

# THE PRETRIAL REPORTER

A BI-MONTHLY PUBLICATION OF THE PRETRIAL JUSTICE INSTITUTE

WWW.PRETRIAL.ORG

VOLUME XXXIII | NO.5 | OCT., NOV., DEC. 2007

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## National Notes

### TWO JOURNALS FOCUS ON BAIL AND PRETRIAL RELEASE ISSUES

Each quarter, City Futures, a private, non-profit organization that focuses on improving the government of New York City, publishes a journal called City Limits Investigates. Each issue of the journal is dedicated to a single topic. The Fall 2007 issue looks at bail, and paints a bleak picture of the impact of the bail system on the city's poor. Stating that most justice advocates focus on other areas of the criminal justice system, "bail – a middle-ground between freedom and guilt – gets little scrutiny, even though it makes a deep mark on the criminal justice system in courtrooms every day."

According to the journal, while 62 percent of defendants in the city are released on their own recognizance, 42 percent of those who have bail set never post their bail and remain detained for the life of the case. The journal states that many of these defendants have low bails. More than a third of those with a bail of less than \$500 and 42 percent of those with a bail of between \$500 and \$1,000 do not make it. "The problem is that defendants with low bails can fall into a gap; they are too small for most bondsmen to handle – the 10 percent fee on a \$500 bond, for example, is just not worth most businessperson's trouble – but still too much for many defendants to afford."

The journal states that bail is often used to coerce guilty pleas out of defendants, preferably at arraignment – a defendant's initial appearance in court. "Coercing pleas is sometimes about the math. In New York, sentenced inmates typically serve two-thirds of their time. On a five-day sentence, an inmate might only serve three days. But a defendant who is held on bail might not be able to see another judge, who could release him, for five days. So if you're offered a five-day sentence in exchange for a guilty plea, you can say yes and go back inside for three days or say no and do five days behind bars. In other words, for short jail sentences, staying in jail to fight your case means you'll do nearly as much or more time as if you pleaded guilty." The journal notes that about half of all cases are disposed of at arraignment.

#### EXECUTIVE DIRECTOR'S LETTER

Dear Friends,

What a remarkable end to a great year in pretrial justice! Not only did PJI undergo a major transformation this year with a new name, logo, website, publication strategy and mission, there was activity across the country – and globe – on pretrial issues.

September showcased the largest NAPSA conference in memory, followed by a well-attended federal pretrial anniversary celebration. All through the year, NIC repeatedly stepped up to the plate, supporting pretrial work with publications, training DVDs, the Pretrial Network, and on-line pretrial forums. In October, NIC hosted the second Pretrial Executives Training, where excellent colleagues served as faculty. This fall, BJA funded PJI to provide pretrial technical assistance to tribal jurisdictions, as well as a grant to provide judicial training on pretrial release. In November, the Open Society Institute convened an international conference in Mexico on pretrial reform and is now considering how to host a world-wide pretrial reform event in the next few years. Also, BJS published their first analysis of pretrial data in thirteen years, with the release of Pretrial Release of Felony Defendants in State Courts (based on PJI's 1990-2004 SCPS data). And December brought us a million dollar targeted research solicitation from NIJ on pretrial and community corrections topics (the results

## EXECUTIVE DIRECTOR'S LETTER (CONTINUED)

of the May NIJ/NIC co-sponsored first-ever pretrial research roundtable).

More programs are moving closer to adherence to the NAPSA standards by developing locally validated risk instruments and schemes. An ever increasing share of our profession is earning certification through our national association. Private foundations, for the first time in history, are investing in our work. We find ourselves at the table both locally and nationally as crucial topics such as mental health, PREA and reentry are being discussed.

