Evaluation of Pretrial Services
Final Report

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THE UNIVERSITY OF UTAH

Utah Criminal Justice Center

COLLEGE OF SOCIAL WORK
COLLEGE OF SOCIAL & BEHAVIORAL SCIENCES
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Acknowledgements

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Executive Summary

Study Participants

Just over 8,000 bookings occurred in Salt Lake County from October 1, 2008 to December 31, 2008 (N = 8259). Over half of those were released pretrial (n = 4448, 54% of jail bookings). The booking that resulted in their pretrial release for this study is referred to as the Qualifying Booking (QB). As shown below, most of those were released due to overcrowding (OCR), followed by releases on bail or bond (BB). Approximately one-quarter were released to supervision at Criminal Justice Services (CJS) on either Pretrial Services (PTS), Ordered to Pretrial Services by a judge (OPTS), or to the Day Reporting Center (DRC).

Name	N	%
Pretrial Supervised (PTS)	753	17
Court Ordered to Pretrial Supervision (OPTS)	209	5
Own Recognizance (OR)	500	11
Day Reporting Center (DRC)	194	4
Bail or Bond[1] (BB)	1013	23
Overcrowding Release (OCR)	1779	40
Total of 6 Release Groups	***4448***	***100***

[1]This group is where BB is their most restrictive release category. Some PTS and PTS releases also have BB as additional criteria of release.

The six release groups shared some surprising similarities:

- over half of the individuals in all of the groups had a warrant on their QB
- over three-quarters of the individuals in all of the groups had lived in the area 6 or more years

There were a few characteristics that differentiated the six release groups. As summarized below, OR is generally the least severe release group, while OPTS, OCR, and DRC are the highest risk for pretrial failure, depending upon which factors are considered (e.g., criminal justice vs. socioeconomic).

- PTS: similar to those released on OR, except somewhat higher risk due to greater severity of prior offenses (F3 vs. MA), more outstanding warrants (67% vs. 51%), and recent drug use (36% vs. 12%). Most common charge at QB was property, then drug. PTS cases were primarily District court and pretrial/pre-sentence.

- OPTS: one of the highest pretrial failure risk groups, due to highest percent with prior bookings, warrants, and new charges, prior negative pretrial release history (34%), self-reported mental health (MH) problems (24%), and recent drug use (54%). Almost all had an outstanding warrant at QB (98%). Most common charge type at QB was drug, then property. OPTS cases were primarily District court and pretrial/pre-sentence.

- OR: generally the lowest risk group, with least prior jail involvement (33% booking 3-yrs prior) and fewest with outstanding warrants (51%). Most common charge type at QB was DUI, then traffic. OR cases were almost exclusively Justice court cases.

- DRC: a higher risk/need group, primarily due to non-criminal justice factors, such as MH (21%) and substance abuse (SA) (8% currently in treatment) problems and low education level (41% less than 12th grade). Almost all had an outstanding warrant at QB (99%). Most common charge type at QB was

property, then drug. DRC supervised cases were primarily Justice court and DRC had the highest proportion of pretrial/post-sentence cases.

- BB: in the middle on jail history, most likely to have a new charge on their QB (64%). Somewhat lower risk based on non-criminal justice factors, such as most that were married (28%) and had more than 12th grade education (25%). Most common charge type at QB was person, then DUI. BB cases were about 50/50 split between District and Justice court cases, although most were pretrial/pre-sentence.

- OCR: one of the highest pretrial failure risk groups, due to second highest with prior bookings, but of those the most prior bookings (Mn = 6 in 3-yrs prior) and days in jail (Mn = 55). Also the most likely to be recently homeless (37%) and have less than 12th grade education (41%; tie with DRC). Most common charge type at QB was property, then public order, representing a low risk to public safety. OCR cases were mostly Justice court cases with the second highest proportion (after DRC) of pretrial/post-sentence cases.

CJS Pretrial Supervision

For the three groups released to CJS supervision (PTS, OPTS, DRC), pretrial supervision consisted of daily check-ins Monday through Friday (by automated phone system for PTS/OPTS and with CJS staff for DRC) and keeping current address and contact information on file. DRC participants had additional standard conditions including requirements for employment, abstinence, and drug testing. These (and other) conditions could be added to PTS/OPTS as "special" conditions on top of the standard.

Additional check-in requirements and services varied, primarily based on the severity of the group. For example, DRC served a group with somewhat higher needs than PTS (e.g., MH, SA, pretrial history, education) and, therefore, had additional requirements. Those who were ordered to pretrial supervision (OPTS) were more severe (jail history, negative pretrial history) than those released to pretrial by CJS screening staff at the jail (PTS). Therefore, OPTS had three times as many participants (24%) than PTS (8%) who had additional special conditions added to their release, most commonly the requirement to get an evaluation and/or attend treatment/classes. Average time on supervision was just over three months for PTS and OPTS and just over two months for DRC.

CJS Outcomes

During supervision recidivism and exit status mirrored the group differences in risk, with OPTS having the highest new booking rate and lowest successful completion rate. The new charge rate was extremely low for all three groups (below 10%), which compares favorably to the literature on pretrial release recidivism (typically 12% (Austin et al., 1985) to 20% (Lash, 2003)).

	PTS	OPTS	DRC
During CJS Supervision Recidivism			
Percent with jail booking(s)	19	31	18
Percent with new charge	7	9	8
CJS Exit Status, of those who have exited (%):			
Positive	64	46	58
Neutral	4	5	2
Negative	32	49	41

Post-Release Recidivism

Recidivism within the first three months following their QB was examined for all six release groups to see how the CJS release groups compared to the other groups (OR, BB, OCR). Participants in the OCR group had the highest new booking and new charge rates by far, with double the new charge rate of the next highest group (OPTS). However, OCR recidivists were most likely to come back on property, public order, or liquor offenses. As they were also the most likely to be recently homeless (37%), these charge types are not surprising. PTS had the lowest new charge rate, followed closely by OR then DRC and BB. Although the most common charges among OR were person offenses, that only represented 14 offenders.

	PTS	OPTS	OR	DRC	BB	OCR
3 months post-QB release						
Percent with booking(s)	19	30	15	24	22	40
Percent with new charge	6	12	7	8	8	23
Of those w/ new charge, most common type:						
	Prop	Drug	Pers	Drug	Prop	Prop

Pre-Case Closure Recidivism and Case Closure Outcomes

The overall pretrial release (PTR) failure rate (which included having a new charge booking that ended the PTR, WA issued for the released court case, or failure to appear (FTA) for the released court case) ranged from 29% for PTS to 60% for OCR. Average time on PTR ranged from 61 days (Median (Md)) for DRC to 93 days (Md) for PTS and OR. Time from QB release to case closure was significantly longer for all groups, since PTR could end due to a negative event (such as new charge bookings), but before the court cases have been adjudicated and sentenced.

	PTS	OPTS	OR	DRC	BB	OCR	CJS Total	Non-CJS Total
Days on CJS Supervision (Md)	91	63	--	51	--	--	79	--
Days on PTR[1,2] (Md)	93	78	93	61	76	64	83	72
Days QB Release to Case Closure[2] (Md)	124	121	108	76	119	134	114	125
Recidivism								
New charge during CJS Supervision (%)	7	9	--	8	--	--	7	--
New charge during PTR period [2] (%)	10	12	7	7	10	15	10	12
PTR Failure								
Negative CJS Exit Status (%)	32	49	--	41	--	--	37	--
FTA during PTR period[2] (%)	20	24	26	33	21	43	24	33
FTA, WA, or new charge during PTR period[2] (%)	29	36	40	45	33	60	34	48

[1]Days to 1st PTR ending event: new charge, extended jail booking, sentence/dismissal, BW/WA served on that court case

[2]These figures are at the court case, rather than QB, level (e.g., could be multiple court cases per qualifying booking/pretrial release)

Factors Related to Pretrial Status Failure

The following factors were related to **pretrial status failure** (new charges during CJS supervision and/or negative exit status) **for the three CJS release groups** (PTS, OPTS, DRC):

- More extensive jail history in the 3-yrs prior to QB
- Having a warrant or in jail violation at their QB (related to negative exit status only)
- Having a property or drug offense at their QB (related to negative exit status only)
- Recently homeless (related to new charges only)
- Recent drug use
- Having additional special conditions of release (related to negative exit status only)

The following factors were related to **post-release failure** (new charge bookings in 3 months post-release) across **all six release groups**:

- Male
- Older age
- More extensive jail history in the 3-yrs prior to QB
- Having a public order, liquor, property, or drug offense at their QB
- Recent negative pretrial release history
- Recently homeless

The following were key factors related to **during pretrial release (PTR) failure** (new charge booking that ended PTR or failure to appear (FTA) at hearings for released court case) across **all six release groups**:

- More extensive jail history in the 3-yrs prior to QB
- Negative PTS history
- FTA history (FTA only)
- Recently homeless
- New charge at QB (recidivism only)
- Bench Warrant (BW) at QB (FTA only)
- Drug offense at QB and recent drug use
- Person offense at QB/has a victim and charge/offender severity (FTA only, reduces risk)
- Shorter time from QB release to first court hearing (reduces risk)
- Shorter time from supervision start to first contact (CJS only, reduces risk)
- On an additional form of supervision (e.g., probation, reduces risk)
- District court cases have lower FTA rate than Justice
- Pretrial/pre-sentence (vs. pretrial/post-sentence, such as offenders with an Order to Show Cause hearing) have lower FTA rate

Conclusion

The pretrial release (PTR) recidivism rate reported in this study (7-12%) is on the lower end of the range reported in the literature (12-28%). However, the FTA rate reported in this study (20-43%) is on the higher end of the range reported in the literature (10-42%). Because PTR recidivism is such a low occurrence event it was difficult to find robust predictors of this failure event. Predictors of FTA were easier to identify and provide some recommendations for areas to focus efforts in either identifying high risk releases (risk/needs assessment) or modifying PTR practices to reduce risk.

Background and Introduction

Salt Lake County Criminal Justice Services (CJS) has requested that the Utah Criminal Justice Center (UCJC) evaluate their Pretrial Services (PTS) program, specifically to examine its effectiveness in reducing failure to appear (FTA) rates and short-term recidivism. The evaluation will examine the type of offenders they supervise, the services they receive, and their outcomes (FTA and rearrest), compared to offenders released to other pretrial conditions (e.g., own recognizance, jail overcrowding, court ordered).

Some research indicates that pretrial supervision has little impact on offender behavior (Goldkamp & White, 2006). However, other studies have shown that pretrial recidivism is quite low and does not greatly impact public safety (Austin, Krisberg, & Litsky, 1985). Factors that reduce the likelihood of FTA include using a risk assessment and targeted mental health screening, being able to report non-compliance to courts to request a sanction, having several follow-up responses to FTA, increased PTS contacts, and offender protective factors, such as older age of the offender, not having prior FTA's, fewer prior felonies, and no substance abuse history (Austin, et al.; Levin, 2007; Lowenkamp, Lemke, & Latessa, 2008; Maxwell, 1999; VanNostrand, 2003). Many of these factors also reduce the likelihood of rearrest prior to adjudication (Austin, et al.; Levin; Lowenkamp, et al.; VanNostrand, 2003).

Literature Review

Pretrial Background

The history and purposes of pretrial release and supervision have been summarized many times in the literature. Two studies (Clarke, 1988 and VanNostrand, 2007), in particular, provide comprehensive overviews of the main issues. There are six legal foundations to pretrial release/supervision, of which the sixth is the most important to the development and operation of pretrial supervision:

1. Presumption of innocence
2. Right to counsel
3. Right against self-incrimination
4. Right to due process of law
5. Right to equal protection under the law
6. Right to bail that is not excessive

The Bail Reform Act of 1966 further defined "bail that is not excessive" by outlining the common pretrial release conditions used today: 1) release on recognizance (ROR), defendant released pretrial without the constraint of bail on the promise that he/she will return for future court hearings; 2) conditional non-monetary pretrial release, including supervision and conditions imposed to reduce the risk of flight (the most common impression of pretrial supervision); and 3) monetary bail, which should only be imposed by the court if non-financial conditions are not sufficient enough to assure court appearance. In the Bail Reform Act of 1984, the limited use of preventive detention was further specified to address the concern of potential danger to the community. Furthermore, U.S. criminal code also allows for additional release conditions to be imposed if they are deemed likely to reduce risk of failure to appear (FTA) in court or pretrial recidivism. These conditions can include maintaining employment, participating in educational

programs or psychiatric treatment, restricting personal associations or contact with alleged victims or witnesses, abstaining from alcohol/drug use or possessing a firearm, and reporting on a regular basis to a law enforcement agency.

The importance of offering pretrial release with the least barriers has been noted in several studies that demonstrate worse outcomes (more likely to be convicted, or harsher punishments if convicted) for defendants who remain detained pretrial (history of studies cited in Clarke, 1988; VanNostrand, 2007; and Williams, 2003). In a recent study, Williams (2003) used a logistic regression to control for several legal (e.g., degree of charge, number of current charges, conviction history) and extra-legal (e.g., demographics, having a private attorney) variables and still found that being detained pretrial was the strongest predictor of receiving incarceration. In fact, after controlling for all of those other factors, being detained pretrial was associated with over six times greater likelihood of receiving incarceration at sentencing. Being detained pretrial was also significantly related to length of incarceration imposed (after controlling for other significant factors).

On the other hand, the history of research on pretrial release failure shows that defendants who are released pretrial pose very little risk to public safety and rarely fail to appear for court. In the approximately 30 years of research that Clarke (1988) cites, FTA rates range from 6 to 16%, while re-arrest rates ranged from 5 to 22% (types of pretrial release (e.g., supervised, ROR, bail) were not specified).

Pretrial release and supervision agencies play a key role in this process, acting as the "exchange service" between defendants and the criminal justice system (Worzella & Sayner, 1988). Nonetheless, pretrial supervision agencies face challenging and competing goals, such as increasing opportunities for release and reducing jail populations, while strictly enforcing conditions of release and lowering risk of failure (Worzella & Sayner, 1988).

Pretrial Release: Types, Rates, and Factors Considered

Some research has been conducted on what factors are related to the likelihood of receiving pretrial release. In general, these studies have found that factors used to release offenders pretrial are not necessarily the best predictors of success (no FTA/recidivism), nor are all of the factors related to the legal aspects of the case. For example, Maxwell (1999) found the following factors to be significantly related to increased likelihood of release on recognizance (ROR) instead of on bail: women, person and property offenders (vs. drug and weapons, who had the least likelihood of ROR), and those with no prior convictions or failures to appear (FTAs). However, females and property offenders were more likely to FTA, suggesting that they should have been released on more restrictive criteria (bail). Petee (1994) also examined factors related to ROR and found that some extralegal factors were significantly related to likelihood of release. Negative demeanor during the pretrial interview and minority status reduced the likelihood of a recommendation to ROR. The significant influence of extralegal factors (demeanor, minority status) in this study (Petee, 1994) highlights the subjectivity of pretrial release when a standardized risk instrument is not used for decision making. A more detailed description of these studies and others that examined factors related to pretrial release can be found in Appendix A.

Pretrial Failure Rates

As previously noted, pretrial failure rates are generally fairly low. Some recent studies support this long-term trend. Pretrial recidivism rates range from about 10-30%, while FTA rates are similar at

around 10-40%. Representing the lower end, Austin and colleagues (1985) studied a random assignment of felony offenders who did not qualify for other types of release (e.g., ROR, bail) who were assigned to supervised pretrial release (SPR). Only 12% had a new arrest, while 14% failed to appear (Austin, Krisberg, & Litsky, 1985). It was not reported if recidivism rates were different for the SPR groups when compared to the bail, citation, and ROR groups. The SPR group had court appearance rates that were better than the ROR, citation, and bail groups. In a study representing the higher end of pretrial recidivism, Goldkamp (1983) compared two groups on pretrial failure: 1) a group held in jail pretrial due to their inability to pay approximately $150 bail, and who were subsequently released due to an overcrowding lawsuit and 2) a group of offenders who were released pretrial on a single "typical" day from Philadelphia jail system. The majority of both groups were charged with felonies and had prior convictions. The overcrowding lawsuit release group had much higher failure rates (42% FTA and 28% recidivism), compared to the "typical day" group (12% FTA and 17% recidivism). Failure rates demonstrated that the group who were held in jail due to an inability to pay bail was significantly different than those released on a typical day. A detailed description of several studies that report pretrial failure rates is in Appendix A.

Pretrial Risk Assessment

Several studies have examined factors related to pretrial risk or failure (FTA or new charge prior to adjudication) as either the main focus of their study or as secondary analyses. Detailed descriptions of those studies can be found in Appendix A, while a table in Appendix B compares the studies that examine factors related to pretrial success or failure, with key factors highlighted in bold text. Boxes that are left blank are either areas not examined in the study, or where no significant results were reported.

The following are the most common factors related to pretrial risk (citations can be found in Appendix B):

- Prior FTAs are usually the best predictor of future FTA (6 studies)
- Person/violent offenses at current offense decrease the risk of pretrial failure (4 studies); while property offenses at current offense increase the risk of pretrial failure (3 studies)
- More prior felonies usually increased risk (3 studies)
- Meeting different criteria for substance abuse was usually associated with increased risk of pretrial failure (4 studies)
- Younger current age (3 studies), unemployment (3 studies), not having a telephone (3 studies) were also associated with increased risk of pretrial failure

Risk Tool Development

The development of pretrial risk tools has come a long way, with several attempts made at creating and validating risk assessments (Cadigan & VanNostrand, n.d.; Goldkamp, 1983; Lowenkamp, Lemke, & Latessa, 2008; Siddiqi, 2002; VanNostrand, 2003). Typically some combination of current legal factors (e.g., type and degree of offense) and offender risk factors (criminal history, substance abuse, ties to community) are used to determine release criteria and calculate pretrial risk. Although improvements have been made in the field, much of the variance in recidivism is not accounted for in the current risk tools that are available. Furthermore, prediction of risk (whether FTA or recidivism) becomes more difficult as base rates (e.g., percent FTA) deviate from 50%. Since pretrial status failure is generally a low occurrence event (10-40% depending upon measures), it can be difficult to predict. Appendix A provides some recommendations on the development of pretrial risk tools based on the general criminogenic risk and needs work conducted by Andrews, Bonta, and Wormith, 2006; Bonta, 2002; and Gottfredson and Moriarty, 2006.

Study Objectives

The objective of the study is to evaluate the effectiveness of CJS PTS by answering the following research questions:

1. Who does the program serve?
2. What are the risk/needs of the population served by Pretrial Services? Do these risk/needs differ between PTS and other pretrial release conditions (e.g., own recognizance (OR), overcrowding, bail/bond)?
3. What supervision level/components of Pretrial Services are most effective?
4. Is Pretrial Services succeeding? How does this compare to other release conditions?
5. Who has the best outcomes?
6. What is the ultimate case outcome for Pretrial defendants? How does this compare to other release conditions?

Methods

Data Sources

Table 1 lists the primary data sources and a brief description of the information obtained from each of these sources. Gaps were present in many of the following sources so information was combined across sources to complete measures when possible.

Table 1 Data Sources and Measures

Data Source	Description
Criminal Justice Services (CJS) C-track Database	
Jail Interview Notes	Texts entered by CJS Jail Screening Staff to determine eligibility for pretrial release (includes time in area, marital & employment status, recent substance use, mental health, aggravating factors for release, victim information, etc.)
PTS Supervision Notes	Texts updated by CJS case managers for CJS supervised pretrial releases (includes detail on exit status, FTAs, and court cases)
Pretrial Screening Tables	6 tables with information about release status and jail bookings
Pretrial Agreement Tables	4 tables with information about start/end dates and conditions
Court Tables	2 tables with partial information on court case numbers and court dates for CJS supervised pretrial releases
Check-in Table	Dates and types of pretrial and other supervision check-ins, including automated system
Offender Tables	Demographics, marital, education, employment, address, substance use

Data Source	Description
Salt Lake County Sheriff's Office	
JEMS	Jail booking history from 07/01/00 to 8/31/09, includes booking date, type, charges, and release date. Some information on release type, offender demographics, and court case numbers.
CourtLink	
Online Records	Texts with court case information that is searchable by name, date of birth, court case number, court location, and/or date. Documents include information such as plea date, sentence date, disposition, judge, bail amount, court attendance, compliance with court orders, and sentence imposed. Also provides information to supplement Jail Interview Notes information on aggravating factors against jail release and victim information. Court records available for a majority of Utah District and Justice Courts, with the exception of Juvenile District Courts and the following Justice Courts: Salt Lake City, Sandy, and Murray.*
Salt Lake City Justice Court	
Online Public Records	Court case numbers were used to search online public records for plea and disposition information.

