The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

PRETRIAL JUSTICE INSTITUTE

FOUNDED 1977

Pretrial Release of Latino Defendants

Final Report

David Levin
Senior Research Associate
Pretrial Justice Institute

PRETRIAL JUSTICE

Acknowledgements

Table of Contents

Pretrial Release of Latino Defendants
Abstract

Research Questions

- Are Latino defendants less likely to receive pretrial releases than non-Latino defendants?
- Are Latino defendants in counties where the Latino population is rapidly increasing less likely to receive pretrial releases than Latino defendants in counties where the Latino population is not rapidly increasing?

Methods

Multilevel analysis of the State Court Processing Statistics (SCPS) database 1992-2004 was conducted to control for jurisdiction/county level predictors of pretrial decision-making (e.g., court caseload rates, prosecutor screening of cases, and local jail capacity). Data sources for the jurisdiction level predictors were:

- Uniform Crime Reporting Programs Index of Crimes Reported to Police County data series 1988-2004;
- Annual Survey of Jails, Jurisdiction-Level data series 1988-2004;
- National Prosecutor Survey/Census data series 1990-2001;
- United States Census Bureau reports from the Quickfacts and State-County Online Factbook;
- Bureau of Justice Statistics-National Center for State Courts State Court Organization reports; and
- Felony Defendants in Large Urban Counties 1992-2002 reports.

Findings

This study concludes that:

- Latino defendants are not less likely to receive pretrial release than other defendants.
    - Latino defendants are less likely to receive nonfinancial pretrial releases than non-Latino defendants;
    - Latino defendants are more likely to receive financial pretrial releases than non-Latino defendants;
- Latino defendants in counties where the Latino population is rapidly increasing are not less likely to receive pretrial releases than Latino defendants in counties where the Latino population is not rapidly increasing.
    - Latinos' do not have different rates of placement into financial release, bail amounts set, or ability to make bail as a function of the county's Latino population.

.

Policy Implications

Several implications for policymakers can be drawn:

- There is a need to initiate reviews of pretrial placement practices to better understand where and why Latinos are being placed on monetary bail disproportionately;

- State court systems have much to learn from each other about effective means by which to release defendants safely and equitably; and
- Latino defendant-specific training programs need to be initiated to address how courts can learn from each other to process Latino pretrial defendants in a manner similar to white and African-American defendants.

Limitations

Readers should be careful not to overgeneralize the findings.

- SCPS analyses are highly sensitive to the large urban counties sampled.
- Regional/jurisdictional effects pervade the pretrial release process.
- SCPS only covers felony defendants. Release patterns for misdemeanants may be different.

Pretrial Release of Latino Defendants
Executive Summary

The decision to detain or release a defendant before trial has significant ramifications for the person standing trial. Persons who are denied release tend to more likely be convicted of a felony, be sentenced to jail versus fined, and sentenced to prison versus jail (Demuth, 2003; Spohn, 2000). To date, research that considers what specific factors affect the probability of pretrial release has focused primarily on individual level defendant characteristics (Demuth, 2003; Demuth & Steffensmeier, 2004). In this report, Pretrial Justice Institute (PJI) 1) examines the impact of jurisdiction demographics on pretrial release; and 2) controls for alternate jurisdiction level influences on pretrial decision-making e.g., court caseload rates, prosecutor screening of cases, local jail capacity) which pretrial policy analyses have not previously controlled for.

Research Questions
- Are Latino defendants less likely to receive pretrial releases than non-Latino defendants?
- Are Latino defendants in counties where the Latino population is rapidly increasing less likely to receive pretrial releases than Latino defendants in counties where the Latino population is not rapidly increasing?

Integrating Pretrial Release Decisions and the
Racial Threat Hypothesis in a Contextual Approach

Blalock (1967) proposed the racial threat hypothesis, which states that a growing minority population will be interpreted by whites as a threat to social order. The social order to which Blalock is referring is the elite group's domination over economics and politics, two pillars of society. When these elements of social order are threatened by the growth of minority populations, the growth of minority group economic capacities, and the increase in the political mobilization of minorities, coercive and placative methods are used to control/retard minority group power. Simply put, where minority groups are growing rapidly, minority members are more likely to be subject to adverse criminal justice system outcomes. The immigration of massive numbers of Latinos to the United States from the 1980s through the current day serves as a litmus test as to the general applicability of Blalock's racial threat hypothesis.

If social psychologists are correct, humans and other animals have evolved to perceive change in their environments, not constants (Marcus, Neuman, & MacKuen, 2000). Threat responses are activated by changes in the environment, not constants. Thus, if the rate of minority group population growth, economic power, or political power changes rapidly in a county, we should then expect concomitant response from whites in the form of criminal punitive punishments directed towards minority offenders. Change in the percentage of minorities is what we define as acceleration. Speed can be considered the percentage of minorities in a population.

There are also ceiling and threshold "speed" effects to consider. It seems reasonable to expect that rapid growth from a very small base rate may not trigger "threat responses" until it reaches some fraction of the unit of population measured. Rapid growth of a "minority population" where it is already a large powerful majority in the unit of population measured is also unlikely to trigger "threat responses." After all, the "elite/majority" is likely to have already withdrawn from the unit of population in question. But what ought to occur where minority populations are "in the middle"? Do slow growth rates actually provoke a lower response than rapid growth rates in this middling group? Or is the fact that growth is occurring in a situation where majority-minority power balances are under strain enough to trigger essentially identical responses?

Methodology

Predicting Pretrial Release Decisions

To separate out the effects of independent variables of interest that occur at multiple levels of the process in this study we use hierarchical or multilevel modeling (HLM/MLM). In addition to utilizing multilevel modeling, analysis of pretrial outcomes such as bail amounts requires the employment of Heckman selection bias adjustments to account for the probability a defendant's being defined as eligible for release by a court on the probability of the defendant's being placed on monetary bail or non-financial release.

The State Court Processing Statistics Database

To address the questions posed above we chose to utilize the State Court Processing Statistics (SCPS) Database. SCPS collects data on felony cases filed in state courts in 40 of the nation's 75 largest counties over selected sample dates in the month of May of every even numbered year. The data collected include charge information, prior criminal history, prior record of appearance in court, status with the criminal justice system at the time of arrest, pretrial release/detention, adjudication and sentence information, whether the defendant failed to appear or was rearrested on a new charge while the case was pending, defendant demographics, and defendant criminal history information.

We selected the SCPS for two reasons. First, SCPS is the most widely jurisdictionally distributed database in the United States that tracks defendants pretrial. Second, the felony cases in this database represent both a disproportionately large amount of serious crime in the United States (Durose & Langan, 2004) and come from trend-setting counties for innovative criminal justice policy such as Los Angeles, CA; Washington, DC; Miami, FL; Cook, IL; Kings, NY; and Queens, NY. Since 1988, SCPS has tracked a representative sample of felony case defendants in the nation's 75 largest counties in every even numbered year from arrest through sentencing. The longitudinal data series we use for this study, however, was not started until 1990 (NACJD Study No. 2038).

Jurisdictions and counties in the SCPS are geographically contiguous, enabling us to supplement the SCPS with county-level information to do multilevel analysis in a substantively rewarding manner. We drew upon the: 1) Uniform Crime Reporting Programs Index of Crimes Reported to Police County data series for the years 1988-2004; 2) Annual Survey of Jails, Jurisdiction-Level data series for the years 1988-2004; 3) National Prosecutor Survey/Census data series 1990-2001; 4) online United States Census Bureau reports at the Quickfacts and State-County Online Factbook; 5) Bureau of Justice Statistics-National Center for State Courts State Court Organization reports; and 6) Felony Defendants in Large Urban Counties 1992-2002 reports. The range of information compiled to properly control for alternative jurisdiction/county level effects on pretrial release makes this study rare among large dataset analyses in criminal justice.

Dependent Variables

This study follows in an established pattern of operationalizing pretrial release decisions set out by Demuth (2003) for the SCPS who followed the conventions established by Goldkamp (1979) for pretrial release studies in general. We use four dependent variables that correspond to the three stages of decision making and the defendant's ability to make bail:

- The binary dependent variable of whether the court chooses to make the defendant eligible for pretrial release;
- The binary dependent variable of placing the defendant on non-financial release or making the defendant eligible for financial release;
- The interval dependent variable of financial bail amount set;
- The binary dependent variable of whether the defendant was able to make bail or not.

Independent Variables

County Level Variables

There are two forms of county level variables in this study: 1) county level/jurisdictional controls and 2) racial threat stimuli.

County Level Controls. The county level controls are used to remove as much "interference" by context as possible while still making use of substantively meaningful variables. A set of variables was pulled for analysis from a larger list entered into the dataset. The analyzed variables are:

- region;
- crime rate;
- two year change in crime rate;
- caseload rate;
- jail capacity;
- two year change in jail capacity;
- judicial selection by election or appointment;

- prosecutor screens cases; and
- annual expenditure on prosecutor's office.

Racial Threat Stimuli. Racial threat stimuli are operationalized as:
- natural log of the percentage of the county population that is Latino;
- natural log of the percentage of the county population that is African-American;
- change in the percentage of the county population that is Latino over the last 6 years; and
- change in the percentage of the county population that is African-American over the last 6 years.

Defendant Level Variables

The SCPS collects several defendant characteristics prior research indicates are correlated with pretrial release decision making. These include current offense factors, prior criminal history factors, and the defendant's demographics. We control for the following factors:
- most serious current offense charge;
- number of charges;
- prior felony convictions;
- prior misdemeanor convictions;
- prior incarcerations;
- criminal justice status at arrest;
- prior failure to appear;
- age;
- gender;
- ethnicity; and
- race.

Cross-level Interactions – The Blalock Variables

We use cross-level interaction terms to handle ceiling and threshold effects. We interact the defendant's ethnicity and race with the county percentages of a minority population. We then interact these variables with the rate of change in a minority population. In this instance, for ease of interpretation of coefficients, we designed indicator variables for:
- percentage minority (Latino/African-American) population zero percent to 15 percent;
- percentage minority (Latino/African-American) population 16 percent to 30 percent; and
- percentage minority (Latino/African-American) population 31 percent or higher.

The reference category for this set of indicator variables is the zero percent to 15 percent category. The resulting eight variables can be seen in tables 1 and 2.

Findings

In this section, we use the term occasionally to refer to a relationship that is statistically significant in at least two years of the seven years sampled as part of the SCPS data series. We use the term normally when the relationship is statistically significant in four or more years of the seven years sampled as part of the SCPS data series. When a relationship is statistically significant in only one year, we do not discuss it.

Table 1. Predictors of Placement of Defendants into Pretrial Release Eligibility and Financial Pretrial Release Eligibility

	Pretrial Release Eligibility				Financial Pretrial Release Eligibility		
	Direction of Relationship	Number of Years Significant	Possible Sample Frame Effect		Direction of Relationship	Number of Years Significant	Possible Sample Frame Effect
Region							
Northeast	+	3			-	5	
Midwest	+	1			-	7	
West	+	4	Yes		-	6	
Case Processing							
Crime Rate (ln)					-	2	Yes
2 year Δ Crime Rate							
Case Rate (ln)							
% Jail Capacity Used (ln)					-	1	
2 year Δ % Jail Capacity Used					-/+	1/1	
Judge Appointed	-	2	Yes		+/-	1/1	
No Prosecutorial Screening	+	1			-	2	
Prosecutor Budget Per Capita (ln)	+/-	1/2	Yes		NA	NA	NA
County Demographic Factors							
% African American (ln)	-/+	1/2	Yes		+	1	
% Latino (ln)	-	2					
2 year Δ % African American	-	1			-/+	1/2	Yes
2 year Δ % Latino	+/-	1/1			+	1	
Defendant Characteristics[1]							
African American	-	3			+	1	
Latino	-/+	3/1	Yes		+	6	
Other	-	1			+	1	
Interaction Terms							
A.A. in 16-30% A.A. County					-	2	Yes
A.A. in 31%+ A.A. County					+	1	Yes
L. in 16-30% L. County	-	1			-	1	
L. in 31%+ L. County					-	1	
A.A. in 16-30% A.A. County * Δ A.A.							
A.A. in 31%+ A.A. County * Δ A.A.	+	2			-	1	
L. in 16-30% L. County * Δ L.							
L. in 31%+ L. County * Δ L.					+	2	Yes

[1]Only race and ethnicity shown to save space. See full report for offense and criminal history control variables.

Relationships noted in this table are statistically significant at the 95 percent confidence level.

A.A.-African American; L.-Latino

Prosecutor budget per capita dropped so that equation avoids multicollinearity issues.

Table 2. Predictors of Financial Pretrial Release (Bail) Amount Set and "Making Monetary Bail"

	Financial Pretrial Release (Bail) Amount Set				Making Monetary Bail		
	Direction of Relationship	Number of Years Significant	Possible Sample Frame Effect		Direction of Relationship	Number of Years Significant	Possible Sample Frame Effect
Region							
Northeast	-	3			+/-	1/1	Yes
Midwest					+	2	Yes
West	+	4			+	2	Yes
Case Processing							
Crime Rate (ln)					+	1	
2 year Δ Crime Rate	+	2	Yes		-	1	
Case Rate (ln)					-/+	2/1	
% Jail Capacity Used (ln)					-	1	Yes
2 year Δ % Jail Capacity Used					+	1	
Judge Appointed					NA	NA	NA
No Prosecutorial Screening	NA	NA	NA		NA	NA	NA
Prosecutor Budget Per Capita (ln)	NA	NA	NA		NA	NA	NA
County Demographic Factors							
% African American (ln)	+	3					
% Latino (ln)					-	1	
2 year Δ % African American	+	1					
2 year Δ % Latino					-	1	
Defendant Characteristics[1]							
African American	-	2			+	7	
Latino					+	5	
Other					-	1	
Interaction Terms							
A.A. in 16-30% A.A. County	-	2	Yes		+	2	Yes
A.A. in 31%+ A.A. County					-	1	
L. in 16-30% L. County							
L. in 31%+ L. County	-	1			+	1	
A.A. in 16-30% A.A. County * Δ A.A.	+	1			-	2	Yes
A.A. in 31%+ A.A. County * Δ A.A.	-	1			-/+	1/1	
L. in 16-30% L. County * Δ L.	+	1			-	1	
L. in 31%+ L. County * Δ L.					+/-	2/2	Yes

[1]Only race and ethnicity shown to save space. See full report for offense and criminal history control variables.

Relationships noted in this table are statistically significant at the 95 percent confidence level.

A.A.-African American; L.-Latino

Prosecutor budget per capita, prosecutor screening, and judge appointed dropped so that equation avoids multicollinearity issues.

Regional Factors

Regional differences in pretrial release patterns are important. Defendants in southern
jurisdictions are normally less likely to be placed into release eligibility. Of defendants
placed into pretrial release eligibility, defendants in southern jurisdictions are normally
more likely to be placed into eligibility for financial release. Defendants in northeastern
jurisdictions occasionally have lower bail amounts set than defendants in southern
jurisdictions and normally defendants in western jurisdictions have higher bail amounts
set than defendants in southern jurisdictions. Lastly, of defendants who have a bail
amount set, defendants in southern jurisdictions are occasionally the least likely to be
able to make the bail amount set to gain release.

Case Processing Factors

Higher crime rates are occasionally associated with a lower probability of a defendant
being made eligible for financial pretrial release. Increases in crime rates are
occasionally associated with increases in bail amounts set. Higher caseload rates are
occasionally associated with lower probabilities of making bail. Appointed judges are
occasionally less likely than elected judges to place defendants into eligibility for pretrial
release. The absence of prosecutorial case screening is occasionally associated with
higher probability of a defendant's placement into eligibility for financial pretrial release.
Occasionally, the higher the per capita prosecutor budget is, the less likely a defendant is
to be placed into eligibility for pretrial release.

County Demographic Factors

Two thirds of the time when the percentage of African-Americans in a county is
statistically significant, the higher the percentage of African-Americans, the more likely
the defendant is to be placed into eligibility for pretrial release. Occasionally, the higher
the percentage of African-Americans in a county, the higher the bail amount set will be.
Occasionally, the higher the percentage of Latinos in a county, the less likely the
defendant is to be placed into eligibility for pretrial release.

Defendant Characteristics

At the defendant level, both race and ethnicity are significant predictors of pretrial release
outcomes. African-American defendants are occasionally less likely than white
defendants to be placed into eligibility for pretrial release. African-American defendants
occasionally have lower bail amounts set than whites. African-Americans are normally
more likely than whites to make monetary bails. Three out of four years when there are
significant differences between Latinos and whites on placement into pretrial release
eligibility; Latinos are less likely than whites to be placed into pretrial release eligibility.
Latinos are normally more likely than whites to be placed into pretrial financial release
eligibility and to make monetary bail.

For purposes of brevity, we only cover the race and ethnicity of the defendant in the executive summary. A review of the current offense and criminal history controls is available in the technical report.

Cross-Level Interactions – The Blalock Variables

Most of the cross-level interactions that are significant involve African-Americans, <u>not Latinos</u>.
African-Americans

- The relationships between a defendant's African-American race and probability of being placed into financial release eligibility in a 16-30 percent African-American county are occasionally weaker than they are in a 0-15 percent African-American county.
- The relationships between a defendant's African-American race and the monetary bail amount set are occasionally stronger in a 16-30 percent African-American county than they are in a 0-15 percent African-American county.
- The relationships between a defendant's African-American race and probability of being released on monetary bail in a 16-30 percent African-American county are occasionally stronger than they are in a 0-15 percent African-American county.
- The relationship between being African-American and making monetary bail in counties with a high rate of increase in African-Americans with a current level of African-Americans between 16 and 30 percent of the county is occasionally weaker than the relationship in counties with a low rate of change with a current level of African-Americans between 16 and 30 percent of the county.
- The relationship between being African-American and being placed into eligibility for pretrial release in counties with a high rate of increase in African-Americans with a current level of African-Americans of at least 31 percent of the county is occasionally weaker (negative relationship moderated by a positive one) than the relationship in counties with a low rate of change with a current level of African-Americans of at least 31 percent of the county.

Latinos

- The relationship between being Latino and being placed into eligibility for financial pretrial release in counties with a high rate of increase in Latinos with a current level of Latinos of at least 31 percent of the county is occasionally weaker than the relationship in counties with a low rate of change with a current level of Latinos of at least 31 percent of the county.
- The relationship between being Latino and making monetary bail in counties with a high rate of increase in Latinos with a current level of Latinos of at least 31 percent of the county is occasionally weaker than the relationship in counties with a low rate of change with a current level of Latinos of at least 31 percent of the county.
- Yet this correlation coefficient reverses itself from year to year occasionally going in the opposite direction and resulting in a stronger relationship.

Discussion

Latinos and Pretrial Release

Overall, the Blalock hypothesis as applied to the treatment of Latinos during the pretrial process is not well supported by the SCPS data.

- Latino defendants are not less likely to receive pretrial release than other defendants.
    - The decision to place defendants into eligibility for pretrial release is not affected indirectly across most of the SCPS years by a defendant's Latino ethnicity.
    - The decision to place defendants into eligibility for pretrial release is affected by a defendant's Latino ethnicity in four of seven SCPS years. In three years, Latinos are less likely to be released than whites. In one year, the reverse is true.
    - The decision to place a defendant on financial pretrial release as opposed to non-financial release seems to be consistently influenced by a defendant's ethnicity.
    - Bail amounts set do not appear to be significantly influenced by a defendant's Latino ethnicity.
    - Latinos are consistently more likely than whites to post monetary bail and be released.
- Latino defendants in counties where the Latino population is rapidly increasing are not less likely to receive pretrial releases than Latino defendants in counties where the Latino population is not rapidly increasing.
    - There are no indications that Latinos' have different rates of placement into financial release as an effect of the population of Latinos in a jurisdiction as a function of the county's Latino population.
    - There are no indications that Latinos' have different bail amounts set as a function of the county's Latino population.
    - There are no indications that Latinos' ability to make bail once it is set varies as a function of the county's Latino population.

Jurisdiction Level Variables and Pretrial Outcomes

We controlled for case processing factors and other jurisdiction/county demographics because our literature review indicated that these variables may influence defendants' pretrial outcomes.

- Analysis indicates that judicial appointment type, volume of cases, crime rates, jail crowding, and prosecutor resources play inconsistent roles in the pretrial release outcomes of defendants. Quite often these roles are simply not significant.
- County demographics play an intermittently significant role. Evidence suggests that the Blalock racial threat hypothesis mostly applies to the pretrial outcomes of African-American defendants as a function of the percentages of African-Americans in a jurisdiction.

The Influence of Jurisdiction Sampling on SCPS Findings

The analysis in the technical report indicates that a lot of variance in the impact of regional, case processing, and county demographics on pretrial practices are associated with changes in the jurisdiction sampling frame. Further analysis needs to extend this investigation to a random effects model of the individual level variables.

- A random effects model of individual level variables will likely show that the coefficients for individual defendant factors will vary significantly by jurisdiction/county.
- Many of the SCPS' documented "trends" in pretrial practice may be sampling artifacts, not time trends.

Statistical Modeling and the SCPS

We have three observations concerning statistical modeling and the SCPS.

- The true number of "levels" – the best approach to analyzing SCPS as future technology permits is a three-level approach. Defendants (level one) are nested in counties (level two) and counties are nested in years (level three). Formal significance testing will then determine if the shifts in coefficients observed over time in this analysis are genuine patterns.
- STATA as a software for multilevel modeling – STATA ® should incorporate the ML Heckman Selection Bias Correction approach it has into the xtme routines, as many multilevel research questions are also multi-stage questions.
- Handling missing data in SCPS – SCPS data is missing in patterns determined by a mixture of county level and defendant level factors. ICE: STATA module for multiple imputation of missing values has the potential to address the missing data issues that reduce sample size in the 1990-1994 SCPS data.

Moving Pretrial Practice Forward

After careful consideration of study findings, we would encourage policy makers to react and respond to two key findings:

- Latino defendants are being disproportionately placed on monetary bail.
    - o Policy makers need to initiate reviews of pretrial placement practices to better understand where and why Latinos are being placed on monetary bail disproportionately.
    - o If monetary bails are being set disproportionately due to communication style barriers, such as acquiescence bias by defendants raised in criminal justice systems without pretrial release, training needs to focus on methods of effectively informing defendants of their options and reassuring defendants that no negative repercussions will occur with defendant requests for consideration for non-financial releases.
    - o If the issue is one of citizenship, training should emphasize to pretrial practitioners the value of adding citizenship to their screening questions. With validated citizenship information, courts could distinguish between legitimate pretrial release risk considerations associated with

citizenship/non-residency and illegitimate considerations associated with ethnicity.

- There are large variations in pretrial outcomes by region.
  - o Financial pretrial release retains a southern flavor. Florida and Georgia already have large scale post-sentencing community corrections. Attempts should be made to gain support for extending the reach of pretrial programs by showing how pretrial programs can reduce jail crowding, and maintain public safety.
  - o SCPS should have pretrial program characteristics added to the database to assess program impacts on pretrial release processes and outcomes.
  - o SCPS samples should be drawn from a more geographically distributed set of large urban counties to increase our ability to assess the impact of state laws on pretrial release.

We ask researchers to respond to a third key finding:

- The Blalock hypothesis appears to be partially supported for African-Americans.
  - o With all the findings that occur in only two years, can we establish a means to determine if this is coincidence or evidence that Blalock was correct?

Pretrial Release of Latino Defendants
Introduction

The purposes of the pretrial decision are to provide due process to those accused of a crime; secure defendants for trial; and protect victims, witnesses and the community from threat, danger or interference from the defendants (American Bar Association, 2007). There are many implications of this decision. Research has shown that defendants not released during the pretrial period are more likely to have an unfavorable adjudication (Phillips, 2007) and receive longer sentences upon conviction (Unnever, 1982; Holmes, Hosch, Daudistel, Perez, and Graves, 1996, Phillips, 2007). Alternately, defendants who are released pretrial are more likely to have favorable adjudication and sentencing outcomes (Nobiling, Spohn, and DeLone, 1998; Demuth, 2003). The American Bar Association's (ABA) *Standards for Criminal Justice: Pretrial Release* also states: "Deprivation of liberty pending trial is harsh and oppressive, subjects defendants to economic and psychological hardship, interferes with their ability to defend themselves, and, in many instances, deprives their families of support" (Section 10.1.1).

In order to secure due process and ensure court appearance and community safety, there is a need to establish objective mechanisms for evaluating if pretrial release decisions[1] are being made in an equitable manner. There is no accepted standard mechanism to evaluate pretrial release decisions (Pretrial Services Resource Center, 2000b). Academics often treat analysis of national case processing databases to assess racial and gender disparities in pretrial release (Demuth, 2003; Demuth & Steffensmeier, 2004) and sentencing (Fearn, 2005; Schlesigner, 2005; Weidner, Frase, & Pardoe, 2005) as if the variation in mechanisms of placement have random effects. This is problematic. Administrative and legal constraints are very likely to be at the root of some of the disparities that academics see when utilizing national databases. The problem here is one of aggregation bias. By treating many jurisdictional placement mechanisms as semi-random variance to be accounted for by dummying out counties (Demuth & Steffensmeier, 2004), or only accounting for political and religious jurisdictional variation (Fearn, 2005) we may be overstating the impact of defendant race and ethnicity if race and ethnicity have systematic variations in impact by jurisdiction placement mechanism characteristics and jurisdiction demographics. The emergence of multilevel modeling during the late 1990s and its continued development for criminal justice applications (Johnson, 2006; Raudenbush & Bryk, 2002; Ulmer & Johnson, 2004) only now enables researchers to fully examine the extent to which pretrial release decisions are being made in an equitable manner.

Eliminating disparities involving race, ethnicity and gender have long been important to pretrial professionals. Standard 3.1 of the National Association of Pretrial Services Agencies (2004) states that pretrial programs are to contribute to local criminal justice systems by assisting the court in making prompt, fair, and effective release/detention

---

[1] We use the term pretrial release decision to refer to any criminal justice system action that directly affects the defendant's detention status. The decisions studied here are the decision to release, the decision to utilize financial release versus nonfinancial release, and the bail amount setting decision. This definition has been utilized by others, notably Demuth (2003).

decisions. Standard 3.4 details the commonly accepted decision-making factors. None of these factors involve race, ethnicity or gender. In some jurisdictions, pretrial risk assessments have been specifically modified to be race and gender-neutral (Podkopacz, 2006; VanNostrand, 2003). As Spohn (2002) puts it, race, ethnicity and gender are legally irrelevant factors in the assessments of risks and the decisions of the court, based on the Equal Protection Clause of the Fourteenth Amendment and state civil rights laws. Thus, we can safely assume that racial, ethnic and gender disparities in pretrial release are to be avoided.

It is with these pretrial release disparities in mind that this report begins a contextually nuanced program of research. Given that Latinos now constitute the largest and fastest growing minority group (Pew Hispanic Center, 2005), the focus of this report is on pretrial release patterns of Latino defendants.

