

BAIL BOND SUPERVISION IN THREE COUNTIES

Report on Intensive Pretrial Supervision
In Nassau, Bronx, and Essex Counties

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FOREWORD: Betting on Intensive Supervision

There is a lot wrong with jails today. They are expensive to operate; usually overcrowded; and—crowded or not—they are frightening, dangerous places. Given these realities, it is also interesting that most people held in jails have not been convicted of a crime and, even if they plead guilty or are found guilty by a jury, may not be incarcerated. Pretrial supervision programs, which allow defendants to remain in their communities while they await trial, save public funds. But can they compete with jails on the fundamental issues: preventing defendants from committing crime and fleeing from court?

Early efforts at bail reform, beginning with Vera's 1961 Manhattan Bail Project, did not attempt to compete with jail. These endeavors began from the observation that personal wealth determined whether someone detained on a relatively low bail amount would be held in jail until their case ended or would be able to post bail and remain free. The Manhattan Bail Project and its progeny proved that when defendants with strong ties to their communities were released without having to post bail, they were just as likely to return to court as those who were able to gain their own release by posting a financial bond. Early bail reform projects did not claim that all the people they released attended court and avoided crime—only that they behaved no worse than those who could afford to be released on bail. In this sense, pretrial supervision programs have been competing with money bail, not with jail.

Is it possible to build a pretrial supervision program so good that it can compete with jail—one that can virtually guarantee that defendants under supervision will neither abscond nor commit new crimes?

In the mid-1980s, Judith Greene, then director of court programs at the Vera Institute, decided to find the answer to that question. From 1987 through 1994, she and her colleagues designed, implemented, and operated three intensive pretrial supervision projects that came to be known as bail bond supervision agencies: the first in Nassau County, New York; the second in Bronx County, New York; and the third in Essex County, New Jersey. Judy Greene, herself, became a licensed bondswoman in order to use the legal powers the license conferred to better control the defendants in her programs.

The bail bond supervision projects operated on a wager. The program staff went into the jails and interviewed defendants whom the courts had ordered detained on a substantial cash bond. Convinced that they could select defendants who, under their supervision, would come to court and avoid crime, the projects put their money on the line: they posted the bonds without requiring any money or collateral from the defendants. Instead of money, each project required bonded defendants to sign a contract agreeing to abide by a strict regimen—

one that would either keep them out of trouble or give project staff sufficient warning to return them to jail before they could engage in criminal activity or flee the court's jurisdiction. If they won the bet, the project would forfeit few bonds, immediately relieve jail crowding, and help people avoid unnecessary incarceration. If they lost the bet, the project would be required to pay the bond from its own funds. The projects had to win to survive.

Of course, avoiding bankruptcy was not the primary goal. The bail bond supervision agencies reduced the risk of flight or pretrial recidivism by engaging defendants in constructive activities. And a defendant's good behavior and achievements while under supervision helped persuade prosecutors and judges to impose a sentence of probation. When they were broadly successful, the projects conserved jail space and helped offenders begin to change their lives for the better.

These bail bond supervision agencies are probably not long-term solutions to the problems of American jails. They assume tremendous financial risk; they are also expensive to operate; and they have not proved well adapted to every local environment. Nevertheless, Judy Greene and her colleagues made two out of three of the agencies work very well indeed. They bonded 821 defendants, and they almost always won the bet—losing no money or bonds in Essex or Nassau County and paying only four in the Bronx.

The lessons learned in all three sites have much to contribute to our understanding of both pretrial release and intensive supervision. Experiments like those described here should give us the confidence to build and use more alternatives to pretrial detention—alternatives that provide the courts and the public with high levels of security and reserve jail for the relatively small number of defendants who pose risks in the community that we do not yet know how to manage.

Christopher Stone
Director, Vera Institute of Justice

INTRODUCTION

From 1988 through June of 1994, the Vera Institute of Justice experimented with a new model of pretrial intensive supervision. In three separate project sites, Vera supervised defendants in their communities. The Institute's aim was to reduce jail crowding while still doing what jail does best: prevent pretrial recidivism and assure that defendants do not evade justice.

In order to conserve the most jail resources, the projects targeted persons likely to be detained for lengthy periods before sentencing—at least ninety days—and who were legally eligible for probation. In other words: persons who would represent a net savings in corrections resources. Pulling anyone out of jail immediately frees up a bed space, but the expense is merely deferred if the person is later incarcerated.

The projects operated as bail bond agencies, using the legal authority of the bondsman to prevent offenders from engaging in criminal activity or absconding. They controlled individuals by restricting certain behaviors, including drug and alcohol consumption; requiring participation in structured activities such as employment, education, or drug treatment; and physically monitoring each offender's whereabouts throughout the day. Violators were subject to stricter conditions and closer supervision, or they were returned to jail.

Vera initially demonstrated its bail bond supervision model in Nassau County, New York, a suburban area of Long Island. This successful project was followed by demonstrations in two urban sites: Essex County, New Jersey and Bronx County, New York. The Nassau and Essex County projects were institutionalized within local nonprofit organizations in 1993. The Bronx County project was unsuccessful and was closed in June 1994. Each implementation experience, however, revealed valuable lessons for future intensive supervision programs.

This report describes Vera's model as it was developed for use in Nassau County and implemented in Essex County and the Bronx. Presented here are the elements of the model, descriptions of the three demonstration projects, and issues worthy of future exploration. More detailed information about local impacts, costs, and benefits may be obtained from former and current project directors. A list of people who can answer questions and provide planning assistance can be found in Appendix B.

PART ONE: The Model

The Theory Behind Pretrial Intensive Supervision

Vera's bail bond supervision projects attempted to stabilize individuals and prevent criminal behavior during a limited pretrial release period of about three months. The premise: If you apply a rigid structure to a defendant's daily activity and redirect his or her time and energy to legitimate pursuits, the opportunity for criminal behavior will diminish dramatically and the interest in or need for crime will decline. The projects linked participants with vital social services—most commonly, drug treatment, as well as education and training, job development, housing services, and family counseling. In some cases, project staff would accompany people to service sites. In conjunction, case monitors attempted to make daily, usually unannounced, face-to-face contact with participants. If well run, Vera's model of community supervision can prevent criminal behavior and flight almost as securely as jail.

