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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

23 FEB 1982

B-206495

The Honorable Orrin G. Hatch
Chairman, Subcommittee on the
Constitution
Committee on the Judiciary
United States Senate

Dear Mr. Chairman:

Subject: Statistical Results of Bail Practices
in Selected Federal District Courts
(GGD-82-51)

We recently provided your subcommittee statistical data on defendants on bail who committed new crimes and on defendants who failed to appear for trial after being released on bail in four Federal court districts--eastern and southern New York, northern Texas, and eastern Michigan. This letter contains a more indepth discussion of that data and provides similar information for all 10 Federal district courts that operate pretrial service agencies and for the southern district of Florida.

As part of our prior study of the Federal bail process and the operations of pretrial service agencies, we gathered extensive data on defendant profile characteristics, bail conditions imposed, failure to appear for trial rates for defendants on bail, and the extent that defendants on bail were charged with new crimes. The information developed was based on random statistical samples we selected in the following Federal district courts: western Washington (Seattle), northern California (San Francisco), northern Ohio (Cleveland), southern Florida (Miami), southern New York (New York City), northern Texas (Dallas), eastern New York (Brooklyn), and eastern Michigan (Detroit). As a result of our work, we issued two reports: "The Federal Bail Process Fosters Inequities" (GGD-78-105, Oct. 17, 1978) and "Statistical Results of the Bail Process In Eight Federal District Courts" (GGD-78-106, Nov. 1, 1978). We are providing copies of these reports to your office separately.

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To assist the subcommittees considering the bail reform legislation, we updated our statistics for the four Federal district courts (see encs. I, II, and III), which have pretrial service agencies (Brooklyn, Dallas, Detroit, and New York City). The updated information provides statistical data for calendar years 1978, 1979, and 1980. As we stated in our 1978 report, statistical data on detention, failure to appear, and new crime rates are generally not maintained by Federal district courts without pretrial service agencies. For this reason, it was not possible to completely update the information for the remaining four districts in our original study. However, we were able to obtain some updated information for the Miami district court because the Administrative Office of the U.S. Courts had recently completed a study of this district. The Administrative Office's study provided information on detention rates and failure to appear for trial rates but did not gather information on new crimes committed by defendants on bail.

Our prior review showed that between July 1, 1976, and June 30, 1977, a total of 6,810 defendants were charged with criminal offenses in the eight Federal district courts examined. Of the total defendants charged, 81 percent, or about 5,516 defendants, were released on bail. Of those defendants released on bail, 3 percent, or about 165 defendants, failed to appear for trial, while 9 percent, or about 496 defendants, were arrested for new crimes while on bail. Defendants charged with drug offenses were released at about the same rate (83 percent) as the total defendant population and committed new crimes at about the same rate (8 percent). However, they were twice as likely to fail to appear at trial (6 percent). Defendants charged with robbery offenses were released on bail at a much lower rate (31 percent) than the total defendant population. Because too few defendants charged with robbery offenses were released on bail, a meaningful analysis cannot be made of the failure to appear or new crime rates.

Our statistics showed that release on bail, failure to appear, and new crime rates varied widely among the eight districts. For example, release on bail rates for all defendants ranged from a low of 67 percent in northern California and eastern New York to a high of 90 percent in northern Ohio. Failure to appear rates for all defendants ranged from a low of 0 percent in northern Texas to a high of 7 percent in eastern New York. The rate of crimes committed by all defendants while on bail ranged from a low of 4 percent in northern Texas to a high of 13 percent in western Washington.

On the basis of information prepared by the Administrative Office of the U.S. Courts, we can see that since we reported in

1978, there have been significant changes in release, failure to appear, and new crime rates in the four districts having pretrial service agencies. As shown in enclosures I, II, and III, while release on bail rates for all defendants have increased in each district, the rate of crimes committed by those on bail have steadily declined in each district. For example, in southern New York the release on bail rate for all defendants has increased from 86 percent to 95.4 percent. The rate of crimes committed by defendants on bail, however, has decreased from 10 percent to 7 percent. In eastern Michigan the release on bail rate for all defendants has increased from 89 percent to 96.2 percent, while the new crime rate has decreased from 7 percent to 2.2 percent. The rate of new crimes committed by drug defendants on bail has closely followed the decline in new crime rates for all defendants.

