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National Notes

PUBLICATION RELEASED ON “ESSENTIAL ELEMENTS” OF A MENTAL HEALTH COURT

The Council of State Governments, with a grant from the Bureau of Justice Assistance, has released a publication outlining 10 essential elements of a mental health court. According to the document, the first mental health courts, established in the 1990s, had such widely different procedures that it was not possible to identify the elements that need to go into planning and operating a mental health court. Today, with over 150 mental health courts in operation and dozens more being planned, many similarities have emerged. The vast majority of mental health courts, the document says, shares the following similarities: a specialized court docket using a problem-solving approach; judicial supervision; regular review of the status of participants to reward or sanction; and defined criteria for successful completion.

According to the document, two principles underlie the 10 elements. The first is that “at the heart of each element is collaboration among the criminal justice, mental health, substance abuse treatment, and related systems.” This collaboration is “necessary to realize any of these elements.” The second is that mental health courts “are not a panacea. Reversing the overrepresentation of people with mental illnesses in the criminal justice system requires a comprehensive strategy of which mental health courts should be just one piece.”

The ten elements are:

- Planning and administration of the mental health court is guided by a broad-based group of stakeholders representing criminal justice, mental health, substance abuse and related systems.
- Eligibility criteria for participation in a mental health court take into consideration public safety, the availability of resources in the community, the availability of alternatives to pretrial detention, and the relationship between the offense charged and the individual’s mental illness.

EXECUTIVE DIRECTOR’S LETTER

Dear Friends,

One cannot help but notice the recent rash of publicity regarding our use of prisons and jails. While the story of who we incarcerate in this country and why continues to frustrate and even anger most of us, the fact that this story is receiving so much attention in the media is cause to celebrate.

We have traditionally shied away from the media claiming “they don’t understand what we do” or that they have no interest in covering anything other than our most sensational cases. The recent experience of groups such as the Sentencing Project has dispelled this conventional wisdom. Those of us involved in pretrial justice reform are long overdue for a communications strategy. Unless and until we can explain what we do to the general public in a sentence or two, our best efforts will be hindered.

EXECUTIVE DIRECTOR'S
LETTER
(CONTINUED)

The public perception that bonding for profit is a fair and effective mechanism for dealing with the accused cannot be rebutted unless the public has a clear understanding of the issues we deal with on a daily basis. We need to professionally craft our message while we target key constituent groups.

In short, we have to make public education a key element of our work rather than an occasional luxury we enjoy when we have the time and opportunity. I realize concepts as "marketing" and "messaging" are new to most of us, but they were new to sentencing reformers until not long ago. By following their lead, however, we will have a fighting chance to create public demand for fair, rational and effective pretrial justice systems.



- Identification of participants and linkage to treatment occurs as quickly after arrest as possible.
- Terms of participation are clear, promote public safety, and are individualized to address the risks and needs of each participant.
- Potential participants fully understand the program requirements before agreeing to participate, meaning that they have the assistance of counsel and are mentally competent to make the decision to participate.
- Participants are connected to comprehensive treatment and services that are individualized to their needs and, whenever possible, evidence-based.
- Health and legal information pertaining to participants and potential participants is shared in a way that protects their confidentiality rights.
- The mental health court team, comprised of judge, prosecutor, defense, treatment provider, and case manager, receives special, on-going training and works together to help participants achieve treatment and justice system goals.
- The team monitors the participants' adherence to program conditions, offers individualized incentives and sanctions, and modifies treatment as necessary to assure public safety and the participant's recovery.
- Data are collected and analyzed to measure the impact of the mental health court.

The report concludes that while planning and operating a mental health court involves "complicated challenges," experience has shown that incorporating these 10 elements can lead to mental health courts that "make communities healthier and safer, promote the efficient use of public resources and tax dollars, and improve outcomes for people with mental illnesses who are involved in the criminal justice system."

A copy of the document, "Improving Responses to People with Mental Illnesses: The Essential Elements of a Mental Health Court," can be downloaded from the web site of the Criminal Justice/Mental Health Consensus Project, www.consensusproject.org.

