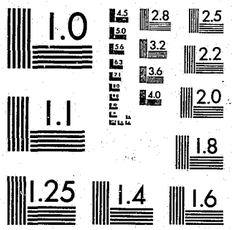

EVALUATION OF THE FIELD TEST OF SUPERVISED PRETRIAL RELEASE

FINAL REPORT

NCCD

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FINAL REPORT

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INTRODUCTION AND BACKGROUND

A. The Problem of Pretrial Release

The pretrial handling of the felony defendant is the topic of a heated national debate. There are some who argue that pretrial release practices are overly lenient and increase danger to the public. They call for new bail release laws which heed future dangerousness in any releases of the pretrial defendant. National leaders such as U.S. Supreme Court Justice Chief Warren Burger and Senator Edward Kennedy have spoken to this issue; in words of the latter: "The failure of our bail laws to balance the likelihood of the defendant's appearance at trial with the needs of community safety indicates the need for reform" (Senator Edward Kennedy quoted in Wheeler and Wheeler, 1982:228-229). The Attorney General's Task Force on Violent Crime recommended a stronger emphasis on public safety in making pretrial release decisions. President Reagan has repeatedly urged reform of the bail system to protect citizens from dangerous recidivists (Wheeler and Wheeler 1982:229). Recently California's voters overwhelmingly approved a state constitutional amendment to introduce "public safety" as a major criteria in all felony pretrial release decisions.

Calls for greater selectivity in pretrial release decisionmaking come at a time when virtually all our large urban jails are tremendously crowded. Law suits challenging unconstitutional conditions of confinement have cited the substandard cell space, poor security and operational conditions of most urban jails. Critics have charged that jails are overused in order to assure court appearances and post-conviction punishment. Class action suits have forced managers to restrict the use of their jails in such places as Little Rock, Baltimore, New Orleans, San Francisco, Miami Portland and San Diego. Despite these legal challenges most jail inmates remain in badly crowded institutions (Goldfarb, 1975) that violate minimal constitutional standards (Alberti v. Harris, 1975).

The increasing use of pretrial detention is an important contributor to overcrowded jails. The National Jail Census for 1972, 1978 and 1982 have shown that large percentages (frequently over half) of the daily jail populations are comprised of defendants awaiting adjudication. Overall jail populations are increasing along with the numbers of persons detained before trial (LEAA, 1979). For example, the most recent U.S. Department of Justice's 1982 national jail survey found that the inmate population had increased by a third to almost 210,000 since 1978. Also the proportion of persons detained prior to trial had increased from 54 percent to 60 percent. Much evidence shows that numerous defendants are arbitrarily and unnecessarily detained, moreover at great expense to taxpayers in an era of dwindling fiscal resources (Freed, 1973:25-34; Thomas, 1976).

Resolving the dilemma of crowded pretrial detention populations and public safety can be approached in several ways. One option is to construct additional jail bed space to accommodate the increasing use of pretrial detention. This position is favored by many who are primarily concerned about the amount of crime committed by defendants who are released pretrial.* However, this option is unlikely to be widely adopted simply because of the severely limited fiscal resources of local and state governments. Present capital outlays for construction of each new bed are estimated to be $50,000 to $80,000 at 1980 bid prices (NCCD, 1980; California Department of Corrections, 1979 and 1980). California's Board of Corrections estimates that to construct a 200 bed county jail would cost approximately $10.4 million (Corrections Digest, 1980:6).

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* For example, Senator Dole introduced amendments in 1983 to the Federal Criminal Code Revision Act (s. 1922) that would allow preventive detention in certain cases. Iowa recently amended its bail laws to broaden the types of offenses where release on bail would not be permitted (Iowa Penal Code, Sec. 811.1).

These fiscal considerations, as well as research showing that many defendants can be successfully released prior to their trials and supervised within the community, have triggered the development of a wide variety of programs for ensuring court appearance. (Thomas, 1976; Venezia, 1973; Miller et al., 1976; Mullen, 1974; Roth and Wice, 1978; Lazar, 1981.) The Manhattan Bail Project, which began in 1961, was the first major effort to reform the money bail system. This project permitted selected defendants with strong community ties to be released on their own recognizance. Increasing the use of own recognizance release and other release mechanisms such as citation release, conditional release, supervised release, and percentage deposit bail, were later advocated by private groups and federal officials to minimize unnecessary pretrial detention.

Legislative reform beginning with the 1966 Federal Bail Reform Act also facilitated the use of alternative programs in lieu of pretrial detention. Similarly, the U.S. Department of Justice and other federal agencies have promoted pretrial diversion projects and Central Intake Systems (CIS), which coordinate and clarify pretrial decisions from arrest through court disposition. These administrative and legal reforms seek to minimize pretrial detention without increasing rates of failure to appear for court hearings and without upping the crime rate of freed defendants awaiting trial. A relatively new type of pretrial release that reconciles the goals of reducing jail crowding and protecting public safety provides supervision during the release period.

B. Supervised Release Programs

Supervised release programs are important steps toward greater selectivity in pretrial release decisions. Currently defendants are released for one of two reasons: 1) they have the financial resources to post bail or 2) they qualify for unsupervised release based on some established point system or eligibility criteria. These options preclude the release of defendants who 1) lack stable, strong community ties and financial wherewithal for bail, and 2) pose no real threat to public safety, but whose appearance in court cannot be reasonably assured. Supervised release programs are aimed at this middle-range defendant population for whom detention is an overly severe means for ensuring court appearance but for whom simply release on OR seems too risky. Thus supervised release promises to further reduce unnecessary jailing by instituting community control of certain released defendants.

SPR programs typically contain two kinds of court-ordered conditions: face-to-face contacts and referrals to services. A number of defendants only require routine contacts with the court to inform them of pending court dates and to ensure that they do not flee the jurisdiction. This conclusion derives from studies (e.g., Lazar, 1981; Kirby, 1978) which have shown that FTA's may be mainly the result of the defendant's lack of information about their court dates.

The provision of treatment and social services assumes that defendants have personal problems (e.g., drug use, employment difficulties) that increase the likelihood they will miss court dates or commit new crimes in the community (Roth and Wice, 1978; Lazar, 1979; Wilson, 1975). Consequently both forms of intervention (contact and services) also help inform the court of the most appropriate sentence for those who are convicted. Experience and information accumulated during the defendant's period of pretrial supervision are especially useful in providing a basis for judging how well the person may respond to probation if convicted.

C. The SPR Model Evaluation Test Design

In recognition of policy issues facing the pretrial field and the mixed results of previous research, NIJ decided to fund an evaluation of a model supervised pretrial release program. The intent of this model evaluation is to test innovative programs or policies to see if they will have beneficial consequences

for criminal justice. Model evaluations typically involve a rigorous experimental design placed in several jurisdictions with funds provided to support both the research and the experimental program to be tested.*

In 1979, NIJ selected three jurisdictions out of 90 applicants; (1) Dade County, Florida (Miami), (2) Multnomah County, Oregon (Portland), and (3) Milwaukee County, Wisconsin. A model SPR program and research design were developed jointly by NIJ and Abt Associates, Inc.** The NCCD Research Center in San Francisco was selected to conduct the research through a competitive bid process. The actual programs became operational in March, 1980.

The field test required that key program elements of supervised pretrial release be uniformly implemented and evaluated at three sites. Specific goals of the test were:

1. To assess the impact of different types of supervised release activities on the failure to appear rates of program participants.
2. To assess the impact of different types of supervised release activities on the rates of pretrial crime of program participants.
3. To assess the impact of the supervised release program on pretrial release practices and jail populations.
4. To assess the costs of SPR to victims and the criminal justice system.

This report represents the culmination of several years of research and program activities which began in 1980 and terminated this year. It contains detailed information on the background of SPR (Chapter 1), research design (Chapter 2) and research findings (Chapters 3 - 7). An executive summary is also available which summarizes in a more condensed format information provided in this technical report.

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* These are expensive efforts. Total funding for such evaluations typically cost $1.2-$1.5 million with results made available 3 years after the initial start of the experiment.

** For a detailed statement of the test design see NIJ, National Test Design: Supervised Pretrial Release. Washington, D.C.: U.S. Department of Justice 1980.

Chapter 1

HISTORY AND ANTECEDENTS OF SUPERVISED PRETRIAL RELEASE

The status of persons charged with crimes and awaiting trial is inherently controversial, particularly in a system of justice which ideally presumes innocence of the accused until proven guilty. The State has an interest in seeing that the accused appears for trial and ensuring that he does not commit further crimes in the interim. Measures which have been developed to satisfy security interests of the State, such as detention and bail. However, these may work in ways which are unfair to defendants or deny them their constitutional rights. These concerns, as well as economic considerations, have sparked interest developing new forms of pretrial release.

This chapter attempts to place the emerging interest of SPR within the historical context of bail reform, diversion, jail crowding, and the current fiscal crisis facing many jurisdictions. Although this review is not directly related to the more important results of the SPR test design, it is intended to explain how SPR builds upon lessons of the past in pretrial release.

A. History of Bail Reform

It should be noted that in Anglo-Saxon legal development bail preceded detention. As in other European countries the early criminal code of Britain was devised to restrain the impulse to avenge a wrong until a public tribunal could be convened. The purpose of the hearing was to substitute a system of compensation for the blood feud. Material values were set on the loss of life, and bodily harm graduated according to the status of the aggrieved parties. The chief concern of the tribunal was to see that compensation was paid if a finding were made in favor of the wronged party or his kin.

The method devised to guarantee payment in such cases was to make a number of persons financially liable for each individual if he had to be "brought to justice." This was at one time known as a "born", later as a "frankpledge". In effect other persons became the bail for the accused person and were bound "body in body" to him and could be brought to punishment if the accused failed to appear for trial.

The need for bail increased as the power and jurisdiction of the Crown enlarged resulting in longer intervals between court sessions. Problems of defining bail and its administration grew with monarchical abuses of power and as corruption appeared among sheriffs, bailiffs, clerks and justices of the peace. In time Parliamentary acts prohibited excessive bail and also distinguished between bailable and nonbailable offenses. While these reforms counted as gains for the rights of individuals charged with crimes the absolute right to bail does not seem to have been established in Britain. Bail there appeared in its present form in the seventeenth century, under which the accused was released to the custody of a jailer of his own choosing. This private jailer conception has continued to be the basis of bail in Britain; the evolution of bail there never progressed to allow indemnification of third parties on the grounds that to do so would remove motivation to produce the accused for trial. In theory that jailer must surrender himself in case the accused flees but in practice the former, usually a property owner, is allowed to forfeit agreed-on sums of money.

While American bail practices were substantially influenced by early Anglo-Saxon legal institutions, differing social, cultural and geographic conditions, especially the existence of a frontier into which offenders could flee, led to a significant change in the common law rule against indemnification. As in England, surety was a guarantee between two parties, but with a 1912 Supreme Court decision the distinction between suretyship and bail virtually disappeared; the

responsibility to produce the accused in court became impersonal, reinforced only by the possible pecuniary loss to the bondsman supplying the bail.

The earliest bail reform in The United States was aimed at corrupt practices and the anarchy prevailing among bondsmen, who often were not financially responsible. Government regulation through licensing opened opportunities for insurance companies to enter the field and make bonding part of big business. The heritage of police power left to bondsmen to pursue, arrest, and transport bail absconders raised a number of legal issues. To these issues were added a growing awareness of problems of poverty and inequality as they influenced the use of bail. Apart from allowing the possession or access to money and property to determine pretrial release there was a further issue of its depriving the accused of freedom to prepare his defense. This issue was further intensified by research showing that defendants who are detained pretrial are more likely to be convicted and receive harsher sentences than those permitted to await trial in the community (Beeley, 1927; Foote, 1954; Rankin, 1964; Landes, 1974 and Goldkamp, 1979).

Movements towards bail reform began during the 1960's and 1970's, initiated by changes liberalizing federal rules for pretrial release in 1966. These allowed pretrial release on personal recognizance and conditional release along with bail. The inception of these changes was stimulated by experimental research undertaken with the establishment of the Manhattan Pretrial Release Project (vera) under private auspices. The project allowed the courts to substitute pretrial release on recognizance in lieu of bail based on the criminal charges and social and economic situation of the defendants (Thomas, 1976).

Prior to the 1960's police experimented with procedures for voluntary appearance of persons charged with minor offenses. California legislation allowed police to use citations for field releases in 1957, which was expanded to include station releases in 1959. Based upon California's experiences many jurisdictions

rely heavily upon citation and OR to activate pretrial release for misdemeanor defendants. Bail is now used principally for felony cases (NCCD, 1983).

In contrast to this development an attempt to replicate a form of the Manhattan Pretrial Release Project in Oakland, California had minimal success. Rates of pretrial release did not increase as expected principally because the program was limited to defendants charged with minor offenses. The tendency there was to subordinate the purposes of the Oakland project to those of the court, especially probation, which administered the releases. This differed from the Manhattan and Washington D.C. projects where special highly motivated staffs were in charge (Dill, 1978).

Attempts to reform bail procedures by legislation in the States began in the early 1960's with the complete abolition of commercial bonds in Illinois and substitution of a ten percent bail plan. This allowed the accused to post ten percent of the set bail amount, which after due court appearance was returned. Similar systems were instituted in Kentucky and Oregon. Beginning in 1981 California instituted a ten percent bail plan, which due to an intense legislative struggle and compromise, was limited to misdemeanor defendants (Austin and Lemert 1981; NCCD, 1983). Results in other states to abolish or reform the commercial bail system have also met with mixed or inconclusive results (Henry, 1980).

Early experience with the California bail reform indicates that its passage has encouraged the use of alternatives to bail, Own Recognizance (OR) releases in particular. On the other hand side it has also resulted in an upward revision of minimum bail schedules (NCCD, 1983). It is likewise true that the bureaucratization of the ten percent bail procedures complicates its use. A major objection to ten percent bail reforms is that they undermine the historical intent of bail by allowing the accused to become his own bail. Critics have argued that any person inclined to flee from the jurisdiction in which he is charged is not likely to be

constrained by the fractional amount of bail that is required. If he is not so inclined then he could just as easily be released on his OR.

During the past few years there has been little movement toward liberalizing the bail system. Instead, fueled by a more punitive public mood, legislation has been introduced to restrict rather than increase pretrial release. The public has become disenchanted with pretrial release programs which do little more than recommend release and provide no accountability for the defendant's behavior. Public policy has shifted toward pretrial release methods which incorporate more and not less social control.

B. Adult Diversion

Diverting defendants from the criminal justice system is a pretrial release alternative, although in theory it seeks to avoid trial entirely. Interest in diversion was stimulated by recommendations of the Presidents Commission on Law Enforcement and the Administration of Justice in 1967, aimed at juvenile offenders and adults apprehended for drunk driving and public drunkenness. By the early 1970's some 1,200 juvenile and adult diversion programs had received government funding; in 1978 190 diversion programs were in operation in the United States.

Despite its early rapid growth the meaning of diversion remained unclear and there was confusion about purposes of the associated programs. Whether diversion meant the arrestee would have no further contact with the criminal justice system or whether it meant minimal penetration of the system was never determined. Likewise it was uncertain whether or not diversion implied referral for treatment outside the system.

The justifications for diversion programs generally have been to avoid stigmatization of defendants charged with minor first offenses and exposure to corrupting effects of contact with convicted delinquents and criminals, to relieve

the pressure of heavy caseloads carried by court officials, and finally, to reduce the costs of courts and jails. Advocates of diversion contented that too many adults were being unnecessarily arrested, detained and processed through the courts.

Diversion programs for adult offenders multiplied from the late 1960's through the 1970's. Most such programs included some kind of treatment or "provision for services". Undoubtedly the great increment of arrests for illegal drug use during the late sixties and early seventies contributed to the need for some means of alternative processing of young adults whose offenses could be defined as a health problem as well as technically a crime.

The availability of federal funds for diversion programs made it possible for the criminal courts to deal in a more specialized way with these offenders whose characteristics and offenses were not strictly criminal. This is demonstrated by the kinds of cases of offenses usually eligible for diversion: petty theft, (especially shoplifting), drug use, drunkenness, passing bad checks, interfamily assaults and disturbances, drunk driving and traffic offenses. However, by limiting diversion to these types of offenses (principally misdemeanors) meant that diversion programs were focused on those defendants less likely to be detained or vigorously prosecuted.

In retrospect, the professional and public enthusiasm for diversion had waned considerably by 1980, in large part due to dwindling federal funds. However, research also raised doubts whether diversion programs actually expanded the freedom of accused persons by release alternatives or whether diversion might not be perpetuating or even extending social control over a population that otherwise would have been released outright after initial contacts with law enforcement (Austin and Krisberg, 1981).

Other studies of adult diversion have reached similar conclusions, mainly that the selection of cases for diversion usually favored defendants charged with such minor offenses that the need for services was dubious. A result of this was that a large percentage of those accepted for diversion rejected it, complaining that services or treatment and the long continuance of their cases was more punitive and restrictive than the penalties likely to be received from the courts (Austin 1980; Hillsman-Baker, 1979).

The tendency for agents of the criminal justice system to view adult diversion programs as opportunities to further their particular interests was very strong. In his study of a California county adult diversion program, Austin (1980) found that the staff more or less looked for and found problems needing psychological or social work treatment in relatively minor, often first time offenders, whose sentence ordinarily would have been a fine, a few days in jail or nominal probation. Adult diversion in these cases simply became form of pretrial probation and had little impact on furthering the use of non-financial pretrial release.

In general, evaluations of diversion programs are either inadequate or negative, although there is still disagreement (Gottheil 1979). If there is an interim conclusion it is that devising pretrial release programs must be done with special care not to extend social control in the name of diminishing it.

In some jurisdictions diversion and pretrial release programs have existed in separate agencies, but difficulties are inherent in the organization of such programs. Thomas (1976) emphasized that pretrial release and diversion are separate issues and should not be combined.

C. Preventive Detention

It is generally accepted that criminal justice policy and practice reflect a conflict between liberal-humanitarian views and conservative-punitive views, with public opinion following one then the other. During the 1970's a liberal-

humanitarian philosophy dominated public policy which later produced a countervailing conservative reaction. This became apparent in 1974 when Congress focused its attention or the serious juvenile offender with passage of the Juvenile Justice and Delinquency Prevention Act. It also surfaced in concern by members of congress and federal administrators with crimes committed by defendants released pretrial. More recently, increased interest in the plight of victims culminated in President Reagan's Task Force on Violent Crime and Victims and California's Victim Rights Bill, which became law in 1982.

The fear that liberal release policies for defendants would raise the incidence of serious or violent crime is one of the obstacles to bail reform (NCCD, 1983). These fears led those administering the Vera project to concentrate on low risk defendants and to rule out defendants charged with crimes like homicide, robbery, rape and sale of narcotics (Thomas 1976). This tendency also was apparent in other bail reform projects which focused on defendants charged with misdemeanors (NCCD, 1983).

It is significant that bail reform and diversion emerged at a period when crime rates were escalating, particularly those for violent offenses. The growing drug problem also exacerbated the crime picture. Public concern over recidivisim of defendants released pending trial came to a focus in Washington, D.C. where controversy fueled by press reports centered on consequences of the Federal Bail Reform Act of 1966. This produced a dramatic increase in the percentage of felony defendants released on OR — from 20 percent in 1965 to 70 percent in 1967 (Thomas, 1976). Thomas also found that release rates in 20 cities in 1962 and 1971 increased dramatically; release rates for felony defendants increased from 48 percent to 70 percent and for misdemeanor defendants the rate increased from 60 percent to 72 percent. And based upon the Lazar study, these rates were further increased to 85 percent by the late seventies.

This rather wholesale freeing of those awaiting trial on serious charges apparently was done without due attention by judges to the requirements and safeguards of the Act. Little attention, for example, was given to means for notifying defendants of appearance dates. Subsequently problems of administering the Federal Bail Act were met by establishing a bail agency, but the controversy continued.

The same year the Federal Bail Act was passed. A Presidential Commission took up the problem of crimes committed by OR defendants, its work highlighted by newspaper stories of homicides by persons in Washington, D.C. who were released before their trials. A District of Columbia Judicial Committee deliberated the issue of preventive detention in 1967, with the result that its members became sharply polarized. President Nixon's direct intervention in favor of amending the Bail Act to allow preventive detention further politicized the issue and sparked liberal opposition in Congress. Ultimately the President's desires prevailed and preventive detention was made part of procedure for courts in the District of Columbia. This applied to those charged with a crime of violence: murder, rape, robbery, burglary, arson and aggravated assault. It allowed detention for sixty days without bond when there was a strong presumption of guilt and no safe way the accused could be released to the community.

This legislation proved to be more symbolic than effective. After ten months preventive detention had been applied in only 20 out of 6,000 felony cases and only four of ten judicial orders for such detention actually survived further processing. Among the reasons for non-use of preventive detention was the apprehension among prosecutors that such cases might result in a declaration of unconstitutionality. The use of five-day holds authorized by the District Code for defendants on parole, probation or mandatory release was a much simpler alternative than preventive detention. Finally, it was much easier in terms of time, costs

and complications for judges and prosecutors to fall back on the expediency of setting bail so high that detention was assured.

The issues raised by preventive detention revolve around the amount and nature of crimes committed by defendants who have been released, how to predict which of those accused are likely to be dangerous if released, and whether the related legislation or its administration is constitutional. Studies have differed considerably in their findings on the likelihood of rearrest of felony defendants after release, ranging from seven and a half percent to as high as 70 percent for selected offenders, such as those indicted for robbery (Thomas 1976).

Arguments about the constitutionality of preventive detention legislation tend to perpetuate the ambiguity about an absolute right to bail. The only guideline is the constitutional provision that "excessive bail shall not be required." Problems of social control may arise because persons once considered dangerous are no longer defined as such by law and may be freed with the possibility of inflicting violence and injury to others while awaiting trial for similar crimes. In contrast to this line of reasoning there are others who argue that bail has only one purpose — to insure appearance of the accused at trial.

The reluctance of judges and prosecutors in Washington, D.C. to use preventive detention suggests these reforms may be largely symbolic or may function to reassure a concerned or indignant public that judges have a full range of options to detain the accused before trial.

D. Jail Crowding

The main motivations or issues around which bail reform and programmatic alternatives to jail detention originally developed had to do with economic inequities and unfairness in case handling. However, during the past decade more pressing concerns favoring change in the criminal justice process emerged as jails and prisons became excessively crowded.

Crowding of jails is not new; it has been a big city problem and a problem in some southern states for decades. City organizations and private groups have complained about houses of detention in New York City for many years (Freed and Wald, 1964). The most recent 1982 Jail Survey by the U.S. Department of Justice found that the nation's jails were at 95 percent of their rated bed capacity. Morever, the 100 largest jails in the nation reported their populations exceeded rated capacity by 4 percent.

Jail crowding also is connected to prison crowding. In 1981 the U.S. Department of Justice reported that in 1981 19 states were holding 6,900 inmates who would have been in prison except for lack of bedspace (1983:2). In southern states it has been common for defendants to be held in jails because the prisons were under court orders. The problem in Maryland is illustrative; in 1976 the state had a bed capacity of 6,764, with an inmate population of 7,161 and increasing at a rate of 685 per year. It was expected that the shortage of beds would reach 4,000 by 1983. Part of this crush was already hitting the state's jails. The Baltimore city jail had a capacity of 1,150-1,200 but its current population was running 1,900. Around 800 of the inmates were convicted but had to remain in the city jail because no there were beds for them in prison (Maryland Law Review, 1976).

A recent study in California disclosed that jails in 38 of its 58 counties are overcrowded. Twenty eight counties face threats of court suits for overcrowding and twelve are currently being sued, among them Los Angeles and Alameda counties. Five counties are under court orders to reduce jail populations by releasing prisoners. Typically jails are old and were built to house fewer and less dangerous inmates. The jail population for the state was running about 10,000 more in 1982 than in 1970 (California Board of Corrections, 1982).

The ebb and flow of jail populations is directly affected by established ways in which police and the courts utilize jail resources. Space often is taken by what has been called discretionary arrests, previously known as "arrests on suspicion," or more simply as rousting. This is the practice of using arrests and brief jail detention as a means of maintaining public order, and as a means of punishing persons police regard as criminal who cannot be successfully prosecuted due to lack of evidence or lack of a "good case" (Feeley, 1978).

