

Research Brief
Analyzing Bond Supervision Survey Data
The Effects of Pretrial Detention on Self-Reported Outcomes

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Introduction

An increasing amount of attention has been paid to the effects of pretrial detention, as it may relate to several relevant justice outcomes. Based on a growing body of research, scholars and policy makers have engaged in a number of endeavors designed to maximize the effectiveness of pretrial decision making in particular and the pretrial phase of justice case processing more generally. Some of the first large scale quantitative examinations of pretrial decision making involved what effect pretrial detention may have on case outcome (e.g., guilt vs. innocence; sentences to incarceration vs. community) (Rankin, 1964; Goldkamp, 1979; Goldkamp & Gottfredson, 1979). More recently attention has focused on the development and implementation of actuarial risk assessment procedures. The advent of risk assessments in theory reduces subjectivity and allows for a more scientific risk-based decision process (Lowenkamp, Lemke & Latessa, 2008; Lowenkamp & VanNostrand, 2013). This in turn (again in theory) allows for the best, most efficient use of limited (and expensive) jail space. If pretrial detention does have deleterious effects, it makes sense to insure that limited jail space is reserved for those who pose the highest risk of either failure to appear (FTA) or new criminal activity (NCA). Actuarial risk assessment has the potential for insuring the highest risk individuals are most likely to be detained in jail while lower risk defendants remain in the community (Austin, Ocker & Bhati, 2010; Bechtel, Lowenkamp, & Holsinger, 2011; VanNostrand, 2003).

Regardless of the implementation and appropriate use of actuarial risk assessments, the use of a money-bail system has the potential to disrupt even the best risk-based decision procedures (Turner & Johnson, 2005; Ackerman & Sacks, 2012). Justice systems that allow for the assignment of bail – even very modest amounts of bail – run the risk of creating undesirable outcomes. These undesirable outcomes include high risk individuals who are able to make bail regardless of the risk they pose to the community, and likewise low risk individuals (who may indeed have been assigned a relatively low amount of bail), who are unable to arrange for bond (Harmsworth, 1996; Neal, 2012; Phillips, 2007). More research is needed regarding the extent to which risk-based decision making systems are disrupted via the simultaneous use of a money bail system. Ideally, the detention decision (in vs. out of jail during the pretrial period) should be substantially informed via objective criteria.

As noted above, the effect of pretrial detention, regardless of risk level, has been studied previously within the context of how conviction and/or sentencing outcomes may be affected. Of most recent import, the effect of pretrial detention has been examined even more closely in terms of its potential effect on other outcomes besides conviction and sentencing. While the effects of long-term incarceration have been well documented (see for example Western, 2002; and Western & Pettit, 2000), less is known regarding the specific effects of pretrial detention when it comes to what may be considered less obvious outcomes.

Generally (although there are some notable exceptions) pretrial incarceration occurs for a much shorter duration compared to post-dispositional incarceration. Often, pretrial detention lasts for a few days, or even less. Despite the relatively short amount of time, there may be evidence emerging

LOCAL JUSTICE REINVESTMENT INITIATIVE

Launched in 2010, the Justice Reinvestment Initiative (JRI) is a project of the Bureau of Justice Assistance (BJA). JRI supports data-driven state and local criminal justice reform efforts across the country. BJA and its technical assistance providers work with local and state leaders and stakeholders to examine correctional population trends and criminal justice outcomes and spending to identify options that improve public safety and are more cost-effective. The Crime and Justice Institute at CRJ is the technical assistance provider for eight local JRI sites. CJI worked with six sites—Johnson County, Kansas; Lane County, Oregon; New York City, New York; San Francisco, California; Santa Cruz County, California; and Yolo County, California—to analyze local jail population drivers, to work with a local stakeholder group to create strategies to reduce the corrections population and spending, and to implement these strategies. CJI worked with Allegheny County, Pennsylvania and Alachua County, Florida beginning in mid 2011 to develop and implement strategies based on analysis completed in the pilot phase of JRI.

that demonstrates serious deleterious effects of this time in jail on outcomes such as job loss, residential instability, negative financial impacts and loss of social support (Lowenkamp & VanNostrand, 2013; Lowenkamp, VanNostrand, & Holsinger, 2013). For example, it is feasible to assume that individuals who are arrested for a low-level crime, who are not able to post even a meager amount of bail, if they are working are doing so in a low-wage business and are easily replaceable. It is also likely that these individuals have less social support to begin with, and less residential stability to begin with. As such, jails in general and the monetary bail system in particular may represent a point at which the criminal justice system becomes “stickier.” For this reason and others, gaining an actuarial risk-based profile of those who remain in jail can be revelatory, due to the potential that the population of pretrial detainees is made up partially of people who do not pose a great risk to the community, and who Criminal Justice professionals may have even anticipated would make bail.