*“The
important
thing is for
us to protect
the people
of Broward
County and
save money as
we do it.”*

PRETRIAL SERVICES EXPANDING IN BROWARD COUNTY

In January, Broward County Commissioners voted to expand the pretrial services program, housed in the Broward County Sheriff's Office. The decision came in response to a jail crowding problem that has been facing the county since the 1970s, which has left the jail operating at 92 percent capacity. The increase in inmates over the years has not been due to more arrests, but to an increase in the length of stay. In 2002, the average length of stay was 27 days. As of 2006 that number has risen to 32 days.

Commissioners voted to expand the pretrial program at a cost of \$1.4 million this year and \$2.7 million next year rather than build a new jail, which would cost about \$60 million in construction and another \$30 million per year to maintain. With the additional funding, the pretrial program will add about 25 new employees to handle increasing case loads. By 2009, the program will be able to supervise 2900 defendants, an addition of 1000 defendants from its current case load. In discussing the vote to expand the program, Commissioner Ken Keechl told his colleagues that “[t]he important thing is for us to protect the people of Broward County and save money as we do it.” (*South Florida Sun Sentinel*, 1/16/08.)

Local bail bondsmen voiced their concerns with the Commissioners' decision to expand the pretrial program, arguing that the county would be releasing dangerous defendants with no way of guaranteeing the community's safety or the appearance of the defendant at court proceedings. The Commissioners responded by explaining that those who will be supervised by the program under the expansion are currently sitting in jail simply because they could not pay the bond initially imposed on them. Once these defendants qualify for release to the expanded pretrial program, the program will supervise them through the use of monitoring, drug testing, addiction treatment and job counseling. (*South Florida Sun Sentinel*, 1/16/08, and *Miami Herald*, 1/16/08.)

JUDGE CENSURED FOR SETTING EXCESSIVE BAILS

The Michigan Supreme Court has censured a district court judge for setting “harsh and excessive bail and inflicting unusual punishment.” The action arose out of three grievances that were filed against the judge. In the first, the judge had originally set a \$5000 ten percent bond on a woman charged with assaulting her son. After this bail had been set, the woman's son – the alleged victim in the case – was overheard by a law enforcement officer in the hallway outside the courtroom calling the judge a derogatory name. Upon being informed of this, the judge went back on the

Increasing bail amount after being called a name by defendant's son was punitive, says Michigan Supreme Court.

record and raised the woman's bond to \$25,000 cash or surety. The son, who was 16 years old, then asked the judge to punish him for the remark rather than his mother. The judge refused.

The second grievance involved two men who were charged with embezzlement from a vulnerable adult after allegedly overcharging a 90-year-old woman for a painting job in her home. For the first defendant, who had no prior criminal record, no history of substance abuse, and who was recently married, the judge set a bail of \$750,000. For the second defendant, who had a minor criminal record, was married and had an 11-month-old child, and had recently bought a home, the judge set a bail of \$1,000,000. Both men ultimately pled to reduced misdemeanor charges.

The third grievance involved a harsh sentence given to a woman with no prior criminal record who had pled guilty to a noise violation after holding a loud party at her home. Based on these three grievances, the Michigan Judicial Tenure Commission had recommended the censure. In ordering the censure, the Supreme Court cited 18 violations of the Michigan Constitution, Michigan statutes, and the Michigan Code of Judicial Conduct. Among the violations were "[f]ailure to establish, maintain, enforce and personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved," and "setting grossly excessive bail amounts and failing to appropriately and reasonably consider the provisions of (the Michigan statute) regarding bail."

DEFENSE LAWYERS COMPETE WITH BAIL BONDSMEN TO WRITE BAILS IN TEXAS COUNTY

Most states prohibit attorneys from posting bails for their clients out of concerns for conflicts of interest – some states even make it a crime to do so. Texas, however, allows this practice, provided that the lawyer posting the bond represents the defendant being bonded out. The *San Antonio Express-News* conducted a review of criminal cases to determine how often lawyers were posting bonds for their clients in Bexar County, and what the repercussions of that practice have been. The newspaper published its results in a recent two-part series.

