

**THE DEVELOPMENT OF GUIDELINES FOR FINANCIAL BOND
RECOMMENDATIONS**

Final Report

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EXECUTIVE SUMMARY

Decisions made during the pretrial process can have substantial impact on many other aspects of the criminal justice system, including the number of defendants who are held in pretrial incarceration and the likelihood that a defendant is convicted. Federal legislation during the 1960s and 1980s sought to minimize the negative effects of pretrial decisions, particularly the number of defendants being held in pretrial incarceration, by recommending that factors such as community ties be considered in making release decisions. Several decades of research on pretrial decision making indicates that very few factors consistently predict pretrial decisions or outcomes. The most significant predictor of whether someone is released on recognizance or the amount of bond received tends to be charge severity (or seriousness). Some client factors, including criminal record, community ties, and demographic characteristics, also have been found to influence bail decisions, but the findings are inconsistent across studies. Similar inconsistencies exist in regard to the factors that explain pretrial outcomes such as the likelihood of being detained or the likelihood of failing to appear if released.

In Connecticut, pretrial staff provide an independent recommendation to the court regarding the appropriate bail to ensure a defendant's appearance in court and protect the safety of the community. During the intake process, pretrial staff use a risk assessment tool to help them determine whether a defendant should be considered for a non-financial or financial form of release. For clients who might be considered for conditional release, a decision aid also is available to help in assessing clients' needs. Our research has shown that the use of these tools is associated with a lower failure to appear rate and fewer defendants being held in pretrial incarceration. Prior to the current project, there was no similar tool to assist in making financial bond recommendations. This report summarizes our efforts to develop a guide for determining the appropriate amount of bond to recommend given the seriousness of the charges and level of risk posed by the defendant.

The development of the bond guidelines involved three primary steps. First, we conducted focus groups with 27 line staff and supervisors to understand how bond recommendations generally are made and to identify "best practices." Focus group participants provided examples of various "rules of thumb" they use for determining what bond to recommend, and used specific cases to illustrate the types of bond recommendations they make. They had difficulty, however, articulating how they arrived at particular bond amounts and often disagreed with one another in terms of what bonds were appropriate for certain cases.

Second, we analyzed existing data on bail decisions for the years 2006 and 2007. We examined patterns of bond amounts as a function of charge severity and jurisdiction, and sought to understand what factors explained variation in bond amounts across cases. We found a fairly consistent pattern in bond amounts as a function of charge severity, such that the median bond amount (i.e., midpoint of the distribution) increased incrementally as the charge became more severe. We also observed fairly consistent patterns in bond recommendations across courts. When considering that bond recommendations can range

from one dollar to several million dollars, we were encouraged to find that the median bond amount for a majority of courts fell between \$5,000 and \$10,000.

Our analyses further indicated that charge severity was the most significant predictor of bond amount, but that client risk factors (e.g., means of support, prior record) failed to consistently explain variation in bond amounts. Given the importance of these risk factors in determining a client's likelihood of appearing for court, both from a statutory and a scientific perspective, we sought to increase the emphasis on these factors in the development of guidelines for financial bond recommendations.

In the final step, we developed and piloted the guidelines. The guidelines consist of two rating scales (Offense Characteristics and Client Risk) and a corresponding table of bond amounts. The rating of Offense Characteristics incorporates a variety of mitigating and aggravating factors identified from the focus groups that increase or decrease the severity of the charge(s). The rating of Client Risk is drawn directly from the risk assessment point scale completed as part of the initial intake interview. The total of the two ratings corresponds to a suggested bond amount in a table that reflects the actual distribution of bonds from the 2006 and 2007 data.

The bond guidelines were piloted in four courts over three phases, with each phase representing a modified version of the ratings scales and guidelines. We compared the three phases in regard to the level of congruence between the bond amount suggested by the guidelines and the bond recommended in court, as well as the relationship of the offense characteristics and client risk ratings with the recommended bond.

Overall, there were significant correlations between the suggested and recommended bonds across all phases, indicating congruence between the guidelines and staff recommendations. However, there were some discrepancies between the amount suggested in the guidelines and the amount that the pretrial staff felt comfortable recommending, but these differences diminished over the course of our pilot testing. Additionally, in the majority of cases where there were discrepancies between the suggested and recommended bonds, the differences were within a reasonable confidence interval.

The implementation of the newly developed bond guidelines has the potential to address two areas of concern in the bond recommendation process. First, client risk factors continue to exhibit no consistent relationship to bond recommendations. The same factors that are used to assess risk during the initial intake (e.g., community ties, criminal history) should be carried through to subsequent decisions, including the bond recommendation. Formal training in the use of the bond rating scale and guidelines will encourage the consideration of these factors. Second, there continues to be a lack of consensus across staff and courts in regard to how much bond to recommend for a given case. Regular use of the guidelines is expected to result in greater consistency in bond recommendations across staff and courts. Future research should assess the long-term impact of the guidelines on pretrial decisions and outcomes.

PROJECT OVERVIEW

Decisions made during the pretrial process can have substantial impact on many other aspects of the criminal justice system. For example, defendants who are held in pretrial incarceration due to their inability to post bond contribute to prison overcrowding. Additionally, those who fail to appear for their court date acquire a new charge, which adds to the volume of cases processed by the courts. These decisions also affect the lives of the defendants. Those who cannot post bond and are subsequently detained experience adverse effects in regard to their family and employment status. Defendants who are held in pretrial incarceration also are more likely to be convicted and receive harsher punishments than similar defendants who are released.

In Connecticut, pretrial staff members (i.e., Bail Commissioners and Intake Assessment & Referral Specialists) provide an independent recommendation to the court regarding the appropriate bail to ensure a defendant's appearance in court and protect the safety of the community. Currently, pretrial staff have a risk assessment tool (i.e., Point Scale) to guide their initial determination of whether a defendant should be considered for a non-financial or financial form of release. They also have a tool to assist in making recommendations regarding conditional release (i.e., Bail Decision Aid). These tools help staff to better assess clients' risk and criminogenic needs, and also facilitate more consistent and appropriate recommendations across staff and courts. Use of these tools has been shown to enhance the quality as well as the effectiveness of the recommendations made to the courts. For example, use of these tools during the risk assessment process is associated with a lower failure to appear rate. Additionally, the use of the Decision Aid, which encourages staff to conduct a more in-depth assessment of clients' needs, is associated with greater use of conditional release and fewer defendants being held in pretrial incarceration.

In cases that pose a higher risk, a financial bond may be recommended as an incentive for a client to return to court. However, there is no existing guideline in Connecticut for determining what amount of bond should be recommended given the circumstance of the case (i.e., seriousness of the charges, client risk). The purpose of this project was to develop a standardized protocol to guide financial bond recommendations with pretrial clients. The steps taken to develop these guidelines are summarized below. We begin with a general overview of the existing research on bail decision making and a summary of our prior efforts to enhance bail decision making in Connecticut.

BACKGROUND

National Research

There has been limited research on pretrial decision making relative to other aspects of the criminal justice system (e.g., arrest decisions, sentencing decisions). The existing research has generally focused on three main issues: (1) the relationship between pretrial decisions and pretrial outcomes, (2) the factors that influence pretrial decisions, and (3)

the factors that predict pretrial outcomes, including the likelihood of being held in pretrial incarceration and likelihood of failing to appear while released on bail.

The Relationship between Pretrial Decisions and Outcomes

During the 1960s, researchers and practitioners raised concerns over the detrimental effects of being detained prior to a client's trial. One concern was that an extremely high percentage of defendants received financial bail, which discriminated against indigent offenders (Clark & Henry, 1996; Goldfarb, 1965). Individuals who were unable to post bond suffered in a number of ways, including loss of employment, inability to fulfill family obligations, and inability to maintain community ties. In addition, individuals in pretrial detention were found to suffer harsher treatment from court decisions at the trial (Foote, 1958). Subsequent research has found that pretrial detention is associated with a higher likelihood of being convicted and more severe sentencing following a conviction (Goldkamp, 1979; Rankin, 1964; Swigert & Farrell, 1977; Wheeler & Wheeler, 1981). In Connecticut, the Justice Education Center (1992) found that pretrial detention was one of six significant predictors of whether an offender would be sentenced to jail/prison or probation. The other predictors were charge severity, type of charge, felony conviction, race/ethnicity, and sex.

These concerns led to the Federal Bail Reform Acts of 1966 and 1984. The passage of the Bail Reform Act of 1966 made sweeping changes to pretrial release decisions. Namely, courts must first consider releasing clients on recognizance, and, if this is not feasible, other bail options must be present so that pretrial release conditions could be structured to the needs of each individual offender (Clark & Henry, 1996). In all cases, financial bail, often in the form of a surety bond, would be the last option and would be used only when non-monetary conditional release would not guarantee an offender's court appearance (Wheeler & Wheeler, 1981). The Bail Reform Act of 1984 primarily amended the prior reform act to include the consideration of the potential dangerousness of the offender and the use of preventive detention to protect public safety (Cole, 1989; Reid, 1996).

Factors that Predict Pretrial Decisions

Another outcome of the Bail Reform Acts was to define the standards that should be considered in a pretrial release decision. These are: (1) nature and circumstances of the offense, (2) weight of evidence against the person, and (3) the history and characteristics of the client. Included in the latter are character, mental condition, family ties, employment and financial resources, length of residence in the community, past conduct, criminal history, prior failure to appear (FTA), whether the offender was on probation or parole at the time of the offense, and pending cases.

Although many states, including Connecticut (Connecticut Pretrial Commission, 1981), follow these standards, few factors have actually been found to explain bail decisions and outcomes. Demuth (2003) clarifies the distinction between pretrial decision and

outcomes. Pretrial “decisions include preventive detention (i.e., denying bail), whether to grant a financial or non-financial release option, and the bail amount...Pretrial release outcomes are a function of pretrial release decisions, but also depend on the defendants’ ability to satisfy the conditions of release” (p. 878).

In regard to pretrial decisions, research overwhelmingly indicates that offense seriousness and prior criminal record are the most influential factors (Albonetti, Hauser, Hagan, & Nagel, 1989; Bock & Frazier, 1977; Bynum, 1976; Demuth, 2003; Demuth & Steffensmeier, 2004; Ebbesen & Konecni, 1975; Frazier, Bock, & Henretta, 1980; Goldkamp, 1979; Nagel, 1983; Petee, 1994; Rhodes & Matsuba, 1984; Roth and Wice, 1980; Schlesinger, 2005; Suffet, 1966). Other legal factors that have been found to influence bail decisions are being on probation or parole (Bock & Frazier, 1977; Frazier et al., 1980; Petee, 1994; Rhodes & Matsuba, 1984) and pending charges (Rhodes & Matsuba, 1984).

