

***THE EFFECTIVENESS AND COST OF
SECURED AND UNSECURED PRETRIAL RELEASE
IN CALIFORNIA'S LARGE URBAN COUNTIES:
1990-2000***

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EXECUTIVE SUMMARY

When an individual is released pending trial he or she must promise to appear at all required hearings and at trial. The promise to appear may be financially secured or it may be unsecured. The most common form of financially secured release is referred to formally, as Surety Bond. In California the most common forms of unsecured release are called Release on Own Recognizance (ROR) and Conditional or Supervised Release (CR).

In this study we use U. S. Bureau of Justice Statistics (BJS) data, called State Court Processing Statistics, for all the of California's large urban counties included in this data during 1990 to 2000 to analyze pre-trial releases. In particular, we compare the characteristics and performance of Surety Bond releases and ROR/CR releases. Our primary focus is the relative effectiveness of these two approaches in guaranteeing appearance at scheduled court proceedings and in preventing defendants from becoming fugitives.

We analyzed data from over 20,000 cases. This data was collected by BJS in 6 surveys over an eleven-year period from 12 of California's largest counties. Our findings from this analysis include the following:

- The proportion of defendants released before trial in these California counties was at 44% substantially below the national average of 62%.
- The proportion of releases on Surety Bond averaged 40% over the period while the proportion released on ROR/CR averaged 57%. In 2000 these percentages stood at 46% and 53% respectively for the California counties included in the BJS sample.
- A defendant released on ROR/CR was about 60% more likely to have failed to appear for a scheduled court appearance as a defendant released on Surety Bond - 32% vs 20%. (See Figure A below.)
- A defendant who failed to appear for a scheduled court appearance was approximately two and a half times more likely to remain a fugitive if he/she was released on ROR/CR than if he/she was released on Surety Bond.
- If the proportions released on Surety Bond and ROR/CR was reversed in California's 12 largest counties in 2000, we estimate that there would have been over 1000 fewer failures to appear in California's largest 12 counties.
- If Surety Bond had completely replaced ROR/CR as a release option in California's largest 12 counties in 2000, we estimate there may have been over 6000 fewer failures to appear in these large counties.
- A more aggressive use of Surety Bond could save taxpayers between \$1.3 million and \$10 million per year in budget outlays in California's largest 12 counties, depending on exactly how aggressive these counties are in replacing release on ROR/CR with release on Surety Bond. Total cost savings, including the social costs of failures to appear, could range from over \$14 million to over \$109 million per year in these counties again depending on how aggressive the 12 largest counties are in replacing ROR/CR with release on Surety Bond.

FIGURE A

PERCENTAGE OF DEFENDANTS WHO FAILED TO MAKE A COURT APPEARANCE ON SURETY BOND AND ROR/CR RELEASE OPTIONS IN LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000

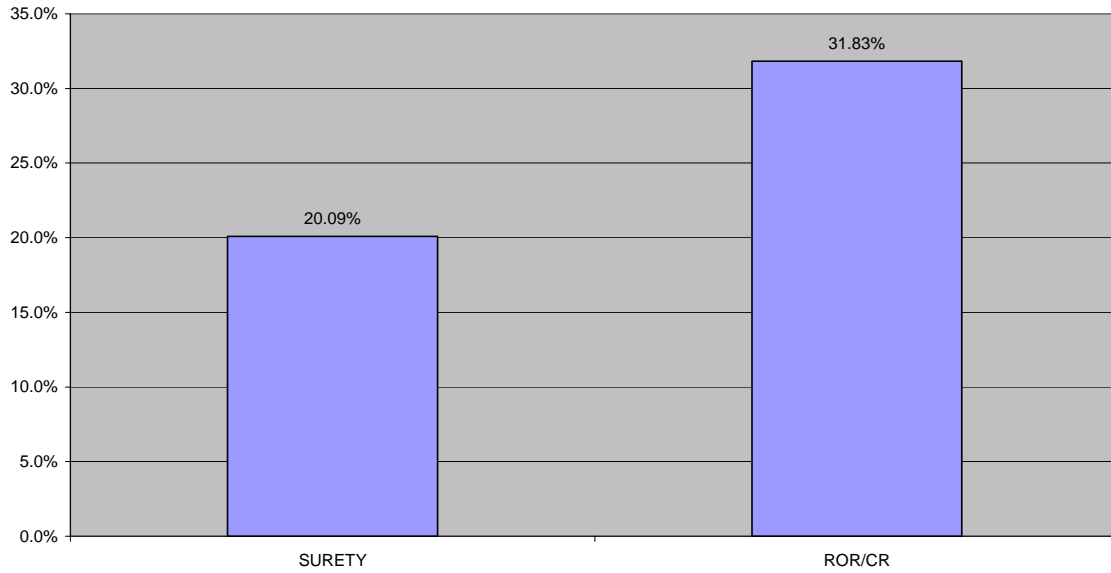
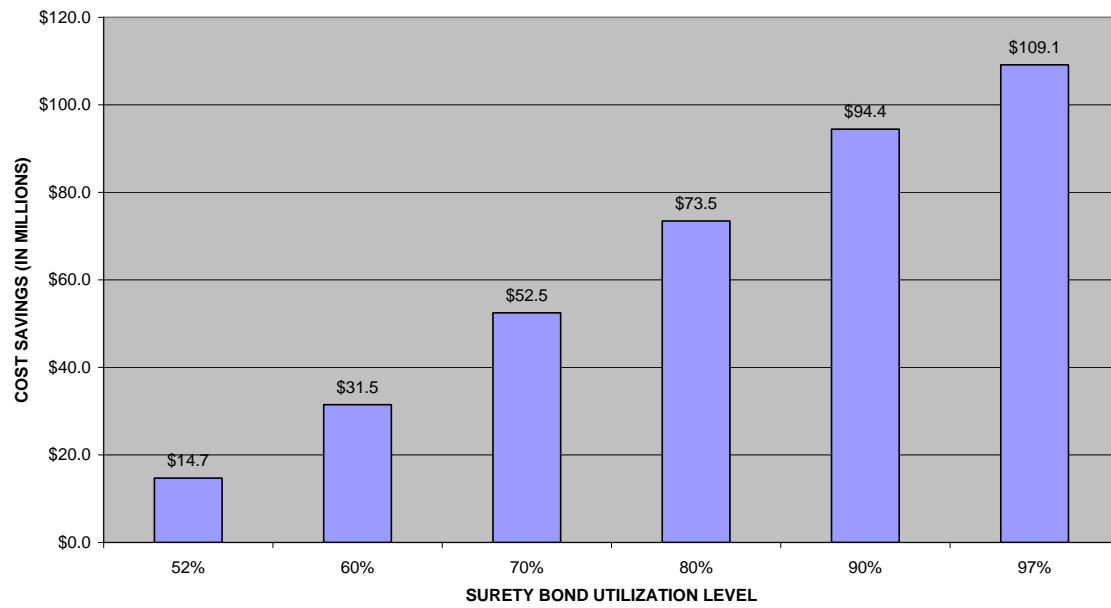


FIGURE B

ESTIMATED TOTAL COST SAVINGS THAT WOULD HAVE RESULTED FROM INCREASED USE OF SURETY BOND IN THE 12 LARGEST URBAN COUNTIES IN CALIFORNIA: 2000



ABOUT THE AUTHOR

Michael K. Block is Professor of Economics and Law as well the Director of the Office of Economic Education at the University of Arizona. Dr. Block's specializes in applying economic analysis to legal and policy issues. In prior years, Dr. Block was chairman of the Arizona Constitutional Defense Council and chairman of the Arizona Juvenile Justice Advisory Council. . In addition, Dr. Block was also previously a senior policy advisor for Criminal Justice to the Governor of Arizona, a consultant for the Executive Office of the President; a member of the Arizona Residential Utility Consumers Board; and a consultant on regulatory reform and privatization for The World Bank's Economic Development Institute. Until 1989 Dr. Block served as a Commissioner on the U.S. Sentencing Commission in Washington, D.C. He was appointed a Commissioner by President Reagan and confirmed by the U.S. Senate in October 1985. Dr. Block has co-authored several books and published numerous articles in scientific journals; consulted for Hernando DeSoto at the Instituto Libertad y Democracia in Lima, Peru; and was from 1975 until 1982 Director of the Center for Econometric Studies of the Justice System at the Hoover Institution at Stanford University, where he was also a Senior Research Fellow. Dr. Block received his Ph.D. in Economics from Stanford University in 1972, where he previously received his B.A. and M.A., also both in Economics.

Introduction

California's constitution provides that "a person shall be released on bail by sufficient sureties . . ." and "may be released on his or her own recognizance in the court's discretion." While defendants charged with first-degree murder, or those whose release would pose a "substantial likelihood" of harm to others, may be denied these pretrial release options, the vast majority of those arrested in California are eligible for release pending trial.