Moreover, when potentially long-term detainees are successfully supervised to disposition and receive probation, the model not only controls crime—it saves money. Of course, the possibility of probation becomes a significant incentive for good behavior and, therefore, a crucial element of community supervision. In this situation, the defendant and the project have a shared goal: for the defendant to avoid serving time in jail.

In the short term, pretrial supervision relieves pressure on scarce and expensive jail resources while preventing pretrial recidivism and flight. In the long run, its stabilizing and rehabilitating effects may decrease the likelihood of future or escalated criminal behavior, thus curbing the use of prison. The long-term benefits are more than financial. The widespread and increasing use of prison influences not only those confined but prisoners' friends and families, their home communities, and society as a whole. And the consequences of this secondary impact are largely unknown.

Targeting the Right People

A large proportion of defendants are released on their own recognizance (ROR)—with or without specific conditions—while they wait for courts to decide their cases, but others do not qualify for ROR because judges perceive a high risk of flight or criminal behavior. These individuals are held in jail unless they can pay the bail amounts set by judges or the collateral a commercial bondsperson requires. A large percentage do post cash bail or a bail bond within the first week of confinement. However, because urban criminal courts are backlogged, those individuals who are unable to post bail may be held in jail for long periods. When Vera

began planning its first bail bond supervision demonstration in the mid-1980s, jails nationally were already overcrowded, and many city and county governments faced lawsuits and fines.¹

A carefully targeted release program serving even a small number of potentially long-term detainees can reduce overcrowding. To illustrate the point: Releasing 100 defendants, who each would have spent two days in jail, saves 200 bed days; releasing two people, who each would have spent 100 days in jail, conserves the same amount of space. Of course, the trick is targeting and releasing the right people.

The bail bond projects employed highly specific screening criteria to identify those persons who were likely to be held in jail for an extended period, were candidates for probation, and presented reasonable supervision risks.² In each site, planners developed measures to identify a group of "paper eligible" defendants—those deemed eligible based only on review of their court papers. The variables included: eligible charge categories, a minimum number of days in detention, and a maximum bail amount.

Eligible charge categories and criminal histories. Judgments about charge categories were based on careful scrutiny of local detention and sentencing patterns.³ Planners looked for patterns showing that defendants charged with certain crimes would likely be held for a lengthy period prior to disposition but, eventually, could receive probation from a judge. This meant that in Nassau and the Bronx, anyone with a prior felony conviction (a predicate felon) was automatically eliminated from the intake pool because, in New York State, predicate felons are required to serve a prison term if convicted of another felony. Similarly, individuals held

¹Prior to the implementation of the Nassau County bail bond demonstration project, the county jail had been the subject of litigation since 1980. On August 25, 1986, Judge Jon Newman imposed a harsh financial penalty for any admissions to the main building of the Nassau County Correctional Center beyond the cap of 710.

In Essex County, the Public Advocate's office had filed a complaint against the county on behalf of jail inmates, citing inhumane treatment caused by overcrowding. A Federal Master was appointed to oversee the county's plans for remedying the situation, and the county was frequently fined for housing too many inmates in a single site. With these funds, the court implemented a Federal Bail Project, which was administered by a private New Jersey law firm. The project provided bail money for defendants with low bail amounts who were likely to be detained for long periods. The project did not attempt to supervise the people they bailed out, and consequently, the Federal Bail Project had high failure-to-appear (FTA) and rearrest rates. A study of the Federal Bail Project is discussed later in this document.

²Simply put, it doesn't save money to remove people from jail who later receive jail sentences because pretrial detention is deducted from the sentence. For example, someone held in jail for three months before disposition who then receives a six-month jail sentence would only have three months left to serve.

³As an example, the following were eligible charge categories in Essex: 2nd degree aggravated assault; 2nd or 3rd degree burglary; 3rd or 4th degree credit card theft or fraud; all degrees manufacture or distribution of a controlled dangerous substance; 3rd degree possession of a controlled dangerous substance in or near a school; 1st or 2nd degree robbery; 3rd degree terroristic threats; 2nd, 3rd, or 4th degree possession of a weapon for unlawful purpose; 3rd or 4th degree unlawful possession of a weapon.

for violation of probation were excluded from consideration because they frequently received jail sentences. Most of the defendants the projects bailed out were charged with possession or distribution of drugs, or with felony property crimes.

Minimum number of days in detention. This number was figured by determining the threshold beyond which few defendants were likely to be released prior to disposition without assistance. In Nassau and Essex, the minimum was 13 days; in the Bronx, it was 9 days.

Maximum bail amount. The monetary ceilings were based on the initial practical concern that the projects had to protect their resources from rapid depletion should the staff fail to prevent individuals from absconding. The maximum bail amount in Nassau and in the Bronx was \$7,500. In Essex, it was \$10,000.⁴

All paper-eligible defendants were interviewed twice by project staff to determine their amenability to close supervision. For those who seemed willing, their community ties were verified. As a final measure, project staff met with each defendant's family members or roommates to determine whether the home environment would be sufficiently stable and accessible to supervision staff.

Consider the likely jail savings in Nassau County: The Nassau Bail Bond Agency supervised an average of 72 defendants annually.⁵ During the course of the demonstration period, 67 percent of participants successfully completed the program through disposition⁶, and 83 percent of those defendants received a nonincarcerative sentence. On average then, in each 12-month period, 48 principals completed the program and 40 received a nonincarcerative sentence.

Absent agency intervention, each of these 40 defendants would have been held in jail approximately 92 days prior to disposition.⁷ Defendants became paper eligible after spending 13 days in detention. On average, project participants spent 21 days in detention before being released. Hence, the project conserved about 71 bed days per person, for a total of 2,840 bed days per year.

⁴The cap was higher in Essex primarily because New Jersey allows ten percent of the bail to be posted, which causes judges to set high initial bail amounts. Additionally, because Essex County does not require frequent pretrial hearings, the likelihood of principals failing to show up for a scheduled court appearance was projected to be lower.

⁵The agency was designed to supervise 129 principals annually; however, intake consistently fell below target.

⁶Twenty-seven percent were surrendered, four percent were rearrested, and two percent absconded.

⁷To ensure jail resource conservation, the program planning team analyzed county detention and disposition records. Their analysis indicated that, absent agency intervention, targeted program participants in Nassau County would spend an average of 92 days in jail.

However, this total does not reflect the number of days some of these defendants would have spent in jail or prison in addition to time served prior to disposition. Because Vera's model of intensive supervision is as expensive as jail, it is this margin of savings that makes pretrial intensive supervision truly cost-effective.

