
Pretrial Release and Misconduct of Felony Defendants in Multnomah County

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Research Question

How do the rates of pretrial misconduct of released felony defendants compare to national pretrial misconduct rates for the same population?

Desired Product

Replication of figure 4 and table 7 in the Bureau of Justice Statistics report "Pretrial Release of Felony Defendants in State Courts"¹ using data from DSS-Justice, Multnomah County's public safety data warehouse.

Sample

Felony cases filed by the Multnomah County Circuit Court in May 2008 in which the defendant was released pretrial from local jail custody.

Methodology: Summary

See "Detailed Methodology" (end of this report) for a full description

The Bureau of Justice Statistics report on pretrial defendants analyzed 15 years of data (1990-2004) from the State Court Processing Statistics (SCPS) series², which followed all felony cases filed during the month of May in which the defendant was released³ from custody pretrial. The SCPS series tracked these cases for up to one year after the case file date (two years if the defendant was charged with murder) in order to identify instances of pretrial misconduct. As defined by the SCPS series, pretrial misconduct includes the defendant's **arrest** for a new crime and the defendant's **failure to appear** at a scheduled court appearance.⁴

In order to replicate the methodology employed by researchers at BJS, LPSCC and DCJ analysts used data obtained from Multnomah County County's Decision Support System – Justice (DSS-J) to follow all felony cases filed⁵ in the Multnomah County Circuit Court during the month of May (2008) in which the defendant was released⁶ from custody pretrial. The analysts tracked these cases for up to one year after the case file date (two years if the defendant was charged with murder) in order to identify instances of pretrial misconduct. As defined by the SCPS

¹ See <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=834> for the full report

² See <http://bjs.ojp.usdoj.gov/content/pub/pdf/fdluc02.pdf> for a full description of this methodology

³ A defendant is considered "released" if he or she was released from custody prior to the disposition of his or her case by the court; this term also includes defendants who were detained for some period of time before being released and defendants who were returned to custody after being released because of a violation of the conditions of pretrial release. Conversely, a "detained defendant" refers to any defendant who remained in custody from the time of arrest until the disposition of his or her case by the court.

⁴ **Failure to appear** occurs when a court issues a bench warrant for a defendant's arrest because he or she missed a scheduled court appearance.

⁵ All cases filed were tracked, regardless of their final disposition.

⁶ Case data was matched to release data by identifying releases from local jail that occurred before the case disposition date and in closest proximity to the date on which the case was filed.

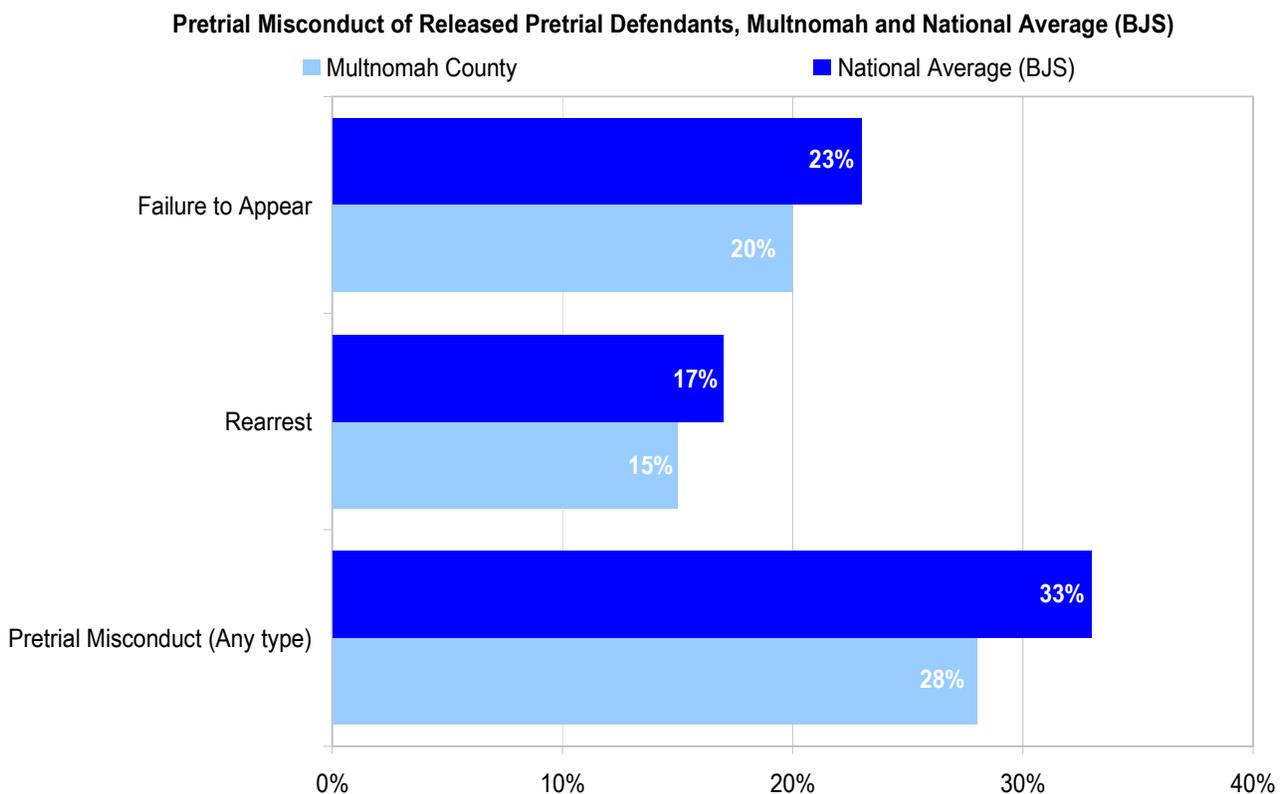
series, pretrial misconduct includes the defendant's **arrest**⁷ for a new crime and the defendant's **failure to appear** at a scheduled court appearance.⁸

