INNER LONDON PROBATION AND AFTER-CARE SERVICE

ILPAS/Vera Bail Project

REPORT OF THE FIRST YEAR AND PROPOSAL FOR THE SECOND YEAR

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The Bail Project is the first of a series of action-research pilot projects developed in a programme of collaboration between the Inner London Probation and After-Care Service and the Vera Institute of Justice of New York. The joint work is supported by the Home Office, the U.S. Department of Justice (National Institute of Law Enforecement and Criminal Justice, Office of Technology Transfer), the Ford Foundation and the German Marshall Fund of the United States.

The general programme has had the assistance of a Steering Group chaired by Mr. A. W. Clark, Metropolitan Stipendiary Magistrate and member of the ILPAS Committee. Its Home Office members include:

Mr. H.W. Stotesbury,* Assistant Under Secretary of State, Probation and After-Care Department.
Mr. A. W. Glanville,* Assistant Under Secretary of State, Probation and After-Care Department.
Mr. B. H. Hillary, Assistant Under Secretary of State, Criminal Justice Department.
Mr. M. H. Hogan, Chief Probation Inspector.
Mr. G. Emerson, Assistant Secretary, Probation and After-Care Department.
Mr. M. E. Head, Assistant Secretary, Probation and After-Care Department.
Mr. R. J. Jones, Assistant Secretary, Criminal Justice Department.
Mr. G. J. Wasserman, Senior Economic Advisor, Urban Deprivation Unit.

A Bail Project Group has brought together persons directly interested in the evolution of this particular pilot project. Its members include:

Mr. G. Anderson, Office of the Official Solicitor to the Supreme Court.
Mr. E. Bradley, Metropolitan Stipendiary Magistrate, Camberwell Green Magistrates' Court.
Mr. J. Cass,** Commander, Metropolitan Police.
Miss G. Downham, Assistant Governor, Holloway Prison.
Mr. B. N. Halliday,** Deputy Assistant Commissioner, Metropolitan Police.
Mr. T.C.H. Newth, Assistant Governor, Prison Department, Home Office.
Mr. G. C. Orton, Superintending Inspector (Probation),.Home Office.
Mr. M. H. Rumble, Criminal Justice Department, Home Office.
Miss M. J. Shaw, Senior Research Officer, Home Office Research Unit.
Miss C. M. Simpson, Research Officer, Home Office Research Unit.
Mr. D. Twiner,*** Assistant Governor, Brixton Prison.
Mr. T. M. Turner,*** Assistant Governor, Brixton Prison.
Mr. J. Wickerson, Solicitor, Ormerod, Morris & Dumont.

ILPAS is represented on these Groups by Mr. William Pearce, C.B.E., the Chief Probation Officer; Mr. E.G. Pratt, Deputy Chief Probation Officer, whose responsibilities include the ILPAS/Vera Projects; Mr. R. Gray, Assistant Chief Probation Officer, whose responsibilities include administration of the expanding bail work; and Miss J. Barrett, Senior Probation Officer, responsible for Bail Project operations. The Vera representative is Mr. M. E. Smith, Associate Director of the Vera Institute and Director of its London Office.

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* Mr. H.W. Stotesbury retired and was replaced by Mr. A.W. Glanville on 4th November, 1975.

** Mr. B.N. Halliday retired and was replaced by Mr. J. Cass on 4th November, 1975.

*** Mr. D. Twiner completed his assignment to Brixton Prison and was replaced by Mr. T. M. Turner on 27th April, 1976.

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INTRODUCTION

The ILPAS/Vera Bail Project was launched on 24th March, 1975. It has been not so much a pilot scheme, for accomplishing the limited goal of delivering verified community ties information to magistrates, as it has been an on-going action-research programme. We have literally been learning as we go. As the experiment unfolds, the boundaries of our understanding and of our scope for action are pushed outward by the facts (and new questions) that emerge.

Thus, the Project staff has developed a basic procedure for the efficient gathering, verifying and presenting to magistrates of information about the community ties of defendants whose bail is opposed by the police at first court appearance. Exploration of other systems for delivery of this type of service (the judge in chambers pilot scheme based at Brixton Prison and the "second appearance" schemes based at Tower Bridge and Bow Street Magistrates' Courts) tended to confirm that the "first appearance" model launched at Camberwell Green Magistrates' Court was more promising; but these other experimental actions, like that at Camberwell, helped to illuminate the bail/custody decision-making process and thereby permit proposals for further project action to be formulated with greater confidence.

The achievement of the small project staff - one senior probation officer, four ancillary workers and a supervising secretary - is not to be measured only by their identification and implementation of bail procedures that enhance the quality of justice in magistrates' courts. They have made their way with a sensitivity that has won them the warm regard of magistrates, police and prison personnel; they have sought and offered information found useful to the drafting of new bail legislation and to the planning for related resources (e.g., bail hostels); and they have pioneered a new role for voluntary associates without holding back from the new recruits the satisfaction of taking real responsibility for a difficult job. Most important to the vitality of the larger action-research effort, they have managed to maintain a commitment to quality in performance of the basic service whilst keeping an open mind about its utility, asking searching questions about its short-comings, surfacing new problems in the bail/custody area, and developing and trying out new devices to meet these problems. Out of this constant re-thinking, informed by data emerging from their efforts, have come proposals for further action.

Thus, the Project's first year activities have produced pressures for wider action - the introduction of basic Bail Project services to other Inner London magistrates' courts - and for deeper involvement - the provision of support to bailed persons in need and the offer of supervision as a condition of bail for persons who otherwise will not be bailed at all.

William Pearce
Michael Smith
27th April, 1976.

I. ACTIVITIES IN THE FIRST YEAR

In its review of the bail/custody decision-making process, the Home Office Working Party on Bail Procedures in Magistrates' Courts (1974) found that courts were often, particularly at defendants' first appearance, without information needed to assess the likelihood of defendants returning to court if bailed. The Working Party concluded that "the stage has not yet been reached where those remanded in custody form an irreducible minimum, none of whom could safely be remanded on bail".

The Working Party further observed that the 1960 Manhattan Bail Project of the Vera Institute of Justice had demonstrated a significant reduction in custodial remands and in the rate of non-appearance of those granted bail, by systematically providing verified information to the courts concerning the community ties of persons making their first appearance. The Vera Institute's work in the United States had confirmed the commonsensical notion that the extent and depth of a defendant's roots in the community (generally, the length and nature of his residence, his ties to family members and dependants, and his employment or educational commitments) were reliable predictors of the likelihood of his return for court appearances. It had also demonstrated the willingness of magistrates to rely on such indicators when making bail/custody decisions. The Working Party felt that it might be more difficult in the British context than in the American to verify information of this sort, but called for experiments with schemes of a similar nature.

The Working Party also suggested that, where remands were frequent and where resources permitted, "the nature of the work would make it very appropriate for the probation service" to assist the courts in securing this information. But until a pilot scheme were tried, it could not be known what resources would be required or whether such schemes were feasible at all.

The Inner London Probation and After-Care Service had already established organisational links with the Vera Institute and, in November 1974, an Associate Director and a member of the Vera staff were seconded to ILPAS to collaborate on a number of action-research projects. It was decided that the first of these would be a pilot bail information scheme adapting Vera's basic bail project to the British context.

A. First experiences -- Camberwell Green

Following consultations at Camberwell Green Magistrates' Court with the senior probation officers, the magistrates, the chief clerk, and the police, a pilot bail project was launched there on 24th March, 1975, to test the feasibility of gathering, verifying and presenting to the magistrates an objective picture of the community ties of any defendant at

risk of a custodial remand. Working four of the six court days per week, the Project staff set about the development of suitable procedures.

Over the next twelve months, the evolving procedures were applied in over 1,150 cases appearing before the Camberwell magistrates.* Briefly, defendants brought from overnight police custody to the court cells were interviewed by Project staff when it appeared that a custodial remand was a possibility. The factual information relevant to the bail/custody decision was entered on the standard Bail Information Form and, wherever the information indicated community ties and the defendant could provide a source for independent verification, the staff attempted to verify it. No defendant was interviewed, and no particular verification source was contacted, without written consent. The completed forms, bearing only the factual information, made no recommendation to the magistrates; copies were made available to the defendant (or his solicitor when he had one) and to the police, as well as to the court.

It was found that, on average, a community ties interview could be completed in ten minutes. The time required for verification ranged from none (where there were no ties to verify or no sources of verification) to a few minutes (where a relative was available at court or a social worker or neighbour was at the other end of a telephone line); in a few cases verification required a field visit by a Project ancillary or volunteer. Generally, an hour of staff time would go daily to interviewing and another hour to verification. It was therefore possible on most days to complete all Project work before the court rose for lunch. There was an initial temptation not to bother with cases which seemed non-starters. For instance, where a person of no fixed abode, with previous custodial sentences, who has recently failed to surrender for sentencing on a burglary conviction at another court is presently charged with committing a new series of burglaries and was caught in the act, it is difficult to see how a magistrate would even consider the possibility of bail. But few cases are so clear and it was felt inappropriate for the Project to begin substituting its judgment for the magistrates'; defendants' community ties were recorded and verified for the court, without regard to the merits of their bail applications. This early policy decision helped to make it clear that presentation of a Bail Information Form was not an indication that the magistrate should grant bail but was an aid to the court in making the most responsible and fully-informed decision possible.

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* At Horseferry Road Magistrates' Court, where the Project was introduced on 17th November 1975, 362 cases were interviewed by March 31, 1976. At Thames Magistrates' Court, 64 cases were interviewed between the Project's introduction on 16th February, and 31st March 1976.

During the first six months, Project activity was observed by a research officer assigned from the Home Office Research Unit. By mid-April she concluded that it would be impossible from any project data to prove that the provision of community ties information makes a difference or does not: any observed changes in decision-making might be the result of the presence of the Project itself, and not the provision of information; other influences on the court (e.g., changes in the type of offences being committed or persons being arrested) might exaggerate or suppress evidence of the Project's impact on decision-making; the previous records of the court would not, in any case, yield sufficiently accurate and detailed base-line data to permit a meaningful before-and-after comparison; and the number of cases passing through the court daily was too small for a contemporaneous random-selection controlled experiment.

It was not, however, wholly impossible to identify the impact of the Project on the bail/custody decision-making process. The magistrates regularly voiced in open court the view that the verified information was helpful; the police were able on occasion to withdraw objections to bail just before the court appearance, when the information was provided to them; the rate at which bail was granted in contested cases rose*; verification efforts by the Project staff often surfaced

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* The rate at which London magistrates granted bail over police objection in 1970-71 was reported by Michael King to be 22% (Bail or Custody, Cobden Trust, 1973). This report did not indicate variations from court to court, so we do not know what the rate was at Camberwell in that year. But we do know that Camberwell's magistrates were granting bail, in cases where the police either expressed an intention to oppose bail (and later withdrew it) or where the police did oppose bail, at a rate of 42% by August, 1975 -- the first month in which the Project operated six full days per week. This rate has now risen to 45% in March 1976.

These data provide some confirmation of the wealth of anecdotal evidence of project impact offered by staff, magistrates, defendants and police; but it must be remembered that these data are "soft" as indicia of Project impact. The rate of bail over objection may have been increasing at other similar courts as well, and for reasons unrelated to the provision of community ties information at Camberwell.

Reference to the "rate of bail granted over police objection" is not intended to suggest that the Bail Project either aims to prove police officers to be wrong when they raise objections or aims to defeat the law-enforcement concerns in cases where the granting of bail would in fact increase the rate of abscondence or of further offending by defendants bailed from the court. It is not intended to suggest that every defendant should be bailed or that police objections are, as a general matter, undesirable. The police find themselves in an awkward position: the bail/custody decision-making process is set in an adversarial mould and, if a decision is to be made consciously by the magistrate, the police officer must object to bail to raise the issue. Individual officers,

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sureties and family or friends who were prepared to come directly to court where their assistance - or just their presence - could facilitate the granting of bail and taking of recognizances; probation officers in the region found that, because they were often contacted for verification, the Project's work enhanced their own by alerting them at the earliest moment to the fact of a former or current client's new arrest and by making the basic background data available when social enquiry reports were requested; and, in certain cases where the Project interview revealed a lack of community ties or a troubled family situation, the Project staff found it possible to intervene and make the granting of bail likely by locating a hostel place or reconciling the family and notifying the magistrates of these factors when the case was called.

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in discussion of their role at bail/custody hearings, have indicated that there are subtle ways in which an objection can be expressed so that the magistrate will understand either that he is being informed of concerns which should be borne in mind when granting bail, or that he is being informed of the police judgement that a particular defendant ought not to be granted bail. In either case, the police officers' intention is to put the decision squarely on the magistrates' shoulders. Of course, some difficulties may arise when magistrates do not fully understand the subtle distinctions between objections-for-information and objections-for-real.

In any case, a bail information scheme is a success only to the extent that it permits magistrates better to distinguish between the "bailable" and "high risk" cases when the question of bail or custody has been put in issue by a police officer's objections. Thus, an increase in the rate of bail over police objection would not be a mark of success if it were fully discounted by an unacceptable rise in the rate of abscondence or further offences by defendants bailed. There is no evidence of an increase, among persons granted bail at Camberwell Green Magistrates' Court, of abscondence or commission of offences while on bail. (As was noted by the Home Office Working Party on Bail Procedures in Magistrates' Courts (1974), the lack of statistical information about rates of abscondence and further offences among persons on bail is "a major gap in our knowledge" (Para. 35). It is nearly impossible to obtain a meaningful measure from data-collection at one court because apparent failures to surrender may be explained by new arrests and persons bailed from one court, who are arrested on new offences, may offend in a different police area and this subsequent misbehaviour may never be notified to the court that initially granted bail.)

B. Identification of Problems: Initial Inefficiency of the Project and its Apparent Irrelevance in Certain Cases.

Despite the early successes, two major difficulties were highlighted by the formal monitoring of "feasibility" by the Home Office Research Unit's research officer.* First, the initial Project was inefficient. Almost half of the Project's interviews were "wasted"** when the defendant was bailed without police objection; and almost half of those actually remanded in custody were not interviewed by the Project before the bail/custody decision was made and, in these cases, the magistrates were wholly unassisted by verified community ties information. Some of these "missed" cases resulted from the defendant's refusal to be interviewed or from his appearance at court on a day when the Project was not in operation; but just over half the "missed" cases were not interviewed because the staff was unable accurately to select, from the large number of charges scheduled for first appearance each morning, those persons whose bail would in fact be opposed by the police. Second, it had become apparent that the Project's basic information service was not very helpful to the magistrates in certain bail/custody decisions either because the defendant's lack of community ties tended to discourage a grant of bail or because the police objections could not be fully met by evidence of strong ties to the community (e.g., "likely to commit further offences" or "likely to interfere with witnesses")*** In some of these cases, bail was simply out of the question. In others, however, it was possible that bail would be prefered by the magistrates if arrangements could be made to provide the defendant with community ties or with workable conditions of bail.

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* These difficulties are to be reported more fully in a forthcoming research report on the feasibility stage (April-September 1975) by C. M. Simpson of the Home Office Research Unit. Although her monitoring did not carry on through November, 1975, when these difficulties were overcome (see p.10 , below), her contribution to the action-research effort proved essential to the Project team's understanding of early procedural shortcomings and to the identification of solutions.

** Not all interviews and verifications which were followed by police acquiescence in bail can be said to represent "wasted" Project resources. Aming them were cases where the police withdrew their objections on the basis of the verified information and cases where Project intervention had removed the need for a custodial remand (e.g., by locating a bail hostel placement).