Additional factors, both legal and extra-legal, have been found to play a small, but significant role in bail decisions in some studies. These factors include: client’s appearance and demeanor (Bock & Frazier, 1977; Frazier et al., 1980; Petee, 1994), education (Albonetti et al., 1989), income (Albonetti et al., 1989; Bynum, 1976), living arrangement (Petee, 1994), the amount of time the client lived in the town or county (Frazier et al., 1980; Petee, 1994), marital and employment status (Albonetti et al., 1989), age (Demuth, 2003; Demuth & Steffensmeier, 2004; Nagel, 1983), sex (Demuth, 2003; Demuth & Steffensmeier, 2004; Nagel, 1983), and race/ethnicity (Demuth, 2003; Demuth & Steffensmeier, 2004; Nagel, 1983; Petee, 1994; Schlesinger, 2005).

When looking at bond amount in particular, fewer factors consistently explain which defendants receive lower and higher bonds. Charge seriousness or severity is the most consistent and best predictor of bail amount (Demuth, 2003; Demuth & Steffensmeier, 2004; Frazier et al., 1980; Nagel, 1983; Schlesinger, 2005; Turner & Johnson, 2005, 2007). Other factors that have been found to play a smaller yet significant role in explaining bond amount include prior convictions (Demuth, 2003; Demuth & Steffensmeier, 2004; Nagel, 1983; Schlesinger, 2005), prior incarceration or active probation/parole status (Demuth, 2003; Demuth & Steffensmeier, 2004), number of charges (Demuth, 2003; Demuth & Steffensmeier, 2004; Schlesinger, 2005), whether the crime was violent (Nagel, 1983), whether the crime was an attempt (Schlesinger, 2005), sex (Demuth, 2003; Demuth & Steffensmeier, 2004), age (Turner & Johnson, 2005, 2007), demeanor (Frazier et al., 1980), and race/ethnicity (Demuth, 2003; Demuth & Steffensmeier, 2004; Nagel, 1983; Schlesinger, 2005; Turner & Johnson, 2005, 2007).

Factors that Predict Pretrial Outcomes

There are two primary outcomes related to pretrial decisions. The first is whether the defendant is held on bond or out on release. The second, for those out on release, is whether they fail to appear. Only a few of the above studies included pretrial outcomes separately from pretrial decisions in their analyses. Both Demuth (2003) and Schlesinger (2005) found that several legal and extra-legal factors influenced the likelihood that a

defendant was held on bail. These included race, ethnicity, age, charge severity and criminal history. Demuth (2003) found, however, that the strongest predictor was bail amount.

In regard to outcomes for those out on release, Gottfredson and Gottfredson (1986) provided a thorough review of research that attempts to explain why clients fail to appear in court. In this review, they identified offense type, prior record, drug use, prior FTAs, pending charges, and “community ties” as variables that commonly predict failure to appear for trial. It is important to point out that many of the early studies reviewed by Gottfredson and Gottfredson found little relationship between predictor variables and FTAs (Angel, Green, Kaufman, & Van Loon, 1971; Feeley & McNaughton, 1974; Locke, Penn, Rock, Bunten, & Hare, 1970). Studies that found significant predictors of FTA were Gottfredson (1974, present offense, offense history, employment, living arrangement, and relatives in the area), Clarke, Freeman, and Koch (1976, criminal history and bail type), Roth and Wice (1980, offense type, employment, and drug use), and Goldkamp and Gottfredson (1981, criminal history, drug use, and age).

Other studies not included in Gottfredson and Gottfredson’s (1986) review produced similar findings. Eskridge (1979) found that socioeconomic background and community ties had no effect on failure to appear. Interestingly, individuals with no prior criminal activity were more likely to fail to appear. Chilvers, Allen, and Doak (2002) found, however, that clients with prior convictions, pending charges, serious drug offenses, and burglaries were more likely to fail to appear. With a sample of felony cases in the 75 large urban counties, Hart and Reaves (1999) found that 22% of those clients released on bail did not appear in court. Drug offenders (29%) and property offenders (22%) had the highest failure to appear rates followed by clients accused of violent offenses (14%) and public order offenses (14%). Finally, in an evaluation of Philadelphia’s pretrial release experiment, Goldkamp and White (2001) found that prior charges in the past three years, felony theft, and prior FTAs were associated with failure to appear in court. They also found that having a weapons charge was actually predictive of appearing in court.

Pretrial Decision Making in Connecticut

In Connecticut, Section 54-63c of the Connecticut General Statutes specifies which criteria should be considered in the pretrial release: (1) nature and circumstances of the offense; (2) prior convictions; (3) prior failure to appear in court; (4) family ties; (5) employment record; (6) financial resources, character, and mental condition; and (7) community ties. In 1982, the Judicial Branch implemented a risk assessment point scale to guide pretrial decisions. Points are given for residence, family ties, employment and education, verifiable references, and no prior record. Points are taken away for charge seriousness, substance abuse or mental health problems, criminal history, and prior failure to appear. In the past decade, Court Support Services Division has undertaken several initiatives aimed at enhancing the pretrial decision making process. We summarize the results of those initiatives as they serve as a foundation for our most recent efforts to develop guidelines for financial bond recommendations.

Validation of Risk Assessment Point Scale

In 2001, we were asked to examine the validity of the bail risk point scale. Our sample included 622 pretrial cases randomly selected from the years 1998 and 2000 from four major courts. We examined the influence of numerous client risk factors collected during the bail intake process. These variables pertained to demographics, community/family ties, financial resources, mental condition, offense characteristics, and criminal history. We assessed the relationship of these factors to the type and amount of bail recommended, the likelihood of being released, and the likelihood of failing to appear.

The results of our research on Connecticut's pretrial risk assessment (see Hedlund, Cox, & Wichrowski, 2003) were consistent with the prior literature. We found that bail recommendations were influenced primarily by the nature of the offense (charge severity) and prior criminal behavior, including prior failure to appear. Clients with criminal histories and more serious offense characteristics received more restrictive bail recommendations and were less likely to be released on a promise to appear. Other factors were influential on bail recommendations (e.g., means of support, mental/substance abuse problems, and verifiable reference) but to a lesser degree than offense and criminal history factors. Clients who lived alone or with non-immediate family, who had no means of support or relied on others for financial support, and who exhibited mental illness or substance abuse problem received more restrictive bail recommendations. Clients who were married and had a verifiable reference received lower bond amounts.

In terms of outcomes, few factors were significant predictors of a client's likelihood of failing to appear for court. These factors included prior convictions, marital status and means of support. Clients with more prior convictions were less likely to appear for court. In addition, clients who were unmarried and lacked any means of financial support were less likely to appear.

Our findings led to several revisions to Connecticut's risk assessment point scale. The primary role of the point scale is to assist pretrial staff in evaluating a client's likelihood of appearing in court and thus whether s/he should be considered for a financial bond or non-financial release. After the implementation of the revised point scale, we conducted follow-up analyses to assess the use of the points and its affect on client appearance. Data from a random sample of 689 cases representing 5 different courts were collected and analyzed to examine the extent to which the revised points were being followed in making pretrial recommendations and the relationship of these points to pretrial outcomes. The point scale classifies clients into two groups based on their risk score: (1) clients with zero or more points are considered lower risk and should be considered for a non-financial form or release, and (2) clients with negative points are considered higher risk and should be considered for a financial bond.

The results indicated that pretrial staff make recommendations that generally are consistent with the risk assessment points. That is, clients who had positive point values were more likely to receive a non-financial release recommendation while clients with negative point values were more likely to receive a bond recommendation. Additionally, clients with higher point values tended to have more positive pretrial outcomes. Clients who were successful during pretrial (e.g., appeared in court, complied with conditions) had significantly higher points than those who failed to appear and those who were arrested on new charges. Thus, clients' risk assessment points were clearly related to their likelihood of appearing for court.

Development of a Decision Aid for Conditional Release

In the interest of using the least restrictive means of ensuring appearance in court, pretrial clients who pose more than minimal risk may also be considered for conditional release. That is, conditions may be used to help clients show up for court and avoid committing new offenses while out on release. Connecticut's bail risk point scale was designed as a guide for determining if a client should be considered for financial or non-financial release. It was not intended to isolate the specific needs of clients in order to determine the types of conditions they may need.

A *Bail Decision Aid* was developed in 2004 to guide pretrial staff to determine if a condition is needed and to match the client's needs with conditions. The *Decision Aid* classifies clients' needs into three primary areas: personal needs (e.g., substance abuse, unemployment), compliance risks (e.g., prior FTA, living alone), and safety risks (e.g., violent offender). The menu of available conditions (e.g., drug treatment, call-ins, electronic monitoring) is similarly organized according to these areas of needs. The *Decision Aid* provides question prompts to help the interviewer to narrow down the types of conditions that might best address a client's needs.

The *Decision Aid* was piloted in two courts with a total of 103 cases and compared to samples of cases collected prior to and after implementation (see Hedlund, Cox, Hines, Carollo, & Dwyer, 2005). The *Decision Aid* was found to increase the likelihood of recommending a condition, and the number of cases for which the bail recommended condition matched the court ordered condition. The *Decision Aid* also was associated with a lower failure to appear rate, but this finding was not statistically significant, and was countered by a higher rate of new arrests. Post hoc analyses revealed that the group on which the *Decision Aid* was used represented greater risk, on average, than those in the comparison group. Thus, we conducted a follow up study.

The expanded study involved four courts and a larger sample (see Hedlund, Hines, & Carollo, 2007). The *Decision Aid* was used on a total of 357 cases and compared to a sample of 550 cases matched in terms of their risk scores. The use of the *Decision Aid* was associated with an increased likelihood of recommending a non-financial form of release, a greater number of cases receiving a conditional release recommendation, and a

16% increase in the number of cases where the recommended condition matched the court-ordered condition.

In regard to outcomes, we found that 18% fewer clients were held in pretrial detention when the *Decision Aid* was used. For those clients out on release, we found that fewer clients failed to appear when the *Decision Aid* was used (12%) than when it was not (17%). When we limited the analyses to only those cases where the bail recommended condition matched the court ordered condition, the FTA rearrest rate was 50% lower (8% vs. 19%), suggesting that the *Decision Aid* facilitated more effective conditional release recommendations. Additionally, the likelihood of being convicted of a FTA was 66% lower in the *Decision Aid* than the pretest group (3% vs. 9%).

Overall, these findings have several potential implications for pretrial decision making. First, since the *Decision Aid* encourages the use of conditional release, it can reduce the reliance on financial bonds as a means for ensuring appearance. Second, the *Decision Aid* facilitates more consistent and thoughtful recommendations regarding conditional release, which can reduce potential disparities in recommendations across pretrial staff and courts. Third, by improving conditional release recommendations, more clients may show up for court. In fact, we found that when the bail recommended condition matched the court ordered condition, the use of the *Decision Aid* was associated with a 50% reduction in the FTA rate. Finally, the use of the *Decision Aid* can reduce the pretrial prison population by encouraging the release of more clients on conditions who might otherwise be held on a financial bond.