Unlike the trend in crime rates among defendants on bail, changes in failure to appear rates have been inconsistent among these four districts. The failure to appear rate has decreased in eastern New York from 7 percent to 1 percent and in eastern Michigan from 2 percent to 0.5 percent. On the other hand, failure to appear rates have increased in southern New York and northern Texas, from 2 percent to 2.8 percent and from 0 percent to 2.1 percent, respectively. For defendants charged with drug offenses, the failure to appear rates have decreased in three of the four districts. The most significant declines have been in eastern and southern New York where the rates dropped from 7 percent to 0 percent and from 7 percent to 2.1 percent, respectively.

On the basis of information prepared by the Administrative Office of the U.S. Courts, we compared rates for release on bail, failure to appear, and new crimes for all 10 Federal district courts having pretrial service agencies. We found consistent trends in each of these rates since our 1978 report (see encs. I, II, and III). Unlike the consistent increases in release on bail rates for the four districts discussed above, there have been relatively small decreases in the release rates for defendants in the 10 districts as a whole. There have also been consistent declines in the new crime and failure to appear rates for the total defendant population and for drug defendants. For example, the new crime rate for all defendants has decreased from the 6 percent we reported in 1978 to 3.9 percent in 1980. The failure to appear rate has decreased from 3.6 percent to 1.3 percent for the same period.

In our opinion, these statistics indicate that pretrial service agencies are having positive effects on the bail process. By interviewing defendants and verifying information about them,

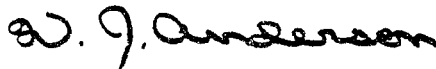
making bail recommendations to judicial officers, supervising defendants released to their custody, and helping selected defendants obtain needed social services, pretrial service agencies are assisting the courts in making better bail decisions and are contributing to the downward trends in failure to appear and new crime rates among defendants on bail.

Because recent statistics on the results of bail decisions in Federal court districts without pretrial service agencies are not readily obtainable, we could not determine whether trends in new crime rates and failure to appear rates similar to those cited above have occurred. However, according to a study recently completed by the Administrative Office of the U.S. Courts, significant increases in the failure to appear rates have occurred in one of the districts--southern Florida-- that does not have a pretrial service agency. For this district, the failure to appear rates for all defendants and drug defendants have more than doubled during the past several years. For example, we reported in 1978 that 83 percent of all defendants were released on bail and that 6 percent of these defendants failed to appear for trial. The Administrative Office's study showed that for the 2-year period ending June 30, 1980, 92 percent of all defendants were released on bail and that 13 percent of these defendants failed to appear for trial. We also reported that 85 percent of all drug defendants were released on bail and that 8 percent failed to appear for trial. The Administrative Office's study showed that 92 percent of all drug defendants were released on bail and that 18 percent failed to appear for trail.

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We are also providing the information in this letter to the Chairmen, Subcommittee on Crime; Subcommittee on Courts, Civil Liberties, and the Administration of Justice; and Subcommittee on Criminal Justice; House Committee on the Judiciary. A copy is being sent to the Director, Administrative Office of the U.S. Courts and other copies will be made available to interested parties upon request. I hope this information will be helpful to you during your subcommittee's deliberations on bail reform legislation.

Sincerely yours,



William J. Anderson
Director

Enclosures - 3

ALL DEFENDANTS' RELEASED ON BAIL,
NEW CRIME, AND FAILURE TO APPEAR
RATES FOR SELECTED FEDERAL DISTRICT COURTS
(note a)

	7/01/76 to 6/30/77 (note b)	1978 (note c)	1979 (note c)	1980 (notes c and d)
<u>Eastern New York</u>				
Total defendants	956	988	929	691
Defendants released on bail	640	912	850	587
Percent of total	(67)	(92.3)	(91.5)	(84.9)
Bailed defendants committing new crimes	58	61	50	28
Percent of total on bail	(9)	(6.7)	(5.9)	(4.8)
Failure to appear for trial	45	36	28	6
Percent of total on bail	(7)	(3.9)	(3.3)	(1.0)
<u>Southern New York</u>				
Total defendants	1,329	977	1,051	646
Defendants released on bail	1,143	897	955	616
Percent of total	(86)	(91.8)	(90.9)	(95.4)
Bailed defendants committing new crimes	114	77	64	43
Percent of total on bail	(10)	(8.6)	(6.7)	(7.0)
Failure to appear for trial	23	53	30	17
Percent of total on bail	(2)	(5.9)	(3.1)	(2.8)