Pretrial release programs expected to reduce pretrial detention may work well enough to reduce jail population, only to have judges take up the slack by changed sentencing practices, such as sentencing misdemeanants to jail where otherwise they would not have done so.

E. Fiscal Crisis Of Local Jurisdictions

One result of widespread litigation over jail problems is the setting of minimum standards for their operation. In some areas judges have simply ordered that jails meet the same standards as prisons, which if strictly enforced would close down large numbers of jails. In some states commissions have been established to formulate and apply standards, using money from various sources.

While there are different reasons for local jurisdictions to respond to the jail problem, an overarching one is that the crisis in jails came at a time when the American economy slowed down and contracted and when local tax payers have rebelled against mounting costs of government. Inflation, especially building costs, has added to the resistance against changes likely to make new budgetary demands.

With building costs ranging from $80 to $100 per square foot a jail cell can cost $50,000 to $70,000 plus $13,000 operating costs per year. When finance charges are added the costs per cell can go as high as $200,000. It has been estimated that New York State would need $900 million to bring its jails up to standard, Florida $321 million (Corrections Magazine, 1982).

California reported it would need $802 million to bring its jails up to state standards (Board of Corrections, 1982). A county jail capital expenditure bond act was passed in California which proposed to use $280 million to remodel and replace jails. With interest it will cost that State's taxpayers about $800 million to retire these bonds. It has been estimated that the cost of jails planned or already under construction in the nation will reach $2.5 billion.

The fate of bond issues to construct jails is uncertain. They have passed in some areas including Lincoln, Nebraska, St. Louis, Missouri, Linn City, Oregon and Osage County, Oklahoma. A $500 million bond issue which included $125 million for jails was defeated in New York State, in contrast to the successful bond issue in California. Washington State will give full funding for the construction and operation of jails if minimum standards are met. In 1979-80 it made $436.5 million available for the improvement of 33 jails. In the year prior to passing of its jail bond issue the California Board of Correction granted $39 million in general fund money to eleven counties to finance new or remodelled jails, planning, and the addition of security features to existing jails.

Whether the expenditure of large sums of money will solve the problems of jails is debatable, given the previously mentioned tendency of law enforcement and the criminal justice system to expand their functions and find rationales for new uses of funds. Refurbishing jails and building new ones is an obvious alternative solution to crowding but it may give a false sense of solving the problem, resulting in keeping people in jails at the expense of exploring and developing alternatives which keep people out of jails without exposing the public to undue risk.

F. Recent Research On Supervised Pretrial Release

NIJ recently released the findings of the National Evaluation Program of Pretrial Release conducted by the Lazar Institute (1981). The evaluation analyzed

the impact of various release practices in several jurisdictions. Three kinds of analysis were conducted: (1) a national survey of defendants who were released or detained in eight jurisdictions, (2) an experimental design implemented in five jurisdictions, and (3) an assessment of the "delivery systems" for services ordered with programmed supervision.*

The national study traced a cohort of approximately 3,500 defendants through the criminal justice system and revealed that most defendants (85 percent) are released pretrial and that most of these (61 percent) occurred without financial conditions (Lazar, 1981:6).** Comparing defendants released with those not released pretrial showed that the latter differed in the following respects:

- more serious prior criminal history
- charged with more serious and violent offenses
- more previous Failures To Appear (FTAs)
- weaker community ties
- higher unemployment rates
- lower education levels

The 15 percent of detained defendants who were not released in these eight jurisdictions represents the target group for SPR as originally envisioned by NIJ. Concern was expressed that traditional release criteria may be restricting the release of a carefully selected group of defendants who, with proper supervision and services, could successfully complete their pretrial period without FTA's or additional crimes.

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* Pretrial crime rate is based on the proportion of released defendants awaiting trial who are arrested while on release status.

** Some interesting process data also emerge from the study. For example, prosecutors were resistant to the program claiming that the pretrial release staff are too liberal in their recommendations. Conversely, court officials and defense attorneys were more enthusiastic about the program (1979:69-70).

For those defendants gaining pretrial release in the Lazar study the average FTA rate was 14 percent, with extremes ranging from 20 percent to a low of 6 percent. These non-appearance rates represent the most credible national estimate of FTA rates and de facto set the norm for other jurisdictions.* Few differences were found in FTA rates by method of release. Defendants who did FTA tended to have more serious arrest histories and weaker community ties (Lazar, 1981:7).

Released defendants had an overall pretrial crime rate of 12 percent with financial releasees having a 17 percent pretrial crime rate compared to a 10 percent rate for nonfinancial releasees.** Those rearrested had more serious criminal histories, poorer employment histories, were more likely to be on public assistance, and had longer, more complicated court cases compared to defendants not rearrested. This is consistent with the Sorin et al., (1979:17) report that unemployment and current criminal justice involvement are the two major factors associated with type of release, as well as with FTA or pretrial arrest rates.

Lazar's outcome analysis of the pretrial release delivery system in Pima County, Arizona (Peterson, 1979) describes how a number of pretrial release programs operate within that jurisdiction. Detailed data are presented about staffing and budget, decision-making processes and organizational structures, along with the outcomes of different kinds of pretrial release as measured by FTA and pretrial crime.*** Lazar reports that defendants assigned to supervised

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* The Bureau of Justice Statistics (BJS) recently awarded a contract to the Pretrial Resource Center to determine the feasibility of a national pretrial release reporting system.

** Financial conditions refers to pretrial release mechanisms involving bail or some bail deposit procedure.

*** A three volume final report of Lazar's national evaluation presents summary findings on release practices and outcomes, impact of pretrial release programs, and pretrial release programs without formal programs.

release programs had lower rates of FTA and pretrial crime than those released on own recognizance or through traditional bail bonds. However, it is difficult to determine if these differences were attributable to defendant characteristics or to the level of supervision provided. In most instances the level of supervision only involved a contact to remind defendants of their court dates.

Other evaluations of supervised release were conducted in Philadelphia, Washington D.C. and Des Moines. NCCD conducted the Des Moines evaluation and found that defendants on supervised release had similar FTA and pretrial arrest rates to those released on bail (NCCD, 1973). The Philadelphia findings that defendants released on the mandated condition of receiving social services reported lower FTA rates and equivalent pretrial arrest rates compared to those released on unsupervised OR. The D.C. Pretrial Services Agency study employed a more rigorous experimental design by randomly assigning defendants to three levels of supervision. Increasing the levels of supervision were found to reduce FTA's but had no effect on pretrial crime rates (NIJ, 1980).

What emerges from these studies is a consistent trend that FTA's can be reduced by imposing stricter levels of either services or supervision — it is never clear which of the two are most important. Nor do we know if additional pools of defendants denied release could be safely controlled via the SPR approach. None of the above studies focused in on the not-released category for selection into SPR.

G. Summary

A great deal of debate has transpired about how to reform America's pretrial justice system. Liberal reforms aimed at eliminating the bail system and increasing the use of own recognizance, third-party release, and pretrial diversion programs have sought to reduce the amount of pretrial detention. These efforts have been met by countervailing conservative attempts to increase the use of

preventive detention and, in general, restrict release criteria. The public has become increasingly concerned with their rights as victims and disillusioned with a costly pretrial system that seems to offer little protection.

Previous studies repeatedly demonstrate that 80-95 percent of all defendants appear for their court hearings and do not commit crimes while on release status. The imposition of strict supervision on high risk defendants has also been found to increase appearance rates but has little effect on pretrial crime rates. Despite empirical evidence suggesting that supervision can help minimize FTA rates, the use of supervised release remains rare among pretrial agencies.

Supervised pretrial release also represents one option that is responsive to both sides in the national debate on detention practices. Defendants in supervised release agree to comply with court-ordered conditions that are closely monitored and more restrictive than typically required in Own Recognizance (OR) release. Ideally, supervised release programs focus upon defendants who are too risky to release on OR but constitute good pretrial release candidates if provided appropriate levels of supervision and services. Thus, supervised pretrial release incorporates (1) tight screening for eligibility, (2) a range of controls short of expensive jail confinement, and (3) potential release options for defendants who are passed over by OR programs but who may still constitute good risks for pretrial release.

By focusing on those marginal cases which do not qualify for traditional release methods but who could be safely released with proper supervision SPR holds the promise of reducing pretrial detention and thereby saving costs. Whether or not SPR can fulfill these promises is the subject of the remainder of this report.

Chapter 2
METHODOLOGY AND RESEARCH DESIGN

Evaluation of the three experimental Supervised Pretrial Release programs contained both impact and process components. The impact research used a classic experimental design with randomized test groups to determine whether the program had any causal effects (e.g., did supervision cause reductions in rate of pretrial detention or FTA's?). The process research used both quantitative and qualitative methods to describe how the programs operated (e.g., how many defendants were supervised, or what types of services were provided). The findings of the impact evaluation allow one to judge the extent of the program's success, whereas the process evaluation enables the researcher to delve deeper, to determine how the program achieved success or failed. The process component is especially important for those in jurisdictions interested in replicating the program, offering insights into the relationships of different program structures and staffing configurations to SPR program outcomes.

A. Process Components

All aspects of program operations were examined by the evaluators, but several analytic dimensions required in-depth analysis:

1. Context. Previous efforts to reform the pretrial system have met with mixed results, in part due to the resistance of criminal justice agencies, local politicians, community groups, and to the uneven quality of staff. Other contextual factors which play a role in implementation are jail crowding, fiscal constraints, and radical shifts in population makeups within a jurisdiction. All of these suggest that the meaning and uses of SPR may vary considerably between jurisdictions as influenced by contextual factors. One objective of the process study, made feasible by the multi-site design, was to learn what political and

social factors affected adoption of the model, and how these factors may have shaped deviations from the SPR model as originally intended by NIJ.

2. Identification and Screening. The decisions of staff and the courts in selecting defendants for the program provided the basic input to the test design. Relevant criteria for determining eligibility for supervised release and for service referral was developed and applied consistently, both within and across programs. Process analysis focused on biases in selection that occurs among and within eligible defendant groups as well as their implications for how successful the program was in meeting its objectives. Special attention was directed to the issue of skimming (e.g., did these programs work with defendants who ordinarily would be released on OR or the existing bail system?).

3. Intervention. Intensive supervision of releasees and the random assignment of services to defendants were the primary treatment variables being tested. Consequently, a plan for contacts, notification, and assignment to services was devised for each defendant in each program, and its execution was carefully monitored by the evaluators. Analysis centered on service selection by staff and defendants, and on the length and intensity of services and supervision. A critical issue in the design was its potential for "contaminating" the contact-only group with services. Data collection procedures were designed to determine whether services were actually kept from this population.

Finally, how the program staff and the courts handled non-compliance with the conditions of release, failure to appear in court (FTA), and program termination decisions were very important factors of the test design operations. Again, the primary concern was to maintain consistency in the decision-making processes across groups (within the program and between the program and other forms of pretrial release) and across sites of those participating in the field test.

4. Linkages. Organizational linkages that SPR programs establish with the court, the jail, police, and service agencies receiving referrals were critical to the programs' performances. For example, a high degree of coordination and cooperation with the court was necessary because judicial action was required in both the release and violation/revocation processes. The ability of the program staff to obtain the cooperation of appropriate service agencies was vital to insure that the experimental group of releasees actually received quality services. Otherwise, the "treatment" for this group would not differ substantially from that of the supervison only group, and the integrity of the experimental design would be lost by default.

B. Impact Components

In conceptualizing the form of an SPR program, it is best not to think about the program's effects as a cluster of events all occurring at the same time and in isolation from each other. Rather, the effects are better conceptualized as a network of causal sequences, with program activities producing certain immediate consequences, then intermediate effects which, in turn, produce long-term broad effects.

No effort was made to map the complex causal sequences produced by SPR programs. Instead, we divided their effects into impact on defendant behavior and impact on the criminal justice system.* Defendant impacts are those effects which are produced within the program. For example, SPR was supposed to achieve release for substantial numbers of defendants who are denied OR or who are unlikely to make bail (excepting defendants deemed ineligible for the program) without increasing FTA's and pretrial crime rates. This result was to be achieved

* We realize that imposing this dichotomy on a complex network of causal sequences produces an over-simplification, so that the distinction between defendant impact and system impact is not always clear-cut. However, the rough distinction does serve to illustrate our approach to the evaluation.

through a process of screening the jail population and through release and supervision recommendations. Defendant impact was primarily measured by using a management information system which tracked defendants from the point of booking through final court disposition.

System impact reflects a program's impact on the broader criminal justice system. For example, one outcome that could be expected from each SPR site was a reduction in the jail's pretrial population. This level of analysis encompassed aspects of the criminal justice system (and even the wider social system) beyond the control of the program itself. But it is an outcome that should be assessed if the SPR program results in securing pretrial release for defendants who otherwise would be denied OR or who could not make bail.

A key point about the system level of program impact is that it occurs farther along the sequence of program operations than others and is more affected by extraneous (non-program) factors. Thus, the total jail population might remain unchanged (or even increase) even though the program results in increasing the number of pretrial releases. A number of independent factors might intervene, such as increased sentence lengths for offenders who serve their time in jail or a back-logging of convicted offenders awaiting transfer to an overcrowded state prison system.

The evaluation was sensitive to the distinction between results and outcomes, with reference to the causal chains implied and vulnerability of the sites to varying influences from non-program sources. For this reason the evaluation design included a retrospective sample of felony bookings, time series analysis, and qualitative data to supplement that generated from the defendant-based experimental design.

C. Defendant Impact Research Questions

Each of the SPR programs were evaluated according to research questions set forth in the original test design proposed by NIJ.

1. What was the impact of different types of SPR programs on rates of Failure to Appear (FTA)?

2. What was the impact of different types of SPR programs on Pretrial Arrest Rates?

These major questions also entail a working range of sub-questions that were also tested. Examples follow:

a) What was the impact of SPR on FTA Rates for those receiving supervision compared to those receiving supervision and services?

b) What was the impact of SPR on FTA Rates for those receiving supervision and service referrals by type, length, and intensity of service(s), and, defendant characteristics?

c) What was the impact of SPR on Pretrial Arrest Rates for those receiving supervision compared to those receiving supervision and services?

d) What was the impact on Pretrial Arrest Rates for those receiving supervision and service by type, length, and intensity of service(s), and defendant characteristics?

During the course of the research NIJ requested that NCCD also evaluate (1) the type of crimes committed by SPR releases while under pretrial release status and (2) the costs of such crimes to victims. This additional analysis is presented in Chapter 7.

D. Design And Analysis For Defendant Impact

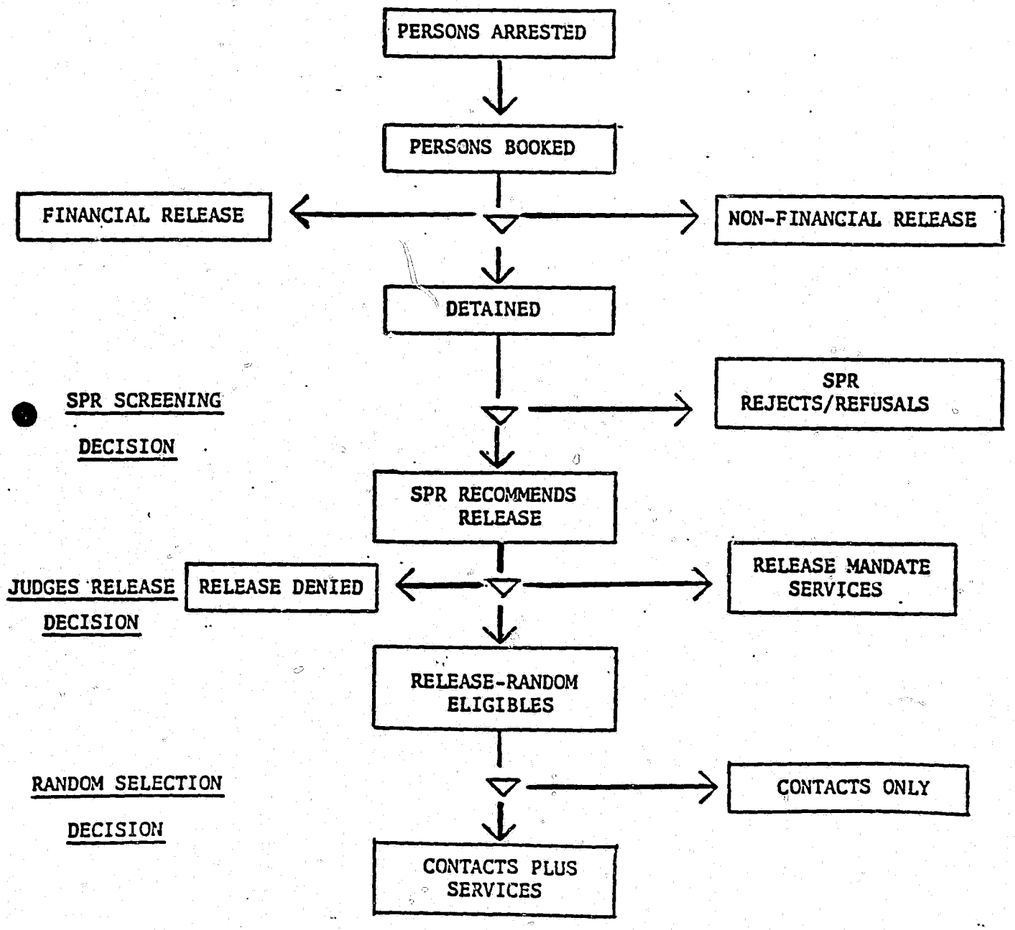
Defendant impact questions were answered within the framework of a rigorous experimental evaluation design, part of which involves random assignment of releasees to subgroups within the programs. The basic design is shown in Exhibit A which graphically illustrates its major decision points. Randomization was achieved by a computer program which assigned defendants according to their birthdates. The assignment schedule was altered several times during the study to minimize the potential for tampering with the experimental design.

Comparisons between the randomly assigned treatment groups were used to answer major questions listed above. A core question in the evaluation is whether

EXHIBIT A

DEFENDANT FLOW AND EXPERIMENTAL DESIGN

FOR SUPERVISED PRETRIAL RELEASE PROGRAM



the provision of services to defendants receiving intensive supervision decreases their pretrial crime rates and FTA rates. Because defendants were assigned randomly to either supervision or supervision with services one can answer the question with a great deal of precision.

A unique component of this research was its focus on not only the pretrial arrest rates of released defendants but also a more detailed analysis of what level of dangerousness these crimes created for the public. For each arrest reported, researchers coded detailed information on the type of crime, personal injuries suffered by victims, property damage, and disposition of these crimes. A special chapter deals with these often hidden "costs" of SPR to victims.

E. Criminal Justice System Impact Research Questions

Program effects on criminal justice system rates can be separated into those the program affects directly; and those which may have a long-term or more modest and indirect effect. This analysis is complicated by historical or unanticipated consequences which may negate the achievements of the test program. Nevertheless, the research attempted to answer the following questions:

1. Did the program reduce the rate of pretrial detention?
2. Did the program decrease the average length of stay for defendants who are initially held in jail but who eventually obtain some form of pretrial release?
3. Was there a decrease in the pretrial jail population?
4. How do SPR's FTA rates compare with the rates of other pretrial release methods?

F. Design And Analysis For System Impact

The evaluation of system impacts cannot draw to a great extent from the more rigorous design used to assess defendant-level program results. The organizational impacts are, by definition, effects that occur in a much broader, system-wide context than do program results; therefore, the number of extraneous (non-

program) factors that produce the outcomes is quite large. The research must assess system impacts with less than a pure experimental design, and thence its findings are necessarily more tentative and stated more cautiously.

A quasi-experimental interrupted time-series design and a retrospective sample were adopted to measure system impact (Campbell and Stanley, 1963). Data concerning the criminal justice features and processes mentioned above in both types of outcomes (e.g., characteristics of the jail population, bails, extent of plea bargaining, arrest rates for pretrial releasees) were collected for a period covering at least 12 months prior to program implementation in each participating jurisdiction. Comparable data were then collected at each site for the period the program has been in operation.

The second method used to assess the impact of SPR on the criminal justice system was the retrospective samples. Two random samples of approximately 400 felony defendants detained in jail were drawn for: 1) the 12-month period during program operation, and 2) the 12-month period prior to program start-up. By comparing these two cohorts of detained felony defendants, it can be determined whether the program had any impact on the normal flow of cases through the system. This is essentially a pre-post test design using detailed information on the pretrial felony population.

The two system-impact designs do not control for historical changes in the sites independent of the program effects, such as revisions in laws or policies, changes in system resources and economic fluctuations. Therefore, even if these do influence the outcome measures, it was difficult to directly attribute them to the effects of a supervised release program.

G. Data Bases

The collection of information to answer impact and process questions created four data bases: the Supervised Pretrial Release Information System, Retrospective Sample, Time Series Analysis, and Qualitative Field Data. Findings generated through the interpretation of results from one data source were tested and triangulated using information collected from other data sources. For a detailed presentation of these data bases consult NCCD's Research Design Statement (1981) which contains the forms, codebooks, and descriptions of the compiled data bases.

Chapter 3

CONTEXT OF THE SPR TEST DESIGN

This chapter briefly describes the distinguishing characteristics of the three jurisdictions and their SPR programs. More than ninety jurisdictions applied for funding for the NIJ test program but only three were finally selected by NIJ to participate. As will be shown shortly, these sites differed significantly both in respect to their criminal justice policies and the manner in which they implemented SPR. Consequently, there emerged a "natural experiment" in which different organizational styles of administering SPR tailored to each site's needs could be evaluated in terms of their relative impact on the program process, on selection of the defendants, and on criminal justice system behavior.

A. The Jurisdictional Context Of SPR

Each of the three jurisdictions selected for SPR served large urban metropolitan areas with crowded jail facilities, and were then participating in the LEAA jail overcrowding program. In all other respects the jurisdictions are quite dissimilar (Table 3-1).

Dade County, which primarily reflects the diverse ethnic population of the city of Miami had experienced the well publicized mass migration of Haitians and Cubans in 1980, as well as severe racial disorders that same Spring. It has become an infamous major drug trafficking and distribution center for the rest of the country, particularly for heroin, cocaine, and marijuana. Federally financed efforts to curb this influx of illegal drugs has led to a concentrated effort to arrest and prosecute drug dealers and users. These historical events have cumulated in dramatic increases in reported crimes, arrests, and pretrial bookings of felony defendants. As the jail became increasingly crowded, a federal court order took effect in 1978 to relieve jail crowding by placing a cap of 846 on the pretrial

Table 3-1

1980 Selected Characteristics Of The Three Test Sites

Characterisitcs	Dade County	Milwaukee County	Multnomah County
1980 Population	1,625,781	964,988	562,640
1980 Adult Population Ages 18-39	527,786	348,573	222,736
1980 Adult Male Population Ages 18-39	253,387	170,039	111,625
Median Male Age	33	28	30
1980 Average Pretrial Population	1133	277	172
1980 Pretrial Incarceration Rate Per 100,000	211	91	107
1980 Index Arrests	182,164	74,717	90,383
1980 Index Arrest Rate Per 100,000	11,582	5,364	7,325
Jail Crowding	Chronic	Occasional	Chronic
Court Intervention To Release Crowding	Yes	Pending	Yes
Pretrial Release Agency	Yes	No	Yes
10% Bail Program	No	No	Yes
Bondsmen	Yes	No	No
Court Ordered Cap On Jail Population	Yes	No	Yes
LEAA Jail Crowding Site	Yes	Yes	Yes

population. In the summer of 1981 this order was enforced by establishing a $1,000 per day fine for non-compliance. The local court had already created a pretrial release agency, pretrial diversion, and Treatment Alternatives to Street Crimes (TASC) programs during the 1970's to help relieve their burgeoning pretrial detention population. The temporary expansion of the jail's capacity by renovating a stockade facility in 1981 and adoption of SPR became the latest desperate attempts by the county to comply with the federal order to lessen its jail population in the face of ever increasing arrests and bookings.

