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Restoring Accountability in Pretrial Release: The Philadelphia Pretrial Release Supervision Experiments

Final Report

by

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FINAL REPORT

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This research was conceived as part of a larger effort to address critical justice system issues raised by longstanding and serious jail overcrowding in Philadelphia. Our work in the larger arena dealing with jail crowding has been supported by the City of Philadelphia, its Mayor, the Honorable Edward Rendell, and many other executive and judicial branch officials and agencies in a multi-year cooperative effort to develop and implement policies for improving the effectiveness of the justice system in Philadelphia. The experimental research we describe in this report played a part in the development and evaluation of Philadelphia's strategy for re-engineering pretrial release and managing the detention population of the City's correctional institutions.

Conducting experiments in a field setting, particularly when that setting involves the criminal courts, is a sensitive undertaking with many challenges. The fact that the research rather ambitiously sought to conduct four field experiments compounded its level of challenge. It is an understatement to say that the Philadelphia pretrial release experiments could not have been accomplished without the cooperation and assistance of many.

We owe a great debt to our colleague Temple Professor M. Kay Harris who has been a full partner in a series of Philadelphia research and justice improvement projects relating to jail crowding and justice system improvement extending back to the early 1980s. Her critical insight, constructive and challenging comments and detailed editorial suggestions played a central role in the substance of the research as well as in its final product.

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The true stars of this story—of research and reform of pretrial release practices in Philadelphia—are the administrators and staff of the Pretrial Services Division of the Court of Common Pleas. In Philadelphia, this agency is routinely called upon to adapt,

help solve stubborn problems, and continually change how it operates—often accepting new assignments and adding to its workload without seeing a commensurate increase in its resources. It is in this demanding context of system change that we have enjoyed a special working relationship with Philadelphia Pretrial Services over the years. They have earned our respect and professional admiration many times over.

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Restoring Accountability in Pretrial Release:
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EXECUTIVE HIGHLIGHTS

This research examines the pretrial release process in the context of jail overcrowding in Philadelphia and considers the unique challenges associated with re-inventing pretrial release practices in anticipation of the end of years of court-imposed "emergency" crowding reduction measures. More specifically, the research focuses on the role of supervision in managing defendants released before adjudication and tests critical elements of pretrial release supervision in a series of related experiments and analyses.

The experimental assessment of critical aspects of supervising defendants in the community was carried out within the context of implementing pretrial release guidelines in the Philadelphia court system. The pretrial release guidelines established for the first time the option of releasing to structured pretrial supervision certain medium-to-high risk defendants charged with relatively serious crimes. These were categories of defendants who, under former practices, would have been held in jail but under newly established procedures for supervision and accountability were believed to be amenable to management in the community. Under emergency release procedures, such defendants often were released with no supervision and then recorded high rates of pretrial misconduct (failure-to-appear or rearrest). The principal aim of Philadelphia's initiative to re-engineer pretrial release policies was to maximize safe pretrial release by designing and employing effective decisionmaking tools and release options that would ensure attendance in court and minimize risks to the public safety while cases of released defendants were being adjudicated in the criminal courts.

The supervision strategy employed in the Philadelphia pretrial release guidelines was based on five critical elements:

- full use of the supervision option suggested under the guidelines,
- notification of defendants of important court dates,
- "orientation" of defendants to the criminal process and the requirements of conducted release by pretrial services staff,
- case management of defendants on supervised release by pretrial services, and
- enforcement of compliance among defendants under supervision.

The question for research--as well as for practice—was: How can release options be effectively deployed among the defendant groups with these risk and offense attributes? The research was structured to allow assessments to be made of the contributions and impact of the various elements of pretrial supervision. These considerations led to organizing the investigation of the role of supervision in enhancing the effectiveness of pretrial release into five parts, including two notification experiments, a supervision experiment, an enforcement experiment and a predictive analysis of defendant non-compliance (no-shows at the first supervision stage).

The "Notification" Experiment

Under the experimental condition, a pretrial services staff member would play an active role in court. Specifically, the staff member would have a brief discussion with each defendant at the preliminary arraignment just after the Municipal Court bail commissioner had conducted the preliminary arraignment hearing and determined a pretrial release option (then including personal recognizance release or some amount of cash bail). Under the new approach, the pretrial services staff person would explain to the defendant what had just occurred, what would occur next, and what the defendant was expected to do. The staff person would then give the defendant a card on which these instructions were summarized and on which a telephone number for a new pretrial services automated (AVR or automatic voice response) phone system was indicated. All defendants were required to call the agency within 24 hours of release. The automatic phone system was to serve as a second experimental condition designed to test early compliance among released defendants and allow pretrial services staff to follow-up on defendants who did not call in as required. These defendants would receive calls and/or letters reminding them of their court dates, etc. The control condition was to have defendants processed at the first judicial stage in the normal fashion, with no in-court contact, no explanation by pretrial services staff, and no requirement to call in to the AVR system.

Random assignment of defendants to experimental (n=140) and control group (n=114) conditions was carried out by alternating conditions on successive days between 11/13/95 and 11/26/95. Defendants in each group were followed up to chart rates of FTA and rearrest during a 120-day period subsequent to their release at preliminary arraignment.

- Contrary to the hypothesized outcome, failure to appear (FTA) did not differ significantly between the two groups, with 31 percent of experimental and 34 percent of control group defendants failing to appear in court at least once during the follow-up period and 14 percent of each officially in fugitive status at the end of the follow-up.
- In addition, the two groups did not differ significantly in rearrests for crimes occurring during pretrial release, with 18 percent of experimental and 14 percent of control group defendants rearrested.

The Supervision Experiment

Drawn from a point in time just prior to the implementation of the new pretrial release guidelines (and the nested supervision experiments), we begin our supervision experiment against the background of baseline data portraying the impact of no-conditions release. Based on this reasoning, then, it was not essential (particularly given limited research resources) for the experimental design we employed to reproduce the no-conditions control group state of affairs. Instead, with the earlier research providing data that could be used as a no-conditions baseline, we designed the supervision experiment to

focus on variations in supervision conditions, testing the impact of less and more restrictive conditions for each of two groups of supervision candidates.

- Type I defendants with even digits were assigned to the A supervision condition which began with attendance at pretrial services orientation and included reporting in by phone through the automated phone system once per week throughout the pre-adjudicatory period. Those with odd digits were assigned to the B condition, which included attendance at an orientation, calling in once per week, and receiving a personal phone call from the Warrant Unit pretrial services staff the night before each court date. Failure to comply with these requirements was to initiate a reminder call from pretrial services supervision staff.
- Type II defendants with even digits (A condition) were required to begin the process with orientation and case management meetings and to call in to the AVR system two times per week. Those with odd digits (B condition) would call in twice weekly and meet in-person with their cases managers three days before every court date. In addition, if a defendant in the B group failed to attend the pretrial services meeting, the Warrant Unit would be notified and a warrant investigator would make a visit to the residence. The investigator would then instruct the defendant to attend the pretrial services meeting and remind the defendant of the upcoming court date. The implication of this approach was that failure to meet these conditions would result in apprehension by the warrant officer.

The supervision experiment was carried out in the Philadelphia courts between August 1, 1996 and November 26, 1996. During that period, 845 defendants assigned Type I and II supervision as a result of new charges appeared at the Pretrial Services Division, attended orientation, and then were randomly assigned to levels of supervision, resulting in 175 Type I A, 194 Type I B, 252 Type II A, and 224 Type II B defendants. The study employed a four month (16-week) follow-up period to chart rates of failure-to-appear and rearrests during pretrial release. The supervision experiment sought to test both a general hypothesis relating to the impact of supervision conditions applied to the targeted categories of defendants and hypotheses relating to specific conditions (and levels of conditions) of supervision.

- Type I A and Type I B defendants did not differ in their rates of misconduct over the 16-week follow-up period. The slight differences in the expected direction in failure-to-appear rates among Type I A and I B defendants (at 22 and 20 percent, respectively) were not statistically significant. The percentages of defendants still officially in fugitive status at the end of the follow-up period also did not differ significantly (13 versus 11 percent). Similarly, the differences in rearrest rates between the two groups were in the opposite of the expected direction (9 and 11 percent), but were not significant.
- Both types of misconduct rates, however, were substantially lower than those generated by defendants classified as Type I defendants in the baseline data.

On the surface, these findings suggest that the differences in supervision conditions between weekly telephone reporting assigned to Type IA defendants and telephone

reporting with night-before reminder calls for court dates for Type IB did not yield a misconduct-reducing effect. However, supervision generally (of either variety) seemed to produce a beneficial effect compared to the prior circumstances of no-supervision under emergency release procedures.

- There were slight but non-significant differences between Type II A and Type II B defendants in rates of pretrial misconduct (with failure-to-appear rates of 23 and 26 percent, fugitive rates of 14 percent each, and rearrest rates of 16 and 14 percent).
- While these rates of misconduct are slightly higher than those produced by Type I defendants (as would be predicted by their risk classification), Type II defendants still exhibited much lower misconduct rates than those produced among comparable baseline defendants in the earlier study.

Again, on the surface, these findings appear to suggest that the gradations in the restrictiveness of conditions of supervision employed in the experiment did not translate into commensurate differences in rates of misconduct. They do suggest, however, that the general content of supervision in the Type II category (of the sort applied to either the A or B group) produced rates of misconduct substantially lower than those shown in the comparable baseline data.

These findings appear to suggest that just being in the supervision process at all had an advantageous effect and that minor differences in forms of supervision (levels of restrictiveness) did not make a difference in outcomes.

The study also examined the extent to which experimental conditions were fully implemented. In this and the other experiments, the context of implementation was important for interpreting experimental outcomes.

- The highest rate of compliance with telephone reporting among all defendants was found in week 1, but even then only 61 percent of those required to call in did so. The compliance rate declined gradually but steadily in each of the succeeding weeks until reaching a low of 19 percent compliance in week 16.
- As early as week 4 in the pretrial release period, a majority of defendants assigned to telephone reporting were failing to make required calls to the AVR system.

Implementation issues and their bearing on understanding the experimental results are discussed in the full report.

- Using a court-date-based measure, whether calls were not made, acceptable calls were made, or unacceptable calls were made did not appear to be significantly related to FTA or rearrest in the cases involved. In short, whether reminder calls or appropriate contact were made appeared to have little or no effect on the defendants attendance in court the next day.
- Again relying on a court-date-based measure, whether meetings were scheduled, kept, or not kept appeared to be significantly related to both FTA and rearrest. These findings seem to suggest that something about the meeting appointment process

served as an effective reminder to defendants about their obligations to attend court (and avoid pretrial crime), particularly if they actually kept their appointments (which most did).

The Preventive Notification Experiment

- During the supervision experiment about 53 percent of defendants assigned Type I or II supervised release[1] failed to report as ordered to the pretrial services agency in Center City within 3 to 5 days to initiate the supervision process.
- Whether because of different *a priori* risk attributes or absence of supervision, defendants who failed to attend pretrial services orientation (who "no-showed") and their case management intake subsequently recorded higher rates of failure to appear in court (30 percent versus 9 percent) and of being rearrested (11 percent versus 4 percent) during a 30-day follow-up period than those who did attend.

From a research perspective, self-selection of the more "compliance-prone" defendants into supervision (or the less compliant away from supervision) and their random assignment to different conditions of supervision could explain the no-difference findings between Type I A and I B defendants and between Type II A and II B defendants assigned supervision conditions.

The notification strategy involved random allocation of 423 defendants ordered released to Types I or II supervision by commissioners at preliminary arraignment to an experimental group and a control group based on odd-even last digits of I.D. numbers. The identification of defendants began immediately as the results of preliminary arraignment became known and was not delayed until three to five days after the hearing to determine who actually had attended pretrial services orientation.

The experimental group was to be exposed to a proactive notification strategy that involved pretrial services staff placing calls during the day and/or evening hours within the 24-hour period immediately before the orientation date to remind defendants of the requirement to visit pretrial services, as well as of the specific date and time. The control group was handled in the normal, reactive—or more correctly, after-the-fact—fashion. Pretrial services would expect the arrival of control group defendants as scheduled at orientation with no prior intervention beyond what they were told by the commissioner in preliminary arraignment court.

The random assignment produced an experimental group of 207 defendants and a control group of 216 defendants from preliminary arraignments conducted in Philadelphia's Municipal Court from October 21, 1997 through November 18, 1997.

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[1] In planning the new criminal courthouse, it was decided to design a preliminary arraignment courtroom to be located in the basement that would not receive actual defendants in person. Rather, through video hook-up with the police districts, arrestees would have a TV hearing and then would be released from the police stationhouse. This design sought to eliminate a large volume of defendants from initial processing in the new courthouse and to eliminate the transportation costs that police incurred in transporting defendants to one central location.

- Experimental group defendants who received advance calls reminding them of their pretrial services appointments attended orientation at a slightly higher rate (56 percent) than their control group counterparts (51 percent).
- Experimental and control group defendants also recorded similar rates of failure to appear measured over the following 30-day period (at 18 and 19 percent respectively). (Similar proportions (20 and 21 percent) of defendants in both groups were fugitives at the end of the one-month observation period.)
- Both groups showed similarly low rates of rearrest within the follow-up period as well (6 and 8 percent of experimentals and controls respectively). The differences between the two groups of defendants on these outcome measures were not statistically significant.

On their face, these findings fail to show support for the advance-notification hypotheses. The pre-emptive calls made by pretrial services staff did not alter the likelihood of timely attendance at the initial pretrial services appointment for orientation and case management and, having failed to increase enrollment in supervision, did not reduce the 30-day rates of failure to appear or rearrest.

When aspects of implementation of the experimental conditions were considered, we found once again that the context of implementation played an important role in the findings, e.g., that the nature of the phone contact may be related to experimental outcomes. The categories with no contact (wrong number, no phone number, and no answer) showed the highest rates of failing to attend pretrial services orientation as required to start the supervision process. Almost all defendants, who were themselves actually reached, attended as required.

The Targeted Enforcement Experiment

Experiment 4 was based on the premise that if one cannot effectively prevent early non-compliance ("no-show" at the first pretrial services appointment), one can instead "correct" the problem by intervening after the fact to return defendants to compliance. The experimental enforcement strategy was simple in concept: identify defendants meeting the early no-show criteria (i.e., they were non-compliers as of seven days from their scheduled pretrial services orientation date), intervene, and bring them back into compliance. The intervention would consist of the following: Those documented to be out of compliance after seven days would be identified and a list would be provided to the Warrant Unit of the Pretrial Services Division. As a first step, warrant/investigation officers would attempt to make contact with defendants through calls to the defendant, family, friends, etc. If the defendant could not be contacted, warrant officers would visit the defendant's residence.

Between November 17, 1997, and December 19, 1997, nearly 200 defendants were identified as early no-shows and were randomly assigned to an experimental (n=93) or control (n=103) group. Experimental group defendants were exposed to the targeted enforcement strategy, while control group defendants were tracked in the normal fashion

without intervention. This experiment employed a one-month follow-up period which was deemed sufficient to determine whether defendants were successfully returned to compliance and to track their relative rates of early misconduct (FTA and rearrest).

- Discouragingly, no defendant in either group attended orientation within 48 hours of the 7-day intervention by the Warrant Unit. Eventually, nine percent of the experimental and four percent of the control group defendants did appear at orientation to begin the supervision process. This difference was not significant, which suggests that the late enrollments that did occur could not be attributed to enforcement strategy efforts.
- Experimental group defendants had a slightly lower one-month FTA rate (29 percent) than control group defendants (34 percent). The difference was not statistically significant.
- Experimental and control group defendants showed similar rates of rearrest (12 and 15 percent, respectively) during the one-month observation period. These differences were not significant and the rates were high for such a short follow-up period, again confirming the high-risk nature of the targeted non-compliers.

When the extent of implementation of the planned scenario is examined, it is apparent that few defendants were actually contacted, either by telephone or by warrant officers in person at their residence. If this strategy was designed to test a deterrence approach—admittedly by emphasizing threat communication over actual consequences, such as revocation of release—it is clear that the "message" was delivered to only a small proportion of the intended audience. Instead, it is more reasonable to conclude that the targeted enforcement strategy was not effectively implemented and that the experimental results do not represent a serious test of the approach.

Predicting Early No-Shows For Better Targeting Special Conditions Of Release

The results of the two notification experiments as well as of the targeted enforcement experiment are mixed at best and discouraging at worst when relating to the prospect of preventing, reducing or correcting the sizeable early no-show problem in Philadelphia. There are some grounds to believe that actual direct contact with defendants both in advance of their required attendance dates and after they have already failed to comply with reporting requirements can improve compliance. The experimental findings, however, suggest that a number of obstacles may make implementation of these strategies challenging.

Because of the central importance of the 50-percent no-show rate among the specially targeted Type I and Type II defendant categories to the pretrial release guidelines strategy for maximizing safe release and minimizing pretrial misconduct, the weak results from both the proactive and reactive strategies to promoting defendant compliance pointed to one additional strategy: development of a risk classification to predict early no-shows.

To represent defendants who "showed" for orientation, we included all of the 845 defendants in the supervision study. We identified 1,005 Type I and Type II releasees during the same period (between 8/1/96 and 11/26/96) who failed to attend pretrial services orientation as required. Because of resource constraints, we drew a 22.6 percent random sample (n=228) of the non-compliant defendants for comparative analysis. Thus the overall sample of 1,073 defendants amounted to a stratified sample which, when weighted, represented the total population of 1,850 defendants released to Type I and Type II conditions during that period. The multivariate analysis sought to identify attributes of defendants and/or their cases that were helpful in "predicting" early non-compliance.

- Using two multivariate methods, logit (logistic regression) and CHAID, we were able to identify models of early non-compliance that could be used to construct predictive classifications of defendant risk of non-compliance (early no-show). These results illustrate the utility of this third strategy for addressing the 50-percent no-show problem, developing a risk typology for targeting likely no-shows from the preliminary arraignment stage directly.

The limitations of these predictive analyses notwithstanding, they do suggest that a predictive classification—consisting of two (lower and higher) or three (low, medium, and high) risk groupings—could be developed that, when integrated into the pretrial release guidelines, could help target defendants being released to Type I and Type II supervision for specific and appropriate conditions that could help reduce the problem of early no-shows at pretrial services for supervision orientation.

Conclusion

In each experiment, implementation of the experimental conditions (the treatments) represented real innovations in the area of court and pretrial services operation carried out against the background of jail crowding and its long-term system effects in Philadelphia. These exercises were simple in concept, but not so simple to implement in the context of the Philadelphia justice system. In each of the experiments, examination of the implementation context revealed developments and difficulties that affected the ability to draw clear inferences about the impact of the various experiments. The difficulties associated with operating a computerized telephone call-in system, with contacting defendants by telephone, with locating and visiting their residences for purposes of enforcement, with the ability to deliver sanctions when promised, as well as other real-world practicalities, raise serious questions about the findings of no differences between control and experimental group defendants on the key measures. In examining the threats to internal validity of the experiments posed by some of them, it becomes clear that the experimental findings need to be considered in the context of implementation findings.

Two principal conclusions emerge from the collection of findings we have described in the body of this report. The first relates to the weak impact of notification strategies in reducing defendant misconduct (FTA and rearrest), while the second relates to the problems with achieving deterrence in conditions of supervision.

We tested notification approaches as part of a supervision strategy in two experiments, both seeming to show no differences between experimental and control group defendants. On their face, these findings suggest that, alone, this facilitative, information strategy wields little influence on later defendant behavior during pretrial release. Our conclusion in this area might not offer support for the theory that a large share of defendants who fail to appear in court do so because they are confused, ill-informed or forget.

Implementation findings from the second notification experiment cause us to temper this conclusion, however. The experience with staff attempting to contact defendants by phone in advance of their pretrial services orientation date showed, first, that making contact by telephone within a narrow timeframe is difficult, but also that when defendants were actually reached a very high rate of compliance was achieved. The lesson to be drawn from this finding is more hopeful than the experimental findings suggest. Supervisory staff must have an effective means of reaching defendants directly. This is not an easy accomplishment in a large urban center where many defendants do not have telephones and supervisors cannot get to know each assigned defendant personally when they are responsible for hundreds.

The dilemma in setting up a pretrial release supervision system based on these deterrent aims was that the jail-crowding crisis in Philadelphia precluded the use of confinement to enforce compliance with conditions of release under supervision. The Philadelphia approach—like approaches in other cities—had to rely on the threat of sanction without the ability to impose the sanction—or at least to make use of confinement as the ultimate sanction.

Ironically, then, the success of the attempt to recapture responsibility for managing pretrial release and confinement from Federal emergency governance by instituting a major re-engineering of the pretrial release system and by establishing a sound system of supervision turns on the need to employ meaningful consequences, including some selective role for confinement.

The challenge to the justice system is to set requirements that are meaningful and enforceable, as the National Association of Pretrial Services Association (1978) Standards suggest, and to devise measured responses that can and will be delivered when violations occur. We have by now learned from the experience of intermediate punishments and "graduated sanctions," for example as they are employed in drug courts, that most of the needed responses do not (in this instance, usually cannot) include confinement.

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CHAPTER ONE:
RE-INVENTING PRETRIAL RELEASE

I. Introduction

There is now a considerable, recent history in the United States of attempts to address jail-crowding crises through improved justice system performance and implementation of "alternatives to incarceration," often as the result of litigation. Because in most places a large share of the jail population is made up of defendants held awaiting adjudication, many remedial efforts have involved modification of pretrial release practices. In some cases, the need to alleviate crowding has stimulated healthy innovation and growth in pretrial services; in other cases, the pressure to release more inmates has overwhelmed concern for other goals underlying the release process. When Federal or state litigation under which emergency population reduction measures were imposed comes to an end, jurisdictions will face new challenges associated with the return to "normal" justice system practices governing the use of local confinement, including pretrial release. This research examines the pretrial release process in the context of jail overcrowding in Philadelphia and considers the unique challenges associated with re-inventing pretrial release practices in anticipation of the end of years of court-imposed "emergency" crowding reduction measures. More specifically, the research focuses on the role of supervision in managing defendants released before

adjudication and tests critical elements of pretrial release supervision in a series of related experiments and analyses.

In Philadelphia, the justice system has operated under the constraints of various crowding-reduction procedures for about a quarter of a century, for such an extended period that the state of emergency has become the *status quo*. As emergency procedures are suspended, local judicial and related system officials theoretically should be restored to full authority and responsibility for decisionmaking. However, here as in other jurisdictions operating for a decade or more under constraints arising from litigation, returning responsibility to the local judiciaries for pretrial and post-conviction confinement decisionmaking—restoring functioning to *status quo ante*—is far from a simple matter.

In many respects, it is simply not possible to "go back" to what once were routine justice system operations. Institutional memory of how the system operated when it was not under emergency orders from crowding cases may be absent. Many actors in the system may have left their positions for other employment or retirement; newer employees may never have experienced the justice system in its "normal" mode. In addition, many aspects of justice system operation may have changed during the years of the crowding emergency, due not only to crowding-reduction measures, but also to other factors such as changes in laws, shifts in administrative policies, and construction of new facilities. In other words, because practices have moved on (and history has not stood still), it is illusory to think that the past can be recaptured. There may simply be no ordinary or usual practices to go back to. Finally, such a Proustian strategy may not be feasible because the past state of affairs (as in *le temps perdu*) may have been far from

ideal and unworthy of recapturing. In fact, poor system practices of the recent (pre-jail emergency) past may have been principal contributors to jail crowding problems in the first place.

The challenge the judicial system faces is how to re-invent decision practices governing the use of local confinement with an eye to changed circumstances and possible future developments. This special challenge associated with the conclusion of court-imposed crowding-reduction procedures may impact a variety of judicial decision functions that affect the use of local incarceration, including sentencing, revocation and parole or early release. Within that larger context, this research focuses specifically on pretrial release practices in Philadelphia as local authorities attempt to end Federal court intervention, restore accountability to local judicial officials, and resume functioning under locally-determined practice. It describes a re-engineering of the pretrial release function as part of an overall effort by local officials to demonstrate that they can administer the system adequately on their own, and, more specifically, that they can "live within" available confinement resources while satisfying constitutional standards. The local justice system sought to do this by designing a pretrial release guidelines framework, establishing levels of supervision for medium risk defendants, and instituting a variety of population review and "emergency" procedures of their own invention. This multi-part study capitalizes on the "opportunity" afforded by the jail crowding problem in Philadelphia and the Federal judge's decision to allow the local system to demonstrate that it can install an acceptable pretrial release system successfully. These developments are tantamount to a natural experiment, in which, by force of events, local officials were, to a certain extent, required to "start over" in establishing pretrial release practices. This

report describes the context of the pretrial release reform initiative and presents findings from a series of field experiments and related analyses examining the ingredients of effective pretrial release and supervision.

II. Organization of the Report

Discussion of the research begins in Chapter Two with a brief description of the context of jail crowding in Philadelphia, the role of pretrial release and detention, and the impact of crowding litigation on pretrial release practices. Chapter Three sets the stage for the pretrial release experiments by describing the development and implementation of pretrial release guidelines as the foundation for restructuring the pretrial release process. Chapter Four reviews the research questions specifically addressed in this multifaceted study examining release and supervision of defendants during the demonstration period. It also briefly describes the four field experiments designed to examine key components of the pretrial release strategy reported in detail in Chapters Five, Six, Seven and Eight. To address an important contextual finding affecting the interpretation of the experimental findings, Chapter Nine presents an analysis of "no-shows" among defendants released under supervision who elude supervision (and who go on to record higher rates of failure-to-appear (FTA) and rearrest than defendants who comply with the conditions of pretrial release). In addition, that chapter presents a predictive classification constructed as part of the overall pretrial strategy and considers its utility in helping the court system address the problem in the future. The report is concluded in Chapter Ten with a discussion of the implications of the supervision experiments for improving the effectiveness of pretrial release and for re-establishing local accountability for justice processing after decades of experience with crowding emergency procedures.

CHAPTER TWO:
JAIL CROWDING IN PHILADELPHIA AND ITS IMPACT ON PRETRIAL RELEASE PRACTICES

I. The Context of Local Jail Crowding

Crowding in the local correctional institutions has posed longstanding justice system, public policy, fiscal, and political problems in Philadelphia, as it has in many other urban jurisdictions in the United States. Over the last three decades, the population of inmates confined in the institutions (known as the "Philadelphia Prisons") serving collectively as the City's jail has doubled from just under 3,000 in 1960 to over 6,000 in mid-1998. (See Figure 2.1.) In 1965, a new Detention Center was completed to help alleviate critical capacity needs and to respond to the then overcrowded conditions in Philadelphia's other antiquated correctional institutions, two of which were constructed around the turn of the century. Just a few short years later, the correctional institutions were again at capacity when the Philadelphia system gained notoriety nationally as a result of an investigation of sexual violence occurring within the institutions and in sheriff's vans.[2] Riots and the murder of two prison administrators by the prisoners in the early 1970s were followed by two class action suits brought on behalf of inmates protesting conditions within the Prisons. These early suits began a period of litigation over confinement conditions in Philadelphia that is only now—local officials hope—nearing its conclusion. In 1971 in Bryant v Hendrick (280 A. 2d 110), the Pennsylvania Supreme Court found the existence of "cruel and unusual conditions" in one of the City's oldest institutions. In 1974, an initial consent decree resulting from a broad class action

suit in the state courts in Jackson v Hendrick (321 A. 2d 603) went into effect. It was later joined by a Federal consent decree in 1987 in Harris v. Reeves.[3] Springing from this litigation, a population limit (a "MAP" or maximum allowable population) of 3,750 inmates was established for the Philadelphia institutions in 1987.[4] A variety of "emergency" population-reduction measures were set in place under the two consent decrees. These included provisions limiting admissions, accelerating case and custody reviews, and generating early release at the pretrial and post-conviction stages.[5] In response to the consent decrees, the City of Philadelphia carried out a number of improvements relating to physical facilities and developed strategies for improving justice system functioning related to uses of local confinement.[6] During the last decade, the City closed its oldest facility (Holmesburg), constructed two new facilities (Curran-Fromhold and Philadelphia Industrial Correctional Center), and is on the verge of decommissioning the remaining antiquated facility (the House of Correction[7]).

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[2] See (Davis 1968) for a detailed discussion of the subject.

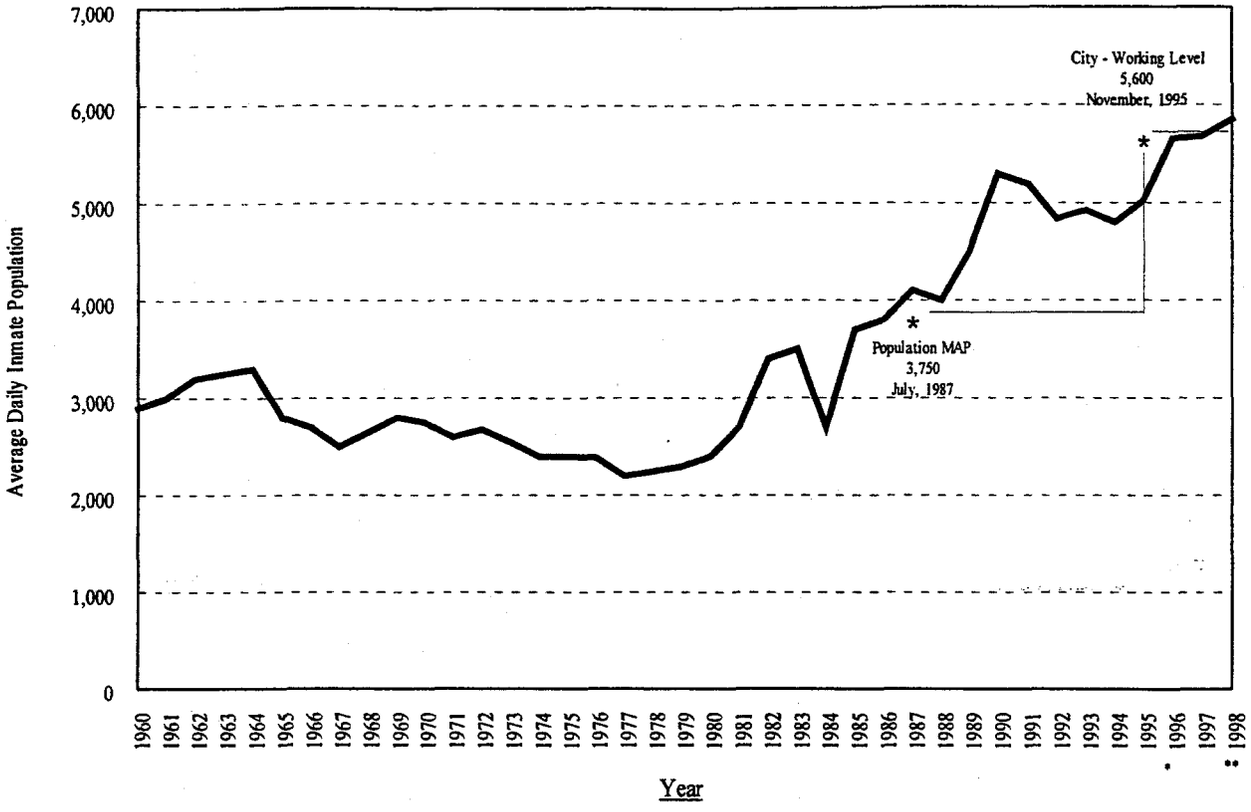
[3] The respondents' names in *Harris v Reeves* (654 F. Supplemental. 1042 [1987]) have changed over time (*Harris v Pernsley, Harris v City of Philadelphia, Harris v Reeves*).

[4] *Harris v. Reeves*, (654 F. Supp. 1042 [1987]). Harris was filed in 1982 and reached a court-approved settlement in 1986.

[5]The admissions moratorium, ordered by the court on June 6, 1987, specified that when the population exceeded the MAP only defendants charged with the following offenses could be confined: murder, attempted murder, forcible rape, attempted rape, involuntary deviate sexual intercourse, corrupting the morals of a minor, arson, robbery, kidnapping, aggravated assault, a crime involving use of a gun or knife, or felony drug charges above established quantities of drugs. Defendants must have been charged with possession of 50 pounds of marijuana ($100,000 street value), 50 grams of heroin ($75,000 street value), 50 grams of cocaine ($5,000 street value), 10 grams of cocaine base [crack], 50 grams of methamphetamine, 25 grams of amphetamine, or 200 tablets of methaqualone. In addition, a short time later the court also permitted defendants with two or more bench warrants, even in cases including non-enumerated charges, to be held. For a more complete description of the emergency measures adopted to try to reduce crowding in the Philadelphia Prisons, see Goldkamp and Harris (1992).

[6]For a detailed chronology of the developments in the crowding litigation through 1990, see Babcock (1990) and Rudovsky (1985).

Figure 2: Average Daily Inmate Population, Philadelphia Prisons: 1960-1998



Source: 1960 - 1981 adapted from Goldkamp and Harris. 1995. *The Population of the Philadelphia Prisons on May 31, 1995.* Philadelphia: Crime and Justice Research Institute; 1981 - 1998 adapted from data provided by Philadelphia Prisons.

* 1996 data based on the period from 2/7/96 to 12/31/96
** 1998 data based on the period from 1/1/98 to 7/22/98

In 1992, to meet requirements of the Harris consent decree the City submitted an Alternatives to Incarceration Plan (City of Philadelphia 1992; Goldkamp and Harris 1992), which outlined a strategy for system improvement designed to minimize the use of unnecessary confinement and to provide accountability and supervision for those persons released to the community. The Alternatives Plan served as a blueprint for system change and included objectives in a variety of areas.[8] A major emphasis was placed on

[7] *Harris v. Reeves*, (654 F. Supp. 1042 [1987]). Harris was filed in 1982 and reached a court-approved settlement in 1986.

[8] These included 1) a comprehensive approach to pretrial release and dispositional (post-conviction) decisionmaking and resources in Philadelphia; 2) a comprehensive information policy for use of alternatives to incarceration; 3) structured use of program and processing options for alternatives to incarceration; 4) improved pretrial release decisionmaking and programs; 5) adoption of local guidelines for post-adjudication dispositional decisions; 6) improved credibility, performance and accountability of non-incarcerative programs; 7) enforcing compliance with conditions of provisional release, program obligations and non-incarcerative sanctions; 8) improved structure and organization for the effective performance of pretrial and post-adjudication functions related to alternatives to incarceration; 9) a comprehensive approach to allocation of resources for alternatives to incarceration in Philadelphia; and 10)

procedures for release and management of defendants awaiting trial. Once accepted by the Federal court, the Alternatives Plan became the standard against which the City's progress toward satisfying the requirements of the consent decree and termination of the Federal suit would be measured. Although efforts to address crowding in Philadelphia have dealt with a wide range of issues relating to the conditions and uses of confinement, the capacity of the Philadelphia Prisons to house inmates and the size of the actual inmate population have been central issues underlying all others. In November of 1995, the Federal court agreed to stay the provisions of the consent decree then in force that imposed an admissions moratorium permitting the confinement only of defendants charged with "enumerated offenses" or two or more bench warrants when the inmate population exceeded the specified limits.

The issuance of the temporary stay of the major population-related provisions (including the MAP or "cap") by the Federal judge—and the hope that it could be parlayed into a permanent stay or the relinquishment of Federal court jurisdiction—represented a critical test for the local justice system. During a period of temporary freedom from Federal judicial orders directing key aspects of local use of confinement, the City and local justice agencies would need to demonstrate that the justice system could function normally and manage the use of confinement in the Prisons responsibly and within capacity.[9] Implicit in this opportunity was an expectation that City officials would develop and implement their own procedures for monitoring and managing

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a comprehensive approach to drug-involved defendants and offenders. See Goldkamp and Harris (1992: 83-142).

[9] See "Motion of the City of Philadelphia and the Honorable Edward G. Rendell, in His Official Capacity as Its Mayor, to Modify the December 30, 1986 Consent Decree and the March 11, 1991, Decree," in Harris v. Reeves (654 F. Supp 1042 [1987]); No. 82-1847 (9/21/96). The motion was granted on November 22, 1995. Initially intended for a trial period of 90 days, the motion was subsequently extended indefinitely. See "On Thanksgiving Day, Judge Waives Prison Cap." *Philadelphia Inquirer.* 11/22/95.

confinement levels and dealing with population emergencies when the number of inmates in the Philadelphia Prisons exceeded the capacity to hold them.[10] The challenges involved in moving the local justice system to effectively resume control over its own confinement resources required reconsideration of all practices associated with choices between confinement and non-confinement alternatives.[11] However, a major part of the Alternatives Plan and the City's strategy for demonstrating the effectiveness of locally devised and controlled policies rested on a restructuring and re-engineering of pretrial release and detention practices based on pretrial release guidelines.

II. The Critical Need for Effective Pretrial Release Policies in the 1990s

In many urban jurisdictions nationwide, a high volume of arrests has placed increasing demands on available jail capacity and existing release options. Often this has meant that large numbers of defendants who would traditionally have been confined had to be accommodated in other ways. Ad hoc release procedures designed to reduce inmate populations in crowded institutions frequently resulted in unacceptably high rates of defendant flight and rearrest (Goldkamp 1983; Goldkamp, Harris and Weiland 1992; Reeves 1994:11). In addition, the productivity of emergency release procedures typically has diminished over the last decade as inmate populations have become more concentrated with persons who are held for crimes of increasing seriousness, more often involving firearms and drugs than a decade earlier,[12] and more often having lengthy prior criminal histories.

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[10] The City also argued that the Prisons could hold more inmates than allowed under the MAP and proposed use of a "working population level" of 5,600 prisoners.

[11] See Goldkamp and Harris (1992).

[12] In Philadelphia, for example, overall reported crime has decreased slightly over the last 15 years, but reported violent index offenses have increased 35 percent during that period.

The extensive literature on bail reform has identified many issues that still have not been addressed satisfactorily in many American jurisdictions. Key problems center around the impact of pretrial release and detention decisions on the rights of the accused and the discriminatory effects associated with traditional bail practices. These concerns are not discounted here, but extensive analyses presented elsewhere (see, e.g., Beeley 1927; Foote 1954, 1965a and b; Ares, Rankin and Sturz 1963; Goldfarb 1967; ABA 1968; Thomas 1976; Goldkamp 1979; NAPSA 1978) are not repeated in this report. However, the underlying interests identified in that literature have played an important role in the development of the pretrial release guidelines approach that serves as the foundation for this research (see below). Recognizing both the need for equitable practices and the presumptions in law that favor release under the least restrictive alternative, the Philadelphia approach was driven by the aims of maximizing appropriate pretrial release and minimizing undesirable side-effects, principally defendant flight and crime during the pre-adjudicatory period. Because crowding in jurisdictions like Philadelphia means that not all defendants whom officials might appropriately wish to confine can be held, release options are forced to accept and manage more seriously charged and higher-risk defendants in the community than ever before. In a time of heavier criminal caseloads, widespread jail crowding, and frequent resort to emergency release mechanisms, then, the urgency of operating release mechanisms that are actually effective has become critical.

Defendants involved in pretrial processing in the criminal courts represent the largest portion of all persons involved in the criminal justice system. They account for many more persons than are on probation or parole and for far greater numbers than are

confined. In most jurisdictions, the large majority of these defendants are undergoing processing while on some form of release in the community. In sheer numbers alone, but also in terms of possible risks to public safety, the large body of defendants on pretrial release on a given day represents a sizable and ongoing justice concern in any locality.[13]

Even in jurisdictions that have undergone multiple rounds of jail construction, confinement resources have proven to be finite, costly, quickly saturated, and continually in need of careful management. Uses for jail confinement appear to grow faster than confinement capacity. In the recent past, increases in arrests for serious crimes against the person and for drug and weapons offenses have increased demand for confinement capacity at pretrial stages. In some places local officials have passed the effects of crowding on to state institutions as they seek to move convicted persons to state cells more quickly.

While increases in arrests for drug, violent and gun-assisted offenses have made population-reduction measures in adult institutions more challenging, law enforcement and legislative attention also have turned increasingly to serious juvenile crime. Some juvenile justice policy changes have the effect of passing problems of juvenile justice on to the local adult justice systems. Recent legislation in Pennsylvania, for example, was designed to siphon off the more serious delinquents from the juvenile system for processing as adults. In addition, it called for making juvenile justice histories available at the adult pretrial release decision stage, substantially increasing information

[13] Unfortunately, many of these are fugitives, that is, they have had bench warrants issued for failing to attend court as required.

demands.[14]

A variety of other compelling justice system phenomena of the mid-1990s are adding to pressures being placed on local confinement capacity and, in turn, pushing jurisdictions to once again seek acceptable methods of managing defendants and convicted offenders in the community. These phenomena include concern about racial disproportionality among detention populations, the effects on demands for trials of mandatory sentencing and "three strikes" laws, and the larger effects on case processing of pretrial custody. Inexorably, today's local justice systems are forced to reconsider issues relating to fair and effective pretrial release that were raised but not resolved in the 1920s, 1930s, 1950s, 1970s, and 1980s (Frankfurter and Pound 1922; Beeley 1927; Moley 1933; Morse and Beattie 1932; Foote 1954; ABA 1968; Goldfarb 1967; Thomas 1976; NAPSA 1978; Goldkamp 1979; Goldkamp 1985; Goldkamp and Gottfredson 1985). The challenge for re-engineering pretrial release systems is to devise approaches that address both the issues raised by earlier bail reform initiatives and the need to release and supervise greater numbers of higher-risk defendants safely.

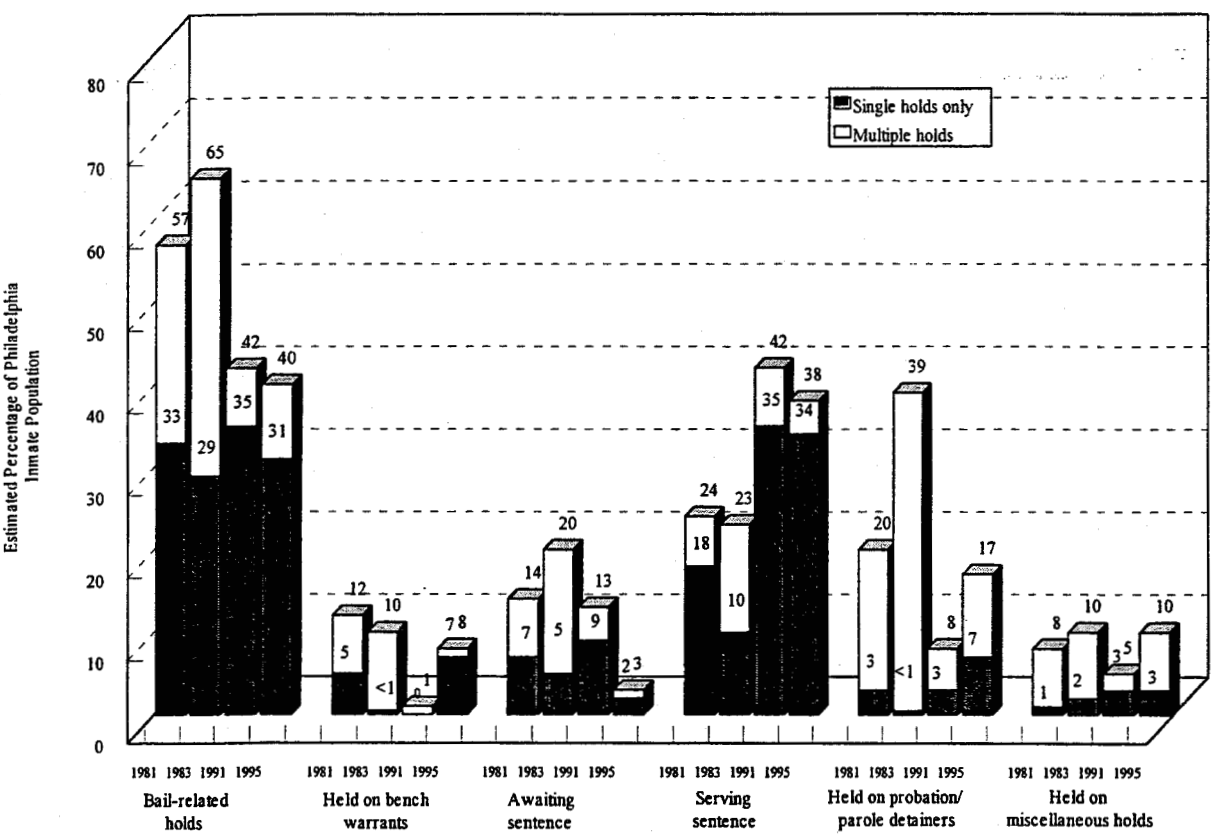
III. The Role of Pretrial Release and the Unintended Consequences of Crowding Court Intervention in Philadelphia

Pretrial detention accounts for a large proportion of inmates held in most local jails in the United States. The relative share of the confined population attributable to

[14]Juvenile history is already taken into consideration in the state's sentencing guidelines for adult offenders. See, e.g., Senate Bill No. 19, Special Session 1, General Assembly of Pennsylvania, enacted February 22, 1995, amending Section 6307 of title 42 PA Consolidated Statutes allowing judges to examine juvenile records at adult pretrial release determinations. See also Senate Bill No. 199, General Assembly of Pennsylvania, amending title 42 PA Consolidated Statutes (currently under consideration) transferring additional categories of serious juvenile offenders directly to adult criminal processing.

pretrial detainees has shifted slightly over time and inmates in other statuses (such as those serving sentences) also make up large segments of jail populations. However, in Philadelphia a major share of confinement resources—and many crowding reduction strategies—have been dedicated to pretrial detention over the last decades.

Figure 2.2 Profiles of the Inmate Population of the Philadelphia Prisons in Previous Studies, by Confinement Status



(1981: est. n = 3,694; 1983: est. n = 3,703; 1991: est. n = 4,881; 1995: est. n = 5,026)

Source: Goldkamp and Harris. 1995. *The Population of the Philadelphia Prisons on May 31, 1995.* Philadelphia: Crime and Justice Research Institute.

The process of judicial decisionmaking involved in pretrial release determinations was seriously disrupted during the years when a jail emergency was in effect in Philadelphia. A population cap and related procedures limiting admissions to the jail

system mandated by the Federal and state courts had the effect of superseding and rendering nearly meaningless pretrial release decisions made in Municipal Court at the first appearance stage. Another effect was to divert scarce pretrial services agency resources from work normally conducted to facilitate first-stage releases to activities supporting *post hoc* reviews of the detained population to find candidates for conditional and special release.[15] This detention review process, which was centered on identifying defendants who had been detained for the longest periods and who were being held with the lowest bail amounts, was first ordered under the Jackson court in the early 1980s (see Goldkamp 1983). This "longest-in lowest-bail" approach was expanded under the Harris court as the City funded BailCARE, which paid bails of confined defendants, and through the establishment of an independent agency, the Population Management Unit, which was funded by fines imposed against the City for not meeting the MAP as ordered and which reviewed the jail population to identify persons to be released under Federal auspices. The net effect was to shift the resources of the Pretrial Services Division of the local courts away from facilitating effective front end decisionmaking to reviewing the population of confined defendants. Simultaneously, the Population Management Unit acted as a competing shadow pretrial services agency, although it lacked the corresponding responsibility for monitoring or supervising the high-risk defendants identified for release under Harris.

While these procedures may have had some effect on restraining the population levels in the City's correctional institutions, the net result over the long haul was not

[15] The Jackson court had imposed other detention-review procedures that were disruptive to normal pretrial release practices. See, e.g., Goldkamp (1983). See Goldkamp and Harris (1992) for discussion of other effects on the pretrial services agency.

more effective pretrial release. Overall release rates did not change significantly when compared with prior periods. However, from three to four times the "normal" rate of failures-to-appear (FTAs) became standard in Philadelphia, along with higher than usual rates of rearrest among defendants on pretrial release. The backlog of cases of defendants in absentia (fugitives who failed to appear in court) climbed to more than 50,000 persons, easily the equivalent of more than one year's worth of misdemeanor and felony cases for the Philadelphia court system.[16] The resulting state of affairs in the Philadelphia justice system was characterized in the City's Alternatives-to-Incarceration Plan as follows:

> Problems with the efficiency of pretrial release decisionmaking are evident in the disjointed and overlapping review processes that are carried out by different agencies for similar purposes. It is inefficient to have different personnel in separate agencies reviewing the statuses of the same individuals for different release options. The practice of funding various pretrial release alternatives-to-incarceration programs without an organizing framework to provide a clear cut idea of the specific needs that will be filled by the program is misguided and contributes to inefficiency. Inefficient procedures almost certainly contribute to ineffective release practices, just as ineffective pretrial release causes problems for the system that result in unnecessary expenditure of resources. For example, court delay and a great deal of extra "re"-processing of cases occurs as a result of the high rates of FTAs that translate into large numbers of bench warrants. Similarly, the holding of defendants who gain release at some point following preliminary arraignment and who just as safely could have been released upon entry into the system consumes system resources needlessly. (Goldkamp and Harris 1992:104-105)

Perhaps predictably, court-imposed measures initially intended as temporary palliatives to jail crowding became institutionalized as population pressures did not abate. In the process, the correctional emergency became the norm over those decades. Despite the "temporary" focus of these emergency measures and the restraining effect they may

[16] See Goldkamp and Harris (1995).

have had on the inmate population,[17] the long-term effect was to effectuate a different norm of operation with problematic side-effects for other aspects of justice system operation. Because the court-imposed interventions were narrowly focused and numerous, the practical effect was the superimposition of an increasingly fragmented mosaic of "extraordinary" procedures that disrupted normal judicial decisionmaking practices. This mosaic was aimed at specific (crowding-related) results and was agnostic about other system functions and goals which caused a series of unanticipated and negative side-effects, including demoralization of justice system personnel and the emergence of what only can be characterized as bad habits among system actors whose discretion was eliminated or circumscribed.

One important side-effect of these population-reduction measures was that the authority of local decisionmakers over confinement decisions like pretrial release and sentencing was eroded or superseded by stop-gap and other emergency procedures. Bail judges and commissioners in Philadelphia soon learned that no matter what appeared to be the rational and appropriate pretrial processing, certain defendants simply could not be held in jail. This was true regardless of whether sufficient community supervision could be provided or the defendant had a record of extensive violations of court orders in earlier cases. Judges sentencing offenders to local facilities (for up to 23 months) found that sentences they imposed were routinely shortened in practice, creating a temptation to compensate for earned-time/good-time and other early release mechanisms created by the

[17] It was especially frustrating to all parties, as the population "emergency" became the status quo, the inmate population routinely exceeded the population limit of 3,750 set in the litigation as a mandated target for population reduction

consent decrees by crafting sentences that would be more likely to result in sentence lengths closer to what they intended.

As these and other system accommodations occurred and became routine practice, the rationality of normal judicial decisionmaking in areas involving confinement and release decisions in some instances appeared suspect. In pretrial release decisions particularly, bail commissioners in Philadelphia became accustomed to making what often amounted to meaningless decisions—decisions that had no apparent consequences. Both the operation and the effects of Municipal Court's "bail guidelines" system, seen as a model judicial innovation in the early 1980s, were completely submerged by the special emergency admissions procedures. As responsibility for initial pretrial decisionmaking was supplanted by subsequent reviews, the first-line decisionmakers were taken out of the "hot seat." They could impose high bail amounts or make other conservative decisions knowing that the decisions would not be allowed to stand. As responsibility for confinement decisions was, in effect, taken away from judicial decisionmakers, so was the experience of taking responsibility for tough decisions. The Alternatives Plan captured the effect these measures had on the system:

> This has contributed to a sense of frustration among those responsible for the day-to-day operation of the criminal justice system, who often feel hamstrung by decisions beyond their control. In some areas, this has translated into a *de facto* abdication of responsibility by system players, which in turn has created what amounts to a self-fulfilling prophecy of system dysfunction in some areas. When system players cannot control fully certain decisionmaking processes due to "emergency" measures taken to control institutional crowding, there is lack of ownership of the problems that have occurred. System problems can simply be blamed on judicial intervention. (Goldkamp and Harris 1992a:85-86.)