When an individual is released pending trial he or she must promise to appear at all required hearings and at trial. This promise to appear may be financially secured or it may be an unsecured promise to a government official. Financially secured release is referred to as "bail" and in California may take the form of Surety Bond, Full Cash Bail, and Property Bail. Under unsecured release, the court makes a decision, either on its own or with the assistance of other public officials, to waive the requirement of financial security, and in essence assumes responsibility for the appearance of the defendant at all required proceedings. The most common forms of unsecured release in California are: Release on Own Recognizance (ROR); Conditional or Supervised Release (CR); Release on Citation; and Emergency Jail Release.

The purpose of this study is to compare and contrast the performance of secured release and unsecured release programs. In particular we will be interested in the relative performance of the most common release options: Surety Bond and ROR/CR. Our focus will be on the effectiveness of these two approaches in preventing failures to appear (FTA) at required court proceedings. The prevention of FTA's is important in both assuring the integrity of our judicial system and in controlling the costs of our criminal justice system. Failures to appear undermine the efforts of local government to assure the safety of persons and property and they impose a significant cost on taxpayers.

Methodology

On a biannual cycle, the U. S. Bureau of Justice Statistics (BJS) collects a sample of felony cases filed during one month (May) in 40 of the nation's largest 75 counties.¹ Of the 40 counties sampled, six to nine, depending on the year, are among the 12 largest counties in California. (The number has grown from six in 1990 to nine in 2000.) These California counties make up our sample and, while the sample does not contain all of the large urban counties in California, the sample always includes Los Angeles County, Santa Clara County, San Bernardino and a representative sample of the other large urban counties in the state.

In 2000, the most recent year for which we have data, the BJS sample counties (See Appendix) represented 89% of the population and 87% of the FBI Part I Modified Index

¹ For a good discussion of this data see, *Felony Defendants in Large Urban Counties, 2000* Bureau of Justice Statistics, U. S. Department of Justice 2003 (NUJ -202021)

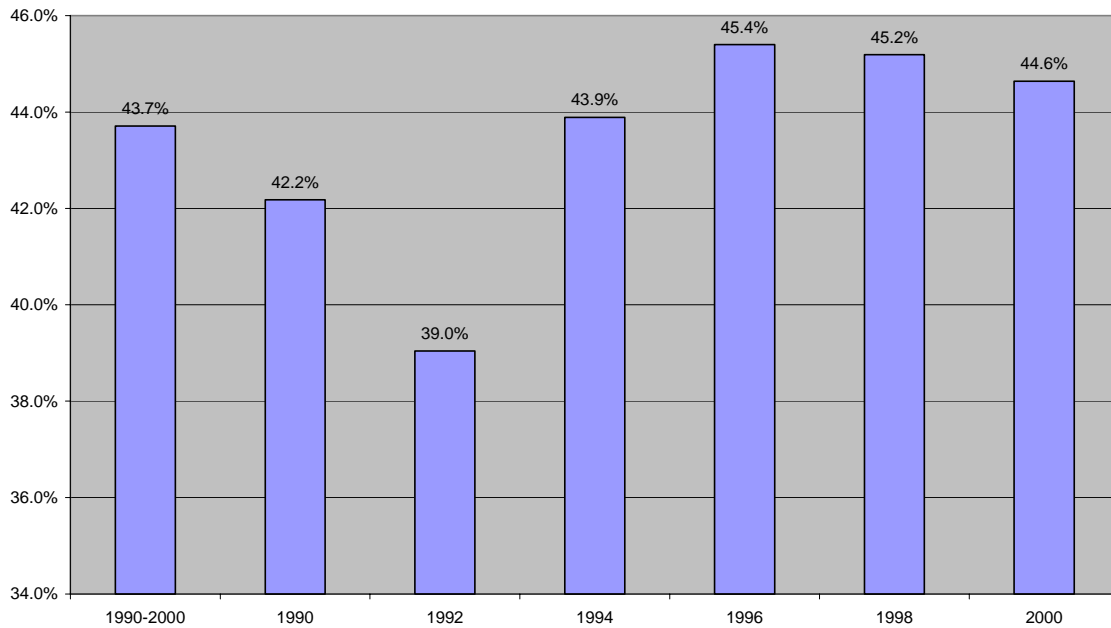
Crimes reported in California's 12 largest counties which themselves represented 77% of the State's population and 76% of the Modified Index Crimes reported in the State as a whole.² The years covered in this study are 1990 to 2000. We stop at 2000 because it is, as we noted above, the last year for which BJS data is currently available. The number of cases BJS sampled over the ten-year period in California was 20,811. All of these cases are involved in our present study.

As part of the information collected on these felony cases, BJS records information on pretrial release, including the type of release (e.g., Surety Bond, ROR, CR, etc.), BJS also follows the case for up to one year after filing. The "State Court Processing Statistics", which is BJS's name for the data series used in this report, contains rather detailed information on who gets released before trial, how they get released, and whether they appear for all required proceedings.

² FBI Part I Modified Index Crimes are Murder, Rape, Robbery, Aggravated Assault, Burglary, Larceny, Auto Theft.

Pretrial Release Rates

FIGURE #1
PERCENTAGE OF DEFENDANTS RELEASED BEFORE TRIAL IN LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000

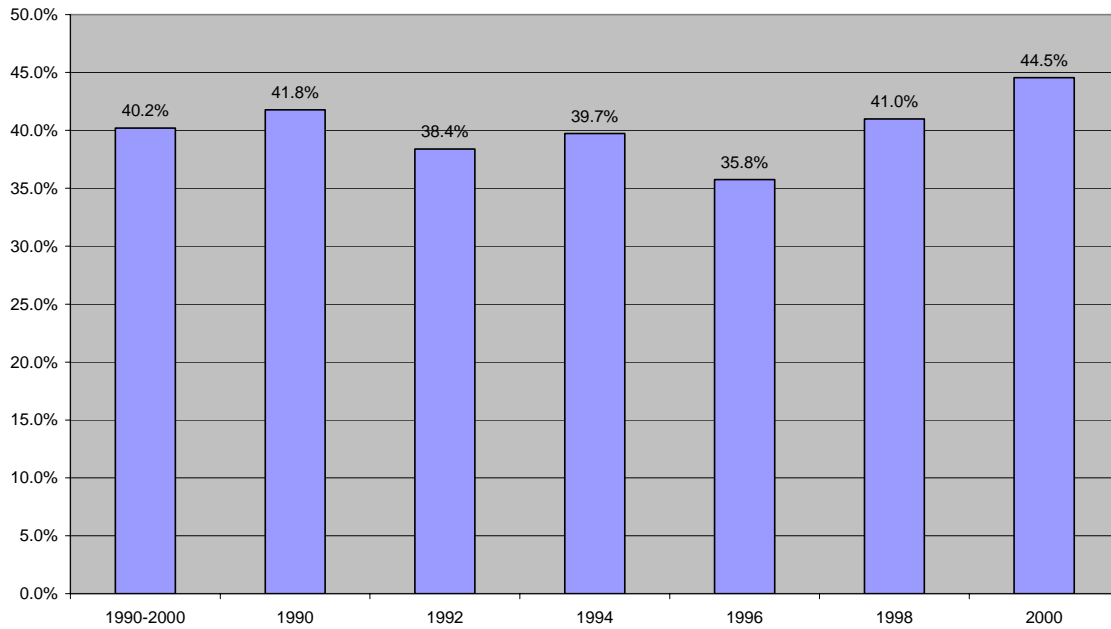


In California the percentage of defendants in large urban counties released before trial is about 44%. Nationwide the pretrial release rate in such counties is about 62%.

It appears, based on the histograms in Figure #1, that the proportion of defendants released before trial in California's large urban counties was relatively stable in the 1990's. In only one year, 1992, did the release rate fall below 40% and in no year did the rate exceed 45%. However, because the number and identity of the California counties included in the BJS sample varies from year to year the data in Figure #1 may not be a very accurate indicator of trends over time.