Results

The results of this analysis suggest that felony defendants released pretrial in Multnomah County have a lower pretrial misconduct rate, a lower failure to appear rate, and a lower rearrest rate than similar populations reported in the national sample of State Court Processing Statistics. These lower rates of pretrial misconduct were observed across all release types, and were primarily driven by higher rates of appearance at court events.

Among the 413 felony defendants who were released pretrial, 72 percent did not commit any pretrial misconduct, as compared to 67 percent of felony defendants in the BJS sample. Further, only 20 percent of the sample has a warrant issued on a failure to appear and 15 percent were rearrested within the study period; these percentages are comparable or slightly lower than the figures reported in the BJS study, in which 23 percent of the national population received an FTA warrant and 17 percent were re-arrested (Figure 1).

Figure 1



When examined by comparable release types, Multnomah County also fares better than the national average reported by the BJS (Table 1). Thirty percent of Multnomah County felony defendants who were released on their own recognizance⁹ commit some type of pretrial misconduct (22 percent fail to appear and 16 percent are

⁷ Arrests coded in PPDS as 'fugitive,' 'Bench Warrant Bail Jump', 'Escape', and 'Warrant Service' were included in this analysis; note that PPDS primarily includes data reported by Portland Police and the Multnomah County Sheriff's Office.

⁸ **Failure to appear** warrants that were recalled within three days of issuance are not considered valid for this study.

⁹ 'Recognizance' releases represent releases of type B/R, ROR, CROR in DSS-J SWIS data and include persons released using an 'expedited' release interview.

rearrested), compared to 34 percent of BJS-tracked felony defendants who were released on their own recognizance (26 percent failed to appear and 17 percent were rearrested).

Individuals released on supervision¹⁰ (conditional release) showed dramatically lower pretrial misconduct rates; 25 percent of supervised releases committed any type of pretrial misconduct, compared to 32 percent in the national sample. This difference in pretrial misconduct appears driven primarily by the difference in failure-to-appear rates between the two samples: in Multnomah County, 16 percent of conditional releases failed to appear at a court event, compared to the national average of 22 percent. Multnomah County's rearrest rates were also slightly lower than the national average: 14 percent of conditional releases were rearrested within the study period, compared to the national average of 15 percent. It is important to note that the Multnomah County sample of conditional releases is small (n=57) and as a result, has limited statistical significance (Table 1).

Table 1

Multnomah County Felony Pretrial Defendants (2008)*

	Pool (N)	Pretrial Misconduct (Any type)	Rearrest	Failure to Appear
TOTAL	413	28%	15%	20%
Release on Recognizance	290	30%	16%	22%
Conditional Release (supervision)	57	25%	14%	16%
Bail in Multnomah County	58	26%	17%	17%

* Four (4) release types (8 cases) were excluded from the release level analysis

Pretrial Release of Felony Defendants in State Courts (BJS 2007)

	Pool (N)	Pretrial Misconduct (Any type)	Rearrest	Failure to Appear
TOTAL	264,604	33%	17%	23%
Release on Recognizance	80,865	34%	17%	26%
Conditional Release (supervision)	31,162	32%	15%	22%
Deposit Bond	20,993	30%	14%	22%
Full Cash Bond	11,190	30%	15%	20%
Surety Bond	78,023	29%	16%	18%
Property Bond	3,649	27%	17%	14%

Source: Pretrial Release of Felony Defendants in State Courts, page 9.

Individuals granted a financial release (bail) had a lower pretrial misconduct rate (26 percent) than the BJS national sample, which ranged from 27 percent to 30 percent for financial releases (for example, 29 percent of defendants released on a surety bond committed some form of pretrial misconduct). Similar to the results found with conditional releases, the difference in pretrial misconduct appears driven primarily by the difference in failure-to-appear rates between the two samples. In Multnomah County, 17 percent of felony defendants released on bail failed to appear, compared to a national average of 14-22 percent for financial releases. Of particular note is the failure to appear rate for individuals released on a surety bond, which is slightly higher than that of Multnomah County at 18 percent. Defendants released on bail in Multnomah County showed similar or slightly higher rearrest rates (17 percent) than the financial releases in the national sample (14-17 percent).

¹⁰ 'Supervision' releases represent releases of type FRND, RELA, PRSP in DSS-J SWIS data.

