Pretrial Services in Lake County, IL:

Patterns of Change over Time, 1986-2000

Keith W. Cooprider

Principal Probation Officer, 19th Judicial Circuit, IL

and

Rosemarie Gray

Assistant Director, Pretrial Services, 19th Judicial Circuit, IL

and

John Dunne Ph.D., Director, Psychological Services, 19th Judicial Circuit, IL

Introduction

It seems reasonable that local pretrial services programs commit themselves to research and evaluation of their own agency's procedures, programming, and effectiveness. Research allows a program to "take a look at itself;" a process of discovery and generating knowledge about the functional operations, changes, and impact of a pretrial service agency. Besides providing an overall statistical "picture" of pretrial services activity, the results of research may have several important theoretical consequences and practical applications, including policy and operational implications, finding out what works and what doesn't, and making adjustments to improve a program's practices and effectiveness. Thus, *the purpose of this paper is to demonstrate the utility and value of "in-house" research at the local, single-jurisdiction level—in this case using a county-based program as the object of analysis. This particular study describes various patterns of change over time, from 1986 to 2000, in the Pretrial Services Program in Lake County, Illinois.* Although the emphasis here is on *describing* trends over time, there will be some attempt to *explain* the empirical findings.[1]

Workload Trends

Our research illustrates the dynamic growth and changing nature of Lake County's Pretrial Services Program. In reference to our data analysis, the number of bond reports and the use of bond supervision have significantly increased over time. In regard to bond reports, by the end of the year 2000, the number of bond reports completed by Pretrial Services (PTS) increased by nearly 50%, with the average number of bond reports completed per year totaling 2,025.[2]

The annual number of defendants released to Pretrial Services for supervision from 1986 through 2000 increased by 935%, which represents an average increase of 62% per year. Also

notable is that, after showing increases in every year since 1986, the number of defendants released with supervision declined by 34% in 1993. This may be related to the rotation of judges in Bond Court, where PTS receives most of its clients. In 1993, for example, there was a change of judges in Bond Court as well as in 1995 (a 79% increase from the previous year) and in 1998 (a 42% increase from the previous year). It could be hypothesized that judicial rotation may account for some of the change since it's quite possible that when judges rotate, so does "the Court's" perspective on bond and the use of supervised release.[3] It also appears that starting in the mid- to late-1990's and continuing onward more defendants who post a cash bond are also being placed on PTBS.[4] Indeed, what began as an *alternative* to a cash bond, it now appears that PTBS is used many times *in conjunction with* a cash bond. Increases in misdemeanor and traffic defendants (primarily DUI and domestic violence cases) placed on PTBS would also account for some of the overall increase.

PTBS Evaluations and PTBS Recommendations

From 1986 through 2000, the number of defendants formally evaluated for bond supervision increased by 357 percent. Over the entire 15-year period, of the total number of defendants who were evaluated for PTBS, 43% were recommended for supervised release, or, in other words, about four out of every ten defendants. A truly interesting observation, however, is that the proportion of defendants that Pretrial Services recommended for bond supervision substantially decreased over time (see Figure 1). From 1986 through 1991, the Recommended/Evaluation Ratio (R/E Ratio) remained fairly stable, hovering around 70% and peaking in 1991 when three out of every four defendants evaluated were recommended for PTBS. However, after 1991 a steady and precipitant decline in PTBS recommendations started to occur, leveling off in 1995 when, by that time, only three out of every ten defendants

evaluated were recommended for PTBS. This proportion remained fairly stable over the next three years, whereupon, in 1999, the R/E Ratio dropped to 20 percent. Clearly, the overall trend since 1992 has been one of significant decline in the number of PTBS recommendations made compared to the number of defendants evaluated.

Figure 1 around here

Given casual observation, experience, and historical perspective, one explanation for this decline in PTBS recommendations during the 1990's was the type of felony defendant we were evaluating for supervised release during this time period. Many of the potential felony clients were chronic recidivists, either in terms of prior criminal record and/or failure-to-appear history. The lower recommendation rate also may be tied to having greater computerized access to national and state criminal history, warrant, court, probation, and parole databases that, in effect, identified those defendants not eligible or suitable for a non-financial release recommendation. Furthermore, many clients evaluated for release had already been on PTBS before, sometimes more than once, and failed to comply in some capacity (e.g., FTA'ed or rearrested), which would tend to preclude a release recommendation.

