

## Racial Justice Improvement Project

### Pretrial Detention & Release Decisions in St. Louis County, MN, in 2009 & 2010: Interim Findings

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#### **Introduction**

This document provides an overview of analyses conducted to examine a particular decision point in St. Louis County's adult criminal justice system: Judges' pretrial detention and release decisions – including whether to impose bail and the amount at which bail is set – for felony cases filed calendar years 2009 and 2010. The results discussed herein are based on data extracted from the Minnesota Court Information System (MNCIS) database. The analyses address: (1) Whether differences in judges' release decisions are related to defendants' self-reported race(s) and/or ethnicity (i.e., whether or not a defendant is Hispanic); and (2) whether the St. Louis County courthouse at which a defendant first appears (i.e., Duluth, Hibbing, Virginia) is related to judges' release decisions.<sup>1</sup> These questions are addressed using results from analyses conducted with statistical software (the Statistical Package for the Social Sciences [SPSS]).

Regarding the pretrial release decision, a judge has two potential alternatives from which to choose. She can either set bail (a related decision here is the dollar amount at which to set bail), or release a person "on his own recognizance" – that is, release him with no bail required.<sup>2</sup> The analyses presented herein examine, in turn, the decision of whether to detain or set bail and – among those cases for which bail is the condition of release – the amount at which bail is set. This report concludes with a discussion of defendants' likelihood of failing to appear (FTA) after their initial court appearance.

Queries of MNCIS data done since the last version of this report (June 22) have facilitated accounting for a few additional factors than were accounted for in the last report, including: the number of charges associated with a given case, whether a defendant was on probation, and whether a warrant was issued for a defendant's failure to appear at any appearance after the first appearance but prior to disposition. The data on which these analyses are based also correct for the undercount of release on own recognizance (ROR) cases that was noted in the previous version of this report. Still, as of this

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<sup>1</sup> These analyses are somewhat exploratory in nature, and limited in scope, in that they do not provide insight into the effect of many other potentially salient factors on judges' pretrial release decisions. For example, none of the 13 factors that the court is instructed to consider in determining conditions of release (Minnesota Rules of Criminal Procedure, Rule 6.02, Subd. 2), such as family ties and length of residence in the community, are accounted for. For this reason, these analyses do not allow for drawing conclusions as to whether defendants' race/ethnicity or courthouse location is *causally* related to pretrial release decisions.

<sup>2</sup> For cases involving an individual who is on probation at the time of his new offense, the judge has a third option: to detain an individual until case disposition.

writing, data limitations preclude analyzing one other remaining research task: examination of the correlates of the likelihood of a defendant making bail or posting bond.<sup>3</sup>

### ***Overview of Data Elements Used***

These release decisions are considered in light of defendants' race and ethnicity, the level of severity of the most serious charge that they are facing, whether they are facing more than one felony charge, whether they already are on probation at the time of their new charge, and the St. Louis County courthouse at which their case was filed. The race variable consists of four categories: White, Black (including those who reported being Black and White), Indian (including Indian and White) and all other racial categories, including Asian, Native Hawaiian, and "Other," including other multiracial combinations. The Hispanic variable simply indicates whether or not a defendant reported being Hispanic. Level of severity of most serious charge was created primarily by assigning, when feasible, a Minnesota Sentencing Guidelines (MSG) severity level code to each case in the sample; the resultant severity variable has four categories.<sup>4</sup>

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<sup>3</sup> Because of variations in MNCIS data entry practices, the information queried to identify cases in which a defendant was able to make bail or post bond is incomplete. As a result, cases that should have been coded "made bail / posted bond" are currently undercounted. As was the case with ROR information (refer to the June 2011 version of this report), apparently information on posting bond/making bail is entered into different data fields on the Range than in Duluth. The data fields that are used on the Range to record this information were not queried, resulting in an undercount.

<sup>4</sup> MSG offense severity codes range from 1 to 11, with 11 being the most severe (i.e., 2<sup>nd</sup> Degree Murder). Based largely on the frequency distribution of the offense severity codes, I collapsed this severity variable into four categories: (1) MSG categories 1 and 2, plus two offenses that are not ranked by MSG – check forgery and receiving stolen property; (2) MSG categories 3 and 4, plus the unranked categories escape from custody and sexual predatory offender offenses; (3) MSG categories 5-7, plus violations of orders for protection/no contact; and (4) MSG categories 8-11, including cases coded as "serious felonies" in the MNCIS data set. (All MSG category 10 and 11 cases receive the "Serious Felony" label in MNCIS. This category also includes charges, such as 1<sup>st</sup> Degree Murder, which are too severe to fall under MSG.)