The current study utilizes a mixture of self-report and official data in order to shed more light on what the impact of pretrial detention may be on several non-Criminal Justice related outcomes. If we can gain a better understanding of the effects of pretrial detention, even detention for relatively short periods (e.g., less than three days), policy regarding risk-based decisions can be informed. Likewise there is benefit in further examining the “more than” vs. “less than” three days of pretrial incarceration in light of recent research that has already influenced policy in many parts of the U.S. (Lowenkamp, VanNostrand, & Holsinger 2013).

THE CURRENT STUDY

Participants: The sample for the current study is comprised of arrestees from a relatively large Midwestern county (population ~570,000) that is a suburb of Kansas City, Missouri. The county from which the data were derived is somewhat unique in that it has a dedicated bond supervision unit that serves to assess and supervise individuals who have been booked into the county jail system, and are subsequently released at some point under some amount of supervisory control (see Goldkamp & White, 2006 for a discussion of pretrial supervision populations). In sum, the population these results would infer to is the population of pretrial releasees who are assigned to supervision. As such, the data do not include individuals who were not released from jail pretrial, nor do the data include individuals who were released via some mechanism and who were not assigned to supervision. For a period of just under one calendar year, individuals who were released from jail and assigned to bond supervision were asked to fill out a survey (see Appendix for the survey itself) designed to assess their views regarding several domains and factors (see measures below). The survey was administered during their initial meeting with their supervising

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officer after the judge assigned them to pretrial supervision. These data were then merged with the risk instrument data that the county has been using for approximately three years, as well as available demographic data. A total of 958 respondents filled out the survey, and attempts were made to complete the data collection protocol (demographic and risk scale information) on all of them, with near 100% success. Some of the analyses may utilize fewer cases due to missing data items such as a refusal to answer one or more survey questions, or a rare case where risk assessment information was not available.

Measures: The survey that served as the basis for the current study was a three page closed-ended survey that asked the respondent to voluntarily respond to questions regarding the following, with an emphasis on comparing the point in time before the most recent jail stay, and what their current conditions are:

- How long they were in jail (less than 3 days vs. 3 days or more)
- Prior & current employment
- Prior & current financial situation
- Prior & current residential stability
- Prior & current situation regarding custodial children
- Bond amount and type
- Use (or not) of private bonds companies
- Any help (from others) making bail
- Speculation regarding outcomes if bail was doubled or tripled
- Any open cases

In addition to the survey domains noted above, each respondent's case number was used to merge demographic and risk assessment data with the survey data. The demographic data included age (in years), sex (1 = female), and race (1 = African American). Ethnicity was also collected (1 = Hispanic), however, due to some anomalies, the measure was not usable for the current analyses.

The risk assessment data came from an actuarial tool that was developed using data from the local jurisdiction. The assessment is comprised of 8 items (numbers in parentheses are the number of points per category for each item): state of residence (KS = 0; Other = 2); current employment (Yes = 0; No = 1); age at first arrest (22+ = 0; 21- = 1); current charge (Misd. = 0; Fel. = 1); current charge type (Non-drug, non-dui = 0; DUI = 1; Drug = 2); any prior jail time (No = 0; Yes = 1); evidence of prior substance abuse (No = 0; Yes = 2); evidence of mental health issue (No = 0; Yes = 2). The composite scale can range from 0 to 12 points. After scoring the items are summed to provide a composite score that relates to the likelihood of FTA and/or NCA in a linear fashion (the higher the score, the higher the likelihood of failure, measured as FTA and/or NCA during the pretrial release