In addition, defense attorneys and judges may request a bond supervision evaluation even though there is little chance or actual intention that the defendant will be released (or recommended for release) due, in part, to the factors noted above. Furthermore, the court may be releasing onto PTBS the "easy decision" defendants without need of evaluation and refers to Pretrial Services for evaluation the more difficult "hard decision" cases that are less, or not at all, qualified for the Pretrial Bond Supervision Program, thus affecting the PTBS recommendation

rate. The "easier" decisions can be defined as those defendants charged with a less serious crime and the "harder" decisions represent those defendants charged with more serious crimes. *Our data indicate that the court will tend to order PTBS evaluations for those defendants charged with more serious crimes and as the seriousness of the crime decreases so does the probability of being evaluated*. For example, for all defendants charged with a Class X felony that were placed on PTBS, 79% were evaluated and 21% were not; for Class 4 defendants 56% were evaluated and 44% were not; and for misd/traffic defendants 10% were evaluated and 90% were not.[5] Similar differences were also found for type of offense (violent, drug, property, etc.). It appears then that (1) class of crime and (2) type of offense affects whether or not the court will ask for a PTBS evaluation or just release the defendant on PTBS without an evaluation, thus suggesting that a defendant who receives an evaluation is not a random event in the judicial decision-making process but is affected by the perceived seriousness of the offense[6]

Clearly though, this has had no impact on the use of PTBS since the number of defendants released to PTBS has tended to steadily increase since 1994 and, by 1998, more defendants were being released onto PTBS without an evaluation than were being released with an evaluation. Most of the increase in the number of defendants placed on PTBS can be attributed to the large increases of defendants who were placed on supervised release—usually without an evaluation—charged with either Class 4 felonies or misd/traffic offenses.

Figure 2 represents the breakdown of PTBS defendants into two categories: defendants who were evaluated for PTBS participation before their release from jail custody and those who were not. A bond supervision evaluation, primarily done for persons charged with felony crimes, represents an integral part of the pretrial release screening process. For those defendants who were evaluated before their release, the rules and conditions of PTBS are thoroughly

explained to the defendant, the defendant's willingness and commitment to comply to the conditions of supervised release is assessed, the consequence(s) of compliance and noncompliance is explained, and a defendant's prior (or current) performance on bond and on other forms of community-based supervision is evaluated, including any previous PTBS participation. However, as one can see, not every defendant who is supervised by Pretrial Services is evaluated before their placement on the program.

Figure 2 around here

Generally speaking, over the entire 15-year period, 53% of the defendants supervised were evaluated before their release and 47% were not. Perhaps the most significant finding is the large increase over time in the number of defendants who were placed on PTBS without an evaluation. In 1995, for the first time, there were more defendants released to PTBS without an evaluation (488) than there were released with an evaluation (438). In 1998, the number of defendants released without an evaluation was twice as large as the number of defendants released with an evaluation. Indeed, from 1998 through 2000, the ratio of non-evaluated defendants to evaluated defendants was slightly more than two to one. *In other words, for every one defendant released with an evaluation, two were released without an evaluation.* In summary, whereas defendants were much more likely to be formally evaluated for PTBS participation from 1986 through 1993 (87% evaluated compared to 13% with no evaluation), from 1994 through 2000 this pattern significantly changed (41% evaluated compared to 59% not evaluated). The data strongly indicate that in more recent years a judge may be more inclined to release a defendant onto PTBS without a bond report or PTBS evaluation, whereas in the nascent

years of bond supervision judges were more inclined to request that a bond report be completed before a release decision was made.

Possible explanations for this trend include that as Pretrial Services has systemically matured as an integral part of the judicial system, it can be suggested that Pretrial has established credibility and an "environment of trust" with the judiciary in regard to the work that it performs. Over time, the judiciary as a whole has become more knowledgeable of and comfortable with PTBS as a pretrial release option and, as a consequence, judges may be more apt to release a defendant onto PTBS without an evaluation. Secondly, the composition of the PTBS population has changed over time, currently reflecting a greater proportion of PTBS defendants charged with less serious crimes than in the past. As noted earlier, the court is less likely to order a PTBS evaluation for defendants charged with less serious crimes before placing them on supervised release. A third possible explanation is the judge's independent access to information about the defendant, especially as it pertains to the defendant's prior criminal record. Given access to the Clerk of the Circuit Court's criminal record database "on the bench," the judge making a bond decision can "rule out" the need for a bond report and proceed to place a defendant on PTBS without the need for Pretrial Services' intermediation.