In summary, these projects provide pretrial staff with empirically developed and validated tools to assist in making recommendations regarding the suitability of different pretrial release options. They encourage staff to rely on non-financial forms of release over financial bonds. However, there are cases where the client's risk warrants the consideration of a financial bond to ensure appearance in court or to protect the safety of the community. In such cases, pretrial staff must determine the appropriate amount of bond to recommend given the nature of the offense and the client's risk. Thus, we initiated a third project to develop guidelines for financial bond recommendations to be used when non-financial options have been ruled out.

DEVELOPMENT OF BOND GUIDELINES

In developing the bond guidelines, we first sought to understand how pretrial staff members determine an appropriate bond amount for a case, and what factors explain variability in bond amount across different cases. We began by conducting focus groups with line staff and supervisors, and then analyzed existing data on bond recommendations. The results of the focus groups and data analysis informed the development of the guidelines. Once we created the guidelines, we pilot tested them in four courts and made any necessary modifications. Each of these steps, and their associated outcomes, are summarized below.

Focus Groups

In the fall 2007, we conducted focus groups with CSSD staff in order to better understand existing practices and to identify “best practices” in the process of recommending financial bonds. Specifically, we conducted three focus groups with a total of 16 line staff and one focus group with 11 supervisors and regional managers. The participants represented a range of geographical areas (e.g., Stamford, New London, Enfield) and both small and large jurisdictions (e.g., Bantam vs. Hartford). A set of question prompts (see Appendix A) guided our discussion although it was not our intent to obtain answers to every question. Overall, there were diverse opinions about when to recommend a bond and the process by which a bond amount is determined. However, the discussions converged on several main themes that are summarized below.

1. Court appearance and safety are the primary goals when recommending a bond.

Focus group participants indicated that ensuring appearance in court and public safety were the primary goals of recommending bonds. Participants also mentioned that bonds should be used when clients reside out of state as a way of guaranteeing their appearance in court and with clients who face larger penalties and thus have a greater incentive to flee. All participants agreed that in some cases it was in the community or the client’s best interest to be held in custody. They did not agree, however, on the use of bond as a means of preventive detention. Some felt it was their job to determine the amount of bond necessary to keep a person in custody while others considered it strictly their role to recommend the least restrictive means of ensuring appearance in court. The latter view was reinforced by the supervisors and managers who stated that bond recommendations should be made with the idea that everyone deserves the opportunity to post. This is further supported by the fact that there are a few statutory exceptions where a defendant can be denied bond by the court. Based on these discussions, it appears that the risk level posed by the client rather than the intended outcome of the bond (e.g., release or detain) should be the driving factor behind any guidelines developed for making bond recommendations.

2. Bond decisions making is a different process at night/on weekends compared to daytime in court.

Most personnel agreed that there are different practices when making bond recommendations in court during the day versus at night or on weekends. These different practices primarily are attributable to more limited information available to pretrial staff at night or during weekends (e.g., police reports, record checks, victim input). Since night/weekend personnel do not have the option to set conditions, they are limited to a PTA or a bond. Most personnel indicated that they would hesitate to release a violent offender on a PTA at night/weekend without being able to talk to the victim, but otherwise there were inconsistent views about the use of PTA or bond at night/weekend. For example, some personnel said they would release someone charged with sale of narcotics on a PTA while others said they would always keep a bond on such a client. Pretrial staff seemed much more concerned about the potential impact of their decisions during night/weekend (e.g., potentially releasing someone who is a safety risk) than their recommendations made in court, which are based on much more information and do not

represent the final decision. It was clear from this discussion that guidelines could benefit both daytime and night/weekend personnel, but that the guidelines might need to be distinctively tailored to the working conditions that personnel face under each of these situations.

3. Bond recommendations vary as a function of court size and culture.

The impact of court size and courtroom culture on bond recommendations was both an implicit and explicit part of the focus group discussion. It was clear from listening to representatives from different courts that the use of financial bonds and the amount of bond recommendations often are influenced by the specific court.

First, participants indicated that it was more likely for non-financial forms of release (e.g., PTA, conditional release) to be used in some courts than others. One reason mentioned was the availability (or lack) of programs in some jurisdictions. If there are more treatment programs spots in one jurisdiction, for example, then pretrial staff have more alternative options to recommending a bond. Another reason pertained to the cultural values of a given jurisdiction. For example, if a jurisdiction has a more conservative constituent base, financial bonds are more likely to be recommended and set over non-financial forms of release. A related issue is the influence of public perceptions and the media. Pretrial staff admitted that if a case is high profile and likely to receive media attention, a bond is more likely to be recommended. Lastly, judges often have tendencies to favor more liberal or conservative bond recommendations. If a judge is hesitant to allow clients out on a PTA, then pretrial staff may avoid making non-financial release recommendations.

Second, the typical amount of bond recommended varied across courts. Certain offenses (e.g., sale of narcotics) occur more frequently in larger courts in comparison to smaller courts. This frequency affects the perceived severity of the offense and subsequently the amount of bond recommended. For example, a sale of narcotics charge might result in a higher bond in a smaller court than in a larger court. Bond amounts may also be higher in locations where the median income is higher because there is a perception that clients have greater financial means. Finally, as indicated above, the amount of bond is influenced by the judge's predisposition to set higher or lower amounts. Pretrial staff appear to be very aware of what bonds the judges are likely to set and will take that into account in developing their recommendations.

It is clear from these discussions that there is wide variability across courts in the use of financial bonds and the amount of bonds. It is important to recognize the influence of geographic and political factors and the fact that they will continue to play a role on court decisions. However, in order to ensure greater consistency in bond recommendations across the state, it will be important that formal guidelines are removed from the biases of individual courts.

4. Bond amounts are often based on the initial amount set by police or in warrants.

The focus groups revealed that there is no consistency in how pretrial staff arrive at a bond amount. Some indicated that they examine all the information about the case and

then determine an amount based on a holistic view of the case. When asked if they had a starting amount in mind before interviewing the client, many indicated that they used the police bond or the bond amount set on a warrant as a guide. Most participants, however, felt that police bonds were not valid since they were based on limited information and did not necessarily pertain to a client's risk. As such, they had no reservation in raising or lowering a police bond. On the flip side, they felt that bonds set in a warrant were more valid and expressed reluctance in modifying such amounts since they would not likely be changed in court. This practice of using the bond amount set by the police department or in a warrant as a starting value was not necessarily viewed as a "good practice" among line staff or supervisors. There is no evidence that these bonds are based on any established guideline or standard practice. It appears that pretrial staff could benefit greatly from clearer standards on which to base bond amounts, so that they do not have to rely on potentially unreliable sources as a guide in developing their recommendations.

5. Pretrial staff often use unwritten/informal rules to arrive at recommended bond amounts.

Some focus group participants described certain "rules of thumb" that they use for recommending bond amounts with certain types of cases. For example, some use a multiplier (e.g., \$5,000) for each year that a probation client owes when recommending bond for a violation of probation. Other personnel indicated that they typically double a prior bond if the client is rearrested on a failure to appear. Some personnel had amounts in mind that they start with for certain offenses (e.g., \$10,000 for a client who poses a safety risk). Some use the amount that the client will owe in restitution or have to pay as a fine to develop the recommended bond. It also was noted that the level of security received while incarcerated depends on the bond amount. Thus a high risk offender might receive a bond greater than \$100,000 to place them under heightened security. For each rule of thumb conveyed, however, there was someone who expressed a different perspective. The participants also provided many examples of cases that would not fit the "rule." Clearly, there was concern that no guideline could fit every type of case and that it would require built-in flexibility to take into consideration the unique factors of any given case.

6. Pretrial staff do not always ask clients about their ability to post bond.

As part of the discussion, the issue of asking clients if they can post bond or how much they can post was raised. Some participants indicated that they do not always ask the question "Can you post?" Those that did ask the question used the answer to determine what amount might be enough to allow the person to post or alternatively to determine what amount might be enough to detain them. Some personnel indicated that they sometimes ask follow up questions such as "How much do you have with you?" or "How much can you afford?" to help generate an amount. Many participants said that typically they already have an amount in mind before asking these questions. They primarily use these questions to determine if the bond will serve its purpose. According to the supervisors and managers, the question now reads "How much can you post?" and is intended to provide an indication of the client's available funds. Pretrial staff, however, should already have an amount in mind before asking this question. They also stated that this question should always be asked and used to inform the court of the client's ability to

pay. Any new guideline should include specific instructions on how this question can be used to assist the process of developing a bond recommendation.

7. Certain charges are more likely to lead to a bond recommendation than others.

Participants were asked what types of charges, in their minds, will almost always result in a financial bond. Almost all agreed that most A and B felonies would receive a bond recommendation, although they were quick to say that there always are exceptions. They also stated that the charges alone were not necessarily enough to gauge the severity of the case and that it was important to review the police report. A list of offenses that participants identified as commonly associated with a bond recommendation is provided below:

- Weapons charge (particularly guns)
- Sexual assault
- Family violence with a history
- Murder
- Kidnapping
- Burglary
- Robbery
- Arson/reckless burning
- Any offense involving a child victim
- Sale or trafficking of narcotics
- Persistent DWI
- Fugitives

It was clear from the discussion that the charge alone should not be the sole source of information for developing a bond recommendation. Although it may serve as the starting point for considering a bond, there is much variability in the specific behaviors that may have resulted in a particular charge. A bond guideline would need to take into account the aggravating and mitigating factors surrounding an offense.

8. Numerous factors are taken into account when recommending a bond amount.

Participants repeatedly stated that bond recommendations depend on many factors pertaining to the case, and that isolating the typical bond amount for a given charge is nearly impossible. When prompted further, participants identified several aggravating or mitigating factors that influence the use of a financial bond recommendation and the amount of bond recommended. These factors are listed below:

- Current offense:
 - Severity of the charge(s)
 - Risk to the community
 - Police report (e.g., severity of injuries, quantities of drugs)
 - Victim's statement
 - Strength of case (e.g., likelihood of incarceration)
 - Lack of remorse
- Criminal history:
 - On probation or parole
 - Persistent or repeat offender

- Failure to appear (plus underlying charges)
- Escapes from custody
- Pending cases
- Outstanding warrants
- Past program success
- Personal factors:
 - Mental health issues
 - Drug addiction
 - Age
 - Program eligibility
 - Lack of identification
 - Trustworthiness
- Family & community ties
 - Out of state residence
 - Gang membership

Many of these factors are already collected as part of the bail interview and included in the calculation of risk assessment points. Other factors (e.g., police report, victim statement) are reviewed as part of existing practice. This means that a guideline for bond recommendations will be able to capitalize largely on information that is already available rather than require additional information be collected.

