Spring 2024

EVALUATING THE EFFICACY OF PRETRIAL CHANGES INTENDED TO REDUCE THE JAIL POPULATION:

The Palm Beach County Public Defender Initiative

Prepared for the Palm Beach County Criminal Justice Commission

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Evaluating the Efficacy of Pretrial Changes Intended to Reduce the Jail Population: The Palm Beach County Public Defender Initiative

A Final Report to the

Palm Beach County Criminal Justice Commission

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Executive Summary

This report completed by researchers at Florida State University's College of Criminology and Criminal Justice evaluates the efficacy of the pretrial initiative administered by the Palm Beach County Public Defender's Office.

Using multiple sources of administrative data from Palm Beach County, FL researchers found:

1. Relative to non-participants, individuals who participated in the Public Defender's Office initiative spent fewer average days in jail.

   Participants spent an average of 10 fewer days in jail during the period preceding the adjudication of their case as compared to a group of similarly situated non-participants.

2. Program participation was unrelated to whether individuals missed any scheduled court appearances or engaged in any new criminal activity.

   Most defendants attended all required hearings during the pretrial stage. The probability of court appearance was roughly 97% among participants and non-participants alike. Re-arrest was somewhat more common across these groups, such that the probability of acquiring charges on a new crime during the pretrial period was 38.7% and 37.7% for participants and non-participants, respectively.

3. When participants were rearrested, those arrests were overwhelmingly for low-level, non-violent charges.

   Roughly three-fifths of participant arrests for new criminal activity were for either public order offenses (47%) or drug possession (12%).

4. Program participants were somewhat less likely than non-participants to be charged with a new violent crime.

   Arrests on new violent charges were exceedingly rare across both groups. However, the probability of new violent criminal activity was slightly lower among participants (1.2%) relative to non-participants (2.8%).

Based on these findings, we conclude that the efforts of the Public Defender's Office to facilitate the pretrial release of their clients have been successful. Notably, these efforts had no adverse effects on public safety or court efficiency. At the same time, we did not identify a benefit of program participation from the standpoint of pretrial compliance, as participants and non-participants failed to appear and were rearrested at similar rates. Given that connecting individuals with community-based providers likely reaps benefits beyond what can be directly observed using criminal justice data, we encourage the Public Defender's Office to consider their broader goals and the type of data needed to 1) appropriately implement and monitor their program, and 2) evaluate whether these goals are being met.

1. Introduction

Beginning in 2017, Palm Beach County implemented a range of strategies focused on reducing the jail population while addressing racial and ethnic disparities and preserving public safety. Among these was a program launched by the Palm Beach County Public Defender's Office aimed at reducing the average length of stay for pretrial detainees, with a particular focus on connecting individuals with service needs to community-based providers. Public defender clients who remained incarcerated after a 48-hour period on a monetary bond were evaluated to determine whether there was a reasonable expectation that a bond motion would succeed. If so, individuals' needs were assessed, and a plan was established for a bond motion and post-release placement services.

During the course of this program, the Public Defender's office placed 294 individuals with a broad range of service providers based on their needs, as assessed by social workers from the Public Defender's office. The broad goals of this program were to decrease lengths of pretrial detention and improve defendants' outcomes. However, as this program had yet to be subject to an external evaluation, it was unclear whether these goals had been achieved.

Using data from the Palm Beach County Jail, Clerk of Courts, Pretrial Services, and Public Defender's Office, researchers from Florida State University's College of Criminology and Criminal Justice conducted an evaluation of the pretrial release program run by the Public Defender's Office to determine whether/how the program affected pretrial detention and to compare rates of pretrial compliance across individuals who did and did not participate in the program. Analyses also considered the extent to which program-related factors contributed to variability in participants' outcomes. We discuss our findings in more detail below following a brief overview of the existing literature on pretrial release programs.

2. Background

Research on the efficacy of various models of pretrial supervision goes back multiple decades (see e.g., Austin, 1985; Goldkamp & White, 2006). However, there has been renewed emphasis on pretrial supervision (and pretrial service agencies in particular) and the question of whether defendants can be safely and effectively monitored in the community. This reprioritization of pretrial supervision is largely attributable to recent bail reform efforts, which have frequently positioned different approaches to supportive services and monitoring as alternatives to cash bail—and, notably, options that improve equity without jeopardizing efficacy or efficiency.

This recent attention to our money bail system is based on a few key observations. First, despite slight declines in the jail population since the mid-2000s, our reliance on jail incarceration has increased roughly 200% over the last three decades. Second, this growth can be attributed almost entirely to the rising number of pretrial detainees (Stephan, 1984; Zeng & Minton, 2021) and, on any given day, roughly two-thirds of the men and women occupying jail beds across the country have yet to be convicted of a crime. Third, the

majority of these individuals are detained because they cannot afford to post the financial sum required for their release (i.e., money bail). Thus, the way bail works in practice is inconsistent with the goals of the bail system (i.e., to ensure that people show up in court and avoid further criminal justice involvement). Finally, there are a host of downstream consequences associated with the experience of pretrial detention, including heightened risk of conviction, of receiving a custodial sanction, and receiving sentences of longer length (e.g., Dobbie et al., 2018; Gupta et al., 2016; Heaton et al., 2017; Lerman et al., 2022; St. Louis, 2022). Given the association between pretrial detention and poverty, these cascading effects are felt disproportionately by members of our most marginalized communities.

The appeal of pretrial supervision programs, then, is that they purport to perform just as successfully as money bail with respect to court appearance and public safety. Furthermore, because pretrial supervision does not typically require defendants to post any collateral, being placed on supervision helps facilitate the release of defendants. Although evaluations of pretrial supervision programs remain somewhat limited, there is broad consensus for the basic finding that pretrial supervision is just as effective at ensuring that individuals show up for required hearings and avoid additional arrests on new charges as money bail (e.g., Albright, 2021; Skemer et al., 2020). In other words, the existing research suggests that pretrial supervision can increase rates of release without leading to decreases in court appearance or increases in new arrests.

Existing research also suggests that some individuals stand to benefit more than others from pretrial supervision. More specifically, pretrial supervision has been found to have the greatest effect on court appearance among those assessed as being at higher risk, and in some cases has been found either ineffective or even deleterious among those assessed as lower risk (Advancing Pretrial Policy and Research, 2020; VanNostrand & Keebler, 2009). These findings are consistent with other research on criminal justice interventions and support recent conclusions that less intensive approaches to supervision may be the most effective (Bechtel et al., 2022; Valentine & Picard, 2023).

Although pretrial services agencies often provide referrals to voluntary services including housing, treatment, counseling, and educational and workforce development opportunities, these services are not typically a component of research evaluations. Accordingly, we know little about whether individuals who participate in various programs are more successful during the pretrial period. Nevertheless, in light of findings suggesting that less intensive supervision is just as effective as more intensive supervision (Valentine & Picard, 2023), some agencies have shifted from prioritizing supervision to support with the understanding that efforts to support people awaiting the adjudication of their case may be more effective than supervision.

The initiative run by the Public Defender's Office intersects with these different areas of research but is unique from the programs evaluated to date in notable ways. First, the program is overseen by the Public Defender's Office and not pretrial services. Second, although many of the program participants are placed on supervised own recognizance release (SOR), pretrial supervision is not a ubiquitous feature of the program. To date, this

model of pretrial release, operated by a Public Defender's Office with a focus on supportive services for clients with an identified need, has yet to be evaluated. As such, the findings from this evaluation will be useful for understanding the efficacy of this particular program, and for considering the utility of this unique approach to pretrial release on a broader scale.

