

# PRETRIAL RELEASE MECHANISMS IN DALLAS COUNTY, TEXAS:

Differences in Failure to Appear (FTA), Recidivism/Pretrial Misconduct,  
and Associated Costs of FTA

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# Rationale for the Study

- Dallas County spends over \$100 million/year jailing defendants
- Vast majority of inmates are released before trial.
- Defendant success/disposition requires appearance in court.
  - Many defendants fail to appear (FTA).
    - More than 25% FTA
  - The pretrial phase is arguably the most important period for defendant success.
    - Little research focuses on this period
- Limited analysis on the relationship between release mechanisms and defendant success.
- FTA and recidivism entail heavy costs (public and social).

# Primary Goals of the Study

1. Estimate variation in FTA rates between release mechanisms.
2. Estimate variation in recidivism/pretrial misconduct between release mechanisms.
3. Estimate costs associated with FTA across release mechanisms.
4. Adjust for comparability issues...

# Data and Sample

## Analyses limited to:

- All defendants jailed during 2008 for an offense in which they had not been previous arrested/jailed.

→ *The beginning of the justice process for a new criminal event (may involve multiple charges)*

## Sample:

n = 22,019\* (6,395 felonies; 14,008 misdemeanors)

\* Total amount includes felonies, misdemeanors, JP court, and unknown case type.

[www.utdallas.edu/epps/ccjs](http://www.utdallas.edu/epps/ccjs)

# Treatment Variables

## **Attorney Bonds**

- Defendant is released to attorney for a fee.
- Attorney is liable if FTA.

## **Cash Bonds**

- Defendant is released after a cash payment for the full bond amount.
- Bond amount returned upon appearance (less fees).

# Treatment Variables

## Commercial Bonds

- Defendant is released to a licensed bonding company for a fee (e.g., 10-20% of bail amount).
- If FTA, defendant and/or co-signers could be liable for the full amount.

## Pretrial Services

- Defendant is released to Pretrial Services at little or no cost to defendant.
- Reserved for low-risk offenses.
- In Dallas Co., pretrial defendants receive only phone call reminders, not formal supervision.

# Outcome Variables

## **FTA:**

Failure to appear enough\* to stimulate a formal negative change in bond status (e.g., bond forfeiture or insufficient bond).

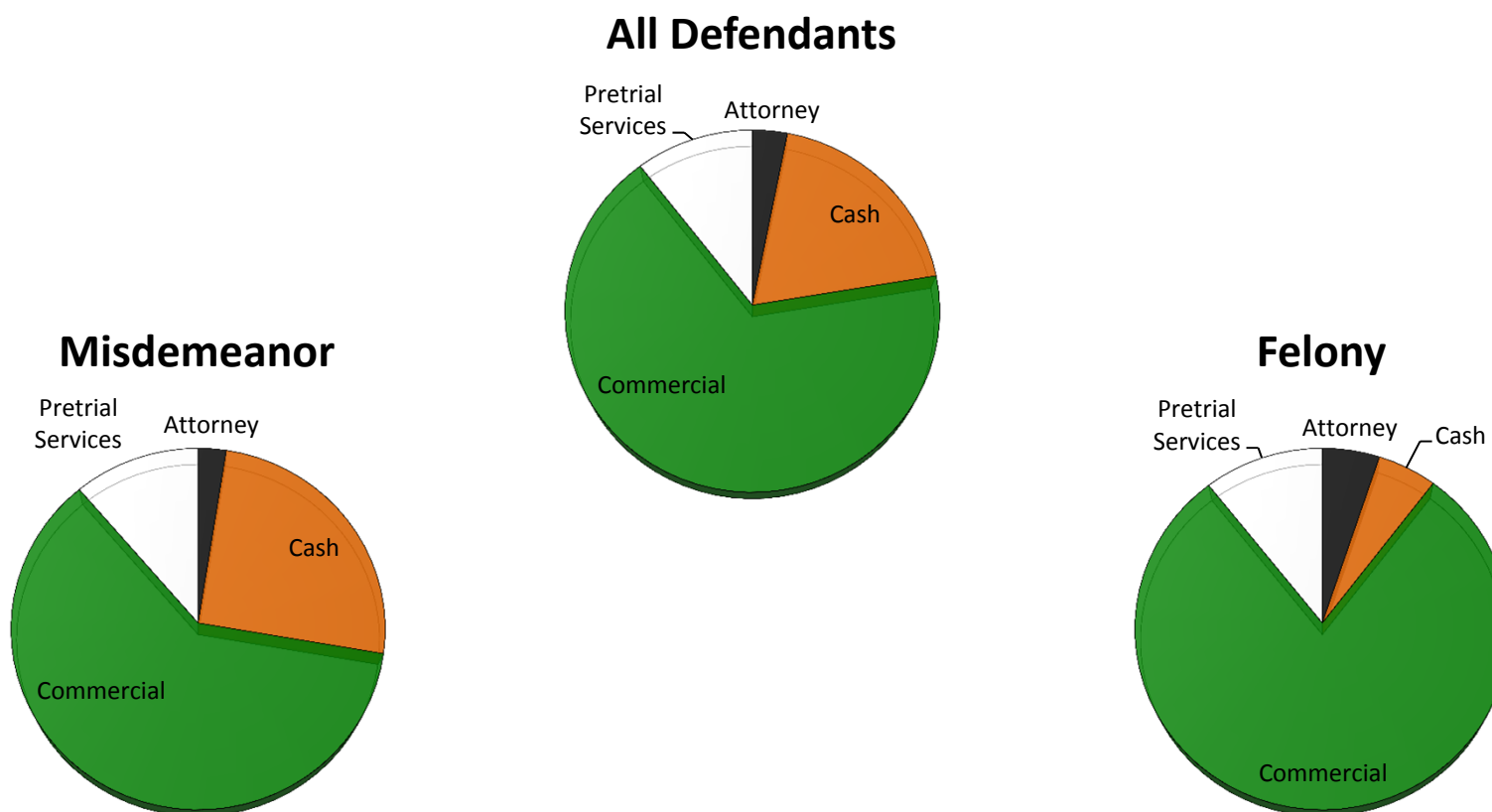
*\* Variation between courts is possible, some defendants may FTA multiple times before a bond is forfeited/insufficient.*