Research Questions
- Are Latino defendants less likely to receive pretrial releases than non-Latino defendants?
- Are Latino defendants in counties where the Latino population is rapidly increasing less likely to receive pretrial releases than Latino defendants in counties where the Latino population is not rapidly increasing?

This study merges jurisdictional contextual data about administrative constraints and contextual demographics with a nationally representative database of felony defendants in state courts. The resulting database is analyzed with multilevel modeling to control for contextual variation in jurisdictions.

The Intra-Jurisdictional Roots of Pretrial Release Research, a Brief Review, a Critique, and a Way Forward

To date, the most rigorous studies of pretrial release and pretrial risk assessment validations are fundamentally intra-jurisdictional. When all defendants are processed in the same jurisdictional context, there is no contextual variation to assess.[2] There are two types of studies done under the intra-jurisdictional approach: pretrial risk assessment studies and pretrial release studies. In jurisdictions with scientifically developed risk assessments, the two types of studies are complementary. The risk assessment studies are utilized to generate fair and objective recommendations to the court. Pretrial release studies are done to see if courts utilized the recommendations in a fair and objective manner, or if the release recommendations have unforeseen negative consequences for various demographic groups. In jurisdictions without scientifically developed risk assessments, pretrial release studies are done to see if courts make release decisions in a fair and objective manner.

Under the logic of the intra-jurisdictional approach, test results that are substantively and statistically significant are true only for a given jurisdiction at a given time. As a result,

---

[2] This does not remove judge level variation, but most data systems limit the use of judge data in analysis. The Pennsylvania State Sentencing Commission data system is an enlightening exception (Johnson, 2006).

pretrial programs using tailor-made risk assessment schemes should validate these schemes periodically (National Association of Pretrial Services Agencies, 2004; Pretrial Services Resource Center, 2000b). Yet despite its limitations, the intra-jurisdictional approach has yielded a core of predictors with remarkable consistency. Current offense characteristics/severity, criminal justice status at arrest, and criminal history all play major roles in predicting a defendant's likelihood of pretrial misconduct (Maxwell, 1999; Podkopacz, 2006; Siddiqi, 2005a; VanNostrand, 2003). Mental health and substance abuse indicators have also been found to consistently be associated with pretrial misconduct. Slightly less consistently, community ties have been found to be predictive of pretrial misconduct (Pretrial Justice Institute, 2007).

The intra-jurisdictional approach has also been utilized by academics to look at predictors of pretrial release. Maxwell (1999) observed that if pretrial release processes are objective and unbiased, controlling for the local jurisdiction's pretrial risk factors, there should be no additional factors predictive of pretrial release. In New York City, Maxwell (1999) found this to be generally true. Age, race, and ethnicity had no consistent statistically significant effects, while gender did. Demuth (2003) found that African-Americans were less likely than whites to be released pretrial, accounting for known defendant risk factors such as current offense and prior criminal history. Demuth and Steffensmeier (2004) found that males were less likely than females to be released pretrial, accounting for known risk factors, and that the effects of race and gender interact to substantially disadvantage African-American males. Demuth and Steffensmeier also found that minorities were less likely to be able to post bail than whites. Schlesinger (2005) notes that Latinos were less likely than whites or African-Americans to get non-financial releases and in general were worse off than whites or African-Americans for all pretrial decisions made by the court.

The purpose of this current study is to assess the impact of Latino ethnicity on pretrial release decisions in large urban counties. As a result, what is of most interest here is that several of the aforementioned intra-jurisdictional studies done by researchers were not truly intra-jurisdictional. They were intra-jurisdictional in their use of predictive variables, but not in the actual databases used to test the hypotheses. Demuth (2003), Maxwell, Robinson, and Post (2003), Demuth and Steffensmeier (2004) and Schlesigner (2005) all used the same national database that is used in this study.[3] These researchers, however, grouped together defendants from all counties in a single analysis without using any theoretically-based control variables for jurisdictional[4] pretrial case processing characteristics and constraints.

What these studies were flawed by was what social scientists refer to as aggregation bias. For example, if Latinos are more likely than whites or African-Americans to live in jurisdictions that have stricter release policies, the intra-jurisdictional approach would

---

[3] As did Maxwell (1999). However, the database was then called the National Pretrial Reporting Program, and Maxwell only made use of data from one jurisdiction, so her use of the data was truly intra-jurisdictional.
[4] In the SCPS, the term jurisdiction refers to the county. We will use the terms jurisdiction and county interchangeably.

attribute the variance in release patterns to ethnicity, not to the fact that the administrative constraints simply mandate that all defendants in that jurisdiction are less likely to be released, regardless of defendant ethnicity. Creating indicator variables to represent jurisdictional idiosyncrasies as fixed effects will not solve the problem of systematic inter-jurisdiction variation, only ameliorate it. Moreover, the indicator variables will not provide researchers and policymakers with any leverage for understanding the role that inter-jurisdictional variations have on the relationships between defendant characteristics and pretrial release outcomes.

We are certain that fixed effects modeling has reached its limits in multijurisdictional pretrial research because we have evidence that jurisdictional effects exist. Maxwell and Maxwell (1998) found that counties with higher crime rates were less likely to release defendants on recognizance pretrial, and that counties experiencing greater increases in crime were less likely to release defendants on recognizance pretrial. Linemann (2006) finds that case processing rates significantly affect the likelihood of incarceration of SCPS defendants. Prosecutorial discretion in choosing cases to prosecute, cases to push for pretrial detention, and making bail requests is also a critical factor influencing a court's decision to release a defendant pretrial (Feeney, 1970; Phillips, 2004b). The available jail capacity influences both pretrial release decisions and incarceration rates (D'Alessio & Stolzenberg, 1997; Johnson, 2006; Ulmer & Johnson, 2004). Elected judges tend to be more likely to incarcerate defendants (Ulmer & Johnson, 2004).

There is a certain hydraulic functioning to the pretrial process when jurisdictional variables are considered. Crime rates appear to be a proxy for two things – the willingness/capacity of the local criminal justice system to make arrests and the actual incidence of crime. Strong evidence exists to suggest (Helms & Jacobs, 2002; Liska, 1992; Parker, Stults, & Rice, 2005; Stolzenberg, D'Alessio, & Etile, 2004) that arrest rates are influenced by political and racial threat factors. Prosecutors then select what cases to charge (Feeney, 1970), what cases to press, and what bail amounts to request (Phillips, 2004b). Prosecutors do so under budgetary and staffing constraints which force them to be more or less selective about screening and pushing cases (Ulmer & Johnson, 2004). The more resources available per case, the more a prosecutor can afford to screen out cases of low value, and also most effectively press for holding the defendant pretrial.

When crime rates rise or when a county has consistently high crime rates without adjusting court processing capacity to match the rates, judges are forced to process large numbers of cases. According to Albonetti (1997), when judges are facing high caseloads, they tend to fall back on stereotypes to simplify decision making. Linnemann (2006) also finds that judges facing larger caseloads become more punitive in sentencing decisions, which suggests that judges may also become more likely to detain defendants pretrial.

At the same time, judges are at least peripherally aware of the available jail capacity to hold defendants. When confronted with crowded jails, judges may attempt to increase their utilization of pretrial release as a temporary means to alleviate jail crowding (Pretrial Services Resource Center, 2000a). Ulmer and Johnson (2004) find that case rates are negatively related to sentencing severity due to jail capacity pressures. When

jails have available room, judges tend to avoid pretrial release, in order to minimize risks to public safety, and also to minimize the risk that the judge will be held responsible for a crime committed by a defendant released pretrial (Ulmer & Johnson, 2004). This will be particularly true of elected judges, who need to insulate themselves from voter backlash when a released defendant commits a crime.

Based upon the above review, to separate out the effects of ethnicity and/or race from administrative constraints in such an example, one would need to know answers to questions such as 1) does the jurisdiction have a pretrial program that issues release recommendations to the court; 2) are judges appointed or elected; 3) do prosecutors screen cases prior to the pretrial decision; 4) what is the jurisdiction case rate; 5) what is the jurisdiction crime rate; and 6) what is the available jail capacity in the jurisdiction?

Another confound is assessing the level (jurisdiction or defendant) at which certain variables truly operate. For example, assume that most Latinos in a multi-jurisdictional database live in jurisdictions where there are many Latinos. Is the fact that the Latino intra-jurisdictional coefficient indicates that Latinos are more likely to be released pretrial than whites true for Latinos uniformly throughout the database? Or, might it be only true for Latinos where they have many co-ethnics in a jurisdiction and that the opposite relationship holds for jurisdictions where a Latino defendant has few co-ethnics? Thus the question exists, at what level is ethnicity more important, jurisdiction or defendant?

Therefore multi-jurisdictional pretrial case processing data should be analyzed in a contextual manner. A contextual approach to analysis of pretrial case processing assumes that systematic variations in the jurisdictional context influence the utilization of legally relevant and legally irrelevant defendant characteristics. To date, very few research studies of pretrial case processing have acknowledged that such an approach is necessary. The only major pretrial risk assessment study to even begin to tackle this problem is VanNostrand's (2003) evaluation of the Virginia statewide pretrial risk assessment. VanNostrand tests whether the Virginia pretrial risk instrument has a similar distribution of predicted versus actual pretrial misconduct in large urban, small urban, rural and mixed communities. VanNostrand found that the Virginia risk assessment instrument behaves in the same manner no matter what the population of the community.

The theory behind our critique of these earlier intra-jurisdictional studies evaluations of the impact of ethnicity and race on pretrial release patterns is derived and supported by lines of criminal justice research based on a hypothesis posed by Blalock in 1967. Blalock recognized the potential that contextual factors may play in how the criminal justice system handles defendants of various racial and ethnic backgrounds. Blalock suggested that the jurisdictional distribution of race will affect the consideration of a defendant's race at sentencing. Blalock's suggestion was that as minorities approached a tipping point (e.g., 30%) in the population of a jurisdiction, they would become increasingly likely to be subject to punitive sanctions from the criminal justice system. This pioneering observation was put to the test repeatedly in two specific research areas: patterns of policing and sentencing outcomes.

Blalock's observation has not, however, been examined for its applicability to pretrial decisions. The pretrial stage is a distinct process separate from the policing stage, as decisions are made by judges and court officials, not police personnel. At the same time, pretrial decisions are made by the court and are very distinct from sentencing decisions. Unlike sentencing decisions, pretrial decisions are made without reference to a defendant's guilt or innocence, and are often informed by advisory opinions given by pretrial services programs based on assessed risks of danger to the community and failure to appear. In addition, pretrial decisions are periodically affected by federal court orders concerning jail crowding that necessitate the release of large numbers of defendants regardless of the risk the defendant may pose.

Nevertheless, the pretrial stage is a part of the larger criminal justice system and the participants in the pretrial stage – police officers, prosecutors, defense attorneys, and judges – are also primary participants in the other stages of the criminal justice system. If ethnic and racial biases operate in the minds of criminal justice practitioners, they are likely to operate to some extent at all stages of the criminal justice process, bounded only by the institutional constraints of the particular stage. Thus, the extensive literature on how ethnicity and race affect patterns of policing and sentencing outcomes should be informative, if not dispositive.

The research on how defendant-level ethnicity and race, as well as other defendant-level legally irrelevant factors independent of context, impact pretrial release decisions is relatively well developed. It is with these studies of pretrial outcomes and defendant-level legally irrelevant factors that we review in depth next.

Disadvantaged Groups and Pretrial Release in State Courts, an In-Depth Review

Analysis at the Defendant Level

The pretrial release decision should be shaped by the following factors: the nature and circumstances of the offense; the defendant's character, physical and mental condition; family ties; employment status; length of residence in the community; past conduct; prior criminal history; court appearance history; history relating to drug and alcohol abuse; whether the defendant is on probation, parole or pretrial release; and the availability of persons who agree to assist the defendant in appearing in court (ABA, 2007, Standard 10-5.1). These criteria, in use for decades, were originally delineated in the Federal Bail Reform Act of 1966 (Pub. L. No. 89-465).

A defendant's race, ethnicity, gender and income are not supposed to be of relevance to the pretrial release decision. Even so, 1970s research noted that pretrial jail inmates are disproportionately male, African-American, and low-income (Goldkamp, 1979). Since the 1970s, the substance of these disparities has not shifted. What has advanced is the delineation of the systematic mechanisms of bias that seem to account for disparities.

For gender disparities, the criminal justice system was found to be plagued by norms and rules that are defined by American cultural beliefs concerning motherhood and women's

roles. These norms and rules disadvantaged men relative to women in pretrial release (Kruschnitt, 1984). Not only are women advantaged, but family role considerations have produced outcomes that make African-American women more advantaged relative to African-American men than white women are to white men (Daly, 1987; Maxwell and Davis, 1999).

Holmes, Daudistel, and Farell (1987) and Holmes, Hosch, Daudistel, Perez, and Graves (1996) demonstrated that Latino ethnicity and race can have a negative impact on pretrial release indirectly. Free (2001) reviewed 52 studies of racial discrimination and pre-sentencing outcomes since 1970 and concluded that 1) there was unequivocal evidence that pretrial decisions were disparate by race and ethnicity, and 2) the few studies that had not found racial disparities were methodologically flawed. Free's meta-analysis, however, was based on regional, not national, data.

Nationwide analysis of pretrial decision making concerning felony defendants in large urban counties has become available through the Bureau of Justice Statistics State Court Processing Statistics (SCPS) database. These data have been a valuable tool in advancing the minority and gender disparity studies summarized by Free (2001). One analysis of the SCPS data revealed that among violent felony defendants nationwide, race and ethnicity disparities in pretrial release exist (Maxwell, Robinson, & Post, 2003). Demuth (2003) found that these disparities in pretrial release went beyond violent felony defendants, including defendants charged with felony property, drug, and public order offenses. In fact, the interaction found between race/ethnicity and gender in local studies is true of large urban counties nationwide (Demuth & Steffensmeier, 2004). Moreover, Demuth and Steffensmeier were able to isolate a mechanism by which the disparities occur – Latinos and African-Americans were found to be less likely to be able to post bail. Schlesinger (2005) reaffirmed the conclusions of Demuth and Steffensmeier with a more recent cohort of felony defendants and made the additional observation that Latinos were less likely than whites or African-Americans to be released with no financial conditions.

In short, the state-of-the-art research concludes that Latino felony defendants in state courts are less likely to be released on non-financial conditions, and they are less likely to be able to pay the requisite bail amount necessary to secure pretrial release when the court imposes a bail. All these studies of ethnic, racial, and gender disparities in pretrial release share a common methodological approach: the intra-jurisdictional approach. What do we know about the use of the contextual approach in pretrial release research?

Analysis at the Jurisdiction Level

Unlike the intra-jurisdictional approach, the contextual approach has not been used frequently to analyze ethnic, racial and gender differences in pretrial release. It has been used to expose administrative rules, practices, and sociodemographic jurisdictional factors that shape rates of pretrial release. As early as 1983, there were calls for contextual analysis of pretrial release decisions. Stryker, Nagel, and Hagan (1983) believed that studies they reviewed over-studied and overestimated the impact of

defendant characteristics on pretrial decisions while ignoring procedural and jurisdictional factors. LaFree (1985) attributed the variation in the role of a defendant's Latino ethnicity on sentencing outcomes to the variation in the Latino population density in the two southwestern counties in the United States that were studied. To date, there has been no extension of LaFree's work to pretrial decisions or other U.S., jurisdictions. There are, however, other jurisdictional factors in play in the pretrial release process that deserve recognition in order to properly control for them in a research design.

Foremost among these are the very decision rules that are supposed to govern pretrial release. For example, the variation in when public danger considerations were included in pretrial release decision making was largely a function of pre-existing state trends in recognition of defendants' rights (Toborg & Bellasai, 1986). Public danger considerations and the manner in they were measured were mostly rooted in preexisting state practices in related areas of a state's criminal law pertaining to sentencing. Moreover, later states copied ideas from earlier implementing states, and within states counties tended to follow similar patterns.

In an attempt to scientifically evaluate the impact of systemic factors on pretrial release, Goldkamp, Gottfredson, and Jones (1995) conducted a three-site study (Maricopa, AZ; Dade, FL; and Boston, MA). Initially, the three jurisdictions had substantial variation in pretrial release practices that made them essentially non-comparable, yet all had serious disparities in pretrial release on legally irrelevant factors. Unfortunately, due to various structural and political factors, implementation of pretrial guidelines was never sufficiently extensive enough to render the three sites suitable for comparison at final evaluation on pretrial practices and outcomes. The study did have success, however, at reducing disparities in pretrial release on legally irrelevant factors by having two of the three jurisdictions implement locally tailored pretrial guidelines that addressed the needs of local criminal justice policymakers and the citizens they served.

Despite efforts like Goldkamp and his colleagues to standardize pretrial release and supervision practices during the late 1980s and early 1990s, there remained, in the mid 1990s, substantial variation among jurisdictions in what were defined as acceptable considerations for pretrial release. Petee (1994) found that in Toledo, OH, the pretrial program implemented a risk assessment scheme that allowed the defendant's demeanor, race and the interaction between the defendant's race and the offense severity to influence the recommendations the program made to the court to the disadvantage of minorities. This occurred despite the program's own guidelines stating that defendant's demeanor and race should not factor into the recommendations made to the court.

Thus, by the end of the 1990s, not only was there a lot of inter-jurisdictional variation in which factors were officially sanctioned in jurisdictions' pretrial release guidelines, but among jurisdictions, there were also a lot of unsanctioned factors that influenced pretrial release recommendations.

Courtroom players have a substantial impact on a judge's pretrial release decision. Free (2002) insists that the prior studies of racial disparity and pretrial release need to be

expanded to cover jurisdictional factors, such as prosecutorial discretion, the range of diversion options available to judges at pretrial, and the influence of factors outside the courtroom (e.g., local public opinion, jail capacity, crime rates, etc.) on courtroom actors. Since 2002, a number of studies have undertaken Free's challenge. In jurisdictions with high unemployment rates, defendants who are unemployed are less likely to be released pretrial than defendants who are unemployed in jurisdictions with low unemployment rates (D'Alessio, Stewart, & Stolzenberg, 2002). In New York City, the Criminal Justice Agency found that prosecutors' bail amount requests have a pivotal role in judges' decisions to release a defendant and in setting a bail amount (Phillips, 2004b). Most recently, Tomic and Hakes (2007) found that in large urban counties where there are largely black populations and locally elected judges, racial disparities in "charges being dropped" decreased. They also found that charges are more likely to be dropped pretrial if judges are faced with high caseloads and overcrowding of corrections facilities.

What has emerged from over 30 years of research on pretrial release decisions is a complex mosaic. Pretrial release decisions are not merely a reflection of defendant characteristics. Rather they are a combination of defendant characteristics, jurisdictional rules, relevant case law, political pressure, courtroom dynamics, and criminal justice system capacity. Any multijurisdictional analysis that neglects jurisdictional context does so at the risk of potentially making inaccurate statements about the relative importance of defendant characteristics. One area where this may occur with great severity is defendant ethnicity and race.

Integrating Pretrial Release Decisions and the Racial Threat Hypothesis in a Contextual Approach

Blalock's Original Hypothesis

Ethnicity, race and pretrial release decisions have been found to be quite entangled when considering just defendant characteristics. What criminal justice researchers have not sufficiently evaluated is the impact that ethnicity and race exert at the jurisdictional level, and how jurisdictional level minority group concentrations affect the relationships we observe between defendant ethnicity and race, and pretrial release decisions.

We do not lack for a theoretical perspective in which to fit such an analysis. Blalock (1967) proposed the racial threat hypothesis, which states that a growing minority population will be interpreted by whites as a threat to social order. The social order to which Blalock referred is the elite group's domination over economics and politics, two pillars of society. When these elements of social order are threatened by the growth of minority populations, the growth of minority group economic capacities, and the increase in the political mobilization of minorities, coercive and placative methods are used to control/retard minority group power.

In criminal justice, we are primarily concerned about these coercive methods because they are proposed by Blalock to be criminal justice functions. During the 20th century in America, Blalock hypothesized that the increasing African-American populations in

urban areas would trigger political discrimination, economic segregation, and criminalization of minority associated behavior, with an increase on punitive sanctions for these minority associated behaviors. By and large, Blalock's observations were post-hoc. His 1967 theorizing postdated the emergence of large numbers of African-Americans in northern United States cities by nearly a generation. On the other hand, the immigration of massive numbers of Latinos to the United States from the 1980s through the current day serve as a litmus test as to the general applicability of Blalock's racial threat hypothesis.

The majority of the examination of the racial threat hypothesis addresses African-Americans. Nevertheless, a review of the methods utilized by researchers to operationalize the theory for testing data gathered on African-Americans will help inform researchers development of suitable methods for examining the theory's applicability to the immigration of Latinos to the United States. Between the 1970s and the 1990s, the racial threat hypothesis was adapted by Liska and like-minded researchers to account for a wide range of criminal justice activities, such as police expenditures, use of force, arrest rates, traffic stops, use of incarceration, sentence lengths, and use of the death penalty (Liska, 1992).

The racial threat hypothesis as applied to sentencing was first employed by Bridges, Crutchfield, and Simpson (1987) to study sentencing. They found that African-Americans in counties with large African-American populations were more likely to be incarcerated than African-Americans in counties with small African-American populations. This finding did not remain unchallenged. Meyers and Talarico (1987) observed that the increased likelihood of incarceration of offenders was true of all offenders in counties with large African-American populations.

Some suggested that perhaps incarceration was too blatant a mechanism for racial disparities to operate. The question was raised as to whether sentence add-ons, which increase the severity of incarcerations, would show disparities by race. Crawford, Chiricos, and Kleck's (1998) study of Florida African-American offenders showed that these offenders were more likely to receive Habitual Offender add-ons in counties with low population percentages of African-Americans than African-American offenders in counties with high population percentages of African-Americans. Moving the percentages tests out of a Florida context and re-examining a set of sentencing outcomes (including incarceration), Britt (2000) concluded that the percentage of African-Americans in a county had no impact on sentencing outcomes.

As of the turn of the century, criminologists were divided over whether the racial threat hypothesis actually operated in state court sentencing processes. Some researchers tried to solve the problem by utilizing datasets that were highly multijurisdictional. Demuth and Steffensmeier (2000) used the State Court Processing Statistics (SCPS) data series to bring a national perspective to the debate. Analysis of the SCPS data revealed that as Latino populations grew in large urban counties during the 1990s, the "sentencing penalty" paid by Latino offenders increased. A seven state, 337 county analysis of the Offender Based Tracking System also concluded that African-Americans received longer

sentences where local courts are embedded in populations of politically conservative, law and order voter (Helms & Jacobs, 2002).

Nonetheless, ambiguity remained as to how the racial threat hypothesis actually operated. To resolve the ambiguity, researchers turned to increasingly sophisticated statistical methods, principally multilevel modeling. In a state-of-the-art series of articles, Johnson and his collaborators were able to separate out county-level effects of the percentage of minorities from the impact of an offender's race. Several forms of sentencing outcomes were investigated, finding that the greater the percentages of minorities in a county, the worse the sentencing outcomes were for minority defendants (Johnson, 2006; Ulmer & Johnson, 2004). Fearn (2005) found that a multilevel model of sentencing using the 1998 SCPS yielded no statistically significant county-level effects of race on sentencing outcomes. Yet in a 2006 analysis of the most recently available SCPS data, Linnemann found that the county's racial distribution of caseloads interacts with the offender's race to influence sentence outcomes.

These mixed findings continue when using a very different approach taken by Bontrager, Bales, and Chiricos (2005), who felt that rather than looking at sentencing outcomes, the research should look at the attitudes of white people in the county towards minorities. Subsequent analyses investigated the link between threat perceptions and race. They found that race and ethnicity operate at the county level through measures of concentrated disadvantage (an index of socioeconomic indicators). Counties with large percentages of minorities, which also have high levels of concentrated disadvantage, have higher levels of perceived racial threat by whites.

This literature review of sentencing and the racial threat hypothesis was made to help us better conceptualize this hypothesis for pretrial release decisions. Our review of the racial threat hypothesis literature reveals that the actual measurement of the triggers of racial threat is underconceptualized. Early studies looked at the number of minorities, whereas later studies looked at the percentage of minorities. Finding inconsistent results, more recent work has turned to indexes of concentrated disadvantage, and percentage of minorities in court caseloads. These more recent operationalizations bring us farther and farther afield from the straightforward notion of Blalock's, which holds that it is the perception of threat due to *expanding* minority presence in economic and political spheres that matters. Studies that focus on concentrated disadvantage find that as disadvantage increases, so do racial disparities in sentencing. What cannot be disentangled from this approach is cause and effect. Did discrimination of minorities occur because of concentrated disadvantage? We find this argument to be putting an effect before a cause. If Blalock's logic is properly followed, minorities are channeled into concentrated disadvantage as they become more populous. What makes concentrated disadvantage appear efficacious is the fact that economic and criminal justice sanctions are likely to be applied in tandem on growing minority populations.

Acceleration Matters Too, Not Just Speed

The ecological underpinnings of threat stimuli have still not really been tapped. To wit, "acceleration matters more than speed." One explanation for the variation in findings concerning the impact of the percentage of minorities in a county (on whether a minority offender is sentenced differently than a white offender) is that it is not the percentage, but the perceived rate of change in the percentage of minorities. If social psychologists are correct, humans and other animals have evolved to perceive change in their environments, not constants (Marcus, Neuman, & MacKuen, 2000). Threat responses are activated by changes in the environment, not constants. Thus, if the rate of minority group population growth, economic power, or political power changes rapidly in a county, we should then expect concomitant response from whites in the form of criminal punitive punishments directed towards minority offenders. Change in the percentage of minorities is what we define as acceleration. Speed can be considered the percentage of minorities in a population.

There are also ceiling and threshold "speed" effects to consider. It seems reasonable to expect that rapid growth from a very small base rate may not trigger "threat responses" until it reaches some fraction of the unit of population measured. Rapid growth of a "minority population" where it is already a large powerful majority in the unit of population measured is also unlikely to trigger "threat responses." After all, the "elite/majority" is likely to have already withdrawn from the unit of population in question. Stolzenberg, D'Alessio, and Etile (2004) refer to this as a placation mechanism. The expectation under this situation is that criminal justice system actors desist from pursuing individualized manipulation of minority defendants that enter the system. But what ought to occur where minority populations are "in the middle"? Do slow growth rates actually provoke a lower response than rapid growth rates in this middling group? Or is the fact that growth is occurring in a situation where majority-minority power balances are under strain enough to trigger essentially identical responses?

Methodology

The State Court Processing Statistics Database

To address the questions posed above we chose to utilize the State Court Processing Statistics (SCPS) Database. SCPS collects data on felony cases filed in state courts in 40 of the nation's 75 largest counties over selected sample dates in the month of May of every even numbered year. The data collected include charge information, prior criminal history, prior record of appearance in court, status with the criminal justice system at the time of arrest, pretrial release/detention, adjudication and sentence information, whether the defendant failed to appear or was rearrested on a new charge while the case was pending, defendant demographics, and defendant criminal history information.

