANTS AT OR PRIOR TO INITIAL COURT APPEARANCE

Type of Bail (Financial Conditions) Recommendation	# of Programs	% of Programs
Recommend that bail be set, with no specific amounts recommended	19	16.2
Recommend that bail be set, including specific amounts	37	31.6
Recommend specific bail amounts, given that bail will be set	1	.8
Make no recommendations related to bail	60	51.3
TOTAL	117	99.9*

* Rounding error

NOTE: In addition, 82 programs (70.1%) recommend bail re-evaluation in cases where bail has previously been set.

Table 21

EXTENT TO WHICH PROGRAMS RECOMMEND OTHER (NON-ROR) FORMS OF NON-FINANCIAL RELEASE

Types of Nonfinancial Release Recommendations 1/	# of Programs	% of Programs
Conditional release	87	74.4
Third-party release	65	55.6
No such recommendations made	26	22.2

1/ First two categories are not mutually exclusive, so totals exceed the 117 programs responding to this question. Percents based on 117.

Table 22

EXTENT TO WHICH PROGRAMS RECOMMEND INTERVIEWED DEFENDANTS FOR NON-FINANCIAL RELEASE

Proportion of Interviewed Defendants Recommended for Release	# of Programs	% of Programs
1 - 25%	15	19.2
26 - 50%	37	47.4
51 - 75%	18	23.1
76 - 100%	8	10.2
TOTAL	78	99.9*

*Rounding error

Table 23

EXTENT TO WHICH PROGRAM RELEASE RECOMMENDATIONS RESULT IN NON-FINANCIAL RELEASE

Proportion of Recommended/Eligible Defendants Actually Released Nonfinancially	# of Programs	% of Programs
1 - 25%	2	2.8
26 - 50%	4	5.6
51 - 75%	7	9.7
76 - 90%	11	15.3
91 - 99%	13	18.0
100%	35	48.6
TOTAL	72	100.0

Table 24

CONDITIONS AUTOMATICALLY IMPOSED AND SERVICES AUTOMATICALLY PROVIDED BY PROGRAMS FOR DEFENDANTS RECOMMENDED AND RELEASED THROUGH PROGRAM ON OWN RECOGNIZANCE

Conditions or Services 1/	# of Programs	% of Programs
Defendant calls in at specified intervals	41	36.3
Defendant comes in to program at specified intervals	10	8.8
Defendant notified of court appearances	66	58.4
Counseling or other services provided by program	5	4.4
Referrals made to other services or programs	2	1.8
Miscellaneous	9	8.0
No conditions automatically imposed	64	56.6
No services automatically provided	45	39.8

1/ Categories are not mutually exclusive, so numbers exceed the 117 programs responding to this question. Percentages based on 117.

Table 25

EXTENT TO WHICH PROGRAMS MONITOR OR SUPERVISE DEFENDANTS ON DIFFERENT TYPES OF RELEASE

Type of Release 1/	# of Programs	% of Programs
Released OR against program recommendation	65	54.6
Released on unsecured bond	43	36.1
Conditional release (nonfinancial conditions set by court)	85	71.4
Released on cash bail	42	35.3
Released on cash deposit bail (e.g., 10%)	44	37.0
Released on surety bond	34	28.6
Third-party release	46	38.7
Miscellaneous	4	3.4
Program monitors no releases except those released OR on program's recommendation	19	16.0

1/ Including types of release other than defendants released on their own recognizance on program recommendations. Many programs monitor defendants on more than one type of release, so the totals exceed 119. All programs answered this question, so the percentages are based on 119.

Table 26

CONDITIONS IMPOSED AND SERVICES PROVIDED FOR NON-OR RELEASES MONITORED BY PROGRAMS

Conditions or Services	% of Programs in each Category 1/ Automatic	Up to Program or Court	Total
Defendant calls in at specified intervals	35	45	80
Defendant comes in to program at specified intervals	11	51	62
Defendant notified of court appearances	55	29	84
Counseling or other services provided by program	4	50	54
Referrals made to other services/programs	1	60	61
Miscellaneous	5	6	11

1/ Since 100 programs monitor types of releases other than those defendants released OR on program recommendations, and since all 100 responded to this question, the numbers and percentages are exactly the same. The first column refers to those programs which automatically provide the services or impose the conditions for all non-OR releases which they monitor. The second column refers to those programs which may do so, depending on the program's and/or court's assessment of the defendant's needs. Since the first two columns are mutually independent, the third column is the sum of the first two and indicates the proportion of programs which ever use the conditions or services in monitoring/supervising non-OR defendants. Since the conditions and services are not mutually exclusive, the column totals exceed 100.

