

PRETRIAL ASSESSMENT AND DECISION MAKING

Claire Brooker, Associate, Justice System Partners
cmb.brooker@gmail.com

Jessica Ireland, Program Manager, Mecklenburg Pretrial Services
Jessica.Ireland@mecklenburgcountync.gov

October 9, 2018

Learning Objectives

Understand:

- What assessments do
- What assessment don't do
- How to use the assessment in structured decision making
- Measure performance

**YOU'VE CHOSE AN
ASSESSMENT, NOW
WHAT?**

What Assessments Do

- Objective actuarial assessment of pretrial failure/likelihood of success

What Assessments Don't Do

- Tell you what to do
 - Detain/Release
 - Bond Type/Condition

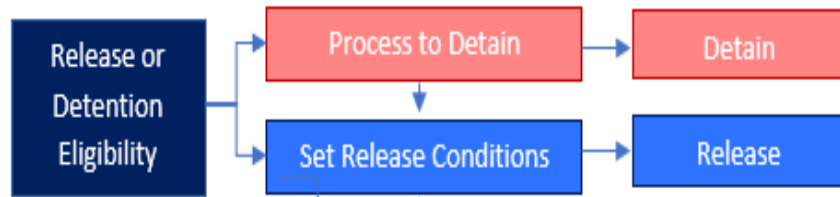
What Are Assessments Good For?

- Provide information for risk mitigation
 - Guide for Structured Decision-Making

Mecklenburg County Example

1. What decisions will risk information inform?
 - Release Conditions
2. What local justice system values and resources need to be integrated with risk assessment?
 - Legal and evidence based release conditions
 - No Supervision Necessary
 - Pretrial Service Levels
3. Work with stakeholders to develop system level decision-making guidelines.
 - Bail Policy Workgroup
 - Board of County Commissioners

Mecklenburg County Release Conditions Matrix



Mecklenburg County Release Conditions Matrix						
New Criminal Activity Scaled Score						
Failure to Appear Scaled Score	1 (90.9% No New Criminal Activity)	2 (80.1% No New Criminal Activity)	3 (70.7% No New Criminal Activity)	4 (62.7% No New Criminal Activity)	5 (54.3% No New Criminal Activity)	6 (46.4% No New Criminal Activity)
1 (87.4% Appear for Court)	WPA or Unsecured	WPA or Unsecured				
2 (85.4% Appear for Court)	WPA or Unsecured	WPA or Unsecured	WPA or Unsecured	Administrative CDPO	Standard CDPO	
3 (83.8% Appear for Court)		WPA or Unsecured	WPA or Unsecured	Administrative CDPO	Standard CDPO	Standard or Intensive CDPO
4 (74.4% Appear for Court)		WPA or Unsecured	Unsecured or Administrative CDPO	Administrative or Standard CDPO	Standard CDPO	Intensive CDPO
5 (66.2% Appear for Court)		WPA or Unsecured	Unsecured or Administrative CDPO	Administrative or Standard CDPO	Standard or Intensive CDPO	Intensive CDPO
6 (61.2% Appear for Court)				Standard CDPO	Standard or Intensive CDPO	Intensive CDPO

WPA-Written Promise to Appear; CDPO- Place in the Custody of Designated Person or Organization

Measure Performance

- Use the structured decision-making framework to put outcomes in context
- Is your tool and process working as expected?
 - Overrides
 - Release
 - Time to release
 - New charges
 - Court appearance
- Do you see disparities in outcomes?

Measure Outcomes by Decision-Making Matrix

Pretrial Outcomes Based on the Total Number of Booked Cases That Reached Disposition in the Court In a Defined Time Period: _____		Non-financial or Unsecured	Pretrial Services	Unsecured or Pretrial Services	Secured Bond	Detention Order	UNK (e.g. post bond before seeing a judge)	Grand Total
1. Measure: Use a valid risk assessment	Release Condition Matrix Guideline	#/%	#/%	#/%	N/A	N/A	#/%	#/%
	Judicial release/detention decision	#/%	#/%	N/A	#/%	#/%	#/%	#/%
2. Measure: Release	Number of cases that were released from jail prior to case disposition	#/%	#/%	N/A	#/%	#/%	#/%	#/%
	Average pretrial length of stay in jail for those released prior to case disposition	ALOS	ALOS	N/A	ALOS	ALOS	ALOS	ALOS
3. Measure: Detention	Number of cases NOT released from jail prior to case disposition	#/%	#/%	N/A	#/%	#/%	#/%	#/%
	Average PRETRIAL length of stay in jail for those NOT released prior to case disposition	ALOS	ALOS	N/A	ALOS	ALOS	ALOS	ALOS
4. Measure: Public Safety	Number of cases released prior to case disposition that had no new arrests during their released pretrial period	#/%	#/%	N/A	#/%	#/%	#/%	#/%
5. Measure: Court Appearance	Number of cases released prior to case disposition that had no FTA warrants issued during their released pretrial period	#/%	#/%	N/A	#/%	#/%	#/%	#/%

Resources

- psapretrial.org
- clebp.org - Model Bail Laws paper

Questions & Discussion



SafetyAndJusticeChallenge.org