

Evaluating Pretrial Services Programs in North Carolina

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THE CONCEPT OF PRETRIAL services or pretrial diversion programs was originally delineated in *The Challenge of Crime in a Free Society*, which was the final report of the 1967 Presidential Commission on Law Enforcement and Administration of Justice. Over the course of the last 40 years these programs have experienced significant popularity and acceptance, as demonstrated by the widespread distribution of Law Enforcement Assistance Administration (LEAA) funds during the early 1970s to establish and expand this alternative to detention; they have also experienced significant periods of disrepute and decline. These programs fell into disfavor during the 1980s and were all but dismissed as over-rated failures by researchers and policymakers.

A revival began in the 1990s and continues today, with pretrial services programs being touted as a more cost effective and treatment-oriented approach to housing indigent and special population defendants in a county detention facility for lengthy periods of time before trial. Pretrial programs are also advocated as tools for preventing jail or detention center overcrowding and as a mechanism for ensuring that defendants appear in court, thus reducing failure to appear arrest warrants and eliminating unnecessary court continuances and delay. These programs also reduce the size of court dockets and the number of criminal trials and improve judicial processing efficiency by dismissing charges against the defendants upon their successful completion of the pretrial program conditions; thus substantially reducing the amount of time the court expends per defendant (Bellassai, n.d.).

As Mahoney, Beaudin, Carver, Ryan and Hoffman (2001) cogently note, pretrial services programs perform two essential functions. Program staff compile relevant information about new defendants in order to provide judicial decision-makers with more complete and reliable data for making informed decisions regarding the defendants' release or custody status prior to trial. These programs also perform the essential role of monitoring released defendants to ensure compliance with treatment and other special conditions, to improve the likelihood of the defendant attending scheduled court appearances and to enhance community safety.

These programs also benefit defendants directly by allowing them to remain in the community prior to trial, thus facilitating continued employment, contact with family, the acquisition of needed counseling or treatment as well as the ability to more properly and thoroughly prepare a

defense with the assistance of counsel (Freed and Wald,1964). Research has also demonstrated that defendants who are held in secure custody prior to trial are statistically significantly more likely to plead guilty or be convicted and are more likely to receive an active prison sentence than defendants who remain in the community during the pretrial phase (Rankin, 1964).

Research on the effectiveness and efficacy of pretrial programs to attain these programmatic goals, or to test these assertions, has been sparse, with the majority of work merely documenting program processes and internal operations or providing descriptive historical comparisons to trace the evolution of these programs over time. Typically research in the area of pretrial services has been directed toward developing and validating more reliable risk assessment instruments, rather than evaluating the effect of these programs on the defendant, the community, and other components or agencies within the local criminal justice systems.

Clark and Henry (2003) conducted the most exhaustive and definitive documentation of pretrial services program operations and how these programs have evolved over time by performing a meta-analysis of historical data from the Pretrial Services Resource Center's 1979, 1989 and 2001 national surveys. The authors examined such factors as program staffing, administrative budgets, the use of risk assessment instruments, service provision and types of defendant supervision. While their study catalogues excellent material for formative evaluations and for comparative purposes, the authors did not assess how these program attributes or factors affect or interact with program performance and defendant outcomes nor the extent to which pretrial programs affect positive change or improvements for the criminal justice system.

Commenting on the lack of client satisfaction survey research in the area of pretrial services, Bare, Miller and Wilcoxon (2004) surveyed seven different customers or consumers of these services in an effort to assess respondent viewpoints on the quality of federal pretrial services delivery and programming. Their work was seminal for introducing the concept of summative research and evaluation to the field of pretrial services and for making a significant contribution to the extant literature on the impact of pretrial services programs. However, the study did not include any assessment of actual program or administrative data, relying solely upon the perceptions of various client groups to determine the impact or efficacy of pretrial service programs.

This article presents the findings of a study that sought to assess North Carolina's pretrial services programs from both formative and summative perspectives. The study sought to analyze both 1) program processes, as in Clark and Henry's (2003) formative work, and 2) client perceptions, following the summative work of Bare, et.al. (2004) regarding the impact that these programs exert on the community, program clientele or defendants, jail populations and judicial processing. The study 3) also examined existing administrative data in an effort to present actual quantitative information on program efficacy and impact as opposed to measuring these factors solely by relying on client perceptions. In other words, this research sought to advance the work of Bare, et al. (2004) by comparing and contrasting actual impact with perceived impact. Program budgetary data was compiled in an effort to obtain reliable estimates of annual program operations, as was cost comparison data between maintaining defendants in pretrial programs versus the local county detention facility. Performance measurement data on the number and types of defendants served, as well as outcome data, i.e., the number successfully completing pretrial program requirements, was also analyzed in an effort to assess the impact of these pretrial service programs.

