

Measuring What Matters: Essential Elements of Pretrial Data

Michael R. Jones
Pretrial Justice Institute

Chief Judge David A. Bottger
21st Judicial District, CO

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Topics



1. Who supports pretrial justice improvement
2. Example of local improvement
3. Questions to ask and get answered
 - Jail inmates
 - Risk assessment
 - Tool accuracy
 - Collaborating for change


Who supports pretrial risk assessment and risk-based decision-making



Justice system stakeholders & reformers

The public

NACo (2010)




“Pretrial Release: Counties should establish written policies that ensure:

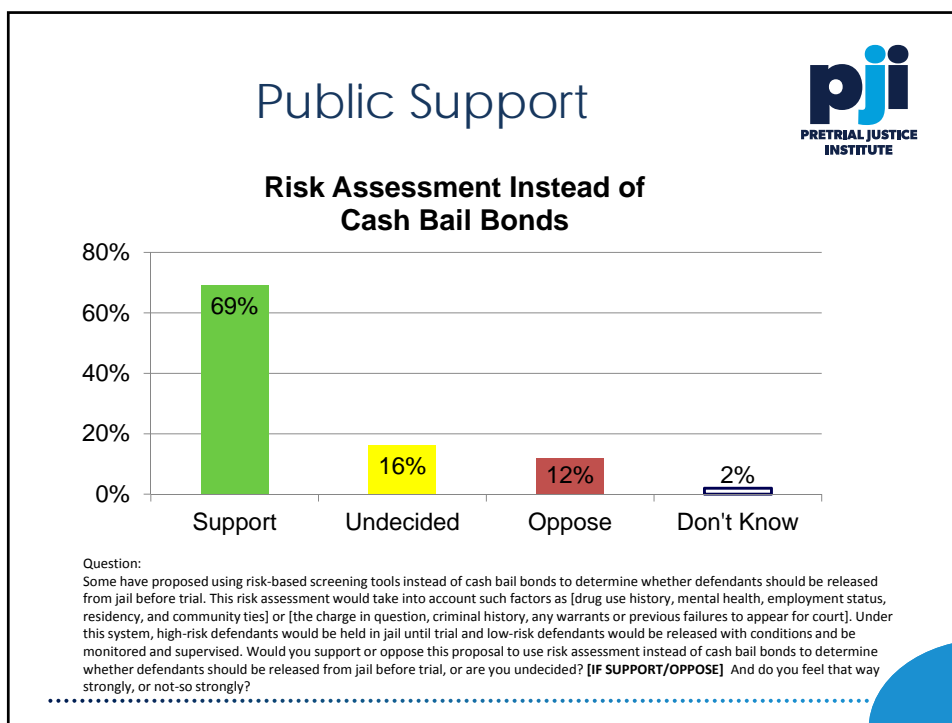
- The interview and assessment of all arrestees booked into county jails;
- The investigation of information provided in order to provide a report to the judiciary for use during the pretrial release or detention decision; and
- The use of release methods that are in compliance with state bail statutes which call for the least restrictive conditions during the pretrial stage that can protect the community and assure the appearance of the arrestee at all court events. These include release on recognizance, non-financial supervised release, and preventive detention.”



TRIVIA CHALLENGE



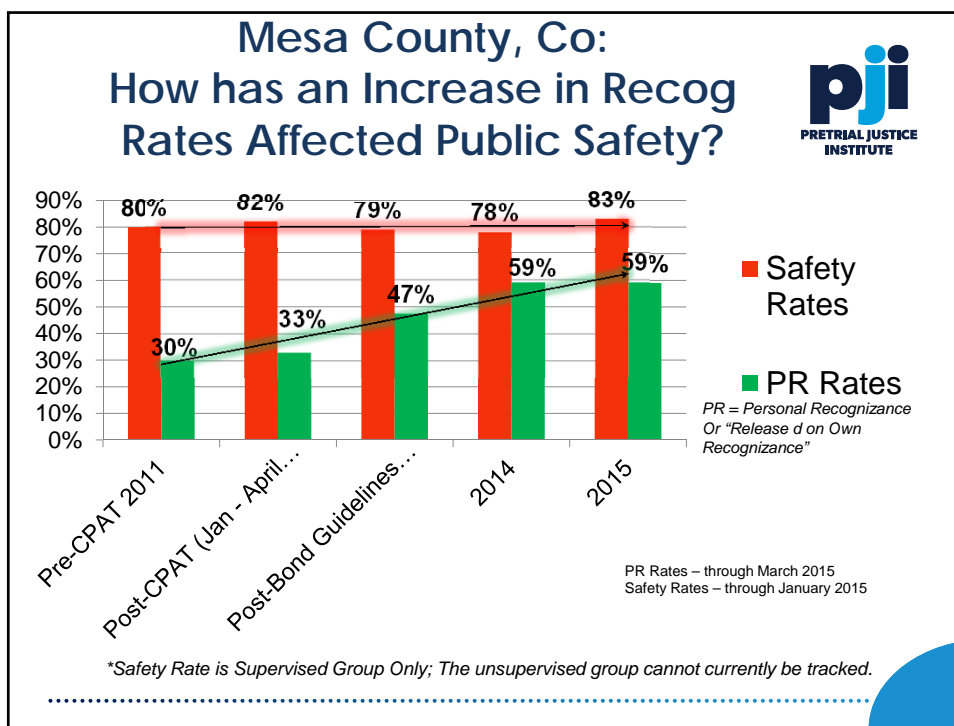
- According to public polling, about what percentage of common citizens support the use of pretrial risk assessment tools instead of money bail?
 - a. 25
 - b. 40
 - c. 55
 - d. 70