Distribution of PTBS Clients by Crime Class and Crime Type

Figures 3 and 4 represent a condensed summary of the 15 years of data into three five-year intervals: 1986-1990, 1991-1995 and 1996-2000. As can be seen, the percentage of persons placed on PTBS charged with either a Class X, 1, 2, or 3 felony decreased during the 15-year period, whereas persons charged with either a Class 4 felony, misdemeanor, or traffic offense increased substantially since 1986. Indeed, during Time Interval III, class 4 felony, misdemeanor, and traffic defendants accounted for nearly six out of every ten defendants placed

on PTBS. In the type of crime category, the percentage of property, violent, and sex defendants placed on PTBS consistently went down, while the percentage of drug and public order[7] defendants consistently increased, the latter two groups comprising of almost four out every ten defendants in the PTBS population by Time Interval III. Adding misd/traffic defendants, almost 70% of defendants placed on PTBS from 1996 through 2000 were either charged with a drug crime, a public order crime, or a misd/traffic offense.

Figures 3 and 4 around here

It appears, then, that the make-up of the PTBS population is a function of time. Chi-square tests of statistical significance indicate statistically significant relationships between time period and class of crime (chi-square = 1247.75; p = .001) and also with offense type (chi-square = 1134.28; p = .001). In other words, the data suggest that there is a strong probability that the increases and decreases observed in the aforementioned crime categories are related to a time factor. Clearly, this suggests significant patterns of change over time in the class of crime and type of offense "composition" of the PTBS population, but this still begs the question, What explains these variations over time?

To account for the aforementioned changes, it must first be recognized that who gets placed on Pretrial Bond Supervision is, in part, a function of what kinds of crimes are being committed in the community and who ends up in bond court. An indicator of what types of crimes are being committed in the community is the number of crimes reported to the police and for what kinds of offenses. As we have seen, the percentage of persons placed on PTBS for property, violent, and sex crimes has steadily declined over the fifteen-year period. Some of this

decline could be correlated with decreases in violent and property index offenses reported to the police in Lake County as well as to the decline in the total index crime *arrest* rate in Lake County (Illinois Criminal Justice Information Authority 2000).[8]

On the other hand, the number and proportion of drug defendants placed on PTBS has tended to increase over time. After some initial wide fluctuations from 1986 through 1988 (11%, 26%, 16%, respectively) and stabilization from 1989 through 1991 (23% in each respective year), the trend has been generally upward. By the end of the 15-year time period, one out of every four PTBS defendants (or 25% of the total PTBS population) were charged with a felony drug offense. Some of this increase in the number of PTBS drug defendants may be related to a 72% increase in the number of drug-related arrests in Lake County since 1994 (Illinois Criminal Justice Information Authority 2000). The so-called "War on Drugs" and the concurrent emphasis on dealing with the social problem of drug abuse from a law enforcement orientation may help to explain the rise of drug-related arrests and, consequently, more defendants charged with drug crimes being placed on PTBS.

A Special Note on Domestic Violence and DUI

The number and proportion of misdemeanor/traffic cases placed on Pretrial Bond Supervision has dramatically increased over time. The vast majority of misd/traffic defendants who were placed on PTBS were charged with either domestic battery (48% of the total misd/traffic cases) or misdemeanor DUI (Driving Under the Influence of Alcohol--14% of the total misd/traffic population). Together, misdemeanor domestic battery and DUI cases account for six out of every ten misd/traffic defendants placed on PTBS. Clearly, the rise over time in the number of misdemeanor cases that Pretrial Services has supervised is linked to the large

increases in misdemeanor domestic violence and DUI cases being placed on Pretrial Bond Supervision.