Each and every one of us contributed to this historic year. But, we must be mindful of what lies ahead in the coming year. We will undoubtedly receive repeated attacks from an industry whose profits hinge on our failures to achieve reform. We can expect more ridiculous claims regarding which system works "better" or who should "pay" for what they are entitled to under the law. You know the routine. I, for one, cannot tolerate further artificial comparisons between those who cherry-pick among the accused in order to make money and the rest of us. Our motives are not driven by profit, only law and justice. Our resolutions for 2008 must include putting this nonsensical debate to rest.



According to the journal, while early guilty pleas may be convenient for defendants who are unable to post bail, there are many collateral consequences to pleading, and defendants who would otherwise have good reasons to fight their charges must be aware of them. For example, the journal points out, persons with criminal convictions may be denied public housing, and may have even greater difficulty in getting pretrial release if arrested again.

*A copy of "City Limits Investigates Prisoners Dilemma: How NYC's Bail System Puts Justice on Hold," can be obtained by contacting City Limits at (212) 479-3344.*

\* \* \*

The September 2007 issue of *Federal Probation* is dedicated to the 25th Anniversary of the Pretrial Services Act, which established pretrial services throughout the federal court system. The issue contains articles by several current and former federal pretrial practitioners, as well as other observers, reflecting on the past, present, and future of federal pretrial services.

Several authors touted the significant accomplishments that have been achieved since the passage of the Act. For example, in 1984, two years after the Act was passed, there were about 55,000 defendants charged in federal courts, and pretrial services interviewed less than 30,000 of them. By 2006, pretrial services was interviewing nearly all of the 80,000 federal defendants. Also, the use of bail bonds has dropped significantly. Surety bonds were imposed in 25 percent of federal criminal cases in 1984; so far in 2007 surety bails have been imposed in less than one percent of cases. This virtual elimination of bail bonding for profit has been accomplished without raising pretrial misconduct rates – three percent for rearrests and two percent for FTA.

Several authors also addressed the rising detention rate in the federal system. The percentage of defendants held on preventive detention has risen from around 40 percent in 1992 to over 60 percent in 2006. Several reasons for the rising rate were discussed, including a growth in the number of illegal immigrants who are charged in federal court, and a growth in the number of drug cases. Illegal immigrants made up nearly a quarter of all federal defendants in 2004; 44 percent of all defendants were charged with drug offenses. One author stressed that there is significant variation in the detention rate among the districts, ranging from a high of 89 percent in the Northern District of California to a low of 25 percent in the District of Vermont.

*To obtain a copy of this Special Issue of "Federal Probation," contact the Administrative Office of the U.S. Courts at (202) 502-1651.*

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## **OPEN SOCIETY INSTITUTE LOOKING AT INTERNATIONAL PRETRIAL DETENTION**

As part of its National Criminal Justice Reform program, the Open Society Justice Initiative currently supports an effort to reduce the excessive use of pretrial detention throughout the world. Recently, the Initiative hosted a conference in Monterrey, Mexico that addressed international trends in pretrial reform. In a presentation entitled “Implementing Pretrial Detention Reform: Minimizing risk, Maximizing Liberty,” Martin Schonteich provided statistics on pretrial detention, while emphasizing the benefits of pretrial service programming.

According to Schonteich, on any given day there are three million pretrial detainees across the world. Collectively, each day’s cohort of detainees spend 500 million days in detention, with considerable financial cost. For example, European states spend an estimated \$19 billion annually to incarcerate pretrial detainees. Pretrial detainees comprise a significant percentage of all incarcerated individuals. Internationally, 33.1 percent of all prisoners are pretrial detainees. In North America, the figure is 20.4 percent.

The presentation addressed the ‘supply side’ of pretrial detention and the need to limit the use of arrest and initial detention. Highlighting the components of a successful pretrial program, including the use of individual risk assessments and supervision, Schonteich discussed the societal and procedural benefits of pretrial reform. Through the institutionalization of new practices, the international community may reduce unnecessary pretrial detention and effectively reform existing criminal justice systems.

