




Pretrial Service Programs in North Carolina:

A Process and Impact Assessment



**N. C. Governor's Crime Commission
N. C. Criminal Justice Analysis Center**

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Executive Summary

The Governor's Crime Commission conducted a study to assess the impact and effectiveness of North Carolina's pretrial service programs. This report presents the findings of that study which sought to analyze both program processes and the perceived impact that these programs exert on the community, program clientele, jail populations and judicial processing. The study also examined program costs and compared costs between maintaining defendants in pretrial programs versus the local county detention facility. In addition, it examined performance measurement data on the number and types of defendants served, as well as outcome data, such as the number successfully completing pretrial program requirements. In order to assess the impact of these pretrial service programs, key effective practices were also reviewed in an effort to guide practitioners with program development and continuous process improvement.

Pretrial service program directors and members of constituent agencies were surveyed to evaluate the processes associated with program operation and to obtain their opinions regarding the impact and perceived effect of these programs. Study findings indicate that pretrial programs are viewed in a positive manner and do assist in improving the speed at which the courts operate. Survey respondents indicated they believed the pretrial programs are beneficial for defendants, noting that they are favored over traditional bail, encouraged defendants to appear for hearings, offer rehabilitation, deter new offenses during the supervision period and even substantially impact future recidivism rates. Given the documented cost savings associated with these programs, their ability to significantly reduce detention populations and avert overcrowding, as well as their successful record of ensuring that arrestees comply with all program requirements, four policy recommendations are offered. These suggested recommendations include increasing both the use of pretrial program and their number across the state, as well as incorporating research on effective practices into program operation and using existing administrative data to track client outcomes.

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Introduction/Study Rationale

The concept of pretrial service or pretrial diversion programs was originally delineated in *The Challenge of Crime in a Free Society*, the final report of the 1967 Presidential Commission on Law Enforcement and Administration of Justice. Over 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, as well as significant periods of disrepute and decline. These programs fell into disfavor during the 1980s and were all but dismissed as being over rated failures by researchers and policymakers.

Witnessing a revival, which began in the 1990s and continues today, pretrial service programs are touted as a more cost effective and treatment-oriented approach to housing indigent and special population arrestees in a county detention facility for lengthy periods of time before trial. Pretrial programs are also advocated as being advantageous for the criminal justice system 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 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 lessening the amount of time the court expends per defendant (Bellassai, n.d.).

As Mahoney, Beaudin, Carver, Ryan and Hoffman (2001) cogently note, pretrial service programs perform two essential functions. First, the programs ensure that staff compile relevant information about new arrestees 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. Second, these programs require that defendants are monitored to ensure compliance with treatment and other special conditions, to improve the likelihood of the defendant attending scheduled court appearances and for enhancing community safety.

These programs also benefit the accused 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 much 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).

This report presents study findings that assess the impact of North Carolina's pretrial service programs. The study sought to analyze both program processes and the perceived impact that these programs exert on the community, program clientele or defendants, jail populations and judicial processing. Program budgetary data was compiled in an effort to obtain reliable estimates on 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, such as the number successfully completing pretrial program requirements was also analyzed in an effort to assess the impact of these pretrial service programs. Key effective practices were also reviewed in an effort to guide practitioners with program development and continuous process improvement.

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Methods

Survey Instruments

Two questionnaires were developed to assess the operations and management of pretrial service programs and to analyze the impact of these programs on defendants, the local detention and judicial systems and the community.

A 40 question survey asked pretrial service program directors about their program operations, annual performance, budgets as well as their perceptions on the program's impact across the four domains referenced above. The first section included questions on program structure and administrative data including questions on the agency's annual operating budget and funding sources, personnel, training, program goals 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 service programs and a self-assessment guide for pretrial programs developed by the Pretrial Services Resource Center (2000).

The second section addressed performance and output measures such as the number, and types, of defendants interviewed or screened, program admissions and dispositional outcomes such as successful program completion and program terminations. The final section covered the program's impact on the defendants and community. This portion covered program strengths and weaknesses with Likert-type or rating scales to assess the program directors' perceptions on how their respective programs benefit defendants, 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 was designed to poll agencies that use or are affected by pretrial programs. It consisted of 24 questions, subdivided into three sections.