We selected the SCPS for two reasons. First, SCPS is the most widely jurisdictionally distributed database in the United States that tracks defendants pretrial. Second, the

felony cases in this database represent both a disproportionately large amount of serious
crime in the United States (Durose & Langan, 2004) and come from trend-setting
counties for innovative criminal justice policy such as Los Angeles, CA; Washington,
DC; Miami, FL; Cook, IL; Kings, NY; and Queens, NY. Since 1988, SCPS has tracked a
representative sample of felony case defendants in the nation's 75 largest counties in
every even numbered year from arrest through sentencing. The longitudinal data series
we use for this study, however, was not started until 1990 (NACJD Study No. 2038).[5]

While the breadth of jurisdictions and the long period of collection are SCPS strengths,
SCPS has a number of weaknesses as well. The SCPS is heavily dependent on
jurisdictions' archival data systems. As a result, data that was of limited relevance to
pretrial programs and court administrators or was not required to be collected during the
early 1990s, is missing in far greater amounts during the early years of the study than in
later years. Clearly this is a potential issue for use of the SCPS. In 1992, we were only
able to utilize 6,530 out of 13,163 observations, while by 1996, we were able to use
10,616 out of 15,410 observations. What findings we produce for 1992 and 1994 may be
affected by missing data.

This problem is particularly acute for Latino ethnicity. Like many criminal justice
datasets, SCPS in the early 1990s had difficulty in many counties accurately accounting
for a defendant's Latino ethnicity. This problem plagued several BJS datasets, such as
the National Judicial Reporting Program. In 1992 only 69% of cases recorded the
ethnicity of the defendant. By 2000, 97% of cases recorded the ethnicity of the
defendant. It is possible that the Steffensmeier and Demuth (2000) finding that the
impact of Latino ethnicity on sentencing outcomes in the SCPS increased over time may
have been colored by this reporting issue.

The SCPS also is subject, like all sampling surveys, to variations in the sampling. In this
instance, the SCPS was not designed to be representative of types of jurisdictions by
pretrial release practices or even geographic variation by state and region. The criterion
was of representativeness by size of the resident population. As a result, for researchers
interested in utilizing SCPS for inter-jurisdictional analysis, the SCPS can at times be
rather concentrated in a few states or even within a single multicounty jurisdiction.
During the 1988-1992 cycle, this was an issue for California (six counties), New York
(six counties), Florida (five counties), Pennsylvania (3 counties), and Texas (3 counties).
Moreover, during the 1988-1992 cycle four counties were from New York City – a single
jurisdiction. During the 1994-1998 cycle, this was a particular issue for California (eight

---

[5] One drawback of the SCPS is that it has substantial numbers of missing cases during the 1990s. This
problem has significantly decreased over time. Demuth (2003) handled the issue of missing data via single
variable imputation. Schlesinger (2005) and Hart (2006) utilized listwise deletion. Hart made a number of
trial runs utilizing multiple imputation and concluded that multiple imputation methods were insufficient to
properly address missing data issues. We concur. The main problem in SCPS is not missing data due to
individual case information missing, but that the data are missing for entire counties on that type of
defendant information. Until BJS and the SCPS data collector (currently this author and his colleagues)
attempt to model missing data at the county level using county reports submitted by PJI to BJS, missing
data models will never be appropriate. A multilevel multijurisdictional and longitudinal approach needs to
be taken toward that question, which will be a very complex matter, suitable for another research project.

counties), New York (seven counties), and Florida (4 counties). Moreover, during the 1994-1998 cycle four counties were from New York City – a single jurisdiction. During the 2000-2004 cycle, this was a particular issue for California (nine counties), Texas (five counties), and Florida (four counties). Inter-jurisdictional analysis must take into account this sampling property of SCPS and recognize that many of the effects of shifts over time may well have to do with shifts in jurisdictions sampled. For example, trends showing changes in the northeast of the U.S. may be more reflective of the removal of Massachusetts counties after 1992 and the decline of New York City counties relative to New York State and Pennsylvania counties. Another example would be changes in the impact of having appointed versus elected judges. Since California, Florida, New York and Texas have elected judges, any findings concerning changes over time the strength of a relationship between elected judges and pretrial release would be strongly influenced by the fact that these states are heavily represented in the SCPS.

Nonetheless, we feel it is a wise investment of our time to utilize the SCPS for analysis to generate findings which will hopefully spur further development of multi-jurisdictional pretrial research. First, the SCPS remains the only large scale multi-jurisdictional database of pretrial releases in the United States. Second, even when SCPS is at its "worst" when sampling multiple counties from a single state, SCPS still covers over 17 different states in any given sample year. Third, because SCPS' limitations are reasonably well known, some of SCPS departures from an ideal multi-jurisdictional database can thus be addressed within analysis.

In order to use multilevel analysis in a substantively rewarding manner, the SCPS needs to be supplemented with county-level information. Jurisdictions and counties in the SCPS form a near perfect correspondence, the exception being the boroughs/counties of New York City, which are a single jurisdiction but treated as either three or four jurisdictions, depending on the sample of counties selected in a year.

To supplement the SCPS, we drew upon the: 1) Uniform Crime Reporting Programs Index of Crimes Reported to Police County data series for the years 1988-2004; 2) Annual Survey of Jails, Jurisdiction-Level data series for the years 1988-2004; 3) National Prosecutor Survey/Census data series 1990-2001; 4) online United States Census Bureau reports at the Quickfacts and State-County Online Factbook; 5) Bureau of Justice Statistics-National Center for State Courts State Court Organization reports; and 6) Felony Defendants in Large Urban Counties 1992-2002 reports.

The wide range of information compiled to properly control for alternative mechanisms of county level effects on pretrial release makes this research rare among large dataset analyses in criminal justice. Normally this level of supplemental contextual information is available only in studies of a handful of jurisdictions. The nearest comparable dataset is the work by Fearn (2005), who added county level information for all SCPS counties in 1998.

Dependent Variables

This study follows in an established pattern of operationalizing pretrial release decisions set out by Demuth (2003) for the SCPS who followed the conventions established by Goldkamp (1979) for pretrial release studies in general. We use four dependent variables that correspond to the three stages of decision making and the defendant's ability to make bail:

- The binary dependent variable of whether the court chooses to make the defendant eligible for pretrial release;
- The binary dependent variable of placing the defendant on non-financial release or making the defendant eligible for financial release;
- The interval dependent variable of financial bail amount set;
- The binary dependent variable of whether the defendant was able to make bail or not.

For binary "stage" variables, a zero indicates non-eligibility for the next stage in the decision process and a one indicates eligibility for the next stage. For the "make bail" variable a zero indicates the defendant was not released pretrial and a one indicates the defendant was released pretrial. In accordance with Demuth and Steffensmeier (2004) and Schlesinger (2005), we take the natural log of the bail amount set to reduce the skewness in the dependent variable.

Independent Variables

County Level Variables

County level factors are the main focus of this study, so we begin with a discussion of these variables of interest. First will be the county level controls and then the operationalization of the racial threat hypothesis variables.

Region. Analysis of regional effects in sentencing and case processing in the United States has repeatedly indicated that jurisdictions in the American South are more incarceration prone than jurisdictions in other regions of the United States (Humphrey & Fogarty, 1987; Fearn, 2005; Wood, 2007). The Northeast is likely to be the polar opposite, as it is the region from which the pretrial nonfinancial release movement originated (Feeney, 1970; Goldkamp, Gottfredson, & Jones, 1995). These regional effects have their roots in both cultural and political factors that are not at the core of this analysis, but are important to control for (Helms & Jacobs, 2002; Fearn, 2005; Linnemann, 2006). Three dummy indicator variables exist – Midwest, Northeast, and West. The South is the residual category.[6]

Criminal Justice System Factors. The rationale for the criminal justice system factors linkage to pretrial release decisions has to do with how court actors relate to each

_____

[6] Helms and Jacobs (2002) and Fearn (2005) utilize percent voting for a Republican presidential candidate in a county. Findings on the direct impact of voting patterns on court decisions are inconsistent, so we chose a simpler measure – region – in the hopes that it would achieve a more robust effect.

other, to other criminal justice system actors, and to the county population. Please see the Intra-Jurisdictional Roots of Pretrial Release Research, a Brief Review, a Critique, and a Way Forward section for details.

Crime rates are measured as county crime rates for Uniform Crime Report index crimes reported to police (National Archive of Criminal Justice Data [NACJD] study numbers 9335, 9785, 6316, 6669, 2389, 2910, 3451, 4009, & 4466). The 2004 Miami-Dade crime rate is from the Florida Department of Law Enforcement because it is not on the NACJD dataset.[7] Similar to Maxwell and Maxwell (1998) we sought to capture response to change in crime rates as well as current levels of crime. We did so by calculating the percentage change over the last two years in the crime rate. To remove skew from the crime rate variable, we used the natural log of the crime rate. We did not use the natural log of the change in crime rate because natural logs of negative numbers are equal to zero. The case rates are the number of cases for the county as reported by the United States Census Bureau for Appendix Table A of the SCPS reports, divided by the county's population. To remove skew from the case rate variable, we used the natural log of the case rate.

Judge selection processes are derived for judges in the lowest court of general jurisdiction. The logic is as follows: pretrial release decisions for the majority of felony cases in each jurisdiction are made by the lowest court of general jurisdiction. "Selection type" is a dummy variable that distinguishes between appointment and some form of direct judicial election. The data come from the Bureau of Justice Statistics-National Center for State Courts State Court Organization reports 1993, 1998, and 2004 (NCJ 148346, 178932, and 212351).[8]

The "no screening" variable is a dummy variable derived from the SCPS Appendix Table A footnotes, which report whether a county's prosecutors screen cases prior to the charging of a defendant. We extrapolated the 2004 values from 2002. This seems a reasonable choice as the sampled counties remained the same.[9]

Prosecutor resources are measured by per capita expenditures for the year (dollars per county resident) and the number of full and part-time staffers per county resident. The data were obtained from the 1990-2005 National Prosecutor Survey (NPS) data series (NACJD Study Nos. 9579, 6273, 6785, 2433, 3418, & 4600). For years that fell in between NPS surveys, we used 2001 NPS figures in place of unavailable 2002 data and 2005 NPS figures in place of 2004 unavailable data. While this is not an ideal situation, most budgeting and personnel changes in prosecutor offices in large urban counties are incremental, so by having one-year differences, we should be largely accurate. Once again, we used the natural log of the per capita expenditures to remove skew from the

---

[7] See http://www.fdle.state.fl.us/FSAC/Crime_Trends/total_Index/2004bycounty.htm for the numbers.
[8] See http://www.ojp.usdoj.gov/bjs/abstract/sco93.htm, http://www.ojp.usdoj.gov/bjs/pub/pdf/sco98.pdf, table 7, http://www.ojp.usdoj.gov/bjs/pub/pdf/sco04.pdf, table 6, pp.33-39 and State Court Statistics, 1998, p.14.
[9] See http://www.ojp.usdoj.gov/bjs/pub/pdf/feldef92.pdf and http://www.ojp.usdoj.gov/bjs/pub/pdf/fdlucXX.pdf (substitute the year number for XX).

data. Jail capacity used comes from the BJS Annual Survey of Jails, Jurisdiction Level
Data (NACJD Study Nos. 9569, 6935, 6538, 6856, 2682, 3882, 4428, & 20200). We
took the natural log of percentage of capacity used to remove skew from the data. We
did not use the natural log of the change in percentage of capacity used because natural
logs of negative numbers are equal to zero.

Racial Threat Stimuli. The arguments for the racial threat stimuli selected for this
study were detailed earlier. Racial threat stimuli are operationalized as:
- Percentage of the county population that is Latino;
- Percentage of the county population that is African-American;
- Change in the percentage of the county population that is Latino over the last six
  years; and
- Change in the percentage of the county population that is African-American over
  the last six years.

The first two indicators conform with how Crawford, Chiricos, and Kleck (1998), Ulmer
and Johnson (2004) and Johnson (2006) operationalized these variables. We follow
Fearn (2005), however, in that we take the natural log of the percentage minority
variables to minimize skewness. We did not use the natural log of the change in
percentage of minorities because natural logs of negative numbers are equal to zero.
Data for the number of county residents of Latino ethnicity, African-American, or other
minority descent were collected from the U.S. Census Bureau's online data repositories
for the years 1988-2004.[10]

We chose not to include county-level demographics such as gender distribution or age
distribution for two reasons. First, they are known to not be related with pretrial release
decisions (Maxwell & Maxwell, 1998). Fearn (2005) shows that county gender
distributions are not related to SCPS sentencing outcomes either. Second, they are not
the focus of the research conducted here. In the interest of building a relatively
parsimonious county-level model, we elected to leave such analysis to future studies.

Defendant Level Variables

There are several common components of ABA standards-compliant risk measures that
the SCPS collects that ought to be correlated with pretrial release decision making.
These include current offense factors, prior criminal history factors, and information on
the defendant's age. The SCPS also collects data on a defendant's ethnicity, gender, and
race. These demographic factors are not ABA standards-compliant, but are known to be
associated with pretrial release decision making and court sentencing decisions, as
detailed in the literature review.

---

[10] Since no single on-line resource contained the necessary information, we utilized the Quickfacts website
(http://quickfacts.census.gov), the State-County Factbook, and several on-line spreadsheets
(http://www.census.gov/popest/archives/1990s/CO-99-11.html,
http://www.census.gov/popest/archives/1980s/e8089co.txt and
http://www.census.gov/popest/archives/1980s/PE=02-1988.xls).

Most serious current offense charge. BJS requires that the SCPS offenses be reported in a 17 category standardized format, which is a rough parallel to a measure of the offense's severity. The BJS standardized offense coding format is implicitly ordinal in design. However, there is not wide acceptance of the ordinality of the BJS standardized offense coding format. There is acceptance of the BJS' characterization of offenses in a four-category format: violent, property, drug, and public order.[11] Likewise, it is not uncommon to see analysts create indicator "dummy" variables out of the BJS offenses to achieve a modest degree of statistical control over most serious offense severity (Demuth, 2003; Fearn 2005; Maxwell & Maxwell, 1998; Maxwell, 1999; Maxwell, Robinson, & Post, 2003; Schlesinger, 2005). With this in mind, we created indicator variables for the most serious offense with public order offenses as the residual category. Maxwell (1999) and Fearn (2005) took the same approach.

Number of charges. "Number of charges" is one accepted measure of offender risk (Demuth, 2003; Phillips, 2004a; Pretrial Justice Institute, 2007). Within a given jurisdiction, the more charges a defendant has the more likely the offense(s) were considered severe by the arresting and charging officials.[12] For this study, it is operationalized as an interval measure ranging from one to 99.

Second most serious charge - felony or misdemeanor. SCPS only handles felony defendants, yet nearly two-thirds of defendants have two or more charges (Cohen & Reaves, 2006). Most pretrial risk assessments are designed to handle both felony and misdemeanor defendants. Numerous studies have shown that misdemeanor defendants are less likely to be a risk than felony defendants (VanNostrand, 2003). Levin (2007) found that SCPS defendants with a second most serious felony charge are a greater risk for pretrial misconduct than SCPS defendants without a second most serious felony charge. For this study, "second most serious charge" is coded as zero for those without a second most serious charge or a misdemeanor charge and is coded as a one for those with a second most serious felony charge.

Prior felony convictions. The more prior felony convictions, the less likely it is that the defendant will be released. This straightforward relationship is one of the most consistent findings in pretrial release research (Maxwell, 1999; VanNostrand, 2003; Demuth & Steffensmeier, 2004; Schlesinger, 2005). For this study, the number of prior felony convictions is an interval variable ranging from zero to 99.

Prior misdemeanor convictions. The relationship between the number of prior misdemeanor convictions to the likelihood of the defendant being released is only marginally less consistent than the prior convictions relationship in pretrial release research (Maxwell, 1999; VanNostrand, 2003; Demuth & Steffensmeier, 2004;

---

[11] Violent offenses are murder, rape, robbery, assault, and other violent crimes. Property offenses are burglary, theft, motor-vehicle theft, fraud, forgery, and other property crimes. Drug offenses are drug trafficking and other drug crimes (mostly drug possession). Other public order offenses are drunk driving, public-order crimes, weapons offenses, and other assorted felony offenses.

[12] It is important to note that charging patterns vary considerably from arresting agency to arresting agency. This is just one of many reasons that multilevel modeling is preferable. What may be considered a case with many charges in Cook, IL may be considered as case with very few charges in Maricopa, AZ.

This document is a research report submitted to the U.S. Department of Justice. This report has not
been published by the Department. Opinions or points of view expressed are those of the author(s)
and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

Schlesinger, 2005). For this study, the number of prior misdemeanor convictions is an interval variable ranging from zero to 99.

Prior incarcerations. The effect of the seriousness of the type of prior incarceration on the likelihood the defendant will be released is a surprisingly under-investigated relationship in pretrial release research. On its face, one might think that it is redundant when considering prior felony and prior misdemeanor convictions, but that is not so. Many misdemeanor convictions result in straight probation sentences without prison or jail time (Durose & Langan, 2004). Two academic studies have shown that prior incarceration may be a relevant factor in predicting release, despite its not being part of most risk assessment scales (Demuth & Steffensmeier, 2004; Schlesinger, 2005). For this study, the "most serious type of prior incarceration" is an ordinal variable ranging from zero to two, where zero is no prior incarcerations, one is prior jail, and two is prior prison.

Criminal justice status at arrest. Defendants with a criminal justice status at arrest are less likely to be released (Demuth & Steffensmeier, 2004; Phillips, 2004a; VanNostrand, 2003; Schlesinger, 2005). Defendants with a criminal justice status at arrest are generally defendants with an outstanding arrest warrant, but also may have committed an offense while under supervision of the criminal justice system. For this study, criminal justice status is coded as zero for those without a criminal justice status at arrest and as a one for those with a criminal justice status at arrest.

Prior failure to appear. If a defendant has a prior failure to appear in a previous case, it is more likely that the defendant is not going to show up in the current case, and less likely that the defendant will be released. This straightforward relationship is the most consistent finding in pretrial release research (Maxwell, 1999; Demuth, 2003; Demuth & Steffensmeier, 2004; Petee, 1994; Podkopacz, 2006; Schlesinger, 2005; Siddiqi, 2005a; VanNostrand, 2003). The face validity of the argument is hard to dispute. Two separate variables are necessary – one to indicate the defendant has a prior case and made all appearances and the other to indicate the defendant has a prior case with at least one non-appearance. The logic for inclusion of a separate variable for all appearances made is that prior appearances made may actually be thought of as a mitigating factor. The defendant's record is showing that he/she can be counted on, at least in this one regard. For this study, "all appearances made" is coded as a one if the defendant had a prior case and made all appearances, otherwise the variable is coded as zero. "All appearances not made" is coded as a one if the defendant had a prior case and did not make all appearances, otherwise the variable is coded as zero. The residual is defendants without a prior case.

Age. Repeated studies of criminal careers have validated the conclusions voiced by the 1986 National Academies of Science report on criminal careers – that offenders reduce their offending behaviors after reaching their mid-thirties (Blumstein, Cohen, Roth, & Visher). Langan and Levin (2002) demonstrated this in the most nationally comprehensive recidivism study to date. The facts concerning age and risk of criminal offending are well known to judges, prosecutors, and pretrial risk assessment designers

and are reflected in pretrial release decisions (Demuth, 2003; Phillips 2004; Podkopacz, 2006; VanNostrand, 2003; Schlesinger 2005). For this study, age is an interval variable ranging from 12 to 97. In line with the logic that after 35 years of age offenders are less likely to reoffend, we look for a reversing of the impact of age on release after a defendant reaches early middle age.

Gender. As detailed in the literature review, gender differences are present in pretrial release decision processes (Daly, 1987; Kruschnitt, 1984). We operationalize gender as an indicator variable with males coded as one and females coded as two.

Ethnicity. The defendant's ethnicity is one of the core research variables for this study. As delineated in the literature review, many studies have found racial disparities in pretrial release decisions (Free, 2001, 2002, 2004). Only Demuth and Steffensmeier (2004), however, have focused their investigation on the possibility that a defendant's Latino ethnicity may be a source of pretrial release decision disparities.[13] If Demuth and Steffensmeier are correct, the jurisdictions with rapid growth in Latinos during the early 2000s should show similar increases in the impact of Latino ethnicity on pretrial release decisions. For this study, Latino ethnicity is an indicator variable with Latinos coded as one and Non-Latinos as zero.

Race. Free (2001, 2002, 2004) provides an excellent review of the race and pretrial release decisions research to date, concluding that race is a source of disparities in pretrial release decisions. As per most operationalizations of race/ethnicity in the United States, we created indicator variables for Non-Latino African-American and Other Nonwhite Non-Latino, with the residual category being Non-Latino White.

Cross-level Interactions

Following the logic detailed in the final paragraph of the literature review, we create cross-level interaction terms to handle ceiling and threshold effects. We interact the defendant's ethnicity and race with the county percentages of a minority population. We then interact these variables with the rate of change in a minority population. In this instance, for ease of interpretation of coefficients, we designed indicator variables for:
- percentage minority (Latino/African-American) population zero percent to 15 percent,
- percentage minority (Latino/African-American) population 16 percent to 30 percent, and
- percentage minority (Latino/African-American) population 31 percent or higher.

The reference category for this set of indicator variables is the zero percent to 15 percent category. The logic utilized to select these categories is based on the power of voting blocs. When a minority group is 15 percent of the county or less, it is unlikely to be of a sufficient size to be able to exercise a voting bloc of a significant enough share to require deliberate courting by political parties (Oliver & Ha, 2007). Racial and ethnic diversity

---

[13] See Methodology, The State Court Processing Statistics Database section paragraph four for a review of potential confounds concerning this finding

does make local elections more competitive (Koetzle, 1998; Oliver & Ha, 2007). Many of the local elections in Oliver and Ha's study are located in SCPS counties, making their findings all the more relevant. In their analysis, they split racial diversity into three categories, as we do, but the values of the categories are unspecified. Soss, Langbein, and Metelko (2003) show that whites in counties with African-American populations of 19 percent or more have much weaker relationships between prejudicial attitudes and death penalty attitudes than whites in counties with African-American populations of one percent or less. This suggests that a good cutoff is in the teens for a "low" percentage of minorities. Soss, Langbein, and Metelko (2003) use the General Social Survey (GSS); the distribution of the GSS counties is skewed towards rural counties with low percentages of minority populations.

Our data, like Oliver and Ha's, are derived from more urban areas, thus we created a second category between 16 percent and 30 percent minority. This distinguishes places where competition potentially interacts with sizable racial bloc voting enough to create a defensive reaction rather than accommodation/placation. Thus we have the following set of variables:

- defendant Latino by percent Latino 16 percent to 30 percent;
- defendant Latino by percent Latino 31 percent or higher;
- defendant African-American by percent African-American 16 percent to 30 percent;
- defendant African-American by percent African-American 31 percent or higher;
- defendant Latino by rate of change in the percentage of the Latino population;
- defendant African-American by rate of change in the percentage of the African-American population;
- defendant Latino by percent Latino 16 percent to 30 percent by rate of change in the percentage of the Latino population;
- defendant Latino by percent Latino 31 percent or higher by rate of change in the percentage of the Latino population;
- defendant African-American by percent African-American 16 percent to 30 percent by rate of change in the percentage of the African-American population;
- defendant African-American by percent African-American 31 percent or higher by rate of change in the percentage of the African-American population.

Predicting Pretrial Release Decisions

Hierarchical or multilevel modeling (HLM/MLM) is a methodology specifically designed for separating out the effects of independent variables of interest that occur at multiple levels of the process under study. Often, when we have a process that occurs in a limited number of places, and the outcomes are place dependent, the concentration of the distribution of predictor variable values at the place level leads to a mis-estimation of the true variance of the place level predictor variables. This can lead to an assumption that these variables play a more significant role in determining outcomes than they actually do.

HLM/MLM partitions variance between and within jurisdictions, allowing us to estimate the amount of variance at each level of analysis. Residual errors are usually correlated within jurisdictions, which violates the best linear unbiased estimator ordinary least squares assumption of independent error terms, and thus the analysis would mis-estimate the standard errors. HLM/MLM: 1) adds a specific jurisdiction effect for each jurisdiction equation; 2) adjusts the degrees of freedom to reflect level two (jurisdiction) units; and 3) allows us to directly assess the assumption of homogeneity of level one (defendant) regression coefficients from jurisdiction to jurisdiction (Ulmer & Johnson, 2004). HLM/MLM was originally developed as a linear modeling application, but has been extended to binary, ordinal, and count modeling as well since 2000. Thus, we use HLM/MLM to develop a binary model of pretrial release eligibility, a binary model of financial release eligibility, a linear model of the bail amount set, and a binary model of financial release.[14]

Since we are most interested in the impact of level two (jurisdiction) variables, grand mean centering is appropriate (Bontrager, Bales, & Chiricos, 2005; D'Alessio & Stolzenberg, 2002; Raudenbush & Bryk, 2002; and Ulmer & Johnson, 2004). However, grand mean centering is not without its complications. First, it introduces estimation bias in the defendant level effects. Second, means centering plays havoc with the interpretation of indicator variables when employed as components of interaction terms. After all, the point of an indicator interaction term is that one category is zero and thus removes all variation in interaction terms created from the zero observations of the indicator variable. When an indicator variable is grand mean centered, there is no longer a zero category. Therefore, we elected to do selective centering. Following the lead of Bontrager, Bales, and Chricos (2005) and Oliver and Ha (2007) we do not center indicator variables when we expect to utilize them in interaction terms.

Our primary concern in this analysis is the difference in the impact of a level one variable – Latino ethnicity – as a function of several level two jurisdiction demographics. This means that while it is possible to model the level one variables to have random coefficients (vary from jurisdiction to jurisdiction randomly), it would detract from our ability to detect systematic variation in the level one coefficients by the level two jurisdiction demographics. We also view the criminal case processes in each jurisdiction as not dependent on each other. That is, the processing of a case in jurisdiction 10 is not dependent on the processing of a case in jurisdiction 1. Given that the jurisdictions are from a wide range of states, this assumption seems reasonable. For these reasons we do our models as independent covariance structures with fixed coefficients level one and level two variables.

---

[14] It is important to note that for the model for defendants on financial release eligibility, the choice is between placing them on nonfinancial release or financial release. If the models are working correctly, the inverse mills ratio will account for the effects of being made eligible for pretrial release by either financial or nonfinancial means. Thus, to do a separate model of nonfinancial release would be redundant. The signs of the coefficients for the model of financial release can simply be reversed to describe the relationships between the models independent variables and nonfinancial release.

In addition to utilizing multilevel modeling, analysis of pretrial outcomes such as bail amounts requires the employment of Heckman selection bias adjustments (Berk, 1983; Bushway, Johnson, & Slocum, 2007; Johnson, 2006; Peterson & Hagan, 1984). The notion behind the Heckman selection bias adjustment is conceptually straightforward. Create a model of the outcome of the first stage in a process, say bail eligibility. Take the predicted values for that outcome and convert them to a hazard rate (the inverse Mills ratio). Insert the hazard rate into the second stage equation (say for financial eligibility) to control for selection bias. To avoid issues of multicollinearity, it is recommended that at least one variable from the first stage equation that is significant for the first outcome but unlikely to be of significance for the second outcome be removed from the equation. In the financial release models, we dropped prosecutor budget per capita (ln), in the bail amount models we dropped prosecutor budget per capita (ln) and prosecutorial screening practices, and in the making monetary bail models we dropped prosecutor budget per capita (ln), prosecutorial screening practices, and judicial appointment type.