**Table 1. Frequency Distributions of Data Elements (N=2,826)**

Element	Category	N (%)
<b>Courthouse</b>	Duluth	1,823 (64.5%)
	Hibbing	498 (17.6%)
	Virginia	505 (19.9%)
<b>Defendant's Self-Reported Race</b>	White	1,775 (67.2%)
	Black/Black & White	420 (15.9%)
	Indian / Indian & White	361 (13.7%)
	Other	84 (3.2%)
<b>Defendant's Self-Reported Ethnicity</b>	Hispanic	62 (2.2%)
	Non-Hispanic	2,727 (97.8%)
<b>Charge Severity</b>	1 (Least Severe)	898 (34.4%)
	2	823 (31.6%)
	3	526 (20.2%)
	4 (Most Severe)	360 (13.8%)
<b>Two or More Felony Charges</b>		1,079 (38.2%)
<b>Defendant on Probation</b>		714 (25.3%)
<b>Condition of Release</b>	Detained	103 (3.6%)
	Bail Set	1,500 (53.1%)
	ROR	449 (15.9%)
	"No Conditions"	774 (27.4%)

Table 1 shows that about two-thirds of cases originated in Duluth; a similar percentage involved White defendants. African Americans made up 15.9% of the sample, while Native Americans comprised 13.7%. All other racial categories combined made up only 3.2% of the sample. Regarding ethnicity, only 2.2% reported being Hispanic. As for condition of release, 3.6% of the sample was ordered by a judge to be detained, while bail was set in 53.1% of cases, and 15.9% of defendants were released on their own recognizance. Finally, about two out of five cases (38.2%) involved more than one felony charge, while about one in four cases (25.4%) involved an individual that was on probation. In terms of the amount at which bail was set, across the three courthouse sites, values ranged from \$100 to \$3,000,000, with a median value of \$15,000 and a mean of \$27,212.96.<sup>5</sup>

**Question 1:**

***Are Judges' Release Decisions Related to Defendants' Self-Reported Race and/or Ethnicity?***

**A1. The Likelihood of Setting Bail (for Those Not on Probation).** This question is first addressed in relation to the decision regarding whether to set bail or to release on recognizance among defendants who were not on probation at the time of their instant charge. Focusing exclusively on these two

<sup>5</sup> The stark difference between the mean and median values, along with a high standard deviation [93,843], is indicative of a distribution that is highly positively skewed – pulled toward a handful of high outlying values.

options and on defendants who were not on probation, overall 369 (25.5% of cases) defendants were released on their own recognizance, while bail was set for 1,080 (74.5 %) defendants.

**Table 2. Relationship between Defendants' Race & Likelihood of Setting Bail**

	Race				$\chi^2$ (df=3)
	White	Black / Black & White	Indian/ Indian & White	Other	
% Bail Set	595 (67.8%)	210 (88.6%)	173 (85.2%)	37 (88.1%)	62.4*

\*p < .001

Regarding the relationship between defendants' race and the likelihood of bail setting, Table 2 shows that overall in St. Louis County, whereas two out of three cases (67.8%) involving White defendants resulted in bail setting, these percentages were markedly higher for each of the other three racial categories. For example, by comparison, bail was set for Black defendants almost 90% of the time. Put another way, overall White defendants (32.2%) were at least twice as likely to be released on their own recognizance as any of the other racial categories (e.g., Blacks [11.4%], Native Americans [14.8%]).

The relationship evidenced in Table 2 was paralleled across levels of severity. Table 3 shows the relationship between race/ethnicity<sup>6</sup> and the likelihood of pretrial detention upon accounting for charge severity level and whether the case involved more than one felony charge.

**Table 3. Relationship between Defendants' Race/Ethnicity & Likelihood Of Setting Bail, Accounting for Charge Severity & Number of Felony Charges**

Severity Level	% Bail Set		$\chi^2$ (df=1)
	White (non-Hispanic)	Racial Minority &/or Hispanic	
1	196 (58.0%)	83 (75.5%)	10.78*
2	172 (70.5%)	141 (88.1%)	17.22**
3	132 (81.0%)	108 (95.6%)	12.53**
4	77 (74.0%)	87 (88.8%)	7.17*
1 Felony Charge	329 (63.4%)	257 (84.0%)	39.68**
≥2 Felony Charges	260 (74.1%)	171 (91.9%)	24.48**

\*p < .01; \*\*p < .001

Table 3 indicates that cases involving defendants who were racial/ethnic minorities were more likely to have bail set across levels of case severity. The relationship between race/ethnicity and likelihood of bail setting was statistically significant across severity levels (with minorities' percentages at least 14 points higher within each severity level). This relationship also held among cases with either one felony charge or two or more felony charges, with White non-Hispanic defendants significantly less likely to have bail set than racial/ethnic minorities. All of the relationships displayed in Table 3 are statistically significant.