Respondents were asked to rate pretrial programs on a variety of measures including: written reports and recommendations, defendant supervision and programming and 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 33 pretrial service programs, or centers, operate in 40 of the state's 100 counties. Surveys were mailed to each of the 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 sheriffs, who were requested to either complete the questionnaire themselves or have their jail or detention administrator compile the information, and to 119 magistrates. Magistrates were purposively over sampled, with three from each of the 40 affected counties being randomly selected to receive a survey. (One county only had two magistrates, thus each received a survey.)

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Results

Responses were obtained from 23 pretrial service program directors (70%) and 29 program constituents (16%) resulting in a cumulative return rate of 25 percent.

Pretrial Program Operations

To assess program operational processes, the pretrial program directors were asked numerous questions about their respective program's annual operating budget, sources of funding, personnel and staff training, program goals, objectives, 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 varied considerably and ranged 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 of the programs do not pay rent or lease office space suggesting that the majority of their funds go directly to staff salaries and clientele services.

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) reported that 100% 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 from service fees.

Only two of the 23 responding programs charged the defendant for his/her participation in the program. One program charged \$1.50 per day to defendants in civil child support cases and the other program had defendants re-pay the program for covering bail costs by paying back 10% of the bond.

Table 1 - Average Annual Operating Budget x Population Group

Population	Number	Range	Average Operating Budge
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

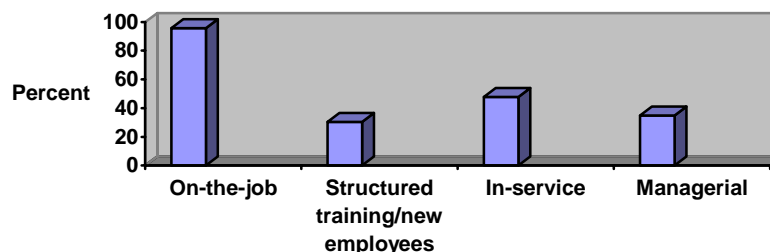
The average number of staff for all studied programs was four positions within a program. Slightly more than one-third of all programs had only one position but the largest pretrial program had 26 staff positions. The typical program has one managerial position, two line staff or screener positions and one to two administrative positions.

The types of staff training varied considerably; nine programs provided on-the-job training as the only type of training for new employees. The remaining programs offered a combination of on-the-job

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training, a more formalized and structured program for new hires, as well as in-service training and managerial training for supervisory personnel. Figure 1 depicts the percentage of programs offering each of the listed training types. On-the-job training and in-service training were the two most common forms of training offered.

Figure 1: Types of Training Offered



The vast majority of the responding programs appear to have strong internal operating procedures in place as evidenced by the fact that 87 percent have written goals and objectives while 91 percent of the responding agencies have certified and standardized policies and procedures as outlined in a manual or handbook. Further, 88 percent have reviewed and updated their specified goals and objectives within the past year and 61 percent had updated and revised current policies and procedures within the same period.

Pretrial Services and Clientele

Program directors were asked to list the various services which are offered through their pretrial service programs. The most common services offered include substance abuse (91 percent) and mental health referrals (78 percent) followed by drug testing (70 percent), electronic monitoring (57 percent) and alcohol testing (48 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.

Table 2 outlines information on the various types of offenders eligible for program participation. Misdemeanant and non-violent felons were the most commonly accepted types of offenders, followed by traffic offenders and the mentally ill. Fewer programs accepted juvenile offenders and less than one third accepted violent felons into their respective programs.

Last year each pretrial program interviewed an average of 448 felons, 694 misdemeanants and 45 traffic offenders to assess their program eligibility. On average, 152 felons, 156 misdemeanants and 36 traffic offenders were admitted to these programs. Conversely, an average of 458 offenders 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 offender eligibility. Most of the programs obtained both arrest records and dispositions on the defendants during the information gathering and verification process. Only eight percent of the surveyed programs requested and reviewed arrest records alone, while only one 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.