Table 27

PROGRAMS WHICH TAKE SPECIFIC STEPS TO ASSURE THAT DEFENDANTS WHO FAIL TO APPEAR WILL RETURN TO COURT

Specific Steps Taken 1/	# of Programs	% of Programs
None	16	13.7
Send letter to defendant urging voluntary return	64	54.7
Make phone call to defendant urging return	93	79.5
Make home visit to defendant urging return	53	45.3
Program staff may arrest	16	13.7
Assist police in locating defendant	67	57.3
Try to locate defendants who may have left jurisdiction	37	31.6
Request bench warrant/file with court 2/	19	16.2
Miscellaneous 2/	7	6.5

1/ Programs may undertake one or more of these steps. Thus, the totals exceed the 117 programs which responded to this question and which form the base for the percentages.

2/ Not included in original list of responses in questionnaire (see Appendix). Thus, the non-listed responses may understate the actual numbers of programs taking such steps.

CONTINUED

1 OF 2

Table 28

LOWEST FTA RATES REPORTED BY PROGRAMS 1/

Reported FTA Rate	# of Programs	% of Programs
2% or less	25	30.5
2.1 - 3.0%	13	15.8
3.1 - 4.0%	13	15.8
4.1 - 5.0%	8	9.8
5.1 - 7.5%	10	12.2
7.6 - 10.0%	7	8.5
More than 10% 2/	6	7.3
TOTAL	82	99.9*

* Rounding error

1/ Most programs only reported one FTA rate; however, 24 reported two or more, based on different definitions of failure. In such cases, the lowest is reported here.
2/ The highest was 12.7%.

Table 29

FTA RATES REPORTED BY PROGRAMS, BY SEPARATE FTA DEFINITIONS

and % of Programs with Specified FTA Rates Under Each Definition [1]

	Defendant-Based Rate [2]						Appearance-Based Rate [3]			
	Any FTA [4]		Warrant [5]		Fugitive [6]		Any FTA [4]		Warrant [5]	
Reported FTA Rate	#	%	#	%	#	%	#	%	#	%
2% or less	3	12.5	13	25.5	5	62.5	2	20.0	7	50.0
2.1 - 3.0%	1	4.2	12	23.5	0	0.0	1	10.0	2	14.3
3.1 - 4.0%	3	12.5	8	15.7	1	12.5	4	40.0	1	7.1
4.1 - 5.0%	4	16.7	5	9.8	0	0.0	0	0.0	1	7.1
5.1 - 7.5%	4	16.7	5	9.8	0	0.0	1	10.0	0	0.0
7.6 - 10.0%	5	20.8	2	3.9	1	12.5	1	10.0	2	14.3
10.1 - 12.0%	4	16.7	4	7.8	1	12.5	0	0.0	0	0.0
12.1 - 15.0%	0	0.0	0	0.0	0	0.0	1	10.0	1	7.1
More than 15%	0	0.0	2	3.9	0	0.0	0	0.0	0	0.0
TOTAL	24	100.1*	51	99.9*	8	100.0	10	100.0	14	99.9*

* Rounding error

1/ Five basic definitions were used by programs. The numbers providing FTA rates for each are provided in the column totals. The percentages are based on the numbers of programs using each definition. Some programs provided rates for more than one definition.
2/ Defendant-based rates indicate the proportion of released defendants who miss one or more court appearances.
3/ Appearance-based rates indicate the proportion of scheduled court appearances which are missed.
4/ Any FTA means any missed appearance, whether or not the defendant was issued a warrant, ultimately returned to court, etc.
5/ Warrants refer to cases in which a missed appearance leads to issuance of a bench warrant. Point at which a warrant is issued varies by jurisdiction.
6/ Fugitives are defined somewhat differently from site to site. As used here, the term typically refers to those who have been absent from court for a specific period of time (e.g., 30 days). No appearance-based fugitive rates were reported.