3. Data and Methods

To examine the effectiveness of the Palm Beach County Public Defender's Office pretrial release program, researchers from FSU conducted a series of analyses using data from the Palm Beach County Jail, Clerk of Courts, Pretrial Services, and Public Defender's office. These analyses focused on all individuals booked into the Palm Beach County Jail between July 1, 2018 and December 31, 2022. These dates were selected based on the Public Defender Program dates to ensure that comparisons drawn between participants and non-participants referenced the same period.

The Public Defender's Office provided information about individuals who were identified for participation in their program. This enabled the creation of participant and non-participant comparison groups. Members of these groups were identified for participation in the program by the Public Defender's Office based on the determination that they were detained pretrial due to an inability to pay cash bail, and an informal assessment of risk indicating that they may benefit from the services provided by the program. For these defendants, the Public Defender's Office submitted a motion for a bond reduction with a plan that included participation with a community-based service provider. For treatment group members, an order was granted in favor of the motion, and they were subsequently released from custody to the care of a service provider. For control group members the placement request was not made. This may have occurred for a range of reasons, including being released on money bond or other changes to the status of the case. In order to ensure a suitable comparison group, we excluded control group members whose release reasons were listed as deceased, no file, or nolle prosse. Based on these criteria, we were left with 770 cases for our analyses. Of them, 294 were participants in the Public Defenders program and the remaining 476 were non-participants.

3.1 Variables

3.1.2 Dependent Variables

We relied on four dependent variables for our analyses including detention length (in days), failure to appear (FTA), new criminal activity (NCA), and new violent criminal activity (NVCA). Detention length was calculated using the difference between an individual's booking and release dates. FTA was defined as a defendant failing to appear for any court event in the case during the follow-up period (1 = Yes; 0 = No). NCA was defined as any new booking for a misdemeanor or felony charge during the follow-up period (1 = Yes; 0 =

No). NVCA was defined as a new booking for a violent crime during the follow-up period (1 = Yes; 0 = No).

3.1.3 Independent Variables

Analyses accounted for several measures of sociodemographic characteristics including race/ethnicity, gender, and age. We measured race and ethnicity using a series of dichotomous indicators, including *non-Hispanic White* (contrast category), *non-Hispanic Black*, and *Hispanic or Latino*. We also included a continuous measure of the person's *age* at the time of booking, and the person's *gender* (1 = male; 0 = female).

Next, we accounted for current charge information. Using a series of dichotomous variables, we identified the defendants' most serious booking charge, including *violent*, *property*, *drug* (contrast category), *public order*, and *other*. We also accounted for the charge level using a measure indicating whether the most serious booking charge was a *felony*. Because defendants are frequently booked on multiple charges, we included a count of the number of charges at booking (*total charges*). Finally, we accounted for prior involvement with the local justice system using dichotomous indicators of *prior failure to appear*, *prior felony booking*, and *prior misdemeanor booking*.

3.1.4 Program-Specific Factors

There was limited information available on the community-based programs into which participants were placed. However, we did have access to the total number of days individuals spent in the program (*days in program*), in addition to the *program cost* per participant. We considered these factors for descriptive purposes and in a series of supplemental analyses.

3.2 Analytic Strategy

The analyses for this study proceeded in multiple stages. We began by providing descriptive profiles of the Public Defender program participant and non-participant comparison groups. Next, we relied on a series of multivariate regression models to assess whether participants fared better than non-participants across a range of pretrial outcomes. More specifically, we drew on negative binomial models to assess detention length. The remaining outcomes (FTA, NCA, NVCA) were examined using logistic regression techniques.

In addition to comparing the outcomes of individuals who did and did not participate in the Public Defender's Office initiative, we considered program-related factors that may have contributed to variability in pretrial outcomes among participants. In particular, we considered whether the participation length or cost were associated with pretrial failure. Finally, we reviewed the various programs with which participants were placed to observe trends in cost per participant and failure across the various community-based providers.

4. Results

4.1 Descriptive Statistics

Descriptive statistics for program participants and non-participants are presented in Appendix Tables A1 and A2. Roughly 45% of program participants were non-Hispanic white, 46% were non-Hispanic Black, and 9% were Hispanic or Latino. A majority of program participants were male, and they averaged 41 years old at the time of booking. Individuals charged with violent (32%) and property (36%) offenses each made up roughly one-third of program participants. Drug (14%), public order (16%), and other (2%) charge types were relatively less common among members of the participant group. Nearly three in four (74%) program participants faced felony charges, while fewer than one in five (17%) were charged with misdemeanor offenses. The remainder (9%) were charged with "other" offense types (e.g., traffic violations). Slightly more than one in ten (12%) program participants had failed to appear for a scheduled hearing in a prior case. More than one-quarter of program participants had been booked on a felony charge in the past, whereas slightly less than half (45%) had been booked on a previous misdemeanor charge. Participants averaged roughly one month in the program (27 days); however, there was considerable variability around this figure. Although the maximum number of days in the program was 415, 95% of program participants were engaged for a period of 69 days or less. There was similar variability around program cost. The average amount paid per participant was $871.19, and this ranged from $0 - $15,960. Here again, these upper figures are outliers, as the total amount paid was $2,600 or less for 95% of program participants. As indicated in our preliminary report, fluctuations in the cost of the program from year to year seem to be attributable to changes in program numbers, such that higher costs were associated with periods of higher participation. Similarly, although some facilities were more costly than others at first glance, further examination revealed that the differences largely stemmed from the longer average stays among individuals placed with those providers—many of whom were seriously mentally ill individuals in need of long-term placements.

As outlined in the data and methods section, we created a comparison sample for the purpose of determining program efficacy based on data provided from the Public Defender's Office. Descriptive statistics for this comparison group are available in Appendix Table A2. Fewer than two in five (37%) comparison group members were non-Hispanic white, roughly half (51%) were non-Hispanic Black, and 12% were Hispanic or Latino. Comparison group members were overwhelmingly male (87%), and their average age at booking was 41. The modal charge category among members of the comparison group was property (46%). Roughly one in three were booked on violent charges (32%). Drug (11%), public order (11%), and "other" charge types (0.21%) together made up less than one-quarter of this non-participant comparison group. Nearly 15% of non-participants had failed to appear for a scheduled hearing in a previous case. Slightly more than one in four (27%) comparison group members had a previous felony booking and fewer than half (45%) had a prior misdemeanor booking. Taken together, our findings suggest that participants and our non-participant comparison group members are similar in many ways. In particular, both groups are

predominately male and group members are, on average, of a similar age. Similar shares of both groups were charged with violent crimes and the criminal histories of both groups reflected similar levels of prior felony and misdemeanor bookings. At the same time, there were some notable differences. For example, a larger share of participants was non-Hispanic white, while smaller shares were either non-Hispanic Black or Hispanic/Latino, as compared to their non-participant counterparts. Additionally, whereas a smaller share of participants was charged with a property crime as compared to non-participants, larger shares were charged with drug and public order crimes. Relatedly, a smaller share of participant charges was at the level of misdemeanor, while a larger share reflected felony charges, relative to the non-participant group.