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Table 2 - Number and Type of Offenders Accepted into Pretrial Service Programs

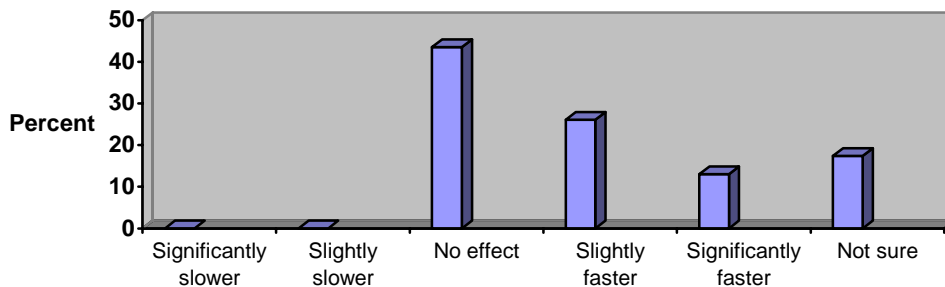
Offender Type	Number of Programs Accepting	Percent
Violent Felons	7	30%
Non-violent Felons	22	96%
Misdemeanants	22	96%
Traffic	20	87%
Juvenile	9	39%
Mentally Ill	14	61%

Pretrial Directors' Perceptions of Program Impact

Nearly all responding pretrial program staff agreed that their programs and services were more beneficial for arrestees than traditional bail procedures. One respondent slightly agreed while three remained neutral in this regard.

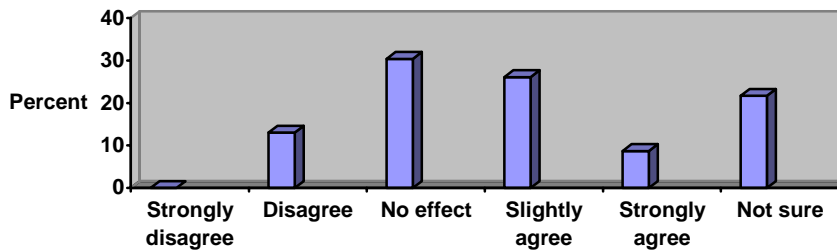
Commenting on the effect of pretrial programs on the local judicial and detention systems, nearly half of the pretrial program directors surprisingly stated that their programs have no effect on speeding up the local judicial process while another 17 percent stated they were unsure of the effect. Thirty five percent either agreed or strongly agreed that pretrial programs reduce the number of trials, while 13 percent disagreed. The remaining half indicated they viewed pretrial programs as having no effect or were unsure as to the effect on the number of trials (refer to Figures 2 and 3). All of the respondents either slightly agreed or strongly agreed that pretrial programs do reduce the size of jail populations.

Figure2 : Effect of Pretrial Programs on Judicial Process



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Figure 3 : Effect of Pretrial Programs on Number of Trials



As part of the survey, pretrial staff were asked a series of questions regarding the visibility, perceptions and awareness of their programs in the community. From the respondents' answers, it is apparent that community awareness is a focus for pretrial service programs. Only three of the 23 responses failed to list any type of community information resources. However, the type of resources offered varied greatly across the responding agencies. The most common methods of increasing community awareness were pamphlets followed by community forums. Other techniques included open houses, job fairs, local community access television and including community members on their advisory boards.

None of the respondents believed program awareness had declined in their communities. Most of the staff believed that program awareness in their communities had increased, while 26 percent felt that it had stayed the same. Thirty-nine percent felt that it slightly increased and 35 percent felt that it largely increased. While most respondents felt that the level of awareness had gone up in their communities the majority of them had not conducted surveys or interviews in the community for feedback on their services.

All but one of the survey respondents agreed that the pretrial service programs had a significantly positive impact on the community. Using an open-ended question, to probe for more information on what impact these programs have, the respondents offered numerous comments which 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 percent) and the cost savings associated with these programs versus the cost of detention (39 percent).

Program Impact

Table 3 outlines 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 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 six to 4,752. A total of 11,602 persons successfully completed a pretrial program during fiscal year 2005-2006 for an average of 430 per program. Twenty six of the responding programs had success rates of 50 percent or greater. Completion rates ranged from a low of 47 percent to a sample high of 100 percent with the average completion rate for the responding programs being 77 percent.