Methods

Survey Instruments

Two survey questionnaires were developed in order to 1) effectively assess the processes associated with operating and managing pretrial service programs and 2) analyze the impact that these programs exert on their supervised defendants, the local detention and judicial systems as well as the community.

A 40-item survey was constructed for administration to the pretrial services program directors and included questions on program operations and annual performance and budgetary data, as well as their perceptions on program impact across the four domains referenced above. Specifically, a) section one addressed program structure and administrative data, including questions on the agency's annual operating budget and funding sources, personnel, training, program goal and objectives as well as policies and procedures. These questions were derived in part from Clark and Henry's (2003) national programmatic survey of pretrial services programs and a self-assessment guide for pretrial programs developed by the Pretrial Services Resource Center (2000).

b) Section two addressed performance and output measures such as the number and types of defendants interviewed or screened, program admissions as well as dispositional outcomes such as successful program completion and program terminations. C) The final section of the survey covered program impact and included questions on interactions with the community, program strengths and weaknesses and Likert-type scale questions to assess program directors' perceptions of how their respective programs benefit defendants and affect the efficiency of the judicial process and court trials and what perceived impact these programs have on local detention facility populations.

The second questionnaire, which was designed for administration to the constituents or agencies that use or are affected by pretrial programs, consisted of 24 questions subdivided into three distinct sections. Respondents were asked to rate pretrial programs on a variety of measures, including written reports and recommendations, defendant supervision and programming, as well as to delineate program strengths and weaknesses. The survey also included identical Likert-type scale questions, as contained in the pretrial program directors' questionnaire, in order to compare and contrast the consumers' perceptions with those of the pretrial administrators' perceptions on program impact. These questions sought to identify how pretrial service programs are exerting an impact on defendants, the community, and the local detention and court facilities.

Survey Sample

Currently there are 33 pretrial services programs or centers that have operational jurisdiction in 40 of the state's 100 counties. Surveys were mailed to each of the 33 pretrial program directors, with the shorter constituent survey being mailed to the 19 chief district court judges who preside over these 40 counties. Surveys were also mailed to 40 chief magistrates and 40 sheriffs, who were requested to either complete the questionnaire themselves or have their jail or detention administrator compile the information.

Results

Responses were obtained from 23 pretrial service program directors (69.7 percent) and 29 program constituents (29.3 percent), producing a cumulative return rate of 39.4 percent.

Pretrial Program Operations

In an effort to assess program operational processes, numerous questions were included in the survey asking pretrial services program directors to provide information on their respective programs' annual operating budgets, sources of funding, and personnel and staff training, as well as on program goals and objectives and internal policies and procedures.

Table 1 depicts the current annual operating budgets for the responding pretrial programs by the size of their respective jurisdictions. The operational budgets of those programs participating in the survey varied considerably, ranging from a low of \$19,880 to a group high of \$563,480, with an average of \$181,785 across the programs. The median, or midpoint, was considerably lower with an annual operating budget of \$80,500. Twenty-one (91.3 percent) of the programs do not pay rent or lease office space, suggesting that the majority of their funds go directly to staff salaries and service provision.

Table 1

Average Annual Operating Budget x Population Group

<u>Population</u>	<u>Number</u>	<u>Range</u>	<u>Average Operating Budget</u>
Less than 50,000	3	\$ 19,880 – 81,000	\$ 45,293
50,000 – 100,000	4	\$ 20,000 – 75,000	\$ 36,279
100,001 – 500,000	12	\$ 36,000 – 563,480	\$ 251,226
500,001 – 1,000,000	1	-----	\$ 340,000

Survey data indicate that program funding is overwhelmingly a county responsibility, with no state, federal or private foundation funds supporting these programs. Almost every program (22 out of 23 or 95.7 percent) reported that 100 percent of their budget came from county funds. Only one program varied, with 90 percent of their budget being drawn from county funds and the remaining 10 percent coming from fees for service.

The mean or average number of staff positions for all studied programs was 4.2 or 4 positions within a program. Slightly more than a third (34.8 percent) of all programs had only one position, with the largest pretrial program having 26 staff positions. The typical program has one managerial position, two line staff or screener positions and one to two administrative positions.