The reason we state that the procedure is conceptually straightforward is because there are few MLM software packages that have the Heckman selection bias adjustment as an option. STATA 10 ® does not. As a result, we utilize a similar approach to Johnson (2006). We compute the hazard rate in a STATA command from the output of the initial stage model, and make a standard adjustment (not accounting for MLM probit variance differences between MLM and non MLM probit). This adjustment ought to provide us with unbiased coefficients.

An additional level of complexity is that we model using several different types of statistical programs. The initial two stages of decision making are modeled as generalized linear latent and mixed models (GLLAMM) (Rabe-Hesketh, Skrondal, & Pickels, 2004). The bail amount is modeled in STATA's default xtmixed (cross time and space multilevel model) routine. The actual making of monetary bail release is modeled in both GLLAMM and STATA's xtprobit routine.

The GLLAMM program add-on to STATA allows us to model multilevel models with probit, per a proper Heckman selection model specification. On the other hand, the GLLAMM routine does not readily provide a likelihood ratio test of a multilevel model versus ordinary regression or ordinary logistic regression. The xtmixed routine is an excellent routine, with a good trade off between computational speed and accuracy. The xtprobit routine is not a genuine multilevel model but a modified panel data model. The xtmixed and xtprobit routines do allow us to test the suitability of a multilevel model versus ordinary regression or ordinary logistic regression. Neither GLLAMM or STATA ® xt routines allows us to formally do a statistical test of rho – a means to examine if a selection bias correction was necessary. In our case, logic dictates that multilevel models are essential and selection models are essential, so the lack of formal statistical tests is not critical. In fact, we will not show results for the likelihood ratio tests for suitability of a multilevel model even when they are available.

Additional differences exist between GLLAMM and the STATA xtmixed and xtprobit routines in their computational intensity. Xtmixed and xtprobit have more predefined

values and model assumptions, allowing of quicker, but not necessarily more accurate estimates (Rabe-Hesketh & Skrondal, 2005). Experience has shown that when modeling large datasets like SCPS, computer processing time is a problem. GLLAMM models can take days to run, hours to find out they are not converging to a solution, and are a major research bottleneck. We chose to go with a mix of approaches to maximize accuracy in the early stages, since the bail amount and monetary bail release models rely on the earlier stages estimates. In the "end stage model" of bail amount hyper-accuracy was not as critical and xtmixed is sufficient for the task. For the "end stage model" of monetary bail release, we elected to try GLLAMM, since it describes the data generating process better. However, in several years, the computations required were beyond the processing power available to PJI. Thus, we have settled for using xtprobit in those years. Appendix table 8 documents comparisons for where we have models by both approaches.

One more methodological issue remains – weighting. STATA xtmixed and xtprobit allow for importance weights, which are not strictly speaking sampling weights. GLLAMM probit also allows for sampling weights, but warns the user that if the weights are more than level 2 weights (in our case jurisdiction), weighting should not be attempted (Rabe-Hesketh, Skrondal, & Pickels, 2004). This is a troubling matter, as the SCPS data is sampled and weighted to represent felony cases in the nation's 75 largest counties by population. SCPS weights are both level one weights (case weights) and level two weights (jurisdiction weights). As a result, we are simply unable to perform weighted data analysis.

Findings

Care must be taken in the interpretation of these results. We analyzed the data annually initially because of the data processing limitations of STATA, but found that to be a fortuitous circumstance. It brought us new perspective on interpreting shifting patterns in pretrial release, such as those described in Cohen and Reaves (2007). We will discuss time trends in terms of SCPS years sampled. Whenever there are more than three out of the seven SCPS years with statistically significant relationships, we can state that the presence of a relationship is not simply dependent on the counties included in the sample during a three-year SCPS sampling rotation. When we see a coefficient reverse signs between sample frames and not within sample frames, we have reason to suspect that the change in coefficient sign may have to do with the counties sampled, not a time trend. We will detail these issues below.

Pretrial Release Eligibility

Again, for the purposes of this study, a defendant is considered pretrial release eligible if the court (1) releases the defendant on non-financial conditions, or (2) imposes a money bail that the defendant must post in order to be released. A defendant is ineligible for pretrial release if the court orders the defendant held without bail. The findings for pretrial release eligibility are presented in Table 1.[15]

---

[15] Some readers will wonder where the overall model goodness of fit measures are, such as AIC or R^2. STATA does not readily provide such statistics nor does GLLAMM for multilevel models. In fact, there is

Regional Factors

A typical assumption is that the southern states in the U.S. have more punishment-oriented norms than other regions of the U.S., particularly the Northeast (Humphrey & Fogarty, 1987; Fearn, 2005; Wood, 2007).[16] As Table 1 shows, during 1992 and 1994, SCPS defendants in Northeastern jurisdictions were significantly more likely to be placed in pretrial release eligibility than defendants in Southern jurisdictions. Starting in 2000, defendants in Western jurisdictions were significantly more likely to be made eligible for release than defendants in Southern jurisdictions.

We have reason doubt that there are time trends here. SCPS in 1992 included a large number of Northeastern counties, particularly from Massachusetts, that were not part of SCPS after 1992. The 2000-2004 SCPS had a large number of California counties that were not present in SCPS prior to 2000. Thus to suggest that there were trends in regional pretrial release practices over time would be misleading. What may be occurring is that as the number of SCPS counties from the West became larger, the influence of pretrial case processing practices in California became statistically significant.

Case Processing Factors

Judge selection modes were not consistently significant for determining pretrial release eligibility. Moreover, judge selection mode changed direction of impact from year to year. The influence of prosecutor screening practices on pretrial release eligibility seem to be more a product of the 2000-2004 SCPS sampled county practices than of prosecutors specifically. The same is true concerning the impact of prosecutor per capita expenditures on the likelihood of a defendant's being made eligible for pretrial release. These prosecutor-related patterns may well have to do with the concentration of SCPS sampled counties in California, Florida, Texas, and New York between 2000 and 2004. This is testament to the fact that when most of SCPS cases come from just four states, SCPS becomes really more representative of what is occurring in those states than in the U.S. as a whole. Contrary to D'Alessio and Stolzenberg (1997), Johnson (2006), and Ulmer and Johnson (2004), jail capacity did not significantly predict the placement of defendants into eligibility for pretrial release. Unlike Maxwell and Maxwell (1998) crime rates were not significantly predictive of the placement of defendants into eligibility for pretrial release.

County Demographic Factors

The direct influence of county-level racial and ethnic demographics on the likelihood that a defendant is made eligible for pretrial release is quite weak. Except for the years 1998

---

no good equivalent for R^2 in multilevel modeling. Since model fit for us is not of substantive concern and is not traditional to put in multilevel modeling results, we do not attempt to do so in this report.

[16] All differences discussed in the report are statistically significant at the 95 percent confidence level unless otherwise noted.

and 2000, there are very minimal significant effects for pretrial release. In 1998 and 2000, we see that county demographics played a role – counties with high levels of Latinos and increasing percentages of Latinos were less likely to place defendants into eligibility for pretrial release. Counties with higher percentages of African Americans had inconsistent significant effects, sometimes being more likely to place defendants into eligibility for pretrial release, sometimes less likely. Given that the African American impact is stable from 2000-2002, but is a reversal of 1998, it appears that the impact of county racial and ethnic demographics is just as dependent on the sampling frame as it is on case processing factors.

Defendant Characteristics

What shines through consistently is the importance of individual criminal history in determining whether a defendant is placed into eligibility for pretrial release. The more prior felony convictions a defendant has, the significantly less likely that defendant will be placed into eligibility for pretrial release. Criminal justice status at time of arrest is a consistently significant predictor that a defendant will not be placed into eligibility for pretrial release. The severity of a defendant's most serious prior incarceration is a significant predictor that a defendant will not be placed into eligibility for pretrial release six out of seven years. Prior failure to appear is often a significant predictor.

The current arrest offense is often a significant predictor of eligibility for pretrial release. Violent offenders are usually less likely than public order offenders to be placed into eligibility for pretrial release. Property and drug offenders are usually more likely than public order offenders to be placed into eligibility for pretrial release. While the total number of charges seems to have had a significant impact on placement of defendants on eligibility for pretrial release in 1992 and 1994, this did not continue.[17]

The gender, racial, and ethnic characteristics of a defendant show a pattern of significant disparities concerning eligibility for pretrial release. In four out of seven years, women are significantly more likely to be placed into eligibility for pretrial release than men. When the difference is statistically significant, whites are almost always more likely to be placed into eligibility for pretrial release than African Americans or Latinos. This pattern of disparities is expected from the literature, but what is of great concern is that these defendant level disparities are increasing, not decreasing over time in SCPS. The defendant level gender, racial, and ethnic disparities in the 2000-2004 SCPS counties are almost always statistically significant.

Cross-Level Interactions

For placement of defendants into eligibility for pretrial release, with only three exceptions, there are no significant cross level interaction patterns. While state courts do occasionally exhibit more restrictive release practices in high percentage minority

---

[17] Once again, this may be a function of jurisdictions sampled. The 1992 and 1994 SCPS are the initial SCPS sample frame. In 1996 we switch jurisdictions. The "change" may not be a time trend, but a sampling artifact.

counties, these practices do not appear to be directed solely at minority defendants. Minority defendants are penalized because they are a minority, not because they are minorities in fast growing minority counties or minorities in minority counties with small or modest numbers of minorities.

Table 1. Models of Placement of Defendant into Pretrial Release Eligibility, 1992-2004							
	1992	1994	1996	1998	2000	2002	2004
Region							
Northeast	1.44***	0.60*	0.41	0.88*	0.45	0.25	1.28
	(0.27)	(0.28)	(0.35)	(0.42)	(0.33)	(0.56)	(0.80)
Midwest	0.41	0.81[+]	0.32	0.00	0.84**	0.43	0.53
	(0.32)	(0.45)	(0.40)	(0.39)	(0.28)	(0.40)	(0.48)
West	0.94**	0.56	0.58	-0.48	1.45***	1.62**	1.60**
	(0.34)	(0.46)	(0.55)	(0.49)	(0.33)	(0.47)	(0.57)
Case Processing							
Judge Appointed	-0.64[+]	-1.22	0.17	0.60	-0.82*	0.01	-1.19[+]
	(0.36)	(0.39)	(0.43)	(0.44)	(0.33)	(0.47)	(0.62)
No Prosecutorial Screening	0.15	0.19	0.10	-0.18	0.72***	0.55[+]	0.89[+]
	(0.22)	(0.26)	(0.35)	(0.26)	(0.19)	(0.30)	(0.47)
Case Rate (ln)	-0.10	0.27	-0.06	-0.12	0.01	0.17	-0.05
	(0.22)	(0.26)	(0.25)	(0.19)	(0.22)	(0.26)	(0.34)
Crime Rate (ln)	0.03	-0.13	-0.22	0.57	0.12	-0.43	0.48
	(0.29)	(0.35)	(0.42)	(0.40)	(0.21)	(0.43)	(0.84)
2 year Δ Crime Rate	0.02	0.01	0.00	-0.00	0.00	-0.01	-0.01
	(0.01)	(0.01)	(0.00)	(0.00)	(0.01)	(0.01)	(0.00)
% Jail Capacity Used (ln)	0.59	0.99	0.28	-0.73	0.09	-0.68	-0.17
	(0.48)	(0.64)	(0.96)	(0.59)	(0.50)	(0.73)	(0.93)
2 year Δ % Jail Capacity Used	-0.01	-0.00	-0.01	0.01	-0.02	-0.01	0.01
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Prosecutor Budget Per Capita (ln)	-0.02	-0.10	-0.11	1.01*	-0.56***	-0.50*	-0.60[+]
	(0.16)	(0.21)	(0.34)	(0.40)	(0.15)	(0.21)	(0.31)
County Demographic Factors							
% African American (ln)	0.09	-0.00	0.15	-0.61*	0.27*	0.50*	0.32
	(0.22)	(0.30)	(0.32)	(0.28)	(0.13)	(0.21)	(0.31)
% Latino (ln)	0.04	0.11	0.00	-0.56*	-0.23*	0.19	0.10
	(0.11)	(0.17)	(0.17)	(0.25)	(0.12)	(0.22)	(0.24)
2 year Δ % African American	0.03	-0.06	-0.06	-0.25**	-0.00	0.04	0.06
	(0.06)	(0.08)	(0.08)	(0.08)	(0.01)	(0.03)	(0.06)
2 year Δ % Latino	-0.07	0.10*	0.09	0.01	-0.01**	0.01	-0.01
	(0.06)	(0.05)	(0.06)	(0.07)	(0.00)	(0.04)	(0.06)
Defendant Characteristics							
Total # of Charges	-0.08**	-0.11***	-0.02	-0.03[+]	-0.09	-0.02	-0.03
	(0.03)	(0.02)	(0.02)	(0.02)	(0.18)	(0.02)	(0.02)
Most Serious Offense – Violent	-0.33**	-0.09	-0.10	-0.22**	-0.19*	-0.53***	-0.41***
	(0.12)	(0.09)	(0.09)	(0.08)	(0.08)	(0.10)	(0.09)
Most Serious Offense – Property	0.07	0.18*	0.21*	0.19*	0.27**	-0.17[+]	-0.06
	(0.12)	(0.09)	(0.09)	(0.08)	(0.08)	(0.10)	(0.09)
Most Serious Offense – Drugs	0.21	0.17*	0.25**	0.31***	0.29***	-0.08	0.01
	(0.12)	(0.09)	(0.09)	(0.08)	(0.08)	(0.10)	(0.09)
2nd Most Serious Offense – Felony	-0.06	0.00	-0.09	0.05	-0.09	-0.09	-0.10
	(0.09)	(0.07)	(0.07)	(0.06)	(0.06)	(0.07)	(0.07)
2nd Most Serious Offense – Misdemeanor	0.23*	0.20*	0.14[+]	0.14[+]	0.06	0.08	0.04
	(0.11)	(0.07)	(0.08)	(0.07)	(0.07)	(0.08)	(0.08)
Prior Felony Convictions	-0.05**	-0.04**	-0.03*	-0.05***	-0.06***	-0.05***	-0.04**
	(0.02)	(0.01)	(0.02)	(0.01)	(0.01)	(0.01)	(0.01)

Table 1. Models of Placement of Defendant into Pretrial Release Eligibility, 1992-2004 (Continued)							
	1992	1994	1996	1998	2000	2002	2004
Prior Misdemeanor Convictions	0.04	0.02	0.03*	0.02**	0.02*	0.01	0.00
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Criminal Justice Status at Arrest	0.63***	0.72***	0.87***	1.19***	0.85***	0.75***	0.68***
	(0.08)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)
Prior Incarceration	-0.17**	-0.14***	-0.16***	-0.19***	-0.13**	-0.02	-0.09*
	(0.05)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)
Prior FTA	-0.02	-0.02*	-0.05	0.02	0.13	0.06	0.03
	(0.11)	(0.08)	(0.09)	(0.08)	(0.08)	(0.08)	(0.10)
No Prior FTA	-0.18*	-0.17*	0.02	0.17*	0.13[+]	0.02	0.04
	(0.09)	(0.08)	(0.08)	(0.08)	(0.07)	(0.07)	(0.08)
Gender	0.06	0.09	0.14*	0.31***	0.22**	0.24***	0.10
	(0.09)	(0.07)	(0.07)	(0.06)	(0.06)	(0.07)	(0.07)
Age	0.01	0.01	0.01*	0.00	0.00	0.00	-0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Age^2	-0.00	-0.00	0.00	0.00	-0.00	-0.00	0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
African American	-0.14	0.01	-0.18**	-0.03	-0.00	-0.14*	-0.21**
	(0.08)	(0.06)	(0.07)	(0.07)	(0.06)	(0.06)	(0.08)
Latino	-0.55***	0.03	0.21*	-0.06	-0.10	-0.24**	-0.28**
	(0.12)	(0.11)	(0.10)	(0.14)	(0.07)	(0.08)	(0.08)
Other	-0.09	0.02	-0.20	-0.06	0.03	0.02	-0.33*
	(0.28)	(0.20)	(0.20)	(0.19)	(0.16)	(0.19)	(0.16)
Interaction Terms							
A.A. in 16-30% A.A. County	-0.28	0.09	-0.02	-0.03	0.12	-0.17	0.06
	(0.19)	(0.12)	(0.13)	(0.11)	(0.12)	(0.12)	(0.12)
A.A. in 31%+ A.A. County	-0.08	0.16	0.01	-0.46[+]	0.13	-0.23	-0.03
	(0.21)	(0.17)	(0.19)	(0.27)	(0.14)	(0.16)	(0.24)
L. in 16-30% L. County	0.54**	0.25	0.07	-0.47[+]	0.16	0.11	-0.21
	(0.20)	(0.16)	(0.21)	(0.25)	(0.18)	(0.17)	(0.24)
L. in 31%+ L. County	-0.04	0.40[+]	-0.01	-0.40	-0.02	0.23	-0.02
	(0.30)	(0.24)	(0.24)	(0.30)	(0.18)	(0.18)	(0.26)
A.A. in 16-30% A.A. County * Δ A.A.	-0.05	-0.06	-0.01	-0.04	-0.00	-0.02	0.05
	(0.08)	(0.05)	(0.07)	(0.06)	(0.01)	(0.03)	(0.04)
A.A. in 31%+ A.A. County * Δ A.A.	-0.21	0.36*	-0.08	-0.13	0.03*	-0.02	-0.02
	(0.19)	(0.15)	(0.12)	(0.20)	(0.01)	(0.05)	(0.06)
L. in 16-30% L. County * Δ L.	-0.29	0.18	-0.06	-0.02	-0.00	0.05	0.04
	(0.19)	(0.17)	(0.10)	(0.07)	(0.00)	(0.03)	(0.04)
L. in 31%+ L. County * Δ L.	-0.29[+]	0.11	-0.05	-0.05	0.00	0.03	0.03
	(0.17)	(0.09)	(0.10)	(0.09)	(0.01)	(0.04)	(0.05)
Random Effects							
County Intercept	2.04***	1.77***	1.93***	1.91***	1.99	2.07	2.13
	(0.09)	(0.09)	(0.10)	(0.09)	(0.08)	(0.11)	(0.13)
LLR Test	-1,142.25	-1,886.86	-2,015.10	-2,253.13	-2,155.06	-1,847.70	-1,815.53
N	6,530	8,624	10,616	11,073	12,365	11,239	11,865
Groups	31	32	36	36	37	36	35
[+]p≤.10; *p≤.05; **p≤.01; ***p≤.001							
Coefficients are unstandardized. Standard errors are in parentheses.							
A.A.-African American; L.-Latino							

Financial Pretrial Release Eligibility

The decision for this model is between releasing the defendant on a nonfinancial release or setting a financial condition of release – a monetary bail amount. It is important to remember that the inverse mills ratio will screen out defendants predicted to not be eligible for placement on a financial or nonfinancial release. If a defendant is eligible for financial release, she/he can be released if the bail is posted. If a defendant is placed on nonfinancial release, she/he is automatically released. The results for the remainder of this section will be discussed in terms of placement of a defendant into eligibility for financial release.[18]

Regional Factors

While region's effects on eligibility for pretrial release were difficult to interpret, the impact of region on eligibility for financial pretrial release was clear. Defendants in Southern jurisdictions were significantly more likely than defendants from any other region to be made eligible for financial pretrial release until 2004. In 2004, defendants in Southern jurisdictions were not significantly different than defendants in Northeastern jurisdictions in their eligibility for financial release. Defendants in Southern jurisdictions, however, were significantly more likely to be made eligible for financial release than nonfinancial release as compared to defendants in Midwestern and Western jurisdictions. This decline in the uniqueness of the South corresponds with the recent findings by the Bureau of Justice Statistics that the use of financial pretrial release has increased nationwide (Cohen & Reaves, 2007).

Case Processing Factors

Whether judges were appointed or elected showed no difference in eligibility for financial release. No prosecutor related variables were consistently predictive of financial pretrial release eligibility. Likewise, neither jail capacity nor crime rates were significantly predictive for eligibility for financial release.

County Demographic Factors

There is no clear consistent statistically significant relationship between county-level racial and ethnic demographics and eligibility for financial pretrial release.

Defendant Characteristics

Criminal history is a critically important predictor of a defendant's being placed into eligibility for financial pretrial release. The more prior felony convictions a defendant has, the significantly more likely the defendant is to be placed into eligibility for financial

---

[18] If the reader wishes to know what the coefficient for a defendant's placement into nonfinancial release is, simply reverse the sign of the coefficient.

pretrial release. The more serious a defendant's most serious prior incarceration term
was, the significantly more likely the defendant is to be placed into eligibility for
financial pretrial release. Defendants with a criminal justice status at the time of arrest
were significantly less likely to be placed into eligibility for financial pretrial release and
were significantly more likely to be placed into eligibility for non-financial pretrial
release. This finding is crucial. It suggests that courts are placing defendants with active
criminal careers on nonfinancial pretrial release   What we do not know, however, is
whether these defendants are being placed into pretrial program supervision. If these
defendants are *not* being placed into supervision, it could go a long way in explaining the
relatively high levels of pretrial misconduct found by Cohen and Reaves (2007) for
defendants released on recognizance. During the 2000-2004 SCPS sample, defendants
with a prior FTA were consistently more likely to be placed into eligibility for financial
pretrial release than defendants who had not had a prior opportunity to FTA. During the
2000-2004 SCPS sample, defendants without a prior FTA who had a prior opportunity to
FTA were consistently more likely to be placed into eligibility for financial pretrial
release than defendants who had not had a prior opportunity to FTA.

The current arrest offense is always a significant predictor of eligibility for financial
pretrial release. Violent offenders are more likely to be placed into eligibility for
financial pretrial release than public order offenders. Property and drug offenders are
more likely to be placed into eligibility for nonfinancial pretrial release than public order
offenders. The more charges a defendant has at arraignment, the more likely a defendant
is to be placed into eligibility for financial pretrial release. Defendants with a felony
second most serious offense charge are more likely to be placed into eligibility for
financial pretrial release than defendants without a second most serious offense charge.
During the early years of SCPS, defendants with a misdemeanor second most serious
offense charge were less likely to be placed into eligibility for financial pretrial release
than defendants without a second most serious offense charge.

The impact of current arrest offense factors on pretrial financial release eligibility
suggests that courts are using financial pretrial release as means to "protect" the public
from violent offenders and multiple charge offenders rather than placing such defendants
into supervised pretrial release by pretrial programs. The irony is that previous research
has shown that violent offenders are less likely to commit pretrial misconduct or reoffend
than other types of offenders (Cohen & Reaves, 2006; Langan & Levin, 2002). While
placing violent defendants into eligibility for financial pretrial release may mollify the
public, it is also systematically picking the least likely to reoffend and least likely to
engage in pretrial misconduct for eligibility for financial pretrial release.

Just as at the pretrial release decision point, the gender, racial, and ethnic characteristics
of a defendant appear to impact eligibility for financial pretrial release. Women are
consistently more likely than men to be placed into nonfinancial pretrial release. Latinos
are consistently more likely than whites to be placed into eligibility for financial pretrial
release. This corresponds with Demuth and Steffensmeier's (2004) analysis of SCPS
data that does not control for jurisdictional factors.

Cross-Level Interactions

For placement of minority defendants into financial pretrial release versus nonfinancial
pretrial release, the answer is that there are no multi-year patterns that are statistically
significant. For African Americans during the 2000-2004 SCPS, we do see a threshold
effect of sorts. African Americans in counties with between 16 and 30 percent African
American populations are less likely to be placed into eligibility for financial pretrial
release than African Americans in counties with less than 16 percent African American
populations.

Inverse Mills Ratio

The inverse mills ratio functioned as expected. It was highly statistically significant in
every year and was negatively associated with financial pretrial release. This suggests
that the more likely a defendant is to be made eligible for pretrial release, the more likely
that defendant is to be put on nonfinancial release and the less likely that defendant is to
be put on financial release.