Table 30

PRETRIAL REARREST RATES REPORTED BY PROGRAMS

Reported Rearrest Rate	# of Programs	% of Programs
2% or less	10	22.2
2.1 - 3.0%	8	17.8
3.1 - 4.0%	6	13.3
4.1 - 5.0%	8	17.8
5.1 - 7.5%	7	15.5
7.6 - 10.0%	4	8.9
More than 10% 1/	2	4.4
TOTAL	45	99.9*

* Rounding error

1/ The highest rate was 11.0%.

Table 31

PROGRAMS WHICH TRACK AND ANALYZE CERTAIN DATA ON AN ONGOING BASIS

Types of Data 1/	# of Programs	% of Programs
Number of annual arrests in jurisdiction	61	66.3
Defendants detained pretrial annually	40	43.5
FTA rates:		
Program rates	83	90.2
Rates for those not recommended by program	17	18.5
Rates for those released on bail, with no program monitoring	15	16.3
Pretrial rearrest rates:		
Program rates	45	48.9
Rates for those not recommended by program	7	7.6
Rates for those released on bail, with no program monitoring	4	4.3
FTA or pretrial rearrest rates by type of charge	24	26.1
Dispositions for those released through the program	58	63.0

1/ Some programs maintain more than one type of data indicator. Thus, numbers exceed the 92 programs which responded to this question. Percentages are based on 92.

Table 32

TYPES OF FORMAL PROGRAM EVALUATIONS CONDUCTED IN THE PAST THREE YEARS

Type of Evaluation 1/	# of Programs	% of Programs
None	43	36.1
Program operations:		
In-house	27	22.7
External	44	37.0
Prediction of FTA:		
In-house	18	15.1
External	30	25.2
Prediction of pretrial crime:		
In-house	7	5.9
External	22	18.5
Impact of various activities:		
In-house	7	5.9
External	9	7.6
Cost effectiveness evaluation	16	13.4

1/ Some programs have had more than one type of evaluation, so the numbers exceed 119. All programs responded to the question.

APPENDICES

APPENDIX A

LOCATION OF RELEASE PROGRAMS INTERVIEWED

APPENDIX A

Location of Release Programs Interviewed

ALABAMA
- Huntsville
- Montgomery

ALASKA
- Fairbanks

ARIZONA
- Tucson

CALIFORNIA
- Berkeley
- *Los Angeles (3)
- Oakland
- Redwood City
- San Bernardino
- San Francisco
- San Jose
- Santa Ana
- Santa Cruz

COLORADO
- Boulder
- Brighton
- Denver
- Littleton

DELAWARE
- Wilmington

DISTRICT OF COLUMBIA

GEORGIA
- *Atlanta (3)
- Marietta

HAWAII
- Hilo
- Honolulu
- Lihue
- Wailuku

ILLINOIS
- *Chicago

INDIANA
- Elkhart
- Evansville
- Ft. Wayne
- Gary
- Indianapolis

IOWA
Cedar Rapids
Davenport
Des Moines
Waterloo

KENTUCKY
Frankfort

LOUISIANA
Baton Rouge
Gretna
New Orleans

MARYLAND
*Baltimore (2)
Towson

MICHIGAN
Ann Arbor
*Detroit (2)
Grand Rapids
Lansing
St. Joseph

MINNESOTA
Duluth
Minneapolis
St. Paul

MISSOURI
*Kansas City (2)
St. Louis

NEBRASKA
Omaha

NEW JERSEY
Camden
Elizabeth
Flemington
Freehold
Hackensack
Jersey City
Morristown
Mount Holly
Newark
New Brunswick
Paterson
Somerville
Toms River
Trenton

NEW MEXICO
Albuquerque

NEW YORK
*Brooklyn
Buffalo
Canandaigua
Mineola
*New York (2)
Oswego
Rochester
Syracuse
White Plains
Yaphank