*For more information, please visit the Open Society Justice Initiative website <http://www.justiceinitiative.org/>.*

## **INCREASE IN IMMIGRATION ENFORCEMENT DRIVES UP DETENTION RATES**

The U.S. Immigration and Customs Enforcement (ICE) Agency recently reported that there were 27,900 illegal immigrants detained in local jails and detention facilities throughout the U.S. in 2007 fiscal year. This is an increase of 42 percent from 2006, when 19,700 illegal immigrants were detained. ICE officials stated that the main reason for this increase was the government’s decision to end its practice of catching and releasing illegal immigrants. They noted how difficult it was to keep up with the immigrants when released and that detaining them expedites their deportation.

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The U.S. Government Accountability Office, which examined four jails that are holding immigrants for ICE, recently reported on a number of problems, including inadequate medical services, greater use-of-force by jail staff who are spread too thin, and limited access to telephones, which hinders detainees' ability to communicate with their attorneys, as well as their families.

While ICE does operate or contract for 15 holding facilities, the majority – 63 percent – of ICE detainees are held in local jails. Advocates for these immigrants note that these detainees, often charged with nothing more than being in the country illegally, are housed in the same facilities as rapists, murderers and other violent criminals. Moreover, “[y]ou have 300 jails running in 300 different ways, and it’s hard for ICE to manage that,” said Ranjana Natarajan of the American Civil Liberties Union of Southern California. “There’s no training of local jail officials and guards on ICE detention standards.” (*Los Angeles Times*, November 5, 2007.)

#### **VERA INSTITUTE GROUP DISCUSSES USE OF LANGUAGE ASSISTANCE TECHNOLOGIES IN CRIMINAL JUSTICE SETTINGS**

Given dramatic shifts in immigration since the early 1990s, which in turn has led to growing numbers of persons coming into the criminal justice system who do not speak English, the Center on Immigration and Justice of the Vera Institute of Justice is working on a project called Translating Justice. The purpose of the project is to identify ways that new technologies can be used by criminal justice officials to communicate with persons who speak little or no English. Recently, the Institute sponsored a roundtable discussion of three developing technologies. Several participants in the discussion have experience testing these technologies.

One technology involves a hand-held device that can be programmed with hundreds of pre-recorded phrases or directions in several different languages. The user simply selects the phrase and the language that it is to be delivered in and the device delivers it in the selected language through a speaker. Several police departments and jails have begun testing this technology. It is being used by police to, among other things, read arrestees their Miranda rights and by jail staff to issue directions. Roundtable participants agreed that this device could be very useful in a wide range of criminal justice settings, but was limited in that it did not allow for a two-way conversation between persons who speak different languages.

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A second technology, still in the developmental stage, will allow for such conversations. Based on voice recognition, this device will serve the same function as a professional interpreter, that is, it will translate the words of one speaker into the language of a second speaker. The Department of Defense is experimenting with this device in Iraq, and is working to address difficulties in translation accuracy and voice recognition capacity.

A third technology simply adds some hardware to a much older one – a telephone. With this technology, the two individuals who are trying to communicate call the interpreter on separate phone lines, whether cell or land-line. The interpreter is then able to provide simultaneous translation – much faster than if the interpreter was present in the same room. It is similar to the language technology that is used at the United Nations in that the parties to a conversation hear only the voice of the interpreter in their own language. This has the added benefit that interpreters can provide this service from remote locations. This technology is being tested in courts in Arkansas for a wide range of purposes, from helping victims file protection orders to testimony at hearings.

While the value of these technologies to criminal justice officials is clear, roundtable participants discussed the challenges that will be faced in obtaining funding. Participants stressed that officials will have to show how much money could be saved through their use.

*A copy of the report on the roundtable discussion, “Overcoming Language Barriers in the Criminal Justice System: Can Language Assistance Technology Help?,” can be downloaded at [www.vera.org](http://www.vera.org).*

### **FLORIDA OFFICIALS RELEASE PLAN ON REDUCING THE JAILING OF THE MENTALLY ILL**

Florida Chief Justice Fred Lewis and Governor Charlie Crist recently released a report from a committee they had appointed that lays out a plan for overhauling the state’s mental health system. The purpose of the plan is to reduce the number of persons with mental illness who end up in jail. The report follows accounts in the media over the past several years and an assessment by Amnesty International describing the plight of person’s with mental illness who are arrested.