Table 2. Models of Placement of Defendant into Financial Pretrial Release Eligibility, 1992-2004							
	1992	1994	1996	1998	2000	2002	2004
Region							
Northeast	-1.49***	-1.60***	-1.65***	-0.77**	-0.69***	-0.66$^+$	-0.50
	(0.18)	(0.20)	(0.17)	(0.27)	(0.19)	(0.34)	(0.39)
Midwest	-1.03***	-1.15***	-0.71***	-0.53*	-0.67***	-0.55*	-0.61*
	(0.20)	(0.28)	(0.17)	(0.26)	(0.19)	(0.24)	(0.31)
West	-0.79**	0.31	-0.88***	-1.04***	-0.62**	-0.55*	-0.61*
	(0.23	(0.30)	(0.21)	(0.25)	(0.19)	(0.28)	(0.26)
Case Processing							
Crime Rate (ln)	-0.32	-0.52**	-0.45*	-0.14	-0.17	-0.17	0.05
	(0.22)	(0.20)	(0.22)	(0.23)	(0.13)	(0.28)	(0.44)
2 year Δ Crime Rate	0.00	-0.01	0.01	-0.00	0.01**	0.00	0.00
	(0.00)	(0.01)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Case Rate (ln)	0.20	0.10	-0.21$^+$	0.13	-0.15	-0.04	-0.36$^+$
	(0.13)	(0.14)	(0.12)	(0.12)	(0.13)	(0.16)	(0.21)
% Jail Capacity Used (ln)	-0.63$^+$	0.01	-0.10**	-0.54	-0.15	0.53	0.73
	(0.34)	(0.10)	(0.48)	(0.39)	(0.39)	(0.44)	(0.51)
2 year Δ % Jail Capacity Used	-0.01**	0.02**	0.01	0.01	0.00	-0.01	0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.01)	(0.00)
Judge Appointed	0.72**	0.35	-0.20	-0.25	0.19	0.05	-0.57*
	(0.23)	(0.258)	(0.21)	(0.25)	(0.22)	(0.27)	(0.28)
No Prosecutorial Screening	-0.17	-0.36*	-0.23	-0.37*	-0.07	-0.06	-0.20
	(0.14)	(0.18)	(0.19)	(0.17)	(0.14)	(0.18)	(0.19)
County Demographic Factors							
% African American (ln)	-0.03	0.52**	0.06	-0.04	-0.09	0.08	-0.01
	(0.12)	(0.20)	(0.15)	(0.15)	(0.09)	(0.14)	(0.19)
% Latino (ln)	0.04	0.01	0.04	0.09	0.05	0.19	0.14
	(0.07)	(0.10)	(0.08)	(0.11)	(0.08)	(0.13)	(0.14)
2 year Δ % African American	-0.12**	0.14*	0.04	-0.02	0.00	0.04*	0.01
	(0.04)	(0.06)	(0.04)	(0.05)	(0.00)	(0.02)	(0.04)
2 year Δ % Latino	0.08*	-0.02	0.01	0.02	0.00	-0.02	0.03
	(0.03)	(0.04)	(0.03)	(0.04)	(0.00)	(0.02)	(0.03)
Defendant Characteristics							
Total # of Charges	0.10***	0.16***	0.06***	0.04**	0.08***	0.04***	0.08***
	(0.02)	(0.02)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Most Serious Offense – Violent	0.57***	0.38***	0.35***	0.37***	0.37***	0.36***	0.45***
	(0.07)	(0.06)	(0.06)	(0.05)	(0.05)	(0.06)	(0.05)
Most Serious Offense – Property	-0.07	-0.26***	-0.13*	-0.15**	-0.30***	-0.10*	-0.11*
	(0.07)	(0.06)	(0.06)	(0.05)	(0.05)	(0.05)	(0.05)
Most Serious Offense – Drugs	-0.05	-0.31***	-0.11*	-0.15**	-0.26***	-0.16**	-0.13**
	(0.07)	(0.06)	(0.06)	(0.05)	(0.05)	(0.05)	(0.05)
2nd Most Serious Offense – Felony	-0.07	-0.03	0.16***	0.11**	0.10*	0.13**	0.10*
	(0.05)	(0.05)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)
2nd Most Serious Offense – Misdemeanor	-0.30***	-0.34***	-0.00	-0.00	-0.07$^+$	-0.18***	-0.04
	(0.06)	(0.05)	(0.01)	(0.01)	(0.04)	(0.04)	(0.04)
Prior Felony Convictions	0.06***	0.05***	0.05***	0.05***	0.07***	0.04***	0.05***
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Prior Misdemeanor Convictions	-0.01	0.01	-0.00	-0.00	-0.01$^+$	0.00	0.01
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)

Table 2. Models of Placement of Defendant into Financial Pretrial Release Eligibility, 1992-2004 (Continued)							
	1992	1994	1996	1998	2000	2002	2004
Criminal Justice Status at Arrest	-0.43***	-0.56***	-0.56***	-0.41***	-0.51***	-0.33***	-0.43***
	(0.06)	(0.06)	(0.06)	(0.05)	(0.04)	(0.05)	(0.04)
Prior Incarceration	0.20***	0.27***	0.24***	0.18***	0.18***	0.11***	0.08***
	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)
Prior FTA	0.12*	0.07	0.07	0.00	0.16***	0.16***	0.22***
	(0.06)	(0.05)	(0.05)	(0.05)	(0.04)	(0.05)	(0.05)
No Prior FTA	0.04	0.06	-0.05	-0.02	0.11**	0.10**	0.07+
	(0.05)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)
Gender	-0.30***	-0.21***	-0.29***	-0.27***	-0.35***	-0.29***	-0.33***
	(0.04)	(0.04)	(0.04)	(0.04)	(0.03)	(0.04)	(0.04)
Age	0.00	-0.00	-0.00	-0.01***	-0.01***	-0.00	-0.00
	(0.00)	(0.00)	(0.00)	(0.00)	(0.01)	(0.00)	(0.00)
Age^2	-0.00*	-0.00	-0.00	-0.00	0.00	-0.00**	-0.00***
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
African American	0.16***	0.02	0.01	0.02	0.02	0.02	0.05
	(0.05)	(0.04)	(0.04)	(0.04)	(0.03)	(0.04)	(0.03)
Latino	0.35***	0.31***	0.23***	0.34***	0.10*	0.08+	0.13**
	(0.08)	(0.06)	(0.06)	(0.08)	(0.04)	(0.04)	(0.04)
Other	0.44**	0.10	0.07	0.15	-0.05	0.14	-0.08
	(0.17)	(0.11)	(0.11)	(0.11)	(0.09)	(0.11)	(0.09)
Interaction Terms							
A.A. in 16-30% A.A. County	0.17	-0.11	-0.06	0.01	-0.16*	-0.25+	-0.19**
	(0.10)	(0.08)	(0.08)	(0.07)	(0.07)	(-0.07)	(0.07)
A.A. in 31%+ A.A. County	0.13	-0.04	0.21+	0.34*	-0.12	0.01	-0.15+
	(0.11)	(0.12)	(0.11)	(0.16)	(0.08)	(0.08)	(0.09)
L. in 16-30% L. County	-0.21+	-0.16	-0.21+	-0.34*	0.09	0.05	0.03
	(0.13)	(0.11)	(0.12)	(0.14)	(0.11)	(0.11)	(0.12)
L. in 31%+ L. County	-0.03	-0.38**	0.03	0.06	-0.02	0.09	0.03
	(0.16)	(0.13)	(0.14)	(0.19)	(0.11)	(0.10)	(0.12)
A.A. in 16-30% A.A. County * Δ A.A.	-0.01	-0.01	0.04	-0.02	0.00	0.00	0.03
	(0.05)	(0.04)	(0.04)	(0.04)	(0.01)	(0.01)	(0.03)
A.A. in 31%+ A.A. County * Δ A.A.	-0.06	-0.31**	0.08	0.10	-0.00	-0.03	-0.03
	(0.10)	(0.09)	(0.07)	(0.11)	(0.00)	(0.03)	(0.03)
L. in 16-30% L. County * Δ L.	-0.02	0.16	0.00	0.00	-0.00	-0.02	-0.01
	(0.13)	(0.10)	(0.05)	(0.04)	(0.00)	(0.02)	(0.02)
L. in 31%+ L. County * Δ L.	0.14	0.09	0.15*	0.11*	0.00	-0.00	-0.02
	(0.11)	(0.06)	(0.06)	(0.05)	(0.00)	(0.02)	(0.02)
Inverse Mills Ratio	-2.99***	-3.63***	-2.72***	-2.19***	-3.64***	-2.18***	-3.72***
	(0.27)	(0.27)	(0.30)	(0.16)	(0.21)	(0.27)	(0.30)
Random Effects							
County Intercept	0.65***	0.81***	0.60***	0.74***	0.83***	0.74***	0.86***
	(0.05)	(0.07)	(0.06)	(0.06)	(0.06)	(0.07)	(0.06)
LLR Test	-3,706.57	-4,895.69	-5,920.17	-5,717.76	-6,951.48	-6,308.64	-6,280.88
N	6,530	8,624	10,616	11,073	12,365	11,239	11,865
Groups	31	32	36	36	37	36	35
+p≤.10; *p≤.05; **p≤.01; ***p≤.001							
Coefficients are unstandardized. Standard errors are in parentheses.							
A.A.-African American; L.-Latino							
Prosecutor budget per capita dropped so that equation avoids multicollinearity issues.							

Bail Amount Set

Regional Factors

According to the bail amount set analysis, the Western region jurisdictions in five out
seven years set statistically significantly higher bail amounts than jurisdictions in the
Southern region. In every year, the Northeast jurisdictions were setting lower bail
amounts than the Southern jurisdictions. By the end of the SCPS series, these differences
had become statistically significant.

Case Processing Factors

The pattern of non-significance for case processing factors continues when we look at
bail amounts set. Only sporadic relationships occur for most case processing variables.
There appears to be some support for Maxwell and Maxwell (1998). Higher crime rates
are associated with lower bail amounts set in three out of the last four years of SCPS at
the 90 percent confidence level. In two out of the three years of the 2000-2004 SCPS
sampling frame, increases in crime rates over the last 2 years are associated with small,
but significant increases in the bail amount set.[19]

County Demographic Factors

Bail amounts set are consistently influenced by a particular county demographic – the
percentage of African-Americans in a jurisdiction. This is consistent with the
expectations outlined by Free (2004) and related findings concerning the fraction of
African-Americans in the population of a jurisdiction by Tomic and Hakes (2007). The
higher the percentage of African-Americans in a jurisdiction, the higher the bail amount
set is likely to be. No similar effect is seen for the percentage of Latinos in a
jurisdiction's population. Rates of change in minority populations do not seem to
influence bail amounts set either. Only in 2002 does the two year change in the
percentage of the jurisdiction's population that is African-American show an impact on
bail amounts set. In no year does the rate of increase of the Latino population in a
jurisdiction significantly impact bail amounts set.

Defendant Characteristics

Bail amounts are heavily influenced by prior criminal history. In every year except 1992,
the more prior felony convictions a defendant had, the significantly higher the bail
amount set. In five out of seven years, the more prior misdemeanor convictions a
defendant had, the significantly lower the bail amount set was.   In all of the last sample

---

[19] We note this pattern within the SCPS sampling frame. As discussed earlier, many of the effects we see
in SCPS appear to be dependent on the jurisdictions sampled. Thus to see effects occurring in the 2000-
2004 time period suggests that crime rates and two year changes in crime rates mattered perhaps for this set
of jurisdictions. It may well be that over time crime rates did not become increasingly important for all
jurisdictions, but that this change in the importance of crime rates is a sampling artifact.

Pretrial Release of Latino Defendants   *Pretrial Justice Institute*

set of counties for SCPS, during the 2000-2004 period, the longer the most serious prior incarceration term was, the significantly higher the bail amount set. What is fascinating is that prior failure to appear rarely had a significant impact on bail amounts set. When prior failure to appear had a significant impact in 1996, having a prior failure to appear actually was associated with lower bail amounts set, while not having a prior failure to appear was associated with higher bail amounts set. It is important to remember that the comparison category is persons who had no prior arrests. This is a counterintuitive finding and merits future research.

In every year, the more arrest charges a defendant had, the higher the likely bail amount set for that defendant.[20] Except in 1992, defendants charged with a violent offense had significantly higher bail amounts set. In four out of seven years, defendants with a felony charge as both the primary and secondary offense were likely to have higher bail amounts set than defendants without a secondary charge. In four out of seven years, defendants with a misdemeanor charge as both the secondary offense were likely to have lower bail amounts set than defendants without a secondary charge.

Age, ethnicity, and race of the defendant appear not to have any consistent significant direct impact on bail amounts set. While this is rather reassuring, the same lack of impact cannot be said for gender. In four years, males are significantly more likely than females to have a higher bail amount set at the 90 percent confidence level, and in two years females are more likely than males to have a higher bail amount set at the 95 percent confidence level. All told, gender seems to have a mixed impact, but it is almost always significant. Precisely what this means is unclear and ought to be the focus of future research.

Cross-Level Interactions

When we turn to bail amounts set, the answer again is that neither the percentages of minorities in a jurisdiction nor the change in the percentages of minorities in a jurisdiction consistently matter for minority defendants. This is very clear for Latino defendants. In the last batch of SCPS jurisdictions – the 2000-2004 set – we see that African-Americans in jurisdictions where they comprise between 16 to 30 percent of the population have lower bail amounts set. No other consistent (i.e., multi year) patterns exist for African-Americans. The lack of significant relationships between minority population levels, and rates of change in minority population levels is even truer for Latino defendants. Only in 1996 are Latino defendants in a jurisdiction with a Latino population between 16 to 30 percent affected statistically significantly by the change over the last two years in the growth of the Latino population. Only in 2000 are Latino defendants in a jurisdiction with Latino's comprising 31 percent of the population or more affected statistically significantly by the change over the last two years in the growth of the Latino population. Given that the coefficient for the 1996 result is opposite most years, we regard this as a statistical artifact, and not a sign of some pattern that exists in other years but does not achieve statistical significance. The 2002 finding can be viewed in a similar fashion.

---

[20] In 1992, this finding is significant at only the 90 percent confidence level.

Inverse Mills Ratio

The inverse mills ratio is not statistically significant in most years. This is partly the result of the fact that cases for which there are no bail amounts set are not applicable and omitted from analysis. The inverse mills ratio is consistently positively associated with the bail amount set. This suggests that many of the factors that go into deciding whether a defendant is placed into eligibility for financial release also go into the decision of how high to set the monetary bail amount.

Table 3. Models of Financial Pretrial Release (Bail) Amount Set, 1992-2004							
	1992	1994	1996	1998	2000	2002	2004
Region							
Northeast	-25,998	-20,987	-29,366	-37,970*	-21,973	-75,975*	-6,620*
	(22,713)	(19,407)	(19,146)	(18,148)	(19,124)	(32,070)	(34,280)
Midwest	2,126	16,040	13,927	-8,088	14,146	-15,468	-19,767
	(24,307)	(22,274)	(15,817)	(18,850)	(15,299)	(23,245)	(24,811)
West	39,829[+]	31,943	40,646*	38,449*	60,557***	29,332	55,216*
	(21,516)	(25,156)	(16,954)	(18,547)	(14,255)	(21,529)	(21,663)
Case Processing							
Crime Rate (ln)	23,044	5,266	-23,023	-29,071[+]	-23,208[+]	-39,469	-73,150[+]
	(22,594)	(23,333)	(15,250)	(15,379)	(13,068)	(25,530)	(39,775)
2 year Δ Crime Rate	95	311	308	-178	904*	-11	268**
	(254)	(553)	(319)	(179)	(349)	(439)	(93)
Case Rate (ln)	-3,065	6,615	-13,072	-13,724	-20,730[+]	-18,762	-27,268
	(12,954)	(12,235)	(9,003)	(8,451)	(11,970)	(12,490)	(17,682)
% Jail Capacity Used (ln)	14,455	37,881	-7,040	-25,571	49,50	13,746	-23,496
	(32,935)	(36,252)	(32,654)	(27,481)	(30,202)	(39,145)	(40,651)
2 year Δ % Jail Capacity Used	-125	202	98	-33	276	254	210
	(478)	(399)	(312)	(281)	(304)	(560)	(517)
Judge Appointed	-13,896	-3,987	-1,024	4,406	22,046	13,563	-47,319[+]
	(23,070)	(20,509)	(15,507)	(19,585)	(16,715)	(24,224)	(28,614)
County Demographic Factors							
% African American (ln)	18,632	8,775	24,683*	21,483[+]	12,933[+]	24,382*	33,982*
	(14,476)	(17,758)	(11,472)	(11,70)	(7,481)	(11,470)	(15,224)
% Latino (ln)	7,433	-2,459	7,505	7,628	-1,150	14,981	20,155
	(7,474)	(8,243)	(5,541)	(7,591)	(6,531)	(12,717)	(12,946)
2 year Δ % African American	1,506	233	248	-4,345	190	4,391*	3,043
	(4,583)	(4,848)	(2,826)	(4,038)	(299)	(1,743)	(3,742)
2 year Δ % Latino	-1,633	1,390	2,827	2,438	-55	-2,520	4,185
	(4,206)	(3,1678	(2,082)	(3,005)	(150)	(2,001)	(2,724)
Defendant Characteristics							
Total # of Charges	6,118[+]	10,730***	3,598**	10,453***	4,012*	18,147***	18,319***
	(3,455)	(1,633)	(1,066)	(1,845)	(1,781)	(2,016)	(2,080)
Most Serious Offense – Violent	19,133	40,000***	30,473***	24,947**	36,692***	69,872***	78,272***
	(15,564)	(7,292)	(5,176)	(8,152)	(8,168)	(10,192)	(8,812)
Most Serious Offense – Property	-1,348	5,622	343	-9,743	-9,785	-7,818	-16,173[+]
	(13,767)	(6,867)	(4,582)	(7,689)	(8,081)	(9,877)	(8,350)
Most Serious Offense – Drugs	47,998**	13,053[+]	8,869[+]	200	4,937	3,766	-5,286
	(14,039)	(6,983)	(4,534)	(7,549)	(7,795)	(9,983)	(8,099)
2nd Most Serious Offense – Felony	32,493**	14,134**	10,664**	799	18,800**	2,510	7,247
	(10,730)	(5,077)	(3,428)	(6,171)	(6,241)	(7,761)	(6,945)
2nd Most Serious Offense – Misdemeanor	-3,770	-7,356	-8,668*	-14,810*	-9,527	-27,725***	-25,458***
	(13,205)	(6,043)	(4,534)	(6,649)	(6,657)	(9,245)	(7,150)
Prior Felony Convictions	-1,723	2,909*	2,992***	5,965***	3,005*	4,467**	4,385**
	(2,686)	(1,208)	(845)	(1,375)	(1,4156	(1,566)	(1,336)
Prior Misdemeanor Convictions	-2,575	-2,768**	-1,223*	-3,148**	-2,179*	-568	-3,185**
	(1,741)	(855)	(540)	(984)	(1,017)	(1,187)	(1,047)
Criminal Justice Status at Arrest	3,151	798	-2,501	6,242	163	1,433	12,197*
	(9,393)	(4,371)	(3,042)	(5,076)	(4,922)	(6,375)	(5,493)

Pretrial Release of Latino Defendants   *Pretrial Justice Institute*

Table 3. Models of Financial Pretrial Release (Bail) Amount Set, 1992-2004 (Continued)							
	1992	1994	1996	1998	2000	2002	2004
Prior Incarceration	5,181	493	5,695*	3,845	9,117*	19,666***	14,425**
	(7,041)	(3,561)	(2,464)	(4,093)	(3,975)	(4,892)	(4,159)
Prior FTA	-9,755	-8,778	-11,350**	-7,110	-8,651	-14,777	14,033
	(12,996)	(6,127)	(4,080)	(7,208)	(7,540)	(9,555)	(9,357)
No Prior FTA	11,960	-5,339	12,407***	4,012	-1,774	-6,485	-1,862
	(10,645)	(5,071)	(3,382)	(5,860)	(6,161)	(7,526)	(7,103)
Gender	-22,310+	-7,195	-9,870**	-9,570+	19,872**	-20,013*	33,220***
	(11,978)	(5,157)	(3,756)	(5,756)	(6,020)	(8,502)	(7,472)
Age	1,108	229	345	-232	94	-204	145
	(540)	(238)	(149)	(255)	(251)	(313)	(266)
Age^2	-44	-2	-25	14	15	-5	-28
	(33)	(13)	(9)	(15)	(15)	(20)	(17)
African American	-20,490*	-267	-6,692*	-1,892	6,096	9,923	9,315
	(9,411)	(4,877)	(3,155)	(6,176)	(5,356)	(6,469)	(6,034)
Latino	-37,441	2,461	6,757	9,745	8,484	2,572	7,126
	(16,147)	(7,916)	(5,381)	(11,532)	(7,526)	(8,645)	(7,341)
Other	-34,211	3,028	-3,065	-14,632	-8,584	2,376	14,620
	(29,707)	(13,960)	(9,900)	(18,731)	(14,687)	(21,070)	(17,528)
Interaction Terms							
A.A. in 16-30% A.A. County	20,070	-1,843	4,606	-7,944	-29,209*	-20,534	-30,848**
	(20,998)	(8,951)	(6,333)	(10,951)	(11,767)	(13,676)	(11,633)
A.A. in 31%+ A.A. County	29,814	-2,523	6,840	-7,041	-20,169	-18,827	-53,599
	(23,142)	(15,600)	(9,428)	(24,426)	(12,794)	(15,370)	(14,691)
L. in 16-30% L. County	19,106	-11,691	-895	18,680	-10,098	-1,434	14,689
	(26,566)	(12,655)	(10,257)	(18,895)	(18,638)	(20,814)	(21,138)
L. in 31%+ L. County	-21,115	19,784	-32,035**	12,650	36,570+	17,148	13,136
	(32,787)	(15,214)	(11,560)	(25,431)	(18,978)	(20,319)	(20,123)
A.A. in 16-30% A.A. County * Δ A.A.	-9,818	853	3,719	-1,922	764	-1,413	11,267*
	(9,205)	(3,707)	(3,463)	(6,039)	(812)	(3,167)	(4,871)
A.A. in 31%+ A.A. County * Δ A.A.	35,429	10,321	-15	-16,428	306	-6,734	4,156
	(20,190)	(9,533)	(5,789)	(17,062)	(1,087)	(4,921)	(6,773)
L. in 16-30% L. County * Δ L.	-27,946	-5,978	-13,005**	489	-125	346	1,490
	(24,893)	(11,966)	(4,473)	(6,124)	(366)	(4,018)	(4,151)
L. in 31%+ L. County * Δ L.	-23,969	-3,067	-10,831	5,678	1,573*	1,982	-502
	(24,589)	(7,249)	(5,628)	(7,487)	(663)	(3,457)	(3,666)
Inverse Mills Ratio	18,235	-8,480	11,789	-6,444	220	92,120*	110,920***
	(33,605)	(15,300)	(15,330)	(20,104)	(16,481)	(42,231)	(28,371)
Random Effects							
County Intercept	11,448	22,512	19,033	18,350	20,525	27,525	31,560
	(7,089)	(4,792)	(3,328)	(4,211)	(4,136)	(5,517)	(6,145)
LLR Test	-52,770	64,998	-79,356	91,324	105,871	-96,256	-104,240
N	3,882	4,990	6,237	6,835	7,868	7,080	7,703
Groups	31	32	36	36	37	36	35
+p≤.10; *p≤.05; **p≤.01; ***p≤.001							
Coefficients are unstandardized. Standard errors are in parentheses.							
A.A.-African American; L.-Latino							
Prosecutor budget per capita and prosecutor screening dropped so that equation avoids multicollinearity issues.							

Making Monetary Bail

Regional Factors

According to the analysis of defendants making monetary bail, defendants in Western region jurisdictions in the last three SCPS years were statistically significantly more likely to be released on monetary bail than defendants in Southern region jurisdictions. In two out of seven years, defendants in Northeast jurisdictions were significantly less likely to make bail than defendants in Southern jurisdictions.

Case Processing Factors

The pattern of non-significance for case processing factors continues when we look at defendants making bail amounts. While we are very suspicious of the 1992 coefficient, in four out of seven years there is a statistically significant at the 90 percent confidence level relationship between higher case rates and lower probabilities of defendants making bail. Higher levels of jail capacity used are associated with lower likelihoods of defendants making bail in two out of the three years of the final SCPS sampling frame at the 90 percent confidence level.

County Demographic Factors

Stated simply, making bail is not consistently directly influenced by county demographic factors. This finding is rather unexpected given the prior research by D'Alessio and Stolzenberg (1995) supporting the role of economic county demographics and pretrial detention.

Defendant Characteristics

As might be expected, the monetary bail amount set for the defendant to make is statistically significantly associated with the likelihood that a defendant makes bail. If a career criminal has a monetary bail amount set, making monetary bail appears to be something defendants with substantial prior criminal careers are better able to accomplish than those with less extensive criminal careers. The more prior misdemeanor convictions the defendant has, the more likely the defendant is to make monetary bail. The more severe the form of the most serious prior incarceration the defendant has, the more likely the defendants is to make monetary bail. In four out of seven years, the more prior felony convictions a defendant has, the more likely they are to make monetary bail. In all of the last sample set of counties for SCPS, during the 2000-2004 period, defendants with a prior failure to appear are more likely to make monetary bail. Defendants with a criminal justice status at arrest were less likely to make monetary bail.

In every year, defendants charged with a violent offense or a property offense were significantly more likely than defendants charged with an other public order offense to make monetary bail. In four out of seven years, defendants charged with a drug offense

were more likely to make monetary bail than defendants with another public order charge.

Males are consistently more likely than females to make monetary bail. African-Americans are consistently significantly more likely than whites to make monetary bail. In five out of seven years, Latinos are more likely than whites to make monetary bail at the 90 percent confidence level.

Cross-Level Interactions

The threshold percentages of minorities in a jurisdiction do not consistently significantly affect the likelihood of minority defendants making monetary bail. The rate of change in the percentage of minorities in a jurisdiction does not consistently significantly affect the likelihood of minority defendants making monetary bail. This certainly holds for Latino defendants. For African-American defendants, there may be an exception. In two of the three years of the final SCPS sample period, African-Americans in a 16 to 30 percent African-American population jurisdiction were more likely to make monetary bail than African-Americans in a jurisdiction with less than 16 percent African-Americans in the jurisdiction's population. In two of the three years of the final SCPS sample period, the faster the rate of population percentage increase in African-Americans in a 16 to 30 percent African-American population jurisdiction, the less likely African-Americans were to make to make monetary bail.

Inverse Mills Ratio

The inverse mills ratio is not statistically significant. This is partly the result of the fact that we lose cases for which there are no bail amounts set.[21] It is also testimony to the fact that other defendant and jurisdictional factors have roles to play in a defendant assembling funds sufficient to afford to pay bail other than the factors that go into placing the defendant into eligibility for financial release.

---

[21] We were faced with a difficult choice here in terms of a Heckman selection bias correction model strategy. While it is possible to code defendants who were released on nonfinancial release and were not eligible for any form of pretrial release at all as zero – not released on financial release – this does not solve the problem of what to do with their missing data for bail amount set. Since the amount of bail a defendant must raise is known to present a barrier to a defendant achieving financial release, we decided that in order to properly model the impact of bail amounts set we would have to drop the cases with no bail amount set. For our research questions, the substantive importance of bail amount set is greater than that of the inverse mills ratio.