A total of 250 defense attorneys were identified who posted bonds for their clients in 2007, accounting for one-third of all bail bonds posted during the year. The series featured one attorney, Kelly Green, who posted \$5.1 million in bonds last year on 430 cases. After its review of this attorney's cases, the newspaper reported that "it's not uncommon for Green's clients to end up back in jail after she requests arrest warrants for them for various bond violations.

*One-third of
all bail bonds
were posted by
the defendants'
attorneys.*

In the parlance of the bail bonds industry, it's called 'offing a bond' – common practice for a bondsman who suspects someone won't show up for court. But Green's approach has a twist: She usually continues to represent clients after dropping their bonds, even when their attorney-client relationship has soured."

"It's a dangerous practice which compromises a lawyer's relationship with the client," noted Claude Ducloux, former chair of the Texas Center for Legal Ethics and Professionalism. Added David Sheppard, a criminal defense lawyer who teaches at the University of Texas School of Law, "[h]ow do you maintain a trusting relationship with the client when you've revealed perhaps confidential information about the client's financial matters and payment history and you've been the agent who threw them in jail? I don't know how you maintain a proper relationship at that point."

The bail bonding industry, which loses business to attorneys, has long sought to get the Texas legislature to make it more difficult for attorneys to bail out their clients. Jim Warren, a lobbyist for the Professional Bondsmen of Texas, told the newspaper that such efforts have been unsuccessful because there are so many lawyers in the legislature who benefit from the current system. (*San Antonio Express-News*, 2/10/08 and 2/11/08.)

Cases

UNITED STATES V. HIR, U.S. COURT OF APPEALS FOR THE 9TH CIRCUIT, NO. 07-10500, 1/22/08

The Federal Bail Reform Act of 1984 requires the pretrial release of a defendant unless the court finds that "no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community." (18 U.S.C. § 3142(e)). The question before the U.S. Court of Appeals for the 9th Circuit was whether a defendant, arrested in California, could be detained for presenting a danger to a community outside of the United States.

This question arose when Rahmat Hir, a U.S. citizen who was born in Malaysia, was indicted on numerous counts relating to sending money and materials to his brother – a known terrorist – in the Philippines. The brother was implicated in several bombings in the Philippines and had been classified by the United States as a "Specially Designated Global Terrorist." Federal law prohibits providing money and materials to such designated individuals.

In determining danger to the community for the purposes of a detention decision, U.S. appeals court says, that community can be outside the U.S.

At his initial bail-setting hearing, the U.S. magistrate judge determined that Hir, who had no prior criminal record, was not a danger to the community within the Northern District of California, which is where he lived and was arrested. The court concluded that even though he may present a danger to communities within the Philippines, the Bail Reform Act did not allow for detention under those circumstances. The government appealed this decision to the U.S. District Court. The District Court judge concluded that the Bail Reform Act does not require a showing of danger to the immediate community and can include a community outside the U.S. Hir then appealed this decision.

The U.S. Court of Appeals noted that the Bail Reform Act “provides little in the way of an answer” to the question of whether the term “community” extends abroad. The court concluded that “we need not adopt a general rule governing the scope – geographic or otherwise – of the term ‘community’ in Section 3142(e) of the Bail Reform Act. We need decide only whether a court making a bail determination may consider the threat that a defendant poses to a foreign community in a case in which the defendant has been charged with an offense under American law, the effect of which occurs abroad. Along with the district judge, we conclude that it may. Any other interpretation would lead to an incongruous result: a court would be able to try a defendant under the laws of the United States for a crime the effects of which are felt abroad, but be unable to detain the defendant who committed the crime despite clear and convincing evidence that he continues to pose a danger to the same foreign community.” The court upheld the district court’s detention decision.