While the comparability of our participant and non-participant groups is important for putting into context our findings related to program efficacy, an additional consideration is how program participants compared to the broader population of individuals booked into the jail during the same period. We highlighted a few of these differences in Figures 1 and 2 below. As compared to the broader population of individuals booked during the period, a similar share of program participants was charged with a violent or drug-related crime. However, property charges were more common, and public order charges were less common, among program participants as compared to the broader population of individuals booked into the jail.
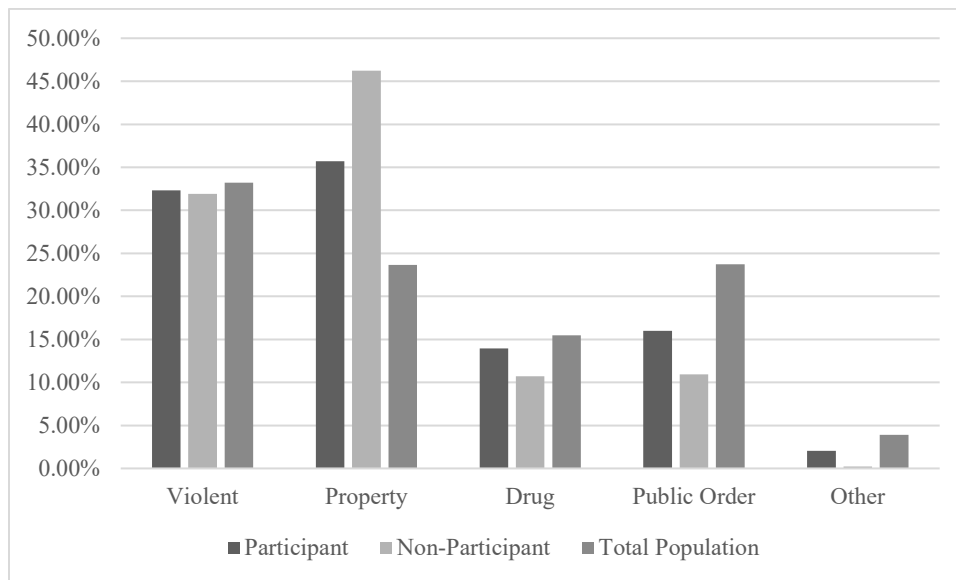

Figure 1. Comparison of Charge Type by Group Membership

Furthermore, program participants had more extensive criminal histories than the broader population of individuals booked into the jail during the same period, including greater shares of prior misdemeanor and felony bookings and failed court appearances. These differences are not surprising given the target population of the Public Defender's Office initiative, which included individuals who remained incarcerated after a 48-hour period on a monetary bond. In other words, we would expect that those who remained detained at the 48-

hour mark would include individuals who judges perceived as slightly more "risky," based on factors related to the seriousness of their current charges and their prior system involvement.
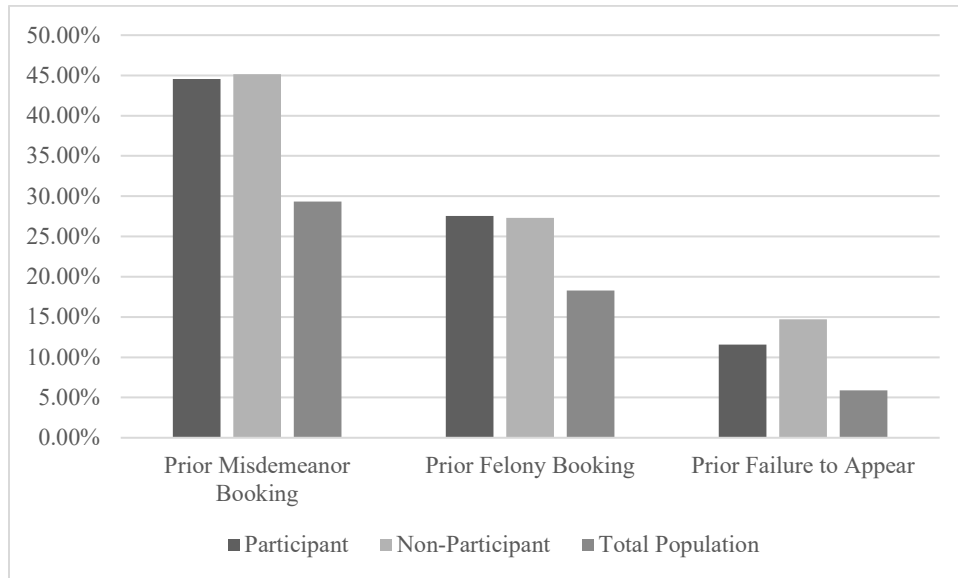

Figure 2. Comparison of Criminal History by Group Membership

That program participants differed from the broader population booked during the period in these ways is in no way meant to criticize the Public Defender's Office initiative, but rather serves to put into perspective some of the ways in which program participants are unique as we move into the next set of findings on program outcomes.

4.2 Program Effects

4.2.1 Detention Length

One of the stated goals of the program was to reduce the average length of stay for pretrial detainees. As short-term facilities, most people who are booked into the jail are released from custody relatively quickly. For example, the median detention length across all bookings during the focal period was 1 day, with 75% of individuals released within 4 days. Notably, this includes individuals who may have bonded out prior to attending a first appearance hearing, or those who were assigned conditions that they were able to quickly satisfy following their hearing with a judge. A non-trivial share of those booked into the jail, however, are unable to satisfy the conditions of their bond and spend much longer periods of time detained. Focusing on the sample of program participants, the average number of days spent in custody was 84. Furthermore, half of program participants spent 34 days or more in jail and 10% spent 181 days—or roughly six months—in jail. Although these figures are striking, particularly in light of the fact that these individuals have yet to be convicted of a crime, they are lower than the detention lengths observed for non-participants. More specifically, the average detention length among members of the non-participant comparison

group was 95 days. Half of non-participants spent 44 days or more in jail and 10% spent 274 days, or roughly nine months, in jail.

In order to rule out the possibility that these differences are attributable to observed differences between members of the participant and non-participant groups, we estimated a negative binomial regression model (Appendix Table A3). Our findings revealed that program participation is negatively associated with the expected log count of the number of days in jail; however, this effect is not statistically significant. To better interpret these findings, we calculated the predicted number of days in jail for members of the participant and non-participant groups, holding all other variables in the model at their means.
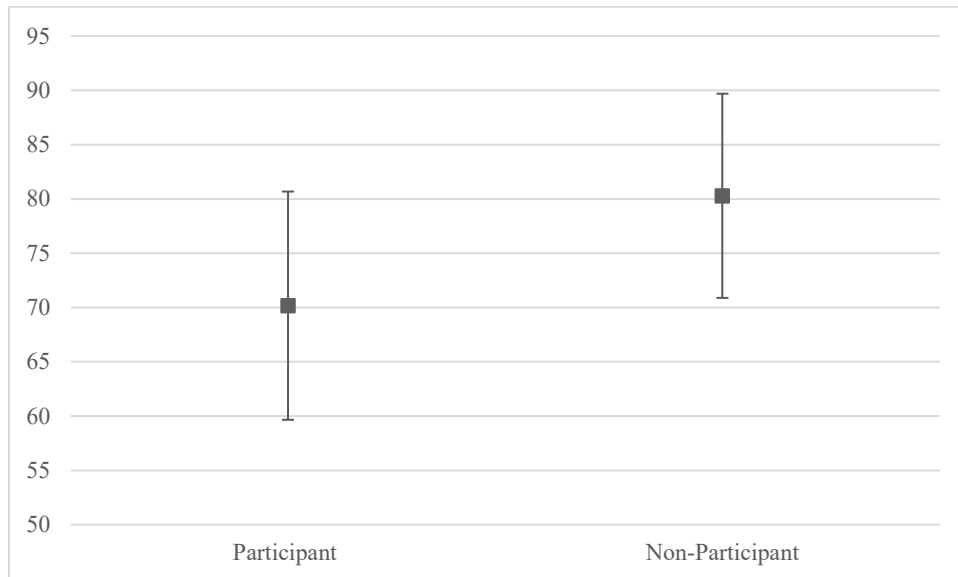