*** It would be a mistake, however, to assume that community ties information is of no relevance when the police objections range beyond concerns about abscondence. Edgar Bradley, Metropolitan Stipendiary Magistrate at Camberwell, wrote in The Magistrate (July 1970) that magistrates considering the "further offences" objection should consider, in addition to the prior criminal record, whether the accused has followed any settled occupation or experienced any significant change in his life situation (e.g., marriage) since his last conviction. The practice of many magistrates seems to be in agreement with Mr. Bradley's admonition, and the basic Bail Project procedure provides information that can assist and inform such enquiries. Further, the experience at Camberwell indicates that the detailed community ties information can suggest - to the magistrates or to the police - conditions of bail which will sufficiently reduce the risk of further offences or interference with witnesses to allow bail to be granted.

C. The Search for a More Efficient Project Model.

The Chief Probation Officer invited representatives of the police, prison and probation services, the relevant Home Office Departments, the magistracy, the higher judiciary and the Law Society to form a Project Group. The Project Group, it was hoped, would provide a sounding board for ideas about the basic Project procedures and a forum for expression of the full range of perspectives on the bail/custody decision-making process and for the exchange of information becoming available in the various elements of the criminal justice system.* The Project Group met for the first time on 24th June, and was invited to consider what procedures might improve the coverage and reduce the wastage of Project interviews at Camberwell Green.

The police members of the Project Group were asked whether officers in charge of cases at the magistrates' courts could be obliged to notify the Project staff of their position on bail in advance of their taking the defendants before the court, so that interview and verification procedures could be completed in a timely fashion and in only those cases where police were in fact intending to raise objections to bail. An informal arrangement along these lines - originally suggested by the police as a means of having their objections to bail transcribed onto the Project's forms, to present a balanced picture to magistrates - had broken down. The Project Group was told that individual officers were unlikely to respond well to such a requirement, but that adherence to a proeedure of this sort would quite naturally follow if the magistrates refused to consider a custodial remand without first having sight of a verified bail questionnaire or of a Project statement explaining why no questionaire would be forthcoming.

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* For example, at the first meeting of the Project Group, the Metropolitan Police were apprised of information, gathered by the Brixton Prison Bail and Legal Aid Unit, about possibly inconsistent policies and procedures respecting the vetting of sureties and the taking of their recognizances at the various police stations; the police were able to use this information as a starting point for an internal review of this area and the formulation of new Force Instructions to be issued in conjunction with others triggered by the new Bail Bill. (The Bail and Legal Aid Unit is, of course, not a part of the ILPAS/Vera Bail Project; but this innovation - engaging prison officers in systematic efforts to help remand prisoners secure bail and to liaise with potential sureties - grew out of what has been a rewarding collaboration of prison, probation and Vera staff.)

It was decided: (a) to solicit the views of Camberwell's magistrates and chief clerk about instituting there a procedure such as was suggested at the Project Group meeting; and (b) to seek the cooperation of at least one other magistrates' court in experimenting with a "second appearance" model, for which interview and verification procedures would follow a custodial remand and bail questionnaires would be returned to the court for the use of magistrates at the next occasion when the question of bail would be considered.

Procedures for the "second appearance" model were agreed with the Brixton Bail and Legal Aid Unit and with Tower Bridge* and Bow Street Magistrates' Courts. Community ties information concerning defendants remanded to Brixton Prison, following first appearance before the Tower Bridge and Bow Street magistrates, was gathered in interviews conducted by the Prison's Bail and Legal Aid Unit. The Project staff at Camberwell attempted verification of this interview data and the court clerks agreed to present the completed bail questionnaires to the magistrates at the prisoners' first re-appearances in court from custody.

The second appearance model offered the advantage of eliminating "wasted" interviews in cases where defendants at their first appearance were not really at risk of custodial remand; but this efficiency was off-set by the disadvantage of withholding information that might facilitate a remand on bail until after the time - first appearance - when it was likely to be most valuable to the court.

It should be noted here that,during this period, the Brixton Bail and Legal Aid Unit was also collaborating with the Bail Project staff at Camberwell in a third model for presenting verified community ties information in conjunction with bail/custody decisions: this was with respect to Brixton prisoners applying to the judge in chambers. The Home Office Working Party had expressed the view that information of this kind might be useful to High Court judges and permit them to grant bail more often. The results of both the "second appearance" and the judge in chambers experiments tended rather to confirm the need to make the basic Camberwell procedures more efficient, for wider introduction. Nevertheless, this

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* It is regretted that the senior Metropolitan Stipendiary Magistrate at Tower Bridge was not approached directly prior to the introduction of this experiment at his court. Communications went awry when the other stipendiary magistrate, with whom discussions had been held, was suddenly taken ill. Although not persuaded that the exercise was a useful one, the senior Stipendiary Magistrate at Tower Bridge kindly permitted plans to go forward that had been only provisionally agreed by his absent colleague.

experimentation with alternate project models has shed further light on the bail/custody decision-making process.*

Other events in July, however, greatly enhanced the prospects for bringing the Camberwell model to a level of efficiency warranting its wider replication. On July 21st, in a speech to the National Association for the Care and Resettlement of Offenders (NACRO), the Home Secretary indicated the importance officially attached to the development of procedures for the presentation of verified bail questionnaires prior to magistrates' remanding in custody. By the beginning of August, following a series of meetings with the stipendiary magistrates and the chief clerk at Camberwell Green, an agreement was reached along the lines suggested at the June Project Group Meeting: the Project would provide its services six days per week and, before remanding anyone in custody, the magistrates would require either a completed bail questionnaire or, if a questionnaire would not be forthcoming, an explanation from the Project (e.g., where the defendant refused to be interviewed). The agreement was implemented on 11th August, and thereafter the Bail Project interviewed only those defendants as to whom the police formally notified an intention to oppose bail. "Wastage" was, of course, immediately reduced; and there was noticeable improvement in "coverage" (i.e., reduction in the number, of those both eligible and willing to be interviewed, who were remanded in custody without presentation of bail questionnaires). However, it was not until 11th November that the full impact of this revised procedure was felt. In the intervening months there were magistrates on the Camberwell bench who were new to the scheme and did not yet attach sufficient importance to the questionnaires to send back, for Project interview, the unprepared cases still brought before them in which bail was opposed; and the lay bench was not yet uniform in its adherence to the new procedure. But on 11th November a stipendiary magistrate sent back three such cases in a row. At that point the police designed and implemented their own procedure to ensure timely notification to the Project of their position on bail in all cases.

* Tower Bridge and Bow Street: Some possibly thought-provoking points raised by the "second appearance" experiment are:

- 49 (15%) of the prisoners were excluded from the project because they were remanded to the prison hospital for medical reports. 43 dispositions are known — only 4 were medical orders and only 6 were custodial sentences. 33 (77%) were disposed of non-custodially. And it appears that, although most of these remands were for 2 or 3 weeks, a substantial number of medical reports were completed well before the remand date.
- 42% of the prisoners included in the project refused to be interviewed. (Those who are remanded in custody by Camberwell Green refuse interview at a rate of 20%.) "Wastage" also remained a problem - the cases of 11% of those interviewed were disposed of at the next court appearance, without bail being considered.
- In cases where disposition is known (50%), less than half (41%) were disposed of by custodial sentence or medical order.
- Bail was later granted to 48% of those who had been remanded in custody at first appearance and whose cases did not reach disposition at second appearance. Their rate of failure to surrender was 8%.

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The achievement of procedures for acceptably complete and efficient coverage had been anticipated. On 9th October, the Home Office issued Circular HOC 155/75 encouraging magistrates, clerks and probation committees to consider the possibility of introducing similar procedures in other courts. On 22nd October, the Project Group met again, and various proposals responsive to the Home Office Circular were discussed. It was decided that ILPAS would explore, with the Principal Chief Clerk of the Inner London Magistrates' Courts, the possibility of introducing basic Bail Project procedures elsewhere in Inner London in collaboration with staff of the various Chief Clerks' offices; it was decided to seek to introduce, into at least one Inner London magistrates' court, a scheme identical to the basic Camberwell model but staffed by a rota of volunteers; and it was decided to respond to the many requests for information, coming from other probation areas, by hosting a half-day conference in December.

D. Replication of the Basic Project Procedures in Other Courts.

Following the October Project Group meeting, a volunteers' organiser, who had experience in organizing other accredited ILPAS voluntary associates in special projects, was appointed. She recruited enough volunteers to provide three each day at at least two courts, and they were trained by the ILPAS/Vera Project team. On 17th November the volunteers began work at the Horseferry Road Magistrates' Court, following the basic procedures developed at Camberwell. One of the original team of ancillaries at Camberwell was assigned to Horseferry Road to provide day-to-day continuity

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• This "rate of subsequent bail" held fairly constant across the various reasons given for the initial custody. The reasoh in 32% of the cases was that the defendant "failed to apply for bail" (40% were subsequently bailed); custody was said to be required in 20% because of the "seriousness of the offence", "likelihood of further offences", a "previous breach of bail" or because this offence was "committed whilst on bail" (44% were subsequently bailed). In only 10% of the cases was the need for further police enquiries mentioned, and here it may not be surprising that 65% were subsequently bailed.

Judge in Chambers: Prisoners whose applications for bail to the judge in chambers are handled by a legal representative are few -- legal aid is unavailable. Represented applicants get an early and adversarial hearing at which their advocate can probe the case against bail and at which the judge can consider the possible conditions of bail that might meet police objections; they succeed at a rate of 36-40%. Prisoners unable to retain a legal representative succeed at a rate of only 8%. They submit a handwritten application through the office of the Official Solicitor; the police respond in writing with the case for custody, which the prisoner does not see. The judge decides these applications without a hearing, at a rate of about one per minute.

The judge-in-chambers experiment was accompanied by a study of all 1974 Brixton applications. Although police concern about community ties was evident in almost two-thirds of the police submissions, it appeared that the application procedure itself was so flawed that providing community ties information was unlikely to put the unrepresented prisoner on an equal footing with represented prisoners or to help the judge very much in striking a sensitive bail custody balance. For example, in only 6% of the 1974 applications did the prisoner's statement of his case for bail respond to the case for custody later submitted by the police.

and support in that operation. A similar volunteer-staffed project opened at Thames Magistrates' Court on 16th February, 1976, with another of the original Camberwell ancillaries assigned to that group of volunteers. Volunteers-in-training were assigned to Camberwell for experience and to fill the gap created by the departure of ancillary staff to the new courts. (It is hoped that the volunteer-staffed model can next be tested in a court where a duty solicitor scheme is being introduced at the same time,* and discussions with the Law Society have been initiated with that end in view.)

The experience of the ILPAS/Vera Bail Project was made accessible to others, outside Inner London, through the publication of A Basic Bail Project Handbook which details the procedures evolved at Camberwell Green and which served as the basis for discussion at the half-day conference attended by representatives of 41 of the 54 probation areas of England and Wales on 10th December. Over 1000 copies of the Handbook have now been distributed in response to requests for information.

It should be mentioned here that considerable public opposition was expressed to wider replication of the Camberwell procedures, as encouraged by the HOC 155/75. Opposition came primarily from the National Association of Probation Officers (NAPO) and the Association of Magisterial Officers (AMO). AMO took the position that it would be inappropriate for clerks' staff to appear to be assisting defendants in their bail applications and that, in any event, they were too understaffed for "this most unpleasant and onerous duty."** NAPO took the view that it was inappropriate for probation officers (or for volunteers associated with the service) to

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* It ~~was~~ had been the view of the Working Party that duty solicitor schemes were desirable, but that bail information schemes - designed to provide to the courts a neutral source of basic background data about defendants - would be necessary whether or not duty solicitor schemes operated more widely. The ILPAS/Vera Project team agrees (page 12) the advocate's function is not wholly consistent with the gathering, verifying and presenting to the court of neutral background reports, and the Probation Service - or anyone else taking responsibility for a bail information service - would undermine the credibility of the information provided if it also undertook the advocate's role. ~~Perhaps the need for separate functioning is most clear when the social work dimension of Bail Project work is considered (see pp. 14-33 below).~~ When one builds a system for servicing the needs of bailees and for supervising persons granted "conditional bail", in addition to the basic work of gathering and verifying information, the need for something more than a duty solicitor scheme is all the more obvious. Ultimately, the two programmes should develop independently but as complements to each other - one an advocacy service to defendants, the other an information and social work resource for the court's use.

** See, Magisterial Officer, Vol. 29 No. 4 (Winter 1975). "A moments thought would demonstrate the huge impropriety of making Court staff (some of whom will be seeing the applicant a few moments later face to face in Court) act as the advisers, confidants and (almost) scriptwriters for the bail applicant."

perform the recommended interview and verification procedures because they are "administrative" functions; because performance of these functions might lead to conflict with the police; because the community ties information scheme had, in their view, "no social work content" and because the probation service was, in any event, understaffed.*

To the AMO substantive objection, it might be said that the basic information-gathering and verifying function, at least as it has been developed by the ILPAS/Vera Bail Project team, is not "almost script-writing for the bail applicant"; it is rather a service to assist the court to make bail/custody decisions in as fair and well-informed a manner as possible. To the NAPO substantive objections, it might be said that the police seem in general to welcome the device, as it helps clarify their role, and that the basic procedure for gathering and verifying community ties, in addition to assisting magistrates to avoid imprisoning some defendants, also provides a fairly comprehensive screening procedure for identifying areas of need that clearly have "social work content." One of the probation officers with several years of experience in Camberwell Green Magistrates' Court has written:

> " Problems which are being highlighted through the bail enquiry procedure would in the course of normal events never have come to light and (the Project's procedures) now provide an opportunity (for) crisis intervention of a basic and fundamental level (at a time) when defendants need our help most, and not at some later stage - maybe three or four weeks later - when a social enquiry report is requested."

This comment reflects one view of the work done through the Bail Project team's efforts from September to March, when they were asked to explore the social work dimension of cases in which a grant of bail leaves the defendant with substantial difficulties and of cases in which bail could not be granted on the basis of community ties but might be granted if suitable

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* See, NAPO Newsletter (February 1976). "The Probation Service is a Social Work Service to the Courts and within the penal field. However, the task of obtaining and verifying information about a defendant's suitability for bail, as outlined in the Home Office Circular... is clearly an administrative one, which has no social work content." (Para.6)

"If the Probation Service were to undertake this task, there would be a very real danger of being too clearly identified with the defence, which may very well precipitate difficulties with the prosecution, i.e., the police." (Para. 7)

conditions of bail and related social work supports were made available for use by the court.

E. Exploration of the Social Work Dimension of Bail Project Work - September 1975 to March 1976.

The 24th June Project Group meeting, which was asked to assist in finding more efficient procedures, also considered evidence from Camberwell Green which suggested that verified community ties information goes only part of the way toward meeting concerns that prompt custodial remands in some cases, and that some defendants were shown, by the Bail Information Forms, to be bad risks for bail because they lacked stable accommodation, employment and relationships.

The Project team had suggested that rootless and inadequate defendants, who were not bailable on community ties information alone, might be bailed if these basic needs were met and some support were offered by ancillary or voluntary workers associated with the Project. The team also pointed out that some bailed defendants were shown by the interviews to be only marginally better off in these respects than some defendants who were deemed unbailable by the court, and therefore shared the need for support on remand. The level of demonstrated need seemed high enough to demand some social work response. The Project Group's 24th June discussion also touched upon the possibility that, if supporting services were developed in conjunction with the Bail Project to make bail possible for defendants lacking other support and to permit a productive use of their remand period, it might also be possible to use these resources to support "conditions of bail". Whether of a restricting or of a supporting kind (or both), such conditions might be used by magistrates to bail certain of the defendants who would otherwise be thought likely to commit further offences or to obstruct justice. It was pointed out that the probation service has played an important role in providing courts with a full range of "alternatives to custodial sentence" and that courts have made use of these provisions to reduce the proportionate use of prison sentences substantially over the last decade. There appeared to be room for a similar provision to reduce the use of imprisonment before sentence.