MINNESOTA V. MARTIN, MINNESOTA SUPREME COURT, A06-2460, 1/3/08

The Appellant Michael James Martin was charged with fifth-degree possession of a controlled substance. At his initial appearance, the district court set conditions of pretrial release requiring that Martin submit to a baseline urinalysis drug test in addition to random drug testing. When Martin’s attorney objected to these conditions, the court set bail, without nonmonetary conditions, of \$5,000 cash or a \$50,000 bond. When the attorney asked why bail in that amount was necessary, the court indicated that the amount had nothing to do with assuring that Martin made future court appearances. The court of appeals affirmed, concluding that neither the bail amount nor the conditions of release were an abuse of discretion. On appeal, Martin argued that: (1) bail and conditioned release may be imposed only for the purpose of assuring that a defendant will make future court appearances;

*Imposing
drug testing
as a blanket
condition
violates
bail setting
rules, holds
Minnesota
Supreme
Court.*

and (2) bail set to coerce a defendant to accept conditioned release is unconstitutionally excessive. The Minnesota Supreme Court subsequently reversed the Court of Appeal decision and remanded to the district court for further proceedings.

In providing a basis for this case, the Court noted how, under Minnesota law, all persons before conviction shall be bailable by sufficient sureties, with one exception not applicable here, and prohibits excessive bail. The sole purpose of bail and conditions of release is to assure the defendant's appearance in court. The Court also concluded that Minn. R. Crim. P. 6.02, read as a whole, does not violate the Minnesota Constitution. The amount of bail to be fixed in a particular case rests within the discretion of the trial court and its determination will not be reversed unless there is a clear abuse of that discretion.

The Court found that, given the express wording in Rule 6.02, the district court did not abuse its discretion when it considered public safety as a factor in setting conditions for Martin's pretrial release. Additionally, because Rule 6.02 requires the district court to take into account the nature and circumstances of the offense charged when determining the reasonable likelihood of the defendant's appearance, the use of unlawful substances is more appropriately considered on a case-by-case basis as a factor under the rule. The Court found that, in this instance, it appeared that the basis for imposing the condition of drug testing was the fact that imposing such a condition was the district court's standard practice. However, the Court ruled that such a practice violates the rule. It should also be briefly noted that the Court would not address the question of whether the district court abused its discretion in not releasing Martin on his own recognizance or on an appearance bond.

According to the Court, Rule 6.02 does not authorize the setting of monetary bail for such purposes as to encourage Martin to submit to drug testing. Because the record indicates that the district court set bail solely to encourage Martin to accept conditioned release, the district court violated Rule 6.02's requirement that bail be set without other conditions. Thus, the district court had abused its discretion. Based on the fact that the district court set Martin's conditions of release based on its standard practice without considering the particular facts before it, the Court remanded the case to the district court to reconsider what, if any, conditions of release are necessary to assure Martin's appearance at future court appearances and submission to the judgment of the court.

*Conviction for
violating pretrial
release condition
affirmed despite
defendant's
reasonable basis
for confusion
about the
condition.*

**VICKERS V. ALASKA, COURT OF APPEALS OF
ALASKA, NOS. A-9501 AND A-9502, 1/18/08**

When Nathaniel Vickers was indicted on felony assault charges in connection with a domestic violence incident he was released with the condition that he have no contact with the victim. Within three months he was arrested for violating this condition and was charged with a misdemeanor. He pled guilty to the misdemeanor failure to comply charge and was put on probation. A condition of that probation was that he not have any contact with the victim unless the victim wrote a letter to the district attorney consenting to contact. The victim did write such a letter, meaning that under his probation Vickers was allowed victim contact. The pretrial release condition prohibiting contact, however, was still in force since the felony assault charge was still pending.

Vickers was then arrested for violating this pretrial release condition after he was observed by a police detective in the presence of the victim. At trial on that condition violation charge Vickers argued that he should be able to present to the jury a “mistake-of-law” defense, claiming that he could reasonably believe that the no-contact condition of his pretrial release was superseded by the lifting of the no-contact condition on probation. The trial court put limits on Vickers’ ability to make that argument. Also at the trial, the prosecution introduced into evidence, over Vickers’ objections, the fact that Vickers had previously violated this pretrial release condition – to show that Vickers should have known that he was still liable for that condition. A third issue at trial centered around the fact that the pretrial release condition of no contact, while clearly stated orally by the court at the initial bail setting hearing, did not get recorded on the release order. The trial court ruled that inadvertently leaving the condition off the release order did not invalidate the condition. The jury convicted Vickers and he appealed.

