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# An Experiment in Bail Reform

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## Examining the Impact of the Brooklyn Supervised Release Program

By Josephine W. Hahn



520 Eighth Avenue, 18<sup>th</sup> Floor  
New York, New York 10018  
646.386.3100 fax 212.397.0985  
[www.courtinnovation.org](http://www.courtinnovation.org)

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For correspondence, please contact Josy Hahn, Center for Court Innovation, [hahnj@courtinnovation.org](mailto:hahnj@courtinnovation.org).

## Table of Contents

Acknowledgements	i
Executive Summary	iii
Chapter 1. Introduction	1
Chapter 2. Research Design and Methodology	6
Chapter 3. Net Widening Results	15
Chapter 4. Impact Evaluation Findings	18
Chapter 5. Participant Characteristics Associated with Program Completion	22
Chapter 6. Findings from Participant Surveys and Staff Interviews	27
References	40
Appendix A: Defendant Survey Instruments	43
Appendix B: Staff Interview Instrument	55
Appendix C: Baseline Characteristics among Supervised Release Cases with and without Bail Data	58

## Executive Summary

In his State of the Judiciary address in February 2013, former New York State Chief Judge Jonathan Lippman called on state policymakers to reform the use of money bail in order to reduce its potentially deleterious consequences for defendants who are incarcerated due to an inability to pay. In November 2013, the Unified Court System followed suit by funding the Center for Court Innovation to implement the Brooklyn Supervised Release Program, a pilot initiative focusing on misdemeanor defendants who cannot afford relatively low bail amounts (generally \$1,500 or less). In collaboration with judges, prosecutors and defense attorneys in Kings County (Brooklyn), the program seeks to engage and closely monitor participating defendants in an effort to ensure that they appear for their court dates. In addition, the program provides individual case management and links to voluntary community-based referrals, where appropriate. The goals of the Brooklyn Supervised Release Program are to minimize failures to appear in court; reduce reliance on pretrial detention due to an inability afford money bail; minimize the potential collateral consequences of incarceration on defendants and their families; and enhance participant perceptions of fairness in the justice system.

To evaluate the impact of Brooklyn Supervised Release, researchers conducted a mixed methods study. Specifically, researchers used propensity score matching to establish a suitable comparison group that was not offered the opportunity to participate in the program but had otherwise similar characteristics at baseline. All defendants in the Brooklyn Supervised Release sample were arraigned November 25, 2013 through September 30, 2014, whereas comparison defendants were arraigned in the year prior to program launch, from November 25, 2012 through November 24, 2013. The samples were compared on the following criminal justice outcomes: (1) warrants issued (for failure to appear in court); (2) case processing length; (3) release status and days spent in pretrial detention during the case; (4) final case dispositions and sentences; and (5) re-arrests (e.g., misdemeanor, felony or violent felony).

Additional analysis was conducted to examine whether the Supervised Release Program had a net widening effect (e.g., whether the program was assigned to less serious cases that would have otherwise received lower bail amounts or been released on their own recognizance). Researchers supplemented the aforementioned quantitative analyses with participant surveys (24 pre-surveys and 13 post-surveys) to gauge perceptions of fairness in the justice system, as well as staff interviews to understand key strengths, challenges and recommendations.

### Major Findings

#### *Examination of Potential Net Widening Effects*

Results showed that the Brooklyn Supervised Release Program did not engage in net widening. The program enrolled the intended target population, composed of comparatively serious misdemeanor defendants who would have otherwise faced significant bail. Specifically, program participants were compared to both broadly similar misdemeanor cases (based on having a comparable range of bail amounts requested by the prosecutor) and to the general population of misdemeanor defendants in Brooklyn. In both analyses, Supervised Release participants were

more likely to be male and non-white, and represented a more serious population, seen in current charges, prior histories (more prior misdemeanor, felony and violent felony arrests) and specific bail amounts requested. If they were not engaged in the program, the evidence suggests that program participants would have seen bail that is approximately \$500 more than similar misdemeanants and over \$1,500 higher than all other misdemeanants in Brooklyn. Moreover, according to the flight risk assessment that the New York City Criminal Justice Agency administers to criminal defendants citywide, 94% of Supervised Release participants were deemed “Not Recommended for Release on own Recognizance (ROR)” (i.e., high risk), indicating that the program appropriately engages a high flight risk population.

### *Impact on Criminal Justice Outcomes*

- **Release Status:** All Brooklyn Supervised Release Program participants were released for some portion of the pretrial period, whereas only 47% of comparison cases were released for part of the pretrial period. In addition, over three-quarters (77%) of Supervised Release cases were released throughout their case, whereas only 12% of comparison group members were released throughout the case.
- **Days in Pretrial Detention:** Participants in the Brooklyn Supervised Release Program averaged 85 percent fewer pretrial detention days than the comparison group (4 days vs. 26 days). This finding demonstrated that the program met its primary goal of reducing the use of pretrial detention.
- **Failure to Appear in Court:** Although this difference only approached statistical significance, Supervised Release Program participants were more likely than comparison cases to be issued a warrant for failure to appear (FTA) for scheduled court appearances (21% vs. 13%). When conducting analysis with released defendants who were actually at risk for FTA, the FTA rates were statistically identical (21% vs. 20%). However, Supervised Release cases averaged more days on an outstanding warrant than the comparison group (26 days vs. 10 days).
- **Criminal Convictions:** Brooklyn Supervised Release Program participants were significantly less likely than the matched comparison group to receive a misdemeanor criminal conviction (21% vs. 38%), confirming previous research that links pretrial detention to an increased exposure to a conviction at disposition.<sup>1</sup>
- **Use of Jail at Sentencing:** Brooklyn Supervised Release Program participants were less than one-third as likely as the comparison group to receive a jail sentence at the end of their case (11% vs. 34%), also confirming prior research that links pretrial detention to a greater likelihood of subsequent incarceration at sentencing.

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<sup>1</sup> Non-criminal dispositions included case dismissal or acquittal (22% for Supervised Release vs. 16% for comparison cases), adjournment in contemplation of dismissal—which generally leads to a dismissal after six additional months (11% vs. 4%), or a violation or infraction level conviction, where violations and infractions are technically not crimes and do not create a criminal record (46% vs. 42%).

- **Re-arrest:** At one year after the initial arrest, Brooklyn Supervised Release and comparison cases showed no differences in felony or violent felony re-arrests. Although the finding only approached statistical significance, program participants were more likely than the comparison group to have a misdemeanor re-arrest (60% vs. 51%). Survival analysis indicated the differences in re-arrests declined between groups over time. (Initial differences in re-arrests may partly reflect that more Supervised Release participants were released with more time at risk in the community, whereas more of the comparison group was detained.)

### *Characteristics Associated with Program Completion*

The program completion rate for Brooklyn Supervised Release cases was 72 percent. Completers, defined as those who were not detained or did not have bail set by case disposition, were more likely to be male, black and to report some type of social support (e.g., being in a relationship, having children, receiving support from friends and family, or ever receiving behavioral health services like counseling).

### *Participant Perceptions*

- **Perceptions of Procedural Justice in Court:** The vast majority of program participants who completed pre-participation surveys reported understanding their legal rights (88%), court rules (96%), and consequences of violating these rules (96%). Results from the same survey indicated that most participants reported that they were treated fairly by the judge (75%), defense attorney (100%) and prosecutor (54%).
- **Perceptions of the Supervised Release Program:** In post-participation surveys, participants reported satisfaction with program staff (100%), the frequency of program check-ins (100%) as well as the program generally (100%). Overall, 77% reported that they were treated fairly in the Supervised Release Program. In interviews, many participants cited program staff as a strength, citing how staff treated participants with respect, listened to them, provided them with a safe and confidential place, and offered help in court and program appointments, along with other social service needs.

### *Perceptions of Program Staff*

- **Court Challenges:** Nearly all staff pointed to the challenges of operating out of the chaotic environment of the high volume downtown Brooklyn Criminal Court. Several staff relayed that participants often reported confusion about their court proceedings. Staff also reported that the court's high volume and rotating staff meant working with many different judges and attorneys, where introducing the purpose and protocols of Brooklyn Supervised Release was an ongoing challenge.
- **Program Challenges and Recommendations:** Recognizing the limits of operating primarily as a supervision program, several staff recommended developing on-site social services programming for participants, such as group sessions that incorporated evidence-

based practices addressing trauma and criminal thinking. A number of staff called for expanding case eligibility to felony-level cases, such as nonviolent felonies.<sup>2</sup>

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<sup>2</sup> As part of a recent citywide bail reform initiative led by the Mayor’s Office of Criminal Justice (MOCJ), beginning in approximately the spring of 2016, the Center for Court Innovation will run a transformed Brooklyn Supervised Release Program that will have wider eligibility criteria, including nonviolent felony cases.



# Chapter 1

## Introduction

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In recent years, bail practices nationwide have come under scrutiny due to the detention of sizable numbers of misdemeanor offenders who cannot afford to post bail (Human Rights Watch 2010; Phillips 2012). In a review of New York City bail practices and bail research over a decade, Phillips (2012) reported that among misdemeanor cases where the judge set bail in New York City, over 75% had bail set at \$1,000 or less, but most defendants (65%) were unable to post that amount at arraignment and were consequently detained pretrial. In 2009, over half of the New York City jail population consisted of pretrial detainees. In addition, the vast majority of pretrial detainees held on low-level bail (\$1,000 or less) were black (58%) or Latino (31%).

Some evidence indicates that pretrial detention may be associated with worse criminal justice outcomes for the defendant, including greater exposure to a conviction and severe sentencing outcomes (Phillips 2007; as reviewed by Phillips 2012). More recent studies conducted by Lowenkamp et al. (2013) and Williams (2003) have found that defendants detained during pretrial were much more likely to be sentenced to jail and prison, and to receive longer jail and prison sentences. Additional research shows that while incarceration may decrease crime in the short-term, it may increase recidivism in the long term (Cullen, Jonson and Nagin 2011). Potential consequences include exposure to higher strain and trauma among defendants while imprisoned, as well as limited job opportunities and social supports when they are released (Listwan et al. 2013).

Nonetheless, there is a lack of pretrial release programs nationwide, especially for misdemeanor cases. A few exceptions are seen in statewide supervision programs in Kentucky (Kentucky Pretrial Services, Administrative Office of the Courts, 2013), a citywide release program in the District of Columbia (Kim and Denver, 2011), and the Pretrial Services Program in Broward County, Florida (Office of County Auditor, 2009). However, existing programs generally lack standardization, including definitions of supervision, as well as supervision requirements and protocols (e.g., standards for graduation, noncompliance and termination; VanNostrand, Rose and Weibrecht 2011).

Further, limited research and evaluation to date demonstrate mixed results concerning the impact of pretrial supervision programs as well as effective supervision strategies (Austin, Krisberg and Litsky 1985; Goldkamp and White 2006). In general, research shows that more traditional supervision programs that largely focus on defendant surveillance (e.g., making court appearances) show little to no reductions in recidivism, though supervision programs that included more treatment services were found to be more effective (see review by Lowenkamp et al. 2010).

Operated by the New York City Criminal Justice Agency, the Queens Supervised Release Program<sup>3</sup> serves eligible felony defendants, defined as those who would otherwise be detained due to their inability to pay bail. The program requires ongoing contact throughout the case and offers referrals for social services (i.e., substance abuse and mental health issues flagged at

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<sup>3</sup> The New York City Criminal Justice Agency has operated two supervised release program for nonviolent felony defendants in Queens (since 2009; Solomon et al. 2013) and Manhattan (since April 2013; Solomon, 2014).

intake). A recent impact evaluation of the Queens Supervised Release Program compared 833 felony program participants to a comparison group of similar felony defendants seen in the Queens courts in the year prior to program launch (Solomon 2015). In the sample, top felony charges were drug (53% in program cases vs. 49% in comparison cases) and property charges (31% vs. 33%). In terms of outcomes, the samples did not statistically vary in pretrial detention days (132 days for program cases and 136 days for comparison cases). Program and comparison cases also showed similar conviction rates (87% vs. 82%). However, in terms of sentencing, program cases were less likely to receive a prison or jail sentence versus the comparison group (18% vs. 39%) and more likely to receive a conditional discharge than comparison cases (53% vs. 39%; Solomon 2015).

Like the Queens Supervised Release Program, most programs to date have been designed for felony-level defendants. Little research has been conducted on misdemeanor supervision programs to examine either program operations or impact (Phillips 2012). Further, with few exceptions (Lowenkamp and VanNostrand 2013; Solomon 2015), most studies completed to date lack a rigorous analytic design. Several supervision programs only report descriptive results in internal program reports (e.g., percentages reported in annual reports and budget justifications) and do not compare outcomes to a matched comparison group (Broward County Office of County Auditor, 2009; Kentucky Pretrial Services, 2013). Accordingly, more research is necessary to examine what strategies are best applied to misdemeanor as opposed to felony cases, various charge types, and defendants with varying individual needs (e.g., substance abuse, mental health and housing; VanNostrand, Rose and Weibrecht 2011).

As a result, the current study was designed to understand the model and key outcomes of the Brooklyn Supervised Release Program, a pretrial program for misdemeanants piloted by the Center for Court Innovation and housed in the Brooklyn Criminal Court (described below).

## **Brief Overview of the Brooklyn Supervised Release Program**

In his State of the Judiciary address in February 2013, former New York State Chief Judge Jonathan Lippman called on state policymakers to reform the use of money bail in order to reduce its potentially deleterious consequences for defendants who are incarcerated due to an inability to pay bail. In November 2013, the Unified Court System followed suit by funding the Center for Court Innovation to implement the Brooklyn Supervised Release Program, a pilot initiative focusing on misdemeanor defendants who cannot afford relatively low bail amounts (averaging about \$1600). This initiative constitutes one of several programs operated by the Center for Court Innovation as part of an umbrella project known as Brooklyn Justice Initiatives.<sup>4</sup> The Brooklyn Supervised Release Program aims to minimize failures to appear for scheduled court dates; reduce reliance on pretrial detention for misdemeanor defendants; minimize the negative impact of detention on individual lives; and enhance the justice system's perceived and actual fairness. A brief description of the program is provided below.

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<sup>4</sup> Brooklyn Justice Initiatives is housed in the Brooklyn Criminal Court and Brooklyn Supreme Court. Other programs encompassed under the Brooklyn Justice Initiatives umbrella include an alternative to incarceration program for youth and young adults ages 16 to 24; a prostitution diversion court program (known as the Brooklyn Human Trafficking Intervention Court), which diverts prostitution defendants to a range of specialized services; and a mental health diversion program. For more information about Brooklyn Justice Initiatives, go to: <http://www.courtinnovation.org/project/brooklyn-justice-initiatives>.