NORTH CAROLINA
Charlotte
Fayetteville

OHIO
Canton
Cincinnati
Columbus
Dayton

OKLAHOMA
Oklahoma City

OREGON
Eugene
McMinnville
Portland

PENNSYLVANIA
Bethlehem
Harrisburg
*Philadelphia (2)
Pittsburgh (2)
Reading
Westchester

TENNESSEE
Memphis
Nashville

TEXAS
Amarillo
Austin
Beaumont
*Dallas (2)
El Paso
Houston
San Antonio

UTAH
Ogden
Salt Lake City

WASHINGTON
Seattle
Spokane
Vancouver (2)

* City contains one of 10 federal demonstration pretrial agencies.

APPENDIX B

INTERVIEW AND STATISTICAL QUESTIONNAIRES

1979 PRETRIAL SERVICES AGENCY QUESTIONNAIRE (PPB)

A. General Questions: All Agencies

1. Name, address, phone # of agency: _____

_____

_____ Phone # _____

2. Name of agency director: _____

3. Name and title of respondent (if different from director) _____

_____

4. Primary pretrial program offered by the agency (check only one):

___ (a) release
___ (b) diversion
___ (c) mediation/arbitration
___ (d) victim/witness
___ (e) multiple programs (of equal importance)
___ (f) other (indicate) _____

5. If more than one pretrial program or service is offered by the agency, indicate any not listed in #4:

___ (a) release
___ (b) diversion
___ (c) mediation/arbitration
___ (d) victim/witness
___ (e) other (indicate) _____

6. In what year did the agency begin operation? _____

NOTE: For any person responding for an entire system of several different programs in different locations (e.g., a statewide agency), please indicate here the # of separate offices or programs in the total system: _____

SKIP TO QUESTIONS IN PART B

NOTE: For any agency offering more than one of the following types of pretrial programs or services—release, diversion, mediation/arbitration, victim/witness (as checked in Questions 4 and 5)—Part B should be filled out separately for each program. Thus, for example, if an agency offers three of those four types of programs or services, a copy of Part B should be completed for each of the three. If the agency offers some type of program or service other than the four listed, Part B should not be filled out for it.

B. General Questions: Each Pretrial Program of an Agency

Agency name _____

Program name (if different from agency name) _____

Name and title of head of program (if different from agency director) _____

_____

Name and title of respondent (if different) _____

NOTE: If an agency offers only one pretrial program or service (e.g., release), answers to Questions 1 and 2 below can simply be transferred from Questions 4 and 6, respectively, in Part A.

1. Type of pretrial program (check only one):
   - ___ (a) release
   - ___ (b) diversion
   - ___ (c) mediation/arbitration
   - ___ (d) victim/witness

2. In what year did this program begin operation? _____

3. Indicate the primary area served by your program (check only one):
   - ___ (a) portion of a local jurisdiction
   - ___ (b) local jurisdiction—city or town(s)
   - ___ (c) local jurisdiction—total county
   - ___ (d) more than one county
   - ___ (e) entire state
   - ___ (f) other (indicate) _____

4. What is the approximate population of your primary service area? (check only one)
   - ___ (a) less than 50,000
   - ___ (b) between 50,000 and 100,000
   - ___ (c) more than 100,000 and less than 500,000
   - ___ (d) between 500,000 and 1,000,000
   - ___ (e) more than 1,000,000

5. How would you describe the nature of the area served by the program? (check only one)
   - ___ (a) primarily urban
   - ___ (b) primarily suburban
   - ___ (c) primarily rural
   - ___ (d) a mixture of urban, suburban, and rural
   - ___ (e) a mixture of urban and suburban
   - ___ (f) a mixture of suburban and rural

6. What is the legal or administrative basis for your program's existence?
   - ___ (a) State or federal statute—mandatory
   - ___ (b) State or federal statute—permissive
   - ___ (c) Local law
   - ___ (d) Court rule—mandatory
   - ___ (e) Court rule—permissive
   - ___ (f) Administrative decision by state or federal agency—mandatory
   - ___ (g) Administrative decision by state or federal agency—permissive
   - ___ (h) Local government administrative decision
   - ___ (i) Special grant
   - ___ (j) Non-profit agency operating on contract with governmental agency
   - ___ (k) Independent agency operating on informal basis within criminal justice system
   - ___ (l) Other (indicate) _____

