

NACo is pleased to present

***Communicating the Need for
Pretrial Justice Reform***

Thursday, October 4, 2012



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- The questions box and buttons are on the right side of the webinar window.
- This box can collapse so that you can better view the presentation. To unhide the box, click the arrows on the top left corner of the panel.
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Question & Answer Session Instructions

Type your question into the questions box at any time during the presentation, and the moderator will read the question on your behalf during the Q&A session.

Partnership with the Public Welfare Foundation

- Joint effort to expand and enhance the roles of pretrial programs, risk assessment, and other diversion practices in counties throughout the country.

For more information about NACo's Criminal Justice Programs and to view the recorded webinar, please visit:

<http://www.naco.org/programs/csd/Pages/Justice.aspx>.

Speakers

Cherise Fanno Burdeen

Chief Operating Officer
Pretrial Justice Institute

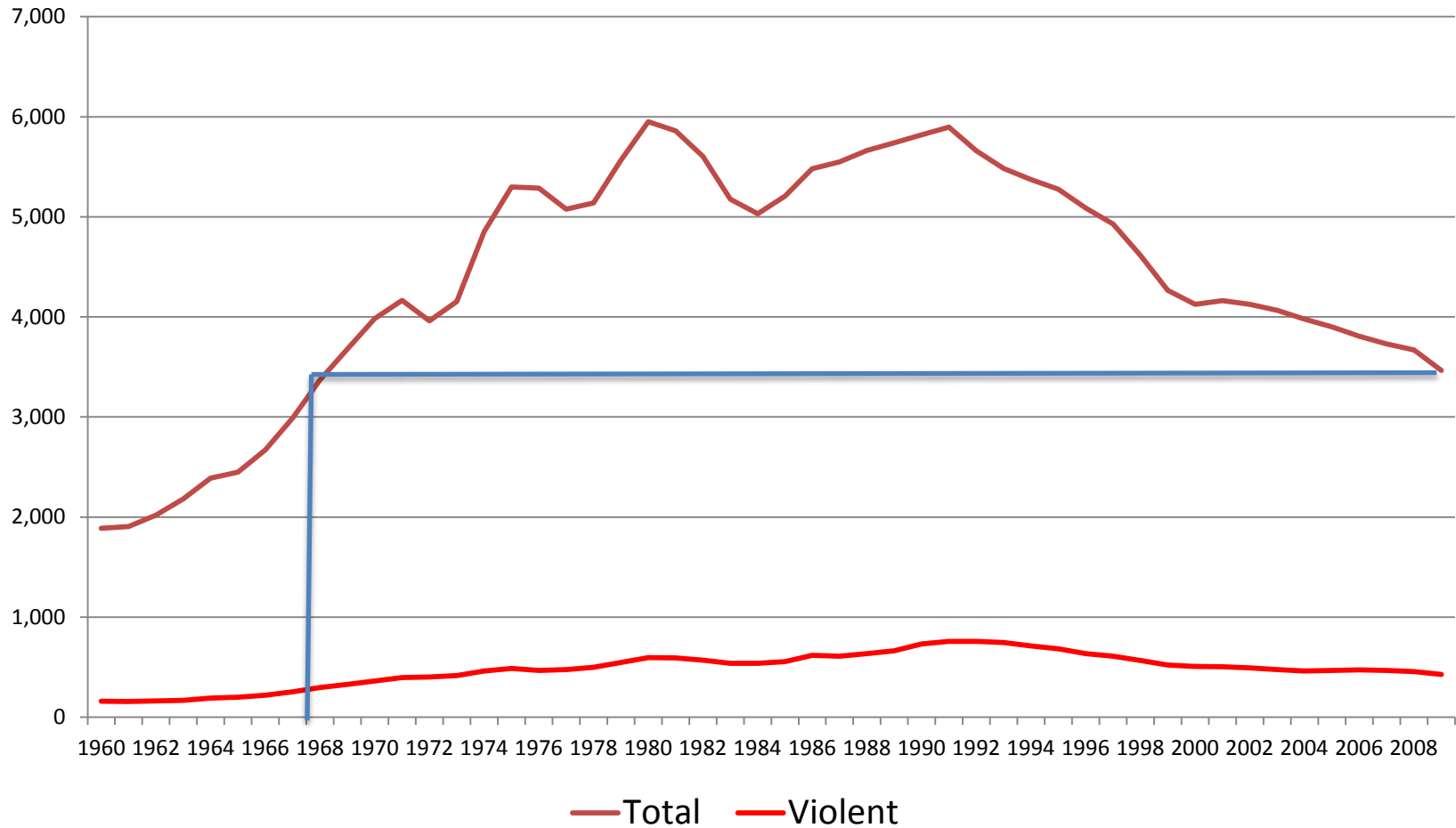
Daniel Gotoff

Partner
Lake Research Partners

Sheriff Stan Hilkey

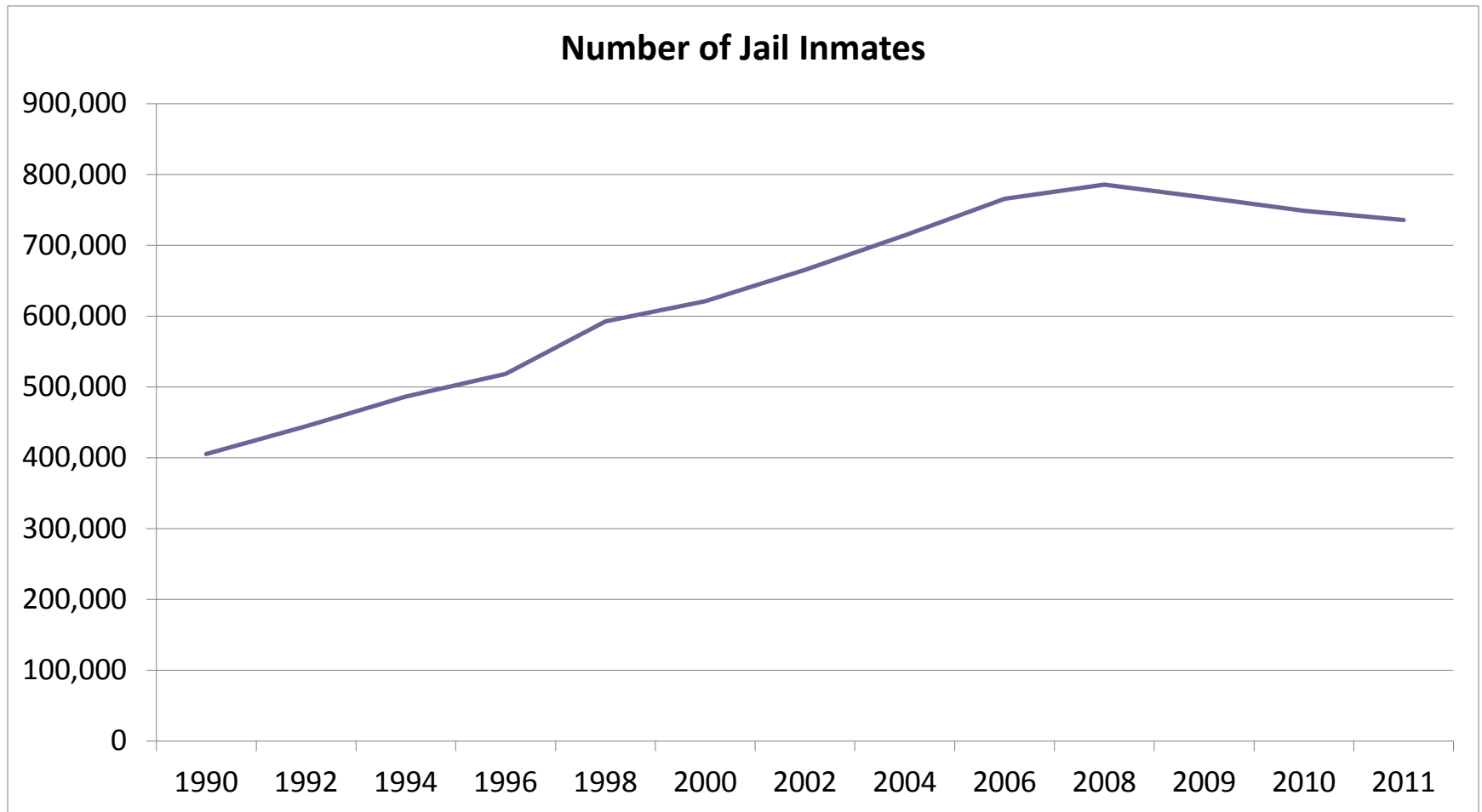
Mesa County, CO

Crime Rates Down to 1960s Levels

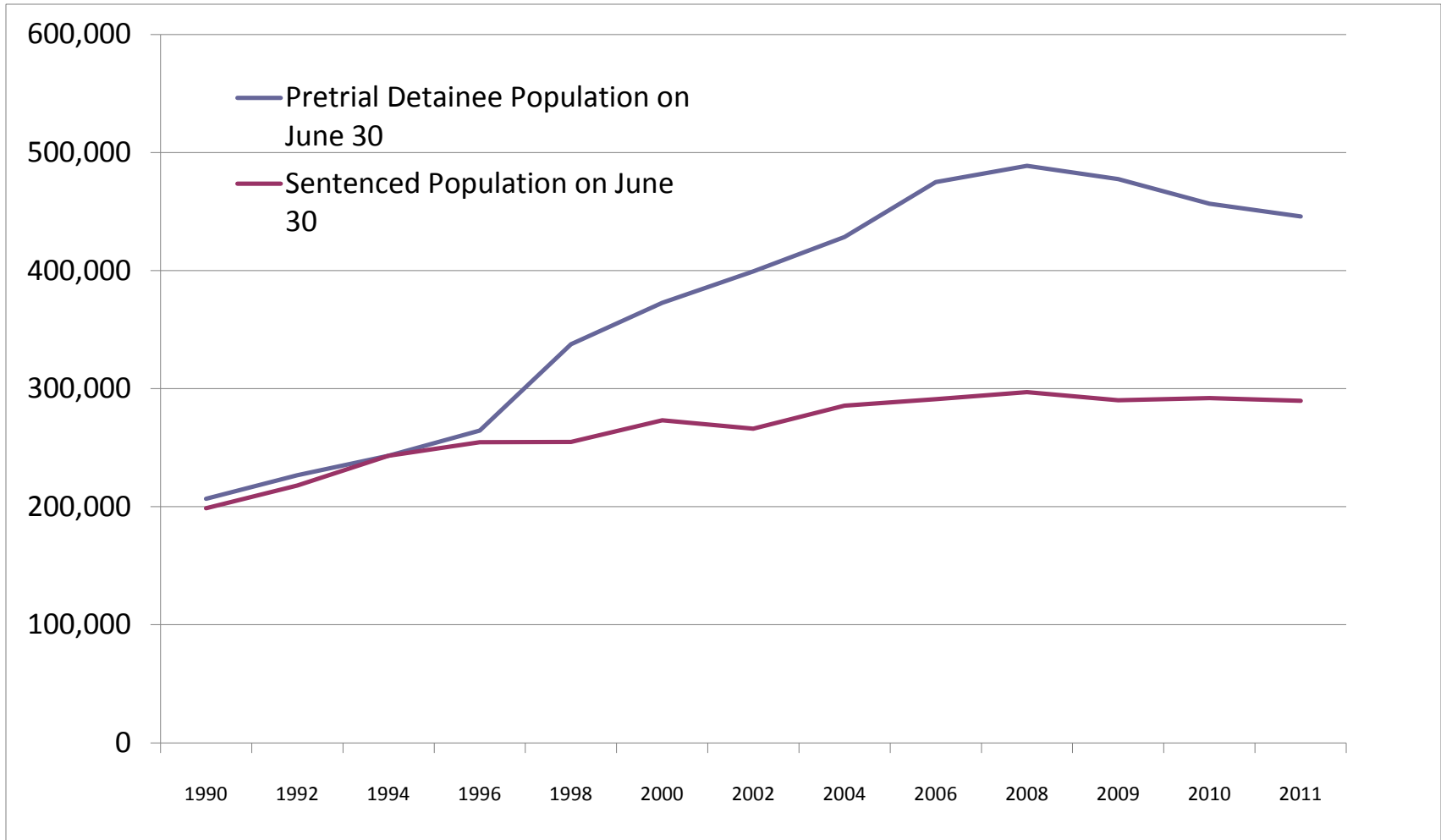


US Total & Violent Crime Rates 1960-2009

ADP Declining Slightly After a 20-year Doubling



Pretrial Defendants = 61% of Jail Pop





www.pretrial.org/symposium.html



NATIONAL SYMPOSIUM ON PRETRIAL JUSTICE

CONVENED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE
PROGRAMS AND THE PRETRIAL JUSTICE INSTITUTE

May 31 – June 1, 2011 – Washington D.C.

