

THE PRETRIAL REPORTER

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In this issue:

NATIONAL NOTES	1
CASES	6
RESEARCH.....	9
INSTITUTE ACTIVITIES	12

National Notes

SUPREME COURT TO DECIDE TIMING OF INDIGENT COUNSEL APPOINTMENT AFTER INNOCENT MAN DETAINED FOR WEEK

On March 17, 2008, the U.S. Supreme Court heard oral arguments on the issue of when the court must appoint counsel for an indigent defendant who requests a lawyer. The issue arose after Walter Rothgery was arrested in Gillespie County, Texas on a charge of being a felon in possession of a handgun. The basis for this felony charge was the belief, which turned out to be mistaken, that Rothgery had a felony drug conviction from California. Rothgery was anxious to get an attorney quickly so that it could be established that the California felony drug conviction was vacated after he successfully completed pretrial diversion.

After his arrest, Rothgery spent one night in jail before seeing a magistrate. At that initial appearance, Rothgery requested that a lawyer be appointed for him. The magistrate responded that if he wanted to proceed with the hearing and have bail set, he would have to waive his right to an attorney; otherwise, he would have to wait until an attorney could be appointed. Rothgery agreed to a temporary waiver and bail was set at \$5,000, which he then posted through a bail bondsman. Once released, Rothgery renewed his requests for an attorney, making daily telephone calls to court officials for several weeks. These requests were denied in accordance with Gillespie County policy of not appointing indigent counsel until after a defendant's first appearance following an indictment.

Rothgery's indictment did not come until six months after his arrest. Upon indictment, the court increased his bail to \$15,000. Rothgery could not pay that amount and he was jailed. At the hearing at which the bail was raised, as well as for several days thereafter, Rothgery repeated his requests for an attorney. A week later, the court finally appointed him an attorney, who immediately obtained proof that the California felony conviction was vacated. On the basis of that information, the district attorney moved for the dismissal of charges and Rothgery was released. He then sued the county

EXECUTIVE DIRECTOR'S LETTER

Dear Friends,

"Community Engagement." "Circle of Caring." "Help for the Poor." "Fair, Straightforward, Honest." Sound familiar? No, these aren't quotes from the most recent NAPSA keynote address, these are statements recently made by bonding for profit industry representatives describing their work.

In this day and age, more than ever, "messaging" is crucial to almost every public undertaking. What is our message? How do we describe ourselves and our work? How do we explain to strangers the value we add to our communities? Tough questions, I know but questions for the most part, that have no concise and consistent answers commonly used among us.

Unless we can describe our work in short, clear statements that the general public can understand, we will never get policy makers to appreciate how we impact public safety, the economy, and fair play. Once it seemed our work was about helping the poor who were

EXECUTIVE DIRECTOR'S
LETTER
(CONTINUED)

in jail only because they couldn't afford to pay their way out. Next, we were seen by many as saving communities from the crisis of jail crowding. Still later, we proudly explained how our efforts addressed public safety in ways the bonding for profit system could not.

So, I ask from my lofty perch in Washington, "What's it going to be?" What descriptors will we choose to use in the coming decades? Which themes best explain the motivation and goals of our reform? Are we about reducing racial disparity? Cost savings? Common sense and rationality? Evidence based practice? Unless we craft our own message, others will be all too happy to do it for us, as we have seen so many times in the past. Unless we take the time and effort to communicate our work with those we serve, we will instead spend our time and effort defending ourselves from the labels given to us by others. This is a challenge we are undertaking here at PJI and we invite you to do the same in your jurisdiction.



under U.S.C. § 1983 on the ground that the county violated his Sixth Amendment right to counsel. The U.S. District Court granted summary judgment for the county, and this decision was affirmed by the U.S. Court of Appeals for the Fifth Circuit. The U.S. Supreme Court agreed to review the case.

Prior U.S. Supreme Court rulings have held that the Sixth Amendment right to counsel attaches upon the "initiation of adversary judicial criminal proceedings – whether by way of formal charge, preliminary hearing, indictment, information, or arraignment" (*Kirby v. Illinois*, 406 U.S. 682 (1972)). At the oral argument, the attorney for Gillespie County argued that adversary hearings do not begin until indictment, and thus there is no Sixth Amendment requirement to appoint indigent counsel until that point. Rothgery's lawyers argued that defendants should have access to lawyers as soon as their liberty is restrained.