<sup>6</sup> Because of the relatively small number of cases associated with each level of severity, it was necessary to transform the race variable a race/ethnicity variable with these two categories: (1) White (non-Hispanic) and (2) Racial Minority and/or Hispanic.

**A2. The Pretrial Release Decision (Defendants on Probation).**<sup>7</sup> Overall, 42 (7.7%) probationers were ordered detained pretrial, 420 (77.5%) had bail set on their cases, and 80 (14.8%) were released on their own recognizance. Table 4 shows that, among probationers, Whites were about three times as likely to be detained pretrial as racial/ethnic minorities (10.0% vs. 3.2%). However, Whites were also more than twice as likely to be released on their own recognizance as racial and ethnic minorities (17.8% vs. 8.6%).

**Table 4. Relationship between Defendants' Race/Ethnicity & Pretrial Release Decision\***

	White (non-Hispanic)	Racial Minority &/or Hispanic
% Detained	35 (10.0%)	6 (3.2%)
% Bail Set	252 (72.2%)	163 (88.1%)
% ROR	62 (17.8%)	16 (8.6%)

\*  $\chi^2$  (df=2) = 18.06, p < .001

Table 5 shows the pattern revealed in Table 4 repeated upon accounting for severity level. Upon accounting for whether a defendant had multiple felony charges, a very similar relationship was manifested (results not reported herein).

**Table 5. Relationship between Defendants' Race/Ethnicity & Pretrial Release Decision, Accounting for Severity**

Severity Level	Courthouse	Racial/Ethnic Category		$\chi^2$ (df=2)
		White (non-Hispanic)	Racial Minority &/or Hispanic	
1 & 2	% Detained	23 (10.2%)	3 (11.5%)	10.91**
	% Bail Set	157 (69.8%)	101 (84.9%)	
	% ROR	45 (20.0%)	15 (12.6%)	
3 & 4	% Detained	12 (10.1%)	3 (4.8%)	8.43*
	% Bail Set	92 (77.3%)	59 (93.7%)	
	% ROR	15 (12.6%)	1 (1.6%)	

\*p < .05; \*\* p < .01

**B. Examining Bail Amount.** Among those cases for which bail was set (N=1,500), analyses were conducted to examine the relationship between race, ethnicity, bail amount and the likelihood of a defendant making bail.<sup>8</sup> Table 6 shows that, in the aggregate, mean bail amount was lowest for Native Americans (\$19,861) followed by Whites (\$22,199). By contrast, the mean values for Blacks (\$32,044) and other races (\$40,113) were starkly higher. Statistical tests revealed statistically significant

<sup>7</sup> In attempt to identify defendants who were on probation, I created a "probation flag" variable using information on defendants' most recent case filing that resulted in a sentence of probation. Specifically, this probation flag variable was created by adding probation length (in days) to the previous case filing date, then adding 180 days to the resultant date (in attempt to account for the lag between case filing and sentencing) to come up with a probation end date. If this date was more recent than defendants' instant case filing date (i.e., the case that resulted in them being part of this sample of 2009-2010 cases), then it was assumed their probation status was "active." It is worthy of note: While only probationers can be ordered detained, of the 103 cases in this sample that were ordered detained, only 42 of them were on probation as it is defined/flagged here.

<sup>8</sup> Two cases with extremely high bail amounts ("outliers") were excluded from these analyses: One in Hibbing, \$3,000,000, or 12 times as high as the next highest bail amount at this site (\$250,000) (defendant was white); the other in Virginia, \$1,000,000, or two times as high as the next highest amount in Virginia (defendant was "other" race).

differences in means between these two pairs of categories. Given the extreme positive skew of these distributions, it is more informative to focus on their median values because, unlike the mean, they are not heavily influenced by outlying values. Table 4 illustrates that median bail amounts for Whites (\$10,000) were the lowest – half that of both Blacks and others (\$20,000); the median for Native Americans also was lower (\$12,000).