* Additional courts not available in CourtLink but with fewer than a dozen individuals in the total sample population were not listed here.

Sample Selection

Participant selection began with a two-fold process examining: 1) all CJS pretrial release referrals from October 1, 2008 to December 31, 2008 and 2) all jail bookings for the same time period.

First, pretrial release referrals were examined for each jail booking and those that had multiple referrals per jail booking were examined for their ultimate release status (e.g., first denied, then re-screened and released).[1] Second, information on pretrial release referrals (e.g., denied, released on own recognizance (OR), released to PTS (PTS), ordered to PTS (OPTS), released to DRC (DRC)) was combined with JEMS jail booking records for the same three months. JEMS provided additional information about release status, such as overcrowding releases (OCR) and releases to bail/bond (BB). Information from both sources was combined, with pretrial release referral categories taking precedence over descriptive release categories in JEMS.

Table 2 describes the final six pretrial release study groups (n = 4448, 54% of jail bookings). These bookings are referred to as the Qualifying Booking (QB) in the remainder of the report. The remaining jail bookings during that time period (n = 3811, 46%) did not fit any of these discrete release categories and included bookings that were either not released pretrial (e.g., commitments, U.S. Marshall holds), part of a small group (such as pre-file release), or difficult to define (not recommended release by CJS, no additional information in JEMS). This study is limited to the six groups listed in Table 2.

[1] 11 bookings were removed from the sample due to a change or inconsistency in release categories. 5 additional bookings were removed from the sample due to incorrect booking records being assigned to the pretrial release in CJS records.

Table 2 Pretrial Release Groups

	N	%
Pretrial Supervised (PTS)	753	17
Court Ordered to Pretrial Supervision (OPTS)	209	5
Own Recognizance (OR)	500	11
Day Reporting Center (DRC)	194	4
Bail or Bond[1] (BB)	1013	23
Overcrowding Release (OCR)	1779	40
Total of 6 Release Groups	***4448***	***100***

[1]This group is where BB is their most restrictive release category. Some PTS and PTS releases also have BB as additional criteria of release.

Data Cleaning and Analyses

Measures were combined from multiple sources and checked for accuracy if possible. For items where sufficient sample size was available, statistical tests were conducted to compare group differences (across six release groups) and differences on outcomes (e.g., during CJS supervision recidivism, during pretrial release (PTR) recidivism, failure to appear (FTA)). Categorical variables (e.g., type of bookings at Qualifying Booking (QB)) were compared across groups and outcomes using nonparametric tests, such as Pearson's chi-square. Continuous variables (such as days in jail at the QB) were compared across groups and outcomes using parametric tests (e.g., independent samples t-tests to look at differences in means). For those factors where insufficient data was available, emerging trends were explored by selecting the cases that met the criteria (e.g., identified as having mental health issues on the Jail Interview screening) and comparing their outcome rates (such as FTA or recidivism rate) against the base rate for the entire study sample. The Results sections explain which trends were identified as meaningful based on their difference from the overall rates. Lastly, logistic regression analyses were conducted by combining significant predictors of PTR failure to determine the unique contribution of each factor on PTR recidivism and FTA.

Results

Participant Characteristics

The majority of all jail release groups were male and non-minority, with the highest percent of females being released to PTS and the lowest percent of minorities being released to PTS. Average age at qualifying booking was similar across all the release groups. [2]

Table 3 Demographics

	PTS	OPTS	OR	DRC	BB	OCR
Male (%)	68	73	75	71	83	77
Minority (%)	26	30	36	35	39	39
Age at Qualifying Booking (Mn)	32	33	30	32	33	33

[2] Standard deviation on average age at qualifying booking was also similar across the six release groups, ranging from 10 to 12 years.

Participant Risk/Needs

Official Criminal Justice Factors

Prior bookings into the Salt Lake County Jail were identified for the three years leading up to the Qualifying Booking (QB, the booking that resulted in their release for this study). Results are broken into two time periods: three years prior and one year prior to QB. As shown in Table 4, the OPTS group had the greatest percent of participants with prior bookings at both three and one year prior to their QB, while the PTS and OR groups had the smallest percent (around half that of the OPTS). Bookings for all six groups were primarily for new charges or warrants. On average, OCR participants also had substantially more bookings and spent more time in jail during these three years.

Table 4 Prior Jail Bookings

	PTS	OPTS	OR	DRC	BB	OCR
3 years prior to Qualifying Booking						
Percent with prior bookings	39	75	33	71	50	72
Percent with new charges	30	62	19	50	38	58
Percent with warrants	30	67	27	59	38	64
Percent with commitments	11	30	13	27	19	30
Percent with holds	2	4	2	3	4	4
Of those with booking(s):						
Number of bookings (Mn)	2	3	2	3	3	6
Severity of priors (Mn)	F3	F3	MA	MA	F3	MA
Booking Type (% with):						
New charge	76	83	58	71	75	81
Warrant	76	88	81	84	76	89
Commitment	28	40	38	38	37	41
Hold	5	5	5	4	7	6
In jail violation	15	24	14	16	23	24
Days spent in jail:						
Mn	32	47	35	41	49	55
SD	78	93	77	88	98	98
Min	0	0	0	0	0	0
Max	563	619	475	566	544	652
1 year prior to Qualifying Booking						
Percent with prior bookings	27	67	20	45	36	59
Percent with new charge	20	50	8	26	25	41
Percent with warrant	19	54	15	37	26	51
Percent with commitment	4	16	4	8	9	13
Percent with hold	1	2	0	1	1	1
Of those with booking(s):						
Number of bookings (Mn)	1	2	2	2	2	3
Severity of priors (Mn)	F3	F3	MA	MA	MA	MA
Booking Type (% with):						
New charge	74	75	43	58	70	69
Warrant	69	81	77	82	72	87

	PTS	OPTS	OR	DRC	BB	OCR
Commitment	16	25	22	17	24	22
Hold	3	4	2	1	3	2
In jail violation	11	16	10	6	17	14
Days spent in jail:						
Mn	13	19	14	13	17	20
SD	36	33	36	27	37	40
Min	0	0	0	0	0	0
Max	275	220	229	125	246	263

Most participants were booked on a warrant of arrest or new charge(s) at their qualifying booking (QB). The first part of Table 5a shows overlapping booking types that were present at the QB. Table 5b shows non-overlapping combined booking types for the QB. On average, participants in the OPTS group were booked on the most severe charges (Average of F3), compared to OR, OCR, and DRC with the least severe (Average of MB). Over half of OPTS who had a new offense at the qualifying booking had a F2 (41%) or higher (15% had F1; not shown in Table 5a). BB had the next most with F2 (19%) or higher (3% w/ F1). PTS were fairly evenly split across MB to F2 (MB = 33%, MA = 21%, F3 = 27%, F2 = 18%). The vast majority in DRC were MB (81%) or below (MC = 6%). The same was true for OR (MB = 87%; MC = 10%). OCR were nearly entirely misdemeanants (MC = 22%, MB = 58%, MA = 20%, 0.2% F2).

The PTS, OPTS, and DRC groups were primarily made up of drug and property offenders, while more than half of those released OR were booked for driving under the influence of alcohol or drugs (DUI). The highest percent of participants with person offenses were released Bail/Bond (BB).

Table 5a Qualifying Booking (QB)

	PTS	OPTS	OR	DRC	BB	OCR
Booking Type (% with):						
New charge	51	42	63	17	64	48
Warrant (combined)	67	98	51	99	59	75
Bench Warrant	13	29	26	59	18	40
Warrant of Arrest	65	98	38	73	55	58
Commitment	3	18	7	11	8	3
Hold	0	4	0	0	2	0
In Jail Violation	3	26	1	4	5	2
Days spent in jail:						
Mn	4	27	2	4	6	3
SD	17	23	9	13	16	14
Min	0	0	0	0	0	0
Max	365	107	115	89	161	150
Of those with new charge:						
Total new charges (Mn)	2	2	2	2	2	2
Charge Severity (Mn)	MA	F3	MB	MB	MA	MB
Charge Type (%):						
Person	22	24	3	13	37	8
Property	42	41	13	41	25	41
Drug	31	46	10	34	25	16
DUI	16	1	56	6	28	0

	PTS	OPTS	OR	DRC	BB	OCR
Weapon	2	1	0	0	3	3
Public Order	5	6	13	16	4	33
Liquor	7	1	16	6	6	21
Traffic	21	9	54	9	28	11

Of the 4,448 qualifying bookings that were included in this study, a single booking type variable was created that combined information on whether new charges, warrants (bench warrants or warrants of arrest), commitments, or holds were present. As shown in Table 5b, most of the bookings were for new charges only (CG), followed by warrants of arrest only (WA).

Table 5b Qualifying Booking – Booking Type

Percent (%) w/ each booking type by Release Category	PTS	OPTS	OR	DRC	BB	OCR	Total
WA: Warrant of Arrest only	42	35	13	30	23	27	28
BW: Bench Warrant or BW+WA	6	12	18	44	7	24	17
CG: New Charge Only	33	1	48	1	41	25	30
CG+: New Charge plus other booking type(s)	18	41	15	16	24	22	21
OTH: Other/mixed booking types (no new charges)	2	11	6	9	6	3	4

CJS Jail Interview Notes

A major source for information about participants' risks/needs came from CJS Jail Interview Notes completed by Pretrial Screening staff at the jail. Nearly everyone who is booked into the jail goes through the PTS screening process (98% of bookings in this study had jail release notes). Notes from these screenings were identified for the participants in the six study groups. As shown in Table 6, all cases in the CJS supervised groups (PTS, OPTS, and DRC) and the OR group had Jail Interview Notes records, while most of the BB and OCR releases did as well.[3] Of all cases with notes, 92% of interviews were completed. Some reasons noted for not completing jail interviews included: inmate refused to cooperate, language barrier, or medical/psychological barriers to completion. The Pretrial Screening staff noted in their records that most defendants were cooperative with the interview process (98%; ranging from 99.8% for OR to 97.4% for OCR).

Table 6 Jail Interview Notes for Pretrial Release

	% with Jail Interview Notes	**Of those, % Interviews Completed**
PTS	100	90
OPTS	100	94
OR	100	96
DRC	100	97
BB	98	95
OCR	97	90

[3] 10,000 Jail Interview Note records were located, read, and coded to identify the risks/needs and participant characteristics for the 4,376 bookings in the six study groups that had Jail Interview Notes.

Standard Pretrial Screening Items. The following 12 factors (see Table 7) were considered part of the "standard" Pretrial Screening interview; however, as shown in Table 7, not all of these items were recorded during every completed interview (Table 8 shows results for only completed interviews). Information was particularly lacking for the time in area/at current address and employment status variables.[4] Due to this, information on these risk factors (as well as marital status, homelessness, and alcohol/drug use) was combined with additional information from CJS C-track records to provide a more complete picture of the released samples.

Table 7 Risk Factors from Jail Interview Notes for Pretrial Release

	% Had Data on Item
Time in Area	33
Time at Current Residence	19
Marital Status	75
Employment Status	16
Probation/Parole Status	83
Recent PTS History (last 2 years)	61
Recent Alcohol Use (30 day)	80
Recent Drug Use (30 day)	77
AOD Treatment Status	87
Currently Suicidal	82
Mental Health Status	75
MH Treatment Status	92

Table 8 provides some descriptive information on the Jail Interview items for the six study samples. In general, these factors show that OR and PTS groups were the lowest risk and OPTS, BB, and OCR were the highest. For example, OPTS, BB, and OCR had the highest percent who were currently on probation/parole or had a past negative experience on pretrial supervision. Not surprisingly, OR releases had the most people who had been at their current address for at least one year, were never on probation/parole, and did not have any pretrial supervision or AOD treatment histories.

Table 8 Percent Meeting Risk/Needs Criteria on Jail Interview Items

	PTS	OPTS	OR	DRC	BB	OCR
Time at Current Residence						
At least 1 year	47	31	50	46	44	36
Probation/Parole Status						
Never on Prob/Parole	84	79	91	80	80	78
Currently on Prob/Parole	5	14	4	9	15	18
Past Prob/Parole	11	7	5	11	6	4
Recent PTS History (last 2 years)						
No Recent PTS Hx	80	42	83	69	68	61
Positive Hx	12	7	13	21	10	8
Negative Hx (FTA,FTC)	4	34	2	4	14	24
Open PTS at QB	4	16	2	6	8	7

[4] In 2009 CJS Pretrial Screening staff at the jail switched from an interview narrative format to a standard template to improve the recording of these key screening variables

	PTS	OPTS	OR	DRC	BB	OCR
AOD Treatment Status						
No AOD Tx Hx	79	74	85	74	79	75
Currently in AOD Tx	5	3	3	8	4	3
Past AOD Tx	16	23	12	18	18	22
Currently Suicidal						
Self-Reported "Yes"	1	3	0	0	1	2
Mental Health Status						
Self-Reported a MH Problem	20	24	13	21	14	14
MH Treatment Status						
No MH Tx Hx	88	84	91	90	92	93
Currently in MH Tx	10	12	8	8	7	6
Past MH Tx	2	4	1	2	1	1

Additional Pretrial Screening Items. Additional risks/needs and client characteristics were sometimes also recorded.[5] Although a variety of items were documented in the Jail Interview Notes, the following items were recorded infrequently and lack of mention of an item could not be considered an absence of that factor (e.g., no recorded mention of children living with the defendant could not be reliably coded as "no children").

Additional risk/needs recorded in Jail Interview Notes included the following:

- Non-resident of Salt Lake County (*4% of completed interviews had information about this item*)
- Who the defendant was planning to live with at release (e.g., significant other, parents, other relatives, residential treatment) (*32% had data*)
- Has children living with them (*34% had data*)
- Is pregnant/significant other is pregnant (< *1% had data*)
- Current student (< *1% had data*)
- Ever in the military (2*% had data*)
- Currently on disability/SSI (*1% had data*)
- Ever in prison (*5% had data*)
- Ever suicidal (*11% had data*)
- Currently prescribed or taking medications for MH issue (*9% had data*)
- Currently taking medications for AOD addiction (*1% had data*)
- Currently on waiting list for AOD or MH treatment (< *1% had data*)

Because of the limited amount of information on these items, only a brief comparison of groups on these factors could be conducted. For those who had information on these items, a few interesting trends were observed.

- OR (56%) and BB (54%) had the highest percent of people reporting living with significant other at release
- PTS had the highest percent of people reporting living with parents (27%) or unrelated adults (16%) at release

[5] 31 variables with additional descriptor variables (e.g., type of substance used) were coded from Jail Interview Notes. See Appendix C for an entire list of variables that were coded off of Jail Interview Notes.

- OR (87%) and DRC (85%) were most likely to report having children living with them, while OCR (66%) and OPTS (68%) were the least
- OCR (30%) and BB (29%) had more individuals who reported past prison commitments than OR (6%) or DRC (11%)
- Reporting ever being suicidal was highest among OPTS (32%) and lowest among OR (10%)
- OR were most likely to report currently being prescribed (82%) and taking (80%) MH medications, while OCR was the least likely to report currently being prescribed (62%) or taking (50%) MH medications

It is important to remember that the above trends were only out of those limited Jail Interview Notes that had information on those items. As such, larger conclusions cannot be drawn about these risks/needs at this time.

Aggravating Factors for Pretrial Release. The final set of factors coded from Jail Interview Notes were considered aggravating factors for release[6]. As with the additional pretrial screening items, a lack of mention of an item could not be considered an absence of that factor. However, for some items, such as History of FTA (failure to appear), additional information was pulled from CourtLink to help provide a more accurate picture of aggravating factors at release, even if they were not recorded in the Jail Interview Notes. The factors that were more frequently noted are presented in Table 9. The less frequently mentioned aggravating factors are listed in the following bulleted list with key trends identified. As shown in Table 9, OPTS released offenders generally had the most aggravating factors, especially having "Offender Severity" which included requiring judge's approval for release, having a severe present charge and/or history, or being considered a risk to public safety. BB was the highest on having a victim of a person offense (35%). Of those with victims of person offenses, the victim relationship to the offender is listed in Table 9 for the three most common types. BB had the most victims who were the wife/girlfriend of the offender. BB also had the highest other domestic violence (DV) related factors listed at the QB (e.g., protective order violation, history of DV, not having an alternate residence if living with victim). Surprisingly, OPTS had the highest percent who had either an active No Contact Order signed (or were required to sign one for release). Across all six groups the victim was usually female (65%) and an adult (65%).

Table 9 Aggravating Factors for Release at QB

	PTS	OPTS	OR	DRC	BB	OCR	Overall
Domestic Violence Related (%)	5	4	1	4	15	1	5
Offender Severity (%)	21	60	2	5	27	3	14
Failure to Appear (FTA) History (%)	24	53	36	40	32	44	37
Failure to Comply (FTC) History (%)	10	28	18	26	21	28	22
Had Victim of Person Offense (%)	18	17	3	3	35	5	15
Of those with a victim of person offense							
Victim's Relationship to Offender (%)							
Wife/Girlfriend	24	14	--	--	34	7	27
Child	29	24	--	--	34	4	28
Stranger	16	24	--	--	7	47	15
No Contact Order Signed (%)	22	49	--	--	12	0	15

[6] See Appendix C for 25 Aggravating factor variables and grouping categories and 5 victim variables

- Monetary Restrictions on Release: Across all six release groups, less than 2% (1.7%) of QBs had monetary restrictions on release where either a) bail was specified as cash only or b) the bail amount was large enough to be prohibitive of release. However, 7.7% of OPTS had this monetary restriction on release.
- Held in Jail: Across all six groups, 3.8% were being held in jail at their QB due to either a warrant in another county, being held for a court sanction, or having an AP&P hold. Again, OPTS was higher than the average with 11.5% being held for one of these reasons.
- Non-Compliant at QB: Only 5.1% of QBs overall had noncompliant offenders who either tried to flee or resist arrest or lied to the PTS screener at the jail. There were no differences among the six release groups.
- Stability in Community: 6.9% of QBs overall had a recorded issue with stability in the community (e.g., no ties to the area, could not provide references or provided poor references, PTS screener unable to verify information). OPTS had the highest rate (11.1%), while OR (3.2%) had the lowest.
- DUI History: Just over 2% (2.3%) of the QBs overall had mention of a DUI history as an aggravating factor. This aggravating factor was highest among BB (5.4%) and lowest among OCR (0.2%).

Combined Factors

As previously noted, both Jail Interview Notes and CJS C-track records were incomplete on information regarding participants' characteristics and risk/need factors. The following are factors that were created by combining information from multiple sources. The figures presented in the shaded heading rows of Table 10 are the percent of cases from each group that have data on that measure. The figures in the rows below the shaded headings are the percent from each group that met the specific criteria (of those who had data). As shown in the shaded rows, even after combining information from multiple data sources, there was still a good deal of missing information about the six groups.

Table 10 Percent Meeting Risk/Needs Criteria on Combined Items

	PTS	OPTS	OR	DRC	BB	OCR
Time in Area *(percent with data)*	*42*	*44*	*36*	*52*	*49*	*52*
Less than 1 year	11	14	9	7	18	18
1-5 years	7	11	5	2	6	7
6 or more years	82	75	86	91	76	75
Homeless *(percent with data)*	*48*	*51*	*32*	*48*	*38*	*50*
Recently[1] Homeless	5	21	8	9	7	37
Marital Status *(percent with data)*	*75*	*72*	*72*	*93*	*77*	*72*
Never Married/Single	54	59	60	37	51	66
Married	25	14	25	14	28	12
Separated/Divorced	21	25	14	18	21	20
Widowed	0	1	0	1	0	2
Education Level *(percent with data)*	*98*	*99*	*98*	*99*	*94*	*93*
Less than 12th Grade/HS/GED	32	33	33	41	35	41
12th Grade/HS/GED	45	45	47	43	40	42
More than 12th Grade/HS/GED	23	22	21	17	25	16

	PTS	OPTS	OR	DRC	BB	OCR
Employment Status *(percent with data)*	*64*	*61*	*48*	*64*	*29*	*37*
Recently[2] Employed	53	46	43	57	25	30
Recently[2] Unemployed	16	23	7	17	7	10
Recent Alcohol Use *(percent with data)*	*88*	*87*	*92*	*82*	*84*	*80*
Recently[3] Used	57	52	75	60	63	65
Recent Heavy Alcohol Use *(percent with data)*	*49*	*43*	*68*	*46*	*51*	*51*
Recently[4] Used	30	22	61	23	45	46
Recent Drug Use *(percent with data)*	*89*	*88*	*91*	*82*	*84*	*77*
Recently[3] Used	36	54	12	24	30	28

[1]Reported homelessness during past year in Jail Interview or had homeless entered as an address in C-track within 6 months of jail booking or 1 month of release

[2]Reported as current employment status in Jail Interview or had status in C-track employment table within 6 months of jail booking or 1 month of release

[3]Reported 30 day use in Jail Interview or had date most recent use in C-track within 6 months of jail booking or 1 month of release

[4]Reported heavy 30 day use in Jail Interview or had use frequency of 3 or more times per week in C-track

Pretrial Supervision

PTS/OPTS and DRC have standard conditions for participation. Both require the following standard conditions:

- Report to CJS to begin supervision
- Regular reporting
    - PTS/OPTS required to check-in daily **by automated phone system** Monday through Friday
    - DRC required to check-in daily **with CJS staff** Monday through Friday
- Restrictions on leaving the state
- Establish residence of record and report any changes in residence and contact information to CJS
- Do not commit any new offenses

In addition to the above mentioned conditions, participants of the DRC are required to abide by the following additional standard conditions which may be added as special conditions of PTS/OPTS:

- Do not associate with any felons
- Seek, obtain, and maintain full-time employment
- Abstain from alcohol and drugs
- Submit to drug testing as needed

As shown in Table 11, few participants had requirements in addition to the standard conditions.[7] Due to the small number of participants with additional special conditions of supervision, some categories were combined. For example, "Check-In" in Table 11 refers to any type of additional check-in criteria in addition to the standard defined in each type of agreement.[8] A small percentage

[7] The special conditions in Table 11 are from the pretrial release agreements. Some special conditions may be added later in the pretrial release process. These, however, are not included in our figures.