As a result of these considerations, the Chief Probation Officer informed the Service, at the 4th July Seniors' Meeting, that the Project would engage in an experiment to locate and coordinate community resources that might be made available to magistrates to "further encourage (them) to use their existing powers, not only in relation to bail hostels, but also to make provision for other conditions (of bail) to be imposed where there might be an alternative to a remand in custody."

The dedication of the ILPAS/Vera Project team to this task was lent support by the Home Secretary's remarks in his 21st July NACRO speech:

> "(Section 21 of) the 1967 (Criminal Justice) Act gave the courts power, when granting bail, to impose conditions where that would be likely to secure the defendant's answering to his bail or where it was felt necessary to the interests of justice or for the prevention of crime... I should like the courts to consider whether there may be more cases where a custodial remand could be avoided by the use of special conditions to meet particular situations... It is equally important, however, not to impose conditions unnecessarily. Special conditions should not be used simply as an additional safe-guard in a case where there is no real risk..."

At the July meetings between the ILPAS/Vera Project team and the Camberwell Magistrates and Chief Clerk (p.10 above), it was agreed in principle that the bench could be additionally assisted in bail/custody decision-making if the Bail Project could focus community resources responsive to the law enforcement concerns raised by police objections in certain of the difficult (but not "non-starter") cases, or to meet the needs of inadequate defendants on bail.

During late July and in August the staff, assisted by a number of interested probation officers in the region, explored resources available in the community served by Camberwell Green Magistrates' Court as well as specialized resources available elsewhere in Inner London. Solid relationships were built with a wide range of agencies -- from Phoenix House and the Alcoholics' Recovery Project to hospitals, bail hostels, and individual landladies.

Simultaneously, the Project staff began to make records of more in-depth interviews conducted with persons remanded in custody at Camberwell Green - after they were returned to the cells and before they were transported to prison - as well as with members of their families in appropriate cases. The Brixton Bail and Legal Aid Unit assisted in this effort to sketch a map of the pattern of need among the less "bailable" defendants, by interviewing persons received in remand custody on C-Wing. These efforts revealed a wide range and varying depths of emotional and practical need. In some cases, the defendant was so untroubled by the remand in custody and so much expected or even wanted it, that he would clearly be unsuitable for any conditional bail based on social work support. But discernable patterns recurred among those who had experienced the arrest and imprisonment as a crisis: drug addiction, alcoholism, lack of fixed abode, family conflict, employment problems, lack of access to conventional DHSS benefits and - particularly with younger defendants - lack of

parental authority in the imposition of necessary restraints.*

At the end of August it was agreed that the Project staff would begin to offer a referral service and individual support to defendants bailed at Camberwell who appeared to need that help on their remand, and to attempt to develop individual plans of "conditional bail" for certain defendants who were remanded in custody at their first appearance. The existence of such plans for conditional bail, if agreed by the defendant or his solicitor (when he had one), would be notified to the court as "additional information" on a revised Bail Information Form presented at the second or subsequent appearance.

The objects of this exercise were: first, to learn to what extent defendants could be selected who would in fact not be bailed without a condition but who would be bailed if one were offered; and second, to see what supports could be delivered to defendants who were bailed, without a condition being suggested, but who were in need of help.

F. The "Special Cases" handled by the Bail Project Team at Camberwell, from September through March, and some Implications of that Work.

It is difficult to summarize the needs discovered, the help given with emotional and practical problems, the conditions of bail devised and the lessons learned from these months of work. But as the Proposals at the end of this Report are based on this experience, it may be useful to provide a record of illustrative cases and to point to some of their salient aspects.

The Project's experience of the "special cases" is presented under the main headings of: accommodation, treatment, employment, short-term support on remand (on bail or in custody) and support for the work of other probation officers.

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* The findings of these explorations are consistent with other reported investigations of similarly-situated defendants. Robert J. Harris, in "Custodial Remand as a point of Crisis Intervention" (Social Work Today Vol. 4 No. 5, 31.5.73, pp. 135-37), reported results of crisis intervention work undertaken in 1972 by the court team of the City of Sheffield Probation and After-Care Service working in cooperation with the welfare department in Leeds Prison and Thorp Arch Remand Centre. In a sub-sample of 33, interviewed by the author in the court cells after the initial remand, nine were unlikely to be helped by short-term intervention because they were unconcerned with their own predicament and not interested in the offer of help, or (in one case) overly manipulative. These were often the property offenders with considerable criminal and custodial experience. They regarded apprehension and imprisonment "primarily as occupational hazards, or regarded remand custody as more comfortable than their life in the community." The remaining 24 defendants who had been remanded in custody presented a wide range of needs together with varying levels of recognition that they were in a crisis. E. Morrell and B. Fellowes, in "Working with Prisoners on Remand" (Social Work Today, Vol. 4 No. 5, 31.5.73, pp. 137-39) sketch the similar range and depth of emotional and practical needs displayed by the defendants on remand in Leeds Prison during a period congruent with Harris's study.

A. Accommodation. It was relatively easy to identify defendants, before their first appearance, who were not going to be bailed without at least some acceptable accommodation; often accommodation plus the structure of a bail hostel were required. For 66 defendants during the six months, the Project notified the magistrates of a bail hostel place having been secured; the magistrates accepted this as a condition of bail in 41 of the cases. The bail hostels have been pleased because placements secured by the Project are "appropriate" (i.e., truly of "no fixed abode" and meeting the particular criteria of the hostel). The magistrates have been able to avoid custodial remands because the Project has reserved bail hostel places for appropriate cases (selected on the basis of police objections and Project interview) before the bail/custody decision must be made.

Some illustrative cases reveal more:

> J. Verin was a French national, twenty-one years old, who arrived in court charged as a suspected person. Although he had lived in London for two years, his English was imperfect. He lived in a squat with friends and had worked casually, as a kitchen porter, until four months before the arrest. One of the others in the squat was charged, by the same officer, with breaking into property.
>
> The police opposed Verin's bail on the ground that he would abscond, because he was a foreign national with no fixed abode. Verin insisted that he was innocent of any wrong-doing and wanted a lawyer to go to trial; he was willing to accept a condition of reporting to the police and, if his squat was an address unacceptable to the court, he would agree to reside at a bail hostel. The magistrates, however, remanded him in custody; Verin was trying to apply for bail and ask for a bail hostel but his application was not understood until the Project interviewer stepped forward to explain. The magistrates put the case back, but no bail hostel places were available. In the afternoon a place was found at a non-bail hostel. Verin could not be accepted at this hostel until the warden had come to court and interviewed him; the Project made arrangements for this and finally, at 2 p.m. he was accepted by the hostel and residence there was accepted by the court as a condition of bail. The Project found Verin a lawyer through the French Embassy. When the case was heard, with the aid of an interpreter, the charges were dismissed against him and his friend.

That Verin* was not found to be guilty makes it particularly easy to see the role for assistance of this kind in a system of criminal justice.

In the next case, the provision of support by a bail hostel staff seems to have begun a process of bringing desirable changes to a defendant's life during the remand period:

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* All names have been changed in these case histories.

B. Green arrived at court charged with four theft offences. Bail was opposed on the grounds that he was of no fixed abode, that he had admitted still other offences, and that he needed custody for his own protection. Green was 19 years old and had not really settled in London; he had been sharing lodgings for several weeks with several other young men recently arrived in London and working as a shift labourer. He had been without work for two weeks.

A bail hostel place was secured and, at Green's request and the request of the court, the Project assisted him to complete a legal aid application before leaving the court. He was escorted to the hostel, and his belongings were collected from the police station on the way.

When he returned to court for his committal hearing, the hostel submitted a report stating that he had used the remand to find full-time employment and was accepting supervision to help him deal with a drinking problem. They were prepared to continue this, and his condition of residence, if he were further remanded. He was committed for trial on bail, on condition of continued residence at the hostel.

In some cases, however, the residential problem could not be solved, on the day of court appearance, by a single "bail condition" that would last for the entire remand period:

T. Krane was found wandering naked in the street. He was charged with vagrancy and indecent assault when he appeared, handcuffed, in court. The magistrates were informed that he had a psychiatric history and had attempted suicide before. The Project had not interviewed him because of the unusual handling of the case; but the police opposed bail on the grounds that Krane was of no fixed abode and needed custody for his own protection. The magistrate felt a remand in custody was necessary, but asked for assistance in finding a suitable hostel placement on bail before he was next to appear in court.

Upon interview, the Bail Project learned that Krane, 27 years old, was suffering from acute reaction to a past experience with LSD; he had been receiving treatment from two named doctors at the Maudsley Hospital. The doctors at Maudsley were accustomed to his severe ups and downs, as he was attending their out-patient clinic. Krane was prepared to take up residence at the Maudsley as a condition of bail, but the doctors were unhappy about such an arrangement. They expected to find, after a brief period of in-patient treatment, that he would no longer be "in need" of residential care and could be discharged to out-patient status. They were thus unwilling to accept him in residence as a condition of bail, because they either would find themselves unable to discharge him according to their professional judgment, or would find themselves discharging him to prison (because termination of his hospital residence would entail breaching the condition of bail). This was communicated to the magistrate on the Bail Information Form and Krane was remanded in custody.

The Project felt that this result should have been avoidable: Krane might, for instance, have been bailed on condition of "residence at the Maudsley, unless and until discharged by the attending doctor and, thereafter, at an address approved by the Bail Project Senior Probation Officer and notified to the police."

In a subsequent case, although bail was granted, the events again revealed the need for a more flexible condition of residence:

> B. Phillips was arrested for attempted burglary and theft of a motor vehicle. Bail was opposed on the ground that he was of no fixed abode and would abscond, and that further charges might be brought. The police informed the Project that there was no record of previous convictions.
>
> Phillips was extremely withdrawn. He had been drifting around for eight years, after leaving home in the North at 15. He had no contacts of any description in London --no job and no link with DHSS or any other helping agency. He had been sleeping rough in London during December and January right up to the night of his arrest, which was particularly cold. On that night he broke the glass of the door to a clothing shop in an attempt to get an overcoat; an alarm was triggered and he ran off. Seeking protection from the cold, he found an unlocked car nearby; he pushed it into a side-street and climbed in to sleep. A police officer responded to the alarm and shortly found him. (The police later established that he could not have been the one who stole this car initially.)
>
> As Phillips had no drink or drug problem and no known previous convictions, a bail hostel place was quickly found. This was acceptable to the police. But the Project took the view that the problem was not so much that Phillips would abscond without the structure of a bail hostel; rather, it was that he needed assistance toward establishing more permanent stability in accommodation, relationships with others, and - particularly - links with social services. The Project therefore located a place for him in a project that was painting and decorating bed-sit accommodation in run-down properties. If he could work his way into this group, he would have his own accommodation after the remand. A volunteer was located who agreed to assist him through DHSS procedures and to get necessary clothing.
>
> The police agreed to Phillips being bailed on condition of residing in the bed-sit scheme and accepting support of the kind the Bail Project suggested was needed. The magistrate would have been asked to grant bail on these terms, but the police officer had become so involved in the arrangements that he neglected to object to bail.
>
> Although the formal conditions were not imposed, Phillips was by now eager to pursue the plan. He was escorted to the bed-sit scheme and promised to maintain contact with the Project. During the remand he was visited several times and was found to be helping actively in work being done on the bed-sits. The scheme's management was sufficiently impressed with his altered behaviour to consider employing him to help ready other accommodation for occupancy. During this period, Phillips moved from his initial accommodation to another bed-sit within the scheme's network; only because no specific condition of residence had been imposed was this possible.
>
> When Phillips returned to court he seemed quite a changed person. He was talkative, adequately clothed and eager to stay with the scheme as an employee as well as beneficiary. The magistrate heard a report of the work done on the remand and conditionally discharged him. A volunteer associated with the Project continued occasional supportive contact until it was apparent that Phillips was going to make it on his own.

The need for a flexible condition of residence was finally met, when the Project was confident of its network of accommodation. The following case is illustrative:

Miss Lake appeared in court charged with a series of theft offences. From December 1975 through February 1976, she had been moving about from hotel to hotel and not paying bills that had mounted to over £2000. The police objected to bail on the grounds that she was of no fixed abode and likely to abscond, that she was likely to commit further offences, and that she was likely to do injury to herself in her mental state at that time. Although the amount involved was substantial, the Bail Project thought placement in a supportive hostel environment on remand might be possible, and might be viewed by the court as adequate protection against the risks of flight and further offending - both of which seemed related to her inability to maintain stable accommodation. A hostel was certainly less likely than prison to worsen her state of mind. But Miss Lake said she didn't want bail and refused to give an interview. The magistrate put the case back for re-consideration later in the morning and the Project interviewed her; but she was remanded to Holloway and a medical report was requested. No medical recommendation was made when she was returned to the court.

The Project had learned from the interview that her hotel-hopping began immediately after a common-law relationship of long standing had broken up. She had left the flat where they had lived for two years, left her job as a legal secretary, and spent a week in hospital after taking an overdose of sleeping pills. She wandered aimlessly after discharge from the hospital, although reporting to her G.P. regularly for a valium prescription. She had previously been on probation for a credit card offence, but the two-year order had expired before the current crisis, the probation officer had left Inner London, and the file could not be located.

When she returned to court, the Project had already secured her a bail hostel place at Stockdale House for six weeks, and the magistrate remanded her on bail with condition of residence there and of daily reporting to the police. Although there was no condition that she remain in contact with the Bail Project, she did so; the Project came to the view that she would soon not require the special structure of a bail hostel and, in anticipation of Stockdale House's need to withdraw her placement there after six weeks, made several alternate arrangements for her to reside in conventional hostel settings. When she made a court appearance after three weeks at Stockdale House, the Project discussed the prospects with the police and they agreed that something along these lines would be suitable if she would remain in contact with the Project as well; but the police did not wish to return for yet another morning in court just to change the conditions of bail. It was therefore agreed that she might be bailed on condition of residence "at a place approved by the Bail Project and notified to the police". The magistrate remanded her on bail on that condition and the Project was able to work with Miss Lake, with the Stockdale House warden and with the other residences to chose the best timing of her move and the most suitable type of new residence.

Miss Lake's state of mind improved substantially over these weeks, during which she received considerable support. She continues to maintain contact with the Project staff and they are now assisting her to take charge of her life, to win re-employment in her old job, and to settle in her own flat. To the extent that she is able to make these changes, with Project support, she can expect to benefit as well when her case is considered by the court.

Finally, in some cases where a bail hostel is needed, it is not enough. The Bail Project began, therefore, to experiment with a role for accredited voluntary associates of the service:

G. Barnes was brought to court charged with attempted burglary. He wanted to plead not guilty and to be committed to the Crown Court for trial. Police opposed bail on the grounds that he was of no fixed abode and likely to abscond (they said he expressed an "intention of travelling to Wiltshire") and that he was likely to commit further offences. Indeed, all but one of his eleven previous convictions were for thefts; three involved breaking into non-residential premises and two involved breaking and entering residences.

On the other hand, Barnes was now 47 years of age, he had committed his last offence in 1970, and he had never failed to appear when bailed on earlier offences. He was suffering from depression - for which he had received hospital treatment six months earlier, and had lost contact with his family (including eight children) and former friends. He said that his spirits had plummetted in recent weeks, living in a reception centre; he indicated that he had committed the act, which was charged as attempted burglary, to get some relief from his emotional state.

The Bail Project thought a bail hostel place might provide the court with an adequate alternative to imprisonment on remand; a place was secured and this was noted on the Bail Information Form. Unfortunately the magistrate did not consider the form; it was handed up to him just as he asked Barnes whether he wanted bail and Barnes, not sure of how to respond, said only "I have nowhere to live." He was remanded in custody.

The problem was compounded when Barnes returned to court for his next appearance, as there were no bail hostel vacancies in London on that day. His depression had deepened in prison and he was asking for medical help. This time the magistrate read the Bail Information Form and he asked the Project to try to find suitable accommodation before the next court appearance. Barnes was returned to Brixton and taken onto the medical wing for treatment of his depression.