Three factors can help explain the increase in domestic violence cases: first, the 72-hour "no contact" law that went into effect in Illinois in 1995 that prohibits the defendant from having any contact with the complaining witness for 72 hours *after* his or her release from jail. It is quite possible that in some instances the court feels it necessary for someone to monitor compliance with this bond condition; thus a referral to Pretrial Services for supervision. Secondly, and perhaps more significantly, is the 1997 Illinois statute enacted that made it mandatory that all persons arrested for misdemeanor domestic battery and violations of orders of protection *cannot* "bond out" from the arresting agency, but rather are required to appear before a judge in bond court for their initial appearance and bond hearing. This increases the opportunity or chance that any given defendant may be placed on PTBS since this bond option is only available at the bond court and not at the police station. It would appear that these two changes in the bail bond statutes relating to domestic violence might of produce a "legal effect," which could explain in part the increase in the PTBS misdemeanor population (see Figure 5). Finally, a third possible reason to explain the jump in domestic violence cases on PTBS is the national, state, and local attention paid to domestic violence as a serious social problem and the legal and criminal justice system's responses to that problem, such as the implementation of mandatory arrest laws and policies (Ohlin and Tonry 1989; Wallace 1999; Brownstein 2000). In Illinois, for example, existing laws allow police officers to make warrantless arrests if the police have probable cause to believe that a person has committed a domestic battery even if the crime was not committed in the presence of the police (Illinois Criminal Law and Procedure 2001).

Figure 5 around here

In a similar vein, the problem of drunk drivers and the dangers they impose to community safety has become a national, state, and local issue. The success of the 1980's anti-drunk driving movement, spawned by Mother's Against Drunk Drivers (MADD), created a "crackdown" on drunk driving, which resulted in "zero-tolerance" laws, reduction of blood/alcohol content levels at which a driver is considered to be "under the influence," the creation of felony DUI's, and sobriety checkpoints (Reinarman 1998). The State of Illinois has implemented many of these kinds of measures (DUI Fact Book 2001).

In both cases, what may appear to be a trend towards "net widening" may be in reality a legitimate societal and criminal justice response to the social problems of domestic violence and driving under the influence. If "social control" is defined as the capacity of a society to regulate itself in relation to its values (Janowitz 1978:3), then the values of public and personal safety and security—of being safe in one's home and being secure on the highway—may be the impetus behind the increased societal and criminal justice scrutiny applied to drunken drivers and domestic batterers. Consequently, judges may recognize the potential danger to the community that domestic violence and DUI offenders represent and therefore order supervised release of these defendants to enhance community safety.

Drug/Alcohol Testing and Curfew Restrictions: The Trend Upward

There has been a steady rise in the number of PTBS defendants subject to drug and alcohol testing since 1991 (see Figure 6). Moreover, relative to the total number of defendants placed on PTBS in any given year, with the exception of a decline in 1998, the proportion of defendants with drug/alcohol testing ordered has also continually increased over time. By 2000, almost

eight out of every ten defendants supervised by PTS had drug and alcohol testing imposed upon them as a condition of their release. Over the entire ten-year period, nearly half of all defendants supervised had drug/alcohol testing ordered as a condition of their pretrial release.

Figure 6 around here.

Although not as profound as the drug/alcohol testing increase, the imposition of curfew restrictions on PTBS defendants also has tended to increase over time (see Figure 7). Since 1991, the number of PTBS defendants released with a curfew restriction increased by 180 percent, and, on average, 50% or, one out of every two defendants, had a curfew restriction imposed over the ten-year period. The most substantial annual increase in the number of defendants placed on PTBS with a curfew occurred in 1995, when 73% more defendants were given a curfew when compared to the previous year. This is particularly interesting in light of the fact that the largest annual increase (179%) in drug/alcohol testing also took place in 1995.

Figure 7 around here.

Violation Trends

From 1986 through the year 2000, the annual violation rate averaged 24% or, in other words, nearly one out of every four defendants supervised violated in some capacity that resulted in an unsuccessful termination. Since 1992 the overall violation rate has consistently exceeded 20%, ranging from 21% to 29%. Note, however, that during the last three years of the fifteen-year period, the annual violation rate has been declining, from 27% in 1998 to 22% in 2000.

Examining violation-specific rates indicate that, on average, over the 15-year period, 16% of the defendants supervised failed to appear for their courtdates, 3% were rearrested on new charges and returned to jail custody, and 5% committed technical violations (e.g., curfew violations; positive drug tests). Over time, the arrest violation rate remained fairly stable and low, ranging from a high of 5% to a low of 3%; the technical violation rate also remained fairly low, but the range was greater: from a high of 8% to a low of 2 percent. On the other hand, the FTA rate had the highest amount of variation, ranging from a low of 5% in 1987 and 1988 to a high of 23% in 1995 (see Figure 8). *Most of the increases (and decreases) in annual total violation rates can be attributed to increases and decreases in the FTA violation rate. The data clearly indicate that of the three categories of violations, FTA's represent the primary violation problem.* Indeed, of the total number of violations (N=2660), the greater proportion were FTA's (66% of the total), followed by technical violations (20% of the total) and new arrests (13% of the total).