[8] "Evaluation/Classes/Treatment" refers to any condition that requires additional evaluation for treatment needs (such as substance abuse or anger management), attendance at such treatment, or attendance at additional CJS classes.

of participants who were released to PTS (2%), OPTS (5%), or DRC (4%) were also required to post bail or bond. These individuals were not included in the Bail/Bond (BB) group.

Table 11 Percent with Additional Conditions of Supervision

	PTS	OPTS	DRC
Check-in	1	5	1
Evaluation/Classes/Treatment	5	14	1
Employment	1	1	*
Medication	0	1	0
No Contact w/ victim(s) and/or criminal(s)	2	7	*
Residence/Living Restrictions	2	3	0
Drug Testing	4	9	*
Abstain from Alcohol and/or Drugs	3	8	*
Any Special Condition	**8**	**24**	**1**

*Considered a standard condition of DRC

Typically, referrals to CJS supervision were made before or shortly after jail release for all groups; however, a substantially longer period of time (up to 80 days) passed for some OPTS participants who were ordered to supervision by a judge long after their release from jail. Table 12 describes the time between pretrial supervision events.

Table 12 Supervision Timelines

	PTS	OPTS	DRC
Days from jail release to referral			
Mn	1	2	0
SD	3	10	1
Days from referral to supervision start			
Mn	1	1	0
SD	2	2	0
Min	0	0	0
Max	22	14	3
Days from supervision start to end			
Mn	109	94	68
SD	86	89	60
Min	0	0	0
Max	515	502	308
Days from supervision start to 1st check-in			
Mn	2	2	2
SD	3	2	3
Min	0	0	0
Max	28	13	15

"No Contact with Victim(s) and/or Criminal(s)" is a requirement for the participant to abstain from contacting alleged victim(s) and/or associating with other criminals.

"Residence/Living Restrictions" includes both requirements to live at a certain location or requirements to live with/without certain people.

	PTS	OPTS	DRC
Days from 1st to last check-in			
Mn	101	96	61
SD	95	105	23
Min	0	0	0
Max	525	527	453
Days from last check-in to supervision end			
Mn	14	12	15
SD	29	23	37
Min	0	0	0
Max	468	168	423

As required by agreement, nearly all PTS and OPTS participants had data on automated phone check-ins, while more than half also had check-ins with CJS staff recorded in C-track (although very few had additional check-in requirements added to their formal pretrial release agreement). Most participants of PTS/OPTS checked-in by automated phone system as required (daily M-F), with an average of only one or two days passing between check-ins (see Table 13). Although over half of PTS and OPTS participants had check-ins with CJS staff, these were infrequent, approximately once per month. For the DRC participants, check-ins with CJS staff occurred every two days on average, consistent with the requirement (daily M-F). Since all CJS supervised offenders had a requirement to check-in daily (M-F), an average of every 2 days or more often (supervision timeline calculations included weekends) was set as the criteria for meeting check-in requirements. As shown in the final row of Table 13, most PTS and OPTS met this requirement, while over 50% of DRC did.

Table 13 Supervision Check-in

	PTS	OPTS	DRC
Of those w/ check-in data:			
Automated phone check-ins			
Percent with (%)	99	99	1
Days from 1st to last (Mn)	100	96	--
Days between check-ins (Mn)	2	2	--
Check-in w/ CJS Staff			
Percent with (%)	55	60	100
Days from 1st to last (Mn)	42	39	61
Days between check-ins (Mn)	21	23	2
All Check-ins Combined			
Had Check-Ins every 2 days on average (or more often) (%)	74	81	59

Pretrial Outcomes

CJS Supervision Completion

Of those who have exited, PTS participants had the highest rate of successful completion, as defined by the programs. Pretrial Services participants who are released by pretrial jail screeners have a greater success rate than those who are ordered to Pretrial Services by a judge (PTS 64% versus OPTS 46%). The successful completion rate for DRC is in the middle (58%). Successful completion, as defined in this study, is presented in the *Pre-Case Closure Recidivism and Case Closure Outcomes*

section of this report. In that section, information from jail bookings, court records, and CJS case notes are combined to provide a more complete description of pretrial outcomes.

Table 14 Supervision Exit Status

	PTS	OPTS	DRC
Of those who have exited (%):			
Positive	64	46	58
Neutral	4	5	2
Negative	32	49	41

During Supervision Recidivism

Nearly a third (31%) of OPTS participants were booked into the jail while on supervision, compared to under 20% for PTS and DRC (see Table 15). However, only 9% of OPTS had new charges. In fact, bookings for new charges during supervision were under 10% for all three groups. Of those who had a new booking during supervision, about two-thirds were for Warrants of Arrest (WA). The *Pre-Case Closure Recidivism and Case Closure Outcomes* section of this report describes which pretrial releases ended due to a warrant being issued on their released court case.

Participants who were booked on a new charge while on supervision were infrequently booked a second time for a new charge during supervision. This is most likely because pretrial releases are generally revoked upon the first arrest for a new charge. Of the few participants who had a new charge during supervision, PTS and OPTS most often had property charges while DRC most often had drug charges. OPTS participants spent an average of 54 days in jail on bookings that began while on pretrial supervision, nearly twice as many days as those in the PTS and DRC groups.

Table 15 During Supervision Recidivism

	PTS	OPTS	DRC
Percent with jail booking(s)	19	31	18
Percent with new charge	7	9	8
Percent with warrant	15	23	13
Bench Warrant (%)	4	6	5
Warrant of Arrest (%)	14	21	12
Percent with commitment	6	12	8
Percent with hold	2	1	1
Of those with booking(s):			
Number of bookings (Mn)	1	1	1
Days spent in jail:			
Mn	31	54	31
SD	49	74	50
Min	0	0	0
Max	241	296	240
Booking Type (% with):			
New charge	35	30	46
Warrant	75	75	73
Commitment	29	38	46
Hold	9	2	6

	PTS	OPTS	DRC
Of those with new charge:			
Total new charges (Mn)	1	1	1
Charge Severity (Mn)	F3	MA	MA
Charge Type (%):			
Person	31	22	13
Property	55	50	33
Drug	25	28	40
DUI	8	0	13
Weapon	0	0	0
Public Order	4	11	20
Liquor	8	0	13
Traffic	14	0	27

Post-Jail Release Recidivism

In order to capture short-term recidivism events following release, jail bookings were identified at three and six months after release from jail on the QB. The next section, *Pre-Case Closure Recidivism and Case Closure Outcomes,* provides a more detailed depiction of what new jail events occurred "during" the qualifying pretrial release (e.g., new warrant booking into the jail on a court case not associated with the pretrial release) and what events "ended" that pretrial release (e.g., new charge booking effectively ending the qualifying pretrial release unsuccessfully).

At three months post-jail release, only 6% of PTS participants had been booked in the jail on a new charge (see Table 16). At six months, the OR group had the lowest new charge booking rate (10%), but the PTS group was close behind with 12% (see Table 16). The OCR group had the highest booking rates for new charges at both three (23%) and six (32%) months. Although not the highest, twice as many OPTS participants were booked on new charges as the PTS group at both three and six months. Participants in the OPTS group also spent the longest time in jail on bookings occurring during both time periods.

Table 16 3-month Post-Jail Release Recidivism

	PTS	OPTS	OR	DRC	BB	OCR
3 months post-QB release						
Percent with booking(s)	19	30	15	24	22	40
Percent with new charge	6	12	7	8	8	23
Percent with warrant	16	27	11	19	16	36
Bench Warrant (%)	4	6	3	8	4	22
Warrant of Arrest (%)	16	26	10	17	16	32
Percent with commitment	5	10	5	10	8	12
Percent with hold	1	1	1	1	2	2
Of those with booking(s):						
Number of bookings (Mn)	1	1	1	1	1	2
Days spent in jail:*						
Mn	31	57	54	32	45	34
SD	53	71	100	49	74	64
Min	0	0	0	0	0	0
Max	241	296	411	240	381	361

	PTS	OPTS	OR	DRC	BB	OCR
Booking Type (% with):						
New charge	32	38	49	34	36	58
Warrant	84	89	71	77	75	90
Commitment	25	33	33	43	35	29
Hold	7	2	8	4	9	5
In Jail Violation	23	37	24	26	26	20
Of those with new charge:						
Severity of charges (Mn)	F3	MA	MA	MA	F3	MA
Charge Type (%):						
Person	27	17	41	19	32	17
Property	60	33	27	38	41	53
Drug	27	46	19	44	37	28
DUI	9	4	22	19	10	1
Weapon	4	0	8	0	3	2
Public Order	4	8	16	13	9	41
Liquor	9	4	22	19	4	29
Traffic	13	4	35	25	22	4

* Days spent in jail calculated for all bookings occurring during the 3 month post-jail release periods. As a result, some participants spent more days in jail than the length of the follow-up period if their jail stay began during, but extended beyond that period.

The OR group had a very low new charge rate; however, for the few recidivists some disturbing trends were noted. Three-quarters of OR participants with new charges at both their QB and 3 month post-jail release experienced an increase in maximum charge severity at the latter booking. The same trend was observed for the OR group at 6 months after their QB release from jail. Additionally, OR recidivists had the greatest portion of person offenses at three (41%) and six months (38%). However, due to the extremely low number of OR recidivists it is worth noting that this only represented 14 offenders.

Table 17 6-month Post-Jail Release Recidivism

	PTS	OPTS	OR	DRC	BB	OCR
6 months post-QB release						
Percent with booking(s)	32	55	23	40	34	55
Percent with new charge	12	23	10	16	14	32
Percent with warrant	26	47	17	31	24	50
Bench Warrant (%)	7	13	7	13	6	30
Warrant of Arrest (%)	26	47	15	30	23	46
Percent with commitment	11	26	10	17	16	20
Percent with hold	2	3	1	2	3	3
Of those with booking(s):						
Number of bookings (Mn)	1	1	1	1	1	3
Days spent in jail:*						
Mn	40	67	42	30	52	43
SD	62	78	86	46	74	71
Min	0	0	0	0	0	0
Max	300	334	411	240	381	361

	PTS	OPTS	OR	DRC	BB	OCR
Booking Type (% with):						
New charge	38	42	44	39	40	58
Warrant	81	86	73	78	71	91
Commitment	34	48	43	42	46	36
Hold	7	5	6	5	9	6
In Jail Violation	26	43	21	25	30	26
Of those with new charge:						
Severity of charges (Mn)	F3	MA	MA	MA	F3	MA
Charge Type (%):						
Person	27	21	38	13	31	19
Property	52	38	28	37	37	52
Drug	24	44	22	33	37	30
DUI	13	4	20	17	15	2
Weapon	3	4	6	3	4	2
Public Order	10	10	20	27	12	41
Liquor	7	4	18	10	2	26
Traffic	15	10	29	23	26	7

* Days spent in jail calculated for all bookings occurring during the 6 month post-jail release period. As a result, some participants spent more days in jail than the length of the follow-up periods if their jail stay began during, but extended beyond that period.

Pre-Case Closure Recidivism and Case Closure Outcomes

Case Selection and Description. Outcomes in this section are limited to the qualifying bookings (QBs) and related court cases that were found in CourtLink (the source of court outcome data) and were *not* post-trial/post-sentence (these court cases were sometimes present along with pretrial cases at the QB, but would not meet criteria for tracking pretrial release (PTR) outcomes). Appendix E describes the process for selecting QBs and court cases that met the study criteria and group differences in the reduction of cases. Table 18 compares the original study sample to the cases that were selected for analyses in this section.

Table 18 Original Study Sample and Case Closure Outcomes Sample

	PTS	OPTS	OR	DRC	BB	OCR	Total
Original Study Sample[1]							
Qualifying Bookings/Releases	753	209	500	194	1013	1779	4448
Court Cases	1182	564	890	517	1806	4557	9516
Remaining Sample for Case Closure Outcomes							
Qualifying Bookings/Releases	597	136	260	107	636	828	2564
Court Cases	882	319	449	269	1086	1733	4738

[1]QB's included in CourtLink records look up were slightly reduced for BB (988) AND OCR (1730), see Appendix E for details

Table 19 describes the court cases that comprise this section. Most PTS and OPTS cases were pretrial/pre-sentence District and Salt Lake County court cases. DRC cases, however, were more likely to be pretrial/post-sentence Justice court cases. OCR cases were the second most likely to be pretrial/post-sentence Justice court cases. More DRC offenders had additional supervision during

their pretrial release (45%, again followed closely by OCR with 39% of cases having additional supervision). Of those on additional supervision, it was most common for offenders to be on probation (32% DRC, 35% OCR) during the PTR time period. Of those who had bail/bond in addition to their CJS supervised release, OPTS cases had the highest average dollar amount. Among non-CJS releases who had bail/bond, those who were specifically released on BB had the highest average amount (Md = $5000).

Table 19 Description of Court Cases in Case Closure Outcomes Sample

	PTS	OPTS	OR	DRC	BB	OCR
Jurisdiction (%)						
Justice	30	23	94	86	47	59
District	70	77	6	14	53	41
Location (%)						
Salt Lake County Court	98	95	96	95	91	94
Non-Salt Lake County Court	2	5	4	5	9	6
Case Status (%)						
Pretrial/Pre-Sentence	93	93	81	63	85	68
Pretrial/Post-Sentence	7	7	19	37	15	32
Additional Supervision[1] (%)						
Any Additional Supervision	20	33	24	45	21	39
Probation	11	15	19	32	19	35
Bail/Bond	9	17	4	13	--	2
Amount (Md)	$2500	$5000	$375	$650	$5000	$795
Mental Health/Drug Court	2	4	2	3	2	2
Other	1	2	0	2	0	2

[1]Often an offender can be on another type of supervision during PTR, such as probation or drug court because of other cases or their QB (for pretrial/post-sentence releases)

Pretrial Release (PTR) Outcomes. In this section pretrial releases were tracked *for each court case* from jail release until the first of the following events occurred, which effectively ended that pretrial release (PTR):

- New charge jail booking
- Extended jail booking for another reason (*in jail for more than one day*)
- Warrant (BW or WA) served for the tracked court case (*result of FTA*)
- Court case was dismissed
- Court case was sentenced

For a few cases, additional information from Courtlink (such as out of county jail bookings, warrants on other court cases) was used to determine the end of the PTR period. The following table (Table 20) shows how PTR ended for court cases within each release group and the average time from jail release to the ending event. Time to disposition/sentencing was substantially faster for DRC than PTS and OPTS. This is likely due to the fact that more DRC cases were pretrial/post-sentence and, therefore, would not require as many hearings to arrive at case closure for that PTR. Approximately one percent of each CJS release group had open pretrial releases as of June 2010, while non-CJS released groups had a slightly higher percent open as of June 2010[9]. For all groups,

[9] CJS Release Groups: PTS: 9 cases, 1%; OPTS: 4 cases, 1.3%; DRC: 2 cases, 0.7%. Non-CJS Release Groups: OR 18 cases, 4%; BB 17 cases, 1.6%; OCR 55 cases, 3.2%

except OCR, pretrial release usually ended when their pretrial case was disposed/sentenced. For OCR, the highest percent of PTR's ended when a warrant was served on the court case the offender was released on. OCR also had the highest percent of the six groups who had PTR end when they were re-booked into the jail on a new charge.

Table 20 Pretrial Release Ending Events and Time on Pretrial

	PTS	OPTS	OR	DRC	BB	OCR	CJS Total	Non-CJS Total
Event that Ended PTR (%)								
New Charge Booking	10	12	7	7	10	15	10	12
Disposition/Sentencing	65	50	68	57	64	31	60	48
BW/WA Served	15	19	18	27	13	35	18	25
Extended Jail Booking	6	13	3	6	7	5	8	5
Other (out of county, WA on other case)	3	6	4	3	5	13	4	10
Median (Md) Days on PTR by Exit Event								
New Charge Booking	70	57	65	79	59	52	70	55
Disposition/Sentencing	99	74	73	41	85	64	83	76
BW/WA Served	110	119	171	145	90	88	119	97
Extended Jail Booking	49	36	42	14	49	45	43	46
Other (out of county, WA on other case)	64	111	94	78	73	17	83	29
Overall	*93*	*78*	*93*	*61*	*76*	*64*	*83*	*72*

Success in this section is defined as **neither failing to appear in court** on the tracked court case,[10] **nor having any new charges between QB release and sentencing** (or disposition for dismissed cases). As shown in Table 21, PTS had the highest success rate, followed by BB then OPTS.[11] Nearly three-fourths of cases supervised under PTS ended with no new charges occurring and the defendant appearing for the court hearings associated with the case. Of those who had a negative outcome among all six groups, the most common reason was for missing scheduled court appearances (FTA). Although very few offenders had a new charge during their PTR period, the OCR group had the highest rate at 15%.

Table 21 Case Closure Outcomes

	PTS	OPTS	OR	DRC	BB	OCR	CJS Total	Non-CJS Total
Negative Outcomes (Total %)	29	36	40	45	33	60	34	48
New Charge & FTA	4	4	2	3	2	6	4	4
New Charge, but no FTA	6	8	5	4	8	9	6	8
No Charges, but FTA	16	20	24	30	19	37	20	29
Out on Warrant	3	4	9	8	4	8	4	7
Positive Outcome								
No Charges, No FTA/WA	71	64	60	55	67	40	66	52

[10] CourtLink records were examined and a flag for appearing for court (not-FTA) was created. Appearing for a majority of court dates or only having excused absences from court were coded as "not-FTA".

[11] Table 21 does not include the court cases that were still active on PTR in June 2010 and did not have an active warrant issued for the tracked court case (9 PTS, 4 OPTS, 18 OR, 2 DRC, 17 BB, 55 OCR)

Approximately 9% of CJS supervised court cases did not have any scheduled court dates recorded in CourtLink during their PTR period (or from QB release until June 2010 for still active cases). These cases comprise 49% of the "New Charge, but no FTA" failure group and 10% of the "No Charges, No FTA" successful exit group. The successful exits that had no scheduled court appearances are typically those whose cases were closed administratively. A higher proportion of non-CJS cases (17%) did not have any scheduled court dates recorded in CourtLink during their PTR period. These cases were 71% of the "New Charge, but no FTA" failure group and 21% of the "No Charges, No FTA" successful exit group. As previously noted, successful exits who did not have any court dates scheduled during their PTR period were usually cases that were closed administratively. Surprisingly, as of June 2010, a large portion of active cases (not out on warrant/FTA for their tracked case) had not had a single court date scheduled for that case (all CJS, 47%; all non-CJS, 87%).

Pretrial Release Timelines. The next two tables (Table 22 and 23) describe the PTR timeline in detail. The first table (Table 22), describes how far along in the court process each PTR group was at the time of their qualifying booking (QB). For example, OR (35%) and BB (37%) had the most offenses that occurred at the time of the QB (on the same day or within one day prior). This means that the majority of cases for all groups were for offenses that occurred well in advance of the QB. Table 23 gives the average (Median, Md) days from offense to QB for each of the release groups. For example, among PTS offenders, an average of 171 days occurred between their offense date and their QB, compared to over 600 days for DRC supervised offenders. In general, DRC and OCR offenders were further along in their court process prior to their QB than the other groups (over 80% already had their cases filed, about 50% had already entered an initial plea, and over 40% had a disposition).