These accommodations to court-ordered measures were made more troublesome by changes in the characteristics of the entering criminal caseload and the local crime

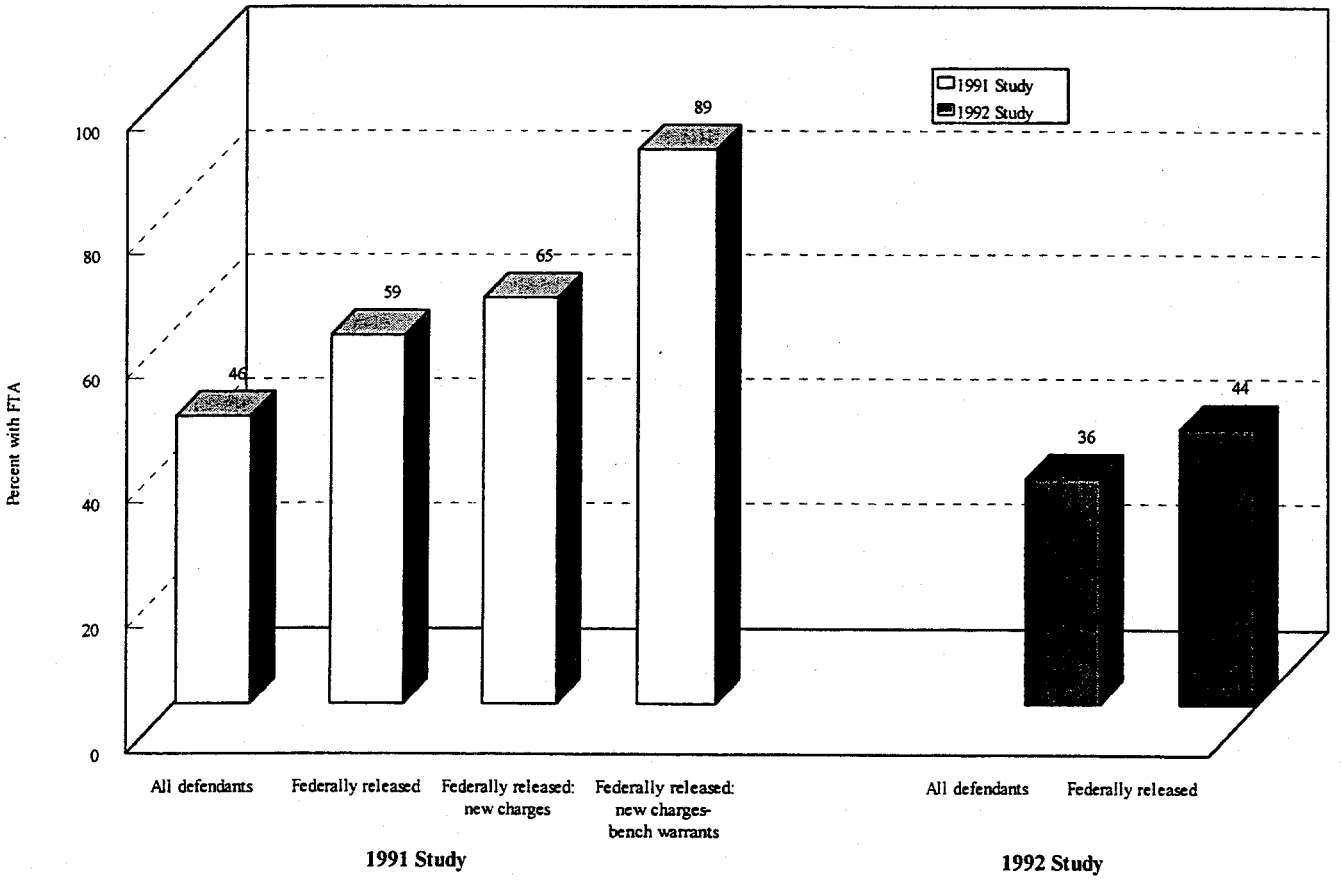
picture. As a wave of drug-related cases hit the criminal courts in the 1980s, fueled by changes in law enforcement procedures, increased mandatory sentences, and increasingly punitive legislative approaches, large amounts of system resources were consumed and available capacity increasingly was devoted to serious drug-related crime and crimes of violence.[18] The large number of drug crimes brought with them increasingly violent cases, frequently involving weapons and juvenile or youthful offenders. The process of locating reasonably acceptable candidates for emergency release—already very difficult in Philadelphia—became increasingly unproductive. After years of "skimming the cream," the composition of the inmate population in Philadelphia institutions became concentrated with higher-risk defendants involved in more serious crimes and with more extensive prior criminal records.

Defendants and other prisoners released under emergency population reduction measures performed as might have been predicted. National data show that defendants released under emergency procedures have failed to appear in court and were rearrested at rates notably higher than the typical released defendant (Reeves 1994:11). Those data comport with findings from studies of pretrial release in Philadelphia under emergency provisions. They first showed that emergency releases under special hearings in the 1980s resulted in defendant misconduct (failure-to-appear and/or rearrest) rates two to three times higher than the then standard rate among Philadelphia defendants (Goldkamp 1983). A 1991 study of pretrial release in Philadelphia sponsored by the City for planning purposes showed that nearly half (46 percent) of defendants in 1991 were

[18]It has been argued by some in Philadelphia that one side-effect of this phenomenon was to focus on serious felony offenses at the expense of the less serious misdemeanor offenses, in effect, "decriminalizing" misdemeanors. In fact, misdemeanor arrests dropped more than one-fifth over the last decade, while arrests for serious and violent felonies increased and arrests for drug violations skyrocketed.

failing to appear in court, a rate about four times that seen in the 1970s and 1980s in Philadelphia (Goldkamp, Harris and Weiland 1991:3). More than half of those released under the Federal consent decree provision (accounting for half of total first stage releases at that time) failed to appear in court (Goldkamp et al. 1992). Of those held on new charges only (and no bench warrants), 65 percent failed to appear. For those with new charges and bench warrants released under Federal procedures, 89 percent recorded FTAs. In late 1992, 36 percent of all defendants failed to appear in court; 44 percent of those released under the consent decree procedures recorded FTAs.[19] (See Figure 2.3.) As system accommodation to crowding reduction measures occurred, knowledge of the

Figure 2.3 Failure to Appear (FTA) Among Philadelphia Defendants as Shown in Earlier Studies



Source: Goldkamp, Harris and Weiland. 1992. *Pretrial Release and Its Impact in Philadelphia: A Study of a Cohort of Defendants Entering the Criminal Court System*, in: *Working Reports for the Development of an Alternatives to Incarceration Plan for Philadelphia, vol. I.* Philadelphia: Crime and Justice Research Institute.

[19] For more detail, see Goldkamp and Harris (1994a).

side-effects of emergency procedures spread through the system. At the same time, resistance to the court-imposed procedures developed, their impact was more easily circumvented, and a dysfunctional disequilibrium became the norm.

One of the most frustrating negative impacts on pretrial release practices was that, under the Federal admissions moratorium, specified categories of defendants simply could not be admitted to jail, including defendants who had recently failed to appear in court.[20] Not only did this subvert the judicial bail guidelines in place in Municipal Court (Goldkamp and Gottfredson 1985), but it also stripped away Municipal Court's ability to enforce conditions of release with the threat of jail. There appeared little that could be done with defendants who ignored orders to appear in court until and unless they were rearrested on new charges and then only if those charges were not excluded from admission by the consent decree provision. This phenomenon particularly served to undermine the authority of Municipal Court commissioners and judges responsible for release determinations at the early stages of processing for both misdemeanor and felony cases.

Despite the original intentions behind the population reduction measures established under consent decree in the two Philadelphia crowding cases, population pressures grew inexorably and the court-imposed procedures ultimately produced a more concentrated inmate population composed of more seriously charged and higher risk defendants and offenders. Because the court-ordered mechanisms failed to achieve the desired result after years of trying—and with a sense of history repeating itself—the need

[20] To be confined on bench warrants under the admission moratorium, defendants had to have two or more bench warrants in different cases with charges that were enumerated by the consent decree. The result was that many defendants charged with minor (misdemeanor-level) offenses who had failed to attend court numerous times in the past could not be held, unless arrested for a serious "enumerated" offense.

for responsible and safe front-end release mechanisms moved once again into the forefront.

CHAPTER THREE:
PRETRIAL RELEASE GUIDELINES AS THE FRAMEWORK FOR EFFECTIVE PRETRIAL RELEASE

I. The Rationale for Pretrial Release Guidelines as a Framework for Re-structuring Pretrial Release in Philadelphia

The research summarized in this report examines pretrial supervision as a major thrust in Philadelphia's initiative to re-engineer a fair and effective system of pretrial release. The experimental assessment of critical aspects of supervising defendants in the community was carried out within the context of implementing pretrial release guidelines in the Philadelphia court system. The pretrial release guidelines established for the first time the option of releasing to structured pretrial supervision certain medium-to-high risk defendants charged with relatively serious crimes. These were categories of defendants who, under former practices, would have been held in jail, but under newly established procedures for supervision and accountability were believed to be amenable to management in the community. Under emergency release procedures, such defendants often were released with no supervision and then recorded high rates of pretrial misconduct (failure-to-appear or rearrest). The principal aim of Philadelphia's initiative to re-engineer pretrial release policies was to maximize safe pretrial release by designing and employing effective decisionmaking tools and release options that would ensure attendance in court and minimize risks to the public safety while cases of released defendants were being adjudicated in the criminal courts. The experimental research that is the main topic of this report tested some assumptions about supervision and its impact. In order to understand how those experiments worked, it is necessary to describe the pretrial release guidelines strategy that shaped the overall approach to pretrial release

when local officials were allowed to assume control under the Federal Court's temporary stay of the procedures implemented under the consent decree. This research does not evaluate the impact of the new pretrial release guidelines in Philadelphia (see Goldkamp, White and Harris 1997, for research that does). However, the implementation of the pretrial release guidelines process in Philadelphia forms the context within which the experimental assessment of the role and effects of supervision at the pretrial stage could be carried out.

The decision to build the new pretrial release practices on the pretrial release guidelines model was based on several critical needs:

- The need for a principled framework that organized prospective decision options for all categories of defendants;
- The need for a judicial decisionmaking resource that called upon appropriate information at the first judicial stage;
- The need for an approach that gave a high priority to equitable treatment of defendants facing release or detention before trial;
- The need for a framework that could enhance the effectiveness of pretrial release, particularly by targeting release options to appropriate categories of defendants according to risk and other considerations;
- The need for a system that could facilitate review of the use of confinement and release on a category-specific basis.

The rationale for pretrial release guidelines rests on a perspective that views problems with pretrial release and detention decisionmaking as "natural" problems of judicial discretion[21] and seeks to provide both policy direction (by means of suggested decision options for specific categories of defendants) and day-to-day decisionmaking

[21] For more in-depth discussion of the development of pretrial release guidelines, see Goldkamp and Gottfredson (1985) and Goldkamp et al. (1995). We have argued extensively elsewhere that a major shortcoming of the two generations of bail reform focusing on nonfinancial release and preventive detention has been the failure to focus on the role of judicial discretion, or at least to devise ways to address it (Goldkamp 1985, 1987; Goldkamp and Harris 1994; Goldkamp and Gottfredson 1985; Gottfredson and Gottfredson 1988 and Goldkamp et al. 1995). Rather, the reforms have been basically informational in orientation and have sought to add options for judges to consider in making pretrial release decisions. Although these changes may have been helpful, they have not brought about marked improvement in some of the key critical areas of bail-related problems.

guidance (through information used to prepare the guidelines classification prior to pretrial release determinations). Pretrial release guidelines also provide a framework for encouraging greater accountability by generating feedback relating to the use of the guidelines by decisionmakers, to their impact on the use of confinement, and to defendant performance during pretrial release on a category-specific basis.

This perspective understands that judges and/or judicial officers are asked to make liberty and confinement decisions at the earliest stages of processing when only a small amount of information is available, to predict whether or not defendants would abscond or commit new crimes if released, and to make the appropriate decision in light of their assessments of risk in no more than a few minutes. Given the "shot-in-the-dark" quality of much pretrial release decisionmaking, it is not surprising, according to decision theory, that resulting decisions would appear athematic and inconsistent across decisionmakers and over time, and would tend toward very conservative and risk-aversive approaches to decisionmaking. Without other options, judges and commissioners may set cash bail high enough to mean that actual release or detention outcomes rest on the ability of defendants to afford bail or to the decisions of bondsmen. The frequent recourse to cash bail decisions offers "cover" for the decisionmakers and results in highly erratic release decision patterns.

Earlier research has identified disparity—dissimilar treatment of similar defendants—in judicial pretrial release decisions to rival that found in studies of parole and sentencing decisions (Goldkamp et al. 1995; Gottfredson and Gottfredson 1988; Goldkamp and Gottfredson 1985; Goldkamp 1979; Foote 1959). The results of such marked disparity were unpredictable probabilities that defendants would be confined or

released or, if released, under what conditions or release options. Disparity in the bail process also raised serious issues of inequitable treatment and underscored the inconsistent and highly subjective nature of the traditional bail process (Roth and Wice 1978; Goldkamp 1979; Goldkamp and Gottfredson 1985; Goldkamp et al. 1995). Moreover, traditional decisionmaking and reliance on cash bail led to highly ineffective results, including unnecessary and inconsistent use of pretrial detention and unacceptable rates of defendant flight (FTA) and rearrest for crimes during pretrial release.

The development of pretrial release guidelines was premised on the belief that this early-stage liberty decision is too important to the defendant, to the court system, to the jail, and to the general public, to be left to chaotic bail and release practices with unfettered judicial discretion at their core. It also was based on research findings on the efficacy of several other approaches to dealing with problems of judicial discretion at the bail stage. First, informational approaches do not by themselves appear to bring about change in the exercise of judicial discretion (Thomas 1976; Goldkamp 1979). These include early release on recognizance and community ties innovations associated with the Vera model (Ares, Rankin and Sturz 1963) and passage of bail-reform laws defining the types of information and release options a judge or magistrate ought to take into consideration in determining pretrial release.[22] Simply, enacting advisory laws has not changed much about the exercise of judicial discretion at the bail stage nor resolved its associated problems, although other objectives may have been furthered.[23] In fact, cash bail, the major vehicle for judges' discretion at the bail stage, has been blamed for much

[22]See the Federal Bail Reform Act of 1966 and its progeny in state laws, as well as the Federal Bail Reform Act of 1984.

[23]Important principles have been announced, such as a preference for release under least restrictive alternatives.

of the system's arbitrary and unequal impact and has been a principal object of reform efforts, but it has survived quite well in state court systems (and despite expectations to the contrary, in the Federal system as well). Ability to pay remains a major determinant of liberty: setting of high cash or financial bail is still the most common way to cause a defendant to be detained.

A second approach to limiting discretion in pretrial release that has not come close to meeting the expectations underlying it involves efforts to mandate different outcomes. This approach has been adopted by a number of courts in crowding-reduction decrees that mandate that certain types of persons will not be confined.[24] However, it typically has failed to produce the desired effects. This has been the experience of Philadelphia and other jurisdictions when emergency measures were instituted which, directly or by implication, superseded or rendered meaningless initial judicial bail determinations. A variety of adjustments have been made by system actors that reduce, dilute, or negate the aims of emergency measures. Anticipatory or reactive decisions may not only "upstream" or "downstream" in the judicial process and possibly undermine the intended effects of the court-ordered measures, but they also result in adaptations that are less desirable than the problems that inspired the corrective measures in the first place. In short, there is little evidence in the criminal justice literature which shows that attempts to override or eliminate discretionary practices by issuance of an order will have the desired effect on decisionmaking.[25]

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[24] The same question is raised in considering "preventive detention" laws that permit presumptive detention of certain categories of defendants and prohibit the use of cash bail to cause confinement on the assumption that the establishment of procedures for determining release will ensure the desired outcomes. See, e.g., the Federal Bail Reform Act of 1984.

[25] Literature focusing on attempts to abolish plea bargaining or abuse of police use of deadly force illustrates this point well. See, e.g., Walker (1993) for a discussion of attempts to eliminate discretion in criminal justice decisionmaking.

In sharp contrast, the pretrial release guidelines approach focuses centrally on judges and on the judges' decision tasks at the bail stage and works to structure the exercise of discretion. The guidelines approach also involves the judiciary in a collaborative problem solving and policy review effort and employs social science methods as a tool for reviewing judicial pretrial release practices. The result of the joint process is a vehicle that both expresses court policy specifying favored ways to make pretrial release decisions in customary cases and provides an informational tool for individual decisionmakers in their day-to-day decisionmaking tasks (Goldkamp and Gottfredson 1985; Goldkamp 1987; Goldkamp et al. 1995). Moreover, because the pretrial release guidelines are based on analysis of relevant data concerning recent decisions and outcomes, they permit estimates of likely impact on pretrial release and detention when particular decision options are favored for specific categories of defendants. This court-based policy resource for pretrial release was first developed in an experiment in Philadelphia in the early 1980s (Goldkamp and Gottfredson 1985) and was then tested in other settings (Goldkamp et al. 1995). The guidelines approach in this context was substantially reconceptualized to address the current circumstances faced by the Philadelphia justice system (see Goldkamp, White, and Harris 1997).

The pretrial release guidelines approach marshals information deemed by the judiciary to be pertinent to the decisionmaking goals of pretrial release and suggests release options for categories of defendants differentiated on the basis of an overall judicial policy. This approach also makes pretrial release decision goals, criteria, and release options explicit and, based on the guidelines classification, allows periodic appraisal of decisionmaking and its consequences on a category by category basis. By

design, and respecting the need for appropriate flexibility in decisionmaking, court-based pretrial release guidelines are not intended to be mandatory or to eliminate judicial discretion; rather, they are intended to structure and channel it. Pretrial release guidelines are concrete and practical representations of the decisions and actions which, according to judicial policy, should usually be appropriate for given categories of defendants. It is expected that, absent documented reasons, the guidelines suggestions (presumptions) will be followed in a substantial majority of cases. The guidelines are designed to increase the visibility of the discretionary decisionmaking process and, at the same time, serve as a judicial self-help policy (in that they are court-developed) and decision resource and framework for equal treatment of defendants. In addition, they provide a yardstick for reviewing the effectiveness of release under different conditions as well as for monitoring the performance of defendants in each of the designated categories.

II. Defining "Effective Pretrial Release"

A major motivation behind the development of pretrial release guidelines in Philadelphia was the need to improve the effectiveness of pretrial release. Planning for and evaluating effective pretrial release needs to start with a working definition of "effectiveness" that may not be self-evident (Goldkamp et al. 1995). Critics have argued that bail practices are ineffective because they needlessly confine many persons who could be safely released pending adjudication. Ineffective bail or pretrial release determinations are sometimes cited as a principal cause of overcrowding. At the same time, release practices are described as ineffective because they allow release of defendants who go on to commit crimes during the period of pretrial release. The argument is that effective release determinations would have identified dangerous and

high-risk defendants and prevented their release. Actually, both kinds of critiques are two sides of the (in)effectiveness "coin."

The aim of effective pretrial release decisions is neither to detain defendants unnecessarily nor to release crime-prone defendants irresponsibly. Another way of understanding effectiveness in evaluating pretrial release is to say that, in the ideal, pretrial practices would be 100 percent effective if all defendants were released (hence none could be inappropriately detained) with zero percent of them engaging in pretrial misconduct (failing to appear in court or committing a new crime). The literatures on prediction (Monahan 1981) and preventive detention (Angel et al. 1971) demonstrate that no version of predictive decisionmaking could achieve that ideal result; instead, some error of either kind (detention or release) inevitably will occur. Effective pretrial release practices are, therefore, most usefully considered in relative and comparative terms (Goldkamp et al. 1995). Nevertheless, this concept that pretrial release decisionmaking should generate *maximum safe pretrial release* (maximum to emphasize the presumption that release should be maximized, safe to emphasize that erroneous release should be minimized) is useful in providing a yardstick for measuring the impact of the elements of supervision tested in the experiments discussed in this report.

The guidelines, for example, allow us to measure the production of error free release in a given category (determined by subtracting the percent of all defendants detained and the percent of defendants engaging in pretrial misconduct from 100 percent). For example, if 45 percent of defendants were detained in a specific guidelines category and 17 percent of those released were rearrested or failed to appear, the approach to release in that category would have generated 38 percent effective pretrial

release. When compared to other categories of defendants the overall rate of effectiveness can be reviewed as well as the apparent reason for it (i.e., the rate of detention and the rate of defendant misconduct). Modified release approaches can be implemented based on the results of the analysis. (Some categories with low failure rates but high rates of detention could perhaps benefit from higher rates of release at little additional risk. Categories with high rates of release but high failure rates could benefit from the introduction of more restrictive conditions of release.)

The pretrial release guidelines framework is uniquely suited to category-specific analysis of effectiveness of release and lends itself to an interactive approach in which careful adjustments in release approaches cumulatively allow for improvements in the overall rates of effective release. (Improvement of the approach to effective release is an evolutionary policy-correction process.) In addition, as new problems--new crime problems or new types of cases--influence or enter the caseload, they will be reflected in particular defendant categories as differentiated by the guidelines and new policies can be fashioned promptly with targeting precision. The guidelines also provide for decisionmaker accountability, as data describing the use of guidelines by pretrial release decisionmakers can and should be generated routinely for feedback to the court. In categories showing high rates of exception-taking by decisionmakers, questions could be asked about whether new release options need to be crafted or whether more effective release would be produced by encouraging decisionmakers to follow the suggested approaches more closely.

III. The Practical Application of Pretrial Release Guidelines in Philadelphia

While these features of the court-based guidelines model—clear measurement of effectiveness in category-specific ways and the ability to modify policy on a specific basis as needed—represent constructive innovations in structuring judicial discretion and serve as important tools for improving effective release, they do not say what one does to bring about the desirable outcomes of maximum safe (misconduct-free) release. This direction comes in the form of a substantive process that shapes the guidelines classification and suggests release options for each guidelines category. In Philadelphia this process was carried out by an "Alternatives Task Force" assembled by Philadelphia's mayor, the Honorable Edward Rendell, and chaired by the criminal presiding judge of the Court of Common Pleas, the Honorable Legrome Davis. Represented on the task force were judges, commissioners and administrators from the Municipal and Common Pleas Courts, the District Attorney's Office, the Defender Association of Philadelphia and the Pretrial Services Division. The task force was staffed by researchers who assisted in the development and implementation of the guidelines throughout the process. Through a series of meetings and studies of various aspects of pretrial release and detention, the substance of the guidelines was decided upon based on a grid formed by two dimensions (the seriousness of the current charges and a risk classification that ranked defendants according to the likelihood of flight or rearrest).[26]

The resulting first version of the Philadelphia pretrial release guidelines is shown in Figure 3.1. The suggested release options shown in each matrix category were purposefully crafted policy directions guided by knowledge of practice and defendant behavior in specific categories and debate by the policy group. By taking into

[26]For an in-depth discussion of the formation of the pretrial release guidelines, see Goldkamp et al. (1995) and Goldkamp and Harris (1994a and b).

consideration the need to maximize release (at least to maintain the overall level achieved during emergency procedures) and to minimize the risk of flight and crime associated with release in each category, suggested release options were drafted and, after several iterations, a reasonable starting version of the guidelines was agreed upon. The resulting pretrial release guidelines represent a classification of defendants into 40 possible categories and suggest four basic types of release options; with one type representing the presumptive choice in each category. In the first "zone" (or group of categories with like suggested release options) associated with lowest-risk individuals with cases involving charges of the least seriousness, the guidelines suggest ROR/Standard Conditions of Release--or outright release on a promise to appear. For the next zone, which includes cases representing higher risks of misconduct and somewhat more serious charges, the guidelines presume that defendants should be released under Special Conditions of Release--Type I, involving some reporting by phone and in-person contact. For the categories of defendants in the third zone, the guidelines suggest release under Type II Special Conditions which are more restrictive and provide more defendant accountability. The first three zones, therefore, employ nonfinancial conditions of release with various ranges of release options designed to handle the likely risk posed by specified defendant groups. Finally, the judicial policy decision in Philadelphia was to retain a selective use of cash bail among the categories of defendants facing the most serious charges and showing the highest risks of flight or rearrest during pretrial release. In these categories, defendants would deposit ten percent of the amount indicated to gain release pending adjudication.[27] The ranges of suggested cash amount in these categories were derived by

[27] There are no bondsmen in Philadelphia. Instead, the court makes use of a ten-percent or deposit bail plan which returns the fee deposited by defendants (minus a service charge) upon successful attendance in court.

Figure 3.1 Example of Pretrial Release Guidelines

Date *Log #* *Name of Defendant (Last, First, M.I.)* *Police Photo #* *Prepared by:*

Key
HD = high dropout rate
V = high diversion rate

PRETRIAL RELEASE GUIDELINES

Philadelphia Municipal Court and Court of Common Pleas

☐ Bench warrant only
☐ New charges only
☐ BW and new charges

Charge Seriousness Level

RISK	*Least Serious* 1	2	3	4	5	6	7	8	9	*Most Serious* 10	*HOMICIDE*
Lower 1	ROR/ Standard Conditions V 1	ROR/ Standard Conditions V 5	ROR/ Standard Conditions V 9	ROR/ Standard Conditions V 13	ROR/ Standard Conditions 17 HD	ROR/ Standard Conditions 21	ROR/ Standard Conditions 25	$ 1,000 - $ 3,000 29 HD	$ 1,500 - $ 4,500 33	$ 2,000 - $ 8,000 37 HD	Held Without Bail
2	ROR/ Standard Conditions V 2	ROR/ Standard Conditions 6 HD	ROR/ Standard Conditions 10 HD	ROR/ Standard Conditions 14 HD	ROR/ Standard Conditions 18	Release on Special Conditions Type I 22	Release on Special Conditions Type I 26 HD	$ 2,000 - $ 4,500 30 HD	$ 2,500 - $ 5,500 34	$ 2,500 - $ 8,000 38	Held Without Bail
3	ROR/ Standard Conditions 3	Release on Special Conditions Type I 7	Release on Special Conditions Type I 11 HD	Release on Special Conditions Type I 15	Release on Special Conditions Type II 19	Release on Special Conditions Type II 23	Release on Special Conditions Type II 27	$ 2,500 - $ 5,000 31	$ 3,000 - $ 6,500 35	$ 4,500 - $15,000 39	Held Without Bail
Higher 4	Release on Special Conditions Type I 4	Release on Special Conditions Type I 8	Release on Special Conditions Type I 12	Release on Special Conditions Type II 16	Release on Special Conditions Type II 20	Release on Special Conditions Type II 24	$ 2,500 - $ 4,500 28	$ 3,000 - $ 5,000 32	$ 3,000 - $ 8,000 36 HD	$ 6,000 - $ 50,000 40 HD	Held Without Bail

UNUSUAL CIRCUMSTANCES *(If Appropriate)*

SPECIAL CONDITIONS OF PRETRIAL RELEASE

Type I Type II

PTS USE ONLY

ELIGIBLE FOR: ☐ ERD/Early Disposition ☐ Special Drug Program ☐ ERP ☐ Others

STANDARD CONDITIONS OF PRETRIAL RELEASE

The defendant shall conform to the following conditions of his/her release pending adjudication of criminal charges:

The defendant shall attend all court proceedings as required when scheduled.
The defendant shall submit to all orders and processes of the issuing authority or Court.
The defendant shall provide Pretrial Services with the address at which he/she is residing and with a working telephone number at which he/she may be reached reliably.
The defendant shall notify Pretrial Services of any change in address or telephone within 24 hours of the change.
The defendant shall not engage in, cause, or encourage threats, intimidation or retaliation against complainants or witnesses.
The defendant shall not possess any weapons.
The defendant shall obey such other conditions as imposed by the Court or Pretrial Services Agency.

☐ Other *(specify)*: _____

DECISION INFORMATION

COMMISSIONER'S DECISION

☐ ROR/Standard Conditions
☐ Release on Special Conditions
  ☐ Type I _____
  ☐ Type II _____
☐ Ten Percent Financial Bail *(specify full amount)*: _____

GUIDELINES FOLLOWED:

☐ YES ☐ NO; ☐ Less Restrictive ☐ More Restrictive
If no, provide reasons: _____

COMMISSIONER'S SIGNATURE

_____ _____
(Date)

REVIEW REQUESTED BY:

☐ DA
☐ PD

APPEALS JUDGE'S DECISION:

_____ _____
(Signature) *(Decision)*

from careful study of the relationship between amount of cash required and the probability of release and by discussion by the policy group. An aim in these discussions was to reserve likely detention for the highest risk and most seriously charged defendants.

IV. The Central Role of Supervision of Defendants in the Guidelines Strategy to Restore Judicial Responsibility for Pretrial Release

The principal motivation for the City's initiative in devising and implementing pretrial release guidelines was not to enhance the prospects of equitable treatment of Philadelphia defendants, though this was certainly a concern. Rather, the question for the mayor's task force in developing the guidelines was whether the guidelines approach could serve as a tool for maintaining a similar (or better) level of pretrial release as the Federal emergency procedures (which prohibited the detention of defendants not charged with selected "enumerated" offenses), while greatly reducing the rates of defendant misconduct that had gone along with them. The strategy began by asking the Federal court to return full responsibility for pretrial release and detention decisions for all Philadelphia defendants to the local court system. It then mapped release, detention, and misconduct rates associated with defendants under the emergency orders onto the guidelines and targeted large middle categories of defendants who were medium to high risk with medium to relatively serious charges for nonfinancial release under "special conditions." By special conditions, the guidelines meant release to the supervision of the pretrial services agency.

Through analysis of large numbers of pretrial release decisions, uses of confinement, and the performance of defendants of particular types in the recent past, the policy group was able to estimate the proportion of all defendants that would have to be

released to equal or exceed the level of release prior to the temporary stay. (This requirement was because the City was arguing that, by permitting the local justice system full responsibility for confinement decisions, confinement would not exceed the then current level—defined more specifically through an administrative working level of 5,600 total inmates.) Estimates began with a policy discussion of the types of defendants most obviously releasable under no conditions (ROR) (those charged with the most minor offenses and posing the least risk according to the guidelines risk classification) and those least appropriate for release (the most seriously charged and highest risk defendants). The policy problem was to make estimates of likely detention based on certain assumptions about cash bail and its affordability (based on analysis of recent past behavior in posting bail among Philadelphia defendants) and to trace a line indicating categories of defendants with higher probabilities of confinement. Once that line was estimated, in essence assuming that the detention line (more or less represented now by the boundary designating the cash bail zone) approximated a proportion of defendants who would be detained, it was assumed that producing no greater use of pretrial confinement than the specified level would mean achieving release of all other defendants.[28]

Next, the policy group called upon the research staff to chart the uses of release and detention and the records of misconduct (FTA or rearrest during pretrial release) in the past for all categories of defendants that would now fall within presumptive release categories. Using these considerable data, defendants were then divided into categories

[28] Note that the estimates were considerably more complex than described here, given that the guidelines were presumptive but voluntary and were expected to be followed about 75 percent of the time. Thus, some defendants in the cash range would be assigned nonfinancial conditions and some defendants classified in nonfinancial ranges would have financial bail set.

to be presumptively assigned personal recognizance release (ROR) at preliminary arraignment and those to be assigned to two levels of supervised release—Type I, less intensive, and Type II, more intensive, special conditions of release. Data used in the guidelines development process showed that defendants who, in the recent past, were released without conditions in both of the newly created supervision categories showed fairly pronounced tendencies to fail to appear in court and higher than average rates of rearrest during periods of pretrial release.

In short, the gambit of the pretrial release guidelines was to create pretrial release supervision for the first time, to promote and manage sufficient release using supervision, and, ideally, to keep pretrial detention to levels that were, at a minimum, no higher than existed under Federal emergency procedures. This meant that greater numbers of higher risk defendants would have to be released to the community, yet front-end release to supervision of criminal defendants had never before been carried out in Philadelphia. It now had to be invented. Thus, not only were the pretrial release guidelines new for all parties involved, including pretrial services interviewers and Municipal Court bail commissioners responsible for day-to-day implementation, but also pretrial release supervision had to be implemented from *tabula rasa*. The major challenge was to foster at least the same level of release of defendants to the community (thus not increasing the level of confinement among defendants) while also improving the performance of defendants who were released. This required reorganizing how defendants would be considered for release and designing means of reducing the level of defendant misconduct among the categories targeted for pretrial release supervision.

"Inventing" Pretrial Supervision in Philadelphia

Surprising as it may seem there is little explicit mention of the role of supervision in meeting the constitutional goals of the pretrial release process in the major authoritative discussions of pretrial release standards. The National Association of Pretrial Services Agencies (NAPSA) Standards (1978, II: 9) describe release under the least restrictive options required to ensure appearance, but do not discuss supervision directly. The ABA Standards Relating to the Administration of Criminal Justice: Pretrial Release (1978) mention release to third party custody or to the pretrial services agency and the need to impose restrictions on "movement, associations, etc.," but do not discuss supervision. In fact, although a role for supervision may be assumed, there is little guidance from the standards literature or the empirical literature on what should be involved.[29]

The supervision strategy employed in the Philadelphia pretrial release guidelines was based on five critical elements:

- full use of the supervision option suggested under the guidelines,
- notification of defendants of important court dates,
- "orientation" of defendants to the criminal process and the requirements of conducted release by pretrial services staff,
- case management of defendants on supervised release by pretrial services, and
- enforcement of compliance among defendants under supervision.

For the newly established supervision option to play the pivotal role anticipated under the pretrial release guidelines, several related actions would have to be carried out.

[29] The Federal courts have a very elaborate system of supervision for Federal defendants that is shaped by the Federal Bail Reform Acts of 1966 and 1984. In contrast to the lack of direction or discussion found in the literature relating to supervision and its ingredients, the Federal system of pretrial supervision resembles a service-intensive probation model. See Probation and Pretrial Services Division, Administrative Office of the U.S. Courts (1994) for an operational manual describing Federal supervision.

Bail commissioners would have to make use of the supervision conditions (Type I and Type II) at approximately the level planned. If the guidelines presumptions for supervision of defendants in the designated categories were not followed at the level expected (about 75 percent of the time), the justice system aim to manage greater numbers of defendants on release in the community could not be realized.

Some have argued that defendant non-compliance, particularly failure-to-appear in court, is best explained partly by lack of comprehension of the justice process and the requirements of pretrial release. To address this assumption about the defendant behavior, the supervision strategy included two "educational" elements, immediate notification of the requirements of supervision and court appearances, and "orientation" at the pretrial services agency. Released defendants assigned supervision were required to report to "orientation" at the offices of the Pretrial Services Division within three to five days after initial release. At orientation, defendants were grouped in "classes" during which the criminal process and the expectations of pretrial release were explained to them. At the conclusion of the orientation session, defendants met with pretrial services case managers who explained how supervision would work and how they would meet the telephone and in-person contacts required by the judicial order of release to Type I or II supervision. Theoretically, case managers then would track the compliance of assigned defendants with the release conditions and scheduled court appearances. When defendants were found to be out of compliance, pretrial services case managers would follow procedures for bringing them back into compliance. These included telephone calls, letters, and visits by the Warrant Unit and, failing all these efforts, possible re-apprehension. Re-apprehended defendants were to be subject to more restrictive release conditions the next

time they appeared before a commissioner or judge, thus adding deterrence and greater incapacitation to the enforcement process.

The initial supervision strategy was to attempt to determine the minimum effective components of supervision necessary to bring about an acceptable level of compliance among Type I and Type II defendants. The guidelines carefully limited the application of supervision conditions to specific categories; the policy group excluded uses of supervision as an adjunct to defendants with cash bail as well as defendants who were presumed to need ROR alone. (The policy group was concerned that bail commissioners might find it attractive not to choose between release options, but instead require all options at once. Clearly, for the targeted supervision strategy to work, supervisory resources could not be depleted by having supervision assigned to all defendants gaining release.)

In addition to targeting distinct categories of defendants (those whose release had strategic value in improving the use and effectiveness of release), the supervision strategy sought to employ the minimum conditions of supervision that would be effective. Supervision that did not have sufficient substance would not produce the safe and effective release sought by the pretrial release guidelines. Supervision that was based on conditions of release that were unnecessarily restrictive risked producing a high rate of non-compliance and subsequent sanctions likely to result in increased—rather than decreased—use of confinement. In addition, unnecessary supervision would be a drain on scarce pretrial services staff resources.

Thus, the guidelines strategy sought to start with some basic and simple elements, such as notification, orientation, telephone and in-person contact, case management and

threat of enforcement for those out of compliance. The policy group favored an incremental, evolutionary approach, based on experience with the basics before adding other, more restrictive conditions selectively to particular categories of defendants demonstrating a need for them—such as, drug treatment for seriously drug-involved defendants. This category-specific approach would, it was hoped, move through stages of development, slowly and systematically to build an effective approach to supervision of defendants in the community whose risk of flight or crime required it.

This rational conceptual framework notwithstanding, the strategy faced an important handicap: there was little practical guidance in the professional literature and equally little empirical research addressing the effectiveness of pretrial supervision and the relative importance of its essential elements. Neither the American Bar Association (1968; 1978) nor the National Association of Pretrial Services Agencies (1978) address supervision in their standards relating to pretrial release. Recently, the Administrative Office of the U.S. Courts (Probation and Pretrial Services Division, Administrative Office of the U.S. Courts 1994) published a guide to pretrial services supervision for Federal jurisdictions. That manual outlines in great detail how supervision should be carried out. Unfortunately for most state and local jurisdictions, the risk and needs approach employed by the Federal courts resembles description of a full-service probation supervision approach. Although a large number of release conditions and monitoring activities are outlined, there is no discussion of the relative effectiveness of elements of supervision in minimizing pretrial flight or crime.

A handful of studies have addressed aspects of supervision in pretrial release that produced helpful lessons for constructing a supervision approach in Philadelphia.

Unfortunately, no study has examined the overall impact of supervision as well as the relative impact of the ingredients that might constitute a supervision approach. The earliest study, by the District of Columbia Bail Agency (1978), compared the performance of defendants assigned to three levels of supervision, passive (involving defendant-initiated contact), moderate (in which staff made contact), and intensive (which added contact with community organizations). In this non-experimental comparison, neither rearrest nor failure-to-appear rates varied by supervision level, although compliance with supervision conditions did vary, with compliance improving with level of restrictiveness. This study was groundbreaking in its conceptualization of supervision and identified questions that could be more fully addressed in a field experiment.

Austin and Krisberg (1983) studied supervised release in three jurisdictions (Miami, Milwaukee, and Portland) using random assignment of selected defendants to two groups of supervision conditions, one with supervision and a second with supervision supplemented by other services. The study sought to test a basic model of supervision to be adopted in each of the sites. Those assigned to supervision only were to make one phone call and two in-person contacts per week during the first 30 days of pretrial release, to be followed by one phone call and one in-person visit per week thereafter. Those assigned to supervision with additional services were to make one phone contact and one in-person visit per week during the first thirty days and also to participate in a designated service (such as treatment, training or other supplemental activity). The sites differed in their adaptation of this basic model to their local systems and in the manner by which they selected supervision candidates and implemented supervised pretrial release.

Portland relied on more frequent phone contacts and strict enforcement of conditions. Milwaukee employed strict enforcement but relied on frequent in-person contacts. Miami implemented supervision and enforcement with great difficulty, perhaps because of the large caseloads.

Austin and Krisberg (1983) found that, among these defendants, the addition of treatment and other services to supervision did not improve defendants attendance in court or lower rearrest when compared to those supervised without additional services. In Portland and Milwaukee, supervised defendants (in either group) recorded better rates of court attendance than defendants released under other means (although these comparisons were not by experimental design). Even though an experimental design was employed for comparing the two groups of supervisees once they were enrolled, the process of identifying candidates in each of the sites was highly selective and variable. Overall, for example, only 52 percent of the 3,232 potentially eligible defendants were assigned to supervision conditions, raising questions of selection bias, as well as internal and external validity.

Other studies have contributed findings that raise questions that are relevant to the development of a supervision approach. Yezer et al. (1987) and Visher (1990) found that defendants failing to perform initial urine testing upon release were more likely to subsequently fail to attend court than those who complied and suggested that failure to comply with testing conditions could be an early warning of later misconduct. In descriptive studies, the Justice Education Center (1993) reported that persons released on conditions before trial generated rates of FTA and rearrest that were no higher than defendants on other forms of release. The Illinois Criminal Justice Authority (1992)

found that defendants released on deposit bail, recognizance and jail release recorded relatively high rates of pretrial misconduct, but that defendants released from jail to relieve crowding performed most poorly.

The literature on probation supervision was also considered to determine whether a probation study had examined the ingredients of supervision and their contributions to effective outcomes. The principal study in this area was the intensive supervision experiment carried out by Petersilia et al. (1992). They examined the impact of ISP (intensive) supervision of probationers in seven jurisdictions using an experimental design. ISP (experimental) group defendants had more face-to-face and telephone contacts with probation officers and more drug tests. Over the 12-month follow-up period, ISP probationers produced rearrest and violation rates that differed little from their control groups. Similar findings had been reported earlier by Petersilia and Turner (1990) in examining intensive probation in three California counties. In a non-experimental study, Erwin (1986) found that intensively supervised probationers generated higher rearrest rates than those given regular supervision.

In short, consultation with the legal commentary and social science literature offered slim guidance for a process constructing a pretrial release supervision strategy hoping to focus on only the most essential, effective and efficient elements. By necessity, then, the Philadelphia approach to supervision had to be designed through policy discussion, collective common sense and a built-in experimental design to permit testing of the assumptions that were being made. The research presented in this report examines the effects of supervision as broken down into several key and separately testable ingredients.

CHAPTER FOUR:
ASSESSING THE EFFECTIVENESS OF PRETRIAL SUPERVISION: RESEARCH QUESTIONS

The research presented in this report takes advantage of the opportunity provided by the jail crowding crisis and litigation in Philadelphia and the desire of local justice system officials to resume full responsibility for local judicial processes relating to the uses of confinement. The implementation of pretrial release guidelines is critical to this research for two reasons: a) the guidelines provide the overall framework for managing pretrial release and detention; and b) by design, the guidelines give a strategic role to supervision of defendants before trial, many of which would have been confined under traditional cash bail practices or would have been released without supervision under Federal emergency procedures. Questions about the implementation and impact of the pretrial release guidelines represent an important part of the investigation of the Philadelphia pretrial release strategy and the context for the supervision studies. Those subjects are addressed in other research in detail (Goldkamp, White and Harris 1997). With the implementation of the pretrial release guidelines as the relevant backdrop, this study focuses more specifically on the role of supervision and its contribution to effective pretrial release.

I. Practical Questions about the Effectiveness of Supervision and Theoretical Implications

The general question addressed in this research deals with whether pretrial supervision can play the role assigned in the Philadelphia strategy: to supervise defendants in the community effectively who, because of the risk they pose, might otherwise have been jailed or, because of consent decrees linked to jail crowding, might

have been released outright under Federal emergency procedures. Whether from the perspective of avoiding confinement under cash bail practices or of replacing emergency release procedures, the research question is whether supervision can enhance the effectiveness of pretrial release. If the answer is "yes," then the next questions have to do with how supervision is carried out and the relative contributions of the separate elements of the supervision strategy.

These questions about the effectiveness of pretrial supervision have important theoretical underpinnings relating to the use of sanctions and control in criminal justice. Key theoretical questions concern the strength of three utilitarian aims of sanctions: rehabilitation, deterrence, and incapacitation.[30] The five-point supervision strategy described previously can be seen to employ *habilitative or re-habilitative* aims in its educational approaches, including the informational strategies of notification and orientation. In the notification and orientation elements of the strategy, the drafters assumed that some of the misconduct associated with released defendants—particularly missed court appearances—is not explained by willful and conscious decisions to thwart the justice process. Rather the drafters assume that some misconduct is attributable to confusion, lack of familiarity with justice procedures, and generally disorganized and dysfunctional behavior on the part of defendants. To test this assumption, the notification and orientation elements of the supervision strategy are designed to facilitate compliant behavior by defendants during the pretrial process through educational and informative tactics without emphasizing punitiveness. In later stages of the guidelines process not

[30] Although the focus of this research is on defendants who do not stand convicted of offenses with which they are charged and therefore are not proper objects of punishment, it is clear that rehabilitative, deterrent and incapacitative interests are in play, as discussed more fully below. For a general discussion of goals of criminal processing across system stages, see Gottfredson and Gottfredson (1988).

addressed in this research, drug treatment was added to the conditions of release for defendants in supervision categories who were found to be in need of treatment. This development was intended to build further on the rehabilitative elements of the supervision strategy.

Other aims of the supervision strategy involved *deterrence* in at least two ways. First, the local courts intended to "send a message" to all defendants that failure to attend court would have consequences, contrary to the impression they may have gained under Federal emergency procedures. The intent was to make credible the general threat that failure to comply with conditions of supervised release would lead to more restrictive conditions or to revocation of release altogether. More practically, the supervision strategy of the pretrial release guidelines was intended to act as a specific deterrent, warning individual defendants to comply with conditions of release or to face the individual consequences. Although overcrowding in Philadelphia's institutions continued to impose real limits on the ability to follow through with the threatened consequences, jail was held out as the final sanction for defendants failing to comply.

The supervision strategy also reflected incapacitative aims. First, some aspects of the supervision strategy were designed to limit the opportunity for defendants to engage in misconduct during pretrial release. Although the limits imposed would not fully incapacitate released defendants, they would reduce both the amount of time available for misconduct and at least some of the releasee's liberty. Second, more complete incapacitation could be imposed through confinement for non-compliance with conditions of supervision.

II. The Importance of the Guidelines Framework for the Design

A principal aim of this research was to contribute knowledge to the study of effectiveness of certain release options, particularly as release applies to specific types of targeted defendants. In designing a research approach to address questions about the nature and the effectiveness of supervision, the framework of the pretrial release guidelines provides a useful beginning point because it represents an exhaustive classification of defendants. Development of the pretrial release guidelines required completion of a number of empirical, legal, and policy-related analyses that, in effect, lead to specification of all the factors that should be taken into account in differentiating among categories of defendants for the purposes of assigning release options. In Philadelphia, a series of empirical studies of pretrial release detention and defendant performance was undertaken. One of these studies included a validation of the risk classification that served as one of the two defining dimensions of the guidelines.

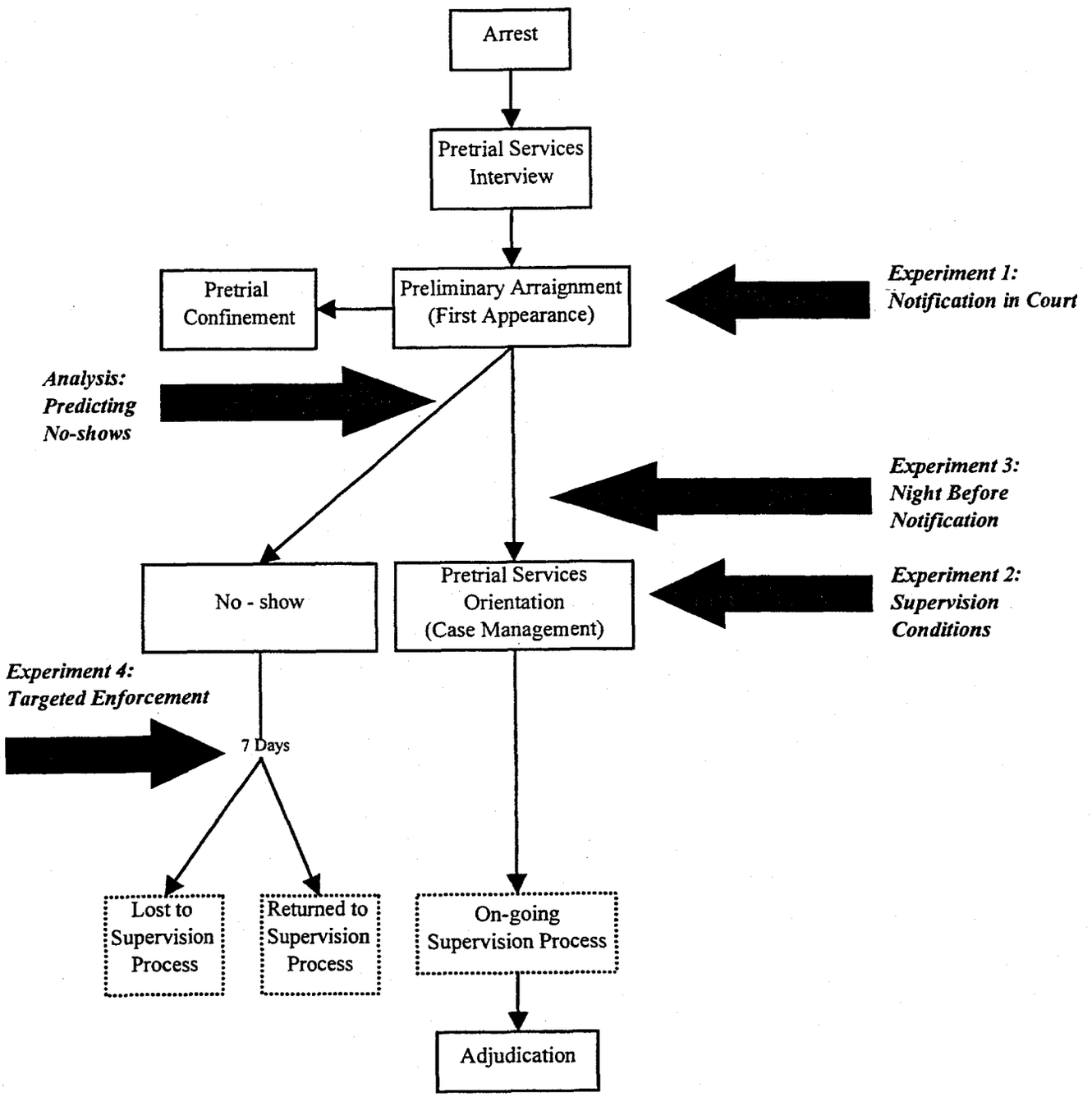
In addition, the Philadelphia judicial leadership (with input from other agencies) engaged in extended discussions culminating in key policy decisions that helped shape the guidelines and set presumptive release policies for each defendant category. Statutory law and court rules governing pretrial release also were reviewed during the process of guidelines development so that the constitutionally and judicially appropriate goals of the pretrial release decision remained central. Thus, questions about what constitutes effective release are appropriately framed in reference to the classification resulting from the policy guidance reflected in the guidelines. The principal concerns center on risk of misconduct and charge seriousness, at least in the view of Philadelphia's judiciary.

Based on empirical analysis of release practices and performance of defendants, the judiciary decided that supervisory conditions of release should be focused with different levels of intensity on two groupings of defendant categories. These categories identify defendants ranked as posing medium to higher risk of pretrial misconduct and having medium to relatively serious criminal charges. The question for research--as well as for practice—was: How can release options be effectively deployed among the defendant groups with these risk and offense attributes? It was also assumed that release options effective with these more challenging groups of defendants also would "work" but are unnecessary for defendant categories known to pose lower risks. It was also assumed that, given the very serious nature of the criminal charges and the higher risk attributes of defendants falling into the ten percent cash bail categories, those defendants also would not make the most suitable target for the experimentation we proposed. Despite a bias on the part of the research staff against use of cash bail as a *sub rosa* means of detaining defendants, and that knowledge of the effectiveness of release conditions for this population might prove valuable given that some may simply post bail and be released without conditions, the most seriously-charged defendants were not included in the experimental design. Such an exclusion was deemed appropriate due to both existing local policy preferences and judicial interpretation of the applicable Pennsylvania law at the time.

The research reported here was designed to address the theoretical and practical assumptions of the supervisory strategy within the guidelines framework. It also was structured to allow assessments to be made of the contributions and impact of the various elements of pretrial supervision. These considerations led to organizing the investigation

of the role of supervision in enhancing the effectiveness of pretrial release into five parts, including two notification experiments, a supervision experiment, an enforcement experiment and a predictive analysis of defendant non-compliance (no-shows at the first supervision stage). (See Figure 4.1.) They are discussed in detail in subsequent chapters.

Figure 4.1 Overview of the Philadelphia Pretrial Release Supervision Experiments



Philadelphia Supervision Study			
Experiment 1:	***Notification in Court***	November 13, 1995 - November 26, 1995	(n = 299)
Experiment 2:	***Supervision Conditions***	August 1, 1996 - November 26, 1996	(n = 845)
Experiment 3:	***Night Before Notification***	October 21, 1997 - November 18, 1997	(n = 423)
Experiment 4:	***Targeted Enforcement***	November 17, 1997 - December 19, 1997	(n = 196)
Analysis:	***Predicting No-shows***	August 1, 1996 - November 26, 1996	(n = 1,073)

CHAPTER FIVE:
EXPERIMENT 1—TESTING THE IMPACT OF IN-COURT NOTIFICATION AND EXPLANATION

I. In-Court Notification and Explanation of the Requirements of Pretrial Release (Pre-Guidelines Implementation)

> Conditions of release should be accompanied by the means to facilitate compliance. Defendants must be informed of where or when they are to appear to comply with the conditions of appearance. This requires a system of written notification to defendants which details the date, time, and exact location of required appearances and provides a telephone number for the defendant to call if he has questions....In many jurisdictions the function of providing notice is carried out by a pretrial services agency and is often accompanied by a telephone contact with the defendant to confirm that he understands...it should be the ultimate responsibility of the court to assure that adequate notice is provided...NAPSA (1978, Commentary, Standard VI; A:30)

Some critics of traditional pretrial release systems have argued that an unknown but probably large portion of defendant failure-to-appear (FTA) can be explained by defendants' lack of comprehension of the proceedings and/or their confused frame of mind after arrest. At the time of their first judicial appearance, the argument goes, defendants may not have understood many of the details of what the judge or judicial officers may have said, but may have focused instead on their fairly upsetting immediate situation and the prospects of release. Having understood poorly what was transpiring in court, defendants predictably have difficulty later remembering details such as scheduled court appearances, locations, etc. In short, this argument paints some portion of the failure-to-appear problem as non-willful in nature. Such a portrayal of defendant misconduct, if true, would have significant practical implications for corrective strategies. Ideally, they should be informational and facilitative in nature, aiming to improve

defendants' understanding of the proceedings and to help make clear what the next steps in processing will be (when and where to appear in court, etc.).