Using the Power of the Bondsperson

A commercial bondsperson is someone who, for a fee, posts a bond for the bail amount set by the court. The bond is, in effect, an agreement to pay the bail amount if the defendant fails to appear in court. Bonded defendants are referred to as principals. The law empowers a bondsperson, or someone acting as his or her agent, to arrest a principal without a warrant. Most commercial bondspersons exercise their authority only when the bond is at risk—usually when the person has failed to appear in court.

Instead of exercising the power of the bondsperson to make money, Vera's bail bond agencies used the strength and elasticity of the bond agreement as a creative enforcement tool. The threat of arrest helped the projects control individuals in structured and logical ways, thereby preventing criminal activity. The projects posted the bond and assumed the financial risk, but did not require a fee from the defendant. Instead, they required the person to sign a release contract limiting his or her freedom and requiring participation in certain structured programs, such as drug treatment. From the moment that a project posted a bond, Vera assumed full financial liability if the defendant failed to show up for court proceedings. The financial risk sharpened the focus of all project staff on the need for compliance and influenced every aspect of project operations.

Residential Supervision: A Transitional Phase

After leaving jail but before moving into the community, principals resided in highly structured residential settings. Project participants were not a naturally compliant population. They faced various pressures: Most were coping with some level of substance abuse, were unemployed, and had families in crisis. Many were repeat offenders and had strong ties to informal criminal networks. Some were homeless. The transitional phase of the program is, in effect, a test of the person's real amenability to close supervision. If community release seemed too risky based on a person's attitudes and behaviors in the residential treatment facility, the person was returned to jail.

The length of stay in the transitional facility varied from as little as three days to a maximum of thirty days, but in most cases averaged two to three weeks. During this period, program staff became well acquainted with participants and the conditions of their lives. Participants were transported to the project office every day to attend cognitive skills training classes,

meet with a support services coordinator, and attend social service appointments.⁸ During the transitional phase, program staff worked one-on-one with people to develop individually tailored release contracts, which mapped out a full-time schedule of approved activities and explicitly stated behaviors that were not permitted. Individuals were allowed to move into the community supervision phase only after their release contracts had been signed.

For financial reasons, the Vera Institute chose not to operate its own transitional facility but opted to contract with existing residential drug treatment programs for bed space. The problems and limitations of these particular arrangements are discussed later in this document.

Monitoring Defendants in the Community

The heart of intensive supervision is successfully monitoring individuals while they move about relatively freely in their home communities. Everything project staff learned about individuals during the transitional phase informed practical decisions about community supervision.

When principals signed their release contracts, they agreed to spend their daytime hours at work or school, or in a drug treatment program, or alternatively, to report daily to the agency office for continued assistance in securing employment or social services. Principals also agreed to meet in person with program staff at least seven times a week, to phone in as required, to comply with curfews, and of course, to appear in court as required. Release monitors called and visited principals at home, on the job, at school, or in drug treatment. Usually, these contacts were unannounced.

All principals were randomly tested at least once a week for amphetamines, barbiturates, cocaine, morphine, and marijuana. Sample analyses were performed at the project office; positive results were confirmed by an outside laboratory if a principal denied having used drugs. Those individuals whose personal histories indicated frequent drug use or dependence were more carefully scrutinized for use of their drug of choice. Alcohol tests were conducted on an individual basis when abuse was suspected or when a history of abuse was identified.

In general, persons who had access to very strong family or community support networks received less extensive supervision, guidance, and support.

Staff responded to minor contract breaches by implementing tighter controls, such as an earlier curfew or more frequent contact with a release monitor. Early detection of problem behavior combined with swift and effective corrective action are vital to the success and credibility of a community supervision program. To maintain tight control, the principal-to-

⁸Cognitive skills training is based on the premise that offenders are undersocialized but that they can learn prosocial values, attitudes, reasoning, and skills. Vera's program was based on the work of Dr. Robert R. Ross of the University of Ottawa. The program was most successfully implemented in the Essex County project.

monitor ratio was kept low.⁹ Larger infractions or a pattern of noncompliance resulted in the person being returned to the residential facility. If another attempt at community supervision appeared too risky, the person was returned to jail.

The project's supervision of a principal ended in one of four ways: The principal absconded; the case was disposed; the court relieved the project of its responsibility by releasing the principal on his or her own recognizance or transferring the principal to another agency; or the project surrendered the principal to the department of corrections.

Returning a principal to jail before the commission of a crime or a missed court appearance signaled to the principals and the departments of correction and probation that the program was serious about controlling behavior and preserving community safety.¹⁰ The option to surrender a person to the department of corrections is a fundamental aspect of the model because no matter how intensive, community supervision will not work for everyone. Table 1 outlines the number surrendered and the rates of surrender in each project site.¹¹

Table 1. Surrender rates

	Total	Nassau (61 months)	Essex (33 months)	Bronx (39 months)
Bonds posted	821	369	230	222
Surrendered	262	100	54	108
<i>Surrender rate</i>	32%	27%	23%	49%

How well community supervision functions depends on the quality of the relationship between the principals and the staff supervising them, and on the availability and constructive use of existing social services and natural support networks. Regular communication between program staff and outside service providers or family members promotes better supervision. At base, release monitors need to know the whereabouts of those individuals under their charge—at every moment of the day. And participants need productive activities to fill their days and move their lives forward. Former monitors, enforcement officers, and project managers echo this philosophy and emphasize the reality that intensive supervision means

⁹In Nassau, monitors were limited to supervising no more than five persons at any one time; in the Bronx, the limit was seven; in Essex, the limit was ten.

¹⁰ To remind principals of the real consequences of violating their release contracts, program staff in Nassau posted pictures of the individuals they had surrendered.

¹¹ Reasons for the high surrender rate in the Bronx are discussed in Part Two of this document.

work in the trenches. Skillful monitors are familiar with the local terrain and know the predilections of the people they supervise.

Even under the best circumstances, release monitors are reacting to problem situations as they arise. Consequently, schedules are modified hourly, and no single day's activity can be characterized as routine. Various factors influence a monitor's actions on any given day. The following chart, which presents fictionalized situations, illustrates the erratic nature of supervising offenders on community release. The two composite case studies on pages 12 and 13 represent typical project participants.