**Table 6. Relationship between Defendants’ Race & Bail Amount**

Race	Mean	Median	N	Std. Dev.	Minimum	Maximum
White*	\$22,199.18	\$10,000	797	41,452.06	150	750,000
Black / Black & White	\$32,044.28	\$20,000	271	55,191.94	1000	750,000
Indian / Indian & White*	\$19,861.37	\$12,000	233	23,003.45	200	250,000
Other	\$40,113.33	\$20,000	45	79,152.46	100	500,000

\*Significantly lower than both the Black and “Other” categories (p < .01)

Table 7 illustrates the relationship between ethnicity and bail amount. Although the mean amount for Hispanics was about \$2,600 higher than for non-Hispanics, this difference was not statistically significant. Table 5 also shows that Hispanics’ median bail amount was \$5,000 more than non-Hispanics’.

**Table 7. Relationship between Defendants’ Ethnicity & Bail Amount**

Ethnicity	Mean	Median	N	Std. Dev.	Minimum	Maximum
Non-Hispanic	\$24,418.58	\$15,000	1,356	43,897.65	100	750,000
Hispanic	\$27,081.94	\$20,000	36	35,492.58	150	150,000

Table 8 shows that, upon combining race and ethnicity in a two-category variable, the mean bail amount for racial/ethnic minorities was \$5,141 higher than for non-Hispanic Whites, a difference that is statistically significant, and that is very similar to the difference between the two groups’ median values.<sup>9</sup>

**Table 8. Relationship between Defendants’ Race/Ethnicity & Bail Amount**

Race/Ethnicity	Mean*	Median	N	Std. Dev.	Minimum	Maximum
White (non-Hispanic)	\$22,255.78	\$10,000	787	41,619.91	200	750,000
Racial Minority &/or Hispanic	\$27,396.17	\$15,000	561	47,334.70	100	750,000

\*Differences in means significant (p < .05)

Table 9 presents the relationships between race/ethnicity and bail amount within each of the four case severity levels, and whether or not there were multiple felony charges. One can see that, upon accounting for severity level, the strong relationship between race/ethnicity and bail amount is largely negated. With the exception of case severity level 1, bail amounts for Whites were lower than those for racial and/or ethnic minorities. Yet, the gaps between the two groups (in terms of means and medians alike) were narrower. None of these differences in means across severity levels was statistically

<sup>9</sup> The severity level variable was “collapsed” from four categories to two so as to increase the number of cases within individual categories.

significant.<sup>10</sup> Among cases involving a single felony charge, while the median values of the two racial/ethnic categories were identical (\$10,000), the mean bail amount for minorities was \$3,500 higher than for non-minorities, a difference that was statistically significant. Among cases involving multiple felony charges, both the median and mean bail amounts were higher for minorities, although in this case the mean difference (about \$8,600) is not statistically significant.

**Table 9. Relationship between Defendants’ Race/Ethnicity & Bail Amount, Accounting for Charge Severity & Number of Felony Charges**

Severity Level	Race / Ethnicity	Mean	Median	N	Std. Dev.	Minimum	Maximum
1	White (non-Hispanic)	\$10,186.05	\$7,500	258	9,903.72	200	65,000
	Racial Minority &/or Hispanic	\$9,873.27	\$6,000	101	10,846.16	200	75,000
2	White (non-Hispanic)	\$18,271.73	\$10,000	237	21,203.94	400	150,000
	Racial Minority &/or Hispanic	\$19,960.05	\$15,000	209	17,031.00	150	125,000
3	White (non-Hispanic)	\$23,856.61	\$15,000	189	25,921.83	200	250,000
	Racial Minority &/or Hispanic	\$24,095.10	\$20,000	143	19,896.59	100	100,000
4	White (non-Hispanic)	\$63,780.90	\$40,000	89	100,820.38	500	750,000
	Racial Minority &/or Hispanic	\$68,178.35	\$40,000	97	97,772.33	300	750,000
1 Felony Charge*	White (non-Hispanic)	\$14,930.76	\$10,000	434	17,322.40	200	150,000
	Racial Minority &/or Hispanic	\$18,509.02	\$10,000	338	19,621.23	100	150,000
≥2 Felony Charges	White (non-Hispanic)	\$32,261.61	\$15,000	353	57,890.90	200	750,000
	Racial Minority &/or Hispanic	\$40,866.37	\$25,000	223	69,028.68	200	750,000

\* Differences in means significant (p < .01)

**Summary of Findings Regarding Question 1**

- Among those defendants not on probation, bail setting was more likely (relative to ROR) for minorities than for Whites. Whites were at least twice as likely as other racial categories to be released on their own recognizance. This relationship remained after accounting for offense severity level and number of felony charges.

