DEVELOPMENT AND VALIDATION OF AN ASSESSMENT FOR PRETRIAL CONDITIONAL RELEASE

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August 15, 2005

EXECUTIVE SUMMARY

The intent of pretrial decision making is to determine if an individual who is been arrested can be released back into the community prior to his or her court date without posing a risk of failing to appear for court, of committing a new offense or harming someone. The role of pretrial staff (bail commissioners and intake, assessment and referral [IAR] specialists) is to provide an independent assessment of the client's risk and to recommend to the court whether the client should be considered for a financial bond or a non-financial form of release. A point scale currently provides pretrial staff with guidance in determining the level of risk posed by a client and thus what type of recommendation (financial bond or non-financial release) should be made. Pretrial staff also may add certain conditions to this recommendation, which are intended to minimize the risk posed by a client who may be released on a promise to appear or on a low bond. Until now there has been no tool to assist pretrial staff in determining the type of conditional release that best addresses a client's needs. The main objectives of the current project were to develop and pilot a decision aid to guide conditional release recommendations, and to evaluate recent modifications to the risk assessment point scale.

Point Scale Analyses

The first part of this project was a follow-up to our validation and revision of the pretrial risk assessment point scale. Data from a random sample of 689 cases representing 5 different courts (New London, Hartford, New Britain, Waterbury, Bristol) were collected and analyzed to examine the extent to which the revised points were being followed in making pretrial recommendations and the relationship of these points to pretrial outcomes. The point scale classifies clients into two groups based on their risk score: (1) clients with zero or more points are considered lower risk and should be considered for a non-financial form or release, and (2) clients with negative points are considered higher risk and should be considered for a financial bond.

The results indicated that pretrial staff make recommendations that generally are consistent with the risk assessment points. That is, clients who had positive point values were more likely to receive a non-financial release recommendation while clients with negative point values were more likely to receive a bond recommendation. Additionally, clients with higher point values tended to have more positive pretrial outcomes. Clients who were successful during pretrial (e.g., appeared in court, complied with conditions) had significantly higher points than those who failed to appear and those who were arrested on new charges. Thus, a client's risk assessment points are clearly related to his or her likelihood of appearing for court.

Decision Aid Pilot Study

The second part of this project entailed developing a tool to guide conditional release recommendations. When a client poses minimal to slight risk, he or she may be released on a small bond or a promise to appear. The court may apply a condition to the client's release in order to further ensure his or her appearance in court. A decision aid was developed to help pretrial staff determine if a condition is needed and to match a client's needs with conditions. It also was intended to increase consistency in recommendations across staff and courts.

The decision aid classifies client needs into three primary areas: personal needs (e.g., substance abuse), compliance needs (e.g., prior FTA), and safety risks (e.g., violent offender). The menu of available conditions (e.g., drug treatment, call-ins, electronic monitoring) is similarly organized according to these areas of needs. The decision aid helps the interviewer to narrow down the set of conditions that might best address a client's needs.

The new decision aid was implemented in two courts (Waterbury and New Britain) with a total of 466 cases. In order to determine its affect on pretrial recommendations and outcomes, three study groups were created: 182 cases collected prior implementation (pretest control); 103 cases on which the decision aid was used (decision aid); and 181 cases after implementation on which the decision aid was not used (posttest comparison). The pretest and posttest comparison groups consisted of any cases for which the decision might have been applicable. The groups were compared in regards to the use of conditional release recommendations and pretrial outcomes.

The results indicated a significant increase in the likelihood of recommending a condition when comparing the decision aid group to the pretest group (76% vs. 55% respectively). Although this finding may suggest that the decision aid increased pretrial staff's reliance on conditions, other data indicate that is not the case. First, we found that judges applied conditions in 70 to 80% of the cases, even in the pretest group, suggesting that the decision aid merely increased the use of conditions to a level consistent with the judges. Second, the decision aid had no affect on the number of conditions recommended per case. Pretrial staff did not simply add on conditions to each case.

The decision aid had a positive effect on the type of conditional release recommendations made as shown by an increase in the percentage of recommendations that matched the judge's decisions. We found a significantly greater number of matches in the decision aid and posttest comparison groups (63% and 65% respectively) compared to the pretest group (47%). This finding suggests that judges gave more weight to conditional recommendations after pretrial staff starting using the decision aid.

Finally, we found that the decision aid group consisted of slightly fewer successful cases compared to the pretest group (77% vs. 83%). This finding can be attributed to the fact that the decision aid group consisted of riskier clients as indicated by lower average point values. Despite the fact that clients in the decision aid group exhibited greater risk, they experienced a lower failure to appear rate than the pretest group (9% vs. 15%). This finding suggests that conditions, when applied appropriately, may help increase the likelihood that "risky" clients show up for court.

Summary and Recommendations

Overall, the findings are encouraging regarding both the revised risk assessment point scale and the potential value of the decision aid for conditional release recommendations. However, several concerns arose during the course of this project that potentially limit the effective implementation of these tools. First, due to time constraints, risk assessment points are not always fully calculated prior to a recommendation being presented in court. Similarly, the decision aid requires additional time to administer which currently is not feasible in most courts (4 to 8 minutes). Finally, the conditions under which pretrial staff conduct their interviews (i.e.,

in lock-up or a small room using clipboards with multi-page documents) makes it difficult to calculate points and record additional client information. These conditions also increase the likelihood for errors. We developed a set of recommendations to address these concerns so that the existing tools can be used to improve pretrial decision making and outcomes.

- *Pretrial staff should be encouraged to calculate the risk assessment points in a more timely and consistent manner*. They should compute the points prior to making a recommendation and they should use the points to make an initial determination as to whether a client should be considered for financial vs. non-financial release. This recommendation does not preclude the use of discretion when evaluating individual cases. But, on the whole, clients with lower points tend to pose greater risk of failing to appear for court.

- *All pretrial staff should be trained on the use of the decision aid*. This training should include an introduction to the decision aid as well as ongoing support to address questions and encourage continued use of the tool. There is evidence to suggest that the decision aid training had a positive impact on pretrial outcomes even when the tool itself was not used. These findings are not surprising given that the decision aid represents a framework for recommending the most appropriate conditions to meet clients' needs. Once staff have become familiarized with the framework, they can readily apply it to assess the need for conditional release with any client.

- *The decision aid should be incorporated into the regular pretrial interview process*. Pretrial staff who participated in the study felt that the decision aid makes a valuable contribution to pretrial decision making and should be fully incorporated into the interview protocol (i.e., the Case Data Record). Several participants further recommended that all components of the pretrial interview be consolidated into one form and that any unnecessary items be removed. This modification would reduce the amount of paperwork and facilitate more effective use of both the point scale and decision aid.

- *Additional resources should be allocated to make the most effective use of pretrial decision making tools*. These tools require additional time beyond the basic client interview. Given the time constraints that pretrial staff already face in trying to collect all relevant client data and generate a recommendation to present to the judge, it is unreasonable to expect that extra requirements will be readily adopted without more resources. These resources may involve adding staff or creating more efficient processes, such as can be accomplished through new technologies, which we address in our final recommendation.

- *CSSD should strongly consider acquiring and implementing new technology to facilitate data collection and management*. In particular, we recommend the use of tablet PCs to replace clipboards and paper interview forms. Such technology would allow interviewers to collect all necessary information from clients more quickly, including the additional data required with the decision aid, and to make more fully informed recommendations. It could be programmed to automatically compute risk assessment points, thus making this information readily available at the time a recommendation needs to be made. Furthermore, it would help improve the accuracy of client records by eliminating the need to enter handwritten notes into the computer database (CMIS). Ultimately, this technology would address most of the limitations identified above and thus enable staff to more effectively use the available tools in making pretrial recommendations.

ACKNOWLEDGEMENTS

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OVERVIEW

After an individual is arrested, a decision needs to be made as to whether the person should be held in custody until his or her court date or whether she or he can be released back into the community. This decision ultimately is made by a judge with input from prosecution and defense attorneys as well as bail commissioners, whose purpose is to provide an independent recommendation based on several client factors. These factors, as defined by Section 54-63c of the Connecticut General Statutes, include (1) nature and circumstances of the offense; (2) prior convictions; (3) prior failure to appear in court; (4) family ties; (5) employment record; (6) financial resources, character, and mental condition; and (7) community ties. Bail commissioners are required to seek the least restrictive conditions of release that will ensure the client will appear in court and avoid committing a new offense, while also protecting the safety of the community. Options range from a written promise to appear (i.e., release on recognizance) to a high cash bond. A risk assessment point scale was developed in the 1980s to help guide pretrial recommendations. Points are awarded for family ties, employment and education, verifiable references, and no prior record. Points are taken away for charge seriousness, substance abuse or mental health problems, criminal history, and prior failure to appear. This point scale was revised in 2003 based on a validation study (see Hedlund, Cox, & Wichrowski, 2003) that examined which factors best predicted pretrial outcomes (e.g., appearance in court, new arrests). This point scale is used to make an initial determination as to whether a client should be considered for a financial bond or a non-financial form of release (e.g., promise to appear).

Bail commissioners also can recommend a variety of pretrial conditions, which may be in lieu of or in addition to financial bonds. These pretrial conditions may include, for example, urine testing, alcohol and drug treatment, report to supervision, curfew and electronic monitoring. These conditions are intended to accomplish three main goals: (a) to prevent recidivism, (b) to ensure appearance in court, and (c) to address mitigating factors that may have led to the offense (e.g., drug addiction, mental health problem). Although the risk assessment point scale can guide bail commissioners' recommendations to release or set bond for a client, there is no existing tool to assist them in determining the most appropriate form of conditional release for a client. This can lead to inconsistencies in the use of conditions across courts and among pretrial staff, and to conditions that fail to adequately address clients' needs. Thus, pretrial staff could benefit from a tool to help them make better conditional release recommendations, which, in turn, should increase the likelihood that clients show up for court and avoid new charges.

The primary focus of the current project was to develop and pilot a decision aid to guide conditional release recommendations. We also assessed the utilization and effectiveness of the revised risk assessment point scale since it influences recommendations regarding conditional release. This report is organized as follows. We begin with a review of relevant literature on pretrial decision making. We next provide a brief analysis of the impact of the revised risk assessment point scale. In the final section, we provide a detailed description of the development and validation of a conditional release decision aid.

REVIEW OF LITERATURE ON PRETRIAL DECISION MAKING

There has been limited research on pretrial decision making relative to other aspects of the criminal justice system (e.g., probation, prosecutorial discretion). The existing research has generally focused on three main issues: (1) the effects of pretrial detention on subsequent trial outcomes, (2) the factors that influence bail decisions, and (3) the factors that predict of failure to appear and re-offending while the client is released on bail. There is no prior research on the use of conditional release with pretrial clients. The most relevant literature is found in regards to the use of alternative sanctions (i.e., conditions) with probation clients.

Pretrial Detention Versus Release

Concern over the detrimental effects of being detained prior to a client's trial emerged in the 1960s and prompted the Federal Bail Reform Act of 1966 and the Federal Bail Reform Act of 1984. One concern was that the extremely high percentage of accused offenders who received financial bail discriminated against indigent offenders (Clark and Henry, 1996; Goldfarb, 1965). Individuals who were unable to post bond suffered in a number of ways, including loss of employment, inability to fulfill family obligations, and inability to maintain community ties. In addition, individuals in pretrial detention were found to suffer harsher treatment from court decisions at the trial (Foote, 1958). Subsequent research has found that pretrial detention is associated with a higher likelihood of being convicted and a more severe sentencing following conviction (Goldkamp, 1979; Rankin, 1964; Swigert and Farrell, 1977; Wheeler and Wheeler, 1981). In Connecticut, the Justice Education Center (1992) found that pretrial detention was one of six significant predictors of whether an offender would be sentenced to jail/prison or probation (the other predictors were charge severity, type of charge, felony conviction, race/ethnicity, and sex).