Testing this perspective of the FTA problem is important because, depending on the magnitude of its effect, it suggests that supervisory strategies should include a strong helping-oriented, informational component (hence NAPSA's (1978:30) use of the heading "Assisting Defendants in Complying"), and that sanction-oriented deterrent or incapacitative approaches theoretically would be unnecessary. At least, they would not be relevant to solving that part of the failure-to-appear phenomenon resulting from non-willful factors. Successfully implemented, such a facilitative, informational component of an overall pretrial release strategy would not only increase attendance of defendants in court, but also reduce the accumulation of bench warrants which, at later rearrests of the same defendants, inevitably increase the chances that defendants will be detained pending adjudication. In its potential for FTA or bench warrant reduction—i.e., increased effectiveness of pretrial release—this strategy also has implications for relieving pressure on the inmate population over the longer term.

The experiment designed to test this interpretation of defendant misconduct (FTA) using one version of a facilitative and informational pretrial release strategy was carried out in advance of implementation of the pretrial release guidelines. We wished to learn whether simple "notification" approaches on their own—totally separate from the larger re-engineering of the pretrial release process—could produce notable effects. Our reasoning was that implementation of the guidelines program could have general effects on the system and on defendant behavior that would make it difficult to separate out the

effect of an informational strategy for assessment of its specific contribution to effective pretrial release.

II. The "Notification" Experiment

In considering ways to improve in pretrial release procedures, the policy group addressed the question of what constituted appropriate notification of defendants of required court appearances. The group reasoned that non-willful failures-to-appear in court could be reduced through a notification strategy that began with an in-court component that had not previously existed.[31] Prior to this experiment, pretrial services staff were permitted no in-court role at preliminary arraignment (the first judicial stage at which pretrial release was determined.)[32] Under the experimental condition, a pretrial services staff member would play an active role in court. Specifically, the staff member would have a brief discussion with each defendant at the preliminary arraignment just after the Municipal Court bail commissioner had conducted the preliminary arraignment hearing and determined a pretrial release option (then including personal recognizance release or some amount of cash bail). Under the new approach, the pretrial services staff person would explain to the defendant what had just occurred, what would occur next,

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[31] For the last twenty years, Court Administration has generated letters and sent them via mail to all defendants with upcoming court dates. The letters are sent out approximately two weeks in advance of court dates, but Pretrial Services has generally found this procedure to be ineffective (e.g., many are returned because of bad address). This experiment was intended to enhance already existing notification procedures.

[32] In Philadelphia, pretrial services staff interview all defendants in advance of preliminary arraignment so that release-related information is available to the bail commissioner by the time of preliminary arraignment (from 10 to 20 hours after arrest). Once guidelines were implemented, the pretrial services interview focused on information necessary for the pretrial release guidelines classification indicating the presumptive release conditions. With the implementation of guidelines, the pretrial services agency began an in-court role to support the decisionmaking process that had not previously been possible.

and what the defendant was expected to do. The staff person would then give the defendant a card on which these instructions were summarized and on which a telephone number for a new pretrial services automated (AVR or automatic voice response) phone system was indicated. All defendants were required to call the agency within 24 hours of release. (The call-in requirement was a traditional condition of any form of release, albeit one that rarely was carried out or enforced.) The automatic phone system was to serve as a second experimental condition designed to test early compliance among released defendants and allow pretrial services staff to follow-up on defendants who did not call in as required. These defendants would receive calls and/or letters reminding them of their court dates, etc. The control condition was to have defendants processed at the first judicial stage in the normal fashion, with no in-court contact, no explanation by pretrial services staff, and no requirement to call in to the AVR system.

Random assignment of defendants to experimental and control group conditions was carried out by alternating conditions on successive days between 11/13/95 and 11/26/95. Thus, on the first day of the study period, the preliminary arraignment courtroom would be staffed by a pretrial services representative who would carry out the experimental approach over all three shifts. On the second day, normal, non-experimental procedures would be in place. With some minor deviations, this plan was carried out on alternating days during a 14-day period, which generated a population of 1,285 defendants appearing for preliminary arraignment after arrest.[33]

Some cases were excluded for lack of identification number, for involving only traffic "scofflaws" (a category not of interest to the study of criminal defendants), and for

having charges for summary offenses (less than misdemeanor), also not of interest in the study. When these exclusions were taken into account, 952 defendants remained to form the population of relevant defendants subject to the notification experiment (475 controls and 477 experimentals). Because of resource considerations, from each of these two populations we drew random samples of 175 cases. After dropping cases with erroneous identification numbers,[34] we identified 136 control and 163 experimental group defendants for the study. The goal of our sampling design was to produce comparable samples of released defendants, assuming that detention would occur similarly in the two samples identified. In fact, roughly similar proportions of each group of defendants were not released within 120 days of preliminary arraignment: 14 percent of experimental and 16 percent of control group defendants. Because the experiment was designed to facilitate greater compliance among released defendants, only those defendants gaining release after the preliminary arraignment stage were included in the study. This left an experimental group of 140 released defendants and a control group of 114 released defendants for the study. Defendants in each group were followed up to chart rates of FTA and rearrest during a 120-day period subsequent to their release at preliminary arraignment.

The Notification Experiment Hypotheses

In effect, this experiment sought to test two hypotheses:

- *Hypothesis 1.1* Defendants who had the in-court contact and explanation of the pretrial process and its requirements by pretrial services staff should generate notably lower rates of FTA (failure-to-appear). The expected effect of the innovation on

[33] On 11/19/95, an experimental day, procedures were not carried out on the 7-3 shift. On 11/23/95 no record was kept of what occurred and the day's cases were excluded from the study. On 11/24/95, no I.D. numbers were included for cases entering prior to 9:30 in the morning, resulting in their exclusion.
[34] Forty-seven cases proved to have erroneous or unrecognizable identification numbers. Because we could not then link them to other data for follow-up, they were excluded from the study.

defendant rearrest for crimes committed during pretrial release is not clear. From the perspective that sees FTA and rearrest as related forms of misconduct, one would expect rearrests to be lower among experimental group defendants as well. From the perspective that sees attendance in court as a very different phenomenon from failure-to-appear, no effect on rearrest rates would be expected.

- *Hypothesis 1.2* The requirement imposed on experimental group defendants to call the pretrial services AVR number should help identify early "non-compliers" (within 48 hours) and help pretrial services staff target those who would be likely to fail to appear in court subsequently, which would result in lower rates of non-compliance than among control group defendants who were not required to call.

Findings

Table 5.1 shows that the two groups were very similar on selected attributes, suggesting that random assignment worked fairly well to produce roughly equivalent groups of releasees. Several differences were identified: experimental group defendants more frequently gained outright release under Federal ("H.v.R.") procedures[35] (61 versus 47 percent), had fewer prior convictions for serious property offenses (4 versus 11 percent), and had more prior weapons arrests (33 versus 22 percent).

Our observation of the experiment suggested that the in-court role of pretrial services staff worked substantially according to plan. Table 5.2 displays the outcomes for defendants in the two groups over a 120-day follow-up period. Contrary to the hypothesized outcome, failure to appear (FTA) did not differ significantly between the two groups, with 31 percent of experimental and 34 percent of control group defendants failing to appear in court at least once during the follow-up period and 14 percent of each officially in fugitive status at the end of the follow-up.[36] In addition, the two groups did

[35] These defendants could not be admitted to jail under the admissions moratorium under the consent decree in *Harris v Reeves (1987)*.
[36] The difference was not significant at the .05 level.

Table 5.1 Attributes of Notification Experiment (1) Defendants, November 13, 1995 to November 26, 1995*

Defendant Attributes**	Experimental Group (Number)	Experimental Group Percent	Control Group (Number)	Control Group Percent
Demographics				
Age				
Total	(162)	100.0	(133)	100.0
Less than 18	(0)	0.0	(2)	1.5
18-25	(59)	36.4	(61)	45.9
26-30	(30)	18.5	(16)	12.0
31-40	(42)	25.9	(36)	27.1
41>	(31)	19.1	(18)	13.5
Race				
Total	(163)	100.0	(135)	100.0
Black	(111)	68.1	(94)	69.6
White	(38)	23.3	(29)	21.5
Hispanic	(9)	5.5	(7)	5.2
Other	(5)	3.0	(5)	3.7
Gender				
Total	(163)	100.0	(136)	100.0
Male	(141)	86.5	(126)	92.6
Female	(22)	13.5	(10)	7.4
Criminal Case				
Most Serious Charge				
Total	(163)	100.0	(136)	100.0
PWID man min	(15)	9.2	(16)	11.8
PWID non-mand	(0)	0.0	(0)	0.0
Possession C/S	(7)	4.3	(14)	10.3
Robbery	(8)	4.9	(12)	8.8
Agg assault	(23)	14.1	(20)	14.7
Simple assault	(9)	5.5	(2)	1.5
Burglary	(13)	8.0	(12)	8.8
Theft/RSP	(37)	22.7	(19)	14.0
Retail theft	(10)	6.1	(6)	4.4
DUI	(19)	11.7	(8)	5.9
Other	(22)	13.5	(27)	19.9
Prior History				
Prior Arrests				
Total	(163)	100.0	(136)	100.0
None	(51)	31.3	(50)	36.8
One	(29)	17.8	(22)	16.2
Two	(18)	11.0	(18)	13.2
Three or more	(65)	39.9	(46)	33.8
Prior Convictions				
Total	(163)	100.0	(136)	100.0
No	(97)	59.5	(81)	59.6
Yes	(66)	40.5	(55)	40.4
Prior FTAs				
Total	(163)	100.0	(136)	100.0
None	(110)	67.5	(87)	64.0
One	(16)	9.8	(14)	10.3
Two or more	(37)	22.7	(35)	25.7
Delinquency Petitions Filed				
Total	(163)	100.0	(136)	100.0
No	(126)	77.3	(95)	69.9
Yes	(37)	22.7	(41)	30.1
System Processing				
Pretrial Release				
Total	(163)	100.0	(136)	100.0
No	(23)	14.1	(22)	16.2
Yes, at arraign.	(125)	76.7	(106)	77.9
Yes, from detent.	(15)	9.2	(8)	5.9
How was Release gained?				
Total	(130)	100.0	(109)	100.0
ROR	(11)	8.5	(15)	13.8
SOB	(3)	2.3	(1)	0.9
Cash bail	(37)	28.5	(42)	38.5
HvR/SOB	(79)	60.8	(51)	46.8

*Attributes are shown for all randomly sampled defendants, including those not gaining pretrial release. Defendants not gaining pretrial release were excluded from subsequent analysis.

**Differences between groups were not significant at < .05.

not differ significantly in rearrests for crimes occurring during pretrial release, with 18 percent of experimental and 14 percent of control group defendants rearrested.[37].

Table 5.2 Notification Experiment (1): Comparison of 120-Day Outcomes for Experimental and Control Group Defendants Entering the Judicial Process at Preliminary Arraignment, November 13, 1995 to November 26, 1995 (Pre-Guidelines)

Notification Experiment Outcomes	Experimental Group (Number)	Percent	Control Group (Number)	Percent
Failure to Appear (FTA)*				
Total	(140)	100.0	(114)	100.0
None	(97)	69.3	(75)	65.8
One or more	(43)	30.7	(39)	34.2
Rearrest*				
Total	(140)	100.0	(114)	100.0
None	(115)	82.1	(98)	86.0
One or more	(25)	17.9	(16)	14.0
Fugitive Status*				
Total	(140)	100.0	(114)	100.0
No	(120)	85.7	(98)	86.0
Yes	(20)	14.3	(16)	14.0

*Differences between groups were not significant at < .05.

III. The Context of Implementation

These findings do not appear to support the first notification hypothesis of reduced defendant misconduct resulting from the informational strategy involving in-court contact, explanation and written instructions. In interpreting these findings, there are two possible explanations. The first is that, for some reason, implementation of the treatment condition was not successfully carried out. The second is that the in-court strategy was carried out but, given other factors, was not effective in assisting defendants to appear in court as required. From our observation of the experiment, it is possible that the way the experimental treatment was introduced may not have given enough emphasis to the pretrial services role and that the in-court contact could have been better implemented. However, for practical reasons it was necessary to introduce the approach without disrupting or slowing down the preliminary arraignment process. Although we

[37] The difference was not significant at the .05 level.

can imagine more effective versions of this strategy, we feel more comfortable accepting the second explanation as the more reasonable one. At least as attempted in this experiment, the personal, in-court contact, explanation and written instructions about subsequent requirements of pretrial release failed to bring about the increased attendance in court (and reduced rearrests) hoped for.

The second element of this experiment tested an automated call-in system that would have identified defendants who had not called in to the pretrial services phone system within 24 hours of release as required. The expectation was that this mechanism would serve as an early indicator of non-compliance with release conditions and would allow pretrial services staff to target early non-compliers with phone calls and letters reminding them of court dates and locations. This part of the experiment had serious implementation difficulties. In short, after the experimental period it was discovered that the technology involved in the automated system was mostly dysfunctional during the study and that the results were unusable. Because the experiment could not be repeated, we are unable to report findings addressing the second hypothesis.

CHAPTER SIX:
EXPERIMENT 2—TESTING THE IMPACT OF SUPERVISION CONDITIONS

I. Designing Supervision

The second experiment tested assumptions related to key elements of the supervision strategy set in place under the pretrial release guidelines. By design, the pretrial release guidelines specifically targeted two "middle" or "borderline" (between ROR and cash bail) categories of defendants as candidates for Type I (less restrictive) and Type II (more restrictive) "special conditions" of release. In this first phase of guidelines implementation, this meant these defendants should be released under nonfinancial conditions to supervision by pretrial services case managers. Background studies conducted in preparation for the guidelines had determined that how these groups of defendants were treated was critical to implementation of an effective system of pretrial release. First, under traditional cash bail practices (pre-*Harris v Reeves* or H.v.R.), they had a higher likelihood of pretrial confinement than other types of defendants. Second, when released outright (without restriction) under the Federal consent decree qualified admissions moratorium, these categories of defendants generated record high rates of failure-to-appear and rearrest. Thus, in planning a pretrial release system to be "owned and operated" by the local justice system without Federal intervention, a strategic objective was to promote the release and to minimize the misconduct among these Type I and Type II defendants.

Another, not so incidental interest for the supervision strategy was to restrict supervision activities to the categories of defendants that were being targeted strategically. Experiences with early bail reform efforts (e.g., in the District of

Columbia) served as cautions that unselective introduction of the supervision option might result in unintended, widespread use—becoming a popular "add-on" in many non-targeted cases. Because supervision was to be newly established in Philadelphia under the pretrial release guidelines, it would need to draw on resources that had not previously existed. Wider use than intended would risk depleting supervision resources and diluting the potential impact of supervision in enhancing the effectiveness of pretrial release (minimizing confinement and maximizing safe release) as the overall guidelines strategy called for.

The challenge posed by these objectives was to establish a reasonable, resource-efficient, and effective approach to supervision of defendants in the target categories, where none had existed previously. Some of the ingredients considered in designing a supervision approach included pretrial services orientation classes, telephone call-in, in-person office visits, drug treatment, and enforcement of conditions by the Pretrial Services Warrant Unit.[38] The policy group supervising the design and implementation of the pretrial release guidelines specifically ruled out the use of electronic monitoring devices for persons entering the judicial process and having pretrial release determined at preliminary arraignment. Rather, because electronic monitoring was a finite and relatively expensive and time-consuming resource to set up, this option was to be reserved as a means for releasing defendants from jail who could not gain release at the initial stage.

[38] Unlike most other pretrial services agencies in the United States, Philadelphia's Pretrial Services Division of the Court of Common Pleas has a unit assigned to apprehending persons who fail to appear in court. Over time, the numbers of personnel assigned to that unit has shrunk considerably while the number of fugitives in Philadelphia (i.e., about 50,000) has grown exponentially under Federal emergency release procedures.

The problem then was to determine how to form an appropriate "package" for supervising defendants in the two groups that had been identified. (Type II defendants were seen as higher-risk than Type I defendants.) The final strategy was based on an evolutionary and incremental approach, one that, respecting the principle of release under the least restrictive conditions necessary, tested the effect of supervision elements starting with less restrictive and then moving toward more restrictive forms. It was decided that all forms of supervision would begin with a basic requirement that defendants attend an initial "orientation" session conducted by pretrial services staff three to five days after release (following preliminary arraignment). At this session, a pretrial services staff member would explain the judicial process, the next steps in processing for the defendants, and the requirements of pretrial release under supervision. (Shortly after the study, the local courts developed a video explaining the pretrial release process and requirements for orientation.) Type I supervisees would then meet with their pretrial services case managers (supervisors), at which time the requirements of court attendance and telephone call-ins to the automated computerized system would be explained. (By the time of the supervision experiment, the AVR system has been corrected so that it actually worked.) Type II supervisees would have all the same requirements imposed on them as Type I supervisees, but also would also have in-person visits scheduled to serve as more restrictive or more intensive supervision.

Reserving Drug Treatment for a Second Phase of the Supervision Strategy

Like many other jurisdictions, defendants in Philadelphia were known to be substantially drug-involved (e.g., from 60 to 80 percent have tested positively for a substance of abuse based on DUF reports over the years). It was unarguable that drug

treatment would be relevant to many of them. However, deciding how drug treatment could be employed as a tool for supervising Type I and II defendants was constrained by limited availability of alcohol and other drugs of abuse (AOD) treatment services and funding sources. Furthermore, the question for the pretrial release supervision strategy was not, unfortunately, how treatment services could be provided to all persons entering the criminal justice system who needed them. Rather, more narrowly, the question was to determine whether and how treatment could serve as an added supervisory option to permit provisional release to the community and to help prevent defendant misconduct during pretrial release. From this perspective, drug treatment was viewed as a relatively scarce resource that should be targeted selectively on defendants for whom it would make the necessary difference. Thus, it was important to determine whether drug treatment was needed (as opposed to being "helpful" or "appropriate" for those specific purposes).

From this instrumental perspective, drug treatment would not be deployed as a supervisory option if the basic elements of supervision (orientation, telephone call-ins, and in-person meetings with pretrial services case managers) already accomplished the aims of the pretrial release guidelines: promoting effective pretrial release. The supervision strategy adopted the position that drug treatment options would be developed once knowledge of the impact of the basic elements of supervision had been tested. It then would be added where needed, rather than globally providing it to all those in need of treatment. (In fact, during the initial guidelines implementation phase, planning for instituting drug treatment in a second phase was well underway. It resulted in two initiatives, the Criminal Justice Treatment Network for Women and the Philadelphia Treatment Court, that were set in place after the supervision studies were done.)

II. The Supervision Experiment

An ideal and basic experimental design, at least from a methodological perspective, would randomly assign target group defendants to either supervision or non-supervision conditions of release. Such a design would compare the performance of supervised defendants with defendants released with no supervisory conditions (i.e., tantamount to personal recognizance release) and answer the question of whether supervision offers any improvement over doing nothing at all. If supervised defendants did not perform better (in terms of better attendance in court and fewer crimes), one would conclude that supervision was not a useful tool in managing safe pretrial release. If supervised defendants performed notably better than their unrestrained counterparts, one would conclude that supervision appeared to be a very useful tool and would then turn to questions of how and why.

We did not adopt this approach for two reasons. The first reason was that a classical experimental design would oversimplify the questions posed by Philadelphia's supervision strategy. The aim was not only to investigate the relative impact of supervision, but also to examine the ingredients of supervision that contribute to an impact. Moreover, an objective was to determine the relative impact of supervising approaches for particular categories of targeted defendants (identified, as discussed above, on both theoretical and practical bases).

The second reason for not employing the classic design was that, in the Philadelphia context, this type of experiment was unnecessary. We believed we had a sufficient functional equivalent of the no-release-conditions test in what amounted to a "natural experiment." Because we already had data showing how defendants in the Type I and

Type II categories performed under the Federal consent decree Harris v. Reeves or "*H.v.R.*" emergency release procedures (when they were released with no supervision or other constraint), we already had data documenting the "no-conditions" approach to pretrial release. These pretrial release data from earlier research (Goldkamp, Harris and Weiland 1992; Goldkamp and Harris 1994a and b) were shown above in Figure 2.3. They show the results of what, in effect, was a "natural experiment" represented by the no-conditions Federal release procedures, detailing the extent of release produced through "*H.v.R.*" criteria and the rates of FTA and rearrest generated among these types of defendants.

In short, drawn from a point in time just prior to the implementation of the new pretrial release guidelines (and the nested supervision experiments), we begin our supervision experiment against the background of baseline data portraying the impact of no-conditions release.[39] Based on this reasoning, then, it was not essential (particularly given limited research resources) for the experimental design we employed to reproduce the no-conditions control group state of affairs.[40] Instead, with the earlier research providing data that could be used as a no-conditions baseline, we designed the supervision experiment to focus on variations in supervision conditions, testing the

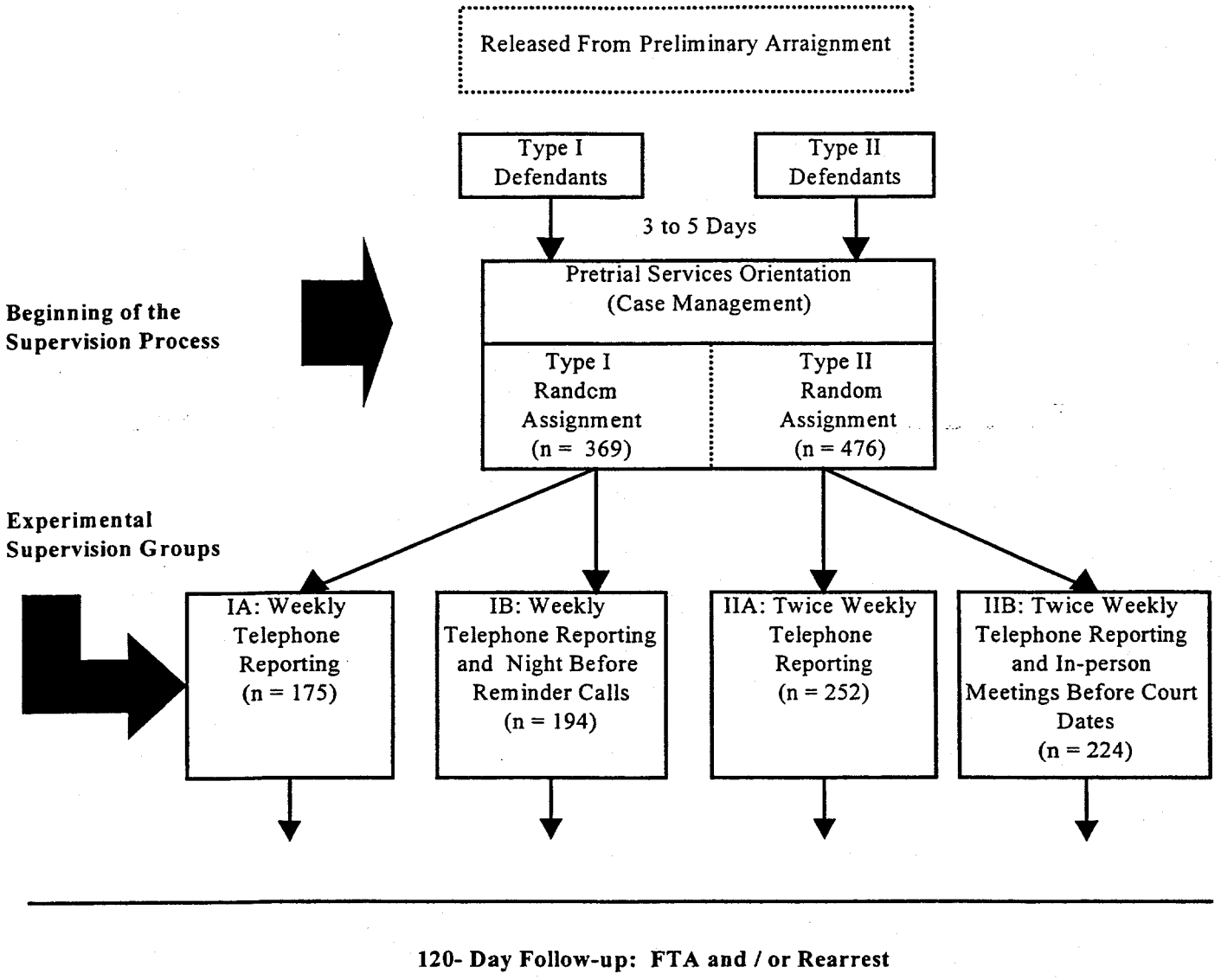
[39] Arguably, this approach using a pre-experimental baseline suffers from the before-and-after, historical threat to validity. We would argue that this is a minor concern in this case from our knowledge of the events transpiring in Philadelphia at the time. In addition, the baseline data are not perfectly comparable because they use the new guidelines classification of defendants to apply to defendants during the H.v.R. era restrospectively. In fact, the record of their use during the implementation of guidelines shows that there is not an exact correspondence between what the guidelines presumptively suggest as appropriate decisions and what commissioners actually will do. The guidelines were designed with a role for commissioner disagreement in mind (expected to be about 25 percent of the time when working well). Using these data as a baseline for the supervision experiment treats defendants as if all in the suggested categories would have been released accordingly.

[40] Stated another way, although it would have been useful to reproduce this condition contemporaneously with the supervision experiment (to counter threats to validity posed by history), it was viewed as a luxury that was not essential to the questions we posed about supervision.

impact of less and more restrictive conditions for each of the two groups of supervision candidates.

A third factor underlying the decision not to select a contemporaneous control group is that it appeared unlikely that we would be able to secure agreement from judicial officials to release medium- to high-risk defendants without constraint on a random basis. Although getting support for use of an experimental design in a field setting is always a sensitive task, in this instance the sensitive political context (particularly the high rates of misconduct generated by defendants released under Federal procedures) made cooperation exceptionally unlikely—and for good reason. The local judiciary felt that, with the guidelines strategy as a centerpiece, it had been given an opportunity to demonstrate how much better the local system could function under its own responsibility than had been the case under the mosaic of Federally imposed emergency-release rules. In fact, a rallying cry for the local justice system was that the unfettered release of defendants associated with the Federal litigation was more harmful to Philadelphia (because of its impact on public safety and the judicial process) than jail overcrowding itself was. Thus, no matter how highly they might have valued the research, it would have been counter-intuitive for judicial officials to continue to permit outright release of defendants in categories shown to be among the worst performers, with no monitoring or other apparent restraint (or, according to the traditional-minded, the benefits of cash bail). Fortunately, for theoretical and methodological reasons, it was not necessary to ask the judiciary to adopt this approach.

Figure 6.1 Design of the Philadelphia Supervision Experiment



The design we employed to test the impact of supervision conditions of pretrial release is summarized in Figure 6.1 and focused on the two groups of defendants targeted by the pretrial release guidelines for supervision. Although defendants in both categories were indeed identified to be in need of supervision based on the baseline research, Type I defendants were found to be somewhat lower-risk than Type II defendants and, thus, were thought to be in need of less restrictive conditions of supervision. Based on odd-

even last digits of their Philadelphia (person) identification numbers, Type I and Type II defendants entering pretrial services supervision were randomly assigned to two sets of supervision conditions (A and B) that differed in degree of "restrictiveness."

- Type I defendants with even digits were assigned to the A supervision condition which began with attendance at pretrial services orientation and included reporting in by phone through the automated phone system once per week throughout the pre-adjudicatory period. Those with odd digits were assigned to the B condition, which included attendance at an orientation, calling in once per week, and receiving a personal phone call from the Warrant Unit pretrial services staff the night before each court date. Failure to comply with these requirements was to initiate a reminder call from pretrial services supervision staff.
- Type II defendants with even digits (A condition) were required to begin the process with orientation and case management meetings and to call in to the AVR system two times per week. Those with odd digits (B condition) would call in twice weekly and meet in-person with their cases managers three days before every court date. In addition, if a defendant in the B group failed to attend the pretrial services meeting, the Warrant Unit would be notified and a warrant investigator would make a visit to the residence. The investigator would then instruct the defendant to attend the pretrial services meeting and remind the defendant of the upcoming court date. The implication of this approach was that failure to meet these conditions would result in apprehension by the warrant officer.

The supervision experiment was carried out in the Philadelphia courts between August 1, 1996 and November 26, 1996. During that period, 845 defendants assigned Type I and II supervision as a result of new charges appeared at the Pretrial Services Division, attended orientation, and then were randomly assigned to levels of supervision as shown in Figure 6.1.[41] Through a computer program, lists of defendants in each category were produced on a weekly basis so that pretrial services case managers could make certain that appropriate conditions of supervision were applied. This design permitted comparison of different levels of supervision within and across defendant type. The final assignment at the completion of the study period showed 175 Type IA, 194 Type IB, 252 Type IIA, and 224 Type IIB defendants. The study employed a four month (16-week) follow-up period to chart rates of failure-to-appear and rearrests during pretrial release.

The Supervision Experiment Hypotheses

This field experiment sought to test both a general hypothesis relating to the impact of supervision conditions applied to the targeted categories of defendants and hypotheses relating to specific conditions (and levels of conditions) of supervision (see Figure 6.2):

[41] Note that the pretrial release guidelines classified defendants into Type I and II categories based on explicit criteria that provided presumptive recommendations for bail commissioners making the pretrial release decision at preliminary arraignment. The decisions commissioners made differed somewhat from the presumptions provided by the guidelines with the effect that those assigned to Type I and II levels of supervision were not all originally classified as falling within the level to which they were assigned under the guidelines. The experiment deals with (randomly assigns) persons actually assigned to Type I and II conditions, not with persons classified as presumptively appropriate (recommended) by the guidelines. See Table 6.1 which shows, e.g., that about 25 percent of Type I and II defendants had been classified as appropriate ROR releases under the guidelines prior to the commissioners' decisions.

Figure 6.2 Hypothesized Outcomes for
Experimental Supervision Groups

Supervision Groups	Outcomes: FTA	Rearrest
IA: Weekly Telephone Reporting	• Lower than Baseline	• Lower than Baseline
IB: Weekly Telephone Reporting / Night Before Reminder Call	• Lower than Baseline • Lower than IA	• Lower than Baseline • Lower than IA
IIA: Twice Weekly Telephone Reporting	• Lower than Baseline • As Low as IA	• Lower than Baseline • As Low as IA
IIB: Twice Weekly Telephone Reporting / In-person Meetings Before Court Dates	• Lower than Baseline • As Low as IB • Lower than IIA	• Lower than Baseline • As Low as IB • Lower than IIA

- *Hypothesis 2.1—the Impact of Supervision Generally:* Each supervision group will produce lower rates of failure-to-appear and rearrest for new crimes during pretrial release than recorded by comparable pre-experiment (baseline) defendants. This hypothesis suggests that any supervision is an improvement over no-conditions release as shown in the baseline study of Federal emergency release.
- *Hypothesis 2.2—the Relative Impact of More Restrictive Conditions*: The more restrictive conditions of supervision imposed on defendants in each of the B groups (Types IB and IIB) will, compared to the less restrictive conditions assigned to defendants in the A groups, reduce failure to appear in court and rearrest during the follow-up periods.
- *Hypothesis 2.3—the Relative Impact of Telephone Call-ins:* In itself, the requirement to call-in to the automated system once per week assigned to Type IA defendants will serve to reduce FTA and rearrest to a level below that associated with the no-conditions baseline group because of the accountability required of the defendant (restatement of *Hypothesis 2.1*). Thus, the requirement for Type IIA defendants to call in twice per week to the automated phone system will result in lower FTA and rearrest among the targeted defendants compared to the no-conditions baseline data. Furthermore, the twice a week call in for Type IIA defendants will produce FTA and rearrest rates as low or lower than of Type IA defendants, who would be expected to have lower rates according to their guidelines risk classification.
- *Hypothesis 2.4—the Added Impact of Agency-Originated Night-Before Reminder Calls:* The calls from pretrial services staff to Type IB defendant residences the night before court dates will, compared to Type IA defendants, produce lower FTA and

rearrest rates because of the importance of personal contact from the judicial system in emphasizing the role of defendant accountability.

- *Hypothesis 2.5—the Added Impact of In-Person Meetings and Active Enforcement of Compliance:* The requirements assigned to Type IIB defendants (of calling-in, attending in-person meetings before each court appearance and active enforcement when requirements are not met) amount to the most restrictive of the experimental supervision conditions. They will produce lower misconduct rates among Type IIB defendants than will be recorded by their Type IIA counterparts assigned only telephone reporting conditions.
- *Hypothesis 2.6—the Equalizing Effect of More Restrictive Conditions on Higher Risk Defendants:* The more restrictive conditions applied to the higher-risk Type IIA and IIB defendants should yield rates of misconduct at least as low as levels recorded by the lower-risk Type IA and IB defendants who had less restrictive conditions of supervision assigned but who would be expected to have lower rates of misconduct based on their guidelines risk classifications.

Findings

The supervision experiment was structured to test the impact of supervision generally against the no-supervision condition associated with the baseline period as well as to test the effect of varied levels of supervision as detailed in Hypotheses 2.1-2.6. Data summarized in Table 6.1 suggest that randomization procedures produced reasonably similar groups when attributes of Types IA and IB and Types IIA and IIB are contrasted.[42] As may occur even in successful random assignment, some differences in group attributes were identified. Type IB defendants seemed to have slightly more

[42] The random assignment of defendants to experimental groups was fairly successful, but not without practical problems. The following are some examples of implementation difficulties. One of the problems with the AVR (automatic voice response system) was that some defendants simply did not like to use it and preferred to call the case manager instead. Often this would result in a manual record—or no record—and so may have lead to some inaccuracies in tracking compliance with telephone reporting. In addition, when defendants entered a photo number inaccurately using the telephone system, the AVR would not show compliance when in fact the defendant attempted to report in. Six defendants (out of 845) were randomly assigned to the wrong sample, an error rate of 0.7 percent. In addition, from 11/1/96 to 11/15/96 there was a computer "head" crash which meant that the computer could not be used to identify defendants with upcoming courts dates who needed to be called or to come in to visit in person. Records during that two week period were deemed uninformative. On 12/24 and 12/25/96 no incoming AVR calls were made by defendants and no outgoing staff calls to defendants were made. Finally, when a new case manager was hired in November of 1996, the individual followed the incorrect procedure for IIB defendants. Instead of having them come in for meetings, he/she sent letters and made phone calls reminding them of court dates.

Table 6.1 Attributes of the Supervision Experiment(2) Defendants, August 1, 1996 to November 26, 1996

Attributes*	Group IA (Number)	Group IA Percent	Group IB (Number)	Group IB Percent	Group IIA (Number)	Group IIA Percent	Group IIB (Number)	Group IIB Percent
Demographics								
Age								
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0
18-25	(66)	37.7	(67)	34.5	(102)	40.5	(85)	37.9
26-30	(26)	14.9	(39)	20.1	(37)	14.7	(31)	13.8
31-40	(53)	30.3	(61)	31.4	(74)	29.4	(72)	32.1
41>	(30)	17.1	(27)	13.9	(39)	15.5	(36)	16.1
Race								
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0
Black	(110)	62.9	(122)	62.9	(168)	66.7	(153)	68.3
White	(55)	31.4	(56)	28.9	(66)	26.2	(50)	22.3
Hispanic	(10)	5.7	(15)	7.7	(16)	6.3	(19)	8.5
Other	(0)	0.0	(1)	0.5	(2)	0.8	(2)	0.9
Gender								
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0
Male	(141)	80.6	(163)	84.0	(221)	87.7	(194)	86.6
Female	(34)	19.4	(31)	16.0	(31)	12.3	(30)	13.4
Criminal Case								
Most Serious Charge								
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0
PWID man min	(10)	5.7	(3)	1.5	(10)	4.0	(15)	6.7
PWID non-mand	(14)	8.0	(19)	9.8	(24)	9.5	(15)	6.7
Possession C/S	(8)	4.6	(14)	7.2	(50)	19.8	(43)	19.2
Robbery	(0)	0.0	(1)	0.5	(1)	0.4	(2)	0.9
Agg assault	(2)	1.1	(5)	2.6	(11)	4.4	(3)	1.3
Simple assault	(11)	6.3	(18)	9.3	(8)	3.2	(3)	1.3
Burglary	(18)	10.3	(20)	10.3	(15)	6.0	(15)	6.7
Theft/RSP	(30)	17.1	(32)	16.5	(64)	25.4	(73)	32.6
Retail theft	(8)	4.6	(5)	2.6	(13)	5.2	(14)	6.3
DUI	(26)	14.9	(29)	14.9	(12)	4.8	(11)	4.9
Other	(48)	27.4	(48)	24.7	(44)	17.5	(30)	13.4
Prior History								
Prior Arrests								
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0
None	(88)	50.3	(82)	42.3	(61)	24.2	(49)	21.9
One	(28)	16.0	(37)	19.1	(52)	20.6	(51)	22.8
Two	(21)	12.0	(14)	7.2	(34)	13.5	(32)	14.3
Three or more	(38)	21.7	(61)	31.4	(105)	41.7	(92)	41.1
Prior Convictions								
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0
No	(119)	68.0	(119)	61.3	(128)	50.8	(103)	46.0
Yes	(56)	32.0	(75)	38.7	(124)	49.2	(121)	54.0
Prior FTAs								
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0
None	(125)	71.4	(136)	70.1	(135)	53.6	(123)	54.9
One	(28)	16.0	(25)	12.9	(46)	18.3	(37)	16.5
Two or more	(22)	12.6	(33)	17.0	(71)	28.2	(64)	28.6
Delinquency Petitions								
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0
No	(140)	80.0	(141)	72.7	(180)	71.4	(158)	70.5
Yes	(35)	20.0	(53)	27.3	(72)	28.6	(66)	29.5
System Processing								
Risk								
Total	(129)	100.0	(123)	100.0	(188)	100.0	(163)	100.0
One	(7)	5.4	(4)	3.3	(9)	4.8	(6)	3.7
Two	(64)	49.6	(66)	53.7	(41)	21.8	(38)	23.3
Three	(33)	25.6	(24)	19.5	(64)	34.0	(50)	30.7
Four	(25)	19.4	(29)	23.6	(74)	39.4	(69)	42.3
Zone Classification								
Total	(129)	100.0	(123)	100.0	(188)	100.0	(163)	100.0
ROR	(49)	38.0	(36)	29.3	(35)	18.6	(32)	19.6
Type 1	(69)	53.5	(73)	59.3	(22)	11.7	(19)	11.7
Type 11	(5)	3.9	(13)	10.6	(117)	62.2	(105)	64.4
Cash bail	(6)	4.7	(1)	0.8	(14)	7.4	(7)	4.3

*Differences between Group IA and IB defendants and between Group IIA and IIB defendants were not significant at < .05.

extensive prior histories of arrests than Type IA defendants. A slightly greater proportion of Type IIA defendants appeared to have drug related prior arrests than Type IIB defendants. Differences in group attributes were taken into consideration when assessing the experimental outcomes.

Table 6.2 presents the experimental results showing, first, that Type IA and Type IB defendants did not differ in their rates of misconduct over the 16-week follow-up period. The slight differences in the expected direction in failure-to-appear rates among Type IA and IB defendants (at 22 and 20 percent, respectively) were not statistically significant. The percentages of defendants still officially in fugitive status at the end of the follow-up period also did not differ significantly (13 versus 11 percent). Similarly, the differences in rearrest rates between the two groups were in the opposite of the expected direction (9 and 11 percent), but were not significant. Figure 6.2a shows that both types of misconduct rates, however, were substantially lower than those generated by defendants classified as Type I defendants in the baseline data. On the surface, these findings suggest that the differences in supervision conditions between weekly telephone reporting assigned to Type IA defendants and telephone reporting with night-before reminder calls for court dates for Type IB did not yield a misconduct-reducing effect. However, supervision generally (of either variety) seemed to produce a beneficial effect compared to the prior circumstances of no-supervision under emergency release procedures.

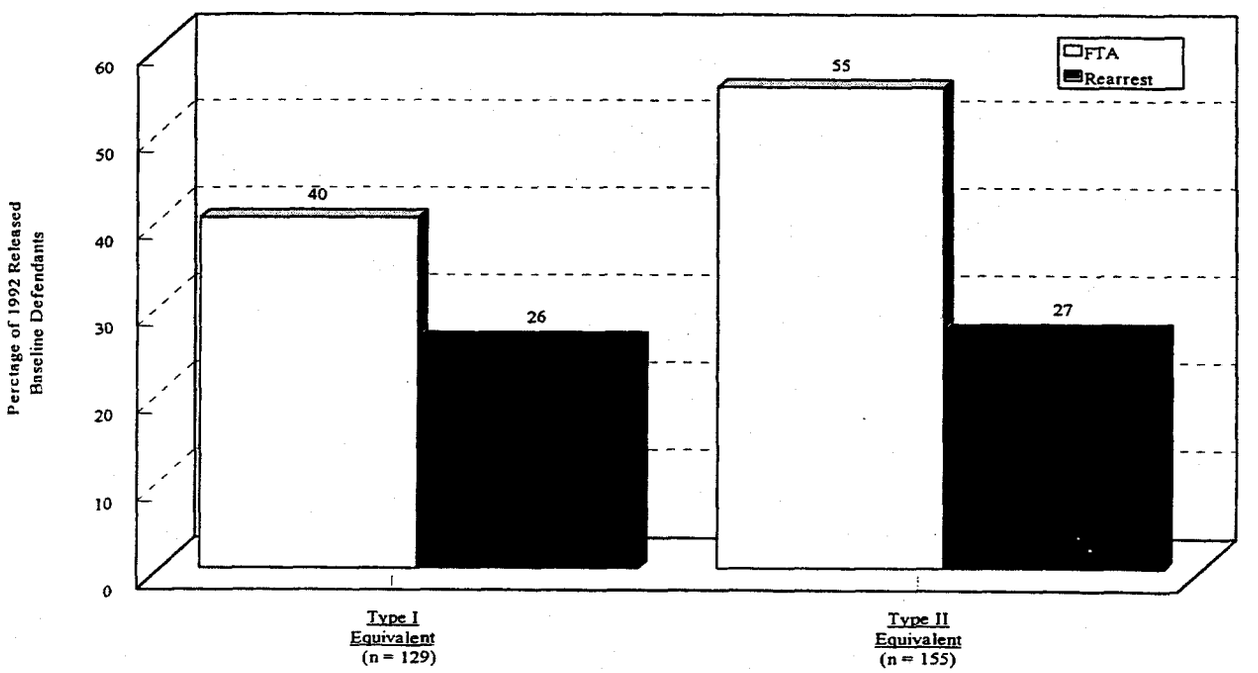
Table 6.2 further shows slight but non-significant differences between Type IIA and Type IIB defendants in rates of pretrial misconduct (with failure-to-appear rates of 23 and

Table 6.2 Supervision Experiment (2): Comparison of 120-Day Outcomes for Supervision Experiment Groups, Combined Groups, and Baseline Defendants, August 1, 1996 to November 26, 1996

Outcomes	Group IA		Group IB		Group IIA		Group IIB		All A Defendants		All B Defendants		1991 Federal Releases*		1992 Baseline*		1992 Federal Releases*	
	(Number) (#)	Percent %	(#)	%	(#)	%	(#)	%	(#)	%	(#)	%	(#)	%	(#)	%	(#)	%
Failure to Appear																		
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0	(427)	100.0	(418)	100.0	(374)	100.0	(1411)	100.0	(652)	100.0
None	(137)	78.3	(155)	79.9	(195)	77.4	(165)	73.7	(332)	77.8	(320)	76.6	(165)	44.0	(903)	64.0	(365)	56.0
One or more	(38)	21.7	(39)	20.1	(57)	22.6	(59)	26.3	(95)	22.2	(98)	23.4	(209)	56.0	(508)	36.0	(287)	44.0
Rearrest																		
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0	(427)	100.0	(418)	100.0	(374)	100.0	(1411)	100.0	(662)	100.0
None	(160)	91.4	(173)	89.2	(212)	84.1	(192)	85.7	(372)	87.1	(365)	87.3	(307)	82.0	(1228)	87.0	(530)	80.0
One or more	(15)	8.6	(21)	10.8	(40)	15.9	(32)	14.3	(55)	12.9	(53)	12.7	(67)	18.0	(183)	13.0	(132)	20.0
Rearrest for Serious Person Crime																		
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0	(427)	100.0	(418)	100.0						
None	(169)	98.3	(189)	97.4	(244)	96.8	(218)	97.3	(416)	97.4	(407)	97.4						
One or more	(6)	1.7	(5)	2.6	(8)	3.2	(6)	2.7	(11)	2.6	(11)	2.6						
Rearrest for Drug Crime																		
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0	(427)	100.0	(418)	100.0						
None	(172)	96.6	(188)	96.9	(243)	96.4	(208)	92.9	(412)	96.5	(396)	94.7						
One or more	(3)	3.4	(6)	3.1	(9)	3.6	(16)	7.1	(15)	3.5	(22)	5.3						
Fugitive (at 120 days)																		
Total	(175)	100.0	(194)	100.0	(252)	100.0	(224)	100.0	(427)	100.0	(418)	100.0						
No	(153)	87.4	(172)	88.7	(216)	85.7	(192)	85.7	(369)	86.4	(364)	87.1						
Yes	(22)	12.6	(22)	11.3	(36)	14.3	(32)	14.3	(58)	13.6	(54)	12.9						

26 percent, fugitive rates of 14 percent each, and rearrest rates of 16 and 14 percent). While these rates of misconduct are slightly higher than those produced by Type I defendants (as would be predicted by their risk clssification), Type II defendants still exhibited much lower misconduct rates than those produced among comparable baseline defendants in the earlier study (see Figure 6.2a). Again, on the surface, these findings appear to suggest that the gradations in the restrictiveness of conditions of supervision employed in the experiment did not translate into commensurate differences in rates of misconduct. They do suggest, however, that the general content of supervision in the Type II category (of the sort applied to either the A or B group) produced rates of misconduct substantially lower than those shown in the comparable baseline data. In short, it makes a difference whether or not any supervision is provided makes a difference, but small differences in the content of supervision do not.

Figure 6.2a Rates of Pretrial Misconduct (FTA and Rearrest) Among 1992 Baseline Defendants Entering Preliminary Pretrial Arraignment, November 1992



[Note: The November 1992 baseline data were employed to classify defendants into Type I or Type II categories as they would have been, had the pretrial release guidelines then been in effect.]

The two columns on the right of Table 6.2 combine Type I and Type II defendants and compare the subgroups with less restrictive options (Type IA or Type IIA groups) to the groups with more restrictive options (Type IB or Type IIB groups) to learn whether, viewed more generally, the restrictiveness of conditions makes a difference. That table shows no significant differences in FTA or rearrest rates between A and B supervision condition groups, when Type I and Type II defendants are combined.

On face value, the suggestion in *Hypothesis 2.1* that across the board some supervision produces better effects on defendant performance during release than no supervision (no-conditions) receives partial support. Defendants in each supervision group generated notably lower rates of failure-to-appear than comparable baseline defendants released under *H.v.R.* emergency release procedures, as well as lower rates of rearrest. However, defendants in the more restrictive supervision groups (IB and IIB) did not show lower misconduct rates than their counterparts assigned less restrictive forms of supervision, thus failing to support *Hypothesis 2.2* relating to the relative impact of more restrictive conditions. These findings appear to suggest that just being in the supervision process at all had an advantageous effect and that minor differences in forms of supervision (levels of restrictiveness) did not make a difference in outcomes.

Support for *Hypothesis 2.3* relating to the impact of telephone reporting is found in the misconduct rates associated with defendants in group IA, assigned only to call in once per week during the pretrial period. The failure-to-appear and rearrests rates among these defendants are lower than shown by defendants in the emergency release baseline data. Findings from comparison of the performance of IA and IIA defendants partly support the *Hypothesis 2.3* assumption that more frequent telephone reporting for the higher risk

defendants should result in misconduct rates that are lower than those of baseline defendants and as low as IA defendants who were lower risk and had only weekly call-in conditions. The two groups of defendants (IA and IIA) indeed generated similarly low FTA rates (low in comparison to baseline group rates). What is not known from this comparison is whether the second weekly call-in for the Type IIA defendants made any contribution to neutralizing the added risk associated with these defendants or whether weekly telephone reporting was sufficient to produce that effect. The added call requirement did not have the same impact on rearrests. Type IIA defendants showed a higher rate of rearrest than their Type IA counterparts (16 percent versus 9 percent[43]).

The fact that the misconduct rates for Type IA defendants differed little from their Type IB counterparts who were required to call in weekly and who received reminder calls from pretrial services the night before court suggests that the night-before reminder calls made by pretrial services staff for IB defendants had no effect, failing to support *Hypothesis 2.4*. It is equally likely that the general fact of supervision or a collection of effects including attending orientation and meeting with pretrial services supervisors shared in common by both groups accounted for the lower rates of misconduct among IA and IB defendants alike. These findings, particularly as relating to the night-before reminder calls, are problematic for those who argue that much of defendant non-compliance is non-willful and therefore advocate remedies involving clarification, facilitation, and assistance.

Hypothesis 2.5 suggests that, beyond the effects of frequent telephone reporting, the most restrictive requirements of in-person meetings with pretrial services case managers in advance of court dates (and related enforcement procedures) should further reduce

[43] The difference is significant at $p < .05$.

pretrial misconduct among the higher-risk supervisees. Table 6.2 shows that, in fact, rates of FTA and rearrest did not differ significantly between the supervision groups. Thus, this assumption relating to the most restrictive package of supervision conditions was not borne out.

Hypothesis 2.6 posited that applying more restrictive conditions to the higher-risk supervision groups (IIA and IIB) should render their misconduct rates as low as those generated by the lower-risk supervision groups (IA and IB). The data are inconclusive regarding this "equalizing" effect by means of which the misconduct rates of higher-risk defendants are reduced to the "norm." Certainly, the slightly higher rates shown by Type II defendants are not significantly different from those shown by Type I defendants in Table 6.2. The problem is that we have not demonstrated that more restrictive conditions have reduced commensurately the higher-risk propensities of Type II defendants. It is equally probable that the minimum supervision conditions associated with Type I defendants (principally telephone reporting) were sufficient to produce the lowered misconduct rates among Type II defendants or that the "general supervision effect" (just being involved in supervision, regardless of conditions) was sufficiently strong to explain the lowered Type II rates.

III. The Context of Implementation

Compliance with Telephone Reporting

Taken as a whole, the findings from the supervision experiment suggest that some minimum component of supervision (taken as weekly telephone reporting or possibly as enrollment in supervision, including orientation, case management, and telephone reporting) improves on the no-conditions state of affairs represented by the emergency

release captured in the Philadelphia baseline data. Reporting more or less frequently or adding other conditions, such as before-court telephone reminders by pretrial services or in-person meetings in advance of court dates, did not appear to affect outcomes noticeably. In interpreting results of field experiments, however, the degree of confidence one may have in the findings depends partly on knowledge of how well the experimental conditions were implemented. Consideration of this aspect of the supervision experiment, unfortunately, raises some questions about whether the findings are so straightforward.

One important component of each of the supervision conditions involved calling in to the AVR telephone system. Although we cannot say that this system worked flawlessly, it appeared to work reasonably well (and was considerably improved over its attempted operation during Experiment 1). However, it is one thing to examine the relationship between *assignment* of certain conditions of supervised release (such as calling in once or twice weekly) and rates of pretrial misconduct, and quite another to examine how that relationship actually could have operated—beginning with some measure of how well defendants accomplished those conditions. It would be making a mistake in logic to assume that, because reporting conditions were assigned, they were carried out. If they were not substantially carried out, then the experimental test of those assigned these conditions and those assigned others is misleading. Implementation failure should not be mistaken for failure of the experimental treatment being tested. (It is like the critique of rehabilitation conducted by the National Academy of Sciences panel in 1978 in which they did not find evidence that rehabilitation "worked," but they also did not find much evidence that it had been implemented (Sechrest et al. 1979).)