Among probationers, judges have three pretrial release options: release a defendant on his own recognizance, set bail, or detain until case disposition. Among this group, overall, racial and ethnic minorities were about a third as likely as whites to be detained but – as was the case with

<sup>10</sup> Analyses of the data set containing the two extreme outliers (results not presented here) results in an identical finding (i.e., no statistically significant differences by race/ethnicity upon accounting for charge severity).

*non-probationers – also less likely to be released on their own recognizance than whites. These relationships were, for the most part, replicated upon accounting for charge severity.*

*Overall, Whites’ mean and median bail amounts tended to be markedly lower than minorities’. Yet, upon accounting for severity of most serious charge, the relationship between race/ethnicity and bail amount was largely negated. For example, within categories of charge severity, there were relatively small differences between means, and none of them was statistically significant. Among defendants with multiple felony charges, minorities’ median bail amount was \$10,000 higher than Whites’.*

**Question 2:**

**Is the St. Louis County Courthouse at which a Defendant First Appears (i.e., Duluth, Hibbing , Virginia) Related to Judges’ Release Decisions?**

**A1. The Likelihood of Setting Bail (for Those Not on Probation).** Regarding the decision whether to set bail or to release on recognizance among defendants who were not on probation at the time of their instant charge, across the three sites, 369 (25.5% of cases) were released on their own recognizance, while bail was set in 1,080 (74.5 %). Table 10 shows marked differences across sites in terms of the likelihood that bail was set for felony defendants. Whereas bail was set for 85.6% of cases originating in Duluth, this percentage was more than 20 points higher than in Hibbing (64.1%) and more than double Virginia’s percentage (41.7%). In Virginia, non-probationer defendants were about 1.5 times as likely to be released on their recognizance as to have bail set on their case; by contrast, in Duluth, non-probationer defendants were almost six times as likely to have bail set as to be released on their own recognizance.

**Table 10. Relationship between Courthouse & Likelihood of Setting Bail**

	Duluth	Hibbing	Virginia	$\chi^2$ (df=2)
<b>% Bail Set</b>	818 (85.6%)	161 (64.1%)	101 (41.7%)	212.72*

\*p < .001

Table 11 presents the relationship between race/ethnicity and likelihood of setting bail, by courthouse site. There are stark differences between Whites and racial/ethnic minorities at two of the three sites. For example, in Duluth, Whites were more than twice as likely to be released on their own recognizance as minorities (19.2% vs. 8.0%). In Virginia, among White defendants, bail was set in about two of every five cases; among minority defendants, bail was set in about three of every five cases. Both of these relationships are statistically significant. In Hibbing, a slightly higher percentage of cases involving White defendants had bail set than cases involving minorities; the three-point difference between the categories was not statistically significant.

**Table 11. Relationship between Defendants' Race/Ethnicity & Likelihood of Setting Bail, by Courthouse**

Courthouse	% Bail Set		$\chi^2$ (df=1)
	White (non-Hispanic)	Racial Minority &/or Hispanic	
Duluth	379 (80.8%)	382 (92.0%)	23.21**
Hibbing	136 (64.8%)	21 (61.8%)	0.15
Virginia	74 (38.7%)	25 (58.1%)	5.41*

\*p < .05; \*\* p < .001

Table 12 expands on the information presented in Table 11 by incorporating severity level of most serious charge and whether multiple felony charges were involved. One can see that roughly the same patterns were evident within the two categories of severity level as were evident irrespective of case severity. For example, for each of the four severity categories and number of charges categories in Duluth, Whites were less likely to have bail set on their cases, and more likely to be released on their own recognizance, than minorities – a finding that parallels the results presented in Table 11. Yet because there are small numbers of cases in even the most populated categories of Table 12, extreme prudence is required in interpreting the differences in percentages that it presents.