The passage of the Bail Reform Act of 1966 made sweeping changes to pretrial release decisions. Namely, that courts must first consider releasing clients on recognizance, and, if this is not feasible, other bail options must be present so that pretrial release conditions could be structured to the needs of each individual offender (Clark and Henry, 1996). In all cases, financial bail, in the form of a surety bond, would be the last option and would be used only when non-monetary conditional release would not guarantee an offenders' court appearance (Wheeler and Wheeler, 1981). The Bail Reform Act of 1984 primarily amended the prior reform act to include the consideration of preventive detention to assure public safety from dangerous offenders (Cole, 1989; Reid, 1996).

Risk Factors Considered in Pretrial Decisions

Another outcome of the Bail Reform Acts was to define the standards that should be considered in a pretrial release decision. These are: (1) nature and circumstances of the offense, (2) weight of evidence against the person, and (3) the history and characteristics of the client. Included in the latter are character, mental condition, family ties, employment and financial resources, length of residence in the community, past conduct, criminal history, prior failure to appear (FTA), whether the offender was on probation or parole at the time of the offense, and pending cases.

Although many states, including Connecticut (Connecticut Pretrial Commission, 1981), follow these standards, few factors actually influence bail decisions and outcomes. Research overwhelmingly indicates that offense seriousness and prior criminal record are the most influential factors on bail decisions (Bock and Frazier, 1977; Bynum, 1996; Ebbesen and Konecni, 1975; Frazier, Bock, and Henretta, 1980; Goldkamp, 1979; Petee, 1994; Roth and Wice, 1980; Rhodes and Matsuba, 1984; Suffet, 1966). Other legal factors that have been found to influence bail decisions are being on probation or parole (Bock and Frazier, 1977; Petee, 1994; Rhodes and Matsuba, 1984) and pending charges (Rhodes and Matsuba, 1984). Some additional factors that appear to play a small role in bail decisions include: client's appearance and demeanor (Bock and Frazier, 1977; Frazier, Bock, and Henretta, 1980; Petee, 1994), income (Bynum, 1976), living arrangement (Petee, 1994), the amount of time the client lived in the town or county (Frazier, Bock, and Henretta, 1980; Petee, 1994), and marital and employment status (Albonetti, Hauser, Hagan, and Nagel, 1989)

In terms of outcomes, Gottfredson and Gottfredson (1986) provided a thorough summary of research that attempts to explain why clients fail to appear in court. In this review, they identified offense type, prior record, drug use, prior FTAs, pending charges, and "community ties" as variables that commonly predict failure to appear for trial. It is important to point out that many of the early studies reviewed by Gottfredson and Gottfredson found little relationship between predictor variables and FTAs (Angel, Green, Kaufman, and Van Loon, 1971; Feeley and McNaughton, 1974; Locke, Penn, Rock, Bunten, and Hare, 1970). Studies that found significant predictors of FTA were Gottfredson (1974, present offense, offense history, employment, living arrangement, and relatives in the area), Clarke, Freeman, and Koch (1976, criminal history and bail type), Roth and Wice (1980, offense type, employment, and drug use), and Goldkamp and Gottfredson (1981, criminal history, drug use, and age).

Other studies not included in Gottfredson and Gottfredson's (1986) review produced similar findings. Eskridge (1979) found that socioeconomic background and community ties had no effect on failure to appear. Interestingly, individuals with no prior criminal activity were less likely to appear in court. Chilvers, Allen, and Doak (2002) found that clients with prior convictions, pending charges, serious drug offenses, and burglaries were most likely to fail to appear. With a sample of felony cases in the 75 large urban counties, Hart and Reaves (1999) found that 22% of those clients released on bail did not appear in court. Drug offenders (29%) and property offenders (22%) had the highest failure to appear rates followed by clients accused of violent offenses (14%) and public order offenses (14%). Finally, in an evaluation of Philadelphia's pretrial release experiment, Goldkamp and White (2001) found that prior charges in the past three years, felony theft, and prior FTAs were associated with failure to appear in court. They also found that having a weapons charge was actually predictive of appearing in court.

Results of our own evaluation of Connecticut's pretrial risk assessment (see Hedlund et al., 2003) were consistent with the prior literature. We found that bail recommendations were influenced primarily by the nature of the offense (charge severity) and prior criminal behavior, including prior failure to appear. Clients with criminal histories and more serious offense characteristics received more restrictive bail recommendations and were less likely to be released on a promise to appear. Other factors were influential on bail recommendations (e.g., means of support, mental/substance abuse problems, and verifiable reference) but to a lesser degree than offense and criminal history factors. Clients who lived alone or with non-immediate family, who

had no means of support or relied on others for financial support, and who exhibited mental illness or substance abuse problem received more restrictive bail recommendations. Clients who were married and had a verifiable reference received lower bond amounts.

In terms of outcomes, few factors were significant predictors of a client's likelihood of failing to appear for court. These factors included prior convictions, marital status and means of support. Clients with more prior convictions were less likely to appear for court. In addition, clients who were unmarried and lacked any means of financial support were less likely to appear.

Our findings led to several revisions to Connecticut's risk assessment point scale, which are described in further detail below. The primary role of the point scale is to assist pretrial staff in evaluating a client's likelihood of appearing in court and thus whether s/he should be considered for a financial bond or non-financial release. In the interest of using the least restrictive means of ensuring appearance in court, however, pretrial clients may also be considered for conditional release. That is, conditions may be used to help clients to remember their court dates and to avoid committing new offenses. The risk assessment scale is not intended to isolate the specific needs of clients in order to determine the types of conditions they may need. In fact, there is no existing tool to help pretrial staff in assessing clients' needs for conditions. We briefly discuss tools that have been used to assess the needs of probation clients, which helped provide ideas for developing a tool for specific use with pretrial clients.

Post-Sentencing Interventions

There are measures available for use in adult probation to help determine appropriate interventions for clients after as part of their sentence. These measures include the Level of Service Inventory (LSI) and the Adult Substance Use Inventory (ASUS) and address a variety of factors relevant to pretrial and post-trial intervention. The LSI, developed by Andrews and Bonta (1995), is a 54-item classification instrument that identifies needs and risks of probationers. It contains ten subscales that are both dynamic (changeable) and static (nonchangeable). The subscales are criminal history, education/employment, financial, family/marital, accommodation, leisure/recreation, companions, alcohol/drug problems, emotional/personal and attitude/orientation. Research on the LSI has consistently shown that it has a high amount of predictive validity when looking at outcomes of various correctional populations (Andrews and Bonta, 1998). Specifically, the LSI has been found to be highly correlated with recidivism and has produced consistent results with subgroups of offenders (e.g., sex offenders, domestic violence offenders, offenders with mental health problems; Girard and Wormith, 2004).

The purpose of the ASUS is similar to the LSI, in that, it provides probation officers with detailed information regarding clients' attitudes toward substance use. The ASUS, developed by Wanberg (2000), is a 64-item survey and has nine subscales (involvement 1, disruption 1, social, mood, global, defensive, motivation, involvement 2, and disruption 2). Both the LSI and ASUS calculate specific supervision levels and recommended treatment levels.

Both of these instruments require a long amount of time to administer (between one and a half and two hours) and can only be scored by computer software. While these assessments provide valuable information of supervision and treatment needs, they are impractical for use in pretrial decision-making due to the time required to administer them and the technology required

to score them. Therefore, a shorter, more targeted instrument or approach was deemed preferable for use in pretrial decisions, and was the goal of our efforts.

ANALYSIS OF REVISED RISK ASSESSMENT POINT SCALE

Our previous validation study (Hedlund et al., 2003) resulted in several modifications to the risk assessment point scale used to guide pretrial recommendations. These modifications incorporated results from statistical analyses, criteria outlined in the Connecticut General Statutes, and best practices of bail commissioners. We sought to decrease the failure to appear rate while not increasing the number of clients who received a financial bond.

First, several factors were eliminated factors from the existing point scale that were not uniformly collected or were not related to bail recommendations or appearance in court. Items on the old point scale that were not statistically relevant included number of dependents, other family in Connecticut, student status, time at current address, and whether the client had prior treatment for mental health/substance abuse problems. In addition, several factors were removed because they were irrelevant to most clients or did not add value to the risk assessment. These included whether the client owned a telephone, owned real estate, or reported an income. In particular, only 10% claimed to own a telephone, 3% owned real estate, and 13% of clients provided information regarding income.

Second, we identified the most important factors that demonstrated statistical relationships to bail recommendations and outcomes, and that also met the criteria outlined in the state statute (see Table 1). These factors were included in the revised point scale.

Table 1. Statute Criteria and Factors included in the Revised Point Scale

Statute Criteria	Factor
Nature of the offense	Charge severity
Prior Convictions	Prior criminal record, number of prior convictions
Prior failure to appears	Prior failure to appears
Family/Community Ties	Marital status, living companion
Financial Resources	Means of self-support, job time
Character	Verifiable reference
Mental condition	Mental/substance abuse problems

Third, we assigned weights to each of the selected factors based on the likelihood that an individual with a particular characteristic would fail to appear (see Table 2). For example, when comparing married clients to unmarried clients (regardless of whether they were single, divorced, or separated), married clients were three to five times more likely to appear in court. The points assigned to charge severity were not based on the likelihood of court appearance, but rather reflect the charge type and charge class of the offense (Class A felonies were given –10 points, Class B felonies were given –9 points, Class C felonies were given –8 points, etc.). There were no cases involving Capital Felonies in our sample (we recommend that –20 points be given for Capital Felonies). The total points are used as a guide for determining whether to recommend a financial or non-financial bond. Specifically, clients who receive a score of 1 or higher should be considered for a non-financial form of release (written promise to appear, non-surety bond, or conditions). Clients with a score of zero and below should be considered for a more restrictive bail recommendation such as a surety or 10% bond.

Table 2. Weighted Factors for Bail Decisions

Factor	Criteria	Points Assigned
Charge severity		0 to –20
Prior criminal record	No record	2
	Misdemeanor	-1
	Felony	-2
Prior failure to appear	None	1
	Misdemeanor	-2
	Felony	-3
Number of prior convictions	None	0
	One or Two	-1
	More than Two	-2
Marital status	Not married	0
	Married	3
Living companion	Alone	0
	Roommates and non-immediate family	2
	Immediate family	3
Financial self-support	None	0
	Reliance on others	2
	Self-reliance	4
Employment	Less than 1 year on the job	0
	1 year to 2 years on the job	1
	More than 2 years	2
Education	High school or less	0
	More than high school	2
Verifiable reference	No	0
	Yes	2
Mental/Substance abuse problem	No	0
	Yes	-1

Finally, we assessed the potential impact of the revised point scale by applying it to the same sample used in the validation of the old point scale. Our analyses indicated that more clients would have received non-financial release recommendation and fewer clients would have failed to appear. Using the revised point scale, 66% would have received a non-financial form of release compared to 52% who actually did so based on the existing point scale. Additionally, there was a 21% failure to appear (FTA) rate under the old point scale. We estimated that if the revised point scale was used that only 10% of those released would have failed to appear.

The revised point scale offered several potential advantages over the previous point scale. It consists of fewer items, more accurately predicts who will fail to appear, and is expected to result in less restrictive bail recommendations. Also, consistent with previous research, it placed more weight on the factors that are most relevant to bail recommendations and outcomes (i.e., offense characteristics and criminal history) while taking into account other relevant factors such as family and community ties.