One unique aspect of the Dade County criminal justice system which has been very significant for the SPR experiment is the absence of preliminary hearings to review the arrest charges. Arraignment hearings occur 14-21 days after arrest and booking, which in effect allow defendants to be detained for as long as three weeks before the prosecutor makes a definite decision to prosecute a case. In the other sites prosecutors make formal charging decisions within a few days of the fresh arrest. A possible consequence of this practice, which is reviewed more fully in Chapter 4, is that SPR was accepting high proportions of defendants whose cases would be dropped at the arraignment hearing.

Milwaukee County had significantly lower rates of arrests and pretrial detention than Dade. Its urban population has not experienced the heavy immigration growth of Dade and continues to be primarily a working class white population. In 1979 the Wisconsin legislature abolished both the commercial bail and the ten percent deposit system (Chapter 112, Laws of 1979), and relied upon cash deposit, conditional release, and third party releases as the principal means of pretrial release. The 1979 law also forbade release without bail for felony defendants. This reliance upon cash deposit as a condition of all releases complicated use of the SPR test design because it imposed financial conditions on the experimental groups. An attempt to implement a pretrial release program in 1973 failed

and was terminated in 1978. Jail crowding, although not as severe as in the other two sites, nevertheless was increasing. By 1980 a class action suit was pending to relieve the jail crowding situation. To help alleviate the crowding caused by the 1979 statutes eliminating ten percent bail, judges simply reduced bail schedules to the level of the 10 percent bail deposit, although the amounts never fully reached the previous 10 percent deposit system levels of 1979.

Multnomah County, which includes the greater Portland area, had the smallest general and pretrial jail population of the three sites. Like Milwaukee, it had a primarily white population and its population growth had stabilized and even perhaps receded, partially due to the worsening economic situation in the state of Oregon. Multnomah had been recognized by others in the field for its liberal use of OR pretrial release in order to limit its jail populations. On June 5, 1980 the county voluntarily placed limits on the number of adults which could be held on any given day (Executive Order No. 107). The jail also came under a federal court order to relieve jail crowding and had placed an official cap on its pretrial population. As in Milwaukee, the use of commercial bail has been abolished.

B. Administrative Styles Of SPR

Just how each site was to proceed in implementing the SPR program was not precisely articulated in the NIJ test design. Sites were free to choose organizational structures best fitting their particular needs as long as they did not violate the basic of requirements of the test design. As a consequence three unique administrative/organizational styles of implementing the SPR concept emerged.

Two of the programs (Dade and Multnomah) were appended to existing county correctional agencies while operation of the third (Milwaukee) was assumed by a private non-profit social service agency (Wisconsin Correctional Services) with a long history of providing direct services for county mental health,

drug and criminal justice agencies (Table 3-2). The type of staff recruited to the projects by these agencies reflected their organizational values. As one might expect, the Milwaukee program placed a heavy emphasis on services whereas Dade and Multnomah laid greater emphasis on supervision. The Milwaukee staff consisted primarily of modestly paid college graduates with training in social work who, previously, had little direct contact with the court and the jail. They referred to their cases as "clients" and not defendants. Dade and Multnomah recruited staff previously employed in the corrections division to the new program. This was most dramatically noted in the Multnomah site where correctional officers were transferred from custodial services to SPR, which eventually was named as the Close Street Supervision Program. In no instance were the SPR programs aligned with existing pretrial release agencies. Even in Dade county, where SPR was under the same administrative auspices as the pretrial agency and occupied common office space, there was little sharing of staff or resources.

Caseload size also varied among the sites. Both Milwaukee and Multnomah had relatively low monthly caseloads compared to Dade. Dade County was virtually flooded with "potential" candidates for its program. The federal court order, racial disturbances, and influx of Cubans and Haitians placed extreme pressure on that site to accept as many cases as possible. However, Milwaukee and Multnomah, while crowded, did not experience the same pretrial pressures as Dade. Multnomah, in particular, had a very active OR program which already had greatly reduced the numbers of felony defendants who might otherwise have remained in pretrial custody. However, those remaining in custody in both sites experienced much longer periods of detention than in Dade.

A final comment on SPR program structures centers on the duties of the line staff. Dade and Multnomah used its line staff both for screening and supervising defendants. Milwaukee assigned two staff people for screening and

Table 3-2

Agency Characteristics of SPR Programs

	Dade	Milwaukee	Multnomah
Type of Agency	Public County Corrections	Private/Non-Profit Service Agency	Public County Corrections
Affiliated with Pretrial Release Agency	Yes	No	No
Staffing			
Full-time	5	10	3
Part-Time	0	0	1
Volunteer	-	-	1
Number of Line Staff	3	6	3
Staff Professional Background	Corrections	Social Worker	Corrections
Average Full-Time Salaries	$17,500	$12,800	$25,500
Total Caseload Size	120	50	30
Caseload Per Line Staff	40	10	10
Turnover Problem	No	No	No
Annual Expenditures	$156,300	$106,184	$150,000
Separate Screening and Supervision Duties	No	Yes	No

recommendations to the court while the remaining staff performed supervision and counselling tasks.

Milwaukee's director recognized that the program would have difficulty in gaining the confidence of the courts if its inexperienced staff made presentations to the court. He also believed that supervision and services would be more effective if provided by specialized staff. Similarly, more effective investigations and court presentations could be made if they were were assigned to a single unit. The other sites preferred that the staff making court recommendations also carry out supervision and services provisions.

C. Summary

1. All SPR programs served large urban jails which were experiencing various degrees of pretrial crowding; two sites were chronically crowded with federal court orders in effect to limit pretrial population growth.

2. Two sites had active pretrial release agencies; but their SPR programs were not integrated with existing pretrial agencies.

3. Two jurisdictions had eliminated commercial bail.

4. Two SPR programs were staffed by correctional officers or persons with correctional experience; the third program was a non-profit private service agency staffed by social workers.

5. One program separated staff into two levels of screeners and supervisors; the other two used a vertical staffing structure where staff followed cases from initial screening through program termination.

Chapter 4
IDENTIFICATION AND SELECTION

This chapter analyzes the screening process employed at each site to select felony defendants for participation in the SPR test. Much of the data presented are derived from the intake file of the management information data base which recorded the screening process for all defendants interviewed by the SPR staff from booking through admission to entry into SPR. This provided detailed information on distinguishing characteristics of defendants and the reasons why they were not selected for SPR. The retrospective sample of felony defendants booked pretrial for 1980 and 1981 is also used here to describe the methods of release prior to SPR. Analyzing the retrospective sample allows us to better understand how SPR affected traditional release practices and whether SPR actually admitted the more seriously charged defendant who otherwise would have been detained.

Pretrial Release Practices Prior to SPR

Approximately 35 percent of defendants charged with felony crimes were not released pretrial in the year preceeding SPR (Table 4-1). Of those who secured release, the dominant method was by bail (33 percent), followed by OR and other methods of non-financial release (principally citation and third party release). The large proportion of not released cases was actually a composite of cases where eventual release from pretrial detention was triggered either by dismissal of charges or the defendant pleading guilty with the disposition including credit for jail time. Among the sites Portland principally used non-financial methods of OR and jail citation whereas Miami and Milwaukee principally relied upon the bail systems.

Table 4-1

1980 Characteristics of Pretrial Detention and Release Practices Before SPR Was Implemented By Site

Pretrial Processing Characteristic	Portland	Miami	Milwaukee	Total
	(361)	(422)	(473)	(1239)
Method of Release				
Own Recognizance	28.2%	7.5%	13.1%	14.9%
Bail	19.4%	36.3%	36.2%	32.9%
Other Methods of Release	18.7%	26.9%	7.8%	16.8%
Not Released Pretrial	33.7%	28.3%	41.8%	35.3%
Length of Pretrial Processing				
Booking to Release (All Cases)	2 days	2 days	21 days	9 days
Booking to Release (If released pretrial)	1 day	1 day	9 days	1 day
Booking to Release (If not released pretrial)	72 days	21 days	79 days	61 days
Arrest to Disposition	98 days	53 days	91 days	80 days
Median Bail Amounts	$3,500	$2,100	$1,500	$2,000

Source: 1980 Retrospective Random Sample of all felony bookings.

Note: Percentages may not total to 100.0% due to rounding error.

The median time defendants from all sites spent in pretrial detention was 9 days (Table 4-1).* This median number, however, is largely driven by Milwaukee which reported a median of 21 days compared to Portland and Miami which reported medians of 2 days. For those released, the pretrial detention dropped to 1 day, but for those denied release pretrial detention increased to 61 days. The median time from arrest to final court disposition was 80 days. The difference in days between the pretrial released group and the not released group dramatizes the potential impact of SPR. It is the non-released group which spent 59 more days in detention which was the target of the SPR program.

Considerable variation existed among the sites with respect to these pretrial characteristics. Milwaukee consistently had the longest length of pretrial detention for released and not released groups. If one did not secure release in Milwaukee within 9 days, one could expect to spend an additional 70 days until release. In Portland, those not released spent an additional 71 days whereas in Miami the not released group spent only an additional 20 days.

1980 differences between the sites with regard to the pretrial detention lengths demonstrate the potential impact of SPR on pretrial detention populations. Sites like Milwaukee and Portland, where the failure to secure release translates into an additional two months of pretrial detention, held the greatest promise for demonstrating this impact. In contrast, Miami's existing low pretrial detention length (created by severe overcrowding, the 21 day filing limit, and other factors) was less likely to show any effects because of the need to process a huge number of defendants, a condition incompatible with the goal of intensive supervision.

* Throughout this report medians are presented whenever possible rather than the less stable mean statistic.

These pretrial processing periods take on greater significance later in this chapter where we discuss how the SPR cases fit with other detained felons.

The SPR Screening Process

SPR was intended to select defendants denied initial release, but whom the court felt could be handled safely with the added conditions of supervision and/or services. To assure this the test design required that defendants pass through three decision points: 1) SPR staff recommendations, 2) judge review and 3) random selection. If the staff recommendation was positive, the judge decided whether the case was acceptable for SPR. If both the court and the staff recommended release, the case was randomly assigned to either the supervision only group or the supervision plus services group. What follows is a descriptive analysis of each decision point including reasons why cases failed to be accepted by the SPR staff or the court.

A. Staff Interview Decision

Interview procedures were established to ensure that two conditions of the SPR design would be met:

1. Only pretrial felony defendants would be interviewed.
2. Only defendants charged with felonies who had failed to be released at the initial bail hearing through existing financial and non-financial pretrial release options would be interviewed.

These two conditions reflect an important goal of the SPR test design; to learn if the more seriously charged defendants who typically occupy pretrial jail bed space for the longest periods can be safely released under strict supervision. Relative to the first condition, we know that 99 percent of all defendants screened by SPR staff were charged with felonies (see Table 4-7 in this chapter). Concern was expressed that defendants who normally would have been released on bail, OR, or third party release might become candidates for SPR thus violating the second

condition and negating the intent of the test design. To guard against this possibility, each site delayed initial interviews with defendants until after arraignment or initial bail hearings were completed, and until the pretrial agency had failed to secure release for these defendants. This screening procedure required delay of at least one day in Miami and often as long as 10 days in Milwaukee before SPR staff approached prospective candidates, but this precaution ensured the integrity of the test design.

A total of 3,232 felony defendants were interviewed at the three sites, of which 1,692 (52 percent) eventually entered the randomized test groups (Table 4-2). Milwaukee alone accounted for almost 45 percent of all these interviews and also had the highest rejection rate (72 percent). Conversely Miami, which accounted for one-third of all interviews, rejected only 9 percent of its candidates. Portland, accounting for only 22 percent of all interviews conducted, fell in between these two sites with a rejection rate of 58 percent.

These wide variations in acceptance rates resulted from organizational policies peculiar to each program which, in turn, affected staff recommendations to the court for release. Table 4-3 reveals these differences in screening policies.* Miami's staff recommended release in almost every case largely because of pressure from the federal court order to depopulate their facilities. On the other hand, Portland's staff rejected 31 percent of its interviewees. Field data show that the custodial emphasis of Portland's staff, which consisted of former correctional officers, made them more conservative in their recommendations than staff in other sites. They referred to defendants as "crooks", "criminals", and "suckers". Conversely, Milwaukee's staff of young social workers recommended 66 percent of its defendants for release to the random eligibility pool but that an

* This table reports recommendations to the court and not actual releases.

Table 4-2

Proportion of All Defendants Interviewed By Staff Accepted Into SPR By Site*

	Portland (696)	Miami (1097)	Milwaukee (1439)	Total (3232)
Accepted Into SPR	41.7%	90.8%	28.2%	52.3%
Supervision Only	17.8%	41.0%	12.7%	23.4%
Supervision Plus Services	16.8%	43.0%	11.5%	23.3%
Mandated Conditions	7.0%	6.8%	4.0%	5.6%
Not Accepted Into SPR	58.3%	9.2%	71.8%	47.7%

* Source: SPR Intake File

Note: Percentages may not total to 100.0% due to rounding error.

Table 4-3

Staff Recommendations To The Court For SPR Release By Site

Staff Recommendations	Portland (696)	Miami (1095)	Milwaukee (1435)	Total (3226)
SPR Acceptance	50.8%	92.5%	89.0%	82.0%
Random Pool	47.1%	91.6%	68.2%	71.6%
Mandated Conditions	3.7%	0.9%	20.8%	10.4%
SPR Rejection	49.2%	7.5%	11.1%	18.0%
Staff Rejects	31.5%	6.8%	8.7%	13.0%
Defendant Rejects	0.6%	0.7%	2.0%	1.2%
Other	17.1%	0.0%	0.4%	3.8%

Source: SPR Intake File

Note: Percentages may not total to 100.0% due to rounding error.

additional 23 percent be released to SPR with mandated counselling or other social services. In line with their professional training Milwaukee's staff believed that these defendants, who they called "clients," should be released to supportive social services. Milwaukee's overall high rejection rate, as it turned out, was not the result of staff actions but rather of decisions at the next screening point — the court.

B. Court SPR Release Decisions

Once the SPR staff completed its interview and recommended a case for release, it was considered by the judge who decided as follows:

1. SPR granted - to random pool
2. SPR granted - services and/or supervision mandated
3. SPR motion denied

A fourth option developed during the course of the study, which simply reflected the defendant's ability to secure release through other means or the court's disposal of the case prior to SPR consideration (i.e., charges dismissed or defendant agreed to plead guilty).

An important condition of participation in the SPR program was the willingness of judges and prosecutors to use the new SPR program. To help ensure its implementation, NLJ staff and consultants from the Pretrial Resource Center in Washington D.C. made special trips to each site prior to and after implementation to verify that the court was willing to abide by the conditions of the grant. They emphasized that the court must allow randomization of cases and grant a sufficient proportion of the SPR staff's recommendations for release to implement the test design.

Early interviews with prosecutors and judges revealed that most favored the supervision conditions of the test design, which met their common complaint that existing pretrial release programs did not closely monitor defendants.

Table 4-4 summarizes the judge's decisions and shows that for all sites less than 10 percent of all cases brought before the court were denied by judges for release to SPR. However the table also reveals wide diversity among the three sites in the court's decisions to grant release.

Miami's judges had the highest approval rate with the court accepting 91 percent of all staff recommendations for SPR releases. Most of the rest, i.e., those not approved by the court for randomization, were released to SPR with the condition of guaranteed mandated services (7 percent). Only 1 percent of the cases in Miami were denied release by the court. Undoubtedly, the judges, like Miami's staff, keenly felt the pressures of the federal court order to bring down the Dade County jail population.

Portland's judges granted motions for SPR release in 58 percent of all recommended cases; a suprisingly low rate given the conservative nature of that staff's screening procedures and the credibility of the program with the court. There had been some initial objections raised by the prosecutor over the prospect of releasing felony defendants. However, the project director was known as a tough jail administrator and had excellent relations with the judges. His reputation calmed the early fears of the prosecutor. But it must be remembered that Portland also had a very active OR program in place prior to SPR which may have lessened the court's willingness to accelerate what others felt was a very liberal existing release policy. It should also be noted that an additional 11 percent were released to SPR but with the condition of mandated services. Only 10 percent of the cases were actually rejected by the court. Another 21 percent secured release through either bail reductions by the court, bail funds supplied by friends and relatives, or charges being dropped. The higher 21 percent case attrition loss for "other" reasons is directly related to Portland's lengthier screening period. As defendants sit in jail other avenues are being pursued to secure release. Miami's

Table 4-4

Court's Release Decision to SPR By Site

Court's Decision	Portland (415)	Miami (1016)	Milwaukee (1429)	Total (2860)
SPR Release Granted	69.9%	98.0%	28.4%	59.2%
Random Pool	58.3%	91.1%	24.5%	53.1%
Mandated Conditions	11.6%	6.9%	3.9%	6.1%
SPR Release Denied By Court	9.4%	1.0%	17.5%	10.5%
Other Reasons For Non-Release To SPR	20.8%	0.8%	54.0%	31.7%
Defendant Pled Guilty	2.4%	0.1%	24.6%	12.7%
Bail Secured/Reduced	9.5%	0.1%	11.8%	7.3%
Release On O.R. or to Other Agency	4.1%	0.5%	8.5%	5.4%
Charges Dismissed	2.9%	0.1%	4.2%	2.6%
Other	1.9%	0.0%	4.9%	3.7%

Source: SPR Intake Data File

Note: Percentages may not total to 100.0% due to rounding error.

case attrition loss was much less because its screening period was shorter. The relationship between screening length and case attrition is discussed in greater detail in the following section.

Milwaukee reported the lowest court release rate (28 percent) and the highest rate for judges denying the staff's recommendation (18 percent). These figures reflect the "outsider" status that the private non-profit Wisconsin Correctional Services (WCS) agency had in relation to local prosecutors and the rotating judges as discussed in Chapter 3. Because WCS was not part of the formal court system, judges who were frequently rotated in and out of the circuit courts did not become familiar with the agency and did not have full confidence in its ability to properly supervise felony defendants. Likewise prosecutors were more likely to object to release motions filed by the WCS staff.

Not all private non-profit (PNP) agencies will necessarily experience comparable difficulties in establishing strong linkages with the court, but it is important to assess prior to program implementation whether a PNP has credibility with prosecutors and judges. Two other major sources of case loss for Milwaukee were defendants' guilty pleas (25 percent) and their release through bail (12 percent). These rates are even higher than for Portland and are also attributable to Milwaukee's lengthy screening process, as described below.

C. Length of SPR Screening Process

In addition to tracking results at the major decision points, data were collected on the amount of time SPR candidates "waited" at each of the three points discussed above until their eventual release. The "wait time" for each site are shown in Table 4-5 and provide further evidence of how local criminal justice policies influenced the volume and type of defendants admitted to the SPR program.

Table 4-5

Length of SPR Screening Process by Site
Median Days

Screening Decision Point	Portland	Miami	Milwaukee	Total
Booking to Initial Court Hearing	1 day	1 day	0 days	1 day
Booking to SPR Staff Interview	4 days	1 day	5 days	2 days
Booking to Court Decision	13 days	1 day	10 days	3 days
Booking to SPR Release	13 days	1 day	12 days	4 days

Source: SPR Merged Intake and Release Data File

Both Portland and Milwaukee reported similar lengths of time for screening and releasing defendants (12-13 days after booking). Conversely, Miami's defendants spent the shortest time at each of the three decision points with most cases being released to SPR within only one day after initial booking (Table 4-5). Miami's rapid release policy is partially attributable to its severe crowding situation, but some responsibility is also due to its judicial policy of not holding arraignment hearings for felony cases until 14-21 days after arrest and booking. In Miami a bail hearing is completed 24 hours after booking. Miami's staff felt that if they waited 2-3 weeks for the arraignment hearing to interview and present cases to the court for SPR release, the program would not reduce the pretrial population. The risk, however, in interviewing immediately after booking was that many cases selected for SPR would secure release through other means, or have their charges dismissed at arraignment.

Miami's speedy screening process also meant a low rate of case attrition whereas Portland and Milwaukee, with their longer screening periods, reported higher losses of candidates through bail reductions or dismissal of charges. Thus by increasing the length of screening an agency decreased the numbers of persons admitted to its SPR program. However, lengthening the screening process also increased the program's ability to selectively release defendants with high probabilities of being detained through the entire pretrial legal process. This increased the program's impact on pretrial populations. Intervening too quickly also means that intensive supervision and services are provided to those who need it least, thus diminishing the program's ability to affect FTA rates, pretrial arrests rates or pretrial crowding. One can conclude that based on the screening data presented thus far Miami was less effective than the other sites in these areas.

D. Randomization

The final step for defendants after the court's approval was the randomization process which determined whether defendants received supervision only or supervision with individual services such as education, drug treatment counselling, and vocational training. Since NCCD staff could not be present to monitor the randomization decision, a procedure was employed at each site using birthdates to assign defendants to experimental treatment conditions. Supervision only and supervision with services conditions were randomly assigned by computer to each of the 365 calendar dates in the year. A defendant's birthdate was then matched to the experimental condition assigned to his/her birthdate. Assignments of treatment conditions to calendar dates was changed twice during the study to ensure that local staff did not tamper with the randomization process. Such a technique allowed the evaluation staff to run a computer check of randomization simply by matching birthdates with treatment assignments.

Only one site disclosed statistical evidence that the randomization process was violated during the first three months of the study. Contaminated cases were removed and monitoring established to ensure that this did not recur. Statistical comparisons have been consistently applied to the data to ensure the two experimental groups are equivalent. T- tests and cross tabulations among the experimental groups were run on a total of 26 background characteristics. Only three were found to have statistically significant differences (Exhibit B) and these differences were substantively quite small (Table 4-6). However, it is interesting to note that the direction of the bias was consistently in favor of the randomized service group (i.e., they tended to (1) have a telephone in their residence, (2) not be on public assistance, and (3) have longer established residency). Since the differences for these three variables are quite small and the two groups are similar on the remaining 23 variables the two groups are equivalent for analytical purposes.

EXHIBIT B

Comparison of Personal and Criminal Characteristics
of SPR Experimental Groups

Statistically Insignificant*	Statistically Significant*
Bail Amount	Telephone At Residence
Total Charges	Months At Address
Type of Charge	Receiving Public Assistance
Age	
Sex	
Marital Status	
Ethnicity	
Employment Status	
Occupation	
Residence	
Living Situation	
Utility Payments	
Pretrial Detention Length	
Prior Arrests	
Prior Mental Health Commitments	
Prior FTAS	
Prior Escapes	
Prior Assault Convictions	
Prior Jail Sentences	
Prior Probation Sentences	
Prior Prison Sentences	
Total Charges at Arrest	
Months Employed	

* P ≤ .05 level of significance

Table 4-6

Differences Between Experimental Groups*

	Supervision	Services	Total
% with Telephone at Home	64.7%	70.7%	67.6%
% Receiving Public Assistance	23.8%	18.8%	21.3%
Mean Months at Address	39.0 mos.	47.5 mos.	43.2 mos.

Source: SPR Merged Intake and Release Data Files

Note: Percentages may not total to 100.0% due to rounding error.

* P ≤ .05

E. Portraits of the SPR Population

Approximately 71 percent of all SPR releases had been charged with felony level crimes of violence and property, most being for robbery or assault, narcotics, theft, and burglary (Table 4-7). Miami did have relatively higher proportions of defendants charged with illegal possession/use of firearms (9.6 percent) and possession or sale of narcotics (12.7 percent) which reflect the high level of drug trafficking within that jurisdiction. Milwaukee and Portland reported the highest level of crimes of violence, especially for defendants charged with rape and homicide or voluntary manslaughter. Milwaukee also had a surprisingly high rate of drug crimes although closer analysis shows these crimes were for possession of marijuana, not the serious drug trafficking found in Miami.

Fifty percent of all defendants had only one charge pending at booking (Table 4-7). A majority of both Portland and Miami's SPR releases had two or more charges pending compared to Milwaukee with 75 percent having but one charge. The high proportion of defendants with multiple charges partially explains why these persons had difficulty being released via other means and is further evidence that the sites succeeded in efforts to avoid the least difficult candidates for pretrial release.