### ***Program Staffing***

During this study, the Supervised Release Program was staffed by one project director, two court liaisons (one for daytime court hours and one for evening court hours) and three case managers.<sup>5</sup> The project director was a licensed social worker who oversaw operations for Supervised Release and all other Brooklyn Justice Initiatives programming. Court liaison staff reviewed potential cases in arraignment court parts to determine program eligibility, conduct intake and screenings with eligible defendants, provided participant updates to the court, and collaborated with court staff and case managers. Case managers were social workers who conducted individual assessments, provided participant supervision, tracked participant progress and provided community-based services for appropriate participant referrals.

### ***Program Referral and Screening***

Program referral to the Brooklyn Supervised Release Program begins at arraignment or at subsequent adjournment dates in the Brooklyn Criminal Court. Generally, two judges preside over daytime arraignments and two preside over evening arraignments.<sup>6</sup> Any arraignment judge (as well as judges who hear the case subsequently) may refer a case to the program, and each program participant may be seen by a range of judges throughout the dispositional process.

Eligibility screening occurs in court. Referrals come from a combination of defense attorney referrals, cases flagged by the court liaison, and cases referred by the judge. Most often, defense attorneys flag potentially eligible cases with interested defendants to the Supervised Release court liaison. Similar to the Criminal Justice Agency's Queens Supervised Release Program (Solomon, 2015), the defense attorneys play an important role and provide an additional screen, designed to avoid potential net widening by ensuring that only those defendants who would not otherwise be released on their own recognizance are enrolled. For program eligibility, the court liaison reviews the following case criteria:<sup>7</sup>

- The Criminal Justice Agency (CJA), which administers a pretrial flight risk assessment to defendants pre-arraignment throughout New York City, assessed that the defendant was “Not Recommended for ROR” (i.e., “high risk,”); or, in cases not assessed as high risk, defense counsel recommended a program referral based on a perceived likelihood that bail would nonetheless be set;
- Misdemeanors only and no charges involving domestic violence;<sup>8</sup>
- At least one prior arrest on a misdemeanor or felony charge;

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<sup>5</sup> As of December 2015, Brooklyn Justice Initiatives staffing expanded to the following: a project director, a deputy director, a clinical director, a director of intake and court operations, four social workers, three court liaisons and one office manager/intake specialist.

<sup>6</sup> Judges preside over arraignment parts on a rotating basis in the Brooklyn Criminal Court. Judges presiding over arraignments on weekdays are from the Brooklyn Criminal Courts, and judges presiding on weekends are from the Brooklyn Supreme Court.

<sup>7</sup> There are no set number of failure-to-appear and open warrants considered. However, these factors are taken under consideration in combination with program eligibility criteria.

<sup>8</sup> Defendants eligible for the Misdemeanor Brooklyn Treatment Court, a drug court in the Brooklyn Criminal Court for misdemeanor defendants with at least 12 prior convictions, are presumed ineligible at arraignment, but those who subsequently decline participation in the treatment court or are otherwise not enrolled in it could be considered for supervised release at a later court date.

- No more than six (6) misdemeanor convictions within the past 10 years and/or no more than one (1) felony conviction within the past 10 years;<sup>9</sup>
- No open arrest warrants (unless the warrant is vacated by arraignment);<sup>10</sup>
- No active parole, immigration, or other holds; and
- Verified residential address (including temporary housing) and verified personal or professional contact, as derived from the CJA interview or obtained by program staff.

In order to review case eligibility, the Supervised Release court staff will conduct a brief screening interview to confirm eligibility with defendants in holding cells during pre-arraignment. Here, the Supervised Release court liaison reviews the defendant's charges, criminal history, warrant history, and release or bail recommendation made by CJA. Staff also explain the program, confirm ability to participate, verify address and contact information, and obtain consent. The process allows staff to identify defendants at greatest risk of pretrial detention and divert participants who are appropriate for community-based supervision.<sup>11</sup>

For all potential participants, the court must consider whether referral to the program is appropriate in lieu of bail being set, and the judge must consent to the program. On average, requested bail from prosecutors for Supervised Release cases is intended to range from \$500 to \$1,500. (Research conducted as part of this study will confirm the actual bail requests.)

### ***Program Engagement***

After the court releases the participant into Supervised Release, participants are assigned a case manager who conducts full intake at Supervised Release offices, located in the downtown Brooklyn Criminal Court. During intake, the case manager collects information on the current case, demographics, as well as additional contact information from the participant (i.e., contact information for family, friends, local service providers and any others who can reach the participant). At intake, case managers also screen for any individual needs (e.g., substance abuse, mental health and housing or education) and refer participants to voluntary social services.

After intake begin an intensive two-week orientation period where participants attend two in-person case management sessions<sup>12</sup> and respond to weekly random phone calls with their case managers at Supervised Release offices.

Upon completing orientation, all participants are assigned to a regular supervision schedule. Participants who have been compliant with initial program requirements over the two weeks of orientation (i.e., attending program sessions and being responsive to any staff outreach) then move to a Tier 2 supervision schedule, attending in-person sessions every two weeks. After demonstrating compliance for approximately six weeks (usually the period until the first court

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<sup>9</sup> Program staff consider defendants who fail to meet this criterion upon request by the court, prosecutor, and/or defense counsel.

<sup>10</sup> Within the first few months of program operations, this criterion was also changed, such that participants with open warrants were accepted into the program, but only with the judge's order that the participant had to clear any existing open warrants, so that their release status would not be jeopardized.

<sup>11</sup> In some cases, eligible defendants have been referred after arraignment. For such cases, the court liaison still conducts the in-person screening to confirm program eligibility, which the judge will then review and provide consent.

<sup>12</sup> In these individual sessions, case managers provide participant supervision, refer participants to voluntary social service interventions, and help to promote compliance with pretrial release conditions such as court appearances.

appearance at post-arraignment), participants can move up to Tier 1, where they attend monthly in-person sessions.

Throughout program engagement, starting with the orientation phase, participants receive random weekly phone calls from case management staff for regular appointment and court date reminders. Participants have 24 hours to return these calls in order to remain in compliance with program conditions. If participants fail to appear for an in-person session or fail to return a phone call without an excused absence (e.g., a doctor's note) within 24 hours, they are moved to a higher supervision tier, which increases the frequency of in-person sessions. For example, if participants are noncompliant at Tier 2, they move to Tier 3, which requires weekly in-person sessions.

Concerning how the program responds to any noncompliance with its requirements, a protocol requires Supervised Release staff to notify the court within 48 hours. The judge decides whether to advance the case immediately or stay with the original court date. At this subsequent court appearance, the judge reviews individual performance to decide whether the participant will continue in the program, possibly with additional supervision requirements, or whether the participant has failed the program, likely leading to remand or the setting of bail. If the participant does not appear for this court appearance or any related court appearance, the judge will issue a warrant.

Supervised Release participants are enrolled until their case has reached disposition in court. Program completers are defined as those who are still enrolled in the program when their case is disposed. In general, completers regularly showed up to their court appearances, attended program sessions and responded to random program phone calls via phone, email or text.

In contrast, program non-completers are defined as participants who did not complete program requirements and, therefore, were removed from Supervised Release by the court. Most often, participants are terminated due to repeated noncompliance, having absconded, or having been re-arrested for a serious offense, usually a violent felony or any other arrest where the participant is detained and bail is set on the new case. In these cases, the Supervised Release staff notifies the court immediately that the participant is no longer engaged in the program and the reason why. Of note, the court is notified of any participant who is re-arrested. However, in many cases (e.g., those involving nonviolent misdemeanor charges, where the participant is released and no bail is set on the new charge), the judge can decide that the participant remains under program supervision.

The Supervised Release Program continues to be a resource for all former participants who seek voluntary community-based referrals.

## **Chapter 2**

### **Research Design and Methodology**

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This chapter outlines the process evaluation methodology as well as the quasi-experimental design and methods used in the impact evaluation. Key background characteristics among Brooklyn Supervised Release Program and comparison cases are also presented.

#### **Qualitative Methodology**

##### ***Defendant Surveys***

To assess the program goal of increasing defendant perceptions of fairness, researchers conducted a pre- and post-survey with Supervised Release defendants who consented to research participation and were engaged in the program between January and September 2014, with recruitment and scheduling help from trained program staff. Twenty-four participants consented to the research and completed the pre-surveys. In total, 13 participants completed *both* pre- and post-surveys for a response rate of 54 percent.<sup>13</sup> On average, pre-surveys were completed about two weeks (13 days) after program start, and post-surveys were conducted about two months (62 days) after the pre-survey.<sup>14</sup> Results from the defendant surveys can be found in Chapter 6. Protocols can be found in Appendix A.

##### ***Staff Interviews***

To understand the Supervised Release Program model, researchers conducted semi-structured staff interviews in January 2015. Topics included the strengths and challenges of the pilot program and the Brooklyn Criminal Court. Researchers contacted eight program staff that had direct involvement with Supervised Release cases. In total, six staff completed interviews for a response rate of 75 percent. Results from the staff interviews can also be found in Chapter 6. Protocols can be found in Appendix B.

#### **Quantitative Methodology**

The following three components comprised the quantitative analysis: the impact evaluation, the net widening analysis and an analysis of within-program predictors of success.

##### ***Sampling Frame and Measures***

Official court data was obtained from the New York State Office of the Court Administration (OCA), and program administrative data was obtained from the Justice Center Application

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<sup>13</sup> Reasons for 11 participants not completing post-surveys included: participants who had completed the program and were lost to follow up; participants who were engaged in residential treatment programs; participants who opted out without further explanation; and participants who were re-arrested on a new case and/or remanded, which prevented their participation.

<sup>14</sup> The Brooklyn Supervised Release Program was anticipated to be short-term engagement, confirmed by average program length of about three months (91 days). As a result, post-surveys were planned for and conducted approximately two months after pre-surveys.

(JCA), the program database utilized by the Brooklyn Supervised Release Program. Official records were requested for all cases arraigned in Brooklyn Criminal Court from 2012 to 2014.

For both program impact and net widening analyses, Supervised Release Program cases consisted of those arraigned between program launch from November 25, 2013 until September 30, 2014. These cases received final sentencing mandates and had a sufficient follow-up time for re-arrest outcomes (at least one year). However for predictors analysis involving Supervised Release participants only, cases consisted of participants arraigned between November 25, 2013 and December 31, 2014, in order to maximize the sample size and because follow-up for outcomes (e.g., re-arrest) were not required for this program only analysis. The comparison group consisted of a matched sample of misdemeanor cases arraigned in the year prior to program launch, between November 25, 2012 and November 24, 2013. We conducted analyses using the following measures.

*Baseline Characteristics:*

- Demographics: OCA data included defendant age at arraignment, sex, and race/ethnicity (black, Latino, white or additional race/ethnicities, including Asian, Native American, multi-racial, or unknown).
- Criminal History: OCA data included the number of prior arrests overall, as well as prior misdemeanor, felony or violent felony arrests. Prior arrest measures were created for any prior arrest, any prior misdemeanor, any prior felony and any prior violent felony arrest.
- Current Charge: From OCA data, we classified top arraignment charge into three severity categories (i.e., violation/infraction, misdemeanor and felony)<sup>15</sup> and different charge type categories (i.e., assault, property, drug, traffic and miscellaneous charges).
- Top Crime Precinct: Based on OCA data, we identified a few top crime precincts where arrests occurred more frequently among Supervised Release participants and comparison cases. To ensure sufficient sample size, we only broke out precincts into separate categories where 7% or more participant arrests had occurred: Precinct 73 (Ocean Hill/Brownsville), Precinct 81 (Brownsville), Precinct 75 (East New York) and Precinct 79 (Bedford-Stuyvesant).

*Outcomes:*

- Case Disposition: From OCA data, we classified final dispositions as criminal convictions (i.e., guilty of a misdemeanor) and noncriminal convictions (i.e., dismissed/acquitted, Adjourment in Contemplation of Dismissal [ACD],<sup>16</sup> or violation or infraction convictions.<sup>17</sup>

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<sup>15</sup> The vast majority (97%) of Supervised Release cases were misdemeanors at arraignment, but a few violations and felonies were accepted at arraignment on a case-by-case basis.

<sup>16</sup> In New York State, ACDs are dismissed six or 12 months later depending on the charges, except in rare instances when the prosecutor moves to re-open the case prior to the dismissal. Follow up data for ACDs (e.g., whether the case was dismissed or not) was not provided.

<sup>17</sup> Violation and infraction convictions are not technically convictions of a crime and, as such, do not create a criminal record.

- Sentence Type: Based on OCA data, we classified final sentence types for those cases with a sentence as jail (one year or less, with one year the maximum sentence length for misdemeanor convictions) and other sentences (e.g., conditional discharge, fines and time served). Not sentenced cases were those receiving dismissals, acquittals or ACDs.
- Case Processing and Warrants: We calculated the case processing length variable based on days between arraignment and disposition dates from OCA data. We also classified warrants for failures to appear based on any warrants issued between arraignment and disposition dates recorded in OCA data.
- Bail: Among Supervised Release participants, we used JCA bail cash data to represent bail that was originally requested at arraignment or would have been requested had the participant not enrolled in the program.<sup>18</sup> For the comparison group, we used OCA bail cash data to remain consistent with how bail amounts were recorded in the program.
- Release Status: We classified release status based on arraignment release status (whether released at arraignment) and last release status (whether released as of disposition) from OCA data. The four categories were as follows: (1) cases that were released at both arraignment and disposition (2) cases that were released at arraignment but detained by disposition, (3) cases that were detained at arraignment but released by disposition, and (4) cases that were detained at both arraignment and disposition.
- Detention Days: Because detention data were not available for this study, we created a proxy measure for pretrial detention days, defined based on release status measures described above. For Category 1, cases that were released at both points, detention days were assumed to be at or close to zero days (hence coded as zero). For cases that were released either at arraignment or disposition, we approximated detention stays, based on an average estimate of detention days for these types of cases.<sup>19</sup> For Category 2, cases released at arraignment and detained as of disposition, average detention stays were calculated based on an average of 40% of days from arraignment to disposition in detention. For Category 3, cases detained at arraignment and released as of disposition, average detention stays were calculated based on an average of 45% of days from arraignment to disposition. For Category 4, cases that were detained at both points, detention days were calculated based on days between arraignment and disposition dates.
- Re-arrests: OCA data included the number of re-arrests by type overall, as well as any misdemeanor, felony or violent felony re-arrests over (1) a six-month tracking period following initial arrest and (2) a one-year tracking period following initial arrest.

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<sup>18</sup> Some Supervised Release Program cases were engaged post-arraignment, so bail information that would have been set instead of the program participation was not provided for these cases (N=41).

<sup>19</sup> Average detention estimates are based on data from the New York City Department of Correction.