period). After the instrument is scored, the defendant is classified as either “level I risk” (0 to 2 points), “level II risk” (3 to 4 points), “level III risk” (5 to 7 points), or “level IV risk” (8 to 12 points). In addition, the classification of the defendant is used on a recommendation grid. Specifically the risk level provides one axis, while the type of offense (e.g., severity) provides the other axis. Each cell in the grid (i.e., the intersection of risk level with offense type) contains a recommendation regarding pretrial detention (yes or no), and level of supervision if the defendant is left in the community. Each cell also provides a bail level recommendation. The judge either follows the recommendations in the cell but also may deviate from them. Analyses are underway determining the extent to which judges abide by the cells’ recommendations (anecdotally judges do abide by the grid’s recommendations in most cases). Periodic (though not drastic) changes have been made to the grid based on monthly reviews that occur during the county’s pretrial stakeholders’ meetings (a board of approximately 25 members from every stakeholder agency per pretrial issues).

BIVARIATE RESULTS

The bivariate results (presented below) should be interpreted with some caution, as they by definition do not incorporate any statistical control. Nonetheless, the bivariate results provide an important starting point in exploring the potential relationship between time spent in jail pretrial and disruption. Multivariate models (far below) do indeed incorporate important statistical controls which shed further light on the effect that the length of pretrial detention may have on various outcomes.

Demographics: Table 1 presents descriptive demographic and administrative information for the sample. The majority of the sample is male (73%), white (78.3%), and is an average age of 33.37 years of age. Further, over two thirds of the sample reported serving less than three days in jail during the pretrial period (69%), and had an average risk score of 5.69 points. Since these data were collected, the calibration of the risk categorizations have been changed reflecting a more even distribution of defendants. In the current analyses the risk score will be used as a composite measure.

Employment: The following analyses utilized the amount of time spent in pretrial detention (hereafter “< 3” and “3+”) as a grouping variable in order to compare differences and test for statistical significance (which indicates the difference between the two groups is unlikely attributable to chance) regarding employment (see Table 2). Defendants who spent less than three days in jail reported significantly higher rates of prior employment than those who spent three or more days (76.5% vs. 62.6%), and higher rates of current employment (71.8% vs. 48.6%). When all defendants who reported being currently employed were isolated, significant differences between the two groups were likewise revealed regarding being employed at the same place (< 3 = 94.1%; 3+ = 79.9%), and whether or not

negative employment-related consequences resulted from the stay in jail (< 3 = 28.7%; 3+ = 50.8%). While the two groups were indeed significantly different regarding employment prior to the arrest, disruption in employment appears more substantial for those who spent three or more days in jail. For defendants who spent less than three days in jail, there was less than a 5% drop in employment when comparing prior employment to current employment (76.5% to 71.8%), while defendants who spent three or more days in jail experienced a 14% decline (62.6% to 48.6%). Similarly, the differences regarding being employed at the same place and the experience of negative employment-related consequences serves as evidence of further disruption for those who spend more time in jail.

TABLE 1: DEMOGRAPHIC & ADMINISTRATIVE INFORMATION

| Variable | N | % |
|----------------------------|-----|-------|
| SEX | | |
| Male | 697 | 73.0% |
| Female | 258 | 27.0% |
| Race | | |
| White | 746 | 78.3% |
| African American | 207 | 21.7% |
| Age | | |
| <25 | 251 | 26.3% |
| 25-34 | 352 | 36.9% |
| 35-44 | 204 | 21.4% |
| >45 | 148 | 15.5% |
| Mean = 33.37 years | | |
| Detention | | |
| <3 days | 658 | 69.0% |
| 3 days + | 295 | 31.0% |
| Risk categorization | | |
| Low (0-2 pts) | 77 | 8.1% |
| Moderate (3-5 pts) | 353 | 37.1% |
| High (6-8 pts) | 521 | 54.8% |
| Mean = 5.69 | | |

TABLE 2: EMPLOYMENT

| Variable | <3 days | | 3 days + | |
|---|---------|-------|----------|-------|
| | N | % | N | % |
| Employed prior to arrest (% yes)*** | 502 | 76.5% | 184 | 62.6% |
| Employed now (% yes)*** | 472 | 71.8% | 143 | 48.6% |
| If employed now, same place (% yes)*** | 430 | 94.1% | 111 | 79.9% |
| If at same place, consequences (% yes)*** | 127 | 28.7% | 62 | 50.8% |