A bail hostel place was secured in advance of the next court date and Barnes, much the worse for his two weeks stay in prison, was committed on bail for trial at the Crown Court, with the condition that he reside at the hostel. The Project escorted him to the hostel. Barnes remained severely depressed in the first weeks of his bail; the Project and the hostel staff agreed that he (whether or not convicted of the charge against him) would need more support in the long term than is provided by the various bed-sit schemes used for bail hostel after-care. A voluntary associate was therefore brought into the case and began visiting Barnes at the hostel. The relationship seems so far to have worked well; his spirits have lifted, and Barnes is active in working with the volunteer to secure his future accommodation.

B. Treatment. Community ties interviews reveal a high frequency of drug and drink problems - often quite acute - among those who find themselves in remand custody after the bail/custody decision. Prison, of course, provides some protection for the most ill of these, but the institutionalization at a time of crisis in their lives is likely to be less than helpful in breaking the addictive cycle. It was thought that conditional bail might be used both the commence community-based treatment and, in some cases, to help avoid the custodial sentences that would prevent such treatment.

(i) Alcoholism

No treatment for habitual drunkenness is successful at a very high rate. But some make it, and it may be worth assisting those who are trying:

P. Evans was charged with conspiracy. The police opposed bail on the ground that he was of no fixed abode and likely to abscond. He was 41 years of age and an habitual drunkenness offender. Ten months previously he had entered one of the group homes of the Alcoholics Recovery Project. He did well and did not drink. Three weeks before his arrest, he was ejected from ARP for drinking; he began sleeping in squats and drinking heavily. He tried to commit the offence - cashing stolen pension books - when he was very drunk.

In interview, Evans asked for help in getting back to the ARP home. ARP, however, would not take him back unless he demonstrated commitment by a period of at least a week of sobriety. They would see him daily, but he would have to live elsewhere until the group was prepared to have him back. Evans was not surprised to hear this and was prepared to accept conditions of bail that would require him to live at the Gordon Road Reception Centre and attend daily at ARP until they would have him back. In discussions with the Project staff member, he agreed that he could abide by a curfew and that it would help him stay out of trouble and off drink if he could. A bail hostel was out of the question, because of his drinking problem, but the magistrates were informed, on the Bail Information Form, of the possible conditions to which he had agreed.

Evans was remanded on bail, in his own recognizance of £100 and on conditions that he:

Report daily to the police
Attend daily at ARP
Reside at Gordon Road Reception Centre
Observe a curfew of 7 p.m.

He abided by these conditions, and returned to court when required. Although he seemed to be making an effort to help himself and acknowledged that he would have to stay away from drink if he were to gain re-entry to the ARP programme, he was not winning that battle. Nevertheless, the magistrates continued him at liberty by suspending his sentence.

Evans's prospects for breaking his drinking habit are not too encouraging, but developments in Young's case, below, illustrate the possibilities for more successful outcomes in cases where bail is granted to alcoholics, on condition of community-based treatment:

> M. Young was charged with theft and his bail was opposed on the grounds that he was of no fixed abode and had previously failed to appear when bailed. Fifty-five years old, Young had been living alone as a tenant at an address the police did not think stable. Previously he had lived two years at another address. He was divorced, had lost contact with his family ties in London, was unemployed and had a serious drink problem. He last worked, two years previously, as a bar manager during Christmas. A friend's wife appeared in court and offered herself as surety. The police objected to her because Young was wont to fight with her husband; but the magistrate questioned her, found her suitable and remanded Young on bail in his own recognizance of £250, with her surety of £250 and on conditions of residence at his current address and daily reporting to the police.
>
> It became evident that Young found his existence increasingly difficult over the time covered by two subsequent appearances; he failed to appear on the third, breaching his bail, and was brought back to court in custody. He had been drinking heavily, was in a bad state and appeared to need medical attention. The Bail Project contacted his legal aid solicitor and informed him; a search began for a detoxification unit to accept Young on bail. The Salvation Army's detox unit, attached to Booth House, agreed to accept him and the availability of this treatment alternative to a remand in custody was presented to the magistrate on the Bail Information Form. The police opposed bail on the ground that he had just breached it. The magistrates granted bail on condition that he reside at the Detoxification Centre and report daily to the police. His recognizance and surety were continued. The Bail Project escorted him to Booth House.
>
> The Bail Project stayed in regular contact with the Unit. The day following his admission, the doctor there reported that he was suffering from a broken nose and abrasions and might require hospital treatment. Two days later, the Bail Project was informed that Young was entering hospital for medical treatment, that his detoxification was going well, and that his acknowledgement of his need for long-term treatment for alcoholism had led to arrangements being made for his residence in Booth House's assessment centre upon his discharge from hospital. The assessment centre's was a 5-6 week programme. The Bail Project agreed to inform the court and requested a letter from Booth House for that purpose.
>
> The Bail Project informed the solicitor, police and court of the arrangements being made, and that Young would not be in court at the next scheduled appearance date, because of his medical condition and because he was entering hospital.
>
> Several days later the police informed the Bail Project that Young's surety had withdrawn; the officer eventually agreed not to oppose continuing bail on the other conditions, if Young's whereabouts were regularly notified to him. His bail was continued for treatment. The Bail Project notified the social worker at Booth House's assessment centre of the terms under which Young would be allowed to move forward with treatment.

Young was eventually committed to the Crown Court for trial but his bail was continued, as he continued to do well at Booth House. The assessment period drew to a close with agreement that he would be acceptable for long-term treatment at a facility in Cornwall. During this period, the liaison probation officer at Booth House asked the Bail Project for Young's file. ILPAS Central Index revealed four files, all out to different probation offices. The liaison probation officer secured agreement from those responsible for the bits of Young's life that he should be allowed to take up the long-term treatment.

(ii) Drug Addiction

Drug addiction, like habitual drunkenness, is difficult to treat. But some treatment agencies were found to agree that the prospects for success are enhanced when contact is made and effort begun at a crisis point -- an arrest, the prospect of a remand period in custody and the possibility of a custodial sentence:

J. Vernon was charged with theft and was arrested whilst on bail from another magistrates' court on a similar charge. The police raised multiple objections to his bail.

Vernon had been living with his mother all his life, except when serving sentences of imprisonment (of which he had received two). His six convictions ranged from begging to theft. He had been placed on probation for two years in 1973. He worked as a packer for three months in that year, but had been unemployed for the two years since. He was a drug addict.

Following his first appearance and a remand in custody, the Project contacted Phoenix House and arrangements were made for a member of Phoenix House staff to interview Vernon at Brixton. They reported that they were willing to accept him, finding him to have the requisite motivation to break his drug habit, and were willing to change Phoenix House policy so that a person could be accepted in residence whose treatment was made a condition of bail.

When Vernon returned to court, the Bail Project passed this verified information to the magistrate and to Vernon's solicitor. The magistrate remanded Vernon on bail on his own recognizance and on condition that he reside at Phoenix House for treatment. As this was somewhat unconventional, the magistrate asked the Bail Project for regular reports of his progress there. The Project escorted him to the other magistrates' court where charges were pending against him, and presented the verified Bail Information Form to the magistrates there, with additional information concerning the decision taken at Camberwell the previous day. He was bailed from that court on identical conditions and the Bail Project staff member escorted him to Phoenix House. He has been committed to the Crown Court for trial; after six months at Phoenix House he is still progressing well. Reports are submitted to the Camberwell magistrate on a regular basis.

In another case in which Phoenix House treatment was successfully made a condition of bail, it seems to have had a beneficial effect on the sentence as well:

> G. Thomas was charged with burglary and his bail was opposed because of the seriousness of the offence and because he was of no fixed abode. The police informed the Bail Project that Thomas has been convicted of eight charges of burglary and two of attempted theft in 1971-72, and had received two short prison sentences for those offences. Upon interviewing him, the Project learned that he had been in lodgings for eight weeks, and in London for five months. He lived alone and had no family contacts in the area. He was unemployed, as he had been since his discharge from the merchant navy in the previous year.
>
> He told the interviewer that his problem was drugs. He was also homosexual, and thought of this as a problem too. He had started on drugs in 1963 and developed a debilitating habit, mainly amphetamines. The burglary with which he was charged involved breaking into a shop to steal drugs.
>
> He gave the Bail Project the name of his G.P. The doctor felt that a period of voluntary treatment would be helpful. The Bail Project phoned his parents in the South-east. They were sympathetic, but unwilling to have him home. They asked to be informed of any positive response from Phoenix House. The Bail Project discussed the case with Phoenix House, and they were prepared to interview him at prison if he were remanded in custody.
>
> The magistrates were informed of these prospects and, upon his plea of guilty, called for reports and remanded him in custody for a week, expressing hope that Phoenix House would see him there. Phoenix House saw Thomas in Wandsworth Prison and accepted his application. When he next appeared in court, the justices were confused by the Bail Project offer to report on this activity during remand. The case was put back and the matter was put right through the cooperation of the duty probation officer. The Bail Project report was heard, and Thomas was remanded on bail for a social enquiry report and medical reports, with the condition that he reside at Phoneix House. The Project escorted him there and phoned the parents and gave them the telephone number where they could contact their son.
>
> The Bail Project was informed during the remand that Thomas was doing well in treatment. Two weeks later, he was brought back and the reports were submitted. The Bail Project arranged for a staff member of phoenix House to be present who was invited to inform the justices about the treatment system. As the social enquiry report recommended a period of voluntary treatment at Phoenix House - without a probation order - Thomas was given a six months sentence, suspended for two years, and freed to return to Phoenix House. Before he left the court, Thomas thanked the Bail Project for help in getting the treatment and sentence he needed and asked if he could continue the contact during the coming months.

But in some cases, the treatment condition did not satisfy the magistrates where they clearly had a custodial sentence in mind. Nevertheless, Bail Project groundwork toward a treatment programme seems to offer some hope for successful after-care:

> S. Lawrence was charged with taking and driving away. The police opposed bail because he had been of no fixed address for a long time and was believed to be a drug addict. He had been homeless for over a month, and had spent the previous month in a bed-sit in Earls Court. He lived alone. He had been in London for ten years, was separated from his wife, and had no relatives in the area. He had been unemployed for a month and on supplementary benefit -- he had last been employed as a kitchen hand for three weeks. He was a heavy barbituate addict, not registered.
>
> In interview, Lawrence mentioned two recent hospitalizations resulting from attempted suicides. He expressed a clear desire for drug treatment. The Project contacted Phoenix House, which responded positively to a possible referral. Lawrence was glad to accept an offer of a visit at Brixton from Phoenix House and was remanded in custody for a week. After the court appearance, he was given writing materials to communicate his desire for treatment to Phoenix House. (Phoenix House does not accept third party referrals; these arrangements have been agreed for the Bail Project referrals). The Project collected his letter and posted it that evening. He was interviewed in Brixton by Phoenix House and Phoenix House phoned the Bail Project to report their view that he was an excellent candidate for treatment; they came to court on his remand date, to pick him up. The magistrates, however, sentenced him to six months imprisonment. After this court appearance, Phoenix House arranged to contact him in prison to keep open the offer of treatment with them as an after-care option.

C. Employment. There is a brief discussion, at the end of this Section III, of the difficulty of framing as a "condition of bail" the use of employment resources that may be needed by defendants at risk of a custodial remand. The following cases illustrate the importance magistrates sometimes attach to this area of defendants' circumstances, and the possibility of providing such assistance without making any express condition of bail:

> P. Howard came to court charged with theft and attempted burglary. The police thought it likely that he would commit further offences if he were bailed. An unemployed labourer of 20 years of age, he had been released from Borstal two months before this arrest. He was also on bail at the time, to the Crown Court. He had lived with both parents since moving to London sixteen years earlier.

He was remanded in custody. It took two weeks to contact his mother, through a neighbour who had a phone, to verify other information and to determine that she would stand surety and have him back home. His mother confirmed that he had been trying to find work since his release from Borstal. The Bail Project submitted a new Bail Information Form, fully verified and indicating that the New Bridge Employment Scheme would offer assistance to him. He was remanded on bail, with the condition that he reside with his mother and observe a 10 p.m. - 7 a.m. curfew, and he was given an appointment at New Bridge.

- T. Williams had been living with his parents at their current address for the past six of his 18 years, and he had lived with them at other London addresses since coming from Jamaica 12 years ago. He did not lack a fixed abode, but when he arrived in court charged with a theft of property, a theft and attempted theft of automobiles, and having no insurance, the police opposed his bail on grounds that he was unemployed and might therefore abscond, that he had previous convictions of a serious nature, and that he had stated his mother wanted him out of her house.

- Williams had been employed, but he had broken his ankle and had been unable to work for the previous six weeks. He acknowledged that he could not reside at home on condition of bail, but suggested an alternate residence at his grandfather's address; he saw his grandfather often. The Bail Project was unable to reach the grandfather before court, but entered that possibility on the Bail Information Form, along with the possibility of bail hostel placement that was still being explored when the case went to court. The magistrates were also informed that an appointment for Williams had been arranged with the New Bridge employment scheme, which would help him find employment during the remand. They remanded him on bail.

- S. Peters was charged with assault occasioning actual bodily harm. The police opposed his bail because they felt he was likely to return to the scene of the offence and commit further offences. (The police had originally been called to the scene at 3 p.m., arrested Peters and then bailed him; he had returned to the scene, the row had re-erupted and he had then committed the assault now charged against him.) The police also had further enquiries, and said further charges were likely for damage and possibly burglary.

  Peters was 29 and had been living, since arriving in London a year ago, in a legal squat with a group of friends; he was supporting his wife and four children there. His parents live in London, but he seldom saw them. Before coming to London he had worked as a builders' labourer; initially he had found work in Brixton as a driver, but had been unemployed for the last seven months. He conceded that he was having marital problems, but believed that his parents would take him in and would be prepared to stand surety.

The Bail Project found his mother in the court, verified the background information and were able to present, on the Bail Information Form, the fact that his parents would provide a fixed address and were prepared to stand surety. But Peters had three previous findings of guilt since arriving in London. The Inner London Crown Court had recently fined him £50 (plus £50 compensation and £50 costs) for a burglary and £50 for assaulting a police officer. He had also been fined £10 on an earlier ABH conviction. He was remanded in custody.

The Bail Project felt it would be useful to see whether any help could be given to what seemed a fast-deteriorating life situation. In regular phone calls to the mother, the Project learned that she was still willing to have him home and to stand surety, although she hadn't had a visit from him for six months. She also would be unable to attend court on his remand date. She had been looking for his wife (and children) but had been unable to find them.

The Project was, however, able to get an appointment for Peters with the New Bridge employment agency and informed the magistrates of this when Peters reappeared from custody. He was given bail, on his own recognizance of £100.

D. Short-Term Support. Defendants recently arrested and remanded often need support, as the previous case histories amply demonstrate. Here, we summarize two cases highlighting this area of need - one remanded on bail and the other in custody:

1. Bailed

Family conflicts can prevent a remand on bail in a variety of ways: a mother renders her son homeless because he has disgraced the family; a wife fears another assault in a continuing conflict with her husband, etc. The case of J. Roland, below, is a rather extreme illustration of how a family conflict, unless defused, can lead to imprisonment, and how simple mediation can produce from the same parties a condition of bail agreeable to them and acceptable to the court:

J. Roland was charged with theft. The police did not oppose bail, so he was not interviewed by the Project before appearing in court; but his stepfather came forward to oppose bail and to state that a mental examination was required. When Roland reappeared in court, following the resulting three day remand in custody, no medical recommendation was made; the Bail Project interviewed him. He said he had stolen various equipment from a recording studio. He had eight or nine prior convictions as a juvenile, and "three court appearances in the last three weeks" for offences occurring, like this one, at night. He was 18 years old and had been living with his mother, stepfather and two younger brothers; but he tended to stay most of the time with his older married sister, to get away from his stepfather. He had a poor school record and patchy employment. He had signed on at the Youth Employment Centre, but had found no work. He claimed to be living off his mother's and sister's generosity. His sister verified the information and offered to stand surety. Roland indicated willingness to accept conditions of bail, including a curfew, and the magistrates were presented a Bail Information Form to this effect. But he was again remanded in custody.