## Research Objectives

This study had the following three objectives:

- 1) Net Widening: To examine any potential net widening effects by testing whether the existence of the Supervised Release Program has increased the severity of release decisions among misdemeanor cases that ordinarily would not have received bail (i.e., would have been released on their own recognizance [ROR]) but instead received the Supervised Release Program.
- 2) Impact Evaluation: To assess the program goals of reducing reliance on pretrial detention and minimizing the negative impacts of incarceration, this analysis tests the impact of the Supervised Release Program on the following criminal justice outcomes: (1) warrants issued for failure to appear in court; (2) case processing length; (3) release status and days spent in pretrial detention during the case; (4) final case dispositions and sentences; and (5) re-arrests (e.g., misdemeanor, felony or violent felony).
- 3) Predictors: Conducted with Supervised Release participants only, this analysis examines which factors (i.e., demographics, criminal history, charges, self-reported needs and program engagement) are associated with program completion versus non-completion.

### *Analytic Plan for Net Widening*

Given that all Supervised Release participants have been released to the program pretrial in lieu of a requested bail amount, we wanted to test whether appropriate misdemeanor cases were engaged in the Supervised Release Program. We wanted to ensure that cases that were generally released with no bail prior to program launch were not simply assigned bail amounts to be eligible for the program after launch. To test for any potential net widening, we conducted analysis to ensure that such low-risk cases with lower bail amounts were not engaged in Supervised Release (e.g., where after program launch, cases that previously would have been ROR'd now had bail set in order to be enrolled in the program).

In order to examine any potential net widening effect, we tested baseline differences and bail amounts of Supervised Release cases versus the two groups of misdemeanor cases arraigned in the year prior to program launch:

- 1) Group A consisted of misdemeanor cases similar to Supervised Release cases, according to program eligibility criteria (described further below in the initial non-matched comparison group selection)<sup>20</sup> and having similar bail range set (i.e., a range of \$250 to \$10,000).<sup>21</sup> We wanted to test for any differences in bail or key case characteristics (e.g., charge type and prior arrests) between Supervised Release cases against similar misdemeanor cases based on the aforementioned bail range criteria.
- 2) Group B consisted of all misdemeanor cases arraigned in the year before program launch in order to examine potential differences (especially bail amounts) between Supervised

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<sup>20</sup> However, for this analysis, we did not conduct random selection of prior arrests, as described later in footnote 27, because we wanted to test for any differences between Supervised Release Program cases versus similar cases with a comparable bail range.

<sup>21</sup> The bail range for Supervised Release cases was \$250 to \$8,000, but given variability in bail practices, we increased the comparison group maximum to \$10,000.

Release cases and the general population of misdemeanants arraigned at Brooklyn Criminal Court.

Results for the net widening analysis are presented in Chapter 3.

### *Analytic Plan for Impact Evaluation*

#### Propensity Score Matching

In this quasi-experimental study, we employed propensity score matching, which is considered a strong method to reduce selection bias between treatment and comparison groups (Luellen, Shadish and Clark 2005; Rosenbaum and Rubin 1983, 1984; Rubin 1973). A propensity score is calculated based on baseline characteristics (i.e., a summary score of demographics, criminal history, current charge, and top crime precinct) to determine an individual's likelihood of being in the treatment or comparison group.

Propensity score modeling proceeded as follows. We first conducted bivariate comparisons between the treatment and comparison samples on all baseline characteristics. There were several statistically significant differences (e.g., number and type of prior arrests), given that the majority of misdemeanor cases arraigned in the year prior to program launch were lower risk cases (e.g., no prior arrests with more quality-of-life<sup>22</sup> and traffic charges) and more likely to be released with no bail. (See net widening results in Chapter 3, Table 3.1, Column B). As per Supervised Release eligibility criteria, we excluded cases that were disposed in specific Kings County court parts that respectively handle drug court and domestic violence cases.<sup>23</sup> In addition, to select for cases whose characteristics are similar to Supervised Release defendant characteristics, we excluded the following: (a) defendants who were older than 67 years old;<sup>24</sup> (b) those of Asian/Pacific Islander, Native American or mixed race background;<sup>25</sup> (c) cases charged with infractions, violations or felonies at arraignment;<sup>26</sup> (d) cases who did not have bail set at \$250 to \$10,000; (e) cases with over 38 prior misdemeanor arrests, over 15 prior felony arrests, and over 9 prior violent felony arrests;<sup>27</sup> and (f) cases with any outstanding warrants at arraignments. The initial non-matched comparison sample was 1204 misdemeanor cases.

To calculate the propensity score, we entered select baseline characteristics into a backward stepwise logistic regression, where the dependent variable was group membership (0 = comparison, 1 = Supervised Release). We included the independent variables when the bivariate analysis yielded a p-value of .50 or less. Given this liberal inclusion criterion, the propensity

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<sup>22</sup> Quality of life offenses are non-violent misdemeanor offenses such as marijuana possession, prostitution, turnstile jumping and shoplifting.

<sup>23</sup> These include cases disposed in the Misdemeanor Brooklyn Treatment Court part, or Domestic Violence 1 (DV1) or Domestic Violence 2 (DV2) court parts. Among DV1 and DV2 court part cases, these may also involve elder abuse or family violence cases.

<sup>24</sup> Among Supervised Release participants, the age range is 16 to 67 years old.

<sup>25</sup> One Supervised Release participant was missing race/ethnicity data.

<sup>26</sup> Two Supervised Release cases were arraigned as violations, and three Supervised Release Program cases were arraigned as felonies.

<sup>27</sup> These numbers represent the maximum number of prior arrests statewide among Supervised Release cases by arrest type and should not be confused with prior convictions considered in program eligibility. Because the overall misdemeanor population was more likely to have no prior arrests, we conducted a random selection of comparison cases that had no prior misdemeanor arrests and no prior felony arrests. This method was used in order to exclude more comparison cases that were lower risk and less serious than Supervised Release cases.

score generated was most likely to balance differences between treatment and comparison groups (Rosenbaum 2002; Rubin & Thomas 1996). We computed one model, including all variables meeting the inclusion criterion with complete data.<sup>28</sup> When reviewing the propensity scores, we deleted 1 Supervised Release case and 24 comparison cases, due to lack of common support.

Next, we selected a propensity score adjustment method. Because of the relatively large comparison group (N = 1204), we opted for propensity score matching, using a 1:1 ratio. The final sample included 164 Supervised Release and 164 matched comparison cases with no baseline differences.<sup>29</sup> Descriptive findings are reported below (see also Table 2.1). In addition, we report mean values for each outcome of interest (e.g., release status, detention days, case processing times, dispositions, sentence types and recidivism). Impact evaluation results can be found in Chapter 4.

### Survival Analysis

We also conducted Kaplan-Meier survival analysis to test for any differences in the days to one year re-arrest between Supervised Release and comparison cases (Kaplan & Meier, 1958). The Kaplan-Meier estimate was selected to account for variations in initial arrest dates and times to re-arrest (i.e., starting point and duration) for all cases in the impact evaluation.

## **Final Sample Characteristics**

Table 2.1 presents Supervised Release Program and comparison group characteristics and any baseline differences between study groups at the time of their court arraignment. Column A (see middle column) demonstrates the initial baseline differences between Supervised Release cases and the initial comparison cases. Column B (see right-hand column) shows the characteristics of the final matched sample (total N = 328). Following propensity score matching, statistical significance for unadjusted models (e.g., average age, charge type or prior violent felony arrests) dropped out.

As seen in Table 2.1, most were male (93% of Supervised Release vs. 90% of comparison), and either black or Latino (91% in both groups). There were more Latino participants in the Brooklyn Supervised Release Program sample (28% vs. 20%), and while not statistically significant, this difference was the only one that approached significance ( $p < .10$ ). The average age for both groups was 32 years old. Most defendants in both groups had prior misdemeanor arrests (98% vs. 97%), prior felony arrests (82% vs. 79%) and prior violent felony arrests (63% vs. 65%). Most current cases involved an assault, property or drug charge (78% in both groups). Approximately one-fifth of the cases (20% vs. 21%) originated in the two Brownsville area police precincts (Precincts 73 and 81).

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<sup>28</sup> Baseline variables included: average age, gender, race/ethnicity, prior criminal history, current charge type and top crime precincts.

<sup>29</sup> We also deleted three (3) Supervised Release Program cases because there were not enough comparison cases with similar propensity scores for matching.

**TABLE 2.1. Baseline Characteristics**

Variables	A: Unadjusted Baseline Differences		B: Adjusted Baseline Differences	
	SRP	Comparison	SRP	Comparison
<b>N</b>	<b>167</b>	<b>1204</b>	<b>164</b>	<b>164</b>
<b>Demographics</b>				
Age (range: 16-67 years)				
<i>Average Age (in years)</i>	32***	36	32	32
Gender				
<i>Male</i>	93%	89%	93%	90%
<i>Female</i>	7%	11%	7%	10%
Race/Ethnicity				
<i>White</i>	8%	12%	8%	9%
<i>Black</i>	64%	61%	63%	71%
<i>Latino</i>	28%	25%	28% <sup>+</sup>	20%
<b>Criminal Justice Data</b>				
Prior Criminal History				
<i>Any Prior Misdemeanor Arrest</i>	98%	96%	98%	97%
Average No. of Misdemeanor Arrests	11	10	11	12
<i>Any Prior Felony Arrest</i>	82%	76%	82%	79%
Average No. of Felony Arrests	4	4	4	4
<i>Any Prior Violent Felony Arrest</i>	64% <sup>+</sup>	56%	63%	65%
Average No. of Violent Felony Arrests	2 <sup>*</sup>	1	2	2
Current Misdemeanor Arraignment Charge				
<i>Assault and Related</i> <sup>1</sup>	26%	30%	27%	27%
<i>Property</i> <sup>2</sup>	37%***	23%	37%	38%
<i>Drug</i> <sup>3</sup>	14% <sup>+</sup>	20%	14%	13%
<i>Traffic</i> <sup>4</sup>	9%	12%	9%	9%
<i>Other</i> <sup>5</sup>	14%	16%	13%	13%
Top Precincts: Initial Arrest Occurred				
<i>Precinct 73: Ocean Hill/Brownsville</i>	14% <sup>*</sup>	9%	13%	12%
<i>Precinct 81: Brownsville</i>	7%	5%	7%	9%
<i>Precinct 75: East New York</i>	10%	14%	10%	15%
<i>Precinct 79: Bedford-Stuyvesant</i>	8%	6%	9%	6%

<sup>+</sup>p<.10, <sup>\*</sup>p<.05, <sup>\*\*</sup>p<.01, <sup>\*\*\*</sup>p<.001

<sup>1</sup> For the final sample, this includes: assault in the 3rd, menacing in the 2nd & reckless endangerment in the 2nd.

<sup>2</sup> For the final sample, this includes: criminal possession of stolen property in the 5th, theft of services, petit larceny, criminal trespass in the 3rd & 2nd, possession of burglar's tools, criminal mischief in the 4th, unauthorized use of a vehicle in the 3rd & making graffiti.

<sup>3</sup> For the final sample, this includes: criminal possession of marijuana in the 4th (3), criminal sale of marijuana in the 4th (5), controlled possession of a controlled substance in the 7<sup>th</sup> & criminally possessing a hypodermic instrument.

<sup>4</sup> For the final sample, this includes: driving while under the influence (13), operating a vehicle while license is suspended or revoked, aggravated unlicensed operation in the 3rd & aggravated unlicensed operation in the 2nd.

<sup>5</sup> For the final sample, this includes: false impersonation, criminal impersonation in the 2nd, official misconduct, resisting arrest, hindering prosecution, aggravated harassment in the 2nd, child abandonment, endangering the welfare of a child & stalking in the 4th.

### ***Analytic Plan for Predictors of Program Completion***

Supervised Release Program completers are defined as participants who are still enrolled in the program at the time of case disposition. In contrast, program non-completers are defined as those who are removed by the court due to failure to meet program requirements, absconding, committing a new crime,<sup>30</sup> being remanded and/or having bail set. Among Supervised Release Program participants only, we conducted analysis to assess whether any baseline characteristics were significantly associated with program completion, or whether there were any significant differences in final dispositions and sentences between completers and non-completers.

For this analysis, we used official OCA data for sex, race/ethnicity, prior arrests, and current case charge type and severity, and key outcomes (dispositions and sentences). In addition to the measures listed above, we examined the following measures available for Supervised Release Program participants only, using additional administrative data from the Justice Center Application (JCA), based on participant self-report at intake.

- **Self-Reported Criminal History**: We examined any prior failures to appear in court, any prior pretrial detention and any prior incarceration, as reported by the participant.
- **Self-Reported Characteristics and Needs**: We included any self-reported trauma history, mental health flag, substance abuse flag, Criminal Justice Agency<sup>31</sup> reported risk level, behavioral services and other referrals received, housing status, employment status, whether in school or vocational training, and family or friend relationships.

For this analysis, we used bivariate analyses to test which baseline characteristics (e.g., demographics, charge type and severity, self-reported criminal history and self-reported needs) were significantly different among Supervised Release completers versus non-completers. We then used bivariate analysis to examine whether there were any significant differences in dispositions and sentencing outcomes among program completers versus non-completers. Results can be found in Chapter 5, Table 5.1.

### **Data Limitations**

Of note, one-fourth of Supervised Release cases were missing bail information at program entry. As a result, we also tested for baseline differences between Supervised Release cases with bail (N = 126) and without bail (N = 41) information. We found no differences between these Supervised Release cases (see Appendix C). Therefore, we assume that Supervised Release cases with bail data do provide accurate representations of program participants overall and valid results for average bail amounts (where only the 126 Supervised Release cases with bail data could be included).

In addition, official detention data were not available for this study. As a result, proxy

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<sup>30</sup> Of note, depending on the new arrest, participants may or may not be terminated from the program. Judges decide whether the case will continue in the Supervised Release Program or be a program termination, depending on the severity of the new arrest, whether bail has been set on the new arrest and compliance while in the program.

<sup>31</sup> As alluded to earlier in this report, in addition to operating two felony-level supervision programs, the New York City Criminal Justice Agency also conducts risk interviews with nearly all defendants at pre-arraignment while in police custody (also called ‘at booking’). Release recommendations are submitted to the courts based on existing community ties and likelihood of continued appearance in court if the defendant is released in lieu of money bail.

detention variables were constructed based on data on release status at arraignment and disposition. Further, average detention days were calculated based on accurate data estimates from the New York City Department of Correction (see above).

Concerning the analysis of re-arrest outcomes, due to our lack of precise jail in/out dates for each individual defendant and reliance on Department of Correction averages for different types of defendants (see above), we were unable to adjust recidivism analyses for the time at risk while in the community (i.e., from release to re-arrest). In addition, the timeframe for re-arrest analyses was one year, limiting our capacity to measure recidivism over a long-term tracking period once defendants in both samples had been released for a sizable time period due to completing obligations under their current case. (This report will be updated with re-arrest data over a longer tracking period, and this latter limitation will accordingly be removed in the year following initial publication.)