7. Who has ultimate responsibility for the operation of this program? (check only one)
   - ___ (a) probation department (state or federal)
   - ___ (b) probation department (local)
   - ___ (c) courts (state or federal)
   - ___ (d) courts (local)
   - ___ (e) district attorney (prosecutor)
   - ___ (f) public defender
   - ___ (g) law enforcement agency (police, sheriff)
   - ___ (h) other public agency (indicate) _____
   - ___ (i) bar association
   - ___ (j) other private nonprofit agency
   - ___ (k) other (indicate) _____

8. Please indicate the types of courts served by your program: _____

_____

9. What is this program's annual budget? _____

10. Please indicate the approximate proportion of your annual budget which comes from each of the following sources of funding. Also indicate what the approximate proportions were when the program was started (totals should each = 100%).

CURRENT percentage	Source of funds	ORIGINAL percentage
_____	(a) LEAA grant	_____
_____	(b) CETA funds	_____
_____	(c) TASC grant	_____
_____	(d) Other federal funds	_____
_____	(e) state government	_____
_____	(f) municipal government	_____
_____	(g) county government	_____
_____	(h) bar association	_____
_____	(i) other private contributions	_____
_____	(j) other (indicate)	_____

_____

_____

11. How would you describe your program in terms of its current and future stability? (check only one)
   - ___ (a) an established institutionalized function, with continued financial support reasonably well assured
   - ___ (b) an established function, but with future financial support uncertain
   - ___ (c) an experimental demonstration project
   - ___ (d) other (indicate) _____

_____

12. Excluding secretarial and clerical staff, how many staff do you have? (for paid staff, include any current vacancies likely to be filled within a month or two)
   - ___ (a) paid full-time
   - ___ (b) paid part-time
   - ___ (c) volunteers and/or students
   - ___ (d) other (indicate) _____

_____

13. Still excluding secretarial/clerical, of the remaining paid staff (full and part time), how many are female? How many are of minority groups? How many have a professional academic degree?
   - ___ (a) number female
   - ___ (b) number minorities
   - ___ (c) number with degree

14. What type of Management Information System does the program have?
   - ___ (a) manual
   - ___ (b) computer
   - ___ (c) none

15. Is your agency willing to supervise, monitor or work in other ways with defendants with charges pending in other jurisdictions (i.e., engage in inter-agency compacts)?
   - ___ (a) yes
   - ___ (b) no
   - ___ (c) in certain circumstances

If there are qualifications or exceptions, please indicate _____

_____

SKIP TO MORE DETAILED QUESTIONS ABOUT PARTICULAR TYPES OF PROGRAMS (Release - Part C, Diversion - Part D, Mediation/Arbitration - Part E, Victim/Witness - Part F)

C. Specific Questions: RELEASE Programs Only

Agency/Program Name _____

1. Does the community served by your program offer any type of "police release" program for offenses other than those involving motor vehicle and housing violations—i.e., field release or citations, stationhouse ROR, desk appearance tickets, or station-house bail?

___ (a) yes ___ (b) no ___ (c) not sure

(IF NO OR NOT SURE, SKIP TO QUESTION 3)

2. Has your program had direct involvement with such police release programs in any of the following ways? (check any that apply)

___ (a) helped in setting up program
___ (b) interview the defendant in some cases
___ (c) seek follow-up information on particular cases in response to request from police
___ (d) provide post-release follow-up for police in some cases (e.g., notification of court dates)
___ (e) other (specify) _____
___ (f) no direct involvement