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Table 3 - Pretrial Service Program Admissions and Completions

Program	Number of Admissions	Number of Completions	Success Rate (percentage)
Alexander	40	24	60
Brunswick	101	56	55
Buncombe	1,055	801	76
Catawba	298	298	100
Cumberland	366	310	85
Davie	60	42	70
Edgecombe	202	144	71
Forsyth	398	221	56
Gaston	1,400	1,246	89
Guilford	137	69	50
Harnett	114	67	59
Henderson	19	13	68
Mecklenburg	6,232	4,752	76
Montgomery	53	25	47
Moore	55	34	62
New Hanover	828	630	76
Orange-Chatham	128	83	65
Randolph	130	48	37
Robeson	95	87	92
Rockingham	51	44	86
Rowan	513	340	66
Stokes	12	6	50
Surry	95	54	57
Wake Pretrial			
Elec. Monitoring	205	172	84
Wake ReEntry	2,302	1,943	84
Wilkes	61	57	93
Yadkin	45	36	80
Total	14,995	11,602	77

Sources: North Carolina Sentencing and Policy Advisory Commission
 Survey data from pretrial program directors: FY 2005/2006

While program terminations or failure rates varied across the responding pretrial programs, the most common reason for this failure can be attributed to the violation of programmatic special conditions with an average of 13 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 nine failure to appear (FTA) revocations per program. Revocations as a result of committing a new criminal offense, while under pretrial supervision, were relatively uncommon with only five 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 two per program and less than one per program respectively.

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While some defendants fail to appear in court because they fear the consequences of possible imprisonment and actually flee or abscond from the area other reasons were also commonly offered by the pretrial program respondents. Confusion, on the part of the defendant, regarding actual court dates was somewhat common with 36 percent of the respondents listing this reason as was the defendants' inability to obtain transportation (also 36 percent). Other reasons included a lack of communication between the defendant and appointed counsel, family emergencies, incarceration in another jurisdiction and indifferent apathy on the part of the defendant.

Table 4 depicts cost comparison data for pretrial programs and incarceration in local detention facilities on an average daily basis per offender, as well as aggregate costs for maintaining the average number of offenders 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. These individuals remain in the program for an average of 180 days at a total cost of \$235,440. Housing these same 200 offenders in the local detention facility for six months would cost the county \$2.88 million. Thus, maintaining these offenders in the community and under pretrial supervision saves the county \$2.64 million. Cost savings are clearly indicated for each of the ten pretrial service programs with an average cost savings of \$1.05 million. At an average cost of \$6.04 per offender, per day, pretrial service programs offer a significant savings potential for the counties which, on average, expend \$ 57.30 a day to house an arrestee in the local detention facility.

Table 4 - Cost Comparison for Pretrial Service Programs versus Incarceration

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

Source: North Carolina Sentencing and Policy Advisory Commission. Data based on FY 2005-06.

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Table 5 - Impact of Pretrial Programs on County Detention Facility Populations

County	Rated Capacity¹	Average Daily Detention Population²	Percent Overcrowded	Average Daily Pretrial Population	Percent Overcrowded w/out Pretrial Program
Brunswick	196	299	53	50	78
Buncombe	356	513	44	263	118
Cumberland	568	523	0	93	9
Davie	72	46	0	20	0
Edgecombe	338	289	0	60	3
Forsyth	1016	926	0	151	6
Guilford	808	874	8	80	18
Harnett	84	141	68	1	69
Moore	110	122	11	21	30
New Hanover	648	561	0	200	17
Orange-Chatham	185	205	11	42	34
Robeson	410	433	6	76	24
Rowan	162	246	52	250	206
Stokes	68	63	0	5	0
Surry	137	148	8	35	34
Wake Pretrial Electronic Monitoring	1320	1166	0	64	0
Wake ReEntry, Inc.	1320	1166	0	852	53
Wilkes	90	15	0	19	0
Average	386.4	386.5	.03	134.2	34.8

1 Rated capacity derived from DHHS closest inspection reports

2 Average daily detention populations based on November 2006 local confinement reports

Sources: North Carolina Sentencing and Policy Advisory Commission

North Carolina Department of Health and Human Services, Division of Facility Services

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Table 5 depicts the impact of pretrial service 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 service 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, the number of overcrowded facilities would increase from nine to 14 with overcrowding ranging from three percent in Edgecombe County to 206 percent in Rowan County.