Figure 3. Predicted Mean Detention Length by Program Participation

We found that the predicted number of days in jail for the participant and non-participant groups were 70 and 80, respectively (see Figure 3). This reflects an incident rate for non-participants that is 1.14 times the incident rate for participants. This roughly 10-day difference in detention length is similar to what we observed in the descriptive findings highlighted above. Although this difference does not reach conventional levels of statistical significance, there does appear to be a substantively meaningful reduction in the detention length for individuals who participated in the Public Defender's initiative.

4.2.2 Pretrial Failure to Appear

In addition to whether or not the Public Defender's initiative influenced detention lengths, an additional consideration was whether participation was associated with defendants' odds of pretrial failure. In order to assess this, we began by examining the bivariate association between program participation and pretrial failure to appear. We found that, relative to the non-participant comparison group, program participants had slightly higher rates of failure to appear. More specifically, nearly 7% of program participants missed a scheduled court

appearance as compared to 5% of non-participants. Notably, these rates of failure to appear are both quite low, and the difference is not statistically significant. Nevertheless, we further examined these associations in a logistic regression model, which enabled us to account for a broad range of potentially confounding factors. This approach helps rule out whether observed differences in the likelihood of pretrial failure are attributable to program participation or other factors associated with both program participation and failure to appear.

The results of our model revealed that, after accounting for defendants' sociodemographic characteristics, current charge information, and criminal histories, program participants were slightly *less* likely to miss a scheduled court appearance. Specifically, the odds of pretrial failure to appear were 15% lower among participants relative to non-participants. To put this into context, we estimated the predicted probability of pretrial failure to appear for the average defendant. Holding all other factors at their mean, the predicted probability of a missed court appearance among participants was 0.029, as compared to 0.035 for program non-participants.
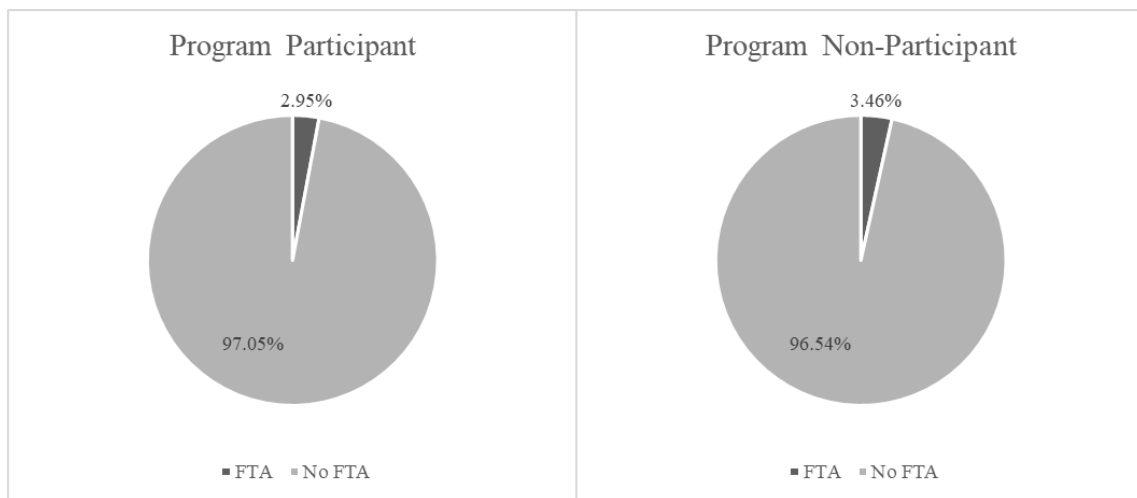

Figure 4. Probability of Failure to Appear by Program Participation

As the above figures make clear, the vast majority of participants and non-participants alike attended their scheduled court hearings. Furthermore, although the odds of pretrial failure are slightly lower among program participants, this difference is not statistically significant. These findings suggest that program participation has no effect—either positive or negative—on defendants' likelihood of appearing in court.

4.2.3 New Criminal Activity

We followed a similar approach to compare rates of rearrest between program participants and non-participants. We began by examining the rate of new criminal activity among members of our participant and non-participant comparison groups. Similar shares of

participants (39%) and non-participants (40%) were rearrested on a new charge during the pretrial period. It is worth noting that these rates of new criminal activity among participants and non-participants are elevated relative to the broader PBC sample. That is, whereas the levels of pretrial failure to appear among participants and non-participants were similar to what has been observed among the broader population of individuals booked into the Palm Beach County Jail (3%), the levels of new criminal activity among participants and non-participants were nearly three times those observed across all bookings into the Palm Beach County Jail during the period (14%). This finding reflects that those targeted by the Public Defender's Office are slightly "higher risk" than the average individual booked into the jail, at least with respect to their likelihood of facing additional charges during the pretrial stage; however, this is to be expected given the target population of the Public Defender's Office initiative (i.e., individuals who remain in jail past the 48-hour mark on a monetary bond).

Although the rates of pretrial rearrest were similar between participants and non-participants, we further examined the link between program participation and new criminal activity in a logistic regression model to account for potential observed differences between participant and non-participant group members. As expected, we found no difference in the odds of rearrest between the groups. More specifically, program participation was associated with a 4% increase in the odds of new criminal activity. This difference was not statistically significant. If we instead think about these findings in terms of predicted probabilities, they suggest that the probability of rearrest for the average defendant is 39% among program participants and 38% among program non-participants—a difference that is both statistically and substantively unremarkable.
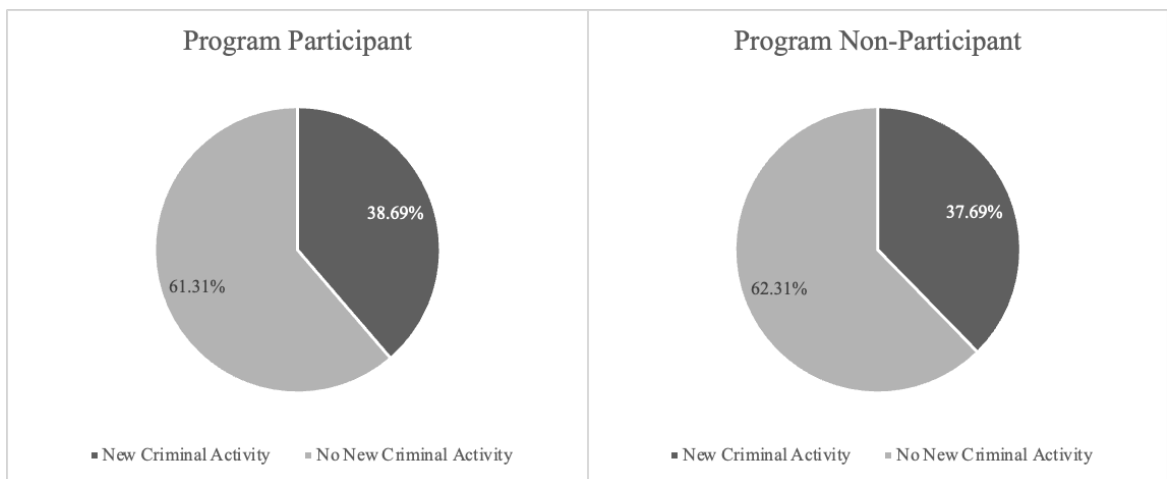
Figure 5. Probability of New Criminal Activity by Program Participation