The revised point scale was implemented starting in the fall of 2003. As part of the second phase of this project, we agreed to examine the impact of these changes. Specifically, we sought to examine the extent to which the points were being utilized in making recommendations and the extent to which they were related to pretrial outcomes. The method by which we assessed these changes and the results of our analyses are presented below.

Method

Sample

A random sampling of 223 files (i.e., Case Data Records) were pulled from 5 different courts (New London, Hartford, New Britain, Waterbury, Bristol). We included an additional set of cases (N=466) that were collected as part of the decision aid pilot study (discussed in a subsequent section of this report). The total sample for our analyses consisted of 689 cases. We examined the points across all courts to get an overall assessment of the point scale's effectiveness. The sample was not selected with the intent of comparing point scale usage across courts or pretrial staff.

Measures

To test the use and effectiveness of the revised point scale, we looked at the relationship of points and to pretrial recommendations and outcomes. We considered three aspects of the pretrial recommendation in our analyses: (a) whether a financial or non-financial recommendation was made, (b) whether or not a condition was recommended, and (c) whether or not the pretrial recommendation matched the court's (i.e., judge's) decision. Pretrial outcomes were categorized as either successful (e.g., client completed pretrial conditions, client appeared in court), rearrest (i.e., client failed to appear for court), or new arrest (i.e., client was arrested on new charges or an outstanding warrant).

Results

First we looked at the distribution of points across the sample. The average points was .20, which is near the 0 cutoff for determining a financial/non-financial recommendation. As shown in Table 3, slightly more than half the sample (58%) fell above 0, which corresponds to a non-financial recommendation. Additionally, 50% of the sample fell between -4 and 4 points. Thus, many clients exhibit a slight risk according to the point scale. The development of a tool for further assessing the needs of these types of clients is described in a subsequent section of this report.

Table 3. Frequency Distribution of Risk Assessment Points

Point Value	Frequency	Valid Percent	Cumulative Percent
-23	1	.1	.1
-16	1	.1	.3
-15	1	.1	.4
-14	1	.1	.6
-13	4	.6	1.2
-12	5	.7	1.9
-11	13	1.9	3.8
-10	11	1.6	5.4
-9	18	2.6	8.0
-8	20	2.9	10.9
-7	15	2.2	13.1
-6	31	4.5	17.6
-5	32	4.6	22.2
-4	36	5.2	27.4
-3	35	5.1	32.5
-2	25	3.6	36.1
-1	42	6.1	42.2
0	39	5.7	47.9
1	52	7.5	55.4
2	54	7.8	63.3
3	45	6.5	69.8
4	43	6.2	76.1
5	52	7.5	83.6
6	29	4.2	87.8
7	26	3.8	91.6
8	10	1.5	93.0
9	14	2.0	95.1
10	14	2.0	97.1
11	6	.9	98.0
12	3	.4	98.4
13	4	.6	99.0
14	5	.7	99.7
15	1	.1	99.9
18	1	.1	100.0
Total	689	100.0	

Second, we examined the use of points relative to pretrial recommendations. On average, pretrial recommendations were consistent with the guidelines of the point scale. The average points for those receiving a non-financial release recommendation was significantly higher (3.3) than those receiving a bond recommendation (-1.8) (see Table 4). Those clients who were considered less risky according to the point scale were more likely to receive a non-financial form of release. Also, clients with higher point values, on average, were more likely to receive a conditional recommendation (e.g., urine testing, electronic monitoring) (see Table 5). It is worth noting that the point value for those assigned conditions was somewhat lower than those who, in general, receive a non-financial recommendation (1.3 vs. 3.3). This finding indicates that conditions may be used with clients who present a slight risk in order to allow for their release while facilitating their appearance in court. We further found that higher point values were associated with a lack of agreement between the bail recommendation and court action (see Table 6). This finding may indicate that pretrial staff are less certain as to what recommendations to make, including use of conditions, for cases that involve non-financial release than for cases involving some form of bond. We address this limitation in our decision aid development presented later in this report.

Table 4. Risk Assessment Points by Bail Recommendation

Recommendation	N	Mean*	SD
Non-financial	270	3.27	4.94
Financial	419	-1.78	5.45

* Represents a statistically significant difference between the group means.

Table 5. Risk Assessment Points by Use of Conditional Recommendation

Condition Recommended	N	Mean*	SD
No	372	-.72	6.07
Yes	315	1.31	5.26

* Represents a statistically significant difference between the group means.

Table 6. Risk Assessment Points by Match Between Bail Recommendation and Court Order

Bail-Court Match	N	Mean*	SD
No	213	1.55	5.07
Yes	472	-.39	6.02

* Represents a statistically significant difference between the group means.

Finally, we examined the relationship between risk assessment points and pretrial outcomes. On average, clients with higher point values had more positive pretrial outcomes (see Table 7). The average points for those who were successful during pretrial (e.g., appeared in court, complied with conditions) were significantly higher (.9) than those who failed to appear

(-1.0) and those who were arrested on new charges (-2.0). Therefore, the points appear to be a meaningful indicator of the level of risk posed by the client.

Table 7. Risk Assessment Points by Pretrial Outcome

Pretrial Outcome	N	Mean*	SD	Minimum	Maximum
New Arrest[a]	103	-2.04	6.18	-23	13
Failure to Appear	76	-.97	5.67	-12	14
Successful	388	.85	5.66	-15	18
Total	567	.08	5.87	-23	18

[a] Includes warrant arrests for old charges.
* Represents a statistically significant difference between the group means.

In the next section of this report we explore ways of refining the decision process, particularly for those clients who would be considered for release (i.e., clients whose points indicate minimal to slight risk). We focus specifically on the assignment of conditions to pretrial clients as a means of facilitating appearance in court and reducing the likelihood of subsequent offending. The primary objective was to develop a tool to assist pretrial staff in matching conditions to client needs.

DEVELOPING A DECISION AID FOR PRETRIAL CONDITIONAL RELEASE

Pretrial conditions (e.g., urine testing, alcohol and drug treatment, electronic monitoring) can be used in lieu of or in addition to monetary sanctions for those clients who pose minimal or slight risk. These conditions are intended to accomplish three main goals: (a) to prevent recidivism, (b) to ensure appearance in court, and (c) to address mitigating factors that may have led to the offense (e.g., drug addiction, mental health problem). Although the risk assessment point scale can guide pretrial staff to recommend a release or set bond for a client, there is no existing tool to assist them in determining the most appropriate form of conditional release for a client. We describe below the development and validation of such a tool.

Instrument Development

A number of factors may indicate that a client needs some type of conditional release. These include the nature of the charges, existence of substance abuse or mental health problems, lack of community ties, and lack of employment. These factors are currently included in the risk assessment point scale. However, additional information may be needed to determine the type of condition that is most suitable to a client's needs. Our objective was to identify what additional pieces of information and/or what combination of factors would be useful for developing recommendations regarding conditional release. The first step in this process was to identify existing best practices used by pretrial staff in the assignment of conditions. This was accomplished through interviews with staff in several courts. The second step was to examine available data for patterns of use and effectiveness in regards to pretrial conditions. The final step was to develop and test a tool to facilitate decisions regarding conditional release. Each step is elaborated upon below.

Identifying Best Practices

We interviewed pretrial staff (i.e., bail commissioners and IAR specialists) from 10 courts (including jail reinterview staff) to determine how conditional recommendations are made and to solicit input on how to improve the process. We asked pretrial staff questions about the intended purpose and perceived effectiveness of conditions, the types of conditions they tend to recommend, how they decide what conditions to recommend, and what additional information they collect or would like to collect about a client in making those recommendations (see Appendix A for interview questions). The results of those interviews are summarized below and are organized by key themes and by the client characteristics associated with the most commonly used conditions. We also highlight some additional comments made by pretrial staff that have relevance to this project.

Key Themes from Interviews

- Pretrial staff expressed different views regarding the primary goal of conditions. Some staff felt the main purpose of conditions was to help the clients while others considered conditions to be a form of sanction. In general, however, most responses fell into one of

the following three objectives: preventing recidivism, ensuring appearance in court, and addressing clients' needs.

- There is general agreement as to which conditions are most and least effective. Pretrial staff considered AICs, electronic monitoring, and substance abuse programs to be the most effective, while call-ins and "unenforceable" conditions like "do not drive" to be the least effective.

- There are differences in the frequency of use of conditions across courts. For example, some courts rely heavily on AICs, while others frequently recommend clients for electronic monitoring.

- Pretrial staff felt that judges generally tend to follow their recommendations regarding conditions. They indicated that any modifications tended to involve adding on conditions or using more punitive conditions.

- Pretrial staff indicated that they focus on certain factors from the Case Data Record more than others in determining conditional recommendations. These factors include substance abuse/mental health, education, employment, residential status, and family situation.

- Pretrial staff identified several less tangible factors that influenced their recommendations regarding conditions. These factors include level of responsibility, attitude, motivation, honesty, and amount of support. They relied on clients' answers and demeanor during the interviews to assess these factors.

- There is general agreement among pretrial staff as to which conditions are appropriate for certain types of clients. For example, younger clients who lack a high school education and employment tend to get recommended for AICs. The common characteristics of clients recommended to certain conditions are described below.

- Almost all pretrial staff we interviewed felt that additional questions should be asked in the areas of substance abuse/mental health (e.g., type of drug, age of onset, medications used), parental support and social support, and the specific reasons and circumstances surrounding prior FTAs (e.g, did the client have a work-related conflict or did s/he simply not show up for court).

Typical Characteristics of Clients Who Receive Conditional Recommendations

Clients recommended for phone-in supervision tend to:
- Have prior FTAs
- Be less serious offenders or have little to no prior record
- Be employed or in school
- Need constant reminder of their court date

Clients recommended to report-in for supervision tend to:
- Be those who lack structure and a sense of connection
- Lack a regular address

Clients recommended to electronic monitoring tend to:
- Be juvenile or youthful offenders
- Be drug offenders or have substance abuse issues
- Require monitoring for other conditions (e.g., curfew, stay away from victim)
- Demonstrate negative peer attachments

Clients recommended to an AIC tend to:
- Be unemployed and have little to no structure in their lives
- Need basic life skills or educational training/development.
- Be age 25 and younger
- Have some history of substance use

Clients recommended for random urines tend to:
- Be recreational drug users
- Be employed or in school and have some type of support network
- Be used to help clients to stay clean after they have completed treatment
- Be used with older clients who have violated probation or for those with new arrests

Clients recommended for mental health/substance abuse evaluation tend to:
- Deny a substance abuse problem despite evidence of a problem in police reports or thorough other accounts
- Be repeat DWI offenders
- Have committed an offense that suggests an underlying mental health or substance abuse problem (e.g., drug dealers)

Clients recommended for residential/inpatient treatment tend to:
- Be serious offenders or those with a prior record
- Exhibit severe mental health or substance abuse
- Lack or home or family support and need more intensive supervision
- Have had prior evaluation/treatment or have had repeated outpatient treatment with some indications of success

Clients recommended for jail diversion program tend to:
- Have existing mental health issues that require stabilization through medications
- Have severe mental health and/or substance abuse issues
- Need assistance applying for mental health/substance abuse treatment

Clients recommended for outpatient treatment tend to:
- Be older (30+) clients who have a history of prior treatment

Additional Comments

- Pretrial staff felt that judges could benefit from better understanding of their role in recommending bail and pretrial conditions.