Figure 1 Supervising defendants in three different project sites

	Nassau Bail Bond Agency	Bronx Bail Bond Agency	Essex Bail Bond Agency
7 am	Report to the office; read night shift log. .	Transport participants from residential facility to project office.	Transport participants from residential facility to project office.
8 am	Visit Mark M. and Yolanda S. at home because they violated yesterday evening's curfew. Impose earlier curfew. ↓	Read night shift log. Receive call from a participant's mother. Her son, Enrico E., is high and is threatening her.	Read night shift log. Visit John B. who broke curfew last night. He had a fight with his girlfriend, and she kicked him out for the night.
9 am	↓	Go to her house; pick up Enrico and bring him to the project office to "come down." Will return him to the residential facility later.	Help him move his things to his sister's house.
10 am	Return to the office. Telephone participants to verify their presence on the job, or at service program sites.	Receive call from another monitor: Debbie M. missed her court date this morning. Call her home, but get no answer. Leave the office to look for Debbie in her neighborhood. ↓	Return to office; receive call from sheriff's office: new participant is ready to be released. Drive to jail; pick up person and transport him to the residential facility. Wait while he is admitted. ↓
11 am	Call Rick L. at home because he's absent from work. He seems to be high again.	↓	↓
	Nassau	Bronx	Essex

12 pm	Go to Rick 's house. Convince him to return to the residential facility.	Find Debbie with friends. They appear to be selling drugs.	Return to office. Visit Becky H., Steve M., Lenny G., and Jim F. on the job.
1 pm	Admit Rick to the residential facility.	Surrender Debbie to the department of correction.	Eat lunch.
2 pm	Meet Jamie E. at court. Give judge progress report on Jamie's performance. ↓	Eat lunch.	Conduct urine tests on participants in relapse prevention class. Joe S. and Todd I. test positive for cocaine.
3 pm	↓ Return to office to sign out for the day. NIGHT	Return to the project office. Pick up Enrico and return him to the residential facility. Wait while he is readmitted. Call the office and go home for the day.	Attempt to return Joe and Todd to the residential facility but bed space is not available. Require them to remain at home when not at the project office. Leave note for night monitor to check on them. Leave for the day
4 pm	Report to the office and read day log. Drive to the jail to wait for two new participants to be released. ↓	SHIFT Report to the project office; read day log. Leave for Rikers Island to pick up a new program participant.	BEGINS Report to the office; read day log. Visit the residences of two potential program participants. ↓
5 pm	↓	Wait at Rikers ↓	Return to the office. Submit site report to intake coordinator.
	Nassau	Bronx	Essex

6 pm	Transport new participants, Lawrence A. and Regina S., to the residential facility.	↓	Visit Paul D., Gerry S., Tim H., and Bill J. at home and collect urine samples. All test negative. Also visit Joe S. and Todd I. at home.
	↓	↓	↓
7 pm	Wait while they are admitted.		
		↓	↓
8 pm	Visit Paul A. and Danny W. at home and collect urine samples. Both test negative.	↓	Return to the office. Complete miscellaneous paperwork.
9 pm	Return to the office. Call participants on community release to check that they have complied with their curfews. Eat dinner.	Transport new participant, Reggie N., to the residential facility. Wait while he's admitted.	Dinner break.
10 pm	Visit Mark M. and Yolanda S., who violated curfew yesterday. Both are at home.	Pick up dinner and return to the project office. Begin curfew checks. All in except Willie S., and his mother hasn't seen him all day. Call in Bob, the enforcement coordinator, to help look for Willie.	Curfew check on all participants by telephone.
			↓
	Nassau	Bronx	Essex

11 pm	While out, receive call on beeper from residential facility. Regina S. is fighting with staff and is about to be discharged.	Meet Bob at a corner in Willie's neighborhood. Ask around to see if anyone's seen Willie.	John B. calls. His girlfriend wants him to move back in tonight. I convince him to remain with his sister.
12 am	Drive to residential facility. Talk with Regina and tell her that if she's forcibly discharged, I will return her to jail. She agrees to stop fighting. Negotiate with staff to allow Regina to stay. Leave the facility at 1:15 a.m. and go home.	Return to the project office. Call the project director and report Willie S. missing. Sign out and go home for the day.	Sign out and go home.

Two Case Studies

Steve was picked up by the police while high on cocaine and charged with possession of a controlled substance, loitering, possession of a weapon, and driving while under the influence. Since he couldn't post bail, which was set by the judge at \$5,000, he was remanded to the county jail. At age 26, he had one prior misdemeanor conviction on his record from 1985, for which he served time on probation. Since then he had been trained as a carpenter, worked regularly in his field, and even bought a small house, where he lived with his sister.

Steve seemed upbeat, and his gestures were animated as he talked about increasing his carpentry skills, fixing up his house, and owning his own construction business. He reported dropping out of school after the tenth grade and referred to himself as an alcoholic, but said that he had been sober for two years. He said that he had just started using cocaine, and only occasionally. The Nassau Bail Bond Agency bailed out Steve in March 1988.

After Steve had spent nine days in a residential drug treatment center used by the bail bond agency as a transitional facility, his community release monitor Mark picked up Steve and drove him home. Steve's girlfriend Louise, his close friend John, and his sister Mary met him at home and later, with Mark's permission, took Steve out to dinner. Mark told Steve to call him when he returned home—but before his nine o'clock curfew.

Steve called Mark at 8:30 p.m.. Noticably agitated, Steve explained that several of Mary's friends had come to the house and were snorting cocaine. Mark spoke with Steve for awhile, and they agreed that Steve would stay in his room for the remainder of the evening and tomorrow would ask Mary to move out.

In the following weeks, Steve worked when he could and talked about getting his GED. He called in when he was supposed to and was at home when Mark came by to check. He briefly started drinking when Louise broke up with him, but seemed to rebound.

Steve eventually received a sentence of time served in detention plus probation.

At 18, Angela was arrested in November 1993 for selling seven vials of crack worth \$35 while a Bronx undercover cop watched. When the pretrial services agency could not verify her family ties by telephone, the judge refused to release Angela on her own recognizance and instead set bail at \$1,500.

A Spanish-speaking staff member from the Bronx Bail Bond Agency interviewed Angela in a detention facility on Rikers Island. He then visited Angela's home, talked with her mother, and met her three-year-old daughter. Satisfied that under their supervision Angela would appear for her court hearings, the agency arranged for her release.