On the issue of whether the trial court erred in limiting Vickers’ mistake-of-law defense, the Alaska Court of Appeals ruled that the limits the trial court put on Vickers’ presentation of that defense were consistent with an Alaska Supreme Court ruling that defined the elements of a violation of a no-contact order. In *Strane v. State* (16 P.3d 745), the Supreme Court ruled that it did not matter what the defendant concluded about the applicability of a no-contact order; what mattered was that the defendant was aware of the order and its contents. As to whether the trial court should have prevented the prosecution from discussing Vickers’ previous conviction for violating the pretrial release condition, the appeals court ruled that the admission of this evidence was limited to showing that Vickers knew about the pretrial release condition.

*Time spent
on electronic
monitoring as
pretrial release
condition
does not
count toward
sentence
credits, says
California
appeals court.*

Regarding the validity of the no-contact condition given that it was inadvertently left off of the release order, the appeals court noted that nothing in the Alaska Statute (AS 12.30) requires that conditions of pretrial release imposed by a court be in writing. The court affirmed Vickers' conviction for failure to comply with his condition of pretrial release.

PEOPLE V. ANAYA, CALIFORNIA COURT OF APPEALS, SECOND APPELLATE DISTRICT, 2D CRIM. NO. B195866, 12/06/07

Esther Torres Anaya had been released on bail pending her trial for embezzling money from the elderly over whom she exercised guardianship authority. On October 5, 2005, the court designated certain conditions of her release including electronic monitoring and some restriction on her freedom of movement. Anaya was also required to sign a Community Confinement Release Contract. On January 12, 2006, Anaya pled guilty to the charges and was sentenced on December 12, 2006 to five years and four months in prison. The record reflected no violation of the community confinement contract and along with 236 days credit for time held prior to her release on bail, she was awarded 434 days of credit for the time released on electronic monitoring. The district attorney subsequently appealed the 434 days credits, arguing that the trial court erred in giving her the credits for the electronic monitoring.

The only issue before the Court of Appeal was whether Anaya was entitled to custody credits against her sentence for time spent while subject to the electronic monitoring agreement. The trial court had relied on Penal Code Section 1203.016.1, which authorizes a low-risk or minimum security offender committed to a county jail to participate in a home detention program if approved by the county or the court. However, according to the Court of Appeal, "that statute does not authorize a court to award presentence custody credits. It is not addressed to bail and, by its terms, has no application here." Instead, the statute authorizing the award of credits is Section 2900.5.2, which states in part: "In all felony and misdemeanor convictions, either by plea or by verdict, when the defendant has been in custody, including, but not limited to, any time spent in a jail, camp, work furlough facility, halfway house, rehabilitation facility, hospital, prison, juvenile detention facility, or similar residential institution, all days of custody of the defendant, including days served as a condition of probation in compliance with a court order, . . . shall be credited upon his or her term of imprisonment . . ." Anaya argued that the trial court was correct in its sentencing, given that the list of facilities for which presentence

*Findings from
New York
study mirror
findings
nationally
on rearrests
for violent
offenses.*

credit may be awarded in section 2900.5 is preceded by the language “including, but not limited to.”

While Anaya was correct in her assertion that the language in section 2900.5 indicates the list is nonexclusive, the Court of Appeal did not find substance to the argument for two reasons. First was the fact that the State Legislature had previously amended the statute in 1999 to purposely delete “home detention programs” from section 2900.5, subdivision (a). The court could not ignore the Legislature’s clear desire for a change in the law. Second, the court noted that the phrase “including, but not limited to,” had previously referred only to those facilities preceding “or home detention programs.” Thus, even when home detention programs had been included in the statute, the Legislature acknowledged the difference between home detention and those more restrictive programs requiring more restrictive custody. The court directed the trial court to eliminate 434 days of presentence custody credit.