- Pretrial staff suggested that decision-making needs to be more consistent across courts. For example, a client committing the same offense could be recommended for electronic monitoring in one court and released on promise to appear in another court.

- Some staff expressed concerns that conditions might be overused by both bail commissioners and by judges. The primary concerns were that these conditions might set clients up for failure and be used in some circumstances as a form of punishment rather than intervention.

- Pretrial staff indicated that some conditions seemed to have little value since they could not be readily enforced. These included conditions such as "do not drive" and "no contact w/victim".

- Another concern was a lack of consistent follow through on conditions and ramifications for those who fail to meet them.

- A suggestion was made to separate the roles of pretrial into assessment and supervision as has been done in probation.

Examining Use and Effectiveness of Pretrial Conditions

In order to assess the use and effectiveness of existing conditional recommendations, we analyzed data from two sources. The first source of data consisted of 76 cases selected to represent typical examples of clients who were either successful or unsuccessful with conditions. Successful clients were those who either partially or fully completed their conditions. Unsuccessful clients were those who failed to comply with their conditions or failed to appear for court. The conditions represented by this sample and the representation of successful and unsuccessful clients are shown in Table 8. We conducted analyses on these data to identify a set of characteristics associated with successful completion of conditions. There were an insufficient number of cases to allow for these analyses by individual conditions.

Table 8. Sample Representation by Condition and Success

Condition	N	% Successful	% Unsuccessful
Electronic monitoring	25	72%	28%
Urine testing	10	80%	20%
AIC	32	66%	34%
Drug treatment	4	100%	0%
Mental health	1	100%	0%
Other	4	100%	0%
Total	76	74%	26%

Clients who successfully completed conditions were more likely to:

- Be female*

- Live alone or with non-family rather than with immediate family
- Be self-reliant than to have no means of support
- Have other family in CT
- Have a verifiable reference
- Be a non-student or part-time student*
- Have no mental health or substance abuse problems
- On probation at time of arrest*
- Have no prior FTA
- Have another pending case
- Be older and lived in longer in CT

* Indicates that the greater likelihood of success was statistically significant.

The second source of data consisted of sample of 2,687 cases involving a conditional release taken from electronic files. These cases represented 4 courts (Bridgeport, New Britain, New London, Waterbury) and two years (1998 and 2000). These data provided information on the court-ordered condition and/or type of agency to which the client was recommended. The data also included a completion code (e.g., full completion, failure to comply, new offense, etc.) and client characteristics (e.g., criminal history, employment status). We grouped the conditions into 11 main categories (e.g., call-in, contact restrictions, inpatient treatment). Agency type represented the classification used by the courts (e.g., AIC residential, adult service residential, special sessions) to indicate the type of placement to which the client was recommended. In the electronic data, conditions information may be recorded by condition type, agency type, or both. Because this resulted in some, but not complete, overlap in information, we chose to look at both classifications. Family violence cases were not included in our analyses since these cases are handled by a different unit than the bail commissioner's office. We then examined how frequently each condition was used as well as the success rates for each condition type, and looked again at client characteristics associated with success. These analyses provided us with insight into which conditions are used most frequently as well as which conditions tend to lead to more successful outcomes.

Summary of Findings

As shown in Table 9, the most frequently used conditions were contact restrictions (e.g., stay away from victim, protective order) followed by other restrictions (e.g., obey house rules, do not drive). Conditions related to employment (e.g., get a job) and education (e.g., stay in school) were least frequently used. The most frequently used agency type was non-residential AIC followed by special sessions (e.g., community court, drug court). The least frequently used agency types were adult supervision and adult residential services. It is important to note that some of the services listed under agency type (e.g,. non-residential AICs) are used to administer the conditions shown in top half of Table 9. For example, a client who lacks employment and has a substance abuse problem may be recommended to an AIC.

Table 9. Frequency of Use by Condition and Agency Type

Conditions	%
Call In	9%
Report In	9%
Contact Restriction	40%
Inpatient	6%
Outpatient	5%
Mental Health	5%
Restrictions	14%
Education	1%
Employment	<1%
Electronic Monitoring	3%
Other	7%

Agency Type	%
Adult Supervision	2%
AIC Non-Residential	50%
AIC Residential	9%
Adult Services- Non Residential	11%
Adult Services- Residential	3%
Special Sessions	25%

Overall, the majority of clients on conditional release were successful (66%). Of those who were unsuccessful, 18% failed to appear, 11% failed to comply and 4% were rearrested. Success rates varied across condition type (see Table 10). Contact restrictions (e.g., stay away from victim) were the most successful followed by "other" conditions (e.g., mediation-neighborhood dispute, parenting classes) and education. The least successful conditions were employment related (e.g., get a job) and call-ins. There were minimal differences in success as a function of agency type, although Adult Supervision was the least successful.

Finally, based on our analyses of these data, only a few client characteristics were significantly related to likelihood of success when assigned to conditions. Specifically, clients were more likely to succeed if they were self-reliant, older at time of arrest, and a full-time student.

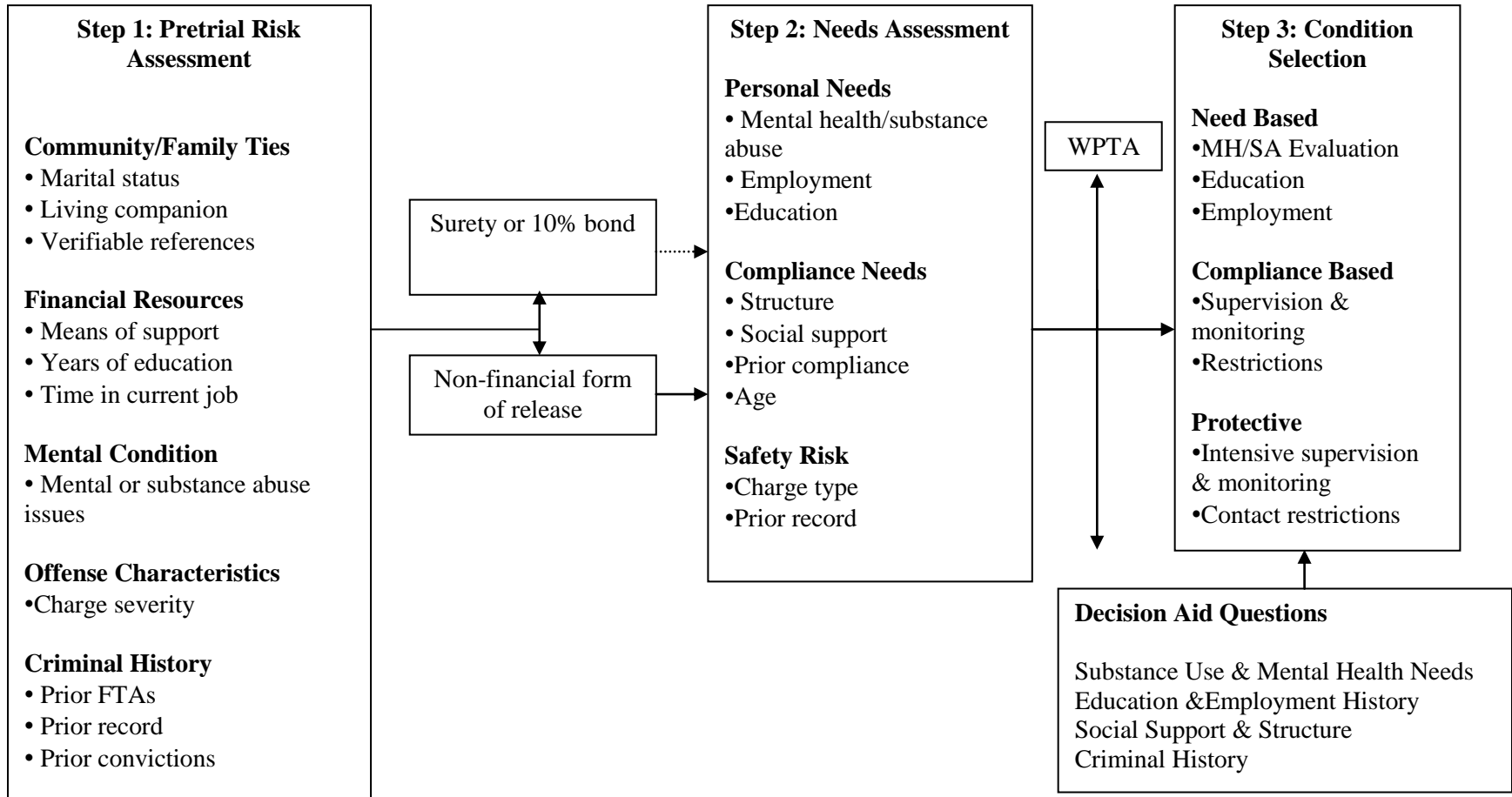Table 10. Success Rate by Agency and Condition Type

Conditions	N	Unsuccessful	Successful
Call In	25	56%	44%
Report In	42	50%	50%
Contact Restriction	325	19%	81%
Inpatient	58	53%	47%
Outpatient	52	50%	50%
Mental Health	30	33%	67%
Restrictions	92	38%	62%
Education	15	27%	73%
Employment	5	60%	40%
Electronic Monitoring	34	35%	65%
Other	47	21%	79%
Agency Type		Unsuccessful	Successful
Adult Supervision	44	43%	57%
AIC Non-Residential	1389	37%	63%
AIC Residential	269	29%	71%
Adult Services- Non Residential	309	31%	69%
Adult Services- Residential	85	34%	66%
Special Sessions	591	29%	71%

Developing a Decision Aid

The findings based on interviews with pretrial staff along with analyses of existing conditions data helped guide the development of a tool to facilitate conditional release decisions. As shown in Figure 1, conditional release recommendations are made within the context of the overall risk assessment, which must be conducted first. In other words, an initial determination needs to be made as to whether the client should be considered for bond or non-financial release using the risk assessment point scale. The next step involves assessing, for those clients who might be released on a bond or a promise to appear, the need for conditions.

The needs assessment phase involves identifying potential "red flags" from the initial client interview and asking follow-up questions to further evaluate the client's needs. We identified three primary areas of needs that conditions are intended to address: personal needs, compliance needs and safety risks. *Personal needs* include substance use and mental health issues as well as lack of employment or education. These are factors that may have contributed to the client's current charges and might put them at risk of failing to appear for court or reoffending. However, if these needs are addressed through the use of conditions, the client may be successfully released until his/her court appearance. Conditions that address personal needs include, for example, employment counseling, substance abuse treatment, and mental health evaluation.

Figure 1. Decision Aid Model for Pretrial Conditional Release Recommendations

Step 1: Pretrial Risk Assessment

Community/Family Ties
• Marital status
• Living companion
• Verifiable references

Financial Resources
• Means of support
• Years of education
• Time in current job

Mental Condition
• Mental or substance abuse issues

Offense Characteristics
•Charge severity

Criminal History
• Prior FTAs
• Prior record
• Prior convictions

Surety or 10% bond

Non-financial form of release

Step 2: Needs Assessment

Personal Needs
• Mental health/substance abuse
• Employment
•Education

Compliance Needs
• Structure
• Social support
•Prior compliance
•Age

Safety Risk
•Charge type
•Prior record

WPTA

Step 3: Condition Selection

Need Based
•MH/SA Evaluation
•Education
•Employment

Compliance Based
•Supervision & monitoring
•Restrictions

Protective
•Intensive supervision & monitoring
•Contact restrictions

Decision Aid Questions

Substance Use & Mental Health Needs
Education &Employment History
Social Support & Structure
Criminal History

Compliance needs focus specifically on factors that may limit the client's ability to appear for his/her court date. These can be divided into two main areas: social support & structure and prior compliance history. Factors relating to *social support & structure* include age, living arrangement, marital status and means of support. *Prior compliance* includes probation violations and prior FTAs. Conditions that primarily address compliance issues include, for example, random urines and call-ins.