The justices raised several questions at the hearing, including: Is the initial appearance in court an "adversary" proceeding if the prosecution is not present and knows nothing about the arrest? When are persons considered "charged" with a criminal offense so that they can be subject to the requirements of bail? Does it make a difference in the timing of the appointment of indigent counsel whether the defendant is in or out of custody? Is it a "critical stage" of the proceedings, requiring access to an attorney, when a defendant is asked whether he wishes to waive his right to a preliminary hearing – a decision defendants are asked to make at initial appearance?

Only Texas and five other states do not provide counsel for indigent defendants before, during or immediately after the initial court appearance. A ruling in this case is expected by early summer.

**NEW ICE PLAN TO IDENTIFY AND REMOVE
CRIMINAL ALIENS COULD IMPACT PRETRIAL
RELEASE DECISION MAKING**

In 1997, a federal law was passed requiring the placement of agents from the Immigration and Naturalization Service (INS) in 100 jails around the country to screen before or at initial appearance all foreign born arrestees to determine if they may be deportable as criminal aliens. The 100 jails were to be those from jurisdictions that had a large immigrant population. Over the years, the number of jails where such screening has been conducted has grown to about 300. In March, the Immigration and Customs Enforcement (ICE), the successor agency to INS, announced a plan that would screen all foreign born detainees in every jail system in the United States – numbering over 3,000 – and identify those who are removable due to a prior criminal conviction.

Implementation of the first phase is expected to take three and a half years and cost between \$930 million and \$1.1 billion.

To implement this plan, ICE will deputize specially-trained local law enforcement officials and assign to them the task of screening all foreign born inmates at booking and identifying those who are not citizens and who have a prior conviction. ICE expects a phased-in implementation of the plan, with an initial focus on those with violent or major drug offenses, followed by property and minor drug offenses, and then all offenses. Implementation of the first phase is expected to take three and a half years and cost between \$930 million and \$1.1 billion.

If the experiences from 1997 are a guide, this plan will have implications for pretrial release decision making. In 1997, the Miami-Dade County, Florida pretrial program reported that INS officials would request delays in the release of some foreign-born arrestees so that their investigations could be completed. The Harris County, Texas pretrial program needed to amend its warning to defendants prior to interviews that the information provided might be reviewed by INS officials and used for deportation decisions. (*The Pretrial Reporter*, 10/97.)

A copy of the ICE plan, "Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens," is available at www.ice.gov.

CUT-RATE BONDS FREEING POTENTIALLY DANGEROUS PEOPLE, WORRY OFFICIALS

In Maryland, a common bail bonding practice is troubling many state regulators and other officials. Bail bondsmen typically charge defendants a non-refundable 10 percent fee on the bail set by court. In order to compete with other bail bonding companies, Maryland bondsmen often take far less money – in some instances as little as one percent. This practice, known as cut-rate bonds, allows the defendant's family or friends to post a much smaller amount by signing a promissory note for the rest of the fee. The practice is legal under the current Maryland law as long as bondsmen make "good faith efforts" to collect the remainder of the fee. Todd Cioni, associate insurance commissioner for compliance and enforcement, said regulators are rarely able to prove the bondsmen aren't going after the remaining funds. According to Cioni, only five bondsmen have been fined in the past five years for failing to go after the money.

Many Maryland officials are worried that these cut-rate bonds are allowing thousands of dangerous criminals to post less than the court required, undermining the decisions of judges and putting the public at risk. As Baltimore State's Attorney Patricia C. Jessamy said, bail bondsmen are making a "mockery" of the system.

These cut-rate bonds are allowing thousands of dangerous criminals to post less than the court required, undermining the decisions of judges and putting the public at risk.

“Somebody gets a big bail, \$500,000, and gets out for one percent,” she said. “If that doesn’t defeat the purpose, I don’t know what does...The whole system needs to be reformed.”