Financial: Survey respondents were asked to rate themselves via two separate questions regarding their prior and current financial situation. Specifically they were asked to select one of five response categories that appeared in ascending order of severity/difficulty: no problems; occasional issues; living check-to-check; consistent difficulty meeting expenses; unmanageable amount of difficulty. For the following analyses, the responses were combined into two categories, where “no problem” and “occasional issues” were treated as one response, while the remaining three (check-to-check, consistent difficulty, and unmanageable difficulty) were treated as one response. Table 3 presents the results testing the relationship between financial functionality and amount of time spent in jail pretrial. Those who spent three or more days in jail pretrial were significantly more likely to report serious financial difficulty than those who spent less than three days both prior to the most recent arrest (< 3 = 52.1%; 3+ = 73.6%) as well as currently (< 3 = 65.2%; 3+ = 80.7%). Overall it appears that the defendants who spent less than three days in jail experienced a larger increase in financial difficulties, however those who spent three days or more in jail remained significantly higher before and after.

TABLE 3: FINANCIAL

| Variable | <3 days | | 3 days + | |
|---|---------|-------|----------|-------|
| | N | % | N | % |
| Prior financial situation*** | | | | |
| No/occasional issues | 314 | 47.9% | 78 | 26.4% |
| Moderate to severe issues | 342 | 94.1% | 111 | 79.9% |
| If at same place, consequences (% yes)*** | 228 | 65.2% | 62 | 50.8% |
| Current financial situation*** | | | | |
| No/occasional issues | 228 | 34.8% | 57 | 19.3% |
| Moderate to severe issues | 428 | 65.2% | 238 | 80.7% |

*** - $p < 0.001$ / ** $p < 0.01$ / * $p < 0.05$ / n.s = not significant

Residential: A five category response contingency was also used to ask survey respondents regarding their residential setting before and after their most recent arrest, in ascending order of severity/difficulty: no problems; mild issues; moderate issues; serious issues; serious and unmanageable issues. Again, the bottom two categories (no problems; mild issues) were combined for analyses, as were the top three categories (moderate to serious and unmanageable issues). Table 4 presents the results testing the relationship between residential stability and amount of time spent in jail pretrial. Both prior to the most recent arrest (< 3 = 11.7%; 3+ = 28.2%) and currently (< 3 = 27.0%; 3+ = 39.6%), defendants who spent three or more days in jail reported significantly more difficulty regarding their residential stability. It is interesting to note that again it appears that the disruption pre- and post-detention is of a greater magnitude for those who were detained *fewer* than three days, while those who were detained three days or more had significantly more residential issues overall.

TABLE 4. RESIDENTIAL

| Variable | <3 days | | 3 days + | |
|---|---------|-------|----------|-------|
| | N | % | N | % |
| Prior residential stability*** | | | | |
| No/mild issues | 580 | 88.3% | 211 | 71.8% |
| Moderate to unmanageable | 77 | 11.7% | 83 | 28.2% |
| Current residential situation*** | | | | |
| No/mild issues | 479 | 73.0% | 177 | 60.4% |
| Moderate to unmanageable | 177 | 27.0% | 116 | 39.6% |

Family/Children: Three questions were asked regarding what, if any, impact the arrest/incarceration may have had on custody of dependent children. The overall impact was ascertained regarding a five category response contingency in ascending severity: no impact; some manageable impact; some impact difficult to manage; some impact that is barely manageable; unmanageable impact. For analyses the responses indicating “no impact” were left alone, while the remaining four responses (some impact to unmanageable impact) were combined into one response. The decision to leave “no impact” as its own category relative to the other four had to do with the distribution of responses. It appeared that most respondents (regardless of the amount of time spent in jail) indicated “no impact” as a response to the question. As such, in order to make analyses of these particular questions viable (i.e., insuring an adequate number of cases were contained in each response category) anything other than “no impact” was regarded as something negative and all negative responses were treated the same way.