Although program participation neither appears to heighten nor reduce the odds of being arrested for a new charge during the pretrial period, the relatively high levels of new criminal activity among members of both groups begs the question of what participants and non-participants are being arrested for. We examined the charge type among participants and non-participants who exhibited a pretrial rearrest. Across both groups, the most common charge

associated with the new criminal activity included public order offenses (47% and 43% of all new criminal activity among participants and non-participants, respectively). Roughly one-third of all new criminal activity among participants (31%) and non-participants (32%) was attributable to property charges. Where participants and non-participants differed in terms of the nature of new criminal activity was with respect to the percent rearrested on violent and drug-related charges. In particular, 15% of the participant group members who were rearrested during the pretrial period were facing new drug-related charges (primarily for possession), as compared to 4% of non-participants. Relatedly, less than 7% of participant rearrests were for violent crimes, while new violent criminal activity made up nearly one in five (18%) rearrests among non-participants. In sum, although the extent of new criminal activity was similar among participant and non-participant group members, the nature of these encounters can be characterized by important similarities and differences. More specifically, the largest share of rearrests were for low-level, public order offenses, and this was the case across both groups. However, whereas participants were more likely to be rearrested on drug-related charges (e.g., possession), non-participants were more likely to be arrested on violent charges (e.g., assault). That roughly three-fifths of participant rearrests were for drug possession and other public order offenses alone is consistent with this population's need for community-based supportive services. We present the breakdown of new criminal activity among program participants in Figure 6, below.
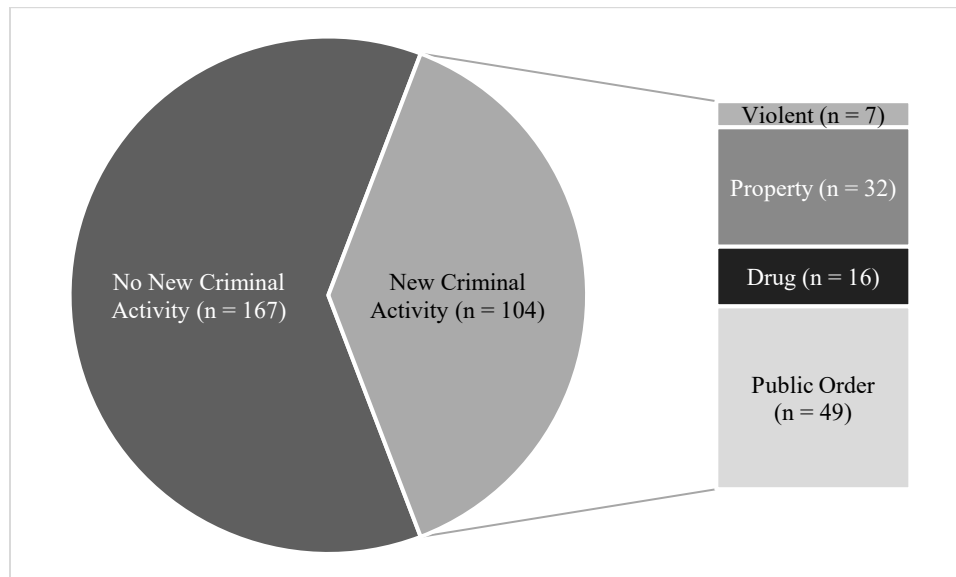
Figure 6. New Criminal Activity among Program Participants, by Charge Type

4.2.4 New Violent Criminal Activity

The discussion above suggests that rates of new violent crimes are low among members of both the participant and non-participant comparison groups and, moreover, that participants are less likely than their non-participant counterparts to be arrested on a violent charge during their pretrial release. Nevertheless, we examined the association between program

participation and new violent criminal activity using bivariate and multivariate techniques. We began by comparing the share of participants and non-participants who were arrested on a new violent charge during the pretrial period. Consistent with the findings described above, we found that less than 3% of participants were arrested on a new violent charge as compared to roughly 7% of non-participants. This difference suggests that among those identified as potential targets for the Public Defender's Office initiative, those who participated were less likely to be arrested on a new violent charge. Furthermore, this difference was statistically significant ($p < .05$).

We further examined the association between program participation and new violent criminal activity in a logistic regression model to determine whether program participants exhibited lower odds of new violent crime after taking into account other potentially confounding factors. In a model that adjusted for sociodemographic, current charge, and criminal history information, we found that program participation was associated with lower odds of new violent criminal activity. Although this program effect was not significant at conventional levels, it fell just beyond those bounds ($p < .10$) and reflected a substantive difference between the odds of new violent charges across these groups. Although our findings signal a potentially meaningful difference in the odds of rearrest for a new violent charge between participants and non-participants, we reiterate here that rates of new violent criminal activity were markedly low across groups. Indeed, the predicted probability of new violent crime for the average individual was 1% and 3% for the participant and non-participant groups, respectively.
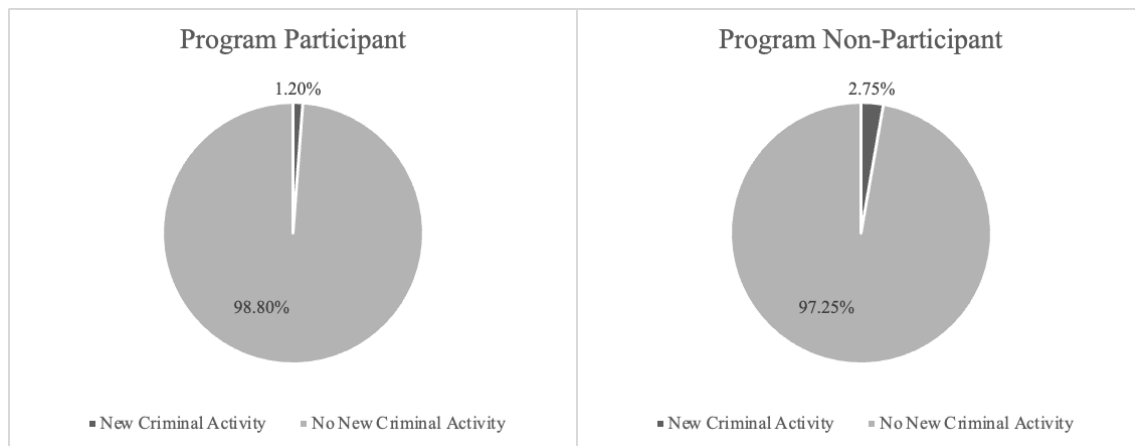
Figure 7. Probability of New Violent Criminal Activity by Program Participation

4.3 Supplemental Analyses

In addition to evaluating program efficacy, we were interested in identifying factors that may have contributed to variation in participant outcomes. Of particular interest were associations between individual assessments of risk/need and outcomes, as well as whether participants' outcomes were associated with the types of services provided or the frequency of service

engagement. However, the data required to complete these analyses were unavailable. As noted in our preliminary report, confidentiality concerns precluded the Public Defender's Office from sharing any data related to participants' assessments. With respect to program type and participant engagement, we could not consistently identify the services provided, nor the frequency with which the participant engaged in services, from the data provided by the Public Defender's Office. Accordingly, we focused our program-specific analyses on those areas that we were able to quantify, including the length of program participation and the cost per participant.