Anne Arundel County Republican Delegate Robert A. Costa introduced a bill into the legislature this session which would have made it a misdemeanor for bail bondsmen to fail to collect the full 10 percent prior to release. Costa said this infuriated the bonding industry. He explained that they said, “How dare I interfere with their business. It’s their choice if they want to do this or not. And I said, ‘Not if it’s putting defendants back on the street to continue to commit crime.’” Costa withdrew the bill explaining that he didn’t have enough research to win a battle against the lobby. He said that he will try again next year after gathering more information on the issue. (*Baltimore Sun*, 2/20/08.)

REPORT HIGHLIGHTS IMPACT OF JAIL CROWDING

The Justice Policy Institute (JPI) recently released a report on the impact of jail crowding, and the effect on the individuals that are held in the facilities and the communities which they serve. According to the report, jails are holding more people that have not been found guilty for longer periods of time. The report, *Jailing Communities: The Impact of Jail Expansion and Effective Public Safety Strategies*, states that the jail population has grown 21 percent between 2001 and 2006. The report attributes this increase to rising bail amounts, increasing immigration holds, and using jails as “asylums” for individuals with mental health problems and drug addictions.

“In 2004, local governments spend a staggering \$97 billion on criminal justice, including police, the courts and jails. Over \$19 billion went to finance jails alone,” stated the report, affecting what is being spent to finance education and other resources. The report asserts that increasing the bed space and jail populations will not necessarily decrease violent crime. In fact, “falling jail incarceration rates are associated with declining violent crime rates in some of the country’s largest counties and cities.”

The report makes several recommendations, including expanding the use of pretrial programs and moving away from financial types of release in appropriate situations. Additional recommendations call for diverting people with mental health and drug treatment needs to appropriate facilities within the public health system. Roughly 74% of defendants in jail have mental health problems and are there for non violent offenses. Defendants that suffer from mental illness have a greater risk of harming themselves or others and have a difficult time following rules while they are incarcerated.

*The jail
population
has grown
21 percent
between 2001
and 2006.*

Crowding in jails reduces the likeliness of the defendant receiving the proper and adequate treatment for his or her mental illness.

A copy of this report, "Jailing Communities: The Impact of Jail Expansion and Effective Public Safety Strategies," can be downloaded at: www.justicepolicy.org.

PRESIDENT SIGNS RE-ENTRY BILL

On April 9, 2008, President Bush signed into law the Second Chance Act. Also referred to as the "reentry bill" the Second Chance Act seeks to address the reentry crisis. By allocating \$165 million per year in federal grants to local jurisdictions, the reentry bill aims to reduce recidivism, increase public safety and save taxpayer money. Funding from the reentry bill will provide ex-offenders with education, job training and treatment. The bill will also support research and the development of evidence-based programs.

The National Association of Counties (NACo) and the National Sheriffs' Association supported the bipartisan bill, recognizing the potential savings to the criminal justice system. According to statistics provided by NACo, in 2002 counties spent \$53 billion dollars on the criminal justice system. By diverting non-violent offenders who suffer from mental illness or drug and alcohol addiction from jails into treatment programs, both NACo and the National Sheriffs' Association believe the bill will reduce jail crowding and provide cost savings to county jails. The bill will also provide offenders with services and resources when leaving jails so they may successfully reenter the community. Further, enactment of the reentry bill will permit the re-allocation of funds from jails into other areas of the criminal justice system, including law enforcement, courts, prevention and treatment.

NACo still seeks a national commission to address reentry. Supported by national organizations such as the National Sheriffs' Association, the National District Attorney's Association, the American Psychiatric Association, the National Association of County Behavioral Health and Developmental Disability Directors, and the American Correctional Association, the commission, if appointed, would study the issue and make recommendations available on how to address the problems surrounding reentry.

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the criminal
justice system.*

Cases

PEOPLE V. RICKMAN, SUPREME COURT OF COLORADO, NO. 06SC454, 3/3/08

John Rickman was convicted by a jury of two counts of violating a bail bond condition. One of the bond conditions at issue prohibited Rickman from possessing weapons and the other required that Rickman not violate any state or federal laws while on bond. These convictions stemmed from a case in which Rickman was ordered by the court to the supervision of a pretrial services program. He violated these two conditions when he was charged and convicted in federal court with a weapons offense while still on pretrial release on the initial charge.