The project's social services coordinator placed Angela in an outpatient substance abuse treatment program near the project office. She made substantial progress in the relapse prevention program. She also left her boyfriend, for whom she had been selling drugs. Because the Bronx District Attorney's office refused to let her plead guilty to a lesser charge to avoid jail, her lawyer delayed the disposition of her case. Angela remained under project supervision until the bail bond agency closed in June 1994, at which time her case was transferred to a less intensive supervision program.

Project Staffing Patterns

Although the initial staffing patterns varied slightly from site to site, the basic structure included a project director, an administrative assistant, an intake coordinator, a jail screener, a support services coordinator, a transitional counselor, and four release monitors. Two enforcement coordinators oversaw community supervision in the three sites.

Project Director. The director manages program operations and is responsible for establishing good working relationships with officers of the court, and with the departments of corrections and probation.

Administrative Assistant. The administrative assistant supports the director in all areas of program operations.

Intake Coordinator. The intake coordinator is responsible for maintaining the desired admissions level and standards. He or she coordinates jail screening, verification of community ties, home visits, and final interviews associated with the admissions process.

Jail Screener. The jail screener assists the intake coordinator. Specifically, he or she conducts preliminary interviews and collects relevant background information.

Support Services Coordinator. The support services coordinator provides counseling and referrals to outside support service organizations. He or she is instrumental in preparing release contracts.

Transitional Counselor. The transitional counselor supervises principals during their initial stay in the residential facility.

Release Monitors. Release monitors directly supervise principals in the community. They also conduct random drug tests, escort principals to court, and prepare periodic progress reports.

Enforcement Coordinators. Enforcement coordinators oversee supervision activities, manage the physical surrender of principals to jail, and if necessary, track and apprehend individuals who attempt to abscond. Vera's enforcement coordinators were retired police officers.

Obligations to the Court

Because the projects supervised defendants prior to sentencing, staff were responsible for ensuring that individuals showed up at scheduled court appearances. If a principal missed a scheduled court date without excuse, the bond was forfeited. Monitors escorted principals to most court hearings and prepared written reports detailing the person's behavior and accomplishments.¹² Based on a defendant's track record—including information about

¹²Only in Essex, where the average number of court appearances was relatively low, did monitors attempt to escort people to every appearance. However, the failure-to-appear rate is relatively consistent across sites.

treatment, educational, or employment programs the person had completed or would continue with after sentencing—program staff advocated for an alternative to incarceration at disposition.

The average number of scheduled court appearances over the duration of a supervision period and the average length of supervision differed from site to site. The implications of more frequent court appearances and longer supervision periods are discussed later in this document.

Measuring Success: Flight, Rearrest, and Failure-to-Appear Rates

Like most other pretrial release projects Vera's bail bond supervision projects considered any termination from the program involving a failure to appear in court, rearrest, or flight an unsuccessful completion.

Table 2 shows both the raw numbers and rates for these measures. Although each of the projects had impressively low rearrest and absconding rates¹³, the failure-to-appear rates—the ratio of missed appearances to completed appearances—were even lower.

In Nassau, principals failed to show up for only 7 out of 1,867 court dates, yielding a failure-to-appear rate of less than half of 1 percent. Similarly, in Essex, from April 1991 to July 1993, principals failed to show up for only 4 out of 436 court appearances, yielding an FTA rate of just under 1 percent. During the life of the Bronx project, principals failed to show up for 15 out of 1,402 court appearances, yielding an FTA rate of 1 percent.

Table 2. Rearrest, flight, and failure-to-appear rates

	Total	Nassau (61 months)	Essex (33 months)	Bronx (39 months)
Bonds posted	821	369	230	222
Rearrested	60	15	18	27
Rearrest rate	7%	4%	8%	12%
Absconded	22	7	4	11
Flight rate	3%	2%	2%	5%

¹³Additionally, over half of those who fled were later apprehended by project staff and surrendered to the department of corrections.

Appearances	3,705	1,867	436	1,402
No. missed	26	7	4	15
FTA rate¹⁴	.7%	.4%	.9%	1%

Compared with ordinary release, intensive supervision is more effective in preventing flight and rearrest. A study conducted by the Essex County Division of Criminal Case Management paints a drastically different picture of defendants released from jail with no consistent supervision pending the disposition of their cases.¹⁵ The study examined the experience of 1,643 defendants released through the Federal Bail Release Program and 600 defendants released on their own recognizance between October 6, 1989 and May 1, 1991. Neither group received any form of supervision while on pretrial release.

The study found that 42 percent of offenders released through the federal program and 25 percent of those granted ROR had warrants for their arrest issued against them for failing to appear in court. Both groups also had a high rate of rearrest while on conditional release: 51 percent of those released through the federal program and 25 percent of the ROR group. Finally, a large proportion of both groups received jail or prison sentences: 66 percent from the Federal Release Program and 60 percent of the ROR group.

For those persons who were supervised by the Essex Bail Bond Agency through disposition, less than 10 percent received incarcerative sentences. The rate for the Nassau Bail Bond Agency was 17 percent, and the rate for the Bronx Bail Bond Agency was 6 percent. Furthermore, during the demonstration period, anecdotal information gathered by project staff suggests that the individuals who completed the intensive supervision programs and received probation were in fact avoiding criminal activity.

¹⁴The FTA rate does not reflect missed court appearances during last five months of the demonstration period in Essex County. Data is available only for 28 months.

¹⁵John P. McCarthy III and Gregory A. Lambard. *Study of the Drastic Effects of the Federal Release Program on the Essex Criminal Justice System and Essex County Public Safety*. Newark, New Jersey: County Superior Court, Criminal Division Management, 1992.

PART TWO: Implementing the Model

The Vera Institute of Justice demonstrated intensive supervision for pretrial detainees in three very different sites: suburban Long Island (the Nassau Bail Bond Agency), urban New Jersey (the Essex County Bail Bond Agency), and inner-city New York (the Bronx Bail Bond Agency). The initial project in Nassau County was generally successful, operating in a hospitable environment. The project in the Bronx was not successful, but revealed much about the limits of the model. The project in Essex County succeeded in a very difficult urban environment, in part because planners augmented the program with specialized services.