Finally, *safety risk* pertains to the potential threat posed by the individual to others if she/he is released. Assessing safety risk involves looking at the nature of the current charges as well as prior criminal record. Specifically it involves determining if the current charge is violent and if the client has any prior misdemeanors or felonies. It is important to note that this assessment is only relevant for violent offenders who are being considered for release. The conditions that might be used to address safety risks include protective orders, requirements to stay away from the victim, and electronic monitoring, for example. If other needs are identified along with a safety risk (e.g., substance abuse) than residential placements might be considered as opposed to non-residential treatment.

We created a decision aid (shown in Appendix B) to guide pretrial staff through the process of assessing each of the three areas of needs. The intent of the decision aid is to assist pretrial staff in making conditional release recommendations by narrowing down the available options to a smaller subset of conditions that are most appropriate for addressing clients' needs. It is not intended to pinpoint the exact condition for each particular need since there are so many variables that could influence conditional release recommendations (e.g., availability of programs, client's demeanor during the interview). The goal was to help pretrial staff make more informed decisions, while maintaining much of the discretion they have to use their own judgments.

The decision aid is organized into the three areas of needs. For the personal and compliance needs sections, we generated a set of follow-up questions that are intended to solicit more in-depth information about clients' needs as well as their level of motivation to comply with any conditions assigned to them. In these two sections, pretrial staff are asked to check any of the needs already identified in the initial intake. These needs may be self-reported by the client or determined by the interviewer to be of potential concern. For example, if a client was arrested on drug possession charges, the interviewer may decide to check "substance use" so that she may assess whether the client has a substance abuse problem.

In the *personal needs* section, once a need is checked, the interviewer is referred to the set of questions corresponding to that need. If multiple needs are checked, the interviewer should ask all questions pertaining to each area. He or she is asked to make brief notes based on the client's answers to these questions and to generate an overall assessment as to what conditions, if any, the client needs. The list of conditions provided with the decision aid is organized by need. Additionally, both sites involved in our pilot study have compiled lists of service providers that can be used to match particular services to client characteristics.

In the *compliance needs* section, the interviewer is again asked to check all needs indicated by the client. The follow-up questions, however, are organized into *social support & structure* and *prior compliance*. If a client has two or more needs checked under *social support*

& *structure*, additional questions should be asked. Under *prior compliance*, if a client has at least one checked, the interviewer should ask the follow-up questions. Questions under the compliance needs section are intended to determine if the client will be able to remember and appear for his/her court date without assistance from others. If the client has a regular schedule and family support, then s/he is more likely to remember. On the other hand, if a client has forgotten a previous court date, then s/he may benefit from a condition that will provide a reminder to appear.

For the *safety risk* section, no additional questions are asked. Instead, the interviewer is asked to determine whether or not the current charge was violent. If so, then s/he is asked to check the client's criminal history for any prior misdemeanors or felonies. According to the decision aid, clients with prior felonies should be considered for more restrictive conditions than those with prior misdemeanors or no prior record.

The three areas of need are organized such that conditions to address personal needs may subsume other client needs. For example, if a client has a severe substance abuse issue and is recommended for a residential treatment program, then compliance needs and safety risks are already addressed.

Draft versions of the decision aid and questions were presented to CSSD staff for their review and feedback. Several modifications were made along the way. Additional modifications were made after initial piloting in two courts (discussed below). These modifications were intended to simplify the decision aid and to expedite the interview process. The finalized version of the decision aid was implemented in two courts in order to evaluate its effectiveness.

Pilot Study Methodology

Design

We conducted a pilot study of the decision aid with two courts, New Britain and Waterbury. A control court was not used because too many factors varied across the courts (e.g., judges, staff experience) to create equivalent groups. Instead we implemented the decision aid in both courts using a pretest-posttest design in order to better control for these variables and to obtain a more representative sample. The pretest-posttest design involved collecting cases for a one-month period prior to implementing the decision aid, and collecting cases for one-month period after the implementation. All staff involved in making pretrial recommendations were trained on the use of the decision aid and given opportunities to practice with actual cases. They were then asked to use the decision aid on all cases that involved the potential release of a client, either through a low bond or a promise to appear. We evaluated the impact of the decision aid relative to both pretrial recommendations and outcomes. Outcome measures (e.g., completion rates, rearrest rates) were collected at a 3 to 6 month time period following the arrest. Some cases had not yet been disposed as of the time outcome data were obtained. We also assessed the implementation of the decision aid by checking to see if the interviews asked the appropriate questions.

Sample

The sample consisted of a total of 466 cases representing two courts (see Table 11). The decision aid was used with a total of 103 cases. The impact of the decision aid was assessed relative to two comparison groups. The first group consisted of cases processed during a one-month period prior to training pretrial staff on the decision aid (Pretest Control). The second group consisted of cases processed during a one to two-month period following training for which a decision aid was not used, but likely would have been eligible for a decision aid (Posttest Comparison). Cases chosen for the pretest and posttest groups consisted of all cases that involved a recommended or court ordered action with one of the following criteria: (a) a promise to appear, (b) a promise to appear plus conditions, (c) a bond plus condition. Cases were excluded if they involved only a financial bond because such cases would not likely have been considered for use of the decision aid.

Table 11. Number of Cases by Study Group and Sample

Study Group	Combined	Waterbury	New Britain
Pretest Control	182	85	98
Decision Aid Group	103	70	36
Posttest Comparison	181	103	78
Total	466	258	212

Measures

Several variables were collected and/or created to evaluate the impact of the decision aid. We created measures to assess whether the decision aid was implemented appropriately. These measures involved first determining which items on the decision aid should have been checked given client information provided during the initial interview. Then we looked to see if the relevant fields were completed on the decision aid and if the appropriate questions were asked. For the compliance needs, we further examined whether or not questions were asked under the two components (social support & structure, and prior compliance) when they should have been. We did not look at the safety risk section because this part was only completed if the charges were for a violent offense, which involved a limited subset of the total cases.

Several measures were examined to assess the impact on the decision aid on pretrial recommendations and outcomes. We first classified initial recommendations as either financial (e.g., surety, 10% bond, etc) or non-financial (e.g., WPTA). We then created a variable that indicated whether a condition was recommended and another that indicated the number of conditions recommended. We also created a variable that represented whether there was agreement between the bail recommendation and the court action. Basically, if the primary condition recommended by the pretrial staff was included in the judge's decision, the case was considered a match, even if the judge added other conditions. Finally, we collected data on the outcome of each case at 3 to 6 months following the arrest. Cases were classified as successful,

failure to appear, or new arrest. Cases classified as successful included those for which the client appeared for court and/or completed his or her court conditions. Cases for which a rearrest was issued represented failures to appear in court. New arrests included cases for which a new charge was issues or when the client had an outstanding warrant.

Procedures

The study began by setting a date to start collecting cases for the Pretest Control group. These cases were collected for one month period from September to October. Staff training took place in late October and the decision aid was implemented in November. We experienced some difficulties with the initial implementation (e.g., insufficient use of the decision aid, confusion regarding some parts of the decision aid). These difficulties led to some modification to the tool and to the requirements for implementation. Subsequently, we collected another month of data from December to early January that included both the Decision Aid and Posttest Comparison groups. Three months following the end of data collection, outcome data were compiled for all cases in our study. This involved having court staff look up each case to determine if it resulted in a successful or unsuccessful outcome.

Pilot Study Results

The effectiveness of the decision aid was evaluated in regards to the pretrial recommendation and the successful completion of pretrial release. We also conducted an analysis to assess whether the decision aid was implemented correctly.

Decision Aid Implementation

We looked at the extent to which appropriate questions were asked by comparing the items checked on the decision aid with what factors were identified from the case interview as requiring follow up. For example, if the client indicated a mental health issue (e.g., depression), then the interviewer should have noted this information on the decision aid and asked the follow-up questions pertaining to mental health. We conducted these analyses separately for the two pilot sites so that any unique concerns about the implementation could be addressed with the particular court. Table 12 below shows the percent of cases for which the appropriate questions were asked. Of those cases where the decision aid was not used appropriately, we distinguished between cases for which the questions were asked but not required and those for which the information was required but not asked. That is, we wanted to know if the interviewers were overlooking certain information or if they were asking potentially unnecessary questions.

Overall, the results of the implementation analysis were quite positive, indicating that the decision aid was used effectively and that the appropriate questions were being asked as required. There were discrepancies on a few of the items. Under *personal needs*, some interviewers in both courts did not ask questions regarding unemployment, although the initial interview indicated that the client was not currently employed. There also were discrepancies under the *support & structure* component of the *compliance needs* section. Again, some interviewers did not ask the follow-up questions as suggested by the decision aid. It is possible that time constraints may have led interviewers to rush through or skip this section. Irregardless of the causes, these few discrepancies will need to be addressed through subsequent training.

Table 12. Analysis of Decision Aid Implementation

|	New Britain (n = 39)			Waterbury (n = 70)		
	Asked as Req'd	Asked but not Req'd	Req'd but not Asked	Asked as Req'd	Asked but not Req'd	Req'd but not Asked
Substance Abuse	92%	3%	5%	94%	4%	2%
Mental Health	100%			93%	4%	3%
Education	95%		5%	80%	3%	17%
Employment	79%	5%	16%	68%	7%	25%
Age	97%		3%	92%		8%
Marital Status	87%		13%	91%		9%
Living Companion	87%		13%	81%		19%
Means of Support	95%		5%	89%	4%	7%
Probation Violation	97%		3%	93%		7%
Failure to Appear	95%		5%	93%		7%
Social Support	66%	5%	29%	69%	13%	18%
Prior Compliance	84%	3%	13%	69%	13%	18%

Decision Aid Impact

The primary focus of our analyses assessed the affect of the decision aid on the conditional release recommendations made by pretrial staff as well as the effect of these recommendations on pretrial outcomes. The analyses were conducted by comparing three groups of cases: (1) cases collected during a one-month period before the decision aid implementation (Pretest Control); (2) cases for which the decision aid was used (Decision Aid Group); and (3) cases collected after the implementation for which the decision aid was not used (Posttest Comparison).

As shown in Figure 2, there were slightly fewer cases involving a non-financial recommendation after the decision aid was implemented. In looking at each court, it appears that this decrease was only observed in Waterbury and may be attributable to some other factor, such as staff experience It is unlikely that the decision aid led to a greater reliance on financial bond

recommendations since its intent it to help in determining conditional release, not bond setting. However, with improved conditional release recommendations, pretrial staff should be able to rely less on financial bonds.