3. Are there detainees who are automatically excluded from being interviewed by your program? (check any that apply)

___ (a) no, everyone is interviewed (unless sick, defendant refuses, etc.)
___ (b) all violations (less than misdemeanors)
___ (c) all misdemeanors
___ (d) all felonies
___ (e) specific charges (see #4 for more detailed breakdown)
___ (f) those held on warrant or detainer from another jurisdiction
___ (g) those with outstanding warrants in the same jurisdiction(s) served by the program
___ (h) no local address
___ (i) currently on parole, probation, or pretrial release
___ (j) known prior record of failure to appear in court
___ (k) known prior record of rearrest for crime committed while on release
___ (l) defendant suspected of having severe mental or emotional problems
___ (m) other (specify) _____

(IF SPECIFIC CHARGES ARE NOT CHECKED ABOVE IN 3(e), SKIP TO QUESTION 5)

4. Please indicate which specific criminal charges automatically exclude some detainees from being interviewed by the program (as indicated in Question 3(e) above).

_____
_____
_____
_____

5. Does the program make specific release recommendations to the court, or does it provide information only without specific recommendations? (check only one)

___ (a) makes recommendations ___ (b) information only

6. Please indicate any circumstances which automatically exclude anyone who is interviewed from being eligible (recommended) for ROR (even if the defendant might not be excluded from recommendation for conditional release, cash deposit, bail reduction, etc.). That is, are there detainees who, by program policy, are automatically ineligible for an ROR recommendation once you learn of any of these particular conditions, no matter how favorable other combined circumstances may appear to be? (check any that apply)

___ (a) specific charges (see #7 for more detailed breakdown)
___ (b) those held on warrant or detainer from another jurisdiction
___ (c) those with outstanding warrants in the same jurisdiction(s) served by the program
___ (d) no local address
___ (e) currently on parole, probation, or pretrial release
___ (f) known prior record of failure to appear in court
___ (g) known prior record of rearrest for crime committed while on release
___ (h) inability to obtain information on defendant's prior record
___ (i) inability to verify information provided by defendant in the interview
___ (j) defendant suspected of having severe mental or emotional problems
___ (k) evidence of use of drugs
___ (l) other (specify) _____

(IF SPECIFIC CHARGES ARE NOT CHECKED IN 6(a), SKIP TO QUESTION 8)

7. Please indicate which specific criminal charges automatically exclude detainees from being eligible (recommended) for ROR, regardless of other circumstances (as indicated in 6(a) above).

_____
_____
_____
_____

8. Of those cases in which your program interviews defendants to determine release eligibility, please estimate the percentage in which the interview is conducted prior to the court appearance at which initial bail or release decisions are made:

____ %

9. Of all cases in which interviews are completed, does the program have the authority to effect any releases prior to the first court appearance? (check any that apply)

___ (a) no
___ (b) yes, it can release some persons on its own authority
___ (c) it can recommend release to law enforcement officials or court-appointed officials with the power to release before initial court appearance
___ (d) it can contact a judge for approval prior to releasing
___ (e) it can provide information at the specific request of an official with the power to release
___ (f) other (specify) _____

10. Other than determining or recommending eligibility for OR release, does your program ever make any of the following specific recommendations to the court concerning specific defendants? (check any that apply)

___ (a) recommend conditional release—release with non-financial conditions set by the court (i.e., recommend that conditions be imposed by the court that would go beyond any that would be automatic as part of requirements imposed by the program)
___ (b) recommend release on third-party custody
___ (c) recommend that bail be set
___ (d) recommend specific bail amounts
___ (e) recommend bail re-evaluations in cases where bail has previously been set

11. When a detainee is interviewed by the program concerning possible release, what kind of system is used to assess the person? (check only one)

___ (a) a point scale or system only

___ (b) a subjective system only

___ (c) a point system plus subjective input

(IF SUBJECTIVE ONLY, SKIP TO QUESTION 14)

12. If a point scale is used, please indicate which of the following are true (check any that apply):

___ (a) discretion is allowed in scoring individual items

___ (b) a single overall score is developed

___ (c) discretion is allowed in determining eligibility (i.e., eligibility or a positive recommendation is possible even though the actual numerical score may be too low)

___ (d) weights are employed for some items

___ (e) the actual score is presented to the court (as opposed to only an interpretation of the score)

13. How were the current scoring and/or weighting procedures derived for the point scale? (check any that apply)

___ (a) committee or program decision, based on subjective assessment of what should be included

___ (b) borrowed verbatim from another program

___ (c) adapted with changes from another program

___ (d) based on program's own research

___ (e) other (specify) _____

_____

14. Have you made any changes in your approach to determining release eligibility since the program began, based on research with program data?