Table 4. Models of Placement of Defendant on Financial Pretrial Release "Making Monetary Bail", 1992-2004							
	1992	1994	1996	1998	2000	2002	2004
Region							
Northeast	-3.945	.420	1.39**	-.383	-.430**	.230	-.206
	(2.776)	(.304)	(.410)	(.257)	(.157)	(.265)	(.256)
Midwest	-2.977	-.041	.299	-.328	.052	.548*	.715**
	(4.110)	(.308)	(.350)	(.257)	(.121)	(.261)	(.252)
West	-2.282	.414	.251	.383	.532***	426[+]	.448**
	(.4.164)	(.334)	(.322)	(.258)	(.116)	(.243)	(.169)
Case Processing							
Crime Rate (ln)	4.123	1.152*	.359	.077	.143	-.292	-.230
	(3.784)	(.449)	(.334)	(.199)	(.123)	(.273)	(.318)
2 year Δ Crime Rate	-.055	-.026**	-.008	.004	-.006	.003	-.001
	(.037)	(.009)	(.007)	(.003)	(.003)	(.005)	(.001)
Case Rate (ln)	-8.530***	.630**	.176	-.229[+]	-.218*	-.091	-.014
	(2.169)	(.203)	(.225)	(.117)	(.104)	(.146)	(.147)
% Jail Capacity Used (ln)	2.101	-.822	.746	-.015	.015	-1.290**	-.591[+]
	(5.291)	(.533)	(.771)	(.355)	(.245)	(.455)	(.356)
2 year Δ % Jail Capacity Used	.250**	.008	-.004	-.002	.001	.004	.002
	(.087)	(.006)	(.007)	(.004)	(.003)	(.006)	(.005)
County Demographic Factors							
% African American (ln)	-.907	-.394	-.246	-.022	.097	-.047	-.009
	(2.795)	(.289)	(.173)	(.146)	(.060)	(.120)	(.129)
% Latino (ln)	-3.007*	-.205	.171	-.150	-.000	.191	.108
	(1.202)	(.136)	(.150)	(.103)	(.060)	(.135)	(.121)
2 year Δ % African American	-.387	-.110	-.053	.031	.001	-.003	.019
	(.780)	(.073)	(.065)	(.-53)	(.003)	(.017)	(.035)
2 year Δ % Latino	-.707	-.154	-.006	-.073	-.004**	.003	-.009
	(.760)	(.051)	(.047)	(.041)	(.001)	(.022)	(.027)
Defendant Characteristics							
Financial Release Amount Set	2.85e-5***	1.50e-5***	1.80e-5***	5.49e-7***	1.08e-5***	1.36e-6***	3.18e-6***
	(2.23e-6)	(1.07e-6)	(1.07e-6)	(.9.26e-8)	(5.89e-7)	(1.33e-7)	(2.32e-7)
Total # of Charges	-.058*	-.023	-.015	.040*	-.002	.008	-.010
	(.026)	(.021)	(.018)	(.016)	(.015)	(.015)	(.015)
Most Serious Offense – Violent	.321**	.297**	.283**	.517***	.204**	.451***	.393***
	(.110)	(.094)	(.090)	(.072)	(.067)	(.071)	(.064)
Most Serious Offense – Property	.558***	.250**	.464***	.361***	.371***	.456***	.469***
	(.094)	(.087)	(.079)	(.068)	(.065)	(.068)	(.061)
Most Serious Offense – Drugs	.134	.124	.189*	.210**	.190**	.083	.149*
	(.095)	(.088)	(.077)	(.067)	(.063)	(.069)	(.059)
2nd Most Serious Offense – Felony	.118	.114[+]	.013	.072	-.043	.157**	.050
	(.077)	(.064)	(.015)	(.054)	(.050)	(.054)	(.051)
2nd Most Serious Offense – Misdemeanor	.166[+]	.064	.035	-.007	-.055	-.078	.035
	(.090)	(.076)	(.066)	(.058)	(.053)	(.064)	(.053)
Prior Felony Convictions	.031	.036*	.013	.033**	.019	.050***	.029**
	(.020)	(.015)	(.015)	(.012)	(.011)	(.011)	(.010)
Prior Misdemeanor Convictions	.064***	.055***	.024*	.045***	.028**	.040***	.058***
	(.013)	(.011)	(.010)	(.009)	(.008)	(.008)	(.008)
Criminal Justice Status at Arrest	-.290***	-.179**	-.313***	-.264***	-.244***	-.305***	-.339***
	(.066)	(.054)	(.051)	(.044)	(.039)	(.043)	(.040)

Pretrial Release of Latino Defendants　　　　　　　　　　　　　　*Pretrial Justice Institute*

Table 4. Models of Placement of Defendant on Financial Pretrial Release "Making Monetary Bail", 1992-2004							
	1992	1994	1996	1998	2000	2002	2004
Prior Incarceration	.181***	.187***	.237***	.273***	.203***	.167***	.182***
	(.050)	(.044)	(.043)	(.035)	(.031)	(.034)	(.030)
Prior FTA	.208*	.142[+]	.102	.056	.162**	.266***	.173*
	(.091)	(.077)	(.070)	(.063)	(.061)	(.065)	(.069)
No Prior FTA	.062	.075	-.023	.041	.125*	.122*	.043
	(.073)	(.062)	(.058)	(.052)	(.050)	(.052)	(.052)
Gender	-.151[+]	-.208**	-.206**	-.274***	-.113*	-.344***	-.135*
	(.083)	(.064)	(.065)	(.051)	(.048)	(.060)	(.054)
Age	.002	-.006*	.006*	-.002	.001	-001	.001
	(.004)	(.003)	(.0023)	(.002)	(.002)	(.002)	(.001)
Age^2	-.000	-.000	-.000[+]	-.000	-.000	.000	-.000
	(.000)	(.000)	(.000)	(.000)	(.000)	(.000)	(.000)
African American	.183**	.369***	.372***	.145**	.274***	.205***	.289***
	(.070)	(.063)	(.058)	(.056)	(.043)	(.045)	(.045)
Latino	.501***	.247*	.175[+]	.092	.263***	.112[+]	.176***
	(114)	(.063)	(.095)	(.098)	(.059)	(.059)	(.054)
Other	-.373[+]	.144	.052	-.272[+]	-.231[+]	-.362*	-.148
	(.195)	(.170)	(.170)	(.154)	(.119)	(.146)	(.131)
Interaction Terms							
A.A. in 16-30% A.A. County	.333	.108	-.077	.112	.219*	.132	.174*
	(.163)	(.113)	(.118)	(.097)	(.092)	(.094)	(.086)
A.A. in 31%+ A.A. County	.259	-.271	-.181	.071	-.245*	-.045	.013
	(.168)	(.223)	(.179)	(.222)	(.104)	(.108)	(.110)
L. in 16-30% L. County	.206	.273[+]	.142	.057	.151	-.042	-.244
	(.185)	(.159)	(.180)	(.160)	(.146)	(.140)	(.157)
L. in 31%+ L. County	.383	.136	.586*	-.380[+]	.113	-.159	-.054
	(.239)	(.195)	(.233)	(.213)	(.149)	(.136)	(.150)
A.A. in 16-30% A.A. County * Δ A.A.	-.050	.009	-.055	-.010	-.028***	-.023	-.088*
	(.073)	(.045)	(.063)	(.052)	(.006)	(.022)	(.036)
A.A. in 31%+ A.A. County * Δ A.A.	.097	.137	-.049	-.385*	.029**	-.026	-.003
	(.147)	(.128)	(.108)	(.162)	(.009)	(.034)	(.051)
L. in 16-30% L. County * Δ L.	.336	.095	-.085	-.067	-.007*	-.016	-.033
	(.173)	(.145)	(.085)	(.054)	(.003)	(.027)	(.030)
L. in 31%+ L. County * Δ L.	.377*	-.111	.120	-.160*	-.012*	-.037	.058*
	(.184)	(.118)	(.108)	(.064)	(.005)	(.024)	(.027)
Inverse Mills Ratio	-.165	.076	-.122	-.152	-.192	.074	-.197
	(.242)	(.189)	(.271)	(.175)	(.136)	(.310)	(.188)
Random Effects							
County Intercept	-.915	.348*	.534*	-.063	.262**	-.120	.168
	(1.09)	(.142)	(.199)	(.115)	(.089)	(.173)	(.106)
LLR Test	-1,924	-2,365	-2,982	-3,640	-4,151	-3,832	-4,086
N	3,882	4,990	6,237	6,385	7,868	7,080	7,703
Groups	31	32	36	36	37	36	35
[+]p≤.10; *p≤.05; **p≤.01; ***p≤.001							
Coefficients are unstandardized. Standard errors are in parentheses.							
1994, 1996, 2000, & 2004 estimated in GLLAMM. 1994, 1998, 2002 estimated in xtprobit with county treated as group.							
A.A.-African American; L.-Latino							
Prosecutor budget per capita , prosecutor screening, and judicial appointment type dropped so that equation avoids multicollinearity issues.							

Discussion

Latinos and Pretrial Release

Overall, the Blalock hypothesis as applied to the treatment of Latinos during the pretrial process is not well supported by the SCPS data.

- The decision to place defendants into eligibility for pretrial release is not affected indirectly across most of the SCPS years by a defendant's Latino ethnicity.
- The decision to place defendants into eligibility for pretrial release is affected by a defendant's Latino ethnicity in four of seven SCPS years. In three years, Latinos are less likely to be released than whites. In one year, the reverse is true.
- The decision to place a defendant on financial pretrial release as opposed to non-financial release seems to be consistently influenced by a defendant's ethnicity.
- No indirect effects of Latinos having differential rates of placement into financial release as an effect of the population of Latinos in a jurisdiction or the change in the population of Latinos in a jurisdiction was found.
- Bail amounts set do not appear to be significantly influenced by a defendant's Latino ethnicity either directly or indirectly.
- Latinos are consistently more likely than whites to post monetary bail and be released.
- There are no indications that Latinos' ability to make bail once it is set varies as a function of the jurisdictions' Latino population.

Jurisdiction Level Variables and Pretrial Outcomes

We hypothesized that case processing factors and jurisdiction/county demographics would play a substantial role in the pretrial outcomes of defendants. The evidence presented here does not entirely support those hypotheses. Judicial appointment type, volume of cases, crime rates, jail crowding, and prosecutor resources play inconsistent roles in the pretrial release outcomes of defendants. Quite often these roles are simply not significant. County demographics play an intermittently significant role. Evidence suggests that the Blalock racial threat hypothesis mostly applies to the pretrial outcomes of African-American defendants as a function of the percentages of African-Americans in a jurisdiction.

The Influence of Jurisdiction Sampling on SCPS Findings

The SCPS program has been in place for over 20 years. In that time, the sampling frame of jurisdictions has switched four times. While the results of the fourth sampling frame have yet to be seen, the analysis here shows that there is a lot of variance in the impact of regional, case processing, and county demographics on pretrial practices that appear to be associated with changes in the jurisdiction sampling frame. Further analysis needs to extend this investigation to a random effects model of the individual level variables. We strongly suspect that a random effects model of individual level variables will show that the coefficients for individual defendant factors will vary significantly by jurisdiction/county. These effects may even be so great as to suggest that analyzing

SCPS data in a non-multilevel model format may distort the picture of pretrial to a point where the inferences drawn are misleading.   These effects may also be so substantial that many of the SCPS' documented "trends" in pretrial practice may well be sampling artifacts, and not time trends.

Statistical Modeling and the SCPS

We have three observations concerning statistical modeling and the SCPS: 1) the true number of "levels"; 2) STATA as a software for multilevel modeling; and 3) handling missing data in SCPS. Prior to the turn of the century, the analysis of large datasets in multilevel models was an endeavor for mainframe computing. The SCPS database is relatively large as social science datasets go, with nearly 119,000 cases and 102 variables per case, not including the variables we added. We found that multilevel modeling the entire set of SCPS years simultaneously was too computationally complex for even today's standard top of the line laptop computers. In an ideal computing environment, the two-level multilevel approach used in this report would be a three-level approach. Defendants (level one) are nested in counties (level two) and counties are nested in years (level three). Future statistical programs and computers may be able to handle larger datasets with more aplomb. When that happens, formal significance testing should be done to determine if the shifts in coefficients observed over time in this analysis are genuine patterns and not products of chance.

A second statistical observation concerns our evaluation of STATA as a program by which to do multilevel modeling. During the one year in which we engaged in this project, STATA expanded its multilevel modeling capabilities to handle binary dependent variables. This xtmelogit routine is very computationally intensive – in fact, so intensive our computers could not always handle xtmelogit commands. If STATA provided better documentation of the xtmelogit command so that users could modify some of the underlying assumptions of the xtmelogit model to reduce the computational load, perhaps more multilevel modeling work would be done using STATA. We would also love to see STATA incorporate the ML Heckman Selection Bias Correction approach it has into the xtme routines, as many multilevel research questions are also multi-stage questions. For example, the decision of who to vote for in the 2008 Democratic primary can be multilevel modeled as voter in a precinct, within a state, and multi-stage modeled as selecting to vote in a Republican or Democratic primary and selecting which democratic candidate to vote for. Our particular solution to the Heckman section bias problem was ad-hoc. It is not the ideal adjustment for sampling standard errors that a maximum likelihood Heckman Selection Bias Correction model embedded in a xtme model could be.

A third statistical observation is the problem of missing data in the SCPS dataseries. The SCPS data is collected from county agencies. As a result, the data is missing in patterns determined by a mixture of county level and defendant level factors. Current missing data programs are well equipped for multiple imputation models at a single level of analysis. Royston (2004) introduced ICE: STATA module for multiple imputation of missing values. Though not commonly applied to multilevel data imputation problems,

ICE has the potential to address the missing data issues that reduce sample size in the 1990-1994 SCPS data. Future studies should attempt to analyze SCPS only after imputation has been conducted. We suspect that some of the 1992 SCPS findings in this report will change after imputation has been conducted.

Moving Pretrial Practice Forward

After careful consideration of study findings, we would encourage policy makers to react and respond to two key findings:

- Latino defendants are being disproportionately placed on monetary bail.
  - o Policy makers need to initiate reviews of pretrial placement practices to better understand where and why Latinos are being placed on monetary bail disproportionately.
  - o If monetary bails are being set disproportionately due to communication style barriers, such as acquiescence bias by defendants raised in criminal justice systems without pretrial release, training needs to focus on methods of effectively informing defendants of their options and reassuring defendants that no negative repercussions will occur with defendant requests for consideration for non-financial releases.
  - o If the issue is one of citizenship, training should emphasize to pretrial practitioners the value of adding citizenship[22] to their screening questions. With validated citizenship information, courts could distinguish between legitimate pretrial release risk considerations associated with citizenship/non-residency and illegitimate considerations associated with ethnicity.
- There are large variations in pretrial outcomes by region.
  - o Financial pretrial release retains a southern flavor. Florida and Georgia already have large scale post-sentencing community corrections. Attempts should be made to gain support for extending the reach of pretrial programs by showing how pretrial programs can reduce jail crowding, and maintain public safety.
  - o SCPS should have pretrial program characteristics added to the database to assess program impacts on pretrial release processes and outcomes.
  - o SCPS samples should be drawn from a more geographically distributed set of large urban counties to increase our ability to assess the impact of state laws on pretrial release.

The large regional effects suggest that state court systems have much to learn from each other about effective means by which to release defendants safely and equitably. Again, this suggests a role for federal agencies such as the Bureau of Justice Assistance to sponsor best practices training curriculum for pretrial programs, judges, magistrates, and state court administrators.

We ask researchers to respond to a third key finding:

---

[22] The SCPS does not allow us to control for citizenship status. Latinos cannot be assumed to be non-citizens.

- The Blalock hypothesis appears to be partially supported for African-Americans.
    - With all the findings that occur in only two years, can we establish a means to determine if this is coincidence or evidence that Blalock was correct?

References

Albonetti, C. (1997). Sentencing under the Federal Sentencing Guidelines: Effects of Defendant Characteristics, Guilty Pleas, and Departures on Sentencing Outcomes for Drug Offenses, 1991-1992. *Law and Society Review* 31(4), 789-822.

Albonetti, C., Hauser, R., & Nagel, I. (1989). Criminal Justice Decision Making as a Stratification Process: The Role of Race and Stratification Resources in Pretrial Release. *Social Problems* 38(2), 247-266.

American Bar Association. (2007). *ABA Criminal Justice Standards, Third Edition: Pretrial Release*. Chicago, IL: American Bar Association. Retrieved October 15, 2007, from http://www.abanet.org/crimjust/standards/pretrialrelease_toc.html.

Berk, R. (1983). An Introduction to Sample Selection Bias in Sociological Data. *American Sociological Review* 48(3), 386-398.

Blalock, H. (1967). *Toward a Theory of Minority Group Relations*. New York, NY: Capricorn Books.

Blumstein, A., Cohen, J., Roth, J., & Visher, C. (Eds.). (1986). *Criminal Careers and "Career Criminals",Volume I, Report of the National Academy of Sciences Panel on Research on Criminal Careers*. Washington, DC: National Academy Press.

Bontrager, S., Bales, W., & Chiricos, T. (2005). Race, Ethnicity, Threat and the Labeling of Convicted Felons. *Criminology* 43(3), 589-622.

Bridges, G., Crutchfield, R., & Simpson, E. (1987). Crime, Social Structure and Criminal Punishment: Influences of Stratification and Urbanization on White and Nonwhite Rates of Imprisonment. *Social Problems* 34(4), 345-361.

Bridges, G., & Crutchfield, R. (1988). Law, Social Standing, and Racial Disparities in Imprisonment. *Social Forces* 66(3), 699-724.

Britt, C. (2000). Social Context and Racial Disparities in Punishment Decisions. *Justice Quarterly* 17(4), 707-732.

Bushway, S.; Johnson, B., & Slocum, L. (2007). Is the Magic Still There? The Use of the Heckman Two-Step Correction for Selection Bias in Criminology. *Journal of Quantitative Criminology* 23(2), 151-178.

Clark, J. & Henry, D.A. (1997). Pretrial Release Decision. *Judicature* 81(2), 76-81.

Cohen, T., & Reaves, B. (2006). *Felony Defendants in Large Urban Counties, 2002*. Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 210818.

Cohen, T., & Reaves, B. (2007). *Pretrial Release of Felony Defendants in State Courts*. Washington, DC: Bureau of Justice Statistics, USDOJ. NCJ 214994.

Crawford, C., Chiricos, T., & Kleck, G. (1998). Race, Racial Threat, and Sentencing of Habitual Offenders. *Criminology* 36(3), 481-512.

D'Alessio, S., & Stolzenberg, L. (1995). Unemployment and the Incarceration of Pretrial Defendants. *American Sociological Review* 60(3), 350-359.

D'Alessio, S., & Stolzenberg, L. (1997). The Effect of Available Capacity on Jail Incarceration: An Empirical Test of Parkinson's Law. *Journal of Criminal Justice* 25(4), 279-288.

D'Alessio, S., & Stolzenberg, L. (2002). A Multilevel Analysis of the Relationship between Labor Surplus and Pretrial Incarceration. *Social Problems* 49(2), 178-193.

Daly, K. (1987). Discrimination in the Criminal Courts: Family, Gender, and the Problem of Equal Treatment. *Social Forces* 66(1), 152-175.

Demuth, S. (2003). Racial and Ethnic Differences in Pretrial Release Decisions and Outcomes: A Comparison of Hispanic, Black, and White Felony Arrestees. *Criminology* 41(3), 873-907.

Demuth, S., & Steffensmeier, D. (2004). The Impact of Gender and Race-Ethnicity on the Pretrial Release Process. *Social Problems* 51(2), 222-242.

Durose, M., & Langan, P. (2004). *Felony Sentences in State Courts, 2002*. Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 206916.

Etile, D., D'Alessio, S., & Stolzenberg, L. (2002). Racial Threat and Social Control: A Test of the Political, Economic, and Threat of Black Crime Hypotheses. *Social Forces* 81(2), 557-576.

Fagan, J., & Guggenheim, M. (1996). Preventative Detention and the Judicial Prediction of Dangerousness for Juveniles: A Natural Experiment. *Journal of Criminal Law & Criminology* 86(2), 415-448.

Fearn, N. (2005). A Multilevel Analysis of Community Effects on Criminal Sentencing. *Justice Quarterly* 22(4), 452-487.

Feeney, F. (1970). *The Court and Pretrial Release*. New York, NY: Basic Books.

Florida Department of Law Enforcement. (2004). Crime in Florida, Florida Uniform Crime Report, 2004 [Computer program]. Tallahassee, FL: FDLE. Florida Statistical Analysis Center. Retrieved September 18, 2007, from http://www.fdle.state.fl.us/FSAC/Crime_Trends/total_Index/2004bycounty.htm.

Foote, C. (1954). Compelling Appearance in Court: Administration of Bail in Philadelphia. *University of Pennsylvania Law Review* 102(8), 1031-1079.

Free, M. Jr. (2001). Racial Bias and the American Criminal Justice System: Race and Presentencing Revisited. *Critical Criminology* 10(3), 195-223.

Free, M. Jr. (2002). Race and Presentencing Decisions in the United States: A Summary and Critique of the Research. *Criminal Justice Review* 27(2), 203-232.

Free, M. Jr. (2004). Bail and Pretrial Release Decisions: An Assessment of the Racial Threat Perspective. *Journal of Ethnicity in Criminal Justice* 2(4), 23-44.

Goldkamp, J. (1979). *Two Classes of Accused: A Study of Bail and Detention in American Justice.* Cambridge, MA: Ballinger Publishing Company

Goldkamp, J., Gottfredson, M., & Jones, P. (1995). *Personal Liberty and Community Safety: Pretrial Release in the Criminal Court.* New York, NY: Plenum Press.

Goldkamp, J., & White, M. (2006). Restoring Accountability in Pretrial Release: The Philadelphia Pretrial Release Supervision Experiments. *Journal of Experimental Criminology* 2(2), 143-181.

Hart, M. (2006). *Race, Sentencing, and the Pretrial Process.* Unpublished masters thesis, University of Maryland, College Park, MD. Retrieved November 1, 2007, from https://drum.umd.edu/dspace/handle/1903/4063.

Hart, T., & Reaves, B. (1999). *Felony Defendants in Large Urban Counties, 1996.* Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 176981.

Helms, R., & Jacobs, D. (2002). The Political Context of Sentencing: An Analysis of Community and Individual Determinants. *Social Forces* 81(2), 577-604.

Holmes, M., Daudistel, H., & Farrell, D. (1987). Determinants of Charge Reductions and Final Dispositions in Cases of Burglary and Robbery. *Journal of Research in Crime & Delinquency* 24(4), 233-254.

Holmes, M., Hosch, H., Daudistel, H., Perez, D., & Graves; J. (1996). *Ethnicity, Legal Resources, and Felony Dispositions in Two Southwestern Jurisdictions. Justice Quarterly* 13(1), 11-30.

Humphrey, J., & Fogarty, T. (1987). Race and Plea Bargained Outcomes: A Research Note. *Social Forces* 66(1), 176-182.

Johnson, B. (2006). The Multilevel Context of Criminal Sentencing: Integrating Judge- and County-Level Influences. *Criminology* 44(2), 259-298.

Kautt, P. (2002). Location, Location, Location: Interdistrict and Intercircuit Variation in Sentencing Outcomes for Federal Drug-Trafficking Offenses. *Justice Quarterly* 19(4), 633-671.

Koetzle, W. (1998). The Impact of Constituency Diversity Upon the Competitiveness of U.S. House Elections, 1962-96. *Legislative Studies Quarterly* 23(4), 561-573.

Kruschnitt, C. (1984). Sex and Criminal Court Dispositions: The Unresolved Controversy. *Journal of Crime and Delinquency* 21(3), 213-232.

LaFree, G. (1985). Official Reactions to Hispanic Defendants in the Southwest. *Journal of Research in Crime and Delinquency* 22(3), 213-237.

Langan, P., & Levin, D. (2002). *Recidivism of Prisoners Released in 1994*. Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 193427.

Levin, D. (July, 2004). *Modeling Differences in the Granting of Bail to Latinos in State Courts Using the United States Department of Justice State Court Processing Statistics Database*. Presented at the National Center for State Courts, Williamsburg VA.

Levin, D. (2007). *Examining the Efficacy of Pretrial Release Conditions, Sanctions and Screening with the State Court Processing Statistics Dataseries*. Paper Prepared for Presentation at the Annual Meeting of the American Society of Criminology, Atlanta, GA, November 14-16. Retrieved May 15, 2008, from http://www.pretrial.org/html/ASC07.pdf.

Linnemann,T. (2006). *Pygmalion in the Courtroom: The Impact of Court-Level Racial Threat on Criminal Justice Decision Making*. Paper Prepared for Presentation at the Annual Meeting of the American Society of Criminology, Los Angeles, CA, November 1-4.

Liska, A. (1992). *Social Threat and Social Control*. Albany, NY: State University of New York Press.

Marcus, G., Neuman, W. R., & MacKuen, M. (2000). *Affective Intelligence and Political Judgment*. Chicago, IL: University of Chicago Press.

Maxwell, C., & Maxwell, S. (1998). *The Impact of Community and Legal Context on
the Adjudication and Sentencing Process: Preliminary Results*. Flint, MI:
Michigan State University. (Not Published).

Maxwell, C., Robinson, A., & Post, L. (2003). The Impact of Race on the Adjudication
of Sexual Assault and Other Violent Crimes. *The Journal of Criminal Justice*
31(6), 523-538.

Maxwell, S. (1999) Examining the Congruence between Predictors of ROR and Failure
to Appear. *Journal of Criminal Justice* 27(2), 127-141.

Maxwell, S., & Davis, J. (1999). The Salience of Race and Gender in Pretrial Release
Decisions: A Comparison Across Multiple Jurisdictions. Criminal Justice Policy
Review 10(4), 491-502.

Meyers, M., & Talarico, S. (1987). The Social Contexts of Criminal Sentencing. New
York, NY: Springer-Verlag.

National Association of Pretrial Services Agencies. (2004). *Standards on Pretrial
Release, Third Edition*. Milwaukee, WI: National Association of Pretrial Services
Agencies.

Nobiling, T., Spohn, C. & DeLone, M. (1998). A Tale of Two Counties: Unemployment
and Sentence Severity. *Justice Quarterly* 15(3), 459-485.

Oliver, J., & Ha, E. (2007). Vote Choice in Suburban Elections. *American Political
Science Review* 101(3), 393-408.

Pardoe, I. (2004). Model Assessment Plots for Multilevel Logistic Regression.
Computational Statistics and Data Analysis 46(2), 295-307.

Pardoe, I., & Weidner, Robert. (2006). Sentencing Convicted Felons in the United
States: A Bayesian Analysis Using Multilevel Covariates. *Journal of Statistical
Planning and Inference* 136(4), 1433-1455.

Parker, K., Stults, B., & Rice, S. (2005). Racial Threat, Concentrated Disadvantage and
Social Control: Considering the Marco-Level Sources of Variation in Arrests.
Criminology 43(4), 1111-1134.

Petee, T. (1994). Recommended for Release on Recognizance: Factors Affecting
Pretrial Release Recommendations. *Social Psychology* 134(3), 375-382.

Peterson, R., & Hagan, J. (1984). Changing Conceptions of Race: Towards an Account
of Anomalous Findings of Sentencing Research. *American Sociological Review*
49(1), 56-70.

Pew Hispanic Center. (2005). *Hispanics: A People in Motion*. Washington, DC: Pew Hispanic Center. Retrieved October 1, 2007, from http://pewhispanic.org/files/reports/40.pdf

Phillips, M. (2004a). *Factors Influencing Release and Bail Decision in New York City: Part 3. Cross-Borough Analysis*. New York, NY: New York Criminal Justice Agency, Inc.

Phillips, M. (2004b). *Release and Bail Decisions in New York City*. New York, NY: New York Criminal Justice Agency, Inc.

Phillips, M. (2005). *Prosecutors' Bail Requests and the CJA Release Recommendation: What Do They Tell the Judge*? New York, NY: New York Criminal Justice Agency, Inc.

Phillips, M. (2007). *Bail, Detention, and Nonfelony Case Outcomes*. New York, NY: New York Criminal Justice Agency, Inc.

Podkopacz, M. (2006). *Fourth Judicial District Pretrial Evaluation: Scale Validation Study*. Minneapolis, MN: Fourth Judicial District of Minnesota Research Division.

Pretrial Services Resource Center. (2000a). *A Second Look at Alleviating Jail Crowding: A Systems Perspective*. Washington, DC: Bureau of Justice Assistance, USDOJ, NCJ 182507. Retrieved November 1, 2007, from http://www.ncjrs.gov/pdffiles1/bja/182507.pdf

Ibid. (2000b). *Pretrial Services Operating at the Optimum: A Self Assessment Guide*. Washington, DC: Pretrial Services Resource Center. Retrieved October 23, 2007, from http://www.pretrial.org/html/Pretrial%20Services%20Operating%20at%20the%20Optimum.pdf

Pretrial Justice Institute. (2007). *The Transformation of Pretrial Services in Allegheny County, Pennsylvania: Development of Best Practices and Validation of Risk Assessment*. Washington, DC: Pretrial Justice Institute.