In summary, the focus groups provided extremely valuable insight into bond recommendations. Participants provided many useful examples of specific cases to illustrate the types of bond recommendations they make. They had difficulty, however, articulating how they arrived at those recommendations or what amounts are typically recommend for particular charges or case histories. Additionally, they often disagreed with one another in how recommendations should be made and what bonds were appropriate for certain cases. Although many seem resistant to any new tool that might appear to limit their discretion or independent judgment, the focus groups clearly demonstrated a need to reduce the ambiguity of bond amounts and to increase the consistency of recommendations across personnel and courts.

Analysis of Existing Data

In spring and summer of 2008, we analyzed case record data from 2006 and 2007 to examine patterns in bond amounts as a function of charge severity, court location, and client characteristics. We obtained CMIS records for all pretrial cases initiated in 2006 and 2007. We focused on dockets as our level of analyses since separate bond recommendations are to be made for each docket on a case. Several sources were used to create the final data set for our analyses. These included case data record information (e.g., client information, criminal history), docket information (e.g., arrest date, bond amount), and charge information (e.g., statute violated, disposition). Cases were matched by docket number and arrest date. Cases that had missing data or information that could not be matched were dropped from the final data set. We focused our analyses solely on cases involving surety bond recommendations because (a) they represent the majority of

financial bail recommendations and (b) we sought to establish a common metric for examining patterns in bond amounts. In other words, including cases for which the recommendation was a promise to appear (e.g., bond of \$0) or cash bond (e.g., \$500) would present a distorted view of the actual surety bond amounts that pretrial staff typically recommend to the court. We also discarded any extreme outliers from our data (e.g. bond of \$10 million) that might skew the results. For 2006, the final data set consisted of 22,841 dockets representing 18,620 different cases and 15,459 different clients. For 2007, the final data set included 27,728 dockets representing 22,491 different cases and 18,028 different clients. We present results for each year separately, noting similarities and differences in the findings across the two time periods.

We first sought to describe patterns in bond amounts as a function of charge severity and jurisdiction. Next we used a series of statistical analyses to determine which factors best explained differences in bond amounts across cases. In our descriptive analyses, we report the median bond, which is a more accurate representation of the typical bond than the mean (average) since bond amounts tend to be skewed toward the lower end of the distribution. That is, a higher percentage of bond recommendations fall near the lower end of the range than toward the upper end of the range. The median represents the midpoint of the distribution such that half (50%) of the cases fall below and half (50%) fall above this amount. We also report the lower and upper percentiles to provide an indication of the how bonds amounts are distributed. For example, the 25th percentile indicates the value that 25% of the recommendations fall below, whereas the 75th percentile represents the value that 75% of the recommendations fall below. For example, if the 75th percentile is \$10,000, this means that in 75% of the cases the bond amount was \$10,000 or less.

Bond Amount and Charge Severity

Tables 1a and 1b show the typical bond amount based the severity of the charge for years 2006 and 2007 respectively. The minimum and maximum values represent the range in bond amounts for any given charge type and class. It is important to note that because we only focused on surety bond recommendations, those recommendations involving \$0 bond were not included in these analyses. Thus, the minimum amount is always greater than \$0. Additionally, we observed unusually high bond amounts for almost every level of charge severity. The high bonds may be attributable to several factors including extreme offenses (i.e., outliers), dockets linked to a case with more serious charges, or data entry errors. These outliers are included in the data for Tables 1a through 2b for the purposes of providing a picture of the true range of bond amounts. However, we removed these outliers prior to conducting our analyses of client risk factors.

In looking at the median bond amounts, the values generally increase with the severity of the charge (see Tables 1a & 1b). This pattern is more characteristic of felony than misdemeanor charges. For example, in Table 1b the median bond for a D Felony is \$10,000 compared to \$25,000 for a C Felony. We observe a similar incremental pattern in bond amounts when looking at the upper and lower quartiles (25th and 75th

percentiles). For example, in Table 1a, we observe that the bond amount representing the 25th percentile bond amount increases from \$1,000 for an A Misdemeanor to \$5,000 for a D Felony. These observed patterns are supported by a significant positive correlation between charge severity and bond amount for both the 2006 data ($r = .26, p < .01$) and the 2007 data ($r = .32, p < .01$).¹ These correlations indicate that the higher the severity of the charge, the larger the recommended bond.

In comparing the 2006 and 2007 data, we see very similar patterns of bond amounts, and in many cases, the values are identical. These results suggest general consistency over time in the typical amount of bond recommended for different types of offenses. They also indicate that there is wide variation in the range of bond amounts applied across cases with similar charges. For example, bond amounts for a B Misdemeanor ranged from \$1 to \$500,000 and from \$50 to \$2,000,000 for a B Felony (see Table 1b). We attempt to understand this wide variation in our subsequent analyses.

Table 1a. Bond Recommendations by Charge Type and Class (2006 data)

Type/Class	N	Minimum	25 th Percentile	Median (50 th Percentile)	75 th Percentile	Maximum
Infraction	180	\$100	\$1,000	\$2,500	\$7,500	\$300,000
Violation	57	\$50	\$500	\$2,500	\$8,750	\$300,000
Unclassified Misdemeanor	755	\$50	\$500	\$2,500	\$5,000	\$300,000
C Misdemeanor	992	\$35	\$500	\$1,500	\$5,000	\$250,000
B Misdemeanor	803	\$1	\$1,000	\$2,500	\$7,500	\$500,000
A Misdemeanor	5,731	\$5	\$1,000	\$2,700	\$10,000	\$750,000
D Felony	2,995	\$50	\$5,000	\$10,000	\$25,000	\$2,000,000
Unclassified Felony	4,339	\$25	\$10,000	\$25,000	\$75,000	\$3,000,000
C Felony	1,823	\$100	\$10,000	\$20,000	\$50,000	\$4,000,000
B Felony	556	\$500	\$15,000	\$50,000	\$100,000	\$2,000,000
A Felony	97	\$25,000	\$200,000	\$750,000	\$1,000,000	\$3,000,000
Other	4,512	\$250	\$5,000	\$10,000	\$25,000	\$2,000,000

¹ Charges classified as Other (Violations of Court Orders) were not included in the Charge Severity variable for the correlational analysis.

Table 1b. Bond Recommendations by Charge Type and Class (2007 data)

Type/Class	N	Minimum	25 th Percentile	Median (50 th Percentile)	75 th Percentile	Maximum
Infraction	183	\$50	\$1,000	\$1,500	\$5,000	\$500,000
Violation	54	\$25	\$500	\$1,000	\$5,000	\$100,000
Unclassified Misdemeanor	874	\$50	\$500	\$2,500	\$5,000	\$500,000
C Misdemeanor	1,056	\$50	\$500	\$1,500	\$5,000	\$200,000
B Misdemeanor	925	\$50	\$1,000	\$2,500	\$7,500	\$500,000
A Misdemeanor	6,790	\$10	\$1,000	\$4,750	\$10,000	\$1,000,000
D Felony	3,713	\$100	\$5,000	\$10,000	\$30,000	\$1,000,000
Unclassified Felony	5,247	\$100	\$10,000	\$25,000	\$75,000	\$9,000,000
C Felony	2,297	\$500	\$10,000	\$25,000	\$75,000	\$2,500,000
B Felony	1,234	\$500	\$15,000	\$75,000	\$150,000	\$5,000,000
A Felony	198	\$5,000	\$200,000	\$500,000	\$1,000,000	\$15,000,000
Other	5,124	\$100	\$5,000	\$10,000	\$25,000	\$2,000,000

Bond Amounts by Court

Tables 2a and 2b show the typical bonds for each geographical area/judicial district. Although there is a wide range in bond amounts within each court, we observe a fair degree of consistency across courts in the median bond amounts as well as the upper and lower percentiles.

Table 2a shows the bond amounts by court for the 2006 data. The median bond amount ranges from a low of \$1,000 in Hartford Community Court to a high of \$20,000 in Hartford Superior Court. The median bond fell in the range from \$5,000 to \$10,000 in 17 out of 22 courts. In 16 out of 22 courts, the 25th percentile value fell between \$2,500 and \$5,000, and in 13 courts the 75th percentile fell between \$15,000 and \$25,000. These small ranges suggest a fair degree of consistency in the typical amount of bonds that are recommended across the various courts.

The results for the 2007 data were very similar to the 2006 data. The median bond amount ranges from a low of \$1,500 in Hartford Community Court to a high of \$25,000 in Hartford Superior Court. The median bond fell into the range from \$5,000 to \$10,000 in 18 out of the 20 courts. The top and bottom quartiles show a similar consistency. In 13 out of 20 courts, the 25th percentile consists of bonds that fell in the range from \$1,500 to

\$2,500, and in 12 out of 20 courts the 75th percentile consists of bonds falling in the range from \$15,000 to \$25,000.

There also is consistency across the years in regard to which courts tend to recommend higher and lower bond amounts, which may be a reflection of differences in the types of cases processed through each court as well as differences in court culture. It is difficult to assess consistency among the Judicial Districts since they represent much fewer cases per court. In fact, in some courts there were not enough cases to compute percentile data.