Table 22 PTR Timelines – Part 1

	PTS	OPTS	OR	DRC	BB	OCR	CJS Total	Non-CJS Total
Offense at QB (%)	31	22	35	5	37	15	24	25
Filing Time								
Filing Pre-QB (%)	67	72	64	95	60	85	73	74
Filing Post-QB (%)	33	28	36	5	40	15	27	26
FTA on tracked court case (%)	24	27	33	41	24	50	28	39
Initial Plea Time								
Initial Plea Pre-QB (%)	13	21	28	51	23	52	22	39
Initial Plea Dur-QB (%)	8	32	1	3	7	1	12	3
Initial Plea Post-QB (%)	79	47	71	46	70	47	66	58
Changed Plea (%)	35	19	35	34	34	38	32	36
Disposition Time								
Disposition Pre-QB (%)	8	10	23	42	18	43	14	31
Disposition Dur-QB (%)	2	20	1	1	2	0	6	1
Disposition Post-QB (%)	90	70	76	57	80	56	80	68

Regardless of when the QB occurred during the court process, average time from offense to case closure was over 350 days for Justice court cases (all CJS combined Md = 386 days, all non-CJs

combined Md = 358 days) and over 250 days for District court cases (all CJS Md = 254, all non-CJS Md = 265). Not surprisingly, cases where PTR ended unsuccessfully (new charge booking or FTA on court case) took longer on average to adjudicate and sentence than those who successfully completed PTR. As previously noted, District court cases had a shorter average time from offense to case closure than Justice court cases; however, Justice court cases had a shorter average time from offense to filing.

Table 23 PTR Timelines: Median (Md) Days to Events – Part 2

	PTS	OPTS	OR	DRC	BB	OCR	CJS Total	Non-CJS Total
Offense to QB[1]	171	164	521	631	275	467	234	429
Filing to QB[2]	70	103	484	616	244	442	149	412
Days in Jail on QB	0	23	0	0	1	0	0	0
QB to Filing[3]	13	5	20	6	11	12	11	13
Offense to Filing[4]	24	17	9	10	14	10	19	11
Justice Cases	8	7	9	8	8	7	8	7
District Cases	34	21	46	38	23	29	30	27
QB Release to 1st Court Date	22	28	47	25	25	31	24	30
QB Release to FTA Start[5]	48	48	42	33	41	29	43	34
Days out on FTA[5]	36	43	108	61	41	51	44	53
QB Release to Initial Plea[6]	69	85	66	45	71	100	68	80
Initial Plea to Final Plea[7]	88	46	78	50	84	47	69	62
QB Release to Final Plea[7]	153	162	178	98	148	157	142	157
QB Release to Disposition[8]	102	101	125	84	108	141	100	123
QB Release to Sentence	125	126	102	71	121	127	115	122
For Pretrial/Pre-Sentence Only	132	128	118	89	141	142	126	138
For Pretrial/Post-Sentence Only	36	74	38	37	45	99	38	72
QB Release to Case Closure	124	121	108	76	119	134	114	125
For Unsuccessful Cases Only[9]	200	188	243	183	185	203	195	202
For Successful Cases Only	104	92	73	43	98	81	93	86
Offense to Case Closure[4]	246	292	241	537	249	408	276	307
Justice Cases	260	387	244	578	249	474	386	358
District Cases	245	280	218	300	249	320	254	265

[1]Only for those w/ offense prior to QB (not "at")
[2]Only for those w/ filing pre-QB
[3]Only for those w/ filing post-QB
[4]Only for pretrial/pre-sentence cases
[5]Of those who FTA'd on tracked court case
[6]Only for those w/ initial plea post-QB
[7]Only for those w/ initial plea post-QB & who changed plea
[8]Only for those w/ disposition post-QB
[9]Unsuccessful is PTR exit status of FTA and/or new charge

Sentencing Outcomes. By June 2010, the majority of cases released pretrial were either sentenced or dismissed (see Table 24). OCR has the highest proportion of cases (26%) that were not yet sentenced or dismissed as of June 2010. Among the three CJS supervised groups, OPTS was more likely than PTS or DRC to plead guilty at both their initial and final plea and less likely to change their plea. PTS was most likely to enter a plea in abeyance as their final plea and receive a disposition of plea in abeyance. All three CJS release groups were equally likely to have their case disposed as guilty or dismissed. OR releases had the lowest proportion of dismissed cases (7%), at about half the rate of most of the other release groups (14% for all others except 10% for OCR).

Table 24 Court Case Outcomes

	PTS	OPTS	OR	DRC	BB	OCR	CJS Total	Non-CJS Total
Case Status (%)								
Sentenced	80	76	74	74	77	65	78	71
Dismissed	13	14	7	13	14	9	14	10
Active/Warrant/Other[1]	7	10	19	13	9	26	8	19
Initial Plea (%)[2]								
Not Guilty	48	42	43	49	51	45	49	47
Guilty	40	51	48	40	41	50	40	47
Plea in Abeyance	11	5	5	8	6	2	8	4
Other[3]	1	2	4	3	2	3	3	2
Changed Plea (%)[4]	*35*	*19*	*35*	*34*	*34*	*38*	*32*	*36*
Final Plea (%)[2]								
Not Guilty	9	9	6	12	13	8	10	9
Guilty	67	81	79	72	74	82	71	79
Plea in Abeyance	22	9	9	11	11	6	17	8
Other[3]	2	1	6	5	2	4	2	4
Disposition[2]								
Not Guilty	0	0	1	0	0	0	0	0
Guilty	62	73	76	71	68	79	66	75
Plea in Abeyance	20	8	9	11	10	6	16	8
Case Dismissed	14	14	7	14	16	10	14	12
Other[5]	4	5	7	4	6	5	4	5

[1]Other includes few cases that resulted in deportation or where the defendant is deceased
[2]Cases where plea/disposition are not yet entered are excluded
[3]Other includes No Contest, Bail Forfeiture, and dismissals; each approx. 2% or less of total
[4]Of those with initial plea following QB release
[5]Other includes No Contest, Bail Forfeiture, and deceased

Of the sentenced cases, fines/restitution and probation were the most common sentences received. Probation included federal, state, county, and court probation. Table 25 shows the most common sentences received for PTR cases by release group. As shown in Table 25, defendants could receive more than one sanction per sentence. Approximately one-quarter of PTS, OR, and DRC received jail at sentencing, while almost half of OPTS (47%) and OCR (47%) did. However, nearly half (44%) of those in OPTS who received jail at sentencing were given credit for time served, essentially cutting those who received a jail sentence in half. Of those who received a jail sentence and did not receive credit for time served, OPTS had sentences of significantly more days on average (Md = 124) than

any of the other release groups. In general, when PTS and OPTS cases were given a similar sentence, OPTS were given a more harsh sanction (e.g., higher fines/restitution amounts, more months on probation, more days in jail, etc.). Of those who were already on probation during their pretrial release, OCR were the most likely to have their probation revoked at sentencing following their QB release.

Table 25 Sentences

	PTS	OPTS	OR	DRC	BB	OCR	CJS Total	Non-CJS Total
Fines/Restitution (%)	74	56	85	68	70	50	69	62
Amount (Md)	$500	$538	$607	$472	$512	$487	$500	$500
Probation (%)	63	70	56	44	56	45	61	51
Months (Md)	18	24	12	12	18	12	18	12
Jail (%)	23	47	22	27	31	47	29	37
Only Credit for Time Served (CTS) (%)	34	44	13	15	26	24	35	24
If not CTS, Days (Md)	60	124	10	36	60	60	62	60
Community Service (%)	26	27	17	4	16	8	22	12
Hours (Md)	50	75	48	37	49	50	50	48
Prison (%)	2	3	0	0	4	1	2	2
0-1 Years (%)	15	12	--	0	10	20	14	12
0-5 Years (%)	85	50	--	0	77	60	72	74
1-15 Years (%)	0	38	--	0	13	20	14	14
CATS, Drug Court, Eval/Tx (%)[1]	9	12	4	6	7	6	9	6
Probation Revoked (%)[2]	15	20	37	39	35	50	26	45
Plea in Abeyance Status[3]								
Unsuccessful (%)	17	9	23	39	36	21	18	29
Successful (%)	28	9	27	23	25	25	25	25
Active (%)	55	82	50	38	39	54	57	46

[1]Only includes those who were specifically sentenced to these programs and does not include those who may have been ordered to complete as a condition of their probation.
[2]Of those on probation at QB, probation revoked at sentencing
[3]Of those w/ Plea in Abeyance (PIA) as sentence on QB, status of PIA as of June 2010

Factors Related to Outcomes

During Supervision Recidivism and CJS Supervision Completion

Demographics. As shown in Table 26, no supervision differences were observed by minority status. Only one gender difference was observed, with males being slightly more likely to have a new charge during supervision than female participants supervised by CJS (PTS, OPTS, and DRC). Average age did not vary greatly by outcome; however, those who had new bookings during supervision were slightly younger on average (30.6 years old) than those who did not (32.2).

Table 26 Supervision Outcomes by Demographics

	% with New Bookings During Supervision	% with New Charges During Supervision	% with Negative Exit Status
Overall Rate	*20*	*7*	*38*
Gender			
Female	17	5	41
Male	22	8*	37
Race/Ethnicity			
Non-Minority	21	7	39
Minority	19	9	45

*Male/female comparison statistically significant at $p < .05$

***Official Criminal Justice Factors*.** Greater jail involvement in the three years prior to the qualifying booking (QB) was consistently related to worse supervision outcomes, as shown in the first parts of Tables 27 and 28. Those with more prior bookings, greater number of days in jail, more severe charge histories, and prior new charges and warrants[12] were all more likely to have negative supervision outcomes.

A few factors from the QB were related to supervision outcomes. For example, those who were booked into jail on a warrant[13] at their QB and those who had "in jail violations" on their QB were both more likely to fail pretrial supervision (negative exit status in Table 27). This finding is not surprising, since these two factors both represent past failures with compliance ("in jail violations" include having contraband and other violations of jail policy). However, neither of these factors was significantly related to recidivism (new bookings or new charge bookings). A combined jail booking type variable was created for the QB and it showed that those with Warrant of Arrest (WA) bookings had significantly lower likelihood of new charges during supervision and negative exit status.

Among those who had a new charge at the time of their QB, those with person charges were less likely to have a new booking or negative exit status, while those with property offenses were more likely to have a new booking during supervision and have a negative exit status (see Table 27). Those with drug offenses were more likely to have both new bookings and new charges during supervision. It is important to remember that new bookings during supervision do not necessarily represent pretrial status failure. Offenders out on release could have new bookings during supervision due to commitments or old warrants being served that are not related to the cases for which the individual was released. The *Pre-Case Closure Recidivism and Case Closure Outcomes* section of this report describes which new bookings are considered a pretrial status failure.

[12] Warrants in Table 18 are for Bench Warrants (BW) and Warrants of Arrest (WA) combined. When each was ran separately the trends remained the same

[13] Again, Warrants in Table 18 are for Bench Warrants (BW) and Warrants of Arrest (WA) combined. When each was ran separately the trends remained the same

Table 27 Supervision Outcomes by Jail History – Part 1

	% with New Bookings During Supervision	% with New Charges During Supervision	% with Negative Exit Status
Overall Rate	*20*	*7*	*38*
3 years prior to Qualifying Booking			
New charge[1 2 3]			
No	15	4	30
Yes	28	12	51
Warrant [1 2 3]			
No	15	5	29
Yes	28	11	52
In Jail Violation[1 2 3]			
No	19	7	35
Yes	33	14	66
Qualifying Booking			
New charge			
No	19	6	36
Yes	21	9	41
Warrant [3]			
No	17	7	31
Yes	21	7	40
In Jail Violation [3]			
No	20	7	37
Yes	22	10	56
Qualifying Booking – Combined Booking Type[2 3]			
WA: Warrant of Arrest only	19	4	30
BW: Bench Warrant or BW+WA	22	8	52
CG: New Charge Only	17	7	31
CG+: New Charge plus other booking type(s)	26	10	50
OTH: Other/mixed booking types (no new charges)	19	15	33
Qualifying Booking – Of those with a new charge:			
Person [1 3]	15	7	24
Property [1 3]	28	10	46
Drug [1 2]	30	12	45
DUI [1]	11	8	41
Public Order	23	13	44
Liquor	10	7	39
Traffic	12	4	44

[1]Group difference on % w/ new bookings during supervision is statistically significant at $p < .05$

[2]Group difference on % w/ new charge bookings during supervision is statistically significant at $p < .05$

[3]Group difference on % w/ negative exit status is statistically significant at $p < .05$

Table 28 Supervision Outcomes by Jail History – Part 2

	New Bookings During Supervision		New Charges During Supervision		Exit Status	
	No	Yes	No	Yes	Neg	Pos
3 years prior to Qualifying Booking						
Number of bookings (Mn) [1 2 3]	1	2	1	2	2	1
Charge Severity (Mn) [1 3]	F3	F3	F3	F3	F3	MA
Days in Jail (Mn) [1 2 3]	17	30	18	42	29	14
Qualifying Booking						
Charge Severity (Mn) [1]	MA	F3	F3	F3	F3	MA
Days in Jail (Mn (SD))	8 (21)	8 (14)	8 (20)	10 (16)	9 (17)	7 (22)

[1]Group difference on % w/ new bookings during supervision is statistically significant at $p < .05$
[2]Group difference on % w/ new charge bookings during supervision is statistically significant at $p < .05$
[3]Group difference on % w/ negative exit status is statistically significant at $p < .05$

Jail Interview Notes Items. A few participants in the CJS supervised release groups (PTS, OPTS, DRC) had unique characteristics that were examined for their relationship with supervision outcomes. As previously mentioned, these unique characteristics from Jail Interview Notes (e.g., having children living with the defendant) were not recorded for all participants; therefore, analyses were conducted by selecting those few participants who had the factor recorded in their interview and examining their success/failure rates (e.g., supervision completion or new charge bookings) to see if they differed significantly from overall success/failure rates for CJS supervision participants.

The following three groups ***did not*** differ appreciably from the overall CJS supervision participants on success/failure rates:

- Those who had children living with them and/or were pregnant (had significant other pregnant)
- Those who were currently prescribed mental health medications
- Those who were currently taking mental health medications

None of the other factors from the bulleted list on page 11 had large enough sample size to examine in relation to CJS supervision outcomes.

Combined Factors. In addition to the factors listed in the previous section, eight (8) additional potential risk/need factors that had information combined from both Jail Interview Notes and C-track records were examined in relation to supervision outcomes (successful completion of CJS supervision, new jail bookings during supervision, or new charges during supervision) for the CJS supervised groups (PTS, OPTS, DRC). The factors that were examined are listed in Table 10 on page 13-14. This table also reports how many individuals in the sample had information on each of the items. Individuals who met each of the criteria were selected and their supervision outcomes were examined against the overall rates for the three groups combined. The following major trends were observed:

- Those who were **recently homeless** had a significantly higher percentage with jail bookings during supervision (35% vs. 20% overall), as well as new charge bookings during supervision (27% vs. 7% overall). They were not, however, more likely to have a negative exit status (44% vs. 38% overall).

- Those who were **married** had a slightly lower pretrial status failure rate (negative exit status = 27% vs. 38% overall), but little difference in jail bookings during supervision (12% vs. 20% overall) and new charges (5% vs. 7% overall).
- **Time in area** had an unexpected relationship with jail bookings. Those who had the least time in the area (less than 1 year) had a lower jail booking rate (9%) and new charge booking rate (4%) than the overall (20% and 7%, respectively). While those who had 1-5 years in the area had the highest jail booking (32%) and new charge booking (15%) rates. Those with over 5 years in the area were in the middle (24% new booking and 8% new charge booking). Similarly, those who had been in the area 1-5 years had the highest percent of negative exit status (52% vs. 37% for under 1 year and 42% for over 5 years). It should be noted that time in area information was only available for approximately 45% of this sample. It is not known if this trend would persist in systematically collected data.[14]

Nearly everyone had information on education level and recent alcohol/drug use when data was combined from Jail Interview Notes and C-track records. As shown in Table 29, there were no differences in during supervision recidivism or exit status by education level or recent alcohol use. However, those who had recently used drugs were more likely to have during supervision new bookings and new charges, as well as a negative exit status, when compared to those who did not.

Table 29 Supervision Outcomes by Combined Factors

	% with New Bookings During Supervision	% with New Charges During Supervision	% with Negative Exit Status
Overall Rate	*20*	*7*	*38*
Education Level			
Less than 12th Grade/HS/GED	21	9	41
12th Grade/HS/GED	21	6	39
More than 12th Grade/HS/GED	19	8	34
Recent Alcohol Use			
No	21	7	38
Yes	21	8	40
Recent Drug Use*			
No	16	6	34
Yes	29	10	50

*All 3 Yes/No drug use comparisons were statistically significant at $p < .05$

Supervision Conditions. As previously reported, supervision outcomes varied by release condition (PTS, OPTS, DRC), with OPTS generally having worse outcomes (significantly more with new bookings during supervision and negative exit status). However, the three groups did not differ significantly on new charges during supervision, with very few participants from any of the three groups having a new charge during supervision (see Table 30). Perhaps due to the low occurrence of new charges during supervision, none of the supervision conditions were significantly related to the likelihood of having any new charges during supervision.

A few special conditions were significantly related to pretrial outcomes. Having the requirement of drug testing was related to a greater likelihood of negative exit from CJS supervision (45%, see

[14] Only 7% of those with less than a year in the area had a primary residence listed as out of county or out of state. Therefore, it cannot be determined if the low recidivism rate is related to primary residence outside of Salt Lake County.

Table 30). Among PTS and OPTS participants who had drug testing added as a special condition (it was an additional standard condition for DRC), 62% had a negative exit status from supervision. Having any special conditions was also associated with negative exit from supervision (51% negative exit vs. 38% overall). This could be due to the fact that either higher risk participants are given more special conditions and therefore have a higher likelihood of pretrial status failure or that additional criteria make it more difficult to meet all of the requirements and, therefore, successfully exit pretrial supervision.

Almost all CJS supervised participants had data recorded in C-track on their check-in frequency by type (e.g., automated phone system, with CJS staff). However, it did vary significantly with 8% of PTS participants not having any check-in data, compared to 15% of OPTS and 16% of DRC. A portion of these cases were identified by CJS as failing to appear for supervision or revoked; however, others were successfully exited from supervision.[15] Of those with check-in data, there appears to be no difference in pretrial success by whether participants had automated check-ins or check-ins with CJS staff (see Table 30). Failure rates for both conditions were very similar to the overall rates for PTS, OPTS, and DRC. All three groups were required to have daily (Monday through Friday) check-ins with CJS (automated phone system for PTS/OPTS, with CJS staff for DRC). Therefore an average of having a check-in every 2 days or more often was set as the cut-point for meeting check-in criteria. As shown in the last line of Table 30, those who met this check-in criteria had significantly less new bookings during supervision (19% vs. 27% for those who did not meet check-in criteria, not shown in Table 30), as well as significantly fewer who negatively exited supervision (28% vs. 50% who did not meet criteria, not shown in Table 30).

As shown in Table 31, those who successfully exited CJS supervision had a longer time on supervision than those who negatively exited. This relationship remained when PTS, OPTS, and DRC were each examined separately. Across all three groups, those who negatively exited supervision ended about 25 days sooner on average than those who had a positive exit status. A lack of significant findings between supervision requirements and new bookings/charges is likely due to the lack of range in supervision requirements. Nearly everyone who participated in PTS/OPTS had a similar set of requirements (same among DRC).

Table 30 Supervision Outcomes by Supervision Conditions

	% with New Bookings During Supervision	% with New Charges During Supervision	% with Negative Exit Status
Overall Rate	*20*	*7*	*38*
Release Condition [1 3]			
PTS	19	7	34
OPTS	29	9	52
DRC	17	8	42
Bail/Bond as Additional Requirement			
Yes	20	9	47

[15] Of those who successfully exited supervision but had no check-in data recorded, CourtLink data indicated that 89% had no FTA on their court cases they were released on, nor did they have any new charges prior to case closure. 9% had either FTA or WA on their court cases they were released on and 2% had new charges prior to case closure.