Rabe-Hesketh, S., Skrondal, A., & Pickels, A. (2004). *GLLAMM Manual, UC Berkeley Division of Biostatistics Working Paper Series, Paper 160*. Berkeley, CA: University of California.

Rabe-Hesketh, S., Skrondal, A. (2005). *Multilevel and Longitudinal Modeling Using Stata*. College Station, TX: Stata Press.

Rainville, G., & Reaves, B. (2003). *Felony Defendants in Large Urban Counties, 2000*. Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 202021.

Raudenbush, S., & Bryk, A. (2002). Hierarchical Linear Models: Applications and Data Analysis Methods, Second Edition. Thousand Oaks, CA: Sage Publications.

Reaves, B., & Smith, P. (1995). *Felony Defendants in Large Urban Counties, 1992*. Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 148826.

Reaves, B. (1998). *Felony Defendants in Large Urban Counties, 1994*. Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 164616.

Reaves, B. (2001). *Felony Defendants in Large Urban Counties, 1998*. Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 187232.

Rhodes, W., Hyatt, R., & Schierman, P. (1996). *Predicting Pretrial Misconduct with Drug Test of Arrestees: Evidence from Six Sites. Report for the National Institute of Justice (Grant number OJP-89-C-009)* (NCJ 150551). Washington DC: National Institute of Justice, USDOJ.

Rottman, D., Flango, C., Cantrell, M., Hansen, R., & LaFountain, N. (2000). *State Court Organization, 1998*. Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 178932.

Rottman, D., & Strickland, S. (2006). *State Court Organization, 2004*. Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 212351.

Royston, P. (2004). Multiple Imputation of Missing Values. *The Stata Journal* 4(3), 227-241.

Schaffer, S.A. (1970). Bail and Parole Jumping in Manhattan in 1967. New York, NY: Vera Institute.

Schlesinger, T. (2005). Racial and Ethnic Disparity in Pretrial Criminal Processing. *Justice Quarterly* 22(2), 170-192.

Soss, J., Langbein, L., & Metelko, A. (2003). Why Do White Americans Support the Death Penalty? *Journal of Politics* 65(2), 397-421.

Siddiqi, Q. (2005a). *An Evaluation of the New Pretrial Release Recommendation System in New York City: Phase II of the Post-Implementation Research*. New York, NY: New York City Criminal Justice Agency.

Ibid. (2005b). *Predicting the Likelihood of Pretrial Re-arrest Among New York City Defendants: An Analysis of the 2001 Dataset*. New York, NY: New York City Criminal Justice Agency.

Spohn, C. (2000). Thirty Years of Sentencing Reform: The Quest for a Racially Neutral Sentencing Process. In *Criminal Justice 2000: Policies, Processes, and Decisions of the Criminal Justice System, Vol. 3.*, ed. J. Honey, J. Martin, D. MacKenzie, R. Peterson, and D. Rosenbaum, 427-501. Washington, DC: National Institute of Justice.

Ibid. (2002). *How Do Judges Decide? The Search for Fairness and Justice In Punishment*. Thousand Oaks, CA: Sage Publications.

Steffensmeier, D., & Demuth, S. (2000). Ethnicity and Sentencing Outcomes in U.S. Federal Courts: Who is Punished More Harshly? *American Sociological Review* 65, 705-729.

Stolzenberg, L., D'Alessio, S., & Eitle, D. (2004). A Multilevel Test of Racial Threat Theory. *Criminology* 42(3), 673-698.

Stryker, R., Nagel, I., & Hagan, J. (1983) .Methodological Issues in Court Research: Pretrial Release Decisions for Federal Defendants. *Sociological Methods and Research* 11(4), 469-500.

Suro, R., & Singer, A. (July 2002). *Latino Growth in Metropolitan America: Changing Patterns, New Locations*. The Brookings Institution: Survey Series. Washington, DC: Center on Urban and Metropolitan Policy and the Pew Hispanic Center.

Toborg, M., & Bellassai, J. (1986). *Public Danger As A Factor in Pretrial Release, Volume III Final Report*. Washington, DC: Toborg Associates, Inc.

Tomic, A., & Hakes, J. (2007). *Case Dismissed: Police Discretion and Racial Differences in Dismissals of Felony Charges*. Retrieved October 23, 2007, from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=618122#PaperDownload.

Ulmer, J., & Johnson, B. (2004). Sentencing in Context: A Multilevel Analysis. *Criminology* 42(1), 137-177.

Unnever, J. (1982). Direct and Organizational Discrimination in the Sentencing of Drug Offenders. *Social Problems* 30(2), 212-225.

United States Department of Justice, Bureau of Justice Statistics. *Annual Survey of Jails, Jurisdiction-Level Data, 1990 [Computer file]*. Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR09569-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2001.

United States Department of Justice, Bureau of Justice Statistics. *Annual Survey of Jails, Jurisdiction-Level and Jail Level Data, 1992 [Computer file].* Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR06395-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2001.

United States Department of Justice, Bureau of Justice Statistics. *Annual Survey of Jails, Jurisdiction-Level Data, 1994 [Computer file].* Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR06538-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2001.

United States Department of Justice, Bureau of Justice Statistics. *Annual Survey of Jails, Jurisdiction-Level Data, 1996 [Computer file].* Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR06856-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2001.

United States Department of Justice, Bureau of Justice Statistics. *Annual Survey of Jails, Jurisdiction-Level Data, 1998 [Computer file].* Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR02682-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2001.

United States Department of Justice, Bureau of Justice Statistics. *Annual Survey of Jails, Jurisdiction-Level Data, 2000 [Computer file].* Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR03382-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2004.

United States Department of Justice, Bureau of Justice Statistics. *Annual Survey of Jails, Jurisdiction-Level Data, 2002 [Computer file].* Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR04428-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2006-04-05.

United States Department of Justice, Bureau of Justice Statistics. *Annual Survey of Jails, Jurisdiction-Level Data, 2004 [Computer file].* Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR20200-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2007-07-06.

United States Department of Justice, Bureau of Justice Statistics. *National Prosecutors Survey, 1990 [Computer file].* Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR09579-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 1997.

United States Department of Justice, Bureau of Justice Statistics. *National Prosecutors Survey, 1992 [Computer file]*. Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR06273-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 1994.

United States Department of Justice, Bureau of Justice Statistics. *National Prosecutors Survey, 1994 [Computer file]*. Conducted by US Dept. of Justice, Bureau of Justice Statistics. ICPSR06785-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 1998.

United States Department of Justice, Bureau of Justice Statistics. *National Prosecutors Survey, 1996 [Computer file]*. Conducted by US Dept. of Commerce, Bureau of the Census. ICPSR02433-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 1998.

United States Department of Justice, Bureau of Justice Statistics. *National Prosecutors Survey [Census], 2001 [Computer file]*. Conducted by National Opinion Research Center. ICPSR03418-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2002.

United States Department of Justice, Bureau of Justice Statistics. *National Prosecutors Survey, 2005 [Computer file]*. Conducted by US Dept. of Justice, Bureau of Justice Statistics. ICPSR04600-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2007-02-23.

United States Department of Justice, Bureau of Justice Statistics. (1995). *State Court Organization, 1993*. Washington, DC: Bureau of Justice Statistics, USDOJ, NCJ 148346.

United States Department of Justice, Bureau of Justice Statistics. *State Court Processing Statistics, 1990-2004: Felony Defendants in Large Urban Counties [UNITED STATES] [Computer file]*. Conducted by Pretrial Services Resource Center [producer], 2007. ICPSR02038-v3. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2007-11-28.

United States Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reports: County Level Detailed Arrest and Offense Data, 1988 [Computer file]*. ICPSR09335. Washington, DC: U.S. Dept. of Justice, Federal Bureau of Investigation [producer], 1987. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 1997.

United States Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reporting Program Data [United States]: County Level Detailed Arrest and Offense Data, 1990 [Computer file]*. ICPSR09785. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 1993.

United States Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reporting Program Data [United States]: County Level Detailed Arrest and Offense Data, 1992 [Computer file]*. ICPSR06316. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 1994.

United States Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reporting Program Data [United States]: County Level Detailed Arrest and Offense Data, 1994 [Computer file]*. ICPSR06669-v3. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2001.

United States Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reporting Program Data [United States]: County Level Detailed Arrest and Offense Data, 1996 [Computer file]*. ICPSR02389-v3. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2001.

United States Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reporting Program Data [United States]: County Level Detailed Arrest and Offense Data, 1998 [Computer file]*. ICPSR02910-v2. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2001.

United States Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reporting Program Data [United States]: County Level Detailed Arrest and Offense Data, 2000 [Computer file]*. ICPSR03451-v4. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2006-1-16.

United States Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reporting Program Data [United States]: County Level Detailed Arrest and Offense Data, 2002 [Computer file]*. ICPSR04009-v2. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2006-1-16.

United States Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reporting Program Data [United States]: County Level Detailed Arrest and Offense Data, 2004 [Computer file]*. ICPSR04466-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2006-7-26.

United States Bureau of the Census. (1992). *Intercensal Estimates of the Resident Population of States and Counties 1980-1989*. Retrieved September 20, 2007, from http://www.census.gov/popest/archives/1980s/e8089co.txt.

United States Bureau of the Census. (2004). Intercensal County Estimates by Age, Sex, Race: 1980-1989. Retrieved September 20, 2007, from http://www.census.gov/popest/archives/1980s/PE=02-1988.xls

United States Bureau of the Census. (2004). *1990 to 1999 Annual Time Series of County Population Estimates By Race and Hispanic Origin.* Retrieved September 20, 2007, from http://www.census.gov/popest/archives/1990s/CO-99-11.html.

VanNostrand, M. (2003). *Assessing Risk among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument.* Richmond, VA: Virginia Department of Criminal Justice Services.

Weidner, R., Frase, R., & Pardoe, I. (2004). Explaining Sentence Severity in Large Urban Counties: A Multilevel Analysis of Contextual and Case-Level Factors. *The Prison Journal* 84(2), 84-207.

Weidner, R., Frase, R., & Schultz, J. (2005). The Impact of Contextual Factors on the Decision to Imprison in Large Urban Jurisdictions: A Multilevel Analysis. *Crime and Delinquency* 51(3), 400-424.

Wood, P. (2007). Globalization and Prison Privatization: Why are Most of the World's For-Profit Adult Prisons to be Found in the American South? *International Political Sociology* 1(3), 222-239.

Appendix Table 1. 1992 Characteristics of Analyzed Variables, No Interaction Terms

	Observations	Original Coding of Variables	Post Centering Information[1]			
			Min.	Max.	Mean	Std. Dev.
Dependent Variables						
Release Eligible	12,303	0=No; 1=Yes	0	1	.936	.245
Financial Release Eligible	12,303	0=No; 1=Yes	0	1	.539	.498
Bail Amount	6,577		1	5,000,000	25,514	173,733
Made Bail	6,635	0=No; 1=Yes	0	1	.561	.496
Region						
Northeast	6,530	0=No; 1=Yes	-.181	.819	-3.36e-09	.385
Midwest	6,530	0=No; 1=Yes	-.133	.867	6.71e-10	.340
West	6,530	0=No; 1=Yes	-.397	.603	-8.81e-09	.489
Case Processing						
Crime Rate (ln)	6,530		-.941	1.274	3.58e-10	.326
2 year Δ Crime Rate	6,530		-18.057	202.002	-1.04e-08	21.891
Case Rate (ln)	6,530		-1.351	1.653	-7.19e-10	.453
% Jail Capacity Used (ln)	6,530		-.607	.426	-4.27e-09	.199
2 year Δ % Jail Capacity Used	6,530		-32.449	29.493	1.49e-07	12.919
Judge Appointed	6,530	0=No; 1=Yes	-.092	.908	-2.18e-09	.288
No Prosecutorial Screening	6,530	0=No; 1=Yes	-.274	.726	3.55e-09	.446
Prosecutor Budget Per Capita (ln)			-2.780	1.273	-6.95e-09	.830
County Demographic Factors	6,530					
% African American (ln)	6,530		-2.713	1.543	-1.88e-08	1.216
% Latino (ln)	6,530		-3.170	5.958	1.35e-08	2.261
2 year Δ % African American	6,530		-3.495	5.034	-4.73e-09	1.798
2 year Δ % Latino	6,530		-2.510	1.126	-3.09e-09	.687
Defendant Characteristics						
Total # of Charges	6,530		-1.143	5.857	6.85e-09	1.631
Most Serious Offense – Violent	6,530	0=No; 1=Yes	-.253	.747	1.96e-09	.434
Most Serious Offense – Property	6,530	0=No; 1=Yes	-.356	.644	-7.85e-10	.479
Most Serious Offense – Drugs	6,530	0=No; 1=Yes	-.310	.690	1.52e-09	.462
2nd Most Serious Offense – Felony	6,530	0=No; 1=Yes	-.373	.627	-1.50e-09	.484
2nd Most Serious Offense – Misdemeanor	6,530	0=No; 1=Yes	-.144	.856	-3.38e-09	.351
Prior Felony Convictions	6,530	0 thru 10 (10 or more)	-.898	9.102	-1.33e-08	1.699
Prior Misdemeanor Convictions	6,530	0 thru 10 (10 or more)	-1.352	8.648	-4.49e-08	2.397
Criminal Justice Status at Arrest	6,530	0=No; 1=Yes	-.642	.358	-5.35e-09	.480
Prior Incarceration	6,530	0=No; 1=prior; Jail 2=Prior Prison	-.587	1.413	-3.92e-10	.777
Prior FTA	6,530	0=No; 1=Yes	-.266	.734	-1.29e-09	.442
No Prior FTA	6,530	0=No; 1=Yes	-.327	.673	4.74e-09	.469
Gender	6,530	1=Male; 2=Female	-.147	.853	3.72e-09	.354
Age	6,530		-14.464	43.535	1.11e-07	8.923
African American	6,530	0=No; 1=Yes	-.385	.615	-3.01e-09	.487
Latino	6,530	0=No; 1=Yes	-.208	.792	3.80e-09	.406
Other	6,530	0=No; 1=Yes	-.012	.988	-2.61e-10	.110

[1] Dependent Variables are not means centered. Independent variables reduced to subset for initial pretrial release analysis.

Appendix Table 2. 1994 Characteristics of Analyzed Variables, No Interaction Terms						
			Post Centering Information[1]			
	Observations	Original Coding of Variables	Min.	Max.	Mean	Std. Dev.
Dependent Variables						
Release Eligible	13,315	0=No; 1=Yes	0	1	.929	.257
Financial Release Eligible	13,315	0=No; 1=Yes	0	1	.567	.495
Bail Amount	7,423		1	2,510,500	31,460	109,033
Made Bail	7,556	0=No; 1=Yes	0	1	.559	.496
Region						
Northeast	8,624	0=No; 1=Yes	-.185	.815	-1.06e-09	.388
Midwest	8,624	0=No; 1=Yes	-.145	.855	7.72e09	.352
West	8,624	0=No; 1=Yes	-.389	.611	-9.40e-09	.488
Case Processing						
Crime Rate (ln)	8,624		-2.435	1.236	2.62e-09	.486
2 year Δ Crime Rate	8,624		-77.695	21.511	4.08e-08	15.448
Case Rate (ln)	8,624		-1.461	.916	5.89e-09	.464
% Jail Capacity Used (ln)	8,624		-.293	.359	1.34e-09	.198
2 year Δ % Jail Capacity Used	8,624		-.36.758	31.110	9.58e-08	15.759
Judge Appointed	8,624	0=No; 1=Yes	-.208	.792	-9.40e-09	..406
No Prosecutorial Screening	8,624	0=No; 1=Yes	-.287	.713	1.55e-09	.453
Prosecutor Budget per Capita (ln)	8,624		-3.590	1.177	3.96e-09	.625
County Demographic Factors						
% African American (ln)	8,624		-1.839	1.220	-5.77e-09	.843
% Latino (ln)	8,624		-3.182	1.483	8.91e-09	1.240
2 year Δ % African American	8,624		-5.526	4.166	1.88e-08	2.545
2 year Δ % Latino	8,624		-8.299	6.967	-1.69e-08	2.556
Defendant Characteristics						
Total # of Charges	8,624		-1.246	5.754	-2.59e-08	1.732
Most Serious Offense – Violent	8,624	0=No; 1=Yes	-.263	.737	9.07e-09	.440
Most Serious Offense – Property	8,624	0=No; 1=Yes	-.318	.682	2.43e-09	.466
Most Serious Offense – Drugs	8,624	0=No; 1=Yes	-.343	.657	1.16e-08	.475
2nd Most Serious Offense – Felony	8,264	0=No; 1=Yes	-.391	.609	1.33e-08	.488
2nd Most Serious Offense – Misdemeanor	8,264	0=No; 1=Yes	-.156	.844	3.16e-09	.363
Prior Felony Convictions	8,264	0 thru 10 (10 or more)	-.994	9.006	6.77e-09	1.897
Prior Misdemeanor Convictions	8,624	0 thru 10 (10 or more)	-1.511	8.489	-3.67e-08	2.629
Criminal Justice Status at Arrest	8,624	0=No; 1=Yes	-.634	.366	9.62e-09	.482
Prior Incarceration	8,624	0=No; 1=prior; Jail 2=Prior Prison	-.592	1.408	1.72e-09	.789
Prior FTA	8,624	0=No; 1=Yes	-.362	.638	1.01e-08	.481
No Prior FTA	8,624	0=No; 1=Yes	-.270	.730	9.73e-09	.444
Gender	8,624	1=Male; 2=Female	-.154	.846	6.75e-09	.361
Age	8,624		-15.061	53.939	5.55e-09	9.511
African American	8,624	0=No; 1=Yes	-.308	.692	5.53e-10	.462
Latino	8,624	0=No; 1=Yes	-.221	.779	4.20e-09	.415
Other	8,624	0=No; 1=Yes	-.017	.983	-8.59e-10	.129

[1] Dependent Variables are not means centered. Independent variables reduced to subset for initial pretrial release analysis.

Appendix Table 3. 1996 Characteristics of Analyzed Variables, No Interaction Terms

	Observations	Original Coding of Variables	Post Centering Information[1]			
			Min.	Max.	Mean	Std. Dev.
Dependent Variables						
Release Eligible	13,981	0=No; 1=Yes	0	1	.933	.251
Financial Release Eligible	13,981	0=No; 1=Yes	0	1	.592	.491
Bail Amount	8,086		1	2,500,000	29,215	87,489
Made Bail	8,280	0=No; 1=Yes	0	1	.528	.499
Region						
Northeast	10,616	0=No; 1=Yes	-.143	.857	-1.67e-09	.350
Midwest	10,616	0=No; 1=Yes	-.247	.753	-2.79e-09	.431
West	10,616	0=No; 1=Yes	-.340	.660	-2.11e-09	.474
Case Processing						
Crime Rate (ln)	10,616		-2.924	1.021	4.92e-09	.462
2 year Δ Crime Rate	10,616		-49.258	89.874	-3.21e-08	16.846
Case Rate (ln)	10,616		-1.227	.974	-7.6e-09	.549
% Jail Capacity Used (ln)	10,616		-.628	.417	1.51e-09	.172
2 year Δ % Jail Capacity Used	10,616		-49.258	89.873	-3.21e-08	16.846
Judge Appointed	10,616	0=No; 1=Yes	-1.29	.871	-5.67e-10	.336
No Prosecutorial Screening	10,616	0=No; 1=Yes	-.271	.729	1.17e-08	.444
Prosecutor Budget Per Capita (ln)	10,616		-1.161	1.142	4.03e-09	.515
County Demographic Factors	10,616					
% African American (ln)	10,616		-2.120	1.247	-4..60e-09	.859
% Latino (ln)	10,616		-2.950	1.600	-1.14e-08	1.289
2 year Δ % African American	10,616		-4.111	3.439	8.27e-09	1.829
2 year Δ % Latino	10,616		-.221	10.373	-2.98e-08	3.540
Defendant Characteristics						
Total # of Charges	10,616		-1.084	5.916	2.14e-08	1.508
Most Serious Offense – Violent	10,616	0=No; 1=Yes	-.239	.760	5.63e-09	.427
Most Serious Offense – Property	10,616	0=No; 1=Yes	-.312	.688	-7.38e-10	.463
Most Serious Offense – Drugs	10,616	0=No; 1=Yes	-.373	.627	4.04e-09	.484
2nd Most Serious Offense – Felony	10,616	0=No; 1=Yes	-.383	.617	-1.05e-08	.486
2nd Most Serious Offense – Misdemeanor	10,616	0=No; 1=Yes	-.150	.850	2.34e-09	.357
Prior Felony Convictions	10,616	0 thru 10 (10 or more)	-.949	9.051	-3.67e-09	1.722
Prior Misdemeanor Convictions	10,616	0 thru 10 (10 or more)	-1.509	8.491	-1.80e-10	2.523
Criminal Justice Status at Arrest	10,616	0=No; 1=Yes	-.652	.348	4.91e-09	.476
Prior Incarceration	10,616	0=No; 1=prior; Jail 2=Prior Prison	-.622	1.378	4.96e-09	.775
Prior FTA	10,616	0=No; 1=Yes	-.362	.638	-4.77e-11	.481
No Prior FTA	10,616	0=No; 1=Yes	-.314	.685	-8.40e-09	.464
Gender	10,616	1=Male; 2=Female	-.173	.827	-3.71e-10	.379
Age	10,616		-15.792	54.208	2..34e-08	9.634
African American	10,616	0=No; 1=Yes	-.360	.640	-1.25e-08	.480
Latino	10,616	0=No; 1=Yes	-.189	.811	-.301e-09	.391
Other	10,616	0=No; 1=Yes	-.015	.985	3.62e-10	.120

[1] Dependent Variables are not means centered. Independent variables reduced to subset for initial pretrial release analysis.

Appendix Table 4. 1998 Characteristics of Analyzed Variables, No Interaction Terms

	Observations	Original Coding of Variables	Post Centering Information[1]			
			Min.	Max.	Mean	Std. Dev.
Dependent Variables						
Release Eligible	14,207	0=No; 1=Yes	0	1	.920	.272
Financial Release Eligible	14,297	0=No; 1=Yes	0	1	.639	.480
Bail Amount	8,465		1	10,000,000	32,497	153,242
Made Bail	9,082	0=No; 1=Yes	0	1	.475	.499
Region						
Northeast	11,073	0=No; 1=Yes	-.100	.900	1.32e-09	.300
Midwest	11,073	0=No; 1=Yes	-.184	.816	-4.01e-09	.388
West	11,073	0=No; 1=Yes	-.430	.570	1.44e-08	.495
Case Processing						
Crime Rate (ln)	11,073		-3.031	.961	5.42e-10	.485
2 year Δ Crime Rate	11,073		-60.265	127.989	-1.07e-07	34.951
Case Rate (ln)	11,073		-1.371	1.219	-1.08e-08	.628
% Jail Capacity Used (ln)	11,073		-.635	.380	-1.79e-09	.204
2 year Δ % Jail Capacity Used	11,073		-59.566	60.524	1.38e-07	19.931
Judge Appointed	11,073	0=No; 1=Yes	-.137	.863	4.58e-09	.344
No Prosecutorial Screening	11,073	0=No; 1=Yes	-.395	.605	1.03e-08	.489
Prosecutor Budget Per Capita (ln)	11,073		-1.958	1.261	2.23e-10	.832
County Demographic Factors						
% African American (ln)	11,073		-2.869	1.589	-4.08e-09	1.292
% Latino (ln)	11,073		-2.936	4.214	-7.91e-09	2.001
2 year Δ % African American	11,073		-5.722	8.928	2.66e-09	4.240
2 year Δ % Latino	11,073		-1.133	1.143	4.84e-09	.513
Defendant Characteristics						
Total # of Charges	11,073		-1.155	5.845	-2.02e-08	1.564
Most Serious Offense – Violent	11,073	0=No; 1=Yes	-.244	.756	-6.74e-09	.430
Most Serious Offense – Property	11,073	0=No; 1=Yes	-.300	.700	-7.42e-09	.458
Most Serious Offense – Drugs	11,073	0=No; 1=Yes	-.363	.637	1.21e-08	.481
2nd Most Serious Offense – Felony	11,073	0=No; 1=Yes	-.385	.615	-2.23e-09	.487
2nd Most Serious Offense – Misdemeanor	11,073	0=No; 1=Yes	-.165	.834	2.62e-09	.372
Prior Felony Convictions	11,073	0 thru 10 (10 or more)	-1.087	8.911	-1.83e-10	1.885
Prior Misdemeanor Convictions	11,073	0 thru 10 (10 or more)	-1.621	8.379	2.30e-09	2.557
Criminal Justice Status at Arrest	11,073	0=No; 1=Yes	-.649	.351	-3.46e-09	.477
Prior Incarceration	11,073	0=No; 1=prior; Jail 2=Prior Prison	-.681	1.319	8.21e-09	.779
Prior FTA	11,073	0=No; 1=Yes	-.330	.670	8.49e-09	.470
No Prior FTA	11,073	0=No; 1=Yes	-.363	.637	1.21e-08	.481
Gender	11,073	1=Male; 2=Female	-.188	.811	-5.13e-10	.391
Age	11,073		-17.705	50.295	-2.79e-08	9.972
African American	11,073	0=No; 1=Yes	-.291	.709	1.78e-09	.454
Latino	11,073	0=No; 1=Yes	-.199	.801	-1.19e-09	.400
Other	11,073	0=No; 1=Yes	-.0132	.987	-1.44e-10	.114

[1] Dependent Variables are not means centered. Independent variables reduced to subset for initial pretrial release analysis.