Summary Report of Proceedings

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www.pretrial.org/report.html

Call for Reform

- National Association of Counties (2009)
- American Probation and Parole Association (2010)
- American Jail Association (2011)
- American Council of Chief Defenders (2011)
- Association of Prosecuting Attorneys (2011)
- International Association of Chiefs of Police (2011)
- American Bar Association and American Civil Liberties Union (2011)
- National Sheriffs Association (2012)
- National Association of Criminal Defense Lawyers (2012)
- Conference of Chief Justices (forthcoming)



Analysis of Findings from Focus Group Research and a Survey of 815 Likely 2012 General Election Voters Nationwide

Celinda Lake, Daniel Gotoff, Kristin Pondel, and Alex Dunn

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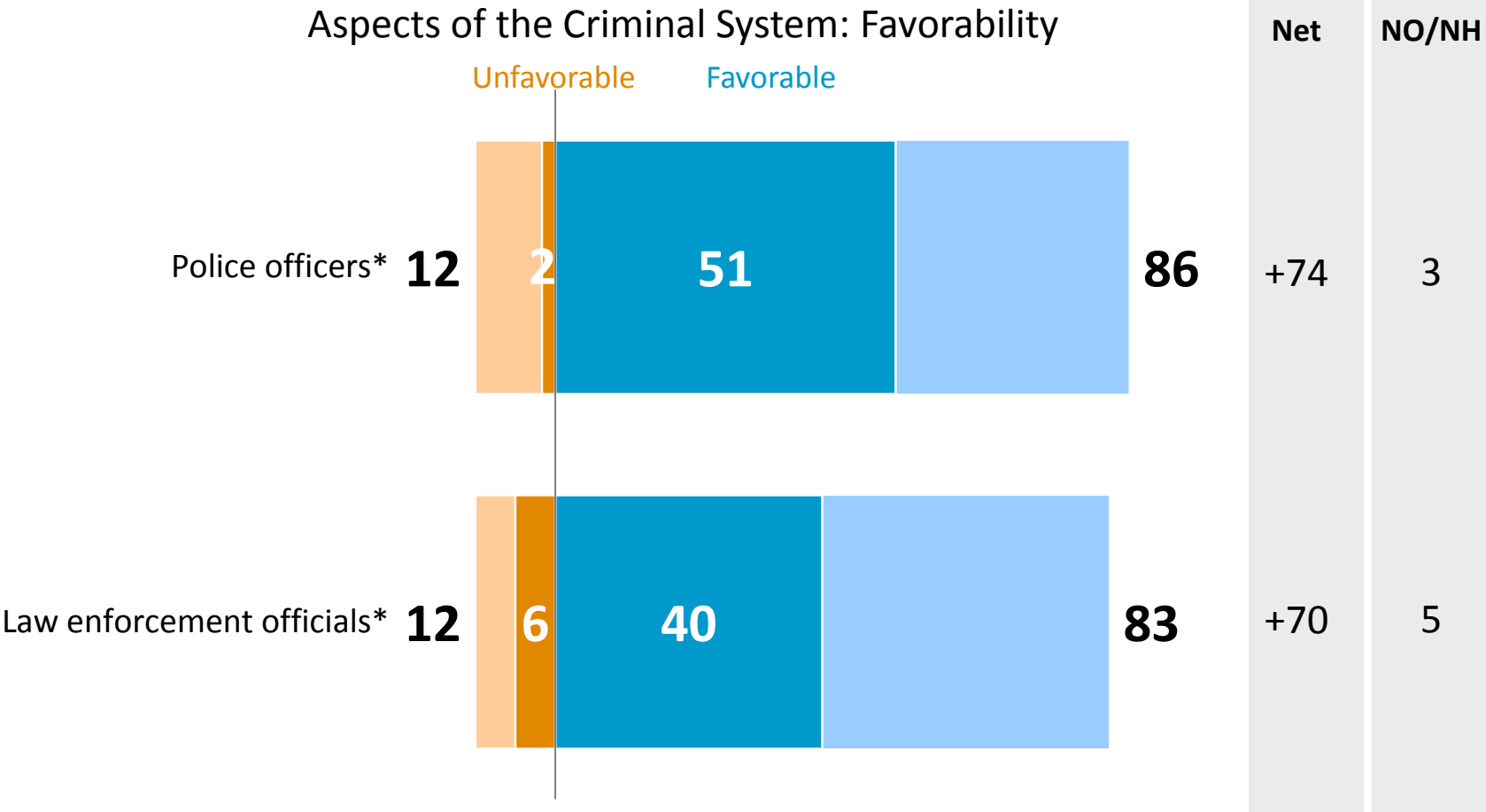
Methodology

- Lake Research Partners designed and administered this survey, which was conducted by telephone using professional interviewers. The survey reached 815 adults, 18 years or older, nationwide who are registered and likely to vote in the 2012 General Election. The survey was conducted June 7-13, 2012. The margin of error for this poll is +/-3.4%.
- Telephone numbers for the sample were generated from a file of registered voters. The sample was stratified geographically to reflect the expected turnout of voters in the 2012 election. The data were weighted slightly by gender, age, party registration, party identification, and region.
- Five focus groups were designed, conducted, and moderated by Lake Research Partners. The focus groups consisted of:
 - white, non-college educated women in Richmond, VA;
 - mixed-gender African Americans in Richmond, VA;
 - mixed-gender Latinos in Denver, CO;
 - white, non-college educated men in Denver, CO;
 - white, college-educated women in Denver, CO.
- The participants were recruited to be undecided, or ambivalent, on reform of the cash bail system. The focus groups in Richmond were conducted March 19, 2012, and focus groups in Denver were conducted March 22, 2012.

The Context

Voters' overall impressions of the “criminal justice system” tend to be favorable, but majorities rate the job being done by the system as either just fair or poor, underscoring their willingness to countenance reform.

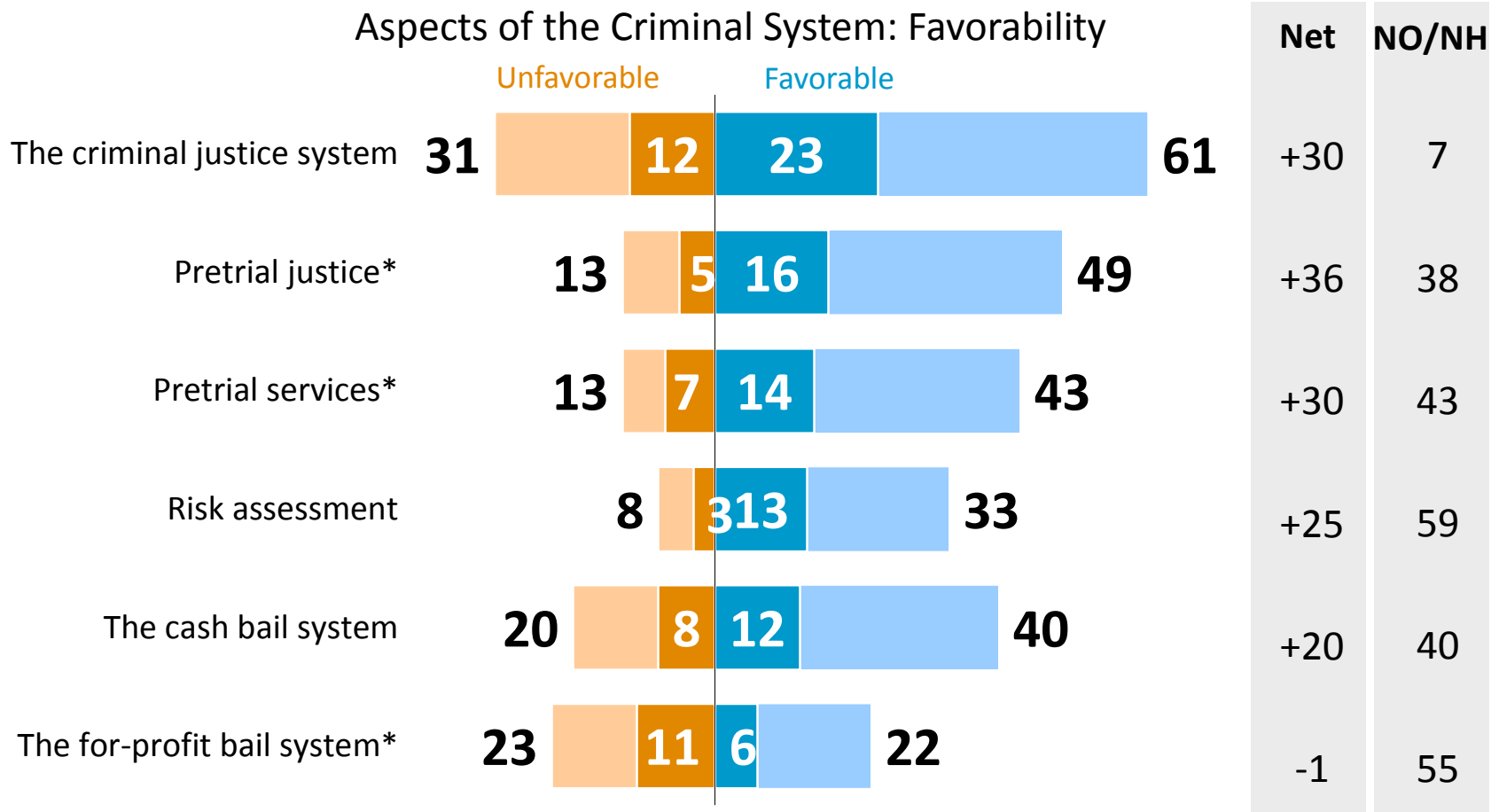
Police officers and law enforcement officials are the most favorably regarded actors tested in the criminal justice arena.



*Split-sample question. Darker colors indicate intensity.

Now I'd like to ask you about some terms, institutions, and organizations. For each, please tell me whether you have a VERY favorable, SOMEWHAT favorable, somewhat UNFAVORABLE, or VERY unfavorable impression. If you have heard of the institution or organization, but do not know enough to have an impression or if you haven't heard of the institution or organization, just say so, and we will move on.

By two-to-one, voters view the criminal justice system favorably, though not without qualification. Pre-trial justice and pre-trial services are also seen favorably, though many are unsure of these terms. The “cash bail system” is perceived more positively than the “for-profit bail system”.

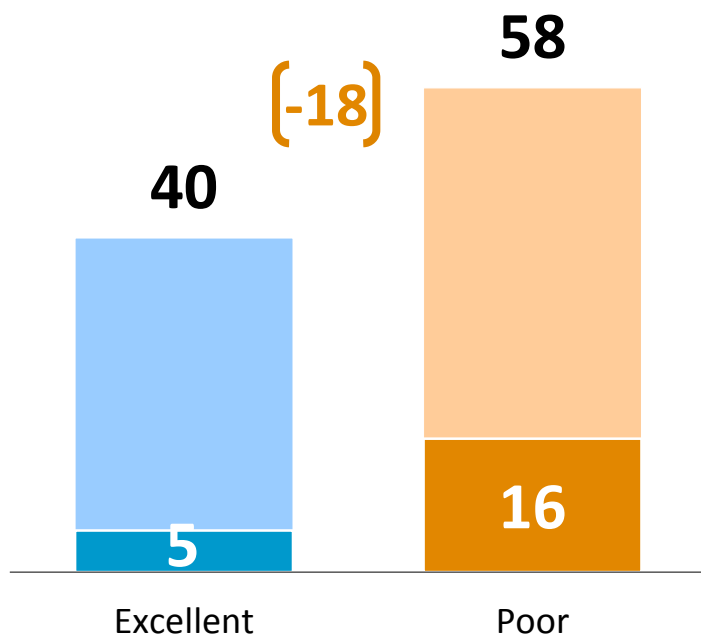


*Split-sample question. Darker colors indicate intensity.