Thus, a more detailed consideration of the relationship between conditions assigned and defendant outcomes might recast the question of impact to consider the relationship between the "extent of compliance" with conditions (or the extent of implementation of conditions) and rates of misconduct. Using this reasoning, one might hypothesize that the likelihood of failing to appear in court (and/or being rearrested) was related to a defendant's record of making telephone calls once or twice per week as assigned. If defendants who exhibited greater compliance with reporting conditions then showed lower rates of pretrial misconduct, the next task would be to try to determine if the relationship were causal (as those implementing the supervision strategy would expect in the sense that good supervision should cause misconduct to decrease). If, on the other hand the relationship were spurious, the proponents of supervision are left with the knowledge only that persons who are likely to meet the reporting requirements of release under supervision are also likely to meet their other obligations, such as attending court and avoiding crime. Such an interpretation of a relationship, if one were found to exist, would not support the expenditure of resources on pretrial supervision. Finally, interpretation of a relationship is confounded by the nature of the compliance measure, that is, whether meeting reporting requirements should be considered an independent variable (logically prior to and "causing" the FTA and rearrest outcomes) or a dependent variable (another measure of defendant performance).

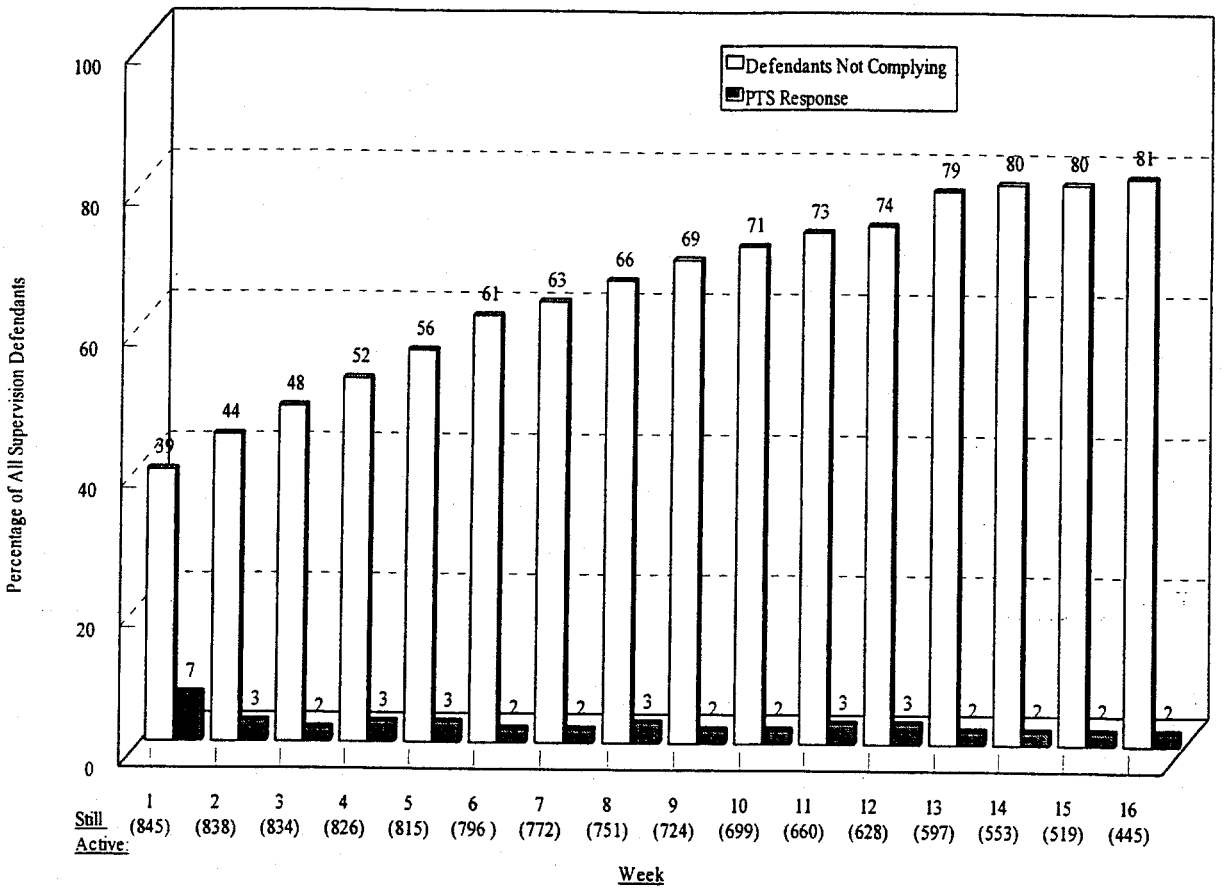
Figure 6.3 shows the proportion of all supervised defendants meeting their telephone reporting requirements by week over the 16-week observation period. (This figure combines data for all categories of supervisees regardless of experimental group

assignment and telephone reporting requirements.[44]) These data certainly cast doubt on the assumption of full compliance (full implementation) of the supervision condition by defendants. The highest rate of compliance with telephone reporting among all defendants was found in week 1, but even then only 61 percent of those required to call in did so. The compliance rate declined gradually but steadily in each of the succeeding weeks until reaching a low of 19 percent compliance in week 16. Figure 6.4 shows defendants records of non-compliance with telephone reporting another way, as a cumulative proportion of defendants who by each week have recorded a first failure to telephone report. Only 37 (about 4 percent) of the 845 defendants under supervision in the study made all required telephone contacts. As early as week 4 in the pretrial release period, a majority of defendants assigned to telephone reporting were failing to make required calls to the AVR system.[45]

[44] Thus, the measure is percent of compliance with the call-in requirement, whether the defendant was scheduled to make one or two calls weekly.

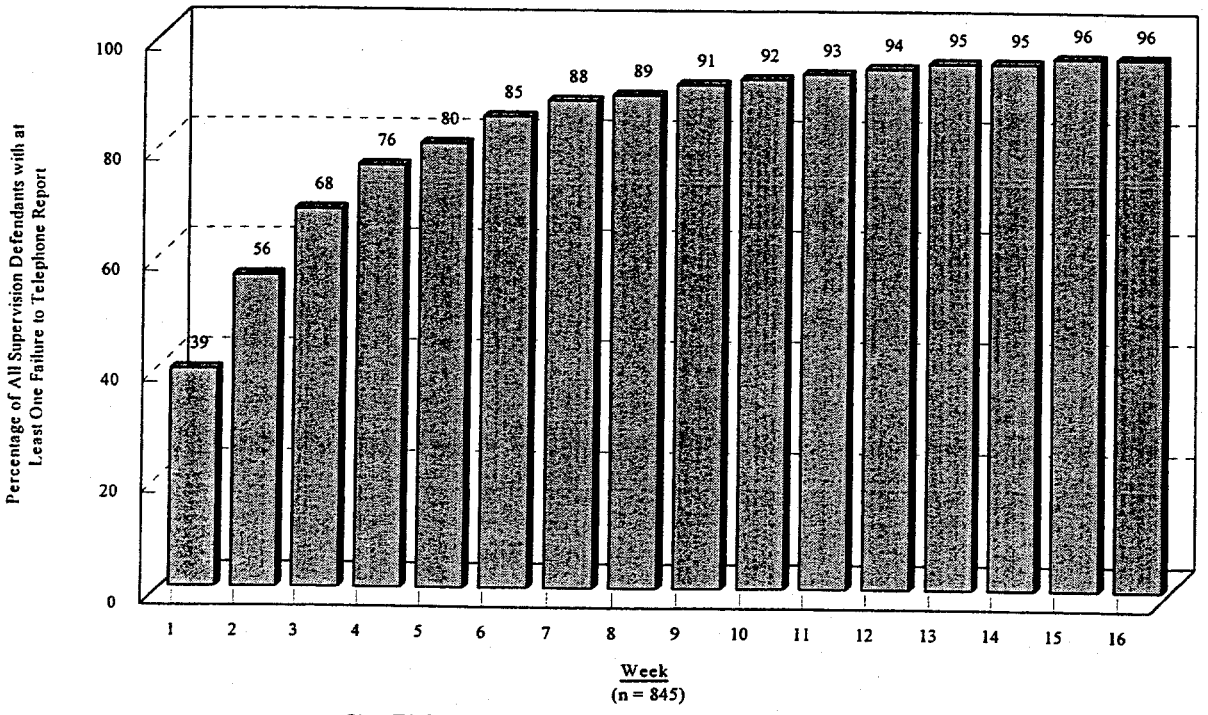
[45] Note that all defendants did not have 16 week follow-up periods. Follow-up periods were co-extensive with periods of pretrial release. Pretrial release periods were concluded when adjudication occurred. The numbers indicated in parentheses at the base of each weeks' column in Figure 6.3 represent that number of cases still unadjudicated during each successive week. The rate of compliance is calculated based only on cases still active during the follow-up week indicated.

within a Sixteen Week Follow-up Period among All Defendants (IA, IB, IIA, IIB) Assigned Supervision
August 1, 1996 to November 26, 1996, by Week



[Note: This figure combines all defendants assigned to supervision regardless of experimental group. Note also that the percentage of defendants is calculated based on the total number remaining unadjudicated each week. Thus, by the 16th week, 400 cases had been adjudicated and were excluded from the denominator of at-risk defendants.]

Figure 6.4 Cumulative Reporting of Non-compliance among All Defendants
Assigned Supervision, August 1, 1996 to November 26, 1996, by Week

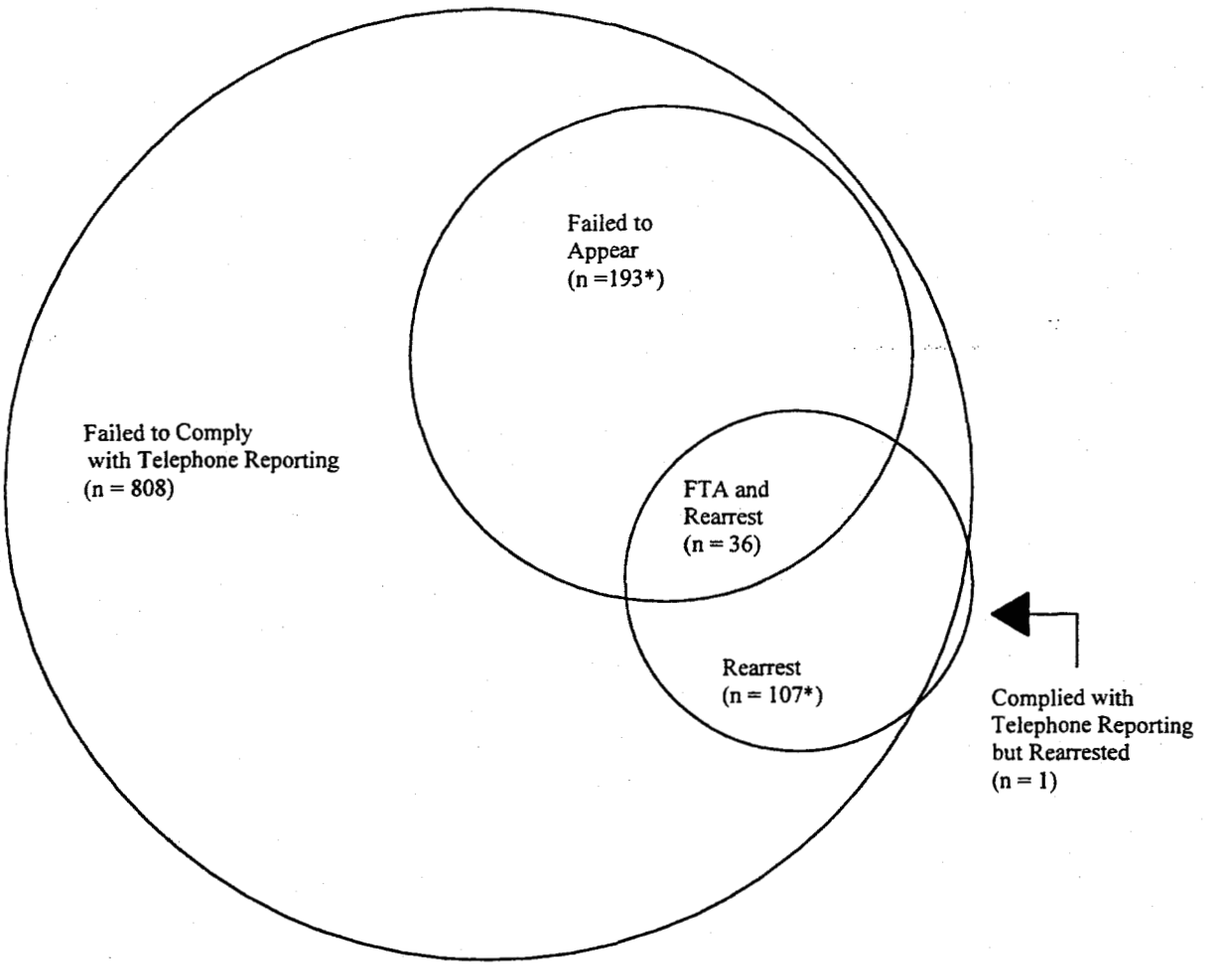


[Note: This figure combines all defendants assigned to supervision regardless of experimental group.]

One could argue that the findings shown in Figures 6.3 and 6.4 do not portray poor implementation of the supervision conditions but rather provide the predictive signs that persons who have not complied with telephone reporting next are likely to fail to appear or be rearrested for committing new crimes. The problem with viewing the compliance rates each week as "early warnings" of more serious misconduct is that, from the first week on, they would greatly over-predict likely absconders (occurring among 23 percent of defendants by the end of week 16) and pretrial "criminals" (involving only 13 percent of defendants during the full study period). Figure 6.5 makes this point using a Venn diagram. All defendants except one who recorded pretrial misconduct (FTA or rearrest) during pretrial release also failed to comply with telephone reporting. (One defendant who was rearrested made all his calls during pretrial release.) On the other hand, this figure shows that using reporting non-compliance as a predictor of failure to appear would result in roughly a 4-to-1 error to correct prediction ratio, as a predictor of rearrest it would produce an 8-to-1 error ratio. While nearly all those failing to appear or being rearrested also do not comply with telephone reporting, small proportions of all those not complying end up failing to appear in court or being rearrested during pretrial release.

Figure 6.6 contrasts the timing of first failures to report by phone among the 808 defendants who were non-compliant with the timing of failures-to-appear and rearrests. Approximately 78 percent of supervised defendants had failed at least once to make their required check-in calls by the end of week 4. The same figure shows that more than half of failures-to-appear (52 percent) occurred within four weeks, with a majority of rearrests (54 percent) occurring within six weeks. In rough form, these findings show a correspondence among the three measures (non-compliance with call-in requirements,

Figure 6.5 Correspondence between Reporting Non-compliance and Pretrial Misconduct (Failure to Appear and Rearrest) among All Defendants Assigned Supervision, August 1, 1996 to November 26, 1996



*N values for both FTA and Rearrest represent *all* defendants recording that type of misconduct and include defendants who record *both* types of misconduct (FTA and Rearrest).

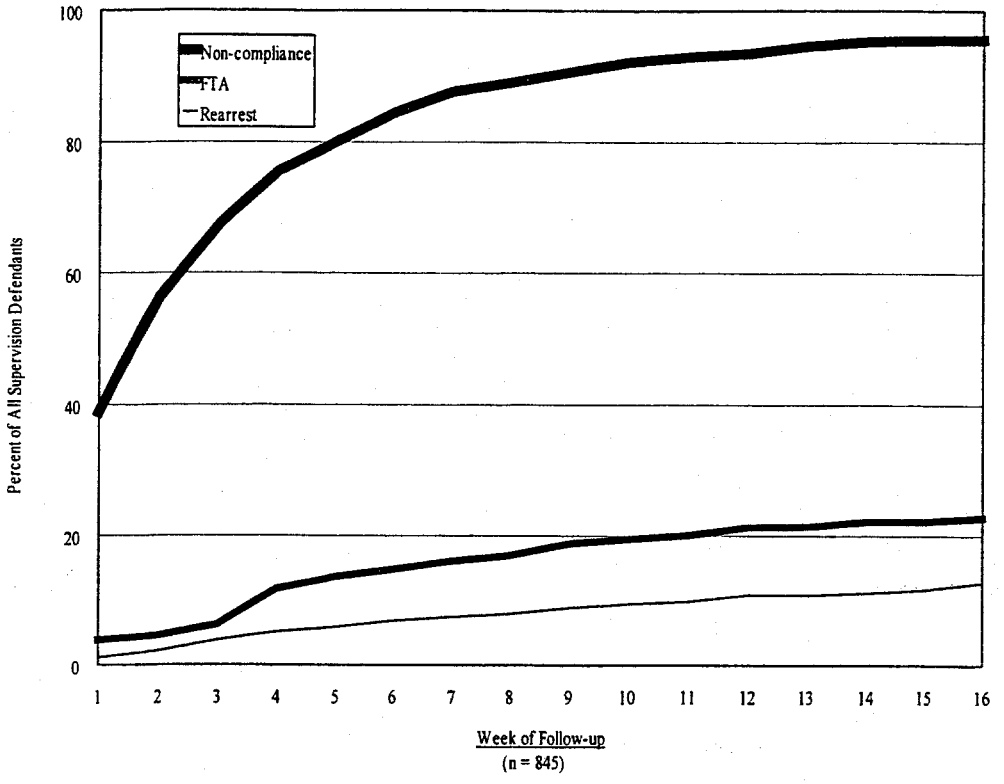
failures-to-appear, and rearrest), with the bulk of each type of defendant failure occurring early in the observation period, within the first month or month and a half.

Even given the problem of over-prediction, it may be reasonable to assume that the value of telephone reporting is to provide pretrial services supervisors with an early warning of possible subsequent pretrial misconduct. This use of telephone reporting does

not need an assumption of a causal relationship between compliance and FTA or rearrest, merely that non-compliance with conditions of supervision will occur in advance of FTA or rearrest. This assumption is not unreasonable, given that telephone reporting institutes a more accessible test of compliance or acceptable defendant performance (one available on a weekly or twice-weekly basis rather than waiting for failure to appear or rearrest to occur). Court appearances (and their associated FTAs) occur at much longer intervals as specific court events unfold (preliminary hearing, arraignment, pretrial motions, trial, etc.). FTAs cannot be recorded except according to the pattern of court scheduling, even if a defendant long ago absconded. The measurement of criminal activity during the pretrial period is even more difficult, with the only available measure being defendant rearrest, and many defendants engage in crime that does not result in rearrest.

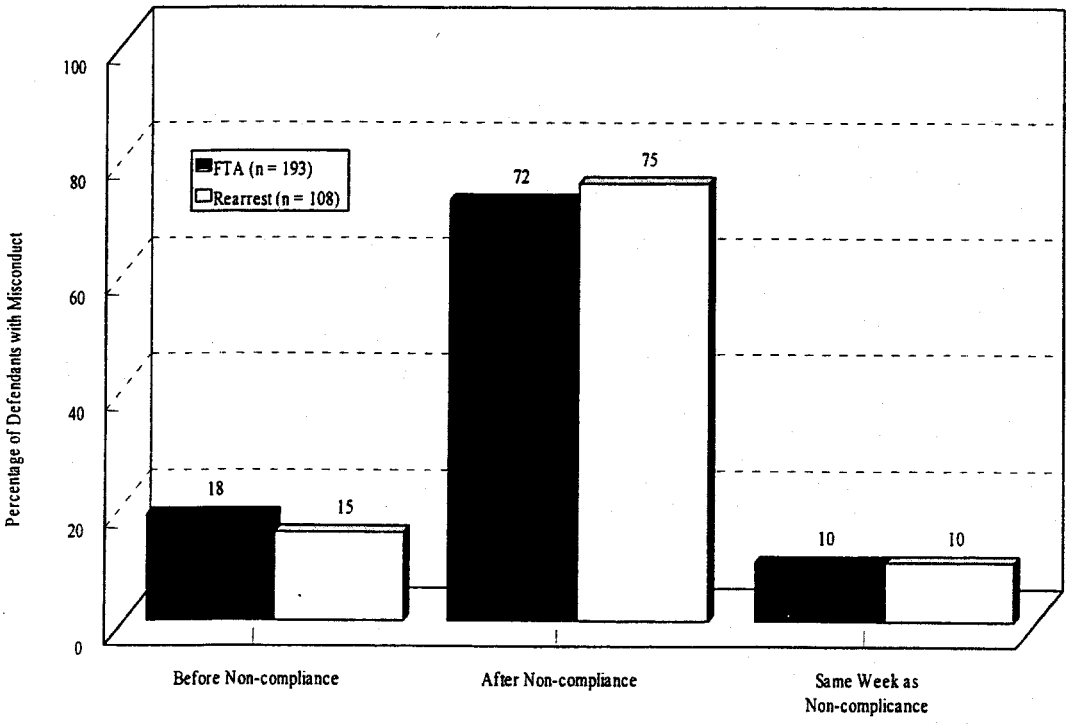
The graph in Figure 6.6 suggests a relationship between non-compliance and pretrial misconduct, even suggesting that non-compliance with reporting leads FTA and rearrest temporally. Figure 6.7 further suggests that, in most cases, non-compliance precedes the other forms of misconduct. Of the 193 defendants failing to appear during the study period, most (72 percent) recorded their failure to telephone-report in advance of their FTA. Of the 108 defendants who were rearrested during the study period, 75 percent recorded a failure to telephone report prior to being rearrested. (An additional ten percent of defendants recorded both FTAs and rearrests in the same week as their first non-compliance with telephone reporting.) As we have noted above, however, finding preceding non-compliance among defendants who engage in misconduct is not the same as finding that misconduct follows in a large proportion of cases in which non-compliance has first been documented.

Figure 6.6 Cumulative Rates of Non-compliance, Failure to Appear (FTA) and Rearrest among All Defendants Assigned Supervision, August 1, 1996 to November 26, 1996, by Week



[Note: This figure comprises all defendants assigned to supervision regardless of experimental group.]

Figure 6.7 Temporal Order in the Relationship between Non-compliance with Telephone Reporting and Pretrial Misconduct among All Defendants Assigned Supervision, August 1, 1996 to November 26, 1996



[Note: Sequence of pretrial misconduct for both FTAs and Rearrests is significant at <.05.]

Figure 6.8 charts the rates of failure-to-appear and rearrest associated with defendants who did not make required telephone contacts with pretrial services each week. It shows that as the numbers of defendants not complying with the reporting conditions grows steadily, the percentage recording rearrests during the pretrial period varies little over the 16 weeks, suggesting that the timing of non-compliance is not predictive of likelihood of pretrial crime. There is little variation in FTA rates among non-compliant defendants by week through roughly the first eight weeks. Then the FTA rate among non-compliers begins to climb. At the end of the 16-week observation period, about ten percent more of non-compliers are failing to appear compared to non-compliers in the earlier weeks. (This may be explained by more frequent court hearings scheduled during the second half of the observation period.) Overall, though, defendants who failed to telephone-report later in the observation period failed to appear and/or were rearrested about as often as those who were non-compliant early on in the observation period.

Figure 6.8 Relationship between Non-compliance with Telephone Reporting and Pretrial Misconduct (FTA, Rearrest) among All Defendants Assigned Supervision, August 1, 1996 to November 26, 1996, by Week

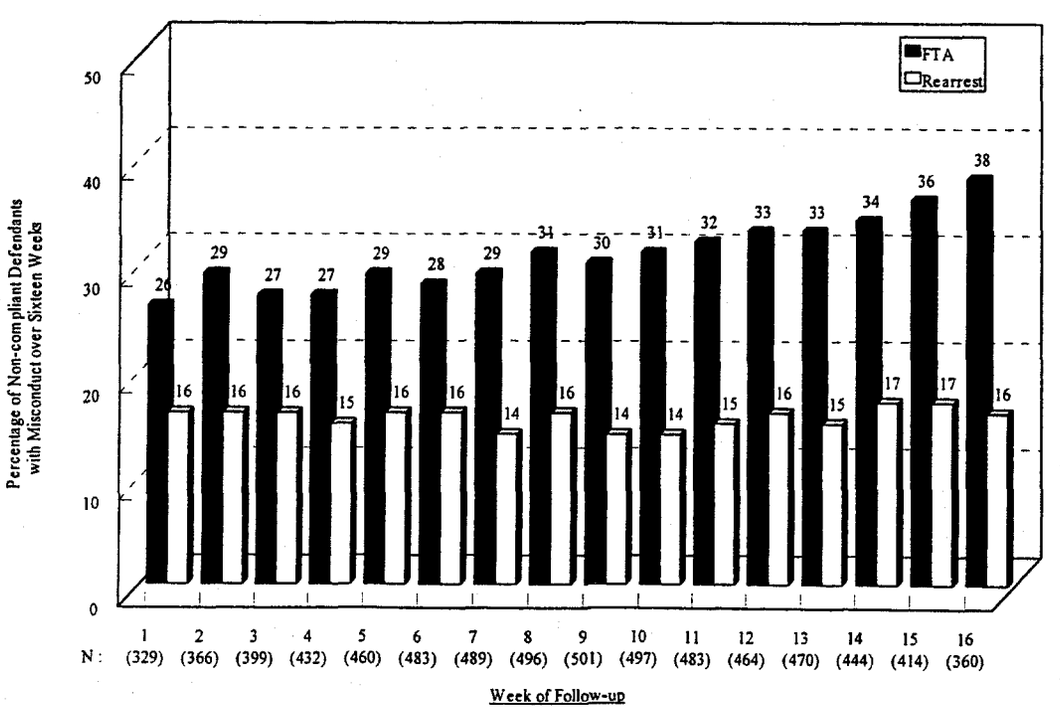
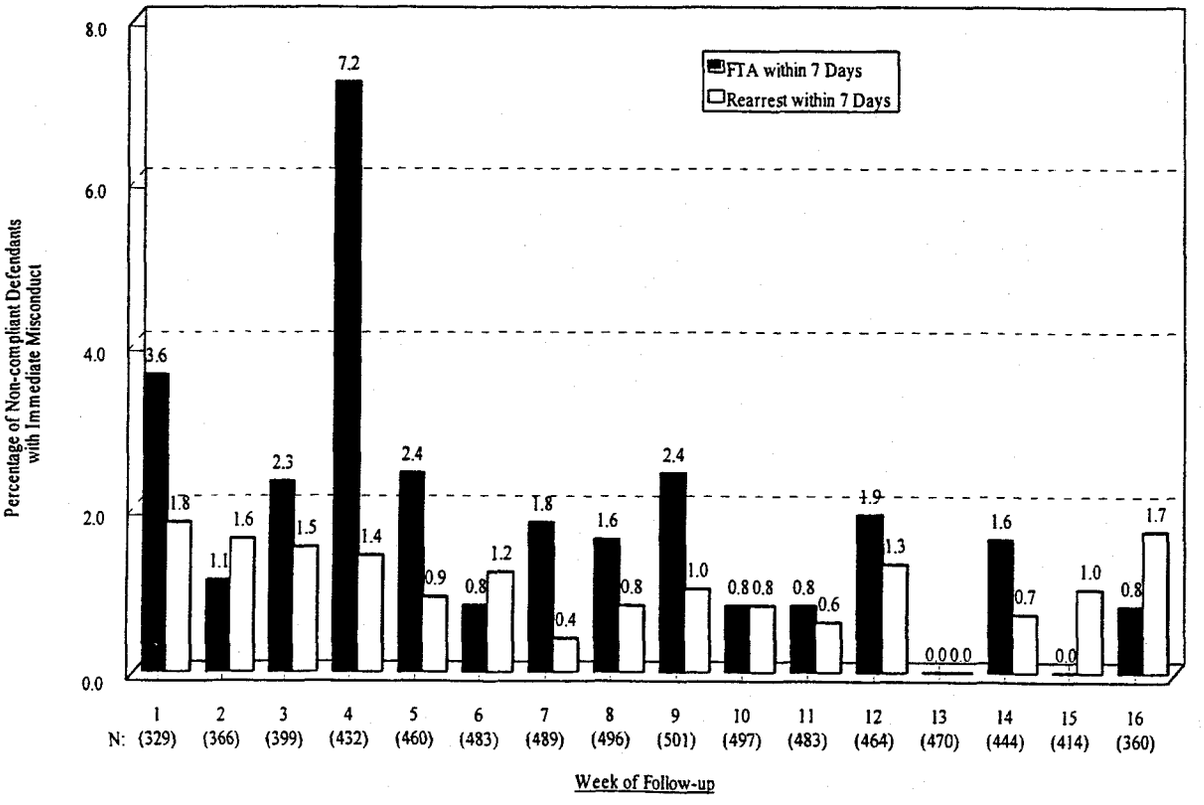


Figure 6.9 shows further that very small proportions of defendants not telephone-reporting in a given week then failed to appear in court or were rearrested during the several days after the non-compliance. These data address the question of whether non-compliance with reporting serves as a flag alerting pretrial services to likely *immediate* pretrial misconduct (not attending a court date in the next few days or getting rearrested during that specific interval). The largest proportion of non-compliers failing to appear in court several days later occurs during week four, when only seven percent miss the next court date. Most weeks, the rates are far lower than that. Thus, it appears that knowledge of the timing of non-compliance with reporting conditions predicts neither the general likelihood nor the likely immediacy of subsequent failure to attend court or rearrest for a new offense.

Figure 6.9 Relationship between Non-compliance with Telephone Reporting and Immediate Pretrial Misconduct (FTA or Rearrest within 7 Days of Non-compliance) among All Defendants Assigned Supervision, August 1, 1996 to November 26, 1996, by Week



Accepting for the moment that most non-compliance is prior to most pretrial misconduct, Table 6.3 considers whether knowledge of the level of defendant compliance (measured three ways[46]) with telephone reporting is related to the probability of subsequent misconduct. Relative compliance and subsequent FTA or rearrest is shown for each experimental group and for all supervised defendants combined. When all supervisees are considered together, relative defendant compliance with telephone-reporting is related to failure-to-appear and to rearrest, however measured.[47] Whichever measure of relative compliance is considered, defendants with lower levels of compliance recorded rates of FTA roughly twice the rates of those with higher levels of compliance. For example, 28 percent of supervisees telephone-reporting half or less of the required times failed to appear, compared to 12 percent of those complying more than half the time. When subgroups of defendants are considered separately, the relationship between relative compliance and FTA consistently is found, only the version of the measure of compliance varies somewhat. However, among IA, IB, IIA, and IIB defendants, only two versions of the compliance measurement predict subsequent rearrest during pretrial release.

These findings suggest that pretrial crime and failing to attend court operate differently as forms of misconduct among defendants and that supervisory conditions (here represented by telephone reporting) have a greater effect on court attendance. Because most of the failures-to-appear and rearrests recorded among the study defendants occurred subsequent to failures to telephone report, it is possible to conclude that

[46] The rate of compliance is coded alternatively as 25 percent or less, 50 percent or less, and 75 percent or less.

telephone reporting failures presage failures to attend court, when failure to appear is going to occur. Unfortunately, while most of those who fail to appear also have failed to telephone report as required, and while those who fail to telephone report show a much higher rate of later failure to appear in court, most of those who fail to call in do not record failures to appear or are rearrested during pretrial release. These data do allow us to say that quite often among those who will fail to appear, failure to telephone report will occur first—and quite a bit earlier.

Table 6.3 The Relationship between Relative Compliance (Percentage of Calls Made) and Pretrial Misconduct (FTA, Rearrest) among Defendants Assigned Supervision, August 1, 1996 to November 26, 1996, by Experimental Group

Supervision Group	Relative Compliance (Percentage of Calls Made)					
	0 - 25% vs.	26 - 100%	0 - 50% vs.	51 - 100%	0 - 75% vs.	76 - 100%
All Defendants (n = 845)						
FTA	32.7	14.8*	28.2	11.9*	25.4	9.6*
Rearrest	16.4	9.9*	14.8	8.6*	14.1	5.9*
Type IA (n = 175)						
FTA	31.4	17.7*	28.9	12.8*	24.6	13.3
Rearrest	9.8	8.1	10.3	6.4	9.2	6.7
Type IB (n = 194)						
FTA	31.6	15.3*	23.3	16.5	23.0	9.5*
Rearrest	19.3	7.3*	12.6	8.8	11.8	7.1
Type IIA (n = 252)						
FTA	32.4	10.6*	28.6	6.0*	25.1	6.1*
Rearrest	18.7	12.4	16.8	13.4	17.4	6.1
Type IIB (n = 224)						
FTA	34.1	15.2*	30.2	9.5*	27.8	6.7
Rearrest	15.2	13.0	16.5	4.8*	15.3	0.0

*The chi-square is significant at <.05.

Finally, we noted above that underlying the practical aspects of seeking to produce more effective pretrial release through the pretrial release guidelines supervision strategy were different perspectives relating to the nature of pretrial misconduct (i.e.,

[47] These combined data show the magnitude of the relation between relative compliance with reporting and pretrial misconduct under the (not all that improbable) assumption that the other reporting conditions associated with groups IB and IIB had no effect (as discussed in the text above).

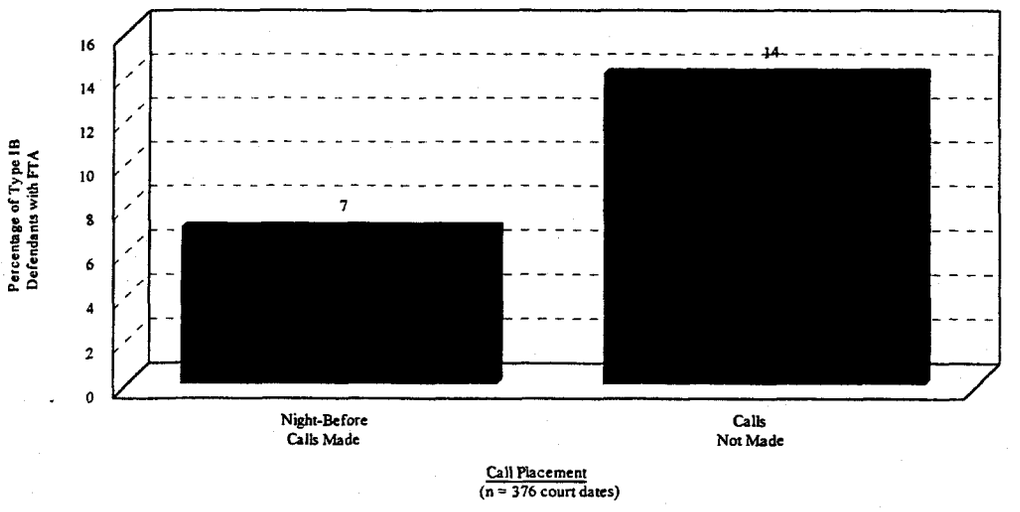
whether it involves mostly willful or non-willful misbehavior) and to intervention goals. Should the ingredients of supervision involve rehabilitative, educational, informational, and facilitative strategies or emphasize deterrence and the consequences that will arise if appropriate actions are not carried out? So far, we have discussed the relationship between compliance with telephone reporting and pretrial misconduct, finding a relationship when the outcome is failure to appear in court and not finding one when the outcome is pretrial crime (as measured through rearrest). The implicit logic in setting up reporting requirements without emphasis on consequences suggests that the purpose of the conditions of release is more informational, to provide an early warning. The only way we can conceive that the relationship between reporting and misconduct could be construed as causal is when non-compliance results in some action against the defendant (e.g., more restrictive conditions are set, release is revoked). Pretrial services staff were to have taken action when they received reports of non-compliance; first, to contact the defendant to bring the person voluntarily back into compliance and, second, to refer the person to the Warrant Unit for a response (a visit to the residence). Figure 6.3 shows that a pretrial services staff reaction to non-compliance occurred in very few instances. If one can infer intent (or at least emphasis) from lack of action taken, the implication is that the telephone reporting condition was meant to be informational, and not to serve as part of a deterrence strategy.

Relative Frequency of Night-before Reminder Calls Made by Pretrial Services

Defendants in experimental group IB were to have the same telephone reporting requirements as IA defendants, but, in addition, pretrial services staff were to place reminder calls the night before each court date. Of the 376 court dates we could

document[48] that were associated with group IB defendants, 325 were preceded by pretrial services reminder calls, an implementation rate of the planned experimental condition of 86 percent. (Defendants in this group averaged 1.94 court dates and 1.68 pretrial services night-before reminder calls.) Figure 6.10 suggests that whether the calls were placed or not made little difference (not statistically significant) in the likelihood of failures to appear in court among IB defendants. While this release condition was well implemented, (calls were nearly always made as required by pretrial services staff), assessment of the effect of this action is not necessarily straightforward. After all, it was never anticipated that the impact of the night-before reminder call was to be achieved by merely having calls placed by pretrial services. The aim of the call was to make contact with the defendant and to deliver night-before notice of the next day's court event. The purpose of this condition was not to threaten IB defendants with an "or else" message; rather the intent was plainly facilitative and informational, designed to test the theory that much of defendant FTA is non-willful and is best addressed through a helping approach.

Figure 6.10 Relationship between Placement of Night - Before Reminder Calls and Subsequent Failure to Appear (FTA) among Type IB Defendants Assigned Supervision, August 1, 1996 to November 26, 1996



[Note: The relationship between Failure to Appear and Night-Before Calls is not significant at <0.5.]

[48] We believe that an unknown additional number of court dates may have existed that were not documented by the system for a variety of logistical reasons. These data deal only with dates that we could document.

As in real life, this telephone-contact approach experienced uneven results. First, some defendants simply did not have telephones in their own residences—and had to be contacted through second parties. Second, the data in Figure 6.11, which amplify the data presented in Figure 6.10 using scheduled court dates as the base (not defendants), show that not all calls made resulted in an appropriate contact. For example, calls that resulted in no answer, a phone-not-in-service, a recording, a wrong number or an answering machine message were considered to be incomplete contacts. Calls from pretrial services resulting in direct defendant contact or contact with a relative or friend at the residence were considered "acceptable" night-before telephone reminder calls in that there was some reason to believe that the message was delivered to the defendant.

Calls were placed in 86 percent of the instances. In only about 55 percent of instances when defendants had to be in court the next day were calls made that resulted in acceptable contacts. In about 14 percent of instances (when there was a court date the next day) reminder calls were not placed by pretrial services. In 32 percent of instances when court dates were the next day, acceptable calls were not achieved (they were made but did not have an acceptable result). Using defendants, not scheduled court dates, as a base, Figure 6.12 shows that including the defendants for whom no calls were made in advance of court dates, 32 percent had no acceptable calls (including defendants who had no reminder calls placed), 30 percent had at least some acceptable calls placed, and 38 percent had acceptable night-before calls made in advance of all court dates during the 16 week study period.

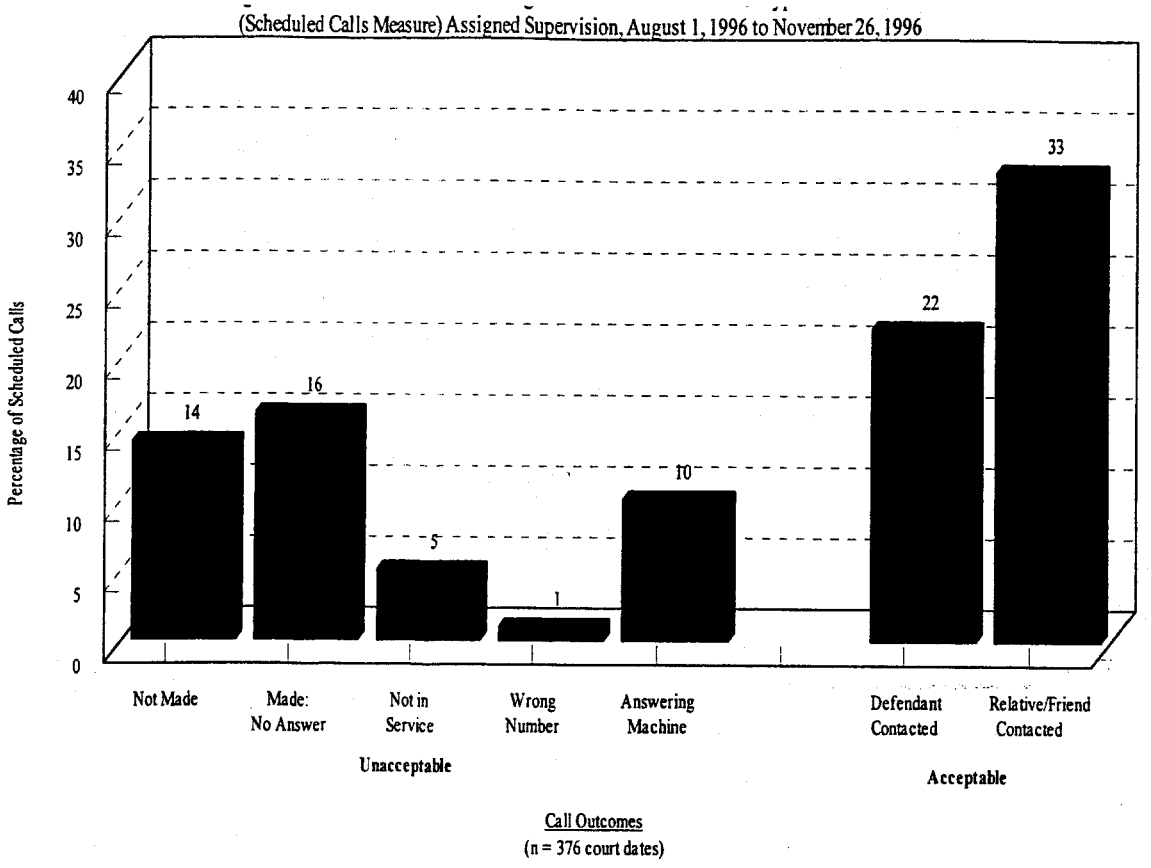
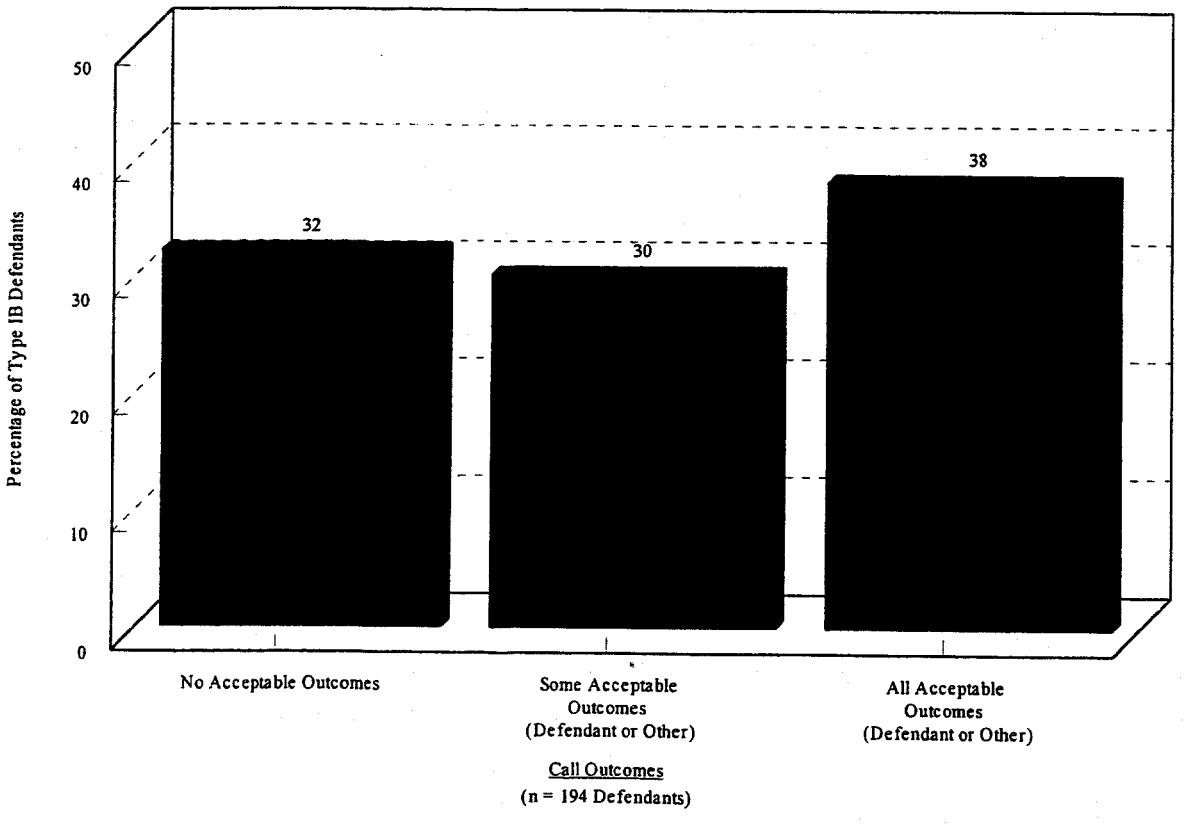
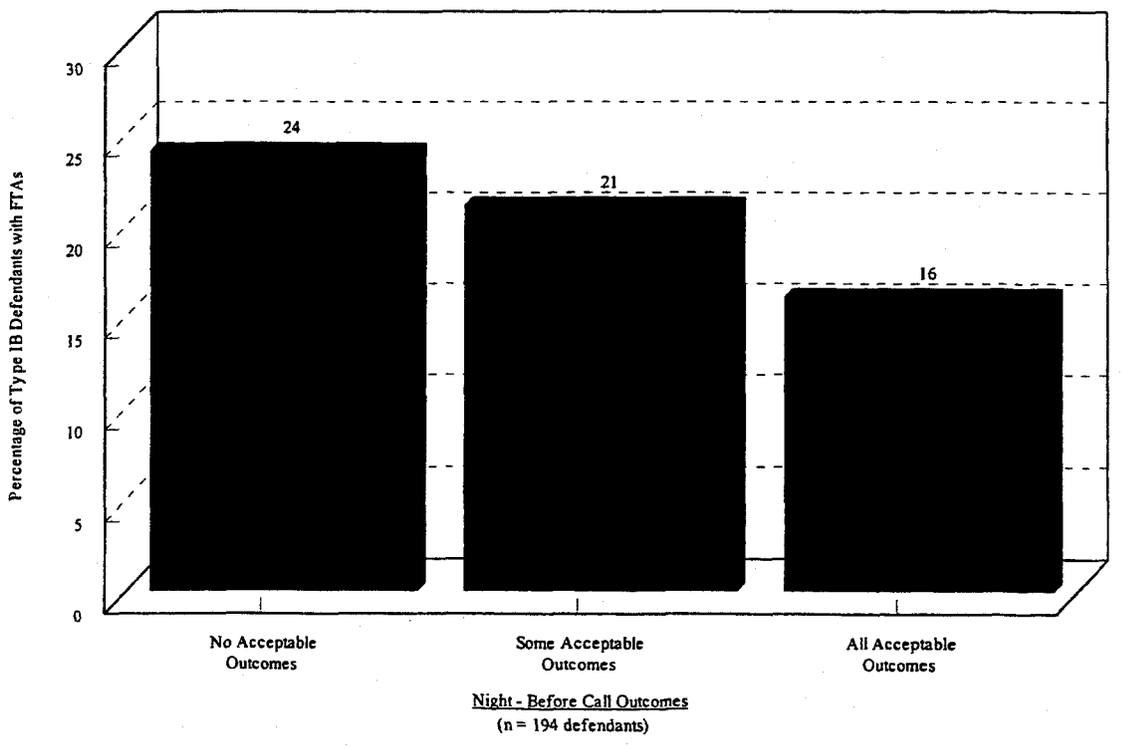


Figure 6.12 Outcomes of Scheduled Night - Before Reminder Calls for Type IB Defendants (Defendant Based Measure) Assigned Supervision, August 1, 1996 to November 26, 1996



Using the court-date-based measure, whether calls were not made, acceptable calls were made, or unacceptable calls were made did not appear to be significantly related to FTA or rearrest in the cases involved. Using defendant-based analysis, the apparent, slight positive relationship shown in Figure 6.13 between reminder calls (not made, some acceptable and all acceptable) and failures to appear in court (with 24 percent, 21 percent and 16 percent of defendants in the respective categories failing to appear) is not statistically significant. No relationship was found between different percentages of acceptable reminder calls made and failure-to-appear. No significant relationship was found between type of reminder calls (appropriate or not appropriate) made and defendant rearrests for new crimes during pretrial release. In short, whether reminder calls or appropriate contact were made appeared to have little or no effect on the defendants' attendance in court the next day.

Figure 6.13 Relationship between Night - Before Call Outcomes and Failure to Appear (FTA) among Type IB Defendants Assigned Supervision, August 1, 1996 to November 26, 1996



Relative Compliance with In-Person Meeting in Advance of Court Dates

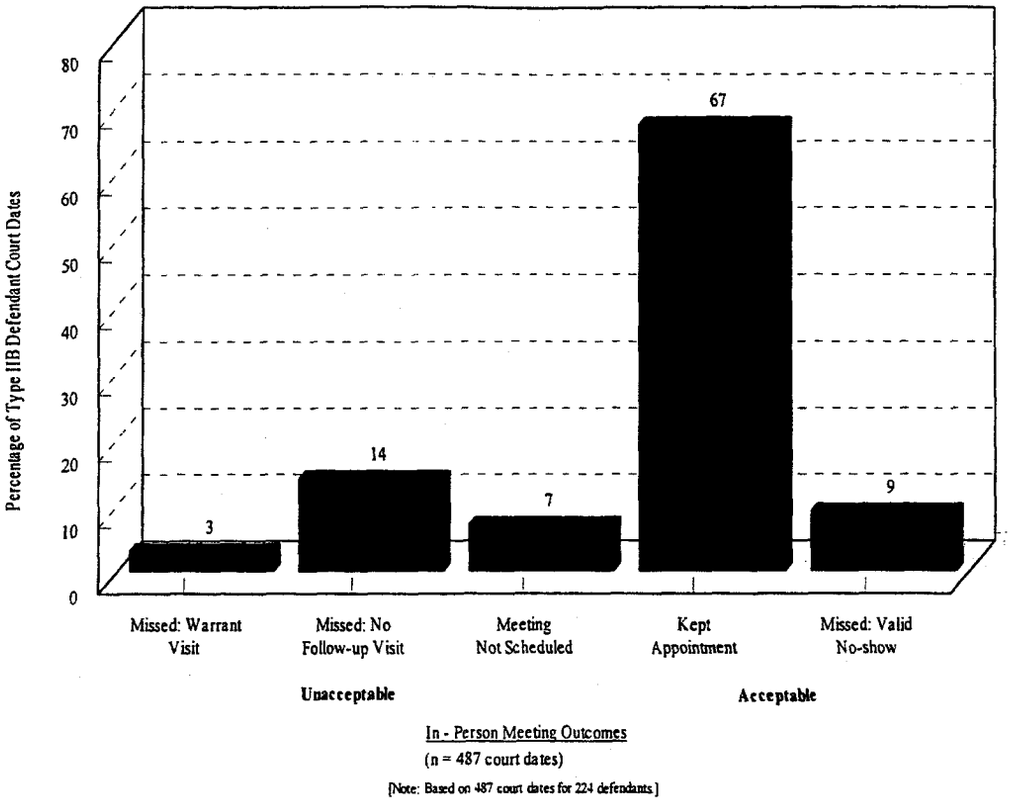
Defendants assigned to IIB supervision conditions were to have the most restrictive conditions of release of all the experimental groups. They included twice-weekly telephone reporting and the special requirement of attending an in-person meeting with pretrial services case managers at least three days in advance of all upcoming court dates. In addition, any failures to comply were to be followed up promptly by case managers, requesting action by the Warrant Unit (for a visit at the residence) when other means of bringing the defendant back into compliance failed. We already have seen that there were no significant differences in outcomes (FTAs and rearrests) between IIB defendants and their IIA counterparts who had only to telephone report twice weekly. The implication was that the added conditions contributed little or nothing to lower rates of defendant misconduct. This inference too should be viewed in the context of how well the meeting requirements and pretrial services follow-up to non-compliance were implemented.

During the 16-week study period, the 224 IIB defendants were scheduled for 487 court dates that we could document, or 2.17 per defendant. Meetings were scheduled in advance of the court dates 452 times, or about 2.02 per defendant during their periods of supervision. Figure 6.14 shows the results of implementation of the advance meeting strategy. Two-thirds of defendants kept their appointments as required, nine percent failed to attend but had a valid reason. Fourteen percent missed their appointment and did not have a Warrant Unit visit after failing to comply; three percent missed the appointment and had a visit from the Warrant Unit staff at their residence as a result. About 7 percent were never scheduled for appointments before their court dates.

Although Warrant Unit staff were directed to make home visits when defendants did not attend the in-person meeting at pretrial services three days before the court date, they failed to do so in the majority of cases: 87 (or 39 percent) of the 224 IIB defendants missed an in-person meeting; the Warrant Unit made a visit in 11 cases or about 13 percent of the time. Figure 6.15 shows the relationship between meeting outcomes and pretrial misconduct (failures-to-appear and rearrest), using the court-date-based data. This figure suggests that defendants who had acceptable meeting outcomes showed lower FTA and rearrest rates than those with unacceptable meeting outcomes.

