

A Vera Institute Project

**Pretrial Services Agency:
Its Record in First Year**

In June, 1973, the Vera Institute of Justice established an agency in Brooklyn to obtain a higher rate of pretrial parole where warranted for criminal defendants and to lower the rate for those released. In this article, Harold I. Venokur, chairman of the special committee on pretrial services and bail of the Kings County Criminal Bar Association, and Benjamin Ward, director of the Vera project known as the Pretrial Services Agency, report on its first year of operation.

By Harold I. Venokur and Benjamin Ward

The Brooklyn Pretrial Services Agency (PTSA) was established in June, 1973, by the Vera Institute of Justice with two primary objectives: to increase pretrial parole and to decrease the failure to appear rate of released defendants. After one year of operation in Brooklyn, the agency's services were extended to Staten Island. Expansion to the Bronx is scheduled for next month.

Vera's approach to release on recognizance (ROR) was developed in its Manhattan Bail Project of 1961-64. The project was based on the notion that the strength of a defendant's ties to the community could serve as a reliable predictor of his likelihood to return to court for trial. Furthermore, follow-up of the defendant released on recognizance prior to the court appearance date would help insure his return.

The Bail Project was con-

cluded in 1964 when the New York City Office of Probation assumed responsibility for making ROR recommendations and extended the program to the other four boroughs. In 1972, Justice Richard J. Bartlett, then chairman of the State Crime Control Board, and Judge David Ross, then administrative judge of the Criminal Courts; the State Department of Criminal Justice Services and the Mayor's Criminal Justice Coordinating Council asked the Vera Institute to establish an experimental agency to refine the ROR procedure, reduce the rate of non-appearance by ROR'd defendants in court and open pretrial alternatives to a larger group of defendants. To further these goals, PTSA began functioning at 56 Court Street, Brooklyn, on June 4, 1973.

In addition to ROR interviewing, verification and follow-up,

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the agency operates a program of supervised release which has demonstrated that certain "high risk" defendants can be released without bail under special conditions of supervision. The agency also includes a service office that assists both incarcerated and released defendants with personal and family difficulties. A bail reevaluation service was added in October.

Funded by LEAA

The agency operates in cooperation with judges, police departments of probation and corrections, the district attorney's office and defense counsel—both Legal Aid and the private bar. Its current operations and plans for expansion are funded by the Federal Law Enforcement Assistance Administration through Mayor Beame's Criminal Justice Coordinating Council.

The first year's record has been promising. PTSA has found that 64 per cent of defendants have community ties that would justify release on their own recognizance. The agency has recommended ROR in these cases and, in slightly more than half of them, judges have agreed.

Of the 27,710 cases reviewed by PTSA, 3,492 were disposed of at arraignment and 9,929 or 41 per cent of the remaining defendants were ROR'd. The ROR's include 52 per cent of defendants recommended or found qualified for ROR by the agency, 23 per cent of those not recommended and 21 per cent of all others, including those with outstanding warrants.

The agency follows up on all ROR'd defendants, whether or not they had been found qualified by the agency before arraignment. Preliminary research on their willful failure to appear at scheduled court appearances is encouraging; during the first four months of agency operations, the willful skip rate for all ROR'd defendants was 7 per cent, for PTSA-recommended defendants, it was 3.5 per cent. In the last two months, the rates have been reduced below 4 per cent and 2 per cent respectively.

verified" defendants to "Recommended" status for presentation to the court in subsequent appearances. This is done by follow-up procedures which attempt to verify the information previously received.

Copies of the questionnaire are presented to the court, district attorney and defense counsel at arraignment. As a public record, the form is also available to private counsel that may subsequently handle the case and to probation staff responsible for pre-sentence investigation.

Arraignment Procedure

At the arraignment, a PTSA court representative is present to answer any questions from the court and to record the judge's bail status decision, thus setting in motion the agency's notification routine.

PTSA attempts to contact every ROR'd defendant immediately after arraignment to verify his address and telephone number and to be sure he knows when and where he is next to appear in court. Prior to each required court appearance, he is notified in writing. Notification, which is scheduled by computer, takes the form of telephone calls, letters and field visits to the defendant's residence or, if necessary, to the addresses of known contacts.

Computer tracking of transactions between the agency and the defendants has made it possible to identify certain groups with high skip rates and to design special follow-up procedures to reduce the rate of failure to appear. Such groups include those who fail to contact PTSA on their own initiative, those who fail to acknowledge receipt of a court date notification letter, and those without a telephone. The notification letters are in Spanish and English. In addition, PTSA maintains a bilingual staff on a twenty-four hour basis.