Table 2a. Bond Recommendation by Court (2006 data)

Geographical Areas	N	Minimum	25 th Percentile	Median (50 th Percentile)	75 th Percentile	Maximum
L18W BANTAM	524	\$500	\$2,625	\$10,000	\$25,000	\$3,000,000
F02B BRIDGEPORT	2,802	\$77	\$2,500	\$10,000	\$25,000	\$2,000,000
H17B BRISTOL	808	\$100	\$3,125	\$7,500	\$20,000	\$1,000,000
D03D DANBURY	429	\$100	\$1,000	\$5,000	\$10,000	\$2,000,000
W11D DANIELSON	647	\$50	\$1,000	\$5,000	\$10,000	\$1,000,000
A05D DERBY	401	\$250	\$2,500	\$5,000	\$10,000	\$250,000
H13W ENFIELD	428	\$250	\$5,000	\$10,000	\$25,000	\$1,500,000
H14C HTFD - COMMUNIT	222	\$100	\$500	\$1,000	\$2,500	\$200,000
H14H HARTFORD	3,550	\$75	\$5,000	\$20,000	\$50,000	\$4,000,000
N07M MERIDEN	971	\$50	\$1,500	\$5,000	\$15,000	\$2,100,000
M09M MIDDLETOWN	578	\$92	\$1,000	\$2,500	\$10,000	\$1,000,000
A22M MILFORD	804	\$100	\$2,500	\$5,000	\$23,750	\$1,000,000
H12M MANCHESTER	696	\$100	\$5,000	\$15,000	\$50,000	\$2,000,000
H15N NEW BRITAIN	1,123	\$5	\$2,500	\$10,000	\$25,000	\$1,000,000
K10K NEW LONDON	1,027	\$100	\$5,000	\$10,000	\$25,000	\$2,000,000
K21N NORWICH	435	\$25	\$2,500	\$5,000	\$20,000	\$3,000,000
N23N NEW HAVEN	2,656	\$35	\$2,500	\$5,000	\$20,000	\$2,000,000
S20N NORWALK	195	\$100	\$2,500	\$10,000	\$25,000	\$2,000,000
T19R ROCKVILLE	370	\$100	\$2,500	\$5,000	\$25,000	\$500,000
S01S STAMFORD	897	\$50	\$2,500	\$10,000	\$25,000	\$2,000,000
U04W WATERBURY	2,940	\$100	\$2,500	\$10,000	\$25,000	\$2,000,000
Judicial Districts						
AAN ANSONIA-MILFORD	1	\$500				\$500
FBT BRIDGEPORT	13	\$10,000	\$17,500	\$35,000	\$87,500	\$2,000,000
DBD DANBURY	128	\$500	\$5,000	\$10,000	\$47,500	\$750,000
HHD HARTFORD	28	\$500	\$13,750	\$75,000	\$150,000	\$500,000
LLI LITCHFIELD	9	\$100	\$750	\$35,000	\$250,000	\$250,000
MMX MIDDLETOWN	3	\$1	\$1	\$100,000		\$100,000
HHB NEW BRITAIN	4	\$5,000	\$5,625	\$8,750	\$58,750	\$75,000
NNH NEW HAVEN	66	\$150	\$10,000	\$45,000	\$81,250	\$3,000,000
KNL NEW LONDON	17	\$500	\$5,000	\$50,000	\$125,000	\$200,000
WWM PUTNAM	2	\$10,000				\$10,000
FST STAMFORD	12	\$1,000	\$25,000	\$25,000	\$100,000	\$200,000
UWY WATERBURY	22	\$1,000	\$1,500	\$5,000	\$75,000	\$500,000

Table 2b. Bond Recommendations by Court (2007 data)

Geographical Areas	N	Minimum	25 th Percentile	Median (50 th Percentile)	75 th Percentile	Maximum
L18W BANTAM	795	\$250	\$1,500	\$5,000	\$25,000	\$1,500,000
F02B BRIDGEPORT	2693	\$50	\$2,500	\$10,000	\$47,500	\$5,000,000
H17B BRISTOL	1216	\$100	\$5,000	\$10,000	\$25,000	\$500,000
D03D DANBURY	627	\$100	\$2,500	\$5,000	\$20,000	\$1,000,000
W11D DANIELSON	552	\$10	\$1,000	\$5,000	\$15,000	\$500,000
A05D DERBY	709	\$100	\$2,500	\$5,000	\$15,000	\$750,000
H13W ENFIELD	697	\$250	\$3,250	\$10,000	\$25,000	\$7,500,000
H14C HTFD - COMMUNIT	184	\$25	\$500	\$1,500	\$5,000	\$1,000,000
H14H HARTFORD	5308	\$50	\$7,500	\$25,000	\$50,000	\$9,000,000
H12M MANCHESTER	1553	\$68	\$5,000	\$10,000	\$50,000	\$2,500,000
N07M MERIDEN	1726	\$35	\$2,500	\$7,500	\$25,000	\$15,000,000
M09M MIDDLETOWN	625	\$150	\$1,000	\$5,000	\$10,000	\$500,000
A22M MILFORD	930	\$92	\$2,500	\$7,500	\$20,000	\$1,000,000
H15N NEW BRITAIN	1474	\$500	\$2,500	\$10,000	\$25,000	\$1,500,000
N23N NEW HAVEN	2561	\$100	\$1,500	\$5,000	\$25,000	\$3,000,000
K10K NEW LONDON	1024	\$100	\$2,500	\$10,000	\$40,000	\$2,000,000
S20N NORWALK	676	\$50	\$1,500	\$10,000	\$25,000	\$1,000,000
K21N NORWICH	419	\$250	\$2,500	\$5,000	\$25,000	\$500,000
T19R ROCKVILLE	486	\$92	\$2,500	\$7,500	\$25,000	\$1,000,000
S01S STAMFORD	515	\$50	\$2,500	\$10,000	\$35,000	\$2,000,000
U04C WATERBURY	21	\$1,000	\$5,000	\$25,000	\$55,000	\$75,000
U04W WATERBURY	2750	\$50	\$5,000	\$10,000	\$50,000	\$2,000,000
Judicial Districts						
AAN ANSONIA-MILFORD	6	\$500	\$500	\$7,500	\$52,500	\$150,000
FBT BRIDGEPORT	7	\$1,500	\$5,000	\$10,000	\$100,000	\$250,000
DBD DANBURY	78	\$500	\$5,000	\$20,000	\$50,000	\$1,000,000
HHD HARTFORD	2	\$5,000	\$5,000	\$52,500		\$100,000
LLI LITCHFIELD	6	\$2,500	\$4,375	\$30,000	\$93,750	\$150,000
MMX MIDDLETOWN	9	\$1,500	\$2,500	\$25,000	\$50,400	\$100,000
HHB NEW BRITAIN	3	\$2,500	\$2,500	\$2,500		\$500,000
NNH NEW HAVEN	35	\$500	\$10,000	\$25,000	\$50,000	\$1,000,000
KNL NEW LONDON	2	\$1,000	\$1,000	\$5,500		\$10,000
WWM PUTNAM	2	\$5,000		\$5,000		\$5,000
TTD ROCKVILLE	4	\$2,500	\$3,125	\$6,250	\$9,375	\$10,000
FST STAMFORD	20	\$1,000	\$3,125	\$37,500	\$50,000	\$1,000,000
UWY WATERBURY	9	\$2,500	\$7,500	\$35,000	\$50,000	\$75,000

Bond Amounts and Client Risk Factors

In order to understand what factors explain differences in bond recommendations across cases, we examined the relationship between client characteristics and bond amount.

Specifically, we focused on the factors that make up the bail risk assessment point scale (marital status, means of support, living companion, time on job, education, mental health/substance use, verifiable reference, prior record, prior FTA, prior convictions). Prior to conducting analyses between bond amounts and client risk factors, we identified and removed outliers from the data. Outliers are cases that have atypically high bond recommendations, which often are attributable to the unusual characteristics of the offender or the offense (e.g., fugitives from justice, high profile murder cases). These outliers can present a skewed picture of actual relationships or group differences in the data. In the 2006 data, 15 cases were identified as outliers and removed. In the 2007 data, 28 cases were identified as outliers and removed. These numbers represent less than 1/100th of a percent of the total sample.

We first conducted a correlation analysis to assess the relationship between client risk points and bond amounts. We found small, but significant correlations in both 2006 ($r = -.04, p < .01$) and 2007 ($r = -.06, p < .01$) indicating that clients with lower risk (i.e., higher points) tended to receive lower bond amounts. However, the magnitude of these correlations suggests that this relationship is rather weak.

Next, we looked at the extent to which individual risk factors explained differences in bond amounts across cases. To do so, we conducted a multiple linear regression of bond amount on the 11 factors that compose the bail risk assessment point scale (see Tables 3a and 3b). Prior to the analyses, we conducted a log transformation on the bail amount to address the non-normality in the distribution of bail amounts. The b weights in the tables can be interpreted similarly to correlation coefficients, which range from -1.0 to +1.0. The larger the absolute value, the stronger the relationship between the factor and bond amount.

In total, the risk factors account for about one third of the variance ($R^2 = .27$ and $.33$) in bond amounts across dockets. However, the variation in bond amounts is due primarily to differences in charge severity and, to a lesser extent, prior record. In the 2006 data, prior FTA also exhibits a significant relationship with bond amount, but the negative direction of this relationship suggests that clients with a felony FTA tended to receive lower bonds than clients with no prior FTA. In the 2007 data, many of the factors are statistically significant, but the magnitude of their relationships with bond amount is weak or in an unexpected direction. In Table 3b, for example, means of support and time on job technically meet the criteria of statistical significance with a p value $< .05$, but the b weight indicates a near-zero relationship with bond amount. With such a large sample size as in this study, weak relationships can be statistically, but not practically, significant.

Overall, the regression analyses reveal that client risk factors, other than prior record, have minimal influence on bond amounts. These findings are highly consistent with prior research on bail decisions (Demuth, 2003; Demuth & Steffensmeier, 2004; Frazier et al., 1980; Nagel, 1983; Schlesinger, 2005; Turner & Johnson, 2005, 2007).

Table 3a. Regression of Bond Amount Recommendation on Risk Factors (2006)

Risk Factor	<i>b</i>	<i>t</i>	<i>p</i>
Charge Severity	.49	41.34	.00
Prior Record	.17	7.40	.00
Number of Prior Convictions	-.03	-1.21	.23
Prior FTA	-.08	-5.66	.00
Marital Status	.01	.60	.55
Living Companion	.01	.46	.65
Means of Support	-.02	-1.88	.06
Time on Job	.01	.98	.33
Education	-.02	-1.25	.21
Mental Health/Substance Abuse	-.01	-.84	.40
Verifiable Reference	.01	.87	.38
Multiple R = .52	R ² =.27		

Table 3b. Regression of Bond Amount Recommendation on Risk Factors (2007)

Risk Factor	<i>b</i>	<i>t</i>	<i>p</i>
Charge Severity	0.55	99.86	.00
Prior Record	0.14	12.83	.00
Number of Prior Convictions	-0.03	-3.17	.00
Prior FTA	-0.05	-7.78	.00
Marital Status	-0.01	-1.25	.21
Living Companion	0.06	9.81	.00
Means of Support	-0.02	-3.36	.00
Time on Job	0.02	3.41	.00
Education	0.00	-.79	.43
Mental Health/Substance Abuse	-0.02	-4.16	.00
Verifiable Reference	0.01	2.24	.03
Multiple R = .57	R ² =.33		

The lack of a relationship between the client risk factors and bond amount can be illustrated by looking at the average bond for different risk groups with and without the inclusion of charge severity. We created 4 different groups (low risk, some risk, moderate risk, high risk) based on the distribution of the risk assessment points by quartiles (25th, 50th, 75th, 100th percentiles). As shown in Table 4a, the results indicate significant differences across risk groups such that the average bond amount increases incrementally with an increase in risk (i.e., lower points). However, when charge severity is subtracted from the calculation of risk, the pattern of bond amounts is quite different (see Table 4b). The group with the highest risk (points ≤ -2) has the lowest average bond, while the groups with low or some risk have the highest average bond amounts. These results

further demonstrate that client risk factors fail to exhibit a consistent relationship with bond amount.