Many potentially relevant control variables were missing from the OCA data for the comparison group, such as risk-level assigned by CJA, prior incarceration, homelessness, educational and employment status, any mental health or substance abuse needs, and any forms of formal or informal support (e.g., supportive family or friends, or having attended prior counseling or therapy). Further, data on household income was missing from both Supervised Release and comparison groups. In order to account for risk level in this study, we used available and relevant variables, including current charge type and prior arrests (e.g., any and number of misdemeanor, felony and violent felony priors).

Nonetheless, it is impossible to rule out that the observed relationships between program participation and various outcomes could be biased in one direction or the other, if unobserved intervening variables were associated both with existing baseline characteristics and outcomes.

## Chapter 3

### Net Widening Results

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This chapter presents findings from the net widening analysis, employed to test whether the presence of the Supervised Release Program impacted bail practices in the Brooklyn Criminal Court setting.

#### Results

As seen in Table 3.1 (see Column A), Supervised Release Program cases were compared to a group of similar misdemeanor cases that had comparable bail set ( $N = 1,498$ ). Among cases with a comparable range of recommended bail amounts by the prosecutor, Supervised Release Program participants were significantly more likely to be male and non-white than the comparison group. They were also significantly more likely to have any prior arrests of every type (misdemeanor, felony, and violent felonies) as well as more prior misdemeanor and violent felony arrests. In their current case, Supervised Release Program participants were more likely to have a property charge. Finally, the average bail requested for program cases was significantly higher (\$1,627) when compared to the bail average set (\$1,182) for similar misdemeanor cases. In other words, although the cases all fell within a comparable range of recommended bail amounts, in fact the Supervised Release cases averaged a higher amount within this range. In short, the results showed that the presence of Supervised Release Program did not contribute to net widening among misdemeanor cases that saw similar bail amounts—and, in fact, even among cases defined by a comparable range of bail amounts, Supervised Release Program cases averaged higher bail recommendations and tended to have other characteristics (e.g., more prior arrests) pointing to a higher risk level.

In addition, Table 3.1 (see Column B) shows results from testing baseline differences between Supervised Release cases and all other misdemeanor cases regardless of bail amounts seen in the year prior to program launch ( $N = 29,960$ ). Program participants were significantly more likely to be male and non-white than all other misdemeanants. They were significantly more likely to have any priors and higher numbers of priors of every kind. With regard to charges, program participants had significantly more assault and drug charges than all other misdemeanants. Finally, the average bail requested for program participants was significantly higher (\$1,627) when compared to the average bail set (\$68) for all misdemeanor cases.

Of note, though results from the Criminal Justice Agency risk assessment are not available for the comparison group, 94% of Supervised Release participants were deemed high-risk, or not recommended for ROR. This data confirms that the Supervised Release Program engages a high-risk for flight population, as intended.

## Summary

The Supervised Release Program enrolled comparatively serious misdemeanor cases, based on current charge and prior histories. Compared to similar misdemeanor cases (comparable range of money bail proposed), Supervised Released cases averaged prosecutor bail requests of \$500 more, and compared to all other misdemeanor cases, program cases averaged over \$1500 more in bail requested by the prosecutor. On the risk of flight tool administered by the New York City Criminal Justice Agency (CJA), 94% of participants were classified as “Not Recommended for ROR” (i.e., high risk), further confirming that the program was reaching the intended population and did not engage in net widening.

In combination, these results indicate that the presence of Supervised Release Program did not contribute to net widening among all misdemeanor cases seen in Brooklyn Criminal Court. Instead, data suggests that the program targeted a distinctly high-risk misdemeanor population that would have otherwise faced comparatively high bail amounts. These findings demonstrate that the program, as intended, functioned as an alternative to bail and that the program did not target cases that would otherwise have been released on their own recognizance.



**TABLE 3.1. Net Widening Results**

Variables	Baseline Differences		
	SRP	A: Cases with Similar Bail	B: All Misdemeanor Cases
<b>N</b>	<b>167</b>	<b>1,498</b>	<b>29,960</b>
<b>Demographics</b>			
Average Age (in years)	31	34	34
Gender			
<i>Male</i>	93%	89% <sup>+</sup>	79% <sup>***</sup>
<i>Female</i>	7%	11% <sup>+</sup>	21% <sup>***</sup>
Race/Ethnicity			
<i>White</i>	8%	13% <sup>+</sup>	14% <sup>*</sup>
<i>Black</i>	64%	56% <sup>+</sup>	57% <sup>+</sup>
<i>Latino</i>	28%	28%	24%
<b>Criminal Justice Data</b>			
Prior Criminal History			
<i>Any Prior Misdemeanor Arrest</i>	98%	85% <sup>***</sup>	68% <sup>***</sup>
Average No. of Misdemeanor Arrests	11	9 <sup>***</sup>	4 <sup>***</sup>
<i>Any Prior Felony Arrest</i>	82%	66% <sup>***</sup>	40% <sup>***</sup>
Average No. of Felony Arrests	4	3 <sup>+</sup>	1 <sup>***</sup>
<i>Any Prior Violent Felony Arrest</i>	64%	49% <sup>***</sup>	27% <sup>***</sup>
Average No. of Violent Felony Arrests	2	1 <sup>***</sup>	1 <sup>***</sup>
CJA Risk Assessment <sup>1</sup>			
<i>Not Recommended for ROR (High Risk)</i>	94%	NA	NA
<i>Moderate Risk</i>	0%	NA	NA
<i>Recommended for Release</i>	6%	NA	NA
Current Misdemeanor Arraignment Charge			
<i>Assault</i> <sup>2</sup>	26%	31%	17% <sup>***</sup>
<i>Property</i> <sup>3</sup>	37%	22% <sup>***</sup>	31% <sup>+</sup>
<i>Drug</i> <sup>4</sup>	14%	18%	27% <sup>***</sup>
<i>Traffic</i> <sup>5</sup>	9%	12%	13%
<i>Other</i> <sup>6</sup>	14%	17% <sup>*</sup>	12%
Average Bail at Arraignment <sup>7</sup>	\$1627	\$1182 <sup>***</sup>	\$68 <sup>***</sup>

<sup>+</sup>p<.10, <sup>\*</sup>p<.05, <sup>\*\*</sup>p<.01, <sup>\*\*\*</sup>p<.001. Significance tests are in relation to Supervised Release Program cases.

<sup>1</sup> Sample is 163 SRP participants, as 3 cases had incomplete interviews and 1 case was missing data.

<sup>2</sup> For the final sample, charges are: assault in the 3rd, menacing in the 2nd & reckless endangerment in the 2nd.

<sup>3</sup> For the final sample, charges are: criminal possession of stolen property in the 5th, theft of services, petit larceny, criminal trespass in the 3rd & 2nd, possession of burglar's tools, criminal mischief in the 4th, unauthorized use of a vehicle in the 3rd & making graffiti.

<sup>4</sup> For the final sample, charges are: criminal possession of marijuana in the 4th (3), criminal sale of marijuana in the 4th (5), controlled possession of a controlled substance in the 7th & criminally possessing a hypodermic instrument.

<sup>5</sup> For the final sample, charges are: driving while under the influence (13), operating a vehicle while license is suspended or revoked, aggravated unlicensed operation in the 3rd degree & aggravated unlicensed operation in the 2nd degree.

<sup>6</sup> For the final sample, charges are: false impersonation, criminal impersonation in the 2nd, official misconduct, resisting arrest, hindering prosecution, aggravated harassment in the 2nd degree, abandonment of a child, endangering the welfare of a child & stalking in the 4th.

<sup>7</sup> Sample includes 126 Supervised Release cases, as 41 cases did not have bail data recorded at program entry.

## Chapter 4

# Impact Evaluation Findings

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This chapter presents impact evaluation findings for key criminal justice outcomes among Supervised Release Program participants and the final comparison group.

### Results

Table 4.1 displays all impact findings. All Supervised Release Program participants were released for some portion of pretrial period, whereas only 47% of comparison group cases were released for part of the pretrial period, presumably due to posting bail. In addition, over three-quarters (77%) of Supervised Release cases were released throughout their case, whereas only 12% of comparison group members were released throughout the case. (These 12% of comparison group cases would have had to have successfully posted bail immediately after the arraignment court appearance to avoid detention.)

Further, Supervised Release cases averaged 85 percent fewer pretrial detention days than the comparison group (4 days vs. 26 days).

Among all cases, more Supervised Release participants were issued warrants for failure to appear (FTA) for a scheduled court date on their current case than the comparison group (21% vs. 13%), although this finding only approached significance ( $p < .10$ ). In a second comparison that excluded cases that were not at risk of failure to appear, we restricted the sample to those cases that had been released at any point during case proceedings. Even among these cases, Supervised Release participants were at greater risk of FTA, since they were more likely to be released for the full duration of their case (77% vs. 26% of cases in this sub-sample were released throughout the case). Among these cases, there were no significant differences between Supervised Release and comparison cases (21% vs. 20%) in warrants for FTA, although Supervised Release cases still averaged more days (26 days vs. 10 days) out on an outstanding warrant than comparison cases.

In terms of case processing times, Supervised Release cases averaged significantly more time between arraignment and disposition, approximately four months, than the comparison group average of three months. The longer case duration for program participants is expected, given significant differences in release status between groups—i.e., there is presumably more institutional pressure as well as more plea bargaining leverage on the side of the prosecutor to arrive at a speedy disposition when a defendant is detained.

For final disposition outcomes, Supervised Release participants were significantly more likely to receive a non-criminal dispositions (79% vs. 62%; including dismissal or acquittal, adjournment in contemplation of dismissal [ACD], or a violation or infraction conviction) and, conversely, significantly less likely than the matched comparison group to receive a criminal conviction (21% vs. 38%; i.e., a misdemeanor conviction). Among non-criminal dispositions, Supervised Release cases were significantly more likely to receive an ACD than comparison cases (11% vs. 4%). In addition, program participants were significantly less likely to receive a jail sentence (11% vs. 34%), and more likely to receive no sentence (34% vs 19%) as a result of not being convicted on the case.

At six months after the initial arrest, Supervised Release participants were significantly more likely than the comparison group to have any re-arrest (52% vs. 45%) and any misdemeanor re-arrest (45% vs 35%), although the latter comparison only approached statistical significance ( $p < .10$ ). At one year after the initial re-arrest, program participants remained more likely to have a misdemeanor re-arrest (60% vs. 51%), although this finding also approached significance. In addition, average numbers of all re-arrests and misdemeanor re-arrests at one-year were comparable between groups. Further, survival analysis, calculating time from initial arrest to first re-arrest, demonstrated statistically significant differences between program and comparison cases at one-year post-arrest. However, differences between groups appear to decrease over time (see Figure 4.1 and Figure 4.2).

Of note, Supervised Release and comparison group participants saw no differences in felony re-arrests and violent felony re-arrests at six months and one year follow up.

## Summary

Program participants averaged significantly less time in detention than the matched comparison sample (4 days vs. 26 days). This finding demonstrates the program meets its primary goal of reducing use of pretrial detention. Further, these impacts are sizeable, given that the average annual cost to house an inmate on Rikers Island is estimated at \$167,731 (New York City Independent Budget Office, 2013). In addition, Supervised Release participants were significantly less likely to receive a criminal conviction (21% vs. 38%) and, conversely, more likely to receive a non-criminal disposition, including a violation conviction, ACD or straight dismissal. Program participants were also significantly less likely than comparison cases to be sentenced to jail (11% vs. 34%). These results demonstrate improve case outcomes among program participants versus the matched sample, in line with existing research that links pretrial detention to increased conviction at disposition (Phillips 2007; as reviewed by Phillips 2012) and imprisonment at sentencing (Lowenkamp et al. 2013; Williams, 2003).

However, Supervised Release participants averaged significantly longer case processing times than the comparison group cases (124 vs. 90 days). In addition, because Supervised Release participants were significantly more likely to be released for the duration of their case (77% of Supervised Release vs. 12% of comparison), Supervised Release defendants were more likely to be issued a warrant for failure to appear (21% vs. 13%) and had a higher rate of misdemeanor re-arrests after one year (60% vs. 51%), though both findings only approached statistical significance.

These results suggest that the primary benefits of the Supervised Release Program are in reducing pretrial detention and reducing the exposure of the defendant to a criminal conviction or to jail at the sentencing stage. The primary costs include increased FTA rates and recidivism in the short term, presumably a natural function of the temporary incapacitation effect that suppresses crime among detained defendants in the comparison group as opposed to released defendants in the program. As seen in the survival analysis, differences in re-arrest rates between groups seem to decrease at the end of the one-year follow up. This pattern suggests the need for longer term follow up to test whether well-documented criminogenic effects of incarceration (Cullen, Jonson & Nagin, 2011; Petersilia, 2001, 2003; Vieraitis, Kovandzic and Marvell, 2007) may lead to equal or higher re-arrest rates in the comparison group in the long term.

**TABLE 4.1. Program Impact on Key Outcomes**

Variable	SRP	Comparison
<b>N</b>	<b>164</b>	<b>164</b>
<b>1. Warrants Issued for Failure to Appear in Current Case</b>		
Any Warrants	21% <sup>+</sup>	13%
<i>Days on an Outstanding Warrant</i>	26 <sup>***</sup>	5
Any Warrants for Released Cases Only <sup>1</sup>	21%	20%
<i>Days on an Outstanding Warrant</i>	26 <sup>***</sup>	10
<b>2. Release Status<sup>1</sup></b>	***	
Released at Both Arraignment <u>and</u> as of Disposition	77%	12%
Released at Arraignment <u>but</u> Detained as of Disposition	16%	2%
Detained at Arraignment <u>but</u> Released as of Disposition	6%	33%
Detention at Both Arraignment <u>and</u> as of Disposition	0%	53%
<b>3. Average Pretrial Detention Stay (in days)</b>	4 <sup>***</sup>	26
<b>4. Average Case Processing Times (in days)<sup>2</sup></b>	124 <sup>*</sup>	90
<b>5. Dispositions<sup>2</sup></b>		
Criminal Conviction	21% <sup>***</sup>	38%
Non-criminal Dispositions	79% <sup>***</sup>	62%
<i>Dismissed or Acquitted</i>	22%	16%
<i>Adjournment in Contemplation of Dismissal (ACD)</i>	11% <sup>*</sup>	4%
<i>Violation or Infraction Conviction<sup>3</sup></i>	46%	42%
<b>6. Sentences or Sentencing Conditions<sup>3</sup></b>		
Jail Sentence (1 year or less) <sup>4</sup>	11% <sup>***</sup>	34%
Other Sentences <sup>5</sup>	55%	47%
<i>Conditional Discharge<sup>6</sup></i>	26%	24%
<i>Fines</i>	9% <sup>*</sup>	3%
<i>Time Served</i>	20%	19%
Not Sentenced (e.g., Dismissed, Acquitted or ACD)	34% <sup>**</sup>	19%
<b>7. Recidivism</b>		
<u>Six Months after Initial Arrest</u>		
Any Re-arrest	52% <sup>**</sup>	45%
Any Misdemeanor Re-arrest	45% <sup>+</sup>	35%
Any Felony Re-arrest	17%	21%
Any Violent Felony Re-arrest	8%	7%
<u>One Year after Initial Arrest</u>		
Any Re-arrest	67%	59%
<i>Average No. of Re-arrests</i>	2	1.6
Any Misdemeanor Re-arrest	60% <sup>+</sup>	51%
<i>Average No. of Re-arrests</i>	1.5	1.1
Any Felony Re-arrest	25%	28%
Any Violent Felony Re-arrest	12%	9%

<sup>1</sup> Release data is missing for 8 cases, so final sample is 164 program cases and 156 comparison cases.