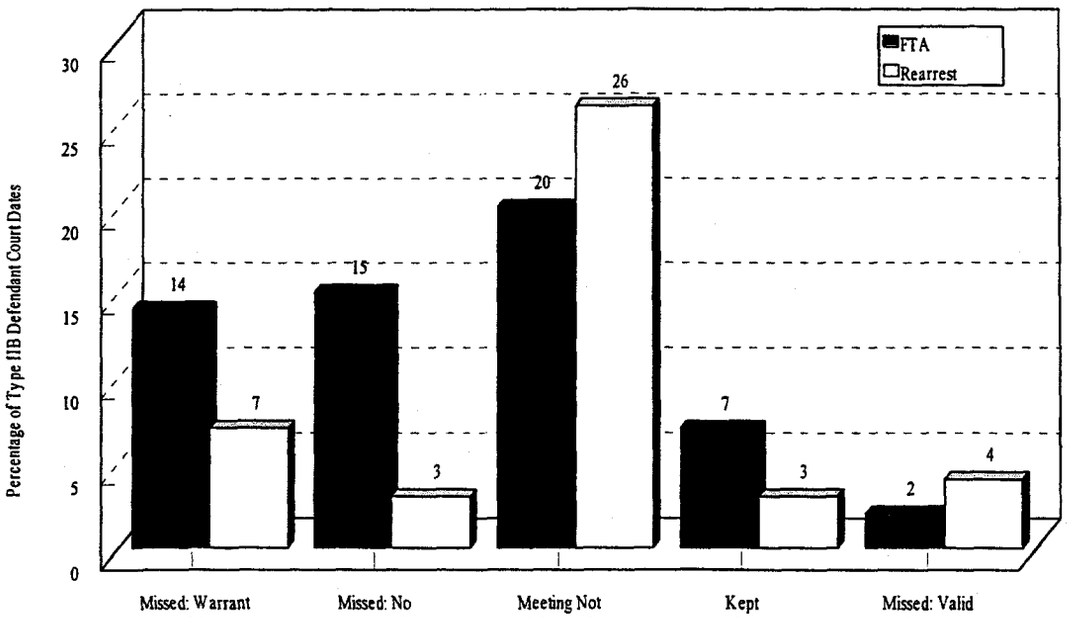
These data suggest a statistically significant relationship between meeting outcome and both subsequent failure to appear in court and rearrest. Interestingly, defendants who were not scheduled for in-person visits to pretrial services in advance of court dates showed the highest rates of misconduct (both FTA and rearrest). Those who had meetings scheduled and confirmed but were not attending had lower rates of misconduct, with those keeping their appointments having the lowest rates by far. These findings seem to suggest that something about the meeting appointment process served as an effective reminder to defendants about their obligations to attend court—particularly if they kept their appointments (which most did). Finally, among defendants in this group, failure to comply with the advance meeting requirement was to result in demonstrable consequences from the warrant/apprehension unit. Because, apparently, the Warrant Unit responded in fewer than one-fifth of the missed appointments, it cannot be argued that this deterrent element of the IIB supervision conditions was sufficiently well implemented to assess its effects.

Figure 6.14 Compliance with In - Person Meeting Requirement in Advance of Court Dates among Type IIB Defendants Assigned Supervision, August 1, 1996 to November 26, 1996



In - Person Meeting Outcomes
(n = 487 court dates)
[Note: Based on 487 court dates for 224 defendants.]

Figure 6.15 Relationship between Compliance with In - Person Meeting Requirement and Pretrial Misconduct (FTA, Rearrest) among Type IIB Defendants Assigned Supervision, August 1, 1996 to November 26, 1996



Meeting Outcomes
(n = 487 court dates)
*Differences between groups were significant at <.05.

CHAPTER SEVEN:
EXPERIMENT 3—TESTING THE IMPACT OF PREVENTIVE NOTIFICATION OF DEFENDANTS PRIOR TO ORIENTATION AND COURT

I. Implications of Early No-Shows for the Supervision Experiment: The Rationale for a Third Experiment

The discussion of experimental findings in the last chapter emphasized the importance of delving beneath the simple comparison of group outcomes to understand whether the experimental conditions being tested were actually or effectively set in place. Building on that theme, the experiment described in this chapter responds to an important contextual finding relating to the implementation of the pretrial release guidelines on the supervision strategy. The move to video arraignment in the Philadelphia courts and to decentralized release of defendants directly from police locations around the city had an unanticipated side-effect. During the supervision experiment about 53 percent of defendants assigned Type I or II supervised release[49] failed to report as ordered to the pretrial services agency in Center City within 3 to 5 days to initiate the supervision process. The 50 percent no-show rate, which has persisted since that time and was not a quirk associated with a particular period, is very troubling for two reasons. First, it promoted an effect just the opposite of that intended by the pretrial release guidelines innovation. The guidelines sought to encourage the release of targeted defendants to the community (maximizing the rate of pretrial release) while also holding them accountable

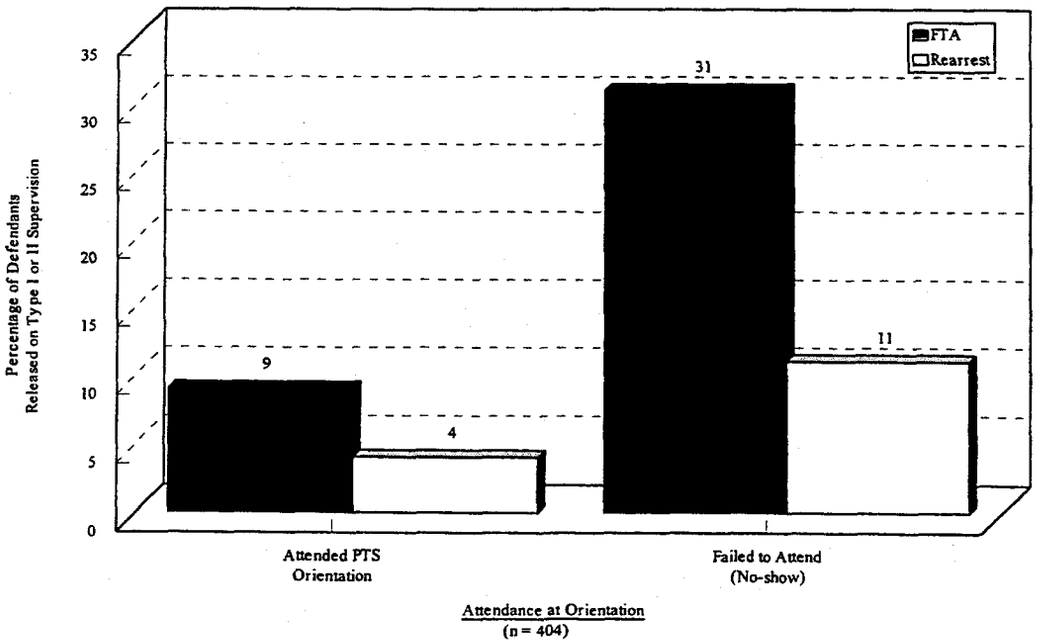
[49] In planning the new criminal courthouse, it was decided to design a preliminary arraignment courtroom to be located in the basement that would not receive actual defendants in person. Rather, through video hook-up with the police districts, arrestees would have a TV hearing and then would be released from the police stationhouse. This design sought to eliminate a large volume of defendants from initial processing in the new courthouse and to eliminate the transportation costs that police incurred in moving defendants to one central location.

(minimizing any threat to public safety and risk that they would not attend court). Direct "street release" of defendants certainly accomplished part of that agenda, maximizing pretrial release. Missing, of course, among the no-shows was any means of monitoring or supervising the medium-to-high risk defendants, which had been identified as key elements of the guidelines strategy.

We argued above in discussing the design of the supervision experiment that the absence of a "pure" control group, one consisting of target-group defendants released without any supervision, was unnecessary. We believed that the baseline data from an earlier study showing the performance of defendants released under emergency procedures could serve as an adequate proxy, amounting to a "natural" (no-conditions) experiment. We then learned in studying the implementation of the pretrial release guidelines that half of the defendants targeted for special, supervised release were avoiding the supervision process. Ironically, the implementation of the guidelines strategy had produced another "no-conditions" control group—quite inadvertently. This group of defendants included Type I and Type II releases and was generated largely contemporaneously with the groups of defendants who were involved in the supervision experiment. Although, on the surface, this group of defendants would seem to offer perfect control groups for the supervision experiment, it was likely that the assignment process was not random: that is, there may have been some important differences in the attributes of defendants who opted to avoid the supervision process. (This question, which is important for both practical and methodological reasons, is addressed in Chapter Nine where an analysis attempting to "predict" no-shows is presented.)

Whether they represent a "perfect" control group or not, the outcomes for defendants who never appeared at pretrial services distinguished them clearly from all groups of supervised defendants. Whether because of different *a priori* risk attributes or absence of supervision, Figure 7.1 shows that defendants who failed to attend pretrial services orientation (who "no-showed") and their case management intake subsequently recorded higher rates of failure to appear in court (31 percent versus 9 percent) and of being rearrested (11 percent versus 4 percent) during a 30-day follow-up period than those who did attend.[50] Thus, from the perspective of both forms of pretrial misconduct, the no-show phenomenon has an important bearing on the supervision strategy. Either the defendants who avoided supervision (no-showed) were *a priori* higher-risk and more likely to perform poorly during pretrial release than their supervised counterparts, or the fact that they were not exposed to supervision of any type contributed to those higher

Figure 7.1 Relationship between Attendance at Pretrial Services Orientation and Pretrial Misconduct within 30 Daysamong Defendants Assigned Type I or II Supervision at Preliminary Arraignment, October 21, 1997 to November 18, 1997



[Note: The chi-square statistics were significant for both No-show and FTA at <.000 and No-show and Rearrest at <.007.]

[50] Both relationships were significant (with FTA, at .000; with rearrest, at .007).

rates (and, in fact, may have emulated the "no-conditions," unsupervised release associated with the Federal procedures).

These data raise two critical issues, one for justice processing and the other for research method. First, the pretrial release guidelines innovation was premised on the need to maintain a rate of pretrial release as high as before the guidelines implementation, but, at the same time, considerably lower levels of pretrial misconduct compared to rates occurring with unrestricted emergency release. By losing contact with half of the supervision target population immediately (in the first few days of processing, between the police station and the pretrial services agency), the new procedures would be unable to meet those goals. In addition, by generating very high FTA rates among the no-shows, the new process was likely to greatly increase the numbers of fugitive defendants in Philadelphia. Apart from the problem that this offers an easy route for evading prosecution, it portends a difficult future for the court system as, eventually, these defendants later are found, and then are re-processed but with additional charges and greater prospects of confinement before and after adjudication.

The 50-percent no-show rate among Type I and II defendants for the pretrial services orientation and initial case management meeting also raises a serious methodological concern, one of selection bias. The higher misconduct rates among the no-shows who avoid the supervision process and the much lower rates among those attending the first stages of supervision suggest that the supervision process may be enrolling a more compliant or responsible subset of defendants assigned Type I and II supervised release. If this indeed is the case, we would expect the defendants beginning

supervision as a group to perform better than the defendants who failed to attend initial meetings at pretrial services.

From a research perspective, self-selection of the more "compliance-prone" defendants into supervision (or the less compliant away from supervision) and their random assignment to different conditions of supervision could explain the no-difference findings between Type IA and IB defendants and between Type IIA and IIB defendants assigned supervision conditions. With relatively homogeneous, better risk defendants entering supervision, one would expect better results during pretrial release among defendants successfully entering supervision (taken together), regardless of the specific supervision packages, when compared with baseline defendants and with "no-shows." Quite conceivably, the results of the supervision experiment could have been much different had a greater proportion of the less compliance-prone defendants been successfully placed under supervision. In fact, with more heterogeneous experimental groups, the different levels of restrictiveness of supervision conditions might have shown significant effects on rates of pretrial misconduct as intended. (In Chapter Nine these questions lead us to examine differences between the defendants who indeed appear at pretrial services orientation and those who do not in an attempt to "predict" no-shows.)

The large no-show rate raised questions about the ability of the guidelines strategy to enhance the effectiveness of pretrial release based on the introduction of pretrial supervision. It also posed important questions about the influence of the context of implementation on the supervision experiment findings. After considering these findings, we proposed another field experiment that would go directly to the question of how no-shows could be prevented and have important implications for the improved functioning

of the pretrial release guidelines innovation as well as for interpreting the supervision findings in context. The next experiment, therefore, was designed to test a second notification strategy that would anticipate and try to prevent the no-show problem associated with decentralized video pretrial release in the police districts as well as permit additional inferences to be made about the potential role of supervision.

II. The Second Notification Experiment

In considering how to prevent or at least reduce the number of no-shows, there are again two basic philosophies regarding the reasons for non-compliant behavior among target group defendants. One perspective explains the non-compliance by assuming that immediately after arrest defendants —many drug-involved and some with language difficulties—were basically confused, present-oriented, and thinking mainly about gaining release to the street from the police station. This perspective interprets the failure of these defendants to make their appointments at the pretrial services offices in Center City as due to "normal" confusion, and misguided, disorganized, but not willfully uncooperative conduct. The other perspective sees non-compliant defendants quite differently, as more seasoned veterans of justice processing who, in many cases, have clear and willful intentions to evade the system as soon as the opportunity is provided.

These two interpretations of the no-show phenomenon lead logically to different strategies. Willful non-compliance would, from a deterrence perspective, need to be addressed by immediate consequences restricting the defendant's freedom or, from an incapacitative perspective, provide more effective limits or constraints through monitoring or confinement. The non-willful explanation leads, as we noted earlier, to strategies designed to reduce confusion, promote understanding, or provide better

scheduling, etc., to assist the defendant in knowing his or her obligations during criminal processing. (Interestingly, a drug treatment strategy could be designed to respond to both types of behaviors if it is assumed that serious drug involvement would lead to both willful and non-willful non-compliance.)

In constructing this field experiment, we again chose to test the non-willful explanation of defendant non-compliance. We did this for three basic reasons. If facilitative notification-type procedures can greatly reduce early non-compliance among target group defendants, we will have found a strategy that a) involved the least restrictive measures, b) would be logistically much simpler to implement, and c) would be less costly than an alternative deterrence- or incapacitation-based strategy involving revocation procedures and the use of monitoring and incarceration.

The notification strategy involved random allocation of 423 defendants ordered released to Types I or II supervision by commissioners at preliminary arraignment to an experimental group and a control group based on odd-even last digits of I.D. numbers. The identification of defendants began immediately as the results of preliminary arraignment became known and was not delayed until three to five days after the hearing to determine who actually had attended pretrial services orientation. The experimental group was to be exposed to a proactive notification strategy that involved pretrial services staff placing calls during the day and/or evening hours within the 24-hour period

immediately before the orientation date to remind defendants of the requirement to visit pretrial services, as well as of the specific date and time.[51] The control group would be handled in the normal, reactive—or more correctly, after-the-fact—fashion. Pretrial services would expect the arrival of control group defendants as scheduled at orientation with no prior intervention beyond what they were told by the commissioner in preliminary arraignment court.

The outcome measures for this experiment included attendance at pretrial services orientation, and failure-to-appear and rearrest rates measured over a one-month follow-up period. The reason for the relatively short follow-up period in this instance was because the effects hypothesized by the notification experiment were to be relatively immediate in nature.

Notification Experiment (II) Hypotheses

- *Hypothesis 3.1—Impact of Advance Notification on Attendance and Enrollment:* Advance notification and reminder of the pretrial services orientation and initial case management appointment of experimental group defendants will notably increase the rate of attendance at pretrial services and enrollment in the supervision process over control group defendants.
- *Hypothesis 3.2—Impact on Pretrial Misconduct:* Increased attendance and enrollment in supervision will translate into lower rates of failure to appear and rearrest in the experimental group when compared to the control group.

[51]Staff called up to three telephone numbers that had been obtained during the pre-arraignment interview with the defendant. In the event that a defendant indicated no telephone at his/her residence, staff called persons listed as immediate references by the defendant. The communication to the defendant was based on the following exemplar: "This call is a reminder that you are scheduled to appear tomorrow at the main office of Pretrial Services at 121 N. Broad St. (2nd floor) for Pretrial Release Orientation. Attendance at this Orientation is a required condition of your pretrial release, as ordered by the Bail Commissioner, and failure to attend may result in arrest and/or revocation of your pretrial release.

Table 7.1 Attributes of Notification Experiment (2) Defendants Released on Type I or Type II Supervision at Preliminary Arraignment, October 21, 1997 to November 18, 1997

Defendant Attributes*	Experimental Group (Number)	Percent	Control Group (Number)	Percent
Demographics				
Age				
Total	(207)	100.0	(216)	100.0
Less than 18	(0)	0.0	(0)	0.0
18-25	(89)	43.0	(96)	44.4
26-30	(34)	16.4	(29)	13.4
31-40	(56)	27.1	(62)	28.7
41>	(28)	13.5	(29)	13.4
Race				
Total	(207)	100.0	(216)	100.0
Black	(143)	69.1	(149)	69.3
White	(48)	23.2	(51)	23.7
Hispanic	(14)	6.8	(14)	6.5
Other	(2)	1.0	(1)	0.5
Gender				
Total	(207)	100.0	(216)	100.0
Male	(172)	83.1	(173)	80.1
Female	(35)	16.9	(43)	19.9
Criminal Case				
Most Serious Charge				
Total	(207)	100.0	(216)	100.0
PWID	(37)	17.9	(37)	17.1
Possession C/S	(31)	15.0	(29)	13.4
Robbery	(1)	0.5	(1)	0.5
Agg assault	(2)	1.0	(3)	1.4
Simple assault	(6)	2.9	(3)	1.4
Burglary	(7)	3.4	(14)	6.5
Theft/RSP	(63)	30.4	(66)	30.6
Retail theft	(21)	10.1	(17)	7.9
DUI	(5)	2.4	(5)	2.3
Other	(34)	16.4	(41)	19.0
Prior History				
Prior Arrests				
Total	(207)	100.0	(216)	100.0
None	(68)	32.9	(76)	35.2
One	(51)	24.6	(51)	23.6
Two	(22)	10.6	(16)	7.4
Three	(19)	9.2	(11)	5.1
Four or more	(47)	22.7	(62)	28.7
Prior Convictions				
Total	(207)	100.0	(216)	100.0
No	(132)	63.8	(139)	64.4
Yes	(75)	36.2	(77)	35.6
Prior FTAs				
Total	(207)	100.0	(216)	100.0
None	(141)	68.1	(142)	65.7
One	(28)	13.5	(24)	11.1
Two or more	(38)	18.4	(50)	23.1
Delinquency Petitions				
Total	(207)	100.0	(216)	100.0
No	(163)	78.7	(169)	78.2
Yes	(44)	21.3	(47)	21.8
System Processing				
Type of Release				
Total	(185)	100.0	(202)	100.0
Type 1	(68)	36.8	(73)	36.1
Type 2	(117)	63.2	(129)	63.9
Pretrial Release				
Total	(207)	100.0	(216)	100.0
No	(3)	1.4	(1)	0.5
Yes, at arraign.	(196)	94.7	(205)	94.9
Yes, from detent.	(8)	3.9	(10)	4.6

*Differences between groups were not significant at <.05.

Findings

Table 7.1 compares the attributes of the 207 defendants assigned to the experimental group and the 216 defendants in the control group from preliminary arraignments conducted in Philadelphia's Municipal Court from October 21, 1997 through November 18, 1997. These data suggest that the random assignment was successful, yielding no significant differences in the composition of the two groups that we could find.

Table 7.2 contrasts the three outcomes of principal concern for the two groups of defendants in the notification experiment. Experimental group defendants who received advance calls reminding them of their pretrial services appointments attended orientation at a slightly higher rate (56 percent) than their control group counterparts (51 percent). Experimental and control group defendants also recorded similar rates of failure to appear measured over the following 30-day period (at 18 and 19 percent respectively). (Similar proportions (20 and 21 percent) of defendants in both groups were fugitives at the end of the one-month observation period.) Both groups showed similarly low rates of rearrest within the follow-up period as well (6 and 8 percent of experimentals and controls respectively). The differences between the two groups of defendants on these outcome measures were not statistically significant.

Table 7.2 Notification Experiment (2): Comparison of 30-Day Outcomes for Experimental and Control Group Defendants Released on Type I or II Supervision at Preliminary Arraignment, October 21, 1997 to November 18, 1997

Second Notification Experiment Outcomes	Experimental Group (Number)	Experimental Group Percent	Control Group (Number)	Control Group Percent
Attendance at PTS Orientation*				
Total	(192)	100.0	(216)	100.0
No	(84)	43.8	(107)	49.5
Yes	(108)	56.3	(109)	50.5
Failure to Appear*				
Total	(204)	100.0	(215)	100.0
No	(167)	81.9	(175)	81.4
Yes	(37)	18.1	(40)	18.6
Rearrest*				
Total	(204)	100.0	(215)	100.0
No	(191)	93.6	(198)	92.1
Yes	(13)	6.4	(17)	7.9

*Differences between groups were not significant at <.05.

On their face, these findings fail to show support for either of the advance-notification hypotheses. The pre-emptive calls made by pretrial services staff did not alter the likelihood of timely attendance at the initial pretrial services appointment for orientation and case management and, having failed to increase enrollment in supervision, did not reduce the 30-day rates of failure to appear or rearrest. This second notification experiment then adds to the discouragement of those who argue for the non-willful explanation of defendant non-compliance and misconduct.

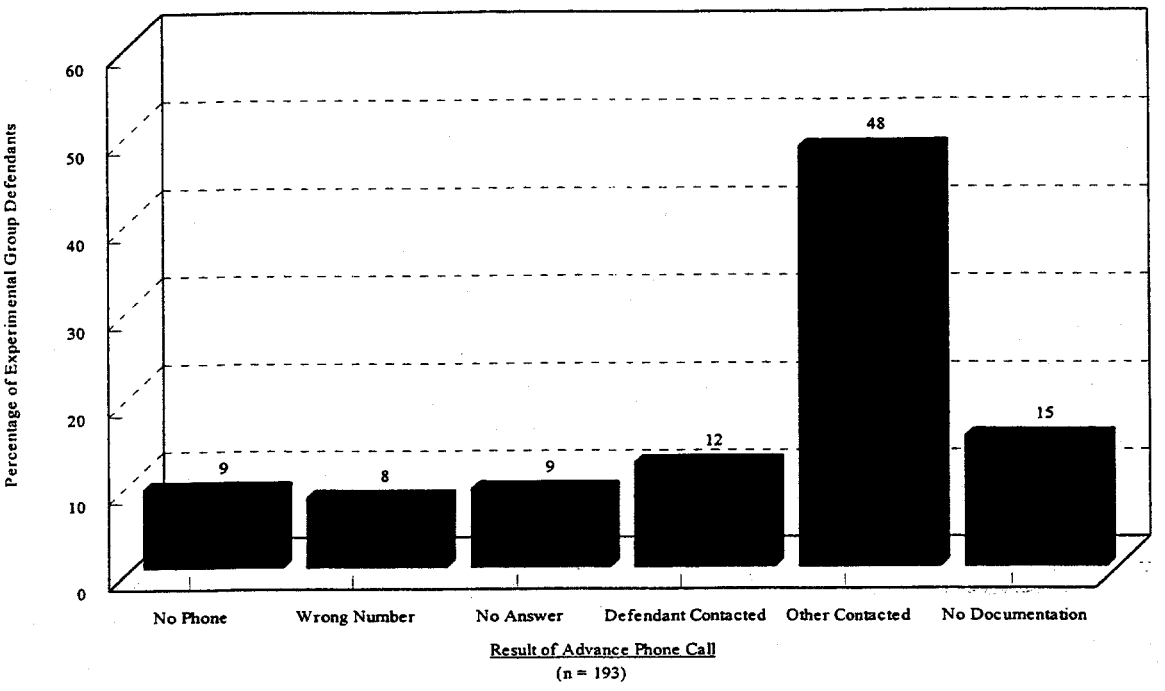
III. The Context of Implementation

It would be equally misleading in the case of this field experiment as in the first notification experiment to accept the findings at face value assuming that the experiment was straightforward and fully implemented as intended. As best we could assess the performance of pretrial services staff, they performed the experimental regimen nearly flawlessly. However, because this strategy relied on telephone contact, the results of

placing calls varied, and the variations in call completion appear to have been related to experimental outcomes.

Pretrial staff were instructed to make at least three calls to a defendant and to try any or all of the three numbers usually listed until a successful contact was made. Figure 7.2 shows the results of these phone-calling efforts for the experimental group defendants. About nine percent of defendants apparently had no phone and could not provide a number of one located at a residence or belonging to a family member. (It is a fact of life that a certain proportion of defendants in Philadelphia simply cannot provide a phone number.) Eight percent had provided numbers that were presumably fraudulent and resulted in "wrong numbers" when called. In another nine percent of cases, the number was called repeatedly but was never answered. In about 12 percent of the cases, the defendant was actually contacted and spoke with the pretrial services staff person as planned. In nearly half (48 percent) of the cases of experimental group defendants the defendant was not contacted but another person close to the defendant (immediate family member, relative, friend) was reached, and a message then was left with that person. In 15 percent of the cases, we were unable to document the result of the telephone call. In short, Figure 7.2 illustrates the difficulty with the advance telephone strategy (similar to the difficulties discussed for Type IB defendants in the supervision experiment above). About one in eight defendants actually were reached in person in advance as intended—though not for lack of trying. In many other cases, other persons were reached and asked to deliver the message. The extent to which the message was delivered at all, or delivered clearly, of course, is unknown. In fully one-fourth of the experimental group cases, no acceptable telephone contact was possible in the time frame available.

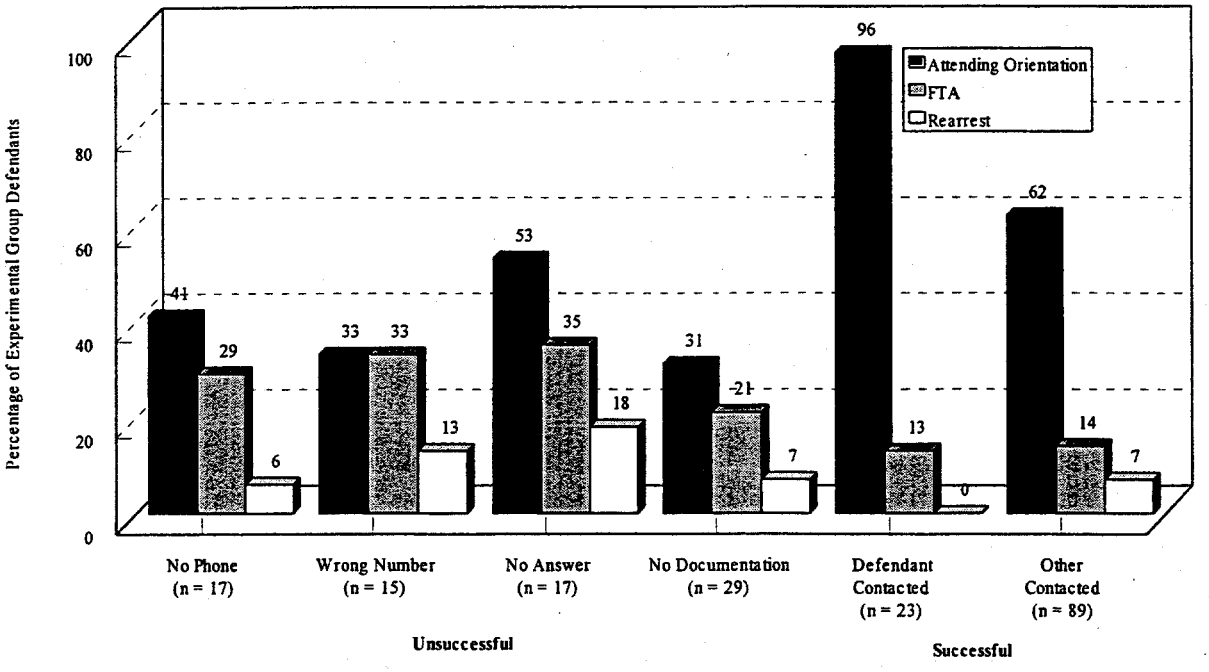
Figure 7.2 Outcomes of Notification Phone Calls 24 Hours Before PTS Orientation among Experimental Group Defendants Released on Type I or II Supervision, October 21, 1997 to November 18, 1997



Although certainly constrained by small numbers of cases in some categories, Figure 7.3 at least suggests that the nature of the phone contact may be related to experimental outcomes. The categories with no contact (wrong number, no phone number, and no answer) showed the highest rates of failing to attend pretrial services orientation as required to start the supervision process. Almost all defendants who were themselves reached attended as required. Calls resulting in contacting "other" persons were associated with medium rates of no-show, though notably lower than the higher no-contact categories of defendants. FTAs and rearrest rates during the following 30 days conformed to the same pattern. Generally, defendants receiving successful contacts recorded lower rates of misconduct than those not successfully contacted. The inference that might be drawn from these findings could be that, when pretrial services actually gets through, the advance telephone strategy has a beneficial effect.

These data do not permit inferences about the nature of early no-show behavior in the first place. The idea that when defendants are actually contacted compliance is increased may suggest that non-willful non-compliance can be reduced through facilitative approaches. On the other hand, it may be that when defendants are reached and read the statement about their required attendance, they focus on the last part which alerts them to the prospects of revocation of release and *arrest* if failing to attend. This would suggest that a deterrence strategy may be at work, the problem being effective communication of the threat of consequences.

Figure 7.3 Relationship between Phone Outcomes and Both Attendance at PTS Orientation and Pretrial Misconduct (FTA, Rearrest) Among Experimental Group Defendants Released on Type I or II Supervision, October 21, 1997 to November 18, 1997



Summary

	Unsucessful	Successful
Attendance	42.9%*	68.7%
FTA	32.7%*	13.4%
Rearrest	12.2%	5.4%

*Chi-square is significant at <.05.

CHAPTER EIGHT:
EXPERIMENT 4—TESTING THE IMPACT OF ENFORCEMENT ON EARLY "NO-SHOWS"

I. Bringing about Compliance among Early No-Shows

The failure of the good-faith preventive efforts tested in Experiment 3 notwithstanding, the pretrial release guidelines/supervision strategy was still left facing the serious problem of a 50-percent no-show rate for pretrial services orientation among defendants targeted for supervision. Having determined that a preventive, preemptive facilitative strategy—at least as implemented—was apparently not going to resolve the no-show dilemma, the next approach was to design an enhanced reactive strategy. Experiment 4, then, dropped the staff-intensive anticipatory efforts to encourage defendant attendance at pretrial services orientation. Instead, this experiment tested a pretrial services effort to act upon defendants once they had failed to attend orientation and/or to begin the supervision process as required. The idea was to identify and "recover" early non-compliers, to bring the "early no-show" defendants back into compliance and into the supervision process.

II. The Targeted Enforcement Experiment

Experiment 4 was based on the premise that if one cannot effectively prevent early non-compliance ("no-show" at the first pretrial services appointment) as suggested by the Experiment 3 findings, one can instead "correct" the problem by intervening after the fact to return defendants to compliance. The targeting of early no-shows, defendants who failed to attend the initial stages of the supervision process, was guided by two

factors. First, it would be necessary to make certain that defendants actually were "early no-shows," not "late-shows." Pretrial services discovered early in their experience with supervision that many apparently non-compliant defendants eventually would attend, often a day or two after their scheduled date. Because these defendants were entering the supervision process of their own volition, albeit tardily, they were not viewed as a high priority for compliance enforcement intervention. Second, upon analyzing the supervision experiment data, we concluded that defendants who had not made their initial visit within seven days of their scheduled date formed a critical group who were at high risk of subsequently failing to appear in court and/or being rearrested for new crimes. We further determined that the rate of voluntary late-reporting to pretrial services dropped off to a negligible rate after seven days. An additional consideration was that "recovering" these early non-compliers perhaps could prevent failures to appear in court, since most court hearings still would not have occurred.

The experimental enforcement strategy was simple in concept: identify defendants meeting the early no-show criteria (i.e., they were non-compliers as of seven days from their scheduled pretrial services orientation date), intervene, and bring them back into compliance. The intervention would consist of the following. Those documented to be out of compliance after seven days would be identified and a list would be provided to the Warrant Unit of the Pretrial Services Division. As a first step, warrant/investigation officers would attempt to make contact with defendants through calls to the defendant, family, friends, etc. If the defendant could not be contacted, warrant officers would visit the defendant's residence. Whether by phone or by home visit, the content of the communication would inform the defendant that;

> You have failed to attend the Pretrial Services Orientation at the main office of Pretrial Services, 121 N. Broad St. (2nd floor), as ordered by the Municipal Court Bail Commissioner. Attendance at this Orientation within the next 48 hours is a required condition of your release, and failure to appear may result in arrest and/or revocation of your release.

If a defendant was not at home at the time of the visit to the residence, a letter was left either with a second party or in the mailbox.

The enforcement strategy did not include a subsequent attempt to locate the defendant to apprehend him or her.[52] This was considered to represent a much more resource-intensive strategy and, not incidentally, one likely to have an adverse impact on the jail population. In effect, the objective in this experimental enforcement strategy was to communicate a "threat," hoping that, in many recalcitrant cases, the threat would be sufficient to bring the defendant into compliance and into the supervision process. Certainly, it if were found that direct delivery of the warning had a positive effect, then the aim of the strategy would be accomplished without the necessity of resorting to more drastic and system-intensive responses. If the targeted enforcement strategy were successful, it would increase the enrollment of Type I and Type II defendants in the supervision process, strengthen a critical function of the pretrial release guidelines strategy, and, theoretically, reduce the likelihood of pretrial misconduct (i.e., enhance effective pretrial release).

Between November 17, 1997, and December 19, 1997, nearly 200 defendants were identified as early no-shows and were randomly assigned to an experimental (n=93)

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[52] We should note that the Warrant Investigation Unit had the responsibility for apprehending fugitives in Philadelphia. The problem was that, after more than a decade of emergency release mechanisms, there were approximately 50,000 fugitives to apprehend with a staff of about 20 officers (divided among three shifts). Non-compliant defendants had a chance of being subject to apprehension by the Warrant Unit staff, but it would not be an immediate priority and would occur in the context of all the other Philadelphia fugitives.

or control (n=103) group. Experimental group defendants were exposed to the targeted enforcement strategy, while control group defendants were tracked in the normal fashion without intervention. This experiment employed a one-month follow-up period which was deemed sufficient to determine whether defendants were successfully returned to compliance and to track their relative rates of early misconduct (FTA and rearrest).

Targeted Enforcement Hypotheses

- *Hypothesis 4.1—Targeted Enforcement Will "Recover" Early Non-Compliers to Supervision:* Defendants who were documented early non-compliers will be returned to the supervision process through the Warrant Unit interventions.
- *Hypothesis 4.2—"Recovered" Defendants Will Show Lower Rates of Misconduct:* Compared to control group defendants, experimental group defendants will produce lower rates of early FTA and rearrest as measured in the one-month follow-up.

Findings

Table 8.1 shows that the random assignment process appeared to work well building experimental and control groups consisting of defendants with similar attributes. Although there were slight differences in age, race, gender, and prior arrest history, none were statistically significant. Table 8.2 compares the two groups on the experimental outcomes. Discouragingly, no defendant in either group attended orientation within 48 hours of the 7-day intervention by the Warrant Unit. Eventually, nine percent of the experimental and four percent of the control group defendants did appear at orientation to begin the supervision process. This difference was not significant, which suggests that the late enrollments that did occur could not be attributed to enforcement strategy efforts.

The same figure shows that experimental group defendants had a slightly lower one-month FTA rate (29 percent) than control group defendants (34 percent). The difference was not statistically significant. More than that, measured at the one-month

Table 3A: Attributes of Targeted Enforcement Experiment (A) Defendants Failing to Attend Pretrial Services Orientation ("No-shows") After One Week, November 17, 1997 to December 19, 1997

Defendant Attributes*	Experimental Group (Number)	Percent	Control Group (Number)	Percent
Demographics				
Age				
Total	(93)	100.0	(103)	100.0
Less than 18	(0)	0.0	(0)	0.0
18-25	(33)	35.5	(35)	34.0
26-30	(23)	24.7	(15)	14.6
31-40	(21)	22.6	(26)	25.2
41>	(16)	17.2	(27)	26.2
Race				
Total	(93)	100.0	(103)	100.0
Black	(55)	59.1	(77)	74.8
White	(34)	36.6	(22)	21.4
Hispanic	(4)	4.3	(4)	3.9
Other	(0)	0.0	(0)	0.0
Gender				
Total	(93)	100.0	(103)	100.0
Male	(77)	82.8	(76)	73.8
Female	(16)	17.2	(27)	26.2
Criminal Case				
Most Serious Charge				
Total	(93)	100.0	(103)	100.0
PWID	(12)	12.9	(9)	8.7
Possession C/S	(12)	12.9	(20)	19.4
Robbery	(0)	0.0	(0)	0.0
Agg assault	(0)	0.0	(0)	0.0
Simple assault	(2)	2.2	(1)	1.0
Burglary	(1)	1.1	(6)	5.8
Theft/RSP	(29)	31.2	(26)	25.2
Retail theft	(15)	16.1	(14)	13.6
DUI	(3)	3.2	(3)	2.9
Other	(19)	20.4	(24)	23.3
Prior History				
Prior Arrests				
Total	(93)	100.0	(103)	100.0
None	(27)	29.0	(24)	23.3
One	(16)	17.2	(20)	19.4
Two	(6)	6.5	(15)	14.6
Three	(10)	10.8	(8)	7.8
Four or more	(34)	36.6	(36)	35.0
Prior Convictions				
Total	(93)	100.0	(103)	100.0
No	(52)	55.9	(56)	54.4
Yes	(41)	44.1	(47)	45.6
Prior FTAs				
Total	(93)	100.0	(103)	100.0
None	(57)	61.3	(57)	55.3
One	(9)	9.7	(16)	15.5
Two or more	(27)	29.1	(30)	29.1
Delinquency Petitions				
Total	(92)	100.0	(102)	100.0
No	(75)	81.5	(83)	81.3
Yes	(17)	18.6	(19)	18.7
System Processing				
Type of Release				
Total	(88)	100.0	(101)	100.0
Type I	(26)	29.5	(33)	32.7
Type II	(62)	70.5	(68)	67.3
Pretrial Release				
Total	(93)	100.0	(103)	100.0
No	(1)	1.1	(3)	2.9
Yes, at arraign.	(89)	95.7	(100)	97.1
Yes, from detent.	(3)	3.2	(0)	0.0

*Differences between groups were not significant at <.05.

mark, the rates for both groups were very high. These high rates at least confirm that a high-risk group of non-compliers had been targeted. Finally, experimental and control group defendants showed similar rates of rearrest (12 and 15 percent, respectively) during the one-month observation period. These differences were not significant and the rates were high for such a short follow-up period, again confirming the high-risk nature of the targeted non-compliers.

Taken at face value, the results of the experiment fail to support the hypotheses that predicted that non-complying defendants would return to compliance with the supervision process and then would fail to appear in court and be rearrested less frequently than their control group counterparts who experienced no intervention.

III. The Context of Implementation

This experimental intervention depended on a somewhat more involved scenario than those described previously. After the targeted early non-compliers had been identified and randomly assigned to the appropriate groups, those in the experimental group were forwarded on a list to the Warrant Unit for action. First, they were to call and be convinced that the defendant was fully aware of the obligation to report to pretrial services within the next two days. If satisfactory contact was not made, then warrant officers were to be deployed to visit the residence and to try to speak personally to the defendant, or, failing that, speak to another person at the residence, and, finally, if nothing else was successful, to leave a letter with the specified communication. Figure 8.1 shows the results of the targeted enforcement strategy.

Figure 8.2 shows that, based on Warrant Unit records, about a third (33 percent) of the contacts proceeded no further than a phone call. According to the original plan,

action would proceed no further if the message was delivered to the defendant or another person. In 43 percent of experimental group cases, a Warrant Unit visit was made—apparently because the phone call was deemed not sufficient. In 24 percent of the cases no contact was made or no record of a contact was kept.

Table 8.2 Targeted Enforcement Experiment (4): Comparison of 48-Hour and 30-Day Outcomes for Experimental and Control Group Defendants Failing to Show at PTS Orientation within One Week of Required Date, November 17, 1997 to December 19, 1997

Targeted Enforcement Experiment Outcomes*	Experimental Group (Number)	Percent	Control Group (Number)	Percent
Attendance at PTS Orientation within 48 Hours				
Total	(93)	100.0	(103)	100.0
No	(93)	100.0	(103)	100.0
Yes	(0)	0.0	(0)	0.0
Attendance at Orientation Anytime Later				
Total	(93)	100.0	(103)	100.0
No	(85)	91.4	(99)	96.1
Yes	(8)	8.6	(4)	3.9
Failure to Appear (FTA)				
Total	(92)	100.0	(100)	100.0
No	(65)	70.7	(66)	66.0
Yes	(27)	29.3	(34)	34.0
Rearrest				
Total	(92)	100.0	(100)	100.0
No	(81)	88.0	(85)	85.0
Yes	(11)	12.0	(15)	15.0

*Differences between groups were not significant at <.05.

When telephone calls were the only action taken, 13 percent established no contact with anyone in the residence, 10 percent reached the defendant and 77 percent dealt with another person who was asked to convey the message to the defendant. When visits by warrant officers were made to the defendants, about one-fourth resulted in no contact, 18 percent involved an incorrect or fraudulent address, and a handful resulted in contact with the defendant (ten percent or 4 persons). In fully half the cases, the outcome of the visit was not recorded.

When the extent of implementation of the planned scenario is examined, it is apparent that few defendants were actually contacted, either by telephone or by warrant officers in person at their residence. If this strategy was designed to test a deterrence approach—admittedly by emphasizing threat communication over actual consequences, such as revocation of release—it is clear that the "message" was delivered to only a small proportion of the intended audience. Thus, when the context of implementation of the experimental conditions is taken into consideration, we are unable to report on whether the defendants were unpersuaded by the threat, absent the actual sanction, or whether they did not find the warning credible because they did not believe there would be a consequence. Instead, it is more reasonable to conclude that the targeted enforcement strategy was not effectively implemented and that the experimental results do not represent a serious test of the approach.

Figure 8.1 Implementation of Targeted Enforcement Responses for Experimental Group Defendants Assigned Supervision, November 17, 1997 to December 19, 1997

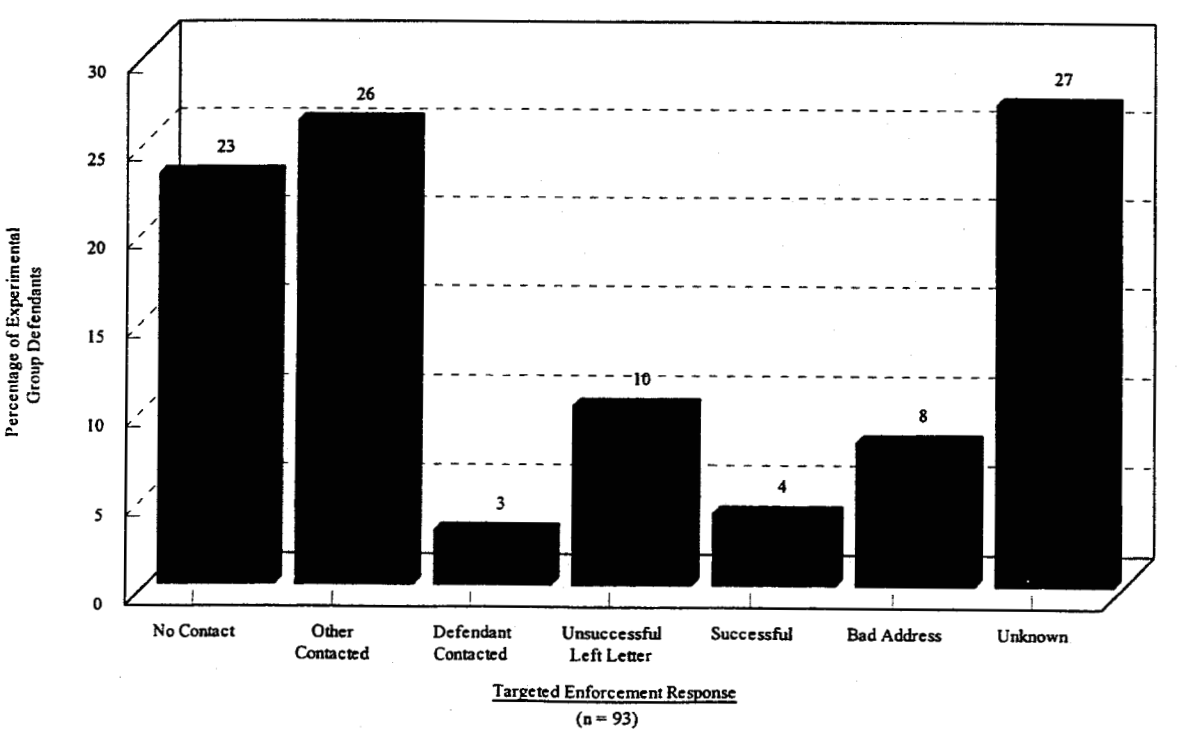
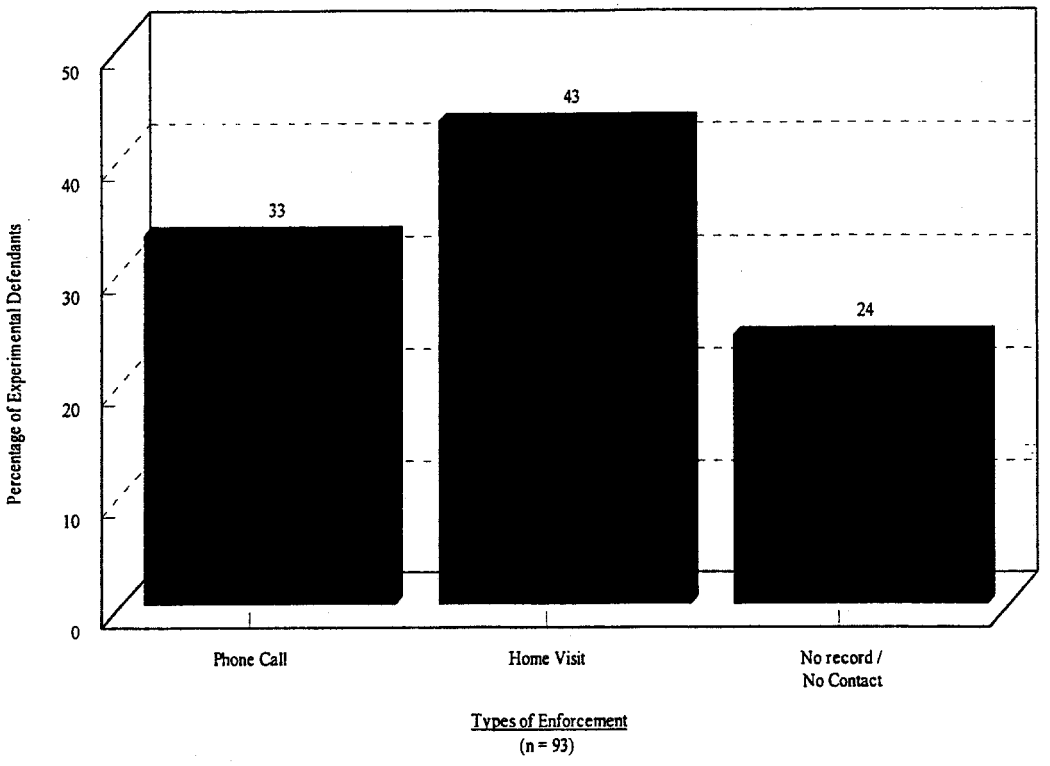


Figure 8.2 Types of Targeted Enforcement for Experimental Group Defendants
Assigned Supervision, November 17, 1997 to December 19, 1997



CHAPTER NINE:
PREDICTING EARLY NO-SHOWS FOR BETTER TARGETING CONDITIONS OF RELEASE

I. The Need to Target Likely Early No-Shows for Special Conditions of Release

The results of the two notification experiments as well as of the targeted enforcement experiment are mixed at best and discouraging at worst when relating to the prospect of preventing, reducing or correcting the sizeable early no-show problem in Philadelphia. There are some grounds to believe that actual direct contact with defendants both in advance of their required attendance dates and after they have already failed to comply with reporting requirements can improve compliance. The experimental findings, however, suggest that a number of obstacles may make implementation of these strategies challenging. Because of the central importance of the 50-percent no-show rate among the specially targeted Type I and Type II defendant categories to the pretrial release guidelines strategy for maximizing safe release and minimizing pretrial misconduct, the weak results from both the proactive and reactive strategies to promoting defendant compliance pointed to one additional strategy. Perhaps defendants being assigned to Type I or Type II supervised release who are likely to be early no-shows could be identified in advance and then special conditions of release could be assigned directly to them at preliminary arraignment by the bail commissioner to minimize that likelihood.

In our final analysis, we asked the question of whether one could "predict" early no-shows among Type I and Type II defendants. Prediction is a central theme in pretrial release decisionmaking in which judges and commissioners are weighing the risks of

defendant flight and crime, and/or whether the defendant appears likely to interfere with victims or witnesses or the integrity of the judicial process. In the development of pretrial release guidelines in Philadelphia as in other locations, construction of a risk classification has played a central role in the final structure of the guidelines.[53] The special question posed by the need to identify likely early no-shows among Type I and Type II defendants involves a prediction within a prediction. Specifically, the question is whether, once the guidelines have identified Type I and II release candidates partly based on a risk classification, subgroups of that fairly homogeneous grouping of defendants can be identified according to the likelihood of failing to attend the initiation of the supervision process at pretrial services within 3 to 5 days of preliminary arraignment. A separate but next logical step then would be to determine appropriate special conditions of release that could be affixed directly at preliminary arraignment. Examples might include third-party custody or sponsorship, proof of a working phone and active residence, etc. Another approach might be to transport defendants directly to pretrial services after release from the police districts for supervision processing.

II. The Prediction of Early No-Shows

Sample Design

As a final component of the study of pretrial release supervision in the context of larger reform of pretrial release practices in Philadelphia, we sought to compare defendants who appeared as required at pretrial services orientation to those who did not

[53] There is a long history of issues relating to prediction in bail, jail and pretrial release in the United States and elsewhere. We do not repeat the discussion here, but see generally, Goldkamp (1984); Goldkamp and Gottfredson (1985); Goldkamp (1987); and Goldkamp et al. (1995).

(i.e., were early no-shows). To design this part of the study we opted to build on the data already collected for the supervision experiment. Thus, to represent defendants who "showed" for orientation, we included all of the 845 defendants in the supervision study. We identified 1,005 Type I and Type II releasees during the same period (between 8/1/96 and 11/26/96) who failed to attend pretrial services orientation as required. Because of resource constraints, we drew a 22.6 percent random sample (n=228) of the non-compliant defendants for comparative analysis. Thus the overall sample of 1,073 defendants amounted to a stratified sample which, when weighted, represented the total population of 1,850 defendants released to Type I and Type II conditions during that period.[54] The purpose of the analysis, however, is not to estimate population parameters but rather to determine whether attributes can be identified that classify defendants according to the relative likelihood of "early no-show." Due to the modest size of the non-compliant defendant stratum, it is reasonable to consider the following analysis illustrative rather than conclusive.

Multivariate Analysis of Early Non-Compliance

The multivariate analysis sought to identify attributes of defendants and/or their cases that were helpful in "predicting" early non-compliance. (The exercise actually amounts to "post-dicting," or using data about defendants that would have been known in advance of their scheduled appearances (or non-appearances) at the pretrial services agency to "predict" non-compliance after the fact.) The analysis began by considering approximately 30 independent variables relating to defendant demographics, criminal

[54] Admittedly, using the already existing supervision study defendants results in an over-abundance of compliant defendants, a number which, due to resource constraints we could not match in sampling non-compliant defendants.

case and charges, prior histories, and guidelines classification and related factors. Table 9.1 highlights bivariate analyses that identified approximately 15 candidate independent (predictor) variables that showed a significant relationship with early non-compliance. Using two multivariate methods, logit (logistic regression) and CHAID, we were able to identify models of early non-compliance that could be used to construct predictive classifications of defendant risk of non-compliance (early no-show). These results illustrate the utility of this third strategy for addressing the 50-percent no-show problem, developing a risk typology for targeting likely no-shows from the preliminary arraignment stage directly. However, we note that the analyses were constrained by the smaller numbers of cases in the sample stratum of non-complying defendants and the results would have to be further tested on larger samples in future research.

Table 9.1 Predictor Variables Used in Classification Models
for Early Non-Compliance, August 1, 1996 to November 26, 1996 by Model Type

Pool of Predictor Variables	No-show at Orientation	
	Logit	CHAID
Demographics		
Gender		X
Prior History		
Any prior arrests		
Any prior arrests in the last 3 years	X	X
Any prior pending arrests		X
Any prior convictions		X
Any prior convictions in the last 3 years		X
Any prior FTAs		X
Any prior FTAs in the last 3 years	X	
Any juvenile delinquency petitions filed		
Any juvenile post-disposition bench warrants		
Current Offense		
Most serious charge		X
Number of cases in current arrest		
Offense type: misdemeanor or felony		X
Felony theft/RSP charges involved	X	X
Weapon charges involved	X	X
Number of independent variables used	4	10

Logit Results

The logit model of early non-compliance that fit the data best included the following predictors (see Table 9.2):

1. Defendant's history of prior arrests (within the last three years) (+);
2. Weapons charges in the current case (-);
3. Felony theft charges in the current case (+);
4. Prior willful FTAs (within the last three years) (+).