Now I'd like to ask you about some terms, institutions, and organizations. For each, please tell me whether you have a VERY favorable, SOMEWHAT favorable, somewhat UNFAVORABLE, or VERY unfavorable impression. If you have heard of the institution or organization, but do not know enough to have an impression or if you haven't heard of the institution or organization, just say so, and we will move on.

While most voters have a favorable view of the criminal justice system, they are much more critical of its effectiveness. A majority of voters rates the *performance* of the system as either just fair or poor.

Criminal Justice System Job Performance



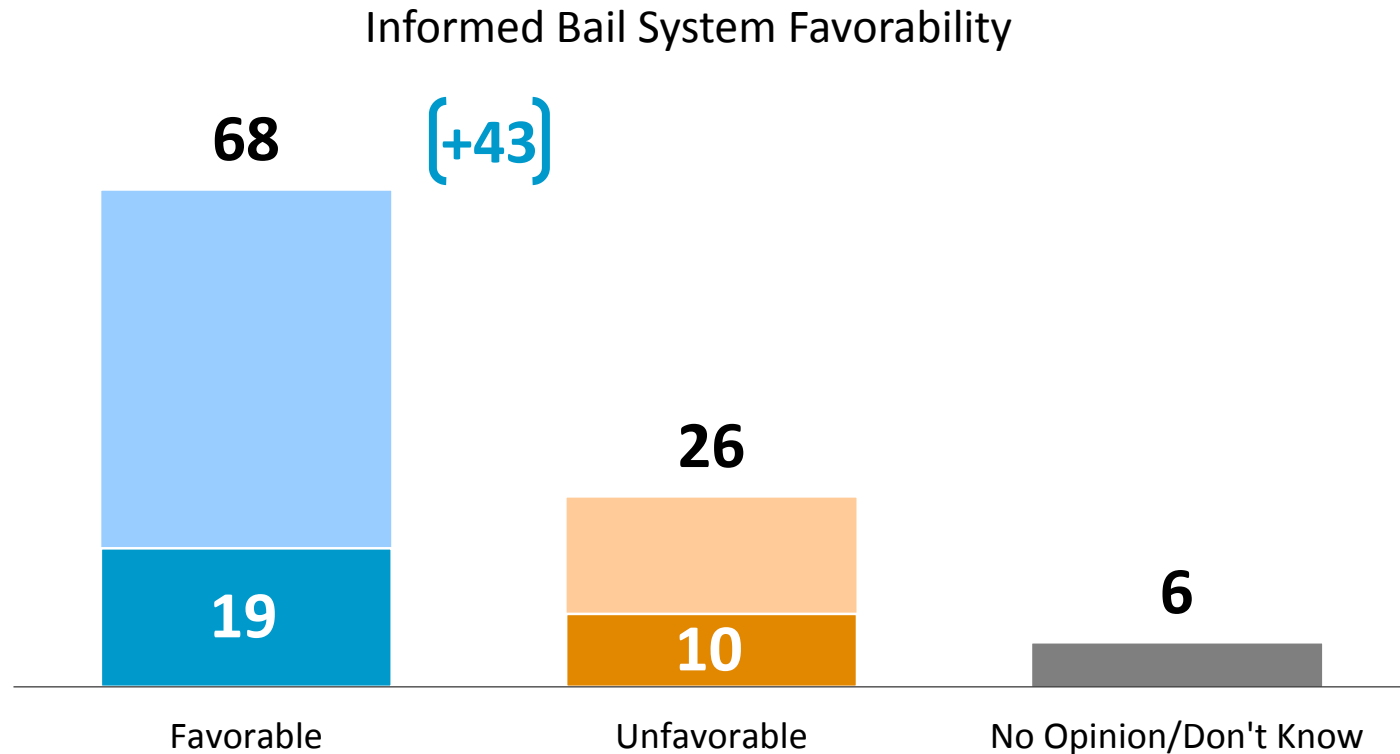
Favorability Ratings for the Criminal Justice System by Race

	White	Black	Latino
% Favorable	62	56	63
% Unfavorable	31	31	30

Job Performance Ratings for the Criminal Justice System by Race

	White	Black	Latino
% Excellent / Good	39	37	51
% Just Fair / Poor	60	61	48

After hearing a brief explanation of the bail system (without specific reference to money), voters' impressions grow even more broadly favorable. While antipathy toward the bail system is not a precondition for supporting reform, the lack of intensity suggests voters may be easily swayed on this issue.



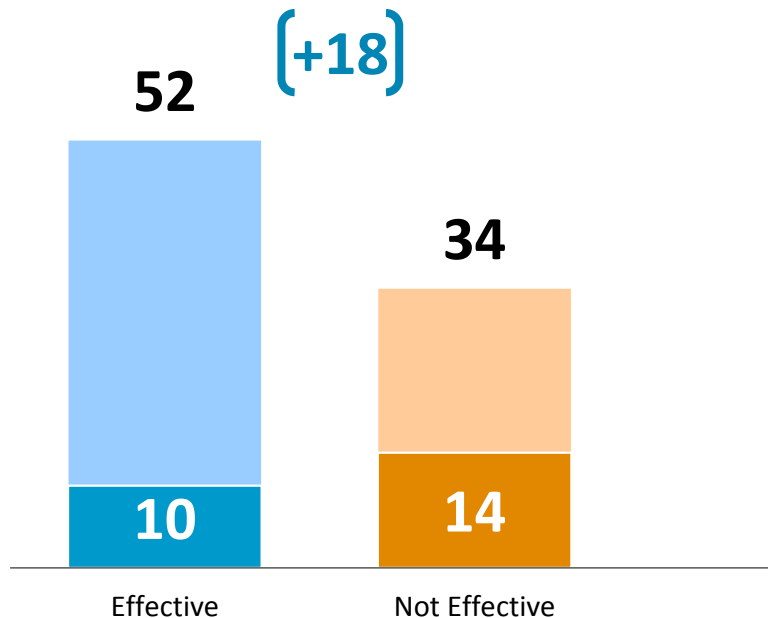
Darker colors indicate intensity.

As you may know, after a person is arrested for a crime, but before that person goes to trial, he or she can post bail in order to secure a release from jail before trial. Is your impression of this system VERY favorable, SOMEWHAT favorable, somewhat UNFAVORABLE, or VERY unfavorable?

Voters believe the cash bail system is somewhat more effective at preventing flight and ensuring court appearance than it is at protecting community safety. Only narrow majorities believe it is effective in the community, and there is noticeably little intensity on either measure.

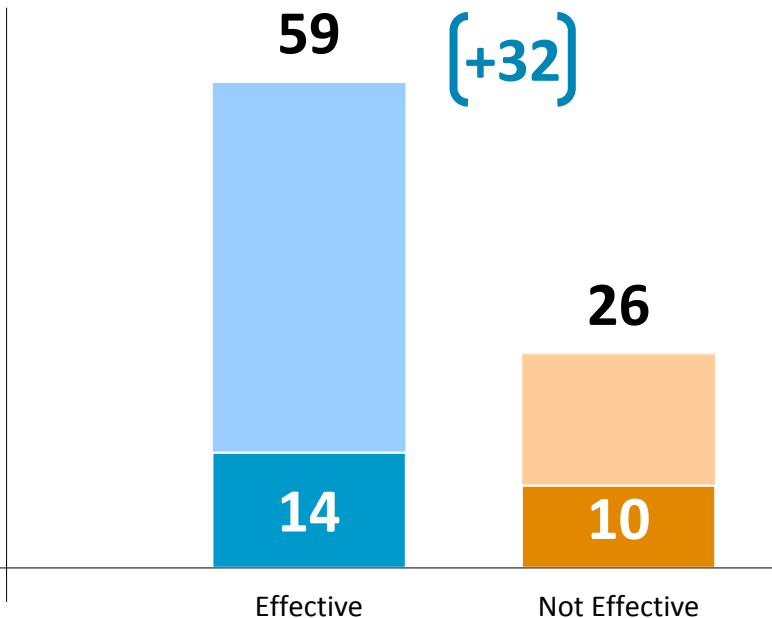
Cash Bail System: Effectiveness

Protecting Community Safety



And how would you rate the effectiveness of the cash bail system when it comes to **protecting community safety**? Would you say it is very effective, somewhat effective, a little effective, or not effective at all?

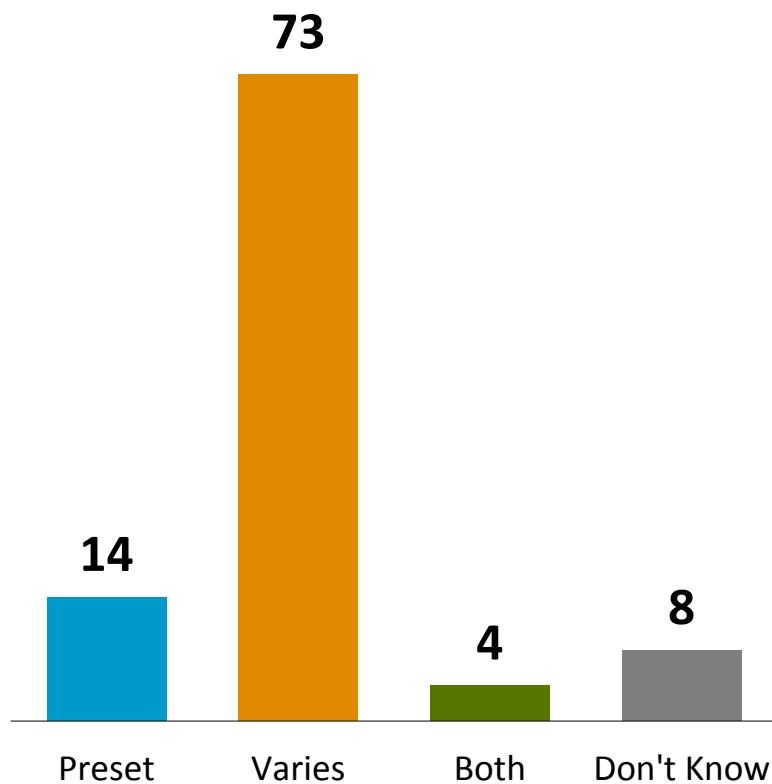
Preventing Flight and Ensuring Appearance at Trial



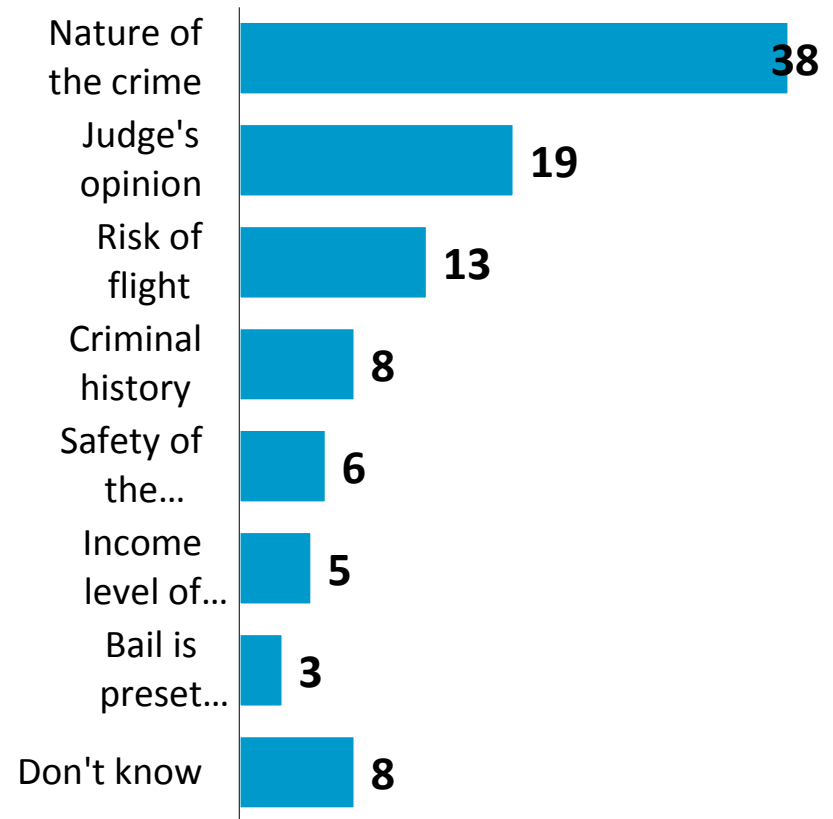
And how would you rate the effectiveness of the cash bail system when it comes to **preventing flight and ensuring appearance at trial**? Would you say it is very effective, somewhat effective, a little effective, or not effective at all?