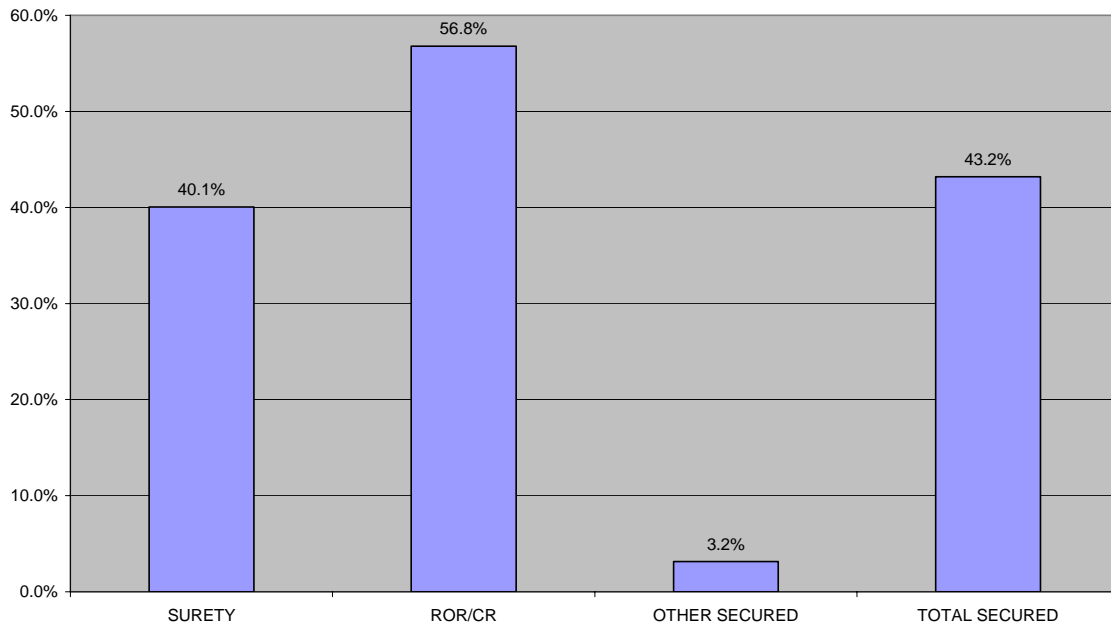
What we have done to supplement the analysis is to construct the same series using only the counties (Los Angeles, San Bernardino, Santa Clara) that were in the BJS sample every year. The results of this exercise are presented in Figure #1a. While the pattern over the decade is slightly different for these counties, the magnitudes are similar and there is the same evidence of relative stability; with perhaps a bit more significant of an increase in the release rate by the beginning of the 21st century.

FIGURE #1.a
PERCENTAGE OF DEFENDANTS RELEASED BEFORE TRIAL IN SELECTED LARGE URBAN
COUNTIES IN CALIFORNIA, 1990-2000



Secured and Unsecured Release

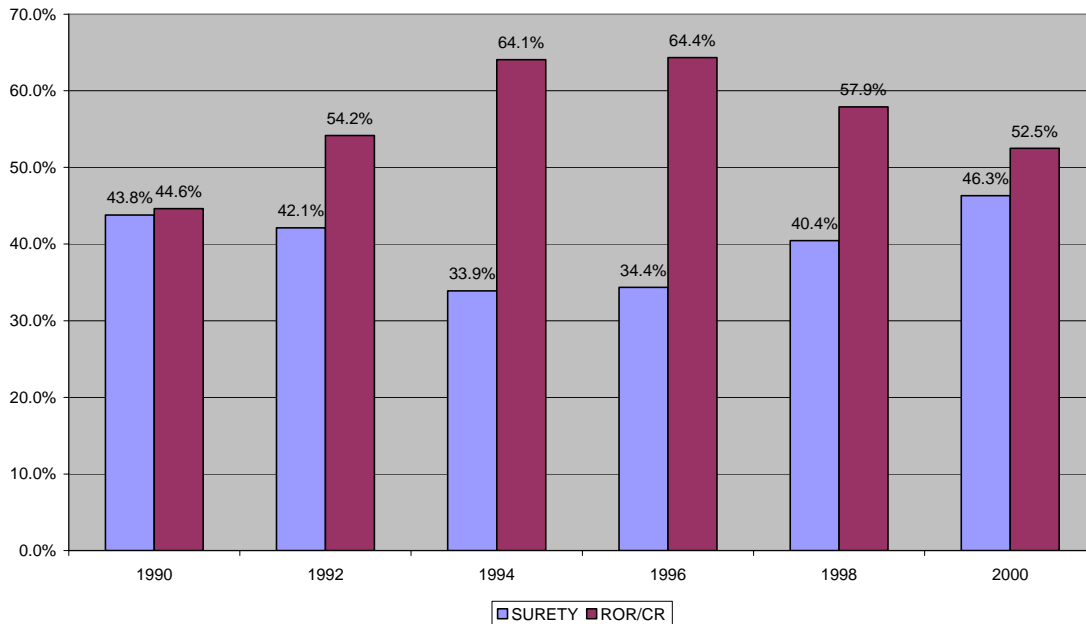
FIGURE #2
RELATIVE INCIDENCE OF SECURED AND UNSECURED PRETRIAL RELEASE MECHANISMS
IN LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000



If we consider the entire period 1990-2000, the BJS data reveals that in California's large urban counties about 40% of all released defendants were released on Surety Bond. The proportion released on all forms of secured release was, over the same period, approximately 43%. The latter was obtained by adding releases guaranteed by Surety Bond, Full Cash Bond, Deposit Bond and Property Bond. The remaining 57% of all released defendants were released under the unsecured government release options of ROR and Conditional Release (CR).

As is readily apparent in Figure #3 the trend during the early to mid-1990's of increased reliance on unsecured release has abated and to some extent been reversed. Nonetheless unsecured release was still somewhat more common in 2000 than it was in 1990.

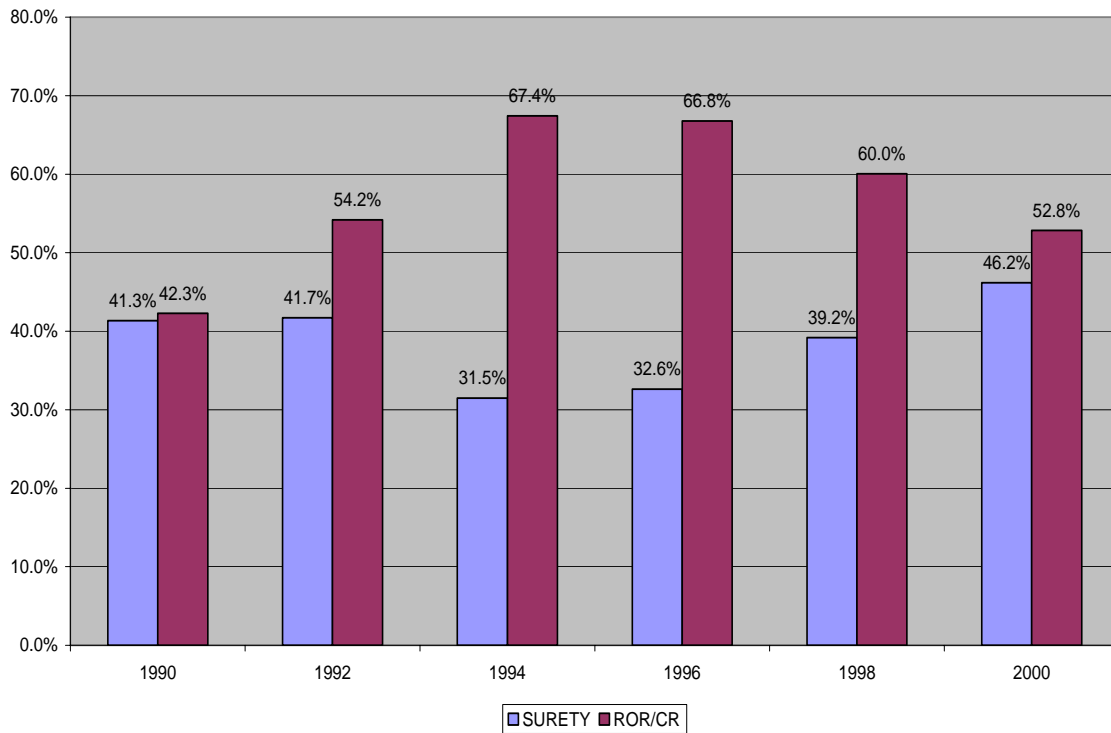
FIGURE #3
RECENT TRENDS IN THE USE OF SURETY BOND AND UNSECURED RELEASE OPTIONS IN
LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000



In 1990 about 45% of all releases were ROR or Conditional Releases. By 1996 this percentage had grown to 65%. However by 2000 it was back down to 53%, which was still quite a bit higher than it had been in 1990. Conversely, while Surety Bonds secured nearly 44% of all releases in 1990, this percentage had fallen to 34% by 1994. In 1996 this trend reversed itself so that by 2000 the percentage of releases secured by Surety Bond was, 46%, which was also somewhat higher than it had been at the beginning of the decade. Nonetheless releasees on ROR/CR grew more rapidly during this period than did releases on Surety Bond. Interestingly enough, by 2000 all other forms of privately secured release had virtually disappeared.³

³ By 2000 Surety Bond and ROR/CR accounted for 98.8% of all releases in the California counties in the BJS sample.