Using the logit formula, we calculated predicted scores for each defendant estimating the likelihood of early non-compliance. The relationship between the predicted scores and actual non-compliance were examined, and cutting points were selected to group defendants with similar scores and to form the simple risk classification shown in Table 9.3. The risk grouping placed about one-third of defendants in each of three categories representing defendants with relatively low, medium, and high probabilities of early non-compliance. The low risk defendants failed to attend pretrial services orientation notably less frequently (29 percent) than the overall average for Type I and Type II defendants (about 53 percent). Medium-risk defendants no-showed at about the average group rate (52 percent). Defendants with scores placing them in the highest risk group failed to comply 77 percent of the time, a substantially higher than average non-compliance rate.

Table 9.2 Logit Models of No-Show at Orientation,
August 1, 1996 to November 26, 1996

Independent Variables	Initial Model		Final Model*	
	Coefficient	Significance	Coefficient	Significance
Most serious current charge**	.4201	.0440	–	–
# cases in current arrest	.6555	.0762	–	–
Current case: misdemeanor or felony	.1640	.5250	–	–
Felony theft/RSP charges, current case	-1.1622	.0002	-1.2898	.0000
Weapon charges, current case	.4919	.0278	1.1058	.0006
Prior arrests	-9.7078	.2037	–	–
Prior arrests in last three years	10.5285	.1678	1.1730	.0000
Prior pending arrests	-.6439	.0072	–	–
Prior convictions	.6434	.0425	–	–
Prior convictions in last three years	-1.1964	.0001	–	–
Prior FTAs	-.6846	.0195	–	–
Prior FTAs in the last three years	-.7630	.0051	-1.6283	.0000
Delinquency petitions filed	.7236	.0067	–	–
Post-disposition juvenile bench warrants	-1.0709	.0086	–	–
Y intercept	.2769	.6689	1.2189	.0000
-2 log likelihood		782.428		966.635
Goodness of fit		1004.002		1142.902
Model chi square	327.558	.0000	143.351	.0000
Pseudo R^2 (R^2=c/(N+c))***		.483		.516
N		1,073		1,073

*The final model was calculated using the Forward-step method.
**Most serious current charge was grouped into two categories:
1. theft/RSP, retail theft, burglary, PWID mand.
2. simple assault, agg. assault, robbery, DUI, possession C/S, PWID non-mand., other
***The Pseudo R^2 we use is calculated as the goodness of fit/goodness of fit + N.

Table 9.3 Summary of Predictive Classifications from Logit and CHAID
Analyses for No-show at Orientation, August 1, 1996 to November 26, 1996

Predicting No-show at Orientation

Model Type and Risk Level	(N)	Total Percentage	No-show Percentage
Logistic Regression*			
Low Risk	577	31.5	29.3
Medium Risk	600	32.7	52.0
High Risk	656	35.8	77.3
	1,833	100.0	
CHAID*			
Low Risk	848	46.3	28.5
Medium Risk	505	27.6	65.9
High Risk	478	26.1	86.0
	1,831	100.0	
CHAID(collapsed)*			
Low Risk	848	46.3	28.5
High Risk	984	53.7	75.7
	1,832	100.0	

*Chi-square is significant at <.000.

CHAID Results

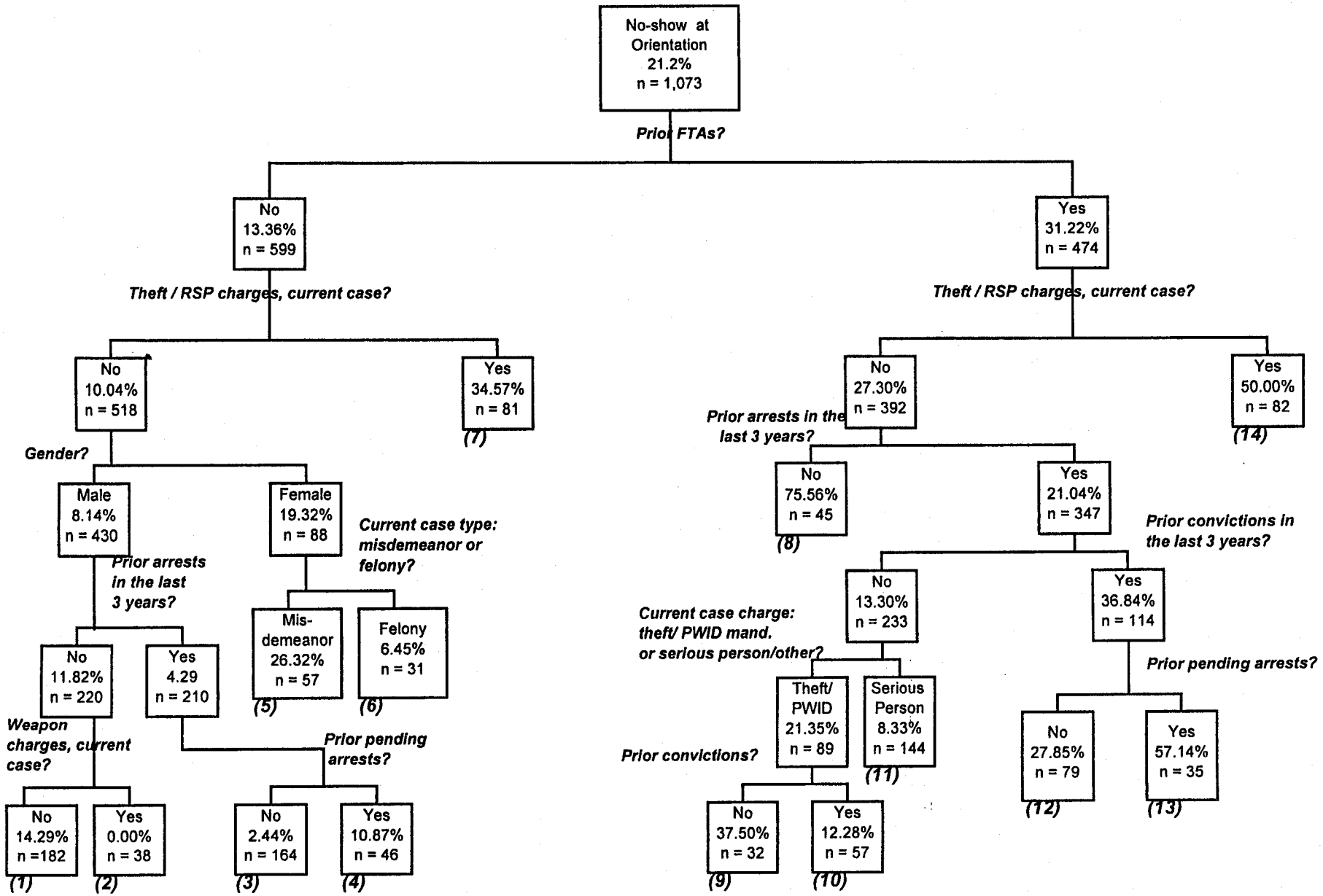
CHAID analysis uses a different approach, essentially splitting the sample at successive stages based on criteria such as statistical significance, magnitude of the bivariate relationship with the dependent variable (early non-compliance), and the numbers of cases left in the analysis. One advantage of CHAID analysis is its intuitive representation of interaction effects. In fact, variables can come into play differentially at successive stages of analysis as various sub-populations of defendants are considered. Figure 9.1 illustrates the final CHAID analysis that classified Type I and Type II defendants into 14 end groups varying widely on the criterion, rate of early non-compliance. (See the summary in Table 9.4.) When groups with reasonably similar rates of non-compliance are combined, a simplified classification is formed consisting of three final groups representing defendants with low, medium and high probability of early non-compliance—after the fashion of the logit analysis. The risk classification resulting from the CHAID analysis shown in Table 9.2 places almost half (46 percent) of the Type I and Type II defendants in the lower risk group with an actual non-compliance rate of 29 percent, 28 percent in the medium risk group (66 percent non-compliance) and 26 percent in the higher risk group (86 percent non-compliance). This predictive classification appears less useful than the one derived from the logit analysis, principally because of the large numbers (about half) of defendants classified in the lowest risk group. Further, the medium risk group produces an early non-compliance rate of 66 percent—which, intuitively and practically, is not medium but rather high. However, if the aim of developing the risk classification is to produce two risk groups, one might combine the medium and high group to form one higher risk group (with an expected non-compliance

rate of about 75 percent) and one lower risk group (with an expected failure rate of about 29 percent).

Table 9.4 Summary of CHAID End Groups for Predictive Classification of No-show at Orientation, August 1, 1996 to November 26, 1996

End Group	Description	N	Percentage of Total	No-show Percentage	Risk Classification
2	Weapon charges, current case; no prior arrests in last 3 yrs.; male; no felony theft/RSP charges, current case; no prior FTAs	38	3.5	0.00	low
3	No prior pending arrests; prior arrests in last 3 years; male; no felony theft/RSP charges, current case; no prior FTAs	164	15.3	2.4	low
6	Felony current case; female; no felony theft/RSP charges, current case; no prior FTAs	31	2.9	6.5	low
11	Serious person/other current case; no prior convictions in last 3 yrs.; prior arrests in last 3 yrs.; no felony theft/RSP charges, current case; prior FTAs	144	13.4	8.3	low
4	Prior pending arrests; prior arrests in the last 3 yrs.; male; no felony theft/RSP charges, current case; no prior FTAs	46	4.3	10.9	low
10	Prior convictions; theft/PWID mand. current case; no prior convictions in last 3 yrs.; prior arrests in last 3 yrs.; no felony theft/RSP charges, current case; prior FTAs	57	5.3	12.3	low
1	No weapon charges, current case; no prior arrests in last 3 yrs.; male; no felony theft/RSP charges, current case; no prior FTAs	182	17.0	14.3	low
5	Misdemeanor current case; female; no felony theft/RSP charges, current case; no prior FTAs	57	5.3	26.3	medium
12	No prior pending arrests; convictions in last 3 yrs.; prior arrests in last 3 yrs.; no felony theft/RSP charges, current case; prior FTAs	79	7.4	27.9	medium
7	Felony theft/RSP charges, current case; no prior FTAs	81	7.5	34.6	medium
9	No prior convictions; theft/PWID mand. current case; no prior convictions in last 3 yrs.; prior arrests in last 3 yrs.; no felony theft/RSP charges, current case; prior FTAs	32	3.0	37.5	medium
14	Felony theft/RSP charges, current case; prior FTAs	82	7.6	50.0	high
13	Prior pending arrests; convictions in last 3 yrs.; prior arrests in last 3 yrs.; no felony theft/RSP charges, current case; prior FTAs	35	3.3	57.1	high
8	No prior arrests in last 3 yrs.; no felony theft/RSP charges, current case; prior FTAs	45	4.2	75.6	high

Figure 9.1 Illustration of Predictive Analysis of No-show at Orientation Using CHAID, August 1, 1996 to November 26, 1996



Discussion of Predictive Classification of Defendants for Early Non-Compliance

The limitations of these predictive analyses notwithstanding, they do suggest that a predictive classification—consisting of two (lower and higher) or three (low, medium, and high) risk groupings—could be developed that, when integrated into the pretrial release guidelines, could help target defendants being released to Type I and Type II supervision for specific and appropriate conditions that could help reduce the problem of early no-shows at pretrial services for supervision orientation. But in illustrating this potential, we would also like to stress some of the limitations of these analyses.

First, risk classifications are meant to be informational (see, e.g., Morris and Miller 1985). They say to the decisionmaker that persons with given attributes have, over the recent past, performed at a certain level of compliance. They do not suggest that all individuals will act in accord with the expectations derived from the track-record of the group with which they have been associated by classification. By now it is hackneyed also to recall the notable margin of error associated with even the best predictive classifications. There is a substantial literature on prediction that fully discusses some of the difficult issues that should be considered by those developing and employing predictive or risk classifications. In addition, by way of underscoring the illustrative nature of the analyses presented in this chapter, we remind the reader that we have presented results of predictive analyses without validation on different samples of like defendants. We would expect that, given the small number of cases, the classifications would be weakened as they may have capitalized on chance error or on unreliable measures that would not necessarily stand up to further cross-sample testing. If the Philadelphia court system wished to proceed further to develop such a classification for

pre-emptive supervision of defendants with high probabilities of early non-compliance, we would make use of larger samples and validate the results prior to accepting any presumptive risk classification. In giving fair warning of the limitations associated with the analyses we have presented, we do not mean to diminish the utility of such predictive analyses in crafting pretrial release policy to address more effectively the critical early no-show dilemma.

CHAPTER TEN:
RESTORING ACCOUNTABLLITY TO PRETRIAL RELEASE AND THE IMPACT OF SUPERVISION: LESSONS FROM THE PHILADELPHIA EXPERIMENTS

I. The Context of Crowding and the Strategic Role of Supervision

The Philadelphia field experiments were carried out as part of a larger strategy to return authority and accountability to judicial pretrial release determinations and to replace court-ordered population reduction measures with a rational and effective court process. The pressures of jail crowding on the local correctional institutions forced the local justice system to devise a means for managing its use of confinement and release at the pretrial release stage so that unnecessary detention could be avoided, community safety protected, and court attendance promoted. Pretrial release guidelines were crafted to serve as a "population-sensitive" framework for judicial policy relating to pretrial release and as a major vehicle for making the transition from crowding-driven practices to "normally" functioning court procedures governing pretrial confinement and release. The establishment of pretrial release supervision formed a critical element in the pretrial release guidelines strategy designed to handle large numbers of defendants released to the community.

The initiative to reclaim local responsibility for confinement practices faced very demanding challenges, not the least of which was the decades-long impact of emergency release procedures on the justice culture in Philadelphia. This effect on the local justice culture was revealed in part in the actions and attitudes of system officials who over time found it necessary to adapt and re-adapt to successive, overlapping and contradictory emergency directives resulting from state and Federal court consent decrees. As the state

of the justice system under emergency procedures became a political issue, in which local politicians strongly criticized the actions of the courts, the media reinforced the image of system dysfunction and blamed emergency release procedures for posing a serious threat to the public safety and quality of life in Philadelphia. Just as important was the impact of this state of affairs on individuals processed by the system. Over time, the new "conventional wisdom" among many users of the court system reflected a "culture of no consequences," as defendants, probationers and jailed offenders learned first- and second-hand that the orders of local criminal courts could be ignored and forgotten.

As the pretrial release mechanism had to be "re"-invented to meet the challenges of jail population management and safe pretrial release in a post-crowding (or at least post-Federal court intervention) era, pretrial release supervision had to be invented in Philadelphia in this challenging context. Guided by the practical need for maintaining maximum safe release and by the legal principle of release under the least restrictive conditions, the guidelines strategy sought to incorporate and test five key elements of pretrial supervision, including full use of supervision for targeted defendants, effective notification of defendants of court dates, orientation to the criminal process and the requirements of supervised release, case management by pretrial services staff, and enforcement of compliance with release conditions by defendants placed on supervision. The field experiments and related analyses were designed as an integral part of the implementation of the pretrial release guidelines strategy so that knowledge of the impact of the elements of supervision gained through early experience could inform the further development of effective release conditions and practices. In particular, justice leaders

sought a framework within which to address the substance-abuse involved offender in a next phase of release system development.

The use of these key elements in the supervision approach reflected different utilitarian justice aims in managing the pretrial accused in the community. We have identified notification and, to some extent, orientation procedures as educational or habilitative in intent, designed to respond to failure to appear as a problem of defendant confusion and lack of understanding of criminal justice practices, rather than willful defiance of judicial orders. Defendant orientation and reporting procedures (telephonic as well as in person) were conceived in part to serve special deterrence functions, first in alerting defendants to the requirements of release and of consequences for lack of compliance, and then in providing a schedule of milestones that must be accomplished to avoid facing the consequences of non-compliance. (Consequences could, theoretically, range from increased restrictiveness in reporting to bench warrants and jail.) Incapacitative aims were inter-linked with elements of special deterrence in the telephone and in-person reporting requirements designed to serve as constraints on defendant behavior, time, and location, and, as such, provide "partial" incapacitation. The apprehension of defendants who were out of compliance and their possible subsequent jailing also were to serve deterrent and incapacitative goals.

In short, the strategy informing the field research presented in this report had direct practical objectives relating to safe and effective management of defendants in the community in the context of longstanding and serious jail crowding as well as more indirect implications for theoretical assumptions about the behavior of persons who find themselves involved in early stages of criminal processing. The multi-part research

conducted in Philadelphia produced a mosaic of findings with useful lessons for jurisdictions struggling to manage defendants in the community, while, at the same time, making careful use of limited local confinement resources. The findings from the series of experiments and predictive analysis both add to our knowledge of supervision and "supervisability," as jurisdictions seek to enhance standard justice system capabilities, and set the stage for developing pretrial justice strategies that go beyond the jail-release nexus to incorporate effective drug treatment and community justice methodologies and philosophies.

II. Summary of the Philadelphia Pretrial Release Supervision Experiments

Experiment I: In-Court Notification (Pre-Guidelines Implementation)

The first experiment testing the impact of in-court (in-person) notification was conducted several months in advance of the pretrial release guidelines innovation. The idea was to test the notion that a better in-court explanation of what was expected of the defendant and of where to go next (by means of a verbal explanation and written instructions on a card) would reduce the confusion factor and the related non-willful failures to appear that resulted. When defendants were followed up for 120 days subsequent to preliminary arraignment in Philadelphia's Municipal Court, experimentals (those with in-court notification) and controls (those without) did not differ significantly in rates of FTAs and rearrests during pretrial release. We considered whether obvious problems with implementation of the experimental condition could account for the no-difference results but concluded, instead, that the in-court notification approach was not effective in reducing defendant absconding. To the extent that this experiment

represented a straightforward test of the educational or informational approach to defendant misconduct, we found little support for such an approach in this experiment.

Interpretation of these findings still may not be so simple. The in-court notification procedure was an appropriate starting point in testing ingredients of an effective supervision strategy for several reasons. First, from a due process perspective fairness is enhanced when clear notice of future events and consequences is provided. Second, in-court notification is not obtrusive and represented a potentially effective option following the principle of release under the least restrictive conditions. Third, it provided a pre-reform test (this occurred prior to the innovation of pretrial release guidelines) of the informational or facilitative strategy intended to encourage compliance among defendants whose behavior is assumed to be largely non-willful. Although the first reason still seems appropriate and the second is applicable, the experimental strategy may have stumbled facing the third rationale.

In fact, it may have been more reasonable to assume that defendants were not confused, hapless, disorganized individuals having difficulty dealing with the complexities of the modern legal system. Two-thirds of the persons in this part of the study had been arrested at least once before; more than one-third had three or more prior arrests. The defendants in the experiment were, therefore, not justice system neophytes; rather most had prior experience with the system and some had considerable prior experience. It follows, then, that many had experienced first hand how the system would be dealing with them and were prepared to be released immediately or, if confined at all, probably expected they would be released after a short stay at the Prisons where population reduction procedures would free them. In short, the mindset of many

experienced defendants may be quite different from what the "non-willful" image of the non-compliant defendant suggests and, instead, be fairly familiar with how the justice system operates.

Experiment II: The Supervision Experiment

The supervision experiment randomly assigned target group defendants (those released on Type I or Type II supervision by the bail commissioners) to a total of four experimental conditions. (We did not assign any of these defendants to release with no conditions, arguing that the research done in the period of emergency release just prior to implementation of the pretrial release guidelines could serve as the rough equivalent of no-conditions release.) Type I defendants were assigned to either once weekly telephone reporting or once weekly calling with a reminder call from pretrial services staff on the evening before each court date. Type II defendants were assigned either twice weekly reporting or twice weekly reporting with in-person visits to pretrial services staff three days in advance of each court date. In addition, this latter group of Type II defendants who failed to comply were to have at home visits from Warrant Unit staff (who have arrest powers). Again, these experimental conditions were designed to learn which ingredients of supervision would be most effective, while also least intrusive and most resource efficient.

During the 120-day follow-up period employed in this experiment, the major positive finding was that defendants in each of the four experimental groups recorded much lower FTA rates and somewhat lower rearrest rates than baseline defendants released under Federal emergency procedures with no conditions of release. This finding seems to suggest that, pretty much regardless of what was done during supervision, any

supervision made a positive contribution in minimizing defendant misconduct rates. This finding is made somewhat curious by the other principal finding from the supervision experiment: variation in conditions of release (in levels of telephone reporting, in-person visits, reminder calls by staff and the threat of enforcement) made little difference (i.e., no statistically significant difference) between or among groups of supervised defendants.

Taken together, these supervision experiment findings could mean that "some" supervision is more important and effective than certain specific forms of supervision and that the details of supervision are not as important as the general effect of having at least some basic elements. If this interpretation is true, implementation and operation of supervision can be conceived of fairly simply and still have the promise of positive results. Unfortunately, three factors militate against easy acceptance of this inference: First, we know that all conditions were not perfectly and thoroughly implemented in practice. From telephone reporting to staff reminder calls to defendants, each option had its difficulties in the real world. The issues associated with the implementation of the supervision strategy at least make interpretation of the effects much more complicated. Second, we base our main "positive" finding on comparison of the experimental group outcomes with the pre-supervision baseline data. Although we believe our argument for their utility is sound (and practical in the context of the field research), we are aware of the difficulties associated with the comparison offered, which are tantamount to the threats to validity experienced in pre-post designs. (In short, the effects of history or other factors may account for the differences found.)

Third, and we believe most likely, the larger context of implementation of the supervision strategy within the pretrial release guidelines innovation potentially

influences (and biases) the findings and explains our results. More specifically, the supervision strategy depends on successful implementation of the guidelines approach and appropriate use by the commissioners at the first appearance stage where the pretrial release decision is made. In fact, in the early days of guidelines implementation, commissioners did not assign supervision to defendants targeted by the guidelines as frequently as expected and, more importantly, a large portion (roughly half) of those assigned Type I or II supervised release did not proceed from preliminary arraignment to pretrial services to initiate their supervision program within the three-day period.

If one assumes that the 50 percent who "no-showed" were the higher-risk and generally more challenging defendants to manage in the community and that the 50 percent who enrolled in supervision as required were the more compliance-prone of the target group defendants, one would expect: a) that the supervised defendants would record lower misconduct rates than would have been generated by the complete group assigned (the "angels" would perform as angels normally would); and b) that the four different groupings (i.e., IA, IB, IIA, IIB) of the more compliance-prone defendants would all be relatively successful. Under this scenario, the problems with commissioner use of the guidelines and the no-show rate among those assigned Type I and Type II would produce a selection bias with the better risks entering the supervision groups and producing encouraging results. This pre-screened collection of better-risk defendants would then certainly produce rates more favorable than those associated with the baseline defendants processed before the implementation of the guidelines, because the baseline defendants would represent an unscreened target group of defendants consisting of a mix of compliance-prone and compliance-resistant defendants.

These seemingly complex findings nevertheless contribute some practically useful lessons. First, strategies need to be developed to eliminate the no-show problem. For example, defendants could be transported to pretrial services immediately before release occurs so that supervision processing can begin. Second, because imposition a number of conditions was not effective and was difficult to accomplish, perhaps supervision should emphasize less onerous conditions (such as telephone reporting) for most, reserving the more intensive activities for those who are higher risk or who have initial difficulties with the simpler conditions. This approach could be effective, third, if real monitoring occurred and compliance information was timely, accessible, accurate and acted upon. In fact, one of the lessons of the telephone-reporting regime was that there was a rough relationship between failing to call pretrial services and other misconduct (FTA or rearrest). The problems with over-prediction aside, reporting non-compliance produces information that may signal to pretrial services staff that some attention should be paid if failures to appear and rearrests can be prevented.

Finally, the results of this experiment raises cautions about the potential negative side-effects of "over-assigning" conditions that are unlikely to be met. We have seen that most defendants failed to comply adequately with reporting conditions, whether they were to call once or twice per week. When there is no consequence for non-compliance but the court still requires certain activities that will probably not be carried out, the system is teaching a different lesson from the "hoped-for" deterrence. Rather, such practices continue to send the double message inculcated during the years of the crowding emergency of a judicial system that makes many threats, many of which may turn out to be empty (at least in the area of pretrial release). These findings, then, point

out the need for a sensitive balance between very selective assignment of realistic conditions of pretrial release supervision and some credible and measured response to non-compliance when it occurs.

Experiment III: Preventive Notification

The results of the supervision experiment and the contextual finding that half of the released defendants did not initiate supervision with pretrial services forced consideration of the implications of the no-show problem for the success of the pretrial release supervision strategy as a core element to managing uses of release and detention effectively in Philadelphia. Thus, our third pretrial release experiment was aimed at preventing "no-shows" and more completely enrolling Type I and Type II releasees in supervision. In devising this experiment, we again chose to test the facilitative, informational approach to misconduct that might in many cases be explained by defendant confusion and forgetfulness, rather than willful defiance of the court's instructions. We argued that this approach was worth re-investigating (in improved form) because of its simplicity, its use of relatively few resources, and because it represented an approach to supervision (or pre-supervision) that was minimally restrictive.

The experiment was straightforward: about half of defendants released by commissioners to Type I or Type II supervision at preliminary arraignment were randomly assigned to normal processing (no intervention); the half assigned to the experimental condition received telephone calls from pretrial services staff two to three days after preliminary arraignment and 24 hours prior to their pretrial services orientation

(intake) date. The hypothesis was that those called would more frequently make the first appointments with pretrial services case managers to initiate the supervision process and, therefore, that these early notification procedures could prevent much of the no-show problem, avoidance of pretrial release supervision and bring about the improved management of defendants in the community.

The experiment found that preventive notification did not produce significantly different rates of attendance at orientation, or subsequent failure to appear and rearrest between the experimental and control groups. When we considered the possible reasons for this finding, we discovered that, because the strategy relied on telephoning defendants' residences, the full effect of the experimental condition was not delivered. The pretrial services callers discovered wrong numbers, no numbers, third parties, answering machines—and only rarely were able to speak to the defendant him- or herself. Interestingly, however, when defendants were contacted and spoken with personally, high rates of attendance and compliance with release conditions followed. Once again, we found that the experimental results were better understood in the context of implementation and that, in the case of this experiment possibly, potentially useful results were clouded by the realities of implementing experimental conditions.

These findings may also have another utility. If it is true that there is a relationship between persons successfully contacted by phone and subsequent compliance (attendance at pretrial services, meeting with case managers, telephone reporting), the results of calling attempts by staff the day before their orientation date could be used as feedback to focus attention on those who could not be reached as in need of preventive intervention anticipating possible non-compliance. In a sense, those

who can be reached represent a biased sample of those who should be reached and the process of trying to make advance contacts can be employed to target higher-risk defendants so that they cannot avoid the supervision process.

Experiment IV: Targeted Enforcement of Conditions of Release

As the thrust of the notification experiments were proactive, the logic of the fourth field experiment was reactive. Rather than trying to anticipate and prevent defendant non-compliance, it sought to bring defendants who were initially non-compliant back into compliance with supervision conditions. Defendants who failed to begin the supervision process (i.e., never showed at orientation) and then were absent from the process for seven days, were randomly assigned to experimental and control groups. No special measures were taken to bring control group members back into compliance with the supervision requirements. In contrast, pretrial services staff attempted to take the following steps for experimental group defendants: Warrant Unit staff first attempted to call the seven-day non-compliers identified. If the telephone contact was successful, defendants were instructed to report to pretrial services for orientation and case management within two days or face a visit and possible apprehension by the Warrant Unit. If telephone contact was not successful, Warrant Unit staff would make a visit to the residence and meet with the defendant in person, again instructing them to attend orientation within two days. If the defendant was not at home, a formal letter was left explaining the requirements and consequences for failure to do so. The threat behind the message to the defendant in each instance was that failure to return to compliance would result in a bench warrant, apprehension and confinement.

This experiment differed from the others in part because it assumed that a large share of the targeted defendants were willfully non-compliant (after 7 days of not reporting and high misconduct rates within the first 30 days). Thus, while hoping that information and assistance would return some defendants to compliance, this strategy gave deterrent aims greater emphasis. The results of the targeted enforcement experiment showed no difference between the experimental and control groups in immediate return to compliance (zero percent of each group went to pretrial services to initiate the supervision process), in FTA rate or in rearrest rate.

These results were discouraging because they suggested that a reactive, deterrence or threat-oriented process—one acting on defendant non-compliance after the fact—was also apparently unlikely to bring defendants into compliance or otherwise improve their behavior during pretrial release. Once again, close examination of the implementation of the experimental conditions showed difficulties in attempts to telephone defendants (for all the reasons described in the previous experiment) as well as to reach defendants in person at their residences. In fact, direct contact was achieved with very few defendants, though not for lack of trying. If the targeted enforcement strategy was based on a deterrence rationale, it likely failed because of the difficulty involved in delivering the "threat" of sanction. If one cannot reach defendants, one cannot communicate the likely consequences attached to non-compliance with conditions of pretrial release.

The Critical Effect of Implementation Context in Interpretation of Experimental Findings

It is not uncommon in social science experimentation to read about the many ways in which experiments do not work out in the field as planned. Often, the inability to carry out the experiment according to the intended design makes the findings difficult to

interpret. Difficulties in implementing experiments, particularly in random assignment, raise the methodological question of whether the prospects of a "broken" field experiment make use of experimental design less attractive than adoption of a second-best, quasi-experimental design that might have a better chance of being carried out successfully. In the experiments described in this report, the experimental conditions were mostly well operationalized, certainly random assignment succeeded in each instance. On the surface, at least, the activities of the agencies involved appeared to provide sound tests of the hypotheses outlined.

In each experiment, however, implementation of the experimental conditions (the treatments) represented real innovations in the area of court and pretrial services operation carried out against the background of jail crowding and its long-term system effects in Philadelphia. These exercises were simple in concept, but not so simple to implement in the context of the Philadelphia justice system. In each of the experiments, examination of the implementation context revealed developments and difficulties that affected the ability to draw clear inferences about the impact of the various experiments. The difficulties associated with operating a computerized telephone call-in system, with contacting defendants by telephone, with locating and visiting their residences for purposes of enforcement, with the ability to deliver sanctions when promised, as well as other real-world practicalities, raise serious questions about the findings of no difference between control and experimental group defendants on the key measures. In examining the threats to internal validity of the experiments posed by some of them, it becomes clear that the experimental findings need to be considered in the context of implementation findings.

This leaves us with questions about what the findings might have been, if certain factors were not involved. In the first notification experiment (in-court), having a pretrial services staff person personally explain expectations to the defendant and provide written instructions in the form of a card did not make a difference in court attendance and rearrest rates. Perhaps placing greater emphasis on that role in court and eliminating other competing distractions could have produced a better test of the notification approach and better outcomes. The supervision experiment produced favorable results when compared to past practices, but varying telephone reporting, staff reminder calls and in-person visits did not make much difference between experimental groups despite – or perhaps because of—the various difficulties associated with their operation.

The best illustration of the importance of the context of implementation is the 50 percent no-show rate of defendants assigned to pretrial release supervision. Although the supervision experiment appropriately focused only on those who entered supervision, the selection process that created the pool of supervised defendants (and allowed 50 percent to avoid enrollment) must be considered germane to understanding the experimental outcomes.

In our last component of the research, we sought to determine whether those who attended pretrial services orientation to begin supervision differed from those who failed to attend and, if so, in what ways. The predictive analysis suggests that indeed it is possible to develop a risk classification to categorize defendants released to supervision in advance according to their relative probability of failing to attend the first stages of supervision contacts. The predictive modeling of early no-shows not only suggests that likely noncompliers can be targeted in advance, but confirms our suspicion that the

defendants who do enter the supervision process as ordered are notably different—lower risk—than those who do not. That analysis therefore supports the belief that our supervision experiment results at least are influenced by the selection bias resulting from the larger context of pretrial release guidelines implementation.

III. Conclusion: The Role of Supervision in Restoring Accountability in Pretrial Release

When the close link between implementation context and experimental outcomes is taken into consideration, it can be seen that this research has identified important lessons about the role of pretrial release supervision and its elements. The experimental findings concerning the nature and impact of supervision were generated in the context of fairly fundamental reform of pretrial release practices along with justice officials who sought a strategy to reclaim responsibility for local judicial decisions relating to confinement. Serious and longstanding jail crowding and efforts to implement pretrial release guidelines form the immediate background for the supervision experiments. The core supervision strategy within the guidelines innovation was affected by the process of implementation of the guidelines. Not only did the guidelines and the supervision strategy represent major change in local justice practices, but the research also was conducted early on in the reform so that feedback could be provided to local officials to inform necessary modifications and improvements. Thus, it is fair to add that our findings are drawn from early and evolving efforts, rather than longstanding and seasoned practice.

Two principal conclusions emerge from the collection of findings we have described in the body of this report. The first relates to the impact of notification

strategies in reducing defendant misconduct (FTA and rearrest). The second relates to the role of deterrence in establishing conditions of supervision.

We tested notification approaches as part of a supervision strategy in two experiments, both seeming to show no differences between experimental and control group defendants. On their face, these findings suggest that, alone, this facilitative, information strategy wields little influence on later defendant behavior during pretrial release. On the surface it may seem that this conclusion does not offer support for the theory that a large share of defendants who fail to appear in court do so because they are confused, ill-informed or forget. However, this initial conclusionshould be tempered by the implementation findings from the second notification experiment. The experience with staff attempting to contact defendants by phone in advance of their pretrial services orientation date showed, first, that making contact by telephone within a narrow timeframe is difficult, but also that when defendants were actually reached a very high rate of compliance was achieved. The lesson to be drawn from this finding is more hopeful than the experimental findings suggest. Supervisory staff must have an effective means of reaching defendants directly. This is not an easy accomplishment in a large urban center where many defendants do not have telephones and supervisors cannot get to know each assigned defendant personally when they are responsible for hundreds of defendants.

The second principal lesson involves the deterrence-related aspects of the pretrial release supervision process. It is in this area that the demands of jail crowding and a successful supervision strategy collide. The structure of supervision can be viewed as heavily influenced by deterrent aims, balancing necessary requirements defendants must

meet with the threat of consequences that will occur if they do not meet them. Conditions of supervision were intended to provide specific deterrence, both in communicating the threat of sanctions (in notification and orientation activities) and in demonstrating consequences when individuals fail to meet obligations of reporting, etc. The guidelines strategy and its supervision core were also meant in part to serve as a general deterrent to mitigate the "culture of no consequences" in which non-compliance with court orders is the norm and is supported by defendants' conventional wisdom regarding the operation of the justice system. The supervision strategy was designed to institute a means for ensuring accountability in defendants' behavior during pretrial release. The overall strategy was to send a message to all defendants that compliance would be required or consequences (in the form of jailing) would be meted out. The planned strengthening of accountability in the pretrial process sought to change the conventional wisdom "on the street" that one could just walk away from the criminal process with impunity.

The dilemma in setting up a pretrial release supervision system based on these deterrent aims was that the jail-crowding crisis in Philadelphia precluded the use of confinement to enforce compliance with conditions of release under supervision. The Philadelphia approach—like approaches in other cities—had to rely on the threat of sanction without the ability to impose the sanction—or at least to make use of confinement as the ultimate sanction. Individuals soon learned that failing to call in to pretrial services case managers would have little practical consequence. Certainly, Warrant Unit officers were not going to be apprehending non-compliers and jailing them because they failed to perform the requirements of supervision. Confinement of such

defendants, if they could be located, would not be permitted. Reliance on implicit threats of sanction for misconduct apparently works only for a short while before the threats are seen to be empty and judicial credibility is weakened.

This has consequences for the overall strategy for restoring authority to the local justice system for the use of local confinement, as defendant failure-to-appear soon returns to the former record rates generated under Federal emergency release measures and commissioners deciding pretrial release increasingly resort to cash bail because they know that defendants who cannot pay it will stay in jail. Ultimately, both results adversely affect the jail population and represent a backfire of the innovation intended in part to relieve it.

Ironically, then, the success of the attempt to recapture responsibility for managing pretrial release and confinement from Federal emergency governance by instituting a major re-engineering of the pretrial release system and by establishing a sound system of supervision turns on the need to employ meaningful consequences, including some selective role for confinement. This would be predicted from deterrence theory, but was identified as an issue 20 years ago in the Performance Standards and Goals for Pretrial Release established by the National Association of Pretrial Services Agencies (1978):

> Conditions of release are imposed in an effort to reduce the probability of nonappearance or pretrial crime, and therefore should be strictly enforced. (30)...Setting conditions of release would be a futile exercise without an ability to monitor compliance with those conditions and to punish disobedience and reward compliance. (31)...Conditions of release imposed by the court should be treated seriously and rigorously enforced; otherwise, they should not be imposed at all. (32)

Perhaps the need to enhance the deterrent impact of pretrial release supervision can be addressed by drawing on lessons from other areas of justice innovation in which the need for intermediate punishment or graduated sanctions have been identified and a variety of options developed. One of the principal effects of the continual jail crowding litigation in Philadelphia is to emphasize the limited availability of local confinement for sanctioning.[55] A common complaint of Philadelphia judges has to do with their frustration over these limits. For example, the Philadelphia Municipal Court judge responsible for supervising criminal matters, when discussing the new guidelines and supervision system, asked "Where's the hammer? I've got to have a hammer..." One of the lessons of years of crowding in state and local institutions, however, has been the need to develop a range of responses or sanctions that are measured and appropriate and that adequately reflect the nature of the violations involved. The preoccupation with crowding and its impact may have stimulated an over-emphasis on confinement as the main missing ingredient in justice decisions, particularly when compliance with court conditions is in question.

The body of research findings we present points to a lack of credibility on the part of the justice system in delivering consequences or sanctions when defendants or offenders fail to comply with conditions of release judges have imposed. Yet, the pretrial release supervision strategy is premised on recognition of limited confinement capacity. The challenge to the justice system is to set requirements that are meaningful and enforceable, as *the National Association of Pretrial Services Agencies* Standards suggest, and to devise measured responses that can and will be delivered when violations occur.

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[55] It is limited in comparison to a potential use of confinement, not so much to an actual use of confinement. More than 6,000 prisoners are being held in the Philadelphia Prisons as this report is written.

We have by now learned from the experience of intermediate punishments and "graduated sanctions," for example as employed in drug courts, that most of the needed responses do not (in this instance, usually cannot) include confinement.

Pretrial Justice: Beyond a Narrow View of Pretrial Release Supervision

Certainly, this research helps identify areas for system improvement that would greatly improve pretrial release practices and strengthen Philadelphia's pretrial release guidelines strategy in its capacity to manage defendants in the community more effectively and to make use of detention selectively. For example, we would recommend instituting procedures that would ensure that defendants would attend the first stages of the supervision process, involving transportation, staffing by pretrial services in the police districts, or some other means. Moreover, we would recommend implementing a comparatively simple supervision regime with achievable conditions, very accurate information, and vigilant monitoring by staff. We would recommend targeting likely no-shows both in advance of supervision and during supervision, using risk approaches similar to those we have illustrated. We would recommend devising a range of responses that involve consequences to non-compliant defendants short of using confinement, borrowing lessons from other areas of justice innovation in recent years. A major goal would be to not only restore defendant accountability in pretrial release but to restore credibility to the justice process through use of appropriate responses to violations (not so much a "hammer" but a whole tool chest).

We also would argue, however, that there is great promise in two other areas that involve problem-solving that conceives of problems of pretrial release as challenges for pretrial justice. First, and by the time of this report, this is well underway in Philadelphia,

effective systems of drug treatment should be available and be integrated into criminal processing appropriately at the early stages. Second, problems of pretrial release would benefit from being re-conceptualized as raising broader issues of community justice, calling for strategies crafted and carried out jointly by community policing, community probation, community prosecution and community members in neighborhoods.

The Role of Philadelphia's Drug Court and Treatment Network for Women

In the early stages of planning the pretrial release guidelines strategy as a centerpiece for restoring full responsibility for local confinement decisions to the local justice system, policy officials identified substance abuse among Philadelphia's defendants and offenders as a major problem. Many of the persons held in the crowded correctional facilities were held for drug offenses or had active drug problems. Many of the persons on pretrial release, probation or local parole who failed to comply with terms of their freedom were affected by serious substance abuse difficulties. We noted in the introduction to this report that the guidelines strategy would address these concerns in a second phase, once more was learned about the impact of the pretrial release guidelines and the targeted supervision strategy.

With feedback from this and related research as well as practical experience with the guidelines innovation, planning began almost immediately for a drug court and for a women's treatment network. Both the Philadelphia Treatment Court and the Women's Criminal Justice Treatment Network (FOCIS) are currently in operation and were designed to target Type I and Type II defendants who are in need of strong supervision in the community and in need of treatment. These innovations have built on the need for a more accountable pretrial release system and moved farther to try to offer health and

treatment services to increase the prospects that defendants will not return to the justice system and will live more productive lives. The evaluation research examining the impact of these important additions to the court and health system in Philadelphia on the criminal justice population is in its early stages, thus, results will be available in the near future.

Pretrial Release, Pretrial Justice and Community Justice

In Philadelphia, as in many other jurisdictions, we have learned that some of the problems of the criminal justice system cannot be solved by the criminal justice system itself. Community policing signaled that problems of public safety can be more productively addressed in a working relationship with the community that experiences crime in the neighborhoods. The same theme is central to initiatives that deal with community crime problems through community prosecution and community probation, just as joint problem-solving and reintegration formed a critical element in community corrections more generally in the past. We would argue that some of the issues raised by the research we have described in this report could be effectively addressed through what might be viewed a community justice approach.

Two examples are offered by way of conclusion. First, the development of a supervision capacity in the pretrial services agency is resource intensive, involving personnel, office space and computerization, and difficult to effectuate—as we have seen in our experiments. Certainly, the capacity to supervise and the overall effectiveness of supervision could be enhanced by developing partnerships with community organizations, ranging from church and civic groups to neighborhood associations in the areas in which defendants reside. The second example is the 50 percent no-show rate that

plays such an important role in interpreting our findings (and in the effective functioning of the criminal process). Because release now occurs via video as it is transmitted to six police locations, perhaps one productive strategy for reducing "no-show" is to develop a cooperative partnership between probation (which has similar concerns in managing convicted offenders in the community who may be non-compliant), the police (defendants who avoid prosecution in their neighborhoods are part of the local crime problem), and the community as represented by residents in the specific areas involved in the criminal incidents, the police stations and the residences of offenders. The aims of such a strategy would be diverse, including emphasis on neighborhood safety, accountability to the justice system, but also interest in seeing that neighborhood residents who are defendants or probationers are afforded the drug treatment and related services they may need. One of the goals of such a community justice strategy would be to improve the compliance of arrested persons with the requirements of the justice process. However, that narrow pretrial release goal would be linked to larger goals and contribute to improvements in the community as well as in the justice system.

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APPENDICES:

Data Collection Instruments for
All Pretrial Supervision Experiments

Coder:_____ Date begun:_____

Philadelphia Pretrial Release: Impact of Defendant Notification at Preliminary Arraignment

RECORD 1 -- CJRI sequence number
(1-5) [ ][ ][ ][0][1]

Sample
(6) [ ] 1=Card 2=No Card

SECTION 1: IDENTIFIERS

1.1 Police photo number
(7-12) [ ][ ][ ][ ][ ][ ]

1.2 Name
Last
(13-27) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]
First MI
(28-38) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]

1.3 Court case number (most serious)
Court Case number n/n
(39-50) [ ][ ] [ ][ ][ ][ ][ ][ ][ ][ ] [ ][ ]

SECTION 2: DEMOGRAPHICS

2.1 Date of birth [mm/dd/yy]
(51-56) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

2.2 Race/ethnicity
(57) [ ]
1=African American 4=Asian American
2=White 5=Other ( )
3=Hispanic 9=Missing

2.3 Gender
(58) [ ] 1=Male 2=Female 9=Missing

SECTION 3: CURRENT CASE

3.1 Date of arrest
(59-64) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

3.2 Number of court cases in current arrest
(65-66) [ ][ ] 01-96=Number 99=Missing

3.3 Number of arrest charges
(67-68) [ ][ ] 01-96=Number 99=Missing

3.4 Most serious arrest charge
Charge code Statute #
(69-77) [ ][ ][ ][ ][ ] [ ][ ][ ][ ]
Felony/misd Severity
(78-79) [ ] [ ]
1=Misdemeanor 1=1st degree 4=F-life
2=Felony 2=2nd degree 5=F-capital
9=Missing 3=3rd degree 9=Missing

3.5 Any serious person arrest charges?
(80) [ ] 0=No 1=Yes 9=Missing

RECORD 2 – CJRI Sequence number
(1-5) [ ][ ][ ][0][2]

3.6 Any serious property arrest charges?
(6) [ ] 0=No 1=Yes 9=Missing

3.7 Any felony theft or RSP arrest charges?
(7) [ ] 0=No 1=Yes 9=Missing

3.8 Any drug arrest charges?
(8) [ ]
0=No 3=Yes, both
1=Yes, poss. Only 9=Missing
2=Yes, sale/dist. only

3.9 Any weapon arrest charges?
(9) [ ]
0=No 3=Yes, other ( )
1=Yes, firearms 9=Missing
2=Yes, unspec.

Preliminary Arraignment Information

3.10 Date of preliminary arraignment
(10-15) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

3.11 Bail Commissioner
(16) [ ]
1=Polokoff 6=Hill
2=O'Brien 7=McCook
3=McSorley 8=Blake
4=Watson 9=Missing
5=Rebstock

3.12 Arraignment Shift
(17) ☐
1=8-4 3=12-8
2=4-12 9=Missing

3.13 Recommended Bail Guidelines Cell (01-40)
(18-19) ☐☐
96=Other (_____)
97=NA, bench warrant only
98=NA, FOJ or murder
99=Missing

3.14 Recommended Bail Guidelines Decision
(20) ☐
1=ROR 4=Other (_____)
2=SOB 7=NA, bench warrant only
3=Cash Bail 8=NA, FOJ or murder
9=Missing

3.15 Bail Commissioner's decision
(21) ☐
1=ROR 4=Other (_____)
2=SOB 7=NA, bench warrant only
3=Cash Bail 8=NA, FOJ or murder
9=Missing

3.16 Cash bail amount
(22-28) ☐☐☐☐☐☐☐
0000001=ROR
9999996=NA, held without bail
9999997=NA, bench warrant only
9999998=NA, FOJ or murder
9999999=Missing

SECTION 4: PRIOR RECORD

Arrests

4.1 Number of prior adult arrests
(29-30) ☐☐ 00-96=Number 99=Missing

4.2 Of these arrests, number pending at preliminary arraignment date
(31-32) ☐☐ 00-96=Number 99=Missing

4.3 Number of arrests; serious person charges
(33-34) ☐☐ 00-96=Number 99=Missing

4.4 Number of arrests; serious property charges
(35-36) ☐☐ 00-96=Number 99=Missing

4.5 Number of arrests; felony theft or RSP
(37-38) ☐☐ 00-96=Number 99=Missing

4.6 Number of arrests; drug charges
(39-40) ☐☐ 00-96=Number 99=Missing

4.7 Number of arrests; drug possession
(41-42) ☐☐ 00-96=Number 99=Missing

4.8 Number of arrests; drug sale/distribution
(43-44) ☐☐ 00-96=Number 99=Missing

4.9 Number of arrests; weapon charges
(45-46) ☐☐ 00-96=Number 99=Missing

4.10 Number of felony arrests
(47-48) ☐☐ 00-96=Number 99=Missing

4.11 Number of misdemeanor arrests
(49-50) ☐☐ 00-96=Number 99=Missing

4.12 Most serious prior adult arrest charge
Charge code Statute #
(51-59) ☐☐☐☐☐ ☐☐☐☐ 99998/9998=NA
Felony/misd Severity
(60-61) ☐ ☐
1=Misdemeanor 1=1st degree 5=F-capital
2=Felony 2=2nd degree
8=NA 3=3rd degree 8=NA
9=Missing 4=F-life 9=Missing

4.13 Date of first adult arrest
(62-67) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no prior adult arrests
99/99/99=Date missing

4.14 Number of arrests during the three years prior to the start date
(68-69) ☐☐ 00-96=Number 99=Missing

Convictions

4.15 Number of prior adult convictions
(70-71) ☐☐ 00-96=Number 99=Missing

4.16 Number of convictions; serious person charges
(72-73) ☐☐ 00-96=Number 99=Missing

4.17 Number of convictions; serious property charges
(74-75) ☐☐ 00-96=Number 99=Missing

4.18 Number of convictions; felony theft or RSP
(76-77) ☐☐ 00-96=Number 99=Missing

4.19 Number of convictions; drug charges
(78-79) ☐☐ 00-96=Number 99=Missing

open
(80) ☐

RECORD 3 CJRI sequence number
(1-5) ☐☐☐03

4.20 Number of convictions; drug possession
(6-7) ☐☐ 00-96=Number 99=Missing

4.21 Number of convictions; drug sale/distribution
(8-9) ☐☐ 00-96=Number 99=Missing

4.22 Number of convictions; weapon charges
(10-11) ☐☐ 00-96=Number 99=Missing

4.23 Number of felony convictions
(12-13) ☐☐ 00-96=Number 99=Missing

4.24 Number of misdemeanor convictions
(14-15) ☐☐ 00-96=Number 99=Missing

4.25 Most serious prior conviction charge

	Charge code	Statute #	
(16-24)	☐☐☐☐☐	☐☐☐☐	99998/9998=NA
	Felony/misd	Severity	
(25-26)	☐	☐	

1=Misdemeanor
2=Felony
8=NA
9=Missing

1=1st degree
2=2nd degree
3=3rd degree
4=F-life

5=F-capital
8=NA
9=Missing

4.26 Date of first conviction (use sentence date)
(27-32) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no prior adult convictions
99/99/99=Date missing

4.27 Number of convictions during the three years prior to the preliminary arraignment date
(33-34) ☐☐ 00-96=Number 99=Missing

FTAs

4.28 Number of prior willful FTAs
(35-36) ☐☐ 00-96=Number 99=Missing

4.29 Date of first willful FTA
(37-42) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no prior FTAs
99/99/99=Date missing

4.30 Number of willful FTAs during the three years prior to the preliminary arraignment date
(43-44) ☐☐ 00-96=Number 99=Missing

Prior Record -- Family Court

4.31 Juvenile number
(45-52) ☐☐☐☐☐☐ - ☐☐
999997-97=NA, DOB before 1960
999998-98=NA, DOB after 1960; no record

Juvenile Delinquency Petitions

4.32 Number of delinquency petitions filed
(53-54) ☐☐ 97=DOB before 1960 99=Missing

4.33 Number of petitions with serious person charges
(55-56) ☐☐ 97=DOB before 1960 99=Missing

4.34 Number of petitions with serious property charges
(57-58) ☐☐ 97=DOB before 1960 99=Missing

4.35 Number of petitions with felony theft or RSP charges
(59-60) ☐☐ 97=DOB before 1960 99=Missing

4.36 Number of petitions with drug charges
(61-62) ☐☐ 97=DOB before 1960 99=Missing

4.37 Number of petitions with drug possession charges
(63-64) ☐☐ 97=DOB before 1960 99=Missing

4.38 Number of petitions with drug sale/distribution charges
(65-66) ☐☐ 97=DOB before 1960 99=Missing

4.39 Number of petitions with weapons charges
(67-68) ☐☐ 97=DOB before 1960 99=Missing

4.40 Number of felony petitions
(69-70) ☐☐ 97=DOB before 1960 99=Missing

4.41 Number of misdemeanor petitions
(71-72) ☐☐ 97=DOB before 1960 99=Missing

open
(73-80) ☐☐☐☐☐☐☐☐

RECORD 4 -- CJRI sequence number
(1-5) ☐☐☐04

4.42 Most serious charge on any petition

	Charge code	Statute #	
(6-14)	☐☐☐☐☐	☐☐☐☐	999(9)7/8=NA
	Felony/misd	Severity	
(15-16)	☐	☐	

1=Misd
2=Felony
7 or 8=NA
9=Missing

1=1st degree
2=2nd degree
3=3rd degree

7=NA, dob<1960
8=NA, no juv prs
9=Missing

4.43 Date of arrest for first delinquency petition
(17-22) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, DOB before 1960
98/98/98=NA, no delinquent petitions
99/99/99=Date missing

4.44 Number of aliases
(23) [ ] 6=6+ 7=NA, DOB after 1960 9=Missing

Delinquent Adjudications -- Pre-1986

4.45 Number of pre-1986 delinquent adjudications
(24-25) [ ][ ] 97=DOB before 1960 99=Missing

4.46 Date of first pre-1986 delinquent adjudication
(26-31) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, DOB before 1960
98/98/98=NA, no pre-1986 adjudications
99/99/99=Date missing