Most of the SPR defendants had minor or no criminal histories. A few had very extensive criminal records. Table 4-8 reports the mean prior arrest rates and their upper limits by sites, which prove to be substantially high both for misdemeanors and felonies. But these means were strongly influenced by a small number of cases with lengthy criminal histories — principally older defendants. Indeed, the majority of SPR defendants had no history of felony arrests, felony convictions, convictions for assault, jail sentences, adult probation sentences or prior prison sentences (Table 4-9).

Table 4-7

Types of Charges For SPR Defendants
By Site

Charge Characteristics	Portland	Miami	Milwaukee	Total
	(285)	(985)	(398)	(1668)
Proportion of Felony Charges	96.9%	99.9%	97.8%	98.9%
Total Charges Filed				
1	46.7%	41.2%	74.2%	50.2%
2	27.2%	30.2%	18.6%	26.9%
3 or more	26.1%	28.6%	7.2%	22.9%
Types of Crimes				
Crimes of Violence	36.0%	24.1%	39.3%	30.2%
Murder/Att. Murder/Manslaughter	4.4%	0.0%	3.7%	1.8%
Aggravated Assault	3.8%	16.6%	1.7%	10.8%
Armed Robbery/Robbery	19.4%	3.4%	20.1%	10.3%
Rape	5.6%	0.1%	7.3%	2.8%
Other Violent Crimes	2.8%	4.0%	6.5%	4.5%
Crimes of Property	36.1%	39.8%	43.6%	40.3%
Burglary	27.4%	17.2%	30.4%	22.2%
Theft	5.9%	15.7%	8.9%	12.4%
Other Property Crimes	2.8%	6.9%	4.3%	5.7%
Miscellaneous Crimes	27.9%	36.1%	17.1%	29.5%
Forgery/Fraud	6.9%	4.7%	5.3%	5.3%
Weapons Violations	0.4%	9.6%	1.5%	6.0%
Narcotics/Drugs	4.9%	12.7%	7.5%	10.1%
Other	15.7%	9.1%	2.8%	8.1%
Median Bail Amounts	$2,000	$2,000	$1,000	$2,000

Source: SPR Merged Intake and Release Data File

Note: Percentages may not total to 100.0% due to rounding error.

Table 4-8

Prior Criminal Histories of SPR Defendants By Site
Mean and Maximum Values

Prior Record Characteristics	Portland		Miami		Milwaukee		Total	
	Mean	Max.	Mean	Max.	Mean	Max.	Mean	Max.
Total Prior Arrests	5.5	35	5.3	156	3.3	23	4.8	156
Total Prior Convictions	1.7	15	1.6	91	2.5	21	1.8	91
Prior Misd. Arrests	3.0	26	2.5	94	2.5	21	2.6	94
Prior Misd. Convictions	0.9	11	1.1	63	1.9	19	1.3	63
Prior Felony Arrests	2.4	27	2.9	99	0.8	15	2.3	99
Prior Felony Convictions	0.8	9	0.6	54	0.6	15	0.6	54
Prior FTA Convictions	0.5	12	0.3	16	0.2	5	0.3	16
Prior Assault Convictions	0.2	4	0.1	5	0.1	7	0.1	7
Prior Jail Sentences	0.5	7	0.9	41	0.4	6	0.7	41
Prior Probation Sentences	0.7	6	0.5	49	0.6	6	0.5	49
Prior Prison Sentences	0.3	8	0.2	18	0.2	12	0.2	18

Source: SPR Merged Intake and Release Data Files

Table 4-9

Percentage of SPR Defendants With
No Incidents of Prior Record By Site

Prior Record Characteristics	Portland	Miami	Milwaukee	Total
	(285)	(985)	(398)	(1668)
Total Prior Arrests	28%	41%	33%	37%
Total Prior Convictions	51%	66%	43%	57%
Prior Misd. Arrests	36%	49%	42%	45%
Prior Misd. Convictions	63%	69%	49	63%
Prior Felony Arrests	43%	53%	63%	54%
Prior Felony Convictions	66%	83%	72%	77%
Prior FTA Convictions	76%	90%	90%	88%
Prior Assault Convictions	88%	93%	92%	92%
Prior Jail Sentences	73%	76%	80%	76%
Prior Probation Sentences	61%	80%	66%	73%
Prior Prison Sentences	84%	93%	90%	90%

Source: SPR Merged Intake and Release Data File

Note: Percentages may not total to 100.0% due to rounding error.

SPR defendant socio-economic traits portray a picture of a young, single male population with no dependents, over half of whom were unemployed at the time of booking (Table 4-10). Of those few cases with employment histories, the vast majority had been employed less than six months. Most defendants had been living with parents, spouses, or other family members for less than one year, although a fourth had quite stable residence histories. A small percentage resided in public housing and most did not receive public assistance.

Previous research by Ozanne, et al. (1980:162-181) found that the presence of a telephone and utilities payments were significant predictors of FTA and pretrial arrests. Given the test design's emphasis on close supervision it was important for the staff to be able to contact defendants by phone as well as face-to-face contacts to remind them of appointments and court dates. Most defendants did have phone access but did not make utility payments in their name. A sizeable proportion were also not paying for their housing.

F. Comparing SPR Characteristics with Other Felony Bookings

We have noted several times throughout this report that the SPR program was designed to focus on those defendants less likely to secure pretrial release. At the same time they could not be extremely high risks in terms of flight or continued criminal activities. To evaluate whether SPR met this objective comparisons were made between the 1980 and 1981 retrospective samples and the SPR defendants. If SPR worked as intended, SPR releases should at least be comparable to the 1980 and 1981 samples on key characteristics. If SPR defendants appear "lighter" than the 1980-1981 samples, the program would be accepting the safest and least risky cases. It would also probably represent an additional layer to the existing non-financial release system. Conversely, if the SPR cases appear "heavier" than the 1980-1981 samples, SPR would be overloading with more serious and more dangerous (at least politically) defendants.

Table 4-10

Personal Characteristics of the SPR Defendants
By Site*

Background Characteristics	Portland	Miami	Milwaukee	Total
	(285)	(985)	(398)	(1668)
Age				
16-20	22%	15%	33%	21%
21-26	28%	34%	38%	34%
27-30	17%	19%	14%	17%
31-35	15%	14%	6%	12%
36 and above	18%	18%	9%	16%
Sex				
Male	85%	89%	92%	89%
Female	15%	11%	8%	11%
Ethnic Background				
Black	42%	42%	70%	49%
White	53%	18%	24%	25%
Cuban/Haitian	0%	32%	0%	18%
Other	5%	8%	6%	8%
% Married	14%	12%	9%	11%
% With No Dependents	70%	55%	81%	64%
% Unemployed	63%	39%	74%	52%
% Employed Less Than 6 Months	84%	70%	89%	77%
Living With?				
Parents	30%	22%	46%	29%
Spouse/Common Law	22%	25%	9%	21%
Other Family Relative	16%	20%	17%	19%
Friend	19%	16%	17%	17%
Alone	12%	17%	11%	15%
Length of Residence				
Less than 1 year	56%	50%	47%	50%
1 - 2 years	10%	13%	15%	13%
2 - 5 years	15%	14%	15%	15%
5 years and above	17%	23%	27%	23%
% with Telephone at Residence	72%	63%	77%	68%
Housing Payments				
Renting	45%	70%	37%	58%
Not Paying Rent	45%	26%	58%	37%
Own House	5%	3%	1%	3%
Public Housing	1%	0%	0%	0%
Other	3%	1%	2%	2%
% With Utilities In Defendant's Name	25%	17%	16%	18%
% Receiving Public Assistance	22%	19%	25%	21%

Source: SPR Merged Intake and Release Data Files

Note; Percentages may not total 100.0% due to rounding error.

SPR defendants, in fact, look very similar to the comparison samples with respect to felony booking charges and their median bail amounts (Table 4-11). They differ on the following socio-economic characteristics: disproportionately minority (Black, Cuban, or Haitian) unemployed, and without a marketable skill. More importantly, the median detention rates for SPR cases compared to those released in the 1980 and 1981 samples are consistently higher (4 days versus 1 day). This is strong evidence that, with the noted exception of Miami (Table 4-12), most SPR defendants normally would not have been released at their first bail hearing or arraignment hearing.

The 1981 retrospective sample does allow one to estimate the proportion of all felony bookings accepted for SPR. In a sense this measures the extent to which SPR carved into the felony pretrial population during its first year of operations. Overall, over five percent of all bookings ended up as SPR releases (Table 4-13). Most of these gains were made in Milwaukee where the felony pretrial population was small. Miami, despite its large number of SPR releases (almost 1,000 or twice that of Milwaukee) was dwarfed by the large number of felony pretrial bookings during that year. Milwaukee shows that SPR cannot, by itself, solve pretrial crowding, but nevertheless it can process a small and significant number of releases. Depending upon the size of the jurisdiction, the pretrial population and screening criteria adopted, SPR can become an important component of overall pretrial services system.

G. Findings and Conclusions

1. The SPR Test Design succeeded with respect to three screening objectives.

   a. Only defendants charged with felonies were interviewed.

   b. Only felony defendants who had failed to secure initial release through existing release mechanisms were interviewed.

Table 4-11

Comparison of SPR Defendants With
Random Samples of Felony Bookings 1980-1981

Defendant Characteristic	1980	1981	SPR
	(1258)	(1040)	(1668)
Charge Type			
Offense Against Persons	28.1%	25.8%	27.1%
Offense Against Property	37.4%	36.2%	40.1%
Sex Offenses	5.4%	5.6%	3.8%
Narcotics	11.5%	11.3%	10.1%
% Male	91.9%	89.8%	89.1%
Median Age	24 years	26 years	26 years
Ethnicity			
White	41.9%	39.5%	25.2%
Black	44.7%	39.7%	49.0%
Cuban/Haitian	7.3%	12.1%	18.8%
Other			
% Employed	51.1%	43.6%	34.5%
% No Occupational Skills	2.7%	3.2%	8.1%
Median Pretrial Detention Length All Cases	9 days	7 days	4 days
Median Pretrial Detention If Released	1 day	1 day	4 days
Median Pretrial Detention If Not Released	61 days	55 days	(Released)
Median Arrest to Disposition Length	80 days	78 days	69 days
Median Bail Amounts	$2,000	$2,000	$2,000

Sources: 1980 and 1981 Retrospective Random Samples of all Felon bookings, plus SPR Merged Intake and Release Data Files.

Note: Percentages may not total to 100.0% due to rounding error.

Table 4-12

Median Length of Detention and Court Processing
By Release Groups By Sites

	Portland	Miami	Milwaukee	Total
	(364)	(422)	(472)	(1258)
1980 Sample				
Detention Length - All Cases	2 days	2 days	21 days	9 days
Detention Length - Released	1 day	1 day	9 days	1 day
Detention Length - Not Released	72 days	21 days	79 days	61 days
Court Disposition - All Cases	98 days	53 days	91 days	80 days
1981 Sample	(312)	(449)	(279)	(1040)
Detention Length - All Cases	1 day	3 days	49 days	7 days
Detention Length - Released	0 days	1 day	15 days	1 day
Detention Length - Not Released	34 days	23 days	97 days	55 days
Court Disposition - All Cases	81 days	55 days	112 days	78 days
SPR Sample	(285)	(985)	(398)	(1668)
Detention Length	13 days	1 day	12 days	4 days
Court Disposition	98 days	39 days	115 days	69 days

c. Randomization of project eligibles was achieved and allowed a rigorous test of the differential impacts of supervision only compared to supervision with services.

2. Wide variation exists among the three sites in their selectivity in recommending release to the court for SPR participation. For Portland and Milwaukee, these differences can be attributed to specific staff orientations (custody versus social work) whereas in Miami the primary factor explaining their high acceptance rate was the powerful influence of severe jail crowding.

3. Wide variation exists among the sites in terms of the speed of the screening process from booking to SPR release. An inverse relation developed between length of the screening process and case dropout, i.e., the longer the screening process, the lower the percentage of screened cases admitted to the program. However, lengthening the screening process increases the probability of releasing defendants to SPR who would otherwise remain in custody until their cases are disposed of in court. A longer screening process increases the cost effectiveness of SPR by focusing on those likely to stay the longest in jail.

4. The courts were supportive of the programs at all sites and generally followed the staff's recommendations to release defendants to SPR. Field data suggest the court's confidence in the SPR program comes from the close supervision conditions which ordinarily are not mandated with other methods of pretrial release.

5. Most SPR defendants were charged with multiple felony offenses which meant high bail (approximately $2,000). However, most SPR defendants did not have extensive prior criminal histories or histories of prior escapes and FTAs.

6. The socio-economic characteristics of SPR defendants showed that most were young males, with poor employment records, living with parents, spouses or other family members at time of arrest. A critical factor for SPR participation was a residential phone number where SPR staff could readily contact the defendant or a close family member.

7. SPR defendants were quite similar to other felony bookings with regard to criminal charges and prior arrests. They were dissimilar with regard to social characteristics and pretrial detention lengths. SPR defendants, with the possible exception of the Miami site, reflect the characteristics of defendants who could not secure immediate pretrial release. As such there is confidence that the SPR test design dealt with defendants who otherwise would not have been released.

8. SPR affected a significant number of the pretrial felony cases in only one site. SPR cannot by itself solve jail crowding, but can become an important component of an overall pretrial services system. This will depend upon the size of the jurisdiction's pretrial population and SPR screening criteria.

Table 4-13
Proportion of the 1981 Random Sample of All Felon Booking Accepted Into SPR

	Portland	Miami	Milwaukee	Total
% SPR Cases	2.1%	1.9%	14.0%	5.3%

9. Miami stands out as the site least likely to achieve its intended goals. Defendants admitted to that program, compared to Portland and Milwaukee, were less likely to be charged with serious crimes or has extensive criminal histories. Miami's screening procedure also encouraged the possibility of releasing defendants to SPR who would have otherwise gained release through existing release mechanisms (i.e., skimming).

Chapter 5
INTERVENTION: SUPERVISION AND SERVICE

Selecting the appropriate defendant for SPR was only part of the assignment facing each test site. Each was also responsible for systematic delivery of intensive supervision and/or services to defendants released by the court to SPR. Random assignment of defendants to supervision or to supervision with services were the two main experimental conditions tested by the study.

The focus on these forms of intervention underscored NIJ's interest in learning if FTA and pretrial arrest rates of defendants charged with serious felony crimes could be minimized through well administered supervision and services. Many pretrial release agencies do not provide intensive surveillance to released defendants. Instead they depend solely upon refined selection criteria such as the Vera point scale with the hope that identification of the low-risk defendants will suffice to minimize FTA and pretrial crime rates. Results from this study will test the potential of pretrial supervision as a means of improving pretrial performance. Consequently it may indicate whether pretrial agencies have relied too heavily upon selection criteria for controlling pretrial behavior, in contrast to surveillance and services.

The purpose of this chapter is twofold. First, the levels and types of supervision and services delivered to defendants are described in detail. Too frequently, experimental studies fail to describe the intensity and quality of treatment services delivered to clients. This can lead to conclusions that "nothing works" when in fact nothing was tested. We try to avoid this pitfall by giving the reader detailed information on the nature of the experimental conditions and how these are related to program outcomes. Second, site specific variations found in supervision and service levels are then traced to variations in contextual and selection characteristics also found at each site (Chapters 3 and 4). Contextual

and selection factors did influence the administrative styles and the quality of intervention provided by each program which ultimately influenced the extent of program impact on FTA and pretrial crime rates.

A. Length of Supervision

It is instructive at the outset to discuss briefly supervision and services in relation to time defendants spent under the control of SPR. Obviously the length of intervention can affect any program's potential for changing or suppressing defendant behavior and attitudes. This is especially important for SPR since many defendants had lengthy histories of alcohol and drug abuse, coupled with sporadic or non-existent employment records. Given the longevity of their marginal existence, one can question how realistic it was to expect significant changes in these individuals after exposure to social services for no more than 30-90 days.

Supervision length also provides clues to the potential for SPR to reduce jail crowding. Assuming SPR defendants would have remained in jail until disposition of their cases if SPR did not exist, the supervision length is a crude measure of jail days saved. If the supervision period is long, jail days saved will be correspondingly high, but if the period is short, cost-savings will be low.

If one combines all the cases from the three sites, SPR defendants spent a median time of 48 days in the program (Table 5-1). The 48 day average obviously is not representative since it is heavily influenced by the large number of Miami cases which reported a short supervision period of 24 days. Milwaukee and Portland reported much longer periods: 83 days and 69 days respectively. The short period of supervision in Miami is largely explained by that jurisdiction's rather unique charging policy. Prosecutors in Dade County are not required to file charges until 21 days after arrest. Many charges, consequently, are dismissed or disposed of informally prior to this 21-day deadline. By selecting defendants for SPR release prior to the filing of charges many of Miami's SPR cases were

Table 5-1

Length of Time Under SPR Jurisdiction
By Site

	Portland	Miami	Milwaukee	Total
Mean Days in SPR	64 days	45 days	109 days	63 days
Median Days In SPR	62 days	24 days	83 days	48 days
Number of Cases In SPR				
First 30 days	(287) 100%	(989) 100%	(406) 100%	(1682) 100%
31-60 days	(206) 72%	(464) 47%	(316) 78%	(986) 57%
61 days or over	(135) 47%	(289) 29%	(244) 60%	(668) 40%

Source: SPR Release File

terminated in less than 21 days. This, in turn reduced the potential for jail crowding since SPR defendants were unlikely to have lengthy pretrial detention periods. In Milwaukee and Portland, where charges are filed within 48 hours, defendants who are not released within 2-3 days have stays of at least 40 days, Milwaukee and Portland held the greatest promise for reducing or impacting pretrial jail populations since they had implemented a screening system which focused on long-term detainees. For Miami to have a similar effect, it would have to either adjust its charging policy or wait until the 21 day filing deadline had passed.

B. Standards of Supervision and Services for SPR

The court-ordered conditions of supervision and services which were established by negotiation between the three SPR sites, NIJ monitors, and consultants from the National Pretrial Resource Center, required defendants to report regularly to SPR project staff and to service delivery agencies in person, by phone, or both.

The standards for defendants in the Supervision Only group included: 1) a minimum of one phone contact plus two face-to-face contacts each week during the first 30 days of release, and 2) one phone contact per week for the subsequent period during which the defendant was under SPR jurisdiction. After the first month, SPR staff could also review the defendant's performance and, if necessary, adjust the frequency of face-to-face contacts. Any combination of three missed phone or in-person contacts constituted a violation of the conditions of supervision.

Standards for defendants in the Supervision Plus Service group included: a minimum of one phone contact each week and one face-to-face contact each week with the designated service agency during the first month of release. Again, after the first month, SPR staff could review defendant's compliance and modify the

frequency of reporting. The reduction of required face-to-face contacts with SPR for the supervision plus service group took note of the difficulties such intensive contact created for defendants who also had to meet with their attorneys, make court appearances, and maintain family relations. Any combination of two consecutive missed in-person contacts with the service agency and one missed phone contact with SPR constituted a violation of SPR conditions. When violations of these conditions of release occurred, the court was notified and further actions could be taken, including termination from the program and return to pretrial detention.

All the sites required that defendants initiate contacts with SPR staff and service delivery agencies. It was the defendant's responsibility to make appointments and find suitable transportation to SPR's offices and to the service agencies. Staff exercised wide discretion in determining whether a missed contact was a violation of the conditions of release. While the minimum standards were fixed for all sites, each could impose more stringent standards on some or all of their clients.

C. Reported Levels of Supervision

Despite slight differences in the minimum standards for contacts required of the supervision only group versus the supervision plus services group, both groups actually received equal amounts of supervision. In other words, the supervision groups received the same number of phone contacts and face-to-face contacts as did the supervision plus services group. Therefore, the discussion of supervision levels applies to both experimental groups, while the discussion of services is necessarily limited to defendants in the service group.

Table 5-2 reports the average levels of supervision delivered for each site by relevant time periods. Viewed as a whole, this table shows considerable diversity among the three sites. Miami clearly stands out as the jurisdiction with

Table 5-2

Average Levels of Supervision
Phone and Face To Face Contact
By Site

Supervision Type	Portland	Miami	Milwaukee	Total	
	$\bar{x}$	$\bar{x}$	$\bar{x}$	$\bar{x}$	Median
Phone Contacts Made					
First 30 days	11.1	2.5	4.6	4.5	3
31-60 days	10.9	2.1	3.8	4.5	3
61 days and above	13.6	1.6	9.6	6.9	3
Phone Contacts Missed					
First 30 days	1.8	2.1	0.4	1.6	0
31-60 days	2.4	3.4	0.2	2.2	1
61 days and above	3.8	4.5	0.6	2.9	1
Face-To-Face Contacts Made					
First 30 days	4.6	2.1	7.3	3.8	3
31-60 days	3.7	7.1	4.5	2.7	2
61 days and above	4.3	1.3	10.4	5.3	2
Face-to-Face Contacts Missed					
First 30 days	1.7	0.7	0.5	0.8	0
31-60 days	2.1	1.0	0.4	1.0	0
61 days and above	3.4	1.1	0.8	1.4	0
Total Phone Contacts	35.6	6.2	18.0	15.9	9
Total Face-To-Face Contacts	12.6	4.5	22.2	11.8	7
Total Contacts	48.2	10.7	40.2	27.7	16

* $\bar{x}$ = mean scores

Source: SPR Release File

the least amount of supervision. Part of these differences in supervision levels is also explained by caseload sizes. Miami's staff had caseloads of 40 per staff person compared to Portland's and Milwaukee's caseload size of 10-15 per staff person. The high supervision level sites, Milwaukee and Portland, used different means for delivering intensive supervision. Portland relied heavily upon the telephone to monitor its defendants throughout the program. Portland's defendants, on the average, received six more phone contacts per month than required. However, Portland was not as aggressive in terms of face-to-face contacts, falling well below the required twice a week (or eight in total) standard for the first 30 days of supervision.

Milwaukee, conversely, placed greater emphasis on face-to-face contacts, averaging over seven during the first 30 days, slightly less than the twice a week standard, but well above Portland and Miami. This was consistent with the social work orientation of the Milwaukee's staff, who wanted to interview the defendant at least once a week.* Milwaukee's phone contacts were maintained at the required once a week level.

Returning to Miami, there are several factors which explain its low supervision level. First and foremost was the acceptance of a much larger number of cases than at the other sites. This in turn made it impossible for staff there to provide minimum supervision levels. For example, Miami's staff with an average caseload of 40 defendants translates into 40 phone calls and 80 face-to-face contacts per week per caseworker under the terms of the SPR design. This supervision work was in addition to screening interviews, making court appearances and miscellaneous activities. Accepting such a large number of defendants guaranteed

* WCS's emphasis on face-to-face contacts also produced a moderate level of contamination of the supervision only group. Services, principally counselling, were inadvertantly delivered to this group. Contamination of the experimental groups is discussed in greater detail in a later section of this chapter.

that Miami would fail to provide minimum levels of supervision. Based upon Miami's experiences, it is clear that any jurisdiction desiring to replicate SPR should maintain individual caseloads of no more than 25 defendants if it hopes to deliver minimum standards of supervision.

A further complication for Miami was its size and geography. Traveling from one section of the city to the downtown courthouse where SPR was located frequently meant a one hour bus ride. These distances also made it impractical for staff to maintain a routine schedule of face-to-face contacts with defendants. Finally, a large proportion of Miami's defendants were Cuban and Haitian, who had problems with the English language. This language problem was compensated for by hiring a Spanish speaking caseworker who attempted to develop a specialized caseload of Cubans and Haitans. However the numbers remained overwhelming.

Table 5-3 analyzes the amount of supervision levels in a slightly different way. Here we determine which proportion of the SPR cases met the minimum standards of supervision by each site. In general across the sites, phone contacts were completed more frequently than the bi-weekly face-to-face contacts which proved to be the most difficult standard to meet. Only Milwaukee appears to have approached full compliance with both phone and face-to-face standards. However, both Portland and Milwaukee achieved similar composite levels of supervision (phone plus face-to-face contacts) whereas Miami provided only one-fourth of the supervision delivered by these two sites. If supervision has any relation to FTA and pretrial crime, based upon these site differences in supervision rates, one would expect Miami to have higher FTA and pretrial crime rates and Milwaukee the lowest.