The Project then interviewed the stepfather, who claimed the mental report had been necessary because Roland's behaviour was so irrational: "he never makes any gain from his offences, he always gets caught, and he kept going back for more." But in this conversation, the stepfather modified his demand that Roland be kept in custody; he would have him at home as a condition of bail, but expressed a desire for a curfew to be ordered by the court, as back-up authority for him. He claimed that Roland committed offences when out drinking in the evening with bad company.

When Roland next appeared the magistrates were informed of these developments, accepted these as adequate conditions, and Roland was remanded on bail.

2. Custody.

The Bail Project succeeded in finding a bail hostel place for Miss Walker whose case is summarized below. But the magistrates apparently did not feel that a hostel provided enough assurance of her re-appearance for trial for them to reduce the number and amount of sureties. Unable to meet these conditions her continuing imprisonment left her in need of general support and specific links with the outside world - her mother and her children. The Bail Project provided that link:

Miss Walker was charged with thefts. The police objected to bail because of the serious nature of the charges and because she was in breach of suspended sentence and of no fixed abode. She had been living with a female friend in a flat for 6 months. For the previous 10 years, she lived with her Jamaican parents and daughters in Croydon. She was a registered nurse but had left nursing two years ago, because working with geriatrics depressed her, and had been working until recently as a clerk in Croydon. She had previously been bailed from Camberwell Green, and had appeared when required. She had given herself up to the police on the current charge.

She was not represented at her first appearance (nor until her seventh appearance) but she applied for bail. The police objected, amplifying their reasons by stating that some £20,000 were involved and that she "wants to tell the police more". She was remanded in custody.

During the remand, the Bail Project verified the information through Miss Walker's mother. Her mother said she would have her home on condition of bail, but only temporarily because her husband had just died and she was thinking of returning to Jamaica. The Bail Project informed the magistrate, offering to secure a bail hostel place at Stockdale House if the parental home was not thought to be sufficiently "fixed".

When Miss Walker next appeared in court, she was granted bail, on conditions of residence with her mother and daily reporting to the Croydon police, but additionally on her own recognizance of £1000, one surety of £2000 and another of £500. She returned to Holloway to await the outcome of a hunt for sureties.

Miss Walker never made this bail, however, as sureties could not be found in that amount. She returned after each court appearance to Holloway. Soon her concern for her two children, who were being cared for by her mother, became paramount and this concern was reflected on the Bail Information Forms, particularly when her mother's plans to return to Jamaica seemed to be moving forward. After 7 weeks on bail, spent in Holloway, she was committed for trial to the Crown Court and her bail was continued on the same conditions. She returned to Holloway.

She was recently sentenced to a term of 3 years and 3 months. When her mother finally sold the house and was poised to take Miss Walker's children to Jamaica, a member of the Project, who had visited and supported her during the long remand, arranged with the Prison Welfare Department for her to be returned to Holloway from Durham Prison. The Project staff member accompanied the mother and children to Holloway to say goodbye.

E. Support for the Work of other Probation Officers. Finally, Field's case, summarized below, illustrates the relationships that have grown between Bail Project support of defendants on remand and subsequent work by the rest of the probation service. In Field's case the supervising probation officer, who used the Bail Project file and maintained contact with the Project's staff, was concerned with the defendant's use of a period of deferred sentence:

M. Field faced two charges of breaking into off-licences to commit theft; his bail was opposed on grounds of the seriousness of the offences and the likelihood that he would commit further offences. (He had committed two other similar offences within the past four months.)

The Project interview revealed that Field had been living with his parents all his life and had a stable family environment. He left school at 15 but had managed to find work, without long stretches of unemployment, until hispitalized with traffic accident injuries ten months before this arrest. Since discharge from hospital, he had been drawing unemployment benefits and finding only irregular work; he had begun drinking heavily -- the offences had all occurred after heavy weekend drinking bouts with friends.

Field had been on probation before, and his circumstances were quickly verified by a call to his former probation officer. She had had him under supervision for two years, several years back, following a series of offences that were relatively trivial but had occurred in a concentrated period. She was aware that he had recently been sentenced to thirty days imprisonment for non-payment of fines - fines arising from the first of the recent break-ins. The former probation officer offered to see Field regularly for intense but informal supervision if he were bailed. Field was agreeable to this. He said his parents would have him at home as a condition of bail and would stand surety; but they were not home and this could not be verified. The Bail Information Form reported all of this to the magistrates who remanded Field in custody.

The Bail Project visited his family during the initial remand and found the parents wanting to have him back home. They were convinced that his recent offending was due in part to his sudden unemployment. In anticipation of his return to court, the Bail Project secured an appointment for him with the New Bridge employment agency. When he returned to court for his second appearance, the Bail Information Form informed the magistrates of these arrangements as well as the former probation officer's offer to assist him. He pled guilty and was remanded for sentence; bail was not granted on the conditions that had been indicated, but the Bail Project arranged for a New Bridge counsellor to interview him in Wormwood Scrubs, which he did.

When Field appeared at court for sentence, the magistrates were given a letter from New Bridge to the Bail Project that promised New Bridge's assistance to him, in securing suitable employment and in other respects, if he were given a non-custodial sentence. The former probation officer also submitted a report and, referring to the arrangements made by the Bail Project, to Field's willingness to see her informally on a regular basis, and to the possibility of treatment at the Maudsley if Field's drinking continued to be a problem, she recommended a deferment of sentence.

The magistrates deferred sentence for three months. Field kept several appointments with New Bridge until he obtained work as a machine operator. He curtailed his drinking substantially. After a short period in work he was taken ill and he lost the job when he reported back to work, with his medical certificate, a week before the deferred sentencing date. Although the probation officer was able to note these developments and the fact that he had come regularly to see her, she was unable to recommend longer-term statutory supervision, because it had proved to be no help with his remaining problem - he had paid nothing from his brief income or from his benefits toward his outstanding fines. The magistrates were notheless reassured by his progress and sentenced him to an additional fine.

* * * * *

Some of the work done during this exploratory period fits quite easily into the concept of "specific conditions of bail" based on social work support and meeting the objections to bail in particular cases. In other cases, however, where bail became possible through the offer of social work supports, the work that needed to be done did not fit so nicely into the "conditional bail" concept. In the first category for instance, was the development of a network to provide, on short notice, accommodation responsive to the needs of the defendants and to the problems raised by the police: bail hostels, ordinary hostels, landladies and bed-sits. Even in these cases, however, appropriate accommodation was merely a prerequisite to bail and was often not sufficient to meet all the police objections or all the defendant's needs. Yet it seemed inappropriate

to ask the court to specify the detail and contingencies of a plan to meet needs for medical, employment and other services which, if provided, could make a period of conditional bail - even for relatively high-risk defendants - a productive and acceptably secure alternative to prison. In the second category, where it was difficult to express the possibilities of productive work during remand as a "condition of bail", the difficulties were two:

First, some social work supports, although providing a basis for a grant of bail, are not so central to the court's concern for it to be reasonable to return the bailed defendant immediately to custody if he fails to use the supports fully. For instance, unemployment, with its attendant idleness and lack of income and self-esteem, is a difficulty for the majority of those remanded in custody. Magistrates often express the view that a man without a job loses less by going to custody and poses more of a risk if remanded on bail; conversely, being in employment is often a factor that will weigh against a remand in custody which would disrupt the defendant's life and his family's. And there is no question that the unemployed defendants need help in this area of their lives. But it is in part because they lack the work habit and the self-support or skills to maintain employment that they are in difficulties with the court. Therefore, although it makes sense to help secure bail for defendants willing to apply themselves to the task of finding and maintaining employment, it does not follow that they should be reimprisoned because they fail - even more than once - to do so. This is particularly true in times of high unemployment such as we are now experiencing.

Second, even if a condition of bail, such as one relating to employment (e.g., "that the defendant apply his best efforts to finding work (or staying in a particular job) for the period of the remand"), were thought to be a fair one, its relationship to the authority in law for imposing conditions of bail may be tenuous. The argument can be made that such a condition is one "designed to assure reappearance for trial or to prevent crime," (and that it might not be unduly onerous in cases where the only alternative seen by the magistrates is imprisonment) but the link with the law is far less clear in the employment area than, for instance, it is with conditions of residence.

The "special cases" led, therefore, to a feeling that it would be appropriate to provide a more generic condition of bail for certain cases otherwise remanded in custody (e.g., that the defendant be supervised by a probation officer associated with the Bail Project, attend

at a Bail Centre when agreed, etc.) which would permit the specific programme for the remand period to be expressed in a "contract" between the Bail Project SPO and the defendant, prior to a recommendation that he be bailed on condition of supervision. The SPO would then be in a position to exercise discretion with respect to breach procedures for defendants on conditional bail who are making some progress and do not seem at risk of offending or fleeing, but who have not been altogether perfect in abiding by the contract.

The lessons drawn from Project work with the "special cases" above are reflected in Section III of this Report (pp.48-56) in which the second year's programme is proposed. But those proposals also draw on other experience, external to the Bail Project; those sources are discussed in Section II, pp. 34-47 .

II. PRACTICES AND DEVELOPMENT EXTERNAL TO THE ILPAS/VERA BAIL PROJECT THAT HAVE A BEARING UPON ITS FURTHER EVOLUTION

Some probation officers feel that their professional work is diminished by involvement with potential clients before a probation order is imposed. Other probation officers find it good practice, within their general befriending brief, to concern themselves with the needs of defendants coming before the court well in advance of the imposition of any probation order. The reasons advanced for the more interventionist view are many: a social work service should attempt to meet the needs of all in its catchment; a social enquiry report can be more useful and accurate if it develops from short-term crisis help with the client's problems that are to be reported; the relationship of probation officer and client can be made more productive if practical assistance is offered at the earliest possible moment, when the need is undeniable; the need for help on a long-term probation order and the probation resources necessary for such work may be saved by resolving problems immediately, when the client is most amenable to change, and recommending a conditional discharge; and finally, if early intervention can avoid a custodial remand, it may keep the crisis for defendant and family within manageable bounds and preserve the possibility of fruitful supervision in the community after sentence.

There have been systematic efforts, both in this country and in the United States, to bring social work supports and supervision to bear as soon after arrest as possible. The purposes of these efforts vary, but the experiences can be usefully absorbed in thinking-through the programme implications of the "special cases" handled at Camberwell Green and discussed above. At this point, three of these efforts will be briefly analyzed: first, the development of conditional and supervised bail in the United States; second, the development of "diversion" programs in the United States and recent proposals for the adaptation of the concept to the English context; and third, the growing body of experience in the probation service, particularly at ILPAS's Differential Treatment Unit, with short-term task-centered crisis intervention in lieu of longer-term conventional probation orders.

A. Conditional and Supervised Release on Bail in the United States

Any discussion of U.S. bail procedures, when their potential relevance to English procedures is sought, must be prefaced by the caveat that the legal principles are different although the results are much the same. The U.S. Constitution has been interpreted to require bail to be granted in virtually all cases; there is no general provision for remanding in custody - denying bail altogether - when the defendant is thought likely to commit further

offences or interfere with the course of justice. Thus, bail may be granted on the condition that cash or a bond be deposited - in an amount reflecting the risk of the defendant's abscondence - to assure his return for trial. Theoretically, the court considers only the danger that the defendant will abscond, when it sets the amount of bail for defendants who are not released outright. In fact, courts set bail at unrealistically high amounts when they believe the defendant is likely to commit further offences or interfere with the course of justice.

Thus, remand prisons in the U.S. are filled with persons who have been granted bail, but who in fact were intentionally imprisoned for reasons that cannot be openly expressed in court. Mingled with this group are prisoners who cannot "make" their bail, but whom the court did not intend to detain in custody. This fundamental confusion in the U.S. system can be criticized on many grounds, not least on the ground that it is quite difficult - if there can be no formal court consideration of the real risks thought to require custody - to develop a plan of conditions or supervision likely to reduce those risks to acceptable levels and to lead courts to grant bail in more cases.

The comparative candor of the English bail/custody decision-making process should, in time, facilitate the design and application of conditions appropriate to some cases, now remanded in custody, where providing community ties information either discourages the grant of bail or does not fully meet the police objections. This is likely to be more difficult in the United States. Nevertheless, various efforts to do just that have been underway in the U.S. for several years, and it may be useful to consider those developments.

In 1966, the basic procedures of Vera's Manhattan Bail Project were embodied in a Federal Bail Reform Act; but there had developed a consensus that courts need a broader range of alternatives than outright release and money bail. The law that was passed by the Senate, therefore, created a presumption in favour of outright release on bail and authorized courts (in cases where outright release was thought to pose too great a risk of abscondence) to impose various conditions: restrictions on the defendant's travel, restrictions on the persons with whom he can associate, restrictions on his place of residence, requirements to return to a place of custody (prison or hostel) after specified hours, supervision by "a designated person or organization agreeing to supervise him," or "any other condition deemed reasonably necessary to assure appearance." Also listed was a condition that the defendant be supervised by a probation officer. The law was altered, before it was passed by the House of

Representatives, to delete the mention of a probation officer as a person who might supervise a conditionally bailed defendant. This change had been sought by some quarters of the federal probation service primarily because of the additional demands it might place upon them.

When the workings of this legislation were examined, after several years of operation, there had been little movement in the rate at which persons were actually released; the effective bail rate was apparently "stuck" at about 65%. This was attributed by some researchers to the fact that many of those unable to "make" bail were really imprisoned because of fears that they would repeat their offences if bailed, and to the fact that there had been little effort to help persons who were released on bail with family, employment, housing and other social or personal problems. Without such help being made available, magistrates could not be faulted for setting unattainable money bail on defendants whose likely behaviour was of concern and who would need such support and supervision if they were to meet the conditions necessary for release.*

If such help was to be provided, it was most likely to be by the probation service. And probation practitioners were increasingly exposed to research suggesting that remand custody so disrupts defendants' life patterns and supports, whilst exposing them to a criminogenic milieu, that they become particularly "ripe" for commission of further offences if placed on probation at sentence. Some federal probation districts therefore developed schemes to offer support and supervision in the community to defendants who otherwise would not be good prospects either for outright release or for conditional bail. For one such scheme, in the Western District of Texas at San Antonio, a team of probation officers established a network of drug treatment and other specialist agencies to back up their comparatively intense work with clients during a period of remand supervision. Two of the probation officers involved described the results this way:

> "While the investigation and supervision of (bailed defendants) involves additional duties, it also provides the Court and the officer with a far greater understanding of the defendant... A probation officer working with (a defendant on conditional bail) often develops a close rapport (that) enables him to prepare a more complete and knowledgeable presentence report and to work more closely with the person if he is convicted and granted probation.

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* Patricia Wald, "The Right to Bail Revisited: A Decade of Promise Without Fulfillment" in Nogel, The Rights of the Accused (1972) pp. 184-186.