In each case, the setting greatly affected program operations: from screening, releasing, and transporting defendants, to monitoring behavior, providing services, and ending supervision. From these experiences emerge six essential criteria for implementing a bail bond supervision program:

- 1. easy access to criminal history information and jail facilities**
- 2. either opportunities for stable residence and local employment or available space in social service programs**
- 3. availability of appropriate drug treatment**
- 4. availability of bed space in a compatible residential facility**
- 5. availability of probation for defendants successfully supervised**
- 6. willingness of courts to process intensive supervision cases as quickly as detention cases.**

These criteria can be met in several ways. For example, how drug treatment will be provided or which criminal justice agencies will ensure that pretrial compliance can lead to a probation sentence will vary from place to place. The following narratives briefly describe Vera's three pretrial intensive supervision projects, focusing on the different ways in which they illustrate the importance of these criteria.

The Nassau Bail Bond Agency

Vera began testing intensive supervision for pretrial detainees in February 1988 in Nassau County, Long Island. In most respects, Nassau County was an ideal setting for an initial demonstration. The project received enthusiastic support from the Chief Judge of New York State, the Nassau County Chief Administrative Judge, and the county sheriff. Long-standing charitable organizations rallied the cooperation of county support-service organizations.

Nassau County is comprised of towns and small cities, and a mix of wealthy, middle-class, working-class, and very poor households. Pretrial offenders on community release in Nassau County face fewer obstacles to reintegration—finding housing and employment, for example—and less idleness than offenders returning to an inner-city environment. Intensive supervision depends on using structured activities to prevent criminal behavior. Working or attending drug treatment, school, or vocational training, and receiving support from friends and relatives helped participants in Nassau County successfully complete the program.

The project office was located in Hempstead—a five-minute car trip from the county court in Mineola and the jail in East Meadow, and a short walk from the district court. Once jail personnel became familiar with project staff, screening, bonding, and transporting defendants occurred with relative ease. The project consistently suffered depressed intake levels, which staff attributed to overly strict eligibility criteria. In an attempt to increase the number of program candidates, the project began to screen more defendants accused of drug-related crimes and defendants held on bail amounts as high as \$10,000.¹⁶ For defendants held on bail amounts above the program maximum who met all other screening criteria and program requirements, the project attempted to have the amount lowered to \$7,500 at a bail hearing before a judge. These attempts were usually successful.

Because the county covers a large area, supervising principals was troublesome. Monitors frequently faced fifty-mile drives in a single direction to check on a person. The dispersion of participants lengthened response times and made daily face-to-face contact with each person—a goal of Vera's model of intensive supervision—impractical. Staff absences and vacancies exacerbated the situation. On average, monitors visited participants at home or on the job only four times a week and escorted the person to scheduled court appearances only until they were convinced that the person was trustworthy. Nevertheless, failure-to-appear, rearrest, and flight rates remained remarkably low over the life of the demonstration.

The Nassau County Department of Probation strongly influences whether or not a defendant receives probation at sentencing. Initially, the department resisted the project's views about sentencing program participants and too often recommended jail time. However, the project soon demonstrated accountability, in part, through surrendering noncompliant participants. In time, the project established a mutually beneficial relationship with the

¹⁶The initial maximum bail amount was \$7,500.

department—regularly briefing probation officers on the case histories of those individuals who seemed to be particularly strong candidates for probation.

In the spring of 1993, Vera transferred the Nassau Bail Bond Agency to the Education and Assistance Corporation (EAC).

The Bronx Bail Bond Agency

Based on the success of the Nassau Bail Bond Agency, Vera launched two additional demonstrations—one in Essex County, New Jersey and one in Bronx County, New York—to test the viability of the model in urban settings and with defendants who were more likely to be drug-addicted, unemployed, and returning to fragile communities and weakened support networks.¹⁷

The Bronx project bailed out its first defendants in January 1991. From the beginning, the large volume of cases and New York City's system of jails complicated and lengthened intake. The New York City Department of Correction operates twenty detention facilities. There are jails in each borough and ten on Rikers Island, and Bronx County inmates are mixed in with all other New York City inmates. Traveling between the project office, the jails, and the courts consumed staff time. Simply locating defendants could be a misadventure, and the bureaucratic terrain laid out by the department of correction made gaining the release of bailed defendants particularly vexing and time-consuming. Project staff routinely waited six hours to pick up a bonded defendant from a facility on Rikers Island, and would sometimes wait several hours just to interview a single defendant. In addition, court files containing vital criminal history information were often inaccessible when needed. The effect: Determining early in the screening process which defendants had prior felony convictions and were therefore ineligible was a constant problem.

The Bronx project's intake operations were modeled after procedures established in the Nassau Bail Bond Agency. However, the New York City corrections system demanded a very sophisticated approach to managing intake. Unfortunately, the project's procedures were never sufficiently refined to accommodate a more cumbersome and less accessible system of jails. If the Bronx Bail Bond Agency had been able to reallocate resources and hire an additional jail screener, the project might have been able to increase intake to target level. However, staff resources were overextended throughout the life of the demonstration.

¹⁷Seventy-five percent of defendants under supervision in the Bronx reported a problem with drugs or alcohol, and 73 percent were unemployed at the time of arrest. In Nassau, 56 percent reported a substance abuse problem, and 61 percent were unemployed.

In addition to the constraints on intake, the project faced formidable challenges supervising defendants on community release in the Bronx: The area surrounding the former project office is marked by a high level of drug dealing, and the broader neighborhood is severely distressed. Remaining drug free, finding a place to live and a job, fulfilling basic responsibilities, and even visualizing an improved future was extraordinarily difficult for most people under supervision.

In the absence of employment opportunities and strong familial and community networks, intensive supervision programs rely on placements in social service programs to contain the risks. Unfortunately, the Bronx Bail Bond Agency was able to find space for its participants only in nonresidential drug treatment centers. Roughly 75 percent of the participants were enrolled in outpatient drug treatment programs, but services for the remaining 25 percent were lacking. A former Bronx project enforcement officer characterized the consequences for this group: "With nowhere to go and nothing to do, they spent their days hanging around the project office." Many were waiting for one of the scarce openings in residential drug treatment facilities.

For the few participants able to handle job training or schooling, the agency was able to secure few placements. Some observers believe that the project was detached from the borough's social service community and that inexperienced staff did not know where and how to access services other than outpatient drug treatment. Others conclude that because the bail bond agency managed participants for a short time period, it was inherently difficult for project staff to place participants in long-term service programs. For example, many community-based education providers work on the semester system and enroll new students only twice a year. Whatever the reason, for a substantial number of participants, the project lacked the capacity to structure their daily lives.