Table 4a. Comparison of Mean Bond Amount by Total Risk Points

Risk Point Groups	N	Mean	SD	F	P
High risk (≤ -7)	7107	\$49,225.70	\$129,857.16	24.11	0.00
Moderate risk (-6 to -4)	5570	\$43,172.24	\$120,869.98		
Some risk (-3 to 0)	6553	\$39,498.38	\$112,111.12		
Low risk (≥ 1)	6136	\$32,625.47	\$89,486.25		

Table 4b. Comparison of Mean Bond Amount by Risk Points with Charge Severity Removed

Risk Point Groups ^a	N	Mean	SD	F	P
High risk (≤ -2)	4579	\$36,822	\$96,098	10.17	0.00
Moderate risk (-1 to 2)	5688	\$45,169	\$116,705		
Some risk (3 to 6)	5192	\$49,388	\$147,903		
Low risk (≥ 7)	5236	\$48,707	\$131,205		

^aThe groups reflect different point ranges than in Table 4a since charge severity, which carries negative weight, was removed from the computation.

The final set of analyses involved looking at each risk factor independently to try to understand its potential relationship with bond amount. These analyses involved comparing the average (mean) bond amounts for different client groups (e.g., married vs. unmarried, no prior record vs. prior felony). Again, we focused on those client characteristics that are included in the calculation of risk points.

Tables 5a and 5b show the mean bond for different client groups for the 2006 and 2007 data respectively. The last two columns represent the statistical test of the mean differences across groups. This test was conducted while controlling for the severity of the charge. In other words, if charge severity is held constant, do we still observe significant differences in bond amounts across the groups?

In the 2006 data, there were significant differences in bond amounts as a function of mental health/substance abuse, prior record, prior failure to appear, and number of prior conditions. However, the patterns of these differences were not necessarily consistent with the bail point scale. Clients with no self-reported mental health or substance abuse received a higher recommended bond on average than those with either mental health or a substance abuse issue. This pattern is counter to how mental health/substance abuse is weighed on the point scale; that is, having no mental health or substance use is considered to lower one's risk of failing to appear.

A similar discrepancy was observed when looking at criminal history. Clients with no prior record, no prior FTA, and no prior convictions were more likely to receive a higher

bond recommendation on average. On the bail point scale, these same characteristics are viewed as positive factors that lower one's risk of failing to appear. It is important to keep in mind that in the regression analysis, these factors generally exhibited minimal relationship to bond amount.

Table 5a. Tests of Group Differences in Mean Bond for Client Risk Factors (2006)

	N	Mean	SD	F ¹	P
Marital Status					
Unmarried	20,533	33,944	104,663	.09	.77
Married	2,097	32,528	84,982		
Means of Support					
No means of support	5,966	35,059	105,542	1.40	.25
Reliant on others	9,015	35,158	109,965		
Self-reliant	7,407	31,769	93,483		
Living Companion					
Alone	5,275	32,623	102,295	.87	.42
Non immediate	8,441	33,617	105,305		
Immediate family	8,842	35,077	102,483		
Time on Job					
Less than 1 year	4,188	32,223	99,726	.34	.71
1-2 years	1,258	33,938	107,638		
More than 2 years	1,302	30,655	80,669		
Education					
High school or less	19,484	34,675	106,152	5.12	.02
More than high school	3,119	29,089	83,772		
Mental Health/Substance Use					
No	8,973	39,917	121,969	61.22	.00
Yes	13,562	29,926	88,949		
Reference					
No	6,388	34,003	100,960	.49	.49
Yes	16,437	33,974	104,420		
Prior Record					
No prior record	4,862	37,464	131,859	32.70	.00
Prior misdemeanor conviction	4,810	23,467	79,893		
Prior felony conviction	13,055	36,580	99,117		
Prior FTA					
No Prior FTA	13,562	38,544	113,374	37.20	.00
Prior FTA for a misdemeanor	5,576	23,935	75,554		
Prior FTA for a felony	3,596	32,458	101,779		
Prior Convictions					
0	4,798	38,330	135,753	15.60	.00
1 or 2	3,851	33,538	91,223		
3 or more	14,083	32,659	93,713		

¹F test represents the mean comparisons after controlling for charge severity.

*A p value < .05 indicates a statistically significant difference between the mean values.

Table 5b. Tests of Group Differences in Mean Bond for Client Risk Factors (2007)

	N	Mean	SD	F ¹	p*
Marital Status					
Unmarried	20,157	\$45,452	\$131,204	1.70	0.19
Married	2,150	\$41,559	\$103,963		
Means of Support					
No means of support	6,908	\$47,942	\$126,420	8.29	0.00
Reliant on others	7,622	\$42,791	\$121,181		
Self-reliant	7,821	\$45,294	\$138,231		
Living Companion					
Alone	4,623	\$40,344	\$139,000	3.06	0.05
Non immediate	8,452	\$42,647	\$110,756		
Immediate family	9,264	\$50,186	\$138,899		
Time on Job					
Less than 1 year	18,699	\$45,423	\$130,514	1.55	0.21
1-2 years	1,740	\$47,332	\$135,013		
More than 2 years	2,108	\$45,060	\$130,929		
Education					
High school or less	19,386	\$45,961	\$132,051	0.28	0.59
More than high school	3,161	\$42,933	\$123,601		
Mental Health/Substance Use					
No	9,300	\$52,570	\$155,211	42.38	0.00
Yes	12,995	\$39,940	\$105,917		
Verifiable Reference					
No	6,858	\$42,460	\$125,564	0.73	0.39
Yes	15,400	\$46,566	\$130,595		
Prior Record					
No prior record	5,519	\$44,884	\$129,829	16.33	0.00
Prior misdemeanor conviction	4,713	\$31,377	\$120,752		
Prior felony conviction	12,297	\$51,286	\$134,741		
Prior FTA					
No Prior FTA	13,968	\$51,914	\$148,017	22.32	0.00
Prior FTA for a misdemeanor	5,239	\$29,950	\$81,804		
Prior FTA for a felony	3,322	\$43,427	\$114,314		
Prior Convictions					
0	5,427	\$44,933	\$130,832	1.48	0.23
1 or 2	3,756	\$46,866	\$152,952		
3 or more	13,352	\$45,430	\$124,090		

¹F test represents a test of the mean differences after controlling for the severity of the primary charge.

*A p value < .05 indicates a statistically significant difference between the mean values.

In the 2007 data, a different set of factors exhibited significant group differences. There were significant differences in bond amounts as a function of means of support, living companion, mental health/substance abuse, prior record, and prior failure to appear. Clients who had no means of support received slightly higher bonds, on average, than

those who were self-reliant or reliant on someone else. Clients who lived with immediate family, however, were more likely to receive a higher bond recommendation than those who lived alone. Similarly to the 2006 results, clients with no self-reported mental health or substance abuse received a higher recommended bond on average than those with either mental health or a substance abuse issue.

The findings for the criminal history factors were somewhat different than those for the 2006 data. Similar to the 2006 data, clients with no prior FTA received the highest bond recommendations. Unlike the 2006 data, however, only clients with a prior misdemeanor conviction received lower bonds than clients with no prior record, and there were no significant differences in bond amount as a function of the number of prior convictions.

The differences between the 2006 and 2007 results suggest that these relationships are not very stable and do not likely represent decision making that intentionally contradicts the point factors. Rather, it appears from all the analyses combined that client risk factors do not influence the amount of bond recommended in any consistent or meaningful way.

Overall, our analyses of both the 2006 and 2007 data revealed that the amount of a financial bond recommendation is based largely on the severity of the primary charge. When looking at this relationship, we found a fairly consistent pattern in bond amounts as a function of charge severity, such that the median bond amount (i.e., midpoint of the distribution) increased incrementally as the charge became more severe. We also observed consistent patterns in bond recommendations across courts. When considering that bond recommendations can range from one dollar to several million dollars, we were encouraged to find that the median bond amount for a majority of courts fell between \$5,000 and \$10,000.

Our analyses, however, also indicated that client risk factors (e.g., means of support, prior record) play little role in explaining differences in bond amounts across dockets. In other words, beyond the severity of the primary charge, the factors that make up the bail point scale do not appear to have any consistent influence on how financial bond recommendations are derived. However, given the importance of these factors in determining a client's likelihood of appearing for court, both from a statutory and a scientific perspective, they should receive more attention in the process of making bond recommendations. We sought to increase the emphasis on these factors in the development of guidelines for financial bond recommendations.

Pilot Testing

During the summer and fall of 2008 we developed and revised a guide for bond recommendations which incorporated knowledge gained from the focus groups and analysis of existing data. We sought input along the way from regional managers and field supervisors to ensure that the guidelines were reasonable and compatible with existing practices. The initial prototype consisted of a sliding scale of bond amounts for each offense class and type. The amounts in the chart were based on the distribution of

actual bond amounts from the 2006 and 2007 data. In the initial version of the guidelines, the median bond was intended to serve as the starting point for developing a bond recommendation, which would increase or decrease depending on a set of mitigating and aggravating factors. The list of factors was drawn from existing bail decision making tools and input from the focus group participants. The next version organized the mitigating/aggravating factors into three separate categories: Offense Characteristics, Client Risk, and Criminal History. The chart consisted of 5 columns of bond amount representing the upper and lower percentiles of the actual bond distribution for each charge class/type. The level of offense severity, client risk, and criminal history (ranging from low to high) were intended to help guide the pretrial staff to one of the 5 columns of bond amounts.

In November 2008, we met with top management, including Executive Director Carbone, to present our findings and the proposed bond guidelines. We were asked to revise the guidelines to more specifically pinpoint a recommended bond amount. It was suggested that we develop a numeric rating scale that would corresponded to a particular amount in the bond chart. In December 2008, we presented a revised proposal to the same group and obtained approval to pilot the guidelines. The final version of the rating scale and guidelines is included in Appendix B. The rating scale for Offense Characteristics asks the pretrial staff to develop an overall assessment of the severity of the charge(s) based on a variety of mitigating and aggravating factors. The rating scale for Client Risk is drawn directly from the risk assessment point scale that is part of the initial intake process. The two ratings are combined into a total rating that corresponds to one of 13 columns in the bond guidelines. The bond amounts are organized into rows that represent different charge classes and types. Crossing the charge type/class with the total bond rating leads to a suggested bond recommendation.

