Measuring What Matters: Essential Elements of Pretrial Data

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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.”
System/Reformer Support

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
Mesa County, Co: How has an Increase in Recog Rates Affected Public Safety?

<table>
<thead>
<tr>
<th>Year</th>
<th>Safety Rates</th>
<th>PR Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-CPAT 2011</td>
<td>80%</td>
<td>30%</td>
</tr>
<tr>
<td>Post-CPAT Jan - April</td>
<td>82%</td>
<td>33%</td>
</tr>
<tr>
<td>Post-Bond Guidelines</td>
<td>79%</td>
<td>47%</td>
</tr>
<tr>
<td>2014</td>
<td>78%</td>
<td>59%</td>
</tr>
<tr>
<td>2015</td>
<td>83%</td>
<td>59%</td>
</tr>
</tbody>
</table>

PR Rates – through March 2015
Safety Rates – through January 2015

*Safety Rate is Supervised Group Only; The unsupervised group cannot currently be tracked.

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

- Appearance Rate: 18.0%
- Percentage of supervised defendants who make all scheduled court appearances

Historical Outcome

Annual Appearance Rate

- Historical Outcome: 82.0%
- 18.0%

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)

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

“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?

![Graphs showing court appearance rates by CPAT category and public safety rates by CPAT category.](image-url)
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?