Mesa County's Pretrial Initiative




- Collaborative effort among stakeholders
- Data-guided
 - Looked at own data (jail, pretrial services)
 - Incorporated evidence-based practices from the literature
- Use empirical risk assessment tool (CPAT)
- Have pretrial supervision
- Changing people's mindset



Questions to Ask and Get Answered 1

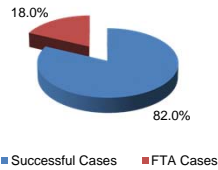



- Who is in jail pretrial, and why?
 1. How many low and medium risk pretrial inmates are in the jail?
 2. Why are they there?
 3. What would be needed to get them out?

Sample dashboard

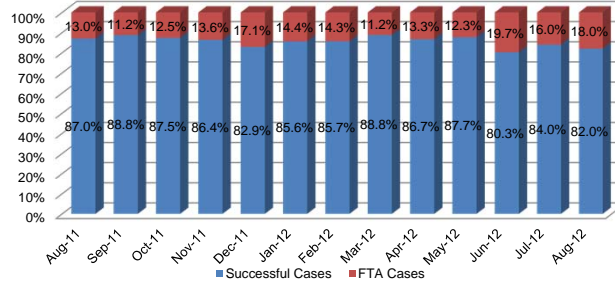
Monthly Outcome

August 2014 Appearance Rate



Historical Outcome

Annual Appearance Rate



Appearance Rate

Percentage of supervised defendants who make all scheduled court appearances

Questions to Ask and Get Answered 2



- How do I know whether our pretrial risk tool is empirically-developed and accurate?
- If it is not, or if we don't have one, how do we remedy this?



CPAT (Colorado)



Pretrial Risk Category	Public Safety Rate	Court Appearance Rate	Percent of Defendants
1 (lower)	91%	95%	20%
2	80%	85%	49%
3	69%	77%	23%
4 (higher)	58%	51%	8%
Average	78%	82%	100%

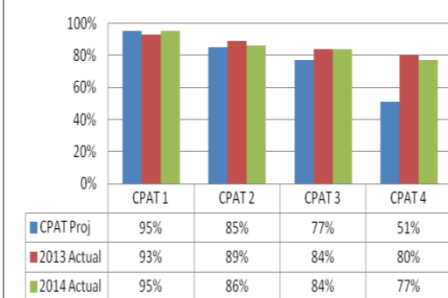
“The defendant has a CPAT risk score consistent with other Colorado defendants whose average public safety rate is ##% and whose average court appearance rate is ##%.”

Accuracy Test in Denver

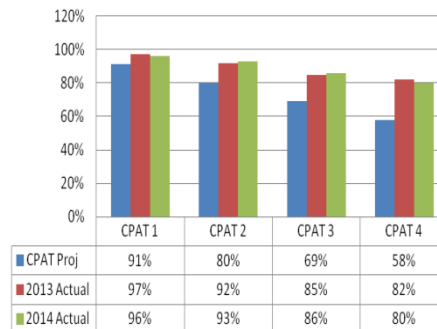


- How do I know our pretrial risk tool is accurate?

Court Appearance Rates by CPAT Category



Public Safety Rates by CPAT Category





PSA-Court



- Developed; being refined and validated
- Data from millions of cases; dozens of jurisdictions
- Three new features
 1. Defendant-interview is not needed
 2. Only uses administrative data
 3. Has a violence flag
- Tested for race/gender neutrality
 - Conviction item example
- Will be free
- Integrated with decision-making

Questions to Ask and Get Answered 3



- How do I engage the judges, sheriff, prosecutor, police, etc., in a discussion?
 1. How can I bring the justice system experts together?
 2. What should I say?
 3. How do I hold them accountable?



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mike@pretrial.org