Detailed Methodology

Process #1: Data Collection

Analysts pulled the following data in order to perform this analysis:

OJIN, using DSS-Justice

- **[Filed Cases]:** this dataset contains unique person and case identifiers, case information, and case event information; filters were applied to select only those cases that were filed during May 2008; records=case events
- **[DA Cases]:** this dataset contains a list of DA case numbers and court case numbers; filters were applied to select only those cases that were filed during May 2008; records=cases

SWIS, using DSS-Justice

- **[Releases]:** this dataset contains data on release and booking decisions and unique person, arrest, booking and case identifiers; filters were applied to select only those bookings that resulted in a release between January 2007 and April 2010; records=bookings

PPDS, using DSS-Justice

- **[Arrests]:** this dataset contains unique person and arrest report identifiers and information on the arresting event; filters were applied to select arrests that occurred after January 1st 2008; records=arrests

Process #2: Linking court cases to releases from jail custody

1. Records from the "Filed Cases" dataset were merged into the "Releases" dataset using a match on DSS-J ID. The DSS-J ID is a unique, person-level identifier derived from a match on SWIS ID, SID number, SSN, and other unique identifiers. Although SWIS contains fields for "court case number" and "DA case numbers," these fields could not be used to match cases between the two datasets; persons are often booked on multiple cases or at a time when a case number has not been generated. As a result, the case number fields often contain missing or incomplete data.
2. Data from the "Filed Cases" dataset populated the first record of each unique individual in the "Releases" dataset and all other rows were left blank. As a result, a lag function was used to populate release records that matched on DSS-J ID with data from the "Filed Cases" dataset. Releases that did not match to a person in the "Filed Cases" dataset or that occurred after the case disposition date were removed.
3. Analysts calculated the duration between release date and case file date in order to identify the release (of a defendant) that occurred in closest proximity to the case file date. Although this process may include individuals released on another case in close proximity to another case filed, it is reasonable to assume that the release closest to the case file date is the "best" release for the case. All release types were included, including those transferred to another facility or released for time served on a sentence and later excluded from the dataset. The median number of days between release date and file date was 3.
4. Unique cases were selected from the dataset created in step #3, using the "best release" field generated during the analysis. Cases were excluded if their "best release" from custody was identified as post-trial or non-applicable, such as transfers to other institutions, time-served on a sentence, and similar release types.

Assumptions / Notes

- Releases that occurred after the case disposition date are not valid
- A booking is NOT necessarily associated with only one case – a person can be booked for multiple cases at the same time. Hence, the court case number and DA number in the booking folder are not reliable and should not be used to match a release to a defendant. Instead, releases will be associated based on the proximity of release date to date the case was filed by the DA's office.

Process #3: Linking court cases to pretrial misconduct

1. All case events for Circuit Court cases filed (Filed Cases) in May 2008 were selected for the analysis.
2. Case event information was coded to record FTA Warrant (WTF A) and Warrant Recall (WTNO) events.

3. Case information was coded with date information relating to the 'study period'¹¹.
4. WTFA events were coded as 'Recall' if the Warrant recall date was within 3 days of the Warrant issuance date.
5. All PPBS arrest events from 2008 to present were selected for persons identified in the Filed Cases dataset (Arrests).
6. Arrest events were coded and added to the Filed Cases dataset. If the date of an arrest was within the 'study period', the arrest event was coded as 'Rearrest.'
7. Pretrial misconduct was calculated at the case and person level. Pretrial misconduct was coded 'yes' if a person had a FTA warrant issued or an Arrest during the 'study period'.

Assumptions / Notes

- Bench warrant issuance for FTA (WTFA) represents FTA event; a bench warrant issued for an FTA that is later recalled (WTNO) will not be considered an FTA if the recall is made within 3 days of the issuance
- Arrests coded in PPDS as 'fugitive,' 'Bench Warrant Bail Jump', 'Escape', and 'Warrant Service' were included in analysis.¹²
- All cases filed during May 2008 are tracked, regardless of their final disposition.

Process #4: Pulling it all together

1. The dataset generated from Process #3, which includes information on the pretrial misconduct of all cases filed during the study period, was matched to the dataset generated in Process #2 by court case number. Of the initial sample of 627 felony cases filed in May 2008, 214 cases were excluded from the analysis because they were missing data (e.g., the defendant had not been released from jail since January 2007) or because their "best release" from custody did not meet the criteria for a pretrial release (e.g., time served on a sentence, transfer, etc.)¹³
2. The final dataset included the pretrial release decision and pretrial misconduct of 413 defendants for felony cases filed in May 2008.

¹¹ Consistent with BJS methodology, cases will be tracked for one year after their case file date (two years for defendants charged with murder); hence, the "study period" will vary by each case and end either 365.25 days after case file date (again, 730.5 days for murders) or on the case disposition date, whichever date occurs first. This study period will apply to pretrial misconduct and rearrest, but will not apply to pretrial release; a person could be released months before the case file date or at any time up to the end date of the case.

¹² BJS data includes 'other public order offenses' (p38) although the term 'fugitive' is not included in the description.

¹³ In certain cases, a defendant may be cited by police for an offense; and therefore not have been booked and released prior to the Case file date.