	% with New Bookings During Supervision	% with New Charges During Supervision	% with Negative Exit Status
Overall Rate	*20*	*7*	*38*
Special Conditions			
Check-in	26	11	53
Evaluation/Classes/Treatment	28	12	48
Employment	18	8	42
Medication	--	--	--
No Contact w/ victim(s) and/or criminal(s)	17	7	41
Residence/Living Restrictions	23	5	41
Drug Testing [3]	20	8	45
Abstain from Alcohol and/or Drugs	18	7	43
Any Special Condition(s) [3]	26	10	51
Of those with Check-In contacts recorded:			
Has Automated Phone Check-Ins	22	7	34
Has Check-Ins w/ CJS Staff	21	7	36
Had Check-Ins every 2 days on average (or more often) [1 3 4]	19	6	28

[1]Group difference on % w/ new bookings during supervision is statistically significant at p < .05
[2]Group difference on % w/ new charge bookings during supervision is statistically significant at p < .05
[3]Group difference on % w/ negative exit status is statistically significant at p < .05
[4]All CJS supervised offenders were required to have daily (M-F) check-ins (by automated phone system for PTS/OPTS and with CJS staff for DRC). This requirement was operationalized in the data as every 2 days or more often (since weekends were included in the time frames).

Table 31 Supervision Outcomes by Supervision Length and Frequency of Contacts

	New Bookings During Supervision		New Charges During Supervision		Exit Status	
	No	Yes	No	Yes	Neg	Pos
Days on Supervision (Mn) [3]	99	100	100	93	70	98
For those with Check-Ins						
Days Supervision Start to First Check-In (Mn) [3]	2	2	2	2	1.9	1.5
Average Days between Automated Phone Check-Ins (Mn)[3]	2	2	2	2	2.0	1.7
Average Days between Check-Ins w/ CJS Staff (Mn)	14	15	15	11	8	10

[1]Group difference on % w/ new bookings during supervision is statistically significant at p < .05
[2]Group difference on % w/ new charge bookings during supervision is statistically significant at p < .05
[3]Group difference on % w/ negative exit status is statistically significant at p < .05

Post-Jail Release Recidivism

Demographics. Three month post-qualifying release recidivism was examined for all six study groups combined. As shown in Table 16 in the *Post-Jail Release Recidivism* section of this report, post-release recidivism did vary by which of the six study groups an individual was released on. As shown in Table 32, males were more likely than females to have new bookings and new charges in the three months following their qualifying jail release. These results are for all six release groups combined. There was no difference in recidivism by minority status. Those who had a new booking were older, on average, (Mn = 33, SD = 11) than those who did not (Mn = 32, SD = 11). This was also true for those who had a new charge in the three months post-release (Mn = 35 (SD = 12) vs. Mn = 32 (SD = 11) for those without a new charge).[16] This finding that older offenders were more likely to recidivate may be counterintuitive compared to the usual finding that younger offenders are more likely to recidivate. However, most recidivists were in the OCR group. When examining the type of crimes committed by OCR recidivists (see Table 5a), it is clear that short-term recidivists in Salt Lake County fit a unique profile of an older, lower-level offender.

Table 32 Post-Release Recidivism by Demographics

	% with New Bookings 3-mo Post-Release	% with New Charges 3-mo Post-Release
Overall Rate	*28*	*14*
Gender[1] [2]		
Female	26	10
Male	29	15
Race/Ethnicity		
Non-Minority	29	14
Minority	28	15

[1]Group difference on % w/ new bookings 3-mo post-release is statistically significant at $p < .05$

[2]Group difference on % w/ new charges 3-mo post-release is statistically significant at $p < .05$

Official Criminal Justice Factors. Those with more contact with the jail in the three years prior to their QB were more likely to have continued contact with the jail following their qualifying release.[17] When examining their QB, those who had a warrant [18] were both more likely to have a new booking and new charge in the three months following release (see Table 33). Those who had a new charge at the qualifying booking were more likely to have a new charge following release, but not a new booking in general. From the combined QB booking type variable, Table 33 shows that those with new charges only (at the QB) and those who have "other" booking types (no new charges, no warrants of arrest or bench warrant) have the lowest 3 month new booking rate. Those who had only warrants of arrest (WA) at their QB had the lowest recidivism rate, with only 8% having a new charge booking in the three months following release.

Each of the six release groups was examined separately to see if certain booking types had different success rates (no new charges in 3 months post-release) under each release condition (e.g., PTS vs.

[16] $p < .05$ for age difference among those with and without new bookings and new charge bookings

[17] When Warrant bookings in the 3 years prior to QB were split into Bench Warrant (BW) and Warrant of Arrest (WA) bookings, the relationship remained the same, with having either BW or WA bookings increasing the likelihood of recidivism

[18] When "Warrant" at QB was split into BW and WA, having a BW at that booking remained significantly related to both increased likelihood of new bookings and new charge bookings, while having a WA increased the likelihood of having new bookings, but decreased the likelihood of having new charge bookings

BB). As shown in the bullets below, the overall trend of those who had new charges plus other types of bookings at their QB (e.g., new charges plus warrants of arrest or bench warrants) having the highest recidivism rate, continued within most of the release conditions.

New charge bookings in three months post-QB release by release type:

- PTS: those booked on Warrant of Arrest only (WA) had lowest recidivism rate (4%), while those booked on Bench Warrants (with or without WA in addition) had the highest (14%)
- OPTS: those booked on WA only had lowest recidivism rate (6%), while those with new charges plus other booking types (CG+) had the highest (17%)
- OR: all booking types released to this condition had recidivism rates at around 7-8%
- DRC: those booked on WA only had the lowest recidivism (2%), those with new charges plus other bookings types (CG+) had the highest (20%)
- BB: those with new charges plus other bookings types (CG+) had the highest (13%) recidivism rate, while all other booking types released to BB had about 5-7% recidivism
- OCR: those booked on WA only had the lowest recidivism (12%), those with new charges plus other bookings types (CG+) had the highest (38%)

It is also interesting to note that the recidivism rates remained fairly even across the groups, regardless of booking type, with OCR having the highest recidivism rates and PTS having among the lowest. For example, those with BW bookings in PTS had the highest recidivism rate for any PTS group (14%), but this was barely above the lowest recidivism rate for any OCR group (12% for WA only within OCR).

Of those who had a new charge, the types of charges associated with a higher than average likelihood of new charges following release were for public order and liquor offenses. Property and drug offenses were also associated with a slightly higher rate of re-offending. Having person or DUI offenses at the time of their qualifying booking was associated with a lower likelihood of short-term recidivism. Most individuals who had traffic offenses at their QB also had a DUI charge; therefore, it is not surprising that their new booking and new charge rate is similar to that for DUI offenders.

Table 33 Post-Release Recidivism by Jail History – Part 1

	% with New Bookings 3-mo Post-Release	% with New Charges 3-mo Post-Release
Overall Rate	*28*	*14*
3 years prior to Qualifying Booking		
New charge [1 2]		
No	16	7
Yes	44	23
Warrant [1 2]		
No	15	7
Yes	43	21
In Jail Violation [1 2]		
No	25	12
Yes	54	29
Qualifying Booking		
New charge [2]		
No	29	11
Yes	28	17

	% with New Bookings 3-mo Post-Release	% with New Charges 3-mo Post-Release
Overall Rate	*28*	*14*
Warrant [1] [2]		
No	20	12
Yes	32	15
In Jail Violation		
No	28	14
Yes	31	15
Qualifying Booking – Combined Booking Type [1] [2]		
WA: Warrant of Arrest only	27	8
BW: Bench Warrant or BW+WA	34	16
CG: New Charge Only	20	12
CG+: New Charge plus other booking type(s)	39	23
OTH: Other/mixed booking types (no new charges)	20	9
Qualifying Booking - Of those with a new charge:		
Person [1] [2]	20	9
Property [1] [2]	36	20
Drug [1] [2]	35	20
DUI [1] [2]	10	5
Public Order [1] [2]	45	35
Liquor [1] [2]	38	26
Traffic [1] [2]	14	7

[1]Group difference on % w/ new bookings 3-mo post-release is statistically significant at p < .05
[2]Group difference on % w/ new charge bookings 3-mo post-release is statistically significant at p < .05

Table 34 Post-Release Recidivism by Jail History – Part 2

	New Bookings 3-mo Post-Release		New Charges 3-mo Post-Release	
	No	Yes	No	Yes
3 years prior to Qualifying Booking				
Number of bookings (Mn) [1] [2]	1	5	2	7
Charge Severity (Mn) [1]	MA	F3	MA	MA
Days in Jail (Mn) [1] [2]	16	56	21	69
Qualifying Booking				
Charge Severity (Mn) [2]	MA	MA	MA	MB
Days in Jail (Mn)	5	4	5	4

[1]Group difference on % w/ new bookings 3-mo post-release is statistically significant at p < .05
[2]Group difference on % w/ new charge bookings 3-mo post-release is statistically significant at p < .05

Jail Interview Notes Items. The following factors from Jail Interview Notes were examined in relation to new jail bookings and new charge jail bookings in the three months post-release for the six study groups:

- Non-U.S. resident (or family lives outside of U.S.)
- Lived at current address for at least a year

- Will live alone at release
- Will live with parents at release
- Will live with significant other at release
- Has children living with them and/or were pregnant (had significant other pregnant)
- Current student
- Ever in the military
- Currently on disability/SSI
- Negative pretrial release history in last 2 years
- Positive pretrial release history in last 2 years
- Currently on probation/parole
- Ever in prison
- Currently in AOD treatment
- Currently on waiting list for AOD treatment
- Currently taking medications for AOD addiction
- Currently suicidal
- Ever suicidal
- Has a mental health problem (diagnosed or undiagnosed)
- Currently in MH treatment
- Currently prescribed medications for MH issue
- Currently taking medications for MH issue

Differences in recidivism were identified by selecting participants who met each of the above 22 criteria based on information in their Jail Interview Notes and seeing if their recidivism rates varied from the overall rates for the six study groups combined. The only major trends observed were the following:

- Those who had a **recent negative pretrial release history** were both more likely to have a jail booking in the 3 months following release (48% vs. 28% for overall sample) and a new charge booking in the 3 months following release (25% vs. 14% for overall sample).
- Those who were **currently on probation/parole** also had a higher percent with jail bookings in the 3 months following release (42% vs. 28% for overall sample), but no difference in percent with new charge bookings.
- Those who were currently in **AOD treatment** had a higher percent with jail bookings in the 3 months following release (39% vs. 28% for overall sample), but no difference in percent with new charge bookings.
- Those who were currently **taking medications for AOD addiction** had a higher percent with jail bookings in the 3 months following release (42% vs. 28% for overall sample), but no difference in percent with new charge bookings.

Again, it must be reiterated that these trends were observed only among those who had these measures recorded in their Jail Interview Notes and absence of information on an item (e.g., taking medications for AOD addiction) does not mean that the individual did not meet criteria for that item (only that it was not recorded). Because of the incomplete nature of these data, it is not known if the other factors would show a significant relationship with pretrial outcomes if information was systematically available.

Combined Factors. The factors listed in Table 10 on page 13-14 were examined in relation to recidivism outcomes (3 month post-release jail bookings and new charge bookings) for all six study groups combined. Individuals who met each of the criteria were selected and their three month recidivism rate was examined against the overall recidivism rate. As previously noted, this was the

best way to look for trends in recidivism by sub-group due to the high percent of missing data on many of these risk/need factors. Major trends were observed for the following sub-groups:

- Those who were **recently homeless** had a percentage of jail bookings in the three months following release more than double the overall rate (60% vs. 28% for overall sample). In addition, the recently homeless had a new charge booking rate that was over three times the overall rate (46% vs. 12% for overall sample).
- Those who were **recently unemployed** were more likely to have a jail booking in the three months following release (37% vs. 28% for overall sample), but no difference in percent with new charge bookings.
- Similarly, those who had **recently used drugs** were more likely to have a jail booking in the three months following release (37% vs. 28% for overall sample), but no difference in percent with new charge bookings.

Pre-Case Closure Recidivism and Case Closure Outcomes

The same factors that were examined in relation to during supervision failure (for CJS groups only) and three month post-QB release recidivism (all 6 groups combined) were again examined in relation to pretrial release (PTR) failure events. In this section, PTR failure events are new charge bookings during PTR period (recidivism) and failing to appear for the majority of court hearings for the PTR case (FTA). In this section, analysis was conducted at the court case level. This is because offenders often had more than one court case per pretrial release. Only factors that are significantly related to PTR failure (either recidivism or FTA) are listed in the following tables. Dashes in the tables indicate that the comparison was not significantly related to PTR failure. The base recidivism rate for all six groups combined was 12%. The base FTA rate for all six groups combined used in this section was 42%, compared to the 30% that was reported in the Case Closure Outcomes table (Table 21). The base FTA rate in this section is higher due to the exclusion of court cases where no court dates have yet been scheduled.

Offender Factors. As shown in Tables 35 and 36, more severe jail and criminal histories in the three years prior to the qualifying booking (QB) are related to both recidivism and FTA. When considering the QB, those who had new charges plus other booking types (usually new charge plus BW/WA) had the highest recidivism rate, while those who had bench warrant (BW) bookings at their QB had the highest FTA rate. Of those with new charges at their QB, drug offenses were associated with both higher recidivism and FTA, while DUI and traffic offenses were associated with lower risk. Person offenses were also associated with lower FTA. The charge severity for those who failed to appear was slightly lower on average, but still around a Class A Misdemeanor (MA) – the same as for those who did not FTA.

Table 35 Offender Factors – Part 1

	% with New Charge Bookings During PTR	% with FTA During PTR
Overall Rate	*12*	*42*
Demographics		
Gender		
Female	10	--
Male	12	--

	% with New Charge Bookings During PTR	% with FTA During PTR
Overall Rate	*12*	*42*
3 years prior to Qualifying Booking		
New charge		
No	7	35
Yes	16	50
Warrant		
No	7	46
Yes	15	54
In Jail Violation		
No	10	41
Yes	23	59
Qualifying Booking – Combined Booking Type		
WA: Warrant of Arrest only	8	40
BW: Bench Warrant or BW+WA	13	58
CG: New Charge Only	10	20
CG+: New Charge plus other booking type(s)	16	50
OTH: Other/mixed booking types (no new charges)	9	27
Qualifying Booking – Of those with a new charge:		
Person	--	24
Property	--	43
Drug	18	44
DUI	6	25
Public Order	20	--
Traffic	9	33
Resist arrest/False info to Police	--	55

Table 36 Offender Factors – Part 2

	New Charge Booking During PTR		FTA During PTR	
	No	Yes	No	Yes
3 years prior to Qualifying Booking				
Number of bookings (Mn)	2	4	1	3
Days in Jail (Mn)	25	54	19	34
Qualifying Bookings				
Days in Jail (Mn)	--	--	6	4
Charge Severity (Mn)	--	--	3.1 (MA)	2.8 (MA)

Risk/Need Factors. The following table (Table 37) lists risk/need factors that were present at the time of the QB. The table is separated into three sections: Combined Risk Factors (from jail interview notes and C-track database), Aggravating Factors (from jail interview notes and filled in with additional information by UCJC staff from CourtLink, probable cause statements, and JEMS), and Jail Interview Items (primarily from jail interview notes only). Aggravating Factors and Jail Interview Items that varied by approximately 2% from the base recidivism rate were highlighted as

possible significant factors related to new charges, while those varying by approximately 10% from the base rate on FTA were highlighted as possibly related to FTA. The 2% difference for recidivism was selected due to the overall low occurrence of recidivism events across all offenders.

As shown in Table 37, the key risk/need factors related to both increased recidivism and FTA are homelessness, recent drug use, and a negative PTS history in the last two years. Other factors showed a significant relationship with either recidivism or FTA, with more factors being related to FTA.

A large number of items (see CJS Jail Interview Notes and Combined Factors sections for complete lists) were examined for offenders with new charge bookings during PTR. The only factor that varied significantly from the overall rate was having a bad recent pretrial supervision history. "Recent" was defined by pretrial staff at the jail as occurring during the previous two (2) years. Although the differences observed among the remainder of the factors were slight, a couple possible trends emerged.

- Those who had children living with them and/or were pregnant (or had significant other who was pregnant) were slightly less likely to be arrested on a new charge during PTR than the overall rate.
- Those with monetary restrictions (large bail amount or cash only bail) were slightly less likely to have a new charge during PTR.
- Surprisingly, those with a history of not complying with court orders were also slightly less likely to have a new charge during PTR.
- Offenders with mental health issues were slightly more likely to be arrested on a new charge during PTR.

The same factors were examined for offenders who failed to appear during PTR. Not surprisingly, offenders with negative recent pretrial supervision (PTS), failure to appear (FTA), or failure to comply (FTC) histories had higher FTA rates than the overall rate. Offenders with the following factors were found to be less likely to FTA than the overall rate.

- Good PTS histories
- Planning to live with significant other at QB release
- Have victim (only for person offenses at QB)
- Considered higher risk due to charge/offender severity
- Domestic violence history

Table 37 Risk/Need Factors

	% with New Charge Bookings During PTR	% with FTA During PTR
Overall Rate	*12*	*42*
Combined Risk Factors		
Homeless		
No	10	40
Yes	26	61
Marital Status		
Married	13	44
Single	8	32
Separated/Divorced	10	39

	% with New Charge Bookings During PTR	% with FTA During PTR
Overall Rate	*12*	*42*
Education		
Less than 12th grade	--	45
High School Graduate/GED	--	42
More than 12th grade	--	36
Employed		
No	--	41
Yes	--	44
Unemployed		
No	11	--
Yes	15	--
Recent Heavy Alcohol Use		
No	--	45
Yes	--	35
Recent Drug Use		
No	10	39
Yes	15	47
Aggravating Factors		
Monetary Restrictions	10	--
FTA History	--	52
FTC History	10	51
Charge/Offender Severity	--	33
DV History	--	20
DUI History	--	--
Victim	--	22
Negative PTS History (last 2 years)	21	52
Positive PTS History (last 2 years)	--	37
Jail Interview Items		
Living w/ Sig. Other at Release	--	36
Children Living w/ or Pregnant	10	--
Mental Health (MH) Issues	13	--
Currently Prescribed MH meds	14	--
Currently Taking MH meds	14	--

Timeline and Court Case Factors. Table 38 presents timeline factors that were related to PTR failure. Those who recidivated or failed to appear had a longer average time from QB release to their first court date. Those who failed to appear also had a longer time on average (less than 2 days vs. over 2 days) from CJS supervision start (for PTS, OPTS, & DRC only) to their first check-in. Another CJS factor related to increased risk of FTA was not meeting the check-in requirement of every two days on average. Of those who did not meet the check-in frequency, 39% had an FTA compared to 23% for those who did (not shown in Table 38). All of these factors suggest that better PTR supervision and faster case processing can lead to better outcomes.

Table 38 Timeline Factors

	New Charge Booking During PTR		FTA During PTR	
	No	Yes	No	Yes
Court Case Timelines				
Days b/w QB release to 1st court date (Mn)	46	66	39	45
CJS Supervision Timelines (CJS cases only)				
Days on Supervision (Mn)	99	71	111	74
Days b/w Sup. Start & 1st Check-in (Mn)	--	--	1.6	2.2

Additional court case factors that were related to PTR failure are presented in Table 39. Similar to what was found in the "Qualifying Booking – Combined Booking Type" section of Table 35 on page 37-38, having new offenses at the QB was associated with increased risk of recidivism, but decreased risk of FTA. Similarly, cases that were pretrial/post-sentence had a decreased risk of recidivism, but an increased risk of FTA. A similarity across these groupings was that "offense at QB" and "pretrial/pre-sentence" cases were those that typically took longer to reach case closure during the PTR period; therefore, the opportunity for re-offense was higher (longer follow-up period). On the other hand, cases that did not include an offense at QB and were pretrial/post-sentence were usually cases brought back in on an Order to Show Cause hearing for individuals on probation. Because these offenders have already demonstrated non-compliance it is not surprising that they have a higher FTA rate in the PTR period.

Table 39 Court Case Factors

	% with New Charge Bookings During PTR	% with FTA During PTR
Overall Rate	*12*	*42*
Offense at QB (%)		
No	11	47
Yes	13	28
Appeared at 1st court date (%)		
No	16	88
Yes	9	12
Court Type		
Justice	--	47
District	--	37
Additional Supervision during PTR		
No	--	40
Yes	--	48
Appeared for court during PTR (%)		
No	12	
Yes	5	
Case status at QB Release (%)		
Pretrial/Pre-Sentence	12	39
Pretrial/Post-Sentence	8	53

Combined Prediction of Recidivism. Factors significantly related to recidivism in the previous tables (Table 35 through 39) were combined in a single analysis[19] to determine the unique contribution and importance of each factor in predicting new charges during PTR. When multiple factors represented a single concept (e.g., total jail bookings in the three years pre-QB and total days in jail in the three years pre-QB), one factor was selected to represent that factor.