The vast majority of voters erroneously believe that bail varies, rather than understanding that it is preset. This further demonstrates voters' tenuous understanding of the bail system. In guessing how bail is set, most voters point to the nature of the crime, the risk of flight, or a judge's opinion.

View of How Bail Is Determined*



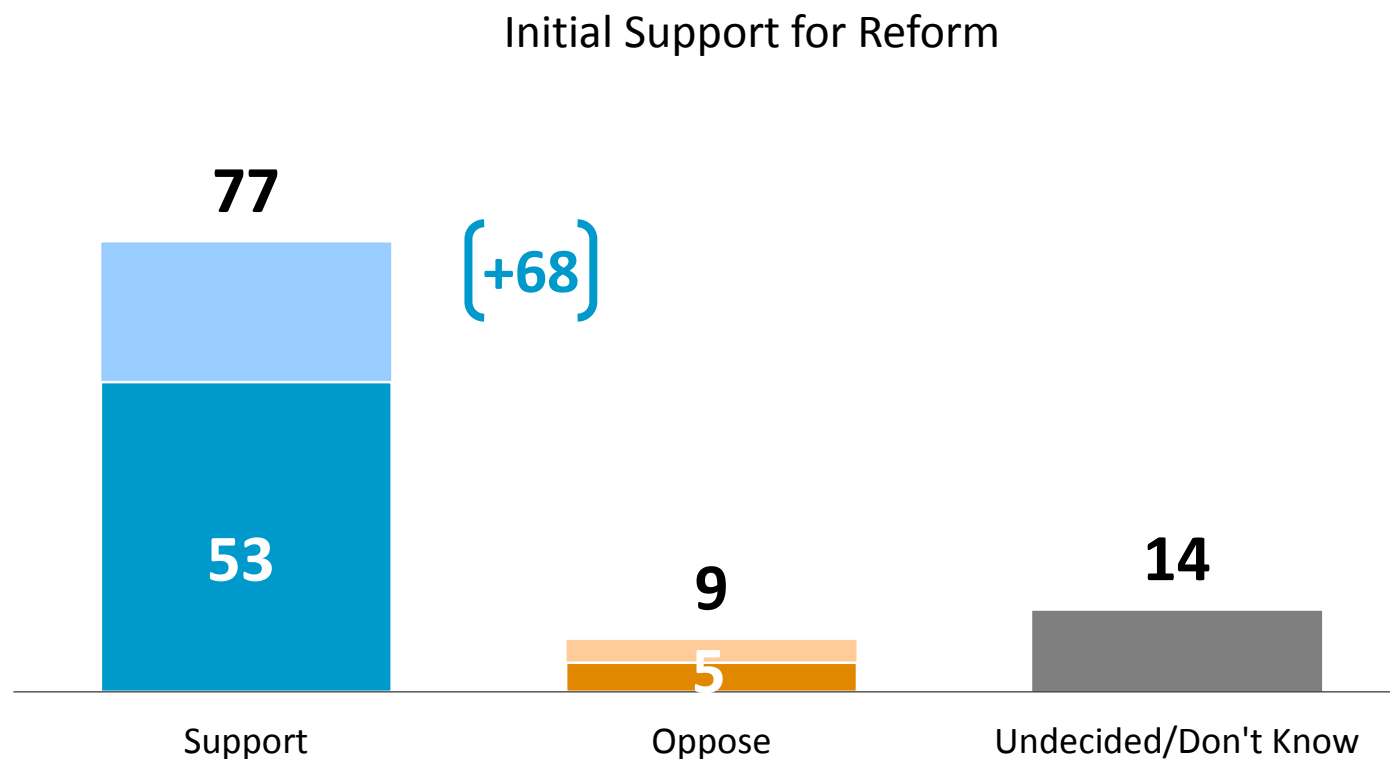
And how do you think bail is set?*



Contours of Support for Risk Assessment

There is overwhelming public support for risk assessment—even in the face of withering criticism. At the outset, more than three-quarters of voters support using risk-based screening tools instead of cash bail bonds to determine whether defendants should be released from jail before trial, with high-risk defendants held in jail until trial and low-risk defendants released under monitoring and supervision. Majorities support this reform strongly. Moreover, support barely budes when we simulate an engaged debate over this issue, even allowing the opposition the standard histrionics and falsehoods that typically animate their arguments.

A majority of the electorate strongly supports using risk-based screening tools instead of cash bail bonds to determine whether defendants should be released from jail before trial. Only nine percent oppose this reform.



Darker colors indicate intensity.

Some have proposed using risk-based screening tools instead of cash bail bonds to determine whether defendants should be released from jail before trial. This risk assessment would take into account such factors as the nature of the offense in question, the suspects criminal history, as well as their employment, residency, drug use history and mental health. Under this system, high-risk defendants would be held in jail until trial, and low-risk defendants would be released with conditions and be monitored and supervised. Would you support or oppose this proposal, or are you undecided?

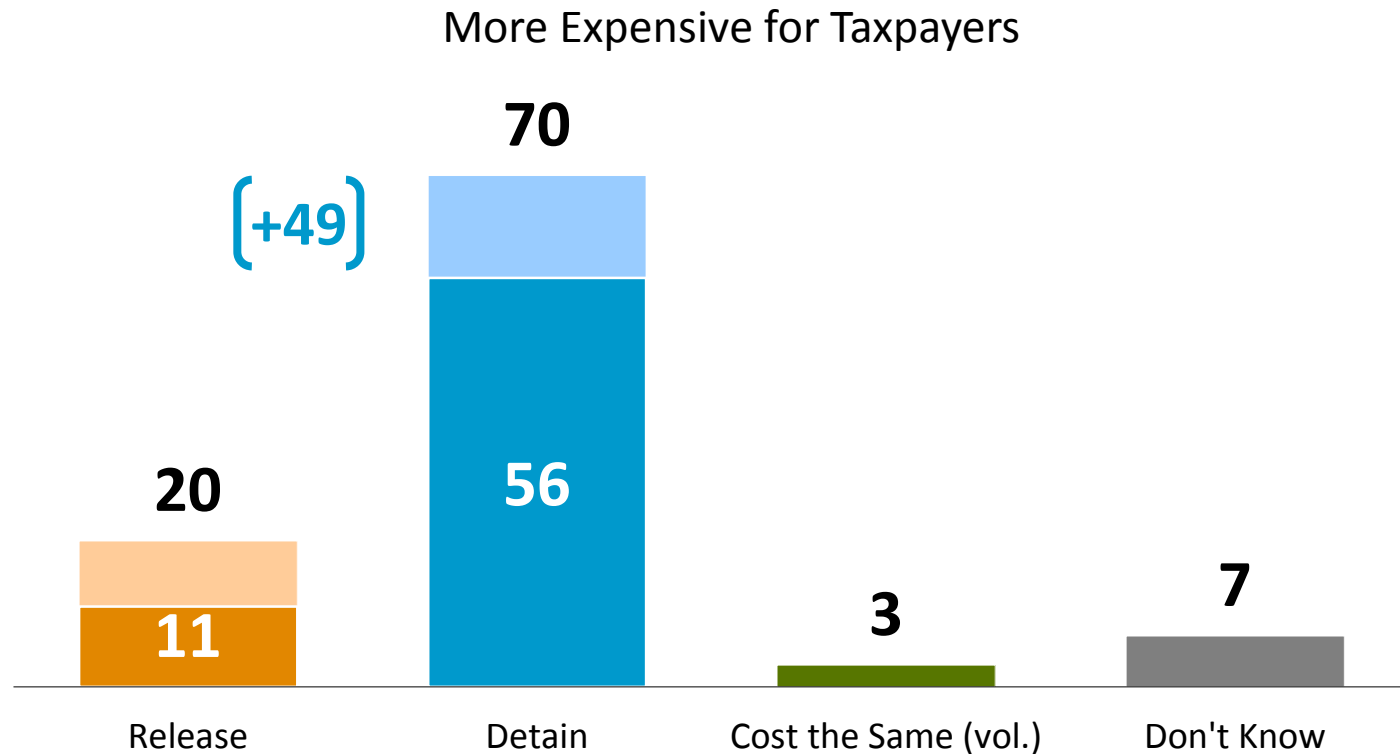
Despite participants' lack of awareness of an alternative model to cash bail, their recognition of the inequities created by a money-based system propelled widespread support for reform. "Risk assessment" was both an intuitive concept and a positive term for approaching this debate.

When I say “risk assessment”, what comes to mind?

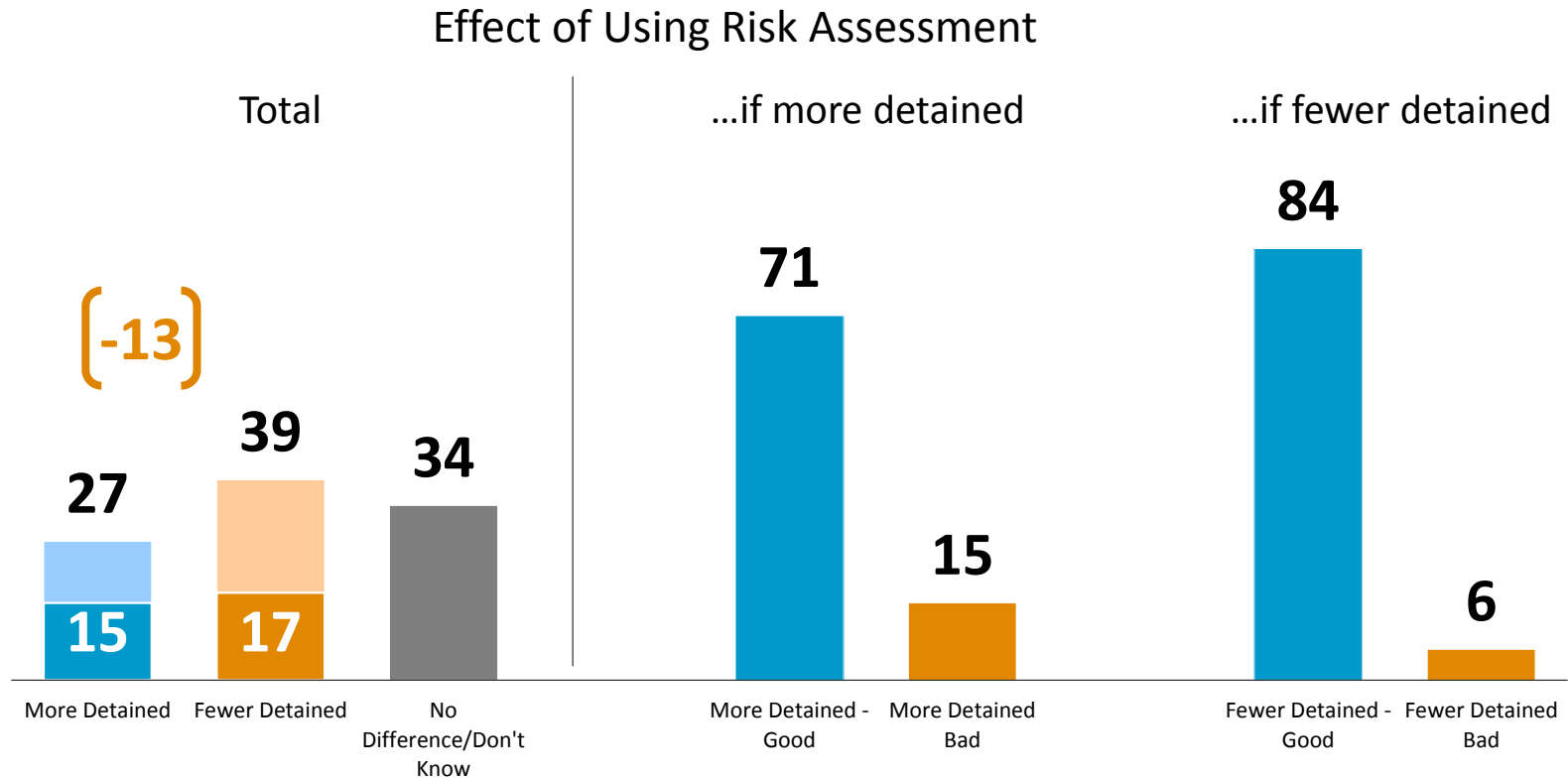
- “[It assures] your appearance in court again.” –Latino Colorado man
- “Taking into account a list of questions that they would have to evaluate on a case by case purpose to evaluate the risk of that person.” –white, non-college educated Virginia woman
- “It has to do with the crime, how likely are they [the accused] to commit the crime again.” –Latina Colorado woman
- “Analysis whole situation—of the person, everything.” –African-American Virginia woman.
- “Risk of flight.” –white, non-college educated Colorado man
- “You would assess the criminal and see what type of risks they have to society before you set bail.” –white, college-educated Colorado woman