## **Recidivism/Pretrial Misconduct:**

Any new criminal offense (excludes technical violations) resulting in a book-in within 9/12 months post initial release.

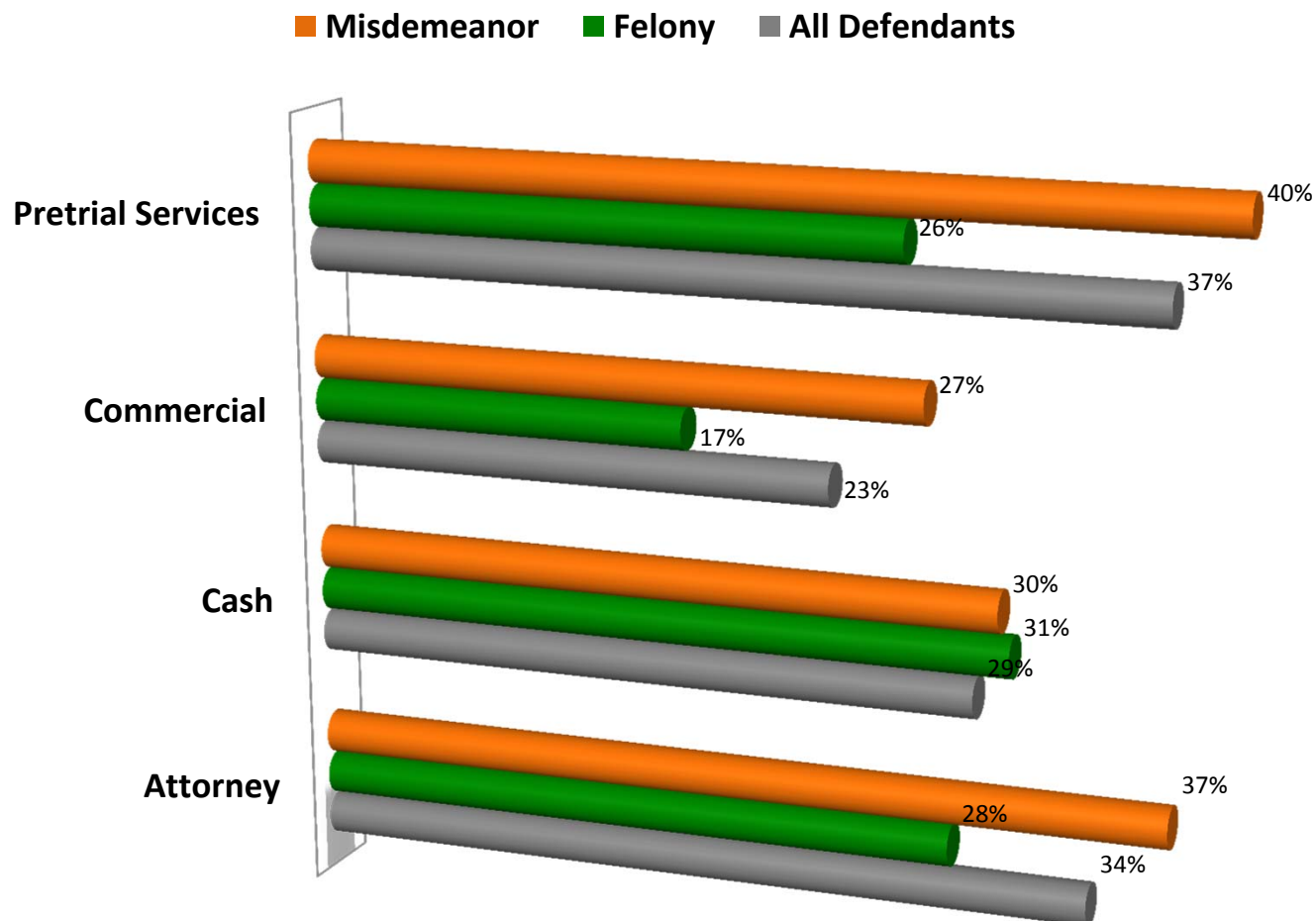
- Recidivism is more complicated than FTA.