> The defendant's behaviour while under (bail) supervision allows the court a preview of his possible adjustment in the community if probation is granted. He is, in effect, allowed to demonstrate his ability to adjust and to live up to the terms of a supervised release... (Conversely,) failures are considered as possible prognostications of probable failure on probation.
>
> "Numerous defendants under bail supervision have been aided by the probation officer in obtaining employment or solving economic or marital problems. The resolution of these problems... is conducive to a recommendation for probation which would not have been advanced (if) the defendant (remained) in jail or (had been released without) the opportunity or resources to bring about the necessary changes."*

Perhaps the most fully articulated, and fully researched of these extended bail projects is in a state jurisdiction - the Des Moines (Iowa) Community Based Corrections Project. Des Moines had introduced a community ties information scheme, similar to the Manhattan Bail Project, in 1964. Over the next six years, the familiar pattern established itself: community ties information seemed to assist the court to release outright most of those defendants with strong community ties, others won release by making money bail; but a substantial number remained in custody, unable to make bail, either because they lacked community ties or (it could safely be assumed) because the court was actually worried about their behaviour on remand in the community, not their flight from it. The Des Moines probation officers responsible for preparing social enquiry reports grew to feel that many of these would be good bail risks if they were offered close supervision, basic counselling and referral to other social services as needed. They also felt that their reports would be of better quality and more useful to the court in considering non-custodial sentences if such supervised bail permitted these less "bailable" defendants to be assessed whilst in the community.

A unit was set up under their supervision in 1970, staffed by professionals and community volunteers in equal proportions, to provide such services -- services which were perceived to be familiar aspects of conventional probation casework except, perhaps, a bit more intense and having greater specificity of attention to practical difficulties. Persons unable to make bail were interviewed to try to establish a basic agreement or "contract" for the level and kind of supervision and support that would be likely to assist the court to grant conditional bail.

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* P. Cromwell and D. G. Rios, "Bond Supervision: Implementing the Federal Bail Reform Act," Federal Probation (1974) pp. 30-34.

One hundred remand prisoners, who were otherwise unbailable, were granted conditional bail in the initial experiment; they represented 25% of those unable to make bail over the year. More than half had significant prior criminal records and 30% were addicted to drugs or alcohol.

Those in the supervised bail project were required to report regularly - often on a daily basis - for sessions with a professional or volunteer counsellor, and to participate (where agreed in the initial contract) in remedial education, job training, drug treatment or alcoholism control programmes. Some were referred for specialist psychiatric counselling. All of those released on this supervised bail project returned for trial and only five were arrested on new charges during the period of remand. Only 29% were sentenced to prison - a much lower rate of custodial sentences than would have been expected had they remained in remand custody and had not demonstrated their capacity for making the adjustments necessary to stay in the community.

In 1972, a facility roughly equivalent to a large and rather secure bail hostel was added to the basic community ties scheme and the new supervised conditional bail scheme, and these programmes were consolidated under probation management within the Polk County Department of Court Services. In time, the same range of community-based resources used to back up the supervised conditional bail scheme were made available to persons remanded to the semi-secure hostel. Thus completed, the Des Moines programme was adopted by the Federal Law Enforcement Assistance Administration as the first of its Exemplary Projects and its replication is underway in other U.S. jurisdictions.*

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* In 1972, the Vera Institute was asked by the City of New York and the Federal Law Enforcement Assistance Administration to re-design the Manhattan Bail Project which since 1964 had been operated by the City with little alteration from the original 1961 model. The resulting demonstration project - the Pretrial Services Agency - is similar in many respects to the Des Moines model, except that the flow of defendants through New York City Courts is many times greater and the level of professional resources for any kind of supervision (whether on bail or on probation) is lower. PTSA's supervised release program, therefore, relies more heavily than the Des Moines model on supervision by the agencies, voluntary bodies or even individuals in the community who can offer the general or special supports thought necessary in particular cases.

B. "Diversion" programmes in the United States and Recent Proposals for Adaptation to the English Context.

"Diversion" describes a range of American programmes in which early intervention, with intensive support and supervision, form a basis for dismissal by the court of the charges against defendants who demonstrate a satisfactory readjustment to the community, after a period of time (usually 3-6 months) in the diversion programme. The U.S. programmes grew out of and provided structure and control of long-standing, low visibility discretionary powers of prosecutors and magistrates.

The applicability to English practice of the American experience with diversion was considered in detail recently in Diversion from Criminal Justice in an English Context: Report of a NACRO Working Party, by Michael Zander (Barry Rose, 1975). The Working Party noted evidence that, on the positive side, the U.S. diversion programmes have eliminated the purposeless prosecutions of thousands of persons caught in the net of the criminal process; they have restored defendants to productive jobs or enabled them to find such work; they have pioneered new models for the delivery of training, educational, employment, counselling and treatment resources to persons coming before the courts; and they have demonstrated the potential for constructive and responsible roles in the criminal justice system for para-professionals including ex-offenders. On the other hand, the Working Party noted American research showing a confusion between the aim of "screening out" of the criminal process the first and minor offender, and the aim of avoiding imprisonment or recidivism among the more serious offender group.* Similarly, the American programs

* In the last two years, following the research referred to, several U.S. diversion projects have clarified their goals. Some have focused more clearly on the trivial or the first offender who may not belong in the criminal process at all; others have tried to avoid taking on these cases to avoid subjecting them to the more substantial (and the more resource-intensive) programmes that are suitable for diversion of higher-risk cases - cases where custodial sentences might follow conventional prosecution. Thus, the Manhattan Court Employment Project (see p.41, below) attempts to involve the defendant's legal aid counsel in the decision to divert, so that he may help his client assess whether the diversion would in fact represent a greater burden than likely outcome of the prosecution and so that the innocent are not "diverted" from their acquittal or the dismissal of the case against them; it now takes no cases until after arraignment (when the most trivial and the baseless prosecutions are likely to be dismissed anyway and fines and conditional discharges are often imposed immediately); and, in several courts, it does not consider cases for diversion until after a further hearing in which the court considers the evidence in greater detail and it is easier for all parties to weigh the merits of diversion.

In 1975, the Vera Institute undertook a long-term controlled study of this diversion project in which defendants who have been found acceptable for diversion by the prosecution and the project are randomly assigned: to participate in the diversion programme, to a 3-month adjournment without the programme or to the prosecutor's case files for regular handling. Follow-up will include comparison of dispositions, recidivism, and various indicators of social adjustment, and per capita costs.

have highlighted questions such as: Is it rational to devote scarce social work resources to a group, some of whom would (because their cases are trivial) not ultimately represent a charge on the penal system if the criminal process were allowed to take its normal course? And, is there a danger that a diversion programme, if substantial enough to be effective, will impose greater burdens on defendants than conventional prosecution and sentencing, thereby extending rather than contracting the net of social control?

The NACRO Working Party, noting that England has no comprehensive independent prosecutorial system, abandoned the American goal of dismissal for successfully diverted cases, and it expressed a preference for the application of "diversion" programmes to offenders clearly at risk of custodial sentence. The goal of diversion in the English context, it concluded, should be "short-term intervention at the pre-conviction or pre-sentence stage, aimed at reducing rather than avoiding criminal penalties." The Working Party acknowledged that sentencing prospects are already improved when informal help of this kind is provided on an ad hoc basis by some probation officers who help defendants sort out their problems in the course of preparing either pre-conviction social enquiry reports or post-conviction reports, particularly where sentence has been deferred under § 1(1) Powers of the Criminal Courts Act, 1973. Courts were given the power to defer sentence precisely so that they might consider, in determining sentence, changes in the defendant's conduct or circumstances during the period of deferment. And although Parliament did not intend that conditions of supervision be imposed by courts when deferring sentence, this was largely because it did not wish to burden probation resources; the Working Party felt that approval for a scheme combining supervision and the deferment of sentence might be obtained if a Probation Committee sought it. (Para. 93)

Wider use of the deferment of sentence as a procedural basis for diversion programmes would, the Working Party felt, help avoid the most troublesome problem experienced by American diversion programmes which focus on the pre-trial period - e.g. the danger of misallocating scarce treatment resources to, and imposing unnecessary burdens upon, defendants who might not in fact be convicted or might not prove to be at risk, after conviction, of a custodial sentence. The Working Party found it much more difficult to deal with these problems in fashioning a procedure for the provision of a formal diversion programme before conviction. However, many of the difficulties this raised for the Working Party, and some of the more cumbersome procedural remedies it devised to deal with them, might be avoidable if the crisis intervention and task-specific social work services were offered within the already-existing procedure for granting

conditional bail on remands (§21 Criminal Justice Act, 1967). The power of the court to impose conditions on the granting of bail is limited to cases where outright release on bail would otherwise be withheld, and to conditions designed to reduce the risks which, if unacceptably high, would warrant custody. Thus, if the courts adhere to the procedure and principles laid down for conditional bail, entry into formal programmes based on that power would be restricted to those who would otherwise suffer a greater interference with their liberty - imprisonment.

This possibility is taken up for further discussion in Section III of this report. Before passing to that discussion, we should consider briefly the content of diversion programmes as they have developed in the United States and as they were conceived by the Working Party. The impetus for diversion, in the American context, grew out of an awareness that many cases entering the already over-burdened court system were not well-suited to the criminal justice response (adjudication of guilt, labelling the offender as "criminal" and imposition of one of a limited range of sanctions). The pressure to divert these cases into more appropriate channels was fueled by concern for equality of justice — the better-off defendant may win dismissal of the charges against him, or at least reduce the sentence considerably, by getting into employment, making restitution, getting married or patching up his family relationships, going back to school or college, or entering a course of private psychiatric, alcoholism or drug addiction treatment. The deprived offender, whose practical and emotional problems may be more severe and who may be more in need of immediate help of this kind, cannot so easily improve his situation to demonstrate a flight from delinquency; he will therefore be prosecuted more vigorously and sentenced more severely and will receive the services and support he needs only -- if at all -- when he falls into the net of the probation service after being labelled a "criminal" and perhaps serving a custodial sentence.

The prototype diversion project was the Manhattan Court Employment Project (CEP) launched by the Vera Institute in 1967. Its guiding premise was that for many young defendants found in the court process, a criminal career was beginning almost casually and was being reinforced by the conventional responses of prosecution, conviction and sentences that were by and large too insubstantial and too removed in time from the offence to make much difference, or were altogether too harsh. The CEP aimed to halt the development of criminal careers by intervening early, by delivering counselling and services that were responsive to the crisis surrounding offence and arrest, and by providing the preconditions for a

start on a legitimate lifestyle. The program involved:

- direct, intense (frequent) personal counselling both in groups run by experienced group leaders with social work training and in less structured relationships with workers who had been through the criminal process - often many times - themselves (these workers were trained and supervised by professional case-workers);

- help in obtaining a job and support in holding it, or help in obtaining re-admission to school or entry to a remedial programme and support in staying with it;

- help in securing the full range of social benefits for which the programme participant and his family were eligible; and

- referral to specialist programmes for psychiatric, drug or alcoholism treatment.

Well over 100 diversion projects have been introduced, most of them following the basic CEP in programme design: counselling and services designed to promote the defendant's economic, social, family and personal stability and to inhibit his further offending both during the remand and thereafter. It can be seen that these methods and goals are not very different from conventional probation, except perhaps for their greater intensity, shorter duration and earlier application; neither are they very different from the programmes developed to support supervised release where the courts are using supervision, backed up by resources, as a condition of bail in difficult cases. This suggests that resources could be more efficiently used by consolidating the diversion programmes (offering services to those bailed in order to help them deflect harsh sentences) with bail supervision programmes (offering services to support those who would otherwise be imprisoned until sentence, and would therefore be unable to improve their prospects). Curiously, the development of U.S. diversion programmes proceeded until quite recently without reference to the parallel growth of supervised bail programmes.

When the NACRO Working Party studied the American experience of diversion and advanced proposals for its introduction here in a slightly altered form, this potential for fruitful application of crisis intervention and task-centered social work techniques at the pretrial remand stage, where they might also serve as a basis for conditional bail for some defendants presently remanded in custody, was partially overlooked in favour of applying those techniques at a later stage of proceedings, in conjunction with deferment of sentence. However, when the Working Party's Report and proposals were discussed at a recent NACRO conference (8th April) by representatives from the Magistrates' Association, from the police and the probation services and from NAPO, there was some re-focusing of interest on providing "diversion" programmes for persons on bail from

magistrates courts who seek out such social work assistance and for those remanded - particularly some of those now remanded in custody - for trial at Crown Court.

The NACRO Working Party's design for diversion programmes is well summed up by one of its members, a probation officer, as follows:

> "(T)he probation service should be responsible for running the diversion programme... (It has) the skills and experience plus the necessary network of contacts with the police and courts... (T)o the maximum extent possible the service should also act as co-ordinator of other available community resources... A project co-ordinator... would be assisted by ancillary staff who would bring skills and experience not necessarily associated with probation training. Volunteers would also be recruited to play specified roles such as job finder, teacher, befriender and instructor... The principal areas of focus are likely to be accommodation, education, employment and counselling... After interviews (with the defendant) have been completed, the project coordinator could formulate in writing certain objectives which the(defendant) would agree to formally... This would be notified to the court. The defendant would, as it were, make a contract with the probation department... Compliance with these requirements would then provide at least one objective criterion for satisfactory completion of the period... The objectives might be to reduce severe penalties as well as (to) aim at the withdrawal of charges.
>
> "Short-term, task-centered work at an early stage in the criminal justice process, when motivation often runs high for both the offender and the worker, is the essence of the diversion experience."*

The author of that article also pointed out that the essential concept was hardly new: "The chief advantage of these diversion projects... (is) the provision of an earlier opportunity to work with the defendant than would otherwise be available. Probation officers know from experience that the defendant is often more open to influence at the court stage than after sentence. He is more likely to re-appraise his life situation and make constructive plans with a worker about some of his difficulties."

A court probation team at Sheffield in South Yorkshire pursued the benefits of early - even pre-trial - crisis intervention in a systematic way, until the team was broken up recently by an administrative reassignment of the staff to other posts. In the view of the Chief Probation Officer there, the team provided social work services to those with a clear unmet need and, although this was an additional burden, it saved probation resources by permitting the officers to recommend conditional discharges or fines where they would otherwise have felt it appropriate, at sentence,

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* John Harding, Assistant Chief Probation Officer of Devon, "Diversion from the Criminal Justice System", Social Work Today, Vol. 6 No. 20 (8.1.76) pp. 628-29.

to recommend probation supervision so that the defendant's problems could be sorted out. In other cases, defendants who were clearly headed for prison were instead sentenced to the Day Training Centre, on the strength of the motivation aroused by work with the team's officers in the pre-trial period. Summaries of several sample cases from this programme were provided to the NACRO Working Party.*

Although the South Yorkshire crisis intervention work was systematic, it was not sufficiently formalized to be backed up by a network of community resources and the work has therefore declined with the departure of the individual officers who had developed their own procedures for selecting and working with suitable cases. Crisis intervention of the short-term task-centered kind is being tested on a more systematic basis at the Inner London Probation and After-Care Service's Differential Treatment Unit. This Project, which was developed from lessons learned in the course of the Home Office's IMPACT experiment, is suggesting that probation orders of six months may, if the work is done early and intensively, permit more offenders to be given better service faster. In this, it has taken what is the "essence" of the diversion experience and it offers an additional theoretical foundation for pursuit of the social work dimension of conditional bail.

C. ILPAS's Differential Treatment Unit: Systematic Experience with Short-Term, Task-Centered Crisis Intervention, in Lieu of Long-Term, Open-ended Probation Supervision.

A team of probation officers at the Differential Treatment Unit (DTU), with the help of ancillary and voluntary workers, are carrying caseloads less than half as heavy as the average London officer, but are supervising

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* "Case A. A middle-aged professional man, awaiting Crown Court trial on fraud charges involving sums in four figures, who was unemployed as a result of the charges. The probation officer helped him decide to apply for a government training course, which he started before the trial. His attitudes and circumstances changed for the better. The result - fine and compensation - which seemed to work out well.

"Case B. A 30-year old woman who had stolen from her gas meter. She had several children but was living with a man who was cruel to her. She had numerous debts. A voluntary social service unit had been involved but had let the case drift somewhat. The probation service were able to bring the unit back in to work more intensively with her. She was given a conditional discharge.