Attempts were made to develop some crude measures on the intensity of these phone and face-to-face contacts. Staff were required to record on data

Table 5-3

Proportion of Cases Meeting Telephone and Face-To-Face Contact Standards for 30 Days or More By Site

	Portland	Miami	Milwaukee	Total
% Meeting Telephone Contact Standard	96.2%	73.3%	81.4%	79.2%
% Meeting Face to Face Contact Standard	44.8%	53.4%	74.9%	57.5%

Source: SPR Release File

sheets the length of time (in minutes) spent talking to defendants over the phone and meeting with them in their offices. Face-to-face contacts averaged 9-11 minutes and were primarily of an informational nature, such as court dates and referrals to service agencies. Phone contacts ranged from an average high of about five minutes in Milwaukee to less than two in other sites. As with face-to-face contacts, staff were instructed to limit conversations to factual information, such as current address and employments situations, and upcoming court appearances.

Despite the lack of full compliance in meeting SPR supervision standards, (especially for face-to-face contacts), SPR staff rarely declared an official violation of the contract condition and returned the case to court (Table 5-4). This was especially true for Miami which is interesting given its already noted low level of compliance with minimum standards. Miami's staff overload makes it appear that they routinely ignored violations of the contact agreement. The failure to report violations generally reflected judicial policy. At all sites, judges stated that their primary concern was FTA's or pretrial crime and not the defendant's failure to call in on time or meet with his/her caseworkers as scheduled. Unless the court was willing to enforce contact violations by ordering the defendant to jail, staff had little reason to declare an official violation and bring the case back before the judge for revocation.

D. Reported Number and Type of Services Delivered

Defendants in the supervision plus services or mandated services groups received a wide variety of services by an array of external agencies. Milwaukee's WCS agency, however, delivered most of its services through its own staff and its existing social service programs. This in-house capacity to deliver its own services proved to be the most effective means for ensuring that services were delivered to defendants and also explains their high rate of face-to-face

Table 5-4

Proportion of Cases With Contact Violations
By Site

	Portland	Miami	Milwaukee
First 30 days	9.8%	0.1%	12.8%
31-60 days	4.4%	0.0%	8.5%
61 and above	12.7%	0.0%	14.3%
Total Contact Violations*	18.4%	0.1%	25.1%

* The total contact violations percentage is based upon the total number of all violations for all defendants. Contact violations percentage for the three 30 day time periods are based only on the number of cases remaining in that time period.

Source: SPR Release File

The brokerage system used by Portland and Miami was much less successful as we shall see in the following data.

Although defendants could be assigned to any number of service types, the average number of services provided per defendant was one (Table 5-5).* Milwaukee's defendants had the highest rate of services, delivering over 360 services for an average of 2.2 services per defendant, compared to Miami's rate of 0.5 services and Portland's rate of 1.2 services per defendant. The vast majority of services at Milwaukee were delivered by the WCS staff. It had developed a structure whereby a few staff were responsible only for screening SPR candidates in the jail while the majority of staff concentrated on delivering services. Portland used a few agencies to broker service referrals and Miami used a large number of outside agencies. And, as noted before, Miami's staff had little time to provide services themselves given their high caseloads and rapid turnover of cases. These differences among the sites reflect Milwaukee's strong commitment to services and its in-house capacity to deliver them. For this reason, Milwaukee clearly emerges as the best test site for evaluating the impact of services on defendant behavior.

The most common service types delivered to defendants were employment (37 percent), alcohol treatment (18 percent), drug treatment (16 percent), and general counselling (15 percent). Few defendants were assigned education or other services such as housing or medical services. The high rate of employment services delivered is consistent with the high unemployment rate of SPR defendants which ranged from 39-74 percent (see Chapter 4, Table 4-10).

* The NCCD data base allows one to record both the number and type of services provided per defendant. As many as five service types can be documented. The statistics presented in this section are at two levels: the rates of total services provided per defendant and the rates of total services delivered per site.

Table 5-5

Types of Services Delivered By Site*

	Portland	Miami	Milwaukee	Total
Employment/Vocational	(62) 43.4%	(66) 26.3%	(153) 41.7%	(281) 36.9%
Alcohol Treatment	(23) 16.1%	(26) 10.3%	(91) 24.8%	(140) 18.4%
Drug Treatment	(13) 9.1%	(55) 21.8%	(51) 13.9%	(119) 15.6%
Counselling	(11) 7.7%	(59) 23.4%	(43) 11.7%	(113) 14.8%
Education	(9) 6.3%	(23) 9.1%	(18) 4.9%	(50) 6.6%
Other	(25) 17.5%	(23) 9.1%	(11) 0.3%	(50) 6.6%
Total Service Delivered	143	252	367	762
Total Defendants in Service Group	117	472	164	753
Services Per Defendant**	1.2	0.5	2.2	1.0

* These percentages reflect the proportion of all services delivered by that particular service type. For example, of the 762 services delivered at all the sites 15.6% or 119 services were drug treatment-type services.

** This ratio represents the total number of services provided divided by the number of defendants terminated from the program.

Source: SPR Release File

Both Portland and Milwaukee relied most frequently upon employment/vocation training services which is consistent with the fact they had the highest rates of unemployed defendants (63 percent and 74 percent respectively). However, employment services, at all sites, were largely referrals to employment agencies or vocational training programs. It rarely meant that a person actually received employment. The three counselling services (counselling in general, alcohol treatment, and drug treatment) were provided by in-house staff (especially in Milwaukee) or by referral to specialized agencies.

Referral or initial contact with a service provider, however, did not signify that services were fully delivered or delivered in a professional manner. In most cases, a period of several weeks was required (e.g., several counselling sessions or repeated attendance at a tutorial language program in Miami). But given the brevity of SPR involvement, there is little reason to believe services could be delivered in an intensive manner. This is especially true for Miami with its 21 day period of intervention.

In general, a service violation was noted when the frequency or degree of non-compliance reached such levels that removal from the program had to be considered by the court. The total service violation for all sites was 12 percent (Table 5-6). Looking across sites a familiary pattern appears once again. Miami, as with supervision violations, reported almost no service violations whereas Portland and Milwaukee reported 17 - 18 percent violation rates. Within these two latter sites, defendants assigned to drug and alcohol treatment services reported the highest rates of violation.

Table 5-7 shows the average number of services contacts made per week within the major service types while under SPR jurisdiction. In general, defendants did meet the required minimum standard of weekly contacts. Portland had the highest rate of contacts per week (2.8) whereas Miami and Milwaukee

Table 5-6

Rates of Service Violations
By Type of Service By Site

Service Type	Portland	Miami	Milwaukee	Total
Employment/Vocational	(60) 8.0%	(59) 0.0%	(140) 12.9%	(259) 8.9%
Alcohol Treatment	(23) 30.4%	(26) 0.0%	(82) 22.0%	(131) 19.1%
Drug Treatment	(12) 33.3%	(52) 3.9%	(46) 28.3%	(110) 17.3%
Counselling	(11) 0.0%	(52) 0.0%	(37) 5.4%	(100) 2.0%
Education	(9) 11.1%	(19) 0.0%	(15) 26.7%	(43) 11.6%
Other	(20) 30.0%	(21) 0.0%	(9) 33.3%	(50) 18.0%
Total	(135) 17.0%	(229) 0.9%	(329) 17.6%	(693) 12.0%

Source: SPR Release File

Table 5-7

Weekly Service Contacts Per Type of Service
By Site

Service Type	Portland (143)	Miami (252)	Milwaukee (364)	Total (759)
All Services	2.8	1.0	0.9	1.2
Employment/Vocational	2.5	0.6	0.5	0.9
Alcohol Treatment	3.2	0.8	1.2	1.4
Drug Treatment	2.5	1.4	1.2	1.4
Counselling	2.7	0.5	0.4	0.6

Source: SPR Release File

averaged one weekly service contact. Separating these weekly contact rates by service type shows only that counselling, in general, had the lowest contact rate whereas alcohol and drug treatment required the greatest contacts.

E. Service Contamination of Experimental Groups

Few researchers conducting experimental studies verify whether experimental conditions were actually achieved in the treatment and control of subjects. Consequently, many such studies showing differences between experimental groups may be masking the fact that substantial contamination has occurred. For SPR, service contamination could occur in two directions; (1) the supervision group may have actually received services or (2) the service group may not have received services.* In both instances, cases of contamination needed to be identified and either moved to the appropriate treatment category or discarded entirely from the analysis.

Table 5-8 shows the level of contamination by each of the two directions noted above for each site by experimental group. Overall, contamination was slight for the supervision group but significant for the services group. Not unexpectedly, Miami had the greatest rate of contamination with over 68 percent of its service group not receiving services. This is strong presumptive evidence that processing too many cases severely restricts an agency's ability to deliver programmed services.

Milwaukee alone reported a significant proportion of supervision only cases receiving services — a finding which fits with WCS's emphasis and capacity to deliver treatment services. Staff there found it difficult to restrict their contacts with the supervision subjects to informational concerns only. Instead, conversations tended to evolve into general counselling and therapy sessions.

* We have already noted that both groups received equivalent levels of supervision contacts.

Table 5-8

Service Contamination Rates By Randomized Group By Site

Treatment Group	Portland		Miami		Milwaukee		Total	
Supervision Only								
Randomized Total	(123)	100%	(449)	100%	(187)	100%	(759)	100%
Contaminated	(3)	2%	(3)	1%	(38)	20%	(44)	6%
Corrected Total	(120)	98%	(446)	99%	(149)	80%	(715)	94%
Services Plus Supervision								
Randomized Total	(117)	100%	(472)	100%	(164)	100%	(753)	100%
Contaminated	(29)	25%	(320)	68%	(9)	11%	(358)	48%
Corrected Total	(88)	75%	(152)	32%	(155)	89%	(395)	52%

Source: SPR Release File

Source: SPR Release File

F. Program Termination

While discussion of termination of cases in SPR properly deserves treatment in a succeeding chapter which examines FTA's and pretrial crime, some general findings are appropriate to include here. This also draws attention to the fact that each site's documentation of the official reason for termination included criteria other than FTA or pretrial crime. For example, defendants were terminated simply for technical reasons even when there were no FTA or pretrial crime incidents. The reasons for termination are summarized below.

Most defendants (74 percent) admitted to SPR successfully completed the service and supervision conditions, did not FTA for any court appearances, and were not arrested for new crimes while on pretrial release status (Table 5-9). Portland and Milwaukee had the lowest success rates principally because they enforced supervision and service standards which resulted in technical violations. In contrast, Miami had a high overall success rate only because it rarely violated defendants for technical reasons. Miami, however, had the highest proportion of cases officially terminated for FTA's. All three sites report equal rates of termination because of pretrial arrests. Please note, however, that these FTA and pretrial arrest rates are not the official total rates which are analyzed in greater detail in Chapter 6.

G. Findings and Conclusions

Each site established unique styles of providing supervision and services to their defendants as summarized below and illustrated in Exhibit C.

Portland: It emerged as a site with strong emphasis on supervision principally maintained through frequency of phone contacts and strict enforcement of conditions of release. Services were delivered by outside agencies with a high level of intensity. Moderate levels of contamination were found in the services group only.

Miami: Insufficient supervision and services were provided to its defendants. Services were delivered infrequently or not at all to the service group. Consequently, contamination was high. Enforcement of release conditions was low.

Table 5-9

Official Reason for SPR Termination
By Site

SPR Outcome	Portland	Miami	Milwaukee	Total
	(287)	(989)	(406)	(1682)
Successful Termination	70.8%	76.3%	69.6%	73.8%
Unsuccessful Termination - Technical Violations	13.2%	0.4%	14.5%	5.9%
Contact Violation	6.6%	0.3%	9.4%	3.5%
Service Violation	3.1%	0%	0.5%	0.7%
Contact and Service Violation	3.5%	0.1%	4.6%	1.7%
FTAs	5.2%	13.0%	5.3%	9.9%
Pretrial Arrests	8.7%	9.0%	9.1%	9%
Other	2.1%	1.2%	1.5%	1.4%

Source: SPR Release File

Exhibit C

Comparisons of Intervention Strategies
By Site

Intervention Factors	Portland	Miami	Milwaukee
Supervision Factors			
Dominant Form of Supervision	Phone	Both	Face to Face
Intensity of Supervision	High	Low	High
Median Length of Supervision	62 days	24 days	83 days
Mean Length of Supervision	64 days	45 days	109 days
Services			
Dominant Type of Service Delivered	Employment	Drug Treat Employment Counseling	Employment
Intensity of Services Delivered	High	Low	High
Enforcement of Release Conditions	High	Low	High
Contamination Levels			
Supervision Group	Low	Low	Moderate
Services Group	Moderate	High	Moderate

Milwaukee: Used frequent face-to-face contacts to supervise their defendants. It had the longest period of supervision. Services were principally employment related and delivered in-house. Conditions of release were strictly enforced. Contamination was moderate in both the supervision and services group. Staff were committed to a social work orientation.

Furthermore, we can state some significant findings in terms of how SPR programs should administer their services and supervisory contacts. These should guide practitioners seeking to replicate a SPR program in their jurisdiction.

1. SPR programs should maintain caseloads no higher than 25 defendants per caseworker.

2. Phone contacts are the most useful and practical means for maintaining supervision over defendants. This is especially true for large jurisdictions where public transportation is difficult.

3. Services will be of little value unless an agency can deliver professional services in-house. This is especially true if the period of pretrial release is limited to only a few weeks.

4. The courts are unwilling to revoke SPR status on technical grounds alone. Judges are uncomfortable with the prospect of revoking pretrial release status due to a defendant's failure to maintain phone contacts or report for social services.

Chapter 6

SPR IMPACT ON DEFENDANT BEHAVIOR AND THE CRIMINAL JUSTICE SYSTEM

This chapter analyzes the impact of SPR on defendant behavior and on criminal justice system practices. Defendant behavior is evaluated principally upon two outcome measures: FTA's and pretrial arrests. The effects of supervision versus supervision with services is the primary test of the SPR experimental design. Analysis is also presented to identify defendant and program characteristics associated with high FTA and pretrial arrest rates. Finally, the FTA rates for other methods of pretrial release are compared to SPR's FTA rates to determine if SPR is a superior means of pretrial release.

Criminal justice impact is assessed in several ways. Time series data are presented to measure the success of these programs in controlling jail crowding. Second, using the retrospective data samples, pre- and post-SPR comparisons are made over time to learn how rates of pretrial release and court dispositions were affected by the presence of SPR.

A. Definitions of FTA Rates

Before we begin the analysis, a brief review of how an FTA was defined is in order. FTA's were recorded in each instance where the court issued a formal bench warrant for such non-compliance behavior. Instances where the defendant did not appear as instructed by the court, but the court declined to issue a bench warrant were not recorded as an FTA. FTA rates were calculated in two ways: defendant-based and appearance-based. The former reflects the proportion of defendants who did not FTA regardless of the number of court appearances (or chances to FTA) requiring their attendance. Thus a person who missed one of five court appearances was treated as an FTA. This method is the more conservative measure of FTA since it discounts many positive court appearances made by the

defendant. Appearance-based rates attempt to correct for the conservative bias in defendant-based rates by computing a ratio of total FTA's to total court appearances. Most of the tables actually show the "appearance" rates which reflect the proportion of defendants or the proportion of appearances for which an FTA bench warrant was not issued. A 90 percent appearance rate using the defendant-based ratio means that 90 percent of the defendants appeared for all of their court hearings.

Contamination found among the treatment groups in Chapter 5 required special handling of the impact analysis. FTA (and pretrial arrest) rates are computed for three arrays of the experimental groups:

1. As originally randomized regardless of the amount of contamination.
2. Deleting all contaminated cases from the analysis.
3. Reassigning contaminated cases to those groups fitting their actual experiences of service and supervision.

B. FTA Results

All three sites reported high appearance rates ranging from 81-98 percent (Table 6-1). Miami consistently reports the lowest appearance rates (81 percent) whereas Portland and Milwaukee have rates near or exceeding 90 percent. Closer inspection of the data also shows that deletion and reassignment of the contaminated cases bear little change on these rates.

Across the three sites the supervision plus service groups consistently report slightly higher appearance rates but these differences are both statistically and substantively insignificant. With base rates exceeding the 80-90 percent level, slight differences of one to six percent among treatment groups are of little substantive importance and may simply be the cumulative effects of random measurement error.

CONTINUED

1 OF 2

Table 6-1

Proportion of SPR Defendants With No FTAs
By Site*

	Portland (288)	Miami (990)	Milwaukee (414)
Original Randomized Groups			
Supervision Only	92.7%	81.1%	88.8%
Supervision Plus Services	97.4%	81.8%	91.5%
Mandated Cases	91.7%	89.9%	93.7%
Contaminated Cases Deleted			
Supervision Only	92.5%	80.9%	87.1%
Supervision Plus Services	97.7%	82.2%	92.3%
Mandated Cases	91.7%	89.9%	93.7%
Contaminated Cases Reassigned			
Supervision Only	93.3%	81.2%	86.5%
Supervision Plus Services	97.8%	82.6%	92.4%
Mandated Cases	91.7%	89.9%	93.7%

* No differences between randomized release groups found to be statistically significant at the .05 level of probability using Chi-square statistic.

Source: SPR Release File

This latter point is illustrated in Table 6-2 where appearance-based rates are computed using the reassigned contaminated case sample. As expected, the appearance-based rates are generally higher than the defendant-based rates. Portland's supervision plus service group does slightly worse using appearance-based rates and the differences for these two experimental groups in the other two sites are smaller.

Given the overall similarity in FTA rates among the experimental groups we must conclude that the provision of services to these types of defendants has no positive impact on FTA behavior. This finding is not surprising given our previous observations on the quality and duration of services provided to defendants as discussed in Chapter 5. Indeed, given the high rates of compliance, it is doubtful that any service program regardless of its professionalism and resources would be able to significantly improve upon the rates reported here.

An interesting side note concerns how soon FTA's occur after pretrial release to SPR. Exhibit D plots the frequency of FTA's to occur by length of time in the program. Although there is a general trend of most FTA's to occur within a few weeks after release, the rate of FTA's remains fairly constant thereafter throughout the remaining time of SPR supervision. Of particular interest are the upward tails of the graph occurring during the latter weeks which show dramatic increases in FTA's. This phenomenon was reported to the researchers during interviews with project staff. They observed that some defendants would become increasingly nervous about their upcoming court hearings, especially as they neared sentencing. Most defendant crimes included the possibility of a prison term if convicted which apparently accelerated some of the defendant's anxiety and also increased the tendency to FTA. From a policy perspective, these data strongly suggest that supervision should be slightly increased during the final phase of the pretrial process. It is not a situation when the first few weeks will determine how the well defendant will perform throughout the entire pretrial period.

Table 6-2

Percentage of Court Appearances Made of Total Possible Court Appearances By Site*

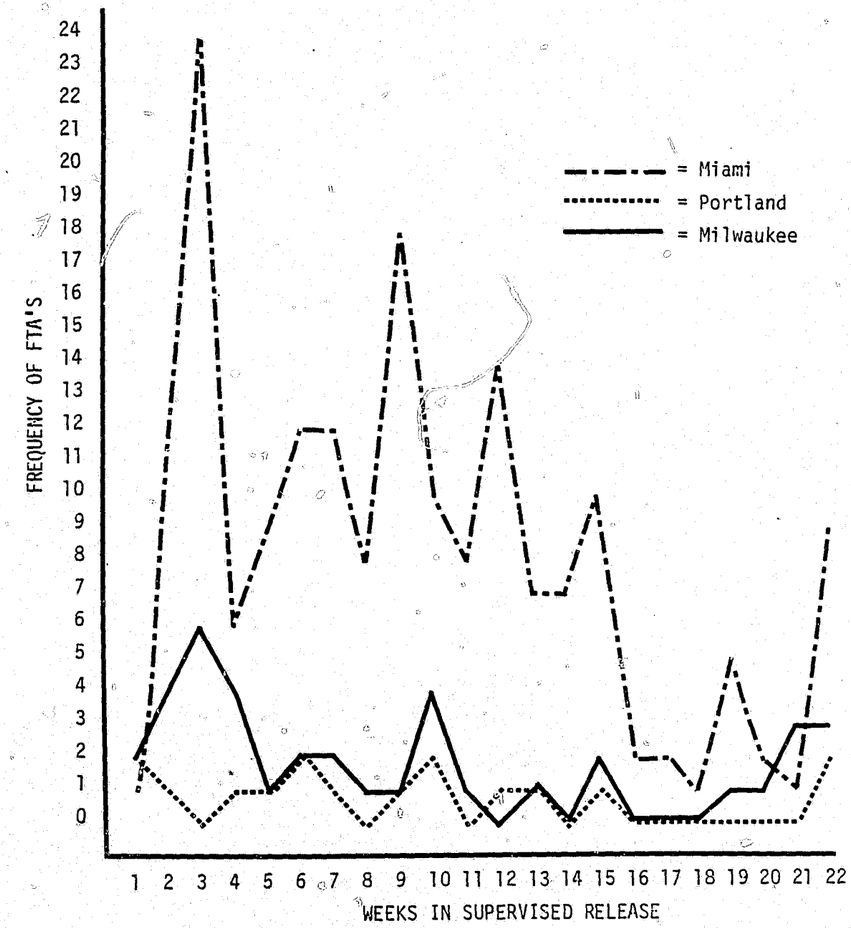
Random Assignment	Portland**	Miami	Milwaukee
	(288)	(990)	(414)
Supervision Only	95.5%	89.4%	95.6%
Supervision Plus Services	93.5%	92.3%	97.4%
Mandated	82.7%	93.4%	97.1%
Total FTAs For Court	45	286	56
Total Possible Court Appearances	671	2896	1743

* Based on Contaminated Cases being reassigned to their appropriate experimental group according to actual supervision and service experience.

** Statistically significant at the .05 level of probability using the Chi-square statistic.

Source: SPR Release File

EXHIBIT D



C. SPR FTA Rates Versus Other Pretrial Release Methods

How do the SPR FTA rates compare with the FTA rates of other pretrial release methods also available to felony defendants? The 1980-1981 retrospective samples provide comparative FTA rates for other methods of pretrial release both before and after SPR became operational (Table 6-3).

SPR, since it represents a non-financial release method, should be compared with other non-financial release methods. In Portland and Milwaukee the SPR cases report significantly higher appearance rates than for other pretrial releases in their respective jurisdictions. The differences range from a 10 percent higher rate in Portland to a 15 percent difference in Milwaukee. Only in Miami is the SPR appearance rate equivalent to non-financial releases and below that of financial releases. Miami's low appearance rate is related, we believe, to that program's weak screening procedures and low supervision levels which transformed the program into a slightly modified version of the existing OR program.

Two of the sites report an overall improvement in their appearance rates between 1980 and 1981. In Portland, the reason for this increase lies in lessons learned from the SPR test design itself. Portland's highly aggressive OR program, prior to SPR, was essentially a non-supervision release program. However, after the implementation of SPR, preliminary data on SPR appearance rates were found to be superior to the OR program. Subsequently, Portland's OR staff was encouraged by its director to make greater use of the telephone for supervision purposes — a technique used heavily by Portland's SPR staff. The appearance rate seems to have improved for the OR cases in 1981 due, in part, to this shift in policy.

In Miami the factors behind its improved appearance rate for all felonies are less clear. One probable reason was the extent of jail crowding itself, which despite the presence of SPR and the federal court order, continued to increase

Table 6-3

Proportion of Defendants With No FTAs
1980, 1981, and SPR Samples
By Site

	Portland	Miami	Milwaukee	Total
1980	(263)	(303)	(282)	(848)**
Financial Release	80.0%	78.3%	90.2%	83.7%
Non-Financial Release	70.0%	75.5%	82.6%	74.9%
1981	(520)**	(1302)	(546)**	(2368)
Financial Release	85.2%	89.1%	74.3%	84.6%
Non-Financial Release	84.0%	81.8%	75.8%	81.7%
SPR Releases*	94.4%	82.0%	90.6%	86.2%

* Includes Supervision, Supervision Plus Services, and Mandated Cases.

**Statistically significant at the .05 level of probability using Chi-square statistic. No other difference between release groups found to be statistically significant at the .10 level of probability using Chi-square statistic.