FIGURE #3.a
RECENT TRENDS IN THE USE OF SURETY BOND AND UNSECURED RELEASE OPTIONS IN
SELECTED LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000

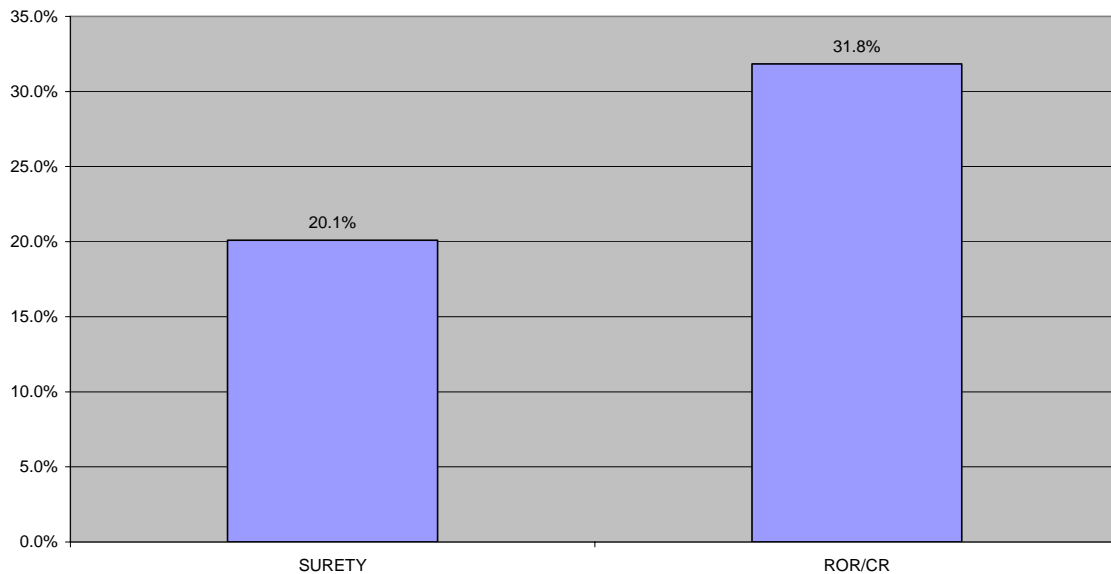


Again since the counties in the BJS sample change from year to year we supplemented the data in Figure #3 with a series on release that used only those California counties that were in all the BJS samples. The results of this effort are shown in Figure #3a. The data in this figure have virtually the same pattern as those in Figure #3.

Relative Performance of Secured and Unsecured Pretrial Release

FIGURE #4

PERCENTAGE OF DEFENDANTS WHO FAILED TO MAKE A COURT APPEARANCE ON SURETY BOND AND ROR/CR RELEASE OPTIONS IN LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000

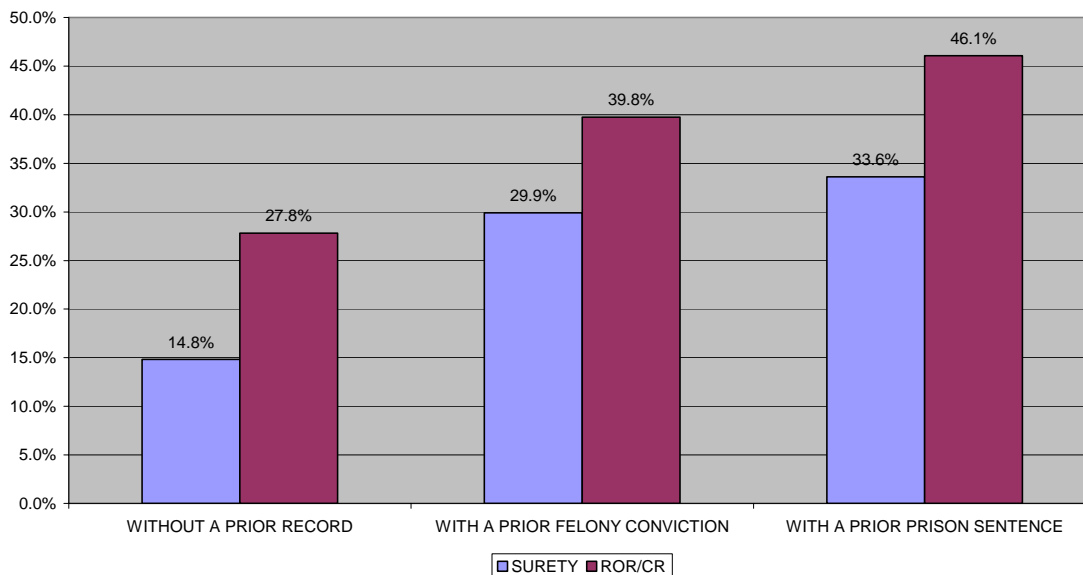


In Figure #4 we display the relative performance of Surety Bond and ROR/CR in assuring the defendant's appearance at all required proceedings. It is apparent that Surety Bond is a much more effective mechanism for preventing failure to appear at required proceedings (FTA). Over the period 1990-2000, approximately 20% of all defendants on Surety Bond secured release failed to make a court appearance in California's large urban counties. During the same period, about 32% of the defendants released on ROR/CR failed to make a required court appearance. It is striking that even though the defendants released on Surety Bond had more serious criminal histories than those released on ROR/CR, their failure to appear rate was about 60% lower than that of defendants released on ROR/CR.⁴

⁴ For a summary of the criminal justice histories of releasees in the selected urban counties see Appendix Figures 4 and 5.

FIGURE #5

PERCENTAGE OF DEFENDANTS WHO FAILED TO MAKE A COURT APPEARANCE BY
CRIMINAL JUSTICE HISTORY AND TYPE OF RELEASE IN LARGE URBAN COUNTIES IN
CALIFORNIA, 1990-2000



The fact that Surety Bond has been a more effective method of assuring appearance at court proceedings than ROR/CR for a rather wide range of defendants is clearly evident in Figure #5. While Surety Bond has proven particularly effective, relative to ROR/CR, in assuring appearance of defendants without any prior criminal convictions (14.8% vs. 27.8%), it has also proven substantially more effective in preventing FTA's among more "hardened" defendants such as those with prior prison incarcerations.

In Figure #6, the FTA rate of both Surety Bond and ROR/CR appears to have increased since 1990. However, if we consider the failure to appear history during the 1990s in the counties that are in all BJS samples, the situation is somewhat different. Here, as shown in Figure #6a, it is only the releaseses on Surety Bond that have experienced an increase in the failure to appear rate over the decade.⁵

⁵ See Appendix Figure 4.

FIGURE #6

RECENT TRENDS IN THE PERCENTAGE OF DEFENDANTS WHO FAILED TO MAKE A COURT APPEARANCE ON BOTH SURETY BOND AND ROR/CR IN LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000

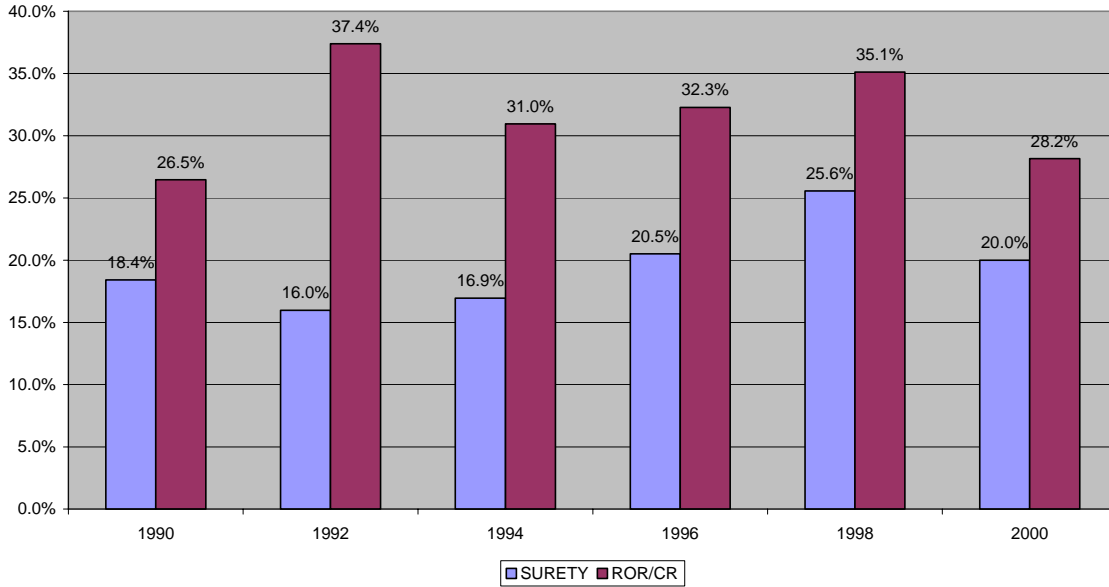


FIGURE #6.a

RECENT TRENDS IN THE PERCENTAGE OF DEFENDANTS WHO FAILED TO MAKE A COURT APPEARANCE ON BOTH SURETY BOND AND ROR/CR IN SELECTED LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000