Appendix Table 5. 2000 Characteristics of Analyzed Variables, No Interaction Terms

	Observations	Original Coding of Variables	Post Centering Information[1]			
			Min.	Max.	Mean	Std. Dev.
Dependent Variables						
Release Eligible	13,649	0=No; 1=Yes	0	1	.938	.241
Financial Release Eligible	13,649	0=No; 1=Yes	0	1	.648	.477
Bail Amount	8,671		1	7,000,000	43,160	185,020
Made Bail	8,850	0=No; 1=Yes	0	1	.480	.500
Region						
Northeast	12,365	0=No; 1=Yes	-.191	.809	-8.27e-10	.393
Midwest	12,365	0=No; 1=Yes	-.167	.833	-3.89e-10	.373
West	12,365	0=No; 1=Yes	-.351	.649	-1.31e-08	.477
Case Processing						
Crime Rate (ln)	12,365		-2.517	.899	-3.59e-09	.397
2 year Δ Crime Rate	12,365		-73.937	40.938	8.90e-08	18.591
Case Rate (ln)	12,365		-.767	.973	-7.55e-09	.456
% Jail Capacity Used (ln)	12,365		-.330	.554	-1.88e-09	1.879
2 year Δ % Jail Capacity Used	12,365		-34.538	54.129	2.81e-07	16.489
Judge Appointed	12,365	0=No; 1=Yes	-.147	.853	-8.27e-09	.354
No Prosecutorial Screening	12,365	0=No; 1=Yes	-.345	.655	-3.94e-09	.475
Prosecutor Budget Per Capita (ln)	12,365		-2.335	2.581	-2.54e-09	.650
County Demographic Factors						
% African American (ln)	12,365		-2.447	1.274	-1.33e-08	.984
% Latino (ln)	12,365		-2.285	1.635	-1.57e-08	1.002
2 year Δ % African American	12,365		-88.717	73.071	6.92e-08	21.326
2 year Δ % Latino	12,365		-109.733	130.771	-1.81e-08	45.287
Defendant Characteristics						
Total # of Charges	12,365		-1.251	5.748	3.34e-09	1.638
Most Serious Offense – Violent	12,365	0=No; 1=Yes	-.250	.749	-5.33e-09	.433
Most Serious Offense – Property	12,365	0=No; 1=Yes	-.294	.706	1.26e-08	.456
Most Serious Offense – Drugs	12,365	0=No; 1=Yes	-.370	.630	1.39e-08	.483
2nd Most Serious Offense – Felony	12,365	0=No; 1=Yes	-3.95	.605	3.89e-09	.489
2nd Most Serious Offense – Misdemeanor	12,365	0=No; 1=Yes	-.174	.826	1.45e-09	.379
Prior Felony Convictions	12,365	0 thru 10 (10 or more)	-1.065	8.935	-2.01e-08	1.896
Prior Misdemeanor Convictions	12,365	0 thru 10 (10 or more)	-1.558	8.442	1.87e-08	2.460
Criminal Justice Status at Arrest	12,365	0=No; 1=Yes	-654	.346	-4.47e-09	.476
Prior Incarceration	12,365	0=No; 1=prior; Jail 2=Prior Prison	-.641	1.359	8.26e-09	.4781
Prior FTA	12,365	0=No; 1=Yes	-.314	.686	-4.10e-10	.464
No Prior FTA	12,365	0=No; 1=Yes	-.415	.584	-1.41e-09	.493
Gender	12,365	1=Male; 2=Female	-.189	.811	1.26e-09	.391
Age	12,365		-16.897	56.103	5.41e-08	10.306
African American	12,365	0=No; 1=Yes	-.444	.556	-1.00e-08	.496
Latino	12,365	0=No; 1=Yes	-.226	.774	4.24e-10	.418
Other	12,365	0=No; 1=Yes	-.022	.978	-8.59e-11	.147

[1] Dependent Variables are not means centered. Independent variables reduced to subset for initial pretrial release analysis.

Appendix Table 6. 2002 Characteristics of Analyzed Variables, No Interaction Terms

	Observations	Original Coding of Variables	Post Centering Information[1]			
			Min.	Max.	Mean	Std. Dev.
Dependent Variables						
Release Eligible	13,785	0=No; 1=Yes	0	1	.946	.225
Financial Release Eligible	13,785	0=No; 1=Yes	0	1	.663	.473
Bail Amount	8,735		1	7,000,000	48,489	203,125
Made Bail	9,141	0=No; 1=Yes	0	1	.480	.500
Region						
Northeast	11,239	0=No; 1=Yes	-.231	.769	1.74e-09	.421
Midwest	11,239	0=No; 1=Yes	-.164	.836	4.40e-09	.390
West	11,239	0=No; 1=Yes	-.314	.686	-8.72e-09	.464
Case Processing						
Crime Rate (ln)	11,239		-.892	.702	3.18e-09	.334
2 year Δ Crime Rate	11,239		-24.713	101.964	-6.23e-08	18.700
Case Rate (ln)	11,239		-.957	.872	-3.19e-09	.531
% Jail Capacity Used (ln)	11,239		-.358	.492	8.11e-11	.206
2 year Δ % Jail Capacity Used	11,239		-36.155	22.181	1.13e-07	13.027
Judge Appointed	11,239	0=No; 1=Yes	-.166	.834	3.43e-09	.372
No Prosecutorial Screening	11,239	0=No; 1=Yes	-.413	.587	-1.49e-08	.492
Prosecutor Budget Per Capita (ln)	11,239		-2.442	1.254	-4.81e-09	.956
County Demographic Factors	11,239					
% African American (ln)	11,239		-2.269	1.548	5.06e-09	.928
% Latino (ln)	11,239		-7.274	32.899	1.28e-08	4.088
2 year Δ % African American	11,239		-11.372	12.683	1.15e-08	5.362
2 year Δ % Latino	11,239		-1.096	2.575	-5.13e-09	.660
Defendant Characteristics						
Total # of Charges	11,239		-1.419	5.581	-7.90e-09	1.775
Most Serious Offense – Violent	11,239	0=No; 1=Yes	-.256	.744	-2.89e-09	.436
Most Serious Offense – Property	11,239	0=No; 1=Yes	-.298	.702	2.64e-09	.458
Most Serious Offense – Drugs	11,239	0=No; 1=Yes	-.357	.643	9.65e-09	.479
2nd Most Serious Offense – Felony	11,239	0=No; 1=Yes	-.413	.587	-1.07e-08	.492
2nd Most Serious Offense – Misdemeanor	11,239	0=No; 1=Yes	-.185	.815	-3.33e-09	.388
Prior Felony Convictions	11,239	0 thru 10 (10 or more)	-1.242	8.758	1.43e-08	2.152
Prior Misdemeanor Convictions	11,239	0 thru 10 (10 or more)	-1.637	8.363	-2.28e-08	2.617
Criminal Justice Status at Arrest	11,239	0=No; 1=Yes	-.722	.278	3.48e-09	.448
Prior Incarceration	11,239	0=No; 1=prior; Jail 2=Prior Prison	-.586	1.414	-2.33e-08	.783
Prior FTA	11,239	0=No; 1=Yes	-.336	.664	-3.80e-09	.472
No Prior FTA	11,239	0=No; 1=Yes	-.366	.634	3.42e-10	.482
Gender	11,239	1=Male; 2=Female	-.181	.819	-2.31e-09	.385
Age	11,239		-17.617	53.383	8.82e-08	10.454
African American	11,239	0=No; 1=Yes	-.447	.553	-1.35e-08	.497
Latino	11,239	0=No; 1=Yes	-.242	.758	1.46e-09	.428
Other	11,239	0=No; 1=Yes	-.015	.985	-4.44e-10	.120

[1] Dependent Variables are not means centered. Independent variables reduced to subset for initial pretrial release analysis.

Appendix Table 7. 2004 Characteristics of Analyzed Variables, No Interaction Terms

	Observations	Original Coding of Variables	Post Centering Information[1]			
			Min.	Max.	Mean	Std. Dev.
Dependent Variables						
Release Eligible	14,246	0=No; 1=Yes	0	1	.944	.230
Financial Release Eligible	14,246	0=No; 1=Yes	0	1	.678	.467
Bail Amount	9,286		1	514,000	52,890	193,315
Made Bail	9,662	0=No; 1=Yes	0	1	.522	.500
Region						
Northeast	11,865	0=No; 1=Yes	-.240	.760	6.47e-09	.427
Midwest	11,865	0=No; 1=Yes	-.128	.872	3.04e-09	.335
West	11,865	0=No; 1=Yes	-.373	.627	-1.08e-08	.484
Case Processing	11,865					
Crime Rate (ln)	11,865		-.721	1.309	2.99e-09	.350
2 year Δ Crime Rate	11,865		-71.321	788.972	-1.41e-07	63.859
Case Rate (ln)	11,865		-1.088	2.109	1.89e-09	.480
% Jail Capacity Used (ln)	11,865		-.348	.575	2.32e-09	.206
2 year Δ % Jail Capacity Used	11,865		-25.752	44.946	-1.63e-08	14.078
Judge Appointed	11,865	0=No; 1=Yes	-.156	.844	-4.06e-09	.363
No Prosecutorial Screening	11,865	0=No; 1=Yes	-.331	.669	7.62e-09	.471
Prosecutor Budget Per Capita (ln)	11,865		-2.029	1.282	6.37e-09	.919
County Demographic Factors						
% African American (ln)	11,865		-2.197	1.416	-5.12e-09	.879
% Latino (ln)	11,865		-7.399	6.111	1.58e-08	2.365
2 year Δ % African American	11,865		-10.713	12.736	8.27e-09	4.849
2 year Δ % Latino	11,865		-2.938	.759	-6.02e-09	.691
Defendant Characteristics						
Total # of Charges	11,865		-1.303	5.697	-2.73e-09	1.642
Most Serious Offense – Violent	11,865	0=No; 1=Yes	-.234	.766	2.17e-09	.424
Most Serious Offense – Property	11,865	0=No; 1=Yes	-.303	.697	1.02e-08	.460
Most Serious Offense – Drugs	11,865	0=No; 1=Yes	-.361	.639	-1.21e-10	.480
2nd Most Serious Offense – Felony	11,865	0=No; 1=Yes	-.397	.603	5.02e-09	.489
2nd Most Serious Offense – Misdemeanor	11,865	0=No; 1=Yes	-.195	.805	-8.03e-09	.396
Prior Felony Convictions	11,865	0 thru 10 (10 or more)	-1.437	8.563	1.79e-08	2.331
Prior Misdemeanor Convictions	11,865	0 thru 10 (10 or more)	-1.770	8.230	-3.82e-09	2.661
Criminal Justice Status at Arrest	11,865	0=No; 1=Yes	-.635	.365	-2.71e-09	.482
Prior Incarceration	11,865	0=No; 1=prior; Jail 2=Prior Prison	-.651	1.349	1.08e-08	.796
Prior FTA	11,865	0=No; 1=Yes	-.271	.729	5.17e-09	.444
No Prior FTA	11,865	0=No; 1=Yes	-.515	.485	-6.67e-09	.500
Gender	11,865	1=Male; 2=Female	-.185	.815	5.00e-10	.388
Age	11,865		-17.402	49.598	1.47e-08	10.866
African American	11,865	0=No; 1=Yes	-.417	.583	1.27e-08	.493
Latino	11,865	0=No; 1=Yes	-.269	.731	-5.96e-09	.444
Other	11,865	0=No; 1=Yes	-.021	.979	1.15e-09	.144

[1] Dependent Variables are not means centered. Independent variables reduced to subset for initial pretrial release analysis.

Appendix Table 8. Models of Placement of Defendant on Financial Pretrial Release "Making Monetary Bail", Comparisons Between GLLAMM Probit and XTPROBIT

	1996	1996	2000	2000	2004	2004
	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT
Region						
Northeast	1.39**	1.622***	-.430**	-.390*	-.206	-.172
	(.410)	(.456)	(.157)	(.179)	(.256)	(.286)
Midwest	.299	.258	.052	.005	.715**	.722**
	(.350)	(.403)	(.121)	(.159)	(.252)	(.243)
West	.251	.195	.532***	.613***	.448**	.264
	(.322)	(.443)	(.116)	(.148)	(.169)	(.212)
Case Processing						
Crime Rate (ln)	.359	.304	.143	.186	-.230	-.153
	(.334)	(.378)	(.123)	(.127)	(.318)	(.349)
2 year Δ Crime Rate	-.008	-.006	-.006	-.006	-.001	-.002
	(.007)	(.007)	(.003)	(.003)	(.001)	(.005)
Case Rate (ln)	.176	.183	-.218*	-.232[+]	-.014	.029
	(.225)	(.223)	(.104)	(.125)	(.147)	(.168)
% Jail Capacity Used (ln)	.746	.596	.015	-.072	-.591[+]	-.492
	(.771)	(.827)	(.245)	(.280)	(.356)	(.395)
2 year Δ % Jail Capacity Used	-.004	.001	.001	.001	.002	.002
	(.007)	(.008)	(.003)	(.003)	(.005)	(.001)
County Demographic Factors						
% African American (ln)	-.246	-.240	.097	.101	-.009	-.084
	(.173)	(.294)	(.060)	(.073)	(.129)	(.145)
% Latino (ln)	.171	.185	-.000	-.000	.108	.075
	(.150)	(.143)	(.060)	(.068)	(.121)	(.126)
2 year Δ % African American	-.053	-.056	.001	.002	.019	.017
	(.065)	(.073)	(.003)	(.003)	(.035)	(.034)
2 year Δ % Latino	-.006	-.008	-.004**	-.003*	-.009	-.014
	(.047)	(.052)	(.001)	(.002)	(.027)	(.027)
Defendant Characteristics						
Financial Release Amount Set	1.80e-5***	1.80e-5***	1.08e-5***	1.08e-5***	3.18e-6***	3.17e-6***
	(1.07e-6)	(1.07e-6)	(5.89e-7)	(5.90e-7)	(2.32e-7)	(2.32e-7)
Total # of Charges	-.015	-.014	-.002	-.003	-.010	-.010
	(.018)	(.018)	(.015)	(.015)	(.015)	(.016)
Most Serious Offense – Violent	.283**	.286**	.204**	.201**	.393***	.394***
	(.090)	(.090)	(.067)	(..067)	(.064)	(.064)
Most Serious Offense – Property	.464***	.466***	.371***	.374***	.469***	.470***
	(.079)	(.079)	(.065)	(.065)	(.061)	(.061)
Most Serious Offense – Drugs	.189*	.191*	.190**	.191**	.149*	.149*
	(.077)	(.078)	(.063)	(.063)	(.059)	(.059)
2nd Most Serious Offense – Felony	.013	.012	-.043	-.042	.050	.051
	(.015)	(.060)	(.050)	(.050)	(.051)	(.051)
2nd Most Serious Offense – Misdemeanor	.035	.033	-.055	-.054	.035	.036
	(.066)	(.066)	(.053)	(.053)	(.053)	(.053)
Prior Felony Convictions	.013	.013	.019	.019	.029**	.029**
	(.015)	(.015)	(.011)	(.011)	(.010)	(.010)
Prior Misdemeanor Convictions	.024*	.025*	.028**	.028**	.058***	.058***
	(.010)	(.010)	(.008)	(.008)	(.008)	(.008)

Appendix Table 8. Models of Placement of Defendant on Financial Pretrial Release "Making Monetary Bail", Comparisons Between GLLAMM Probit and XTPROBIT (Continued)

	1996	1996	2000	2000	2004	2004
	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT
Criminal Justice Status at Arrest	-.313***	-.314***	-.244***	-.243***	-.339***	-.342***
	(.051)	(.051)	(.039)	(.039)	(.040)	(.040)
Prior Incarceration	.237***	.236***	.203***	.201***	.182***	.180***
	(.043)	(.043)	(.031)	(.032)	(.030)	(.031)
Prior FTA	.102	.101	.162**	.159**	.173*	.175*
	(.070)	(.070)	(.061)	(.061)	(.069)	(.069)
No Prior FTA	-.023	-.024	.125*	.122*	.043	.044
	(.058)	(.058)	(.050)	(.050)	(.052)	(.052)
Gender	-.206**	-.206**	-.113*	-.109*	-.135*	-.135*
	(.065)	(.065)	(.048)	(.049)	(.054)	(.054)
Age	.006*	.006*	.001	.001	.001	.001
	(.003)	(.003)	(.002)	(.002)	(.001)	(.002)
Age^2	-.000$^+$	-.000$^+$	-.000	-.000	-.000	-.000
	(.000)	(.000)	(.000)	(.000)	(.000)	(.000)
African American	.372***	.374***	.274***	.274***	.289***	.283***
	(.058)	(.058)	(.043)	(.043)	(.045)	(.045)
Latino	.175$^+$	.175$^+$	.263***	.261***	.176***	.177**
	(.095)	(.095)	(.059)	(.060)	(.054)	(.054)
Other	.052	.054	-.231$^+$	-.230$^+$	-.148	-.148
	(.170)	(.170)	(.119)	(.119)	(.131)	(.131)
Interaction Terms						
A.A. in 16-30% A.A. County	-.077	-.076	.219*	.223*	.174*	.177*
	(.118)	(.118)	(.092)	(.092)	(.086)	(.086)
A.A. in 31%+ A.A. County	-.181	-.168	-.245*	-.247*	.013	.019
	(.179)	(.179)	(.104)	(.104)	(.110)	(.111)
L. in 16-30% L. County	.142	.145	.151	.153	-.244	-.254
	(.180)	(.180)	(.146)	(.146)	(.157)	(.157)
L. in 31%+ L. County	.586*	.581*	.113	.121	-.054	-.064
	(.233)	(.234)	(.149)	(.150)	(.150)	(.150)
A.A. in 16-30% A.A. County * Δ A.A.	-.055	-.055	-.028***	-.028***	-.088*	-.088*
	(.063)	(.063)	(.006)	(.006)	(.036)	(.036)
A.A. in 31%+ A.A. County * Δ A.A.	-.049	-.047	.029**	.029**	-.003	-.003
	(.108)	(.108)	(.009)	(.009)	(.051)	(.051)
L. in 16-30% L. County * Δ L.	-.085	-.085	-.007*	-.007*	-.033	-.035
	(.085)	(.085)	(.003)	(.003	(.030)	(.030)
L. in 31%+ L. County * Δ L.	.120	.118	-.012*	-.012*	.058*	.058*
	(.108)	(.108)	(.005)	(.005	(.027)	(.027)
Inverse Mills Ratio	-.122	-.125	-.192	-.225	-.197	-.194
	(.271)	(.271)	(.136)	(.142)	(.188)	(.198)

Appendix Table 8. Models of Placement of Defendant on Financial Pretrial Release "Making Monetary Bail", Comparisons Between GLLAMM Probit and XTPROBIT (Continued)

	1996	1996	2000	2000	2004	2004
	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT
Random Effects						
County Intercept	.534*	.551**	.262**	.279**	.168	.132
	(.199)	(.204)	(.089)	(.096)	(.106)	(.120)
LLR Test	-2,982	2,980	-4,151	-4,147	-4,086	-4,084
N	6,237	6,237	7,868	7,868	7,703	7,703
Groups	36	36	37	37	35	35
+p≤.10; *p≤.05; **p≤.01; ***p≤.001						
Coefficients are unstandardized. Standard errors are in parentheses.						
1994, 1996, 2000, & 2004 estimated in GLLAMM. 1994, 1998, 2002 estimated in xtlogit with county treated as group.						
A.A.-African American; L.-Latino						
Prosecutor budget per capita , prosecutor screening, and judicial appointment type dropped so that equation avoids multicollinearity issues.						

Appendix Table 8. Models of Placement of Defendant on Financial Pretrial Release "Making Monetary Bail", Comparisons Between GLLAMM Probit and XTPROBIT

	1996	1996	2000	2000	2004	2004
	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT
Region						
Northeast	1.39**	1.622***	-.430**	-.390*	-.206	-.172
	(.410)	(.456)	(.157)	(.179)	(.256)	(.286)
Midwest	.299	.258	.052	.005	.715**	.722**
	(.350)	(.403)	(.121)	(.159)	(.252)	(.243)
West	.251	.195	.532***	.613***	.448**	.264
	(.322)	(.443)	(.116)	(.148)	(.169)	(.212)
Case Processing						
Crime Rate (ln)	.359	.304	.143	.186	-.230	-.153
	(.334)	(.378)	(.123)	(.127)	(.318)	(.349)
2 year Δ Crime Rate	-.008	-.006	-.006	-.006	-.001	-.002
	(.007)	(.007)	(.003)	(.003)	(.001)	(.005)
Case Rate (ln)	.176	.183	-.218*	-.232[+]	-.014	.029
	(.225)	(.223)	(.104)	(.125)	(.147)	(.168)
% Jail Capacity Used (ln)	.746	.596	.015	-.072	-.591[+]	-.492
	(.771)	(.827)	(.245)	(.280)	(.356)	(.395)
2 year Δ % Jail Capacity Used	-.004	.001	.001	.001	.002	.002
	(.007)	(.008)	(.003)	(.003)	(.005)	(.001)
County Demographic Factors						
% African American (ln)	-.246	-.240	.097	.101	-.009	-.084
	(.173)	(.294)	(.060)	(.073)	(.129)	(.145)
% Latino (ln)	.171	.185	-.000	-.000	.108	.075
	(.150)	(.143)	(.060)	(.068)	(.121)	(.126)
2 year Δ % African American	-.053	-.056	.001	.002	.019	.017
	(.065)	(.073)	(.003)	(.003)	(.035)	(.034)
2 year Δ % Latino	-.006	-.008	-.004**	-.003*	-.009	-.014
	(.047)	(.052)	(.001)	(.002)	(.027)	(.027)
Defendant Characteristics						
Financial Release Amount Set	1.80e-5***	1.80e-5***	1.08e-5***	1.08e-5***	3.18e-6***	3.17e-6***
	(1.07e-6)	(1.07e-6)	(5.89e-7)	(5.90e-7)	(2.32e-7)	(2.32e-7)
Total # of Charges	-.015	-.014	-.002	-.003	-.010	-.010
	(.018)	(.018)	(.015)	(.015)	(.015)	(.016)
Most Serious Offense – Violent	.283**	.286**	.204**	.201**	.393***	.394***
	(.090)	(.090)	(.067)	(..067)	(.064)	(.064)
Most Serious Offense – Property	.464***	.466***	.371***	.374***	.469***	.470***
	(.079)	(.079)	(.065)	(.065)	(.061)	(.061)
Most Serious Offense – Drugs	.189*	.191*	.190**	.191**	.149*	.149*
	(.077)	(.078)	(.063)	(.063)	(.059)	(.059)
2nd Most Serious Offense – Felony	.013	.012	-.043	-.042	.050	.051
	(.015)	(.060)	(.050)	(.050)	(.051)	(.051)
2nd Most Serious Offense – Misdemeanor	.035	.033	-.055	-.054	.035	.036
	(.066)	(.066)	(.053)	(.053)	(.053)	(.053)
Prior Felony Convictions	.013	.013	.019	.019	.029**	.029**
	(.015)	(.015)	(.011)	(.011)	(.010)	(.010)
Prior Misdemeanor Convictions	.024*	.025*	.028**	.028**	.058***	.058***
	(.010)	(.010)	(.008)	(.008)	(.008)	(.008)

Appendix Table 8. Models of Placement of Defendant on Financial Pretrial Release "Making Monetary Bail", Comparisons Between GLLAMM Probit and XTPROBIT (Continued)

	1996	1996	2000	2000	2004	2004
	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT
Criminal Justice Status at Arrest	-.313***	-.314***	-.244***	-.243***	-.339***	-.342***
	(.051)	(.051)	(.039)	(.039)	(.040)	(.040)
Prior Incarceration	.237***	.236***	.203***	.201***	.182***	.180***
	(.043)	(.043)	(.031)	(.032)	(.030)	(.031)
Prior FTA	.102	.101	.162**	.159**	.173*	.175*
	(.070)	(.070)	(.061)	(.061)	(.069)	(.069)
No Prior FTA	-.023	-.024	.125*	.122*	.043	.044
	(.058)	(.058)	(.050)	(.050)	(.052)	(.052)
Gender	-.206**	-.206**	-.113*	-.109*	-.135*	-.135*
	(.065)	(.065)	(.048)	(.049)	(.054)	(.054)
Age	.006*	.006*	.001	.001	.001	.001
	(.003)	(.003)	(.002)	(.002)	(.001)	(.002)
Age^2	-.000$^+$	-.000$^+$	-.000	-.000	-.000	-.000
	(.000)	(.000)	(.000)	(.000)	(.000)	(.000)
African American	.372***	.374***	.274***	.274***	.289***	.283***
	(.058)	(.058)	(.043)	(.043)	(.045)	(.045)
Latino	.175$^+$	.175$^+$	.263***	.261***	.176***	.177**
	(.095)	(.095)	(.059)	(.060)	(.054)	(.054)
Other	.052	.054	-.231$^+$	-.230$^+$	-.148	-.148
	(.170)	(.170)	(.119)	(.119)	(.131)	(.131)
Interaction Terms						
A.A. in 16-30% A.A. County	-.077	-.076	.219*	.223*	.174*	.177*
	(.118)	(.118)	(.092)	(.092)	(.086)	(.086)
A.A. in 31%+ A.A. County	-.181	-.168	-.245*	-.247*	.013	.019
	(.179)	(.179)	(.104)	(.104)	(.110)	(.111)
L. in 16-30% L. County	.142	.145	.151	.153	-.244	-.254
	(.180)	(.180)	(.146)	(.146)	(.157)	(.157)
L. in 31%+ L. County	.586*	.581*	.113	.121	-.054	-.064
	(.233)	(.234)	(.149)	(.150)	(.150)	(.150)
A.A. in 16-30% A.A. County * Δ A.A.	-.055	-.055	-.028***	-.028***	-.088*	-.088*
	(.063)	(.063)	(.006)	(.006)	(.036)	(.036)
A.A. in 31%+ A.A. County * Δ A.A.	-.049	-.047	.029**	.029**	-.003	-.003
	(.108)	(.108)	(.009)	(.009)	(.051)	(.051)
L. in 16-30% L. County * Δ L.	-.085	-.085	-.007*	-.007*	-.033	-.035
	(.085)	(.085)	(.003)	(.003	(.030)	(.030)
L. in 31%+ L. County * Δ L.	.120	.118	-.012*	-.012*	.058*	.058*
	(.108)	(.108)	(.005)	(.005	(.027)	(.027)
Inverse Mills Ratio	-.122	-.125	-.192	-.225	-.197	-.194
	(.271)	(.271)	(.136)	(.142)	(.188)	(.198)

Appendix Table 8. Models of Placement of Defendant on Financial Pretrial Release "Making Monetary Bail", Comparisons Between GLLAMM Probit and XTPROBIT (Continued)						
	1996	1996	2000	2000	2004	2004
	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT	GLLAMM	XTPROBIT
Random Effects						
County Intercept	.534*	.551**	.262**	.279**	.168	.132
	(.199)	(.204)	(.089)	(.096)	(.106)	(.120)
LLR Test	-2,982	2,980	-4,151	-4,147	-4,086	-4,084
N	6,237	6,237	7,868	7,868	7,703	7,703
Groups	36	36	37	37	35	35
$^+$p≤.10; *p≤.05; **p≤.01; ***p≤.001						
Coefficients are unstandardized. Standard errors are in parentheses.						
1994, 1996, 2000, & 2004 estimated in GLLAMM. 1994, 1998, 2002 estimated in xtlogit with county treated as group.						
A.A.-African American; L.-Latino						
Prosecutor budget per capita , prosecutor screening, and judicial appointment type dropped so that equation avoids multicollinearity issues.						

As can be seen from the evidence presented in the table above, the results generated by GLLAMM probit and STATA's xtprobit for SCPS data from available years in the second two sampling frames of SCPS are very similar. We did not include 1994 because of the potential for volatility in jurisdiction level estimates introduced by the large amount of missing data in the first SCPS sample frame. Simply put, in 1994, we are as concerned about the data itself as we are about the data modeling process. The consistency of the individual level effects is to be expected, as these fixed effects are essentially ordinary probit coefficients. What is more important is that the vast majority of jurisdiction level coefficients are consistent in statistical significance, direction of relationship, and approximate effect size. It is at the jurisdiction or "level two" coefficients that the two routines diverge methodologically (Rabe-Hesketh and Skrondal, 2005). From this review, we feel comfortable in relying on STATA's xtprobit estimates for years where GLLAMM probit took too many days to compute to a solution.