ENCLOSURE I

ENCLOSURE I

	7/01/76 to 6/30/77 (note b)	1978 (note c)	1979 (note c)	1980 (notes c and d)
<u>Northern Texas</u>				
Total defendants	691	434	366	296
Defendants released on bail	546	382	317	239
Percent of total	(79)	(88.0)	(86.6)	(80.7)
Bailed defendants committing new crimes	22	11	10	6
Percent of total on bail	(4)	(2.9)	(3.2)	(2.5)
Failure to appear for trial	0	8	6	5
Percent of total on bail	(0)	(2.1)	(1.9)	(2.1)
<u>Eastern Michigan</u>				
Total defendants	1,014	911	682	603
Defendants released on bail	902	871	647	580
Percent of total	(89)	(95.6)	(94.9)	(96.2)
Bailed defendants committing new crimes	63	46	32	13
Percent of total on bail	(7)	(5.3)	(4.9)	(2.2)
Failure to appear for trial	18	16	12	3
Percent of total on bail	(2)	(1.8)	(1.9)	(.5)

ENCLOSURE I

ENCLOSURE I

	7/01/76 to 6/30/77 (note c)	1978 (note c)	1979 (note c)	1980 (notes c and d)
<u>All 10 PSA Districts</u>				
Total defendants	8,836	7,147	6,128	4,760
Defendants released on bail	7,964	6,432	5,431	4,177
Percent of total	(90.1)	(90.0)	(88.6)	(87.7)
Bailed defendants committing new crimes	475	359	274	163
Percent of total on bail	(6.0)	(5.6)	(5.0)	(3.9)
Failure to appear for trial	286	191	130	55
Percent of total on bail	(3.6)	(3.0)	(2.4)	(1.3)

a/Information covers (1) the four Federal District Courts having pretrial service agencies (PSA's) that we examined during our review of bail practices and presented in reports issued October 1978 (GGD-78-105) and November 1978 (GGD-78-106) and (2) a composite of all 10 Federal District Courts having PSA's.

b/Information provided in some of our prior work.

c/Updated information provided us by the Administrative Office of the U.S. Courts

d/Includes only approximately 70 percent of defendant cases initiated during this period. The remaining cases had not been closed, coded, and entered into the data file at the Administrative Office of the U.S. Courts.

DRUG DEFENDANTS' RELEASED ON BAIL,
NEW CRIME, AND FAILURE TO APPEAR
RATES FOR SELECTED FEDERAL DISTRICT COURTS
 (note a)

	7/01/76 to 6/30/77 (note b)	1978 (note c)	1979 (note c)	1980 (notes c and d)
<u>Eastern New York</u>				
Total defendants	216	204	270	238
Defendants released on bail	158	160	216	158
Percent of total	(73)	(78.4)	(80.0)	(66.4)
Bailed defendants committing new crimes	13	5	11	3
Percent of total on bail	(8)	(3.1)	(5.1)	(1.9)
Failure to appear for trial	11	1	7	0
Percent of total on bail	(7)	(0.6)	(3.2)	(0)
<u>Southern New York</u>				
Total defendants	320	198	322	154
Defendants released on bail	237	173	285	146
Percent of total on bail	(74)	(87.4)	(88.5)	(94.8)
Bailed defendants committing new crimes	17	6	18	6
Percent of total on bail	(7)	(3.5)	(6.3)	(4.1)
Failure to appear for trial	17	10	4	3
Percent of total on bail	(7)	(5.8)	(1.4)	(2.1)

ENCLOSURE II

ENCLOSURE II

	7/01/76 to 6/30/77 (note b)	1978 (note c)	1979 (note c)	1980 (notes c and d)
<u>Northern Texas</u>				
Total defendants	106	79	73	78
Defendants released on bail	74	70	61	70
Percent of total	(70)	(88.6)	(83.6)	(89.7)
Bailed defendants committing new crimes	5	1	0	3
Percent of total on bail	(7)	(1.4)	(0)	(4.3)
Failure to appear for trial	3	3	1	2
Percent of total on bail	(4)	(4.3)	(1.6)	(2.9)
<u>Eastern Michigan</u>				
Total defendants	264	251	169	189
Defendants released on bail	261	245	162	181
Percent of total	(99)	(97.6)	(95.9)	(95.8)
Bailed defendants committing new crimes	11	10	5	5
Percent of total on bail	(4)	(4.1)	(3.1)	(2.8)
Failure to appear for trial	0	5	5	0
Percent of total on bail	(0)	(2.0)	(3.1)	(0)