Figure 8 around here.

Some of the increase in the failure-to-appear rates may be attributed to the implementation of a case classification system in November 1990 and the corresponding reduction in expected field contacts by 37% (see Figure 8).[9] A revised version of case classification was implemented in January 1995 that reduced the number of required field contacts by another 53%. Research has shown that "contact" is related to pretrial misconduct, especially FTA violations (D.C. Bail Agency 1978; Clarke, Freeman, and Koch 1976; Austin, Krisberg, and Litsky 1984). In other

words, the less contact a defendant has with the supervising authority, the greater chance that he or she will fail to appear.

Another factor that could help explain the higher FTA violation rates over time is that PTBS defendants have become more "at risk" in terms of failing to appear, such as persons charged with less-serious crimes, a category of defendants who are more likely to fail to appear for their courtdates. As we have already seen, the composition of the PTBS population has changed over the years and is composed of a much larger proportion of defendants charged with less-serious crimes than in previous years. And, as we will see later, defendants charged with less-serious crimes are more likely to FTA than defendants charged with more serious crimes.

It should be pointed out, however, that since it peaked to 23% in 1995, the FTA violation rate declined to 14% by the end of 2000, which represents the lowest FTA rate since 1993. *Note that the FTA rate started to consistently decline in 1998, the year in which Pretrial Services added two new field supervision officers*. It could be hypothesized, or at least reasonably argued, that the addition of two new staff, which gave Pretrial Services a total of six supervision officers, contributed to more effective supervision of PTBS clients (smaller caseloads that, in effect, translated into more contacts), and thereby helped to reduce the failure-to-appear rates in 1998, 1999, and 2000.

The addition of two field supervision officers also may explain the slight rise in the technical violation rates beginning in 1998. Adding two supervision officers provides more surveillance and monitoring of bond conditions, such as curfew verifications and drug testing, with any and all violations being reported back to the court.[10] Another potential explanation for higher technical violation rates is the possibility that there is more judicial *intolerance* of

defendants violating court-ordered technical conditions of pretrial release, resulting in a return to pretrial detention.

Success on Supervision: Do Evaluations Matter?

Another avenue of analysis represents a breakdown of the aggregate success and failure rates of PTBS defendants into two groups: evaluated vs. nonevaluated defendants. The evaluated group represents those defendants who were prescreened and formally evaluated for PTBS before being placed on bond supervision and the nonevaluated group represents those defendants who were not. One would intuitively think, and reasonably hypothesize, that the evaluated group would have higher success rates and lower violation rates than the nonevaluated group. However, this is not the case: both groups have identical overall success and failure rates, 76% and 24%, respectively. *It appears, at least in this study, that being evaluated beforehand does not necessarily increase the probability of a successful outcome on PTBS.* Chi-square test of statistical significance confirms this conclusion, i.e., the data do not indicate that prescreening evaluations are related to PTBS outcomes. This does not suggest, however, that prescreening evaluations are ineffective screening devices or have no value. On the contrary, one must remember that bond supervision evaluations not only have the effect of getting defendants out of jail, but they also have the consequence of keeping people in jail. In this sense, they could be more effective in identifying those defendants who pose the greatest violation risk and thus need to be kept in jail custody (pretrial detention).

The finding of identical success and failure rates suggests that it is likely that other factors are more relevant in determining success and failure on PTBS than a prescreening evaluation, variables such as failure-to-appear history, rearrest history, offense seriousness, judicial reactions to pretrial misconduct, the type, quality, and quantity of supervision, the defendant's level of compliance with supervision conditions, and client characteristics (e.g., age, family and community stability, out-of-county vs. in-county residence, and employment status). *But it still begs the question, What does explain the aforementioned identical outcomes?*

It could be suggested, regardless of the fact that one group of defendants is not formally evaluated by Pretrial Services before release, that some sort of judicial assessment of the defendant is most likely being made at the time when the pretrial release option is decided. So there is, if you will, some form of "quasi-evaluation" being made and one could suppose that the judge is basing his or her PTBS decision on some, if not most, of the same kind of criteria that Pretrial Services uses when making its evaluation-based PTBS recommendation.[11] Given similar outcomes, this would seem to indicate that judges' release assessments are comparable to the bond supervision evaluations done by Pretrial Services.