<sup>2</sup> Analysis excludes cases with no disposition (21). Final sample is 153 program cases and 154 comparison cases.

<sup>3</sup> This group includes both violation (114) and infraction (20) convictions.

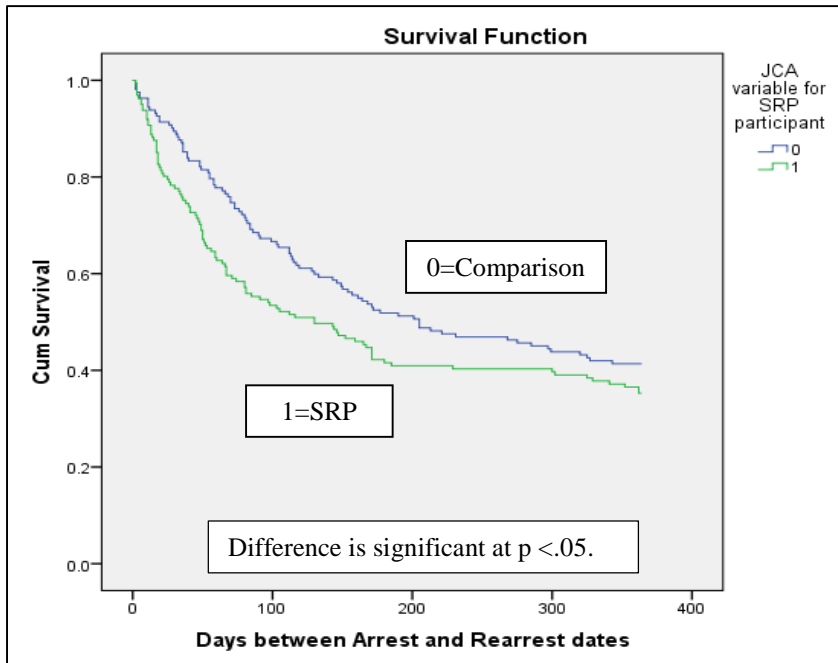
<sup>3</sup> Analysis excludes cases with no disposition (21) and missing data (1). Final sample is 152 program and 154 comparison.

<sup>4</sup> Jail sentences include 1 case with a combined jail and probation sentence.

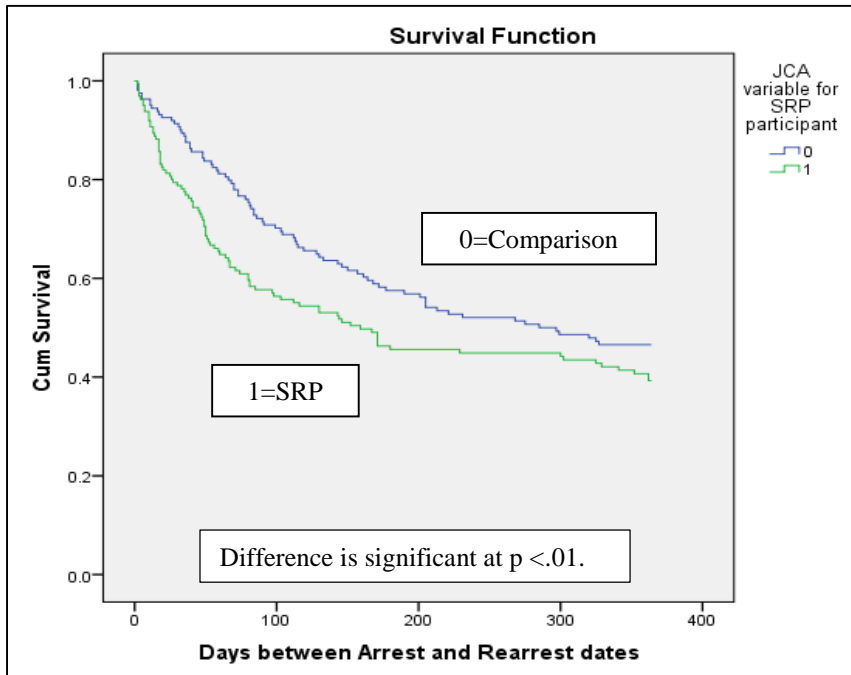
<sup>5</sup> This includes: conditional discharge, fines, combined fines & conditional discharge (6), probation (1) and time served.

<sup>6</sup> Conditional discharge include 6 cases that received combined fines and conditional discharge.

**FIGURE 4.1. Survival Curve for Any Re-arrest at One Year**



**FIGURE 4.2. Survival Curve for Any Misdemeanor Re-arrest at One Year**



## Chapter 5

# Participant Characteristics Associated with Program Completion

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As a separate analysis from the program evaluation, this chapter presents findings among Supervised Release Program participants only, testing for potential predictors of program completion and for any differences on case outcomes between Supervised Release Program completers (i.e., participants who were still enrolled in the program by case disposition) versus non-completers (e.g., participants who were terminated by the court, due to absconding, committing a new crime, and/or being remanded or having bail set).

### Results

The program completion rate was 72 percent. Table 5.1 presents background characteristics (i.e., demographics, criminal history, charges and self-reported needs, such as housing, mental health or substance abuse) among Supervised Release Program completers and non-completers. Most baseline characteristics were similar between the two groups, although statistically significant differences were seen for several characteristics. Specifically, program completers were much *less* likely than non-completers to be charged with a felony at arraignment<sup>32</sup> (1% vs. 7%) on their current case. However, completers were much more likely to have an assault or related misdemeanor charge (e.g., menacing or reckless endangerment) on their current case than non-completers (31% vs. 19%), although this finding only approached significance. These mixed findings still indicate a need to pay more attention to more severe charges (e.g., felonies at arraignment) and to better understand participant risk level and individual needs.

In terms of demographics, completers were more likely to be male than female (94% vs. 85%) and to be black (70% vs. 47%) than other race/ethnicities.

Notably, non-completers were more likely than completers to flag for substance abuse issues (69% vs. 59%) and report being in pretrial detention on prior cases (66% vs. 51%). Though these differences did not reach significance, they may indicate the need for a greater program response to complex needs among participants. In terms of potential protective factors, completers were significantly more likely than program non-completers to report any informal or formal supports, including being in a relationship, having children, receiving support from friends and family, or ever receiving behavioral health services (e.g., had seen a counselor, therapist or psychiatrist; 95% vs. 82%).<sup>33</sup>

Completers averaged over three months in the program, compared to non-completers who averaged two months. As expected, completers were significantly more likely to attend more in-person program sessions, respond to random phone check-ins, and attend more court appearances.

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<sup>32</sup> Only misdemeanor cases were eligible, but there were a few exceptions. Here, cases were arraigned on felony charges but dropped to misdemeanor charges at the first court appearance following arraignment. For these cases with reduced charges, attorneys could request an eligibility screen.

<sup>33</sup> We conducted exploratory analysis to examine key interactions (e.g., whether folks with flagged behavioral health needs and supports were more likely to complete the program), but found no significant differences.

As seen in Table 5.2, Supervised Release completers were significantly more likely than non-completers to receive a non-criminal conviction (85% vs. 66%) than a criminal conviction. More specifically, program completers were significantly more likely to receive dismissals or acquittals than program non-completers (27% vs. 9%). In addition, completers were significantly less likely to receive jail sentence (5% vs. 33%) than non-completers.

### **Summary: Factors Associated with Program Completion**

The Supervised Release Program completion rate of 72 percent was comparable to that of other pretrial supervision programs (Office of County Auditor, 2009; Solomon, 2013). As expected, program completers received significantly more favorable dispositions and sentences compared to non-completers. In terms of demographics, male participants and black participants were more likely to complete the program. In terms of reported individual needs, Supervised Release completers were more likely than non-completers to report positive social ties, such as having partners, supportive friends or family, and were less likely to report substance abuse needs. In general, findings reflect complex needs (prior criminal history, mental health and substance abuse) among all program participants.

**TABLE 5.1. Baseline Differences between Supervised Release Program Completers vs. Non-completers**

<b>Variables</b>	<b>Completers</b>	<b>Non-completers</b>
<b>N</b>	<b>158</b>	<b>62</b>
<b>Demographics</b>		
Age		
<i>Average Age (in years)</i>	31	30
Gender		
<i>Male</i>	94%*	85%
<i>Female</i>	6%*	15%
Race/Ethnicity		
<i>White</i>	4%**	18%
<i>Black</i>	70%***	47%
<i>Latino</i>	23%	34%
<b>Criminal Justice Data</b>		
Current Arraignment Charge Type		
<i>Assault and Related</i> <sup>1</sup>	31% <sup>+</sup>	19%
<i>Property</i> <sup>2</sup>	35.0%	47%
<i>Drug</i> <sup>3</sup>	12%	16%
<i>Traffic</i> <sup>4</sup>	7%	7%
<i>Other</i> <sup>5</sup>	15%	11%
Current Arraignment Charge Severity		
<i>Violation or Infraction</i>	1%	0%
<i>Misdemeanor</i>	97%	94%
<i>Felony</i>	1%*	7%
CJA Risk Assessment		
<i>Not Recommended for ROR (High Risk)</i>	95%	90%
<i>Moderate Risk</i>	3%	3%
<i>Recommended for Release</i>	2%	7%
Prior Criminal History		
<i>Any Prior Misdemeanor Arrest</i>	97%	94%
Average No. of Misdemeanor Arrests	11	12
<i>Any Prior Felony Arrest</i>	82%	77%
Average No. of Felony Arrests	4	3
<i>Any Prior Violent Felony Arrest</i>	65%	50%
Average No. of Violent Felony Arrests	2	1
<b>Key Characteristics &amp; Needs</b>		
Employment/School/Job Training		
<i>Currently Employed</i>	32%	29%
<i>Currently in School or Related Program</i>	19%	18%



Variables	Completers	Non-completers
<b>Housing Status</b>		
<i>Currently Homeless</i>	12% <sup>+</sup>	4%
<i>Prior Homelessness</i>	13%	11%
<i>Any Homelessness<sup>6</sup></i>	18%	15%
<b>Trauma History</b>		
<i>Any Reported Abuse<sup>7</sup></i>	27%	36%
<i>Victim of a Violent Crime</i>	47%	41%
<b>Behavioral Health or Medical Issues</b>		
<i>Positive Mental Health Screen</i>	78%	82%
<i>Positive Substance Abuse Screen</i>	59%	69%
<i>Positive Mental Health <u>and</u> Substance Abuse Screen</i>	44%	58%
<i>Positive Screen for Medical Needs</i>	31%	38%
<b>Family/Friend Relationships</b>		
<i>Receive Support from Family/Friends</i>	58%	55%
<i>Currently in a Relationship</i>	64% <sup>***</sup>	29%
<i>Have Children</i>	59%	47%
<i>Any Behavioral Health Services<sup>8</sup></i>	42%	34%
<i>Any Informal and Formal Supports<sup>9</sup></i>	95% <sup>*</sup>	82%
<b>Reported Criminal Justice Involvement</b>		
<i>Prior Failure to Appear</i>	89%	88%
<i>Prior Pretrial Detention</i>	51%	66%
<i>Prior Incarceration</i>	73%	67%
<b>Supervised Release Program Engagement</b>		
Average No. of Days in SRP	101.0 <sup>***</sup>	65.9
Average No. of In-Person Program Sessions	5.3 <sup>***</sup>	3.5
<i>Average No. of Missed Program Sessions</i>	0.1 <sup>***</sup>	0.4
Average No. of Phone Check-Ins	11.1 <sup>***</sup>	6.2
<i>Average No. of Missed Phone Check-Ins</i>	0.1 <sup>***</sup>	0.4
Average No. of Court Appearances Attended	3.4 <sup>***</sup>	1.9
<i>Average No. of Missed Court Appearances</i>	0.3 <sup>***</sup>	1.5

<sup>+</sup>p<.10, <sup>\*</sup>p<.05, <sup>\*\*</sup>p<.01, <sup>\*\*\*</sup>p<.001.

<sup>1</sup> This variable includes: assault in the 3rd, menacing in the 2nd & reckless endangerment in the 2nd.

<sup>2</sup> This variable includes: possession of stolen property in the 5th, theft of services, petit larceny, criminal trespass in the 3rd & 2nd, burglar's tools possession, criminal mischief in the 4th, unauthorized vehicle use in the 3<sup>rd</sup> & making graffiti.

<sup>3</sup> This variable includes: criminal possession of marijuana in the 4th (3), criminal sale of marijuana in the 4th (5), controlled possession of a controlled substance in the 7th, and criminally possessing a hypodermic instrument.

<sup>4</sup> This variable includes: driving while under the influence (13), operating a vehicle while license is suspended or revoked, aggravated unlicensed operation in the 3rd & aggravated unlicensed operation in the 2nd.

<sup>5</sup> This variable includes: false impersonation, criminal impersonation in the 2nd, official misconduct, resisting arrest, hindering prosecution, aggravated harassment in the 2nd degree, abandonment of a child, endangering the welfare of a child & stalking in the 4th.

<sup>6</sup> This is defined as reportedly living on the street, in a shelter, or in a public transportation area.

<sup>7</sup> Types of abuse reported include physical, sexual and emotional abuse.

<sup>8</sup> This variable indicates whether the participant has ever seen a counselor, therapist or psychiatrist.

<sup>9</sup> This variable indicates the presence of all of the following: any friend or family support, being in a current relationship or ever having received behavioral health services.

**TABLE 5.2. Case Outcomes between Supervised Release Program Completers vs. Non-completers**

Variables	Completers	Non-completers
<b>N</b>	<b>119</b>	<b>43</b>
<b>1. Dispositions<sup>1</sup></b>		
Criminal Conviction	15% **	40%
Non-criminal Dispositions	85% **	60%
<i>Dismissed or Acquitted</i>	26% *	9%
<i>Adjournment in Contemplation of Dismissal (ACD)</i>	12%	9%
<i>Violation or Infraction Conviction<sup>2</sup></i>	47%	43%
<b>2. Sentences or Sentencing Conditions<sup>1</sup></b>		
Jail sentence (1 year or less)	5% ***	29%
Other sentences <sup>3</sup>	57%	50%
<i>Conditional Discharge<sup>4</sup></i>	27%	21%
<i>Fines</i>	12%	0%
<i>Time Served</i>	18%	26%
Not Sentenced (e.g., Dismissed, Acquitted, or ACD)	38% <sup>+</sup>	21%

<sup>+</sup>p<.10, \*p<.05, \*\*p<.01, \*\*\*p<.001.