In its bail decision for the initial charge, the court had not imposed any specific non-financial conditions. Rather, the conditions regarding weapons possession and obedience with all laws were set by the pretrial services program. Rickman contested his bail violation convictions on the basis that the two conditions in question were not ordered by the judge at the bail hearing but were instead imposed by pretrial services personnel, who had no authority to do so. A Colorado appeals court agreed with Rickman and reversed both convictions. The case then went to the Colorado Supreme Court, which affirmed the court of appeals ruling in part and reversed it in part.

In reviewing the case, the Supreme Court initially determined that Colorado trial judges may use a pretrial services program in making bail bond decisions, but the program's role is limited to assisting the judge in pretrial release decision making and to supervising defendants where the judge ordered supervision. Under Section § 16-4-103(2) of the Colorado Statute, bond conditions must either be mandated by law or imposed by the judge. Subsequently, the Court noted that while a pretrial services program may require that the defendant submit to any of the methods of supervision listed in section 16-4-105(3)(d), the statute does not anticipate or permit a judge to delegate the authority to a program to set conditions of bond.

In addressing the first condition, which barred Rickman from possessing weapons, the Court found that the trial judge did not impose this as a condition. Instead, the prohibition was later recorded in the Release Agreement, the Appearance Bond, and the Bond Conditions Form, which were filled out by the pretrial program. The judge did not sign any of these documents

*Only judge,
not pretrial
program, can
set conditions
of release,
says Colorado
Supreme
Court.*

or incorporate them as the order of the court. Additionally, a prohibition against possession of weapons is not a bond condition mandated by statute. Therefore, the court vacated this conviction.

In regards to the bail violation conviction for committing a new offense while on pretrial release, the Court noted that the statute requires this as an automatic condition in every case, and, as a result, the judge has no discretion whether to impose this condition. Therefore, the Court rejected Rickman's argument that the pretrial program exceeded its authority in including this condition on the Bond Conditions Form, and reversed the ruling of the appeals court, which had reversed this conviction.

HEATH V. KIGER/STATE OF ARIZONA, SUPREME COURT OF ARIZONA, NO. CV-07-02222-PR, 2/21/08

Sarah Heath pled guilty to three felony drug counts. Under the terms of the plea agreement, Heath was to participate in the Treatment Assessment Screening Center (TASC) program, and upon successful completion, the court would dismiss two of the felony charges and designate the third as a misdemeanor. If Heath failed to complete the program she would be sentenced on the felony charges to which she pled guilty. The court released Heath on her own recognizance pending completion of the program. Heath completed the TASC program, but before sentencing she was arrested again and charged with three new felony drug counts.

Citing Article 2, Section 22.A.2 of the Arizona Constitution, the State moved to hold Heath without bail on the new felony charges. Under that provision, persons charged with a crime must be released on bail except in limited circumstances, including when a person charged with a felony offense "is already admitted to bail on a separate felony charge and . . . the proof is evident or the presumption great as to the present charge." Heath argued that she was not "admitted to bail" at the time she allegedly committed the new felony offenses since she was on her own recognizance. The superior court found that Heath "was on felony release at the time" of her arrest and that there was "proof evident or presumption great" that she had committed one of the new felony offenses. Thus, the court ordered Heath "held without bail until further order of the court." On appeal, the court of appeals ruled that Article 2, Section 22.A.2, did not apply to defendants released on their own recognizance.

Upon review, the Arizona Supreme Court focused on determining the meaning of the phrase "admitted to bail," which was not defined within the Arizona Constitution. To determine the meaning of the phrase, the Court examined case law and the legislative intent

*Arizona
Supreme
Court holds
defendants on
recognizance
are “admitted
to bail” for
the purposes
of detention
provisions.*

of the law. Through this effort the Court found little evidence to support Heath’s argument that Arizona law related to pretrial release differentiates between release on bail and release on one’s own recognizance. On the other side, the Court found that it had previously interpreted the term “bail” to include release on one’s own recognizance. Thus, even a technical definition of the term “bail” could reasonably be said to include release on one’s own recognizance. Furthermore, the court of appeals has identified the purpose of the constitutional provision as being to avoid the “revolving door” scenario in which a defendant continues to commit crimes while released on bail.