Beyond these obstacles, the Bronx District Attorney's office proved unwilling to reward compliant defendants with probation. As a result, defendants in the program delayed the disposition of their cases, lengthening the time they remained under project supervision.

Extending the duration of supervision dramatically increased the surrender rate. Vera's model of intensive pretrial supervision was developed for short-term use, and its effectiveness decreases over time. As the horizon fades, that is, as probation seems farther away and less likely, the incentive for good behavior diminishes. Therefore, the longer a person remained under supervision, the more likely he or she would be surrendered for contract violations, especially since the constructive use of outside resources was limited. As people became more frustrated by what seemed to be a pointless as well as endless situation, they broke more and more rules. And without the ability to direct many people to outside service providers or the option to place addicts in long-term residential drug treatment, the program had no recourse but to return participants to jail.

One result was an increase in the cost of the program per person. In some cases, the Bronx Bail Bond Agency was supervising defendants long after they would have been released from jail had they not been bailed out by the agency. In fact, as of March 1994, 73 percent of the caseload had been under supervision for over six months and one-third had been under supervision for over one year.¹⁸

Attempts to improve project operations in 1993 were unsuccessful. Vera chose to cease intake early in March 1994 and closed the Bronx Bail Bond Agency in June.

The Essex Bail Bond Agency

The Essex County project bailed out its first defendants in April 1991. Like the Nassau County project, the demonstration in Essex benefited from physical proximity to the main jail and court facilities. Gaining the release of bailed defendants was particularly easy in Essex County: The sheriff's office would phone the bail bond agency when the defendant was ready to be picked up.

The Essex Bail Bond Agency, like the Bronx County project, supervised a drug-addicted and troubled population. Although Essex County includes many communities with economically mixed populations, such as Montclair and Irvington, most project participants resided in Newark or East Orange—both disadvantaged cities.

In Vera's model of pretrial intensive supervision, the project itself does not provide comprehensive social services. Because the period of supervision is intended to be brief, the goal is to place people in existing longer-term service programs. However, the service-poor Essex County environment demanded the addition of outpatient drug treatment and cognitive skills training programs. The bail bond agency therefore implemented a relapse prevention program, which individuals began during their stay in the transitional facility. About 75 percent of program participants completed the twenty-session relapse prevention course. Following the course, they attended twice-weekly evening aftercare sessions, which reinforced and helped them use the prevention techniques they acquired through the course.

The project's cognitive skills training attempted to modify the impulsive, egocentric, illogical, and rigid thinking of many offenders. Cognitive skills training is not therapy. It is a behavior modification program to help offenders imagine and practice constructive ways of responding to challenging situations. Participants began cognitive skills classes when they first entered the residential facility. Project planners hoped that the immediate introduction of cognitive skills training would facilitate and speed the transition from detention to community

¹⁸After supervising someone for 99 days, the Bronx Bail Bond Agency attempted to persuade the court to release the defendant on his or her own recognizance or transfer supervision to a less intensive program. However, these attempts were usually unsuccessful.

supervision. Individuals who committed minor contract violations were often required to participate in additional cognitive skills training.

For the Essex Bail Bond Agency, the apparent disadvantage of locating in a service-poor area became a source of the project's success. Providing consistent, quality in-house services became the program's primary method of supervision and control over a difficult clientele.

The vast majority of defendants who were successfully supervised to their disposition date—approximately ninety percent—received nonincarcerative sentences. Essex County judges appeared to agree with the program's premise: Successful performance under pretrial supervision indicates that a defendant is a good candidate for probation.

In December 1993, Vera transferred the Essex Bail Bond Agency to Volunteers of America.

PART THREE: Issues for Future Exploration

Pretrial supervision programs come in many varieties. Some require little more than occasional telephone contact. Others focus on counseling, and still others use electronic monitoring. Vera's bail bond supervision projects are among the most intensive community supervision programs ever attempted. Although Vera used a unique enforcement tool—the power of the bail bondsperson—the techniques developed and the lessons learned in these demonstrations raise questions applicable to many types of pretrial supervision programs. This final section considers four of these unresolved issues.

Adjusting the Level of Supervision

Each bail bond project employed two levels of control: supervision in a residential facility and supervision in the community. In addition, and to differing degrees in each site, staff varied the intensity of supervision in the community; yet these variations were never formalized.

Many pretrial supervision programs raise or lower the intensity of supervision in response to a defendant's compliance, but few do so formally—as a preventive strategy—when a period of greater strain is anticipated. Such a tactic may be especially prudent. Why? Defendants normally experience greater pressure and fear as sentencing—and the possibility of incarceration—draws closer. As the pressure mounts, the risk of criminal activity and/or flight also increases. Matching the level of control to a defendant's background and initial behavior may be a good starting point but may not accurately predict the needed level of supervision over time.

Unfortunately, most risk instruments are grounded in data that doesn't change over time, such as criminal history and charge category. And life pressures are more accurately measured by skilled observers than existing risk instruments. Vera's experience supervising high-risk defendants should encourage experimentation with assessment strategies that employ both objective and subjective measures and can be applied periodically during intensive supervision.

The Power of the Bondsperson

Because Vera's pretrial intensive supervision projects exercised the power of the bondsperson, program staff could control people with the threat of jail. And, if the threat failed, staff could and did arrest and surrender people without obtaining a court-issued warrant. Vera's planners, project directors, and enforcement officers agree that this power is essential to preventing additional crime and ensuring that defendants do not evade court proceedings. Also, the financial risk focused program staff on the need for the principal's strict compliance. Can the same power and accountability be built into other pretrial supervision programs without using the bondsperson?

Most states already give parole officers authority to make arrests for technical violations, and some community supervision programs operated by correctional agencies permit staff to return participants to custody on their own. Under what conditions and restrictions might pretrial services agencies exercise a similar power?

Supervising Women

Because men comprise the majority of defendants in the criminal justice system, Vera's bail bond agencies mainly supervised men: 77 percent of those bailed out in Nassau were men, 80 percent in the Bronx, and 86 percent in Essex. Nevertheless, anecdotal information about the experience of supervising women reveals a curious phenomenon. A former program planner recalls that informal checks of the Nassau County Bail Bond Agency showed that more than half of the women in the program were being surrendered. (The overall surrender rate was 27 percent.) She offered two explanations:

First, women generally carry more family responsibilities and operate with less autonomy than men. For example, consider a woman with a young child who uses and sells drugs supplied by her boyfriend: He depends on her labor, and she needs the money he gives her. Even under intensive supervision, her ability to refrain from criminal activity and complete a treatment program while caring for her child is more difficult than it would be for her boyfriend if he were the one arrested and bailed out. Why? He could more easily attend a treatment program because he can still depend on her labor and earnings, and he does not have child care responsibilities.