In addition, there is a constant that applies to all defendants placed on bond supervision: a complete and thorough intake-orientation to the "rules" of bond supervision upon their release from jail custody. Evaluated beforehand or not, every defendant placed on PTBS is instructed to the terms, conditions, and expectations of supervised release. In a sense, the process of orientation could have an "equalizing" effect, that is, if you will, everyone "starts off on the same foot." It may even be suggested that a "quality" orientation could have more impact on a defendant's pretrial release conduct than a prescreening evaluation done while the defendant is in jail custody. Supposing equivalent orientations and an "orientation effect," this may help to

explain, to some extent, the identical success and failure outcomes of the two groups of defendants. Given these plausible explanations, it is not necessarily a foregone conclusion that the identical findings can be attributed to chance; it seems feasible that certain factors are operating here to produce the identical outcomes, factors not related to chance or randomness.

When comparing violation-specific proportions between evaluated PTBS defendants and nonevaluated PTBS defendants, the greater bulk of violations for both groups were for failing-to-appear. However, for the nonevaluated group FTA's consisted of 71% of their total number of violations whereas for the evaluated group 62% of this group's violations were for failing-to-appear. The differences between the two groups were not as large in the other two categories of violations: new arrests and technical violations. In the evaluated group, the new arrest proportion consisted of 15% compared to 12% in the nonevaluated group; and for those who were evaluated the proportion of technical violations totaled 23% compared to 17% in the nonevaluated group. Given the above observations, it could be argued that evaluations are an important tool for identifying FTA risk and, to a lesser but still relevant extent, identifying rearrest risk. Possible explanations for the larger number of technical violations in the evaluated group include: (1) more conditions and restrictions of bond may be imposed on prescreened, evaluated defendants than on nonevaluated defendants, thus allowing or creating more opportunity for violating behavior to occur; (2) a more "at-risk" client is recommended for and released onto PTBS than those defendants not evaluated; and (3) given the fact that evaluated defendants tend to be charged with more serious crimes, the court's level of tolerance towards violating behavior may be lower and its response to the violation thus harsher (e.g., a return to jail custody as opposed to a verbal admonishment) than it would be for persons charged with less serious crimes.

Violation Rates by Class of Crime and Type of Offense

This section examines the relationship between bond violations and class of crime as well as by type of offense (property, violent, etc.) using chi-square analysis to determine if there are any statistically significant differences between the aforementioned crime categories and types of violation. In Table 1, a statistically significant relationship was found between class of crime and failing to appear (chi-square = 125.052; p = .001). Of all those defendants who were placed on PTBS charged with a Class X felony (N=656), only 5% failed to appear. On the other hand, 19% of all defendants charged with a Class 4 felony (N=3085) failed to appear, *nearly a fourfold increase when compared with Class X defendants.* As the row percentages indicate, *defendants charged with more serious crimes (Class X being the most serious crime category) are <u>less likely</u> to FTA than defendants charged with less serious felony crimes*. It appears that in this study there is a strong probability that a relationship exists between crime seriousness and failing to appear.

Table 1 around here

The fact that defendants charged with more serious felonies are less likely to FTA could be related to the notion that a defendant charged with a more serious crime has a greater "stake in conformity." In other words, they have more to lose and less to gain if they do fail to appear—whether it's in terms of remaining in the community on bond or possibly influencing the final

disposition of their case. In addition, it is possible that persons charged with more serious felonies have retained a paid private attorney, which tends to correlate with a lower probability of failing to appear (see Toborg 1981; U.S. Bureau of Justice Statistics 1985). In reference to supervision strategies to reduce the rate of FTA, *it appears that supervision strategies should be intensified (e.g., more contacts) or redesigned (e.g., reporting in person to the Pretrial Services Office) for those defendants who fall at the less-serious end of the crime spectrum*.

Analyzing the relationship between class of crime and new arrests indicates no statistically significant differences between the two variables at the .05 level of significance. Whether one is charged with a serious felony crime or a less serious crime, the data suggest that offense seriousness is <u>not</u> related to rearrest violations. In the final violation category—technical violations—a statistically significant relationship was found between class of crime and technical violations (chi-square = 45.664; p = .001). *Interestingly, misd/traffic cases are <u>less likely</u> to violate a technical condition of release, which, in effect, is producing the statistically significant association*. If we remove the misd/traffic cases from the chi-square analysis, no statistically significant differences were found. In other words, there is no statistically significant association between <u>felony crimes</u> and technical violations.