"Case C. A middle-aged woman who had served a lot of time in prison. Whilst on remand at Risley, she was found a job and the judge gave her a chance because the probation service had been able to develop something positive for her.

"Case D. Three young men who had got drunk, taken a car belonging to an acquaintance and crashed the car into a wall. Before the case came up, through the intervention of the probation service they repaid the owner of the car for the damage and went and rebuilt the wall. When the case came to court they got a light fine."

(Para. 24, NACRO Working Party Report)

as many clients over the course of a year. By limiting their social work intervention to six months at most, by beginning work as early as possible in the client's contact with the criminal justice system, and by specifying agreed-upon tasks* as the objectives of the social work relationship, they are hoping to test the following propositions:

- The impact and efficiency of probation resources can be increased if they are focused on helping clients achieve specific tasks within a brief period of intense effort;
- A client's commitment to changing behaviour is enhanced by his participation in planning the relationship and his agreement with its immediate objectives;
- The greatest re-adjustment in a client's behaviour is likely to occur at the beginning of a social work relationship; his motivation to change or solve difficulties may be lost if the real work begins late; and continuing the social work support beyond an initial success (although rewarding to the social worker) may damage the client's development of self-supports;
- Probation supervision can be more effective if the work commences when the offender (and his family, if he has one) are experiencing the criminal process as a crisis rather than commencing after the process is over, the probation order has been made, and the anxiety is gone.
- Limiting the term of the relationship and specifying the tasks to be worked upon can mobilize and focus the motivation of the client and permit probation officers to use more direct and confronting techniques to stimulate progress;
- Planning for social work of this kind must involve the client in the setting of tasks, both for himself and for the probation officer, and must involve the probation officer in a realistic assessment of the client's motivation for change and his own capacity to help.

These elements of the DTU's programme design were drawn from the growing literature on crisis intervention in other social work fields, from the experience of probation officers who have incorporated some of these techniques in their supervision of clients on conventional orders,

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* "Task" in this context is not used to suggest an assignment of work to be done as restitution or for retribution as a result of the offence, as in a community service order. Rather, it is a convenient way of articulating and making specific the efforts (both the social worker's and the client's) that are likely to alleviate the problems on which they focus and on which they agree to collaborate.

and from the experience of the DTU staff between 1972 and 1974 in the Home Office IMPACT* experiment.

The present DTU team has confined its supervision to six months' duration by obtaining agreement from the magistrates in its catchment courts that probation orders made on its recommendation will be for only one year and that a conditional discharge will be substituted for the last six months. The work may begin as soon as an offender steps down from the dock, if a social enquiry report is requested; the officer in court looks for clues for the terms of a "contract" with the client in the expression he gives at that moment to the reasons he sees for his predicament. Similarly, family rows that sometimes arise then, before the memory of prosecution has been supressed, provide other clues. Preparation of a social enquiry report is a joint undertaking, in which the client specifies the matters that give him difficulty and the probation officer specifies what he can do to help solve them. To assure that the process of identifying appropriate tasks for probation supervision moves directly into focused work, the DTU takes only the cases that are to be sentenced shortly by the magistrates. The brief remand for a report is used to assess the offender's suitability for probation as a general matter, but the focus is on identifying the supportive and stressful elements of the

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* IMPACT (Intensive Matched Probation and After-Care Treatment) was a controlled study of various methods of intensive probation supervision. It aimed to define those clients best suited to each treatment employed. The techniques involved more direct intervention in the client's life situation than is customary in probation, with a focus on particular problem areas (e.g., family or marital relationship, work or the lack of it, leisure activities) that were associated with the client's offences. The treatments made greater use of ancillaries, volunteers and referrals to external service agencies than most conventional probation orders.

In London, the IMPACT probation team carried caseloads of twenty. Assessment of the clients, randomly assigned to the unit after a social enquiry report had been prepared at court and a probation order had been made, was carried out by pairs of officers - one male and one female. Their investigation aimed to surface particular areas of difficulty and inadequacy that were amenable to change by one of the intensive treatments being employed; and their work was subjected to regular discussion in the whole unit. The client was then matched with a programme of social work intervention responsive to his specific emotional and practical needs and supervision was carried out by the male-female team. This "pairing" was intended to add an additional dimension and an intensity to the case-work relationship and to permit the client to exercise some choice within it without being able to choose <u>out</u> of the relationship altogether. Formal and informal group work grew up around specific problem areas, and the ancillaries and volunteers were employed in specific supportive roles.

The experiment ended in March 1975, but the Home Office Research has not yet been published.

offender's family, work and leisure, and on identifying specific steps to alleviate the problems which can be articulated and agreed in a contract. Probation is not recommended unless a specific contract is agreed. The Unit recommends probation in the same range of cases as do most teams, although there is evidence suggesting they take on some rather higher-risk offenders as well. The ancillaries and volunteers who work with the team are assigned specific supporting roles, and help make the waiting room a centre for spontaneous group activities.

By and large, the DTU's work to date has validated the propositions around which it was designed.* There have been quite a few cases in which a client's early and clear success with a specific task has had rather dramatic effect. There are difficulties, however. It is often not easy for the probation officer and the client to agree upon specific problems that both feel capable of tackling; both are tempted to slip into a more diffuse, global and ad hoc approach to their relationship and its purpose. In order to keep the initial work focused, realistic and grounded in a coherent theory, the DTU has retained the "pairing" device from IMPACT for the development and execution of the contract, and has retained the regular team discussions of cases to keep the pair from getting mired in the client's needs and to help them keep sight of the approaching end of the relationship. The DTU's officers find these devices also help them to keep sight of the offence and to choose tasks that have characteristics common to other difficulties in the client's life, so that success in the chosen task may have wider application.

The DTU is still working out the techniques appropriate for short-term task-centered crisis intervention in the probation field; but their experience, and the experience of individual officers who are evolving their practice towards the same end, form a base upon which execution of the following proposal might draw.

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* The DTU has just entered an 18-month joint research project with the National Institute for Social Work. The research aims to explore the task-centered model and its impact in the probation setting.

III SUMMARY, AND RECOMMENDATIONS FOR THE SECOND YEAR

A. Summary of Bail Project's First Year Experience and Related Matters.

1. The Project's basic community ties information gathering and verifying service is feasible in the courts where it has been tried and with the models that have been used (at first appearances, with ancillary and volunteer staffs).

2. On the information so far available it appears that the basic information service is useful to the magistrates; that most (but not all) solicitors find it helpful in much the same way as a social enquiry report at a later stage in the proceedings; and that the police have by and large welcomed the procedure - both because it can confirm or dispel their own concerns about bail and because it encourages magistrates to take more of the burden of decision in difficult cases.

3. The provision of this information seems to encourage more frequent granting of bail at first appearance, and there are no indications that those thus bailed are increasing the rate at which defendants abscond or commit further offences.

4. From the defendant's point of view, and in the interests of justice, a bail information scheme is no substitute for a legal advocate in a hearing structured on adversary lines; but neither is a duty solicitor a substitute for the provision of basic background information to the court from a party beholden to neither side.

5. The provision of bail information does not, and should not be expected to secure the release of defendants who pose an unnacceptable risk of abscondence, further offences or interference with witnesses;and community ties information goes only part-way towards meeting the concerns of the court about granting bail, when either the defendant has no community ties or the police raise concerns about further offences or interference with witnesses.

6. Many of those who are presently granted bail have pressing, practical and emotional problems which call for varying degrees of social work response; if these needs are not met, the defendant (and his family) suffer, the court process augments the crisis, the defendant stands in greater risk of breaching his bail or being arrested on new charges, and an opportunity is lost to assist him to improve his prospects for life adjustment and, if convicted of the offences, for a non-custodial sentence.

7. When a defendant's need is perceived with some specificity, there are advantages to beginning work promptly as he may (in the immediate

aftermath of committing an offence and being arrested) be more ready to seek or respond to help or support than after time has elapsed to sentence; this is particularly likely to be true if the time is otherwise spent in the criminogenic milieu of prison, with its attendant disruption of his existing or prospective family and social relationships and employment.

8. Certain of those currently in remand custody might be granted bail, they might be assisted in improving their prospects for life adjustment and for non-custodial sentences and their crisis of arrest and prosecution might be made a regenerative rather than a degenerative process, if task-centred social work and crisis support were made available in conjunction with supervision as a condition of bail.

9. Although some supportive and referral services or measures of supervision short of custody, prerequisite to any grant of bail for certain defendants in remand custody, can be framed as "conditions of bail", not all can be; the Probation Service however has an expertise in providing, through a general condition of supervision, a range of such measures that is more flexible and less burdensome than a detailed court order. Because such measures would necessarily be brief, intense and specific if they were adapted to the remand period, fruitful use might be made of the task-specific "contract", agreed to in advance of undertaking supervision, if a defendant in remand custody is accepted for supervision as a condition of his bail.

10. To provide intensive social work services and support - even of the most rudimentary nature - and to undertake supervision of conditional bail cases, would require the devotion of some additional resources to an area of need that is presently covered only sporadically; but, by reducing the number and duration of probation orders issued for these same defendants, it might not create a net drain on (and might even save) probation resources.

11. Models exist for the early provision of intensive short-term task-centred social work of a crisis intervention type in the probation field; and models exist for doing this in order to permit: (a) granting bail to persons who would otherwise remain in remand custody; (b) making productive use of the crisis of a remand before trial; (c) increasing the accuracy and usefulness of pre-sentence reports; (d) reducing the likelihood of a prison sentence; and (e) reducing pressure both on pre-sentence and on other prison facilities. These are all purposes which ought to be shared by a caring service in the criminal justice field.

12. In order to secure the benefits suggested by the paragraphs above, without significantly under-cutting their value, it seems necessary

- to avoid lavishing social work resources on those who are not really in need of them or who would otherwise have made no charge on prison or probation resources;
- to avoid imposing conditions on the liberty of persons who would otherwise not be imprisoned; and
- to facilitate and enrich the other work of the Probation Service rather than to compete with it.

13. With respect to the difficulties mentioned in paragraph 12

- unnecessary expenditure of social work resources upon pretrial supervision in inappropriate cases might be avoided if probation officer supervision were made available to magistrates as a possible condition of bail only in cases meeting well-defined criteria;
- unnecessary interference with the lives of individuals coming before the courts might be avoided by restricting the use of supervision as a condition of bail to cases of defendants already shown to be otherwise unbailable and facing a substantial period of remand custody(e.g., those who are committed for Crown Court trial, or are likely to be so committed, in custody); and
- the backup resources which would be necessary to such conditional bail work, and which would be necessary to meet the needs of many defendants who are bailed without condition of supervision but who seek help, might be made generally available to probation officers who see opportunities for crisis intervention work with cases on remand in non-Project courts or whose former or current clients are arrested and bailed on new charges.

14. Finally, although it is possible, without a basic bail information scheme being first established in a court, to provide social work services both to those bailed and to those needing conditional bail, there are likely to be several advantages in building a network of community resources and supervision skills upon the basic Bail Project:

- the information scheme provides a ready-made screeing device for identifying cases requiring special attention or supervision on bail;
- the information scheme provides a mechanism for monitoring (and therefore controlling) the extent to which probation social work resources are going to cases that, as past experience in the court shows, would be bailed and do well without such assistance; and
- the regular routine of the basic project provides a useful back-cloth to the provision of individualized services, particularly where non-professional or para-professional resources become available to a court team in conjunction with the basic project work; Project ancillaries or volunteers might be more widely used in tasks of a non-professional kind presently executed by professionally trained officers, thus freeing up professional resources for assessing the needs and risks of "special" cases and delivering, or referring for, short term help.

B. Proposed Design for a Bail Centre and for a Programme of Supervision as a Condition of Bail in Certain Difficult Cases.

It is proposed in the Project's second year to explore the potential utility - to courts and to defendants presently remanded in custody - of providing a form of probation supervision as a condition of bail. The exploration must be structured so that the Project and its staff are protected from cases posing too high a risk of absconding, offending or interfering with witnesses, whilst at the same time protecting defendants (whose guilt may not be admitted and will not have been established) from restrictions on liberty greater than they would otherwise endure on remand.

It is also proposed to explore new ways to structure the delivery of supports and referral services needed by defendants who are bailed but who acknowledge themselves to be at risk or express a desire for such help.

These two proposals are complementary, but are and must be kept distinct. It is not proposed to place under supervision or to "treat" defendants whom the magistrates view as acceptable bail risks; nor is it proposed to recommend that magistrates grant bail to defendants presently posing unacceptable risks without offering to the magistrates a condition of bail (supervision) that is more substantial than an offer of help (but less extreme than the existing alternative - prison).

The idea of a Bail Centre is essential to both proposals, and is discussed first.

1. Bail Centre

There is a felt need for a facility, located away from the courts, where contact can be maintained on a regular basis with defendants on bail who need and seek help with specific difficulties. Such a facility would serve as focal point for providing direct emotional or practical support, and for making referrals for other needed services (e.g., bail hostels, landladies, psychiatric, drug or alcoholism treatment, employment, health, and education). The need for a consolidation arises because introduction of basic Bail Project procedures at an increasing number of courts surfaces a regular flow of defendants who need one or a combination of those services; it would be both inefficient to try to provide them all for the comparatively thin and irregular flow of needy defendants at any given court, and unnecessary to restrict such services to the support of defendants at only the courts with basic Bail Project schemes installed. Individuals or teams at the other courts may wish to take advantage of the establishment of such a back-up resource. Consolidation would also permit

supervision of para-professional and non-professional staff employed in various helping roles, outlined below; and it would permit interested probation officers working nearby to participate in the development of the concept and its execution. Finally, it would facilitate the integration of such work on remand with the preparation of pre-trial and pre-sentence social enquiry reports and with post-sentence supervision.

In time, other services could be added to the basic services which might now be consolidated at a bail centre. For instance, the supportive and referral services of a bail centre might be combined with a programme of collaboration with interested medical and mental health professionals in the area, to provide a real alternative to custody for courts wishing to remand for mental and medical reports - whether or not they also require a social enquiry report. (Data suggesting that it might be possible significantly to reduce the numbers apparently remanded in custody,only to permit preparation of mental or medical reports, is reported in the Study of Remands to Brixton Prison from Tower Bridge and Bow Street Magistrates' Courts).

(a) Location

The Inner London Probation and After-Care Service is in possession of two premises, either of which appears suitable for the establishment of a Bail Centre on a pilot basis. Both would permit "open plan" use, in which the evolving programme could lead to suitable layout rather than the office layout dictating programme content. They are accessible to the basic Bail Project work being done at Camberwell Green, Thames, and Horseferry Road Magistrates' Courts and would also be accessible to defendants who might be referred by court teams at several other magistrates' and Crown Courts.

(b) Staffing

In keeping with the action-research nature of the overall project, it is not intended that the staffing for a bail centre be cast in a permanent mould now. It is contemplated that an additional probation officer would be soon seconded to the Project and that another would follow in due course; the team, led by the Senior Probation Officer presently responsible for the Bail Project, would be supported by two additional ancillary workers and by the recruitment and training of additional volunteers. The Centre's staff structure might be tentatively sketched as follows:

- One Senior Probation Officer: The SPO currently responsible to the ACPO for basic Bail Project work and for exploration of the "special cases" area, would have responsibility for development and supervision of the Bail Centre. She would coordinate and supervise the work of other staff; she would be charged with supervision of defendants in cases where supervision is made a condition of bail; she would either negotiate or approve the terms of a "contract" which must precede any acceptance of supervision as a condition of bail (see pages 57 to 61 below); she would liaise with other probation officers using the Centre's back-up resources for clients of their own who have been bailed on new charges, and with probation officers who wish reports from the Bail Centre in conjunction with the preparation of social enquiry or deferred sentence reports; and, in the supervision of defendants on conditional bail where supervision is the condition, she would be "paired" with one or the other of the main grade probation officers assigned to the Centre.