According to the report, in a given year there are about 125,000 people with mental illnesses who are arrested and booked into Florida jails. The vast majority of these individuals are charged with minor offenses. “I think we all recognize that Florida now is stuck in a vicious cycle of inappropriate behavior leading to inappropriate incarceration, again and again,” said Chief Justice Lewis in

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releasing the plan. “At root, this is an issue about using the wrong tools and the more expensive tools to address human problems and human suffering arising from a treatable disease.”

The plan targets three points: preventing persons with mental illness from entering the criminal justice system; identifying the mentally ill when they do enter the criminal justice system; and assisting the incarcerated mentally ill with re-entry into the community to prevent recidivism. Among the key elements of the plan are: establishment of a care classification system targeting individuals at highest risk of involvement in the criminal justice system; state certification of local mental health providers; maximizing access to federal entitlement benefits by expediting the application process; and development of local and statewide collaborations between the mental health and criminal justice systems. The plan will be phased in over a six-year period to assure adequate infrastructure developments and sustainability.

*The plan, “Transforming Florida’s Mental Health System: Constructing a Comprehensive and Competent Criminal Justice/Mental Health/Substance Abuse Treatment System,” can be downloaded from the web site of the Florida Supreme Court, [www.floridasupremecourt.org](http://www.floridasupremecourt.org).*

## **JUVENILES IN ADULT COURT EXAMINED IN TWO NEW REPORTS**

The Campaign for Youth Justice has recently issued two reports that examine the processing of juveniles in adult court. One of the reports, *To Punish a Few: Too Many Youth Caught in the Net of Adult Prosecution*, analyzes data collected for the U.S. Bureau of Justice Statistics (BJS) in 40 large jurisdictions around the country in 1998. That analysis showed that two-thirds of juveniles who were detained pretrial were held in adult jails. Among the other findings were that: half of youth prosecuted as adults do not receive an adult court conviction; most who were not convicted as adults spent more than a month in an adult jail – about 10 percent spent more than six months; less than a quarter of adult convictions involving juveniles resulted in a prison sentence; and the majority of juveniles who were sentenced to probation or given a juvenile sanction were held pretrial in an adult jail.

The other report, *Jailing Juveniles: The Dangers Incarcerating Youth in Adult Jails in America*, found that every day an average of 7,500 juveniles are being held in adult jails. The report notes that juveniles in adult jails are at greater risk than other inmates of physical and sexual assault. The report cites BJS statistics that show that even though youth under the age of 18 make up just one

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percent of the adult jail population, they comprised 21 percent of all substantiated sexual assaults in 2005 and 13 percent in 2006. The report also noted that while separating youth from adult jail inmates – which many jails attempt to do – can help minimize risks of assaults, the practice often leaves these youth in isolation, locked down for 23 hours a day. The isolation exacerbates anxieties, a real concern, says the report, since juveniles in adult jails are 36 times more likely to commit suicide than are adult jail inmates, and 19 times more likely to take their own lives than youth in the general population.

The report concludes that “detaining youth in adult jails is a practice that should be abolished. Instead, youth who need to be detained should be held in juvenile detention facilities equipped to meet their unique developmental needs.”

The reports are available at [www.campaignforyouthjustice.org](http://www.campaignforyouthjustice.org).