Possible explanations for the misd/traffic finding include (1) less "technical" restrictions are imposed upon these defendants; consequently, reducing the opportunity for technical violations to occur, and/or (2) judges are less likely to revoke a person's bond for a technical violation because the charge is deemed less serious, and/or (3) the "margin for error" given to a misd/traffic violator may be larger than the allowance given to, e.g., a person charged with a Class X felony.

The data in Table 2 indicate a statistically significant relationship between type of offense and failing to appear (chi-square = 99.258; p = .001). Most of this effect is produced by persons charged with violent and sex crimes: both of these groups had much lower observed frequencies compared to their respective expected frequencies and, in terms of percentages, these two groups had the lowest FTA violation rates (9% and 4%, respectively). When we remove violent and sex crimes from the analysis, no statistically significant differences were found. In short, *persons charged with either a sex-related offense or a violent offense are more likely to make their courtdates than defendants charged with other types of offenses.*

Table 2 around here

Assuming that contacts are related to failing to appear—the more contacts, the less likely a defendant will FTA—then theoretically we could reduce the number of contacts or change the nature of the contacts with defendants charged with violent and sex crimes. However, given the nature of these offenses, a pretrial program may be reluctant to do such a thing. Furthermore, one may ask, Are violent and sex defendants less likely to FTA simply because they are charged with such types of crimes, have stronger community ties, or is there a contact or "surveillance effect" that keeps them coming to court? At best, a rhetorical question for now but certainly an interesting hypothesis for a possible future "effect-of-supervision" experiment.

When analyzing arrest violations, there is a statistically significant relationship with type of offense (chi-square = 11.369; p = .001). However, it should be pointed out that the critical value of chi-square in this analysis is 11.070, thus suggesting that the association found is just

barely significant. In other words, there is some association but not much. In reference to technical violations, a statistically significant relationship was found with type of offense (chi-square = 44.289; p = .001). But as was indicated earlier, most of this association is produced by misd/traffic defendants: these defendants were less likely to violate a technical condition of release than defendants charged with one of the other offense types. Remove the misd/traffic cases from the analysis and there is no statistically significant difference between offense type and technical violations.

Discussion and Summary

An important value attached to the development of pretrial services is program evaluation and empirical research of program operations, whether it is on a national level or at the agency-specific level. Basic "descriptive" research questions that ought to be addressed include, for example, the number of defendants supervised, the composition of the supervised population by type of offense and seriousness of the charges, failure-to-appear and rearrest rates, and success rates. Describing variables of interest is an essential part of almost any research investigation (Bachman and Schutt 2001). Hence, the objective of the present research has been primarily descriptive in nature: specifically, its goal has been to *describe* patterns of change over time. Although we have offered explanations and policy implications for some of our findings, descriptive research has been the central focus of this paper.

It appears that after 17 years of providing pretrial services to the judiciary in Lake County, the characteristics of this evolution can be summed up briefly: **change, adaptation, and growth**. Highlighting some of our findings to support this observation include, a nearly 1000% increase in the number of defendants supervised by Pretrial Services (PTS); the number of clients placed on supervised release (PTBS) rose and fell during certain time intervals that may be related to a

judicial rotation effect; the number of defendants recommended for PTBS relative to the total number evaluated substantially decreased over time, from 70% to 20%; the number of defendants formally evaluated and then released to PTBS remained fairly stable over time as did the number of defendants who were released to PTBS without an evaluation, i.e., until 1998 through 2000 when for every one defendant released with an evaluation, two were released without an evaluation; significant patterns of change occurred over time in the composition of the PTBS population by offense seriousness and type of offense; and the proportion of defendants supervised with drug testing increased from 10% of the total PTBS population to almost 80%. Other pertinent observations include the findings that the aggregate success and failure rates of evaluated and nonevaluated defendants are identical; that court referrals for PTBS evaluations are influenced by the seriousness of the charge(s); failing to appear represents the primary violation problem—both in terms of volume and rates; and defendants charged with more serious crimes are less likely to fail-to-appear than defendants charged with less serious crimes.