The types of staff training varied considerably, with 9, or 39.1 percent providing on-the-job training as the only type of training for new employees. The remaining programs offered a combination of on-the-job training, a more formalized and structured program for new hires, as well as in-service training and managerial training for supervisory personnel. Across all of the responding agencies on-the-job training (95.7 percent) and in-service training (47.8 percent) were the two most common forms of training offered. Slightly more than one-third (34.8 percent) of the programs offered managerial training for supervisors.

The pretrial programs participating in this study appear to have strong internal operating procedures in place as evidenced by the fact that 20, or 87 percent have written goals and objectives while 21 (91.3 percent) have certified and standardized policies and procedures as outlined in a manual or handbook. Further, more than three-fourths of these programs (87.7 percent) have reviewed and updated their specified goals and objectives within the past year, and 60.8 percent have updated and revised current policies and procedures within the same period.

Pretrial Services and Clientele

Program directors were asked to delineate information on the various services that are offered by their pretrial services programs. The most common services offered include substance abuse (91.3 percent) and mental health referrals (78. percent), followed by drug testing (69.6 percent), electronic monitoring (56.5 percent), and alcohol testing (47.8 percent). Other services included GED classes, career development/vocational counseling, and anger management courses. The majority of these programs do not levy financial charges or require defendants to pay for the receipt of services (87 percent).

Table 2 presents information on the various types of defendants who are eligible for program participation. Misdemeanant and non-violent felons (95.7 percent) were the most commonly accepted types of defendants, followed by defendants with traffic violations (87 percent) and the mentally ill (60.9 percent). Fewer programs accepted juveniles (39.1 percent), with only 30.4 percent accepting violent felons into their respective programs.

Table 2

Eligible Defendants x Percent of Programs Accepting Each

Defendant Type	Number of Programs Accepting	Percent
Violent Felons	7	30.4%
Non-violent Felons	22	95.7%
Misdemeanants	22	95.7%
Traffic	20	87.0%
Juvenile	9	39.1%
Mentally Ill	14	60.9%

Last year pretrial program staff from those participating agencies interviewed an average of 448 felons, 694 misdemeanants and 45 traffic defendants to assess their program eligibility. Of this number an average of 152 felons (33.9%) were admitted, 156 misdemeanants (22.5 percent) and on average each program admitted 36 (80 percent) traffic defendants. Conversely, an average of 458 defendants were excluded or ruled ineligible by program policy or through the interview process.

Arrest records and court dispositions were the most frequently consulted records that the program respondents utilized when making their assessments on pretrial program eligibility. Most of the programs (82.6 percent) obtained both arrest records and dispositions on the defendants during the information-gathering and verification process. Only 8.7 percent of the surveyed programs requested and reviewed arrest records alone, while only one (4.3 percent) of the programs sought no records. The other types of records that were reviewed included outstanding warrants, NCIC or national arrest data, pending criminal cases, revocation of probation occurrences and correctional data from the Department of Correction.

Pretrial Directors' Perceptions of Program Impact

Pretrial services program staff were highly concordant in the belief that their programs and services benefit defendants more than traditional bail procedures, with 86.6 percent of the respondents strongly agreeing with this statement. One respondent (4.3 percent) slightly agreed, while three (13.0 percent) remained neutral in this regard.

Commenting on the effect of pretrial services programs on the local judicial and detention systems, nearly half (43.5 percent) of the pretrial services program directors surprisingly stated that their programs have no effect on speeding up the local judicial process, while another 17.4 percent were unsure of this effect. Eight (34.8 percent) either agreed or strongly agreed that pretrial services programs reduce the number of trials, while 13 percent disagreed. The remaining 12 (52.1 percent) either viewed pretrial services programs as having no effect or were unsure as to the effect on the number of trials. All of the respondents either slightly agreed (8.7 percent) or strongly agreed (91.3 percent) that pretrial programs do reduce the size of jail populations.

As part of the survey pretrial services staff were asked a series of questions regarding the visibility of their programs in the community, how these programs are perceived by community residents and how the programs seek to increase awareness. From the respondents' answers it is apparent that community awareness is a focus for pretrial services programs. Only three of the twenty-three returned surveys failed to list any type of community information resources (17.4 percent). However the type of resources offered varied greatly across the responding agencies. The most common methods of increasing community awareness were pamphlets (47.8 percent), followed by community forums at 30.4 percent. Other techniques included open houses, job fairs,

local community access television and including community members on their advisory boards.