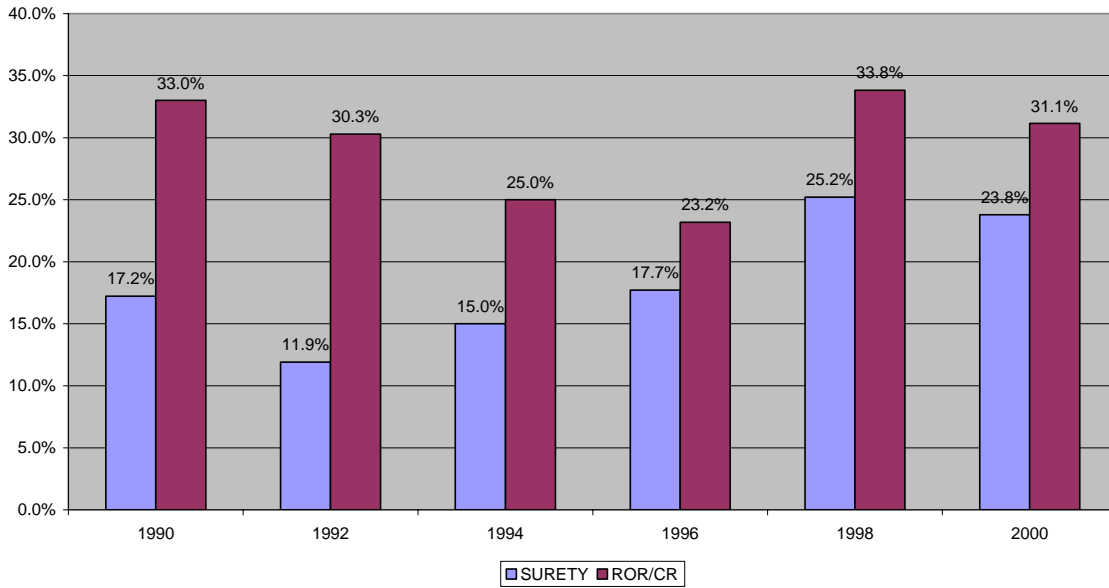
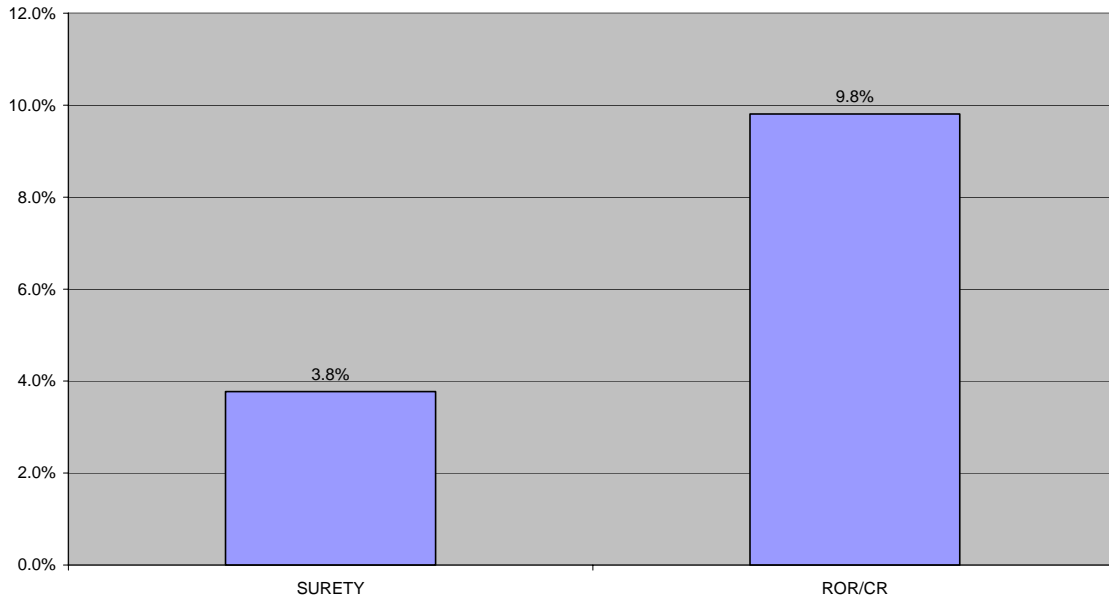


FIGURE #7
PERCENTAGE OF RELEASEES WHO REMAIN A FUGITIVE IN LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000



Surety Bond has not only been more effective than government secured pretrial release in assuring appearance at court proceedings it has also, as we can observe in Figure #7, been better at eventually returning defendants who FTA to custody. Only about 4% of defendants released on Surety Bond remained fugitives after one year in California's large urban counties. The comparable percentage for ROR/CR was approximately 10%.

What If?

Since pretrial release secured by a Surety Bond appears to have been so much more effective than ROR/CR in assuring appearance in California's large urban counties during the 1990's, it is both interesting and relevant to ask the question: What would have been the failure to appear situation in California's 12 largest urban counties in 2000 if greater use had been made of Surety Bond releases?

Employing the BJS data for the entire time period and using standard statistical techniques that controlled for defendants characteristics, criminal histories, location and other relevant variables, we estimated what the failure to appear rate would have been if greater use had been made of release on Surety Bond in 2000. Our results are shown in Figure #8 and Table #1.

TABLE #1
ESTIMATED FAILURE TO APPEAR RATES
IN CALIFORNIA'S LARGEST 12 URBAN
COUNTIES AT SELECTED HIGHER
LEVELS OF SURETY BOND UTILIZATION:
2000⁶

PROPORTION OF ALL ESTIMATED RELEASEES ON SURETY BOND	FTA RATE
45% (Actual)	29% (Actual)
52%	28%
60%	27%
70%	26%
80%	25%
90%	24%
97%	23%

The first estimate in Table #1 (the second entry in the table) corresponds to the level of Surety Bond releases that would have been obtained if the proportions of releases on Surety Bond and ROR/CR were reversed in 2000. That is, instead of 52% of all releases in 2000 being ROR/CR 52% were secured by Surety Bond and conversely instead of 45% being secured by Surety Bond 45% were released ROR/CR.

We estimated that in this case the average failure to appear rate in California's 12 largest urban counties in 2000 would have been 28% instead of 29%. Even this very modest increase in the use of Surety Bond would have lowered the FTA rate by 3%. On the other hand, if Surety Bond releases were used much more aggressively and in fact replaced all ROR/CR releases over the period, the failure to appear rate would have been 23%, that is it would have been 21% below its actual level.

⁶ Sacramento, San Francisco and Ventura Counties were not in the BJS 2000 sample and hence we used 1998 data for these counties.

FIGURE #9

ESTIMATED FAILURE TO APPEAR RATES IN CALIFORNIA'S LARGE URBAN COUNTIES AT SELECTED HIGHER LEVELS OF SURETY BOND UTILIZATION: 2000

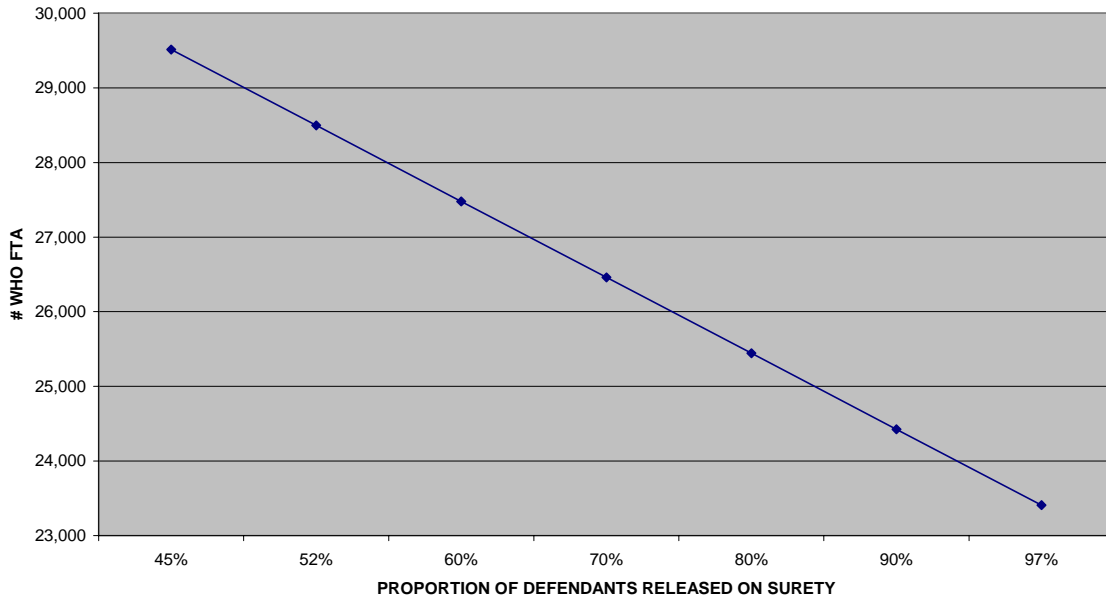


TABLE #2

ESTIMATED REDUCTION IN NUMBER OF FAILURES TO APPEAR IN CALIFORNIA'S 12 LARGEST URBAN COUNTIES AT SELECTED HIGHER LEVELS OF SURETY BOND UTILIZATION: 2000

SURETY BOND UTILIZATION LEVEL	ESTIMATED REDUCTION IN FTA'S
52%	1,018
60%	2,035
70%	3,053
80%	4,071
90%	5,089
97%	6,106

In Figure #9 and Table #2 we take this "What if" failure rate information and translate it into estimates of what the number of failures to appear would have been if the proportion of defendants released on Surety Bond had been greater in 2000. Figure #9 gives the estimated FTA levels and Table #2 the estimated reduction in FTA levels. For reference we have included in Figure #9, as the first point on the line, the actual failure to appear rate (.29) and the corresponding number of failures to appear (29,514).