Figure 2. Percent of Cases Involving a Non-Financial Recommendation by Study Group and Sample
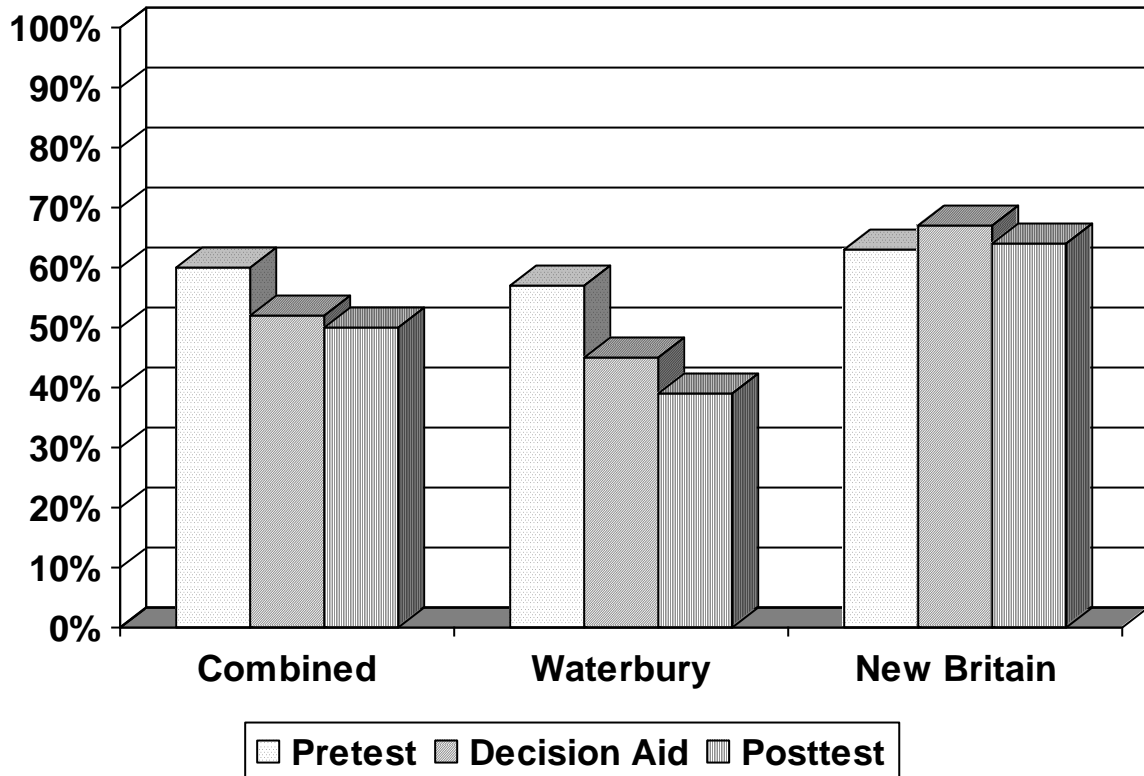
The next two figures focus specifically on conditional release recommendations. Figure 3 indicates the number of cases for which a conditional release recommendation was made. There was a statistically significant increase in the number of cases involving conditional release from the pretest to the decision aid and posttest groups. These numbers suggest that pretrial staff applied conditions to more cases as a result of using the decision aid. But it is important to note that the percentages are consistent with the number of cases involving court-ordered conditions during the pretest period (76%). In other words, it appears that rather than increasing the overall use of conditions, the decision aid helped pretrial staff to apply conditions at a rate consistent with the judges. Furthermore, Figure 4 shows that the use of the decision aid did not have an affect on the number of conditions recommended per client. Pretrial staff did not simply "tack on" extra conditions as a result of using the decision aid.

Figure 3. Percent of Cases Involving a Conditional Release Recommendation by Study Group and Sample
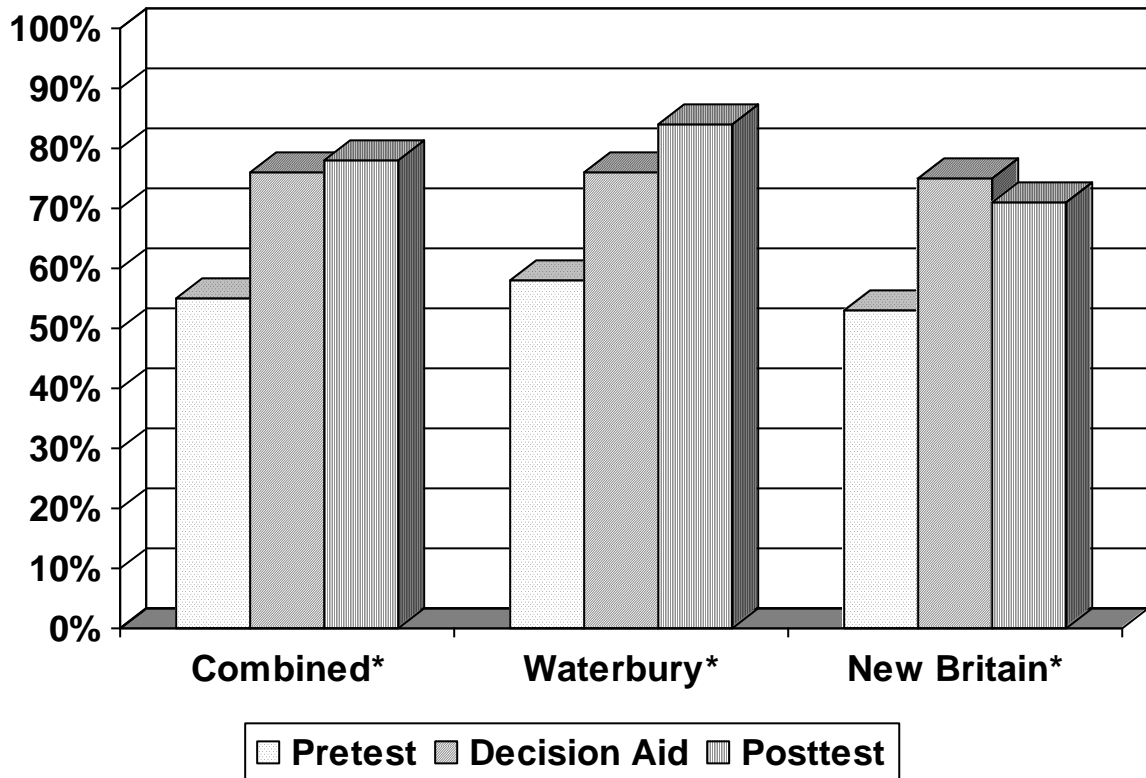
*Represents a statistically significant difference between groups.

Figure 4. Average Number of Conditions Recommended by Study Group and Sample
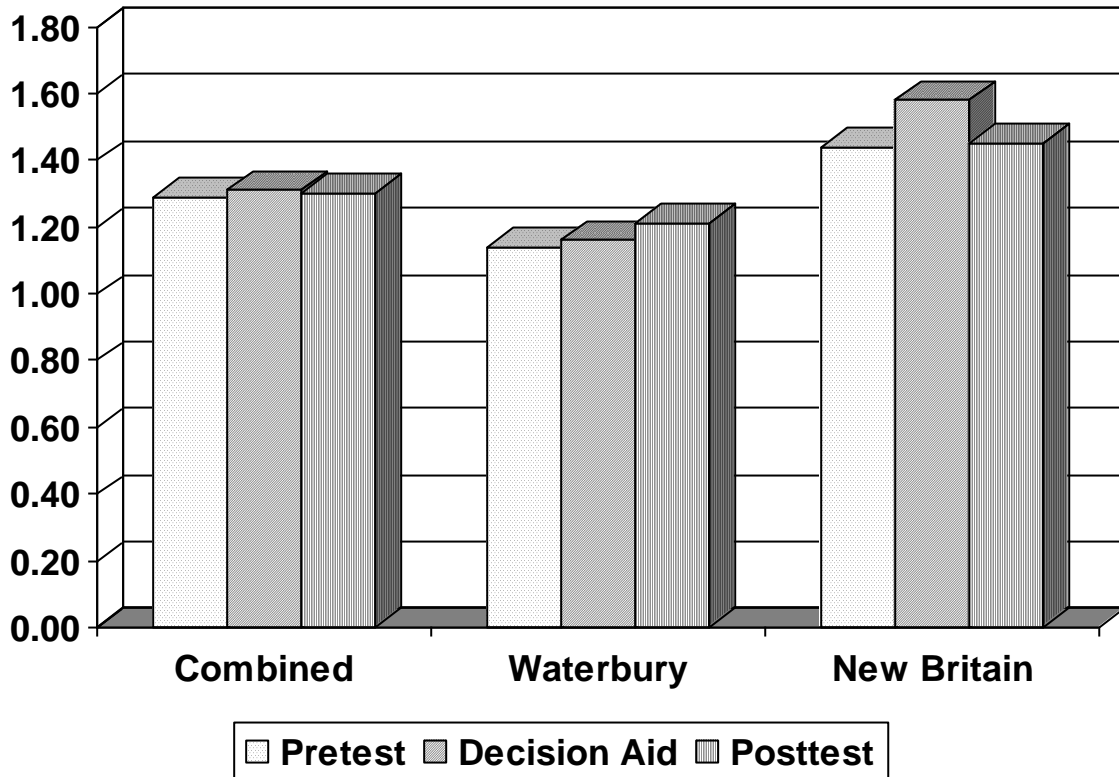
Next, we looked at the extent to which the bail recommendation matched the court's action in regards to conditions. A match is interpreted to indicate that the judge followed, to some extent, the recommendation of the pretrial staff. An increase in matches is assumed to mean that the interviewer had more influence on the judge. As shown in Figure 5, the percentage of matches increased between the pretest and decision aid groups. This increase also held during the posttest comparison, suggesting that the impact of the decision aid extended beyond those cases on which it was used.

Figure 5. Percent of Cases Involving a Match between Bail Recommendation and Court Order by Study Group and Sample
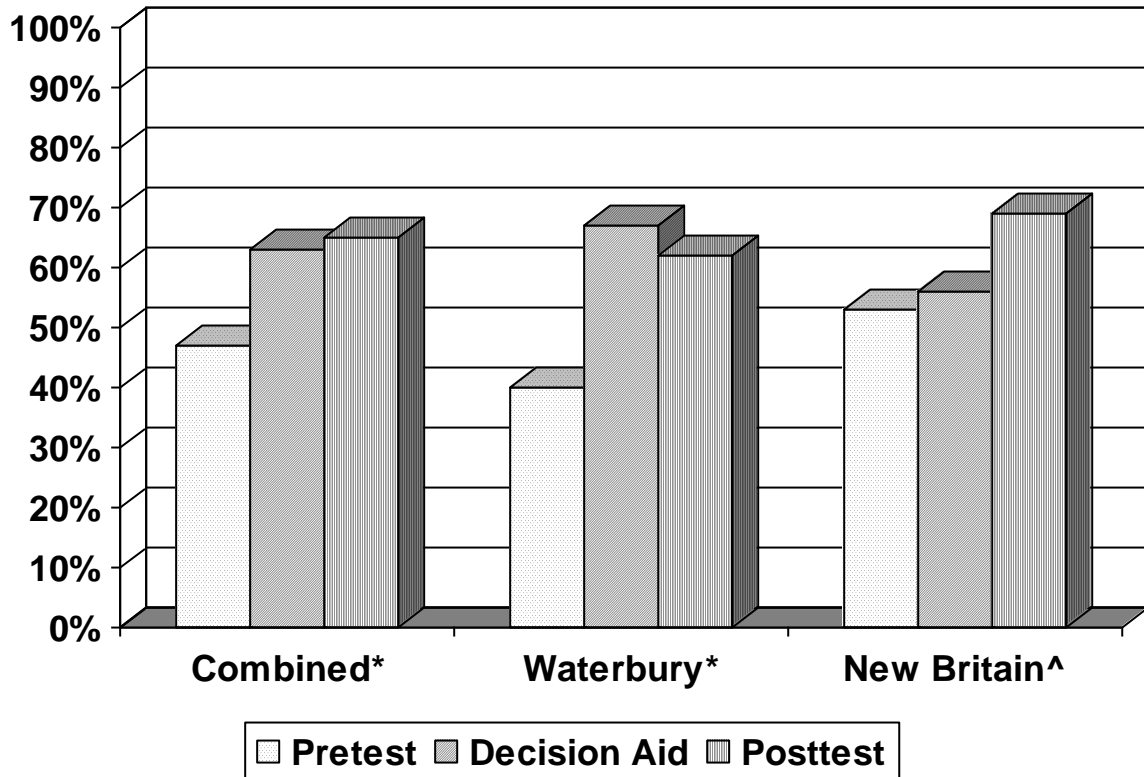
*Represents a statistically significant difference between groups.
^ Represents a marginally significant different between groups.