**Table 12. Relationship between Race/Ethnicity & Likelihood Of Bail Setting by Courthouse, Accounting for Severity**

Severity Level	Courthouse	% Bail Set		$\chi^2$ (df=1)
		White (non-Hispanic)	Racial Minority &/or Hispanic	
1 & 2	Duluth	238 (78.3%)	200 (91.3%)	15.89***
	Hibbing	79 (56.0%)	9 (50.0%)	0.23
	Virginia	51 (37.2%)	15 (45.5%)	0.76
3 & 4	Duluth	131 (86.8%)	177 (93.2%)	3.95*
	Hibbing	56 (83.6%)	9 (75.0%)	0.51
	Virginia	22 (44.9%)	9 (100%)	9.28**
1 Felony Charge	Duluth	218 (78.7%)	231 (90.9%)	15.21***
	Hibbing	67 (59.8%)	9 (47.4%)	1.03
	Virginia	44 (33.8%)	17 (51.5%)	3.51
≥2 Felony Charges	Duluth	161 (83.9%)	151 (93.8%)	8.42**
	Hibbing	69 (70.4%)	12 (80.0%)	0.59
	Virginia	30 (49.2%)	8 (80.0%)	3.28

\*p < .05; \*\*p < .01; \*\*\*p < .001

**A2. The Pretrial Release Decision (Defendants on Probation).** Recall that, overall, 42 (7.7%) probationers were ordered detained pretrial, 420 (77.5%) had bail set on their cases, and 80 (14.8%) were released on their own recognizance. Table 13 shows that the use of pretrial detention for probationers varies a lot by site; its use is much more prevalent on the Range, especially in Virginia.

**Table 13. Relationship between Pretrial Release Decision & Courthouse\***

	Duluth	Hibbing	Virginia
% Detained	7 (2.3%)	6 (6.3%)	29 (20.3%)
% Bail Set	276 (91.1%)	68 (70.8%)	76 (53.1%)
% ROR	20 (6.6%)	22 (22.9%)	38 (26.6%)

\* $\chi^2$  (df=4) = 91.05, p < .001

**Table 14. Relationship between Defendants' Race/Ethnicity & Pretrial Release Decision, by Courthouse\***

Courthouse	Release Decision	Racial/Ethnic Category		$\chi^2$ (df=2)
		White (non-Hispanic)	Racial Minority &/or Hispanic	
Duluth	Detained	5 (3.2%)	1 (0.7%)	3.81
	Bail Set	139 (88.5%)	134 (94.4%)	
	ROR	13 (8.3%)	7 (4.9%)	
Hibbing	Detained	6 (7.1%)	0 (0.0%)	0.61
	Bail Set	60 (70.6%)	6 (75.0%)	
	ROR	19 (22.4%)	2 (25.0%)	
Virginia	Detained	24 (22.4%)	5 (14.3%)	2.80
	Bail Set	53 (49.5%)	23 (65.7%)	
	ROR	30 (28.0%)	7 (20.0%)	

Table 14 shows that, across sites, minorities were less likely to be detained than White non-Hispanics. Also across sites, cases involving minority defendants were more likely to have bail set, and less likely to be released on their own recognizance. In two of three sites, Duluth and Hibbing, this difference was pronounced. By comparison, in Hibbing, while minorities were more likely to have bail set than Whites, the difference in percentages (and the number of minority cases) was small.

**B. Examining Bail Amount.** Regarding the relationship between courthouse site and bail amount, Table 15 shows that the amounts at which bail was set in Virginia were markedly lower.<sup>11</sup> The mean value for Virginia was at least \$9,000 lower than for each of the other two sites. Similarly, Virginia's median bail amount (\$7,500) was half that of Duluth (\$15,000) and less than one third of Hibbing's median (\$25,000). It is interesting to note that Virginia's relative leniency in regard to bail amount is in stark contrast to its much greater likelihood to detain before trial. One would assume that this relationship is not coincidental – that Virginia detains many individuals for whom the other sites would set (higher) bail.

**Table 15. Relationship between Courthouse & Bail Amount**

Courthouse	Mean	Median	N	Std. Dev.	Minimum	Maximum
Duluth	\$25,323.92	\$15,000	1,062	45,400.36	500	750,000
Hibbing	\$26,086.43	\$25,000	199	30,588.35	200	250,000
Virginia*	\$16,002.29	\$7,500	153	43,068.52	100	500,000

\*Mean value is significantly lower than other two sites (p < .05)

Table 16 shows the relationship between race/ethnicity and bail amount once courthouse site is accounted for. It reveals that in both Duluth and Hibbing, the mean bail amount was roughly \$6,000 more for minorities than it was for Whites. In Duluth, in part because of a greater number of cases, this difference in means was statistically significant. It is also worth pointing out that the median bail amount in Duluth was twice as high for racial minorities (\$20,000) as it was for Whites (\$10,000). By comparison, in Virginia, the mean bail amount for minorities was about \$7,000 less than it was for Whites. The median bail amount in Virginia was about \$1,000 higher for minorities than it was for Whites.

<sup>11</sup> The same two cases with extremely high bail amounts ("outliers") were excluded from these analyses as well.