## Defendant Proportions by Release and Case Type





## Raw FTA Rate by Release and Case Type



# Useful, but not comparable...

- Raw FTA/Recidivism rates are NOT COMPARABLE across release mechanism types.
  - No equal probability of selection
  - Criminal charge/history may impact available release mechanisms
  - Cherry picking to varying degrees

# How can these rates be compared?

- A) Conduct an experiment where release types are “treatments”.
- B) Statistically match similarly situated defendants in a multi-treatment framework.
  - Multi-treatment propensity score matching (Lechner, 1999; 2001)

“Treatments” are qualitatively different, thus comparisons are made categorically.

- For example, comparisons of Attorney vs. Cash; Attorney vs. Commercial; Attorney vs. Pretrial; and so on... for each combination)

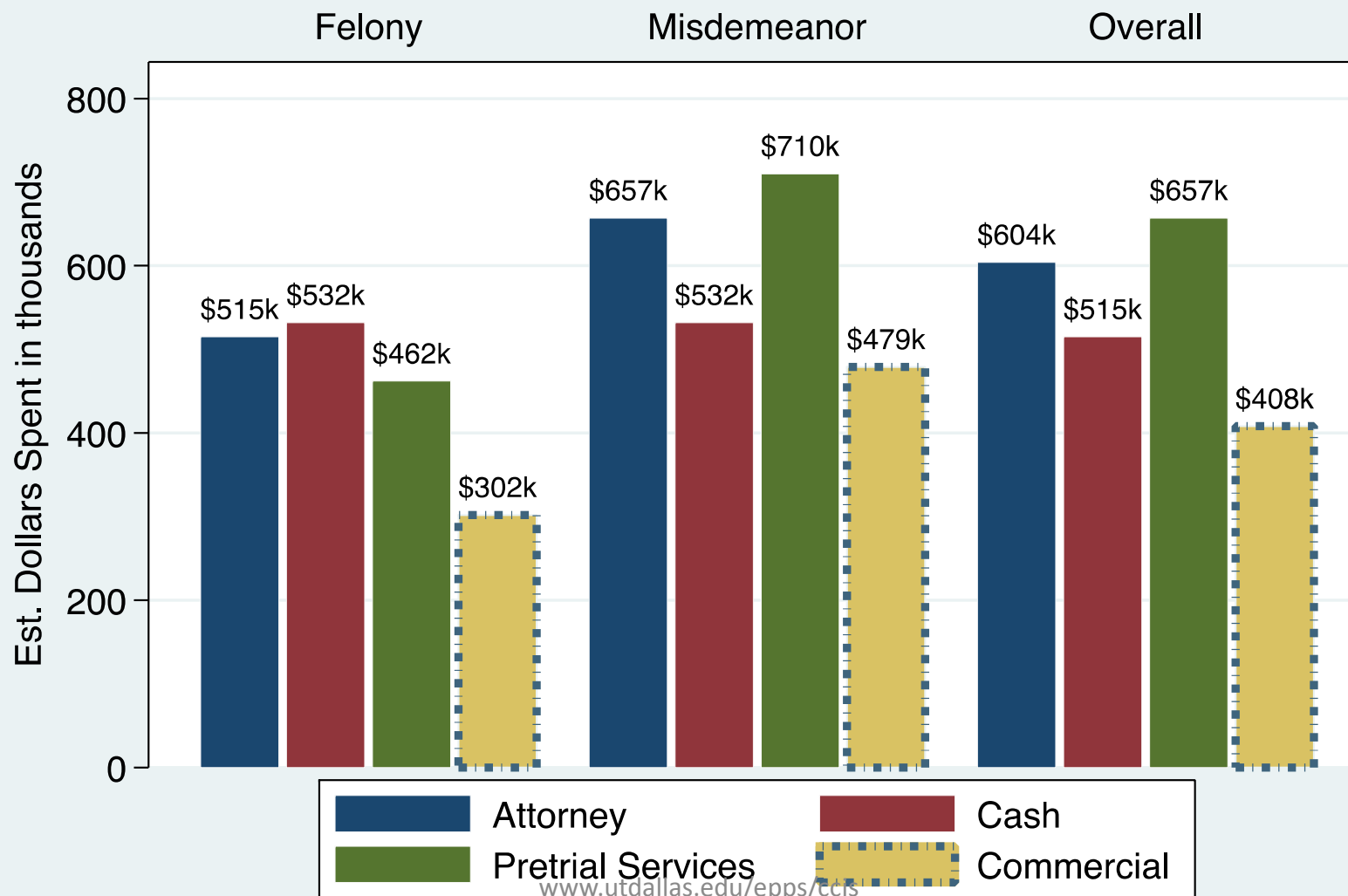
# General Findings on FTA and Recidivism

- **FTA results were very strong for one mechanism**
  - Commercial bonds more conducive to appearance in court among similar defendants.
  - No differences found for other comparisons, but there is partial support favoring pretrial services over cash bonds.
- **Recidivism findings were slim and inconsistent; tended to fall apart upon stratification by charge-type**
  - **Misdemeanor** – No impact from release mechanism (partial support for commercial and cash bonds over attorney bonds at 12 months)
  - **Felony defendants:** cash bonds less conducive to recidivism over commercial/pretrial. Attorney over commercial.
  - Criminal history accounted for, but not contextualized.