Averages across these 17 county facilities reveal a slight and negligible overcrowding problem (less than one percent). However, pretrial service programs remove an average of 134 arrestees from these detention centers. Removing the pretrial service programs and keeping these offenders 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.

Pretrial Service Program Constituents

As part of the study, members of constituent agencies which may benefit from pretrial programs were asked to rate their local programs on a variety of measures ranging from poor to excellent. Responses indicate that pretrial program staff 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 17 percent described these reports as being excellent. The remaining third assigned ratings at an average to poor level.

None of the respondents felt that pretrial services did less than average when it came to making recommendations about the defendant's release. Of those respondents who answered this question, 14 percent gave pretrial services an average rating, 59 percent gave an above-average rating and 27 percent gave an excellent rating. Respondents were also asked to assess how these recommendations were received by the courts (i.e. the percentage of recommendations that were adopted). Responses ranged from 20 percent to 98 percent with a mean of 83 percent of the pretrial program recommendations being adopted and implemented by court personnel.

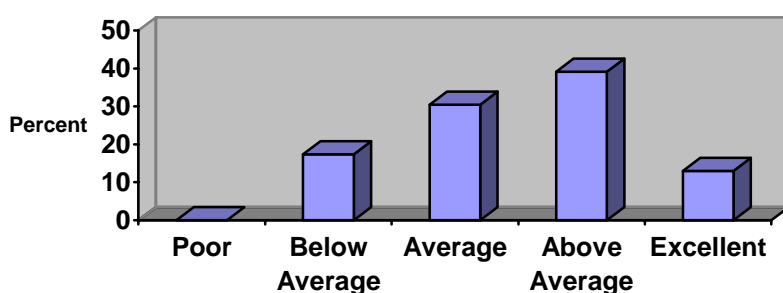
Commenting on the extent of supervision that is provided upon an arrestee's release, none of the respondents gave the pretrial services a poor rating. The vast majority gave an above average or excellent rating, while one-third of the respondents said the programs were average. Only one classified supervision as below average.

In a similar vein, constituents were asked to rate their pretrial 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, eight 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 previous questions, the majority of the responses fell into the average to excellent range.

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As the figure below depicts, the ratings for the pretrial service programs' ability to deal with defendants who fail to appear was pretty evenly distributed. While there were no respondents who gave a poor rating, 17 percent gave a below-average rating, 30 percent gave an average rating, 39 percent gave an above-average rating, and 13 percent gave an excellent rating. While more evenly distributed the answers were still skewed toward the positive end of the response set with the majority of the constituent responders stating that pretrial program staff function at an average or above capability when managing failure to appear cases among their program clientele.

Figure 4 : Convince Failure to Appear Clients to Surrender



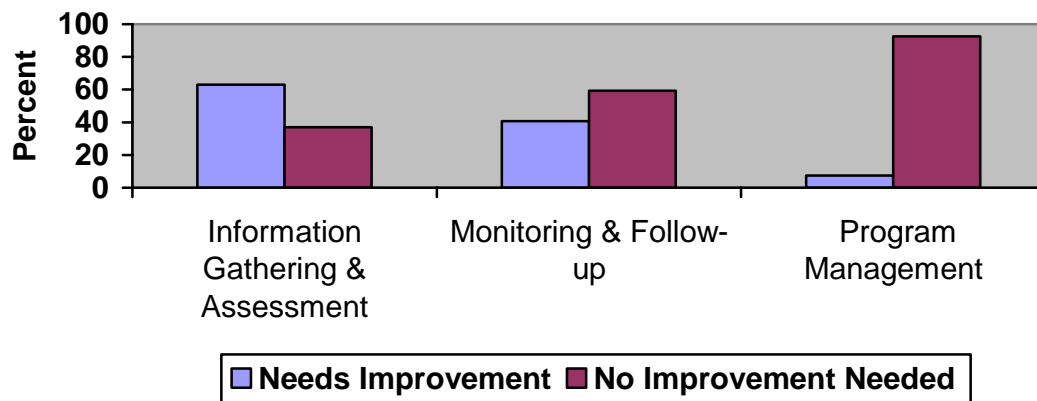
Respondents were asked to rate the extent to which pretrial program staff conduct bi-weekly reviews of the detained jail population in their respective localities. Survey results indicate that a vast majority of the respondents rate pretrial services as doing an average to excellent job in this area. Only four percent gave pretrial services a poor rating and only eight percent gave a below-average rating, thus 88 percent gave a rating of average or better for this critical pretrial program function.