Research

NEW YORK CITY PRETRIAL PROGRAM LOOKS AT REARRESTS FOR VIOLENT OFFENSES

In 2006, the New York City Criminal Justice Agency, which provides pretrial services to the city, released the report, Predicting the Likelihood of Pretrial Re-Arrest for Violent Felony Offenses (see *The Pretrial Reporter*, 12/06). The agency recently released a new report that uses the same data to further examine the factors in violent reoffending. Drawing on the original sample of 67,848 New York City arrests between January 1 and March 30, 2001, a subsample of 4,827 pretrial defendants released and rearrested prior to January 31, 2002 was constructed.

This most recent study provides an excellent opportunity to compare the New York City findings with findings from studies conducted nationally and in other localities. Basic analysis of the data reveal several characteristics of pretrial rearrests in New York City that largely conform to what we know about career criminality from other studies. For example:

- 17 percent of released defendants in the New York sample were rearrested before disposition of their case, very similar to the 18 percent rearrest rate found in large urban counties nationwide participating in the Bureau of Justice Statistics (BJS) State Court Processing Statistics Program (SCPS).

*Felony
domestic
violence
defendants
less likely to
be released
pretrial than
defendants
charged
with felony
assaults
that are not
domestic
related.*

- Violent felony defendants in New York City are less likely to be rearrested than most other types of defendants, conforming to current knowledge of pretrial rearrests from SCPS.
- When violent felony defendants in New York City are rearrested, they are more likely to be rearrested for violent felonies than are misdemeanor or lesser offense defendants. This pattern of “career violent criminality” comports with the last national recidivism study by BJS. While violent defendants tend to reoffend at low rates, when they do reoffend, they tend to do so in a more violent fashion than other defendants.
- Felony defendants with a drug offense in both New York City and in SCPS are more likely to be rearrested for a new offense than defendants initially charged with a violent or property offense.

This study helps to highlight that violent reoffending by defendants charged with violent offenses and out on pretrial release is relatively rare. To hold all defendants charged with a violent offense would result in detaining large numbers of persons who are simply not likely to present a threat to the general population if released pretrial. Thus, pretrial programs should focus on identifying defendants most at risk for rearrest on violent offenses and developing appropriate approaches, ranging from restrictive conditions of release to detention, to dealing with those defendants.

A copy of the study, “Pretrial Re-Arrest for Violent felony Offenses,” by Qudsia Siddiqi, should be available shortly on the Criminal Justice Agency web site: www.nycja.org.

BJS REPORT LOOKS AT PROCESSING OF DOMESTIC VIOLENCE CASES

The Bureau of Justice Statistics (BJS) has released its first of several planned reports analyzing data collected by the Pretrial Justice Institute on the processing of domestic violence (DV) cases. The findings of the report are based on felony DV cases filed in May 2002 and followed through to final disposition in 15 urban counties. The study explored how these cases were handled by the justice system and compared their processing to that of non-domestic violence felony (non-DV) cases. For purposes of this research, domestic violence includes violence between family members, intimate partners, and household cohabitants. The sample was made up of 2,629 violent felony cases and defendants were classified as either DV or non-DV cases. Approximately one-third of the cases were DV and consisted mainly of sexual assault,

INSTITUTE ACTIVITIES

As the New Year begins PJI is picking up right where we left off with our busy work, active traveling for various site work, conferences, and meetings. Executive Director Tim Murray has spent time on the West Coast starting work on a program assessment for Los Angeles County Pretrial Services, and conducting strategic planning sessions with Santa Clara Pretrial Services and U.S. Pretrial Services in Portland, Oregon. Tim also visited King County, Washington to do a community corrections assessment.

PJI has been working with Dr. James Austin of the JFA Institute in the development and implementation of a validated risk assessment instrument for the Harris County, Texas pretrial program. In addition to county work, PJI staff was just in New York collecting data for the State Court Processing Statistics (SCPS) project. PJI also had the opportunity to attend the NACo Criminal Justice Steering committee meeting, the BJA regional conference, and the NJ Community Corrections Research Network meeting.