___ (a) yes ___ (b) no

15. Whatever screening device is used, what criteria or variables are included in the interview as determinants of likelihood of release? (check any that apply)

___ (a) local address

___ (b) length of time in community

___ (c) length of time at current address

___ (d) ownership of property in community

___ (e) possession of a phone

___ (f) living arrangements

___ (g) employment and/or educational or training status

___ (h) income level or public assistance status

___ (i) prior arrests

___ (j) prior convictions (any type)

___ (k) prior convictions (felony only)

___ (l) whether someone is expected to accompany the defendant at arraignment

___ (m) other (specify) _____

_____

16. Does the program attempt to verify the information given by the detainee? (check only one)

___ (a) yes, always

___ (b) yes, with some exceptions (specify) _____

_____

___ (c) no

17. Who does most of the interviewing for the program? (check only one)

___ (a) full-time staff ___ (b) part-time staff ___ (c) students

___ (d) community volunteers ___ (e) other (specify) _____

18. For those recommended and released OR, what conditions are automatically imposed and what services are automatically provided? (check any that apply)

Automatic	
_____	(a) defendant calls in at specified intervals
_____	(b) defendant comes in to program at specified intervals
_____	(c) defendant notified of court appearances
_____	(d) counseling or other services provided by the program
_____	(e) referrals made to other programs or services
_____	(f) other (specify) _____
	_____
_____	(g) no conditions imposed
_____	(h) no services provided

19. Does the program also monitor or supervise any of the following types of defendants? (check any that apply)

___ (a) released OR against program recommendation

___ (b) released on unsecured bond

___ (c) conditional release (conditions set by court)

___ (d) released on cash bail

___ (e) released on cash deposit bail (e.g., 10%)

___ (f) released on surety bond

___ (g) third-party release

___ (h) other (specify) _____

___ (i) program handles no releases except those released OR on program's recommendation

(IF 19(i) IS CHECKED, SKIP TO QUESTION 21)

20. If non-OR releases are monitored by the program (i.e., for any checked in #19), what conditions are automatically imposed and what services are automatically provided? Which may be, depending on the judgment of the program or the court? (check any that apply)

Automatic	Up to Program or Court	
_____	_____	(a) defendant calls in at specified intervals
_____	_____	(b) defendant comes in to program at specified intervals
_____	_____	(c) defendant notified of court appearances
_____	_____	(d) counseling or other services provided by the program
_____	_____	(e) referrals made to other programs or services
_____	_____	(f) other (specify) _____
		_____

21. If a defendant fails to appear in court, are specific steps taken by the program to try to assure that he/she returns to court?

___ (a) yes ___ (b) no

(IF NO, SKIP TO QUESTION 23)

22. The following steps may be taken (check any that apply):

___ (a) send letter to defendant urging voluntary return to court

___ (b) make phone call to defendant urging return to court

___ (c) make home visit to defendant urging return to court

___ (d) program staff may arrest

___ (e) assist police in locating defendant

___ (f) try to locate defendants who have apparently left jurisdiction

___ (g) other (specify) _____

_____

23. What types of formal evaluation or research have been done of your program within the past two or three years? (check any that apply)

___ (a) none
___ (b) in-house evaluation of how the program operates
___ (c) external evaluation of how the program operates
___ (d) in-house evaluation of how well the program's screening techniques predict FTA
___ (e) external evaluation of how well the screening techniques predict FTA
___ (f) in-house evaluation of how well your screening techniques predict pretrial crime rates
___ (g) external evaluation of how well your screening techniques predict pretrial crime rates
___ (h) in-house evaluation of the impact of supervision, notification, types of services, etc. on FTA or pretrial crime rates
___ (i) external evaluation of the impact of supervision, notification, types of services, etc. on FTA or pretrial crime rates
___ (j) evaluation of the cost effectiveness of the program

Questions Related to Resource Center

24. How could the Resource Center be most helpful to your program in the future?

_____
_____
_____
_____

25. How could the Pretrial Reporter be improved?

_____
_____
_____

26. What issues should be covered in depth by Resource Center bulletins or through specific training initiatives?

_____
_____
_____

27. Do you have any questions or need any advice concerning research issues related to your program?

_____
_____
_____
_____

28. What types of pretrial program profiles would be most helpful to you? That is, what types of information about programs would you most appreciate having?