- The probation officers: The probation officers would work closely with the SPO, or independently as delegated, in the performance of the professional tasks arising in Bail Centre work.

- One Executive Officer: The present supervising secretary at Camberwell Green has been functioning in a larger capacity for several months; it is thought that she should be promoted to Executive Officer level and, in addition to her executive functions in the administration of basic Bail Projects, she would work half-time at the Bail Centre. Her responsibilities would include office management, scheduling of appointments and referrals, maintaining up-to-date information on referral agencies used by the Centre, and assuring the presence of volunteer and ancillary staff as needed.

- The ancillaries: The ancillaries presently assigned to the basic Bail Project might be suitable for assignment to this new role of support to the professional staff at the Bail Centre. It would, however, be necessary to replace them in the basic Bail Project with other ancillaries in this event. This is because the presently assigned ancillaries, in addition to handling the Camberwell work, are training and supporting volunteers in the other courts to which the Bail Project is expanding.

- Volunteers as needed, recruited, and trained.

Several accredited volunteers, working with probation officers who have expressed interest in work of the kind proposed, are already interested in helping to provide staff "coverage" at a Bail Centre; others have expressed particular interest in playing a befriending role for those referred to the Centre who need a lot of support over a short period of difficulty (see case histories of B. Phillips (page19) and G. Barnes (page 21), above).

In addition, the Centre could expect to receive direct assistance, as case and programme consultants, from a number of the interested probation officers. Some have expressed a desire to use such a facility and its back-up resources in conjunction with work with their own clients (e.g., where a social enquiry report preparation has thrown up specific practical or emotional needs to be dealt with before sentence, or where an existing client has been re-arrested and bailed on new charges). Others have expressed a desire to participate in the evolution of a new role for the Probation Service in its larger work.

(c) Hours

It has been suggested that the work of the Bail Centre would be specific and focused; it is therefore felt that the Centre's schedule should be firmly established and adhered to, as part of the constraints realistically imposed on help being offered during the brief remand period. On the other hand, the Centre must service both employed and unemployed defendants and must be available to assist both defendants who are due to go to court in the morning and those referred from court later in the day. Indeed, it is possible to contemplate the need for some capacity to respond to requests for help at whatever hour a crisis occurs. The following schedule is therefore contemplated, to be met on a shift basis:

- 8 a.m to 11 a.m., six days per week: the Centre would be manned by an ancillary and at least one volunteer. It would be on call to all courts and for all defendants with court appearances that day. Emergency home visits would be possible, through the services of a volunteer. Otherwise, the time would be devoted to follow-up on referrals already in hand.
- 11 a.m. to 2 p.m., six days per week: the Centre would be manned by an ancillary, at least one volunteer and a probation officer, and would handle intake from the morning's court sessions.
- 2 p.m. to 5 p.m., five days per week: the Centre would be manned by an ancillary, ancillaries arriving from the basic court-based Bail Projects, the Executive Officer, the probation officers and/or the Senior Probation Officer, and volunteers. Work during this time would be on settling the immediate programme for defendants making up that day's intake, and the Centre would be "open" to bailed defendants seeking help there or keeping appointments as previously agreed. Otherwise, the staff would begin to follow up the defendants due at court for appearances on the next day, to assure their reappearance at court.
- 5 p.m. to 8 p.m., five days per week: the Centre would continue largely as in the preceeding period, but would be "open" particularly for employed defendants seeking help or keeping appointment with professional or volunteer staff as previously agreed.
- After 8 p.m.: the Centre would be closed except for group work by prior arrangement.

Consideration would be given to the installation of a "hot-line" that would inform callers of the following day's schedule, how they can obtain help, and, possibly, a number they can call that night for emergency advice.

(d) Services

It is not contemplated that the Bail Centre would be used as a club house or general drop-in centre. The ancillary and volunteer staff would encourage full use of the facility by those coming there for help with practical or emotional difficulties - whether by appointment or not - but the object is to provide an appropriate response to the needs of persons on bail and not to provide a general refuge.

Many of the specific services have been discussed above. They are listed and briefly noted below:

- Accommodation: The Centre would be able to coordinate the information about vacancies available in the various types of accommodation increasingly being used by the court-based Bail Projects. Initial referrals to accommodation would continue to be made directly to the accommodation resource from the court, where the need is manifested, except when a probation officer or ancillary at a court without a basic Bail Project needing assistance in this regard telephones the Centre. But the Centre would be able to monitor defendants' adjustment to the accommodation initially provided, and would arrange different accommodation where needed. (It was seen in the case histories in Section I(E) above, that it was sometimes desirable to move defendants out of bail hostel accommodation when it had become apparent that they could, with support, more firmly establish themselves on their own or in cooperative bed-sit arrangements or flats.)
- Employment: It would be expected that the Centre would maintain a close collaborative relationship with the New Bridge Employment Scheme, the local job centre, Bulldog Manpower Services Ltd., and other employment resources.
- Other specialist social service agencies: The Centre would also maintain regular links with statutory agencies (DHSS) and voluntary agencies providing specific programmes (Phoenix House, Alcoholics Recovery Project, etc.).
- Health: The Centre would maintain relationships with doctors and psychiatric practitioners in the area and facilitate visits by clients to their surgeries, or consultations at the Centre by the doctors.
- Counselling and befriending: Through its staff, the Centre would provide both professional social work services of a crisis intervention type, and general befriending on a one-to-one basis with clients in need of continuing support.
- Reports: The Centre would provide any reports requested by probation officers in conjunction with the preparation of social enquiry reports about persons using the Centre during pre-trial or pre-sentence remand.

(e) Relationships with the rest of the Service, and Referrals

It is thought that the Centre would benefit by the establishment of a Working Group composed of main grade and senior probation officers who have a particular interest in the work developing at the Centre. This Group would meet regularly to participate in review of that work, and to support the staff of the Centre. It is hoped that some participants in this Group would be using the Centre as a back-up resource for some of their own clients. It is also thought that individual probation officers might wish to involve themselves more directly in the work at the Centre, in conjunction either with their own crisis intervention casework with clients for whom they are preparing social enquiry reports, or with defendants who seek their help when being granted bail at a magistrates' court and to whom they have made an offer of assistance. While the Centre would provide to other probation officers back-up resources for work of this kind, it would also benefit from having those officers use the Centre's facility whenever appropriate.

The Centre's services would be available only to persons on bail, and only by referral from a probation officer. A person seeking assistance at the Centre would, if he currently has a probation officer, be accepted only after approval by that officer. A self-referral who has no current probation officer would be accepted only upon the Centre's determination that he has needs, in conjunction with his bail, which the Centre has the capacity to meet. Where a probation officer on court duty, at a non-Project court, wishes to refer a remanded defendant to the Centre for help, this could be done by telephone call from the court prior to the referral being made (in a fashion similar to referrals from court to bail hostels).

It is possible that magistrates might wish to make attendance at the Bail Centre a condition of bail. This could be accommodated by a procedure similar to that now used to secure bail hostel places: the court duty probation officer could telephone the Centre and inform the magistrate whether the Centre's caseload permits it to offer assistance to the defendant bailed on such condition. However, in order to protect the Centre as it develops its programme, it might be best initially to limit its use to those who either seek help there voluntarily (i.e., not as a condition of bail) or who are sent as a condition of bail from courts in which the magistrates and probation staff are already familiar

with the basic Project and have been fully briefed about what the Centre can - and cannot - offer.

Supervision by the Centre's professional staff, as a condition of bail, would require an agreed "contract" between the defendant and the probation officer and would therefore be possible only upon the agreement of the Centre's SPO or one of her professional staff.

As the Centre's programme would be grounded in the short-term intensive social work concept, it is contemplated that the Centre's contact with persons referred to it - on condition of bail or otherwise - would end at the end of court remands. Thus, although the Centre's work may be useful to other officers in relation to the preparation of social enquiry reports, probation supervision would require a separate relationship built up in the normal way by other officers.

2. "Supervision" as a Condition of Bail.

The Senior Probation Officer and probation officers attached to the Bail Centre would carry small caseloads of persons remanded on bail "on condition of supervision by (the Bail Centre probation officer) attending at the Bail Centre at times agreed, accepting home visits as agreed, and satisfactorily performing other obligations agreed with (the supervising Bail Centre Probation Officer)." This would not necessarily be the only condition imposed on persons bailed with it.

For instance, a defendant might be bailed on condition of residence with his parents, daily reporting to the police, and supervision as above. However, it would be hoped that the condition of reporting to the police would not automatically be imposed in such cases, particularly where it is presently used merely as a method of ensuring that the defendant "stays in touch." In some cases the present use of the reporting condition is unsatisfactory to the police as well as to the defendant.

No-one would be accepted for supervision as a condition of bail unless approved by the Centre's Senior Probation Officer or probation officers in advance. This approval would be based on prior negotiation and agreement, between the SPO or PO and the defendant, to the terms of a "contract" specifying steps to be taken by each with respect to the defendant's problems and specifying the times and places of required visits. The terms of this contract might be notified to the magistrates,

but would not ordinarily be incorporated as a formal set of "conditions" of bail. There must be specificity to them, so that it is clear in advance what would constitute a breach of the supervision condition, but it is thought desirable for the probation officer or SPO to have some discretion in the decision whether to seek the return to court of conditionally bailed defendants when not all the terms of the "contract" are adhered to perfectly. The conditions of bail which would warrant automatic breach and notification to the police would be the major ones embedded in the statutes: further offending, abscondence, interference with the course of justice, or violation of a specific condition imposed under Section 21, Criminal Justice Act of 1967. Violation of the terms of the supervision "contract" would be notified to the police only if it gives the supervising officer reason to believe that the defendant will abscond, commit an offence, interfere with witnesses, or violate a court-imposed specific condition of his bail. In these cases, if they occur, the Bail Centre PO would be, in essence, withdrawing the offer of his or her supervision as a condition of bail. This is roughly analogous to the situation that arises when a parent or bail hostel warden refuses to continue to have in residence a person bailed on condition of residence there. In such cases, the police are empowered to arrest the defendant without warrant, and return him to court for a new bail decision, because they have ample reason to believe he will breach the condition of bail.

Although it is possible to contemplate bail being granted on condition of supervision at a defendant's first appearance in magistrates' courts, it is thought desirable - at least for an initial period - to discourage the imposition of such a condition at that stage. Although magistrates might, when bailing defendants before them for the first time, impose a condition of "reporting to the Bail Centre", and the Bail Centre would be prepared to report breach of this condition to the police, it is thought best to reserve the more resource-intensive and potentially more burdensome supervision condition for certain defendants who are clearly otherwise going to be in

prison on remand for relatively long periods and who are sufficiently well-known to the Centre's professional staff, before the condition is imposed, for a judgement to have been made both that they have specific needs which are amenable to short-term task-specific social work and that they have the motivation and capacity to work in the short-term relationship toward change.

For this reason, it is intended to restrict the recommending of this condition to selected cases of defendants who have been committed in custody to the Crown Court for trial, or who have been remanded in custody by the magistrates at least once and who are going to be committed to the Crown Court for trial.* In this way, until the possible benefits and difficulties

* Concern has been expressed, throughout this report and these proposals, about the possible impositions on liberty that can flow from attempts to reduce reliance on custody by supervising defendants on pretrial remand (or diverting those who have been convicted). In the discussion of these dangers in the diversion context it was suggested (page 41) that the existing procedures for conditional bail, presently embodied in Section 21, Criminal Justice Act 1967, may afford adequate protection if followed. The powers of courts to attach special conditions to the grant of bail under that section are limited to conditions which are designed to reduce one of the risks which, if unacceptably high, would warrant witholding bail altogether. The Working Party on Bail Procedures in Magistrates' Courts (1974) found that the Section 21 power "works well and we do not recommend any change in it... the Cobden Trust suggested that guide-lines should be issued to magistrates, by means of a Practice Direction, as to the sorts of conditions that are reasonable. We doubt if this is necessary. As the (Cobden Trust's) report itself acknowledges, there is no evidence to suggest that the powers contained in Section 21 are not being used reasonably and with restraint." (Para. 125). The guide-lines that had been suggested by the Cobden Trust are, however, useful ones and would be adopted by the Bail Centre as a safeguard additional to the safeguard afforded by limiting, to those already in custody, eligibility for supervised conditional bail. The guidelines respecting special conditions, to be applied to the terms of the Bail Centre's contracts, are:

"(1) They should not cause undue interference with the defendant's domestic life, and, in particular, not seek to exclude him from his home unless the offence for which he has been charged relates to persons living there.

(2) They should not interfere in any way with the defendant's legitimate means of earning a living, nor should they restrict in any way his availability for work.

(3) They should not seek to restrict the defendant's freedom of action unless such restrictions relate to those charges at present before the court.

(4) They should not attempt to withdraw or curtail in any way the defendant's rights to political freedom of speech and freedom to associate.

(5) They should not attempt to restrict the defendant's freedom of movement in any way, except insofar as such restrictions are absolutely necessary to secure his attendance at his trial or to prevent the commission of criminal acts as mentioned in (3) above."

- Bail or Custody by Michael King (Cobden Trust, 1973) p.26

Fn. Contd...

of this form of supervision have been more fully explored, the condition of bail can be applied primarily to cases where it is near certain that a significant period of time would otherwise be spent in prison and where the benefits of success would be clear (e.g., bail granted to someone otherwise demonstrably unable to get bail, no offences or abscondence or interference with witnesses during the period of the supervision, progress made toward changing the patterns which are perceived as causing problems, and non-custodial disposition of the case if it ends in conviction, etc.)

The SPO responsible for Bail Centre programme, or the probation officers working to her, as delegated, would select defendants in the target category from interviews conducted either at defendants' reappearances in magistrates' courts, or at remand prison (e.g., Brixton, Holloway, Ashford). These interviews would be used to identify problems that might be a fruitful focus for supervision and to specify tasks that the defendant and the probation officer could agree to undertake towards resolving those problems. The interviews would provide a basis for professional judgement about the amenability of the particular defendant to intensive short-term task-centered supervision of the kind that could be offered. At the same time, a defendant's family, work and social situation would be explored. Where the defendant seems a suitable candidate for bail on condition of supervision the SPO or PO would agree with the defendant to offer to the court her or his supervision as a condition of the defendant's bail, if the defendant agrees to abide by the terms of a contract addressed to alleviating the difficulties identified by both, and to abide by whatever requirements both agree would be necessary to assure the court and to protect the defendant, against breach (e.g., time and place of contact with supervising officer, curfew enforced by parents who are agreeable to it, daily contact with a volunteer, etc.). It is hoped that the defendant's legal representative would offer his advice to his client on the suitability of the agreement in the circumstances of the case. If agreement is reached, the contract would be signed by the defendant and the Bail Centre probation officer, and a recommendation would be made to the court that bail be granted on condition of supervision on the terms agreed.

Fn. contd. from p.59.

By excluding "freedom to associate" from curtailment by contractual condition, it is not intended to prohibit restrictions on association arising from the court's concern about the safety of persons who are either victims of or witnesses to the alleged offence, or arising from concern about the likelihood of further offences if the defendant and his associates are unrestrained in their time place and manner of gathering. The "freedom to associate" referred to in guideline (4) is the specifically political freedom.

* * *

C. Conclusion

It might be hoped that this proposed project programme, including its general offer of help to persons in need who are remanded on bail and its offer to the court of a new condition of bail for certain otherwise unbailable defendants, would:

- provide direct assistance to bailed persons who express a need for support, counselling, or referral to employment, medical or addiction services during their remand period;
- provide crisis support, task-centered social work and the possibility of a reduced sentence to certain defendants, presently remanded in custody, who would be bailed on condition of supervision; and
- provide to magistrates, in carefully selected cases, a condition of bail more flexible and supervised than myriad rigid conditions, more humane than imprisonment, and more safe than outright release.