As noted in an earlier paper (Cooprider 1992; see also Henry 1991; Segebarth 1991), the anticipation of growth in a pretrial services program should be assumed, and Lake County has certainly fulfilled that prophecy. In both the bond report and the bond supervision areas, increased workloads and the expansion of the duties and functions that Pretrial performs has been the general norm. It can only be expected that the specific functions that Pretrial Services provide to the Lake County judiciary and to the community will continue and probably expand in the 21st century as unfulfilled needs are discovered and pretrial release options and supervision strategies become more progressive and relevant in order to meet the demands of "criminal justice" in Lake County.

As it relates to its broader illustrative purpose, this study hopefully demonstrates the practical value of localized, in-house research. With just a handful of variables, ongoing data collection, and a fairly simple descriptive and comparative method of analysis using rates, percentages, and proportions, a pretrial services program can provide a "statistical picture" of its functional operations, how much it delivers in services to the judiciary, and the outcome of those services. Creating such a body of knowledge has fundamental importance for a pretrial services program: with it, we may discover things we need to know; without it, we may never discover things we need to know.

Endnotes

[1] We generate as much data for analysis as possible given our limitations (e.g., lacking full automation capabilities; no formal research position or division). Thus the amount and kind of data, and consequently the research questions we can answer, are limited since we collect and analyze the data manually. Most of the data we collect and analyze pertains only to defendants placed on Pretrial Bond Supervision (PTBS). Much more data and research would be needed to approach the information and research standards proposed by the National Association of Pretrial Services Agencies (1998) and by Mahoney et al. (2001).

[2] Note that the "number of bond reports" includes "standard" bond reports (no PTBS evaluation done), bond reports that include a bond supervision evaluation, and a relatively small number of criminal record checks submitted to the court without a bond report interview being done.

[3] For example, a judge with a prosecution background may be more inclined to use supervised release (as compared to unsupervised release) than a judge with a "private defense attorney" background. Preliminary 2001 data also lends continued credence to a possible judicial rotation effect. In 2001 there was a change in the "bond court" judge. In that year, 1257 defendants were placed on supervised release, representing a 29% decline from the previous year.

[4] This trend seems to be continuing to the extent that in 2000 we started to systematically keep data on the number of defendants released on PTBS with a cash bond or without a cash bond.

[5] In Illinois, felonies range from Class X, the most serious kinds of felony crime to Class 4, the least serious.

[6] It should be noted that there was no policy change or criteria change in determining who is suitable for a PTBS recommendation; we basically have followed the same guidelines and criteria in recommending defendants for PTBS in the 1990's as we did in the 1980's. It should also be noted that as of 1998 judges have had immediate and direct computerized access to the Circuit Clerk's criminal record database, thus allowing a judge to examine a defendant's county-based criminal record and failure-to-appear history, or lack thereof. This technology and availability of information "on the bench" may influence a judge's decision to (1) release someone onto PTBS without an evaluation or (2) request a bond report for a more-detailed and informative background investigation before a release decision is made.

[7] Examples of felony public order crimes include, felony DUI, Mob Action, firearm offenses, Obstructing Justice, Resisting a Peace Officer, nonviolent Hate Crime, and Fugitive from Justice.

[8] The indicator used is the FBI's Crime Index, which consists of the following felony offenses: murder, criminal sexual assault, robbery, and aggravated assault (violent Index Crimes) and burglary, theft, motor vehicle theft, and arson (property Index Crimes). Clearly these crimes alone do not account for all the crimes reported to the police, arrests made by the police, and who ends up on PTBS. Unfortunately, data are not available detailing the specific offenses for which defendants are being held in the county jail (Illinois Criminal Justice Information Authority 2000).

[9] Case classification (i.e., differential levels of contact) was initiated in November 1990 to deal with a growing PTBS population and to effectively allocate our resources so that the increased caseload volume could be better managed without sacrificing the Unit's mission and objectives.

[10] Our most recent data would support this observation. Preliminary analysis of 2001 and 2002 data indicate that the technical violation rate increased to 10% in 2001 and was 9% in 2002, the highest yearly technical violation rates since PTBS started in 1986 and still much higher than the 15-year average of 5 percent. When compared to FTA's and new arrests, technical violations are more of a function of the officer's surveillance and monitoring of the defendant's conditions of release.

[11] It should be noted that in some cases the court has access to a "standard" bond report, which supplies the court with information on the defendant's background; but the standard bond report does not incorporate within it a PTBS evaluation or PTBS recommendation. This is especially true for misdemeanor and traffic defendants who get placed on PTBS, defendants who normally are not evaluated for PTBS because PTBS is primarily a pretrial release option that targets persons charged with felony crimes.