As indicated in Table #2, we estimate that, if the proportion of releasees on Surety Bond and ROR/CR were reversed in 2000, there would have been 1,018 fewer FTA's in California's 12 largest urban counties in 2000. In the extreme, if Surety Bond had completely replaced ROR/CR in 2000 there would have been more than 6,100 fewer FTA's in these California counties.

Consequences of a Failure to Appear

When a defendant fails to appear for a required proceeding, the presiding judge or magistrate generally issues a Bench Warrant for his or her arrest. The defendant may remain a fugitive, or, as more likely, he/she may return to court either by surrender or apprehension.

If the defendant surrenders to the court, the court will recall the warrant, the defendant will be rebooked, and a new proceeding may be held to redetermine the conditions of release. If the defendant is arrested, he will be booked and detained. Upon booking the defendant appears in court where a new determination of release conditions will be made. A hearing may be held to determine whether the original bail bond, if there was one, is to be re-instituted or forfeited.

It is clear that an FTA imposes additional costs on the taxpayers and on the general population. The scale of the problem is suggested by the fact that in 2004 there were almost 2.5 million unserved felony and misdemeanor warrants in the state of California. Even if the individual surrenders there are additional process and detention costs. Re-arrest of a defendant imposes even greater costs on the taxpayer. If the defendant remains a fugitive all of the original booking and hearing costs are wasted and the integrity of the criminal justice system is further compromised. Every defendant that remains a fugitive undermines the crime control efforts of local government.

Costing the Consequences of Failure to Appear

In order to gain some appreciation of the magnitude of the costs that every failure to appear imposes on taxpayers and on society in general, it is helpful to attach dollar values to both their relatively straight-forward budgetary (or fiscal) impacts as well as to their more difficult to assess social costs. In a previous study of this topic Steven Twist and the author developed a rather detailed set of failure to appear cost estimates based on data we were able to obtain from Los Angeles County. A very brief summary of our estimates appears in Tables #3 and #4. In both cases the costs have been re-indexed and expressed in current (Year 2005) dollars.

TABLE #3

Estimated Budgetary Costs of a Failure to Appear by Type of Eventual Return - Current Dollars

Return Method	Budgetary Cost
Surrender	\$517
Arrest on a Bench Warrant	\$927
Arrest on a New Crime	\$3,009
Fugitive/No Return	\$2,385

Table #3 presents the budgetary costs of a failure to appear corresponding to the method by which the defendant is returned to court. It includes estimates of the additional budgetary costs attributable to an FTA if the defendant eventually surrenders; if the defendant is arrested on a Bench War-rant for the FTA, if the defendant is eventually rearrested for a new crime, or if the defendant is never returned and remains a fugitive. In the latter case we consider that all costs before the defendant became a fugitive are wasted once he/she becomes a fugitive. Hence, all of the expenditure up to the time the defendant failed to appear is considered a budgetary cost of this type of FTA.

Table #4

ESTIMATED AVERAGE BUDGETARY AND SOCIAL COSTS OF A FAILURE TO APPEAR BY TYPE OF RELEASE - CURRENT DOLLARS

Type of Release	Average Budgetary Cost	Average Social Cost	Average Total Cost
Surety Bond	\$1,230	\$7,260	\$8,490
ROR/CR	\$1,409	\$10,560	\$11,969

In Table #4, under the column labeled "Average Budgetary Costs", we report the results of taking the costs reported in Table #3 and weighting them by the proportion of defendants who are returned by each method. This weighting generates an estimate of the average budgetary cost of an FTA. Because Surety Bond releases and ROR releases have different return profiles they have different estimated budgetary costs.

Since counting only the budgetary cost of an FTA that ends with the defendant in fugitive status seriously underestimates the impact on society of that event, we also calculated a social cost of fugitive status. This social cost calculation (based again on our previous study of Los Angeles County) attempts to attribute to fugitives the reduction in crime control that results from their status and the increased costs of crime associated with that reduction in crime control.⁷ Our previous study suggests that every fugitive costs society more than \$33,000 in lost crime control benefits. Hence since the average FTA in these large urban counties has between a 22% and 33% chance of ending in fugitive status after 1 year, we estimated that the social cost is likely to be between \$7,260 and \$10,560 per FTA.⁸

⁷ For a more complete discussion of our methodology in calculating social cost see, *Runaway Losses: Estimating the Costs of Failure to Appear in the Los Angeles Criminal Justice System*, pp 23-25.

⁸ While the fugitive rate in 2000 (in these 12 urban counties) after one year is between 22 and 32 percent the eventual fugitive rate will be lower and hence this social costs calculation will be an overestimate on this score. However, we also assume in calculating social cost that fugitives have the same probability of being convicted and going to prison as other defendants who FTA. This assumption clearly biases our estimates downward. On balance it is not clear that our estimate is systemically biased upward.

Potential Cost Savings from Increased Use of Surety Bond Releases

TABLE #5

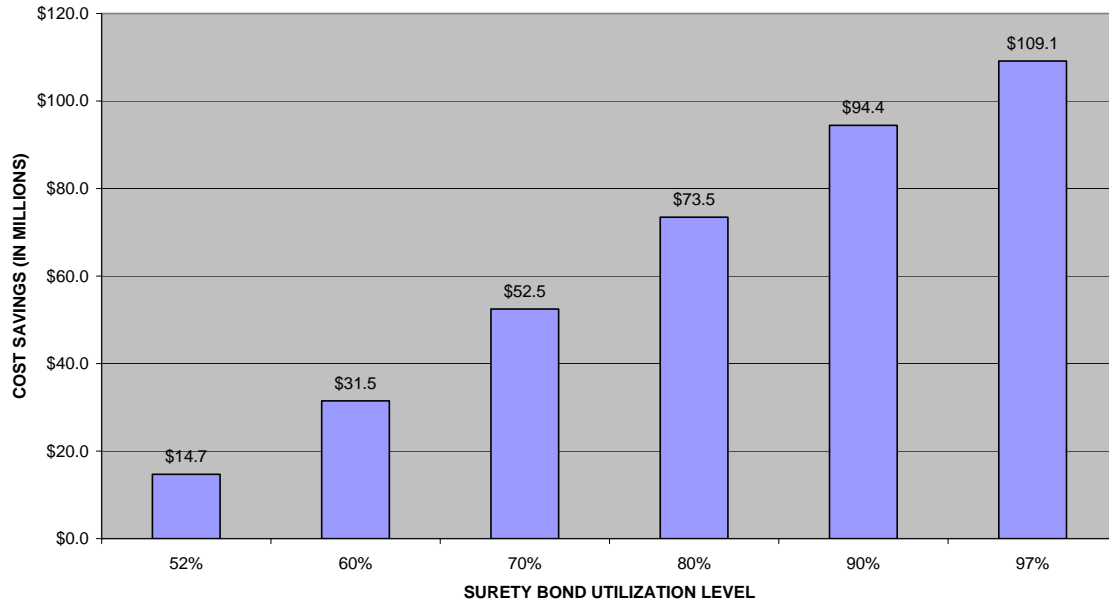
ESTIMATED BUDGETARY AND SOCIAL COST SAVINGS THAT WOULD HAVE RESULTED FROM INCREASED USE OF SURETY BOND IN THE 12 LARGEST URBAN COUNTIES IN CALIFORNIA: 2000 (CURRENT DOLLARS)

SURETY BOND UTILIZATION LEVEL	ESTIMATED REDUCTION IN FTA'S	BUDGET COST SAVINGS	SOCIAL COST SAVINGS (IN MILLIONS)	TOTAL SAVINGS (IN MILLIONS)
45%	0	\$0.0	\$0.0	\$0.0
52%	1,018	\$1.3	\$13.3	\$14.7
60%	2,035	\$2.9	\$28.6	\$31.5
70%	3,053	\$4.8	\$47.7	\$52.5
80%	4,071	\$6.7	\$66.7	\$73.5
90%	5,089	\$8.7	\$85.8	\$94.4
97%	6,106	\$10.0	\$99.1	\$109.1

Table #5 and Figure #10 bring together the information on reduced failure rate possibilities from our "What if" calculation and the estimated costs of a failure to appear. In Table #5 we show, assuming that the cost estimates based on Los Angeles County are at least indicative of costs in other large urban counties, the potential savings in terms of both budgetary costs and social costs, that would have resulted from a range of increased levels of Surety Bond utilization in California's 12 largest urban counties. In Figure #10 we display the total cost savings graphically. We show the results of a very modest increase in the role of Surety Bond implied by reversing percentages with ROR/CR in 2000 as well as the cost savings of a complete replacement of ROR/CR with Surety Bonds.