Respondents were also asked if their most recent arrest caused them concern about losing custody (yes/no), as well as whether or not they now had concerns about their ability to support their dependent children (yes/no). Table 5 reveals a significant relationship between time spent in jail pretrial and some concerns about dependent

children. For example, those who spent three or more days in jail were significantly more likely to report a negative impact of the most recent arrest (< 3 = 27.5%; 3+ = 37.6%), but were equally likely to report concerns about losing custody (< 3 = 16.4%; 3+ = 16.5% -- a non-significant difference). Those who spent three or more days in jail were also significantly more likely to report having concerns about being able to support dependent children (< 3 = 17.3%; 3+ = 30.2%). While these questions do not ask the respondent to gauge differences pre- and post-arrest regarding dependent children, it does appear that those who spend three or more days in jail view their most recent experience with the justice system as having a negative impact of a greater magnitude compared to those who spend less than three days in jail.

TABLE 5. DEPENDENT CHILDREN

| Variable | <3 days | | 3 days + | |
|---|---------|-------|----------|-------|
| | N | % | N | % |
| Impact of arrest/jail on children** | | | | |
| No impact | 361 | 72.5% | 141 | 62% |
| Some to unmanageable impact | 137 | 27.5% | 85 | 37.6% |
| Concern about losing custody n.s. | | | | |
| No | 399 | 83.6% | 193 | 83.5% |
| Yes | 78 | 16.4% | 38 | 16.5% |
| Concern re: ability to support children*** | | | | |
| No | 383 | 82.7% | 157 | 69.8% |
| Yes | 80 | 17.3% | 68 | 30.2% |

Bail, help, open cases: Respondents were asked to rate how difficult it was to come up with the bail they were assigned, using five responses ranging in ascending order from “no problem at all” to “extremely difficult.” For analyses, “no problem at all” was treated as one response, while the other four responses were combined (for the same reasons as noted above, per the impact the most recent arrest may have had on dependent children). Respondents were also asked whether or not anyone (family, friends, significant other) assisted with making bail (yes/no), and whether or not they had any open cases besides the current one (yes/no). The results for these three final questions are contained in Table 6. Not surprisingly those who spent three or more days in jail were significantly more likely to report having difficulty making bail (< 3 = 49.3%; 3+ = 76.4%). Interestingly though they were also significantly more likely to report receiving assistance making bail from family or friends (< 3 = 76.3%; 3+ = 83.3%) though this is likely due to those spending less than three days in jail being more likely to receive an OR (own recognizance) bond that did not require the posting of any bond. Those who spent three or more days in jail were also significantly more likely to report having an open case aside from the current one (< 3 = 13.9%; 3+ = 22.5%).

TABLE 6. BAIL, HELP, AND OPEN CASES

| Variable | <3 days | | 3 days + | |
|---|---------|-------|----------|-------|
| | N | % | N | % |
| How easy to come up with bail*** | | | | |
| No problem | 301 | 50.7% | 63 | 23.6% |
| Difficulty | 293 | 49.3% | 204 | 76.4% |
| Anyone help* | | | | |
| No | 145 | 23.7% | 48 | 16.7% |
| Yes | 466 | 76.3% | 240 | 83.3% |
| Any Open Cases** | | | | |
| No | 541 | 86.1% | 221 | 77.5% |
| Yes | 87 | 13.9% | 64 | 22.5% |

MULTIVARIATE RESULTS

Several significant differences emerged between those who spent less than three days in jail and those who spent more than three days in jail according to the bivariate analyses presented above. Overall it appears that those who spent more than three days in jail pretrial had more disruption in employment, financial situation, residential stability, and some items dealing with dependent children. Where possible, multivariate analyses were used (see Table 7) in order to more precisely determine the impact of spending three or more days in jail, while controlling for pre-existing differences (e.g., being employed prior to being arrested). All multivariate models included bond amount, age, sex, race, if the current charge was violent, the composite pretrial risk score, and whether a defendant had an open case or not as control variables, in order to focus on the impact of three or more days of pretrial detention.