The Court reasoned that if the intent of the law was to prevent those charged with felonies but released pending trial from committing additional crimes, the section should then apply to all those released. Thus, the Court concluded that the phrase “admitted to bail” includes defendants released on their own recognizance. The Court vacated the court of appeals’ decision, affirming the order of the superior court holding Heath without bond.

NEW JERSEY V. WATKINS, SUPREME COURT OF NEW JERSEY, A-118-2006, 2/21/08

According to the guidelines that govern New Jersey’s Pre-Trial Intervention (PTI) program, there is a presumption against admission into PTI where the criminal conduct is “part of a continuing criminal business or enterprise.” (Guideline 3(i)(2) of Rule 3:28.) The New Jersey Supreme Court was asked to determine whether this rule applied to the case of Charles Watkins, who had been arrested for continuing to receive and cash unemployment checks from the state for five months after he had returned to his job.

After his arrest, Watkins applied for admission to PTI. The prosecutor rejected the application on the basis of Guideline 3(i)(2). The trial court upheld the prosecutor’s determination, but the state’s appeals court held that the guideline did not apply to Watkins’ case. In its ruling, the appeals court held that the five-month period was too short to be considered a continuing criminal enterprise.

The supreme court agreed with the appeals court’s outcome, but for a different reason. The court held, based on its review of the text and history of the PTI statute and Guidelines, that the intent of the drafters of Guideline 3(i)(2) was “to encompass serious or heinous crimes that are elements of a larger commercial scheme perpetrated by persons acting in concert for material financial gain.” Repeating the same crime five times, as Watkins did by accepting the unemployment checks and certifying that he was still

*New Jersey
Supreme
Court says
unemployment
fraud is not
disqualifier
for pretrial
intervention
program.*

unemployed, does not meet this definition of a “continuing criminal or business enterprise,” as long as he was acting alone. The court cautioned that its ruling did not require that Watkins or others in similar circumstances be admitted to PTI; only that there was no presumption against admission stemming from Guideline 3(i)(2).

Research

NIC DOCUMENT LOOKS AT EVIDENCE-BASED PRACTICES IN PRETRIAL

The 2008 Annual Issue of the National Institute of Correction’s publication *Topics in Community Corrections* is dedicated to “Applying Evidence-Based Practices in Pretrial Services.” The issue contains six articles by pretrial practitioners that look at a global approach to research into the pretrial process; effective strategies for implementing evidence-based pretrial practices; a quasi-experimental design for pretrial research on a statewide scale; the adoption of post-adjudication tools for application to the pretrial process; and research on pretrial rearrest risks for domestic violence defendants.

The first article, “A Framework for Implementing Evidence-Based Practices in Pretrial Services,” by John Clark of the Pretrial Justice Institute, looks at using the pretrial release standards of the American Bar Association to set a research agenda. The article cites the need for research on clearly specified aspects of pretrial programming, such as risk assignment systems and supervision methods.

The next article, “Advancing Evidence-Based Practices in the Pretrial Field,” was authored by Katie Green of Colonial Community Corrections, Pat Smith of OAR/Jefferson Area Community Corrections, and Kristina Bryant of Chesterfield Community Corrections – all from the Commonwealth of Virginia. The article describes efforts in Virginia to move decision makers from only placing low risk defendants on pretrial release to an evidence-based policy of release of medium to high-risk defendants under conditions of supervised release. To do so, the article calls for a focus on a triad of defendant and program characteristics: risk, need and responsivity. According to the article, pretrial programs should be able to identify not only the risks defendants present, but their needs for treatment and services as well, and be sufficiently

Pretrial release standards can be used to set research agenda for evidence-based practices.

flexible to either provide those services to defendants directly or to be in position to broker those services.

“Improving Pretrial Assessment and Supervision in Colorado,” by Michael Jones and Sue Ferrere of Jefferson County, Colorado, describes the participation of that state’s pretrial programs in the Colorado Improving Supervised Pretrial Release (CISPR) Project. CISPR has two components: the development of a validated statewide risk assessment instrument, and the development of supervision protocols to match elements of a defendant’s risk profile to specific pretrial supervisory techniques. Specifically, the project is designed to move away from the common practice of using risk classifications of low, medium and high and then assigning pre-packaged sets of conditions (i.e., report in weekly) for the appropriate risk level. With the findings of this project, pretrial programs will be able to offer judges a bundle of conditions for each individual defendant rather than a “one-size-fits-all” approach.