### JURISDICTIONS DEALING WITH JAIL CROWDING IN DIFFERENT WAYS

Jail officials in Cook County, Illinois, seeking to comply with a federal court order that requires all inmates to have a bed off the floor, have instituted a new practice called “hot bunking.” Teams of three inmates take turns sharing the same bed in eight-hour shifts. “It doesn’t reduce the population, but it gets people up off the floor,” said the jail’s spokesperson Penny Mateck. “Each inmate has their own bedding. So the bedding is changed each time a new person sleeps in the bunk.” Inmates who agree to participate are given extra shower, television, and recreation time. Charles Fasano, the court-appointed monitor from the John Howard Association, does not like the practice. “It is trying to deal with things in a roundabout way, rather than deal with the underlying problem, which is you’ve got too many people in the institution,” said Fasano. (*Chicago Tribune*, 12/2/07.)

\* \* \*

With over 1,000 inmates crammed into the 800 bed jail, the Lafayette Parish, Louisiana jail has stopped taking persons arrested for most misdemeanor offenses. Excluded from this new policy are those charged with domestic violence, violation of a protection order, and arrests made on warrants. Also, persons arrested for driving under the influence are held until they are sober. All other misdemeanor arrestees are booked and released without bail. “I’m trying to create an environment that is safe for my staff and the inmates as well,” stated Jail Director Rob Reardon. He said that some pods that are designed to hold 13 inmates have been holding

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up to 39 – with inmates sleeping on portable beds in the day activity area. Lafayette City Marshall Earl Picard believes that the jail lacks the authority to book and release misdemeanor defendants, and has asked the state's attorney general for an opinion. (*Capital City Press*, 12/01/07.)

\* \* \*

Under Ohio law, persons convicted of driving under the influence who have a blood alcohol level above a certain point must serve at least three days in a minimum-security jail. Officials in Hamilton County, faced with a voter rejection of funding for an addition to the jail, are working to have a building that is run by a local treatment facility certified as a minimum-security jail. These drunk driving offenders would then serve their time at the treatment facility rather than the jail. It is estimated that this would save an average of eight beds a day or about 3,000 a year. "It's a common sense step," said County Commissioner David Pepper. "It frees up jail beds and gets them the treatment they need." (*Cincinnati Enquirer*, 11/29/07.)

## Cases

### **LUNDY V. STATE OF FLORIDA, FLORIDA COURT OF APPEAL, FIRST DISTRICT, 1D07-3089, 11/8/07**

The appellant had been found guilty of solicitation to commit first degree murder by a Suwannee County, Florida jury and sentenced to six years in prison. Upon appealing the verdict, the appellant requested release on bond and other reasonable conditions. While the trial court acknowledged that the appellant had the right to request release pending appeal under Florida Statutes 903.132(1) and 903.133, and that the appeal was in good faith, fairly debatable and not frivolous, the court denied the motion because the intended victim and his family had been placed in fear when the appellant was released into the community while on pretrial bond.

The District Court of Appeal subsequently granted appellant's motion to review the decision, quashed the trial court's order to deny the motion to release, and remanded the case back to the trial court with directions that reasonable conditions for release pending appeal be set. In its decision, the Court of Appeal found that the trial court had abused its discretion when denying the motion for release. Citing the guidelines set forth in Florida Rule of Criminal Procedure 3.691, the Court found – as the trial court had done – that

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the appeal was in good faith, on grounds fairly debatable and not frivolous. In those cases, the court noted, a trial court is responsible to consider matters such as the individual's respect for the law, ties to the community, the severity of the punishment, and any other circumstances that may reflect that the individual may flee the jurisdiction (see *Younghans v. State* 90 So. 2d 308 (Fla. 1956)). In this instance, the Court found that the appellant was in his mid-60s, a first time offender, and had not received a lengthy sentence. A longtime resident of Swannee County, he had been married to his wife for over 35 years, owned 160 acres of real estate in the county and had extended family residing in the county. Of equal value, the record showed that the appellant had met all conditions when released on pretrial bail, showed up at all court appearances and was never seen as a flight risk.

While the Court of Appeal understood the trial court's concern regarding the intended victim being in fear, such concern was found to be at odds with the fact that the appellant was allowed to remain free on pretrial bond for two and a half years. Furthermore, the appellant had offered to reside with relatives outside of Suwannee County and to submit to continuous GPS monitoring during the appeal, conditions that would provide a reasonable measure of security to the victim and fall within the trial court's discretionary power. Accordingly, the Court of Appeal remanded the case back to the trial court.