FIGURE #10

ESTIMATED TOTAL COST SAVINGS THAT WOULD HAVE RESULTED FROM INCREASED USE OF SURETY BOND IN THE 12 LARGEST URBAN COUNTIES IN CALIFORNIA: 2000



Specifically, we show the cost savings in 2000 that would have resulted from reversing the proportions of releasees on Surety Bond and ROR/CR in 2000, which would have involved raising the proportion on Surety Bond to 52%.

We also show cost savings for higher levels of Surety Bond utilization all the way up to completely replacing ROR with Surety Bond releases (97%).

We find that if Surety Bond releases comprised 52% rather than 45% of all releases in California's 12 largest counties in 2000, the budget savings in these urban counties would have been over \$1.3 million without counting the budgetary reductions due simply to lower levels of pretrial program staffing. In addition, we estimate there would have been a savings in social costs due to a reduction in the number of fugitives of about \$13.3 million. Hence, the overall savings of this very modest increase in the role of Surety Bond releases would have been over \$14.7 million. At the other extreme if Surety Bond had completely replaced ROR/CR, total cost savings would have been close to \$109 million. Budgetary savings alone of this radical restructuring of pretrial release would have been over \$10,000,000. Of course Surety Bond could not actually replace ROR/CR, if only for the reason that some defendants could not qualify for a Surety Bond. However release on Surety Bond could have been used more often than it was in these California counties, and Figure #10 indicates what the savings would have been had it been used more frequently.

APPENDIX

- I. Glossary
- II. Sample
- III. Weighting Techniques
- IV. Appendix Figures

GLOSSARY

Terms Related to Pretrial Release

- **Released Defendant:** Includes any defendant who was released from custody prior to the disposition of his or her case by the court. Includes defendants who were detained for some period of time before being released and defendants who were returned to custody after being released because of a violation of the condition of pretrial release.
- **Detained Defendant:** Includes any defendant who remained in custody from the time of arrest until the disposition of his or her case by the court.
- **Failure to Appear:** Occurs when a court issues a bench warrant for a defendant's arrest because he or she has missed a scheduled court appearance.

Financial Release Mechanisms

- **Surety Bond:** A bail bond company signs a promissory note to the court for the full bail amount and charges the defendant a fee for the service (usually 10% of the full bail amount). If the defendant fails to appear, the bond company is liable to the court for the full bail amount. Frequently the bond company requires collateral from the defendant in addition to the fee.
- **Deposit Bond:** The defendant deposits a percentage (usually 10%) of the full bail amount with the court. The percentage of the bail is returned after the disposition of the case, but the court often retains a small portion for administrative costs. If the defendant fails to appear in court, he or she is liable to the court for the full amount of the bail.
- **Full Cash Bond:** The defendant posts the full bail amount in cash with the court. If the defendant makes all court appearances, the cash is returned. If the defendant fails to appear in court, the bond is forfeited.
- **Property Bond:** Involves an agreement made by a defendant as a condition of pretrial release requiring that property valued at the full bail amount be posted as an assurance of his or her appearance in court. If the defendant fails to appear in court, the property is forfeited. Also know as "collateral bond".

Nonfinancial Release Mechanisms

- **Release on Recognizance (ROR):** The court releases the defendant on a signed agreement that he or she will appear in court as required.
- **Unsecured Bond:** The Defendant pays no money to the court but is liable for the full amount of bail should he or she fail to appear in court.
- **Conditional Release:** Defendants are released under conditions and are usually monitored or supervised by a pretrial services agency. In some cases, such as those involving a third-party custodian or drug monitoring and treatment, another agency may be involved in the supervision of the defendant. Conditional release sometimes includes an unsecured bond.

SAMPLE

County	1990	1992	1994	1996	1998	2000
Alameda			X	X	X	X
<i>Contra Costa</i>						X
Los Angeles	X	X	X	X	X	X
Orange	X			X	X	X
<i>Riverside</i>						X
Sacramento	X	X	X	X	X	
San Bernardino	X	X	X	X	X	X
San Diego	X	X				X
San Francisco		X	X	X	X	
<i>San Mateo</i>						X
Santa Clara	X	X	X	X	X	X
Ventura			X	X	X	

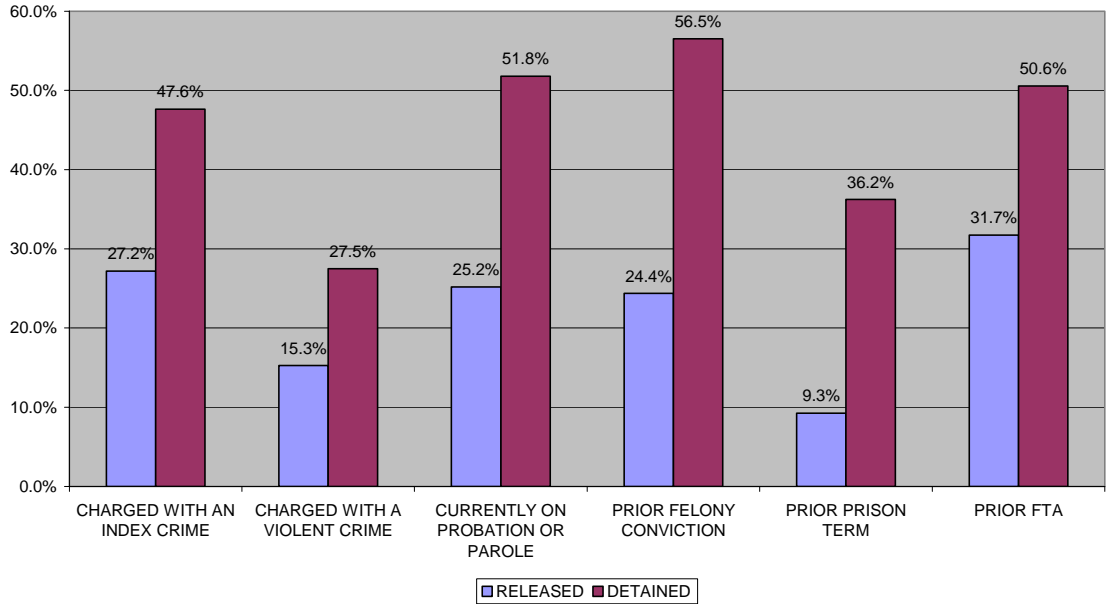
WEIGHTING TECHNIQUE

The pretrial release data used in this report was collected from large urban counties in California by BJS for one, two, three, or four weeks out of a year, depending on their relative size. The largest counties were sampled for one week, the smallest for four weeks, and counties with relatively moderate populations were sampled for two or three weeks. Frequency weights were assigned to the data so that the sample would be representative of the population, from which it was drawn, reflecting a whole month of data collection.

APPENDIX FIGURES

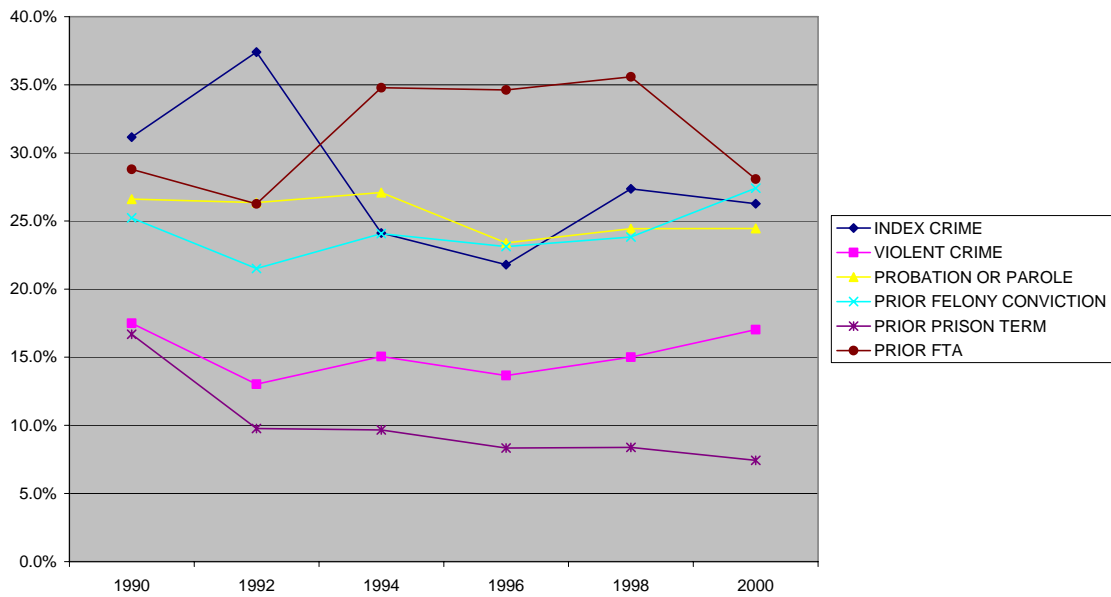
APPENDIX FIGURE #1

CRIMINAL JUSTICE HISTORIES OF DEFENDANTS RELEASED OR DETAINED IN LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000



