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To: Jim Greiner
From: Hasaan Munim
RE: John S. Goldkamp & Michael D. White, *Restoring accountability in pretrial release: the Philadelphia pretrial release supervision experiments*, 2 J Exp Criminol 143 (2006).
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Title: Restoring accountability in pretrial release: the Philadelphia pretrial release supervision experiments
Authors: John S. Goldkamp and Michael D. White
Location: Philadelphia, PA
Sample: (I): N = 299 (II): N= 855 (III): N = 423 (IV): N = 196 103 control, 93 experimental.
Timeline: (I): November 13-November 26, 1995. (II): August 1, 1996-November 26, 1996. (III): October 27, 1997-November 18, 1997. (IV): November 17, 1997-December 19, 1997.
Target group: Pretrial defendants
Intervention type: Pretrial supervision
Research papers: <https://doi.org/10.1007/s11292-006-9001-1>
Partners: Philadelphia Mayor's Overcrowding Task Force

Abstract

Prison overcrowding forced courts to implement emergency procedures to relax pretrial release. The Philadelphia court system sought to test methods to keep defendants released on bail accountable to the conditions of pretrial release through a series of randomized experiments. Due to unforeseen failings in the study methodology, the study did not produce actionable findings.

I. Policy Issue

The pretrial release process, also known as bail, determined release prior to trial for individuals charged with a crime. In its position at the threshold of the criminal process, the pretrial release decision was the highest volume decision stage. Government officials increased pretrial release of arrested persons in response to prison overcrowding during the 1980s and 1990s. Crowded conditions forced judicial regulations allowing pretrial

release for defendants of high risk of flight and crime. Before, many of the defendants that were eligible for pretrial release would have been held on cash bail. Many defendants released under emergency procedures recognized the government's inability to jail them and did not appear for their court hearings. What elements of pretrial release supervision strategy reduced failure to appear?

II. Context of Evaluation

Philadelphia's court system, similar to many other American localities, faced severe jail overcrowding and system dysfunction in the 1980s and 1990s. As a result, for over a quarter century, court officials implemented "emergency" release procedures to authorize pretrial release for high-risk defendants. Tasked with remedying overcrowded correctional facilities while ensuring both the safety of the community and that defendants appear in court, a Philadelphia task force designed a multi-stage experiment to test strategies to manage pretrial supervision.

Task force officials viewed noncompliant individuals as falling into two camps: the "intentional criminal" or the "disorganized defendant." The intentional criminal understood the system and was willing to take advantage of the system to escape criminal penalties where possible. On the other hand, the disorganized defendant unintentionally missed court, perhaps due to substance use, language barriers, lack of education, or difficulty with transportation.

The court classified defendants eligible for court supervision using a matrix that rated defendants on two dimensions – the seriousness of the charges on a scale of 1-10 and flight risk on a scale of 1-4. A task force determined the criteria for each category, producing 40 possible defendant classifications and four different options for pretrial release: standard release, release on special conditions, cash bail, and holding without bail. Type I and type II defendants were medium and high-risk defendants eligible for release during emergency procedures.

III. Details

The task force sought to investigate four elements of a pretrial release strategy, structured into four experiments. In all experiments, a three- or four-month follow-up period tracked failure-to-appear and rearrest among defendants.

Experiment 1: In-court notification at first appearance

This experiment tested a notification approach to reducing court absences by "disorganized defendants." In the experimental condition, a pretrial services staff member would explain to the defendant the implications of pretrial release and where and when the defendant should report for their next court date. The defendant would call into an automatic voice response system within 24 hours of release to test early compliance among release defendants. Defendants who did not call in would receive follow-up by pretrial services staff.

Randomization occurred by alternating days of providing treatment and control conditions to all cases on a given day over a 14-day period. Then researchers chose random samples of 175 cases from each condition for analysis.

Experiment 2: Impact of supervision conditions

This experiment sought to test key elements of the basic supervision strategy for pretrial defendants. Type I and Type II defendants underwent two sets of supervision conditions, A or B, which differed in restrictiveness. In order to randomize, defendants with even identification numbers went to condition A and odd identification numbers went to condition B.