The vast majority of voters believes that detaining someone in jail is more expensive than releasing someone based on risk assessment and monitoring, including a majority who strongly believes that view.



Voters are split as to the impact of using risk assessment on the number of people who would be detained in trial before jail. This, too, is not a particularly useful debate for stoking support for reform; regardless of the assumed outcome, most people see the consequences of using risk assessment in positive terms.

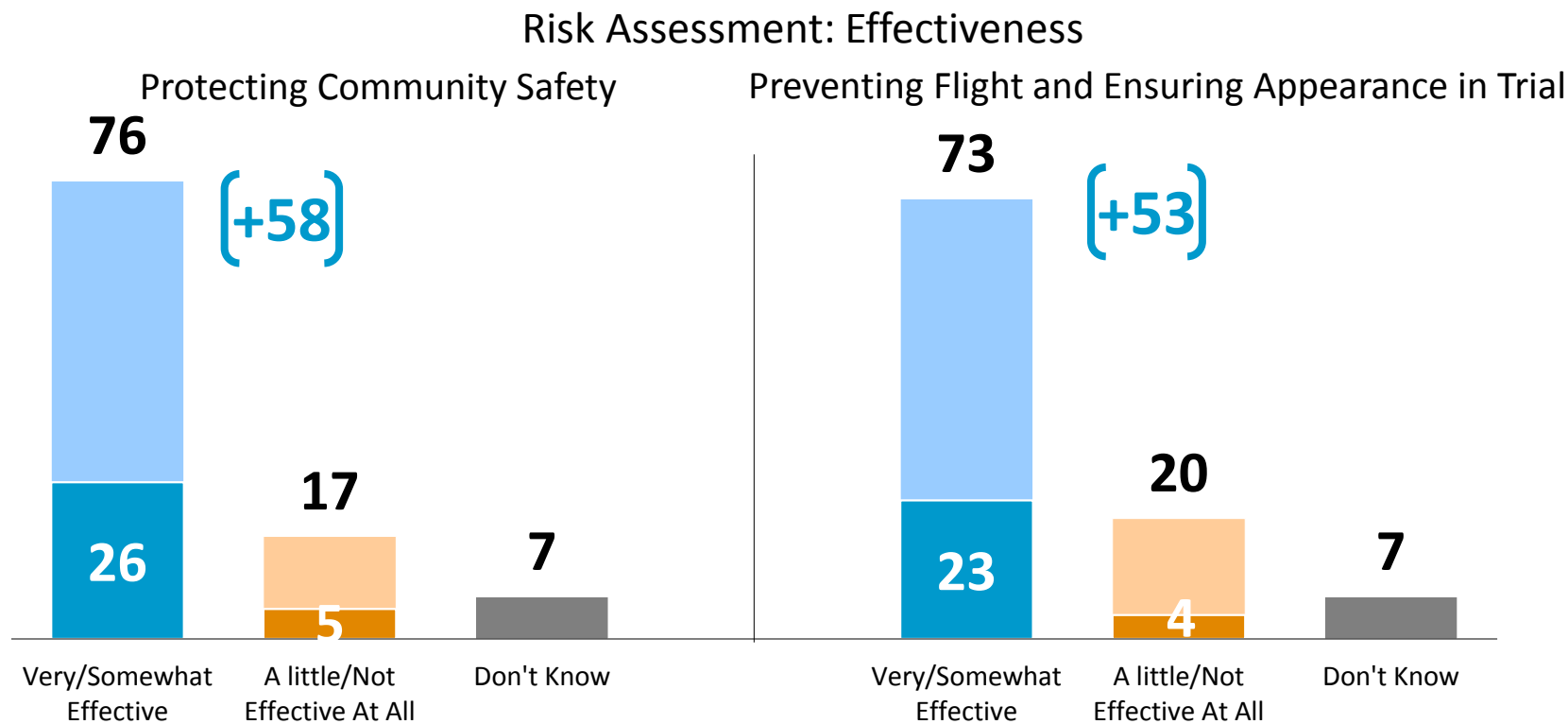


Do you think that using risk assessment would result in more people being detained in jail or fewer people being detained in jail before trial, or do you think it would not make any difference in the number of people detained in jail before trial?

Do you think that would be a good thing or a bad thing, or does it not matter to you?

Darker colors indicate intensity.

More than three-in-four voters believe that risk assessment would be effective at protecting community safety, and nearly as many say it would be effective at preventing flight. Voters' confidence in these views is minimal, however, as few believe it would be very effective on either count.

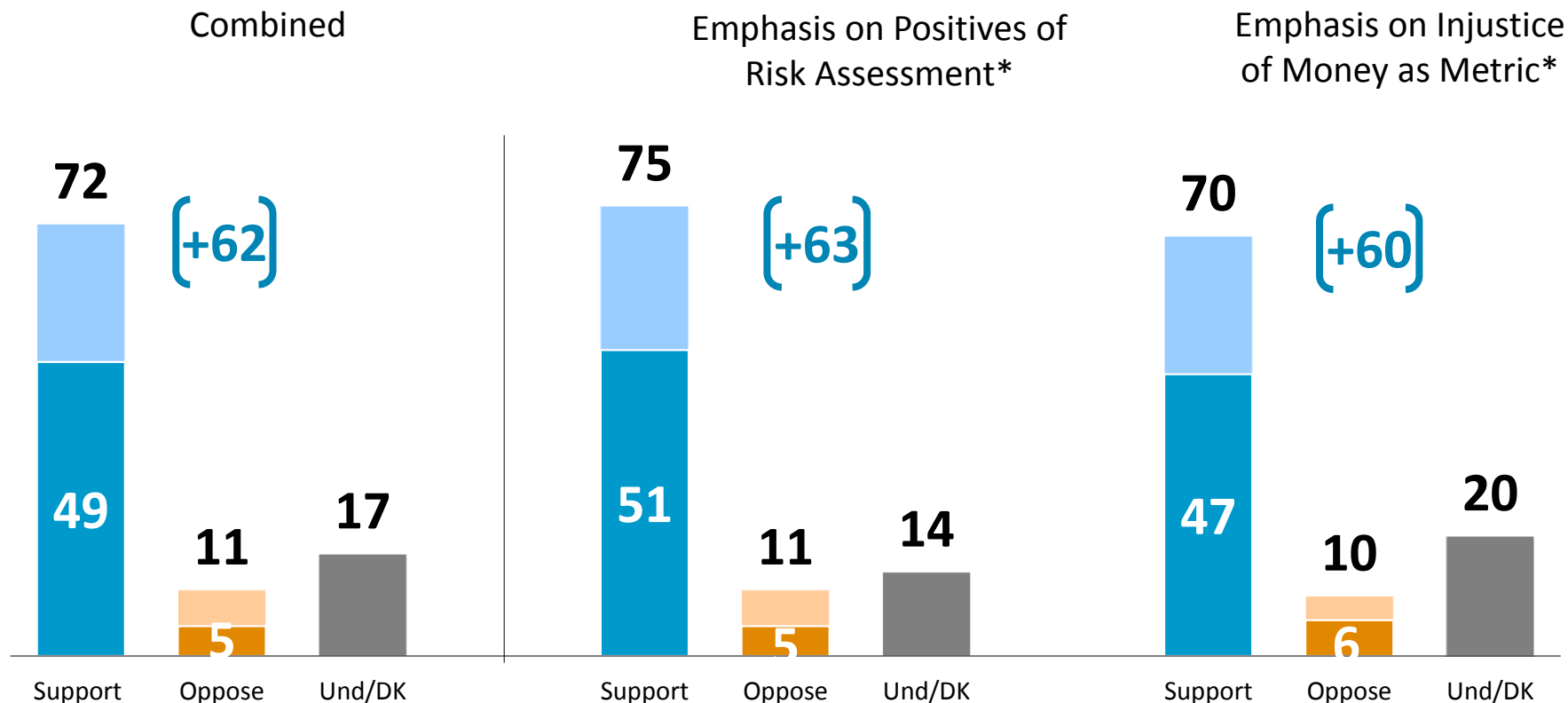


And how effective do you think risk assessment would be when it comes to protecting community safety? Do you think it would be very effective, somewhat effective, a little effective, or not effective at all?

And how effective do you think risk assessment would be when it comes to preventing flight and ensuring appearance at trial? Do you think it would be very effective, somewhat effective, a little effective, or not effective at all?

Support for risk assessment is stronger and broader if emphasis is placed on the positives of risk assessment rather than the injustice of money as a metric. The difference is not overwhelming, but it is statistically significant.