Source: SPR Release File

(see Exhibit G in this chapter). Judges may have liberalized their criteria for issuing FTA bench warrants to ease jail crowding as much as possible and to expedite case dispositions. It is unlikely that SPR had much to do with improving these appearance rates given what has been learned about the type of defendants selected and the level of supervision provided in Miami.

Milwaukee is the only site that the felony appearance rate did not improve. The most dramatic rise in failures to appear was in financial releases where the rate increased by almost 16 percent. It may be that the Milwaukee program siphoned off the best risk cases from traditional release methods or that judges toughened their criteria for issuing bench warrants.

It should also be noted that there is a fairly consistent and, at times, statistically significant difference between financial and non-financial appearance rates. For reasons this study is not directly concerned with, bail and the associated bailbonding industry report superior appearance notes.

Overall, one site (Portland) provided direct evidence that SPR improved appearance rates systemwide through a transfer of technology (greater use of phone calls) to the OR program. Changes were observed in the other two sites, but these cannot be directly attributed to the presence of the SPR program. More significantly, across all three sites the appearance rate of SPR releases is superior to other non-financial methods of pretrial release for felony defendants. This finding is particularly noteworthy given the level of risk associated with the SPR releases.

D. Fugitive Rates

Related to concerns about defendants missing court appearances (FTA's) are questions about fugitives — defendants who escape prosecution and by fleeing the courts jurisdiction after pretrial release. In research terms the concept of the fugitive is difficult to operationalize. While one can readily measure the issuance

of bench warrants issued for FTA's by the court, it is virtually impossible to ascertain if these defendants are purposefully avoiding court hearings. In some cases the defendant who FTA's does so out of neglect or ignorance as to what is expected of him in terms of court appearances. Fugitive rates, ideally, should represent only those persons who abuse pretrial release to escape prosecution and punishment.

To approximate the concept of fugitive all cases where an FTA occurred were examined to determine if a final court disposition had ever been reached. Those FTA cases where a disposition had not been made were defined as fugitives. This definition of a fugitive would include the following conditions: (1) those defendants willfully avoiding prosecution, (2) those who may still be in the process of being prosecuted on additional or related charges, and (3) those defendants who are unaware of continuing court actions against them and therefore believe there is no obligation to appear. This latter condition is probably quite rare given the seriousness of felony charges filed against SPR defendants.

Using this definition we found that non-fugitive rates were extremely high at all sites (Table 6-4). Miami reported the highest fugitive rate (8 percent) compared to Portland's and Milwaukee's two percent fugitive rate. Comparisons between SPR and the other methods of pretrial release for 1980 and 1981 show that in two sites the SPR non-fugitive rate is equal to or exceeds fugitive rates for those other release forms. Only in Miami is the SPR fugitive rate slightly below financial and non-financial methods of release. This is consistent with the FTA analysis for Miami and further evidence of the effects of Miami's weak screening system and low supervision policies.

E. Pretrial Arrest Rates

Measurement of pretrial arrests is a more straightforward enterprise. Each SPR case at termination underwent a rap sheet clearance to ensure that no arrests had occurred which were unknown to staff or the courts while under release

Table 6-4

Non-Fugitive Rates 1980 and 1981
By Site

	Portland	Miami	Milwaukee
	(263)	(304)	(281)
1980 Sample			
Financial Release	96.3%	96.1%	100.0%**
Non-Financial Release	97.3%	95.4%	97.3%**
1981	(520)	(1302)	(550)
Financial Release	94.3%	97.3%	94.6%
Non-Financial Release	95.0%	94.5%	95.1%
SPR Release*	97.9%	92.3%	97.6%

* Includes Supervision, Supervision Plus Services, and Mandated Cases.

**Statistically significant at the .05 level of probability using Chi-square statistic. No other differences between release groups found to be statistically significant at the .10 level of probability using Chi-square statistic.

Source: SPR Release and Retrospective Files

status. Arrests, of course, are not synonymous with actual crime. The direction of error can be in two directions: (1) under-reporting of criminal behavior which is unknown to the police and (2) erroneous arrests of defendants for which charges are never filed or proven to be true in court. In a Chapter 7 the final disposition(s) of the SPR pretrial arrests are analyzed, but there are no means for estimating the amount of undetected crime committed by these defendants.

As with FTA rates, pretrial arrest rates (Table 6-5) are quite low across all sites and do not vary according to the assignment of the contaminated cases. But there are some important differences among the sites and between the experimental groups. Miami pretrial arrest rates are roughly equivalent to the other sites. This is significant since Miami provided little supervision to its defendants, suggesting that the value of supervision is most apparent for minimizing FTA's and not pretrial crime. Also, differences between the experimental groups which slightly favored the service group are reversed in Miami and Portland. In both sites the supervision only groups fared slightly better than the service group although the differences should again be interpreted as both statistically and substantively insignificant.

The research design did not include collection of pretrial arrest rates for other methods of pretrial release for felony defendants within the study sites. However, a comparison can be made for Miami which was a study site for Lazar's national survey of pretrial release (1981). Lazar's 1979 sample included felony and misdemeanor defendants and therefore is not directly comparable to NCCD's pure sample of felony defendants. In the Lazar study the pretrial crime rate for Miami was 18 percent for all released defendants. However, that rate is a much higher 24 percent if only non-financial releases are analyzed. This is substantially below the 11-17 percent pretrial crime rate reported in Table 6-5 for Miami's SPR cases.

Table 6-5

Proportion of SPR Defendants With No Pretrial Arrests
By Site*

	Portland	Miami	Milwaukee
	(288)	(990)	(414)
Original Randomized Groups			
Supervision Only	85.4%	88.9%	89.3%
Supervision Plus Services	88.0%	85.6%	83.5%
Mandated	91.7%	85.5%	92.1%
Contaminated Cases Deleted			
Supervision Only	85.8%	89.0%	89.4%
Supervision Plus Services	88.6%	82.9%	84.5%
Mandated	91.7%	85.5%	92.1%
Contaminated Cases Reassigned			
Supervision Only	85.9%	88.1%	87.9%
Supervision Plus Services	87.9%	82.6%	85.7%
Mandated	91.7%	85.5%	92.1%

* No differences between randomized release groups found to be statistically significant at the .10 level of probability using Chi-square statistic.

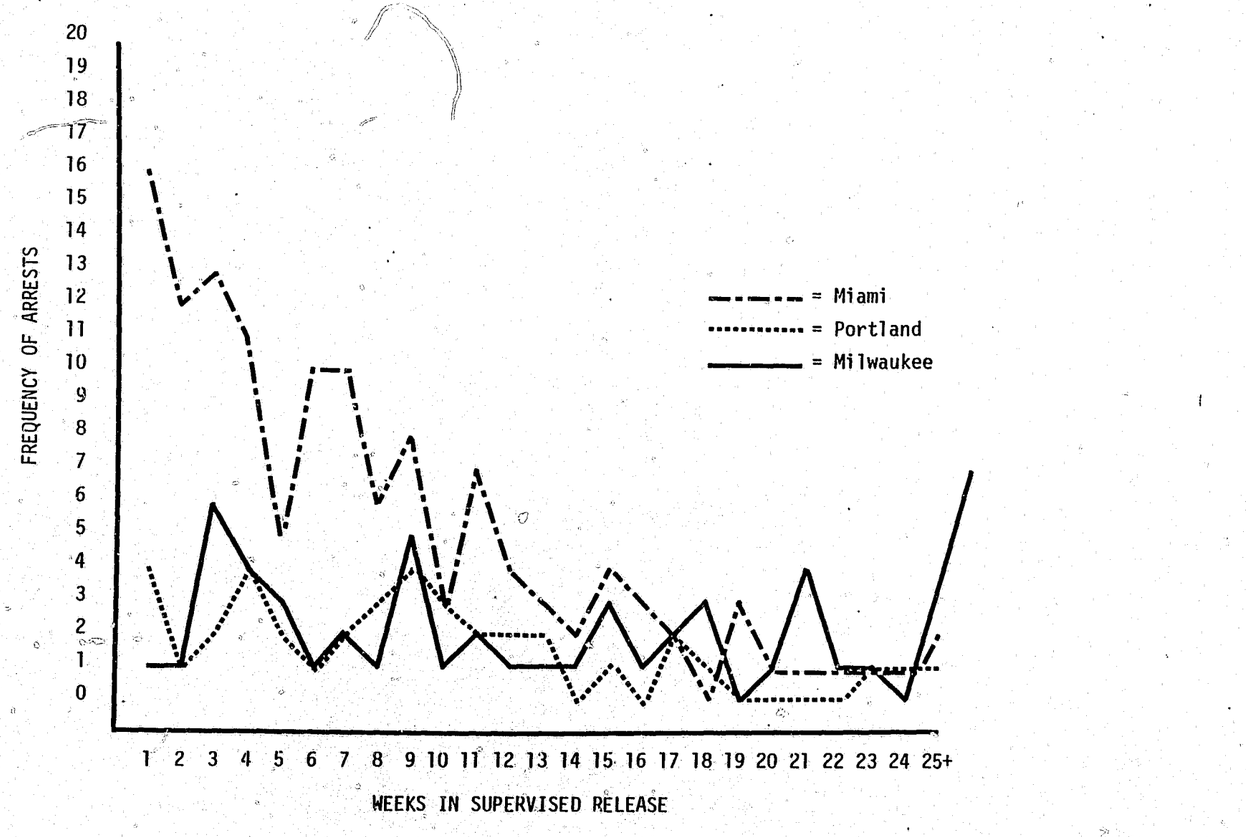
Source: SPR Release File

These results point toward two findings. First, services have little impact on pretrial crime. But a more interesting finding is that supervision, by itself, may not be the primary factor in reducing pretrial crime. Rather, defendants charged with more serious crimes may be better risks because of court and deterrent related factors associated with the more serious criminal charges. The reasons for this may not be that mysterious when one reconsiders the legal context of these felony cases. First, most felony defendants have experienced several days or weeks of pretrial detention prior to release. Second, many will have experienced difficulty in securing release and will be released only if family or close friends are able to post high bail amounts. Third, most defendants are facing the real possibility of state prison if found guilty. Finally, they must make numerous appearances in court and consult frequently with their attorney as their criminal case proceeds. Collectively all of these factors may serve to impress upon the felony defendant that an FTA or rearrest will have serious consequences on the outcome of the current criminal charge. These external factors may be more powerful than supervision by a pretrial program.

Lazar's (1981) national study showed a moderate relationship between pretrial crimes and the type of offense a person is charged with. This means that differences in pretrial crime rates between our data and Lazar's in Miami may only be a function of Lazar including misdemeanors in its sample. Earlier studies of supervised release in Des Moines, Philadelphia, and Washington D.C., have also shown that supervised release effectively controls FTA rates but has no impact on pretrial crime rates (NCCD, 1973; NIJ 1980). Findings presented here concur with the results of these earlier studies. In the following section on predictors of FTA and pretrial crime, we try to isolate the competing effects of supervision and individual characteristics of pretrial crime.

Plotting the frequency of pretrial arrests by time in the program shows a somewhat similar pattern to the FTA plots (Exhibit E). Both Portland and

EXHIBIT E


FREQUENCY OF ARRESTS
20
19
18
17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1
0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25+
WEEKS IN SUPERVISED RELEASE
= Miami
= Portland
= Milwaukee

Milwaukee had fairly constant rates of pretrial crime throughout the defendant's period of supervision. Milwaukee again reports an upward tail near termination. Miami, this time, shows more of a constant downward trend which is reflective of the rapid attrition of their cases within a four-week period.

F. Predictors of FTA and Pretrial Crime

Despite the low FTA and pretrial arrest rates of SPR cases, it may be that personal and program characteristics discriminate the large number of successes from the few failures. Lack of variation in the dependent variable (FTAs and pretrial arrests), however, means it will be difficult to improve the power of prediction, i.e., it's difficult to improve upon a 90 percent success rate. Nevertheless, identifying marginal predictions of FTA and pretrial crime may aid staff not only in screening decisions but more in determining which releases require the most intensive supervision levels.

The first task was to identify those variables significantly related to FTA and pretrial arrests. T-tests and other measures of association (chi-square, Goodman's tau B, gamma, and Crammer's V) were used to select discriminating variables. Unlike other analyses presented in this chapter, data are pooled for all three sites for two reasons. First, because there are, statistically, so few "failures," site-specific multivariate analysis would be severely hampered by an insufficient number of cases to produce stable results. For example, Portland and Milwaukee would have less than 40 cases each to be compared with the far more numerous success cases.

The second reason for pooling site data was to make these results as generalizable as possible to other jurisdictions interested in replicating an SPR program. By pooling the analysis, the potential for identifying discriminating variables idiosyncratic to a particular site would be minimized. Individual site analyses were done and occasionally a variable was found with significance at one site

but not for the other two. In such instances those variables were excluded from further multivariate analysis. Those wishing to replicate the predictor criteria developed here should be aware that their pretrial inmates may have characteristics unique to their jurisdiction. Consequently, variables used here should not be assumed to have predictive value in other jurisdictions.

Using this bivariate procedure, 24 variables were found to be statistically associated with pretrial arrests and 18 were found to be statistically associated with FTA's (Exhibit F). These variables can be grouped into five substantive areas:

1. Current charge characteristics
2. Prior criminal history characteristics
3. Personal characteristics
4. Community ties
5. Program supervision characteristics

The emergence of program supervision characteristics associated with pretrial behavior is surprising only in the sense that they have traditionally received short shrift in previous studies of bail risk. Ozanne et al., (1980) represents one of the few studies to incorporate what they define as "accessibility" factors in analysis of FTA behavior. They conclude that the existence of a telephone in a defendant's residence improved the accessibility of the defendant to the court which in turn made defendants better risks for pretrial release. Indeed, accessibility of communication with the defendant was an important factor in the development of the English bail system but has been unimportant in the development of screening models for pretrial release in America (Ozanne et al., 1980). The bivariate analysis supports Ozanne's findings that the presence of a telephone in a defendant's residence is related to FTA's and also shows that usage of that phone for supervision purposes is inversely related to both FTAs and pretrial

Exhibit F

Variables Associated With FTA and Pretrial Arrests

	FTAS	Pretrial Arrests
I. Current Charges		
1. Type of Charge Filed - Primary	X	X
2. Total Charges Filed	X	X
3. Total Court Hearings	X	
II. Prior Criminal History		
1. Total Misdemeanor Arrests	X	X
2. Total Misdemeanor Convictions	X	X
3. Total Felony Arrests	X	X
4. Total Felony Convictions		X
5. Total FTAs		X
6. Total Assault Convictions	X	X
7. Total Jail Sentences	X	X
8. Total Probation Sentences	X	X
9. Total Prison Sentences		X
III. Personal Characteristics		
1. Ethnicity	X	X
2. Age	X	X
3. Employment Status		X
4. Months Employed	X	X
5. School Grades Completed		X
6. Mental Health Commitments		X
7. Alcohol Commitments	X	
8. Drug Commitments	X	
IV. Community Ties		
1. Months at Current Address		X
2. Rent or Own House		X
3. Utilities in Defendant's Name	X	X
4. Telephone at Residence	X	
V. Program Supervision		
1. Phone Contacts Made	X	X
2. Face-to-Face Contacts Made	X	X
3. Face-to-Face Contacts Missed		X
4. Total Contact Violations		X

arrests. And other forms of supervision (face-to-face contacts made and missed, and contact violations) are factors which can be administratively manipulated and are related to pretrial behavior.

The first multivariate statistical procedure used was stepwise multiple regression. Multiple regression was used to identify which of these prediction variables was more important in explaining variation among SPR defendants who did and did not commit FTA's or were rearrested for new crimes. Since the dependent variable is essentially a dichotomous variable (FTA, non-FTA; Pretrial Arrest, No Pretrial Arrest) its application here is not totally appropriate.* Nevertheless, it does provide some basis to identify the best predictors of FTA and pretrial arrest.

Table 6-6 presents the results for both FTA and Pretrial Arrests. The most important finding from both analyses is the low R^2 scores. Less than nine percent of the variation can be explained using these criterion variables. The most important predictors of FTA are the supervision variables (phone and face-to-face contacts made per week) with high contact rates corresponding to lower FTA rates. The third variable entered represents persons charged with property crimes who tend to perform worse than other defendants.

Variables found to predict pretrial crime are somewhat different from those predictive of FTA's, but like the FTA analysis they do little to improve one's overall knowledge of why some defendants commit crimes and others do not. The total number of prior felony arrests is entered first into the equation followed by age. Aside from the face-to-face contact variable, the next five variables entered are unrelated to program supervision factors, which is in marked contrast to the FTA regression analysis.

* Regression analysis should use an interval or ratio level dependent variable. Dichotomous independent variables can be used if dummy variables are created.

Table 6-6

R^2 Scores For Predictors Of
FTA And Pretrial Arrest

FTA Stepwise Regression

Variable Entered	F Value	Cumulative R^2
*Face to Face Contacts	83.32	.051
*Phone Contacts	51.81	.063
*Property Charges	38.79	.071
Telephone At Residence	31.32	.075
Utility Payments By Defendants	26.53	.079
White Defendants	23.19	.083
*Prior Drug Commitments	20.40	.086

Pretrial Arrest Stepwise Regression

Variable Entered	F Value	Cumulative R^2
Prior Felony Arrests	36.82	.023
Age	31.55	.038
*Face to Face Contacts	25.35	.046
*Property Charges	22.02	.053
Prior Jail Sentence	18.94	.057
*Prior Drug Commitments	16.71	.060
Black	15.02	.063
*Phone Contacts	13.49	.064
Single Status	12.28	.066
Months Employed	11.30	.076

* Indicates variables found to be predictive of FTA and pretrial arrests.

Source: SPR Intake and Release Files

Comparing the composite ordering of the FTA and pretrial arrest regression analysis gives further evidence that FTA's, but not pretrial arrests, can be prevented through supervision. It should be remembered that in the case of Miami, where minimal supervision was provided, there was also a higher FTA rate compared to Milwaukee and Portland. However, for the pretrial arrest analysis, Miami's rate was equivalent to the other sites. If intensive supervision were related to pretrial crime, one would hypothesize a higher arrest rate for Miami. Instead, we find that youthful, unmarried, unemployed property offenders with extensive histories of criminal activities and drug abuse are those most likely to commit further crimes. For this group the high risk for FTA can be neutralized by providing intensive supervision.

Conclusionary statements like these run the risk of being misused by policymakers unfamiliar with the limits of multivariate analysis. Our analysis is necessarily cautious in light of the overall poor predictability of these regression models. To illustrate this point further another form of multivariate analysis was done. Discriminant function analysis is most appropriate for the problem at hand: attempting to simultaneously identify several variables which discriminate the recidivist from the non-recidivists (i.e., a dichotomous dependent variable). The procedure uses the criterion variable to classify each case according to how closely its individual characteristics resemble the aggregate characteristics of the recidivist and non-recidivist groups.

Table 6-7 summarizes how successful the model classified SPR defendants according to the FTA and Pretrial Arrestee groups. In both instances, accurate prediction for SPR cases which had no FTA's or pretrial arrests was quite high, but quite low for the failures. In other words, using these criterion variables will be of little utility in predicting who will fail on SPR, especially for the pretrial arrests. In essence, discriminant function analysis confirms the regression

Table 6-7

Discriminant Function Classification Analysis Of
FTA And Pretrial Arrests Case
Correctly Classified Using Criterion Variables

FTAs

Non FTAs Correctly Classified	96.9%
FTAs Correctly Classified	20.8%

Pretrial Arrests

Non Pretrial Arrestees Correctly Classified	99.4%
Pretrial Arrestees Correctly Classified	4.4%

analysis which also showed these criterion variables to be poor predictors of FTA and pretrial crime.

From a policy perspective a basic conclusion can be drawn. These criterion variables are not to be used only for pretrial screening purposes. The fact that there was an aggregate 85-95 percent chance for success across all sites, which used unique screening criteria and intervention styles, means that most releases will successfully complete their period of supervision. Furthermore, the number of phone and face-to-face contacts delivered, which cannot be used for screening purposes, can be used for classification purposeses to ensure that some SPR defendants receive close supervision once they are released. This narrow use of criterion variables for screening purposes only should be expanded to improve decisions on supervision levels.

G. Impact on Jail Crowding

SPR was expected to have some impact on jail crowding. By releasing defendants who otherwise would have remained in detention, bed space would be freed up and crowding eased. This was especially relevant to cost-effective arguments put forth to justify SPR's operating costs.

Two types of analysis were done to assess jail crowding impact. First, we calculated the theoretical number of beds saved by SPR. Estimates were based on two major assumptions: (1) defendants would not have gained immediate release from detention and (2) the median length of time in detention for those not releaseed for each site less the median length of detention days for the SPR cases represents the number of detention days saved. This latter assumption uses data from the 1981 retrospective sample to establish detention length norms for defendants failing to secure immediate release (see Table 4-13). The median time spent in detention for SPR cases is then subtracted to estimate median number of detention days saved by SPR and then multiplied by the total number of persons released to SPR.

The actual formula used to compute jail beds saved is as follows:

$$B_t = (D_{t-1}^{nr} - D_t^{spr}) \times N_t^{spr}/365$$

Where:

B_t = Estimated number of jail beds saved during time t.

D_{t-1}^{nr} = Median length of detention for defendants not released one year prior to time t.

D_t^{spr} = Median length of detention for defendants released to SPR during time t.

N_t^{spr} = Number of defendants released to SPR during time t.

Using these estimation procedures SPR hypothetically saved a total of 93,408 detention days or a total of 256 beds (Table 6-8).* Milwaukee led the other two sites for one basic reason: defendants not released in Milwaukee spent a median time of 97 days in detention until eventual release or court disposition of the pending changes. This is three times the median detention length reported in the other two sites. Miami, which shows the second highest level of saving theoretical bed space did so principally on the volume of SPR cases admitted. It is also the most tenuous estimate since much of the data presented in Chapters 4 and 5 cast grave doubt on whether Miami accepted defendants who otherwise would not have been released if SPR did not exist. Portland, which did select the appropriate defendants for SPR failed to demonstrate significant bed savings principally because of its low volume of cases.

This figure illustrates how SPR's effectiveness as a jail crowding option will depend upon the site's current detention practices as well as the screening procedures adopted by the SPR program. SPR will be most effective for sites where

* The 256 bed figure is estimated by dividing total detention days by 365 or the amount of days one cell will provide per year.

Table 6-8

Estimates of Jail Days and Bed Saved
By Site

	Portland	Miami	Milwaukee	Total*
SPR Defendants**	285	985	398	1,668
1981 Median Detention Length of Not Released Defendants	50 days	23 days	97 days	60 days
SPR Detention Length	13 days	2 days	12 days	4 days
Total Days Saved	10,545 days	20,685 days	33,830 days	93,408 days
Beds Saved	29 beds	57 beds	93 beds	256 beds
Percent of Total Pretrial Bed Capacity	17%	5%	34%	17%

* Estimate for all three sites combined in the total column are not fully additive due to the use of median lengths of stay rather than mean lengths of stay.

** These N's will differ from other tables due to missing values on certain variables.

felony defendants are already spending lengthy periods of pretrial detention if not released on bail or OR. The second key point is that sufficient number of defendants must be released to SPR to generate substantial bed savings.

A second and more direct measure of SPR's impact on jail crowding are the actual jail populations experienced in each jurisdiction over the course of program's existence. Time series data were collected at all sites to monitor jail population levels both pre and post-SPR. Based on the estimates presented above one would expect that only Milwaukee would show some potential for reducing jail crowding. However, all three sites report a slight decrease in jail populations after SPR was started (Exhibits G, H, I, J). Thereafter, the slopes stablize or increase. Miami actually shows the greatest increase (Exhibit G). Aside from its failure to select the appropriate defendants for SPR there were other historical factors of a much greater magnitude which drove the pretrial jail population upward. Prior to SPR the racial disturbances and migration of Cubans and Haitians dramatically increased arrests and bookings to jail. After SPR was introduced, bed capacity was expanded in all three pretrial facilities to accommodate the federal court order which in turn led to an increase in the jail population. As the beds were brought on line they were filled.