Given the relatively small size of the participant subsample, we examined associations between participation length, program cost, and pretrial failure in a series of bivariate analyses. We found no effects of either the number of days in the program or the program cost on pretrial failure, with one exception; there was a slight positive increase in the odds of failure to appear among those who spent a greater number of days in the program. We discuss the implications of these findings, and the findings from our core analyses, in the concluding section of this report.

5. Conclusion

As noted at the outset, the program operated by the Public Defender's Office shares many features of existing pretrial supervision programs, including an emphasis on facilitating release and providing supportive services for individuals awaiting the adjudication of their case. Yet it is unique in notable ways. Perhaps most remarkable is its positioning within the office of the Public Defender in lieu of another county agency (e.g., pretrial services). On the one hand, this approach may result in a model that is more client focused. On the other, given that client placement and service provision are not core functions of the office, there may be resource constraints that preclude them from the type of assessment, monitoring, and follow-up that is necessary for promoting efficacy and sustainability.

The literature review revealed that there is not an existing body of research on the program model developed by the Public Defender's Office. This serves to underscore the importance of a thorough evaluation to ensure that participation does not harm individuals' pretrial outcomes and that the costs associated with service provision are justified. Based on the available literature, there is some evidence to suggest that supervised release with community support can help reduce jurisdictions' reliance on incarceration while continuing to promote court appearance and public safety (e.g., Skemer et al., 2020). Furthermore, it appears that those who benefit the most from pretrial interventions are those who are assessed as being at higher risk of pretrial failure (Advancing Pretrial Policy and Research, 2020; VanNostrand & Keebler, 2009), which appears to be consistent with the population targeted by the Public Defender's Office. Despite these aspects of the model (i.e., community support, focusing on "higher risk" populations) being consistent with the best available research, there are other ways in which the practices in place are inconsistent with extant research and best practices.

We describe these in more detail in our recommendations following a brief overview of our key findings.

Our descriptive findings suggest that participants and non-participants were comparable in many ways. For example, these groups looked similar across indicators of gender, age, and criminal history. Furthermore, similar shares of participants and non-participants faced charges for violent offenses. However, participants were slightly more likely to be white, and to be charged with drug and public order crimes, relative to non-participants (who were slightly more likely to face charges for property crimes). Still, on the whole, the participant and non-participant comparison groups were well matched in terms of sociodemographic characteristics, current charge, and criminal history information. Zooming out to compare participants to the larger population of individuals booked into the county jail during the period revealed some notable differences. In particular, property charges were more common, and public order charges less common, among program participants. Additionally, program participants had slightly more extensive involvement in the criminal justice system, as reflected in their higher rates of prior bookings and failures to appear. That program participants differed from this broader population in ways that correspond to "risk" does not reflect a shortcoming of the program. It does, however, bring to the fore the need to consider the unique risks and needs of this population in the overall program design, as well as in individual placement decisions.

One of the core aims of the Public Defender's Office initiative was to facilitate the release of pretrial defendants who remained in jail due to an inability to post bail. We explored whether they were achieving this aim in analyses examining the association between program participation and detention length. Consistent with their aim, we found that program participants, on average, spent fewer days in jail. Given the relatively small size of our analytic sample, this difference did not reach conventional levels of statistical significance. Nevertheless, the roughly 10-day difference in average detention length between participants and non-participants is substantively meaningful and reflects that the efforts of the Public Defender's Office to reduce pretrial detention length were successful.

An important question that follows from this focus on pretrial detention is whether participants, once released, were at higher risk of pretrial noncompliance than their peers. We found that the reductions in pretrial detention length came at no cost to either court efficiency or public safety. That is, program participants were no less likely to fail to appear for a scheduled appearance or to be rearrested than their counterparts who did not participate in Public Defender Office funded services.

Although rates of failure to appear and rearrest were similar across the participant and non-participant comparison groups, the levels of rearrest were strikingly high among members of both groups. More specifically, in prior research focused on the pretrial process in Palm Beach County, rates of new criminal activity have consistently been around 15%. Using the current data, we found that roughly 14% of individuals booked into the Palm Beach County Jail during the period were rearrested. Yet among the participant and non-participant comparison groups, rates of rearrest were nearly three times higher than the broader

14

population of individuals booked during the same period (39% and 38%, respectively). This finding reflects that those targeted by the Public Defender's Office are "higher risk" than the average individual booked into the jail, a feature of the program that is unsurprising given its focus on individuals who remain in jail past the 48-hour mark. Still, it raises an important question regarding the types of crimes for which participants and non-participants are rearrested.

To address this question, we examined the charge types among participant and non-participant members who exhibited a pretrial rearrest. These analyses revealed that new arrests were overwhelmingly for non-violent charges. For example, focusing on members of the participant subgroup we found that three in five arrests during the pretrial period were for either drug possession or public order offenses. Thus, although the extent of new criminal activity is high among participants (and their non-participant counterparts), the nature of their charges is very much consistent with the high-risk nature of program targets and their identified need for community-based supportive services.

Analyses focused on new violent criminal activity more directly established the non-violent nature of any new charges faced by participants (and indeed, nonparticipants). Consistent with our prior work in Palm Beach County, we found that rates of new violent criminal activity were exceptionally low across both groups. Notwithstanding, we did note a slight reduction in new violent charges among program participants.

Taken together, our findings suggest that the program operated by the Public Defender's office has contributed to reductions in detention length without jeopardizing pretrial compliance, as assessed using indicators of pretrial failure to appear and rearrest. Furthermore, although there was no difference in the likelihood of rearrest among participants and non-participants, participants were less likely be rearrested on violent charges.

The potential benefits of this program, as reflected in the observed reductions in detention length, must be weighed against the program costs. As indicated above, we were not provided with any data related to risk/needs assessment, the factors weighed in developing bond motions, or individual placement decisions. Furthermore, we had access to very limited program-specific information—namely participation length and cost. Using this limited information, we evaluated the effects of participation length and cost on participant outcomes. We found little effect of either participation length or cost on the range of pretrial outcomes. However, there was some evidence to suggest that those who spent a greater number of days in the program were at slightly elevated risk of failure to appear in court.

Notably, there are other meaningful ways in which program participation may improve participant outcomes beyond pretrial compliance. However, such considerations are beyond the scope of the current evaluation (or the available data). Thus, on the basis of our focal outcomes, including pretrial failure to appear and rearrest, there does not appear to be an added benefit of longer enrollment periods or their attendant costs. When we consider these program-specific findings alongside the analyses evaluating program efficacy, it appears that

the bond motions filed by the Public Defender's Office are promoting the pretrial release of their clients. However, post-release, it does not appear that program participation has much effect—for good or ill—on participant outcomes. In light of the similar levels of pretrial compliance among participants and non-participants, it is important to consider *what* these service providers are offering and *how* these services are improving participant outcomes. This will necessarily require data beyond what is currently being captured by the Public Defender's Office. As they expand their internal data capacity, they may want to consider the broader goals of their model and the types of outcomes they will need to collect to determine whether these are being met.