APPENDIX FIGURE #2

RECENT TRENDS IN CRIMINAL JUSTICE HISTORIES OF RELEASED DEFENDANTS IN LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000



APPENDIX FIGURE #3

CRIMINAL JUSTICE HISTORIES OF DEFENDANTS ON SURETY AND ROR/CR IN SELECTED LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000

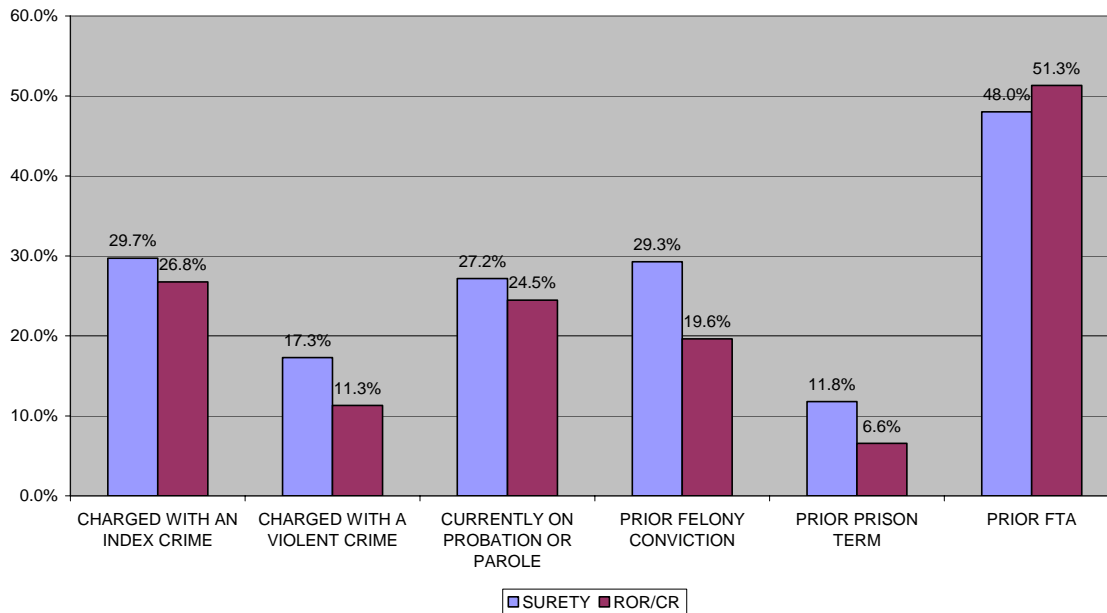


FIGURE #4

RECENT TRENDS IN CRIMINAL JUSTICE HISTORIES OF DEFENDANTS RELEASED ON SURETY IN SELECTED LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000

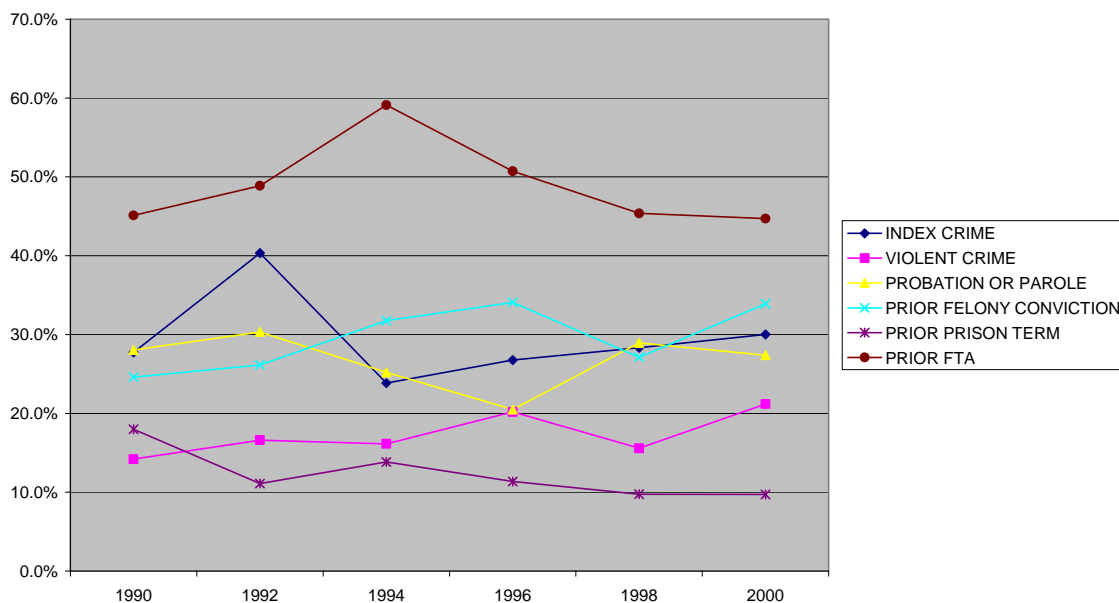
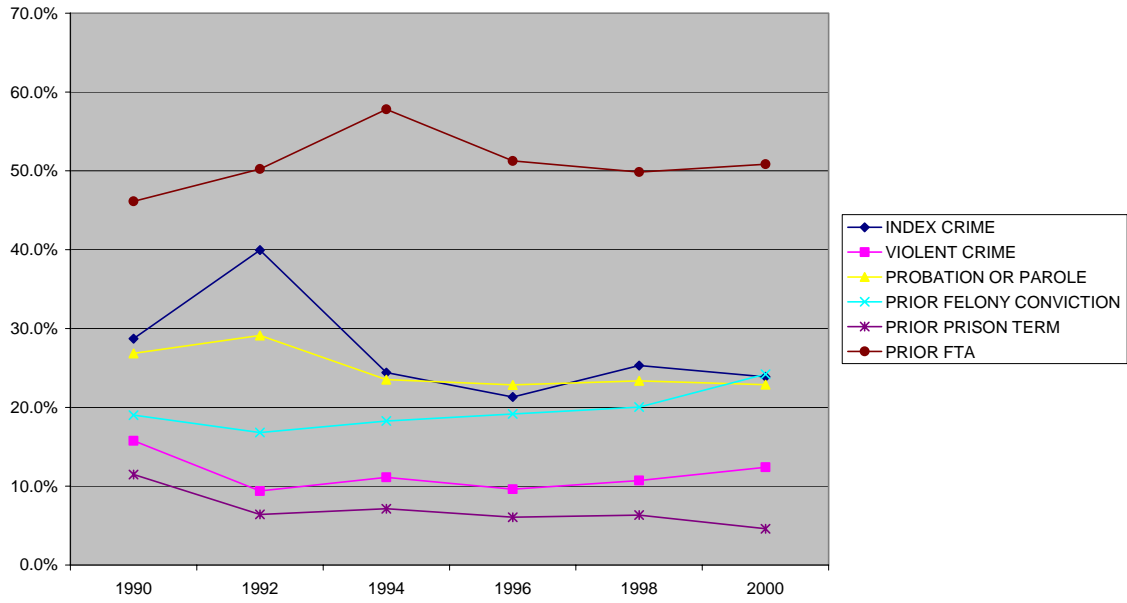


FIGURE #5

RECENT TRENDS IN CRIMINAL JUSTICE HISTORIES OF DEFENDANTS RELEASED ON ROR/CR IN SELECTED LARGE URBAN COUNTIES IN CALIFORNIA, 1990-2000



Appendix Figure #6

Independent Variables Used in Statistical Analysis

Independent Variable	Includes	Excludes
Time in days to adjudication	0-59 60-119 120-179 180-240 Over 240	Pending Cases
Clearance rate	All applicable	See County and Year
County	Alameda Contra Costa Los Angeles Orange County Riverside Sacramento San Diego San Francisco San Mateo Santa Clara Ventura	San Bernardino
Year	1992 1994 1996 1998 2000	1990
Arrest Charge	Rape Robbery Assault Other Violent Weapons Related Burglary Larceny and Theft Other Property Drug Sales Other Drug Driving	Murder Other Public Order
Age in years of arrestee	All applicable	N/A
Gender	Female	Male
Active criminal justice status?		N/A
Prior felony arrest?		N/A
Prior failure to appear?		N/A
Release Type	Surety Other Financial	ROR/CR N/A