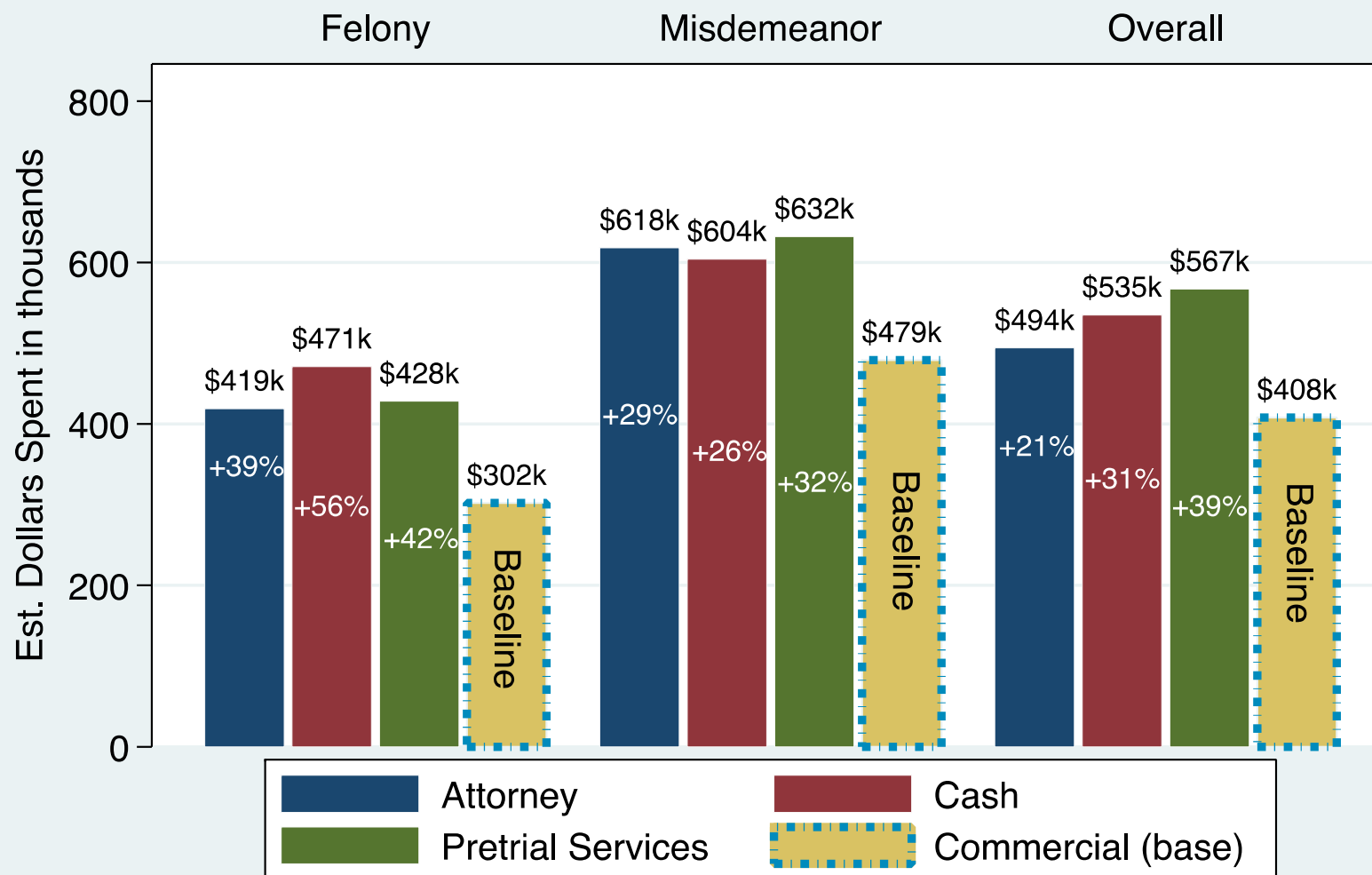
**Multi-treatment Propensity Score Matching Results on Failure to Appear: Attorney, Cash, and Pretrial Bonds as compared to Commercial Bonds.**

Treated vs. Matched Controls released on Commercial Bond	Mean FTA Rate (Treated)	Mean FTA Rate (Controls)	FTA Rate Difference	% Difference in FTA vs. Commercial
<b>All Defendants</b>				
Attorney	0.34	0.27	0.07	<b>21% higher</b>
Cash	0.29	0.20	0.09	<b>31% higher</b>
Pretrial	0.37	0.23	0.14	<b>39% higher</b>
<b>Felony</b>				
Attorney	0.28	0.17	0.11	<b>39% higher</b>
Cash	0.32	0.14	0.18	<b>56% higher</b>
Pretrial	0.26	0.15	0.11	<b>42% higher</b>
<b>Misdemeanor</b>				
Attorney	0.38	0.27	0.11	<b>29% higher</b>
Cash	0.31	0.23	0.08	<b>26% higher</b>
Pretrial	0.40	0.27	0.13	<b>32% higher</b>

## Raw FTA Costs



## Estimated FTA Cost Differences vs. Commercial



Note: Commercial amount is the raw dollar amount spent on FTA. Other values reflect proportional difference based on model estimates (see p.1)

# Study Limitations

- Findings limited to Dallas County for 2008 initial book-ins.
- Does not account for release on recognizance cases
- Limited data points
- Stratified only by felony/misdemeanor cases
- Recidivism/pretrial misconduct measurement problems
- FTA measure for Pretrial Services limited to “insufficient bonds”



# Closing the Circle

- Symptoms identified: potential for cost savings is very high.
- Opportunity for Dallas County to become a national exemplar for court appearance.
- The study provides a good baseline, but validation is needed.
  - Also need to:
    - Broaden and standardize data collection efforts to explain more variation in the outcomes
    - Discuss potential study implications with other county officials
    - Capitalize on input from pretrial release community (public and private sectors)

The County's success lies within a more informed framework and targeted balancing of release mechanisms and the defendants they serve.

# Questions?

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