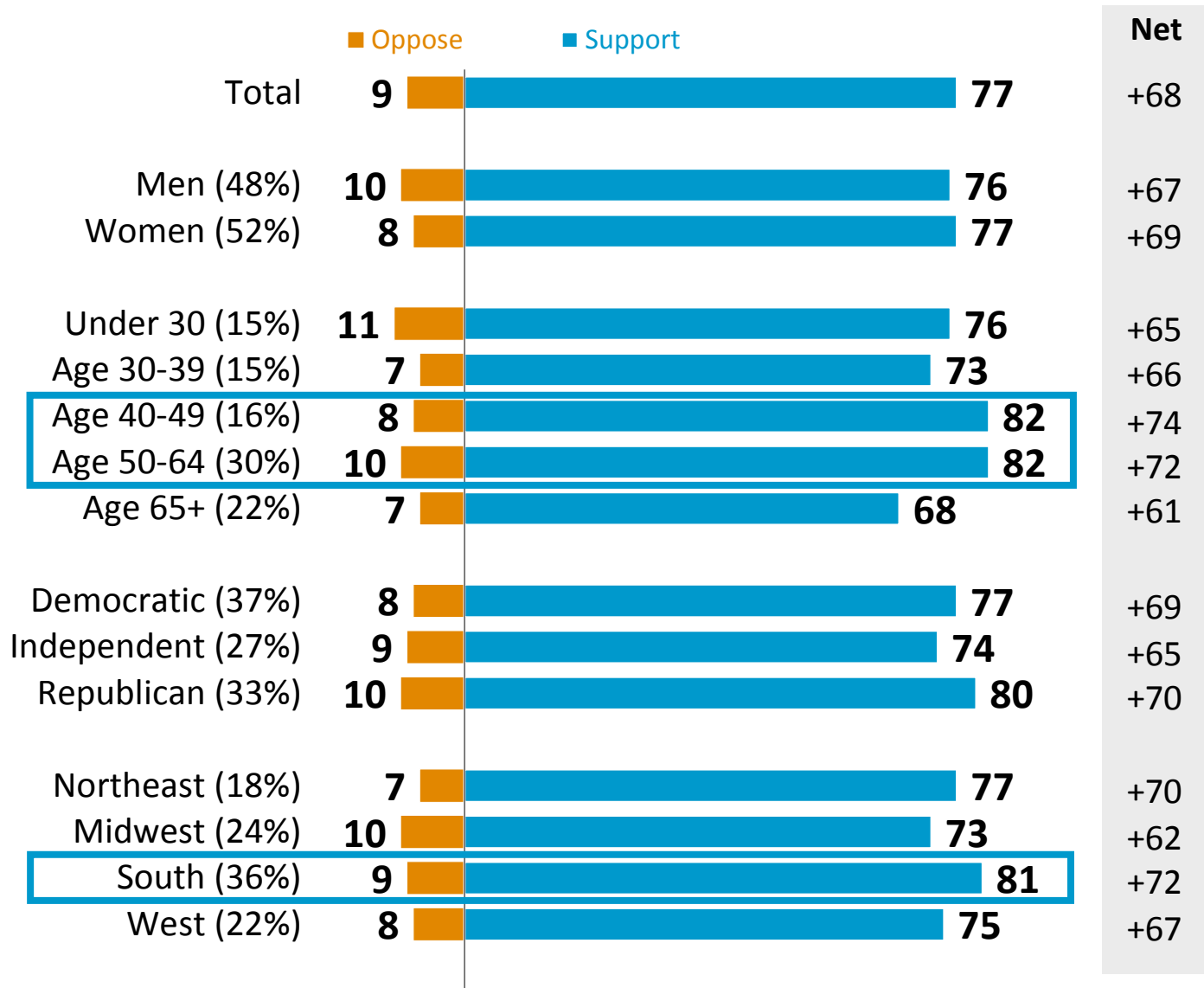
Engaged Debates: Combined and Separated



Support for reform is especially strong among baby boomers and in the South.

Those 65 and older are more likely to be undecided than other voters.

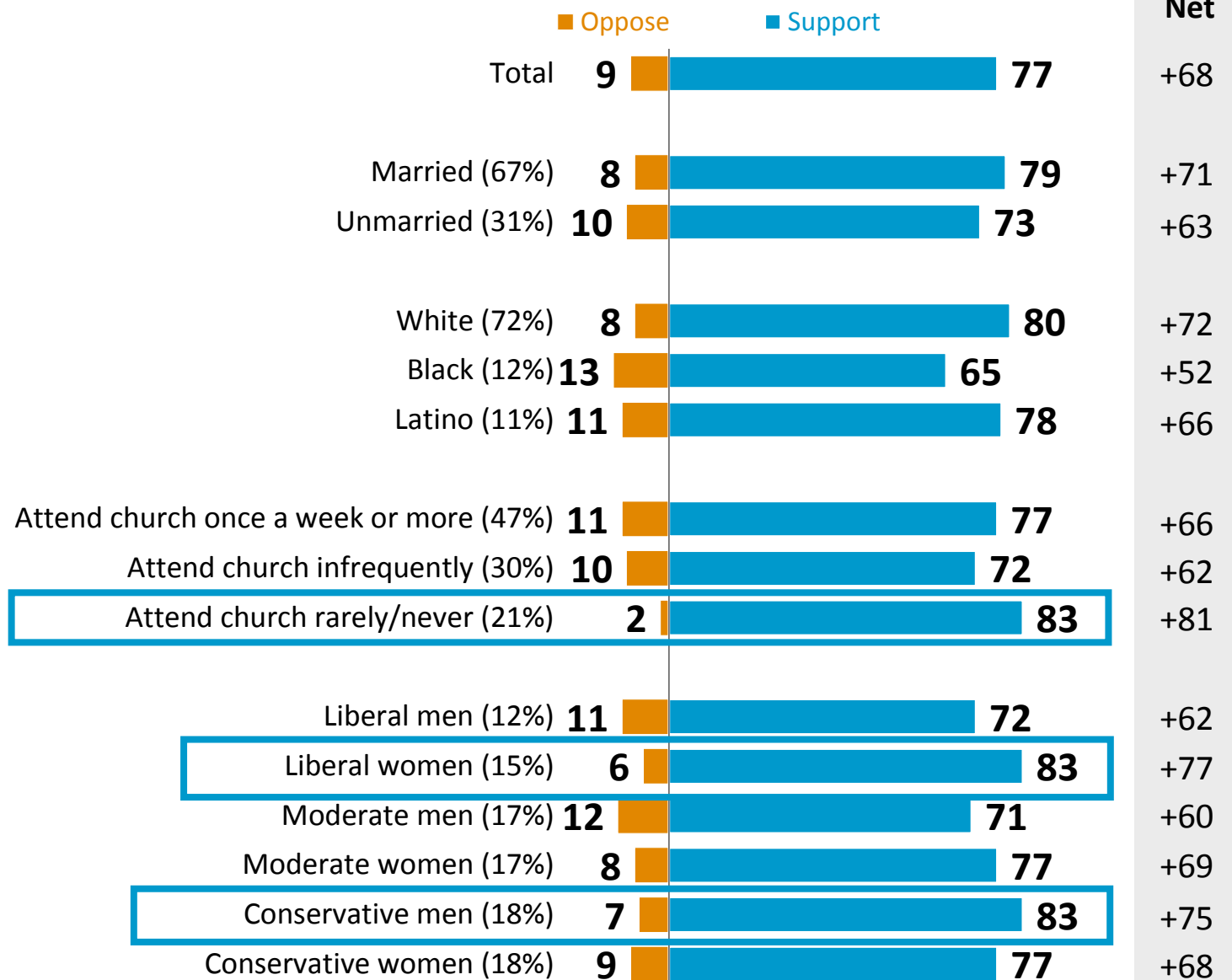
Initial Position on Reform



Some have proposed using risk-based screening tools instead of cash bail bonds to determine whether defendants should be released from jail before trial. This risk assessment would take into account such factors as the nature of the offense in question, the suspect's criminal history, as well as their employment, residency, drug use history and mental health. Under this system, high-risk defendants would be held in jail until trial and low-risk defendants would be released with conditions and be monitored and supervised. Would you support or oppose this proposal, or are you undecided?

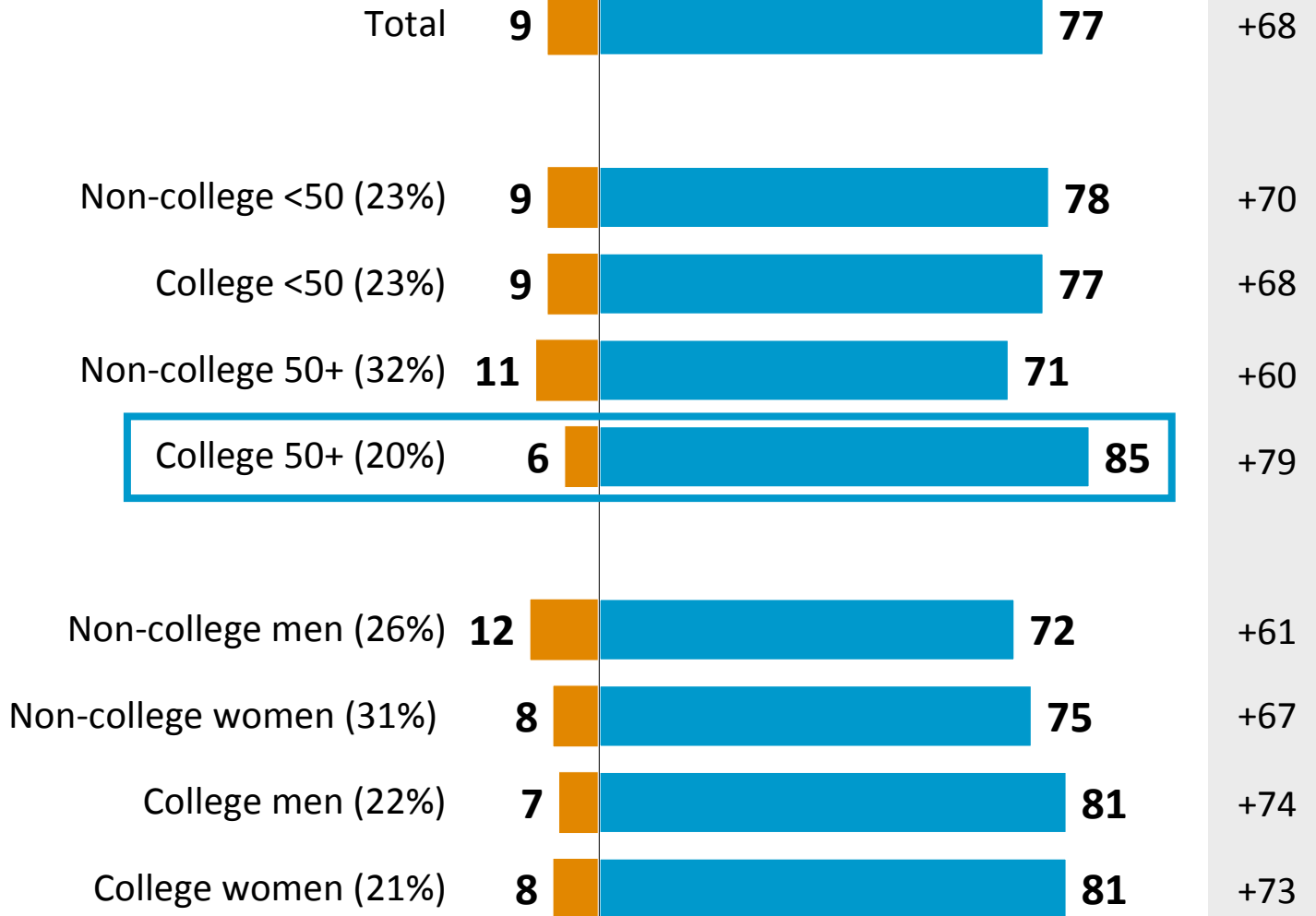
Those who rarely or never attend church are among the top supporters of reform. In a rare convergence, liberal women and conservative men also favor reform more than other voters.

Initial Position on Reform



Initial Position on Reform

■ Oppose ■ Support



Support traverses educational lines, though older college educated voters are the most supportive, with little difference between college educated men and women.

Engaged Debate: Opponents' Statement

Opponents say bail is a proven element of the criminal justice system used throughout our country's history to ensure defendants show up for court. It holds people accountable while making sure they don't sit in jail before their trial. Bail is set based on the severity of the crime, and without it, we would be unleashing thousands of dangerous criminals into our neighborhoods and communities. If you can't pay, you can't get out, which prevents people charged with violent crimes from being released and committing additional crimes while out. Bail is critical to ensuring that the people who are released before trial stay out of trouble and return to court. Without bail, the major incentive for people to show up for trial would disappear. Coddling criminals who should be behind bars at the expense of our communities' safety is not the answer.

Engaged Debate: Supporters' Statement

[EMPHASIS ON POSITIVES OF RISK ASSESSMENT]* Supporters of this reform say that risk assessment is far more effective in determining whether a person is a threat rather than how much money that person has. Today, over 75% of those detained until trial are held in jail only because they can't afford to post bail. This practice is outdated, unjust, and expensive—costing taxpayers \$9 billion each year without doing enough to protect public safety. Risk assessment takes into account things such as the offense in question, criminal history, and ties to the community. In jurisdictions that use risk assessment, not only are dangerous criminals better identified and kept off our streets, but the cost to taxpayers is one-tenth of what we pay now. And nearly all of those released show up for court. By using risk assessment, we can protect public safety better and at a lower cost than we do now.