A former enforcement officer's experience supervising women in the Bronx supports this first explanation: "The women were the toughest to supervise. They were usually arrested for selling drugs, and because they were usually working for their boyfriends, controlling their behavior was especially problematic."

Second, supervision staff may be more demanding of women participants. During a staff training session in Nassau County, the staff—half of whom were women—revealed that they were more likely to surrender a woman for contract violations. When a supervisor asked why, they eventually responded that they were simply harder on the women because they

expected more of them and were more disappointed when they failed. The staff were surrendering women for conduct that they tolerated from male participants. Following this discussion, the surrender rate for women participants dropped, and women began completing the program at the same rate as men.

Pretrial supervision could be especially beneficial to custodial parents by helping to preserve family unity. However, supervision programs focusing on family unity will be challenged to accommodate the demands of child care and help women resist boyfriends and others who pressure them to engage in criminal trade.

Integrating Residential Facilities in Community Supervision

Careful use of a residential facility was crucial to effectively controlling participants in the bail bond supervision projects. For financial reasons, the projects were not able to develop their own facilities, but instead leased bed space in existing therapeutic centers.¹⁹ Residential drug rehabilitation facilities were chosen because they offer semi-secure physical environments. However, integrating the projects' short-term residents with longer-term clinical residents created friction between the groups. The general population resented the less stringent conditions applied to the bail bond residents, and the bail bond group resented how the staff treated them. Many project participants stated that they preferred jail to life in the transitional facilities.

The Nassau County Bail Bond Agency greatly benefited from using a single provider for the duration of the demonstration. Project staff became accustomed to the facility's exacting procedures and familiar with site staff. If a bail bond participant violated one of the house rules, project staff were normally able to negotiate to keep the person in the facility.

In contrast, the Essex and Bronx County projects each worked intermittently with different providers.²⁰ The instability intensified other problems and strained program operations. Additionally, the intake and supervision units often competed for the reserved bed space.

Flexible use of a residential facility—either to orient participants just released from jail or to control noncompliant individuals—is vital to limiting surrender rates. Many work-release, furlough, and parole programs use halfway houses and semisecure facilities in similar ways at the end of an offender's incarceration. The widespread use of bail hostels in England accomplishes the same purposes. Few pretrial supervision programs in the United States,

¹⁹The projects contracted with the following therapeutic communities: Jamaica Community Adolescent Program ("J-CAP") in Queens, New York; Project Return, a parole transition facility in upper Manhattan; Project Greenhope in upper Manhattan; and Serendipity House in Brooklyn.

²⁰During the final year of the demonstration, the Essex County project was able to contract with a single, very small facility to house only bail bond project participants.

however, have their own residential capacity. The experience here suggests that having a dedicated residential space, which several pretrial service agencies could use, might greatly enhance any level of pretrial supervision.

APPENDIX A: Sample Annual Program Budget

The following expenses were incurred by the Nassau Bail Bond Agency from July 1, 1991 through June 30, 1992, the last full year that the agency operated as a Vera demonstration project.²¹

Table 1 Personal services

Staff Position	Expenses
project director	\$38,600
administrative assistant	\$22,500
intake coordinator	\$23,200
jail screener*	\$4,500
custody coordinator	\$22,800
support services coordinator	\$23,700
release monitor*	\$15,800
release monitor*	\$4,300
release monitor	\$21,400
enforcement coordinator	\$23,900
SUB-TOTAL	\$200,700
fringe benefits	\$48,200 (24%)
TOTAL	\$248,900

Table 2 Other expenses

Item	Expense
rent and utilities	\$19,200
insurance	\$19,800

²¹All costs are rounded to the nearest one hundred dollars.

*These positions were vacant for part of the fiscal year.

contract beds	\$49,600
Item	Expense
certified bond copies	\$300
surety fees (1.5% of all bonds)	\$500
consultants	\$900
telephones & beeper charges	\$18,600
equipment maintenance	\$1,100
urinalysis kits	\$2,800
supplies, postage, copying	\$9,400
recruitment	\$800
meetings and conferences	\$1,400
publications	\$600
office repairs	\$1,100
vehicle fuel & maintenance	\$14,200
licenses & registration	\$200
travel & subsistence	\$9,700
program activity fees	\$700
miscellaneous	\$400
TOTAL	\$151,300

TOTAL PROJECT EXPENSES : \$400,200

APPENDIX B: Sources for Additional Information

Jayme Delano

Director

Brooklyn Bridge Project

188 Montague Street, Suite 604

Brooklyn, New York 11201

(718) 643-6308

Jayme Delano is a former project director of the Bronx and Nassau Bail Bond Agencies.

Judith Greene

Director

State-Centered Program

377 Broadway, 11th Floor

New York, New York 10013

(212) 334-1300

Judith Greene was director of court programs at the Vera Institute and primary architect of Vera's model of pretrial intensive supervision.

Robert Lonergan

Enforcement Director

CASES

346 Broadway

New York, New York 10013

(212) 553-6624

Robert Lonergan is a former enforcement coordinator for Vera's three bail bond supervision projects.

Jackie Porter

Director

Nassau Bail Bond Project

EAC

250 Fulton Avenue, Suite 200

Hempstead, New York 11550

Susan Rai
Special Counsel
Vera Institute of Justice
377 Broadway, 11th Floor
New York, New York 10013
(212) 334-1300
*Susan Rai was a planner, lawyer, and bondswoman
for Vera's bail bond supervision projects.*

Nester Rios
Executive Director
L'Alianza Hispana
409 Dudley Street
Roxbury, Massachusetts 02109
(617) 427-7175, extension 220
*Nester Rios is a former project director of
the Essex Bail Bond Agency.*

Ann Roberts
6833 Eastern Avenue, No.33
Tacoma Park, Maryland 20912
(301) 270-4757
Ann Roberts was director of Vera's pretrial programs.

William Rodriguez
Special Assistant to the President for Latino Affairs
Northeastern University
323 Cushing Hall
Boston, Massachusetts 02115
(617) 373-8262
*William Rodriguez is a former project director
of the Nassau Bail Bond Agency.*