TABLE 7. ODDS RATIOS FOR AMOUNT OF TIME SPENT IN JAIL PRETRIAL¹

| Model | Odds ratio for time in jail (1 = 3+ days) |
|--|---|
| 1. Employment*** ² | 2.48 |
| 2. Financial situation (n.s.) ³ | --- |
| 3. Residential* ⁴ | 1.41 |
| 4. Impact on children** | 1.59 |

Model 1 was designed to assess the impact of three or more days of pretrial detention on the likelihood of current employment. All the aforementioned control variables were utilized in the model, however, since this model was predicting current employment, prior employment was also used as a control variable. The relationship between pretrial detention and current employment was statistically significant, and examination of the odds ratios revealed that those who spent three or more days in jail pretrial were nearly 2.5 times less likely to be employed, relative to those who spent less than three days in jail. Due to the strong relationship between prior employment and current employment, the model was also calculated without prior employment, revealing the same results.

Model 2 was designed to assess the impact of three or more days of pretrial detention on the likelihood of difficulties regarding the defendant's financial situation. Again all the aforementioned control variables were utilized in the model, though this model also included prior financial instability. The relationship between pretrial detention and current financial difficulties was not statistically significant. This may indicate that the disruption revealed via the bivariate analyses is attributable to other factors besides pretrial detention.

Model 3 was designed to assess the impact of three or more days of pretrial detention on the likelihood of having difficulties with residential stability. All aforementioned control variables were utilized, as was prior residential stability. The relationship between pretrial detention and current residential stability was statistically significant. Examination of the odds ratio for pretrial detention indicates that those who were detained pretrial for three days or more had a 40% higher likelihood in having current residential difficulties relative to those who were held pretrial less than three days.

Model 4 was designed to assess the impact of three or more days of pretrial detention on the likelihood of negative impacts on dependent children. All the aforementioned control variables were utilized in the model. The relationship between pretrial detention and self-reported negative impacts on children was statistically significant. Further, examination of the odds ratio for the pretrial detention indicates that those who were detained pretrial for three days or more had a 59% increase in the likelihood of reporting negative impacts on dependent children relative to those who were held pretrial less than three days.

1 All models controlled for bond amount, age, sex, race, current charge violent, pretrial risk score, and whether a defendant had open cases or not.

2 Model also controlled for prior employment

3 Model also controlled for prior financial situation

4 Model also controlled for prior residential stability

Discussion

It appears that being held pretrial leads to varying levels of disruption across several indicators of functionality – specifically employment, financial situation, residential stability, and issues relating to dependent children. Pretrial detention had deleterious effects, to some degree, for all defendants involved in the study, however there were fairly consistent results showing that these deleterious effects were ultimately worse for those held three days or longer, with some exceptions (i.e., in some instances the net impact seemed greater for those held less than three days, but those held pretrial three days or longer were worse off in end, with higher rates of instability on most every indicator).

It cannot be ignored that there were statistically relevant differences between those held for less than three days, and those held three days or more (including, but likely not limited to the stability factors examined via these data). These differences could not be avoided, since “risk” in the most general sense (as well as the actuarial sense) is used throughout the justice system in order to make decisions that likely lead naturally to longer periods of pretrial detention. Put another way, it is likely that those who were ultimately held pretrial for three days or longer entered the court system most recently with characteristics and life circumstances that may have predisposed them to being held for a longer period of time. The multivariate models presented above attempted to control for these differences, and largely revealed the same things that the bivariate analyses did. The multivariate models have the added advantage of calculating the actual impact (via the odds ratios) of being held pretrial for three days or longer. With the exception of the defendant’s financial situation, the impact was statistically meaningful, and substantial.

There are multiple implications for these results, chief among them the potential to shed light on the effect that pretrial detention has on the functionality of defendants. Regardless of some important limitations (see below), these analyses may identify ways in which the criminal justice system becomes more difficult to exit for people with certain circumstances. Likewise it is important to keep in mind the reverberating destabilizing effects that pretrial detention may have on dependent children. These results could inform risk-based decisions as well, particularly when it comes to low risk and/or moderate risk defendants who would run the risk of further destabilization as a result of longer pretrial detention.