None of the pretrial services program staff felt that returned surveys felt that the awareness of their programs had declined in their communities. Most of the service programs' staff felt that the awareness in their communities had risen, while 26.1 percent felt that it had stayed the same, 39.1 percent felt that it slightly increased, and 34.8 percent felt that it largely increased. While most respondents felt that the level of awareness had increased in their communities, the majority have not conducted surveys or interviews in the community for feedback on their services.

Commenting on the extent to which pretrial services programs impact the local communities, an overwhelming number of the respondents (95.7 percent) agreed that these programs have had a significantly positive effect with the one remaining respondent (4.3 percent) suggesting that the program has had a slightly positive impact on the community. In response to open-ended question on what impact these programs have, the respondents offered numerous comments that were clustered into two primary response categories. Respondents noted the positive effect that these services have on program participants in terms of keeping them in the community with family and vocational responsibilities remaining intact (52.2 percent) and the cost savings associated with these programs versus the cost of detention (39.1 percent).

Program Impact

Table 3 presents program admission and completion data for 27 of the state's 33 pretrial service programs as well as their respective success rates for fiscal year 2005/2006. The number of program admissions ranged from a low of 12 to a high of 6,232 with a total of 14,995 admissions or an average of 555.3 per program. The number of successful completions, i.e., no new arrests or violations of program stipulations, during the defendants' time in the program, ranged from 6 to 4,752 per program. A total of 11,602 persons successfully completed a pretrial program during fiscal year 2005/2006, for an average of 429.7 per program. The number of programs with success rates at or above 50 percent was 26 or 96.3 percent of the total sample. Completion rates ranged from a low of 47.2 percent to a sample high of 100 percent, with the average completion rate for these 27 programs being 77.4 percent.

Table 3

Pretrial Service Program Admissions and Completions: FY 2005/2006

Program	Number of Admissions	Number of Completions	Success Rate
Alexander	40	24	60.0%
Brunswick	101	56	55.4%
Buncombe	1,055	801	75.9%
Catawba	298	298	100%
Cumberland	366	310	84.7%
Davie	60	42	70.0%
Edgecombe	202	144	71.3%
Forsyth	398	221	55.5%
Gaston	1,400	1,246	89.0%
Guilford	137	69	50.4%
Harnett	114	67	58.8%
Henderson	19	13	68.4%
Mecklenburg	6,232	4,752	76.3%
Montgomery	53	25	47.2%
Moore	55	34	61.8%
New Hanover	828	630	76.1%
Orange-Chatham	128	83	64.8%
Randolph	130	48	36.9%
Robeson	95	87	91.6%
Rockingham	51	44	86.3%
Rowan	513	340	66.3%
Stokes	12	6	50.0%
Surry	95	54	56.8%
Wake Pretrial Elec. Monitoring	205	172	83.9%
Wake ReEntry	2,302	1,943	84.4%
Wilkes	61	57	93.4%
Yadkin	45	36	80.0%
Total	14,995	11,602	77.4%

While program terminations, or failure rates, varied across the responding pretrial programs, the greatest or most common reason for this failure can be attributed to the violation of programmatic special conditions, with an average of 12.8 revocations per program. Revocations or failures based on the defendants' failure to appear for their

respective court proceedings was the second most common reason, with an average of 9 FTA revocations per program. Revocations as a result of committing a criminal

offense while under pretrial supervision were relatively uncommon, with only 4.5 per program. Program termination as a result of electronic monitoring violations and revocations for failing an alcohol or drug test were the least common, with an average of 2.1 per program and .5 per program respectively.

Table 4 depicts cost comparison data for pretrial programs and incarceration in local detention facilities on an average daily basis per defendant, as well as aggregate costs for maintaining the average number of defendants in pretrial programs as opposed to housing them in a detention facility. For example: New Hanover's pretrial program services an average of 200 people per day at a daily cost of \$6.54 per person. These individuals remain in the program for an average of 180 days or six months at a total cost of \$235,440. Housing these same 200 defendants in the local detention facility for six months would cost the county \$2.88 million. Thus, maintaining these defendants in the community and under pretrial supervision saves the county \$2.64 million. Cost savings are clearly indicated for each of the ten pretrial services programs, with an average cost savings of \$ 1.05 million. At an average cost of \$6.04 per person, per day, pretrial services

programs offer a significant savings potential for the counties, which on average expend \$ 57.30 a day to house a defendant in the local detention facility.