Four courts participated in the pilot study: New Britain, New Haven, New London and Waterbury. The first phase involved using the rating scale without the corresponding bond guidelines in order to obtain a baseline of where bond recommendations fell relative to the guidelines. Participating courts were asked to fill out the rating scale and attach copies of the Case Data Record every time they recommended a surety bond. They were asked to use the scale with 25 cases. Based on analysis of these cases and feedback from the courts, we decided to make some modifications to the rating scale and bond guidelines before proceeding to the next phase. These modifications involved adjusting the client risk scale to more accurately reflect the distribution of actual risk, and making sure the suggested bond amounts were in line with recommended bonds. In particular, we wanted to ensure that the guidelines did not result in higher bond amounts being recommended than what staff typically recommended.

The second phase involved asking the four pilot courts to use the modified rating scale in making their bond recommendations. Pretrial staff were asked to indicate whenever they diverged from the guidelines and why. The second phase resulted in some discrepant feedback from the courts in regard to how consistent the guidelines were with their recommendations. Some courts felt the guideline amounts were very close to what they would recommend while other courts felt they were not at all close. We decided to meet

with representatives from the pilot courts to discuss our findings and revisit some issues that we felt contributed to the divergent feedback across courts (e.g., how staff members develop bond recommendations when there are multiple charges, when the primary charge is a violation of probation, or when the charge involves narcotics).

This meeting helped to clarify several issues that add complexity to the process of making bond recommendations. First, all participants agreed that the highest (or most serious) charge should serve as the starting point for making a bond recommendation, but that additional charges should be considered as aggravating factors and increase the bond amount accordingly. Second, they felt that several factors should be considered when the charge involves a failure to appear such as how many times the client has shown for court previously, whether the client turned himself in, and the severity of the underlying charge. Third, there was consensus that the amount of exposure on a violation of probation should have an influence on the amount of bond recommended, along with the reason for the violation and the client's probation status. Fourth, for narcotics charges, participants indicated that the quantity of drugs, prior involvement with drugs, substance abuse, and prior success in diversionary programs all should affect the amount of bond recommended. Fifth, we asked participants to provide examples of situations where their recommended bond should follow a court set bond. After discussing several examples where the court may have previously set a bond, it was decided that pretrial staff should always provide an independent recommendation based on the information available to them. Finally, we asked at what point in the process they consider a client's ability to post bond. Some participants indicated that they take it into consideration from the beginning of the interview, with the goal of identifying the least restrictive means, while others said that they ask the question "Can defendant post?" once they have arrived at a bond recommendation. Everyone agreed, however, that the question should always be asked when recommending a bond.

As a result of the pilot participant feedback and our meeting with supervisors, we made additional revisions to the guidelines. First, we sought to provide more detail on the offense characteristics rating scale by generating separate lists of mitigating and aggravating factors, and included the factors identified in our meeting with the supervisors. Second, we collapsed the Client Risk and Criminal History scales into one scale representing Client Risk. This allowed us to give equal weight to the Offense Characteristic rating, which depends upon the staff members' judgment of the severity of the charges, and Client Risk, which is based on the bail point scale. Third, we changed the scale values from a range of 1 to 5 to a range of -3 to +3, with 0 serving as the midpoint of the bond distribution. This allowed for more differentiation in the ratings and helped emphasize the role of mitigating and aggravating factors in making a rating. The final change was to make sure that the bond amounts in the guidelines reflected actual bond amounts that would be recommended in court (e.g., using \$2500 rather than \$2250).

In the third and final phase, we asked the pilot participants to apply the revised guidelines (see Appendix B) to an additional 25 cases. The data were analyzed and compared to the two previous phases. Table 6 shows the samples for each phase and across the four courts.

Table 6. Sample Sizes for Pilot Testing

	New Britain	Waterbury	New Haven	New London	Total
Phase 1	33	22	24	25	104
Phase 2	26	20	25	25	96
Phase 3	25	13	24	26	88

We first conducted correlation analyses to examine the relationship between the bond amount suggested in the guidelines, the amount recommended by the pretrial staff, and the court ordered bond. We also looked at the relationship between the bond ratings and the bond amounts. These analyses were conducted for each phase separately and are shown in Table 7.

Across all three phases, the bond amount suggested by the guidelines (Guide Bond) exhibited a pattern consistent with the recommended bond (e.g., the higher the bond in the guideline, the higher the recommended bond and vice versa). Oddly, this relationship was strongest in Phase 1 when the staff did not refer to the bond guidelines in making their recommendations. However, the correlation was fairly strong in Phase 3 ($r = .50$, $p < .01$), indicating a reasonable degree of correspondence between the bond amount suggested by the guidelines and the amount recommended in court. We also looked at the relationship between the suggested and recommended bond across courts. The correlations are shown in Table 8 and ranged from .37 to .77, indicating that the suggested bond was followed more closely in some courts than in others.

In regard to the bond rating scales, we found that the only consistent predictor of bond recommendations was offense severity. Although client risk correlated significantly with the suggested bond, it did not relate to the recommended bond. This finding explains, in part, why the relationship between the suggested bond and recommended bond was not stronger (i.e., closer to a 1.0 correlation). In other words, staff members still rely primarily on offense characteristics when developing their bond recommendation, giving client risk minimal weight in those decisions. The total rating, however, exhibited the strongest relationship with both the suggested and recommended bond amount in Phase 3, which suggests that the ratings were playing an increasing role in the decision making by this phase.

Table 7. Correlations among Rating Scores and Bond Amounts by Phase

	Phase 1						
	OC	CR	CH	TR	GB	RB	CSB
Offense Characteristics (OC)	--						
Client Risk (CR)	-.10	--					
Criminal History (CH)	-.08	.14	--				
Total Rating (TR)	.48**	.52**	.71*	--			
Guide Bond (GB)	.48**	.20*	.08	.42**	--		
Recommended Bond (RB)	.29**	.05	-.11	.11	.67**	--	
Court Set Bond (CSB)	.29**	.13	-.09	.18	.68**	.89**	--
	Phase 2						
	OC	CR	CH	TR	GB	RB	CSB
Offense Characteristics (OC)	--						
Client Risk (CR)	-.14	--					
Criminal History (CH)	-.17	.13	--				
Total Rating (TR)	.29**	.63**	.69**	--			
Guide Bond (GB)	.40**	.25*	.29**	.55**	--		
Recommended Bond (RB)	.39**	.04	-.13	.12	.43**	--	
Court Set Bond (CSB)	.40**	.08	-.11	.17	.47**	.96**	--
	Phase 3 ^a						
	OC	CR	CH	TR	GB	RB	CSB
Offense Characteristics (OC)	--						
Client Risk (CR)	-.13	--					
Criminal History (CH)	NA	NA	--				
Total Rating (TR)	.69**	.62**	NA	--			
Guide Bond (GB)	-.52**	-.30**	NA	-.64**	--		
Recommended Bond (RB)	-.45**	.10	NA	-.29**	.50**	--	
Court Set Bond (CSB)	-.34**	.07	NA	-.24*	.44**	.80**	--

^a In Phase 3, we combined the Client Risk and Criminal History ratings. The scale values also were changed such that a lower value (e.g., -2) represents a higher risk. This change affects the direction of the correlations relative to the previous phases.

Table 8. Correlations between Bonds by Court

	New Britain	Waterbury	New Haven	New London
	Guide Bond	Guide Bond	Guide Bond	Guide Bond
Recommended Bond	.529**	.765**	.371**	.649**
Court Set Bond	.689**	.721**	.370**	.569**

We looked at a few more pieces of data to help assess the performance of the bond guidelines. First, we looked at the monetary difference between the suggested bond and recommended bond. A zero difference indicates an exact match between the bond amount in the guidelines and the amount recommended in court. Across all three phases, the bond amount suggested by the guidelines matched the recommended bond 10% of the time. This increased from 2% in Phase 1 to 20% in Phase 3. We further found that 50% of the cases exhibited a difference of \$10,000 or less between the suggested and

recommended amounts, which can be considered a good margin given that bond amount can range from \$100 to several million dollars.

Finally, we looked at the median bonds by charge class and type (see Table 9). Our objective with this analysis was to assess the extent to which the midpoint of the distribution of our bond guidelines was in line with the midpoint of the distributions for the recommended and court ordered bonds. The values are much more congruent in Phase 3 than in Phases 1 and 2. In fact, in two charge categories the median values were exactly the same. The least congruence was for the Unclassified Misdemeanors and Unclassified Felonies, which include charges involving violations of probation. There are many factors that are considered in these cases, which contribute to a wide variation in recommended bond amounts. Through training, we hope to increase the congruence between the suggested and recommended bond amounts.

Table 9. Median Bonds by Charge Class/Type

		Phase 1		
Charge Class/Type	N	Guide Bond	Recommended Bond	Court Set Bond
Unclassified Misdemeanor	3	\$5,000	\$20,000	\$20,000
C Misdemeanor	3	\$9,000	\$2,000	\$29,500
B Misdemeanor	3	\$15,000	\$5,000	\$50,000
A Misdemeanor	25	\$25,000	\$5,000	\$7,500
D Felony	26	\$50,000	\$10,000	\$25,000
Unclassified Felony	26	\$75,000	\$45,000	\$87,500
C Felony	11	\$150,000	\$25,000	\$45,000
B Felony	4	\$250,000	\$74,500	\$125,000
A Felony	1	\$400,000	\$1,000,000	\$1,000,000
		Phase 2		
Charge Class/Type	N	Guide Bond	Recommended Bond	Court Set Bond
Unclassified Misdemeanor	0	--	--	--
C Misdemeanor	1	\$4,000	\$0	\$0
B Misdemeanor	6	\$5,550	\$1,750	\$1,750
A Misdemeanor	26	\$3,250	\$7,500	\$10,000
D Felony	22	\$7,000	\$10,000	\$10,000
Unclassified Felony	20	\$14,000	\$25,000	\$25,250
C Felony	11	\$30,000	\$50,000	\$50,000
B Felony	10	\$32,500	\$87,000	\$87,000
A Felony	0	--	--	--
		Phase 3		
Charge Class/Type	N	Guide Bond	Recommended Bond	Court Set Bond
Unclassified Misdemeanor	2	\$1,500	\$13,000	\$25,000
C Misdemeanor	6	\$1,250	\$3,750	\$3,750
B Misdemeanor	3	\$2,500	\$2,500	\$2,500
A Misdemeanor	13	\$5,000	\$2,500	\$10,000
D Felony	25	\$20,000	\$10,000	\$25,000
Unclassified Felony	22	\$50,000	\$30,000	\$35,000
C Felony	7	\$50,000	\$50,000	\$50,000
B Felony	9	\$75,000	\$50,000	\$50,000
A Felony	1	\$200,000	\$250,000	\$500,000