Portland's jail population remained relatively stable both before and after SPR principally due to SPR and other external factors (Exhibit H). There was a slight drop after SPR began which resulted from the program immediately taking a number of inmates who had been on pretrial status for many weeks. Thereafter, the population stabilized. Chapter 3 noted that Portland had approved a jail population cap one year prior to SPR. Portland also had a very active OR program which had been credited with controlling the misdemeanor pretrial population. SPR represented another resource to help that jurisdiction control jail crowding, but it was not the sole factor in stabilizing Portland's growth rate.

EXHIBIT G

MIAMI AVERAGE DAILY PRETRIAL POPULATION

1979-1982

(all three facilities combined)

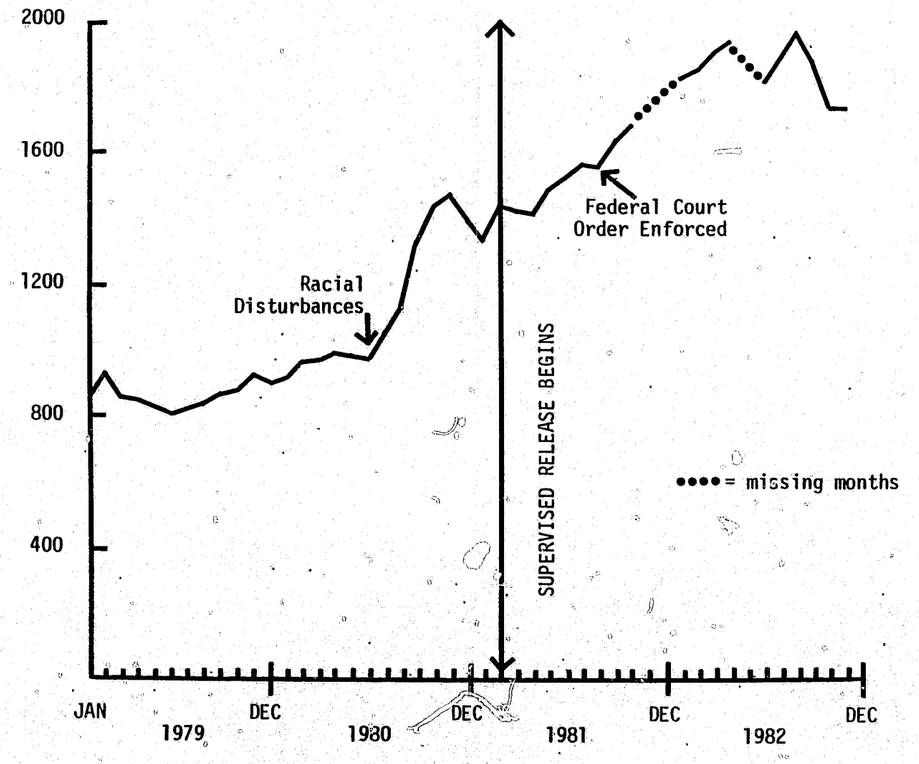


EXHIBIT H

PORTLAND AVERAGE DAILY POPULATION:

PRETRIAL AND SENTENCED
1980-1982
(all four facilities combined)

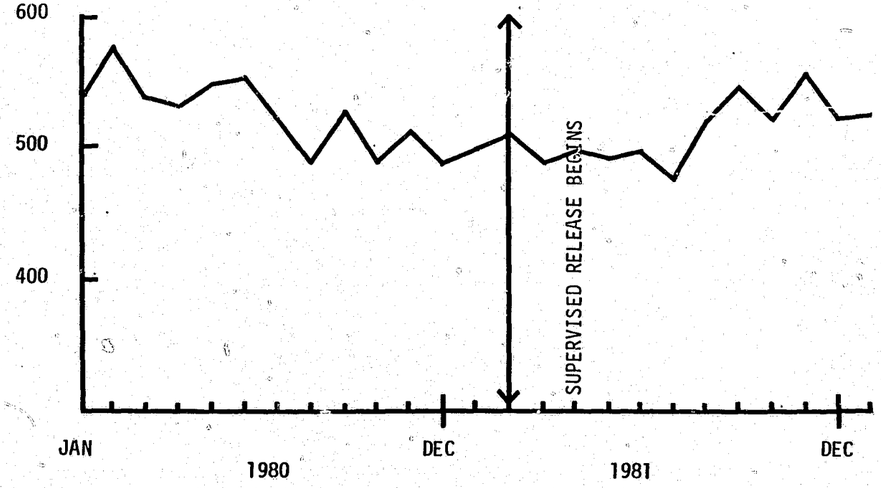


EXHIBIT I

MILWAUKEE JAIL POPULATION
1979-1982

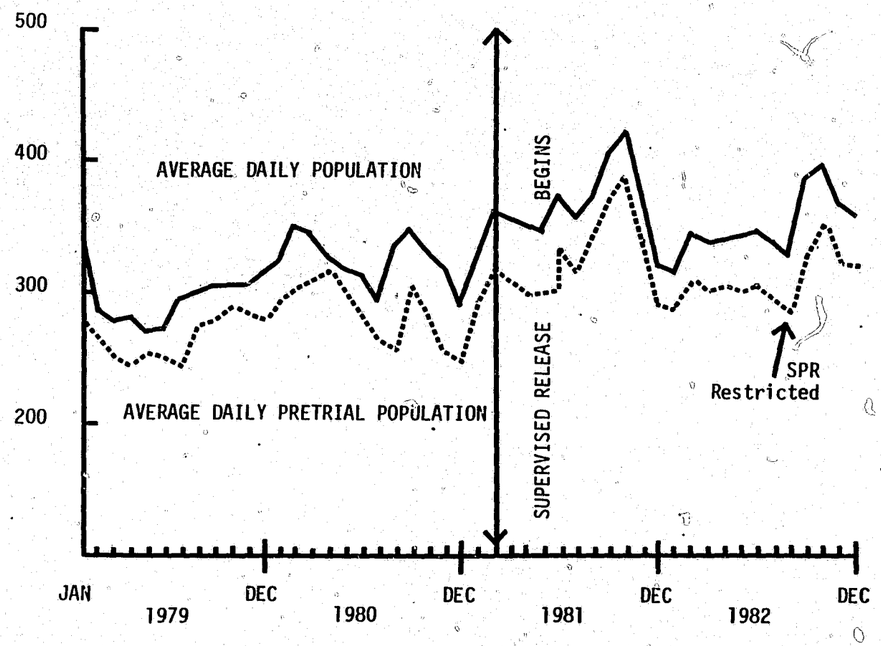
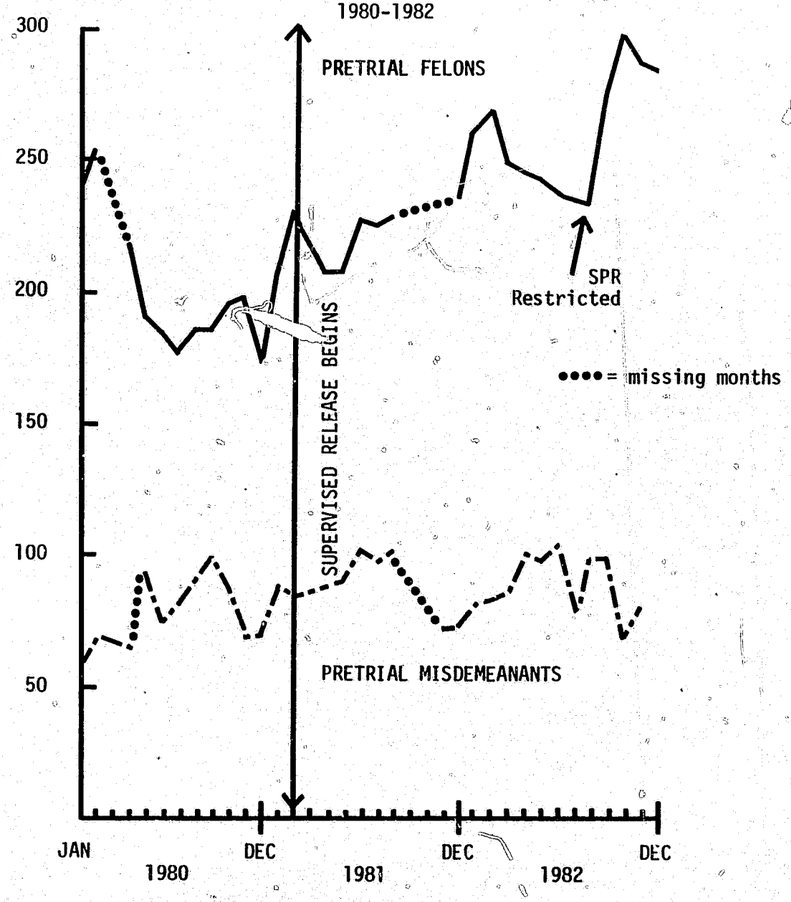


EXHIBIT J

MILWAUKEE JAIL POPULATION
1980-1982



Milwaukee also reported a slight drop after SPR began, followed by a flat growth rate in its pretrial population (Exhibit I). However, if we separate out felony and misdemeanor defendants, one observes a stable misdemeanant population compared to an erratic but slowly increasing felony population (Exhibit J). Notice, however, that the felony population increased sharply after October 1982, at which time federal funds for SPR were terminating. The Milwaukee program consequently decided to cut back its work principally to supervision of defendants released via traditional release methods. This, in turn, deflected their work with the felony SPR population, and ultimately decreased release rates. Interviews with the staff offer further validation to the claim that SPR, when in place, was helping to control the pretrial population.

> The judges and prosecutors were always reluctant to release those people to our program. But after the cutbacks they began to complain that we weren't taking any more of these cases . . . They began to realize we were having some impact. (Project Director, Milwaukee).

H. Impact on Pretrial Release Rates

Chapter 4 already indicated that in relation to the total felony defendant booking population SPR cases comprised only about six percent of all felony bookings. This statistic is a strong commentary on the limited capacity of these modestly funded experimental programs to have a sizeable impact on systemwide pretrial release practices. Nevertheless, it is important to determine as precisely as possible how much and what type of pretrial release rates were affected most by SPR.

Table 6-9 reports pretrial release rates for 1980, the year before SPR began, and 1981. As noted above, SPR had the greatest effect in Milwaukee where it accounted for almost 15 percent of all felony bookings. Comparing the 1980 and 1981 release rates provides clues as to which release methods SPR had greatest impact, if any.

Table 6-9

Pretrial Release Rates 1980 and 1981
By Site*

	Portland	Miami	Milwaukee	Total
	(365)	(405)	(497)	(1267)
1980 Release Rates				
Financial	20.6%	35.6%	34.8%	30.9%
Non-Financial	48.8%	35.6%	20.5%	33.5%
Not Released	30.7%	28.9%	44.7%	35.6%
1981 Release Rates	(313)	(441)	(314)	(1068)
Financial	26.5%	31.3%	21.0%	26.9%
Non-Financial	43.5%	35.8%	18.8%	33.1%
SPR	2.9%	2.0%	14.3%	5.9%
Not Released	27.2%	30.8%	45.9%	34.2%

*Source: SPR Retrospective File

In terms of reducing the rate of defendants who never gain release, SPR had little impact. Only Portland reported a drop in this category, and that decrease seems to be attributable to a greater use of financial release methods rather than the presence of SPR. Both Miami and Milwaukee reported declines in financial releases and relatively stable rates for non-financial releases and the not released cases. Milwaukee, in particular, shows that most of the SPR cases came from the bail release group. This fits with Milwaukee's long-standing tradition of requiring self bail for most felony releases. Interviews with staff and court personnel provided evidence that SPR staff would negotiate with the prosecutors and judges to allow a reduction of bail which was affordable to the defendant being screened by SPR staff. It seems that many defendants in Milwaukee remain in detention until they are able to raise the full cash bail (10 percent deposit — bondsmen are not available in Wisconsin). Once the bail was reduced, then release was granted to SPR. SPR provided a more convienient means of release for those cases. The non-financial releases in Milwaukee primarily represented the less serious felony charges and thus were not appropriate cases for SPR.

I. Impact on Final Court Disposition of SPR Defendants

Considerable research literature has been directed toward assessing the impact of pretrial release on court dispositions. Beginning with Foote's (1954) study in Philadelphia, researchers have consistently found that persons released from detention tend to receive less severe sentences than defendants who remain in custody. If judges took behavior demonstrated on SPR as a factor in sentencing, one would expect successful SPR cases to receive dispositions more favorable than those not released but similar to those gaining pretrial release.

In general, most SPR defendants were returned to the community upon case disposition (Table 6-10). If convicted, the dominant sanction was straight probation or a split sentence of probation with a brief jail sentence. In many cases,

Table 6-10

Court Dispositions of 1981 Felony and SPR Defendants
By Site*

	Portland			Miami			Milwaukee		
	Not Released (85)	Released (219)	SPR (261)	Not Released (136)	Released (296)	SPR (896)	Not Released (356)	Released (763)	SPR (370)
Dismissed/ Dropped	55.3%	36.9%	23.4%	59.5%	61.4%	67.4%	24.3%	16.0%	14.6%
Fine and Restitution	0.0%	1.0%	0.0%	0.0%	2.0%	2.0%	0.0%	0.3%	0.5%
Probation Only	5.9%	43.3%	41.4%	6.6%	21.6%	18.3%	18.8%	35.2%	40.0%
Jail and Probation	17.7%	10.9%	14.9%	10.2%	11.1%	6.0%	7.5%	12.0%	23.0%
Jail Only	2.4%	1.3%	3.1%	13.2%	4.0%	4.7%	4.2%	0.8%	5.1%
Prison	18.8%	6.3%	17.2%	10.2%	3.0%	1.5%	45.1%	29.6%	16.8%

* Not Released and Released Groups from the 1981 retrospective sample.
SPR cases are excluded from these samples.

Source: SPR Release and Retrospective Files

these jail sentences actually represented credit for time served. Miami stands out from the other two sites by virtue of its exceedingly high dismissal rate (67.4 percent) and is further indication of Miami's failure to select the appropriate defendants for SPR.

Table 6-10 also compares SPR dispositions with felony defendants admitted to these jails while SPR was operational in 1981. The 1981 retrospective sample is separated by released and not released defendants to (1) test the effects of pretrial release on dispositions and (2) make a fair comparison of SPR releases with other felony pretrial releases.

With regard to the effects of pretrial release on dispositions two contradictory trends emerged. A disproportionate number of defendants in the not released group have their charges dismissed or dropped in all three sites. These cases represent defendants who experience relatively short periods of pretrial detention and who gain release after the prosecutor of the court determines the evidence is insufficient to warrant continued action. From a policy perspective, the relatively high dismssal rate of these cases is significant as it suggests a considerable amount of wasted criminal justice resources on cases which ultimately receive no formal punishment or services except those experienced pretrial.

The second trend is that defendants who are convicted and who failed to secure pretrial release are much more likely to be sentenced to prison. In all sites the not released samples have prison commitment rates two to three times of those gaining pretrial release.

With regard to SPR's dispositions, SPR defendants in Miami and Milwaukee were less likely to receive prison sentences and more likely to receive probation than other felony releases. Portland appears to have treated its SPR defendants more harshly than other felony releases. The prison commitment rate is especially high for SPR cases in Portland.

Tables 6-11 and 6-12 examine to what extent court dispositions of SPR cases were affected by incidents of FTA and pretrial crime. Both tables show that SPR defendants were severely punished by the court for such incidents. Commitments to prison are three to six times higher for defendants arrested for FTA's and crimes while under SPR's supervision. The rates of charges dismissed or dropped are also quite low for this group.

Overall, successful completion of SPR supervision did improve a defendant's chances for receiving a non-prison sentence. However, if a defendant was arrested for an FTA or other crimes, the court clearly took that into account in considering the need for additional and more lengthy incarceration. If SPR were adopted on a larger scale, it could encourage the court's use of non-prison sanctions since judges may believe that success in SPR is an indication that the offender will continue to succeed under probation supervision.

J. Findings and Conclusions

1. Felony defendants viewed as high risks or unable to gain release through existing release methods can be released to SPR without increasing normative rates of FTA or pretrial arrest.

2. The provision of social services in addition to intensive supervision had no impact on rates of FTA and pretrial crime.

3. SPR releases have higher appearance rates compared to other methods of pretrial release for felony defendants.

4. SPR releases have equivalent rates of fugitives compared to other methods of release for felony defendants.

5. Although a number of background and programmatic variables were related to FTA and pretrial crime behavior, they had little collective influence on significantly improving one's ability to predict such behavior.

6. Defendants charged with property crimes, with extensive histories of criminal involvement and drug abuse are most likely to FTA and commit new crimes.

7. The provision of intensive supervision will have a positive effect on FTA's but will not be as important for preventing pretrial crime.

Table 6-11

SPR Dispositions By FTA By Site

	Portland		Miami		Milwaukee	
	No FTA	FTA	No FTA	FTA	No FTA	FTA
	(252)	(9)	(795)	(101)	(341)	(29)
Dismissed/Dropped	23.8%	11.1%	71.6%	34.7%	15.0%	10.3%
Fine and Restitution	0.0%	0.0%	1.6%	4.9%	0.6%	0.0%
Probation Only	42.1%	22.2%	17.5%	24.8%	41.4%	24.1%
Jail and Probation	14.7%	22.2%	4.7%	17.8%	22.9%	24.1%
Jail Only	2.8%	11.1%	3.5%	13.9%	4.1%	17.2%
Prison	16.7%	33.3%	1.1%	4.0%	16.1%	24.1%

Source: SPR Release File

Table 6-12

SPR Disposition By Pretrial Arrest By Site

	Portland		Miami		Milwaukee	
	No Arrests	Arrests	No Arrests	Arrests	No Arrests	Arrests
	(230)	(31)	(780)	(116)	(324)	(46)
Dismissed/Dropped	23.5%	22.6%	71.2%	42.2%	15.1%	10.9%
Fine and Restitution	0.0%	0.0%	2.2%	0.9%	0.6%	0.0%
Probation Only	43.5%	25.8%	18.7%	15.5%	42.0%	26.1%
Jail and Probation	15.2%	12.9%	4.4%	18.1%	24.1%	15.2%
Jail Only	3.0%	3.2%	2.9%	16.4%	4.9%	6.5%
Prison	14.8%	35.5%	0.6%	6.9%	13.3%	41.3%

Source: SPR Release File

8. SPR was of limited value in controlling pretrial jail populations because it was not widely applied to the felony admission population. However, there was evidence that SPR helped control the rate of jail population growth in concert with other factors governing jail population size.

9. SPR had limited impact on pretrial release rates. This was also related to its limited operations within each jurisdiction.

10. The vast majority of felony defendants released to SPR are returned to the community after court disposition. The most common court sanction was probation or probation with a jail sentence.

11. SPR defendants who FTA or are rearrested for a new crime are much more likely to receive prison or jail terms than SPR defendants who succeed in pretrial release.

Chapter 7

THE COSTS OF SPR TO VICTIMS AND THE CRIMINAL JUSTICE SYSTEM

President Reagan's Task Force on Victims (1982) symbolized the growing concern in this country with the plight of citizens victimized by crime. Pretrial release is an area of special concern with much media attention centered on those few cases where a defendant released on bail or OR is rearrested for additional crimes.

Given this national concern with victims, the SPR research design was expanded to examine more closely the costs of SPR to victims in terms of the kinds of crimes committed by SPR releases. Data were collected to determine the amount of physical damage to property and personal injury suffered by victims. We also examined how prosecutors and the courts handled these cases. Although the last chapter showed that SPR releases who were rearrested did receive more severe sanctions, it is also important to learn whether these offenders were able to gain pretrial release again and the disposition of these new charges.

The second type of cost analysis presented here deals with the operational costs of the SPR program in relation to the criminal justice system. Innovative programs must be sensitive to the current climate of fiscal restraint. Supervised pretrial release can only be attractive to other jurisdictions if it can demonstrate actual savings. Our analysis provides various scenarios of how SPR can be judged in terms of costs analysis.

A. Amount and Types of Pretrial Crime Reported

NCCD collected detailed information on all arrests made defendants under SPR jurisdiction. "Arrests", not defendants, were the unit of analysis. Data collection forms were designed to document the total number of arrests per

defendant as well as the total number of charges associated with each arrest. In the discussion which follows, we begin with an overview of the number of defendants arrested in relation to the total number of SPR releases. Thereafter, we analyze arrests and the charges filed with each arrest. Since the proportion of SPR defendants who were rearrested is relatively low, data were again pooled from all three sites to provide more stable statistical results.

Twelve percent (205 defendants) of the 1,692 SPR releases were rearrested for new crimes while under the jurisdiction of the SPR program (Table 7-1). About 2 percent of all releases were arrested for crimes of violence including assault, armed robbery, robbery, kidnapping, and rape. The largest offense category was property crimes (7 percent) which principally consists of burglary and theft. Of the 205 defendants who were arrested, 17 percent were arrested more than once during SPR supervision. One defendant was arrested five times. The total number of arrests generated by those 205 recidivists was 245, or an average of 1.2 arrests per SPR arrestee (Table 7-2).

The unit of analysis now shifts from arrests to the criminal charges associated with each arrest (Table 7-2). In most arrests there were multiple charges. A total of 452 charges were filed against SPR defendants or an average of 1.8 charges per arrest. The highest number of crimes charges against a single SPR defendant was 18.

Of these total charges the largest proportion were for crimes against property (48 percent). Within this property group the primary crimes are theft (15 percent) and burglary (14 percent). Crimes of violence represented 18 percent of all charges, with robbery (9 percent) and minor assault (4 percent) being most prevalent. In total, 62 percent of all charges were felonies and 36 percent were misdemeanors.

Table 7-1

Proportion of SPR Releases Rearrested by Type of Crime*

	Portland (288)	Miami (990)	Milwaukee (414)	Total (1,692)
Total Arrested	(36) 12.5%	(119) 12.0%	(50) 12.1%	(205) 12.2%
Arrested for Crime of Violence	(11) 3.8%	(16) 1.6%	(12) 2.9%	(39) 2.3%
Arrested for Property Crimes	(12) 4.2%	(69) 7.0%	(33) 8.0%	(114) 6.7%
Arrested for Drug Crimes	(2) 0.7%	(16) 1.6%	(0) 0.0%	(34) 2.0%
Arrested for Other Crimes	(11) 3.8%	(18) 1.8%	(5) 1.2%	(18) 1.1%

* Type of charge represents the most serious charge for which an SPR defendant was arrested.

Source: SPR Victim File

Table 7-2

Re-arrests and Charges
of SPR Defendants

Total Re-arrests of SPR releases	245
Mean Re-arrests Per SPR Defendant	1.2
Total Charges	452
Mean Charges Per Defendant	2.2
Mean Charges Per Arrest	1.9
Type of Charges	
Crimes of Violence	18.1%
Aggravated Assault	1.7%
Simple Assault	4.0%
Armed Robbery	5.5%
Robbery	3.7%
Kidnapping	0.7%
Rape	1.0%
Other	1.5%
Property Crimes	48.1%
Auto Theft	3.7%
Burglary	13.9%
Theft	14.9%
Shoplifting	2.2%
Destruction of Property	1.2%
Trespassing	5.0%
Forgery and Fraud	6.7%
Other	0.5%
Other Crimes	33.2%
Unlawful Use of Weapons	4.7%
Drug Violations	8.7%
Disorderly Conduct	1.7%
Traffic Violations	3.7%
Interference with Law Enforcement	4.7%
Automobile Banditry	0.7%
Possession of Burglary Tools	2.0%
Other Misdemeanor Crimes	7.0%
% Felony Charges	62%
% Misdemeanor Charges	36%
% Infractions/Other	2%

Source: SPR Victim File

B. Property Costs to Victims

Each arrest report was searched to determine the level of property damage or personal injury suffered by victims.* In total 146 properties were reported victimized by defendants in police reports (Table 7-3). Almost half (45 percent) were privately operated businesses such as retail stores (29 percent), business offices (12 percent), and bars and restaurants (4 percent). Only a small percentage were private residences (18 percent), privately owned automobiles (11 percent) or personal property (14 percent). The last category represents instances where a person's wallet, purse, credit card or other financial instruments were stolen or fraudulently used.