**BOLANTE V. KEISLER, U.S. COURT OF APPEALS FOR  
THE 7TH CIRCUIT, NO. A 95 719 764, 10/31/07.**

In custody by immigration authorities since July 2, 2006, the petitioner requested release on bail pending the review of the Board of Immigration Appeals' denial of his application for asylum and resulting order of removal. The U.S. Court of Appeals for the 7th Circuit subsequently found that it had no authority to grant the petitioner a release on bail.

In reaching this decision, the court noted that the U.S. Supreme Court has never held that persons detained in civil proceedings, such as deportation, are entitled to release on bail. In the case of *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that due process presumptively entitles an alien ordered removed to be released from detention after six months if no other country is willing to admit him, but the Court said nothing about bail or the bail clause. The Supreme Court also relied solely on the due process clause when upholding the detention without bail of aliens pending deportation on the basis that they had committed crimes in *Demore v. Hyung Joon Kim*, 538 U.S. 310 (2003).

## INSTITUTE ACTIVITIES

The year 2007, an historic one at PJI, is ending on a busy and exciting note. On November 30, we capped off a year-long celebration of our 30th anniversary by hosting a celebration in Washington, DC, attended by many friends and former staff.

Executive Director Tim Murray has kept his bags packed over the past few months. In October, he helped facilitate the second semi-annual National Institute of Corrections training course: "Orientation for New Pretrial Executives," held in Boulder, Colorado – also attended by PJI Project Associate Jess Young. In November, Tim and Chief Operating Officer Cherise Burdeen presented on Problem-Solving in Pretrial Justice at the Virginia Community Criminal Justice Association. From there, Tim went on to attend a monumental event in the field of pretrial justice – Mexico's first-ever conference on bail reform. Tim was asked to present at this event and his remarks will be made available on the PJI website. He and Cherise also visited the Sarasota County, Florida pretrial program to assist program officials in preparing for a study of risk assessment procedures.

Director of Technical Assistance John Clark attended the National Institute of Corrections' Pretrial Network meeting in San Antonio in November. As always, the group had many important issues to discuss, such as best practices, immigration and bail bondsmen. Look for materials to be coming out of this group on these issues shortly. John, PJI Consultant Dan Ryan, and PJI Project Associate Tracy Loynachan have been attending conferences of tribal justice leaders over the past few months as part of a Bureau of Justice Assistance grant to PJI to provide technical assistance to tribes on developing pretrial services.

The decision in the instant case created an intercircuit conflict, as the 2nd Circuit, earlier this year, ruled that district courts do have the authority to order the release on bail of persons detained while a petition for review of an order of removal is pending before the court. (*Elkimya v. Department of Homeland Security*, 484 F.3d 151 (2d Cir. 2007)). Stating its disagreement with the 2nd Circuit, the court noted that "Rule 23 of the Federal Rules of Appellate Procedure does not apply in such cases because the court of appeals is not being asked to release a person pending appeal of a decision by a district court on his quest for habeas corpus."

The court went on to state that while there is no doubt that a judge should have the power to decide whether a petitioner be allowed to go free while his claim to freedom is being adjudicated, such judicial power becomes questionable when the petitioner is an alien, asking for bail outside the habeas corpus setting. Moreover, the court noted that inherent judicial authority is not an indefeasible power, but an "exercise of a court's common law powers" and subsequent legislation becomes a factor. Therefore, even if in the absence of legislation a court could grant bail to an alien challenging a removal order, it cannot do so if Congress has forbidden it, which is the case in the present matter. "Section 1225(b)(1)(B)(ii) of Title 8, provides that: "if the [asylum] officer [who interviews an alien arriving in the United States without a proper visa] determines at the time of the interview that an alien has a credible fear of persecution . . . the alien shall be detained for further consideration of the application for asylum." The Attorney General can and often does release the alien on parole, 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5, but his decision to do so is not judicially reviewable. 8 U.S.C. § 1252(a)(2)(B)(ii)... To allow a court to admit such an alien to bail while he is challenging a removal order would be inconsistent with these provisions."