Finally, we examined the impact of the decision aid on pretrial outcomes by looking at the percentage of successful cases versus those cases that resulted in a rearrest (i.e., failure to appear) or a new arrest (i.e., new offense or outstanding warrant). In these analyses, we also included the average risk assessment points to determine if there was an association between the level of risk and outcomes.

Table 13 shows the pretrial outcomes for the combined sample. The cases that were included involved a match between the bail recommendation and court action because they represented cases for which the outcome could be attributable, at least in part, to the influence of the pretrial recommendation. The success rate decreased slightly between the pretest and decision aid groups. However, it is important to note that the average points were lower in the decision aid group, suggesting that the cases on which the decision aid was used represented clients who posed a greater risk of failing to appear for court. More importantly, the failure to appear rate decreased between the pretest and decision aid group (15 to 9%), although the decision aid group was 5 points lower on average (indicating greater risk) than the pretest group. This finding suggests that the use of the decision aid helped to reduce the FTA rate for clients who posed a greater risk. There was an increase in new arrests when comparing the pretest and decision aid groups, but it is not clear if these new arrests represent new charges or outstanding warrants. It is unknown whether the percent of new arrests is linked to the decision aid

implementation. We generally observed a similar pattern of results for Waterbury and New Britain (see Tables 14 and 15 respectively), with the exception that all cases in the decision aid and posttest comparison groups were classified as successful in New Britain.

Table 13. Pretrial Completion Rates by Study Group (Combined Sample)

Study Group	Successful	Failure to Appear	New Arrest	Total N
Pretest Control	83%	15%	3%	76
	(2.1)	**(2.6)**	**(-8.0)**	**(1.9)**
Decision Aid	77%	9%	15%	47
Group	**(-.5)**	**(-2.7)**	**-3.0**	**(-1.0)**
Posttest	81%	10%	10%	93
Comparison	**(2.1)**	**(2.0)**	**(.7)**	**(2.0)**

Table 14. Pretrial Completion Rates by Study Group (Waterbury)

Study Group	Successful	Failure to Appear	New Arrest	Total
Pretest Control	73%	23%	3%	30
	(-.4)	**(3.5)**	**(-9.0)**	**(.1)**
Decision Aid	69%	11%	20%	35
Group	**(-.5)**	**(-2.7)**	**(-3.0)**	**(-1.2)**
Posttest	63%	18%	18%	49
Comparison	**(1.7)**	**(2.0)**	**(.7)**	**(1.5)**

Table 15. Pretrial Outcomes by Study Group (New Britain)

Study Group	Successful	Failure to Appear	New Arrest	Total
Pretest Control	89%	9%	2%	46
	(3.6)	**(1.3)**	**(-7.0)**	**(3.1)**
Decision Aid	100%	0	0	12
Group	**(-.3)**			**(-.3)**
Posttest	100%	0	0	44
Comparison	**(2.4)**			**(2.4)**

Note. In Tables 13 through 15, the values in parentheses represent average points based on the pretrial risk assessment. There was an insufficient number of cases for some outcomes to test for statistical significance.

CONCLUSION & RECOMMENDATIONS

This project was a follow-up to our previous effort to validate and revise the risk assessment tool used to make pretrial recommendations. The main objectives of the current effort were (a) to assess the impact of the revised point scale and (b) to develop a tool to facilitate conditional recommendations for those clients considered for release. This section summarizes the primary findings regarding these two objectives and then presents recommendations for improving the pretrial decision making process.

Point Scale Analyses

Revisions to the risk assessment point scale involved pinpointing the most relevant factors related to appearance (or failure to appear) in court. We expected to find that the use of the revised point scale should lead to a reduction in the FTA rate. To assess the use and impact of the revised point scale, we looked at the correspondence between point values and bail recommendations as well as the relationship between point values and pretrial outcomes.

On average, point values were consistent with pretrial recommendations. That is, clients who had positive point values were more likely to receive a non-financial release recommendation while clients with negative point values were more likely to receive a bond recommendation. Therefore, pretrial staff appeared to follow the point scale values when making recommendations regarding release.

We also found, on average, that clients with higher point values had more positive pretrial outcomes. Clients who were successful during pretrial (e.g., appeared in court, complied with conditions) had significantly higher points than those who failed to appear and those who were arrested on new charges. This finding lends further support to the relationship between a client's risk assessment points and his or her likelihood of appearing for court.

Decision Aid Pilot Study

The second objective was to create a decision aid for conditional release recommendations. That is, when a client poses minimal to slight risk, he or she may be released on a small bond or a promise to appear. But in order to ensure his or her appearance in court, the court may apply a condition to the client's release. The intent of the decision aid is to help pretrial staff determine if a condition is needed and to best match client needs with appropriate conditions.

The decision aid classifies client needs into three primary areas: personal needs (e.g., substance abuse), compliance needs (e.g., prior FTA), and safety risks (e.g., violent offender). The menu of available conditions is similarly organized according to these areas of needs (e.g., call-ins for clients with prior FTAs). Once the interviewer has assessed the client's needs, he or she can then narrow down the set of conditions that might best address those needs.

The new decision aid was piloted in two courts to determine its affect on pretrial recommendations and client outcomes (e.g., completion of conditions, appearance in court). The use of the decision aid was compared to cases prior to implementation (pretest control) as well as cases after implementation (posttest comparison). The groups were compared in regards to: the

likelihood of making a non-financial recommendation, the likelihood of using a conditional release recommendation, the number of conditions recommended, the match between bail recommendation and court action, and success rates.

The pilot study results indicated a smaller percentage of cases involving a non-financial release recommendation in the decision aid group compared to the pretest group (52% compared to 60%). It is unlikely that this decrease is attributable to the use of the decision aid since the decision to recommend a bond or release is made prior to considering conditions. However, it does indicate that there was some shift in either in the risk level of clients or in the types of recommendations being used by pretrial staff. The former explanation is somewhat supported by our examination of the average risk assessment point values for each group. We found that the average point value for the decision aid group was -.98 compared to 1.92 for the pretest group, which does indicate a higher risk level for those cases on which the decision aid was used. However, the average point value for the posttest comparison group was 1.97 yet the percent of non-financial recommendations remained lower than the pretest group (50% compared to 60%). It is unclear as to what may have led to fewer non-financial release recommendations, but it is an issue that might deserve further exploration.

In regards to the use of conditions, there were significantly more cases involving a conditional release recommendation in the decision aid group compared to the pretest group (76% vs. 55% respectively). This increase remained when looking at conditional recommendations in the posttest comparison group (78%). Although on the surface this finding might generate concern that the decision aid is increasing the use of conditional release recommendations, there are two pieces of data to suggest that this may not be the case. First, we compared these numbers to the actual use of conditions by the judges, and found that of those cases eligible for conditions, judges applied conditions in 70 to 80% of the cases, even in the pretest group. Thus, it appears that the decision aid increased the use of conditions to a level consistent with the judges. Second, we looked at the average number of conditions recommended per case and found that there were no significant differences in these numbers across the three groups. In other words, the decision aid did not lead pretrial staff to use multiple conditions.

Next, we looked at the extent to which bail recommendations were consistent, or matched, the court's action. The percentage of matches was used as an indicator of the influence that the pretrial staff had on the judge's decision. We found a significantly greater number of matches in the decision aid group compared to the pretest group (63% vs. 47% respectively). This increase was also observed in the posttest comparison group (65%) suggesting that the impact of the decision aid extended beyond those cases on which it was used. One explanation for these findings is that the decision aid provided pretrial staff with more information to support their recommendations and judges, subsequently, gave them more weight. Another explanation is that it gave them greater confidence in their recommendations, which allowed them to develop more convincing justifications.

Finally, we examined the relationship between the decision aid implementation and whether or not the client successfully completed the pretrial process. A client is considered successful if he or she appears for court or completes his or her conditions. A client is considered unsuccessful if he or she fails to appear for court or is arrested on another charge during the pretrial period. We found that the decision aid group consisted of slightly fewer successful cases compared to the pretest group (77% vs. 83%). However, this finding can be attributed to the fact

that the decision aid group consisted of more risky clients, on average, as indicated by significantly lower point values. Despite the fact that clients in the decision aid group exhibited greater risk, they experienced a lower FTA rate than the pretest group (15% to 9%). This finding is particularly encouraging because it suggests that conditions, when applied appropriately, may help increase the likelihood that "risky" clients show up for court.

Overall Conclusions

Overall, the findings are encouraging regarding both the revised risk assessment point scale and the potential value of the decision aid for conditional release recommendations. Pretrial staff appear to be using the risk assessment points in a manner that is consistent with their pretrial recommendations. Clients who score negative point values typically receive financial bond recommendations and clients who score positive point values typically are recommended for non-financial release. The points are also related to outcomes such that clients with higher points (i.e., less risk) are more likely to appear for court than those with lower points (i.e., greater risk). These findings indicate that the revised point scale is predictive of pretrial success and help to reinforce the value of considering risk assessment points when making pretrial recommendations.

We also found that the use of a decision aid can improve recommendations and outcomes for those clients who might be considered for conditional release. The decision aid appeared to have two primary effects on conditional release recommendations. After implementing the decision aid, pretrial staff recommended conditions with the same likelihood as judges previously did. Additionally, their recommendations appeared to carry more weight with the judges as indicated by an increased number of cases for which the bail recommendation matched the judge's actions. Most importantly, the decision aid implementation was associated with a decrease in the FTA rate, despite its use with a riskier group of clients.

Implementation Issues and Recommendations

There are some issues that came to light during the course of our work that may limit the effective implementation of these tools. We identify each of these concerns and then present our recommendations for addressing them.

The first concern is that the risk assessment points are not always fully calculated prior to a recommendation being presented in court. This problem is largely attributable to the limited amount of time that pretrial staff have between conducting the client interview and appearing in court. Additionally, the current procedures require the points to be computed by hand, which can be tedious and lead to calculation errors. Despite these constraints, pretrial recommendations were generally consistent with the point values. However, more timely and accurate use of the points could further improve recommendations and outcomes.

Second, the decision aid requires additional time to administer ranging from 4-8 minutes on average. Given the time constraints noted above, it is not likely to be used on the full range of cases for which it has potential value. This problem emerged in the pilot study in that the initial implementation resulted in an insufficient number of cases for analysis. As a result, the implementation time period was extended for a few more weeks in order to obtain additional cases. It is possible that the limited use of the decision aid may not have allowed us to fully

evaluate its impact. Given the promising results we obtained, and the positive feedback we received from staff, it is likely that more widespread use of the decision aid would further support its value.

The last concern pertains to the less-than-desirable conditions under which pretrial staff are expected to calculate points and record additional client information. Interviews typically are conducted in lock-up or a small room using clipboards with multi-page documents. These conditions make it challenging to collect all the relevant information and increase the likelihood for errors. In regards to this study, these conditions led to incomplete data and the possibility that some of the information was inaccurate. We minimized the potential impact of missing or inaccurate data by using a combination of both handwritten and electronic case files. Overall, these concerns can limit the potential value of any tools designed to help improve pretrial decision making.