<sup>1</sup> This sample excludes 19 Supervised Release Program cases that have not been closed.

<sup>2</sup> This group includes both violation (56) and infraction (13) convictions.

<sup>3</sup> Other sentences include: conditional discharge, fines, combined fines and conditional discharge (1), and time served.

<sup>4</sup> Conditional discharge include 1 case that received combined fines and conditional discharge.

## Chapter 6

# Findings from Participants Surveys and Staff Interviews

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This chapter highlights the results from the defendant surveys, supplemented by participant administrative data, and staff interviews. Defendant survey findings are based on participant perceptions in pre-surveys (24 participants) and post-surveys (13 participants).<sup>34</sup> These views cannot be generalized to all Brooklyn Supervised Release Program participants. Additional qualitative findings are based on perceptions of Brooklyn Supervised Release Program<sup>35</sup> staff interviewed (six staff) and may not represent all program staff. Protocols for the defendant survey can be found in Appendix A and the staff interview guide can be found in Appendix B.

### Results from Participant Surveys

#### *Participant Views on the Brooklyn Criminal Court*

Supervised Release Program cases are engaged in downtown Brooklyn Criminal Court proceedings. We asked Supervised Release participants whether they experienced procedural fairness principles when engaged in court proceedings for their current case. These principles included whether defendants understood their case and the roles of key court players (e.g., judges, defense attorneys and prosecutors), whether they were treated fairly and with respect by the key court players and had a voice when in court (Thibault and Walker 1975; Tyler 2003).

As seen in Table 6.1, most respondents in pre-surveys, which were conducted at the start of program engagement, demonstrated that they understood the court process (83%). On average, participants had attended at least one court appearance on their current Supervised Release case (usually arraignment; mean = 1.3) at the pre-survey and least one formal court appearance post-arraignment at the post-survey (mean = 1.8).<sup>36</sup> Of note, positive participant views were reflected in pre-surveys, as seen in participants understanding their case (83% agreed or strongly agreed), their legal rights (88%), court rules (96%) and consequences of violating these rules (96%). The vast majority of participants also reported that they understood the role of their lawyer (92%), and all participants said that they were treated fairly by their lawyer.

Similarly, in pre-surveys, most participants responded positively about judges listening to them or their lawyer, trying to understand their situation and needs, and indicating that they were knowledgeable about their case. Most participants also reported that they understood the role of the judge and that they were treated fairly by the judge.

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<sup>34</sup> Eleven participants did not participate in post-surveys for the following reasons: completing the program and lost to follow up; engaged in residential treatment programs; opted out without further explanation; or re-arrested on a new case and/or remanded.

<sup>35</sup> During the study, Supervised Release staff operated as an independent team within Brooklyn Justice Initiatives, but other Brooklyn Justice Initiatives staff provided coverage and participant supervision, where needed. As a result, staff interviews in this report are attributed to and apply specifically to Supervised Release staff, although insights may include other program staff who worked closely with SRP cases.

<sup>36</sup> Due to a short program engagement period (3 months on average) and shorter research engagement period (2 months on average), a few participants participated in the post-survey immediately before their first post-arraignment appearance while in the program.

In contrast, only about half reported being treated fairly by the prosecutor (54%) in pre-surveys. The majority of participants also reported that the original bail requested for their case (had they not participated in Supervised Release) was not fair (67% in pre-surveys and 69% in post-surveys). (Nearly all of the above trends were also seen in post-surveys in a smaller sample.)

Of particular concern, 65% of participants reported that, overall, their case was handled fairly by the court in pre-surveys, compared to 46% of participants in post-surveys. (These trends were similar among a sub-sample of participants who completed both pre- and post-surveys.)

### ***Participant Views on the Brooklyn Supervised Release Program***

The current program focuses on providing supervision to return defendants to court. While the program is not a treatment model, participants receive on-site case management, and those in need receive more intensive case management and links to voluntary services. Table 6.2 shows the results for overall participant perceptions of the Supervised Release Program (SRP). These results are presented along with participant feedback from supplemental open-ended questions, which revealed perceptions of staff and on-site case management received.

Over ninety percent of participants (92%) in the pre-survey and all participants in the post-survey reported they understood the purpose of the Supervised Release Program. Further, all participants in the post-survey reported that SRP had met their expectations. When asked to define the program in the pre-survey (i.e., at the start of their engagement), participants demonstrated a clear understanding of the program. Nearly half of participants defined Supervised Release as an alternative to jail program for those who could not afford bail. One-third described the opportunities that Supervised Release presented, such as engaging in counseling, helping with jobs and staying out of trouble. A number of participants added that the program was to help with their case and court appearances.

In the post-survey, participant definitions of the Supervised Release Program were similar, but most participants expanded and integrated their responses, where they defined being in the program as a chance to change their behaviors (e.g., managing their anger and staying out of trouble), in addition to being an alternative to jail program that helped them attend scheduled court dates. A number of participants highlighted the help of Supervised Release staff, especially their case managers who were perceived as keeping them on track with court and other appointments, providing counseling, making participants feel supported and helping them stay out of trouble. One participant said, “It’s [Supervised Release] to rehab you, keep you stable, on track with appointments, [your] behavior [and] keep you from being locked up.”

In the pre-survey, 88% of participants agreed or strongly agreed that being in the Supervised Release Program was fair (77% of the 13 post-survey respondents also agreed). When asked to explain their responses, most participants reported that they enjoyed the program and also repeated their appreciation for Supervised Release staff. One participant explained why the program was fair, “Because I want to change my life. I don’t want to be in the same situation. [Supervised Release] wants to reach out and help. I think that’s really fair.” Another participant described staff advocacy as fair, “If have problems, I can always call and explain. The staff back me up and speak up for me.” A few participants specified in their post-survey that they did not deserve their case or anything related, including being in the program, though one stated he still enjoyed the program.

In the post-survey, 69% agreed or strongly agreed that being in Supervised Release helped with court appearances. When asked to explain their responses, most participants also specified

that program reminders via calls and texts from their case managers were the most helpful in getting them to court. Some participants specified that their friends, partners and grandparents helped get them to court, and a few specified that they were self-motivated. One participant stated, “I don't want to go back to jail. I'm too old. [It is] no place for me.”

**TABLE 6.1. Participant Views on Court**

<b>Participant Responses</b>	<b>Pre-survey</b>	<b>Post-survey</b>
<b>N</b>	24	13
<b>COURT PROCESS FOR CURRENT SRP CASE</b>		
Participant Understood Court		
<i>Strongly Agree/Agree</i>	83%	92%
<i>Neutral</i>	0%	0%
<i>Strong Disagree/Disagree</i>	17%	8%
Participant Understood Legal Rights		
<i>Strongly Agree/Agree</i>	88%	92%
<i>Neutral</i>	0%	8%
<i>Strong Disagree/Disagree</i>	13%	0%
Participant Understood Court Rules		
<i>Strongly Agree/Agree</i>	96%	100%
<i>Neutral</i>	0%	0%
<i>Strong Disagree/Disagree</i>	4%	0%
Participant Understood Consequences		
<i>Strongly Agree/Agree</i>	96%	85%
<i>Neutral</i>	0%	8%
<i>Strong Disagree/Disagree</i>	4%	8%
Judge Listened to Participant and/or Participant's Lawyer		
<i>Strongly Agree/Agree</i>	71%	85%
<i>Neutral</i>	13%	0%
<i>Strong Disagree/Disagree</i>	17%	15%
Judge was Knowledgeable about Participant's Case		
<i>Strongly Agree/Agree</i>	79%	92%
<i>Neutral</i>	0%	8%
<i>Strong Disagree/Disagree</i>	21%	0%
Judge Tried to Understand Participant Situation and Needs		
<i>Strongly Agree/Agree</i>	71%	85%
<i>Neutral</i>	8%	8%
<i>Strong Disagree/Disagree</i>	21%	8%
Participant Understood Lawyer		
<i>Strongly Agree/Agree</i>	87%	100%
<i>Neutral</i>	0%	0%
<i>Strong Disagree/Disagree</i>	13%	0%
Participant and/or Lawyer Could Express Views in Court		
<i>Strongly Agree/Agree</i>	91%	85%
<i>Neutral</i>	0%	0%
<i>Strong Disagree/Disagree</i>	9%	15%
Participant felt at a Disadvantage		
<i>Strongly Agree/Agree</i>	25%	15%
<i>Neutral</i>	0%	23%
<i>Strong Disagree/Disagree</i>	75%	62%

<b>Participant Responses</b>	<b>Pre-survey</b>	<b>Post-survey</b>
<b>N</b>	24	13
Participant Felt Pushed into Things		
<i>Strongly Agree/Agree</i>	8%	8%
<i>Neutral</i>	0%	15%
<i>Strong Disagree/Disagree</i>	92%	77%
Court Staff were Polite to Participant		
<i>Strongly Agree/Agree</i>	71%	69%
<i>Neutral</i>	8%	8%
<i>Strong Disagree/Disagree</i>	21%	23%
<b>Participant Understood the Following Court Roles</b>		
Judge		
<i>Yes</i>	88%	92%
<i>Neutral</i>	0%	8%
<i>No</i>	8%	0%
<i>Not Applicable</i>	4%	0%
Participant's Lawyer		
<i>Yes</i>	92%	92%
<i>Neutral</i>	0%	8%
<i>No</i>	4%	0%
<i>Not Applicable</i>	4%	0%
Prosecutor		
<i>Yes</i>	67%	54%
<i>Neutral</i>	8%	15%
<i>No</i>	21%	31%
<i>Not Applicable</i>	4%	0%
Criminal Justice Agency		
<i>Yes</i>	67%	77%
<i>Neutral</i>	8%	15%
<i>No</i>	17%	0%
<i>Not Applicable</i>	8%	8%
Court Officer in the Courtroom		
<i>Yes</i>	75%	77%
<i>Neutral</i>	8%	15%
<i>No</i>	8%	0%
<i>Not Applicable</i>	8%	8%
Police Officer at Arrest		
<i>Yes</i>	71%	69%
<i>Neutral</i>	8%	15%
<i>No</i>	8%	0%
<i>Not Applicable</i>	13%	15%
<b>Participant Received Fair Treatment</b>		
Judge		
<i>Yes</i>	75%	85%
<i>Neutral</i>	8%	0%
<i>No</i>	17%	15%

<b>Participant Responses</b>	<b>Pre-survey</b>	<b>Post-survey</b>
<b>N</b>	24	13
Participant's Lawyer		
<i>Yes</i>	100%	100%
<i>Neutral</i>	0%	0%
<i>No</i>	0%	0%
Prosecutor		
<i>Yes</i>	54%	54%
<i>Neutral</i>	0%	0%
<i>No</i>	46%	39%
<i>Not Applicable</i>	0%	8%
Criminal Justice Agency		
<i>Yes</i>	75%	92%
<i>Neutral</i>	4%	0%
<i>No</i>	13%	0%
<i>Not Applicable</i>	8%	8%
Court Officer in the Courtroom		
<i>Yes</i>	79%	54%
<i>Neutral</i>	4%	0%
<i>No</i>	17%	31%
<i>Not Applicable</i>	0%	15%
Police Officer at Arrest		
<i>Yes</i>	79%	77%
<i>Neutral</i>	0%	0%
<i>No</i>	17%	15%
<i>Not Applicable</i>	4%	8%
<b>Participant Views on Case Overall</b>		
Original Bail That Would Have Been Set Instead of SRP Was Fair		
<i>Yes</i>	33%	15%
<i>Neutral</i>	0%	15%
<i>No</i>	67%	69%
Case is Being Handled Fairly		
<i>Yes</i>	65%	46%
<i>Neutral</i>	9%	31%
<i>No</i>	26%	15%
<i>Not Applicable</i>	0%	8%
Case Outcome is Fair <sup>1</sup>		
<i>Yes</i>		15%
<i>Neutral</i>		0%
<i>No</i>		0%
<i>Not Applicable</i>		85%

<sup>1</sup> The majority of participant cases had not yet reached disposition, such that responding to case outcomes did not yet apply.



**TABLE 6.2. Participant Views on the Supervised Release Program**

Participant Responses	Pre-survey	Post-survey
<b>N</b>	24	13
<b>Overall Views on SRP</b>		
Participant Understood SRP		
<i>Strongly Agree/Agree</i>	96%	100%
<i>Neutral</i>	0%	0%
<i>Strong Disagree/Disagree</i>	4%	0%
Being in SRP was Fair		
<i>Strongly Agree/Agree</i>	88%	77%
<i>Neutral</i>	0%	0%
<i>Strong Disagree/Disagree</i>	13%	23%
SRP Helped with Court Appearances <sup>1</sup>		
<i>Strongly Agree/Agree</i>		69%
<i>Neutral</i>		15%
<i>Strong Disagree/Disagree</i>		8%
<i>Not Applicable</i>		8%
SRP met Participant Expectations		
<i>Strongly Agree/Agree</i>		100%
<i>Neutral</i>		0%
<i>Strong Disagree/Disagree</i>		0%

<sup>1</sup> During the pre-survey, the vast majority of participants had not yet experienced a formal court appearance as an SRP participant, only arraignments where their case was subsequently engaged in SRP. As a result, we did not report participant perceptions at pre-survey.

Results from Table 6.3 presents participant satisfaction with the Supervised Release Program from the post-survey only (after participants had engaged in the program for at least a few months). All participants reported being satisfied with Supervised Release staff, the frequency of program check-ins, as well as the program overall. When asked to explain their responses, most participants expressed their appreciation for the program staff, citing how they treated participants with respect, provided participants with a confidential place to talk to someone who listened, worked closely with participants to get to court and program sessions on time, and presented information to participants clearly. A few participants mentioned how different Supervised Release was from the experience within the courthouse, where the Supervised Release Program providing a safe and comfortable environment (including snacks).

One participant stated, “The program staff is great. [They] always treat me with respect, comply with what I ask. I am always very grateful [to staff]...I look forward to coming back to the program to visit.” Another said, “The program is to rehabilitate the mind. With a counselor to talk to, I’m not alone...when I think something stupid, they will calm [me] down and help.”

All participants reported being satisfied with the collaboration between Supervised Release staff and their defense attorney. When asked to describe this collaboration, the majority of participants specified knowing that their case manager was in communication with their lawyer, because they received ongoing case information and any updates.