Type I defendants in the A condition attended pretrial services orientation and reported weekly by phone through an automated phone system. Type I defendants in the B condition received the same treatment but also received a phone call from pretrial services staff the night before their court date.

Type II defendants in condition A began the process with orientation and a case management meeting and call into an automated phone system twice weekly. Condition B defendants receive the same treatment but meet in person with case manager 3 days before each court hearing. If condition B defendants miss their case management meeting, a warrant investigator visits the defendant's residence.

In all, researchers randomized 845 participants into one of the four research conditions.

Experiment 3: Preventative notifications prior to orientation and court

The researchers produced a second notification experiment which involved a more proactive approach to reminding defendants of their requirement to visit pretrial services 24-hours before their first orientation. In the previous experiment, the court only called no-show defendants after they missed their orientation. Overall, randomization produced 216 control and 207 experimental participants.

Experiment 4: Impact of enforcement on early no-shows

Experiment 4 built on experiment 3 by testing the impact of warrant officers conducting home visits of noncompliant defendants who did not respond to phone calls – in this case, individuals who violated their conditions of release by not attending the required pretrial release orientation. 93 defendants were randomly assigned to the experimental group and 103 were randomly assigned to the control group.

IV. Results and Policy Lessons

The researchers divined two conclusions in the absence of significant findings. First, given that notification approaches did not improve outcomes in terms of failure to appear and rearrest, the defendants may be “intentional” rather than “disorganized” defendants. The caveat to this conclusion was that defendants were difficult to notify by phone in the first place and that a better methodology to contact defenders may prove beneficial.

Second, the system could not effectively deliver consequences due to individuals who violated the conditions of pretrial release. There was no way for warrant officers to back up the threats contained in the conditions of pretrial release because there was simply no space to jail noncompliance.

Ultimately, the authors suggested community involvement, such as community policing and treatment services, as a way to implement justice initiatives such as enforcing pretrial release conditions. Given the failings of the justice system, they argued, recognizing community context could be a powerful way to help address the lack of accountability in pretrial release.

V. Quality of the Study

Unfortunately, none of the findings were statistically significant and reportable due to unforeseen failings in the study's intended design.

In experiment 1, implementation difficulties related to the failure of the study's automated voice response system made their findings non-reportable.

In experiment 2, the data showed that more restrictive supervision conditions did not significantly improve outcomes for defendants. This experiment's key supervision condition, the orientation, experienced a no-show rate of over 50 percent, implying a selection bias – namely, the supervision process enrolled type I and type II defendants more likely to comply to the pretrial guidelines.

Experiment 3, a telephone-centered approach intended to remedy the high orientation no-show rate through a proactive phone call approach, faced difficulties related to contacting defendants. Only 12 percent of defendants responded to calls by pretrial services staff.

Experiment 4's implementation was flawed and the authors did not analyze the statistical findings. Warrant officers contacted 10 percent of experimental condition defendants, or four persons, with over 50 percent of cases without a recorded outcome.

Experiments 2-4 did not describe their eligibility and intake process for participants. An open question remains whether the court referred all type I and type II participants to the study and, if not, how such a process worked.

The study would benefit from fuller description and rationalization of their randomization methodology and how the analysis proceeded thereof. For example, experiment 1, the randomization strategy involved removing many more “problem” cases from the control than from the experimental group. Although the researchers do not comment on the criteria for removing problem cases, the disparity in sample sizes could lead to invalid comparison groups.

Another gap in the study's description of the design was how researchers collected outcomes. This was important in light of the other implementation issues with the study, as an improved procedure for contacting participants and collecting outcomes may have minimized missing data. Although the authors wrote that researchers conducted a three-

or four-month follow-up on rearrest and compliance outcomes, they did not describe how such follow-up proceeded. Did researchers follow up with participants directly? Or did they use court data to determine outcomes?