Approximately 24 percent of the properties which were buildings or private residences also had structural damage costs which totaled to $6,032 (Table 7-4). These generally consisted of broken windows and doors used to gain illegal entry to private and public premises. The average cost to owners was $137, with values ranging from $46 to $318.

Once the defendant gained entry, defendants stole a total of $100,546 in merchandise, cash, tools, stereo equipment, bikes, televisions, or automobiles and parts. Milwaukee was the only site where coders were able to determine that 67 percent of the stole property was uninsured. Assuming that the rate of compensation was constant across all three sites, the average non-reimbursable costs to victims who had property stolen or damage to their business or residence was approximately $500. However, if these damages are applied to the entire SPR release population the average property cost per SPR defendant is $43.

* We were unable to calculate additional victim costs such as missing work due to injury or court hearings.

Table 7-3

Type of Property Victimized
By SPR Releases

	N	%
Total Properties Victimized	146	100%
Type of Property Victimized		
Public		
Retail Stores	42	29%
Business Offices	17	12%
Bar/Restaurant	6	4%
Gas Station	4	3%
Auto Dealer	3	2%
Factory	3	2%
Bank	2	1%
Hotel	1	1%
Church	1	1%
Private		
Household/Residence	27	18%
Autos	16	11%
Bikes	3	2%
Personal	21	14%
Properties Damaged	44	30%
Buildings/Home	35	24%
Auto	5	3%
Other	4	3%

Source: SPR Victim File

Table 7-4

Actual Property Costs To Victim
Caused By SPR Releases

Total Amount of Property Damage	$6,032
Total Value of Property Stolen	$100,546
Total Value Of Property Stolen Or Damaged Which Is Not Insured*	$73,397
Average Value Of Uninsured Property Damaged And Stolen**	$503
Average Amount Of Uninsured Property Damage*** Per All SPR Releases	$43

* Based on total property damage plus the proportion of property stolen which was not insured

** Based on total number of properties victimzed (N=146)

*** Based on total number of SPR releases (N=1692)

Source: SPR Victim File

C. Personal Injury Costs

A total of 46 citizens were victimized according to police arrest reports. About half (43 percent) of these victims suffered personal injuries ranging from minor scratches (13 percent) to broken limbs (5 percent). Most injuries were twisted ankles, sprained limbs or minor cuts and bruises (24 percent). However, 15 percent of all victims suffered sufficient injuries to require hospitalization (Table 7-5). We were unable to determine actual lengths of hospitalization from police records.

Most victims (54 percent) did not know the defendant, 19 percent were friends or acquaintances, and 22 percent were spouses, ex-spouses or lovers. If one separates out just those victims who suffered personal injuries, a slightly higher percentage of these crimes were stranger-to-stranger encounters (61 percent).

The background characteristics of victims were similar to those reported in national victimization surveys. Disproportionate numbers (40 percent) were black, Hispanic, or other minority group; most reported low or no occupational skills (40 percent), and 26 percent were unemployed at the time of the crime.

Collectively, these victimization data show that although a small percentage of the SPR defendants were charged with new offenses during pretrial release the property damage and personal injury reported by a small number of victims was often quite severe. An important lesson is to be learned from these data: any alternative program will be associated with a certain amount of risk to the public. Alternative programs like SPR must be sensitive to this reality. One suggestion for minimizing the harm experienced by citizens is to provide victim compensation services which could be part of a pretrial services alternative program budget. These funds would be used to compensate victims for damages inflicted by the released defendants by providing medical care, improving household security, or replacement of uninsured property.

Table 7-5

SPR Victim Characteristics

% Suffering Personal Injury	43%
% Requiring Hospitalization	15%
Type of Injury Inflicted	
No Injury Reported	57%
Scratches	14%
Minor (Cuts, Sprained Muscles, Bruises)	24%
Major	5%
Relationship of Victim to Offender	
Stranger	54%
Friend/Acquaintance	19%
Parent	3%
Spouse, Ex-Spouse	11%
Lover, Boyfriend, Girlfriend	11%
Other	3%
Characteristics of Victims	
Male	59%
Female	41%
White	60%
Black	27%
Hispanic/Asian	13%
% Unemployed	26%
Employed	
Professional Occupational Skills	4%
Clerical	4%
Craftsman/Operatives	11%
Laborers	14%
Service Workers	30%
Student	7%
No Occupational Skill	26%
Other	4%

Source: SPR Victim File

D. Court Handling of Rearrested SPR Defendants

There are two important decisions the court can make once it knows that one of its releasees has been rearrested; should the defendant be released again, and what final punishment should be given at sentencing.

Almost half (46 percent) of the SPR pretrial arrests resulted in the defendant being released again (Table 7-6). Of those released, 22 percent were released on their own recognizance and citation, and 15 percent were released on bail. Nine percent were released conditionally, which typically meant back to SPR.

At sentencing, 46 percent of the primary charges associated with each rearrest were dropped or dismissed. For those convicted of crimes while on pretrial status, 28 percent were sentenced to prison or jail, 17 percent received probation or a split sentence of probation and jail.

The policy implications of these statistics are difficult to interpret. The large proportion of dropped or dismissed cases could signal three factors affecting disposition: (1) poor arrest decisions by law enforcement, (2) evidentiary problems leading to dropped charges, or (3) agreement among the defense, prosecution, and court to dismiss charges in lieu of conviction for the prior arrest. It is interesting to note that the dismissal rate for these subsequent charges is greater than for the original charge which led to the initial defendant release. This is especially true for Milwaukee and Portland. Moreover, if one uses the rate of convictions rather than arrests as a measure of redicivism, the pretrial crime rate drops from the 12 percent reported in Table 7-1 to approximately 8 percent.

E. Costs of SPR to Criminal Justice

Cost analysis is a very tedious task of any evaluation. Disagreements will invariably arise over definitions, formulas, and budget figures which drive the estimates. Analysis is further complicated in a multiple site evaluation such as the SPR evaluation where data are not uniformly collected nor defined. We have

Table 7-6

Court Dispositions of SPR Re-arrests

	N	%
Total Arrests	241	100%
Released Pretrial	110	46%
Method of Pretrial Release		
Own Recognizance	40	17%
Citation	13	5%
Bail	35	15%
Conditional Release/SPR	22	9%
Sentencing Disposition of Primary Arrest Charges		
Total Dispositions	243	100%
Dismissed/Dropped	100	41%
Fine/Restitution	5	2%
Probation	25	10%
Probation Plus Jail	17	7%
Jail	35	14%
Prison	35	14%
Other*	26	11%

* Represents cases where charges are still pending or defendant is listed as on FTA.

Source: SPR Victim File

tried to simplify the analysis by applying basic cost factors associated with jail operations to an SPR program with characteristics representative of the sites evaluated here. This is done in recognition that other jurisdictions will have different cost characteristics which can be inserted into the analysis to determine if SPR will produce savings for them. A central assumption in this section is that SPR's ability to be cost effective will depend largely on how it is implemented within the total pretrial system.

Two types of costs were estimated; operating costs and construction avoidance costs. Operating costs cover expenditures associated with the daily operations of a facility or program. These can be broken down into broad categories such as salary, fringe benefits, supplies, and administrative support. In assessing the operating cost savings, SPR's program costs are compared with the jail's operating costs for a similar population. In other words, what would it cost to maintain a 60-75 inmate population in SPR rather than in jail.

Construction avoidance costs estimate how much money would be saved by using SPR to avoid future cell construction. Estimates are based on how many beds SPR frees up by accepting defendants who otherwise would not be released. The key assumption here is that without SPR crowding would have continued and ultimately resulted in a need for construction. And, with average construction costs ranging from $50,000-$100,000 per cell, it would not take a large SPR caseload to justify the program's existence on a capital construction cost basis.*

This approach of comparing operating and construction avoidance costs stresses a more practical and realistic approach to cost analysis. Many pretrial programs use misleading data which create false claims of enormous cost savings to justify their existence. For example, a program like Miami might claim that

* See Corrections Planning Handbook, 1981, California Board of Corrections for an excellent discussion of this approach to cost analysis.

because it accepted 400 defendants a year who spent an average of 25 days in the program, a total of 9,000 detention days are saved per year by SPR. This 9,000 figure is then multiplied by an average incarceration rate of say $30 per day to produce an estimated savings of $270,000 per year. Since the program costs $150,000 to operate annually, the net savings equals $120,000.

This approach is misleading for two reasons. First, the number of detention days served is calculated by simply taking the total days defendants spent in the program. The assumption that program days are equivalent to detention days saved is at best tenuous and more likely false. As shown in the case of Miami, there may be little evidence to assume that the program was siphoning off defendants who otherwise would have been detained. The estimates used in Chapter 6 to determine the impact of SPR on jail crowding was a more rigorous method whereby statistical controls were used to provide more valid estimates of actual detention days saved.

The problem with these kinds of cost analysis lies in estimates of the daily cost of incarceration. It is not necessarily true that for each inmate released, there is a corresponding incremental decrease in the daily cost of incarceration. Daily incarceration costs are usually computed by dividing the total jail budget by the number of inmates it holds on any given day. Consequently, as the jail becomes less crowded the incarceration cost rate rises, and as the population increases the incarceration costs decline. In reality, as long as the population size stays within 75-125 percent of capacity range, the costs of operating a facility remain relatively stable with the exception of food, supplies, water and other miscellaneous items which are a function of population size.

NCCD estimated in 1978 that the daily cost of incarceration in New York City's jail was $58 per day (Loeb, 1978). However, almost 80 percent of those costs were personnel related (salaries and fringe benefits). Only 7 percent, or $4

per day, represented costs related to the size of the inmate population (food, laundry, utilities, etc.). A survey by the National Institute of Corrections (Center for Justice Planning, 1980) also found that inmate support costs averaged about $4 per day per bed. A recent cost analysis of North Carolina's prisons and jails estimated that once a facility's inmate population begins to exceed its rated capacity, the additional costs to handle the excessive population is only $3-$4 per inmate and not the $30-$40 rate often cited (North Carolina's Citizen's Commission on Prison Overcrowding, 1983).

For these reasons, three scenarios were done to illustrate how SPR can add or reduce criminal justice costs depending upon how it is used (Table 7-7). Scenarios A and B address operating costs only. Scenario A assumes that the funding of SPR was not associated with a reallocation of the jail's existing operating budget. In this case, SPR was simply an additional program funded by the county with no corresponding reduction in the jail's operating costs. Scenario B assumes that SPR's operating costs were covered by eliminating or transferring jail staff to the SPR program and using these savings to finance the SPR program. However, reductions of jail operating expenditures are made possible only because the pretrial population has been reduced by SPR which in turn means fewer staff were needed to safely operate the jail.

The last example (C) is probably the most realistic of the three. In this situation SPR is funded with additional revenues from the county with no associated decrease in the jail's operations budget because the jail is already crowded and staff reductions cannot be made. The SPR program is used to reduce the pretrial population to its design capacity. Consequently, there are no operational cost savings and total county outlays actually increase. However, it is also assumed that SPR eliminates the need to construct additional beds by handling defendants in the community instead of jail. In effect the SPR program is used to float a 60 bed inmate population by using intensive supervision.

Table 7-7

Estimated Annual Cost Savings Of SPR

Cost Items	A	B	C
I. SPR Operating Costs			
A. Staff Costs @ 3 staff x $25,000	$75,000	$75,000	$75,000
B. Fringe Benefits @ .30 of total salary	$22,500	$22,500	$22,500
C. Administrative Support Costs @ .20 of salary plus fringe	$19,500	$19,500	$19,500
D. Supplies and Misc. Costs @ .10 of salary, fringe, admin.	$11,700	$11,700	$11,700
Total SPR Operating Costs	(128,700)	(128,700)	(128,700)
II. Jail Operating Savings			
A. Reduced Staff @ 5 staff x $25,000	-0-	$125,000	-0-
B. Fringe Benefit Savings @ .30 of total salary	-0-	$37,500	-0-
C. Administrative Support Savings @ .20 of salary plus fringe	-0-	$32,500	-0-
D. Supplies and Misc. Savings @ .10 of salary, fringe, admin.	-0-	$19,500	-0-
E. Inmate Support Savings 75 inmates x $4 per day x 365 days	-0-	$109,500	$109,500
Total Jail Savings	-0-	$324,000	-0-
III. Construction Savings			
A. Amortizied Construction Savings @ $50,000 x 60 beds ÷ 30 yrs.	-0-	-0-	$100,000
B. Annual Finance Charges @ 10% interest x $50,000 per bed x 60 beds for 30 years at simple interest	-0-	-0-	$300,000
IV. Summary Savings (Costs)	(128,700)	$195,300	$380,800

Each example is predicated on an SPR program with characteristics typical of programs evaluated in Miami, Milwaukee, and Portland. The specific agency characteristics are as follows:

1. Three full-time staff at the deputy or correctional officer level with annual salaries of $25,000.

2. Additional administrative support staff absorbed within an existing pretrial agency. However, costs associated with these additional tasks are estimated at 20 percent of salary plus fringe.

3. A projected caseload of 75 defendants or a minimum of 25 per line staff. It is also assumed that the actual caseload experienced by staff will be closer to 60 inmates due to failure rates and delays in release which reduce the full capacity of the program.

In terms of jail operating costs, it is assumed that each jail is overcrowded and that the actual incarceration costs for inmates exceeding design capacity is $4 per day per inmate. Construction costs are based upon a $50,000 per cell cost which is financed at 10 percent simple interest by municipal bonds.

Of the three scenarios, the one using construction cost avoidance estimates is the most persuasive cost justification of SPR. Operating cost savings can be justified only if there is clear evidence that the jail population is in fact reduced. For crowded jails, it is very unlikely this will occur even with population reductions since the staff may already be stretched too thin. The worst scenario would be if jurisdictions used SPR to simply add to its existing array of pretrial services. This may be desirable and justifiable for improving FTA rates, but cannot be argued as a means for reducing the costs of criminal justice.

F. Findings and Conclusions

1. Twelve percent of SPR defendants were rearrested while on pretrial status. Most of these new offenses were property crimes. Almost half of these arrests were dismissed by the court.

2. Approximately $106,000 of property damage or property stolen was reported in police arrest reports. Most of these losses were uninsured.

3. 46 citizens were personally victimized. About half (20) suffered personal injuries. Only a small percentage (5 percent) suffered major injuries.

4. Most victims were of low socio-economic status symbolized by low or non-existent occupational skills, high unemployment, and of an ethnic minority group.

5. In light of this information on victims, jurisdictions implementing SPR programs should provide for compensation services on funds for persons victimized by SPR releases.

6. SPR will reduce criminal justice costs only if it can reduce pretrial populations and thus avoid the need for additional cell construction. Otherwise it will simply represent an additional pretrial release program to fund with no cost savings.

Chapter 8
A FINAL ASSESSMENT OF SPR

We began this report by reviewing the historical developments of bail and pretrial release in the United States. SPR represented a contemporary and largely untested concept which appeals to both sides of the current debate over pretrial detention. For those advocating a more restrictive policy, SPR affords the opportunity to impose more rigid supervision standards on defendants released from custody. Conversely, SPR also suggests these are defendants being unnecessarily detained at great expense who could be released without unnecessarily endangering the public's safety.

Having analyzed in great detail this experimental test of SPR under actual field conditions, what broad conclusions can be reached regarding the future of SPR? Is it a program worthy of consideration by judges and practioners interested in improving pretrial release standards and performance? More specifically what can be said relative to the following central questions?

1. Does SPR Endanger Public Safety?
2. Are Services Needed?
3. Will SPR Reduce Jail Crowding?
4. Will SPR Reduce Costs?
5. Do Practitioners Support SPR?
6. What Would A Model SPR Program Look Like?

A. Does SPR Endanger Public Safety?

No. Compared to other pretrial release programs SPR does not pose a higher risk to public safety. A primary objective of the SPR test design was to learn if there existed a pool of defendants who could not secure immediate release either because of financial reasons or who were viewed as marginal risks by the court, but who could be safely released under proper supervision. The research clearly shows that SPR cases report lower FTA and fugitive rates than other pretrial release options (bail, OR, etc.). And there were comparative data in one site showing that pretrial crime rates of SPR defendants were also lower than defendants released on bail or own recognizance.

B. Are Services Necessary?

No. The most rigorous component of the SPR test design evaluated the effects of supervision alone versus supervision with services. Analysis consistently showed that the delivery of social services had no systematic impact on FTAs, fugitive, or pretrial crime rates. This is not to say that services should never be afforded defendants in obvious need. Rather, these services should be selectively reserved for a carefully screened minority of defendants requiring crisis level intervention. Pretrial agencies staffed principally with professionally trained social workers, drug counselors, and employment specialists will have no greater impact on defendant behavior than an agency whose staff is oriented toward supervision.

Intensive supervision, which heretofore has been chronically lacking in many pretrial programs, is the centerpiece of SPR. Indeed, pretrial release programs should be encouraged to expand their activities from screening and court recommendations for release to providing varying levels of supervision intensity. In particular, the relatively efficient use of routinized phone contacts which increases accessibility to clients would likely enhance appearance rates and improve credibility with the court.

This is not to advocate intensive supervision for all defendants many of whom pose no or little threat to the public. It is the defendant charged with felonies or serious/gross misdemeanors which pretrial agencies must be prepared to offer meaningful levels of supervision if they expect the court to act favorably on release recommendations.

C. Will SPR Reduce A Jail Population?

SPR by itself will not reduce a jail's population but it can be used to help alleviate jail crowding if used in concert with other policy options. This would seem at odds with a program which seeks to increase release rates for felony

defendants. But one must also remember that many factors contribute to the size of a jail's pretrial population. In this study we noted that far reaching events such as race riots, changing law enforcement and court policies, federal and local court orders capping jail populations, and demographic characteristics have a powerful effect on how fast the jail population will grow. SPR, by design, is limited to only a small percentage of the felony defendant population. Since misdemeanor defendants compromise the major bulk of jail admissions (NCCD, 1984), it is clear that SPR, by itself, will have a minimal impact on crowding. This is not to say that SPR will have no effect on jail crowding and should not be one of its objectives. Instead SPR should be viewed as one component of a full array of pretrial services and options available to the court to assist a jurisdiction in managing its jail population within available resources.

D. Will SPR Save Money?

In the short term no; in the long term yes. Most jails are now experiencing crowded conditions with an increasing shortage of staff to safely operate their facilities. Starting up an SPR program will require additional funding. In the context of a crowded jail facility, reductions in the jail's current staff cannot be made to "pay" for the new SPR program. Thus, in the short term, jurisdictions will be faced with the costly proposition of funding the new SPR program as well as maintaining its current operating expenditures for the jail and other pretrial functions.

However, SPR can become a means for avoiding future capital construction costs. Cost-savings claims would be justified if there is reasonable evidence that the existence of SPR allows a jurisdiction to reduce its current capital construction program for expansion, replacement, or rennovation. This would only be the case when SPR creates the capacity to supervision defendants in the community in lieu of long term detention.

E. What Is The Cost of SPR to Victims?

Whenever persons are released from custody, a certain but unknown number of them will commit additional crimes. Research is continuing to try to identify those screening models and supervision methods which will minimize the extent of harm inflicted upon the public. Unfortunately, even use of the most sophisticated predictive models will not prevent all crimes by released defendants.

SPR programs as tested here had relatively high success rates. Twelve percent of all the defendants were rearrested for additional crimes. Most of these crimes were for a misdemeanor level property crimes but there were other crimes of a much more serious nature which caused great property loss and physical injury. Victims, on the average, suffered property losses and damages exceeding $600 per household or per commercial property. Fifteen percent of the victims suffered physical injuries sufficient to require hospitalization. And the costs of medical care must be added to the property losses noted above.

If all the SPR releases had been detained until the court's final disposition (an estimated 50-60 days of pretrial incarceration) these damages and injuries would not have occurred. But a preventive detention strategy at this scale would entail the expensive pretrial detention of 88 percent of the SPR defendants who were not rearrested including those defendants whose charges were eventually dropped or dismissed by the court. SPR, as does other community release programs, creates a tradeoff where the justice system eases some of its problems (jail crowding, unnecessary detention of good risks, etc.) at the expense of public safety. Programs like SPR become unacceptable when the costs to public safety become too high.

Given the reality of a small but certain amount of crime to be inflicted upon a community as a result of SPR, we believe it critical for SPR programs to establish victim compensation funds and services for those persons victimized by

SPR releases. Such a policy would ease public concern over the program and provide much needed compensation. A careful monitoring of the extent of injury and property damage should be maintained to constantly evaluate the impact of SPR in the community and to ensure public safety.

F. Will Practitioners Support SPR?

Yes. One of the less visible but more significant accomplishments of SPR was its acceptance by criminal justice as a viable pretrial release option. At the beginning there was some concern expressed in Portland by the prosecutors and in Milwaukee by the judges. But over time, as the programs demonstrated they were indeed delivering intensive levels of supervision, they also gained credibility.

Across all the sites, judges denied release in only 10 percent of all cases recommended for SPR release. Judges, in particular, welcomed the creation of a pretrial release option which entailed certainty in supervision, a component which is not often found in pretrial programs.

The most telling evidence of support lies in the fact that SPR has continued to exist at each site despite the termination of federal grant money. Each site was able to secure local funds largely because each jurisdiction became convinced that SPR was worthy of continued funding. In Miami the program was consolidated within the larger pretrial services agency. Milwaukee cut back on its screening of felony defendants but continues to deliver intensive supervision and services to cases referred by the court. Portland's program has continued intact and remains under the administrative control of the jail administrator. All programs are expected to continue with local funding for the next few years.

G. What Should A Model SPR Program Look Like?

Although much has been learned through this SPR test design, much more data and experience will be needed to refine the concept of SPR. As additional

SPR programs are tried and evaluations completed we will learn more about what forms of supervision, administrative structure, and screening techniques will be most effective in identifying the best candidates for release.

Despite these caveats, we are prepared to set forth a number of recommendations for implementaton of an SPR program within a jurisdiction. These recommendations are as follows:

Model SPR Program Components

I. Contextual/Administrative Considerations

A. Support for SPR must come from judges, prosecutors, and public defenders. Of the three, judicial support is most critical to the program's success since they alone can grant release from pretrial detention.

B. The program can be placed under the administrative control of probation, sheriff, pretrial services, or private non-profit (PNP) agencies. PNP operated programs tend to be less costly to operate than those of local public agencies due to lower personnel costs. However, public agencies are likely to have more credibility and experience with the courts.

C. Prior to implementation of SPR, there should be some empirical evidence that traditional pretrial release mechanisms (O.R., 10 percent bail, surety bail, citation release) are being used and for the appropriate cases.

D. Funds should be set aside in the SPR budget to provide victim compensation and services to those citizens victimized by released SPR defendants.

E. A basic management information system should be maintained to monitor screening, intervention and outcome measures on a monthly basis.

II. Screening Standards

A. Only defendants charged with felony crimes, who are ineligible or unable to gain pretrial release through other traditional release mechanisms should be screened.

B. Screening should not begin until after charges are filed and initial bail or arraignment hearings are completed. As a rule of thumb, defendants should have been in custody for at least three days prior to screening.

C. Interviewers, in addition to social history data, should have secured an official criminal history record prior to screening which includes a history of previous FTAs.

D. The following defendant characteristics should be considered in determining both release suitability as well as supervision level.

1. Severity of Current Offense
2. Number of Prior Felony Arrests
3. Type of Prior Felony Arrests
4. Number of Prior Drug Commitments
5. Telephone At Defendant's Residence
6. Utility Payments By Defendant

III. Supervision Standards

A. During the first 30 days of pretrial release the defendants should receive a minimum of 1 face-to-face plus 2 phone contacts per week.

B. After the first 30 days, supervision can be adjusted downward to a minimum of 1 phone contact per week at the discretion of staff and with optional face-to-face contacts.

C. The level of supervision should be increased moderately prior to sentencing hearings.

D. Social services are optional and should be reserved for those cases in greatest need.

E. Caseloads should not exceed 25 defendants per caseworker.

IV. Outcome Standards

A. The defendant-based appearance rates should approximate 90 percent.

B. The defendant-based pretrial crime rate should not exceed 10 percent.

C. The majority of pretrial crimes committed by SPR defendants while under supervision should be minor property crimes.

D. The defendant-based fugitive rate should not exceed five percent.

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