	7/01/76 to 6/30/77 (note c)	1978 (note c)	1979 (note c)	1980 (notes c and d)
<u>All 10 PSA Districts</u>				
Total defendants	1,797	1,377	1,476	1,105
Defendants released on bail	1,606	1,239	1,276	933
Percent of total	(89.4)	(90.0)	(86.4)	(84.4)
Bailed defendants committing new crimes	74	52	64	31
Percent of total on bail	(4.6)	(4.2)	(5.0)	(3.3)
Failure to appear for trial	53	36	30	10
Percent of total on bail	(3.3)	(2.9)	(2.4)	(1.1)

a/Information covers (1) the four Federal District Courts having pretrial service agencies (PSA's) that we examined during our review of bail practices and presented in reports issued October 1978 (GGD-78-105) and November 1978 (GGD-78-106) and (2) a composite of all 10 Federal District Courts having PSA's.

b/Information provided in some of our prior reports.

c/Updated information provided us by the Administrative Office of the U.S. Courts.

d/Includes only approximately 70 percent of the defendant cases initiated during this period. The remaining cases had not been closed, coded, and entered into the data file at the Administrative Office of the U.S. Courts.

ROBBERY DEFENDANTS' RELEASED ON BAIL,
NEW CRIME, AND FAILURE TO APPEAR
RATES FOR SELECTED FEDERAL DISTRICT COURTS
 (note a)

	7/01/76 to 6/30/77 (note b)	1978 (note c)	1979 (note c)	1980 (notes c and d)
<u>Eastern New York</u>				
Total defendants	114	34	35	29
Defendants released on bail	31	18	24	19
Percent of total	(27)	(52.9)	(68.6)	(65.5)
Bailed defendants committing new crimes	0	6	3	2
Percent of total on bail	(0)	(33.3)	(12.5)	(10.5)
Failure to appear for trial	0	0	1	1
Percent of total on bail	(0)	(0)	(4.2)	(5.3)
<u>Southern New York</u>				
Total defendants	80	43	40	12
Defendants released on bail	26	21	15	9
Percent of total	(33)	(48.8)	(37.5)	(75)
Bailed defendants committing new crimes	5	2	4	0
Percent of total on bail	(19)	(9.5)	(26.7)	(0)
Failure to appear for trial	0	2	1	0
Percent of total on bail	(0)	(9.5)	(6.7)	(0)

	7/01/76 to 6/30/77 (note b)	1978 (note c)	1979 (note c)	1980 (notes c and d)
<u>Northern Texas</u>				
Total defendants	12	2	2	4
Defendants released on bail	3	0	1	0
Percent of total	(25)	(0)	(50.0)	(0)
Bailed defendants committing new crimes	0	0	0	0
Percent of total on bail	(0)	(0)	(0)	(0)
Failure to appear for trial	0	0	0	0
Percent of total on bail	(0)	(0)	(0)	(0)
<u>Eastern Michigan</u>				
Total defendants	72	35	21	9
Defendants released on bail	33	24	15	8
Percent of total	(46)	(68.6)	(71.4)	(88.9)
Bailed defendants committing new crimes	0	1	4	0
Percent of total on bail	(0)	(4.2)	(26.7)	(0)
Failure to appear for trial	0	0	0	0
Percent of total on bail	(0)	(0)	(0)	(0)

ENCLOSURE III

ENCLOSURE III

<u>All 10 PSA Districts</u>	7/01/76 to 6/30/77 (note c)	1978 (note c)	1979 (note c)	1980 (notes c and d)
Total defendants	467	315	325	254
Defendants released on bail	220	154	152	103
Percent of total	(47.1)	(48.9)	(46.8)	(40.6)
Bailed defendants committing new crimes	34	28	24	11
Percent of total on bail	(15.5)	(18.2)	(15.8)	(10.7)
Failure to appear for trial	11	3	4	2
Percent of total on bail	(5.0)	(1.9)	(2.6)	(1.9)

a/Information covers (1) the four Federal District Courts having pretrial service agencies (PSA's) that we examined during our review of bail practices and presented in reports issued October 1978 (GGD-78-105) and November 1978 (GGD-78-106) and (2) a composite of all 10 Federal District Courts having PSA's.

b/Information provided in some of our prior reports.

c/Updated information provided us by the Administrative Office of the U.S. Courts.

d/Includes only approximately 70 percent of defendant cases initiated during this period. The remaining cases had not been closed, coded, and entered into the data file at the Administrative Office of the U.S. Courts.