Table 4

Cost Comparison Data for Pretrial Service Programs versus Incarceration (FY 05/06)

County	Pretrial Service Programs			Incarceration			Cost differential/ savings
	Avg. daily pop	Avg. Cost per day/per defendant	Avg. length of stay	Total cost	Avg. cost per day/per defendant	Total cost	
Brunswick	50	\$ 2.87	134 days	\$ 19,229	\$46	\$308,200	\$288,971
Buncombe	263	\$ 4.85	66 days	\$ 841,863	\$77	\$1,336,566	\$494,703
Cumberland	93	\$ 1.76	30 days	\$ 4,910	\$62.88	\$175,435	\$170,525
Guilford	80	\$ 7.90	165 days	\$ 104,280	\$58	\$765,600	\$661,320
New Hanover	200	\$ 6.54	180 days	\$ 235,440	\$80	\$2,880,000	\$2,644,560
Orange-Chatham	42	\$ 1.85	106 days	\$ 8,236	\$55	\$244,860	\$ 236,624
Robeson	76	\$ 11.75	186 days	\$ 166,098	\$32.54	\$ 459,985	\$293,887
Wake Pretrial Electronic Monitoring	63.6	\$ 10.74	113 days	\$ 77,186	\$ 56	\$ 402,461	\$ 325,275
Wake ReEntry, Inc.	852	\$ 2.17	135 days	\$ 249,593	\$ 56	\$ 6,441,120	\$ 6,191,527
Wilkes	18.7	\$ 10	68 days	\$ 12,716	\$ 50	\$ 63,580	\$ 50,864
Average	173.8	\$ 6.04	118 days	\$ 123,870	\$ 57.30	\$1,175,131	\$1,051,261

Source: North Carolina Sentencing and Policy Advisory Commission

Table 5 depicts the impact of pretrial services programs on 17 different county detention facilities. During November, 2006, nine of these facilities had average daily populations in excess of their respective rated capacities. Overcrowding ranged from a low of five percent in Robeson County to a high of 68 percent in Harnett County. Eight facilities were not over their rated capacity during this period. Assuming that pretrial services programs were not available and that the average number of people in these programs would remain in jail produces a dramatic effect on the county detention facilities' populations. If pretrial programs were non-existent and those assigned to such programs were not permitted to remain in the community unsupervised, the number of overcrowded facilities would increase from nine to 14, with overcrowding ranging from a low of 3 percent in Edgecombe County to a group high of 206 percent in Rowan County.

Averaging across these 17 county facilities reveals a slight and negligible overcrowding problem (.03 percent); however pretrial services programs remove an average of 134 defendants from these detention centers. Removing the services of pretrial programs and keeping these defendants in custody would increase the average daily detention population from 386 to 520 and exacerbate overcrowding by a factor greater than 1,000, driving the average daily detention population 35 percent beyond the average rated capacity.

Table 5

Impact of Pretrial Programs on County Detention Facility Populations

County	Avg. Daily Detention Population	Rated Capacity	% Overcrowded	Avg. Daily Pretrial Population	% Overcrowded w/out Pretrial Programs
Brunswick	299	196	52.5%	50	78.1%
Buncombe	513	356	44.1%	263	118%
Cumberland	523	568	0%	93	8.5%
Davie	46	72	0%	20	0%
Edgecombe	289	338	0%	60	3.3%
Forsyth	926	1,016	0%	151	6.0%
Guilford	874	808	8.2%	80	18.1%
Harnett	141	84	67.9%	1	69.0%
Moore	122	110	10.9%	21	30%
New Hanover	561	648	0%	200	17.4%
Orange-Chatham	205	185	10.8%	42	33.5%
Robeson	433	410	5.6%	76	24.1%
Rowan	246	162	51.9%	250	206.2%
Stokes	63	68	0%	5	0%
Surry	148	137	8.0%	35	33.6%
Wake Pretrial Electronic Monitoring	1,166	1,320	0%	64	0%
Wake ReEntry, Inc.	1,166	1,320	0%	852	52.9%
Wilkes	15	90	0%	19	0%
Average	386.5	386.4	.03%	134.2	34.8%

Sources: North Carolina Sentencing and Policy Advisory Commission
North Carolina Department of Health and Human Services, Division of Facility Services

Pretrial Constituents

As part of the study, members of constituent agencies that have the potential to benefit from pretrial programs were asked to rate their local programs on a variety of measures along a five-point Likert scale, ranging from 1 (poor) to 5 (excellent). Responses indicate that pretrial services program staff do provide adequate and complete written reports to court personnel with 50 percent of the responding constituents rating this function as being above average, while another 16.7 percent described these reports as being excellent. The remaining third (33.3 percent) assigned ratings at an average to poor level.