The following are the most important factors in predicting recidivism during PTR:

- Those with a new charge booking in the 3-yrs pre-QB were 2.2 times more likely to recidivate
- Compared to those who had only a warrant of arrest (WA) at their QB, those with new charges were 1.8 times more likely to recidivate
- Each additional booking (any type) in the three years prior to the QB increased recidivism risk by 5%
- Pretrial/post-sentence cases were 50% *less* likely to recidivate. As previously noted, these cases are processed more quickly than pretrial/pre-sentence cases and, therefore, have less opportunity for re-offense.
- Offenders who attend their court hearings during PTR period are 58% *less* likely to recidivate

These key factors clearly demonstrate that past behavior (new charges prior to QB, new charges at QB) is the best predictor of future behavior (PTR recidivism). Release status (6 release groups) was not a significant predictor of recidivism after controlling for these significant factors.

Although these key factors were identified, the model did not predict recidivism very well. Because PTR recidivism was such a low occurrence event (12%) it was difficult to predict. The model did not account for much of the variance in recidivism either, which suggests that additional factors must be examined to better understand recidivism during PTR. It is known that several meaningful factors from the earlier analyses were excluded due to missing data (e.g., homelessness). As such, the key factors in the bulleted list above should be considered a starting place for understanding PTR recidivism.

Combined Prediction of Failure to Appear (FTA). The same process of selecting and winnowing down significant predictors was conducted for predicting FTA.

The following are the most important factors in predicting FTA:

- Those with a history of FTA had a 35% greater likelihood of FTA
- Each additional booking (any type) in the three years prior to the QB increased FTA risk by 15%
- Younger offenders were slightly more likely to FTA
- Compared to those who had only a warrant of arrest (WA) at their QB, those with new charges only had 36% *less* likelihood of FTA, while those who had bench warrants (BW) had 50% greater likelihood of FTA
- Those with a victim (of a person offense) at their QB had 34% *less* likelihood of FTA
- Those on additional supervision (such as already on probation) had 23% *less* likelihood of FTA
- District court cases were 16% less likely than Justice court cases to end in FTA

The finding that those on additional supervision (e.g., already on probation) do better contradicts the previous finding that those on supervision do worse. This shift indicates that after controlling

[19] Logistic Regression

for offender risk (which is related to already being on supervision), additional supervision does help reduce risk of FTA.

After controlling for all of the previously listed significant factors, release group membership was significantly related to FTA. Compared to PTS supervised offenders:

- OPTS and BB were equally likely to FTA
- OR and DRC were 1.6 times more likely to FTA
- OCR were 3.9 times more likely to FTA

These significant group findings demonstrate that although OPTS has a higher FTA rate than PTS, this difference is due to pre-existing differences in offender risk, rather than reduced effectiveness of OPTS supervision vs. PTS supervision.

A separate model was examined for the three CJS supervised groups alone. In addition to the factors listed in the bulleted lists above, the following supervision factors were significantly related to FTA:

- Shorter time from supervision start to the first check-in with CJS staff decreased FTA risk
- Meeting the check-in requirement of every two days on average decreased FTA risk by 44%

The models predicting FTA accounted for more variance in FTA and predicted outcomes somewhat better than the recidivism model. This is, in part, due to the fact that FTA is a higher occurrence event (42% in these analyses) and, therefore, was easier to predict statistically. However, despite the importance of the previously listed factors in explaining FTA, several additional factors (e.g., homelessness, substance abuse, education) should be examined to better understand risk of FTA.

Discussion and Conclusion

Key Findings

From the over 8,000 bookings that occurred in Salt Lake County from October 1, 2008 to December 31, 2008 (N = 8259), just over half of those were released pretrial (n = 4448, 54% of jail bookings). The six types of pretrial release (PTR) included specific types of offenders and cases. As listed below, OR is generally the least severe release group, while OPTS, OCR, and DRC are the highest pretrial failure risk groups, depending upon which factors are considered (e.g., criminal justice vs. socioeconomic).

- PTS: similar to those released on OR, except somewhat higher risk due to greater severity of prior offenses (F3 vs. MA), more outstanding warrants (67% vs. 51%), and recent drug use (36% vs. 12%). Most common charge at QB was property, then drug. PTS cases were primarily District court and pretrial/pre-sentence.

- OPTS: one of the highest pretrial failure risk groups, due to highest percent with prior bookings, warrants, and new charges, prior negative pretrial release history (34%), self-reported mental health (MH) problems (24%), and recent drug use (54%). Almost all had an outstanding warrant at QB (98%). Most common charge type at QB was drug, then property. OPTS cases were primarily District court and pretrial/pre-sentence.

- OR: generally the lowest risk group, with least prior jail involvement (33% booking 3-yrs prior) and fewest with outstanding warrants (51%). Most common charge type at QB was DUI, then traffic. OR cases were almost exclusively Justice court cases.

- DRC: a higher risk/need group, primarily due to non-criminal justice factors, such as MH (21%) and substance abuse (SA) (8% currently in treatment) problems and low education level (41% less than 12th grade). Almost all had an outstanding warrant at QB (99%). Most common charge type at QB was property, then drug. DRC supervised cases were primarily Justice court and DRC had the highest proportion of pretrial/post-sentence cases.

- BB: in the middle on jail history, most likely to have a new charge on their QB (64%). Somewhat lower risk based on non-criminal justice factors, such as most that were married (28%) and had more than 12th grade education (25%). Most common charge type at QB was person, then DUI. BB cases were about 50/50 split between District and Justice court cases, although most were pretrial/pre-sentence.

- OCR: one of the highest pretrial failure risk groups, due to second highest prior bookings, but of those the most prior bookings (Mn = 6 in 3-yrs prior) and days in jail (Mn = 55). Also the most likely to be recently homeless (37%) and have less than 12th grade education (41%; tie with DRC). Most common charge type at QB was property, then public order, representing a low risk to public safety. OCR cases were mostly Justice court cases with the second highest proportion (after DRC) of pretrial/post-sentence cases.

Due to the varying nature of the PTR groups, failure rates ranged considerably among them, with PTS having the lowest PTR failure rate (29%) and OCR having the highest (60%). As shown in Table 40, PTR failure was usually a result of failure to appear (FTA) on the released court case, as new charges during PTR were a rare event. It is worth noting that although OPTS had a higher failure

rate than PTS, when pre-existing risk was controlled for, there were no significant differences between the two on PTR failure. This suggests that the lower success rate for OPTS (compared to PTS) is due entirely to pre-existing risk differences, rather than differential effectiveness of OPTS supervision compared to PTS. On the other hand, even when controlling for different pre-existing risk levels, DRC, OR, and OCR had significantly higher likelihood of PTR failure than PTS. Key factors that were related to PTR failure (new charge during PTR and/or FTA) are discussed further in the remainder of the Discussion.

Table 40 Comparing PTR Outcomes

	PTS	OPTS	OR	DRC	BB	OCR	CJS Total	Non-CJS Total
Days on CJS Supervision (Md)	91	63	--	51	--	--	79	--
Days on PTR[1,2] (Md)	93	78	93	61	76	64	83	72
Days QB Release to Case Closure[2] (Md)	124	121	108	76	119	134	114	125
Recidivism								
New charge during CJS Supervision (%)	7	9	--	8	--	--	7	--
New charge during PTR period [2] (%)	10	12	7	7	10	15	10	12
PTR Failure								
Negative CJS Exit Status (%)	32	49	--	41	--	--	37	--
FTA during PTR period[2] (%)	20	24	26	33	21	43	24	33
FTA, WA, or new charge during PTR period[2] (%)	29	36	40	45	33	60	34	48

[1]Days to 1st PTR ending event: new charge, extended jail booking, sentence/dismissal, BW/WA served on that court case

[2]These figures are at the court case, rather than QB, level (e.g., could be multiple court cases per qualifying booking/pretrial release)

Comparison to Pretrial Literature

The pretrial recidivism rate reported in this study is on the lower end of the range reported in the literature. The pretrial recidivism rate reported in the literature ranged from 12% (Austin, Krisberg, & Litsky, 1985) to 28% (Goldkamp, 1983), while our six release groups had pretrial recidivism rates between 7-15%. More recent pretrial studies showed pretrial recidivism rates in the range of 16-20% (Lash, 2003; Lowenkamp, Lemke, & Latessa, 2008; VanNostrand, 2003). In the Goldkamp study, 28% of offenders released on an overcrowding release (following a lawsuit) recidivated compared to 17% of offenders released on a "typical day" (these offenders fit OR/BB criteria). Not surprisingly, in our study the highest recidivism rate was observed for OCR offenders (15%), while the lowest was for OR (7%) as well as DRC (7%), PTS (10%), and BB (10%).

The pretrial failure to appear (FTA) rate reported in this study is on the higher end of the range reported in the literature. Between 10% (VanNostrand, 2003) and 42% (Goldkamp, 1983) of offenders in the pretrial literature failed to appear. The Salt Lake County range is from 20% (PTS) to 43% (OCR), with an overall FTA rate of 30% (42% when court cases with no hearings are removed). The highest FTA rates in the literature were reported for an OCR release group (42%; Goldkamp). Studies that examined only OR and BB releases reported FTA rates of 16-20% (Siddiqi,

2002) and 28% (Maxwell, 1999). These are comparable to the FTA rates reported in this study for OR (26%) and BB (21%).

Many of the factors that were identified as significantly related to pretrial failure (recidivism or FTA) in the literature were also found to be related to PTR failure in this study (see Tables 41 and 42 below).

Table 41 Risk Factors for PTR Recidivism

Risk Factor in Literature	Salt Lake County Findings
Younger Age	No age differences
Felony Offender	No difference on degree of most severe charge at QB
More Priors	More jail bookings and if offender had a new charge booking, warrant (BW/WA combined), or in jail charge in the 3 years pre-QB all related to higher recidivism
More Prior Jail Stays	More days in jail in 3 years pre-QB related to higher recidivism
Has Substance Abuse Issues	Those with drug offenses at QB had higher recidivism. Those w/ recent drug use indicated in jail interview or C-track data also had higher recidivism.
Unemployment	Those identified as currently unemployed in jail interview or C-track data had higher recidivism.
No Difference by Supervision Type (e.g., Bail v. ROR, PTS vs. PTS + Services)	No difference on recidivism by 6 release groups when controlling for offender history and QB type.
Longer Pretrial Release Period	Those who were pretrial/post-sentence (had fewer court hearings to attend during PTR and therefore shorter time on PTR) had lower recidivism than pretrial/pre-sentence cases.

Table 42 Risk Factors for PTR Failure to Appear (FTA)

Risk Factor in Literature	Salt Lake County Findings
Female Offender	No gender differences on FTA
Younger Age	Those who FTA slightly younger on average (Mn = 31 years) than those who do not (Mn = 32)
Felony Offender	Those who FTA slightly *less severe* offense at QB (Mn = 2.8, between MB & MA) than those who do not (Mn = 3.1, also MA)
Property Offender	Property offenders more likely to FTA
Person/Violent Offender (less likely to FTA)	Person offenders less likely to FTA. Those with offender/offense "severity" aggravating factors in jail interview notes less likely to FTA.
Open cases/outstanding warrants/other pending	Pretrial/post-sentence cases (already adjudicated, sentenced, usually back in on OSC) more likely to FTA. QB of BW and CG+BW more likely to FTA than WA alone or CG alone.
Prior FTA's	Those with FTA history in jail interview notes or found in court records were more likely to FTA.
Has Substance Abuse Issues	Those with drug offenses at QB had higher FTA rates. Those w/ recent drug use indicated in jail interview or C-track data had higher FTA rates.
Unemployment	No relationship between unemployment and FTA in limited employment data.
Live outside the area	No relationship between time in area/living outside the area and FTA in limited data available.
No telephone	Not available.

Risk Factor in Literature	Salt Lake County Findings
No Difference by Supervision Type (e.g., Bail v. ROR, PTS vs. PTS + Services)	After controlling for offender history and QB type, PTS, OPTS, and BB have the lowest FTA (do not differ sig. from each other), OR and DRC are 60% more likely to FTA, while OCR is 3.9 times more likely to FTA.
Fewer Supervision Contacts	Among CJS only (PTS, OPTS, DRC) those who meet check-in requirement of every 2 days on average are 45% less likely to FTA.
Longer Pretrial Release Period	Longer time from QB release to first court date associated with higher FTA.

Recommendations

For Future Research

Standardize Jail Interview Data. Although CJS staff record an extensive amount of valuable offender information, inconsistent data collection, often in an impractical format, greatly limits the usefulness of this data. It is recommended that **standardized data entry forms** be created and consistently utilized in C-track, the CJS database. Such forms should primarily consist of pull-down menus and the use of free-text boxes should be limited. This more standardized format would result in more consistent collection as well as more accurate and less time consuming analyses. During their coding of jail interview data, UCJC staff also found that the quantity and quality of the data recorded varied significantly depending on who entered it. It is suggested that policies be put in place that would make the **collection of certain variables mandatory** (see page 49 for suggestions). Encouragingly, around the time of this report, the authors were informed by CJS staff that changes have already been made to increase the standardization of the C-track data entry forms.

Examine Outcomes for Additional Justice Courts. Another limitation of this study was that court case outcomes were limited to District court cases and those Justice courts that had information available in CourtLink, which excluded two of the major Justice courts in the county: **Salt Lake City and Sandy**. Clearly, PTR success could be better understood with information from more of the county's major courts.

Additional work on Risk/Needs Assessment. An original goal of this study was to use existing data to help develop a Risk/Needs Assessment that would work for Salt Lake County. However, this task proved to be difficult due to the lack of standardized and reliable data on a number of key factors (e.g., homelessness, stability in the community). From what little data was available, several important factors have surfaced that are related to various forms of PTR failure (e.g., unsuccessful exit from CJS supervision, FTA, new charges). These factors should be adequately tracked, then examined in relation to outcomes, with relative importance and point values assigned to the key predictors.

For Improving Pretrial Release

Focus on Reducing FTA. New charge recidivism during PTR was relatively low (ranging from 7% - 15%) among all six release group; however pretrial status failure due to FTA was much higher (ranging from 20% - 43%) indicating that efforts should be made to increase court appearances.

Improve FTA rates by:

- **Decreasing time from QB release to 1st Court Appearance**

Based on our findings, the quicker an offender's first court date occurs following QB release, the less likely they are to FTA and recidivate. Although this is a court processing issue that pretrial staff have little, if any, control over, efforts made to shorten the time between release and initial court appearance would most likely result in more favorable outcomes.

- **Tailoring CJS supervision to the most appropriate case types**

Pretrial offenders were at a variety of stages in case processing at their QB and some had already been sentenced prior to their QB. Pretrial/pre-sentence offenders and pretrial/post-sentence offenders have different needs and should be treated accordingly. Our analyses found that 7% of PTS/OPTS cases were actually post-sentence and 24% were under an additional form of supervision during their PTR period. In fact, 11% of PTS and 15% of OPTS offenders were also on probation while they were under pretrial supervision. After controlling for offender risk, being on additional supervision during PTR (such as already on probation) was associated with a decreased risk of FTA. CJS administrators should consider this use of resources and determine whether or not the practice of serving this group should continue.

- **Decreasing time from Supervision start to 1st Check-in with CJS staff**

Among the CJS groups, those who failed to appear for court had a longer time on average from CJS supervision start to their first check-in, highlighting the importance of starting supervision quickly following jail release.

- **Ensuring regular check-ins during CJS Supervision**

CJS supervised offenders who met the criteria of having a check-in every 2 days or more often were significantly less likely to FTA than those who did not (23% vs. 39%). Although frequency of offender check-in is largely determined by the compliance of supervised offenders, CJS should work to quickly identify noncompliant offenders and re-engage them with the pretrial process.

- **Provide additional services to address risks/needs**

Some risks/needs, such as substance abuse and homelessness, appear to be related to PTR failure. Because it is impractical and unethical to detain offenders pretrial simply because of these risk factors, it is important to provide services to them in the community that will decrease their recidivism and FTA rates. Any costs associated with services could potentially be made up in reduced criminal justice and court costs. Currently the median time from offense to case closure ranges from 241 days for OR cases (which are typically the lowest risk release group) to 408 days for OCR cases (which includes more homeless and at-risk offenders) to 537 days for DRC cases (which includes more offenders with low education and substance abuse and mental health issues). The additional hearings and delay in court processing for these higher risk/need cases are likely leading to increased costs to the justice system.

For Risk/Needs Assessment

The following items should be seriously considered for inclusion in the development and testing of a risk/needs assessment for PTR. These factors consistently came up in this study as significantly related to PTR failure (either recidivism and/or FTA):

- More extensive jail history in the 3-yrs prior to QB
- Negative PTS history
- FTA history (FTA only)
- New charge at QB (recidivism only)
- Bench Warrant (BW) at QB (FTA only)
- Drug offense at QB
- Person offense at QB/has a victim and charge/offender severity (FTA only, reduces risk)

These items are likely also important to consider when developing a risk/needs assessment. However, these measures were not consistently available. Based on individuals who had information recorded on these factors, we recommend that information be consistently tracked and examined in relation to PTR outcomes to determine their relative importance:

- Recently homeless
- Recent drug use
- Had children living with them and/or were pregnant (or had significant other who was pregnant) (recidivism only, reduces risk)
- Mental health issues (recidivism only, slightly increases risk)
- Education (FTA only, reduces risk)
- Employment status (mixed outcomes, poor data on this item)

Conclusion

Pretrial recidivism in Salt Lake County is on the lower end of the range nationally, while FTA rates are on the higher end. Because of this, risk factors for FTA were easier to identify and provide some areas for improvement. Such suggestions include: providing services to high risk releases (homeless, substance abusers, mentally ill), reducing time from release to the first court appearance, and increasing supervision compliance. PTS had the highest success rate (71%), which did not differ significantly from OPTS and BB (when controlling for other significant risk factors). Surprisingly, OR failure rates are significantly higher than PTS (when controlling for risk factors), while OCR are the highest (even when controlling for risk factors). These findings suggest that appropriate supervision is a key factor in reducing PTR risk.

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Appendix A Pretrial Literature Review Details

Pretrial Release: Types, Rates, and Factors Considered

Maxwell (1999) studied factors related to release on recognizance (ROR) in a sample of New York City defendants. Of 6,811 individuals, 57% were ROR, while 41% were released on bail, and 2% were held (not released pretrial). The sample was primarily male (88%) and African American (56%), with an average age of 28. Most serious charges were property (40%) and drug (36%) offenses. Just over one-third had a prior felony conviction. Factors significantly related to ROR in a logistic regression showed that the following groups were more likely to receive ROR: women, person and property offenders (vs. drug and weapons, who had the least likelihood of ROR), and those with no prior convictions or failures to appear (FTAs). There were no differences in likelihood of receiving ROR by age or race. FTA rate for the entire sample was 28%, with no significant difference in FTA between individuals released ROR and those released on bail. Surprisingly, the authors found that some factors associated with increased likelihood of ROR (female, property offenders) were also associated with higher FTA rates (other factors associated with FTA are described in the subsequent risk assessment section). Maxwell noted that although ROR policy was supposed to be city-wide, ROR decision-making varied by borough. Furthermore, some of the factors judges were using to increase likelihood of ROR were actually associated with higher FTA rates.

Petee (1994) also examined factors related to ROR. This study examined records of 500 felons screened for ROR by a pretrial release agency. Five of the six "official" factors that the agency was supposed to be using to recommend ROR were significantly related to that recommendation: seriousness of current crime, number of prior convictions, past FTA for a felony, currently on probation or parole, and living alone (the sixth, employment, was not significantly related to recommending release). Petee also examined three "extralegal" variables and found that negative demeanor during the pretrial interview and minority status reduced the likelihood of a recommendation to ROR (gender was not related to ROR). In this study, judges followed the pretrial recommendations most of the time (Correlation = .808), suggesting the importance of pretrial recommendations (Petee, 1994). The significant influence of extralegal factors (demeanor, minority status) in this study highlights the subjectivity of pretrial release when a standardized risk instrument is not used for decision making.

In a ten year study of pretrial release and reoffending in New Zealand, approximately 50% of court cases that required more than one day to adjudicate had defendants that were remanded on bail (Lash, 2003). Remand on bail was defined as "defendant is released, but has various conditions imposed." This can be viewed similarly to pretrial supervised (PTS) release. Those with more serious offenses (e.g., violent, drug) were more likely to be remanded on bail than those with less serious crimes (e.g., miscellaneous, traffic).

Pretrial Failure Rates

As previously noted, pretrial failure rates are generally fairly low. Some recent studies support this long-term trend.