Method 1 -- assume lowest charge adjudicated

4.47 Number of petitions with serious person adjudication
(32-33) [ ][ ] 97=DOB before 1960 99=Missing

4.48 Number of petitions with a serious property adjudication
(34-35) [ ][ ] 97=DOB before 1960 99=Missing

4.49 Number of petitions with a felony theft or RSP adjudication
(36-37) [ ][ ] 97=DOB before 1960 99=Missing

4.50 Number of petitions with a drug adjudication
(38-39) [ ][ ] 97=DOB before 1960 99=Missing

4.51 Number of petitions with a drug possession adjudication
(40-41) [ ][ ] 97=DOB before 1960 99=Missing

4.52 Number of petitions with a drug sale/distribution adjudication
(42-43) [ ][ ] 97=DOB before 1960 99=Missing

4.53 Number of petitions with a weapon adjudication
(44-45) [ ][ ] 97=DOB before 1960 99=Missing

4.54 Number of petitions with a felony adjudication
(46-47) [ ][ ] 97=DOB before 1960 99=Missing

4.55 Number of petitions with only a misdemeanor adjudication
(48-49) [ ][ ] 97=DOB before 1960 99=Missing

4.56 Most serious adjudicated charge
Charge code Statute #
(50-58) [ ][ ][ ][ ][ ] [ ][ ][ ][ ] 999(9)7/8=NA

Method 2 -- assume all charges adjudicated

4.57 Number of petitions with serious person adjudication
(59-60) [ ][ ] 97=DOB before 1960 99=Missing

4.58 Number of petitions with a serious property adjudication
(61-62) [ ][ ] 97=DOB before 1960 99=Missing

4.59 Number of petitions with a felony theft or RSP adjudication
(63-64) [ ][ ] 97=DOB before 1960 99=Missing

4.60 Number of petitions with a drug adjudication
(65-66) [ ][ ] 97=DOB before 1960 99=Missing

4.61 Number of petitions with a drug possession adjudication
(67-68) [ ][ ] 97=DOB before 1960 99=Missing

4.62 Number of petitions with a drug sale/distribution adjudication
(69-70) [ ][ ] 97=DOB before 1960 99=Missing

4.63 Number of petitions with a weapon adjudication
(71-72) [ ][ ] 97=DOB before 1960 99=Missing

4.64 Number of petitions with a felony adjudication
(73-74) [ ][ ] 97=DOB before 1960 99=Missing

4.66 Number of petitions with only a misdemeanor adjudication
(75-76) [ ][ ] 97=DOB before 1960 99=Missing

open
(77-80) [ ][ ][ ][ ]

RECORD 5 -- CJRI sequence number
(1-5) [ ][ ][ ]0[5]

4.67 Most serious adjudicated charge
Charge code Statute #
(6-14) [ ][ ][ ][ ][ ] [ ][ ][ ][ ] 999(9)7/8=NA

Delinquent Adjudications -- 1986 to Present

4.68 Number of 1986 to present delinquent adjudications
(15-16) [ ][ ] 97=DOB before 1960 99=Missing

4.69 Number of petitions with serious person adjudication
(17-18) [ ][ ] 97=DOB before 1960 99=Missing

4.70 Number of petitions with a serious property adjudication
(19-20) ☐☐ 97=DOB before 1960 99=Missing

4.71 Number of petitions with a felony theft or RSP adjudication
(21-22) ☐☐ 97=DOB before 1960 99=Missing

4.72 Number of petitions with a drug adjudication
(23-24) ☐☐ 97=DOB before 1960 99=Missing

4.73 Number of petitions with a drug possession adjudication
(25-26) ☐☐ 97=DOB before 1960 99=Missing

4.74 Number of petitions with a drug sale/distribution adjudication
(27-28) ☐☐ 97=DOB before 1960 99=Missing

4.75 Number of petitions with a weapon adjudication
(29-30) ☐☐ 97=DOB before 1960 99=Missing

4.76 Number of petitions with a felony adjudication
(31-32) ☐☐ 97=DOB before 1960 99=Missing

4.77 Number of petitions with only a misdemeanor adjudication
(33-34) ☐☐ 97=DOB before 1960 99=Missing

4.78 Date of first 1986 to present delinquent adjudication
(35-40) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, DOB before 1960
98/98/98=NA, no 1986 to present adjudications
99/99/99=Date missing

4.79 Most serious adjudicated charge

	Charge code	Statute #	
(41-49)	☐☐☐☐☐	☐☐☐☐	999(9)7/8=NA

	Felony/misd	Severity	
(50-51)	☐	☐	
	1=Misdemeanor	1=1st degree	7=NA, dob<1960
	2=Felony	2=2nd degree	8=NA, no juv prs
	7 or 8=NA	3=3rd degree	9=Missing
	9=Missing		

Family Court Dispositions

4.80 Number of petitions with consent decrees
(52-53) ☐☐ 97=DOB before 1960 99=Missing

4.81 Date of first consent decree
(54-59) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, DOB before 1960
98/98/98=NA, no consent decrees
99/99/99=Date missing

4.82 Number of petitions with probation dispositions
(60-61) ☐☐ 97=DOB before 1960 99=Missing

4.83 Date of first probation disposition
(62-67) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, DOB before 1960
98/98/98=NA, no probation dispositions
99/99/99=Date missing

4.84 Number of petitions with commitment dispositions
(68-69) ☐☐ 97=DOB before 1960 99=Missing

4.85 Date of first commitment disposition
(70-75) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, DOB before 1960
98/98/98=NA, no commitment dispositions
99/99/99=Date missing

4.86 Number of petitions with commitments to drug/alcohol treatment centers
(76) ☐ 6=6+ 7=DOB before 1960 9=Missing

open
(77-80) ☐☐☐☐

RECORD 6 -- CJRI sequence number
(1-5) ☐☐☐06

4.87 Date of first drug/alcohol commitment disposition
(6-11) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, DOB before 1960
98/98/98=NA, no drug/alc commitment dispositions
99/99/99=Date missing

Family Court Bench Warrants

4.88 Number of pre-disposition bench warrants
(12-13) ☐☐ 97=DOB before 1960 99=Missing

4.89 Date of first pre-disposition bench warrant
(14-19) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, DOB before 1960
98/98/98=NA, no pre-disposition bench warrants
99/99/99=Date missing

4.90 Number of post-disposition bench warrants
(20-21) ☐☐ 97=DOB before 1960 99=Missing

4.91 Date of first post-disposition bench warrant
(22-27) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, DOB before 1960
98/98/98=NA, no post-disposition bench warrants
99/99/99=Date missing

4.92 Number of bench warrants issued for escapes from commitments
(28-29) ☐☐ 97=DOB before 1960 99=Missing

4.93 Date of first escape bench warrant
(30-35) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, DOB before 1960
98/98/98=NA, no escape bench warrants
99/99/99=Date missing

SECTION 5: FOLLOW-UP

5.1 Start Date (Preliminary Arraignment Date)
(36-41) ☐☐ / ☐☐ / ☐☐

5.2 End Date (Add 120 days to the above date or enter date that last open case was disposed, whichever comes first)
(42-47) ☐☐ / ☐☐ / ☐☐

Pretrial Release Information

5.3 Was defendant released prior to adjudication of all charges related to the current arrest?
(48) ☐
0=No
1=Yes, at preliminary arraignment
2=Yes, from pretrial detention
3=Yes, other (_____)
7=Released, stage unknown
9=Missing

5.4 Date of pretrial release
(49-54) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, not released pretrial
99/99/99=Missing

5.5 How did defendant gain pretrial release?
(55-56) ☐☐
1=ROR
2=SOB
3=Cash bail
4=HvR/SOB
5=JvH
6=Conditional Release
7=Special Release
10=Bench warrants heard
11=Detainer(s) lifted
12=Diversion
13=Other (_____)
98=NA, not released pretrial
99=Missing

5.6 Final bail amount
(57-63) ☐☐☐☐☐☐☐
0000001=ROR
9999996=NA, held without bail
9999997=NA, bench warrant only
9999998=NA, FOJ or murder
9999999=Missing

Case Adjudication

5.7 Were all charges associated with the current arrest adjudicated?
(64) ☐ 0=No 1=Yes 9=Missing

5.8 Date all charges were adjudicated
(65-70) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, all charges not adjudicated
99/99/99=Missing

5.9 Most serious adjudication for current charges
(71) ☐
1=Dropped/dismissed
2=Diverted
3=Acquitted
4=Pled/adj guilty
5=Other (_____)
8=NA, not adjudicated
9=Missing

FOLLOW-UP FTAS

5.10 Total number of follow-up FTAs
(72-73) ☐☐ 00-96=Number 99=Missing

5.11 Number of willful follow-up FTAs
(74-75) ☐☐ 00-96=Number 99=Missing

5.12 Number of nonwillful follow-up FTAs
(76-77) ☐☐ 00-96=Number 99=Missing

5.13 Number of undisposed follow-up FTAs
(78-79) ☐☐ 00-96=Number 99=Missing

open
(80) ☐

RECORD 7 -- CJRI sequence number
(1-5) ☐☐☐07

First Follow-Up FTA

5.14 Date of first follow-up FTA
(6-11) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no follow-up FTAs
99/99/99=Date missing

5.15 Disposition code -- first follow-up FTA
(12-15) [ ][ ][ ][ ]
8888=NA, no follow-up FTAs
9999=Missing

Second Follow-Up FTA

5.16 Date of second follow-up FTA
(16-21) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, no 2nd follow-up FTA
99/99/99=Date missing

5.17 Disposition code -- second follow-up FTA
(22-25) [ ][ ][ ][ ]
8888=NA, no 2nd follow-up FTA
9999=Missing

Most Recent Follow-Up FTA

5.18 Date of most recent follow-up FTA
(26-31) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, no 3rd follow-up FTA
99/99/99=Date missing

5.19 Disposition code – most recent follow-up FTA
(32-35) [ ][ ][ ][ ]
8888=NA, no other follow-up FTA
9999=Missing

FOLLOW-UP ARRESTS

5.20 Number of rearrests during follow-up
(36-37) [ ][ ] 00-96=Number 99=Missing

First Follow-Up Arrest

5.21 Date of first follow-up arrest
(38-43) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, no rearrests
99/99/99=Date missing

5.22 Number of arrest charges
(44-45) [ ][ ] 01-96=Number 98=NA 99=Missing

5.23 Most serious arrest charge

	Charge code	Statute #	
(46-54)	[ ][ ][ ][ ][ ]	[ ][ ][ ][ ]	99998/9998=NA
	Felony/misd	Severity	
(55-56)	[ ]	[ ]	
	1=Misdemeanor	1=1st degree	5=F-capital
	2=Felony	2=2nd degree	
	8=NA	3=3rd degree	8=NA
	9=Missing	4=F-life	9=Missing

5.24 Any serious person charges?
(57) [ ] 0=No 1=Yes 8=NA 9=Missing

5.25 Any serious property charges?
(58) [ ] 0=No 1=Yes 8=NA 9=Missing

5.26 Any felony theft or RSP charges?
(59) [ ] 0=No 1=Yes 8=NA 9=Missing

5.27 Any drug charges?
(60) [ ]

0=No	3=Yes, both
1=Yes, possession	8=NA
2=Yes, sale/dist.	9=Missing

5.28 Any weapon charges?
(61) [ ]

0=No	3=Yes, other ( )
1=Yes, firearms	8=NA
2=Yes, unspecified	9=Missing

Second Follow-Up Arrest

5.28 Date of second follow-up arrest
(62-67) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, no 2nd rearrest
99/99/99=Date missing

5.29 Number of arrest charges
(68-69) [ ][ ] 01-96=Number 98=NA 99=Missing

open
(70-80) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]

RECORD 8 -- CJRI sequence number
(1-5) [ ][ ][ ][0][8]

5.30 Most serious arrest charge

	Charge code	Statute #	
(6-14)	[ ][ ][ ][ ][ ]	[ ][ ][ ][ ]	99998/9998=NA
	Felony/misd	Severity	
(15-16)	[ ]	[ ]	
	1=Misdemeanor	1=1st degree	5=F-capital
	2=Felony	2=2nd degree	
	8=NA	3=3rd degree	8=NA
	9=Missing	4=F-life	9=Missing

5.31 Any serious person charges?
(17) [ ] 0=No 1=Yes 8=NA 9=Missing

5.32 Any serious property charges?
(18) [ ] 0=No 1=Yes 8=NA 9=Missing

5.33 Any felony theft or RSP charges?
(19) [ ] 0=No 1=Yes 8=NA 9=Missing

5.34 Any drug charges?
(20) ☐
0=No 3=Yes, both
1=Yes, possession 8=NA
2=Yes, sale/dist. 9=Missing

5.35 Any weapon charges?
(21) ☐
0=No 3=Yes, other ( )
1=Yes, firearms 8=NA
2=Yes, unspecified 9=Missing

Most Recent Follow-Up Arrest

5.36 Date of most recent follow-up arrest
(22-27) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no 3rd rearrest
99/99/99=Date missing

5.37 Number of arrest charges
(28-29) ☐☐ 01-96=Number 98=NA 99=Missing

5.38 Most serious arrest charge
Charge code Statute #
(30-38) ☐☐☐☐☐ ☐☐☐☐ 99998/9998=NA
Felony/misd Severity
(39-40) ☐ ☐
1=Misdemeanor 1=1st degree 5=F-capital
2=Felony 2=2nd degree
8=NA 3=3rd degree 8=NA
9=Missing 4=F-life 9=Missing

5.39 Any serious person charges?
(41) ☐ 0=No 1=Yes 8=NA 9=Missing

5.40 Any serious property charges?
(42) ☐ 0=No 1=Yes 8=NA 9=Missing

5.41 Any felony theft or RSP charges?
(43) ☐ 0=No 1=Yes 8=NA 9=Missing

5.42 Any drug charges?
(44) ☐
0=No 3=Yes, both
1=Yes, possession 8=NA
2=Yes, sale/dist. 9=Missing

5.43 Any weapon charges?
(45) ☐
0=No 3=Yes, other ( )
1=Yes, firearms 8=NA
2=Yes, unspecified 9=Missing

FOLLOW-UP CONFINEMENTS

5.44 Number of jail or prison confinements during follow-up
(46-47) ☐☐ 00-96=Number 99=Missing

5.45 Total number of days confined during follow-up
(48-49) ☐☐
00-90=Number of days
98=NA, not released pretrial
99=Missing

SECTION 6: FINAL STATUS

6.1 Has current case been adjudicated?
(50) ☐
0=No, still awaiting trial
1=No, fugitive
2=Yes, defendant acquitted
3=Yes, case dropped (all charges)
4=Yes, defendant diverted
5=Yes, adj/pled guilty
6=Other (_____)
9=Missing

6.2 Number of convicted charges
(51-52) ☐☐ 98=na, case open 99=missing

6.3 Most serious convicted charge
Charge code Statute #
(53-61) ☐☐☐☐☐ ☐☐☐☐ 99998/9998=NA
Felony/misd Severity
(62-63) ☐ ☐
1=Misdemeanor 1=1st degree 5=F-capital
2=Felony 2=2nd degree
8=NA 3=3rd degree 8=NA
9=Missing 4=F-life 9=Missing

6.4 Any serious person convictions?
(64) ☐ 0=No 1=Yes 8=NA 9=Missing

6.5 Any serious property convictions?
(65) ☐ 0=No 1=Yes 8=NA 9=Missing

6.6 Any felony theft or RSP convictions?
(66) ☐ 0=No 1=Yes 8=NA 9=Missing

6.7 Any drug convictions?
(67) ☐
0=No 3=Yes, both
1=Yes, possession 8=NA
2=Yes, sale/dist. 9=Missing

6.8 Any weapon charges?
(68) ☐

0=No
1=Yes, firearms
2=Yes, unspecified
3=Yes, other ( )
8=NA
9=Missing

6.9 Date of sentence
(69-74) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, not sentenced
99/99/99=Missing

6.10 Sentence: time on probation (in months)
(75-77) ☐☐☐
000-996=Nmber
997=Diversion
998=NA, case open
999=Missing

open
(78-80) ☐☐☐

RECORD 9 -- CJRI sequence number
(1-5) ☐☐☐09

6.11 Sentence: time in jail/prison (in months)
min max
(6-11) ☐☐☐ to ☐☐☐
000-996=Nmber
998=NA, case open
999=Missing

6.9 Status at end of the follow-up period
(12-13) ☐☐
01=Fugitive -- wanted card/bench warrant
02=Still awaiting trial, released
03=Still awaiting trial, detained
04=Convicted, incarcerated
05=Convicted, under APPD supervision
06=Case(s) disposed (acquitted, dismissed)
97=Other (_____)
99=Missing/unknown

Coders (Initials): Date begun: / /

Pretrial Release Experiment

Data Collection Form(B)

CARD 1 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][1]

Sample
(7) [ ]
1=IA 3=IB
2=IIA 4=IIB

Follow-up Start Date/Orientation Date

_____

SECTION 1: Identification

1.1 Police photo number
(8-13) [ ][ ][ ][ ][ ][ ]

1.2 Name
Last
(14-28) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]
First MI
(29-39) [ ][ ][ ][ ][ ][ ][ ][ ][ ] [ ]

1.3 Court case number (most serious)
court case number n/n
(40-51) [ ][ ] [ ][ ][ ][ ][ ][ ][ ] [ ][ ]

Defendant Address
1.4 Number
(52-57) [ ][ ][ ][ ][ ][ ]

1.5 Street Name
(58-71) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]

1.6 St./Ave./etc. 1.7 Apartment #
(72-74) [ ][ ][ ] (75-78) [ ][ ][ ][ ]

CARD 2 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][2]

1.8 City
(7-20) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]

1.9 State 1.10 Zip Code
(21-22) [ ][ ] (23-27) [ ][ ][ ][ ][ ]

SECTION 2: Demographics

2.1 Date of birth [mm/dd/yy]
(28-33) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

2.2 Race/ethnicity
(34) [ ]
1=African American 4=Asian American
2=White 5=Other (_____)
3=Hispanic 9=Missing

2.3 Gender
(35) [ ] 1=Male 2=Female 9=Missing

SECTION 3a: Current Case

3a.1 Date of arrest
(36-41) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

3a.2 Date defendant attended Conditional Release Orientation
(42-47) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, not Type I or II release
99/99/99=Missing

3a.3 Was defendant scheduled to attend Orientation on that day?
(48) [ ]
1=yes 2=no, walk-in 8=NA 9=missing

3a.4 Number of court cases in current arrest
(49-50) [ ][ ] 01-96=Number 99=Missing

3a.5 Number of arrest charges
(51-52) [ ][ ] 01-96=Number 99=Missing

3a.6 Most serious arrest charge
charge code statute code
(53-61) [ ][ ][ ][ ][ ] [ ][ ][ ][ ]
felony/misd severity
(62-63) [ ] [ ]
1=Misdemeanor 1=1st degree 4=F-life
2=Felony 2=2nd degree 5=F-capital
9=Missing 3=3rd degree 9=Missing

3a.7 Is defendant drug court eligible?(see list of charges)
(64) [ ] 0=No 1=Yes 9=Missing

3a.8 Is defendant eligible for FOCIS?(female defendant given Type I or II supervised pretrial release)
(65) ☐ 0=No 1=Yes 9=Missing

3a.9 Any serious person arrest charges?
(66) ☐ 0=No 1=Yes 9=Missing

3a.10 Any serious property arrest charges?
(67) ☐ 0=No 1=Yes 9=Missing

3a.11 Any felony theft or RSP arrest charges?
(68) ☐ 0=No 1=Yes 9=Missing

3a.12 Any drug arrest charges?
(69) ☐
0=No 3=Yes, both
1=Yes, poss. only
2=Yes, sale/dist. only 9=Missing

3a.13 Any weapon arrest charges?
(70) ☐
0=No 3=Yes, other (_____)
1=Yes, firearms
2=Yes, unspec. weapon 9=Missing

Preliminary Arraignment Information

3a.14 Date of Preliminary Arraignment
(71-76) ☐☐ / ☐☐ / ☐☐
99/99/99=Date missing

3a.15 Bail Commissioner
(77) ☐
1=Polokoff 6=Hill
2=O'Brien 7=McCook
3=McSorley 8=Blake
4=Watson 9=missing
5=Rebstock

3a.16 Arraignment Shift
(78) ☐
1=8-4 3=12-8
2=4-12 9=missing

CARD 3 -- CJRI sequence number
(1-6) ☐☐☐☐0 3

3a.17 Recommended Bail Guidelines Cell(01-40)
(7-8) ☐☐
96=other(_____)
97=NA, bench warrant only
98=NA, FOJ or murder
99=missing

3a.18 Recommended Type of Decision
(9) ☐
1=ROR 5=other(_____)
2=Type I release 7=NA, bench warrant only
3=Type II release 8=NA, FOJ or murder
4=Cash bail 9=missing

3a.19 Were there any unusual circumstances?
0=no 7=NA, bench warrant only 9=missing
1=yes 8=NA, FOJ/murder
☐ (10) more than 10 willful FTA's
☐ (11) more than 2 additional open cases
☐ (12) recently released from prison/mental hospital
☐ (13) complainant resides at address (domestic violence)
☐ (14) defendant is in violation of Type I/II release
☐ (15) defendant not Phila. resident/less than 6 months
☐ (16) other(_____)

3a.20 Bail Commissioner's Decision
(17) ☐
1=ROR
2=Type I release
3=Type II release
4=Cash
5=other(_____)
7=NA, bench warrant only
8=NA, FOJ or murder
9=missing

3a.21 Cash Bail Amount
(18-24) ☐☐☐☐☐☐☐
9999996=NA, no cash bail
9999997=NA, bench warrant only
9999998=NA, FOJ or murder
9999999=missing

3a.22 Did the Bail Commissioner follow the Guidelines?
(25) ☐
1=yes 7=NA, bench warrant only
2=no, more restrictive 8=NA, FOJ or murder
3=no, less restrictive 9=missing

3a.23 What were the reasons for departure from the guidelines?

0=no
1=yes
=NA, guidelines followed

- ☐ (26) domestic violence
- ☐ (27) nature of offense
- ☐ (28) probation
- ☐ (29) mandatory sentence
- ☐ (30) bench warrants
- ☐ (31) firearms-related

7=NA, bench warrant only
8=NA, FOJ/murder
9=missing

- ☐ (32) prior FTA's
- ☐ (33) open cases
- ☐ (34) address
- ☐ (35) detainer
- ☐ (36) drg/alcoh-related
- ☐ (37) prior crim. hist.
- ☐ (38) other(_____)

SECTION 3b: Other Open/Pending Cases

3b.1 How many open/pending cases did defendant have at time he/she attended orientation on the current case?(excluding current case)
(39-40) ☐☐
0=none 99=missing

Most Serious Open/Pending Case

3b.2 Court case number (most serious)
court case number n/n
(41-52) ☐☐ ☐☐☐☐☐☐☐☐ ☐☐

3b.3 Date of arrest
(53-58) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no rearrests
99/99/99=Date missing

3b.4 Number of arrest charges
(59-60) ☐☐ 01-96=Number 98=NA 99=Missing

3b.5 Most serious arrest charge
charge code statute code
(61-69) ☐☐☐☐☐ ☐☐☐☐ 99998/9998=NA
felony/misd severity
(70-71) ☐ ☐

felony/misd	severity	
1=Misdemeanor	1=1st degree	5=F-capital
2=Felony	2=2nd degree	
8=NA	3=3rd degree	8=NA
9=Missing	4=F-life	9=Missing

3b.6 Recommended Bail Guidelines Cell(01-40)
(72-73) ☐☐
96=other(_____)
97=NA, bench warrant only
98=NA, FOJ or murder
99=missing

3b.7 Recommended Type of Decision
(74) ☐

1=ROR	5=other(_____)
2=Type I release	7=NA, bench warrant only
3=Type II release	8=NA, FOJ or murder
4=Cash bail	9=missing

3b.8 Bail Commissioner's Decision
(75) ☐
1=ROR
2=Type I release
3=Type II release
4=Cash
5=other(_____)
7=NA, bench warrant only
8=NA, FOJ or murder
9=missing

CARD 4 -- CJRI sequence number
(1-6) ☐☐☐☐0 4

3b.9 Cash Bail Amount
(7-13) ☐☐☐☐☐☐☐
9999996=NA, no cash bail
9999997=NA, bench warrant only
9999998=NA, FOJ or murder
9999999=missing

All Open/Pending Cases(excluding current case)

3b.10 Any serious person arrest charges?
(14) ☐ 0=No 1=Yes 8=na 9=Missing

3b.11 Any serious property arrest charges?
(15) ☐ 0=No 1=Yes 8=na 9=Missing

3b.12 Any felony theft or RSP arrest charges?
(16) ☐ 0=No 1=Yes 8=na 9=Missing

3b.13 Any drug arrest charges?
(17) ☐

0=No	3=Yes, both
1=Yes, poss. only	8=na
2=Yes, sale/dist. only	9=Missing

3b.14 Any weapon arrest charges?
(18) ☐

0=No	3=Yes, other (_____)
1=Yes, firearms	8=na
2=Yes, unspec. weapon	9=Missing

SECTION 4a: Prior Record - Criminal History

Orientation Date _____

Arrests

4a.1 Number of prior adult arrests
(19-20) ☐☐ 00-96=Number 99=Missing

4a.2 Of these arrests, number pending at time of preliminary arraignment
(21-22) ☐☐ 00-96=Number 99=Missing

4a.3 Number of arrests; serious person charges
(23-24) ☐☐ 00-96=Number 99=Missing

4a.4 Number of arrests; serious property charges
(25-26) ☐☐ 00-96=Number 99=Missing

4a.5 Number of arrests; felony theft or RSP
(27-28) ☐☐ 00-96=Number 99=Missing

4a.6 Number of arrests; drug charges
(29-30) ☐☐ 00-96=Number 99=Missing

4a.7 Number of arrests; drug possession
(31-32) ☐☐ 00-96=Number 99=Missing

4a.8 Number of arrests; drug sale/distribution
(33-34) ☐☐ 00-96=Number 99=Missing

4a.9 Number of arrests; weapon charges
(35-36) ☐☐ 00-96=Number 99=Missing

4a.10 Number of felony arrests
(37-38) ☐☐ 00-96=Number 99=Missing

4a.11 Number of misdemeanor arrests
(39-40) ☐☐ 00-96=Number 99=Missing

4a.12 Most serious prior adult arrest charge

	charge code	statute code	
(41-49)	☐☐☐☐☐	☐☐☐☐	99998/9998=NA

	felony/misd	severity		
(50-51)	☐	☐		
	1=Misdemeanor	1=1st degree	5=F-capital	
	2=Felony	2=2nd degree		
	8=NA	3=3rd degree	8=NA	
	9=Missing	4=F-life	9=Missing	

4a.13 Date of first adult arrest
(52-57) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no prior adult arrests
99/99/99=Date missing

4a.14 Number of arrests during the three years prior to the orientation date
(58-59) ☐☐ 00-96=Number 99=Missing

Pretrial Release

4a.15 Number of times pretrial release was "stepped up" because of pretrial misconduct
(60-61) ☐☐ 00-96=Number 99=Missing

4a.16 Date of first "step-up" of pretrial release
(62-67) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no prior pretrial release step-ups
99/99/99=Date missing

4a.17 Reason for pretrial release "step-up"
(68) ☐
1=violation of conditions of release
2=rearrest
3=FTA at court date
4=other (_____)
8=NA, no prior pretrial release step-ups
9=missing

4a.18 Number of times pretrial release was "stepped down" because of compliance with conditions of release
(69-70) ☐☐ 00-96=Number 99=Missing

4a.19 Date of first "step-down" of pretrial release
(71-76) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no prior pretrial release step-downs
99/99/99=Date missing

CARD 5 -- CJRI sequence number
(1-6) ☐☐☐☐05

Convictions

4a.20 Number of prior adult convictions
(7-8) ☐☐ 00-96=Number 99=Missing

4a.21 Number of convictions; serious person charges
(9-10) ☐☐ 00-96=Number 99=Missing

4a.22 Number of convictions; serious property charges
(11-12) ☐☐ 00-96=Number 99=Missing

4a.23 Number of convictions; felony theft or RSP
(13-14) ☐☐ 00-96=Number 99=Missing

4a.24 Number of convictions; drug charges
(15-16) ☐☐ 00-96=Number 99=Missing

4a.25 Number of convictions; drug possession
(17-18) ☐☐ 00-96=Number 99=Missing

4a.26 Number of convictions; drug sale/distribution
(19-20) ☐☐ 00-96=Number 99=Missing

4a.27 Number of convictions; weapon charges
(21-22) ☐☐ 00-96=Number 99=Missing

4a.28 Number of felony convictions
(23-24) ☐☐ 00-96=Number 99=Missing

4a.29 Number of misdemeanor convictions
(25-26) ☐☐ 00-96=Number 99=Missing

4a.30 Most serious prior conviction charge
charge code statute code
(27-35) ☐☐☐☐☐ ☐☐☐☐ 99998/9998=NA
felony/misd severity
(36-37) ☐ ☐
1=Misdemeanor 1=1st degree 5=F-capital
2=Felony 2=2nd degree
8=NA 3=3rd degree 8=NA
9=Missing 4=F-life 9=Missing

4a.31 Date of first conviction (use sentence date)
(38-43) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no prior adult convictions
99/99/99=Date missing

4a.32 Number of convictions during the three years prior to the orientation date
(44-45) ☐☐ 00-96=Number 99=Missing

SECTION 4b: Prior Record - FTAs

4b.1 Number of prior willful FTAs
(46-47) ☐☐ 00-96=Number 99=Missing

4b.2 Date of first willful FTA
(48-53) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no prior willful FTAs
99/99/99=Date missing

4b.3 Number of willful FTAs during the three years prior to the orientation date
(54-55) ☐☐ 00-96=Number 99=Missing

SECTION 4c: Prior Record - Family Court

4c.1 Juvenile number
(56-63) ☐☐☐☐☐☐ - ☐☐
999997-97=NA, DOB before 1960
999998-98=NA, DOB after 1960; no record

Juvenile Delinquency Petitions

4c.2 Number of delinquency petitions filed
(64-65) ☐☐ 97=DOB before 1960 99=Missing

4c.3 Number of petitions with serious person charges
(66-67) ☐☐ 97=DOB before 1960 99=Missing

4c.4 Number of petitions with serious property charges
(68-69) ☐☐ 97=DOB before 1960 99=Missing

4c.5 Number of petitions with felony theft or RSP charges
(70-71) ☐☐ 97=DOB before 1960 99=Missing

4c.6 Number of petitions with drug charges
(72-73) ☐☐ 97=DOB before 1960 99=Missing

4c.7 Number of petitions with drug possession charges
(74-75) ☐☐ 97=DOB before 1960 99=Missing

4c.8 Number of petitions with drug sale/distribution charges
(76-77) ☐☐ 97=DOB before 1960 99=Missing

4c.9 Number of petitions with weapons charges
(78-79) ☐☐ 97=DOB before 1960 99=Missing

CARD 6 -- CJRI sequence number
(1-6) ☐☐☐☐06

4c.10 Number of felony petitions
(7-8) ☐☐ 97=DOB before 1960 99=Missing

4c.11 Number of misdemeanor petitions
(9-10) ☐☐ 97=DOB before 1960 99=Missing

4c.12 Most serious charge on any petition
charge code statute code
(11-19) ☐☐☐☐☐ ☐☐☐☐ 999(9)7/8=NA
felony/misd severity
(20-21) ☐ ☐
1=Misdemeanor 1=1st degree 7=NA, dob<1960
2=Felony 2=2nd degree 8=NA, no juv prs
7 or 8=NA 3=3rd degree 9=Missing
9=Missing

4c.13 Date of arrest for first delinquency petition
(22-27) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, DOB before 1960
98/98/98=NA, no delinquent petitions
99/99/99=Date missing

4c.14 Number of aliases
(28) ☐ 6=6+ 7=NA, DOB before 1960 9=Missing

Delinquent Adjudications -- Pre-1986

4c.15 Number of pre-1986 delinquent adjudications
(29-30) ☐☐ 97=DOB before 1960 99=Missing

4c.16 Date of first pre-1986 delinquent adjudication
(31-36) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, DOB before 1960
98/98/98=NA, no pre-1986 adjudications
99/99/99=Date missing

Method 1 -- assume lowest charge adjudicated

4c.17 Number of petitions with serious person adjudication
(37-38) ☐☐ 97=DOB before 1960 99=Missing

4c.18 Number of petitions with a serious property adjudication
(39-40) ☐☐ 97=DOB before 1960 99=Missing

4c.19 Number of petitions with a felony theft or RSP adjudication
(41-42) ☐☐ 97=DOB before 1960 99=Missing

4c.20 Number of petitions with a drug adjudication
(43-44) ☐☐ 97=DOB before 1960 99=Missing

4c.21 Number of petitions with a drug possession adjudication
(45-46) ☐☐ 97=DOB before 1960 99=Missing

4c.22 Number of petitions with a drug sale/distribution adjudication
(47-48) ☐☐ 97=DOB before 1960 99=Missing

4c.23 Number of petitions with a weapon adjudication
(49-50) ☐☐ 97=DOB before 1960 99=Missing

4c.24 Number of petitions with a felony adjudication
(51-52) ☐☐ 97=DOB before 1960 99=Missing

4c.25 Number of petitions with only a misdemeanor adjudication
(53-54) ☐☐ 97=DOB before 1960 99=Missing

4c.26 Most serious adjudicated charge
charge code (55-63) ☐☐☐☐☐ statute code ☐☐☐☐ 999(9)7/8=NA
felony/misd (64-65) ☐ 1=Misdemeanor 2=Felony 7 or 8=NA
severity ☐ 1=1st degree 2=2nd degree 3=3rd degree 7=NA, dob<1960 8=NA, no juv prs 9=Missing

Method 2 -- assume all charges adjudicated

4c.27 Number of petitions with serious person adjudication
(66-67) ☐☐ 97=DOB before 1960 99=Missing

4c.28 Number of petitions with a serious property adjudication
(68-69) ☐☐ 97=DOB before 1960 99=Missing

4c.29 Number of petitions with a felony theft or RSP adjudication
(70-71) ☐☐ 97=DOB before 1960 99=Missing

4c.30 Number of petitions with a drug adjudication
(72-73) ☐☐ 97=DOB before 1960 99=Missing

4c.31 Number of petitions with a drug possession adjudication
(74-75) ☐☐ 97=DOB before 1960 99=Missing

4c.32 Number of petitions with a drug sale/distribution adjudication
(76-77) ☐☐ 97=DOB before 1960 99=Missing

4c.33 Number of petitions with a weapon adjudication
(78-79) ☐☐ 97=DOB before 1960 99=Missing

CARD 7 -- CJRI sequence number
(1-6) ☐☐☐☐07

4c.34 Number of petitions with a felony adjudication
(7-8) ☐☐ 97=DOB before 1960 99=Missing

4c.35 Number of petitions with only a misdemeanor adjudication
(9-10) ☐☐ 97=DOB before 1960 99=Missing

4c.36 Most serious adjudicated charge
charge code (11-19) ☐☐☐☐☐ statute code ☐☐☐☐ 999(9)7/8=NA
felony/misd (20-21) ☐ 1=Misdemeanor 2=Felony 7 or 8=NA
severity ☐ 1=1st degree 2=2nd degree 3=3rd degree 7=NA, dob<1960 8=NA, no juv prs 9=Missing

Delinquent Adjudications -- 1986 to Present

4c.37 Number of 1986 to present delinquent adjudications
(22-23) ☐☐ 97=DOB before 1960 99=Missing

4c.38 Number of petitions with serious person adjudication
(24-25) ☐☐ 97=DOB before 1960 99=Missing

4c.39 Number of petitions with a serious property adjudication
(26-27) ☐☐ 97=DOB before 1960 99=Missing

4c.40 Number of petitions with a felony theft or RSP adjudication
(28-29) [ ][ ] 97=DOB before 1960 99=Missing

4c.41 Number of petitions with a drug adjudication
(30-31) [ ][ ] 97=DOB before 1960 99=Missing

4c.42 Number of petitions with a drug possession adjudication
(32-33) [ ][ ] 97=DOB before 1960 99=Missing

4c.43 Number of petitions with a drug sale/distribution adjudication
(34-35) [ ][ ] 97=DOB before 1960 99=Missing

4c.44 Number of petitions with a weapon adjudication
(36-37) [ ][ ] 97=DOB before 1960 99=Missing

4c.45 Number of petitions with a felony adjudication
(38-39) [ ][ ] 97=DOB before 1960 99=Missing

4c.46 Number of petitions with only a misdemeanor adjudication
(40-41) [ ][ ] 97=DOB before 1960 99=Missing

4c.47 Date of first 1986 to present delinquent adjudication
(42-47) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, DOB before 1960
98/98/98=NA, no 1986 to present adjudications
99/99/99=Date missing

4c.48 Most serious adjudicated charge

	charge code	statute code	
(48-56)	[ ][ ][ ][ ][ ]	[ ][ ][ ][ ]	999(9)7/8=NA

	felony/misd	severity	
(57-58)	[ ]	[ ]	
	1=Misdemeanor	1=1st degree	7=NA, dob<1960
	2=Felony	2=2nd degree	8=NA, no juv prs
	7 or 8=NA	3=3rd degree	9=Missing
	9=Missing		

Family Court Dispositions

4c.49 Number of petitions with consent decrees
(59-60) [ ][ ] 97=DOB before 1960 99=Missing

4c.50 Date of first consent decree
(61-66) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, DOB before 1960
98/98/98=NA, no consent decrees
99/99/99=Date missing

4c.51 Number of petitions with probation dispositions
(67-68) [ ][ ] 97=DOB before 1960 99=Missing

4c.52 Date of first probation disposition
(69-74) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, DOB before 1960
98/98/98=NA, no probation dispositions
99/99/99=Date missing

4c.53 Number of petitions with commitment dispositions
(75-76) [ ][ ] 97=DOB before 1960 99=Missing

CARD 8 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][8]

4c.54 Date of first commitment disposition
(7-12) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, DOB before 1960
98/98/98=NA, no commitment dispositions
99/99/99=Date missing

4c.55 Number of petitions with commitments to drug/alcohol treatment centers
(13) [ ] 6=6+ 7=DOB before 1960 9=Missing

4c.56 Date of first drug/alcohol commitment disposition
(14-19) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, DOB before 1960
98/98/98=NA, no drug/alc commitment dispositions
99/99/99=Date missing

Family Court Bench Warrants

4c.57 Number of pre-disposition bench warrants
(20-21) [ ][ ] 97=DOB before 1960 99=Missing

4c.58 Date of first pre-disposition bench warrant
(22-27) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, DOB before 1960
98/98/98=NA, no pre-disposition bench warrants
99/99/99=Date missing

4c.59 Number of post-disposition bench warrants
(28-29) [ ][ ] 97=DOB before 1960 99=Missing

4c.60 Date of first post-disposition bench warrant
(30-35) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, DOB before 1960
98/98/98=NA, no post-disposition bench warrants
99/99/99=Date missing

4c.61 Number of bench warrants issued for escapes from commitments
(36-37) [ ][ ] 97=DOB before 1960 99=Missing

4c.62 Date of first escape bench warrant
(38-43) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, DOB before 1960
98/98/98=NA, no escape bench warrants
99/99/99=Date missing

Follow-up Section

Start Date (Orientation Date)
(44-49) ☐☐ / ☐☐ / ☐☐

End Date (Add 120 days to the above date; or enter date that last open case was disposed, whichever comes first)
(50-55) ☐☐ / ☐☐ / ☐☐

SECTION 5: Sample Case Information

Pretrial Release Information

5.1 Was defendant released prior to adjudication of all charges related to the current arrest?
(56) ☐
0=no
1=yes, at preliminary arraignment
2=yes, from pretrial detention
3=yes, other(_____)
7=released, stage unknown
9=missing

5.2 Date of pretrial release
(57-62) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, not released pretrial
99/99/99=missing

5.3 How did defendant gain pretrial release?
(63-64) ☐☐
1=ROR
2=special cond., IA
3=special cond, IB
4=special cond., IIA
5=special cond., IIB
6=SOB
7=conditional release
8=cash bail
9=diversion
10=JvH
11=special release
12=bench warrant(s) heard
13=detainer lifted
14=other(_____)
98=NA, not released pretrial
99=missing

5.4 Final Bail Amount
(65-71) ☐☐☐☐☐☐☐
9999996=NA, no cash bail
9999997=NA, bench warrant only
9999998=NA, FOJ or murder
9999999=missing

Case Adjudication

5.5 Were all charges associated with the current arrest adjudicated?
(72) ☐
0=no 1=yes 9=missing

5.6 Date all charges were adjudicated
(73-78) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, all charges not adjudicated
99/99/99=missing

5.7 Most serious adjudication for current charges
(79) ☐
1=dropped/dismissed
2=diverted
3=acquitted
4=pled/adj. guilty
5=other(_____)
8=NA
9=missing

CARD 9 -- CJRI sequence number
(1-6) ☐☐☐☐0 9

5.8 Number of court dates during follow-up period
(7-8) ☐☐
0=none
97=# uncertain
98=NA
99=missing

5.9 Was the defendant's pretrial release "stepped up" because of a violation of his/her conditions of release?
(9) ☐
1=yes
2=no
7=NA, no violations
8=NA, no pretrial release
9=missing
(if "yes", specify violation_____)

5.10 Was the defendant's pretrial release "stepped down" because of compliance with his/her conditions of release?
(10) ☐
1=yes
2=no
8=NA, no pretrial release
9=missing

SECTION 6: Subsequent Contacts for Supervised Release on Special Conditions

Calls to AVR

6.1 Total number of calls defendant was required to make to the AVR(Types I & II release only: Type 1, 1 call per week every week while on pretrial release; Type 2, 2 calls per week every week while on pretrial release)
(11-12) ☐☐
0=none
99=missing

6.2 Number of successful calls to AVR
(13-14) ☐☐
0=none
97=successful calls, # uncertain
99=missing

6.3 Number of failures to call AVR
(15-16) ☐☐
0=none
97=failures, # uncertain
99=missing

6.4 Date of 1st failure to call AVR
(17-22) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no failures
99/99/99=missing

6.5 Outcome of 1st failure to call AVR
(23) ☐
0=no action taken
1=warning issued/letter sent
2=other(list_____)
7=NA, no failures
9=missing

6.6 Date of 2nd failure to call AVR
(24-29) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.7 Outcome of 2nd failure to call AVR
(30) ☐
(use above codes)

6.8 Date of most recent failure to call AVR
(31-36) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.9 Outcome of most recent failure to call AVR
(37) ☐
(use above codes)

Warrant Desk Contacts(Type IB, experimental, only)

6.10 Total number of attempted contacts from Warrant desk the night before a court date (Type IB, experimental, only)
(38-39) ☐☐
0=none
98=NA, not Type IB, experimental
99=missing

(See question 6.14 for which contacts are acceptable and which are unacceptable)

6.11 Number of acceptable contacts from Warrant desk the night before a court date (Type IB, experimental, only)
(40-41) ☐☐
0=none
97=acceptable contacts, # uncertain
98=NA, not Type IB, experimental
99=missing

6.12 Number of unacceptable contacts from Warrant desk the night before a court date (Type IB, experimental, only)
(42-43) ☐☐
0=none
97=unacceptable contacts, # uncertain
98=NA, not Type IB, experimental
99=missing

6.13 Date of 1st attempted contact by warrant desk the night before a court date (Type IB, experimental, only)
(44-49) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no attempted contacts
98/98/98=NA, not Type IB, experimental
99/99/99=missing

6.14 Outcome of 1st attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(50) ☐
0=unacceptable, no contact made/no answer
1=unacceptable, phone not in service
2=unacceptable, party does not know defendant
3=unacceptable, message left on answering machine
4=acceptable, defendant contacted
5=acceptable, relative contacted
(specify relative _____)
6=acceptable, friend contacted
7=other(_____)
8=NA, not Type IB, experimental/no attempted contact
9=missing

6.15 Date of 2nd attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(51-56) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.16 Outcome of 2nd attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(57) ☐
(use above codes)

6.17 Date of most recent attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(58-63) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.18 Outcome of most recent attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(64) ☐
(use above codes)

Appointments with Case Manager (Type IIB, experimental, only)

6.19 Total number of scheduled appointments with case manager 3 days before a court date (Type IIB, experimental, only)
(65-66) ☐☐
0=none
98=NA, not Type IIB, experimental
99=missing

6.20 Number of appointments with case manager 3 days before a court date that defendant kept(Type IIB, experimental, only)
(67-68) ☐☐
0=none
97=appointments kept, # uncertain
98=NA, not Type IIB, experimental
99=missing

6.21 Number of appointments with case manager 3 days before a court date that defendant missed (Type IIB, experimental, only)
(69-70) ☐☐
0=none
97=appointments missed, # uncertain
98=NA, not Type IIB, experimental
99=missing

6.22 Date of 1st appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(71-76) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.23 Outcome of 1st appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(77) ☐
0=defendant missed appointment, warrant officer made visit
1=defendant kept appointment
2=other(list_____)
7=NA, no appointments kept
8=NA, not Type IIB, experimental
9=missing

CARD 10 -- CJRI sequence number
(1-6) ☐☐☐☐10

6.24 Date of 2nd appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(7-12) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.25 Outcome of 2nd appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(13) ☐
(use above codes)

6.26 Date of most recent appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(14-19) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.27 Outcome of most recent appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(20) ☐
(use above codes)

6.28 Date of 1st missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(21-26) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments missed
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

Warrant Officer Visits(Type IIB, experimental, only)

6.29 Number of visits by warrant officers as a result of a missed appointment 3 days before a court date (Type IIB, experimental, only)
(27-28) ☐☐
0=none
96=NA, no missed appointments
97=visits made, # uncertain
98=NA, not Type IIB, experimental
99=missing

6.30 Date of 1st visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(29-34) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no visit/ no missed appointments
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.31 Outcome of 1st visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(35) ☐
0=unsuccessful, no contact made with defendant
1=successful, defendant contacted (warning issued)
7=NA, no visit/no missed appointments
8=NA, not Type IIB, experimental
9=missing

6.32 Date of 2nd visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(36-41) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.33 Outcome of 2nd visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(42) ☐
(use above codes)

6.34 Date of most recent visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(43-48) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.35 Outcome of most recent visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(49) ☐
(use above codes)

SECTION 7: Follow-Up FTAs

7.1 Total number of follow-up FTAs
(50-51) ☐☐ 00-96=Number 99=Missing

7.2 Number of willful follow-up FTAs
(52-53) ☐☐ 00-96=Number 99=Missing

7.3 Number of non-willful follow-up FTAs
(54-55) ☐☐ 00-96=Number 99=Missing

7.4 Number of undisposed follow-up bench warrants
(56-57) ☐☐ 00-96=Number 99=Missing

First Follow-Up FTA

7.5 Date of first follow-up FTA
(58-63) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no follow-up FTAs
99/99/99=Date missing

7.6 Disposition code -- first follow-up FTA
(64-67) ☐☐☐☐
8888=NA, no follow-up FTAs
9999=Missing

Second Follow-Up FTA

7.7 Date of second follow-up FTA
(68-73) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no second follow-up FTA
99/99/99=Date missing

7.8 Disposition code -- second follow-up FTA
(74-77) ☐☐☐☐
8888=NA, no second follow-up FTA
9999=Missing

CARD 11 – CJRI sequence number
(1-6) ☐☐☐☐11

Most Recent Follow-Up FTA

7.9 Date of most recent follow-up FTA
(7-12) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no most recent follow-up FTA
99/99/99=Date missing

7.10 Disposition code – most recent follow-up FTA
(13-16) ☐☐☐☐
8888=NA, no most recent follow-up FTA
9999=Missing

SECTION 8: Follow-Up Arrests

8.1 Number of rearrests during follow-up
(17-18) ☐☐ 00-96=Number 99=Missing

First Follow-Up Arrest

8.2 Date of first follow-up arrest
(19-24) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no rearrests
99/99/99=Date missing

8.3 Number of arrest charges
(25-26) ☐☐ 01-96=Number 98=NA 99=Missing

8.4 Most serious arrest charge

	charge code	statute code	
(27-35)	☐☐☐☐☐	☐☐☐☐	99998/9998=NA

	felony/misd	severity		
(36-37)	☐	☐		
	1=Misdemeanor	1=1st degree	5=F-capital	
	2=Felony	2=2nd degree		
	8=NA	3=3rd degree	8=NA	
	9=Missing	4=F-life	9=Missing	

8.5 Any serious person charges?
(38) ☐ 0=No 1=Yes 8=NA 9=Missing

8.6 Any serious property charges?
(39) ☐ 0=No 1=Yes 8=NA 9=Missing

8.7 Any felony theft or RSP charges?
(40) ☐ 0=No 1=Yes 8=NA 9=Missing

8.8 Any drug charges?
(41) ☐
0=No 3=Yes, both
1=Yes, possession 8=NA
2=Yes, sale/dist. 9=Missing

8.9 Any weapon charges?
(42) ☐
0=No 3=Yes, other (_____)
1=Yes, firearms 8=NA
2=Yes, unspecified 9=Missing

Second Follow-Up Arrest

8.10 Date of second follow-up arrest
(43-48) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no 2nd rearrest
99/99/99=Date missing

8.11 Number of arrest charges
(49-50) ☐☐ 01-96=Number 98=NA 99=Missing

8.12 Most serious arrest charge
charge code statute code
(51-59) ☐☐☐☐☐ ☐☐☐☐ 99998/9998=NA
felony/misd severity
(60-61) ☐ ☐
1=Misdemeanor 1=1st degree 5=F-capital
2=Felony 2=2nd degree
8=NA 3=3rd degree 8=NA
9=Missing 4=F-life 9=Missing

8.13 Any serious person charges?
(62) ☐ 0=No 1=Yes 8=NA 9=Missing

8.14 Any serious property charges?
(63) ☐ 0=No 1=Yes 8=NA 9=Missing

8.15 Any felony theft or RSP charges?
(64) ☐ 0=No 1=Yes 8=NA 9=Missing

8.16 Any drug charges?
(65) ☐
0=No 3=Yes, both
1=Yes, possession 8=NA
2=Yes, sale/dist. 9=Missing

8.17 Any weapon charges?
(66) ☐
0=No 3=Yes, other(_____)
1=Yes, firearms 8=NA
2=Yes, unspecified 9=Missing

Most Recent Follow-Up Arrest

8.18 Date of most recent follow-up arrest
(67-72) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no most recent rearrest
99/99/99=Date missing

8.19 Number of arrest charges
(73-74) ☐☐ 01-96=Number 98=NA 99=Missing

CARD 12 -- CJRI sequence number
(1-6) ☐☐☐☐12

8.20 Most serious arrest charge
charge code statute code
(7-15) ☐☐☐☐☐ ☐☐☐☐ 99998/9998=NA
felony/misd severity
(16-17) ☐ ☐
1=Misdemeanor 1=1st degree 5=F-capital
2=Felony 2=2nd degree
8=NA 3=3rd degree 8=NA
9=Missing 4=F-life 9=Missing

8.21 Any serious person charges?
(18) ☐ 0=No 1=Yes 8=NA 9=Missing

8.22 Any serious property charges?
(19) ☐ 0=No 1=Yes 8=NA 9=Missing

8.23 Any felony theft or RSP charges?
(20) ☐ 0=No 1=Yes 8=NA 9=Missing

8.24 Any drug charges?
(21) ☐
0=No 3=Yes, both
1=Yes, possession 8=NA
2=Yes, sale/dist. 9=Missing

8.25 Any weapon charges?
(22) ☐
0=No 3=Yes,other(_____)
1=Yes, firearms 8=NA
2=Yes, unspecified 9=Missing

SECTION 9: Follow-Up Confinements

9.1 Number of jail or prison confinements during follow-up
(23-24) ☐☐ 00-96=Number 99=Missing
98=NA, not released pretrial

9.2 Total number of days confined during follow-up
(25-27) ☐☐☐ 00-180=Number 999=Missing
998=NA, not released pretrial

9.3 Date of entry to first follow-up confinement
(28-33) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no confinements
98/98/98=NA, never released during follow-up period
99/99/99=Date missing

9.4 Date of release from first follow-up confinement
(34-39) ☐☐ / ☐☐ / ☐☐
00/00/00=Still in 1st confinement at end of follow-up
97/97/97=NA, no confinements
98/98/98=NA, never released during follow-up period
99/99/99=Date missing

SECTION 10a: Open/Pending Case Outcomes

Most Serious Open/Pending Case Outcome

10a.1 Most serious open/pending case outcome
(40) ☐
0=none, still awaiting trial
1=none, fugitive
2=acquitted
3=dropped/dismissed(all charges)
4=diverted
5=adj./pled guilty
6=other (_____)
8=na, no open cases
9=missing