None of the respondents felt that pretrial services performed below average in making recommendations about the defendant's release. Of those respondents who answered this question, 13.9 percent gave pretrial services an average rating, 59.1 percent gave an above-average rating and 27.3 percent gave an excellent rating. Respondents were also asked to assess how these recommendations were received by the courts, i.e. what percentage of their recommendations were adopted. Responses ranged from 20 percent to 98 percent, with a mean of 83 percent of the pretrial services program recommendations being adopted and implemented by court personnel.

Commenting on the extent of supervision provided upon a defendant's release, none of the respondents rated pretrial services poorly. Of the 24 respondents that answered the question, 4.2 percent gave a below-average rating, 33.3 percent gave an average rating, 50 percent gave an above-average rating, and 12.5 percent gave an excellent rating.

In a similar vein, constituents were asked to rate their pretrial services programs on their ability to provide needed services, such as substance abuse counseling, for defendants. Four percent felt that the pretrial service programs did a poor job of assisting defendants in this area, 8 percent

gave the pretrial services a below-average rating, 28 percent gave them an average rating, 28 percent gave them an above-average rating, and 32 percent gave them an excellent rating. The distribution of answers was more varied, but like responses to the previous questions, the majority of the responses fell into the average to excellent range.

Respondents were asked to rate the extent to which pretrial services program staff conduct bi-weekly reviews of the detained jail population in their respective localities. Survey results indicate that a vast majority of the respondents rate pretrial services as doing an average to excellent job in this area. Only 4.2 percent gave pretrial services a poor rating and only 8.3 percent gave a below-average rating; thus 87.5 percent gave a rating of average or better for this critical pretrial program function.

Respondents were asked to delineate both the major strengths and weaknesses of the pretrial services programs in their counties through a series of open-ended questions. The four most common strengths were good supervision of defendants, competence of pretrial staff/responsiveness, reduction of overcrowding of the jail's pretrial population, and substance abuse counseling/ access to services. Conversely, the major weaknesses included a lack of sufficient funding and adequate staff and the unavailability of free services or services in general. Other responses included not enough communication with jail personnel and excessively large caseloads.

Survey respondents were also given the opportunity to rate pretrial services programs on three large process-oriented categories: information gathering and client assessment, monitoring and follow-up of defendants, and general program management. The majority of the survey participants agreed that the area of program management was strong, with only 2 respondents (7.4 percent) noting that improvements were needed in this area. The majority of the respondents said that the general information gathering and assessment process was the function that needed the most improvement (63 percent), with 40.7 percent suggesting that improvements should be made in defendant monitoring and follow-up.

Commenting on the effect of pretrial service or diversion programs on the local judicial process, 74.1 percent of the respondents stated that these programs have a positive effect on the courts and do facilitate or increase the speed at which cases are processed. Only five of the constituents (18.5 percent) felt that these programs exerted no effect on the local judicial process, with none of the respondents suggesting that the programs were deleterious or hindered the speed at which the local judicial system operates. Slightly less than half of the respondents (46.4 percent) stated that pretrial programs significantly reduce the number of trials in their local jurisdictions, while 32.1 percent felt that these programs exert no effect on reducing the number of trials. Only one respondent (3.6 percent) strongly disagreed with the assumption that pretrial programs can reduce the number of trials.

Commenting on the efficacy of pretrial services programs to reduce local detention populations, the respondents validated the data presented in Table 5, with 69 percent strongly agreeing that these programs substantially reduce the number of defendants in the local jail. The remaining nine (31 percent) respondents slightly agreed with this statement; thus all of the responding constituents either agreed or strongly agreed that pretrial programs reduce jail or detention populations and consequently can assist in averting potential overcrowding concerns.

The respondents varied in their perceptions of how much of the detention population would be considered good candidates for participation in pretrial services or diversion programs, with responses ranging from zero, or none of the population, to a high of 88 percent. On average, the responding constituents felt that 32.9 percent of their respective defendants are solid candidates for utilizing the services and receiving the benefits of their county's pretrial services program. This estimated percentage closely parallels the actual 34.8 percent reduction that pretrial programs exert on the local detention centers, suggesting that the current screening processes that are employed by pretrial staff are highly effective and accurate for identifying good candidates for release (Refer to Table 5), or at least that these processes correspond with the judgment of responding constituents.