**Table 16. Relationship between Race/Ethnicity & Bail Amount, by Courthouse**

Courthouse	Race / Ethnicity	Mean	Median	N	Std. Dev.	Minimum	Maximum
Duluth*	White (non-Hispanic)	\$22,103.17	\$10,000	504	42,567.71	1000	750,000
	Racial Minority &/or Hispanic	\$28,513.03	\$20,000	499	49,598.24	500	75,0000
Hibbing	White (non-Hispanic)	\$25,512.87	\$20,000	171	31,575.21	200	250,000
	Racial Minority &/or Hispanic	\$31,108.70	\$25,000	23	25,731.89	200	100,000
Virginia	White (non-Hispanic)	\$17,969.64	\$8,750	112	49,928.70	500	500,000
	Racial Minority &/or Hispanic	\$10,916.67	\$10,000	39	9,666.83	100	50,000

\*Difference in means is statistically significant (p < .05)

Table 17 simultaneously accounts for defendants' race/ethnicity, courthouse site, and charge severity level. The relatively low numbers on which many of the means in this table are based suggests that many of the mean values should be viewed cautiously, despite some dramatic differences between categories of race/ethnicity. Parallel to the findings presented in Table 16, among the six mean comparisons presented in Table 17, there was one difference that was statistically significant – the difference in means among the less-severe cases in Duluth, with bail set for minorities averaging about \$3,200 more than for Whites. That said, the median values for these two groups were identical. Indeed, upon accounting for severity, the stark difference in medians among Duluth cases (Table 16) essentially disappeared across all three sites.

**Table 17. Relationship between Race/Ethnicity & Bail Amount by Courthouse, Accounting for Severity**

Severity Level	Courthouse	Race / Ethnicity	Mean	Median	N	Std. Dev.	Minimum	Maximum
1 & 2	Duluth*	White (non-Hispanic)	\$13,792.99	\$10,000	314	17,184.91	1,000	150,000
		Racial Minority &/or Hispanic	\$17,135.04	\$10,000	274	16,431.84	1,000	125,000
	Hibbing	White (non-Hispanic)	\$17,750.49	\$20,000	103	13,526.06	200	50,000
		Racial Minority &/or Hispanic	\$26,020.00	\$25,000	10	13,862.96	200	50,000
Virginia	White (non-Hispanic)	\$10,244.87	\$7,500	78	18,281.12	500	150,000	
	Racial Minority &/or Hispanic	\$8,217.31	\$6,250	26	5,625.46	150	25,000	
3 & 4	Duluth	White (non-Hispanic)	\$36,298.88	\$20,000	179	64,796.84	1,000	750,000
		Racial Minority &/or Hispanic	\$43,509.22	\$25,000	217	70,185.14	500	750,000
	Hibbing	White (non-Hispanic)	\$37,642.42	\$25,000	66	45,549.72	200	250,000
		Racial Minority &/or Hispanic	\$39,118.18	\$25,000	11	33,417.86	300	100,000
	Virginia	White (non-Hispanic)	\$36,469.70	\$15,000	33	85,689.02	500	500,000
		Racial Minority &/or Hispanic	\$15,591.67	\$15,000	12	13,849.23	100	50,000

\*Difference in means is statistically significant (p < .05)

## **Summary of Findings Regarding Question 2**

- *Among defendants not on probation, there was great variation across courthouse sites in the use of bail relative to ROR. The data show that whereas in Duluth bail was set in about six of very seven cases, in Hibbing that number was about two in three, and in Virginia it was about two in five. Upon accounting for race/ethnicity, it was apparent that in both Duluth and Virginia, ROR's were more likely to be issued for Whites than for racial and ethnic minorities. By comparison, in Hibbing, minorities were slightly more likely to be released on their own recognizance than Whites. Upon accounting for charge severity and number of felony charges, roughly the same patterns were evident.*

*Among defendants on probation, in Virginia, about one in five cases was detained, compared to one of every 15 cases in Hibbing and one in every 42 in Duluth. As was the case with non-probationers, bail was most likely to be set (and ROR least likely) in Duluth. By contrast, bail was least likely to be set (and ROR most likely) in Virginia. Upon accounting for race/ethnicity, across sites, minorities were less likely to be detained than Whites, but also were less likely to be released on their own recognizance.*

*As for the relationship between courthouse site and bail amount, first it is worthy of note that Virginia (the site at which bail was least likely to be set) had markedly lower mean and median bail amounts than the other two sites. The other striking finding in regard to bail amount is, upon accounting for severity level, median bail amount values were virtually the same for the two racial/ethnic categories across the three sites.*

### **Question 3 :**

#### **Are There Relationships between The Likelihood of Failing to Appear (FTA), Race/Ethnicity & Courthouse Site?**

Overall in St. Louis County, for cases where bail was set or defendants were released on their own recognizance (N = 1,949), 272 (14.0%) failed to appear at at least one hearing sometime after their first appearance and before their case's disposition.<sup>12</sup> The likelihood of FTA was slightly higher for ROR cases than for those for which bail was set: defendants failed to appear in 12.8% of the cases in which bail was set, 17.8% of the cases in which defendants were released on their own recognizance.