10a.2 Adjudication date of most serious open/pending case outcome
(41-46) ☐☐ / ☐☐ / ☐☐
98/98/98=na,no open/pending cases 99/99/99=missing

10a.3 Number of convicted charges
(47-48) ☐☐
97=na, cases still open
98=na, no open/pending cases
99=missing

10a.4 Most serious convicted charge
charge code statute code
(49-57) ☐☐☐☐☐ ☐☐☐☐
felony/misd severity
(58-59) ☐ ☐
1=Misdemeanor 1=1st degree 7=na,cases open
2=Felony 2=2nd degree 8=NA, no open/
7=na,cases still open 3=3rd degree pending cases
8=na,no open/ 4=F-life 9=missing
pending cases
9=missing

10a.5 Date of sentence
(60-65) ☐☐ / ☐☐ / ☐☐
97/97/97=na, cases still open
98/98/98=na, no open/pending cases
99/99/99=Missing

10a.6 Sentence: time on probation (in months)
(66-68) ☐☐☐
000-995=Number 998=na,no open/pending cases
996=Diversion 999=missing
997=na,cases still open

10a.7 Sentence: time in jail/prison (in months)
min. max.
(69-74) ☐☐☐ to ☐☐☐
000-996=# of months
997=na, cases still open
998=na, no open/pending cases
999=Missing

All Adjudicated Open/Pending Cases(including most serious)

10a.8 Any serious person convictions?
(75) ☐
0=no 8=na, no open/pending cases
1=yes 9=missing
7=na, cases still open

10a.9 Any serious property convictions?
(76) ☐
0=no 8=na, no open/pending cases
1=yes 9=missing
7=na, cases still open

10a.10 Any felony theft or RSP convictions?
(77) ☐
0=no 8=na, no open/pending cases
1=yes 9=missing
7=na, cases still open

10a.11 Any drug convictions?
(78) ☐
0=No 7=na,cases still open
1=Yes, poss. Only 8=na,no open/pending
2=Yes, sale/dist. only cases
3=Yes, both 9=missing

10a.12 Any weapon convictions?
(79) ☐
0=No 7=na,cases still open
1=Yes, firearms 8=na,no open/pending
2=Yes, unspec. weapon cases
3=Yes,other(_____ 9=missing
_____)

CARD 13 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][1][3]

10a.13 Date that last open/pending case was disposed
(7-12) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=na, cases still open/pending at end of follow-up
98/98/98=na, no open/pending cases
99/99/99=missing

10a.14 How many open/pending cases were still open at the end of the follow-up period?
(13-14) [ ][ ]
0=none 98=na,no open/pending cases 99=missing

SECTION 10b: Current Case Outcome/Final Status

10b.1 Has the current case been adjudicated?
(15) [ ]
0=no, still awaiting trial
1=no, fugitive
2=yes, defendant acquitted
3=yes, case dropped(all charges)
4=yes, defendant diverted
5=yes, adj./pled guilty
6=other (_____)
9=missing

10b.2 Number of convicted charges
(16-17) [ ][ ] 98=na,case open 99=Missing

10b.3 Most serious convicted charge
charge code statute code
(18-26) [ ][ ][ ][ ][ ] [ ][ ][ ][ ]
felony/misd severity
(27-28) [ ] [ ]
1=Misdemeanor 1=1st degree 5=F-capital
2=Felony 2=2nd degree 8=NA, case open
8=NA, case open 3=3rd degree 9=missing
9=missing 4=F-life

10b.4 Any serious person convictions?
(29) [ ] 0=No 1=Yes 8=NA 9=Missing

10b.5 Any serious property convictions?
(30) [ ] 0=No 1=Yes 8=NA 9=Missing

10b.6 Any felony theft or RSP convictions?
(31) [ ] 0=No 1=Yes 8=NA 9=Missing

10b.7 Any drug convictions?
(32) [ ]
0=No 3=Yes, both
1=Yes, poss. Only 8=NA, case open
2=Yes, sale/dist. only 9=Missing

10b.8 Any weapon convictions?
(33) [ ]
0=No 3=Yes,other(_____)
1=Yes, firearms 8=NA, case open
2=Yes, unspec. weapon 9=Missing

10b.9 Date of sentence
(34-39) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, case open
99/99/99=Missing

10b.10 Sentence: time on probation (in months)
(40-42) [ ][ ][ ]
000-996=Number 998=NA, case open
997=Diversion 999=missing

10b.11 Sentence: time in jail/prison (in months)
min. max.
(43-48) [ ][ ][ ] to [ ][ ][ ]
000-997=# of months 998=NA, case open 999=Missing

10b.12 Status at end of the follow-up period
(49-50) [ ][ ]
01=Fugitive
02=Still awaiting trial, released
03=Still awaiting trial, detained
04=Convicted, incarcerated
07=Convicted, under APPD supervision
08=Case(s) disposed, no longer in system (acquitted, dismissed)
97=Other (_____)
99=Missing/unknown

Coders (Initials): Date begun: / /

Pretrial Release Experiment
Data Collection Form(D)
AVR Check-ins

CARD 1 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][1]

Section 1: Identification

1.1 Sample [ ]
1=IA 3=IB
2=IIA 4=IIB

1.2 Police Photo Number
[ ][ ][ ][ ][ ][ ]

1.3 Orientation Date
[ ][ ] / [ ][ ] / [ ][ ]

1.4 End Date
[ ][ ] / [ ][ ] / [ ][ ]

Section 2: AVR Check-ins

Week 1
2.1 Week 1: Call 1
[ ][ ] / [ ][ ] / [ ][ ]
99/99/99=no AVR call indicated

2.2 Week 1: Call 2
[ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, Type 1
99/99/99=no AVR call indicated

2.3 If a call was not made, did Pretrial take any action? [ ]
0=no action indicated on tracking records
1=yes, warning letter sent
2=yes, case manager made phone call
3=yes, other (_____)
8=NA, all AVR calls made

Week 2
2.4 Week 2: Call 1
[ ][ ] / [ ][ ] / [ ][ ]
(use above codes)

2.5 Week 2: Call 2
[ ][ ] / [ ][ ] / [ ][ ]
(use above codes)

2.6 If a call was not made, did Pretrial take any action? [ ]
(use above codes)

Week 3
2.7 Week 3: Call 1
[ ][ ] / [ ][ ] / [ ][ ]
(use above codes)

2.8 Week 3: Call 2
[ ][ ] / [ ][ ] / [ ][ ]
(use above codes)

2.9 If a call was not made, did Pretrial take any action? [ ]
(use above codes)

Week 4
2.10 Week 4: Call 1
[ ][ ] / [ ][ ] / [ ][ ]
(use above codes)

2.11 Week 4: Call 2
[ ][ ] / [ ][ ] / [ ][ ]
(use above codes)

2.12 If a call was not made, did Pretrial take any action? [ ]
(use above codes)

Week 5

2.13 Week 5: Call 1

☐☐ / ☐☐ / ☐☐

(use above codes)

2.14 Week 5: Call 2

☐☐ / ☐☐ / ☐☐

(use above codes)

2.15 If a call was not made, did Pretrial take any action?

☐

(use above codes)

Week 6

2.16 Week 6: Call 1

☐☐ / ☐☐ / ☐☐

(use above codes)

2.17 Week 6: Call 2

☐☐ / ☐☐ / ☐☐

(use above codes)

2.18 If a call was not made, did Pretrial take any action?

☐

(use above codes)

Week 7

2.19 Week 7: Call 1

☐☐ / ☐☐ / ☐☐

(use above codes)

2.20 Week 7: Call 2

☐☐ / ☐☐ / ☐☐

(use above codes)

2.21 If a call was not made, did Pretrial take any action?

☐

(use above codes)

Week 8

2.22 Week 8: Call 1

☐☐ / ☐☐ / ☐☐

(use above codes)

2.23 Week 8: Call 2

☐☐ / ☐☐ / ☐☐

(use above codes)

2.24 If a call was not made, did Pretrial take any action?

☐

(use above codes)

Week 9

2.25 Week 9: Call 1

☐☐ / ☐☐ / ☐☐

(use above codes)

2.26 Week 9: Call 2

☐☐ / ☐☐ / ☐☐

(use above codes)

2.27 If a call was not made, did Pretrial take any action?

☐

(use above codes)

Week 10

2.28 Week 10: Call 1

☐☐ / ☐☐ / ☐☐

(use above codes)

2.29 Week 10: Call 2

☐☐ / ☐☐ / ☐☐

(use above codes)

2.30 If a call was not made, did Pretrial take any action?

☐

(use above codes)

Week 11

2.31 Week 11: Call 1

☐☐ / ☐☐ / ☐☐

(use above codes)

2.32 Week 11: Call 2

☐☐ / ☐☐ / ☐☐

(use above codes)

2.33 If a call was not made, did Pretrial take any action?

☐

(use above codes)

Week 12

2.34 Week 12: Call 1

☐☐ / ☐☐ / ☐☐

(use above codes)

2.35 Week 12: Call 2
☐☐ / ☐☐ / ☐☐
(use above codes)

2.36 If a call was not made, did Pretrial take any action?
☐
(use above codes)

Week 13
2.37 Week 13: Call 1
☐☐ / ☐☐ / ☐☐
(use above codes)

2.38 Week 13: Call 2
☐☐ / ☐☐ / ☐☐
(use above codes)

2.39 If a call was not made, did Pretrial take any action?
☐
(use above codes)

Week 14
2.40 Week 14: Call 1
☐☐ / ☐☐ / ☐☐
(use above codes)

2.41 Week 14: Call 2
☐☐ / ☐☐ / ☐☐
(use above codes)

2.42 If a call was not made, did Pretrial take any action?
☐
(use above codes)

Week 15
2.43 Week 15: Call 1
☐☐ / ☐☐ / ☐☐
(use above codes)

2.44 Week 15: Call 2
☐☐ / ☐☐ / ☐☐
(use above codes)

2.45 If a call was not made, did Pretrial take any action?
☐
(use above codes)

Week 16
2.46 Week 16: Call 1
☐☐ / ☐☐ / ☐☐
(use above codes)

2.47 Week 16: Call 2
☐☐ / ☐☐ / ☐☐
(use above codes)

2.48 If a call was not made, did Pretrial take any action?
☐
(use above codes)

Coders (Initials): Date begun: / /

Pretrial Release Experiment

Data Collection Form(E)

SECTION 1: Identification

CARD 1 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][1]

1.1 Police photo number
(7-12) [ ][ ][ ][ ][ ][ ]

1.2 Name
Last
(13-24) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]
First MI
(25-35) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]

Sample
(36) [ ] 3=IB

Start Date (Orientation Date)
(37-42) [ ][ ] / [ ][ ] / [ ][ ]

End Date (Add 120 days to the above date; or enter date that last open case was disposed, whichever comes first)
(43-48) [ ][ ] / [ ][ ] / [ ][ ]

SECTION 6: Warrant Desk Contacts(Type IB, experimental, only)

6.10 Total number of attempted contacts from Warrant desk the night before a court date (Type IB, experimental, only)
(49-50) [ ][ ]
0=none
98=NA, not Type IB, experimental
99=missing

(See question 6.14 for which contacts are acceptable and which are unacceptable)
6.11 Number of acceptable contacts from Warrant desk the night before a court date (Type IB, experimental, only)
(51-52) [ ][ ]
0=none
97=acceptable contacts, # uncertain
98=NA, not Type IB, experimental
99=missing

6.12 Number of unacceptable contacts from Warrant desk the night before a court date (Type IB, experimental, only)
(53-54) [ ][ ]
0=none
97=unacceptable contacts, # uncertain
98=NA, not Type IB, experimental
99=missing

6.13 Date of 1st attempted contact by warrant desk the night before a court date (Type IB, experimental, only)
(55-60) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, no attempted contacts
98/98/98=NA, not Type IB, experimental
99/99/99=missing

6.14 Outcome of 1st attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(61) [ ]
0=unacceptable, no contact made/no answer
1=unacceptable, phone not in service
2=unacceptable, party does not know defendant
3=unacceptable, message left on answering machine
4=acceptable, defendant contacted
5=acceptable, relative contacted
(specify relative_____)
6=acceptable, friend contacted
7=other(_____)
8=NA, not Type IB, experimental/no attempted contact
9=missing

6.15 Date of 2nd attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(62-67) [ ][ ] / [ ][ ] / [ ][ ]
(use above codes)

6.16 Outcome of 2nd attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(68) [ ]
(use above codes)

6.17 Date of 3rd attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(69-74) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.18 Outcome of 3rd attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(75) ☐
(use above codes)

CARD 2 -- CJRI sequence number
(1-6) ☐☐☐☐02

6.19 Date of 4th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(7-12) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.20 Outcome of 4th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(13) ☐
(use above codes)

6.21 Date of 5th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(14-19) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.22 Outcome of 5th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(20) ☐
(use above codes)

6.23 Date of 6th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(21-26) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.24 Outcome of 6th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(27) ☐
(use above codes)

6.25 Date of 7th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(28-33) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.26 Outcome of 7th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(34) ☐
(use above codes)

6.27 Date of 8th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(35-40) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.28 Outcome of 8th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(41) ☐
(use above codes)

6.29 Date of 9th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(42-47) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.30 Outcome of 9th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(48) ☐
(use above codes)

6.31 Date of 10th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(49-54) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.32 Outcome of 10th attempt to contact by warrant desk the night before a court date (Type IB, experimental, only)
(55) ☐
(use above codes)

Coders (Initials): Date begun: / /

Pretrial Release Experiment

Data Collection Form(F)

SECTION 1: Identification

CARD 1 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][1]

1.1 Police photo number
(7-12) [ ][ ][ ][ ][ ][ ]

1.2 Name
Last
(13-24) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]
First MI
(25-35) [ ][ ][ ][ ][ ][ ][ ][ ][ ] [ ]

Sample
(36) [ ] 4=IIB

Start Date (Orientation Date)
(37-42) [ ][ ] / [ ][ ] / [ ][ ]

End Date (Add 120 days to the above date; or enter date that last open case was disposed, whichever comes first)
(43-48) [ ][ ] / [ ][ ] / [ ][ ]

SECTION 1: Appointments with Case Manager (Type IIB, experimental, only)

6.19 Total number of scheduled appointments with case manager 3 days before a court date (Type IIB, experimental, only)
(49-50) [ ][ ]
0=none
98=NA, not Type IIB, experimental
99=missing

6.20 Number of appointments with case manager 3 days before a court date that defendant kept(Type IIB, experimental, only)
(51-52) [ ][ ]
0=none
97=appointments kept, # uncertain
98=NA, not Type IIB, experimental
99=missing

6.21 Number of appointments with case manager 3 days before a court date that defendant missed (Type IIB, experimental, only)
(53-54) [ ][ ]
0=none
97=appointments missed, # uncertain
98=NA, not Type IIB, experimental
99=missing

6.22 Date of 1st appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(55-60) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.23 Date of 1st court date (Type IIB, experimental, only)
(61-66) [ ][ ] / [ ][ ] / [ ][ ]
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.24 Outcome of 1st appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(67) [ ]
0=defendant missed appointment, warrant officer made visit
1=defendant kept appointment
2=defendant missed appointment, no action taken
3=other(list_____)
7=NA, no appointments kept
8=NA, not Type IIB, experimental
9=missing

6.25 Date of 2nd appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(68-73) [ ][ ] / [ ][ ] / [ ][ ]
(use above codes)

6.26 Date of 2nd court date (Type IIB, experimental, only)
(74-79) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

CARD 2 -- CJRI sequence number
(1-6) ☐☐☐☐02

6.27 Outcome of 2nd appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(7) ☐
(use above codes)

6.28 Date of 3rd appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(8-13) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.29 Date of 3rd court date (Type IIB, experimental, only)
(14-19) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.30 Outcome of 3rd appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(20) ☐
(use above codes)

6.31 Date of 4th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(21-26) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.32 Date of 4th court date (Type IIB, experimental, only)
(27-32) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.33 Outcome of 4th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(33) ☐
(use above codes)

6.34 Date of 5th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(34-39) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.35 Date of 5th court date (Type IIB, experimental, only)
(40-45) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.36 Outcome of 5th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(46) ☐
(use above codes)

6.37 Date of 6th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(47-52) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.38 Date of 6th court date (Type IIB, experimental, only)
(53-58) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.39 Outcome of 6th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(59) ☐
(use above codes)

6.40 Date of 7th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(60-65) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.41 Date of 7th court date (Type IIB, experimental, only)
(66-71) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.42 Outcome of 7th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(72) ☐
(use above codes)

6.43 Date of 8th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(73-78) ☐☐ / ☐☐ / ☐☐
(use above codes)

CARD 3 -- CJRI sequence number
(1-6) ☐☐☐☐0 3

6.44 Date of 8th court date (Type IIB, experimental, only)
(7-12) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.45 Outcome of 8th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(13) ☐
(use above codes)

6.46 Date of 9th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(14-19) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.47 Date of 9th court date (Type IIB, experimental, only)
(20-25) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.48 Outcome of 9th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(26) ☐
(use above codes)

6.49 Date of 10th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(27-32) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.50 Date of 10th court date (Type IIB, experimental, only)
(33-38) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments kept
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.51 Outcome of 10th appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(39) ☐
(use above codes)

6.52 Court Date of 1st missed appointment with case manager (Type IIB, experimental, only)
(40-45) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no appointments missed
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

Warrant Officer Visits(Type IIB, experimental, only)

6.53 Number of visits by warrant officers as a result of a missed appointment 3 days before a court date (Type IIB, experimental, only)
(46-47) ☐☐
0=none
96=NA, no missed appointments
97=visits made, # uncertain
98=NA, not Type IIB, experimental
99=missing

6.54 Date of 1st visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(48-53) ☐☐ / ☐☐ / ☐☐
97/97/97=NA, no visit/ no missed appointments
98/98/98=NA, not Type IIB, experimental
99/99/99=missing

6.55 Outcome of 1st visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(54) ☐
0=unsuccessful, defendant not contacted
1=successful, defendant contacted (warning issued)
2=successful, friend/relative contacted
7=NA, no visit/no missed appointments
8=NA, not Type IIB, experimental
9=missing

6.56 Date of 2nd visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(55-60) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.57 Outcome of 2nd visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(61) ☐
(use above codes)

6.58 Date of most recent visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(62-67) ☐☐ / ☐☐ / ☐☐
(use above codes)

6.59 Outcome of most recent visit by warrant officers for missed appointment with case manager 3 days before a court date (Type IIB, experimental, only)
(68) ☐
(use above codes)

Coders (Initials): Date begun: / /

Pretrial Release Experiment: No-shows at Orientation

Data Collection Form

CARD 1 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][1]

Follow-up Start Date/Orientation date

_____

SECTION 1: Identification

1.1 Police photo number
(7-12) [ ][ ][ ][ ][ ][ ]

1.2 Name
Last
(13-27) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]
First MI
(28-38) [ ][ ][ ][ ][ ][ ][ ][ ][ ] [ ]

1.3 Court case number (most serious)
court case number n/n
(39-50) [ ][ ] [ ][ ][ ][ ][ ][ ][ ][ ] [ ][ ]

SECTION 2: Demographics

2.1 Date of birth [mm/dd/yy]
(51-56) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

2.2 Race/ethnicity
(57) [ ]
1=African American 4=Asian American
2=White 5=Other (_____)
3=Hispanic 9=Missing

2.3 Gender
(58) [ ] 1=Male 2=Female 9=Missing

SECTION 3: Current Case

3.1 Date of arrest
(59-64) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

3.2 Number of court cases in current arrest
(65-66) [ ][ ] 01-96=Number 99=Missing

Number of arrest charges
(67-68) [ ][ ] 01-96=Number 99=Missing

3.4 Most serious arrest charge
charge code statute code
(69-77) [ ][ ][ ][ ][ ] [ ][ ][ ][ ]
felony/misd severity
(78-79) [ ] [ ]
1=Misdemeanor 1=1st degree 4=F-life
2=Felony 2=2nd degree 5=F-capital
9=Missing 3=3rd degree 9=Missing

CARD 2 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][2]

3.5 Any serious person arrest charges?
(7) [ ] 0=No 1=Yes 9=Missing

3.6 Any serious property arrest charges?
(8) [ ] 0=No 1=Yes 9=Missing

3.7 Any felony theft or RSP arrest charges?
(9) [ ] 0=No 1=Yes 9=Missing

3.8 Any drug arrest charges?
(10) [ ]
0=No 3=Yes, both
1=Yes, poss. only
2=Yes, sale/dist. only 9=Missing

3.9 Any weapon arrest charges?
(11) [ ]
0=No 3=Yes, other (_____)
1=Yes, firearms
2=Yes, unspec. weapon 9=Missing

Preliminary Arraignment Information

3.10 Date of Preliminary Arraignment
(12-17) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Date missing

3.11 Bail Commissioner
(18) [ ]
1=Polokoff 6=Hill
2=O'Brien 7=McCook
3=McSorley 8=Blake
4=Watson 9=missing
5=Rebstock

3.12 Recommended Bail Guidelines Cell(01-40)
(19-20) ☐☐
96=other(_____)
97=NA, bench warrant only
98=NA, FOJ or murder
99=missing

3.13 Recommended Type of Decision
(21) ☐
1=ROR
2=Type I release
3=Type II release
4=Cash bail
5=other(_____)
7=NA, bench warrant only
8=NA, FOJ or murder
9=missing

3.14 Were there any unusual circumstances?
0=no
1=yes
7=NA, bench warrant only
8=NA, FOJ/murder
9=missing
☐ (22) more than 10 willful FTA's
☐ (23) more than 2 additional open cases
☐ (24) recently released from prison/mental hospital
☐ (25) complainant resides at address (domestic violence)
☐ (26) defendant is in violation of Type I/II release
☐ (27) defendant not Phila. resident/less than 6 months
☐ (28) other(_____)

3.15 Bail Commissioner's Decision
(29) ☐
1=ROR
2=Type I release
3=Type II release
4=Cash
5=other(_____)
7=NA, bench warrant only
8=NA, FOJ or murder
9=missing

3.16 Cash Bail Amount
(30-36) ☐☐☐☐☐☐☐
9999996=NA, no cash bail
9999997=NA, bench warrant only
9999998=NA, FOJ or murder
9999999=missing

3.17 Did the Bail Commissioner follow the Guidelines?
(37) ☐
1=yes
2=no, more restrictive
3=no, less restrictive
7=NA, bench warrant only
8=NA, FOJ or murder
9=missing

3.18 What were the reasons for departure from the guidelines?
0=no
1=yes
6=NA, guidelines followed
7=NA, bench warrant only
8=NA, FOJ/murder
9=missing
☐ (38) domestic violence
☐ (39) nature of offense
☐ (40) probation
☐ (41) mandatory sentence
☐ (42) bench warrants
☐ (43) firearms-related
☐ (44) prior FTA's
☐ (45) open cases
☐ (46) address
☐ (47) detainer
☐ (48) drg/alcoh-related
☐ (49) prior crim. hist.
☐ (50) other(_____)

SECTION 4a: Prior Record - Criminal History

Orientation Date _____

Arrests

4a.1 Number of prior adult arrests
(51-52) ☐☐ 00-96=Number 99=Missing

4a.2 Of these arrests, number pending at time of preliminary arraignment
(53-54) ☐☐ 00-96=Number 99=Missing

4a.3 Number of arrests; serious person charges
(55-56) ☐☐ 00-96=Number 99=Missing

4a.4 Number of arrests; serious property charges
(57-58) ☐☐ 00-96=Number 99=Missing

4a.5 Number of arrests; felony theft or RSP
(59-60) ☐☐ 00-96=Number 99=Missing

4a.6 Number of arrests; drug charges
(61-62) ☐☐ 00-96=Number 99=Missing

4a.7 Number of arrests; drug possession
(63-64) ☐☐ 00-96=Number 99=Missing

4a.8 Number of arrests; drug sale/distribution
(65-66) ☐☐ 00-96=Number 99=Missing

4a.9 Number of arrests; weapon charges
(67-68) ☐☐ 00-96=Number 99=Missing

4a.10 Number of felony arrests
(69-70) ☐☐ 00-96=Number 99=Missing

4a.11 Number of misdemeanor arrests
(71-72) ☐☐ 00-96=Number 99=Missing

4a.12 Number of arrests during the three years prior to the preliminary arraignment date
(73-74) [ ][ ] 00-96=Number 99=Missing

ARD 3 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][3]

Convictions

4a.13 Number of prior adult convictions
(7-8) [ ][ ] 00-96=Number 99=Missing

4a.14 Number of convictions; serious person charges
(9-10) [ ][ ] 00-96=Number 99=Missing

4a.15 Number of convictions; serious property charges
(11-12) [ ][ ] 00-96=Number 99=Missing

4a.16 Number of convictions; felony theft or RSP
(13-14) [ ][ ] 00-96=Number 99=Missing

4a.17 Number of convictions; drug charges
(15-16) [ ][ ] 00-96=Number 99=Missing

4a.18 Number of convictions; drug possession
(17-18) [ ][ ] 00-96=Number 99=Missing

4a.19 Number of convictions; drug sale/distribution
(19-20) [ ][ ] 00-96=Number 99=Missing

4a.20 Number of convictions; weapon charges
(21-22) [ ][ ] 00-96=Number 99=Missing

4a.21 Number of felony convictions
(23-24) [ ][ ] 00-96=Number 99=Missing

4a.22 Number of misdemeanor convictions
(25-26) [ ][ ] 00-96=Number 99=Missing

4a.23 Number of convictions during the three years prior to the preliminary arraignment date
(27-28) [ ][ ] 00-96=Number 99=Missing

SECTION 4b: Prior Record - FTAs

4b.1 Number of prior willful FTAs
(29-30) [ ][ ] 00-96=Number 99=Missing

4b.2 Number of willful FTAs during the three years prior to the preliminary arraignment date
(31-32) [ ][ ] 00-96=Number 99=Missing

SECTION 4c: Prior Record - Family Court

4c.1 Juvenile number
(33-40) [ ][ ][ ][ ][ ][ ] - [ ][ ]
999997-97=NA, DOB before 1960
999998-98=NA, DOB after 1960; no record

Juvenile Delinquency Petitions

4c.2 Number of delinquency petitions filed
(41-42) [ ][ ] 97=DOB before 1960 99=Missing

Delinquent Adjudications -- Pre-1986

4c.3 Number of pre-1986 delinquent adjudications
(43-44) [ ][ ] 97=DOB before 1960 99=Missing

Delinquent Adjudications -- 1986 to Present

4c.4 Number of 1986 to present delinquent adjudications
(45-46) [ ][ ] 97=DOB before 1960 99=Missing

Family Court Dispositions

4c.5 Number of petitions with consent decrees
(47-48) [ ][ ] 97=DOB before 1960 99=Missing

4c.6 Number of petitions with probation dispositions
(49-50) [ ][ ] 97=DOB before 1960 99=Missing

4c.7 Number of petitions with commitment dispositions
(51-52) [ ][ ] 97=DOB before 1960 99=Missing

4c.8 Number of petitions with commitments to drug/alcohol treatment centers
(53) [ ] 6=6+ 7=DOB before 1960 9=Missing

Family Court Bench Warrants

4c.9 Number of pre-disposition bench warrants
(54-55) [ ][ ] 97=DOB before 1960 99=Missing

4c.10 Number of post-disposition bench warrants
(56-57) [ ][ ] 97=DOB before 1960 99=Missing

4c.11 Number of bench warrants issued for escapes from commitments
(58-59) [ ][ ] 97=DOB before 1960 99=Missing

Follow-up Section

Start Date (Orientation date
(60-65) ☐☐ / ☐☐ / ☐☐

End Date (Add 120 days to the above date; or enter date that current case was disposed, whichever comes first)
(66-71) ☐☐ / ☐☐ / ☐☐

SECTION 5: Sample Case Information

Pretrial Release Information

5.1 Was defendant released prior to adjudication of all charges related to the current arrest?
(72) ☐
0=no
1=yes, at preliminary arraignment
2=yes, from pretrial detention
3=yes, other(_____)
7=released, stage unknown
9=missing

5.2 Date of pretrial release
(73-78) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, not released pretrial
99/99/99=missing

5.3 How did defendant gain pretrial release?
(79-80) ☐☐

1=ROR	10=JvH
2=special cond., I	11=special release
3=special cond., II	12=bench warrant(s) heard
4=SOB	13=detainer lifted
5=conditional release	14=other(_____)
6=cash bail	98=NA,not released pretrial
7=diversion	99=missing

CARD 4 -- CJRI sequence number
(1-6) ☐☐☐☐04

SECTION 6: Follow-Up FTAs

6.1 Total number of follow-up FTAs
(7-8) ☐☐ 00-96=Number 99=Missing

6.2 Number of willful follow-up FTAs
(9-10) ☐☐ 00-96=Number 99=Missing

6.3 Number of non-willful follow-up FTAs
(11-12) ☐☐ 00-96=Number 99=Missing

6.4 Number of undisposed follow-up bench warrants
(13-14) ☐☐ 00-96=Number 99=Missing

First Follow-Up FTA

6.5 Date of first follow-up FTA
(15-20) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no follow-up FTAs
99/99/99=Date missing

6.6 Disposition code -- first follow-up FTA
(21-24) ☐☐☐☐
8888=NA, no follow-up FTAs
9999=Missing

Second Follow-Up FTA

6.7 Date of second follow-up FTA
(25-30) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no second follow-up FTA
99/99/99=Date missing

6.8 Disposition code -- second follow-up FTA
(31-34) ☐☐☐☐
8888=NA, no second follow-up FTA
9999=Missing

Most Recent Follow-Up FTA

6.9 Date of most recent follow-up FTA
(35-40) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no most recent follow-up FTA
99/99/99=Date missing

6.10 Disposition code – most recent follow-up FTA
(41-44) ☐☐☐☐
8888=NA, no most recent follow-up FTA
9999=Missing

SECTION 7: Follow-Up Arrests

7.1 Number of rearrests during follow-up
(45-46) ☐☐ 00-96=Number 99=Missing

First Follow-Up Arrest

7.2 Date of first follow-up arrest
(47-52) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no rearrests
99/99/99=Date missing

7.3 Number of arrest charges
(53-54) ☐☐ 01-96=Number 98=NA 99=Missing

7.4 Most serious arrest charge

(55-63) charge code [ ][ ][ ][ ][ ] statute code [ ][ ][ ][ ] 99998/9998=NA

(64-65) felony/misd [ ] severity [ ]

1=Misdemeanor	1=1st degree	5=F-capital
2=Felony	2=2nd degree	
8=NA	3=3rd degree	8=NA
9=Missing	4=F-life	9=Missing

7.5 Any serious person charges?

(66) [ ] 0=No 1=Yes 8=NA 9=Missing

7.6 Any serious property charges?

(67) [ ] 0=No 1=Yes 8=NA 9=Missing

7.7 Any felony theft or RSP charges?

(68) [ ] 0=No 1=Yes 8=NA 9=Missing

7.8 Any drug charges?

(69) [ ]

0=No	3=Yes, both
1=Yes, possession	8=NA
2=Yes, sale/dist.	9=Missing

7.9 Any weapon charges?

(70) [ ]

0=No	3=Yes, other (_____)
1=Yes, firearms	8=NA
2=Yes, unspecified	9=Missing

CARD 5 -- CJRI sequence number

(1-6) [ ][ ][ ][ ][0][5]

Second Follow-Up Arrest

7.10 Date of second follow-up arrest

(7-12) [ ][ ] / [ ][ ] / [ ][ ]

98/98/98=NA, no 2nd rearrest
99/99/99=Date missing

7.11 Number of arrest charges

(13-14) [ ][ ] 01-96=Number 98=NA 99=Missing

7.12 Most serious arrest charge

(15-23) charge code [ ][ ][ ][ ][ ] statute code [ ][ ][ ][ ] 99998/9998=NA

(24-25) felony/misd [ ] severity [ ]

1=Misdemeanor	1=1st degree	5=F-capital
2=Felony	2=2nd degree	
8=NA	3=3rd degree	8=NA
9=Missing	4=F-life	9=Missing

7.13 Any serious person charges?

(26) [ ] 0=No 1=Yes 8=NA 9=Missing

7.14 Any serious property charges?

(27) [ ] 0=No 1=Yes 8=NA 9=Missing

7.15 Any felony theft or RSP charges?

(28) [ ] 0=No 1=Yes 8=NA 9=Missing

7.16 Any drug charges?

(29) [ ]

0=No	3=Yes, both
1=Yes, possession	8=NA
2=Yes, sale/dist.	9=Missing

7.17 Any weapon charges?

(30) [ ]

0=No	3=Yes, other(_____)
1=Yes, firearms	8=NA
2=Yes, unspecified	9=Missing

Most Recent Follow-Up Arrest

7.18 Date of most recent follow-up arrest

(31-36) [ ][ ] / [ ][ ] / [ ][ ]

98/98/98=NA, no most recent rearrest
99/99/99=Date missing

7.19 Number of arrest charges

(37-38) [ ][ ] 01-96=Number 98=NA 99=Missing

7.20 Most serious arrest charge

(39-47) charge code [ ][ ][ ][ ][ ] statute code [ ][ ][ ][ ] 99998/9998=NA

(48-49) felony/misd [ ] severity [ ]

1=Misdemeanor	1=1st degree	5=F-capital
2=Felony	2=2nd degree	
8=NA	3=3rd degree	8=NA
9=Missing	4=F-life	9=Missing

7.21 Any serious person charges?

(50) [ ] 0=No 1=Yes 8=NA 9=Missing

7.22 Any serious property charges?

(51) [ ] 0=No 1=Yes 8=NA 9=Missing

7.23 Any felony theft or RSP charges?

(52) [ ] 0=No 1=Yes 8=NA 9=Missing

7.24 Any drug charges?

(53) [ ]

0=No	3=Yes, both
1=Yes, possession	8=NA
2=Yes, sale/dist.	9=Missing

7.25 Any weapon charges?
(54) ☐
0=No 3=Yes,other(_____)
1=Yes, firearms 8=NA
2=Yes, unspecified 9=Missing

SECTION 8: Follow-Up Confinements

8.1 Number of jail or prison confinements during follow-up
(55-56) ☐☐ 00-96=Number 99=Missing
98=NA,not released pretrial

8.2 Total number of days confined during follow-up
(57-59) ☐☐☐ 00-180=Number 999=Missing
998=NA,not released pretrial

SECTION 9: Case Outcome/Final Status

9.1 Has the original case been adjudicated?
(60) ☐
0=no, still awaiting trial
1=no, fugitive
2=yes, defendant acquitted
3=yes, case dropped(all charges)
4=yes, defendant diverted
5=yes, adj./pled guilty
6=other (_____)
9=missing

9.2 Number of convicted charges
(61-62) ☐☐ 98=na,case open 99=Missing

9.3 Most serious convicted charge
charge code statute code
(63-71) ☐☐☐☐☐ ☐☐☐☐
felony/misd severity
(72-73) ☐ ☐
1=Misdemeanor 1=1st degree 5=F-capital
2=Felony 2=2nd degree 8=NA, case open
8=NA, case open 3=3rd degree 9=missing
9=missing 4=F-life

CARD 6 -- CJRI sequence number
(1-6) ☐☐☐☐06

9.4 Any serious person convictions?
(7) ☐ 0=No 1=Yes 8=NA 9=Missing

9.5 Any serious property convictions?
(8) ☐ 0=No 1=Yes 8=NA 9=Missing

9.6 Any felony theft or RSP convictions?
☐ 0=No 1=Yes 8=NA 9=Missing

9.7 Any drug convictions?
(10) ☐
0=No 3=Yes, both
1=Yes, poss. Only 8=NA, case open
2=Yes, sale/dist. only 9=Missing

9.8 Any weapon convictions?
(11) ☐
0=No 3=Yes,other(_____)
1=Yes, firearms 8=NA, case open
2=Yes, unspec. weapon 9=Missing

9.9 Date of sentence
(12-17) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, case open
99/99/99=Missing

9.10 Sentence: time on probation (in months)
(18-20) ☐☐☐
000-996=Number 998=NA, case open
997=Diversion 999=missing

9.11 Sentence: time in jail/prison (in months)
min. max.
(21-26) ☐☐☐ to ☐☐☐
000-997=# of months 998=NA, case open 999=Missing

9.12 Status at end of the follow-up period
(27-28) ☐☐
01=Fugitive
02=Still awaiting trial, released
03=Still awaiting trial, detained
04=Convicted, incarcerated
07=Convicted, under APPD supervision
08=Case(s) disposed, no longer in system
(dismissed, acquitted)
97=Other (_____)
99=Missing/unknown

Coders (Initials): Date begun: / /

Pretrial Release Enforcement Experiment #1: Pre-Orientation Phone Calls

Data Collection Form

CARD 1 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][1]

Follow-up Start Date/Orientation date

_____

SECTION 1: Identification

1.1 Police photo number
(7-12) [ ][ ][ ][ ][ ][ ]

1.2 Name
Last
(13-27) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]
First MI
(28-38) [ ][ ][ ][ ][ ][ ][ ][ ][ ] [ ]

1.3 Court case number (most serious)
court case number n/n
(39-50) [ ][ ] [ ][ ][ ][ ][ ][ ][ ][ ] [ ][ ]

SECTION 2: Demographics

2.1 Date of birth [mm/dd/yy]
(51-56) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

2.2 Race/ethnicity
(57) [ ]
1=African American
2=White
3=Hispanic
4=Asian American
5=Other (_____)
9=Missing

2.3 Gender
(58) [ ] 1=Male 2=Female 9=Missing

SECTION 3: Current Case

3.1 Date of arrest
(59-64) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

3.2 Most serious arrest charge
charge code statute code
(65-73) [ ][ ][ ][ ][ ] [ ][ ][ ][ ]
felony/misd severity
(74-75) [ ] [ ]
1=Misdemeanor
2=Felony
9=Missing
1=1st degree
2=2nd degree
3=3rd degree
4=F-life
5=F-capital
9=Missing

CARD 2 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][2]

Preliminary Arraignment Information

3.10 Date of Preliminary Arraignment
(7-12) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Date missing

3.11 Bail Commissioner
(13) [ ]
1=Polokoff
2=O'Brien
3=McSorley
4=Watson
5=Rebstock
6=Hill
7=McCook
8=Blake
9=missing

3.12 Recommended Bail Guidelines Cell(01-40)
(14-15) [ ][ ]
96=other(_____)
97=NA, bench warrant only
98=NA, FOJ or murder
99=missing

3.13 Recommended Type of Decision
(16) [ ]
1=ROR
2=Type I release
3=Type II release
4=Cash bail
5=other(_____)
7=NA, bench warrant only
8=NA, FOJ or murder
9=missing

3.14 Were there any unusual circumstances?
0=no 7=NA, bench warrant only 9=missing
1=yes 8=NA, FOJ/murder

- [ ] (17) more than 10 willful FTA's
- [ ] (18) more than 2 additional open cases
- [ ] (19) recently released from prison/mental hospital
- [ ] (20) complainant resides at address (domestic violence)
- [ ] (21) defendant is in violation of Type I/II release
- [ ] (22) defendant not Phila. resident/less than 6 months
- [ ] (23) other(_____)

3.15 Bail Commissioner's Decision
(24) ☐
1=ROR
2=Type I release
3=Type II release
4=Cash
5=other(_____)
7=NA, bench warrant only
8=NA, FOJ or murder
9=missing

3.16 Cash Bail Amount
(25-31) ☐☐☐☐☐☐☐
9999996=NA, no cash bail
9999997=NA, bench warrant only
9999998=NA, FOJ or murder
9999999=missing

3.17 Did the Bail Commissioner follow the Guidelines?
(32) ☐
1=yes
2=no, more restrictive
3=no, less restrictive
7=NA, bench warrant only
8=NA, FOJ or murder
9=missing

3.18 What were the reasons for departure from the guidelines?
0=no
1=yes
6=NA, guidelines followed
7=NA, bench warrant only
8=NA, FOJ/murder
9=missing

- ☐ (33) domestic violence
- ☐ (34) nature of offense
- ☐ (35) probation
- ☐ (36) mandatory sentence
- ☐ (37) bench warrants
- ☐ (38) firearms-related
- ☐ (39) prior FTA's
- ☐ (40) open cases
- ☐ (41) address
- ☐ (42) detainer
- ☐ (43) drg/alcoh-related
- ☐ (44) prior crim. hist.
- ☐ (45) other(_____)

SECTION 4a: Prior Record - Criminal History

Orientation Date _____

Arrests

4a.1 Number of prior adult arrests
(46-47) ☐☐ 00-96=Number 99=Missing

4a.2 Of these arrests, number pending at time of preliminary arraignment
(48-49) ☐☐ 00-96=Number 99=Missing

4a.3 Number of arrests during the three years prior to the preliminary arraignment date
(50-51) ☐☐ 00-96=Number 99=Missing

Convictions

4a.4 Number of prior adult convictions
(52-53) ☐☐ 00-96=Number 99=Missing

4a.5 Number of convictions during the three years prior to the preliminary arraignment date
(54-55) ☐☐ 00-96=Number 99=Missing

SECTION 4b: Prior Record - FTAs

4b.1 Number of prior willful FTAs
(56-57) ☐☐ 00-96=Number 99=Missing

4b.2 Number of willful FTAs during the three years prior to the preliminary arraignment date
(58-59) ☐☐ 00-96=Number 99=Missing

SECTION 4c: Prior Record - Family Court

4c.1 Juvenile number
(60-67) ☐☐☐☐☐☐ - ☐☐
999997-97=NA, DOB before 1960
999998-98=NA, DOB after 1960; no record

Juvenile Delinquency Petitions

4c.2 Number of delinquency petitions filed
(68-69) ☐☐ 97=DOB before 1960 99=Missing

Delinquent Adjudications -- Pre-1986

4c.3 Number of pre-1986 delinquent adjudications
(70-71) ☐☐ 97=DOB before 1960 99=Missing

Delinquent Adjudications -- 1986 to Present

4c.4 Number of 1986 to present delinquent adjudications
(72-73) ☐☐ 97=DOB before 1960 99=Missing

CARD 3 -- CJRI sequence number
(1-6) ☐☐☐☐03

Follow-up Section

Start Date (Orientation date)
(7-12) ☐☐ / ☐☐ / ☐☐

End Date (Add 30 days to the above date; or enter date that current case was disposed, whichever comes first)
(13-18) ☐☐ / ☐☐ / ☐☐

Pretrial Release Information

5.1 Was defendant released prior to adjudication of all charges related to the current arrest?
(19) ☐
0=no
1=yes, at preliminary arraignment
2=yes, from pretrial detention
3=yes, other(_____)
7=released, stage unknown
9=missing

5.2 Date of pretrial release
(20-25) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, not released pretrial
99/99/99=missing

SECTION 5: Follow-Up FTAs

5.1 Total number of follow-up FTAs
(26-27) ☐☐ 00-96=Number 99=Missing

5.2 Number of willful follow-up FTAs
(28-29) ☐☐ 00-96=Number 99=Missing

5.3 Number of non-willful follow-up FTAs
(30-31) ☐☐ 00-96=Number 99=Missing

5.4 Number of undisposed follow-up bench warrants
(32-33) ☐☐ 00-96=Number 99=Missing

First Follow-Up FTA

5.5 Date of first follow-up FTA
(34-39) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no follow-up FTAs
99/99/99=Date missing

5.6 Disposition code -- first follow-up FTA
(40-43) ☐☐☐☐
8888=NA, no follow-up FTAs
9999=Missing

SECTION 6: Follow-Up Arrests

6.1 Number of rearrests during follow-up
(44-45) ☐☐ 00-96=Number 99=Missing

First Follow-Up Arrest

6.2 Date of first follow-up arrest
(46-51) ☐☐ / ☐☐ / ☐☐
98/98/98=NA, no rearrests
99/99/99=Date missing

6.3 Most serious arrest charge

	charge code	statute code	
(52-60)	☐☐☐☐☐	☐☐☐☐	99998/9998=NA

	felony/misd	severity	
(61-62)	☐	☐	
	1=Misdemeanor	1=1st degree	5=F-capital
	2=Felony	2=2nd degree	
	8=NA	3=3rd degree	8=NA
	9=Missing	4=F-life	9=Missing

SECTION 7: Follow-Up Confinements

7.1 Number of jail or prison confinements during follow-up
(63-64) ☐☐ 00-96=Number 99=Missing
98=NA,not released pretrial

7.2 Total number of days confined during follow-up
(65-67) ☐☐☐ 00-180=Number 999=Missing
998=NA,not released pretrial

SECTION 8: Case Outcome/Final Status

8.1 Has the original case been adjudicated?
(68) ☐
0=no, still awaiting trial
1=no, fugitive
2=yes, defendant acquitted
3=yes, case dropped(all charges)
4=yes, defendant diverted
5=yes, adj./pled guilty
6=other (_____)
9=missing

8.2 Status at end of the follow-up period
(69-70) ☐☐
01=Fugitive
02=Still awaiting trial, released
03=Still awaiting trial, detained
04=Convicted, incarcerated
07=Convicted, under APPD supervision
08=Case(s) disposed, no longer in system
(dismissed, acquitted)
97=Other (_____)
99=Missing/unknown

Coders (Initials): Date begun: / /

Pretrial Release Enforcement Experiment #2: Intervention for Excessive Lateness

Data Collection Form

CARD 1 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][1]

Follow-up Start Date/Orientation date

_____

SECTION 1: Identification

1.1 Police photo number
(7-12) [ ][ ][ ][ ][ ][ ]

1.2 Name
Last
(13-27) [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]
First MI
(28-38) [ ][ ][ ][ ][ ][ ][ ][ ][ ] [ ]

1.3 Court case number (most serious)
court case number n/n
(39-50) [ ][ ] [ ][ ][ ][ ][ ][ ][ ][ ] [ ][ ]

SECTION 2: Demographics

2.1 Date of birth [mm/dd/yy]
(51-56) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

2.2 Race/ethnicity
(57) [ ]
1=African American 4=Asian American
2=White 5=Other (_____)
3=Hispanic 9=Missing

2.3 Gender
(58) [ ] 1=Male 2=Female 9=Missing

SECTION 3: Current Case

3.1 Date of arrest
(59-64) [ ][ ] / [ ][ ] / [ ][ ]
99/99/99=Missing

3.2 Most serious arrest charge
charge code statute code
(65-73) [ ][ ][ ][ ][ ] [ ][ ][ ][ ]
felony/misd severity
(74-75) [ ] [ ]
1=Misdemeanor 1=1st degree 4=F-life
2=Felony 2=2nd degree 5=F-capital
9=Missing 3=3rd degree 9=Missing

CARD 2 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][2]

SECTION 4a: Prior Record - Criminal History

Orientation Date _____

Arrests

4a.1 Number of prior adult arrests
(7-8) [ ][ ] 00-96=Number 99=Missing

4a.2 Of these arrests, number pending at time of preliminary arraignment
(9-10) [ ][ ] 00-96=Number 99=Missing

4a.3 Number of arrests during the three years prior to the preliminary arraignment date
(11-12) [ ][ ] 00-96=Number 99=Missing

Convictions

4a.4 Number of prior adult convictions
(13-14) [ ][ ] 00-96=Number 99=Missing

4a.5 Number of convictions during the three years prior to the preliminary arraignment date
(15-16) [ ][ ] 00-96=Number 99=Missing

SECTION 4b: Prior Record - FTAs

4b.1 Number of prior willful FTAs
(17-18) [ ][ ] 00-96=Number 99=Missing

4b.2 Number of willful FTAs during the three years prior to the preliminary arraignment date
(19-20) [ ][ ] 00-96=Number 99=Missing

SECTION 4c: Prior Record - Family Court

4c.1 Juvenile number
(21-28) [ ][ ][ ][ ][ ][ ] - [ ][ ]
999997-97=NA, DOB before 1960
999998-98=NA, DOB after 1960; no record

Juvenile Delinquency Petitions
4c.2 Number of delinquency petitions filed
(29-30) [ ][ ] 97=DOB before 1960 99=Missing

Delinquent Adjudications -- Pre-1986
4c.3 Number of pre-1986 delinquent adjudications
(31-32) [ ][ ] 97=DOB before 1960 99=Missing

Delinquent Adjudications -- 1986 to Present
4c.4 Number of 1986 to present delinquent adjudications
(33-34) [ ][ ] 97=DOB before 1960 99=Missing

Follow-up Section

Start Date (Orientation date)
(35-40) [ ][ ] / [ ][ ] / [ ][ ]

End Date (Add 90 days to the above date; or enter date that current case was disposed, whichever comes first)
(41-46) [ ][ ] / [ ][ ] / [ ][ ]

SECTION 5: Follow-Up FTAs

5.1 Total number of follow-up FTAs
(47-48) [ ][ ] 00-96=Number 99=Missing

5.2 Number of willful follow-up FTAs
(49-50) [ ][ ] 00-96=Number 99=Missing

5.3 Number of non-willful follow-up FTAs
(51-52) [ ][ ] 00-96=Number 99=Missing

5.4 Number of undisposed follow-up bench warrants
(53-54) [ ][ ] 00-96=Number 99=Missing

First Follow-Up FTA
5.5 Date of first follow-up FTA
(55-60) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, no follow-up FTAs
99/99/99=Date missing

5.6 Disposition code -- first follow-up FTA
(61-64) [ ][ ][ ][ ]
8888=NA, no follow-up FTAs
9999=Missing

Second Follow-Up FTA
5.7 Date of second follow-up FTA
(65-70) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, no second follow-up FTA
99/99/99=Date missing

5.8 Disposition code -- second follow-up FTA
(71-74) [ ][ ][ ][ ]
8888=NA, no second follow-up FTA
9999=Missing

CARD 3 -- CJRI sequence number
(1-6) [ ][ ][ ][ ][0][3]

Most Recent Follow-Up FTA
5.9 Date of most recent follow-up FTA
(7-12) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, no most recent follow-up FTA
99/99/99=Date missing

5.10 Disposition code – most recent follow-up FTA
(13-16) [ ][ ][ ][ ]
8888=NA, no most recent follow-up FTA
9999=Missing

SECTION 6: Follow-Up Arrests

6.1 Number of rearrests during follow-up
(17-18) [ ][ ] 00-96=Number 99=Missing

First Follow-Up Arrest
6.2 Date of first follow-up arrest
(19-24) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, no rearrests
99/99/99=Date missing

6.3 Most serious arrest charge

	charge code	statute code	
(25-33)	[ ][ ][ ][ ][ ]	[ ][ ][ ][ ]	99998/9998=NA

	felony/misd	severity	
(34-35)	[ ]	[ ]	
	1=Misdemeanor	1=1st degree	5=F-capital
	2=Felony	2=2nd degree	
	8=NA	3=3rd degree	8=NA
	9=Missing	4=F-life	9=Missing

Second Follow-Up Arrest
6.4 Date of second follow-up arrest
(36-41) [ ][ ] / [ ][ ] / [ ][ ]
98/98/98=NA, no 2nd rearrest
99/99/99=Date missing

6.5 Most serious arrest charge

	charge code	statute code	
(42-50)	☐☐☐☐☐	☐☐☐☐	99998/9998=NA
	felony/misd	severity	
(51-52)	☐	☐	

1=Misdemeanor	1=1st degree	5=F-capital
2=Felony	2=2nd degree	
8=NA	3=3rd degree	8=NA
9=Missing	4=F-life	9=Missing

Most Recent Follow-Up Arrest

6.6 Date of most recent follow-up arrest

(53-58) ☐☐ / ☐☐ / ☐☐

98/98/98=NA, no most recent rearrest
99/99/99=Date missing

6.7 Most serious arrest charge

	charge code	statute code	
(59-67)	☐☐☐☐☐	☐☐☐☐	99998/9998=NA
	felony/misd	severity	
(68-69)	☐	☐	

1=Misdemeanor	1=1st degree	5=F-capital
2=Felony	2=2nd degree	
8=NA	3=3rd degree	8=NA
9=Missing	4=F-life	9=Missing

SECTION 7: Follow-Up Confinements

7.1 Number of jail or prison confinements during follow-up

(70-71) ☐☐ 00-96=Number 99=Missing
98=NA,not released pretrial

7.2 Total number of days confined during follow-up

(72-74) ☐☐☐ 00-180=Number 999=Missing
998=NA,not released pretrial

SECTION 8: Case Outcome/Final Status

8.1 Has the original case been adjudicated?

(75) ☐

0=no, still awaiting trial
1=no, fugitive
2=yes, defendant acquitted
3=yes, case dropped(all charges)
4=yes, defendant diverted
5=yes, adj./pled guilty
6=other (_____)
9=missing

8.2 Status at end of the follow-up period

(76-77) ☐☐

01=Fugitive
02=Still awaiting trial, released
03=Still awaiting trial, detained
04=Convicted, incarcerated
07=Convicted, under APPD supervision
08=Case(s) disposed, no longer in system
(dismissed, acquitted)
97=Other (_____)
99=Missing/unknown