5.1 Recommendations

As the Public Defender's Office moves forward in assisting their clients, we provide a handful of recommendations to assist in developing a framework that is both evidence-based and well-equipped to satisfy future evaluative efforts. Much of this discussion remains unchanged from the preliminary report issued in December 2023.

Best practices in pretrial interventions suggest that the efficacy of conditions and services vary on the basis of individuals' risk (see e.g., Austin et al., 1985; Doyle et al., 2019). Accordingly, the parties involved in designing the program model should contend with the types of interventions offered, what the evidence has to say about the effectiveness of those interventions across levels of risk, and how to tailor eligibility requirements to ensure that those being targeted for programming are those who are most likely to benefit.

Recommendation #1: Develop a clearly defined set of eligibility criteria based on "what works" and taking into consideration the types of community-based supports available to participants.

Potential participants for this program include those who remain detained on monetary bonds. Based on consideration of the individual's case and their criminal justice histories, among other factors, lawyers determine whether there is a reasonable expectation of release. If so, individuals are assessed for placement and other services. Then, lawyers from the Public Defender's Office develop a motion, outlining a plan for their client. Importantly, this plan sometimes includes restrictive conditions, in addition to treatment, and is subject to additional conditions imposed by the judge. Because participation in the program triggers the bond motion and any related conditions of release, in addition to the services at the core of the program model, it is critical that information related to release conditions and services be based on systematic, individualized assessments and tracked by the Public Defender's Office. In addition, the Public Defender's Office may consider including relevant research in their bond motions, including work documenting the harms associated with "over conditioning" (e.g., Barnes et al., 2010; Bechtel et al., 2017; Van Nostrand et al., 2011; Stevenson & Mayson, 2017). This may help to reaffirm that recommended bond conditions are calibrated according to the individual's charges and risk of pretrial noncompliance (i.e., court non-

appearance, new criminal activity), as there is growing concern that efforts to reduce the use of secured bond may result in an increasing reliance on burdensome bond conditions—including those that may have adverse effects on an individual's likelihood of failing to appear in court or rearrest (Hopkins et al., 2018).

Recommendation #2: Ensure that recommendations regarding program placements and other release conditions are based on systematic, individualized assessments.

Recommendation #3: Base recommendations for conditions and services on research evidence, as the effects of conditions and services on pretrial compliance are varied.

Recommendation #4: Record information on all conditions of release and service placements for program participants.

In addition to establishing program efficacy, successful monitoring of programming requires collecting a range of data to help understand the conditions under which the program works best and for whom, track spending and issues related to program fidelity, develop a deeper understanding of the target population, and consider refinements to the program model, among other considerations. Although the Public Defender's Office maintains some program-related information in their case management system, other important elements are either not captured or are not recorded in a systematic way (e.g., calls from social workers to check on client progress). There is a need to build additional data capacity for the purposes of program monitoring and evaluation, to include the following: 1) retention of data on all eligible participants, including those who do and do not participate in the program; 2) documentation of the content of bond motions, any modifications made during/following the hearing, and the final conditions of release and treatment/service requirements for program participants; 3) maintenance of all items included in the needs assessment, including how individuals are "scored" for placements; 4) ongoing monitoring of participants to capture the types of services that they receive, the frequency of those services, whether the program was successfully completed (and if not, why), and other relevant program information (which may vary by provider); and 5) collection of outcome data, to include program goals beyond traditional measures of pretrial compliance.

Recommendation #5: Build data capacity within the Palm Beach County Public Defender's Office to facilitate ongoing program monitoring and future evaluative efforts.

5.2 Final Remarks

There is a growing body of research evidence that demonstrates the link between money bail and levels of pretrial detention, in addition to a broad range of individual consequences. As a result, the search for an alternative to money bail that promotes pretrial release while ensuring that people continue to show up to court and avoid further contact with the criminal justice system while their charges are pending is ongoing. Pretrial supervision programs have emerged as a leading contender, but these are not a panacea. The approach developed in

Palm Beach County, in which the Public Defender's Office takes the lead on efforts to facilitate their clients' release from jail and making determinations around the types of community supports that may best serve their needs, is unique and has the potential to provide a very client-focused experience for individuals during the pretrial period. However, there are several concerns, highlighted above, related to various aspects of the program, from program design through data infrastructure. Attention to these considerations may serve the dual benefit of improving program efficacy and promoting sustainability.

REFERENCES

Advancing Pretrial Policy and Research. 2020. "Pretrial Monitoring." Washington, DC: Advancing Pretrial Policy and Research.

Albright, A. 2021. No money bail, no problem? Evidence from an Automatic Release Program [Unpublished Manuscript]. Opportunity & Inclusive Growth Institute, Federal Reserve Bank of Minneapolis.

Austin, J., Krisberg, B., & Litsky, P. 1985. The effectiveness of supervised pretrial release. *Crime & Delinquency*, *31*(4), 519-537.

Barnes, G. C., Ahlman, L., Gill, C., Sherman, L. W., Kurtz, E., & Malvestuto, R. 2010. Low-intensity community supervision for low-risk offenders: A randomized, controlled trial. *Journal of Experimental Criminology*, *6*, 159-189.

Bechtel, K., Connor, T., & Lowenkamp, C. 2022. Pretrial Supervision: Race and Revocation. *Fed. Probation*, *86*, 35.

Bechtel, K., Holsinger, A. M., Lowenkamp, C. T., & Warren, M. J. 2017. A meta-analytic review of pretrial research: Risk assessment, bond type, and interventions. *American Journal of Criminal Justice*, *42*, 443-467.

Dobbie, W., Goldin, J., & Yang, C. S. 2018. The effects of pretrial detention on conviction, future crime, and employment: Evidence from randomly assigned judges. American Economic Review, 108(2), 201-240.

Doyle, C., Bains, C., & Hopkins, B. 2019. Bail reform: A guide for state and local policymakers. Boston, MA: Criminal Justice Policy Program, Harvard Law School.

Gupta, A., Hansman, C., & Frenchman, E. 2016. The heavy cost of high bail: Evidence from judge randomization. The Journal of Legal Studies, 45(2), 471-505.

Heaton, P., Mayson, S., & Stevenson, M. 2017. The downstream consequences of misdemeanor pretrial detention. Stanford Law Review, 69(3), 713-789.

Hopkins, B., Bains, C., & Doyle, C. 2018. Principles of pretrial release. *The Journal of Criminal Law and Criminology (1973-)*, *108*(4), 679-700.

Lerman, A. E., Green, A. L., & Dominguez, P. 2022. Pleading for justice: Bullpen therapy, pretrial detention, and plea bargains in American courts. Crime & Delinquency, 68(2), 159- 182.

Skemer, M., Redcross, C., & Bloom, H. 2020. Pursuing pretrial justice through an alternative to bail: Findings from an evaluation of New York City's supervised release program. MDRC.