In the Federal Pretrial Risk Assessment Research Project, the **failure rate** (violations, FTA, and new arrests) was found to be **13%** (Cadigan & VanNostrand, n.d.). Most individuals in the sample were

felons (92%) and male (85%). Half (50%) reported substance abuse, 60% had no prior felony convictions, and 84% had no prior FTAs.

In a sample of pretrial defendants released with and without supervision (percents not specified), **18% failed to appear (FTA)**, while **16% were re-arrested** pretrial (Lowenkamp, Lemke, & Latessa, 2008). This sample (n = 342) was primarily male (74%), minority (59%), and had a felony offense (60%).

In the development of the Virginia Pretrial Risk Assessment Instrument, 1,971 individuals who were released pretrial were studied (VanNostrand, 2003). This group included two-thirds who currently had a misdemeanor, while 71% had a criminal history. Demographic and community characteristics varied widely. Total **failure rate was 28%**, broken down by **10% FTA** and **18% with a new offense** arrest.

In modifying a pretrial release risk classification scheme, Siddiqi (2002) examined two cohorts (1998 and 2001) of individuals released pretrial in New York City. Over 80% of the samples were male, approximately half were African American, and just over one-quarter had prior FTAs. More than half had a felony at their release and the most serious charges for defendants were violent (about one-third) and drug (about one-quarter). In both years, approximately 80% were ROR (20% bail). FTA rates varied slightly by cohort, with the **1998 group having a 20% FTA** rate, compared to **16% of the 2001 group**.

In a ten year study conducted in New Zealand, **recidivism rates** (based on a **new conviction** for an offense committed while out on a form of pretrial supervision) were found to be right around **20%** for each of the ten years (Lash, 2003). This sample was comprised of the approximately 50% of defendants whose court case took more than one day to adjudicate and who were released on a pretrial supervision condition. Those with more serious offenses (e.g., violent, drug) were more likely to be released with supervision than those with less serious crimes (e.g., miscellaneous, traffic).

When compared to other release conditions (e.g., ROR, bail), defendants released on pretrial supervision generally have similar or even lower failure rates.

Maxwell (1999) compared ROR and bail releases. Overall, the **FTA rate was 28%**, with no significant difference in FTA by ROR verses bail release. The sample was primarily male (88%) and African American (56%), with an average age of 28. Most serious charges were property (40%) and drug (36%) offenses. Just over one-third had a prior felony conviction.

In a random assignment of felony offenders who did not qualify for other types of release (e.g., ROR, bail) to supervised pretrial release (SPR) either with or without additional services (e.g., job training or substance abuse counseling), **14% failed to appear** for at least one of their mandatory court appearances, while **12% had a new arrest** (Austin, Krisberg, & Litsky, 1985). The two groups (SPR with or without services) did not differ from each other on either FTA or recidivism rates. Both of the SPR groups had court appearance rates that were better than the ROR, citation, and bail groups. It was not reported if recidivism rates were different for the SPR groups when compared to the bail, citation, and ROR groups.

Prior to the use of large-scale pretrial release with supervision, Goldkamp (1983) compared two groups on pretrial failure: 1) a group held in jail pretrial due to their inability to pay approximately $150 bail, and who were subsequently released due to an overcrowding lawsuit and 2) a group of

offenders who were released pretrial on a single "typical" day from Philadelphia jail system. This second group that would represent the "norm" was mostly male (95%), African American (80%), and unemployed (79%). Most (85%) were charged with felonies and 69% had prior convictions. Failure rates demonstrated that the group who were held in jail due to inability to pay bail was significantly different than those released on a typical day. The **overcrowding lawsuit release group had much higher failure rates (42% FTA and 28% recidivism)**, compared to **the "typical day" group (12% FTA and 17% recidivism)**.

An experimental study in Arizona randomly assigned pretrial defendants to supervision plus drug testing (urinalysis; UA) or treatment as usual in two counties: Pima and Maricopa (Britt, Gottfredson, & Goldkamp, 1992). In Pima County the treatment as usual was traditional pretrial supervision without UAs; in Maricopa County it was either traditional pretrial supervision or ROR. Characteristics of the samples were not described, although the authors report that the UA and non-UA groups did not differ significantly on most measures of demographics, prior FTAs or criminal record, or current charge. Results in Pima County showed no significant difference between the UA and non-UA groups on pretrial failure (either FTA or re-arrest). **Combined failure** was approximately **19% for UA group and 26% for non-UA group**. In Maricopa County results showed no difference between UA and non-UA groups in one cohort, but significantly worse outcomes for the UA group in a second cohort **(UA group approximately 58% combined failure vs. 47% for non-UA group**). This unexpected finding could not be explained. Authors did note that failure (FTA and re-arrest) rates varied by location and that implementation of the drug testing by the pretrial agencies was imperfect (13-30% of UA group samples never received any drug testing). However, these authors concluded that the implementation of drug testing by these pretrial agencies was as good as could be expected under current conditions (e.g., jail crowding, caseload sizes, budgets) and, therefore, represented a realistic use of drug testing by pretrial agencies. As such, the authors concluded that drug testing as currently implemented by pretrial agencies does not seem to deter either FTA or pretrial recidivism.

Pretrial Risk Assessment

Several studies have examined factors related to pretrial risk or failure (FTA or new charge prior to adjudication) as either the main focus of their study or as secondary analyses. Appendix B compares the studies that examine factors related to pretrial success or failure, with key factors highlighted in bold text. Boxes that are left blank are either areas not examined in the study, or where no significant results were reported.

The Federal Pretrial Risk Assessment Research Project examined federal pretrial defendants from 2001-2007, 40% of whom were released pretrial (Cadigan & VanNostrand, n.d.). Most in the sample (92%) were felons and male (85%). Half (50%) reported substance abuse, 60% had no prior felony convictions, and 84% had no prior FTAs. The study found a high success rate (87%) among those released pretrial, with failures (13%) divided among technical violations (6%), FTA/abscond (3%), and new charges (3%). The factors with the strongest bivariate relationship with pretrial success were: **not having a substance abuse problem, no prior felonies, and no prior FTAs**.

When Maxwell (1999) studied factors associated with FTA among ROR and bail releases, the following were significant predictors of FTA in both groups combined: **females and having a property offense** (vs. those with drugs (reference category) or person and weapons (both less likely to FTA than reference group)). Among those released on ROR, having prior misdemeanor convictions was associated with an increased likelihood of FTA. However, among those released on bail, having prior misdemeanor convictions was associated with a decreased likelihood of FTA

(n.s.), but having violent or felony convictions was associated with an increased likelihood of FTA. The differences in factors related to FTA by release category (ROR v. bail) suggest that there is an interaction between offender characteristics and supervision/treatment by the courts.

In the process of developing a pretrial screening tool, Lowenkamp, Lemke, and Latessa (2008) studied factors related to either FTA or new arrests during pretrial among 342 defendants who were released pretrial (both with and without supervision, percents not specified). The sample was randomly split into construction and validation samples to test the factors associated with failure. Failure rates were 18.4% for FTA and 15.8% for new arrests. Of 64 possible predictors examined, six were significantly related to FTA: **age at first arrest is under 33, 2 or more prior lifetime FTAs, 3 or more prior lifetime jail incarcerations, are unemployed (or only employed part-time), used drugs in the last 6 months, and had "severe" drug problems** (not defined). In addition to these six items, two additional measures (residential stability: same residence for less than 6 months, and prior FTAs in last 2 years: 0, 1, or 2+) were added to the risk tool, as they are often examined in relation to pretrial risk and the tool would suffer from poor face validity without them. The risk tool comprised of these 8 items was significantly correlated with both FTA and new arrests for the total, construction, and validation samples (range .211 to .276). The only area where prediction was not consistent was for new arrests among female defendants. Cut-points on the scale for low, medium, and high risk corresponded with distinct (and increasing) levels of FTA and re-arrest. One issue is that the bulk of defendants were classified as medium risk.

An older study, conducted by Austin, Krisberg, and Litsky (1985) on the effectiveness of supervised pretrial release (SPR) is important for its use of random assignment to pretrial supervision either with or without additional services (e.g., job training or substance abuse counseling). Felony offenders (most common charges were burglary (22%) and theft (12%)) who could not obtain pretrial release through other means (e.g., ROR, bail, bond) were screened for the SPR. If the judge accepted the release recommendation (approximately 52% of those interviewed entered the study), the offender was randomly assigned to either SPR only or SPR plus services. The SPR only group was required to have: (1) one phone contact plus two face-to-face contacts per week during the first 30 days and (2) one phone contact per week after that. The SPR plus services group was required to have: (1) one phone contact and one face-to-face contact per week during the first 30 days and (2) participation in assigned service. However, the authors noted that the three intervention sites varied widely on their adherence to these criteria. The study used stepwise multiple regression to examine the factors that predicted failure; although the authors noted the difficulty of such prediction as it was such a low occurrence event (14% FTA; 12% re-arrest). The **best predictor of FTA was having fewer supervision contacts**. Other predictors of FTA were defendants who had property crimes, no telephone at residence, and did not pay utilities. The **best predictors of re-arrest were more prior felony arrests and younger age at arrest**. Other predictors of re-arrest were fewer face-to-face contacts, property crime for current offense, more prior jail sentences, and more prior commitments to drug centers. As the two groups did not differ significantly on either FTA or recidivism rates, it can be concluded that the additional services did not impact FTA or recidivism.

The development of the Virginia Pretrial Risk Assessment Instrument began with 50 potential predictors based on past research (VanNostrand, 2003). Through bivariate and logistic regression analyses a final set of nine significant predictors was identified for the instrument. Coefficients from the logistic regression were used to create break categories (e.g., 2+ FTAs vs. 1 or less) and assign point values on the risk score. The final items were significantly related to "failure" defined as either a new FTA or recidivism. Total failure rate was 28%, broken down by 10% FTA and 18% new offense arrest. Factors that increased risk of failure were: **current charge is felony, has**

pending charges, has outstanding warrant(s), has criminal history, has 2 or more prior FTAs, has 2 or more violent convictions, has less than one year at current residence, not employed (or a primary caregiver) for the last two years, and has a history of substance abuse. The instrument consistently classified offenders regardless of gender, race, or income. The author recommends that information for the risk items be collected through an interview with the defendant and that all risk items (except substance use) be verified.

A secondary analysis of 1,500 defendants in 28 counties was done by the Pretrial Justice Institute to examine both individual and county-level predictors of pretrial failure (both FTA and re-arrest) (Levin, 2007). The rate of pretrial failure was not reported. Factors were examined in multilevel modeling (binary logistic regressions), with the final model combining significant county-level and person-level predictors. Of the county-level variables examined, **using a mixed qualitative and quantitative risk assessment** and **having a targeted mental health (MH) screening** for those identified as needing additional screening were **both associated with decreased risk of FTA and recidivism**. Being able to impose administrative sanctions increased risk of both FTA and recidivism. The author was unable to explain this finding. Lastly, if the pretrial supervision agency has its own MH supervision unit, this decreases recidivism risk, but increases likelihood of FTA. Of the person-level factors, **older age of defendant and if the current charge was a violent offense both decreased FTA and recidivism** likelihood. Longer time from release to adjudication and more prior FTAs both increased FTA and recidivism risk. More prior felony arrests increased likelihood of recidivism (non-significant relationship with FTA). There was no relationship between gender or race and pretrial failure. The author did note that although the number of conditions of release were not significantly related to pretrial failure, this relationship may be curvilinear (a certain number of conditions may improve outcomes, but too many may hinder success) and, therefore, not observed in the linear statistical analyses.

In an older study, Goldkamp (1983) assessed the validity of a pretrial release instrument developed on released defendants by testing it on a group of defendants who were held in jail pretrial due to their inability to pay approximately $150 bail, but who were subsequently release pretrial as a result of an overcrowding lawsuit. In this instrument, the following items were related to **decreased risk of failure: older than age 44, having a phone, and current charge personal/sex offense, miscellaneous offense, or property offense**. The following factors were related to **increased risk of pretrial failure: prior FTAs, pending charges (in addition to qualifying offense), more prior arrests in last three years**, and a combination of a) age and prior FTAs and b) personal/sex offense and prior arrests. Pretrial failure in this study was defined as either FTA or re-arrest. Although this tool developed on a typical released sample did predict failure in the overcrowding release group, it under-predicted failure by at least 10% in each risk classification level. Furthermore, when tested on a group of detainees on a single day, it classified 80% of detainees as the highest risk category. This study shows that although risk instruments can be developed and validated to predict risk of pretrial failure, they are limited to the specific samples that they are tested on, and it is important to include high risk defendants in the sample when testing the utility of a risk instrument.

Siddiqi (2002) attempted to modify a pretrial risk classification scheme for New York City by comparing two cohorts: 1998 and 2001. These samples were roughly equivalent (both over 80% male, about 50% African American, over 50% had felonies at their release, approximately one-quarter had prior FTAs). Among both groups, about 80% were ROR and 20% were released on bail. FTA rates were 20% in the 1998 cohort and 16% in the 2001 group. Potential indicators of pretrial risk were gathered in criminal justice records and/or interviews with the defendants (and verified with references). Factors that **significantly increased the risk of FTA** in logistic regression

analyses for both time periods were: reporting **not having a telephone** (not verified); **not currently employed**, in school, or in training (whether verified or not, OR if conflicting information was given by defendant and their references**); not having a current address in the city** or suburbs (whether verified or not, this was the second strongest predictor of FTA); **having prior FTAs** (this was the strongest predictor of FTA); and **having open criminal cases**. Only one factor significantly **decreased the likelihood of FTA**: if the defendant reported that **someone (e.g., a friend or family member) was going to meet them at arraignment**. The risk tool created from these factors identified the majority of pretrial releases as low risk (45%) and this group indeed had a low level of FTA (9%). The author noted that this tool would be good for releasing a large group of defendants on ROR without much FTA and another group on supervised release with conditions who would also have a relatively low rate of FTA (16% for the moderate risk group on this tool).

In a 10 year study of defendants released on a pretrial supervision condition in New Zealand, recidivism rates (based on a new conviction) were right around 20% for each of the ten years (Lash, 2003). Individuals who were on pretrial supervision for **property offenses or offenses against justice (not defined) were most likely to recidivate** (25%), while those who were on supervision for **miscellaneous crimes, crimes against person and violent crimes were least likely to reoffend** (12, 14, & 16%, respectively). Not surprisingly, the most common new convictions among the pretrial release group were for property (32%), traffic (21%), and offenses against justice (20%). Finally, those who recidivated were most likely (with a few exceptions) to recidivate with the same type of charge for which they were initially placed on pretrial supervision.

Risk Tool Development

Research on the development of risk tools (for pretrial risk, general offender risk, and treatment needs) has come to some generally well-accepted conclusions. Three recent articles describe the development of risk tools and provide recommendations for their modification and use (Andrews, Bonta, & Wormith, 2006; Bonta, 2002; Gottfredson & Moriarty, 2006).

Recommendations include:

- Risk tools should be actuarial (theory and research based) rather than clinical (human judgment)
- Risk tools should include dynamic items (ones that can change in both directions) and multiple domains
- These areas that have been repeatedly shown to influence future criminal behavior should be considered as components of risk tools:
    - criminal history
    - education/employment
    - relationships
    - substance abuse
    - mental health
    - attitudes/cognition
- Risk tools should be tested on the sample they are intended to be used with (don't simply import a risk tool used in another area) and validated with at least two samples (construction and validation) to examine predictive validity
- It is important to remember that risk tools can examine different types of risk:
    - Public safety risk: usually items are static and use past behavior to predict future FTA or recidivism

    - Treatment needs: usually items are dynamic and identify criminogenic needs (areas for treatment that are significantly related to recidivism: e.g., antisocial attitudes), may or may not be same as public safety risk
- Risk tools that include elements of Risk, Needs, and Responsivity (RNR) provide recommendations for treatment that should reduce recidivism; however, these tools may not be best at predicting recidivism
- Be careful not to succumb to too many "administrative overrides," such as adding non-significant predictors as items on a risk tool because there is political or historical interest in them (e.g., residency)
- Be careful that risk tools are ethical and work equally well on sub-groups (e.g., minorities, females)

The authors of these three articles also note that some general concerns remain in the field of risk assessments, such as:

- Much of the variance in recidivism is not accounted for in the current risk tools that are available
- Prediction of risk (whether FTA or recidivism) becomes more difficult as base rates (e.g., percent FTA) deviate from 50%. Since pretrial failure is generally a low occurrence event, it can be difficult to predict.

Appendix B Pretrial Risk Table from Literature Review

	Study Summary			
Study	**Sample**	**Dependent Variable**	**Analysis Level**	**Result**
Austin, Krisberg, & Litsky, 1985	Felons not meeting ROR or bail criteria, randomly assigned to SPR either with or without add'l services (e.g., drug counseling); 89% male, 49% African American; 52% unemployed; Mn = 2 prior convictions	FTA and re-arrest (examined separately)	Bivariate and Multiple Regression	14% FTA, 12% re-arrested
Cadigan & VanNostrand, n.d.	Federal defendants: 92% felons, 40% released PT, 85% male, 50% reported SA, 60% no prior felony convictions, 84% no prior FTAs	Failure = FTA or new arrest	Descriptive Statistics	87% successful; 13% Failure (6% technical violation, 3.4% FTA, 3.2% new arrest)
Goldkamp, 1983	Construction sample: "typical" defendants released from Philadelphia jail system: 94% male, 80% African American, 79% unemployed; 85% felonies, 69% prior convictions.	Failure = FTA or new arrest	Logit Model	12% FTA, 17% rearrested
Lash, 2003	1990-1999 New Zealand defendants whose cases took > 1 day to adjudicate: the 50% released to pretrial supervision	Recidivism = new conviction	Descriptive Statistics	Approx. 20% recidivated each year studied
Levin, 2007	1,500 defendants released in 28 counties; descriptive statistics not reported	FTA and re-arrest (examined separately)	Logistic Regression	Failure rate not reported
Lowenkamp, Lemke, & Latessa, 2008	Defendants released pretrial (with and without supervision, percents not specified); mostly male (74%), minority (49%), and felony charge (60%)	FTA and re-arrest	Bivariate and Correlations	18% FTA, 16% re-arrested
Maxwell, 1999	NYC defendants: ROR (73%) vs. bail (27%); mostly male (88%), African American (56%); current charge property (40%) or drug (36%); approx. 1/3 had prior felony conviction	FTA	Logistic Regression	72% successful; 28% FTA
Siddiqi, 2002	NYC defendants from 1998 & 2001: 80% ROR, 20% bail; 80% male, 50% African American; over 50% had felonies, approx. 25% past FTAs	FTA	Logistic Regression	1998 = 20% FTA; 2001 = 16%
VanNostrand, 2003	Defendants released pretrial from 7 localities; 78% male, 58% African American, Mn = 12 years education, 22% current drug abuse; 66% current charge misdemeanor, 71% have a criminal history	Failure = FTA or new arrest	Bivariate and Logistic Regression	28% Failure (10% FTA, 18% new offense arrest)

	Risk and Protective Factors Examined		
	Demographic		*Criminal Justice*
Study	**Gender**	**Age**	**Current Offense**
Austin, Krisberg, & Litsky, 1985		**Younger current age** predicted recidivism	property crime predicted FTA and recidivism
Cadigan & VanNostrand, n.d.			Firearm least successful (79%); Theft/Fraud most successful (92%)
Goldkamp, 1983		Over age 44 decreased failure	**Personal/sex decreased failure risk the most**, followed by miscellaneous and property; **however having personal/sex offense in conjunction with several prior arrests increased risk**
Lash, 2003			Property and against justice most likely to recidivate (25%); misc. (12%), against person (14%) and violent (16%) least likely to recidivate
Levin, 2007		Younger current age increased FTA and recidivism risk	**violent charge** decreased FTA and recidivism risk
Lowenkamp, Lemke, & Latessa, 2008			
Maxwell, 1999	**Women** more likely to FTA		Compared to reference category of drug offense: **property** more likely to FTA, person & weapons less likely to FTA (regardless of release condition)
Siddiqi, 2002			
VanNostrand, 2003			Felony increased risk