About three-quarters said they were satisfied with collaboration between Supervised Release staff and court stakeholders. A few participants further explained that they knew the staff and court worked together based on court-related information (e.g., any date changes) from their case manager. However, a few other participants said they were not sure of the collaboration or did not witness these staff working together. This may be because program staff submit written updates to the court to accommodate program cases being seen throughout a high volume court.

**TABLE 6.3. Participant Satisfaction with the Supervised Release Program**

Participant Responses	Post-survey
<b>N</b>	13
<b>Participant Satisfaction</b>	
Participant Satisfied with SRP staff	
<i>Strongly Agree/Agree</i>	100%
<i>Neutral</i>	0%
<i>Strong Disagree/Disagree</i>	0%
Participant Satisfied with SRP staff & Defense Attorney Collaboration	
<i>Strongly Agree/Agree</i>	100%
<i>Neutral</i>	0%
<i>Strong Disagree/Disagree</i>	0%
Participant Satisfied with SRP staff and Court Collaboration	
<i>Strongly Agree/Agree</i>	77%
<i>Neutral</i>	15%
<i>Strong Disagree/Disagree</i>	8%
Participant Satisfied with Frequency of SRP Check-ins	
<i>Strongly Agree/Agree</i>	100%
<i>Neutral</i>	0%
<i>Strong Disagree/Disagree</i>	0%
Participant Satisfied with SRP Overall	
<i>Strongly Agree/Agree</i>	100%
<i>Neutral</i>	0%
<i>Strong Disagree/Disagree</i>	0%
Participant Satisfied with SRP Referrals	
<i>Strongly Agree/Agree</i>	62%
<i>Neutral</i>	0%
<i>Strong Disagree/Disagree</i>	0%
<i>Not Applicable</i>	39%
Participant Satisfied with External Services	
<i>Strongly Agree/Agree</i>	39%
<i>Neutral</i>	0%
<i>Strong Disagree/Disagree</i>	0%
<i>Not Applicable</i>	62%

Although primarily a supervision program, social workers and case managers may give participants voluntary referrals for community-based services, based on individual needs (e.g., education, employment, housing or treatment). Based on post-surveys, over sixty percent (62%) of participants reported being satisfied with voluntary referrals they had requested and received. Notably, nearly one-fourth of participants (39%) reported that this question did not apply to them, and over sixty percent (62%) of participants had not attended an external referral.

When asked about referrals, several participants specified that they had not yet requested referrals, but they planned to do so later in the program. A few participants said that in-house counseling from their case managers was the primary service they received. Of note, one participant recommended adding on-site group sessions for participants, to supplement court appearances and individual program sessions.

To examine external referrals among SRP participants, program administrative data was obtained because participants may not have requested or received referrals by the post-survey. As seen in Table 6.4, analysis of administrative data for 220 SRP participants<sup>37</sup> showed the top referrals for participants as job-related (35%) and education-related (22%), followed by counseling (13%), housing (13%), benefits (e.g., welfare or food stamps; 11%) and substance-related services (10%). However, data were not available to track whether participants had attended external services and their experiences with these services.

**TABLE 6.4. Participant Referrals**

<b>Referrals Received by Type</b>	<b>SRP Participants</b>
<b>N</b>	220
Employment Related	35%
Education Related	22%
Counseling	15%
Housing	13%
Benefits	11%
Substance Related	10%
Youth Programs	5%
Identification Assistance	4%
Psychiatric/Medical Management	3%
Immigration	2%
Health	1%
Lifeline	0%
Mediation/Conflict Resolution	0%
Parenting	0%
Victim Services	0%
Other Legal Services	4%
Any Other Referral <sup>1</sup>	2%

<sup>1</sup> These may include gender specific services, transportation and volunteer opportunities.

<sup>37</sup> Participant data consisted of all Supervised Release participants arraigned between November 25, 2013 and December 31, 2014, as detailed in Chapter 2.

### ***Participant Views on Program Impacts***

When asked about their goals while in Supervised Release during the pre-survey, many participants defined a number of goals, including getting a job, job training and/or education, staying out of jail, finishing the program and closing their court case, and/or improving their lives for themselves and their families.

When asked about their goals in the post-survey, most participants stated that they were working on their goals, such as keeping their court and program appointments, and attending external services (e.g., health services or obtaining identification). Several outlined future goals after they completed the program, including starting their own business or going back to school. One participant stated, “Yes, I met my goals since last summer. I stay on track with kids, appointments—dentist, doctor, [school] graduation. [Supervised Release] kept me on track.” Another expressed his motivation to get the program over with and stay out of jail.

In pre-surveys, participants were asked how being in the program might affect their daily lives. Most participants thought that the program would not have any negative impact on their lives. Several specified that they did not mind attending Supervised Release sessions or phone check-ins. A few others said that being in the program meant they could be with their families, and go on with their jobs and lives. These participants mentioned that Supervised Release worked with their schedules and commitments, while also making court appearances a top priority. Several proposed that being in the Supervised Release Program could lead to positive changes in their lives, such as getting help with jobs and education.

In post-surveys, participants were asked how the Supervised Release Program had affected their daily lives. Participant comments showcased program strengths in participant engagement and case management, where staff treated defendants with dignity and respect (i.e., key principles of procedural justice), provided a safe environment, and served as a resource in addition to providing supervision for individuals with complex needs.

Most participants reported perceiving positive changes as a result of their engagement that included doing better at their jobs or at school, improved family relationships, more positive attitudes, increased self-esteem and staying out of trouble. Several reiterated that program staff made sure they could meet their court and program requirements, in addition to their personal commitments to family, work and school. One participant repeated that he did not deserve his case or anything related to his case, including being in the program. These involvements delayed his commitments, such as getting a job and finishing school.

When asked about program impact, several highlighted the strong case management they experienced in the Supervised Release Program. One participant said, “[The program] helped in a positive way, straightened my head out, achieve my goals, [and] raise my self-esteem. Before I would lie.” Another described his changes as, “I think more cautiously. I don’t try to run in [to risky situations]. Take things one step at a time. I get understanding, have someone to talk to.” An additional participant stated, “Before [I was] stressed, had nasty attitude. [The program] helped me out a lot. Am proud of myself. Before the program, I was not excellent man... Now I’m thinking straight, concentrate better, am not stressed out—even my wife told me... I did a 360 on my life. Got [the] best advice from [my case manager] to be more open-minded, better person.”

Of note, some of the aforementioned perceptions need to be interpreted or generalized with caution, given the limited number of program participants who completed open-ended research questions.

## Results from Staff Interviews

In addition to the defendant surveys, findings from staff interviews resulted in the following themes detailing key strengths, challenges and recommendations for the Brooklyn Criminal Court and Brooklyn Supervised Release Program.

### *Court Strengths and Challenges*

With Brooklyn known as a hub of alternatives-to-incarceration programs nationwide (primarily involving post-adjudication alternatives), several staff cited the willingness of the Brooklyn Criminal Court and other stakeholders like defense attorneys and prosecutors to pilot a new pretrial bail reform program. A few credited the success of existing diversion programs and specialized court approaches (e.g., treatment courts).

Several staff said that being located in the high volume court benefited the program due to quick case processing times and greater potential for non-criminal dispositions, such as dismissals, in light of the pressure all players face to reach plea agreements that will resolve the cases. However, some staff said that operating in a high volume criminal court setting also meant that program cases did not always benefit from procedural justice, which is not always seen in the chaotic environment of a high volume court (e.g., unclear signs throughout the building) or in the frequent lack of clear communication (e.g., use of confusing legal terms) in the courtroom. These realities reportedly led to confusion among Supervised Release participants.

A few staff highlighted the critical support of key court players, such as several judges, prosecutors, and defense attorneys. Several cited the team's hard work in building relationships with these stakeholders to promote understanding of the Supervised Release Program as well as the value of meeting each participant's circumstances and needs.

However, a few others stressed the need for ongoing relationship building, given challenges of having Supervised Release cases regularly subject to the decisions of new judges and prosecutors who may be unfamiliar with the program, due to high numbers of staff and regular staff rotations in the Brooklyn Criminal Court. In addition, high-level support for the Supervised Release Program did not always translate into positive relationships with direct line level court staff, such as clerks and court officers. As a result, many court staff did not know about the program or its specific protocols, and program staff faced challenges when trying to submit court updates or advance a case (e.g., scheduling a court hearing).

At the start of the program, Supervised Release received more referrals from judges and prosecutors more familiar with the program, but this pattern changed over time into most referrals coming from defense attorneys. Further, one staff detailed how Supervised Release staff (e.g., liaisons identifying eligible cases for program referral) lacked access to courtroom space and criminal justice databases to review appropriate cases in a timely manner, and therefore, Supervised Release was much more dependent on the court or defense attorneys for referrals, rather than referrals surfacing as a product of initiation by Supervised Release staff.

Some staff also defined the strict noncompliance protocol as problematic in both court and program operations, whereby Supervised Release staff had to notify the court within 48 hours of any participant that fell out of contact with the program. Once the court received the notice, the court could schedule a hearing immediately (e.g., the same day), which could result in the participant being issued a new warrant. Several staff complained that issuing a warrant was against the mission of the program and a waste of both program and court resources, as many participants ultimately contacted their case manager after the 48-hour period. Although

immediate reporting to the court is ostensibly a strength—connoting immediacy of response to noncompliance—a few program staff requested a slightly longer period to allow for re-engaging the participant. Program staff also believed that it would be helpful to work with the court to establish specific protocols around non-compliance (e.g., making recommendations to the court around specific sanctions, given participant behavior and context) to avoid case-by-case responses to noncompliance.

### ***Supervised Release Program Strengths and Challenges***

Nearly all staff pointed to building relationships with participants as a key strength, due to strong engagement and clinical skills, especially among case managers. A few staff mentioned the need to build trust and mutual respect with participants immediately, making sure that participants were heard and did not feel judged, and identifying existing social supports. Immediate engagement was critical for staff to provide supervision and address participant needs (e.g., jobs, education, mental health, substance abuse and housing). Staff explained that understanding participant circumstances also included staff identifying and addressing any barriers to court, such as help with transportation fare, child care, health problems as well as trauma due to prior criminal justice involvement (e.g., participants who were triggered when entering court).

All staff maintained that Supervised Release case managers kept in close contact with participants as well as their friends and family, and provided participants with clear and repeated information about requirements (e.g., dates of court appearances and program check-ins), expectations and potential consequences. Several staff defined strong case management as a requirement of the program, which included in-house supportive case management and voluntary referrals for a range of community-based resources.

With regard to program needs, most staff requested expansion of case eligibility criteria to include felony level cases (e.g., nonviolent felonies) and a wider range of criminal history backgrounds that are appropriate for diversion, citing the Criminal Justice Agency’s felony supervision programs in Queens and Manhattan (Solomon, McElroy and Phillips 2013; Solomon 2014, 2015).

A few staff reported being dissatisfied with use of the current program assessment tool, the Global Appraisal of Individual Needs–Short Screener (GAIN-SS; Dennis, Chan & Funk, 2006) to assess mental health and substance abuse issues. However, one staff recommended implementation of a new comprehensive risk assessment, the Criminal Court Assessment Tool (CCAT), developed and validated by the Center for Court Innovation. Use of this tool would facilitate case management of additional high risk cases, including matching individual risk and needs with appropriate community-based services to improve participant outcomes.

Several staff asked for greater prioritization and recognition of clinical work. Specifically, they asked for opportunities to expand clinical work by creating additional programming for Supervised Release participants, including community events. One staff recommended on-site groups that incorporating evidence-based practices, such as trauma informed care and criminal thinking. Some staff also asked for increased opportunities to contribute as the program continued to grow, given their relevant clinical and professional expertise. Examples include reviewing and contributing to existing protocols, engaging in stakeholder outreach and relationship building, and planning and implementing new program initiatives. Finally, staff believed that it would be beneficial to have ongoing networking and educational opportunities with other supervised release programs operating in New York City and nationwide.

## Recommendations Derived from Participant and Staff Perceptions

Participant and staff feedback, independent researcher observations, and evidence based practices from the field yield several recommendations regarding eligibility, assessment, case management, and services once a participant enrolls in the Supervised Release Program:

1. ***Implement a comprehensive validated assessment.*** Process findings reflected staff dissatisfaction with current assessment tools that focus exclusively on behavioral health disorders (mental health and substance abuse) but omit other important criminogenic needs, including criminal thinking, antisocial peers, and employment, educational and family functioning deficits (e.g., see Andrews and Bonta 2010; Bonta and Andrews 2007; Lowenkamp et al. 2006). Staff requested the use of a comprehensive validated risk-needs assessment that would improve tailoring services and referrals to individual participant's risk and needs, a known evidence-based practice (Andrews and Bonta 2010; Andrews and Dowden 2006; Lowenkamp, Latessa and Holsinger 2006). Use of a risk-need screening or assessment tool to identify and address individual participant risk and needs could both better inform the assignment of participants to specific supervision frequencies and intensities (based on risk) and the quality and applicability of voluntary referrals to address important participant needs.
2. ***Increase use of social service and treatment referrals.*** Results from participant surveys and staff interviews stressed the strong clinical expertise among Supervised Release staff, where many clients reported the extensive support and care they had received from their Supervised Release case manager. A few participants and staff members also recommended more in-house services, including education, jobs, housing, counseling and other forms of treatment. Conversely, administrative data showed somewhat limited use of community-based referrals among participants in the first year of the program. In conjunction with use of a validated assessment, program staff may wish to explore needed resources for greater use of onsite voluntary services addressing participant needs, as well as ways to increase participant utilization of community-based voluntary referrals.
3. ***Conduct ongoing outreach with court stakeholders.*** As reflected in staff interviews, implementing a program in a high volume court can be challenging, given rotating staff. To ensure that judges and attorneys are informed about the option of referring cases, program staff may need to engage in ongoing outreach and conversations with court players at all levels, including judges, prosecutors, clerks and court officers. Currently, the Supervised Release court liaison is placed in various courtrooms to identify and screen cases and serves a critical role in developing relationships with court stakeholders. However, more consistent dialogue with court players about the purpose and protocols of the Supervised Release Program could ensure more consistent case referrals and improved case processing.

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## Appendix A: Defendant Survey Instruments

### BROOKLYN SUPERVISED RELEASE PROGRAM Defendant Pre-Survey

Survey Date: \_\_\_\_\_

Program Start Date: \_\_\_\_\_

[*Note to surveyor: fill in dates before survey takes place.*]

**The purpose of this survey is to learn about your experience in court and in the Brooklyn Supervised Release Program when you are just starting in the program. Participation in this survey is voluntary. Your responses will be kept confidential. The information is for research purposes only. The survey will be about 10 minutes long.**

#### A. About the Court Process

In this section, we are going to ask about what you think about what happens in court and the different people involved.