[EMPHASIS ON INJUSTICE OF MONEY AS THE METRIC]* Supporters of this reform say that risk assessment is far more effective in determining whether a person is a threat rather than how much money that person has. Today, over 75% of those detained until trial are held in jail only because they can't afford to post bail, while dangerous criminals are bailed out because that's where the money is for bondsmen. This practice costs taxpayers \$9 billion a year without protecting public safety. Today, there are more people in jail who simply can't afford bail than there are convicted criminals in jail. People who can't afford bail can sit in jail on average for 3 months, losing their jobs, their homes, and their ability to provide for their families. Most never even end up being sentenced to jail, but the system still takes them from being taxpayers to tax-takers anyway. Risk assessment can fix this injustice and protect public safety better and at a lower cost.

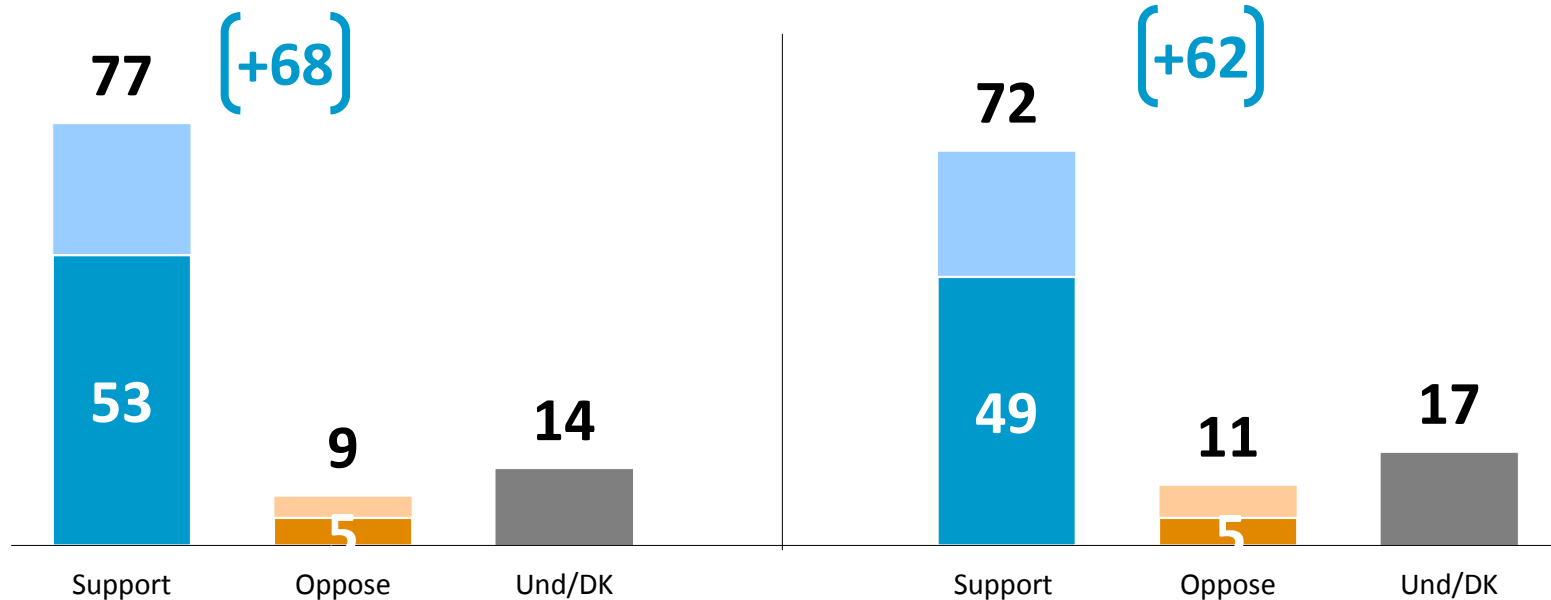
*Split-sample question.

As is typical with issues that start out with such broad support, there is a shift away as voters hear information from both sides, but the movement if is minimal and more toward undecided than opposition.

Initial vs. Engaged Debates Combined

Initial

Engaged Debates Combined

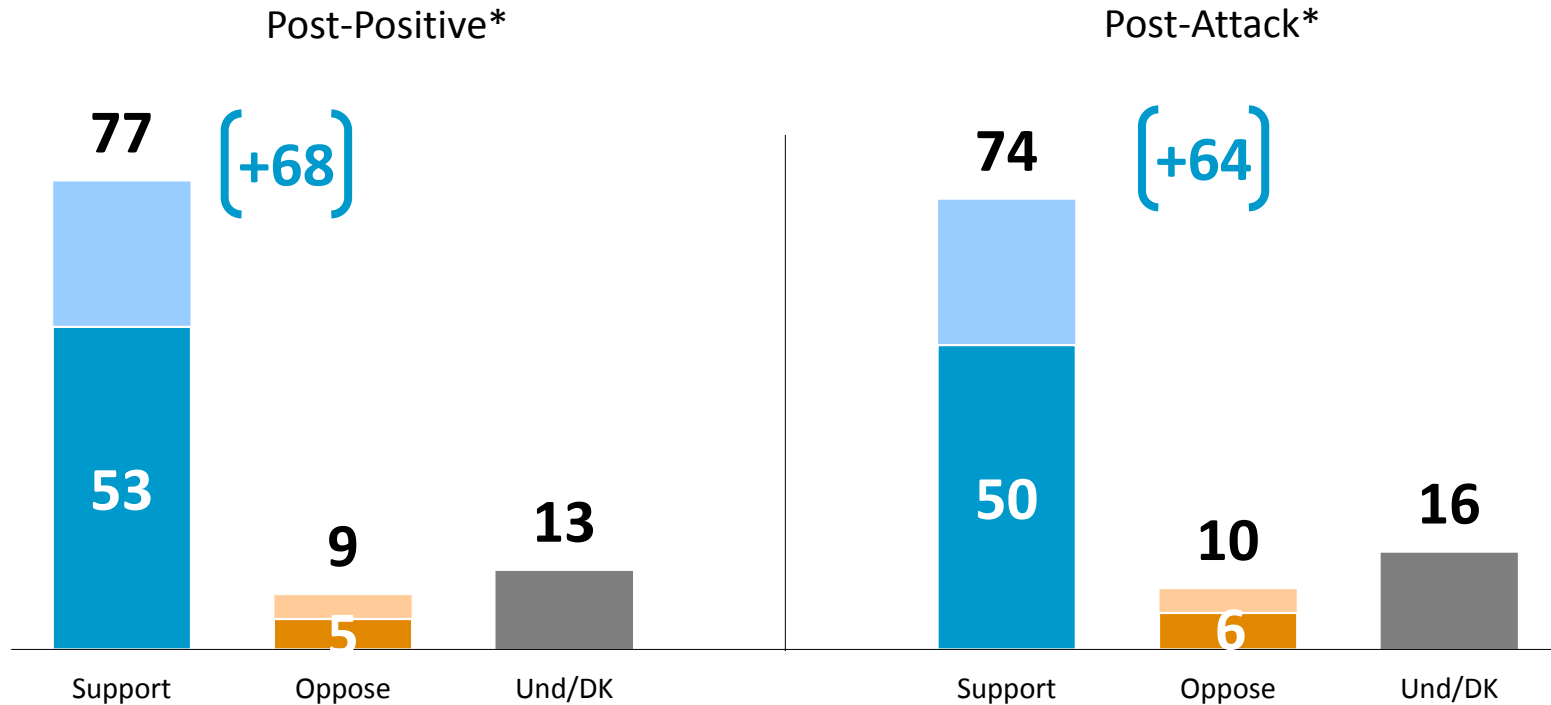


Some have proposed using risk-based screening tools instead of cash bail bonds to determine whether defendants should be released from jail before trial. This risk assessment would take into account such factors as the nature of the offense in question, the suspects criminal history, as well as their employment, residency, drug use history and mental health. Under this system, high-risk defendants would be held in jail until trial, and low-risk defendants would be released with conditions and be monitored and supervised. Would you support or oppose this proposal, or are you undecided?

Sometimes over the course of a survey like this, people change their minds. Would you support or oppose using risk assessment instead of cash bail bonds to determine whether defendants should be released from jail before trial, or are you undecided?

Hearing positive arguments helps restore support to its maximum level of 77%, while hearing attacks only reduces support by a few points. Throughout the survey, support remains above 70%, with half or more of voters nationwide strongly supportive of this reform.

Post-Positive and Post-Attack Positions on Proposal

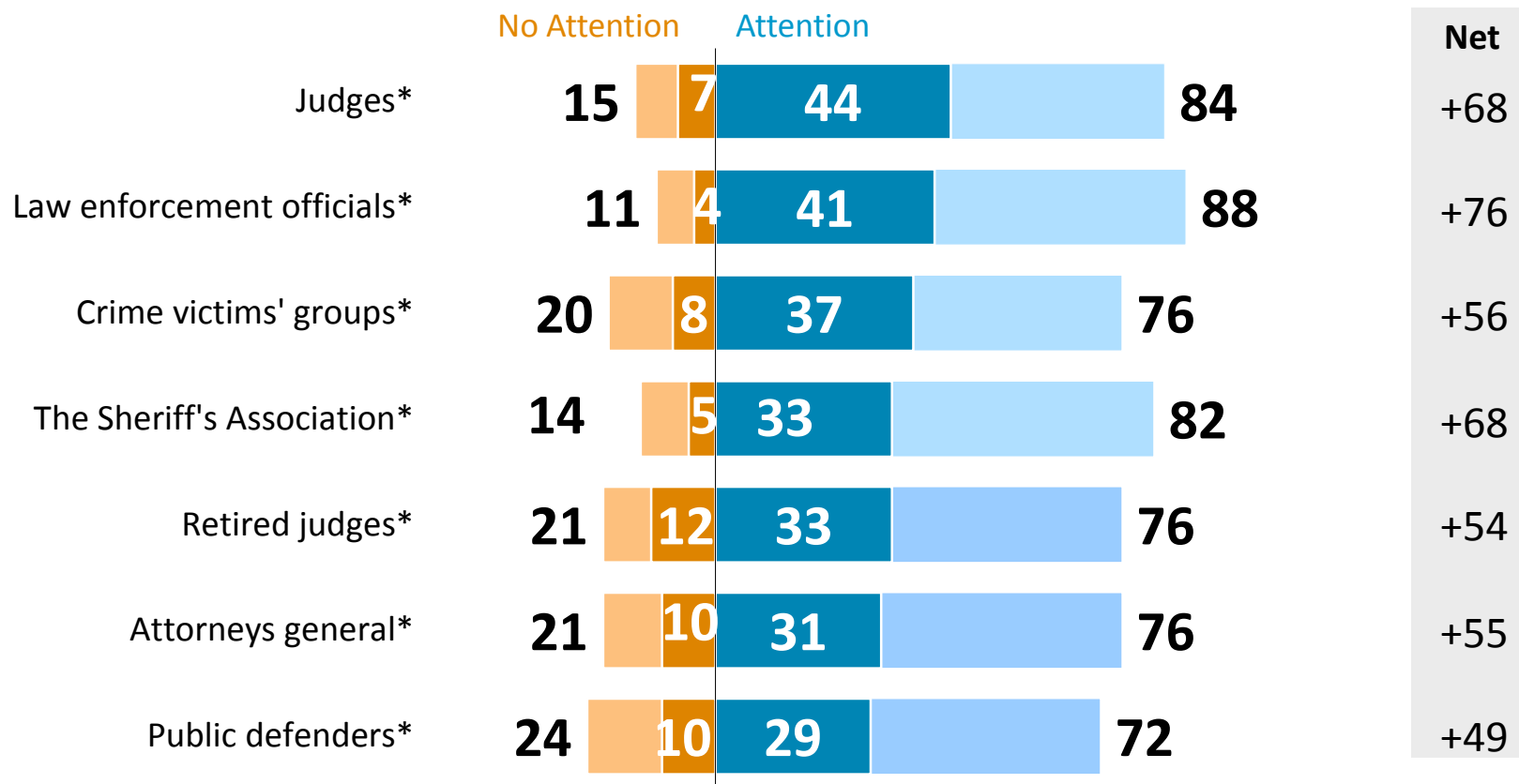


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Sometimes over the course of a survey like this, people change their minds. Would you support or oppose using risk assessment instead of cash bail bonds to determine whether defendants should be release from jail before trial, or are you undecided?