## Research

The National Institute of Justice (NIJ) has issued a Solicitation for Research on Safe Community Release for Pretrial and Jail Populations. State and local government agencies are eligible to apply, along with non-profit organizations, institutions of higher education, and certain qualified individuals. NIJ anticipates making multiple awards through this solicitation, none exceeding \$250,000, with a total expenditure of up to \$1 million.

## INSTITUTE ACTIVITIES (CONTINUED)

At these conferences, they have been holding focus groups to assess the needs of tribes and to work with tribal justice leaders to identify culturally appropriate models for delivering pretrial services within tribes.

Work is progressing smoothly on data collection for the State Court Processing Statistics (SCPS) project. SCPS Manager Becky Mensch and Project Associate Jess Young have been traveling to sites to complete the data collection.

PJI Senior Research Associate Dr. David Levin presented a paper on "Examining the Efficacy of Pretrial Release Conditions, Sanctions and Screening with the State Court Processing Statistics Dataseries," at the American Society of Criminology meeting in Atlanta. He is also hard at work on a study that is testing the degree to which moral emotions (i.e. shame, guilt) and moral conditions (i.e., criminogenic beliefs, moral reasoning) of jail inmates predicts post-release relapse.

PJI Senior Project Associate India Ochs has been completing development of many of the pages of our revamped web site ([www.pretrial.org](http://www.pretrial.org)). She is also the wizard behind the curtain of the JDAI HelpDesk, which is now averaging over 250 hits a day, up from about 100 in the summer.

PJI is also preparing for several new projects, including a pilot test of state specific judicial training on pretrial release statutes and standards (in partnership with the National Judicial College), and an assessment of the Pretrial Services Program in Los Angeles.

The solicitation identifies the following areas as topics for research:

- Risk and needs assessment – What factors best determine eligibility for release and reentry?
- Public safety – What are rates and predictors of pretrial and jail release violations, including new offenses?
- Court appearance – What are the predictors and consequences of failure to appear in court?
- Supervision – Under what conditions can pretrial defendants and jail inmates be released, and what community-based programming improves success?
- Costs and benefits – Under what conditions do the savings associated with pretrial and jail release outweigh the costs of recidivism, failure to appear, detention, etc.?
- Other issues, including disparity in case processing, and special cases involving serious mental illness and other complications?

Priority will be given to applications that include experimental research designs with random selection of participants to experimental and control conditions. Where such designs are not feasible, priority will be given to quasi-experimental designs that include Propensity Score Matching, Regression Discontinuity, or similar procedures.

The solicitation references the Pretrial Research Roundtable that NIJ and the National Institute of Corrections sponsored in May 2007 in Charlotte, North Carolina. It also refers prospective applicants to the NIJ web site that was developed with results of that meeting. That web site is: <http://www.ojp.usdoj.gov/nij/events/pretrial-research-meeting/>.

This is an excellent opportunity to begin to implement a research agenda for the pretrial field. PJI would be happy to discuss with pretrial practitioners any ideas regarding possible research projects, whether we might be involved in doing the research or if proposed research would be done in-house or by other parties. To discuss any ideas, please contact Executive Director Tim Murray (202-638-3080, ext. 302) [tim@pretrial.org](mailto:tim@pretrial.org), or Senior Research Association Dr. David Levin (202-638-3080, ext. 311, [david@pretrial.org](mailto:david@pretrial.org)).

Applications are due February 15, 2008. All applications must be submitted through Grants.gov.

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WWW.PRETRIAL.ORG

VOLUME XXXIII | NO. 5 | OCT., NOV., DEC. 2007

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