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<sup>12</sup> Specifically, a defendant was coded as FTA if he had at least one warrant issued after his first appearance but prior to disposition. Note also, at this juncture, because of data limitations I cannot determine which defendants for whom bail was set were actually able to make bail/post bond. Therefore, the actual failure to appear rate must be higher (to the degree that the denominator – number of individuals actually released pretrial – decreases). That said, the numbers presented in Tables 18 and 19 in regard to ROR are based on complete information, and thus should be accurate.

**Table 18. Failure to Appear between First Appearance & Disposition, by Condition of Release & Courthouse**

Courthouse	% Failing to Appear			$\chi^2$ (df=2)
	Bail	ROR	Total	
Duluth	159 (14.5%)	51 (32.3%)	210 (16.8%)	31.14*
Hibbing	10 (4.4%)	6 (5.4%)	16 (4.7%)	0.16
Virginia	23 (13.0%)	23 (12.8%)	46 (12.9%)	0.01

\*p < .001

Table 18 presents FTA percentages by type of release and courthouse site. One can see that FTA percentages were highest in Duluth, especially among ROR cases. Virginia’s overall FTA percentage was four points lower than Duluth’s. Hibbing’s percentages were starkly lower than either of the other two sites, although note that the numbers on which Hibbing’s percentages are based are extremely low, making the percentages somewhat untrustworthy.

**Table 19a. Failure to Appear between First Appearance & Disposition, by Condition of Release & Race/Ethnicity, Duluth**

Condition of Release	% Failing to Appear		$\chi^2$ (df=1)
	White (non-Hispanic)	Minority	
Bail	73 (14.1%)	82 (15.9%)	0.66
ROR	31 (30.1%)	17 (42.5%)	1.99

Tables 19a-c provide site-specific information on the relationship between FTA percentages and defendants’ race/ethnicity. For example, Table 19a shows that , in Duluth, minorities were slightly more likely to fail to appear in bail cases, and roughly one third more likely to fail to appear in ROR cases. (Neither of these differences is statistically significant.) By comparison, the numbers were so low at the other two sites as to render dubious the percentages on which they are based.

**Table 19b. Failure to Appear between First Appearance & Disposition, by Condition of Release & Race/Ethnicity, Hibbing**

Condition of Release	% Failing to Appear		$\chi^2$ (df=1)
	White (non-Hispanic)	Minority	
Bail	8 (4.1%)	1 (3.7%)	0.01
ROR	5 (5.4%)	1 (6.7%)	0.04

**Table 19c. Failure to Appear between First Appearance & Disposition, by Condition of Release & Race/Ethnicity, Virginia**

Condition of Release	% Failing to Appear		$\chi^2$ (df=1)
	White (non-Hispanic)	Minority	
Bail	16 (12.6%)	7 (14.6%)	0.12
ROR	17 (11.6%)	5 (20.0%)	1.36

### **Summary of Findings Regarding Question 3**

- *At this juncture, FTA percentages are higher among ROR situations than for cases for which bail was set. Likelihood of failure to appear was highest in Duluth, followed by Virginia and Hibbing. In Duluth, minorities had somewhat higher FTA percentages than Whites. Within the other two sites, the numbers are too low for sound comparisons between racial and ethnic categories.*

### **Conclusion: Final Version of this Report Forthcoming**

A handful of data elements from MNCIS that are were not yet available as of the June version of this report were made available since, allowing for refined analyses that have produced the more sound results that are presented herein. As discussed at the outset of this report (refer to the beginning of this report, especially footnote 3), the “bail made/bond posted” information from MNCIS, on which these analyses are based, is currently incomplete. The data field that is used on the Range to record this information were not queried, resulting in an undercount. I anticipate having this last piece of information (i.e., a query containing the new information) very soon (hopefully later this week), and will amend the findings presented herein and disseminate the new information shortly thereafter.