Respondents were asked to outline both the major strengths and weaknesses of the pretrial 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 in overcrowding of the jail's pretrial population, and substance abuse counseling/ access to services. Conversely, the major weaknesses included a lack of sufficient funding, as well as a lack of adequate staff, and the unavailability of free services or services in general. Other responses included not enough communication with the jail and excessively large caseloads.

Survey respondents were also given the opportunity to rate pretrial programs in three large process-oriented categories: information gathering and client assessment, monitoring and follow-up of defendants, and general program management. As Figure 5 reveals, the majority of the survey participants agreed that the area of program management was strong with only two respondents noting that improvements were needed in this area. The majority of the respondents (63 percent) said that the general information gathering and assessment process was the function that needed the most improvement with 41 percent suggesting that improvements should be made in client monitoring and follow-up.

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Figure 5 : Assessment of Major Pretrial Processes



Commenting on the effect of pretrial service programs on the local judicial process, 74 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 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 stated that pretrial programs significantly reduce the number of trials in their local jurisdictions, while 32 percent felt that these programs exert no effect on reducing the number of trials. Only one respondent strongly disagreed with the assumption that pretrial programs can reduce the number of trials.

Commenting on the efficacy of pretrial programs to reduce local detention populations, the respondents' perceptions validate the data presented in Table 5 with 69 percent strongly agreeing that these programs substantially reduce the number of arrestees in the local jail. The remaining nine respondents (31 percent) 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 regarding how much of the detention population would be considered good candidates for participation in pretrial service or diversion programs with responses ranging from zero, or none of the population, to a high of 88 percent. On the average, responding constituents felt that 33 percent of their respective detainees are solid candidates for utilizing the services, and receiving the benefits, of their county's pretrial program. This estimated percentage closely parallels the actual 35 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).

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. Three quarters of the respondents noted that pretrial release programs are more beneficial for defendants than traditional bail procedures; the remainder answered that pretrial programs are no different or are not as beneficial as bail.

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An overwhelming majority (86 percent) of the constituents agreed that pretrial 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 offenders 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 programs can assist offenders with rehabilitation at a greater degree of success as compared to seeking assistance by themselves was upheld by the majority of the responding constituents (79 percent). Three respondents were unsure of this effect, two noted that pretrial programs had no effect in this area and one disagreed that defendants in pretrial programs are more likely to achieve rehabilitation.

A comparable percentage of the respondents also agreed that participation in a pretrial program can reduce offender recidivism with 57 percent slightly agreeing and 21 percent strongly agreeing that defendants are less likely to reoffend if they are involved in these programs. Only two individuals either disagreed or strongly disagreed with the assumption that pretrial programs can reduce another criminal act while the person is actively under pretrial supervision. Consequently, the fear or concern that offenders will continue their criminal involvement, 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 programs can reduce recidivism after defendants complete a pretrial program was higher than anticipated, suggesting that not only do pretrial programs keep offenders from re-offending while they are under supervision but also may deter offenders from committing future acts of criminal behavior. Seventy-one percent either agreed or strongly agreed that participation in a pretrial program can deter short-term, i.e. less than one year, recidivism while 59 percent felt that involvement in these programs could prevent long-term future criminality beyond a period of one year. Only two people stated that pretrial programs could not reduce short-term recidivism, and only one person suggested that it had no impact on long-term recidivism. The remaining respondents were unsure about the relationship between pretrial program participation and future recidivism.

Constituents also expressed opinions surrounding the extent to which pretrial programs affect the local community and its members. Twenty-five members (86 percent) of the detention and court respondents rated these programs as having a slightly (48 percent) or significantly (38 percent) positive impact on the community. Expounding on this impact, 34 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 programs keep the offender in the community and in the household ensuring that the offender continues to work which in turn keeps the family intact and in a state of financial equilibrium. Three respondents 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 respondents (77 percent) reporting this activity in their local community. Common techniques for increasing community involvement and awareness included the production and distribution of

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brochures (46 percent) as well as through media interviews (41 percent). Newspaper accounts, community representation on program advisory boards and word of mouth were also mentioned as being used to promote the programs.