_____
_____
_____

NOTE: AT THIS POINT, INDICATE THAT THERE IS ONE MORE SHEET OF QUESTIONS ASKING ABOUT PROGRAM STATISTICAL DATA. OFFER TO MAIL THAT TO THE PERSON FOR COMPLETION AND RETURN WITHIN TWO WEEKS, OR TO DO NOW BY PHONE, DEPENDING ON PERSON'S PREFERENCE.

NOTE: For any person responding for an entire system of several different programs (e.g., statewide agency), please indicate if there are any significant exceptions to the above for particular programs—and/or if there are specific individual programs that the person thinks we should make separate contact with. If so, indicate here.

C. STATISTICAL Questions: RELEASE Programs Only

Agency/Program Name and Location_____

_____

NOTE: If you do not have some of the information requested, simply indicate N.A.

1. In the jurisdiction(s) covered by your program, about how many total arrests (misdemeanor and felony) occured last year?_____

2. Last year, about how many accused persons in your jurisdiction(s) were detained in jail for at least some period of time pretrial?_____

3. During the most recent full program year, please indicate the numbers for your program of each of the following:

_____ (a) number interviewed
_____ (b) number recommended for release (eligible for OR)
_____ (c) number recommended and released without financial conditions
_____ (d) number not recommended but released without financial conditions
_____ (e) number of non-OR releases monitored or supervised by the program
_____ (f) number of cases in which a previously-set bail amount was reduced or dropped because of program recommendations

4. Your program's failure-to-appear (FTA) rates are determined primarily for which of the following groups of defendants? (please check the one most accurate description):

_____ (a) have not calculated a program FTA rate
_____ (b) all persons released through your program (including those with conditions and any not recommended by the program but who were released anyway)
_____ (c) only persons recommended and released through the program (including those released with conditions)
_____ (d) only persons recommended and released OR through the program
_____ (e) only persons released OR through the program (including any not recommended)
_____ (f) some other combination of persons (please specify)_____

5. Please indicate, if known, your program's FTA rates during the most recent full program year, as defined in the following ways:

_____ (a) percentage of all program defendants (as defined in 4 above) who miss one or more court appearances, for whatever reason
_____ (b) percentage of all scheduled appearances which are missed, for whatever reason
_____ (c) percentage of all program defendants for whom bench warrants are issued for missed appearances
_____ (d) percentage of all scheduled appearances for which bench warrants are issued for missed appearances
_____ (e) FTA rate as calculated on some other basis (please specify)_____

6. Please indicate, if known, the following pretrial crime rates for your program during the most recent full program year:

_____ (a) percentage of program defendants (as defined in 4 above) who are rearrested during the pretrial period
_____ (b) percentage of program defendants who are convicted on arrests made during the pretrial period

7. Does your program keep track of and analyze any of the following on an ongoing basis? (check any that apply)

_____ (a) dispositions for those released through the program
_____ (b) FTA rates for those not recommended by the program
_____ (c) FTA rates for those released on bail in the community, with no program monitoring
_____ (d) pretrial crime rates (rearrest or conviction) for those not recommended by the program
_____ (e) pretrial crime rates for those released on bail in the community, with no program monitoring
_____ (f) separate FTA or pretrial crime rates for defendants with different types of charges (e.g., misdemeanor v. felony)

THANK YOU VERY MUCH FOR YOUR COOPERATION. PLEASE RETURN THIS SHEET TO: DON PRYOR, PRETRIAL SERVICES RESOURCE CENTER, 1010 VERMONT AVENUE, NW, WASHINGTON, D.C. 20005

END