	Risk and Protective Factors Examined	
	Criminal Justice History	
Study	**Criminal History**	**FTA History**
Austin, Krisberg, & Litsky, 1985	**More prior arrests** and jail sentences both predicted recidivism	
Cadigan & VanNostrand, n.d.	**Prior Felony Arrests: 0 = 92%** successful, 2+ = 79% successful; Prior Felony Convictions (0 = 90%; 2+ = 78%); Prior Misde Arrests & Prior Misde Convictions (small decrease in success by each add'l)	**Prior FTAs: 0 = 89%** success, 2+ = 74%
Goldkamp, 1983	More prior arrests in last 3 years increased risk of failure	**More prior FTAs increased risk of failure (especially when in conjunction with older age)**
Lash, 2003		
Levin, 2007	More prior felony arrests increased recidivism risk	More prior FTAs increased FTA and recidivism risk
Lowenkamp, Lemke, & Latessa, 2008	The following factors increase risk: **Under age 33 at first arrest; 3+ prior jail stays**	**2+ prior FTAs** increases risk
Maxwell, 1999	Among Bail releases: prior violent & felony convictions more likely to FTA; Among ROR: prior misdemeanor convictions more likely to FTA	
Siddiqi, 2002	Having open cases increased risk of FTA	Having **prior FTAs was strongest predictor of FTA**
VanNostrand, 2003	Other pending charges, outstanding warrants, having a criminal history, and having 2+ violent convictions all increased risk	**2+ prior FTAs** increased risk

	Risk and Protective Factors Examined		
	Personal Characteristics		
Study	**Substance Abuse**	**Employment/Education**	**Housing/Residency & Stability**
Austin, Krisberg, & Litsky, 1985	More prior commitments to drug centers predicted recidivism		No phone at residence predicted FTA; Not paying utilities predicted FTA
Cadigan & VanNostrand, n.d.	Y/N: Yes = 81% successful; **No = 93%** successful Primary Substance Used: Stimulant least successful (72%), alcohol most successful (86%)		
Goldkamp, 1983			Having a phone decreased risk
Lash, 2003			
Levin, 2007			
Lowenkamp, Lemke, & Latessa, 2008	**Use in last 6 months** increases risk; reporting **"severe" use** increases risk	**Unemployed** (or only part-time) increases risk	No difference in risk by whether time at current address is < or > 6 months
Maxwell, 1999			
Siddiqi, 2002		No job/school (verified or not) or having conflicting job/school info from defendant and refs increased risk of FTA	**Not having a current address in the city/suburbs** (verified or not) **was second biggest predictor of FTA**; Not having a telephone increased FTA risk; Saying a friend or family member will meet defendant at arraignment decreased risk of FTA
VanNostrand, 2003	History of SA increased risk	Not primarily employed (or caregiver) for last 2 years increased risk	Less than 1 year at current address increased risk

	Risk and Protective Factors Examined	
	Release and Supervision Factors	
Study	**Release Type**	**Release/Supervision Details**
Austin, Krisberg, & Litsky, 1985	No difference between supervised retrial release (SPR) or SPR + services (e.g., treatment, classes) on FTA or recidivism	Best predictor of FTA was **fewer supervision contacts**; Fewer face-to-face contacts was a predictor of recidivism
Cadigan & VanNostrand, n.d.		
Goldkamp, 1983		
Lash, 2003		
Levin, 2007	Counties using **mixed risk assessment (qual & quant) and targeted MH screening** decreased FTA and recidivism risk; ability to impose administrative sanctions increased FTA and recidivism risk; having dedicated MH supervision decreased recidivism risk, but increased FTA risk	Longer time out on release increased FTA and recidivism risk
Lowenkamp, Lemke, & Latessa, 2008		
Maxwell, 1999	ROR vs. Bail: no difference on FTA rate	
Siddiqi, 2002		
VanNostrand, 2003		

Appendix C Variables Coded from Jail Interview Notes

Demographics

1. **tia** (length of time in the area (sometimes defined as time in Utah): 0 = less than 1 year, 1 = 1-5 years, 2 = 6-10 years, 3 = 11 or more)
2. **res** (length of time at current residence at least 1 year: 1 = yes, 0 = no, 99 = n/a, homeless)
3. **non-res** (non-resident: 1 = resident of other Utah county, 2 = other state, 3 = other country)
4. **rec_hom** (recently homeless, during the past year): 1 = yes
    a. **cur_hom** (currently homeless: 1 = yes)
    b. **hom_yrs** (number of years homeless, 0 = less than 1 year, 999 = missing)
5. **liv_w_bkg** (Adults the defendant lived with at jail booking: 0 = alone, 1 = w/ significant other, 2 = unrelated adults, 3 = parent/step-parent, 4 = other relative, 5 = residential tx, 6 = halfway house/group home, 7 = homeless, 8 = other)
6. **liv_w_rel** (Adults the defendant will live with upon release: 0 = alone, 1 = w/ significant other, 2 = unrelated adults, 3 = parent/step-parent, 4 = other relative, 5 = residential tx, 6 = halfway house/group home, 7 = homeless, 8 = other)
7. **fam_oth** family (wife, child(ren) living in other country): 1 = yes
8. **pri_lang** (primary language: 1 = English, 2 = Spanish, 3 = other language, 4 = unspecified-not English)
9. **marital** (0 = single, 1 = married, 2 = divorced, 3 = separated, 4 = widowed, 5 = engaged)
10. **kids** (defendant has children, including adult children: 1 = yes, 0 = no)
    a. **kids live w/** (underage children currently living with defendant: 1 = yes, 0 = no, 99 = n/a)
11. **preg** (defendant currently pregnant: 1 = yes)
12. **w/gf_preg** (wife or girlfriend currently pregnant: 1 = yes)
13. **edu** (years of education completed, 13 = some college, if unspecified)
14. **student** (currently enrolled in school: 1 = yes)
15. **Military** (past or current military service: 1 = yes)
16. **emp** (1 = employed, 0 = unemployed)
    a. **emp_yr** (# of years at current employer, or unemployed)
    b. **emp_nm** (free text)
    c. **job_title** (free text)
17. **Dis/SSI** (1 = yes, 2 = on waiting list)

CJS History

18. **Prb/Par** (Probation or Parole: 0 = never, 1 = current, 2 = not current, but prior)
19. **Rec PTS Hx** (recent (past 2 years) pretrial supervised release history: 0 = none, 1 = good hx, 2 = bad hx (e.g., fta, ftc), 3 = mixed hx, 4 = open release)
20. **Prison** (past prison incarceration: 1 = yes, 0 = no)

AOD Use

21. **alc_rec** (recent (past 30 days) alcohol use: 1 = yes, 0 = no)
    a. **heavy alc_rec** (if alc_rec = 1, daily or heavy alcohol use?: 1 = yes, 0 = no)
22. **drg rec** (recent (past 30 days) drug use: 1 = yes, 0 = no)
    b. **drg rec_AMP** (Amphetamines: 1 = yes)
    c. **drg rec_MAR** (Marijuana: 1 = yes)
    d. **drg rec_COC/CRK** (Cocaine, Crack: 1 = yes)

e. **drg rec_PRE** (abusing Prescription drugs: 1 = yes)
f. **drg rec_OPI** (Opiates: 1 = yes)
g. **drg rec_other** (Other: 1 = yes)
h. **drg rec_999** (missing: 1 = yes)

23. drg_ever (ever used drugs: 1 = yes)

i. **drg ever_ AMP** (Amphetamines: 1 = yes)
j. **drg ever_MAR** (Marijuana: 1 = yes)
k. **drg ever_ COC/CRK** (Cocaine, Crack: 1 = yes)
l. **drg ever_PRE** (abusing Prescription drugs: 1 = yes)
m. **drg ever_OPI** (Opiates: 1 = yes)
n. **drg ever_other** (Other: 1 = yes)
o. **drg ever_999** (missing: 1 = yes)

AOD Tx

24. **AOD Tx** (0 = never, 1 = current, 2 = not current, but prior SA tx)
25. **AOD Tx_wait** (currently on a waiting list for SA tx: 1 = yes)
26. med_opi (currently taking prescription medication for opiate addiction, such as methadone)
27. med_alc (currently taking prescription medication for alcohol addiction)

Mental Health

28. Sui_cur (recent (past 30 days) suicidal ideations/attempts: 1 = yes, 0 = no)
29. **Sui_ever** (any prior suicidal ideations/attempts: 1 = yes, 0 = no)
30. MH (Mental Health issues, diagnosed or undiagnosed: 1 = yes, 0 = no)

a. MH Tx (Mental Health Treatment: 0 = never, 1 = current, 2 = not current, but prior)
b. **Depression** (1 = yes)
c. **Anxiety** (1 = yes)
d. **ADHD/ADD** (1 = yes)
e. **PTSD** (1 = yes)
f. **Bipolar** (1 = yes)
g. **Schizophrenia** (1 = yes)
h. **Other MH** (1 = yes)
i. Other MH_desc (free text)
j. MH_pre_med (currently prescribed MH meds: 1 = yes, 0 = no)
k. MH_tak_med (currently taking prescribed meds: 1 = yes, 0 = no)

31. **MH Tx_wait** (currently on a waiting list for MH tx: 1 = yes)

Aggravating Factors against Jail Release
Determined using C-track notes primarily, but also included information from CourtLink, JEMS, and other sources
(1 = yes)
Headings show which factors were combined to create aggravating factor categories

Held in Jail

32. oth_co (active warrant(s) in other county)
33. Ct sanction (in jail for court sanction)
34. hold (current hold on inmate, such as US Marshall's or AP&P hold)

Domestic Violence Related

35. **DV_hx** (history of charges/convictions Domestic Violence)
36. **pov** (protective order violation)
37. **alt_res** (no alternative residence, usually in DV cases where arrestee lives with the victim)

Severity

38. **chg** (charge type/severity)
39. **crim hx** (prior criminal history)
40. **jdg_app** (requires judicial approval for release)
41. **jdg_den** (judge denied release)
42. **pub_saf** (considered a public safety risk)

Monetary Restrictions

43. **$only** (cash only bail)
44. **bail_amt** (bail amount set too high for release)

Non-Compliance at Qualifying Booking (QB)

45. **lied** (lied during the interview)
46. **resist** (resisted arrest, for current booking)
47. **flee** (fled from law enforcement, for current booking)

Stability in Community

48. **unable_ver** (PTS jail staff unable to verify information given in interview)
49. **ties** (lacks ties (such as friends, family, job, etc.) to the community)
50. **ref** (unable to provide references, or references provided were poor)

Examined Separately

51. **fta_hx** (history of failing to appear in court)
52. **ftc_hx** (history of failing to comply with court orders, includes probation and prior pretrial release non-compliance, failure to pay fines, etc.)
53. **DUI_hx** (history of charges/convictions for DUI/ARR)
54. **eval** (needs to be evaluated first, usually for MH issues)
55. **CM** (current booking includes at least one commitment)
56. **Other**

Victim

1. **Vic_y/n** (current chg(s) includes person crime with a victim: 1 = yes, 0 = no)
2. **Vic_rel** (victim's relationship to defendant: 1 = wife/girlfriend, 2 = ex-wife/girlfriend, 3 = child, 4 = parent/step-parent, 5 = husband/boyfriend, 6 = ex-husband/boyfriend, 7 = sibling, 8 = other relative, 9 = unrelated acquaintance, 10 = stranger, 11 = law enforcement officer, 999 = missing)
3. **Vic_age** (victim's age: 1 = juvenile (under 18), 2 = adult (18 or over), 999 = unspecified, missing)
4. **Vic_gen** (victim's gender: 1 = male, 2 = female, 999 = missing)
5. **NCO** (no contact order signed: 1 = yes)

Appendix D Variables Coded from CourtLink Notes

For all releases:

1. **group_cd (**release group code: 1 = PTS, 2 = OPTS, 3 = OR, 4 = DRC, 5 = B or B, 6 = OCR
2. **group_nm (**name of the release group)
3. **crt_case_num** (Court case number: primary source C-track with Courtlink used if incorrect or missing)
4. **crt_typ_cd** (J = justice court, D = district court: primary source C-track with Courtlink used if incorrect or missing)
5. **crt_loc** (court location: primary source C-track with Courtlink used if incorrect or missing)
6. **jdg_nm (**last name of current judge)
7. **jdg_cd (**numeric code assigned to individual judges**)**
8. **courtlink** (1= yes court case found in Courtlink, 0= not found)
9. **offense_dt** (date offense/charge occurred)
10. **filing_dt** (date the case was filed with the court)
11. **Pre/Post-trial** (pre = have court appearance following QB release; post = all hearings have been dealt with prior to QB release.)
12. **Pre/Post-sent** (pre = QB release occurs prior to QB sentencing, post = QB release occurs after QB sentencing)
13. **initial plea** (first plea entered: 1 = Not Guilty, 2 = Guilty, 3 = Guilty PIA, 4 = No Contest, 5 = Plea not entered yet, 6 = Bail Forfeiture, 7 = Multiple Pleas entered (not specified), 8 = Case not filed)
14. **initial plea_dt** (date initial plea was entered)
15. **final plea** (final plea entered: 1 = Not Guilty, 2 = Guilty, 3 = Guilty PIA, 4 = No Contest, 5 = Plea not entered yet, 6 = Bail Forfeiture, 7 = Multiple pleas entered (not specified), 8 = Case not filed)
16. **final plea_dt** (date final plea was entered)
17. **disp** (disposition: 1 = Not Guilty, 2 = Guilty, 3 = Guilty PIA, 4 = No Contest, 5 = Disposition not entered yet, 6 = Bail Forfeiture, 7 = Multiple Dispositions (not specified), 8 = Case not filed, 9 = Case dismissed, 10 = deceased)
18. d**isp_dt** (disposition date)
19. **case_status** (case status until 1st sentence date following QB:1 = sentenced, 2 = active, 3 = warrant, 4 = case dismissed/not guilty/case not filed, 5 = deported, 6 = deceased)
20. **Sent_dt_pre** (first sentence date, if prior to QB)
21. **Sent_dt_QB** (first sentence date following QB)
    a. **Jail** (1 = yes, 0 = no)
        i. **Jail_amt** (number of days in jail)
    b. **Prison** (1 = yes, 0 = no)
        i. **Prison_amt** (number of years in prison)
    c. Prob (1 = yes, 0 = no; includes federal, state, and court probation)
        i. **Prob_amt** (number of months on probation)
    d. DRC (1 = yes, 0 = no)
        i. DRC_amt (number of days in Day Reporting Center)
    e. CS (1 = yes, 0 = no)
        i. CS_amt (number of community service hours)
    f. **Fine** (1 = yes, 0 = no)
        i. Fine_amt (total dollar amount of fines and restitution ordered)
    g. **PIA** (Plea in abeyance, 1 = yes, 0 = no)
        i. PIA_status (0 = unsuccessful, 1 = successful, 2 = active, 3 = deceased)
    h. Other (1 = yes, 0 = no)

    i. **Other specified** (*free text*)
i. **CATS** (1 = yes, 0 = no)
j. **Drug_Ct** (1 = yes, 0 = no: sentenced to complete felony or misdemeanor drug court)
k. **MHC** (1 = yes, 0 = no: sentenced to complete Mental Health Court)
l. **Eval_Tx** (1 = yes, 0 = no: sentenced to complete SA and/or MH evaluation and comply with any recommended treatment or classes. Does not include those ordered to do so as a condition of probation.)
m. **Class** (1 = yes, 0 = no: sentenced to complete class(es), such as DV, DUI, or parenting classes. Does not include those ordered to do so as a condition of probation.)
n. PROB_rev (1 = yes, 0 = no; probation revoked)

For pre-trial releases only:

22. **any_sup (**1=flag if under any additional supervision during PTR period (often from other cases)
    - **PROB_sup**
    - **B or B_sup**
    - **PTS_sup**
    - **DRC_sup**
    - **MHC_sup**
    - **DrugCt_sup**
    - **Other_sup**
23. **Bond amt** (any bond amount active on this case during the PTR period)
24. **Bond_start** (date bond was posted, usually on or around QB release date)
25. **Bond_end** (date bond was forfeited or returned, usually on or around sentence date)
26. **1st_ct_dt** (date of 1st court appearance following release for this booking, during PTR period)
27. **1st_ct_app** (1 = yes appeared at 1st court appearance, 0 = no)
28. **PTR_status** (current PTR status for QB: 1 = ended, 2 = active, 3 = warrant)
29. **PTR end_dt** (date of pretrial release end, either sentence date (or disposition date if charges dismissed) or new jail booking date, whichever comes first. Is often different from the date recorded in C-track as the date PTS or DRC pretrial release was revoked.
30. **end dt_est (**1 = flag if PTR end_dt was estimated, most often date court became aware of arrest in another county jail).
31. **court** (in general, did they show up to their court appearances (does not include fta's that were excused by the court): 1 = yes, 0 = no)
32. **fta wa_start** (if fta for court, date warrant was issued for that fta)
33. **fta wa_end** (date warrant was recalled, usually date arrested on warrant)

Appendix E Selection of Cases for
Pre-Case Closure Recidivism and Case Closure Outcomes

The following table describes the court cases that were associated with each qualifying booking (QB) for the releases included in each of the six study groups. As shown in the next table, OPTS, DRC, and OCR releases had more court cases per QB (on average), than the other three release groups (PTS, OR, & BB). PTS and OPTS had significantly more of their court cases at the District court level; they also had the most of their court cases found in CourtLink (along with BB). This is not surprising as 96% of District court cases were found in CourtLink, while only 57% of Justice court cases were found in CourtLink. Justice court cases from the following jurisdictions were found in CourtLink: Salt Lake County, West Valley, South Salt Lake, Midvale, Holladay, West Jordan, Taylorsville, South Jordan, and Draper. Justice court cases from the following jurisdictions were not in CourtLink: Salt Lake City, Sandy, and Murray. **Only court cases with records found in CourtLink were included in our outcome analyses for *Pre-Case Closure Recidivism and Case Closure Outcomes***.

After removing cases that were not found in CourtLink (and therefore, could not be tracked for outcomes), court cases were examined by how far along they were in the adjudication process. As shown in the second half of the following table, the majority of court cases were identified as "Pretrial & Pre-Sentence" at the time of their QB release. These court cases fit the typical definition of a pretrial release case where an offender has either just committed the crime and been released for supervision pending trial or has been brought in on a warrant for the crime, but the case has not yet been disposed of and/or the offender sentenced. The court cases identified as "Pretrial & Post-Sentence" are cases where the offender has already been sentenced (typically (s)he is on probation), but they have upcoming court hearings to attend, most commonly an Order to Show Cause hearing for non-compliance. The final group of cases identified as "Post-Trial & Post-Sentence" are additional cases that were present at the QB, but would not be considered a case that needs tracking for pretrial release (PTR) outcomes, since no further court action is required on those cases. After the removal of court cases that did not need to be tracked for PTR outcomes (Post/Post cases), sample size was further reduced. Those QBs that were eliminated during this step did have some pretrial cases for tracking; however, they were the ones that were not found in CourtLink. Therefore, additional QBs were lost from the study for a final sample of **2564 QBs** (597 PTS, 136 OPTS, 260 OR, 107 DRC, 636 BB, & 828 OCR) with **4738 court cases** to track for *Pre-Case Closure Recidivism and Case Closure Outcomes*.

Court Case Selection

	PTS	OPTS	OR	DRC	BB	OCR
Beginning Sample Size	753	209	500	194	988[1]	1730[1]
Total Court Cases Represented	1182	564	890	517	1806	4557
Average Court Cases per QB	1.6	2.7	1.8	2.7	1.8	2.6
Cases by Jurisdiction (N (%))*						
Justice	521 (44)	292 (52)	839 (94)	472 (91)	1112 (62)	3713 (82)
District	657 (56)	270 (48)	45 (5)	45 (9)	679 (38)	829 (18)
Federal[2]	2 (0)	2 (0)	0 (0)	0 (0)	4 (0)	1 (0)
Court Cases Found in CourtLink*						
N	933	424	486	299	1270	1875
%	79	75	55	58	70	41

	PTS	OPTS	OR	DRC	BB	OCR
Sample Size Remaining after removal of Non-CourtLink Cases*						
N	615	165	271	110	692	869
% of Original	82	79	54	57	70	50
Remaining CourtLink Cases by Case Status (N (%))*						
Pretrial & Pre-Sentence	819 (88)	298 (70)	363 (75)	168 (56)	918 (72)	1178 (63)
Pretrial & Post-Sentence	63 (7)	21 (5)	86 (18)	101 (34)	168 (13)	555 (30)
Post-Trial & Post-Sentence	51 (6)	105 (25)	37 (7)	30 (10)	184 (15)	142 (7)
Sample Size Remaining after removal of Post/Post Cases*						
N	597	136	260	107	636	828
% of Original	79	65	52	55	64	48
Average Court Cases per QB	1.5	2.3	1.7	2.5	1.7	2.1

*Group difference is statistically significant at $p < .05$

[1]BB sample in the other sections of the report is 1013, OCR is 1779. Some bookings were removed at the start of the CourtLink data collection process due to being post-trial/post-sentence on identified court cases

[2]Jurisdiction could not be determined for 2 PTS court cases; 6 OR court cases; 11 BB; 14 OCR