The next article, by Barbara Hankey of Oakland County, Michigan Community Corrections is “Pretrial Defendants: Are they Getting Too Much of a Good Thing?” The article describes the Step Forward program, which provides a variety of services, such as substance abuse and mental health counseling and treatment, and anger management and domestic violence counseling. In Oakland County, the Step Forward program can serve both pretrial defendants and sentenced offenders. The same risk assessment, cognitive behavioral therapies, and set of sanctions and incentives are given to pretrial defendants and sentenced offenders. The pretrial participants, who must volunteer for the program, have high success rates of completion and of avoidance of pretrial misconduct. According to the author, what is unknown is if these success rates are driven by the choices defendants make to participate. The author also expresses concerns that the Step Forward program might be requiring more services than are needed for many of these already self-motivated defendants. She calls for more research on these questions.

“Charge Specialty and Revictimization by Defendants Charged with Domestic Violence Offenses” is one of two articles on domestic violence offenders which seek to generate results useful to policymakers. Author Spurgeon Kennedy of the District of Columbia Pretrial Services Agency, reports on a study of cases filed in D.C. Superior Court that looked at two central questions: How do DV-charged defendants compare to other criminally charged defendants by known risk factors? What differences can be identified between DV-charged defendants who are rearrested during pretrial supervision and those who remain arrest-free? The findings show that while domestic violence defendants are slightly different on a variety of common risk factors from other defendants, they do not

*There are
33 pretrial
release or
diversion
programs
in North
Carolina;
Governor's
Commission
calls for more.*

get rearrested for domestic violence at substantially higher rates than other pretrial defendants.

The final article, "Pretrial Rearrests Among Domestic Violence Defendants in New York City" by Richard Peterson of the New York Criminal Justice Agency, reports on the results of a study on samples of New York City pretrial defendants in 2001 and 2002. The findings indicate that domestic violence defendants in that jurisdiction have higher rates of rearrest than non-domestic violence defendants. Moreover, domestic violence defendants are more likely than non-domestic violence defendants to be rearrested for a domestic violence offense. (Interestingly, both the New York and the D.C. studies showed domestic violence rearrest rates of around 10 percent for defendants charged with domestic violence.)

The document can be downloaded at: nicic.org/library/022904.

GOVERNOR'S CRIME COMMISSION LOOKS AT PRETRIAL SERVICES IN NORTH CAROLINA AND CALLS FOR ITS EXPANSION

The North Carolina Governor's Crime Commission recently conducted a survey of that state's pretrial services programs, which it defined as both release and diversion, as well as the constituents of these programs. The purpose of the survey was to assess the impact and effectiveness of pretrial programs.

There are 33 pretrial release or diversion programs in North Carolina, serving 40 of the state's 100 counties. Surveys were sent to the administrators of each of these programs as well as to 19 chief district judges who preside over those 40 counties, 40 sheriffs and 119 magistrates. Responses were received from 70 percent of the pretrial program administrators but only 16 percent of the program constituents.

The survey results showed that the annual operational budgets ranged from a low of \$19,880 to a high of \$563,480, with an average of \$181,785. The average number of staff positions was four, with about one-third having only one staff person. The largest program had 26 staff. In 2007, the programs interviewed an average of 448 felony defendants, 694 misdemeanor defendants, and 45 traffic defendants.

The pretrial program administrators were asked about their community outreach activities. Twenty of the 23 respondents stated that their programs focus on making the community aware of what they do – through pamphlets, community forums, open houses, job fairs, or local community access television.

INSTITUTE ACTIVITIES

March and April have brought change within the office. PJI welcomes in Ken Rose as the newest addition to the staff while bidding farewell to Tracy Loynachan. Ken will provide training and technical assistance at various contracted sites, as well as advocacy work at conferences. He will also be working on developing the Pretrial Helpdesk. With his over 17 years of experience in the pretrial field at the local, state and federal levels, he will be in a great position to reach many jurisdictions and pretrial practitioners to share his skills. Ken spent his first week on the job in Portland, Maine, representing PJI at NIC's Pretrial Network meeting.