Stevenson, M., & Mayson, S.G. 2017. Pretrial detention and bail. In Luna E. (Ed.), Reforming

criminal justice: A report for the Academy for Justice on bridging the gap between scholarship and reform (Vol. 3, pp. 21-48). Phoenix, AZ: Academy for Justice.

St. Louis, S. 2022. Bail denied or bail too high? Disentangling cumulative disadvantage by pretrial detention type. Journal of Criminal Justice, 82.

Valentine, E. J. & Picard, S. 2023. "Effectiveness of Varying Intensities of Pretrial Supervision." New York: MDRC.

VanNostrand, Marie, & Keebler, G. 2009. "Pretrial Risk Assessments in the Federal Court." Federal Probation 73, 2.

VanNostrand, M., Rose, K.J., and Weibrecht, K. 2011. State of the science of pretrial release recommendations and supervision. Washington, DC: Bureau of Justice Assistance.

APPENDIX

Appendix Table A1. Descriptive Statistics for Program Participants (n = 294)		
	Program Participant	
	Mean/Percentage	Range
Sociodemographic Characteristics		
Race/Ethnicity		
Non-Hispanic White	44.56%	
Non-Hispanic Black	46.26%	
Hispanic or Latino	9.18%	
Gender		
Male	84.01%	
Female	15.99%	
Age at Booking	40.77	18 – 75
Current Charge Information		
Charge Type		
Violent	32.31%	
Property	35.71%	
Drug	13.95%	
Public Order	15.99%	
Other	2.04%	
Charge Level		
Misdemeanor	17.01%	
Felony	74.49%	
Other	8.50%	
Total Charges	3.14	1 – 14
Criminal History Information		
Prior Failure to Appear	11.56%	
Prior Felony Booking	27.55%	
Prior Misdemeanor Booking	44.56%	
Program Information		
Days in Program	26.63	1 – 415
Program Cost	$871.19	0 - $15,960

Appendix Table A2. Descriptive Statistics for Program Non-Participants (n = 476)		
	Program Participant	
	Mean/Percentage	Range
Sociodemographic Characteristics		
Race/Ethnicity		
Non-Hispanic White	36.76%	
Non-Hispanic Black	51.05%	
Hispanic or Latino	12.18%	
Gender		
Male	87.18%	
Female	12.82%	
Age at Booking	40.67	19 – 73
Current Charge Information		
Charge Type		
Violent	31.93%	
Property	46.22%	
Drug	10.71%	
Public Order	10.92%	
Other	0.21%	
Charge Level		
Misdemeanor	26.47%	
Felony	70.17%	
Other	3.36%	
Total Charges	3.41	1 – 23
Criminal History Information		
Prior Failure to Appear	14.71%	
Prior Felony Booking	27.31%	
Prior Misdemeanor Booking	45.17%	

Appendix Table A3. Coefficients for the Negative Binomial Regression Model Predicting Detention Length (n = 762)	
Program Participant	-0.135
Sociodemographic Characteristics	
Race/Ethnicity	
(Non-Hispanic White)	
Non-Hispanic Black	0.129
Hispanic or Latino	0.259
Gender	
Male	0.542***
(Female)	
Age at Booking	0.007
Current Charge Information	
Charge Type	
Violent	0.427**
Property	-0.147
(Drug)	
Public Order	0.267
Other	1.148*
Charge Level	
(Misdemeanor)	
Felony	0.943***
Total Charges	0.108
Criminal History Information	
Prior Failure to Appear	0.020
Prior Felony Booking	0.000
Prior Misdemeanor Booking	-0.275*
Constant	2.511***
Model Chi-Square	152.30***
McFadden's Pseudo R^2	0.019

Appendix Table A4. Odds Ratios for the Logistic Regression Model Predicting Pretrial Failure to Appear (n = 565)[a]	
Program Participant	0.848
Sociodemographic Characteristics	
Race/Ethnicity	
(Non-Hispanic White)	
Non-Hispanic Black	0.930
Hispanic or Latino	1.129
Gender	
Male	0.276**
(Female)	
Age at Booking	0.994
Current Charge Information	
Charge Type	
Violent	0.245*
Property	0.466
(Drug)	
Public Order	0.235
Charge Level	
(Misdemeanor)	
Felony	10.847*
Total Charges	0.896
Criminal History Information	
Prior Failure to Appear	1.373
Prior Felony Booking	0.885
Prior Misdemeanor Booking	1.251
Constant	0.081
Likelihood Ratio Chi-Square	36.03***
[a] The different sample sizes are attributable to differing sample selection criteria, as the pretrial failure outcomes required all individuals contributing observations to have been released pretrial	

Appendix Table A4. Odds Ratios for the Logistic Regression Model Predicting New Criminal Activity (n = 621)[a]	
Program Participant	1.043
Sociodemographic Characteristics	
Race/Ethnicity	
(Non-Hispanic White)	
Non-Hispanic Black	0.912
Hispanic or Latino	0.766
Gender	
Male	0.718
(Female)	
Age at Booking	0.987
Current Charge Information	
Charge Type	
Violent	0.504*
Property	0.950
(Drug)	
Public Order	0.518
Charge Level	
(Misdemeanor)	
Felony	0.362***
Total Charges	0.875
Criminal History Information	
Prior Failure to Appear	0.829
Prior Felony Booking	1.026
Prior Misdemeanor Booking	1.486
Constant	5.574
Likelihood Ratio Chi-Square	65.31***
[a] The different sample sizes are attributable to differing sample selection criteria, as the pretrial failure outcomes required all individuals contributing observations to have been released pretrial	

Appendix Table A5. New Criminal Activity Type by Group Membership		
	Non-Participants	Participants
Charge Type		
Rape or Sexual Assault	0 (0%)	1 (1%)
Robbery	2 (1.5%)	1 (1%)
Assault	21 (15.7%)	5 (4.8%)
Other Violent Offense	1 (0.8%)	0 (0%)
Burglary	16 (11.94)	10 (9.6%)
Larceny	18 (13.43%)	10 (9.6%)
Motor Vehicle Theft	1 (0.8%)	3 (2.9%)
Fraud/Forgery	2 (1.5%)	4 (3.9%)
Other Property Offense	6 (4.5%)	5 (4.8%)
Drug Possession	5 (3.7%)	12 (11.5%)
Drug Trafficking	1 (0.8%)	4 (3.9%)
Driving Under the Influence	2 (1.5%)	0 (0%)
Other Public Order Offenses	59 (44%)	49 (47%)

Appendix Table A6. Odds Ratios for the Logistic Regression Model Predicting New Violent Criminal Activity (n = 614)[a]	
Program Participant	0.430†
Sociodemographic Characteristics	
Race/Ethnicity	
(Non-Hispanic White)	
Non-Hispanic Black	0.984
Hispanic or Latino	0.901
Gender	
Male	1.072
(Female)	
Age at Booking	0.952
Current Charge Information	
Charge Type	
Violent	1.011**
Property	0.856
(Drug)	
Public Order	0.377
Charge Level	
(Misdemeanor)	
Felony	0.162***
Total Charges	0.616**
Criminal History Information	
Prior Failure to Appear	0.994
Prior Felony Booking	0.711
Prior Misdemeanor Booking	1.007
Constant	4.658
Likelihood Ratio Chi-Square	46.86***
[a] The different sample sizes are attributable to differing sample selection criteria, as the pretrial failure outcomes required all individuals contributing observations to have been released pretrial	