CONCLUSIONS & RECOMMENDATIONS

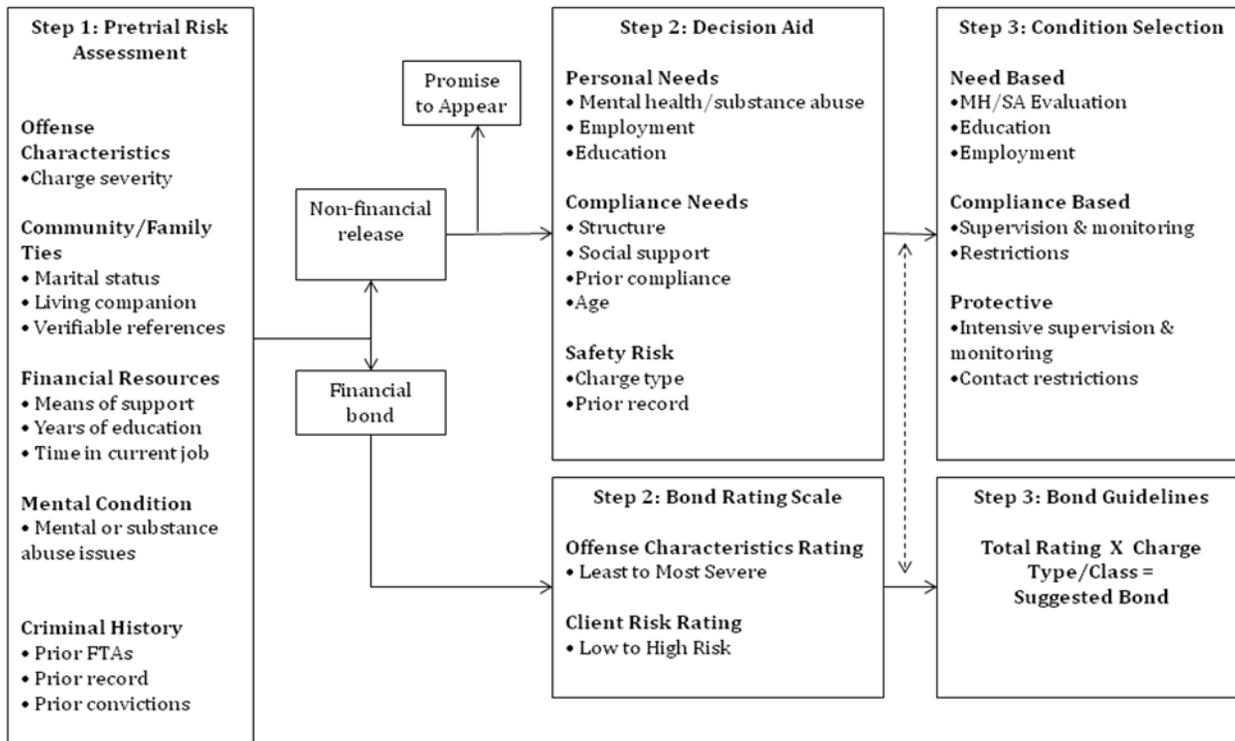
Overall, our pilot testing provided encouraging results about the potential contribution of the guidelines to the process of making financial bond recommendations. There were significant correlations between the suggested and recommended bonds across all phases, indicating consistency between these amounts. While there were some discrepancies between what the guidelines suggested and what the pretrial staff felt comfortable recommending, these differences improved over the course of our pilot testing and reflected the modifications we made to the guidelines. Additionally, in the majority of cases where there were discrepancies between the suggested and recommended bonds, the differences were within a reasonable confidence interval (e.g., \$10,000).

The implementation of the guidelines has promise for addressing two areas of concern in regard to the process of making bond recommendations. First, bond recommendations continue to be influenced primarily by the severity of the offense; client risk factors exhibited no consistent relationship with the amount of bond recommended. Although this finding is consistent with the existing body of research on what predicts bond amounts, our objective is to encourage greater consideration of client risk factors in making financial bond recommendations. The bond recommendation should be viewed as one step in the pretrial decision making process (see Figure 1). The first step involves assessing whether the defendant should be considered for a financial or non-financial form of release. The second step entails collecting additional information to better guide the type of recommendation chosen (e.g., conditional release vs. financial bond). The third step involves selecting an appropriate condition or an appropriate bond amount to help ensure the defendant's appearance in court. The same factors that are used to assess risk during the initial intake (e.g., community ties, criminal history) should be carried through to subsequent decisions. Implementation of the bond rating scale and guidelines should be viewed as one part of the decision making process.

The second area of concern pertains to the lack of consensus across staff and courts in regard to how much bond to recommend for a given case. The focus groups provided initial insight into the variety of approaches that staff members use to develop their bond recommendations. Our analysis of existing data indicated that there was general agreement in the median amounts recommended across courts, but client risk factors failed to consistently explain the wide variation in bond recommendations across cases. Lastly, our pilot testing revealed different levels of congruence between the suggested and recommended bond amounts across courts. In other words, in some courts the recommendations were much closer to the guidelines than in other courts. We feel that through formalized training in the use of the bond rating scale and guidelines, we will observe greater agreement between the bond amounts suggested by the guidelines and the bond amount recommended in court, as well as more consistency in bond recommendations across courts. We encourage CSSD staff to follow up on the implementation of these guidelines in order to assess their impact on pretrial decisions and outcomes. In particular, it will be important to look at (a) the extent to which bond recommendations are consistent with the guidelines, (b) what factors result in divergence

from the guidelines, (c) how the guidelines impact court set bonds, and (d) the impact, if any, that the guidelines have on pretrial incarceration and failure to appear rates.

Figure 1. Proposed Model of Pretrial Decision Making



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APPENDIX A: Focus Group Questions

“We have been asked by CSSD to explore the use of financial bonds with the intent of developing a protocol to guide bail staff in making financial release recommendations with pretrial clients. Such a protocol would be intended to increase consistency within and across courts and to improve outcomes of pretrial cases (e.g., reducing failures to appear, reducing the number of low risk clients held in pretrial detention). We are seeking your input as to how you determine an appropriate bond that will ensure a client’s appearance in court or alternatively will hold a client in pretrial detention. Our goal is to gain as much insight from you as possible so that we can develop a tool that best fits the needs of pretrial staff in Connecticut. We will be asking questions about how you decide when a bond seems appropriate and what information you consider to be most useful in setting a bond amount. The focus group should last no longer than 2 ½ to 3 hours. Your participation in this focus group is completely voluntary and you can choose not to answer any questions or to discontinue at any time. If you choose not to participate, you will not incur any negative consequences. We will be taking notes during the focus group but we will not associate any of the recorded information with any particular individual. Your responses will be presented in summary form along with those of participants from other focus groups. Do you have any questions before proceeding?”

1. How often do you recommend financial bonds for pretrial clients? On a typical day, how many clients do you interview? For how many of those clients do you recommend a bond?
2. What factors lead you to consider recommending a financial bond for a pretrial client? What client characteristics are most likely to influence your recommendation?
3. What is the lowest bond you typically recommend? What are examples of clients who might receive this recommendation?
4. For what types of charges do you almost always recommend a bond? For what types of charges do you rarely recommend a bond?
5. What is the highest bond you typically recommend? What are examples of clients who might receive this recommendation?
6. If you intend to use a financial bond as an incentive for a released client to return to court, how do you determine what amount to recommend?
7. If you intend to use a financial bond to hold a client in pretrial detention, how do you determine what amount to recommend?
8. How often do judges follow your bond recommendations? When judges vary from your bond recommendations, are they more likely to increase or decrease the amount?
9. Other than what is currently collected, is there is any additional client information that would be helpful to you in making bond recommendations? How would you assess these characteristics during a pretrial interview?
10. What do you consider to be the main goal of recommending financial bonds with pretrial clients?
11. How do you know if a financial bond recommendation was effective at accomplishing its goal?

Other comments:

APPENDIX B: Bond Rating Scale and Guidelines

Case #: _____

Bond Rating Scale Form

(To be completed when making a surety bond recommendation)

Offense Characteristics

Start with the most serious charge on the docket as your frame of reference.
Rate the severity of the offense(s) based on mitigating and aggravating factors.

Least Severe	←	←	Moderately Severe	→	→	Most Severe
Mitigating Factors: singular charges, nonviolent charges, no injuries or damages, no outstanding warrants or pending charges, good status on probation/parole/treatment, prior treatment success, small quantity of drugs, turned self in on a warrant, history of reliable court appearances				Aggravating Factors: multiple charges, violent charges, outstanding warrants, pending charges, history with same victim, victim injuries, weapons involvement, large quantity of drugs, property damages, threat to public safety, severe substance abuse, poor probation/parole/treatment status, high exposure, chronic history of failing to appear		
+3	+2	+1	0	-1	-2	-3

Client Risk

Refer to the Risk Assessment Point Scale. Add up items #2 through #11 and circle the corresponding rating below.

Low Risk	←	←	Moderate Risk	→	→	High Risk
(+11 to +19 pts)	(+7 to +10 pts)	(+4 to +6 pts)	(+1 to +3 pts)	(0 to -2 pts)	(-3 to -4 pts)	(-5 to -8 pts)
+3	+2	+1	0	-1	-2	-3

Total rating (sum of Offense Characteristics and Client Risk ratings) = _____ **(+6 to -6)**

Recommended Bond Amount (refer to the Guidelines for Financial Bond Recommendations) \$ _____

If alternate bond amount recommended, explain in this space:

Guidelines for Financial Bond Recommendations
(Bond Recommendation Rating Scale must be completed prior to setting bond amount)

Charge Type/Class	Rating Scale Total												
	+6	+5	+4	+3	+2	+1	0	-1	-2	-3	-4	-5	-6
Unclassified Misdemeanor	\$500	\$500	\$500	\$500	\$500	\$1,000	\$1,000	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000
Class C Misdemeanor	\$500	\$500	\$500	\$500	\$1,000	\$1,000	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000
Class B Misdemeanor	\$500	\$500	\$500	\$1,000	\$1,000	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000
Class A Misdemeanor	\$500	\$500	\$1,000	\$1,000	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000
Class D Felony	\$1,000	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000	\$75,000	\$100,000	\$150,000
Unclassified Felony	\$1,500	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000	\$75,000	\$100,000	\$150,000	\$200,000
Class C Felony	\$2,500	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000	\$75,000	\$100,000	\$150,000	\$200,000	\$250,000
Class B Felony	\$5,000	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000	\$75,000	\$100,000	\$150,000	\$200,000	\$250,000	\$500,000
Class A Felony	\$7,500	\$10,000	\$15,000	\$20,000	\$25,000	\$50,000	\$75,000	\$100,000	\$150,000	\$200,000	\$250,000	\$500,000	\$1,000,000

Notes.

- When the primary charge is a FTA, the bond amount should reflect the most serious charge, either the FTA or underlying charge.
- When the primary charge is a VOP, use either Unclassified Misdemeanor or Unclassified Felony for determining the suggested bond amount.