Around the office staff has kept themselves quite busy as well. Tim has been interviewed by both Voice of America and NPR's Baltimore affiliate on bail bonding in the U.S. Meanwhile Senior Researcher Dr. David Levin has been preparing

aggravated assault and other violent crimes, such as kidnapping or child abuse.

The study found that defendants charged in a DV case were more likely to be detained pretrial than non-DV case defendants. Forty-six percent of defendants arrested for DV aggravated assault were detained pretrial compared to 38 percent for defendants arrested on non-DV aggravated assault. Fifty-eight percent of those charged with a DV sexual assaults remained detained throughout the pretrial period, compared to 53 percent of those charged with non-DV sexual assault. The study also showed that DV cases were more likely to be prosecuted (89 percent compared to 73 percent) and more likely to be convicted (98 percent versus 87 percent) than defendants in non-DV cases. Defendants in DV cases also had a much lower rate of deferred adjudication or prosecutorial diversion – 12 percent for DV cases compared to 20 percent for non-DV cases.

Future BJS reports on these data will include analyses of the processing of misdemeanor DV cases.

For a copy of this report, "State Court Processing of Domestic Violence Cases," or to check for future domestic violence reports, please visit the BJS website: <http://www.ojp.usdoj.gov/bjs/welcome.html>.

STUDY FINDS GOOD OUTCOMES FOR MICHIGAN DUI COURTS

The Michigan Supreme Court, State Court Administrative Office recently funded an outcome evaluation to determine the effectiveness of Michigan's Driving Under the Influence (DUI) Courts. Of the state's twenty-four DUI Courts, three participated in a longitudinal study that tracked DUI court participants for one year following program completion or termination. The three DUI courts studied were located in Bay, Ottawa and Oakland Counties. All three screen defendants pretrial to determine eligibility, and require a plea before program entry. The study also included a comparison group of traditional probation offenders.

The analysis revealed that DUI court participation reduced recidivism. After one year, 7.7 percent of DUI court participants were rearrested, compared to 24.4 percent of probationers. DUI court participation also reduced levels of substance abuse, as the number of positive drug tests submitted by participants was significantly reduced over time. In addition, DUI court participants

INSTITUTE ACTIVITIES (CONTINUED)

two papers: "Mental Health Screening of Persons Moving through the Jail System Pretrial 2001-2003: a Validation Study" and "The Increased Reliance on Monetary Bail and the Law of Unintended Consequences According to the State Court Processing Statistics (SCPS) Data Series," which will be presented in March at the Annual Meeting of the Academy of Criminal Justice Sciences. John Clark, Director of Technical Assistance has been developing materials for PJI's tribal justice page on our website, which will include a document on model tribal codes relating to pretrial release decision making.

Staff has also been preparing to begin work on a BJA grant to offer state-wide judicial training on pretrial release decision making. This project will bring training to bail setting judicial officers in three pilot sites. Staff recently also submitted two more proposals. The first proposal is to NIJ for research on safe community release for pretrial and jail populations. PJI's second proposal would examine juvenile case processing in the District of Columbia.

spent less time in jail prior to program entry and less time in jail overall than the comparison group. DUI court participants were also sentenced more quickly than were their counterparts.

Individual analysis of the courts revealed that in both Bay and Ottawa counties, the fewer number of days spent in jail pre-program entry, the fewer the number of times the participant was rearrested. In Bay County, those who spent less time in jail pretrial were more likely to successfully complete the DUI court program.

The final report "Michigan DUI Courts Outcome Evaluation" can be downloaded from http://www.npresearch.com/Files/MI_DUI_Outcome_Evaluation_FINAL.pdf.

Calendar

September 28 to October 1, 2008 are the dates of the 36th Annual Conference and Training Institute of the National Association of Pretrial Services Agencies (NAPSA). This year's conference will be held at the Hyatt Regency Milwaukee on the shores of Lake Michigan in Milwaukee, Wisconsin. Keep checking the NAPSA web site, www.napsa.org, as more details become available.

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