Limitations

There are some limitations of the current analyses that warrant highlighting:

- As noted above these results are based on defendants who were released from jail, at some point, and placed on bond supervision. As such, segments of the defendant population – most notably those who stayed in jail for the duration of their pretrial period, and those who were released with no supervision, were not included. This in turn threatens the generalizability to a portion of the defendant population.
- The survey data, which provided the bulk of the variables of interest, is solely self-reported. While no reasons to doubt the veracity of the data emerged, in the absence of any official checks or verification, the validity could potentially be challenged.
- Due to data limitations it was not possible to do extremely rigorous or comprehensive tests of ways in which the two groups of interest (those who spent less than three days, and those who spent more than three days in pretrial detention) may have differed from one another. While the multivariate models did statistically control for several relevant factors (most notably demographics, criminal history, and specific variables of interest), unmeasured differences between the groups might remain.
- While the multivariate models did control for the amount of bond, there may have been other ways in which the bail system (both that which is proscribed by the court as well as the private bail bonds industry) could influence case processing and trajectories that remained unmeasured.

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References

- Ackerman, A.R., & Sacks, M. (2012). Bail and sentencing: Does pretrial detention lead to harsher punishment? *Criminal Justice Policy Review*, 25(1), 59-77.
- Austin, J., Ocker, R., & Bhati, A. (2010). *Kentucky pretrial risk assessment instrument validation*. Washington, DC: The JFA Institute.
- Bechtel, K., Lowenkamp, C., & Holsinger, A. (2011). Identifying the predictors of pretrial failure: A meta-analysis. *Federal Probation*, 75(2), 78-87.
- Goldkamp, J.S. (1979). *Two classes of accused: A study of bail and detention in American justice*. Ballinger Publishing Company: Cambridge, MA.
- Goldkamp, J.S., & Gottfredson (1979). Bail decision making and pretrial detention: Surfacing judicial policy. *Law and Human Behavior*, 3(4), 227-249.
- Goldkamp, J.S., & White, M.D. (2006). Restoring accountability in pretrial release: The Philadelphia pretrial release supervision experiments. *Journal of Experimental Criminology*, 2(2), 143-181.
- Harmsworth, E. (1996). Bail and detention: An assessment and critique of the federal and Massachusetts systems. *New England Journal of Criminal & Civil Confinement*, 22, 213-290.
- Lowenkamp, C.T., Lemke, R., & Latessa, E.J.(2008). The development and validation of a pretrial screening tool. *Federal Probation*, 25, 564-580.
- Lowenkamp, C.T., & VanNostrand, M. (2013). *Assessing pretrial risk without a defendant interview*. New York: Laura and John Arnold Foundation.
- Lowenkamp, C.T., & VanNostrand, M. (2013). *Exploring the impact of supervision on pretrial outcomes*. New York: Laura and John Arnold Foundation.
- Lowenkamp, C.T., VanNostrand, M., & Holsinger, A.M. (2013). *The hidden costs of pretrial detention*. New York: Laura and John Arnold Foundation.
- Neal, M. (2012). *Bail fail: Why the U.S. should end the practice of using money for bail*. Washington, DC: Justice Policy Institute.
- Phillips, M.T. (2007). Bail, detention and non-felony case outcomes. *New York City Criminal Justice Agency Research Brief No. 14*.
- Rankin, A. (1964). The effect of pretrial detention. *New York University Law Review*, 39, 641-656.
- Turner, K.B., & Johnson, J.B. (2005). A comparison of bail amounts for Hispanics, Whites, and African Americans: A single county analysis. *American Journal of Criminal Justice*, 30(1), 35-53.
- VanNostrand, M. (2003). *Assessing risk among pretrial defendants in Virginia: The Virginia pretrial risk assessment instrument*. Virginia Department of Criminal Justice Services.
- Western, B. (2002). The impact of incarceration on wage mobility and inequality. *American Sociological Review*, 67(4), 526-546.
- Wester, B., & Pettit, B. (2000). Incarceration and racial inequality in men's employment. *Industrial and Labor Relations Review*, 54(1), 3-16.

Appendix A

Survey
Pretrial Release

Johnson County is in the process of revising several aspects of the pretrial justice system which includes release decisions, setting of bond, supervision levels, services offered, and the like. What follows is a brief survey with a handful of questions, about two and a half pages long. Your answers regarding what your experiences were as you went through the pretrial process are very valuable to us and can help us greatly as we make what we hope will be positive changes for everyone in the future. **Your responses to these questions will have absolutely no impact on your case in any way.** In addition to asking some straightforward questions, we will also ask you to speculate about what “might” have occurred if some things had been different (such as the amount of bond that was set, for example).