While welcoming Ken in to the PJI family we are saddened to say goodbye to Tracy Loynachan. After just reaching her one year anniversary with PJI, the Project Associate (SCPS) and mid-west native is headed to Chicago. In March, her apartment building was completely destroyed in a fire. After a few weeks of considering her options, she has decided to move closer to family and loved ones. During the last year, Tracy played an integral part in the State Court Processing Statistics (SCPS) Project, and lent a hand on several other important initiatives. She has been instrumental in assisting with the transition of the PTR to its electronic format and ensuring subscriptions are up to date. She has also worked on the Tribal Pretrial Justice project.

Tracy will complete the SCPS project remotely, since we are so close to the

While the response rates for the programs' constituents were very small, the views of these constituents of the programs were generally very favorable. About two-thirds of the respondents rated the reports submitted by the programs as above average or excellent. Over 80 percent ranked the recommendations of the programs as above average or excellent. A large majority also ranked highly the supervision provided by the programs.

These constituent respondents were asked open-ended questions about the strengths and weaknesses of the programs. The most common strengths were: good supervision of defendants; competence and responsiveness of staff; reduction of pretrial detainee population; and providing for services, such as substance abuse counseling. The weaknesses included lack of sufficient funding, lack of sufficient staff, and lack of free services or services in general.

Based on the results of its study, the Commission made four recommendations: increase the number of pretrial programs across the state; increase the utilization of these programs; increase the use of research findings on effective practices and evidence-based programs; and increase the use of administrative data to include tracking client recidivism and outcomes upon release or termination from pretrial service programs.

The study is available on the Crime Commission's web site: www.ncgccd.org.

Announcement

The Office of the Federal Detention Trustee of the U.S. Department of Justice has awarded a one-year contract to Luminosity, Inc. to identify statistically significant and policy relevant predictors of danger to the community and appearance in court for federal defendants and to identify effective alternatives to pretrial detention. The study will include a sample of nearly one million defendants charged in federal court and processed by federal pretrial services between 1998 and 2007. One or more risk classification schemes will be developed based upon the study's findings. In addition, the study will examine whether participation in alternative to detention programs mitigates the assessed risks. For more information, contact Dr. Marie VanNostrand, who will serve as principal investigator and project manager, at (727) 525-8955 or results@luminosity-solutions.com.

INSTITUTE ACTIVITIES (CONTINUED)

end, and this will help her transition to a new life. She reports plans to go back to school for a second Master's degree.

On the work front, Executive Director Tim Murray was a guest on the National Public Radio program, *Justice Talking* on the issue of bail bonding for profit. Bail bonding was also the subject of letters to the editor that PJI had published in *The New York Times*, *The Orlando Sentinel*, and *The Hartford Register*.

Tim and Cherise Burdeen served as faculty at NIC's Pretrial Executives training session in Aurora, Colorado. From there, Tim went to Ohio, where he joined PJI Board of Trustees Chairman Barry Mahoney and National Judicial College President Bill Dressel for training of judges and pretrial staff from throughout that state.

Tim and John Clark travelled to New Orleans to meet with staff of the Vera Foundation, which is working to improve the criminal justice system in that city in the aftermath of Hurricane Katrina. One of the major areas they are working in is pretrial services. Tim and Cherise visited the pretrial program in Alachua County, Florida to do an assessment of the program. John was in Los Angeles, beginning work on an assessment of that program. John, Tracy, and PJI consultant Dan Ryan recently conducted a training session on pretrial services for tribal justice leaders from Arizona as part of our Tribal Justice grant. We have also been working on preparing a documenting on developing Tribal Codes on pretrial release decision making.

Calendar

The 36th Annual Conference and Training Institute of the National Association of Pretrial Services Agencies (NAPSA) will be held September 28 to October 1, 2008 in Milwaukee, Wisconsin. The conference will be at the Hyatt Regency Milwaukee, on the shores of Lake Michigan. Book your room by August 25 to get the conference rate of \$99 per night. To get that rate, register through the NAPSA web site at www.napsa.org. That web site also has important information about discount air fares.

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