As part of the survey, members of the local criminal justice systems were asked to assess both immediate and long-term effects of pretrial programs on the defendants' behaviors and attitudes concerning their current criminal case as well as future criminality. More than three-quarters (75.8 percent) of the respondents noted that pretrial release programs are more beneficial for defendants than traditional bail procedures, with seven (24.2 percent) answering that pretrial programs are no different or are not as beneficial as bail.

An overwhelming majority (85.7 percent) of the constituents agreed that pretrial services programs ensure that defendants will appear on their respective court dates, with the remaining respondents being unable to comment on this guarantee or disagreeing with the notion that these programs do ensure that the defendant will appear. Consequently, there is a strong perception that defendants who are under the supervision of pretrial program staff will show up for court, thus reducing the number of failure to appear arrest warrants that must be issued as well as expediting their cases through the judicial process.

The perception that pretrial services programs can assist defendants with rehabilitation more successfully than defendants seeking this assistance by themselves was upheld by the majority of the responding constituents (78.6 percent). Three respondents (10.7 percent) were unsure of this effect, two (7.1 percent) noted that pretrial programs had no effect in this area, with only one (3.6 percent) disagreeing that defendants in pretrial services programs are more likely to achieve rehabilitation.

A comparable percentage of the respondents also agreed that participation in a pretrial services program can reduce the likelihood of re-arrest, with 57.1 percent slightly agreeing and 21.4 percent strongly agreeing that defendants subsequently convicted are less likely to re-offend if they are involved in these programs. Only two (7.2 percent) individuals either disagreed or strongly disagreed with the assumption that pretrial services programs can reduce the rate of criminal acts while the person is actively under pretrial supervision. If this perception is justified, the fear or concern that defendants will engage in criminal conduct while awaiting court appearances for an initial offense may be exaggerated or even unfounded.

The percentage of respondents who either agreed or strongly agreed that pretrial services programs can reduce re-arrest after defendants complete a pretrial program was higher than anticipated, suggesting that not only do pretrial services programs keep defendants from offending while they are under supervision, but they also may deter convicted defendants from committing future acts of criminal behavior. Seventy-one percent either agreed or strongly agreed that participation in a pretrial services program can deter short-term (i.e., less than one year) re-arrest, while 59.2 percent felt that involvement in these programs could prevent long-term future criminality beyond a period of one year. Only two people (7.1 percent) stated that pretrial services programs could not reduce short-term re-arrests, and only one person (3.7) suggested that it had no impact on long-term re-arrests. The remaining respondents were unsure about the relationship between pretrial services program participation and the likelihood of being re-arrested in the future.

Constituents also expressed opinions about the extent to which pretrial programs affect the local community and its members. Twenty-five (86.2 percent) members of the detention and court respondents rated these programs as having a positive impact on the community either slightly (48.3 percent) or significantly (37.9 percent). Expounding on this impact, 34.4 percent noted that pretrial programs are cheaper than detention, thus producing considerable cost savings for taxpayers. Twenty percent of those who completed the constituent survey stated that pretrial services programs keep the defendant in the community and in the household ensuring that the defendant continues to work, which in turn helps keep the family intact and in a state of financial equilibrium. Three respondents (7.7 percent) suggested that pretrial release serves an important public relations role and improves the community members' perceptions of the criminal justice system.

Survey results indicate that pretrial program staff are actively engaging the community and do

exert an effort to increase community awareness primarily through direct communication at meetings or forums, with 17 (77.3 percent) respondents reporting this activity in their local community. Common techniques for increasing community involvement and awareness included the production and distribution of brochures (45.5 percent) and conducting media interviews (40.9 percent). Newspaper accounts, community representation on program advisory boards, and word of mouth were other means used to promote the programs.

Respondents' perceptions were that these tactics have been moderately successful in increasing the level of community awareness, as 12 constituents (41.3 percent) observed either a slight or significant increase in their respective community members' knowledge of the programs and their intended purposes. Thirty-one percent were uncertain as to changes in awareness levels, while six respondents (20.7 percent) noted that awareness has not changed in their jurisdictions.