Your participation is extremely important, and we thank you for your help!

Section: Family/Children

11. **If applicable** what impact has your most recent arrest/incarceration had on your situation with your dependent children under 18 (regardless of who has actual custody)?

0 = No impact

1 = Some impact (e.g., it is now more difficult for me to visit/spend time with them, but it's manageable)

2 = Some impact that's difficult (e.g., my co-parent wants a third party present when we visit)

3 = Some impact that's barely manageable (e.g., lots of conflict/threatened with not having contact)

4 = Extremely negative impact that's not manageable (e.g., I'm not allowed to have contact)

12. **If applicable**, has your most recent arrest/incarceration caused you **concern about the possibility of losing custody** of one or more of your dependent children under 18?

Yes

No

13. **If applicable**, has your most recent arrest/incarceration caused any problems in your ability to support your children or make support payments?

Yes

No

Section: Your Case – bond amounts and time in jail

14. If an amount of bond was set, how much was it?

\$ _____

15. If an amount of bond was set, how easy was it for you to come up with the money?

0 = No problem at all

1 = A little difficult (I had to rely on another source like a family member but it was no problem for them)

2 = Somewhat difficult (I had to rely on another source like family and it was difficult for them)

3 = Very difficult (I had to rely on multiple sources, with great difficulty)

4 = Extremely difficult (lots of problems raising the money; came close to not making it)

16. If you were approved by a bail bonds company, **but did not use them**, please indicate why you didn't:

17. If you contacted a bail bonds company **but did NOT get approved by them**, please indicate what you think the reason was:

18. **If applicable**, did anyone (family, friends, significant other,) help you make bail?

Yes

No

19. If your family/friends/significant other **did not** help you with your bond, please state the reason (**check ANY that apply**)

- | | |
|--|-------------------------------------|
| _____ They do not have the money | _____ They do not want to help me |
| _____ They don't know about the trouble I'm in | _____ I have NO contact with family |
| _____ I do not want my family's help at all | _____ Other reason |

Please state "Other" reason here:

20. If an amount of bond was set as you stated above, suppose that it was actually **double the amount**. Rate the **likelihood that you would have been able to come up with that amount?**

- 0 = No problem at all
- 1 = A little difficult (I would rely on another source like a family member but it would be no problem)
- 2 = Somewhat difficult (I would rely on another source like family and it would be difficult for them)
- 3 = Very difficult (I would rely on multiple sources, with great difficulty)
- 4 = Extremely difficult (I would have lots of problems raising the money; would probably not make it)

21. If an amount of bond was set as you stated above, suppose that it was actually **triple the amount**. Rate the **likelihood that you would have been able to come up with that amount?**

- 0 = No problem at all
- 1 = A little difficult (I would rely on another source like a family member but it would be no problem)
- 2 = Somewhat difficult (I would rely on another source like family and it would be difficult for them)
- 3 = Very difficult (I would rely on multiple sources, with great difficulty)
- 4 = Extremely difficult (I would have lots of problems raising the money; would probably not make it)

22. So -- if you had spent an **additional three days in jail**, if you had a job **before** entering jail, what would be the likelihood that you would be able to **keep** that job (again, if you spent three MORE days in jail than you did -- circle the most appropriate response)?

- 0 = I would definitely keep the job, no problem
- 1 = I would get in trouble, like get written up, but I would be able to return to my job once I got out
- 2 = I would *probably* get fired
- 3 = I would definitely get fired, but would likely be able to find another job quickly
- 4 = I would definitely get fired, and would have difficulty finding another job quickly

23. So -- if you had spent an **additional three days in jail**, what would be the likelihood that you would **keep** the place you were living/staying before?

- 0 = I would have no problem keeping/staying at the place I was
- 1 = I would have some residential problems but nothing I couldn't handle
- 2 = I would probably have to find a new place to live, but could do so with a little or some difficulty
- 3 = I would probably have to find a new place to live, but would have great difficulty doing so
- 4 = I would have extreme difficult; might likely end up homeless

24. Aside from the **most recent arrest**, are there other open cases or arrests that are currently an issue for you?

Yes

No