It appears that these tactics have had a moderate amount of success for increasing the level of community awareness as 12 constituents (41 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 (21 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 which were posed to both the pretrial program directors and to the pretrial constituents. Both groups possessed close viewpoints regarding the impact of pretrial programs on the judicial process with their average rank scores not differing significantly. Significantly different viewpoints were found to exist 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 constituents. Program directors also had stronger beliefs, as evidenced by their higher rank scores, that pretrial programs exert a greater impact on reducing jail populations and have a significantly more positive effect on the community.

While the pretrial directors estimated that 43 percent of jail detainees make good candidates for pretrial release, contrasted with an estimated 33 percent by constituents, 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 jail detainees are good candidates for pretrial release?	43.1	32.9

* t-test: t (df =50, 46.8), t = 1.76, p = .042

** t-test: t (df =50, 47.3), t = 2.00, p = .026

*** t-test: t (df =48, 32.7), t = 4.60, p = .000

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Suggested Effective Practices for Improving Service Delivery

- 1. Design pretrial services as a tool to help judges make sentencing decisions**
 - a) Make the purpose of the pretrial program to reduce jail populations and long range recidivism
 - b) Put judges in control of the programs by making them a logical part of available sentencing options
 - c) Have all inmates' intake files reviewed by a judge

- 2. Develop a continuum of pretrial and post-trial services**
 - a) Include other programs and services such as case based management, substance abuse and mental health jail programs and day reporting centers
 - b) Ensure that case management bases appropriate services on a system of care designed for the needs of the inmate
 - c) Ensure services have a behavior modification component
 - d) Ensure that viable options exist for judges to utilize during court proceedings such as drug treatment, educational and vocational counseling and restitution
 - e) Do client risk assessments to determine appropriate services and sentencing options
 - f) Use a variety of technology based monitoring programs such as ankle bracelets, SCRAM devices and reverse monitoring

- 3. Develop a comprehensive picture of program performance**
 - a) Develop and use measures, such as average daily populations and recidivism rates, to track progress and make program improvements
 - g) Regularly brief key officials on the status of program performance, monetary benefits to the community and local criminal justice system and on how those cost savings are being reinvested
 - h) Conduct regular long-term follow-up studies to determine client behavioral changes after program completion

Discussion and Policy Recommendations

Pretrial service programs offer a safe alternative for minor and first time non-violent offenders, as well as 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 celerity or speed at which the courts operate and contribute to lowering detention populations.

Their opinions lend further support to the belief that these programs are beneficial for defendants; noting that they are favored over traditional bail, prevent failure to appear incidents, offer rehabilitation, deter new offenses during the supervision period and even substantially impact future recidivism rates. Constituents also noted that pretrial 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.

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The constituents who took part in this survey also viewed the operations and processes of their respective pretrial 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 program staff recommendations are adopted by the courts. The programs also received strongly favorable ratings for their ability to supervise defendants, who are released into their custody, and for offering adequate services to their clientele.

Given the cost savings associated with these programs, their ability to significantly reduce detention populations and avert overcrowding, as well as their successful record of ensuring that arrestees comply with all program requirements and attend all relevant court appearances the following recommendations are offered:

Increase the number of pretrial programs across the state

Current data indicate that there are only 33 programs that offer services to 40 counties. Given a relatively low average operating budget, in comparison to other programs and detention costs, expanding these programs to more jurisdictions appears prudent. The surveyed pretrial 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.

Increase the use of pretrial service programs

Data from the North Carolina Sentencing and Policy Advisory Commission (2007) indicate that 89 percent of those programs for which administrative data were provided are currently operating under their program capacities with an average 48 percent vacancy rate. Consequently, local criminal justice policy makers should address this deficiency and develop alternatives for increasing the number of offenders who are eligible or otherwise available for utilizing the services of these programs.

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.

Increase the use of administrative data to include tracking client recidivism and outcomes upon release or termination from pretrial service 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 seven of the programs (30.4 percent) 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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