In order to address the above concerns and increase the effectiveness of the decision making tools describe in this report, we make the following recommendations:

- *Pretrial staff should be encouraged to calculate the risk assessment points in a more timely and consistent manner*. They should compute the points prior to making a recommendation and they should use the points to make an initial determination as to whether a client should be considered for financial vs. non-financial release. This recommendation does not preclude the use of discretion when evaluating individual cases. But, on the whole, clients with lower points tend to pose greater risk of failing to appear for court.

- *All pretrial staff should be trained on the use of the decision aid*. This training should include an introduction to the decision aid as well as ongoing support to address questions and encourage continued use of the tool. There is evidence to suggest that the decision aid training had a positive impact on pretrial outcomes even when the tool itself was not used. These findings are not surprising given that the decision aid represents a framework for recommending the most appropriate conditions to meet clients' needs. Once staff have become familiarized with the framework, they can readily apply it to assess the need for conditional release with any client.

- *The decision aid should be incorporated into the regular pretrial interview process*. Pretrial staff who participated in the study felt that the decision aid makes a valuable contribution to pretrial decision making and should be fully incorporated into the interview protocol (i.e., the Case Data Record). Several participants further recommended that all components of the pretrial interview be consolidated into one form and that any unnecessary items be removed. This modification would reduce the amount of paperwork and facilitate more effective use of both the point scale and decision aid.

- *Additional resources should be allocated to make the most effective use of pretrial decision making tools*. These tools require additional time beyond the basic client interview in order to be used to help guide pretrial recommendations. Given the time constraints that pretrial staff already face in trying to collect all relevant client data and generate a recommendation to present to the judge, it is unreasonable to expect that extra requirements will be readily adopted without more resources. These resources may involve adding staff or creating more

efficient processes, such as can be accomplished through new technologies, which we address in our final recommendation.

- *CSSD should strongly consider acquiring and implementing new technology to facilitate data collection and management*. In particular, we recommend the use of tablet PCs to replace clipboards and paper interview forms. Such technology would allow interviewers to collect all necessary information from clients more quickly, including the additional data required with the decision aid, and to make more fully informed recommendations. It could be programmed to automatically compute risk assessment points, thus making this information readily available at the time a recommendation needs to be made. Furthermore, it would help improve the accuracy of client records by eliminating the need to enter handwritten notes into the computer database (CMIS). Ultimately, this technology would address most of the limitation identified above and thus enable staff to more effectively use the available tools in making pretrial recommendations.

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APPENDIX A
Bail Commissioner Interview

"We have been asked by CSSD to develop a brief assessment tool, similar to the Pretrial Risk Assessment Scale, which can be used as a guideline in making decisions regarding the assignment of pretrial clients to conditions. We are seeking your input on how you assess clients' needs and how you select appropriate conditions that will not only address those needs, but also ensure their appearance in court and prevent recidivism. This interview should take no longer than 30 minutes. Your participation in this interview is voluntary and you can choose not to answer any questions or to discontinue at any time. If you choose not to participate, you will not incur any negative consequences. Your responses will be presented in summary form along with those of other bail commissioners; your responses will not be identified in any way. Do you have any questions before proceeding?"

1. What types of conditions do you find to be most effective with pretrial clients? What types are least effective?

2. What do you consider to be the goals of assigning pretrial clients to conditional release?

3. What types of conditions do you most commonly recommend?

4. How often do judges follow your conditional recommendations?

5. Are there certain conditions that judges tend not to follow upon your recommendation?

6. What factors do you consider in assessing a client's need for conditions?

7. How do you proceed to determine which condition or combination of conditions will meet those needs?

8. Other than what is currently collected, is there is any additional client information that would be helpful to you in making conditional release recommendations?

9. What client characteristics do you think are most likely to influence your recommendation?

10. How would you assess these characteristics during a pretrial interview?

11. How do you know if the clients are meeting their conditions?

12. How do you know if the conditions were effective at meeting clients' needs?

Other comments:

APPENDIX B

Decision Aid for Pretrial Conditional Release Recommendations

PRETRIAL CONDITIONAL RELEASE RECORD

To be completed on all pretrial cases EXCEPT when:
(a) client is likely be released on a straight WPTA OR
(b) client is likely to be held on a substantial bond.

Case #_____   Interview date:_____

Personal Needs

If one or more of the following checked, ask decision aid questions.

☐ SA*   ☐ MH   ☐ Educ<12 yrs   ☐ Unemployed

Interview Notes

Recommendation

Compliance Needs

This section should be completed unless client has already been recommended for inpatient/residential program.

Support & Structure
If 2 or more checked, ask decision aid questions.

☐ Age<26   ☐ Unmarried

☐ Lives w/non-immediate family   ☐ No means of support

Prior Compliance
If either checked, ask decision aid questions.

☐ Probation violation   ☐ Prior FTA

Interview Notes

Recommendation

Safety Risk

This section should be completed only if the current charge involves a violent offense.

Prior Record: ☐ None ☐ Misd ☐ Felony (see decision aid for safety risk)

Recommendation

Time required to complete:_____(min)
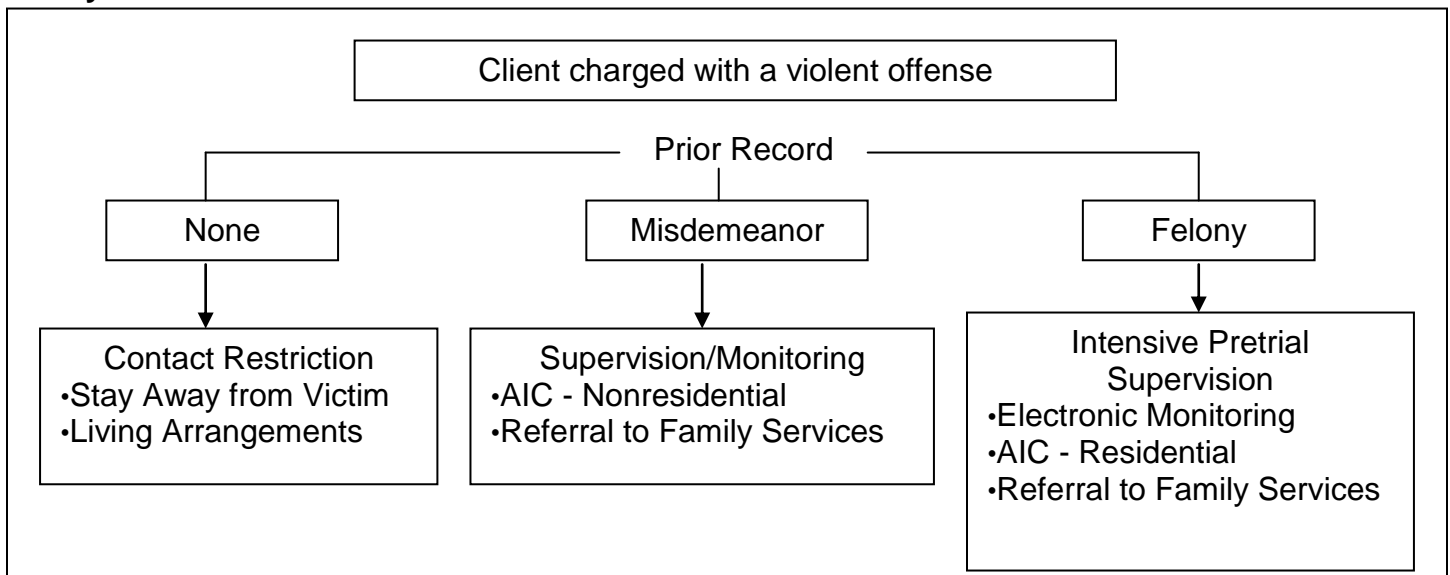
Decision Aid Questions

Personal Needs

Mental Health	Have you ever received treatment or counseling for a mental health problem? Have you ever been told by a doctor or mental health specialist that you have a mental health problem? Please explain (who, what, when). Have you ever been prescribed any medication(s) for a mental health problem? What medication(s)? How often did you take them? Are you currently taking them?
Substance Abuse	Were you under the influence of drugs or alcohol at the time of your current arrest? What substance were you using? Are you currently using drugs or alcohol? How often do you use them? How old were you when you first used drugs or alcohol? Have you ever successfully completed drug or alcohol treatment or counseling? If no, why not? If yes, why are you using drugs/alcohol again?
Educat	When and where did you last attend school? Why did you stop attending? Have you tried to return to school to finish high school or equivalent? If so, what happened? How important is it to you to get your high school degree?
Employ	How long has it been since you last worked? Why haven't you worked since then? How many jobs have you had in the last two years? Why have you changed jobs? How important is it to you to support yourself and your family?

Compliance Needs

Support & Structure	Do you have anyone you can rely on when you need help? If so, who? How do you spend a typical day? What do you do in your free time? How will you make sure you show up for court?
Prior Complianc	If you missed a court appearance in the past, why? If you violated probation, why? Why should you be released this time?

Safety Risk

```
        ┌─────────────────────────────────────────┐
        │   Client charged with a violent offense  │
        └─────────────────────────────────────────┘

              ──────────── Prior Record ────────────

   ┌──────────┐          ┌──────────────┐        ┌──────────┐
   │   None   │          │ Misdemeanor  │        │  Felony  │
   └──────────┘          └──────────────┘        └──────────┘
        │                      │                      │
        ▼                      ▼                      ▼
```

Contact Restriction
•Stay Away from Victim
•Living Arrangements

Supervision/Monitoring
•AIC - Nonresidential
•Referral to Family Services

Intensive Pretrial Supervision
•Electronic Monitoring
•AIC - Residential
•Referral to Family Services

Sample List of Conditions and Programs by Category
New Britain

Personal Needs

Substance Abuse	Mental Health	Employment
Alcohol Tx- Inpatient	Anger Management	*Services*
Alcohol Tx.- Outpatient	Mental Health Evaluation	*CTWorks Career Centers*
A.A.	Counseling	*John J Driscoll Labor Agency*
Alcohol Evaluation	*Services*	*NB Public Welfare*
Drug Abuse Evaluation	*NB General-Behavior Health/Counseling*	*Spanish Speaking Center*
Drug Tx- Inpatient	*NB General-Behavioral Health Research*	*DAS- Human Resources Business Center*
Drug Tx.- Outpatient	*Family Services of Central CT*	*CT Puerto Rican Forum*
Services	*Community MH Affiliates*	*CT Rehabilitation Services*
Visiting Nurse Assn of Central CT	*Wheeler Clinic*	
NB General-Behavior Health & Addiction Services	*Non-Violence Alliance*	
Rushford Center		
Veterans Affairs Healthcare System	**Education**	**Other**
MCCA	School	Medical Conditions
St. Francis Behavioral Health	*Services*	
Inst. Of Living- Outpatient	*NB Adult Education Center*	
Community Solutions		
Alcohol and Drug Recovery Centers		
UCONN Health Center		

← **AIC Residential** →
AIC Nonresidential

Compliance Needs

Restrictions	Supervision & Monitoring	Intensive Pretrial Supervision
No Weapon Possession	Call-in	Electronic Monitoring
Curfew	Report to Supervision	AIC Residential
Motor Vehicle Restrictions	Urine Testing	
Turn Self Into Police	Fingerprinted	
Obey House Rules	Report to Probation/Parole	
Turn In Passport	AIC Nonresidential	
Travel Restrictions		
No Drug Possession		

Safety Risk

Contact Restrictions	Supervision & Monitoring	Intensive Pretrial Supervision
Stay Away From Victim	AIC Nonresidential	Electronic Monitoring
Living Arrangements	Referral to Family Services	AIC Residential
		Referral to Family Services