Comparing the Perceptions of Pretrial Program Directors and Program Constituents

Table 6 depicts comparative analyses for six common questions that were posed to both the pretrial services program directors and to the pretrial services constituents. The viewpoints of both groups regarding the impact of pretrial programs on the judicial process were close, with their average rank scores not differing significantly. Significantly different viewpoints were found on the three remaining questions, with program directors more strongly believing that their programs are more beneficial than traditional bail, compared to the views of pretrial services constituents. Program directors also held stronger beliefs, as evidenced by their higher rank scores, that pretrial services programs exert a greater impact on reducing jail populations and have a significantly more positive effect on the community. The pretrial services directors estimated that 43 percent of the people in jail make good candidates for pretrial release, contrasted with an estimated 33 percent by constituents, but this difference was not statistically significant.

Table 6

Director and Constituent Perceptions of Pretrial Programs

Question	Mean Director Response	Mean Constituent Response
Pretrial programs more beneficial than bail	4.70	4.21 *
Pretrial programs speed up judicial process	3.63	3.96
Pretrial programs reduce trials	3.39	3.61
Pretrial programs reduce jail populations	4.91	4.69 **
Pretrial programs impact on community	4.96	4.33 ***
What percent of jailed defendants are good candidates for pretrial release?	43.1	32.9

* t (df=50, 46.8), t = 1.76, p = .042
 ** t (df=50, 47.3), t = 2.00, p = .026
 *** t (df=48, 32.7), t = 4.60, p = .000

Discussion and Policy Recommendations

Pretrial services programs offer a safe alternative for minors and defendants charged with first-time non-violent offenses, as well as for members of selected special populations, to remain free in the community pending court appearances. Members of the local detention and judicial systems view the impact of these programs in a positive manner and do believe that they assist in improving the speed at which the courts operate and contribute to lowering detention populations.

Their opinions lend further support to the belief that these programs benefit defendants, noting that respondents favor them over traditional bail, and the programs prevent failure to appear incidents, offer rehabilitation, deter new offenses during the supervision period and even substantially impact rates of arrest for future offenses. Constituents also noted that pretrial services programs can exert a positive effect on the community and its members and that these programs are actively engaging the community as well in an effort to improve awareness.

The constituents who took part in this survey also viewed the operations and processes of their respective pretrial services programs as performing at an above-average level, especially in the areas of providing adequately written and informative reports and in the extent to which pretrial services program staff recommendations are adopted by the courts. The programs also received strongly favorable ratings from constituents for their ability to supervise defendants released into their custody and for offering adequate services to their clientele.

While perceptions do not always mirror reality and can often be clouded or distorted by personal bias, political motives, and a desire to view program appearances in a more positive light, an analysis of the empirical administrative data provided by program respondents does reveal a high degree of efficacy for pretrial diversion programs. Given the cost savings associated with these programs, their ability to significantly reduce detention populations and avert overcrowding, and their successful record of ensuring that defendants comply with all program requirements and attend all relevant court appearances, the following recommendations are offered:

1. Increase the number of pretrial programs across the state.

Current data indicate that there are only 33 programs, offering services to 40 counties, in existence. Given the relatively low average operating budget, in comparison to other programs and detention costs, expanding these programs to more jurisdictions appears prudent. The surveyed pretrial services programs rely heavily on county funding; thus the use of federal grant funds could offset some of these costs and/or be used as seed monies for establishing new programs.

2. Increase the use of pretrial service programs.

Data from the North Carolina Sentencing and Policy Advisory Commission (2007) indicate that 88.8 percent of those programs for which administrative data were provided are currently operating under their program capacities, with an average 48.1 percent vacancy rate. Consequently, local criminal justice policy makers should address this deficiency and develop alternatives for increasing the number of defendants who are eligible or otherwise available for utilizing the services of these programs.

3. Increase the use of research findings on effective practices and evidence based programs.

More research should be conducted to identify effective program practices and existing programs should rely more heavily on these findings for improving effectiveness and efficiency. Existing programs should also consult with national organizations, such as the Pretrial Services Resource Center and the National Association of Pretrial Services Agencies, to identify how their work processes can be improved based on national standards, goals and evidence-based programming. Newly created programs should also be developed around these standards and research findings to enhance the probability of program success and to demonstrate their efficacy to the local community and criminal justice agencies.

4. Increase the use of administrative data to include tracking client re-arrests and outcomes upon release or termination from pretrial services programs.

While the majority of the surveyed programs do an excellent job of collecting programmatic data, as exemplified through their ability to provide success/failure information and average daily costs, only 7 (30.4 percent) of the programs currently compile information on their clientele after they are released from participation. While collecting client outcome data may be burdensome for many programs, especially those with fewer staff members, this data would be extremely beneficial for documenting program efficacy and for justifying continuation and expansion funding.

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