1. a. About how many court appearances have you had so far for your current case? \_\_\_\_\_  
 b. Thinking back, about how many court appearances have you ever had? \_\_\_\_\_
2. Thinking about your experience in court for your current case, to what extent do you agree or disagree with the following statements?

	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Does Not Apply
a. You understood what was going on in court.						
b. You understood your legal rights.						
c. The judge listened to you and/or your lawyer.						
d. The judge was knowledgeable about your case.						
e. The judge tried to understand your situation and any needs you had ( <i>e.g., housing, jobs, or substance abuse</i> ).						
f. You felt that you were at a disadvantage because of your age, race, sex, income, or another reason.						
g. You felt pushed into things you did not agree with.						
h. You felt court staff ( <i>e.g., the court administrator who handles the paperwork, or the police officers in the holding cells or in the courtroom</i> ) were polite to you.						

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Does Not Apply</b>
i. You understood what your lawyer told the judge about you and your case.						
j. You felt you or your lawyer had the opportunity to express your views in court.						
k. You understood the rules of the court and what is expected of you.						
l. You understood what will happen if you violate the rules.						
m. [Optional]: Please explain your response to any of the above. Be sure to specify which one you want to explain. Item: _____						

3. I am going to read a list of people who may be involved in your case. As I read each name, please indicate how well you understand that person's role in your case.

	<b>Not At All</b>	<b>Not Well</b>	<b>Neutral</b>	<b>Well</b>	<b>Very Well</b>	<b>Does Not Apply</b>
a. Your lawyer						
b. The Criminal Justice Agency (CJA; the staff who first interviewed you in Central Bookings)						
c. The judge						
d. The district attorney (also called the DA, ADA, or prosecutor)						
e. The court officer(s) in the courtroom						
f. The police officer(s) in the holding cells (who brings you out to the courtroom)						

4. Thus far in your current case, how fairly did the following individuals treat you?

	<b>Very Fair</b>	<b>Somewhat Fair</b>	<b>Neither</b>	<b>Somewhat Unfair</b>	<b>Very Unfair</b>	<b>Does Not Apply</b>
a. Your lawyer						
b. The Criminal Justice Agency (CJA; the staff who first interviewed you in Central Bookings)						
c. The judge						
d. The district attorney (also called the DA, ADA, or prosecutor)						
e. The court officer(s) in the courtroom						
f. The police officer(s) in the holding cells (who bring you out to the courtroom)						

5. Now, I'd like to ask you about your case overall. To what extent do you agree or disagree with the following statement?

<b>Question</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Does Not Apply</b>
a. You feel that the bail that <u>would have been set instead of the Supervised Release Program</u> was fair.						
b. Your case is being handled fairly by the court						

**B. About the Brooklyn Supervised Release Program**

Now, I'd like to ask you about experience with the Brooklyn Supervised Release Program (SRP) so far.

6. To what extent do you agree or disagree with the following statement?

Question	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Don't Know
a. You understand what SRP is for						
b. Please say in your own words what the program is for:						
c. You feel that the program will help you with your court appearances.						
d. Please explain your response:						
e. You feel that being placed in the program is fair.						
f. Please explain your response:						

7. By being in this program and on pre-trial release, how do you think your daily life will be affected?

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8. In your own words, what do you hope to get out of the program (e.g., *what are your goals*)?

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\*\*\*\*\* Thank you for your time and participation! \*\*\*\*\*

**BROOKLYN SUPERVISED RELEASE PROGRAM  
Defendant Survey: Post-Survey**

Pre-Survey Date: \_\_\_\_\_

Post-Survey Date: \_\_\_\_\_

Program Start Date: \_\_\_\_\_

*[Note to surveyor: fill in dates before survey takes place.]*

**The purpose of this survey is to learn about your experience in court and in the Brooklyn Supervised Release Program since the last survey. Participation in this survey is voluntary. Your responses will be kept confidential. The information is for research purposes only. The survey will be about 20 minutes long.**

**A. About the Court Process**

In this section, we are going to ask about what you think about what happens in court and the different people involved **since your last survey on** \_\_\_\_\_. *[See date above.]*

1. About how many court appearances have you had so far for your current case? \_\_\_\_\_
2. Thinking about your experience in court for your current case, to what extent do you agree or disagree with the following statements?

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Does Not Apply</b>
a. You understood what was going on in court.						
b. You understood your legal rights.						
c. The judge listened to you and/or your lawyer.						
d. The judge was knowledgeable about your case.						
e. The judge tried to understand your situation and any needs you had ( <i>e.g., housing, jobs, or substance abuse</i> ).						
f. You felt that you were at a disadvantage because of your age, race, sex, income, or another reason.						
g. You felt pushed into things you did not agree with.						
h. You felt court staff ( <i>e.g., the court administrator who handles the paperwork, or the police officers in the holding cells or in the courtroom</i> ) were polite to you.						

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Does Not Apply</b>
i. You understood what your lawyer told the judge about you and your case.						
j. You felt you or your lawyer had the opportunity to express your views in court.						
k. You understood the rules of the court and what is expected of you.						
l. You understood what will happen if you violate the rules.						
m. [Optional]: Please explain your response to any of the above. Be sure to specify which one you want to explain. Item: _____						

3. I am going to read a list of people may be involved in your case. As I read each name, please indicate how well you understand that person's role in your case.

	<b>Not At All</b>	<b>Not Well</b>	<b>Neutral</b>	<b>Well</b>	<b>Very Well</b>	<b>Does Not Apply</b>
g. Your lawyer						
h. The Criminal Justice Agency (CJA; the staff who first interviewed you in Central Bookings)						
i. The judge						
j. The district attorney (also called the DA, ADA, or prosecutor)						
k. The court clerk or administrator (who sits next to the judge and handles the paperwork)						
l. The court officer (s) in the courtroom						
m. The police officer(s) in the holding cells (who brings you out to the courtroom)						



4. Throughout your current case, how fairly did the following individuals treat you?

	<b>Very Fair</b>	<b>Somewhat Fair</b>	<b>Neither</b>	<b>Somewhat Unfair</b>	<b>Very Unfair</b>	<b>Does Not Apply</b>
a. Your lawyer						
b. The Criminal Justice Agency (CJA; the staff who first interviewed you in Central Bookings)						
c. The judge						
d. The district attorney (also called the DA, ADA, or prosecutor)						
e. The court clerk or administrator (who sits next to the judge and handles the paperwork)						
f. The court officer in the courtroom						
g. The police officer in the holding cells (who brings you out to the courtroom)						

5. Now, I'd like to ask you about your case overall. To what extent do you agree or disagree with the following statements?

<b>Question</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Does Not Apply</b>
c. You feel that the bail that <u>would have been set instead of the Supervised Release Program</u> was fair.						
d. Your case is being handled fairly by the court						
e. <u>If your case has been resolved,</u> you feel that the outcome of your case is fair.						

**B. About the Brooklyn Supervised Release program**

6. Now, I'd like to ask about your experience with the Brooklyn Supervised Release Program (SRP) **since your last survey**. To what extent do you agree or disagree with the following statements.

Question	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Don't Know
a. You understand what SRP is for.						
b. Please say in your own words what the program is for:						
c. SRP has met your expectations.						
d. Please explain your response:						
e. You feel that the program has helped you with your court appearances.						
f. Please explain your response:						
g. You feel that being in the program is fair.						
h. Please explain your response:						

7. In general, what helped you most in keeping your BK SR program sessions and court appearances? Please specify (*e.g., technology used like message reminders, cell phones, your BK SR case manager or other program staff, the judge, court staff, family members, significant other, friends, or anything else*).

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8. Please tell me more about the technology used to help you keep program sessions and court appearances (*e.g., message reminders, program cell phones, phone calls, and emails*).

Type of Technology used (Please specify)	Very Effective	Effective	Neutral	Ineffective	Very Ineffective
a. _____					
b. _____					
c. _____					
d. _____					

9. a) Of the above technology used, what worked to help you keep program sessions and court appearances and why (*e.g., technology use, type of technology, or frequency of reminders*)?

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b) Of the above technology used, what did not work to help you keep program sessions and court appearances and why (*e.g., technology use, type of technology, or frequency of reminders*)?

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10. Now I'd like to ask you about any services or referrals that you may have received. Select all that apply or "N/A" for those that are not applicable.

Services	Did Client Receive Referrals from SRP?			Did Client Go To Services At Least Once?		
	Yes	No	N/A	Yes	No	N/A
Education	Yes	No	N/A	Yes	No	N/A
Youth Programs	Yes	No	N/A	Yes	No	N/A
LifeLine	Yes	No	N/A	Yes	No	N/A
Mediation/Conflict Resolution	Yes	No	N/A	Yes	No	N/A
Employment	Yes	No	N/A	Yes	No	N/A
Housing	Yes	No	N/A	Yes	No	N/A
Benefits	Yes	No	N/A	Yes	No	N/A
Counseling	Yes	No	N/A	Yes	No	N/A
Psychiatric/Medical Management	Yes	No	N/A	Yes	No	N/A
Drug/Alcohol Treatment	Yes	No	N/A	Yes	No	N/A
Parenting	Yes	No	N/A	Yes	No	N/A
Victim Services	Yes	No	N/A	Yes	No	N/A
Medical/Dental Services	Yes	No	N/A	Yes	No	N/A
Identification/documentation assistance	Yes	No	N/A	Yes	No	N/A
Immigration	Yes	No	N/A	Yes	No	N/A
Other Legal (please specify): _____	Yes	No	N/A	Yes	No	N/A
Other (please specify): _____	Yes	No	N/A	Yes	No	N/A

11. Please rate your satisfaction with SRP in the following areas.

Question	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Does Not Apply
a. You were satisfied with the SRP staff.						
b. Please explain your response about SRP program staff:						
c. What are your recommendations for staff?						

Question	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Does Not Apply
d. You were satisfied with how SRP staff and your lawyer worked together.						
e. Please explain your response:						
f. What are your recommendations for staff and lawyer collaboration?						
g. You were satisfied with how SRP staff and the court staff (e.g., judges, court admin, court officers) worked together.						
h. Please explain your response:						
i. What are your recommendations for SRP and court staff collaboration?						
j. You were satisfied with the frequency of program check-ins.						
k. Please explain your response:						
l. What are your recommendations for program sessions?						

Question	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree	Does Not Apply
m. You were satisfied with the referrals given by SRP.						
n. Please explain your response and any include any feedback about program referrals:						
o. You were satisfied with services that you received <u>outside of SRP</u> .						
p. Please explain your response and any include any feedback about program services <u>outside of SRP</u> :						
q. You were satisfied with your overall experience with SRP.						
r. Please explain your response about SRP overall.						
s. What are your recommendations for SRP overall?						

12. By being in this program and on pre-trial release, how has your daily life been affected?

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13. In your own words, what have you gotten out of the program (*e.g., you met your goals*) **since your last survey?**

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\*\*\*\*\*Thank you for your time and participation!\*\*\*\*\*

## Appendix B: Staff Interview Instrument

### BROOKLYN SUPERVISED RELEASE PROGRAM

#### Staff Interview

1. a. What does supervision consist of in the **Brooklyn Supervised Release Program (SRP) model** (e.g., supervision requirements and common practices)?

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- b. In your opinion, what works best to get **SRP** participants to their program sessions and court appearances?

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- c. What are some effective strategies to engage **SRP** clients, particularly those that might be classified as high risk (e.g., substance abuse and mental health issues, homelessness)?

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2. In general, what are the strengths of **SRP**? Please discuss specific examples (e.g., program operations, collaboration with the court and other stakeholders, case management, referrals, client types/risks/needs and any unique program features), or the program overall.

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3. What about strengths, if any, of the **Brooklyn Criminal Court**? Please be specific.

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4. What are key challenges and potential solutions that you recommend for **SRP** (e.g., program operations, collaboration with the court and other stakeholders, case management, referrals, client types/risks/needs and any unique program features)?

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5. What about key challenges and potential solutions that you recommend for the **Brooklyn Criminal Court**? Please be specific.

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6. What are your future goals for **SRP** (see specific time periods below)? E.g., what would you like to see at SRP over the following time periods:

- Over the next few months: \_\_\_\_\_

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- Over the next year: \_\_\_\_\_

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- Over the next few years: \_\_\_\_\_

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7. Is there anything else you want to share?

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\*\*\*\*\*THANK YOU FOR YOUR TIME AND PARTICIPATION\*\*\*\*\*

## Appendix C. Baseline Characteristics among Supervised Release Cases with and without Bail Data

Variables	Baseline Differences among SRP Participants	
	Participants with Bail Data	Participants without Bail Data
<b>N</b>	<b>126</b>	<b>41</b>
<b>Demographics</b>		
Age		
<i>Average Age (in years)</i>	31	34
Gender		
<i>Male</i>	92%	98%
<i>Female</i>	8%	2%
Race/Ethnicity		
<i>White</i>	8%	7%
<i>Black</i>	63%	66%
<i>Latino</i>	29%	27%
<b>Criminal justice data</b>		
Current Misdemeanor Arraignment Charge Type		
<i>Assault</i>	25%	29%
<i>Property</i>	38%	34%
<i>Drug</i>	14%	12%
<i>Traffic</i>	7%	15%
<i>Other</i>	15%	10%
Prior Criminal History		
<i>Any Prior Misdemeanor Arrest</i>	97%	100%
Average No. of Misdemeanor Arrests	11	13
<i>Any Prior Felony Arrest</i>	83%	81%
Average No. of Felony Arrests	3	4
<i>Any Prior Violent Felony Arrest</i>	64%	63%
Average No. of Violent Felony Arrests	2	2
Top crime precincts		
<i>Precinct73: Ocean Hill/Brownsville</i>	10%	15%
<i>Precinct81: Brownsville</i>	6%	7%
<i>Precinct75: East New York</i>	9%	15%
<i>Precinct79: Bedford-Stuyvesant</i>	8%	10%

<sup>1</sup> This includes: assault in the 3rd, menacing in the 2nd & reckless endangerment in the 2nd.

<sup>2</sup> This includes: criminal possession of stolen property in the 5th, theft of services, petit larceny, criminal trespass in the 3rd & 2nd, possession of burglar's tools, criminal mischief in the 4th, unauthorized use of a vehicle in the 3rd & making graffiti.

<sup>3</sup> This includes: criminal possession of marijuana in the 4th (3), criminal sale of marijuana in the 4th (5), controlled possession of a controlled substance in the 7th & criminally possessing a hypodermic instrument.

<sup>4</sup> This includes: driving while under the influence (13), operating a vehicle while license is suspended or revoked, aggravated unlicensed operation in the 3rd degree & aggravated unlicensed operation in the 2nd.

<sup>5</sup> This includes: false impersonation, criminal impersonation in the 2nd, official misconduct, resisting arrest, hindering prosecution, aggravated harassment in the 2nd, child abandonment, child endangerment & stalking in the 4th.