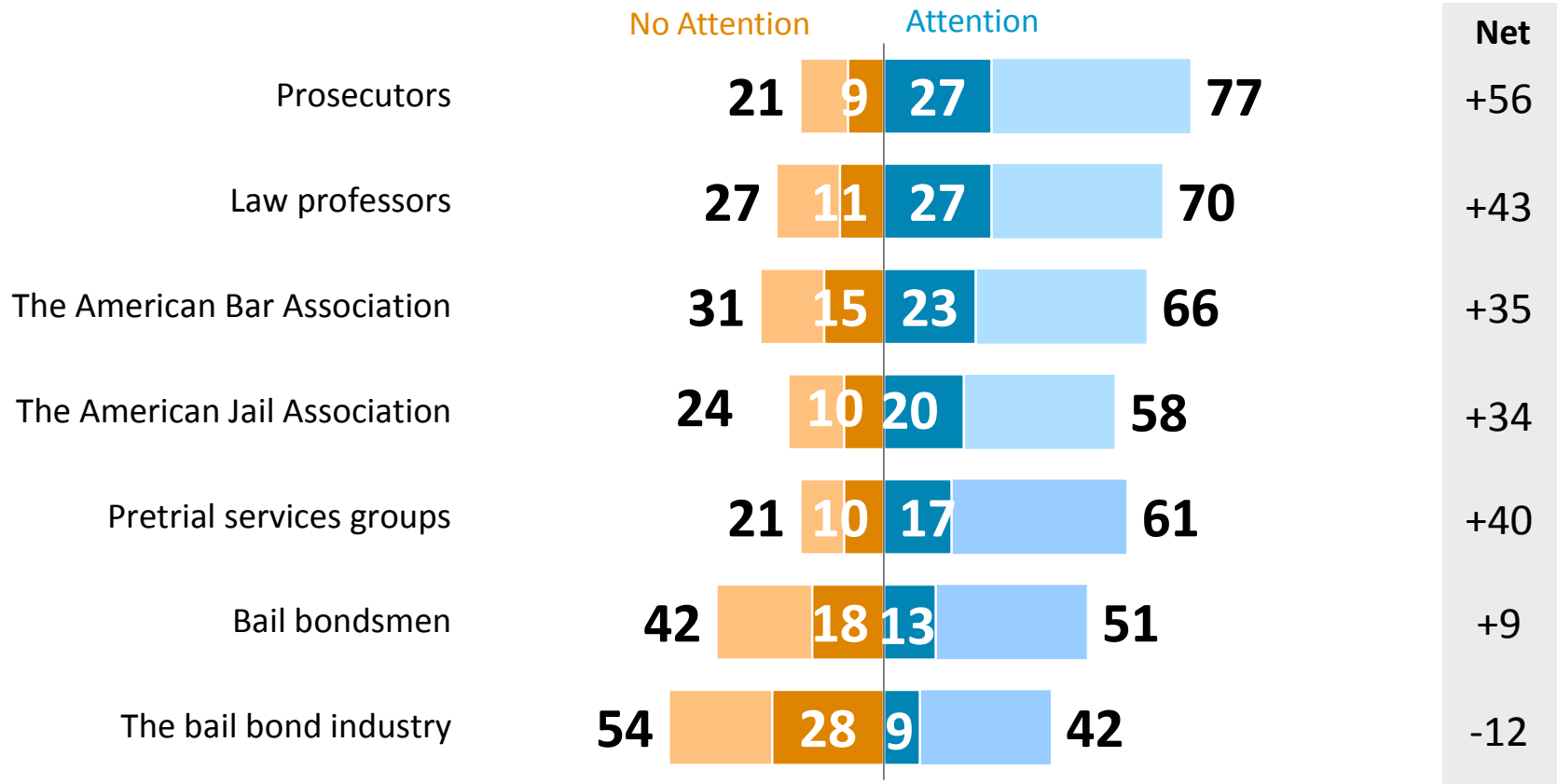
Voters say they would pay the most attention to judges and law enforcement officials, followed by crime victims' groups and the Sheriffs' Association. Retired judges, attorneys general, and public defenders also hold some sway.

Impact of Public Figures and Institutions



Voters are least interested in what bail bondsmen and the bail bond industry have to say about the issue. Many voters do pay attention to prosecutors and law professors, though intensity is low. There is somewhat less interest in what the American Bar Association and the American Jail Association have to say.

Impact of Public Figures and Institutions



*Split-sample question. Darker colors indicate intensity.

Last, I am going to read you some names of people and groups who might take a position on bail reform. For each one, I want you to tell me how much attention you would pay to them on this issue: a lot of attention, some attention, not much attention, or no attention at all? If you are not familiar with this person or group, please say so, and we will move on.



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Sheriff Stan Hilkey

Mesa County, Colorado



- President, County Sheriffs of Colorado
- Member, Colorado Commission on Criminal and Juvenile Justice's Bail Subcommittee
- Co-Chair, Mesa County Policy Team, Evidence Based Decision Making Project

Evidence-Based Decision Making in Local Criminal Justice Systems Initiative

- 2009 - Research
- 2010 – Site Selection & Technical Assistance
- 2012 - Implementation



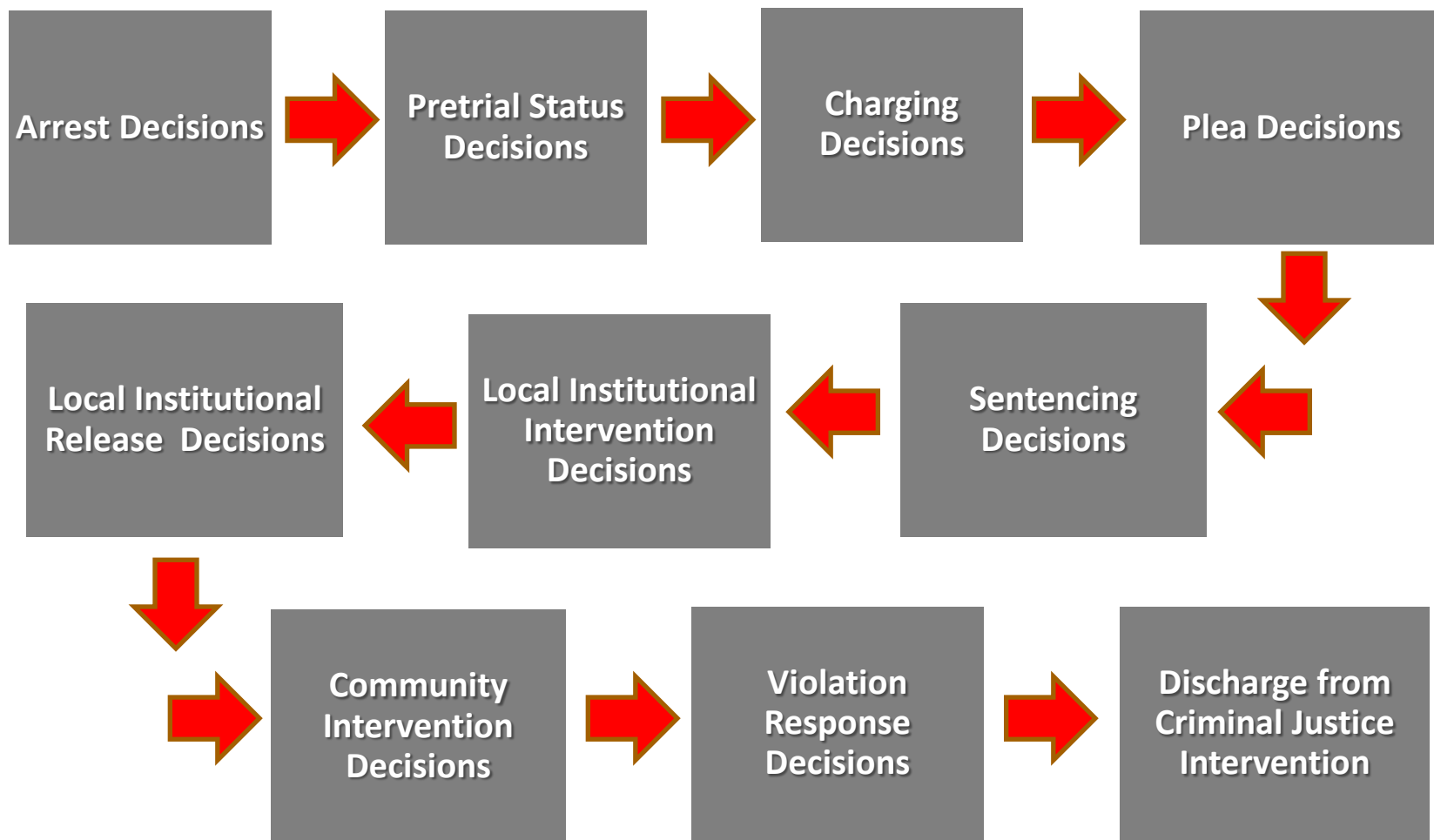
“The Framework”

- Set of core principles to guide the work
- Focus on the key decision makers at the
 - Individual level
 - Agency level
 - Justice system level
- Examination of the decision points in the system and explores the application of evidence

Based on Research + 4 Principles

- The professional judgment of criminal justice system decision makers is enhanced when informed by evidence-based knowledge.
- Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction.
- Systems achieve better outcomes when they operate collaboratively at the individual, agency, and system levels.
- The criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information

Key Decision Points



Education and Engagement Strategy

- EBDM Mission Statement
 - To keep Mesa County safe, to reduce recidivism, and to operate as efficiently and effectively as possible.

Communications Goals and Objectives

- Two year outreach and communications plan to outline internal and external stakeholder outreach, engagement and education.
- Educate and obtain buy-in from those involved in the process.
 - Fully engage agency staff in EBDM, focusing specifically on agency managers and supervisors, including non-governmental agencies (e.g. public and private defense bar).

Communications Goals and Objectives

- Engage staff and instill confidence about the changes we are making.
 - Embed EBDM knowledge system-wide.
- Get community leaders on board (local and beyond).
 - Carry out the external stakeholder communication strategy.
 - Educate and engage in-state colleagues on EBDM.
 - Share experiences with national colleagues.

Education and Engagement Strategy

- EBDM is based on decades of research in the criminal justice system. We want to use best practices—and objective evidence that shows what works best for public safety.
- Research shows that punishment alone does not reduce repeat criminal behavior, and therefore doesn't make our community safer. We have to use additional proven techniques—in addition to punishment—to reduce recidivism and prevent crime.

Education and Engagement Strategy

- Using best practices will make our criminal justice system more effective and more efficient; ensuring the community is safe, while using our taxpayer dollars responsibly.
- EBDM's philosophy is based on the cycle of continuous improvement – Mesa County has stepped up from day one to achieve a culture of sustainable research, data tracking, and state of the art process improvements so we are a stronger organization.

Education and Engagement Strategy

- Mesa County wants to achieve this culture to make Mesa County a safer community. If we can reduce recidivism we have less crime.
- The EBDM process is based on measurable change and success.

Education and Engagement Strategy

- The EBDM process will result in potential cost savings and the ability to prioritize or reallocate funds to the areas which drive the best results to reduce crime.
- Mesa County was selected because of the proven ability to collaborate with all stakeholders and break down silos, because of a genuine interest in making sustainable, fundamental improvements for the community, and for the willingness to challenge long held assumptions in the criminal justice arena.

Internal Stakeholders – 2012



External Stakeholders – 2013



Keeping Track....

- Audiences Reached
 - Type
 - Numbers
- Outreach Methods
 - Formal Training
 - Community Meeting
 - Service Clubs
 - Radio/TV/Published Media
- Resources Used
 - Staff
 - Technology

What's next?

Where we're headed from here...

Question & Answer Session Instructions

Type your question into the questions box at any time during the presentation, and the moderator will read the question on your behalf during the Q&A session.

Thank you for participating in NACo's webinar

**For more information about
NACo's Criminal Justice programs, visit
<http://www.naco.org/programs/csd/Pages/Justice.aspx>**

